

CS/SB 1272 by TR, Brandes; (Compare to CS/CS/CS/H 0185) Transportation and Motor Vehicles

158918	A	S		ATD, Brandes	Delete L.385 - 391.	04/08 08:53 AM
238264	A	S	WD	ATD, Brandes	btw L.419 - 420:	04/08 04:17 PM
276280	A	S		ATD, Brandes	Delete L.457:	04/08 08:46 AM
752078	SA	S		ATD, Brandes	Delete L.457:	04/08 11:45 AM
720140	A	S		ATD, Brandes	btw L.491 - 492:	04/08 08:53 AM
931688	AA	S	L	ATD, Brandes	Delete L.55:	04/09 06:52 AM
306454	A	S	WD	ATD, Brandes	Delete L.728 - 729:	04/08 04:18 PM
871096	A	S		ATD, Evers	btw L.1286 - 1287:	04/07 05:15 PM
273992	AA	S		ATD, Evers	Delete L.7:	04/08 12:18 PM
442206	A	S		ATD, Brandes	btw L.1286 - 1287:	04/08 08:46 AM
904148	A	S	L	ATD, Evers	btw L.728 - 729:	04/08 10:26 AM
785964	AA	S	L	ATD, Evers	Delete L.12 - 16:	04/08 07:32 PM
735604	A	S	L	ATD, Simpson	btw L.728 - 729:	04/08 11:45 AM
389576	A	S	L	ATD, Latvala	btw L.597 - 598:	04/08 01:49 PM

SB 1558 by Abruzzo; (Similar to CS/H 1325) Parking Permits for Persons with Mobility Impairment

COMMITTEE MEETING EXPANDED AGENDA**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT****Senator Gardiner, Chair
Senator Margolis, Vice Chair****MEETING DATE:** Wednesday, April 9, 2014
TIME: 9:00 —11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building**MEMBERS:** Senator Gardiner, Chair; Senator Margolis, Vice Chair; Senators Brandes, Evers, Gibson, Latvala, Lee, Ring, Simpson, Sobel, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1272 Transportation / Brandes (Compare CS/CS/CS/H 185, CS/H 883, CS/H 7005, CS/CS/S 1184)	Transportation and Motor Vehicles; Requiring the Florida Transportation Commission to monitor the Mid-Bay Bridge Authority; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; requiring the Department of Highway Safety and Motor Vehicles to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license, etc.	
		TR 03/06/2014 Fav/CS ATD 04/09/2014 AP	
2	SB 1558 Abruzzo (Similar CS/H 1325)	Parking Permits for Persons with Mobility Impairment; Directing the Department of Highway Safety and Motor Vehicles to design and issue a sticker for use as a parking permit in lieu of a placard, etc.	
		TR 04/03/2014 Favorable ATD 04/09/2014 AP	

Other Related Meeting Documents



158918

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 385 - 391.

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

And the title is amended as follows:

Delete lines 7 - 13

and insert:

conforming cross-references; creating s.



238264

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2014	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 419 and 420

insert:

Section 6. Paragraph (c) is added to subsection (2) of section
316.193, Florida Statutes, present paragraphs (i) through (k) of
subsection (6) of that section are redesignated as paragraphs
(j) through (l), respectively, and a new paragraph (i) is added
to that subsection, to read:

316.193 Driving under the influence; penalties.-



238264

11 (2)

12 (c) In addition to the penalties in paragraph (a), the
13 court may order the placement, at the convicted person's sole
14 expense, of an ignition interlock device approved by the
15 department in accordance with s. 316.1938 upon all vehicles that
16 are individually or jointly leased or owned and routinely
17 operated by the convicted person for not less than 6 continuous
18 months for the first offense if, at the time of the offense, the
19 person had a blood-alcohol level or breath-alcohol level of .08
20 or higher, but less than .15; had not refused to submit to a
21 lawful breath, blood, or urine test; and was not accompanied in
22 the vehicle by a person under the age of 18 years.

23 (6) With respect to any person convicted of a violation of
24 subsection (1), regardless of any penalty imposed pursuant to
25 subsection (2), subsection (3), or subsection (4):

26 (i) The court may also dismiss the order of impoundment or
27 immobilization if the defendant provides proof to the
28 satisfaction of the court that a functioning, certified ignition
29 interlock device has been installed upon all vehicles that are
30 individually or jointly leased or owned and routinely operated
31 by the convicted person.

32 For the purposes of this section, any conviction for a violation
33 of s. 327.35; a previous conviction for the violation of former
34 s. 316.1931, former s. 860.01, or former s. 316.028; or a
35 previous conviction outside this state for driving under the
36 influence, driving while intoxicated, driving with an unlawful
37 blood-alcohol level, driving with an unlawful breath-alcohol
38 level, or any other similar alcohol-related or drug-related
39 traffic offense, is also considered a previous conviction for



238264

40 violation of this section. However, in satisfaction of the fine
41 imposed pursuant to this section, the court may, upon a finding
42 that the defendant is financially unable to pay either all or
43 part of the fine, order that the defendant participate for a
44 specified additional period of time in public service or a
45 community work project in lieu of payment of that portion of the
46 fine which the court determines the defendant is unable to pay.
47 In determining such additional sentence, the court shall
48 consider the amount of the unpaid portion of the fine and the
49 reasonable value of the services to be ordered; however, the
50 court may not compute the reasonable value of services at a rate
51 less than the federal minimum wage at the time of sentencing.

52 Section 7. Subsection (7) of section 316.1937, Florida
53 Statutes, is amended to read:

54 316.1937 Ignition interlock devices, requiring; unlawful
55 acts.—

56 (7) Notwithstanding the provisions of this section,
57 if a person is required to operate a motor vehicle in the course
58 and scope of his or her employment and if the vehicle is owned
59 or leased by the employer, the person may operate that vehicle
60 without installation of an approved ignition interlock device if
61 the department receives notification that the employer has been
62 notified of such driving privilege restriction. Proof ~~and if~~
63 ~~proof~~ of that notification must be ~~is~~ with the vehicle. This
64 employment exemption does not apply, however, if the business
65 entity which owns the vehicle is owned or controlled by the
66 person whose driving privilege has been restricted.

67 Section 8. Section 316.1938, Florida Statutes, is amended
68 to read:



238264

69 316.1938 Ignition interlock devices, certification; warning
70 label.—

71 (1) The Department of Highway Safety and Motor Vehicles
72 shall certify or cause to be certified the accuracy and
73 precision of the testing ~~breath-testing~~ component of the
74 ignition interlock devices as required by s. 316.1937, and shall
75 publish a list of approved devices, together with rules
76 governing the accuracy and precision of the testing ~~breath-~~
77 ~~testing~~ component of such devices as adopted by rule in
78 compliance with s. 316.1937. The cost of certification shall be
79 borne by the manufacturers of ignition interlock devices.

80 (2) No model of ignition interlock device shall be
81 certified unless it meets or exceeds current National Highway
82 Traffic Safety Administration standards ~~the accuracy~~
83 ~~requirements specified by rule of the department.~~

84 (3) Providers of ignition interlock devices and services
85 whose devices have been certified, must contract with the
86 department to become a service provider in this state. The
87 department shall contract with any provider whose devices have
88 been certified and who has made a request to be a provider in
89 this state.

90 (4) ~~(3)~~ The contract between the department and all service
91 providers of ignition interlock devices shall design and adopt
92 by rule include all of the following provisions:

93 (a) The effective and efficient installation and removal
94 of the ignition interlock device.

95 (b) The provision of services, inspection, and monitoring
96 of the ignition interlock device.

97 (c) A requirement for an ignition interlock device provider



238264

98 to electronically transmit reports to the department regarding
99 driver activity, bypass approval, compliance, client violations,
100 and other reports in a format determined by the department.

101 (d) A detailed implementation plan that outlines the steps
102 and the timeframe necessary for an ignition interlock device
103 provider to be fully operational.

104 (e) The collection and remittance of all state revenues.

105 (f) Corrective action to be taken if an ignition interlock
106 device provider is out of compliance, including penalty
107 provisions and liquidated damages.

108 (g) The provision of security protection for ignition
109 interlock devices, including, but not limited to, each device
110 being capable of recording each event and providing visual
111 evidence of any actual or attempted tampering, alteration,
112 bypass, or circumvention.

113 (h) All ignition interlock device clients who require
114 transition of services to ensure processing and continuous
115 monitoring are achieved.

116 (i) Training for service center technicians, clients, toll-
117 free help line staff, the department, and DUI programs.

118 (j) A requirement for an ignition interlock device provider
119 in each judicial circuit to maintain a service center in the
120 circuit that is readily accessible. The service center must be
121 adequately staffed and equipped to provide all ignition
122 interlock device support services.

123 (k) A transition plan for all ignition interlock device
124 providers prior to the provider leaving the circuit to ensure
125 that continuous monitoring is achieved.

126 (l) A requirement for ignition interlock device providers



238264

127 to have and maintain a surety bond or irrevocable letter of
128 credit in the amount of \$200,000 executed by the applicant.

129 (m) A requirement for ignition interlock device providers
130 to have and maintain before the commencement of work insurance
131 as approved by the department, including, workers compensation
132 insurance, vendor's public liability and property damage
133 insurance, and subcontractors public liability and property
134 damage insurance.

135 (n) A requirement for ignition interlock device providers
136 to maintain client information and financial records, including
137 requirements for electronic storage media formats. Such records
138 must be maintained in accordance with generally accepted
139 accounting procedures and practices, which sufficiently and
140 properly reflect all revenues and expenditures of funds. Such
141 records shall be subject to inspection, review, or audit by
142 state personnel authorized by the department.

143 (o) A warning label which shall be affixed to each
144 ignition interlock device upon installation. The label shall
145 contain a warning that any person tampering, circumventing, or
146 otherwise misusing the device is guilty of a violation of law
147 and may be subject to civil liability.

148 (p) A provision requiring the provider to replace defective
149 ignition interlock devices at no cost to the client.

150 (5) An ignition interlock device provider shall access, use
151 and maintain the confidentiality of all pertinent information
152 received under its duties as an ignition interlock device
153 provider in accordance with chapter 119, and the federal
154 Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et
155 seq.



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

And the title is amended as follows:

Delete line 23

and insert:

certain circumstances; amending s. 316.193, F.S.;
authorizing the court to order the placement of an
ignition interlock device for certain first time
offenders of driving under the influence; authorizing
the court to dismiss an order of impoundment or
immobilization as a result of driving under the
influence if the defendant provides proof to the court
of the installation of a functioning, certified
ignition interlock device upon certain vehicles;
amending s. 316.1937, F.S.; requiring certain persons
to notify the department to satisfy requirements to
operate a motor vehicle in the course and scope of
employment without installation of an approved
ignition interlock device; amending s. 316.1938, F.S.;
authorizing the department to adopt rules to implement
an ignition interlock device program; requiring an
ignition interlock device to meet or exceed certain
standards; authorizing contract authority; requiring
the department to contract with all vendors that
request certification; requiring an interlock device
provider to meet certain privacy standards; amending
s. 316.1975, F.S.;



276280

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 457

and insert:

Transportation and the applicable local government or authority.

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

And the title is amended as follows:

Delete lines 37 - 38

and insert:



11 Transportation and the applicable local government or
12 authority; deleting an obsolete provisions; amending



752078

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

1 **Senate Substitute for Amendment (276280) (with title**
2 **amendment)**

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4 Delete line 457

5 and insert:

6 Transportation and the applicable local government or authority.

7 Before

8
9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:



752078

11 Delete lines 37 - 38
12 and insert:
13 Transportation and the applicable local government or
14 authority; deleting an obsolete provision; amending



720140

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 491 and 492

insert:

Section 10. Subsection (10) of section 320.08056, Florida
Statutes, is amended to read:

320.08056 Specialty license plates.—

(10) A specialty license plate annual use fee collected and
distributed under this chapter, or any interest earned from
those fees, may not be used for commercial or for-profit



720140

11 activities nor for general or administrative expenses, except as
12 authorized by s. 320.08058 or to pay the cost of the audit or
13 report required by s. 320.08062(1).

14 (a) As used in this section and s. 320.08058, the terms
15 "administrative costs" and "administrative expenses" mean those
16 expenditures which are considered as direct operating costs of
17 the organization. These costs include but are not limited to the
18 following:

19 1. Administrative salaries of employees and officers of the
20 organization who do not, or cannot prove, via detailed daily
21 time sheets, that they actively participate in program
22 activities;

23 2. Bookkeeping and support services of the organization;

24 3. Office supplies and equipment not directly utilized for
25 the specified program(s);

26 4. Travel time, per diem, mileage reimbursement, and
27 lodging expenses not directly associated with a specified
28 program purpose;

29 5. Paper, printing, envelopes, and postage not directly
30 associated with a specified program purpose; or

31 6. Miscellaneous expenses such as food, beverage,
32 entertainment, and conventions.

33 Section 11. Section 320.08062, Florida Statutes, is
34 amended to read:

35 320.08062 Audits and attestations required; annual use fees
36 of specialty license plates.-

37 (1)(a) All organizations that receive annual use fee
38 proceeds from the department are responsible for ensuring that
39 proceeds are used in accordance with ss. 320.08056 and



720140

40 320.08058.

41 (b) Any organization not subject to audit pursuant to s.
42 215.97 shall annually attest, under penalties of perjury, that
43 such proceeds were used in compliance with ss. 320.08056 and
44 320.08058. The attestation shall be made annually in a form and
45 format determined by the department.

46 (c) Any organization subject to audit pursuant to s. 215.97
47 shall submit an audit report in accordance with rules
48 promulgated by the Auditor General. The annual attestation shall
49 be submitted to the department for review within 9 months after
50 the end of the organization's fiscal year.

51 (2) ~~(a)~~ Within 120 ~~90~~ days after receiving an organization's
52 audit or attestation, the department shall determine which
53 recipients of revenues from specialty license plate annual use
54 fees have not complied with subsection (1). In determining
55 compliance, the department shall commission an independent
56 actuarial consultant, or an independent certified public
57 accountant, who has expertise in nonprofit and charitable
58 organizations.

59 (a) The department must discontinue the distribution of
60 revenues to an organization that fails to submit the
61 documentation required in subsection (1), but may resume
62 distribution of the revenues upon receipt of the required
63 documentation.

64 (b) If the department or its designee determines that an
65 organization has not complied or has failed to use the revenues
66 in accordance with ss. 320.08056 and 320.08058, the department
67 must discontinue the distribution of the revenues to the
68 organization. The department must notify the organization of its



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69 findings and direct the organization to make the changes
70 necessary in order to comply with this chapter. If the officers
71 of the organization sign under penalties of perjury that they
72 acknowledge the findings of the department and attest that they
73 have taken corrective action and attest that the organization
74 will submit to a follow-up review by the department, the
75 department may resume the distribution of revenues until the
76 department determines that the organization has complied.

77 (c) If an organization fails to comply with the
78 department's directive requiring corrective actions as outlined
79 in paragraph (b), the revenue distributions must be discontinued
80 until completion of the next regular session of the Legislature.
81 The department must notify the Legislature by the first day of
82 the regular session of an organization whose revenues have been
83 withheld pursuant to this paragraph. If the Legislature does not
84 provide direction to the organization and the department
85 regarding the status of the undistributed revenues, the
86 department shall discontinue the plate, and undistributed
87 revenues must within 12 months after the annual use fee proceeds
88 are withheld by the department, the proceeds shall be
89 immediately deposited into the Highway Safety Operating Trust
90 Fund to offset department costs related to the issuance of
91 specialty license plates.

92 (b) In lieu of discontinuing revenue disbursement pursuant
93 to this subsection, upon determining that a recipient has not
94 complied or has failed to use the revenues in accordance with
95 ss. 320.08056 and 320.08058, and with the approval of the
96 Legislative Budget Commission, the department is authorized to
97 redirect previously collected and future revenues to an



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98 ~~organization that is able to perform the same or similar~~
99 ~~purposes as the original recipient.~~

100 (3) The department or its designee has the authority to
101 examine all records pertaining to the use of funds from the sale
102 of specialty license plates.

103 Section 12. Section 45. Except for a specialty license
104 plate proposal which has submitted a letter of intent to the
105 Department of Highway Safety and Motor Vehicles before ~~prior to~~
106 May 2, 2008, and which has submitted a valid survey, marketing
107 strategy, and application fee as required by s. 320.08053,
108 Florida Statutes, before October 1, 2008 ~~prior to the effective~~
109 ~~date of this act~~, or which was included in a bill filed during
110 the 2008 Legislative Session, the Department of Highway Safety
111 and Motor Vehicles may not issue any new specialty license
112 plates pursuant to ss. 320.08056 and 320.08058, Florida
113 Statutes, between July 1, 2008, and July 1, 2016 ~~2011~~.

114
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete line 48

118 and insert:

119 plate may be issued; amending s. 320.08056, F.S.;

120 defining the terms "administrative costs" and

121 "administrative expenses" for purposes of the section

122 and s. 320.08058, F.S.; amending s. 320.08062, F.S.;

123 revising provisions relating to audit and attestation

124 requirements for annual use fee proceeds; requiring

125 the Department of Highway Safety and Motor Vehicles to

126 discontinue the distribution of revenues to an



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127 organization that does not meet specified
128 requirements; authorizing the department to resume the
129 distribution of revenue under certain conditions;
130 requiring a report to the Legislature; requiring the
131 discontinuance of a specialty plate under certain
132 circumstances; amending chapter 2008-176, Laws of
133 Florida, as amended; extending the prohibition on the
134 issuance of new specialty license plates; amending s.
135 320.083, F.S.;



931688

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment to Amendment (720140)

Delete line 55

and insert:

compliance, the department may commission an independent



306454

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2014	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 728 - 729

and insert:

Section 17. Paragraph (b) of subsection (1) of section
322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.-

(1)

(b) The suspension under paragraph (a) shall be pursuant
to, and the notice of suspension shall inform the driver of, the



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11 following:

12 1.a. The driver refused to submit to a lawful breath,
13 blood, or urine test and his or her driving privilege is
14 suspended for a period of 1 year for a first refusal or for a
15 period of 18 months if his or her driving privilege has been
16 previously suspended as a result of a refusal to submit to such
17 a test; or

18 b. The driver was driving or in actual physical control of
19 a motor vehicle and had an unlawful blood-alcohol level or
20 breath-alcohol level of 0.08 or higher and his or her driving
21 privilege is suspended for a period of 6 months for a first
22 offense or for a period of 1 year if his or her driving
23 privilege has been previously suspended under this section.

24 2. The suspension period shall commence on the date of
25 issuance of the notice of suspension.

26 3. The driver may request a formal or informal review of
27 the suspension by the department within 10 days after the date
28 of issuance of the notice of suspension or may request a review
29 of eligibility for a restricted driving privilege under s.
30 322.271(7).

31 4. The temporary permit issued at the time of suspension
32 expires at midnight of the 10th day following the date of
33 issuance of the notice of suspension.

34 5. The driver may submit to the department any materials
35 relevant to the suspension.

36 6. The driver may apply for installation of an ignition
37 interlock device in accordance with s. 322.271(7).

38 Section 18. Paragraph (b) of subsection (2) of section
39 322.2616, Florida Statutes, is amended to read:



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40 322.2616 Suspension of license; persons under 21 years of
41 age; right to review.—

42 (2)

43 (b) The suspension under paragraph (a) must be pursuant
44 to, and the notice of suspension must inform the driver of, the
45 following:

46 1.a. The driver refused to submit to a lawful breath test
47 and his or her driving privilege is suspended for a period of 1
48 year for a first refusal or for a period of 18 months if his or
49 her driving privilege has been previously suspended as provided
50 in this section as a result of a refusal to submit to a test; or

51 b. The driver was under the age of 21 and was driving or
52 in actual physical control of a motor vehicle while having a
53 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
54 person's driving privilege is suspended for a period of 6 months
55 for a first violation, or for a period of 1 year if his or her
56 driving privilege has been previously suspended as provided in
57 this section for driving or being in actual physical control of
58 a motor vehicle with a blood-alcohol or breath-alcohol level of
59 0.02 or higher.

60 2. The suspension period commences on the date of issuance
61 of the notice of suspension.

62 3. The driver may request a formal or informal review of
63 the suspension by the department within 10 days after the
64 issuance of the notice of suspension.

65 4. A temporary permit issued at the time of the issuance
66 of the notice of suspension shall not become effective until
67 after 12 hours have elapsed and will expire at midnight of the
68 10th day following the date of issuance.



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69 5. The driver may submit to the department any materials
70 relevant to the suspension of his or her license.

71 6. The driver may apply for installation of an ignition
72 interlock device in accordance with s. 322.271(7).

73 Section 19. Subsection (7) of section 322.271, Florida
74 Statutes, is amended to read:

75 322.271 Authority to modify revocation, cancellation, or
76 suspension order.—

77 (7) Notwithstanding the provisions of s. 322.2615(10) (a)
78 and (b), a person who has never previously had a driver license
79 suspended under s. 322.2615, has never been disqualified under
80 s. 322.64, has never been convicted of a violation of s.
81 316.193, and whose driving privilege is now suspended under s.
82 322.2615 is eligible for a restricted driving privilege pursuant
83 to a hearing under subsection (2).

84 (a) A person who applies for installation of an ignition
85 interlock device in accordance with ss. 322.2615, or 322.2616,
86 and complies with ignition interlock device requirements in
87 accordance with s. 316.1937, shall receive credit on a day for
88 day basis for the time he or she holds a valid ignition
89 interlock license toward any mandatory ignition interlock usage
90 required for a conviction for violating s. 316.193 arising from
91 the same incident.

92 (b) ~~(a)~~ For purposes of this subsection, a previous
93 conviction outside of this state for driving under the
94 influence, driving while intoxicated, driving with an unlawful
95 blood-alcohol level, or any other alcohol-related or drug-
96 related traffic offense similar to the offense of driving under
97 the influence as provided in s. 316.193 will be considered a



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98 previous conviction for a violation of s. 316.193, and a
99 conviction for violation of former s. 316.028, former s.
100 316.1931, or former s. 860.01 is considered a conviction for a
101 violation of s. 316.193.

102 (c) ~~(b)~~ The reinstatement shall be restricted to business
103 purposes only, as defined in this section, for the duration of
104 the suspension imposed under s. 322.2615. However, if the
105 reinstatement is a result of installation of an ignition
106 interlock device in accordance with this subsection, the
107 person's driving privileges will only be subject to complying
108 with subsection (2) and the terms of the ignition interlock
109 device order.

110 (d) ~~(e)~~ Acceptance of the reinstated driving privilege as
111 provided in this subsection is deemed a waiver of the right to
112 formal and informal review under s. 322.2615. The waiver may not
113 be used as evidence in any other proceeding.

114 Section 20. Present paragraphs (a), (b), (c), (d), and (e)
115 of subsection (3) of section 322.2715, Florida Statutes, are
116 redesignated as paragraphs (b), (c), (d), (e), and (f),
117 respectively, and new paragraph (a) is added to that subsection,
118 to read:

119 322.2715 Ignition interlock device.—

120 (3) If the person is convicted of:

121 (a) A first offense of driving under the influence under s.
122 316.193 and has an unlawful blood-alcohol level or breath-
123 alcohol level as specified in s. 316.193(1), the person may have
124 the ignition interlock device installed for at least 6
125 continuous months for the first offense.
126



306454

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

128 And the title is amended as follows:

129 Delete line 89

130 and insert:

131 identification card; amending s. 322.2615, F.S.;

132 authorizing ignition interlock device; amending s.

133 322.2616, F.S.;; amending s. 322.271, F.S.;

134 authorizing elected ignition interlock device

135 compliant time to be counted as credit toward

136 mandatory ignition interlock device usage; amending s.

137 322.2715, F.S.; authorizing ignition interlock device

138 installation for at least 6 continuous months for a

139 first offense of driving under the influence under s.

140 316.193; amending 337.25, F.S.;



871096

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 1286 and 1287

insert:

Section 22. Sale of unsafe used tires; penalty.-

(1) A used tire retailer in this state may not sell unsafe
used passenger or light truck tires, unless such tires are sold
for recapping.

(2) For purposes of this section, a used tire is considered
unsafe if:



871096

11 (a) Any area of the tread is worn to 2/32-inch tread depth
12 or less;

13 (b) The damage to the tire, including any cuts, cracks,
14 bulges, punctures, scrapes, or wear, exposes the reinforcing
15 plies of the tire;

16 (c) The tire has been improperly repaired, including:

17 1. A repair made in the tread shoulder or belt edge area of
18 the tire;

19 2. A puncture repair in which the tire has not been sealed
20 or patched on the inside and repaired with a cured rubber stem
21 through to the outside of the tire;

22 3. A repair to the sidewall or bead area of the tire; or

23 4. A repair of a puncture larger than 1/4-inch;

24 (d) The tire shows evidence of prior use of a temporary
25 tire sealant without evidence of a subsequent proper repair;

26 (e) The tire identification number has been defaced or
27 removed;

28 (f) The tire has inner liner or bead damage; or

29 (g) The tire shows evidence of internal separation, such as
30 a bulge or local area of irregular tread wear.

31 (3) A person who knowingly sells an unsafe used tire in
32 violation of this section commits a deceptive and unfair trade
33 practice as provided in part II of chapter 501, Florida
34 Statutes.

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Between lines 154 and 155

39 insert:



871096

40 prohibiting the sale of unsafe used passenger or light
41 truck tires by used tire retailers; providing an
42 exception; providing what constitutes an unsafe used
43 tire; providing that the sale of such tires is a
44 deceptive and unfair trade practice;



273992

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Evers) recommended the following:

1 **Senate Amendment to Amendment (871096) (with title**
2 **amendment)**

3
4 Delete line 7

5 and insert:

6 used passenger or light truck tires for purposes of mounting on
7 a vehicle, unless such tires are sold

8
9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:



273992

11 Delete line 40
12 and insert:
13 prohibiting the sale of certain unsafe used passenger
14 or light



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 1286 and 1287

insert:

Section 22. Section 61.13016, Florida Statutes, is amended
to read:

61.13016 Suspension of driver ~~driver's~~ licenses and motor
vehicle registrations.—

(1) The driver ~~driver's~~ license and motor vehicle
registration of a support obligor who is delinquent in payment



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11 or who has failed to comply with subpoenas or a similar order to
12 appear or show cause relating to paternity or support
13 proceedings may be suspended. When an obligor is 15 days
14 delinquent making a payment in support or failure to comply with
15 a subpoena, order to appear, order to show cause, or similar
16 order in IV-D cases, the Title IV-D agency may provide notice to
17 the obligor of the delinquency or failure to comply with a
18 subpoena, order to appear, order to show cause, or similar order
19 and the intent to suspend by regular United States mail that is
20 posted to the obligor's last address of record with the
21 Department of Highway Safety and Motor Vehicles. When an obligor
22 is 15 days delinquent in making a payment in support in non-IV-D
23 cases, and upon the request of the obligee, the depository or
24 the clerk of the court must provide notice to the obligor of the
25 delinquency and the intent to suspend by regular United States
26 mail that is posted to the obligor's last address of record with
27 the Department of Highway Safety and Motor Vehicles. In either
28 case, the notice must state:

29 (a) The terms of the order creating the support obligation;

30 (b) The period of the delinquency and the total amount of
31 the delinquency as of the date of the notice or describe the
32 subpoena, order to appear, order to show cause, or other similar
33 order that ~~which~~ has not been complied with;

34 (c) That notification will be given to the Department of
35 Highway Safety and Motor Vehicles to suspend the obligor's
36 driver ~~driver's~~ license and motor vehicle registration unless,
37 within 20 days after the date that the notice is mailed, the
38 obligor:

39 1.a. Pays the delinquency in full and any other costs and



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40 fees accrued between the date of the notice and the date the
41 delinquency is paid;

42 b. Enters into a written agreement for payment with the
43 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
44 cases; or in IV-D cases, complies with a subpoena or order to
45 appear, order to show cause, or a similar order; ~~or~~

46 c. Files a petition with the circuit court to contest the
47 delinquency action; ~~and~~

48 d. Demonstrates that he or she receives reemployment
49 assistance or unemployment compensation pursuant to chapter 443;

50 e. Demonstrates that he or she is disabled and incapable of
51 self-support or that he or she receives benefits under the
52 federal Supplemental Security Income or Social Security
53 Disability Insurance programs;

54 f. Demonstrates that he or she receives temporary cash
55 assistance pursuant to chapter 414; or

56 g. Demonstrates that he or she is making payments in
57 accordance with a confirmed bankruptcy plan under chapter 11,
58 chapter 12, or chapter 13 of the United States Bankruptcy Code,
59 11 U.S.C. ss. 101 et seq.; and

60 2. Pays any applicable delinquency fees.

61
62 If an ~~the~~ obligor in a non-IV-D case ~~cases~~ enters into a written
63 agreement for payment before the expiration of the 20-day
64 period, the obligor must provide a copy of the signed written
65 agreement to the depository or the clerk of the court. If an
66 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph
67 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before
68 expiration of the 20-day period, the obligor must provide the



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69 applicable documentation or proof to the depository or the clerk
70 of the court.

71 (2) (a) Upon petition filed by the obligor in the circuit
72 court within 20 days after the mailing date of the notice, the
73 court may, in its discretion, direct the department to issue a
74 license for driving privilege ~~privileges~~ restricted to business
75 purposes only, as defined by s. 322.271, if the person is
76 otherwise qualified for such a license. As a condition for the
77 court to exercise its discretion under this subsection, the
78 obligor must agree to a schedule of payment on any child support
79 arrearages and to maintain current child support obligations. If
80 the obligor fails to comply with the schedule of payment, the
81 court shall direct the Department of Highway Safety and Motor
82 Vehicles to suspend the obligor's driver ~~driver's~~ license.

83 (b) The obligor must serve a copy of the petition on the
84 Title IV-D agency in IV-D cases or on the depository or the
85 clerk of the court in non-IV-D cases. When an obligor timely
86 files a petition to set aside a suspension, the court must hear
87 the matter within 15 days after the petition is filed. The court
88 must enter an order resolving the matter within 10 days after
89 the hearing, and a copy of the order must be served on the
90 parties. The timely filing of a petition under this subsection
91 stays the intent to suspend until the entry of a court order
92 resolving the matter.

93 (3) If the obligor does not, within 20 days after the
94 mailing date on the notice, pay the delinquency; ~~or~~ enter into a
95 written payment agreement; ~~or~~ comply with the subpoena, order to
96 appear, order to show cause, or other similar order; ~~or~~ or file a
97 motion to contest; or satisfy sub-subparagraph (1)(c)1.d., sub-



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98 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
99 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
100 the depository or clerk of the court in non-IV-D cases, may
101 ~~shall~~ file the notice with the Department of Highway Safety and
102 Motor Vehicles and request the suspension of the obligor's
103 driver ~~driver's~~ license and motor vehicle registration in
104 accordance with s. 322.058.

105 (4) The obligor may, within 20 days after the mailing date
106 on the notice of delinquency or noncompliance and intent to
107 suspend, file in the circuit court a petition to contest the
108 notice of delinquency or noncompliance and intent to suspend on
109 the ground of mistake of fact regarding the existence of a
110 delinquency or the identity of the obligor. The obligor must
111 serve a copy of the petition on the Title IV-D agency in IV-D
112 cases or depository or clerk of the court in non-IV-D cases.
113 When an obligor timely files a petition to contest, the court
114 must hear the matter within 15 days after the petition is filed.
115 The court must enter an order resolving the matter within 10
116 days after the hearing, and a copy of the order must be served
117 on the parties. The timely filing of a petition to contest stays
118 the notice of delinquency and intent to suspend until the entry
119 of a court order resolving the matter.

120 (5) The procedures prescribed in this section and s.
121 322.058 may be used to enforce compliance with an order to
122 appear for genetic testing.

123 Section 23. Section 322.055, Florida Statutes, is amended
124 to read:

125 322.055 Revocation or suspension of, or delay of
126 eligibility for, driver ~~driver's~~ license for persons 18 years of



442206

127 age or older convicted of certain drug offenses.-

128 (1) Notwithstanding the provisions of s. 322.28, upon the
129 conviction of a person 18 years of age or older for possession
130 or sale of, trafficking in, or conspiracy to possess, sell, or
131 traffic in a controlled substance, the court shall direct the
132 department to revoke the driver ~~driver's~~ license or driving
133 privilege of the person. The period of such revocation shall be
134 1 year ~~2 years~~ or until the person is evaluated for and, if
135 deemed necessary by the evaluating agency, completes a drug
136 treatment and rehabilitation program approved or regulated by
137 the Department of Children and Families ~~Family Services~~.
138 However, the court may, in its sound discretion, direct the
139 department to issue a license for driving privilege ~~privileges~~
140 restricted to business or employment purposes only, as defined
141 by s. 322.271, if the person is otherwise qualified for such a
142 license. A driver whose license or driving privilege has been
143 suspended or revoked under this section or s. 322.056 may, upon
144 the expiration of 6 months, petition the department for
145 restoration of the driving privilege on a restricted or
146 unrestricted basis depending on length of suspension or
147 revocation. In no case shall a restricted license be available
148 until 6 months of the suspension or revocation period has
149 expired.

150 (2) If a person 18 years of age or older is convicted for
151 the possession or sale of, trafficking in, or conspiracy to
152 possess, sell, or traffic in a controlled substance and such
153 person is eligible by reason of age for a driver ~~driver's~~
154 license or privilege, the court shall direct the department to
155 withhold issuance of such person's driver ~~driver's~~ license or



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156 driving privilege for a period of 1 year ~~2 years~~ after the date
157 the person was convicted or until the person is evaluated for
158 and, if deemed necessary by the evaluating agency, completes a
159 drug treatment and rehabilitation program approved or regulated
160 by the Department of Children and Families ~~Family Services~~.
161 However, the court may, in its sound discretion, direct the
162 department to issue a license for driving privilege ~~privileges~~
163 restricted to business or employment purposes only, as defined
164 by s. 322.271, if the person is otherwise qualified for such a
165 license. A driver whose license or driving privilege has been
166 suspended or revoked under this section or s. 322.056 may, upon
167 the expiration of 6 months, petition the department for
168 restoration of the driving privilege on a restricted or
169 unrestricted basis depending on the length of suspension or
170 revocation. In no case shall a restricted license be available
171 until 6 months of the suspension or revocation period has
172 expired.

173 (3) If a person 18 years of age or older is convicted for
174 the possession or sale of, trafficking in, or conspiracy to
175 possess, sell, or traffic in a controlled substance and such
176 person's driver ~~driver's~~ license or driving privilege is already
177 under suspension or revocation for any reason, the court shall
178 direct the department to extend the period of such suspension or
179 revocation by an additional period of 1 year ~~2 years~~ or until
180 the person is evaluated for and, if deemed necessary by the
181 evaluating agency, completes a drug treatment and rehabilitation
182 program approved or regulated by the Department of Children and
183 Families ~~Family Services~~. However, the court may, in its sound
184 discretion, direct the department to issue a license for driving



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185 ~~privilege~~ ~~privileges~~ restricted to business or employment
186 purposes only, as defined by s. 322.271, if the person is
187 otherwise qualified for such a license. A driver whose license
188 or driving privilege has been suspended or revoked under this
189 section or s. 322.056 may, upon the expiration of 6 months,
190 petition the department for restoration of the driving privilege
191 on a restricted or unrestricted basis depending on the length of
192 suspension or revocation. In no case shall a restricted license
193 be available until 6 months of the suspension or revocation
194 period has expired.

195 (4) If a person 18 years of age or older is convicted for
196 the possession or sale of, trafficking in, or conspiracy to
197 possess, sell, or traffic in a controlled substance and such
198 person is ineligible by reason of age for a driver ~~driver's~~
199 license or driving privilege, the court shall direct the
200 department to withhold issuance of such person's driver ~~driver's~~
201 license or driving privilege for a period of 1 year ~~2 years~~
202 after the date that he or she would otherwise have become
203 eligible or until he or she becomes eligible by reason of age
204 for a driver ~~driver's~~ license and is evaluated for and, if
205 deemed necessary by the evaluating agency, completes a drug
206 treatment and rehabilitation program approved or regulated by
207 the Department of Children and Families ~~Family Services~~.
208 However, the court may, in its sound discretion, direct the
209 department to issue a license for driving privilege ~~privileges~~
210 restricted to business or employment purposes only, as defined
211 by s. 322.271, if the person is otherwise qualified for such a
212 license. A driver whose license or driving privilege has been
213 suspended or revoked under this section or s. 322.056 may, upon



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214 the expiration of 6 months, petition the department for
215 restoration of the driving privilege on a restricted or
216 unrestricted basis depending on the length of suspension or
217 revocation. In no case shall a restricted license be available
218 until 6 months of the suspension or revocation period has
219 expired.

220 (5) A court that orders the revocation or suspension of, or
221 delay in eligibility for, a driver license pursuant to this
222 section shall make a specific, articulated determination as to
223 whether the issuance of a license for driving privilege
224 restricted to business purposes only, as defined in s. 322.271,
225 is appropriate in each case.

226 (6) ~~(5)~~ Each clerk of court shall promptly report to the
227 department each conviction for the possession or sale of,
228 trafficking in, or conspiracy to possess, sell, or traffic in a
229 controlled substance.

230 Section 24. Section 322.058, Florida Statutes, is amended
231 to read:

232 322.058 Suspension of driving privilege ~~privileges~~ due to
233 support delinquency; reinstatement.—

234 (1) When the department receives notice from the Title IV-D
235 agency or depository or the clerk of the court that any person
236 licensed to operate a motor vehicle in the State of Florida
237 under the provisions of this chapter has a delinquent support
238 obligation or has failed to comply with a subpoena, order to
239 appear, order to show cause, or similar order, the department
240 shall suspend the driver ~~driver's~~ license of the person named in
241 the notice and the registration of all motor vehicles owned by
242 that person.



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243 (2) The department must reinstate the driving privilege and
244 allow registration of a motor vehicle when the Title IV-D agency
245 in IV-D cases or the depository or the clerk of the court in
246 non-IV-D cases provides to the department an affidavit stating
247 that:

248 (a) The person has paid the delinquency;

249 (b) The person has reached a written agreement for payment
250 with the Title IV-D agency or the obligee in non-IV-D cases;

251 (c) A court has entered an order granting relief to the
252 obligor ordering the reinstatement of the license and motor
253 vehicle registration; ~~or~~

254 (d) The person has complied with the subpoena, order to
255 appear, order to show cause, or similar order;

256 (e) The person receives reemployment assistance or
257 unemployment compensation pursuant to chapter 443;

258 (f) The person is disabled and incapable of self-support or
259 receives benefits under the federal Supplemental Security Income
260 or Social Security Disability Insurance programs;

261 (g) The person receives temporary cash assistance pursuant
262 to chapter 414; or

263 (h) The person is making payments in accordance with a
264 confirmed bankruptcy plan under chapter 11, chapter 12, or
265 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
266 101 et seq.

267 (3) The department shall not be held liable for any license
268 or vehicle registration suspension resulting from the discharge
269 of its duties under this section.

270 (4) This section applies only to the annual renewal in the
271 owner's birth month of a motor vehicle registration and does not



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272 apply to the transfer of a registration of a motor vehicle sold
273 by a motor vehicle dealer licensed under chapter 320, except for
274 the transfer of registrations which includes the annual
275 renewals. This section does not affect the issuance of the title
276 to a motor vehicle, notwithstanding s. 319.23(8)(b).

277 Section 25. Paragraph (a) of subsection (1) of section
278 562.11, Florida Statutes, is amended to read:

279 562.11 Selling, giving, or serving alcoholic beverages to
280 person under age 21; providing a proper name; misrepresenting or
281 misstating age or age of another to induce licensee to serve
282 alcoholic beverages to person under 21; penalties.-

283 (1) (a) 1. A ~~It is unlawful for any person may not to~~ sell,
284 give, serve, or permit to be served alcoholic beverages to a
285 person under 21 years of age or to permit a person under 21
286 years of age to consume such beverages on the licensed premises.
287 A person who violates this subparagraph commits a misdemeanor of
288 the second degree, punishable as provided in s. 775.082 or s.
289 775.083. A person who violates this subparagraph a second or
290 subsequent time within 1 year after a prior conviction commits a
291 misdemeanor of the first degree, punishable as provided in s.
292 775.082 or s. 775.083.

293 2. In addition to any other penalty imposed for a violation
294 of subparagraph 1., the court may order the Department of
295 Highway Safety and Motor Vehicles to withhold the issuance of,
296 or suspend or revoke, the driver ~~driver's~~ license or driving
297 privilege, as provided in s. 322.057, of any person who violates
298 subparagraph 1. This subparagraph does not apply to a licensee,
299 as defined in s. 561.01, who violates subparagraph 1. while
300 acting within the scope of his or her license or an employee or



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301 agent of a licensee, as defined in s. 561.01, who violates
302 subparagraph 1. while engaged within the scope of his or her
303 employment or agency.

304 3. A court that withholds the issuance of, or suspends or
305 revokes, the driver license or driving privilege of a person
306 pursuant to subparagraph 2. may direct the Department of Highway
307 Safety and Motor Vehicles to issue the person a license for
308 driving privilege restricted to business purposes only, as
309 defined in s. 322.271, if he or she is otherwise qualified.

310 Section 26. Section 812.0155, Florida Statutes, is amended
311 to read:

312 812.0155 Suspension of driver ~~driver's~~ license following an
313 adjudication of guilt for theft.-

314 (1) Except as provided in subsections (2) and (3), the
315 court may order the suspension of the driver ~~driver's~~ license of
316 each person adjudicated guilty of any misdemeanor violation of
317 s. 812.014 or s. 812.015, regardless of the value of the
318 property stolen. ~~The court shall order the suspension of the~~
319 ~~driver's license of each person adjudicated guilty of any~~
320 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~
321 ~~previously been convicted of such an offense.~~ Upon ordering the
322 suspension of the driver ~~driver's~~ license of the person
323 adjudicated guilty, the court shall forward the driver ~~driver's~~
324 license of the person adjudicated guilty to the Department of
325 Highway Safety and Motor Vehicles in accordance with s. 322.25.

326 (a) The first suspension of a driver ~~driver's~~ license under
327 this subsection shall be for a period of up to 6 months.

328 (b) A second or subsequent suspension of a driver ~~driver's~~
329 license under this subsection shall be for 1 year.



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330 (2) The court may revoke, suspend, or withhold issuance of
331 a driver ~~driver's~~ license of a person less than 18 years of age
332 who violates s. 812.014 or s. 812.015 as an alternative to
333 sentencing the person to:

334 (a) Probation as defined in s. 985.03 or commitment to the
335 Department of Juvenile Justice, if the person is adjudicated
336 delinquent for such violation and has not previously been
337 convicted of or adjudicated delinquent for any criminal offense,
338 regardless of whether adjudication was withheld.

339 (b) Probation as defined in s. 985.03, commitment to the
340 Department of Juvenile Justice, probation as defined in chapter
341 948, community control, or incarceration, if the person is
342 convicted as an adult of such violation and has not previously
343 been convicted of or adjudicated delinquent for any criminal
344 offense, regardless of whether adjudication was withheld.

345 (3) As used in this subsection, the term "department" means
346 the Department of Highway Safety and Motor Vehicles. A court
347 that revokes, suspends, or withholds issuance of a driver
348 ~~driver's~~ license under subsection (2) shall:

349 (a) If the person is eligible by reason of age for a driver
350 ~~driver's~~ license or driving privilege, direct the department to
351 revoke or withhold issuance of the person's driver ~~driver's~~
352 license or driving privilege for not less than 6 months and not
353 more than 1 year;

354 (b) If the person's driver ~~driver's~~ license is under
355 suspension or revocation for any reason, direct the department
356 to extend the period of suspension or revocation by not less
357 than 6 months and not more than 1 year; or

358 (c) If the person is ineligible by reason of age for a



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359 driver ~~driver's~~ license or driving privilege, direct the
360 department to withhold issuance of the person's driver ~~driver's~~
361 license or driving privilege for not less than 6 months and not
362 more than 1 year after the date on which the person would
363 otherwise become eligible.

364 (4) Subsections (2) and (3) do not preclude the court from
365 imposing any sanction specified or not specified in subsection
366 (2) or subsection (3).

367 (5) A court that suspends the driver license of a person
368 pursuant to subsection (1) may direct the Department of Highway
369 Safety and Motor Vehicles to issue the person a license for
370 driving privilege restricted to business purposes only, as
371 defined in s. 322.271, if he or she is otherwise qualified.

372 Section 27. Section 832.09, Florida Statutes, is amended to
373 read:

374 832.09 Suspension of driver license after warrant or capias
375 is issued in worthless check case.—

376 (1) The court may order the suspension or revocation of the
377 driver license of a ~~Any~~ person who is being prosecuted for
378 passing a worthless check in violation of s. 832.05, who fails
379 to appear before the court and against whom a warrant or capias
380 for failure to appear is issued by the court if the person has
381 previously been adjudicated guilty of a violation of s. 832.05
382 ~~shall have his or her driver's license suspended or revoked~~
383 ~~pursuant to s. 322.251.~~

384 (2) Within 5 working days after the court orders the
385 suspension of a driver license pursuant to subsection (1)
386 ~~issuance of a warrant or capias for failure to appear~~, the clerk
387 of the court in the county where the warrant or capias is issued



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388 shall notify the Department of Highway Safety and Motor Vehicles
389 by the most efficient method available of the action of the
390 court.

391

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

393 And the title is amended as follows:

394 Between lines 154 and 155

395 insert:

396 amending s. 61.13016, F.S.; revising notification
397 requirements with respect to the suspension of the
398 driver license of a child support obligor; requiring
399 delinquent child support obligors to provide certain
400 documentation within a specified period in order to
401 prevent the suspension of a driver license; amending
402 s. 322.055, F.S.; reducing the mandatory period of
403 revocation or suspension of, or delay in eligibility
404 for, a driver license for persons convicted of certain
405 drug offenses; requiring the court to make a
406 determination as to whether a restricted license would
407 be appropriate for persons convicted of certain drug
408 offenses; amending s. 322.058, F.S.; requiring the
409 Department of Highway Safety and Motor Vehicles to
410 reinstate the driving privilege and allow registration
411 of a motor vehicle of a child support obligor upon
412 receipt of an affidavit containing specified
413 information; amending s. 562.11, F.S.; authorizing the
414 court to direct the Department of Highway Safety and
415 Motor Vehicles to issue a restricted driver license to
416 certain persons; amending s. 812.0155, F.S.; deleting



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417 a provision requiring the suspension of the driver
418 license of a person adjudicated guilty of certain
419 offenses; authorizing the court to direct the
420 Department of Highway Safety and Motor Vehicles to
421 issue a restricted driver license to certain persons;
422 amending s. 832.09, F.S.; providing that the
423 suspension of a driver license of a person being
424 prosecuted for passing a worthless check is
425 discretionary;



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 728 and 729

insert:

Section 17. Section 337.1077, Florida Statutes, is created
to read:

337.1077 Asset management contracts.-

(1) An asset management contract awarded by the Department
of Transportation must require all of the following:

(a) That a contractor may use only products listed on a



904148

11 qualified products list.

12 (b) When performing striping or maintenance, that a
13 contractor replace or repair a marking using the same standards
14 and the same class and quality of materials that were used in
15 the initial striping or maintenance.

16 (c) That road striping and markings meet the same
17 reflectivity standards as markings that are placed during the
18 initial striping on the state's roadways.

19 (2) The department shall develop adequate testing
20 procedures by rule to ensure that proper materials have been
21 used and that markings meet the appropriate reflectivity
22 standards.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 89

27 and insert:

28 identification card; creating s. 337.1077, F.S.;

29 requiring that asset management contracts awarded by

30 the Department of Transportation include specified

31 provisions; requiring the Department of Transportation

32 to develop adequate testing procedures for

33 reflectivity standards; amending s. 337.25, F.S.;



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LEGISLATIVE ACTION

Senate	.	House
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Evers) recommended the following:

Senate Amendment to Amendment (904148)

Delete lines 12 - 16

and insert:

(b) That road striping and markings meet, at a minimum, the
same



735604

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 728 and 729

insert:

Section 17. Subsection (3) of section 322.292, Florida
Statutes, is amended to read:

322.292 DUI programs supervision; powers and duties of the
department.—

(3) DUI programs may ~~must~~ be operated by ~~either~~
governmental entities, for-profit corporations, or not-for-



735604

11 profit corporations.

12

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

14 And the title is amended as follows:

15 Delete line 89

16 and insert:

17 identification card; amending s. 322.292, F.S.;

18 authorizing DUI programs to be operated by

19 governmental entities, for-profit corporations, or

20 not-for-profit corporations; amending s. 337.25, F.S.;



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 597 and 598

insert:

Section 12. Subsection (7) of section 320.771, Florida
Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.-

(7) SUPPLEMENTAL LICENSE.-A ~~Any~~ person licensed under
~~pursuant to~~ this section shall be entitled to operate one or
more additional places of business under a supplemental license



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11 for each such business if the ownership of each business is
12 identical to that of the principal business for which the
13 original license is issued. Each supplemental license shall run
14 concurrently with the original license and shall be issued upon
15 application by the licensee on a form to be furnished by the
16 department and payment of a fee of \$50 for each such license.
17 Only one licensed dealer shall operate at the same place of
18 business. A supplemental license authorizing off-premises sales
19 shall be issued, at no charge to the dealer, for a period not to
20 exceed 10 consecutive ~~calendar~~ days. A licensed dealer who
21 conducts an off-premises sale not in conjunction with a public
22 vehicle show, as defined in s. 320.3203(5)(c), shall:

23 (a) Notify the applicable local department office of the
24 specific dates and location for which such license is requested.

25 (b) Provide staff to work at the temporary location for the
26 duration of the off-premises sale.

27 (c) Meet all local government permit requirements.

28 (d) Have the permission of the property owner to operate at
29 that location.

30 (e) Conspicuously display a sign at the licensed location
31 which clearly identifies the dealer's name and business address
32 as listed on the dealer's original license.

33 (f) Prominently include the dealer's name and business
34 address, as listed on the dealer's original license, in all
35 advertisements associated with such sale.

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 63



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40 and insert:
41 costs; amending s. 320.771, F.S.; requiring a licensed
42 recreational vehicle dealer who applies for a
43 supplemental license to hold certain off-premises
44 sales to notify the local Department of Highway Safety
45 and Motor Vehicles office of the dates and location
46 for such sales; specifying requirements for licensed
47 recreational vehicle dealers to hold such sales;
48 creating s. 322.032, F.S.; requiring the

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1272

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Transportation and Motor Vehicles

DATE: March 12, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.	Carey	Martin	ATD	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1272 makes a number of revisions to transportation laws administered by the Florida Department of Transportation (FDOT) and to motor vehicle laws administered by the Department of Highway Safety & Motor Vehicles (DHSMV). More specifically, the bill:

- Extends the Florida Transportation Commission's (FTC) oversight of expressway and bridge authorities to the Mid-Bay Bridge Authority (MBBA) and repeals provisions relating to the Florida Statewide Passenger Rail Commission (FSPRC).
- Prohibits the enforcement of State Uniform Traffic Laws by any means other than the direct observation and intervention of a law enforcement officer or other duly appointed individual unless expressly authorized.
- Requires the Department of State, in consultation with the Department of Law Enforcement, to establish a retention schedule for records generated through the use of an automated license plate recognition system.
- Prohibits a bus from stopping to load or unload passengers in a manner that restricts the progression of traffic on a roadway.
- Provides that the prohibition against unattended vehicles left with the engine running does not apply to a vehicle started by remote control while the ignition, transmission, and doors are locked.
- Includes devices used to improve driver safety in the current exception for devices that may be mounted on windshields.

- Expands those authorized to conduct testing of autonomous vehicle technology, expands potential testing locations, and removes the requirement that a human operator be in the vehicle when testing on a closed course or designated testing roadways.
- Limits the DHSMV's authority to withhold the issuance of a vehicle registration when a notice to surrender has been submitted by a lienor to the DHSMV to the vehicle identified the notice. The bill allows the registered owner to dispute a notice to surrender by bringing a civil action and provides procedural requirements for disposition of a challenge.
- Directs the DHSMV to develop a plan of action that addresses motor vehicle registration holds for outstanding tolls, parking tickets, and fines.
- Authorizes individuals with amateur radio licenses recognized, as opposed to issued, by the Federal Communications Commission (FCC) to apply for a special license plate.
- Requires the DHSMV to develop an optional digital proof of driver license.
- Authorizes tax collectors who have completed the transition of driver license services to retain certain fees related to license issuance that are currently deposited into the Highway Safety Operating Trust Fund.
- Exempts applicants who are homeless or whose annual income is at or below 100% of the federal poverty level from the \$25 fee for an identification card.
- Revises the terms and conditions under which the FDOT may sell or lease properties acquired for transportation rights-of-way.
- Amends the process that the FDOT must follow relating to proposals to enter into a lease of FDOT property for joint public-private development.
- Revises state law relating to the designation, voting membership, and reapportionment of metropolitan planning organizations (MPOs).
- Authorizes Enterprise Florida, Inc., to be a consultant to the FDOT for consideration of economic development transportation projects.
- Requires full-service gasoline stations offering self-service at a lesser cost to meet certain decal display requirements and preempts local government laws and regulations relating to the provision of fueling assistance by a self-service gas station.
- Authorizes the FDOT to program and pay maintenance costs related to the Pinellas Bayway.
- Makes various editorial and grammatical changes and corrects cross-references necessitated by changes made elsewhere in the bill.

The bill has not been reviewed by the Revenue Estimating Conference. However, staff estimates a recurring negative impact to the General Revenue Fund, a recurring negative impact to the Highway Safety Operating Trust Fund, and a positive fiscal impact to county Tax Collectors beginning in Fiscal Year 2014-15. See Section V.

II. Present Situation:

The present situation is discussed below in Effect of Proposed Changes in this bill analysis.

III. Effect of Proposed Changes:

Florida Transportation Commission Oversight of Mid-Bay Bridge Authority and Passenger Rail Systems

Current Situation

The Florida Transportation Commission (FTC) is charged with periodically reviewing the status of the state transportation system, including rail and other component modes, and with recommending improvements to the system to the Governor and the Legislature. In 2007, the Legislature passed HB 985 amending s. 20.23(2)(b)8, F.S., to expand the oversight role of the Florida Transportation Commission to include monitoring the efficiency, productivity, and management of the various tolling authorities created under ch. 348 and ch. 349, F.S. The Commission conducts periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

The Mid-Bay Bridge Authority (MBBA)¹ is the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating, and maintaining a bridge over the Choctawhatchee Bay. The MBBA operates the tolled, 3.6-mile long Mid-Bay Bridge across the Choctawhatchee Bay and approaches (SR 293) on the northern and southern sides of the bridge. The facility, which connects SR 20 with U.S. 98 east of Destin, is a link between Interstate 10 and U.S. 98 and provides a more direct route to tourists and residents between northern and southern Okaloosa and Walton Counties.² No state entity is currently charged with monitoring the efficiency, productivity, and management of the MBBA.

In 2009, the Florida Legislature created the Florida Statewide Passenger Rail Commission (FSPRC) to monitor, advise and review publicly-funded passenger rail systems³, resulting in oversight responsibilities that overlap with or are redundant to those of the FTC. Specifically, and similar to the duty of the FTC, the Legislature charged the FSPRC in s. 20.23(3)(b)1., F.S., with the function of:

Monitoring the efficiency, productivity, and management of all publicly funded passenger rail systems in the state, including, but not limited to, any authority created under chapter 343, chapter 349, or chapter 163 if the authority receives public funds for the provision of passenger rail service. ... This paragraph does not preclude the Florida Transportation Commission from conducting its performance and work program monitoring responsibilities.

The FDOT provides administrative support and service to the FSPRC. The commission last met in July 2012. Six of the nine seats on the FSPRC are currently vacant. The remaining three seats expire in August of 2014.⁴

Effect of Proposed Changes

Section 1 amends s. 20.23, F.S., expanding the FTC oversight responsibilities to include monitoring the efficiency, productivity, and management of the MBBA. The bill also amends

¹ Re-created by special act, ch. 2000-411, L.O.F.

² Senate Issue Brief 2012-208, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, (September 2011).

³ The only publicly funded passenger rail system in the state (Tri-Rail) then and now existing is operated by the South Florida Regional Transportation Authority, which is established in ch. 343, F.S. However, the first phase (31 miles) of a commuter rail project, SunRail,-- an eventual 61-mile stretch of existing rail freight tracks through Orange, Seminole, Volusia and Osceola counties and the City of Orlando -- is under construction, and service could begin as early as 2014.

⁴ The FDOT email, February 24, 2014, on file in the Senate Transportation Committee.

s. 20.23, F.S., to repeal the Florida Statewide Passenger Rail Commission. Overlapping oversight of publicly-funded passenger rail systems is eliminated and remains solely with the FTC.

Section 2 of the bill revises s. 110.205, F.S., to modernize terms and correct cross-references required by statutory changes made elsewhere in the bill.

Enforcement of State Uniform Traffic Control by Direct Observation

Current Situation

Section 316.007, F.S., requires that the provisions of ch. 316, F.S., be applicable and uniform throughout the state in all political subdivisions and municipalities, and prohibits local authorities from enacting or enforcing any ordinance on matters covered by this chapter unless expressly authorized.

Effect of Proposed Changes

Section 3 creates s. 316.0071, F.S., to prohibit, unless expressly authorized, enforcement of Florida Uniform Traffic Control Law,⁵ by a method other than the direct observation and intervention of a law enforcement officer, a parking enforcement specialist, a traffic infraction enforcement officer, or any other duly appointed individual. This has the effect of requiring direct observation to issue a traffic citation for violations of ch. 316, F.S., unless automated or other enforcement is expressly authorized. The bill does not have any effect on the use of red light cameras because red light cameras are expressly authorized under s. 316.0083, F.S.

Automated License Plate Recognition Systems

Current Situation

An automated license plate recognition system (ALPRS) uses computerized optical character recognition to extract vehicle license plate information from an image or a sequence of images. The extracted information can be used with or without a database for many applications, such as electronic payment systems (toll payment, parking fee payment), and freeway and arterial monitoring systems for real-time traffic speed projections. This captured information (i.e., license plate number, date, time, and location) is collected, and may be matched to personal identifying databases and sometimes pooled into regional sharing systems. As a result, enormous databases may house the location and travel patterns of thousands, if not millions of individual motorists.

As an operational tool for law enforcement, ALPRSs scan the license plates of moving or parked vehicles while either mounted on a moving patrol car or attached to a fixed location, such as a toll plaza or free-standing installation. Though designed to assist law enforcement with day-to-day vehicle violations, an ALPRS may collect and store extensive location information about each vehicle in its field of vision. Photographs captured by an ALPRS may contain more than simply the license plate, and sometimes include a substantial part of a vehicle, its occupants, and its immediate vicinity. Law enforcement can use captured photographs to verify witness descriptions of vehicles and confirm identifying features.

⁵ Chapter 316, Florida Statutes.

Effect of Proposed Changes

Section 4 creates s. 316.0778, F.S., to define “automated license plate recognition system” to mean “a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.” The Department of State, in consultation with the Department of Law Enforcement, is directed to establish a retention schedule for records containing images and data generated through the use of an automated license plate recognition system, including a maximum period that records may be retained. Entities in possession of such records will be required to retain them in compliance with the schedule.

Loading and Unloading of Bus Passengers

Current Situation

Section 316.0815, F.S., requires that a driver of a vehicle yield the right-of-way to a publicly owned transit bus traveling in the same direction when the bus driver has signaled and the bus is reentering the traffic flow from a specifically designated pullout bay. However, specifically designated pullout bays are not available at every location at which such buses stop for the purpose of loading and unloading bus passengers, and stops are routinely made in the main-traveled portion of a roadway.

Section 316.083, F.S., authorizes drivers to overtake and pass a vehicle proceeding in the same direction and requires the driver of the overtaken vehicle to give way to the right in favor of the overtaking vehicle, without increasing vehicle speed, until completely passed by the overtaking vehicle. This requirement applies to the drivers of buses stopped in the main-traveled portion of a roadway to load and unload passengers.

Effect of Proposed Changes

Section 5 creates s. 316.0817, F.S., notwithstanding any other law, to prohibit a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic on the main-traveled portion of a roadway if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. “Reasonable means” is defined for purposes of the new section to mean “sufficient unobstructed pavement or a designated turn lane that is sufficient in length to allow the safe loading and unloading of passengers parallel to the travel lane.” These provisions do not apply to school buses. Enforcement of these provisions may be difficult, as the definition of “reasonable means” may be subject to differing interpretations. Private owners of “sufficient unobstructed pavement” that may be adjacent and parallel to the travel lane may object to damage incurred to the pavement should use of the owner’s pavement occur.

Unattended Motor Vehicles/Remote Starters

Current Situation

Section 316.1975(2)(d), F.S., prohibits a vehicle from standing unattended with the engine running and ignition not in locked position with the key removed. A violation of this section is a

noncriminal traffic infraction punishable as a nonmoving violation.⁶ This section does not apply to the operator of:

- An authorized emergency vehicle equipped with antitheft device prohibiting the vehicle from being driven;
- A licensed delivery truck being used for business; or
- A solid waste or recovered materials collection vehicle.

Remote keyless systems are devices that allow a vehicle to be started up without requiring either the driver or the key to be physically inside the automobile. This is accomplished through a component that is connected to the ignition system and fitted with a radio receiver. When that component receives a signal from a paired transmitter, which typically takes the form of a key fob, it activates the starter motor. Through the advancement of technology, some newer vehicle models can be started by way of Smartphones.

Many vehicle models currently on the market and in use on the roadways are capable of being started by remote control. The current exceptions from the prohibition against allowing a vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key do not include a vehicle that is started by remote control while the ignition, transmission, and doors are locked.

Effect of Proposed Changes

Section 6 amends s. 316.1975, F.S., to provide that the prohibition of leaving a vehicle unattended with the engine running does not apply to a vehicle started by remote control while the ignition, transmission, and doors are locked.

Vehicle Windshields/Global Positioning System Devices

Current Situation

Current law requires that every motor vehicle, except a motorcycle or implement of husbandry, be equipped with a windshield.⁷ Operation of a vehicle with any sign, sun-screening material, product, or covering attached to, in, or on the windshield is prohibited, except for the following:

- A certificate or other paper required to be displayed by law.
- Sun-screening material along a strip at the top of the windshield, if the material is transparent and does not encroach upon the driver's direct forward viewing area.
- A device, issued by a governmental entity or its designee, used for electronic toll payments.
- A global positioning system (GPS) or similar device used to obtain navigation or routing information while the motor vehicle is being operated.⁸

Many public and private entities utilize GPS and camera-based devices to monitor fleet operations and provide additional sensory-based safety features.⁹ Suppliers of such devices report multiple benefits, such as improved vehicle maintenance, driver safety, and delivery times,

⁶ Section 318.18, F.S. The penalty for a nonmoving violation is \$30.

⁷ Section 316.2952(1), F.S.

⁸ Section 316.2952(2), F.S.

⁹ See, e.g., the following supplier websites: <http://www.networkfleet.com/>; <http://www.fleetistics.com/>; <http://www.fmsgps.com/frontend/>.

as well as reduced insurance costs and overall reduction in operational expenses. Concern exists that the current exception for GPS or similar devices on vehicle windshields for purposes other than navigation or routing may not allow these devices to be placed on windshields.

Effect of Proposed Changes

Section 7 amends s. 316.2952(2), F.S., to specifically include in the current exception for GPS devices on windshields, those devices used to improve driver safety as a component of safety or provide driver feedback.

Autonomous Vehicle Testing

Current Situation

Section 316.86, F.S., currently authorizes operation of autonomous, or “self-driving,” vehicles on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology for the purpose of testing the technology. The law requires that a human operator be present in the autonomous vehicle with the ability to monitor the vehicle’s performance and if necessary to intervene. This provision does not apply when the autonomous vehicle is being tested on a closed course. An entity is required to submit to the DHSMV an instrument of insurance, surety bond, or proof of self-insurance in the amount of \$5 million before performing testing in this state.

Effect of Proposed Changes

Section 8 amends s. 316.86, F.S., to expand those authorized to conduct testing to research organizations associated with accredited educational institutions. The requirement that a human be present in the vehicle is removed in certain circumstances and testing locations are expanded. A human operator must retain the ability to monitor the vehicle’s performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course *or any other testing roadway as designated by the FDOT and applicable local or county government*.

Motor Vehicle Registration Holds

Current Situation

Section 320.02, F.S., requires every owner or operator of a motor vehicle, driving on roads of Florida to register his or her vehicle in this state with the DHSMV or its authorized agent.

Section 320.1316, F.S., allows a lienor to notify the DHSMV when a lienor vehicle is not surrendered as ordered and has otherwise been disposed of, concealed, removed, or destroyed by the registered owner (lienee.) When the DHSMV receives notice from a lienor, the registered vehicle’s owners name is placed on the list of persons who may not be issued a license plate or revalidation sticker for any vehicle. If the unsurrendered vehicle is jointly-owned, the name of each registered owner is placed on the list and no vehicle may be registered by any of the named individuals.

The lienor must maintain proof that written notice to surrender the vehicle was sent to each registered owner pursuant to s. 320.1316(1), F.S. A revalidation sticker or replacement license

plate may not be issued for any vehicle until that person's name is no longer on the list or until the person presents documentation from the lienor that the unsurrendered vehicle has been surrendered to the lienor.

Citing insufficient due process to the affected registered owners, the DHSMV has declined to enforce the provisions of s. 320.1316, F.S., since its revision in 2010.

Effect of Proposed Changes

Sections 9 and 11 amend ss. 320.02 and 320.1316, F.S., to require that when an applicant's name appears on a list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate after a written notice to surrender a vehicle or vessel was submitted to the DHSMV by a lienor as provided in s. 320.1316, F.S., the DHSMV shall withhold renewal of registration or replacement registration of *only* the motor vehicle identified in the notice.

The registered owner of the vehicle may dispute a notice to surrender or his or her inclusion on the list by bringing a civil action in the county in which he or she resides. If the registered owner challenges the refusal to issue a license plate under s. 320.03(8), F.S., the court shall determine whether the lienor has a recorded lien on the vehicle or vessel and whether the lienor properly made a demand for the surrender in accordance with this section. The court shall determine whether good cause exists, which is limited to proof that:

- The vehicle was traded in to a licensed motor vehicle dealer before the date of the surrender demand;
- The lien of the vehicle in question has been paid in full, and demand satisfied;
- There is ongoing litigation relating to the validity or enforceability of the lien;
- The petitioner no longer has possession of the vehicle or vessel, and the loss of possession occurred under the operation of law (if the loss of possession did not occur under the operation of law, and a third party has physical possession of the vehicle or vessel, good cause is not proven).

If the petitioner establishes good cause for failure to surrender the vehicle or vessel, the court shall order removal of the petitioner's name(s) from the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate, and reasonable attorney fees and costs shall be awarded.

However, if the court finds that the demand for surrender was properly made by the lienor and the petitioner fails to establish good cause for the failure to surrender the vehicle or vessel, the court shall award the lienor reasonable attorney fees and costs.

The lienor must maintain proof that written notice to surrender the vehicle or vessel was sent to each registered owner pursuant to s. 320.1316(1), F.S. Only the vehicle identified on the notice to surrender may be denied issuance of a revalidation sticker or replacement license plate, until the person's name no longer appears on the list, having presented the proper documentation from the lienor informing that the vehicle or vessel has been surrendered to the lienor, or a court orders that person's name removed from the list.

Section 23 of the bill also directs the DHSMV to develop a plan of action that addresses motor vehicle registration holds placed pursuant to ss. 316.1001 (toll violations), 316.1967 (parking violations), and 318.15, F.S., (civil penalty compliance), for presentation to the Legislature by February 1, 2015. The plan must include a methodology for applicants whose names have been placed on the list of persons who may be issued a license plate or revalidation sticker to rectify the cause of the hold through the payment of any outstanding toll, parking ticket, fine, and any other fee at the point of collection of the registration fee.

Amateur Radio Operators/Special License Plate

Current Situation

Amateur radio or ham radio call signs are unique identifiers for licensed amateur radio operators. In the United States, amateur radio licensing is governed by the Federal Communications Commission (FCC) which issues licenses to operate amateur stations for personal use to individuals once they demonstrate an understanding of both pertinent FCC regulations and knowledge of radio station operation and safety considerations. Canadian call signs are regulated internationally by the International Telecommunication Union (ITU) as well as nationally by Industry Canada, which regulates all aspects of amateur radio in the country. It assigns call signs, issues amateur radio licenses, conducts exams, allots frequency spectrum, and monitors the radio waves.

In 1952, Canada and the United States signed a Reciprocal Operating Agreement treaty. In the terms of the agreement, visiting amateurs may operate in the host country in accordance with the rules and regulations of the host country.

Under s. 320.083, F.S., persons who hold a valid amateur radio license *issued* by the FCC, may have their radio's call sign assigned to a special license plate for an additional fee. However, persons whose call sign was assigned in Canada by the ITU, may not.

Effect of Proposed Changes

Section 10 amends s. 320.083(1), F.S., to allow persons with amateur radio licenses *recognized* by the FCC to apply for a special license plate with their call sign assigned. This will allow Canadian, and potentially other long term visitors who register vehicles in the state to display their amateur radio call signs on their Florida license plate.

Digital Proof of Driver License

Current Situation

Section 322.059, F.S., requires that any person whose driver license or registration has been suspended must return that driver license immediately to the DHSMV. If he or she fails to return their license or registration, a law enforcement agent may seize the driver's license.

Section 322.15, F.S., requires that every licensee must have his or her driver license in their possession at all times while operating a motor vehicle and shall display that license upon demand of a law enforcement officer or an authorized representative of the DHSMV.

Effect of Proposed Changes

Section 12 creates s. 322.032, F.S., to require the DHSMV to begin to review and prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license and to authorize the DHSMV to contract with private entities to develop the system. The digital proof of driver license system must be in such a format that will allow law enforcement to verify the authenticity of digital driver licenses. A digital proof of driver license is available only after a person has satisfied all requirements of ch. 322, F.S., and has received a physical driver license. The DHSMV is authorized to promulgate rules to ensure valid authentication of the digital driver licenses by law enforcement.

Manufacturing a false digital proof of driver license is a felony of the third degree, punishable by a term of imprisonment not exceeding five years,¹⁰ a possible additional fine not exceeding \$5,000,¹¹ or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.¹² Possession of a false digital proof of driver license is a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days.¹³

Section 13 amends s. 322.059, F.S., to require the DHSMV to invalidate the digital proof of driver license issued under this chapter if the motor vehicle operator was driving on a suspended license or registration.

Section 15 amends s. 322.15, F.S., to provide that a digital proof of driver license as provided in this chapter may be displayed in lieu of a physical driver license.

Driver License Fees/Tax Collectors

Current Situation

Current law requires that driver license issuance services be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.¹⁴ The implementation of this provision is directed to be according to the schedule outlined in the Driver License Transition Plan submitted to the Legislature on February 1, 2011. The DHSMV prepared the report in cooperation with the Florida Tax Collectors and the Florida Association of Counties.

An applicant for an original driver license must pass an initial knowledge test and an initial skills test.¹⁵ A \$10 fee is assessed for each subsequent knowledge test and a \$20 fee for each subsequent skills test, when an applicant has failed to pass the initial test. The revenues collected from these fees are deposited in the Highway Safety Operating Trust Fund.

Driver license fees are authorized in s. 322.21, F.S. An original or renewal commercial driver license is \$78; and, an original, renewal or extension of a Class E driver license is \$48. The

¹⁰ Section 775.082, F.S.

¹¹ Section 775.083, F.S.

¹² Section 775.084, F.S.

¹³ See supra note 9.

¹⁴ Section 322.135(5), F.S.

¹⁵ Section 322.12, F.S.

revenues from these fees are deposited into the General Revenue Fund. Other fees established include replacement driver licenses and original, replacement, and renewal identification cards. A replacement driver license is \$25. Of this amount, \$7 is deposited into the Highway Safety Operating Trust Fund and \$18 is deposited into the General Revenue Fund.

An identification card is \$25¹⁶. Of this amount, the fee distribution varies depending on the type of issuance. The fee for an original identification card is deposited into the General Revenue Fund. From the fee for a renewal identification card, \$6 is deposited into the Highway Safety Operating Trust Fund and \$19 into the General Revenue Fund; and for a replacement identification card, \$9 into the Highway Safety Operating Trust Fund and \$16 is deposited into the General Revenue Fund.

County tax collectors who provide driver license services are authorized to charge a service fee of \$6.25 in addition to other fees set forth in ch. 322, F.S., relating to driver license issuance. Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, a tax collector who issues a replacement driver license or replacement identification card may retain the portion the fee that is currently deposited in the Highway Safety Operating Trust Fund, \$7 or \$9 respectively.

Effect of Proposed Changes

Section 14 amends s. 322.12, F.S., to revise the distribution of fees related to driver license examinations fees to allow the tax collector who conducts the examination to retain a portion of the fee as follows:

- Of the \$10 fee for each subsequent initial knowledge test, \$6 is retained by the tax collector if the tax collector conducted the test, and the remaining \$4 is deposited into the Highway Safety Operating Trust Fund.
- Of the \$20 fee for each subsequent initial skills test, \$15 is retained by the tax collector if the tax collector conducted the test, and the remaining \$5 is deposited into the Highway Safety Operating Trust Fund.
- In both cases, all fees incurred by an applicant with a third-party provider or administered at a state facility are deposited into the Highway Safety Operating Trust Fund.

Section 16 amends s. 322.21, F.S., to authorize county tax collectors to retain \$7 of the \$25 fee for a replacement driver license, and \$9 of the \$25 fee for a replacement identification card, otherwise deposited into the Highway Safety Operating Trust Fund, if the tax collector has completed the transition of driver licensing services.

The bill also exempts an applicant who presents satisfactory evidence that he or she is homeless or that his or her annual income is at or below 100 percent of the federal poverty level¹⁷ from the \$25 fee for an original, renewal, or replacement identification card issued pursuant to s. 322.051, F.S.

¹⁶ Section 322.051, F.S.

¹⁷ <https://www.healthcare.gov/glossary/federal-poverty-level-FPL/> (last visited 2/27/14)

Disposal and Lease of Real and Personal Property

Current Situation

The FDOT is authorized to purchase, lease, exchange, or otherwise acquire any land, property interests, buildings or other improvements necessary for rights-of-way for existing or anticipated transportation facilities on the State Highway System, on the State Park Road System, or in an FDOT designated rail or transportation corridor. The FDOT may also accept donations of land, building, or other improvements for transportation rights-of-way and may compensate an entity by providing replacement facilities when the land, building, or other improvements are needed for transportation purposes but are held by a federal, state, or local governmental entity and used for public purposes other than transportation.¹⁸

The FDOT is required to conduct a complete inventory of all real or personal property immediately upon acquisition, including an itemized listing of all appliances, fixtures, and other severable items, a statement of the location or site of each piece of realty, structure, or severable item; and the serial number assigned to each.¹⁹ The FDOT must evaluate the inventory of real property which has been owned for at least 10 years and which is not within a transportation corridor or the right-of-way of a transportation facility. If the property is not located within a transportation corridor or is not needed for a transportation facility, the FDOT is authorized to dispose of the property.²⁰ According to the FDOT, 85 percent of its currently-owned surplus property is valued at under \$50,000.

Sale of Property: The FDOT is authorized to sell any land, building, or other real or personal property it acquired if the FDOT determines the property is not needed for a transportation facility.²¹ The FDOT is required to first offer the property (“first right of refusal”) to the local government in whose jurisdiction the property is located, with the exception of the following parcels:

- The FDOT may negotiate the sale of property, at no less than fair market value as determined by an independent appraisal, to the owner holding title to abutting property, if in the FDOT’s discretion public sale would be inequitable.²²
- The FDOT may sell property acquired for use as a borrow pit, at no less than fair market value, to the owner of abutting land from which the pit was originally acquired, if the pit is no longer needed.²³
- The FDOT may convey to a county without consideration any property acquired by a county or by the FDOT using constitutional gas tax funds for a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system if the property is no longer used or needed by the FDOT; and the county may sell the property on receipt of competitive bids.²⁴
- A governmental entity may authorize re-conveyance to the original donor of property donated to the state for transportation purposes if the facility has not been constructed for at

¹⁸ Section 337.25(1), F.S.

¹⁹ Section 337.25(2), F.S.

²⁰ Section 337.25(3), F.S.

²¹ Section 337.25(4), F.S.

²² Section 337.25(4)(c), F.S.

²³ Section 337.25(4)(d), F.S.

²⁴ Section 337.25(4)(f), F.S.

least five years, no plans have been prepared for construction of the facility, and the property is not located within a transportation corridor.²⁵

- The FDOT may negotiate the sale of property as replacement housing if the property was originally acquired for persons displaced by transportation projects and if the state receives no less than its investment in such properties or fair market value, whichever is lower. This benefit extends only to persons actually displaced by a project, and dispositions to any other person must be for fair market value.²⁶

Once the FDOT determines the property is not needed for a transportation facility and has extended and received rejection of required first rights of refusal, FDOT is also authorized to:

- Negotiate the sale of property if its value is \$10,000 or less as determined by FDOT estimate;²⁷
- Sell the property to the highest bidder through “due advertisement” of receipt of sealed competitive bids or by public auction if its value exceeds \$10,000 as determined by the FDOT estimate;²⁸
- Determine the fair market value of property through appraisal conducted by an FDOT appraiser, if the FDOT begins the process for disposing of property on its own initiative, either by authorized negotiation or by authorized receipt of sealed competitive bids or public auction;²⁹
- Convey the property without consideration to a governmental entity if the property is to be used for a public purpose;³⁰ and
- Use the projected maintenance costs of the property over the next five years to offset the market value in establishing a value for disposal of the property, even if that value is zero, if the FDOT determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the FDOT to significant liability risks.³¹

Lease of Property: The FDOT is further authorized to convey a leasehold interest for commercial or other purposes to any acquired land, building, or other property, real or personal, subject to the following:³²

- The FDOT may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the FDOT’s acquisition; or, if public bidding would be inequitable, with the owner of privately owned abutting property, after reasonable notice to all other abutting property owners.³³
- All other leases must be by competitive bid.³⁴

²⁵ Section 337.25(4)(g), F.S.

²⁶ Section 337.25(4)(i), F.S.

²⁷ Section 337.25(4)(a), F.S.

²⁸ Section 337.25(4)(b), F.S.

²⁹ Section 337.25(4)(e), F.S.

³⁰ Section 337.25(4)(h), F.S.

³¹ Section 337.25(4)(j), F.S.

³² Section 337.25(5), F.S.

³³ Section 337.25(5)(a), F.S.

³⁴ Section 337.25(5)(b), F.S.

- Such leases are limited to five years in duration, but the FDOT may renegotiate a lease for an additional five-year term without rebidding.³⁵
- Each lease must require that any improvements made to the property during the lease term be removed at the lessee's expense.³⁶
- If property is to be used for a public purpose, including a fair, art show, or other educational, cultural, or fundraising activity, the property may be leased without consideration to a governmental entity or school board.³⁷
- No lease may be used by the lessee to establish the four years' standing required by eminent domain law if the business had not been established for four years on the date title passed to the FDOT.³⁸
- The FDOT may enter into a long-term lease without compensation with certain public ports for rail corridors used for the operation of a short-line railroad to the port.³⁹

The appraisals currently required under s. 337.25(4)(c) and (d), F.S., must be prepared in accordance with the FDOT guidelines and rules by an independent appraiser certified by the FDOT.⁴⁰ When "due advertisement" is required, an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held satisfies the requirement.⁴¹

Effect of Proposed Changes

Section 17 amends s. 337.25, F.S., to revise the terms and conditions under which the FDOT may sell or lease properties acquired for transportation rights-of-way and to authorize the FDOT to contract for auction services used in the conveyance of real or personal property or leasehold interests and to authorize such contracts to allow the contractor to retain a portion of the proceeds as compensation.

The FDOT is authorized to "convey", rather than "sell" land, buildings, or other real or personal property after determining the property isn't needed for a transportation facility and to dispose of property through negotiations, sealed competitive bids, auctions, or any other means deemed to be in the FDOT's best interest. Due advertisement is required for property valued at more than \$10,000, and no property may be sold at less than fair market value except as specified. The FDOT is authorized, rather than required, to afford a right of first refusal to a political subdivision, or local government in which the parcel is located, except in conveyances when the property has been donated to the state for transportation purposes and a facility has not been constructed for at least 5 years, the property was originally required for replacement housing for persons displaced by transportation projects, or property which the FDOT has determined a sale to anyone other than the abutting land owner would be inequitable.

³⁵ Section 337.25(5)(c), F.S.

³⁶ Section 337.25(5)(d), F.S.

³⁷ Section 337.25(5)(e), F.S.

³⁸ Section 337.25(5)(g), F.S.

³⁹ Section 337.25(5)(h), F.S.

⁴⁰ Section 337.25(7), F.S.

⁴¹ Section 337.25(8), F.S.

The FDOT is prohibited from conveying a leasehold interest at a price less than the FDOT's current estimate of value and specifies that a lease may be created through negotiations, sealed competitive bids, auctions, or any other means deemed to be in the best interest by the FDOT. A lease shall not be for a period of more than 5 years, however, the FDOT may extend the lease for an additional 5 years without rebidding.

The FDOT is required to publish a notice when a proposal to lease property has been received, stating that a proposal has been received and that FDOT will accept other proposals for 120 days after the date of publication for lease of the property. The FDOT is authorized to establish, by rule, an application fee for the submission of the proposals.

The FDOT's estimate of value must be prepared in accordance with department procedures, guidelines, and rules for valuation of real property. If the value of the property exceeds \$50,000, the sale or lease must be negotiated at a price not less than the estimated value determined by the FDOT.

This section does not modify the eminent domain requirement of s. 73.013, F.S.

Unsolicited Lease Proposals

Current Situation

Section 337.251, F.S., *Lease of property for joint public-private development and areas above or below department property*, authorizes the FDOT to request proposals for the lease of the FDOT property for joint public-private development or commercial development. The FDOT may also receive and consider unsolicited proposals for such uses. If the FDOT receives an unsolicited proposal to negotiate a lease, the FDOT must publish a notice in a newspaper of general circulation at least once a week for two weeks, stating that it has received the proposal and will accept, for 60 days after the date of publication, other proposals for use of the space. The FDOT must also mail a copy of the notice to each local government in the affected area.

Any unsolicited lease proposal must be selected based on competitive bidding, and the FDOT is authorized to consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the FDOT by the lessee in lieu of direct revenue to the FDOT if such other factors are of equal value including innovative proposals to involve minority businesses. Before entering into any lease, the FDOT must determine that the property subject to the lease has a permanent transportation use related to the FDOT responsibilities, has the potential for such future transportation uses, or constitutes airspace or subsurface rights attached to property having such uses, and is therefore not available for sale as surplus property.

Section 334.30, F.S., *Public-private transportation facilities*, authorizes the FDOT to lease certain toll facilities through public-private partnerships and also authorizes the FDOT to receive unsolicited proposals. That section directs the FDOT to establish by rule an application fee sufficient to pay the costs of evaluating a proposal. The FDOT is further authorized to engage the services of private consultants to assist in the evaluation.

Unlike s. 337.251, F.S., before approving a proposal, the FDOT must determine that the proposed project is in the public's best interest; would not require state funds to be used unless

the project is on the State Highway System; would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the FDOT; would have adequate safeguards in place to ensure that the FDOT or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and would be owned by the FDOT upon completion or termination of the agreement.⁴² In addition, before awarding a contract for lease of an existing toll facility through a public-private partnership, the FDOT is required to provide an independent analysis of the proposed lease that demonstrates the cost-effectiveness and overall public benefit.

If the FDOT receives an unsolicited proposal for a lease through a public-private partnership, the FDOT must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for two weeks stating that the FDOT has received the proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose. The FDOT must also mail a copy of the notice to each local government in the affected area.

Effect of Proposed Changes

Section 18 amends s. 337.251(2), F.S., relating to the lease of property for joint public-private development, to:

- Require that if the FDOT receives a proposal for a lease (rather than to negotiate a lease) of particular property the FDOT desires to consider, it shall publish the currently required newspaper notice stating that the FDOT will accept for 120 (rather than 60) days other proposals for lease of the particular property;
- Direct the FDOT to establish by rule an application fee for the submission of proposals under s. 337.251, F.S., sufficient to pay the anticipated costs of evaluating the proposals;
- Authorize the FDOT to engage the services of private consultants to assist in the evaluations;
- Require the FDOT, before approval of any proposal, to determine that the proposed lease is in the public's best interest, does not require state funds to be used, and has adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease; and
- Require the FDOT to provide an independent analysis of a proposed lease that demonstrates the cost-effectiveness and overall public benefit before moving forward with the procurement and before awarding the contract if the procurement moves forward.

These revisions make the process under s. 337.251, F.S., more similar to that under s. 334.30, F.S.

Metropolitan Planning Organizations

Current Situation

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule (23 U.S.C. 134 and 23 C.F.R 450 Part C) require a metropolitan

⁴² The ownership requirement in s. 334.30, F.S., would not, of course, apply to a lease arrangement under s. 337.251, F.S.

planning organization (MPO) to be designated for each urbanized area⁴³ or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Section 339.175(2)(a)2., F.S., currently provides that designation of an MPO be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the MPO jurisdiction, as defined by the United State Bureau of the Census, must be a party to such agreement. This language has been superseded by revisions to 23 U.S.C. 134(d) and 23 C.F.R. 450.310(b), which now require designation to be accomplished by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

An existing MPO may be re-designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the existing population in the area served, including the largest incorporated city.⁴⁴ Re-designation of an MPO is required whenever the existing MPO proposes to make a substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general-purpose local government served by the MPO, and the State; or a substantial change in the decision-making authority or responsibility of the MPO, or in decision-making procedures established under the MPO bylaws.⁴⁵

Current law does not authorize more than 19 members on an MPO in cases when the MPO is re-designated as a result of the expansion of an MPO to include a new urbanized area or the consolidation of two or more MPOs, even if the membership is already at 19 members.

For both multicounty and single-county MPOs, current law requires that county commission members compose not less than one-third of the MPO governing board membership. All voting members must be elected officials of general-purpose local government.

MPOs are currently required to establish bylaws and adopt rules pursuant to the Administrative Procedures Act.

Effect of Proposed Changes

Section 19 amends s. 339.175, F.S., to:

⁴³ An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

⁴⁴ 23 C.F.R. 450.301(h) (2012).

⁴⁵ 23 C.F.R. 450.301(k) (2012).

- Revise state law superseded by federal law and rule by requiring that MPO designation occur by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population, including the largest incorporated city, based on population, as named by the Bureau of the Census.
- Increase the voting membership from 19 to 25 members, which may provide more flexibility when membership apportionment plans are revised based on updated census data and new or expanded urbanized area boundaries, and could potentially benefit MPO consolidation.
- Provide that, with the exception of instances in which all of the county commissioners in a single-county MPO are members of the MPO governing board, county commissioners must compose at least one-third of the MPO governing board membership.
- Provide that a multicounty MPO may satisfy the one-third requirement by any combination of county commissioners from each of the counties constituting the MPO.
- Authorize general purpose local governments serving on an MPO to include one member who represents a group of general purpose local governments through an entity created by an MPO for that purpose. This would allow an entity created by an MPO that is composed of local government officials, such as an MPO-created committee consisting of local governments not on the MPO, to serve on an MPO.
- Authorize, rather than require, provision of governing board voting membership to authorities or other agencies that perform transportation functions but which are not under the jurisdiction of a general purpose local government. This provides MPO discretion to determine which authorities or other agencies should serve on an MPO governing board.
- Provide that each MPO is to review the composition of its membership after each decennial census and, as necessary, reapportion its membership with the Governor, to clarify that the MPO initiates the review and reapportionment of its governing board membership.
- Authorize MPOs 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 pursuant to the Administrative Procedures Act.

Economic Development Transportation Projects

Current Situation

Florida has a number of economic development incentive programs used to recruit industry to Florida or to persuade existing businesses to expand their operations. One such incentive exists in what is commonly referred to as the Road Fund, which is funded by the State Transportation Trust Fund and used to assist local government in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company. The amount appropriated for this transfer varies from year to year. The Legislature in 2012 repealed s. 288.063, F.S., in which the Road Fund was statutorily placed, and created s. 339.2821, F.S. The revisions did not change the purpose of the Road Fund but simply moved oversight of the fund from the Florida Department of Economic Opportunity (FDEO) to the FDOT.⁴⁶

The FDOT, in consultation with the FDEO, is authorized under the new section to make and approve expenditures and contract with the appropriate government body for the direct costs of

⁴⁶ Budget Committee Final Analysis of SB 1998:

<http://www.flsenate.gov/Session/Bill/2012/1998/Analyses/M6TO2qtoNCs60=PL=Y=PL=DT9BT2bnWNo=%7C11/Public/Bills/1900-1999/1998/Analysis/s1998z2.TEDAS.PDF>.

transportation projects. Current law specifies that as part of the contractual agreement between the FDOT and a governmental body, the governmental body must provide FDOT with specified quarterly reports, the FDOT may only transfer funds on a quarterly basis, the governmental body must expend funds received in a timely manner, and the FDOT may only transfer funds after construction has begun on the facility of a business on whose behalf the award was made.

Effect of Proposed Changes

Section 20 amends s. 339.2821, F.S., to include Enterprise Florida, Inc., as an FDOT consultant in making and approving economic development transportation project contracts; provides authority for the FDOT to terminate a grant award if construction of the transportation project does not begin within four years after the date of the initial grant award; and expands the type of authorized transportation facility projects to include spaceports.

Gasoline Stations/Accessibility/Preemption of Regulation

Current Situation

People with disabilities may find it difficult or impossible to use the controls, hose, or nozzle of a self-serve gas pump. As a result, at stations that offer both self and full service, people with disabilities might have no choice but to purchase the more expensive gas from a full-serve pump. At locations with only self-serve pumps, people with disabilities might be unable to purchase gas at all. The Americans with Disabilities Act (ADA) requires self-serve gas stations to provide equal access to their customers with disabilities. If necessary to provide access, gas stations must:

- Provide refueling assistance upon the request of an individual with a disability. A service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.
- Let patrons know (e.g., through appropriate signs) that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee.
- Provide the refueling assistance without any charge beyond the self-serve price.⁴⁷

Section 526.141, F.S., requires every full-service gasoline station that offers gasoline at a lower price to provide an attendant to dispense gasoline from the self-service portion of the station to any motorist properly displaying an exemption parking permit as provided in s. 316.1958, F.S.,⁴⁸ or a license plate bearing the international accessibility symbol, and the operator is the person to whom such permit was issued. Such stations shall prominently display a decal no larger than 8 square inches on the front of all self-service pumps clearly stating the requirements and applicable penalties for violations. Violation of this section is a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁴⁹ or by a \$500 fine.⁵⁰

Effect of Proposed Changes

⁴⁷ <http://www.ada.gov/gasserve.htm> (last visited 2/26/14)

⁴⁸ Out-of-state vehicles bearing identification of issuance to persons who have disabilities.

⁴⁹ Section 775.082, F.S.

⁵⁰ Section 775.083, F.S.

Section 21 amends s. 526.141, F.S., to require, by July 1, 2016, a full-service gas station offering self-service at a lesser cost to prominently display, in addition to the above-described decal, a blue decal at least 15 square inches in size that clearly displays the international symbol of accessibility, the station's telephone number, and the words "Call for Assistance." The Department of Agriculture and Consumer Services is directed to adopt rules to implement and enforce these provisions, and local government laws and regulations pertaining to the provision of fueling assistance by a self-service gas station are preempted and superseded.

Pinellas Bayway/Maintenance Costs

Current Situation

The FDOT-owned, tolled Pinellas Bayway System is a series of causeways and bridges providing a connection between St. Petersburg Beach, Fort DeSoto Park, and I-275:

The east-west section of the facility (SR 682) provides a connection between I-275 (via 54th Avenue) on the east and Gulf Boulevard (SR 699) on the west. This section crosses the Bayway Isles and Isle Del Sol. The north-south section of the facility (SR 679) extends from Isle Del Sol through Tierra Verde to Mullet Key and Fort DeSoto Park. The facility was opened to traffic in December 1962.⁵¹

The 1985 Legislature directed that all tolls collected shall first be used for the payment of annual operating costs, second to discharge the current bond indebtedness,⁵² and thereafter to establish a reserve construction account to be used for certain Pinellas Bayway improvements. Maintenance costs were not included in the directive. Instead, the FDOT was required, upon completion of those certain improvements, to continue to collect tolls on the Pinellas Bayway to reimburse the FDOT for all accrued maintenance costs for the Pinellas Bayway.

The 1995 Legislature amended the 1985 law to remove reference to completed improvements and modify references to future improvements but did not change the directive regarding maintenance costs. Consequently, amounts paid by the FDOT for maintenance costs accrue as long-term debt due the State Transportation Trust Fund (STTF), as opposed to the FDOT paying the maintenance costs from toll revenues. As of December 20, 2013, the long-term debt due the STTF as a result of maintenance costs paid by the FDOT is projected to be approximately \$66 million in Fiscal Year 2022-2023.⁵³

Effect of Proposed Changes

Section 22 amends s. 2 of ch. 85-364, L.O.F., as amended by s. 2 of ch. 95-382, L.O.F., to authorize the FDOT to use tolls first for the payment of annual operating *and maintenance* costs.

⁵¹ Traffic Engineer's Annual Report for Fiscal Year Ended June 30, 2012, p. 51, on file in the Senate Transportation Committee.

⁵² The FDOT advises no current bond indebtedness exists. The FDOT email, February 4, 2014, on file in the Senate Transportation Committee.

⁵³ The FDOT Pinellas Bayway Toll Facility Revenue and Expenditure Report, on file in the Senate Transportation Committee.

This will allow the FDOT to pay the costs from the toll revenues and no longer accrue those costs as long-term debt. Users of the facility will pay maintenance costs, rather than having the costs subsidized by revenues deposited into the STTF. The bill also removes references to completed improvements.

Section 24 provides the bill takes effect on July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill redirects existing fees from the Highway Safety Operating Trust Fund in the DHSMV to county tax collectors who provide licensing issuance services.

B. Private Sector Impact:

Section 6: Individuals who start their vehicles by remote control while the ignition, transmission, and doors are locked will no longer be subject to a \$30 penalty.

Sections 9 and 11: Individuals will be subject to withholding of registration *only* of the motor vehicle identified in a notice to surrender, which may avoid economic loss for some.

Section 18: Those wishing to submit proposals for lease of the FDOT property that the FDOT wishes to consider will be subject to an application fee sufficient to pay the anticipated cost of evaluation the proposal, to be established by the FDOT rule. Opportunities for private consultant contracts with the FDOT are authorized.

Section 21: Full-service gas stations that offer gasoline at a lower price will incur what is expected to be insignificant expenses associated with displaying the required decal.

C. Government Sector Impact:

Section 1: The FTC will incur additional expenditures associated with monitoring the MBBA and any publicly funded passenger rail system. These expenses are expected to be

absorbed within existing resources, as the FTC already monitors the South Florida Regional Transportation Authority, which operates Tri-Rail, and will only add monitoring of the SunRail system to its duties.

Section 4: The Department of State and the Department of Law Enforcement may incur costs associated with establishing a retention schedule for records containing images and data generated through the use of an automated license plate recognition system, which are expected to be absorbed within existing resources.

Section 6: The \$30 penalty previously applicable to individuals who start their vehicles by remote control while the ignition, transmission, and doors are locked will no longer be collected.

Section 12: The DHSMV will incur expenses associated with developing a secure and uniform system for issuing an optional digital proof of driver license, which are expected to be absorbed within existing resources.

Sections 14 and 16: Deposits into the Highway Safety Operating Trust Fund will be reduced by, and the tax collectors will retain, the specified dollar amounts for initial knowledge and skills tests conducted by tax collectors, and for replacement driver licenses and replacement identification cards issued by tax collectors. The General Revenue Fund will be reduced due to the fee exemption for identification cards for persons at 100% of the poverty level. The fiscal impact below was provided by the DHSMV based on the Highway Safety Fees Estimating Conference held in February, 2014.

	FY 2014-15 Revenue	FY 2015-16 Revenue	FY 2016-17 Revenue	FY 2017-18 Revenue
General Revenue	(1,578,539)	(1,604,086)	(1,824,483)	(2,288,446)
Highway Safety Operating Trust Fund	(5,653,028)	(8,369,422)	(8,550,671)	(8,808,677)
Tax Collectors	5,450,846	8,163,379	8,279,267	8,394,963

The DHSMV has indicated that there will be programming cost of 420 hours incurred at \$100 per hour. This includes:

- Issuance of Identification Cards to Homeless at 100% of poverty level will require 20 hours of programming.
- Fee redirection to tax collectors will require 400 hours of programming.

The remaining cost to develop and implement a uniform and secure system for an optional digital proof of driver license is indeterminate but potentially significant. The development of this system will increase the total cost of the contract for driver license issuance in future years.

Section 17: The fiscal impact of the modified terms and conditions governing the FDOT’s sale or lease of surplus property is indeterminate. However, according to the FDOT, a net positive impact to local revenue is expected as properties are returned to the

ad valorem tax roll. In addition, an indeterminate savings to the state is expected as a result of reduced appraisal expenses, especially in cases when such costs approach and even exceed the price received by the FDOT.

Section 18: The FDOT's costs associated with evaluating lease proposals pursuant to s. 337.251, F.S., would presumably be covered by the application fee the FDOT is required to establish by rule, particularly if the fee includes the cost of private consultants the FDOT is authorized to engage to assist in its evaluations.

Section 21: The Department of Agriculture and Consumer Services will incur expenses to adopt rules relating to decal display at full-service gas stations offering self-service at a lower cost, which are expected to be absorbed within existing resources.

Section 23: The DHSMV will incur expenses associated with developing a plan of action that addresses motor vehicle registration holds for outstanding tolls, parking tickets, and fines, which are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

The DHSMV is concerned that the creation of a digital driver license does not guarantee acceptance or the same level of acceptance as a physical license. It is the agency's belief that the Transportation Safety Administration and other federal agencies will not accept it in lieu of the actual physical card. Privacy and search and seizure issues could possibly be implicated in a digital driver license verification. First responders may face digital driver license identification challenges when individuals are non-responsive. In addition, digital driver license verifications would be subject to an individual's smart phone operating properly which could result in time intensive digital verifications in the field by law enforcement agencies.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 20.23, 110.205, 316.1975, 316.2952, 316.86, 320.02, 320.083, 320.1316, 322.032, 322.059, 322.12, 322.15, 322.21, 337.25, 337.251, 339.175, 339.2821, and 526.141.

This bill amends s. 2 of chapter 85-364, Laws of Florida, as amended by s. 2 of chapter 95-382, Laws of Florida.

This bill creates the following sections of the Florida Statutes: 316.0071, 316.0778, 316.0817, 322.032.

This bill creates an undesignated section of Florida Law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 6, 2014:

The CS revises provisions relating to the testing of autonomous vehicle technology to remove the requirement that a human be present in the vehicle and capable of intervening, if necessary, unless the vehicle is being tested on a closed course. Instead, the bill provides that a human operator must retain the ability to monitor the vehicle and intervene, if necessary, unless the vehicle is being tested on a closed course *or any other testing roadway designated by the FDOT and applicable local or county government.*

The CS also expands those authorized to conduct testing to include research organizations associated with accredited educational institutions. The CS also removes obsolete language requiring a DHSMV report, as the report has already been submitted. Lastly, the CS removes the date certain by which the DHSMV is to develop an optional digital proof of driver license (10/1/16) and instead directs the department to begin to review and prepare for the development.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Brandes

596-02207-14

20141272c1

1 A bill to be entitled
2 An act relating to transportation and motor vehicles;
3 amending s. 20.23, F.S.; requiring the Florida
4 Transportation Commission to monitor the Mid-Bay
5 Bridge Authority; repealing the Florida Statewide
6 Passenger Rail Commission; amending s. 110.205, F.S.;
7 conforming cross-references; creating s. 316.0071,
8 F.S.; requiring that the provisions of ch. 316, F.S.,
9 be enforced by the direct observation and intervention
10 of a law enforcement officer, a parking enforcement
11 specialist, a traffic infraction enforcement officer,
12 or any other duly appointed individual unless another
13 method has been expressly authorized; creating s.
14 316.0778, F.S.; defining the term "automated license
15 plate recognition system"; requiring the Department of
16 State to consult with the Department of Law
17 Enforcement in establishing a retention schedule for
18 records generated by the use of an automated license
19 plate recognition system; creating s. 316.0817, F.S.;
20 prohibiting a bus from stopping to load or unload
21 passengers in a manner that impedes, blocks, or
22 otherwise restricts the progression of traffic under
23 certain circumstances; amending s. 316.1975, F.S.;
24 authorizing an operator of a vehicle that is started
25 by remote control to let the vehicle stand unattended
26 under certain circumstances; amending s. 316.2952,
27 F.S.; revising a provision exempting a global position
28 system device or similar satellite receiver device
29 from the prohibition of attachments on windshields;

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20141272c1

30 amending s. 316.86, F.S.; revising provisions relating
31 to the operation of vehicles equipped with autonomous
32 technology on state roads for testing purposes;
33 authorizing research organizations associated with
34 accredited educational institutions to operate such
35 vehicles; authorizing the testing of such vehicles on
36 certain roadways designated by the Department of
37 Transportation and applicable local or county
38 governments; deleting an obsolete provision; amending
39 s. 320.02, F.S.; requiring, rather than authorizing,
40 the Department of Highway Safety and Motor Vehicles to
41 withhold the renewal of registration or replacement
42 registration of a motor vehicle identified in a notice
43 submitted by a lienor for failure to surrender the
44 vehicle if the applicant's name is on the list of
45 persons who may not be issued a license plate or
46 revalidation sticker; revising the conditions under
47 which a revalidation sticker or replacement license
48 plate may be issued; amending s. 320.083, F.S.;

49 revising the requirements for a special license plate;
50 amending s. 320.1316, F.S.; prohibiting the department
51 from issuing a license plate, revalidation sticker, or
52 replacement license plate for a vehicle or vessel
53 identified in a notice from a lienor; requiring that a
54 notice to surrender a vehicle or vessel be signed
55 under oath by the lienor; authorizing a registered
56 owner of a vehicle to bring a civil action, rather
57 than to notify the department and present certain
58 proof, to dispute a notice to surrender a vehicle or

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59 vessel or his or her inclusion on the list of persons
60 who may not be issued a license plate or revalidation
61 sticker; providing a procedure for such a civil
62 action; providing for the award of attorney fees and
63 costs; creating s. 322.032, F.S.; requiring the
64 Department of Highway Safety and Motor Vehicles to
65 begin to review and prepare for the development of a
66 system for issuing an optional digital proof of driver
67 license; authorizing the Department of Highway Safety
68 and Motor Vehicles to contract with private entities
69 to develop the system; providing requirements for
70 digital proof of driver license; providing criminal
71 penalties for manufacturing or possessing a false
72 digital proof of driver license; amending s. 322.059,
73 F.S.; requiring the Department of Highway Safety and
74 Motor Vehicles to invalidate the digital proof of
75 driver license for a person whose license or
76 registration has been suspended; amending s. 322.12,
77 F.S.; requiring that certain test fees incurred by
78 certain applicants for a driver license be retained by
79 the tax collector; amending s. 322.15, F.S.;
80 authorizing a digital proof of driver license to be
81 accepted in lieu of a physical driver license;
82 amending s. 322.21, F.S.; authorizing certain tax
83 collectors to retain a replacement driver license or
84 identification card fee under certain circumstances;
85 exempting certain individuals who are homeless or
86 whose annual income is at or below a certain
87 percentage of the federal poverty level from paying a

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88 fee for an original, renewal, or replacement
89 identification card; amending s. 337.25, F.S.;
90 authorizing the Department of Transportation to use
91 auction services in the conveyance of certain property
92 or leasehold interests; revising certain inventory
93 requirements; revising provisions relating to, and
94 providing criteria for, the disposition of certain
95 excess property by the Department of Transportation;
96 providing criteria for the disposition of donated
97 property, property used for a public purpose, or
98 property acquired to provide replacement housing for
99 certain displaced persons; providing value offsets for
100 property that requires significant maintenance costs
101 or exposes the Department of Transportation to
102 significant liability; providing procedures for the
103 sale of property to abutting property owners; deleting
104 provisions to conform to changes made by the act;
105 providing monetary restrictions and criteria for the
106 conveyance of certain leasehold interests; providing
107 exceptions to restrictions for leases entered into for
108 a public purpose; providing criteria for the
109 preparation of estimates of value prepared by the
110 Department of Transportation; providing that the
111 requirements of s. 73.013, F.S., relating to eminent
112 domain are not modified; amending s. 337.251, F.S.;
113 revising criteria for leasing certain Department of
114 Transportation property; increasing the time for the
115 Department of Transportation to accept proposals for
116 lease after a notice is published; directing the

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117 Department of Transportation to establish an
118 application fee by rule; providing criteria for the
119 fee; providing criteria for a proposed lease;
120 requiring the Department of Transportation to provide
121 an independent analysis of a proposed lease; amending
122 s. 339.175, F.S.; increasing the maximum number of
123 apportioned members that may compose the voting
124 membership of a metropolitan planning organization
125 (M.P.O.); providing that the governing board of a
126 multicounty M.P.O. may be made up of any combination
127 of county commissioners from the counties constituting
128 the M.P.O.; providing that a voting member of an M.P.O.
129 may represent a group of general-purpose local
130 governments through an entity created by the M.P.O.;
131 requiring each M.P.O. to review and reapportion its
132 membership as necessary in conjunction with the
133 decennial census, the agreement of the affected units
134 of the M.P.O., and the agreement of the Governor;
135 removing provisions requiring the Governor to
136 apportion, review, and reapportion the composition of
137 an M.P.O. membership; revising a provision regarding
138 bylaws to allow the M.P.O. governing board to
139 establish bylaws; amending s. 339.2821, F.S.;
140 authorizing Enterprise Florida, Inc., to be a
141 consultant to the Department of Transportation for
142 consideration of expenditures associated with and
143 contracts for transportation projects; revising the
144 requirements for economic development transportation
145 project contracts between the Department of

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146 Transportation and a governmental entity; amending s.
147 526.141, F.S.; requiring full-service gasoline
148 stations offering self-service at a lesser cost to
149 display an additional decal; requiring the decal to
150 contain certain information; requiring the Department
151 of Agriculture and Consumer Services to adopt rules to
152 implement and enforce this requirement; providing for
153 preemption of local regulations pertaining to fueling
154 assistance for certain motor vehicle operators;
155 amending chapter 85-634, Laws of Florida, as amended;
156 providing that maintenance costs are eligible for
157 payment from certain toll revenues as specified;
158 removing references to certain completed projects;
159 directing the Department of Highway Safety and Motor
160 Vehicles to develop a plan that addresses certain
161 vehicle registration holds; providing an effective
162 date.

163

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

165

166 Section 1. Paragraph (b) of subsection (2) and subsection
167 (3) of section 20.23, Florida Statutes, are amended to read:

168 20.23 Department of Transportation.—There is created a
169 Department of Transportation which shall be a decentralized
170 agency.

171 (2)

172 (b) The commission shall ~~have the primary functions to:~~

173 1. Recommend major transportation policies for the
174 Governor's approval, and assure that approved policies and any

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175 revisions ~~thereto~~ are properly executed.

176 2. Periodically review the status of the state
177 transportation system including highway, transit, rail, seaport,
178 intermodal development, and aviation components of the system
179 and recommend improvements ~~therein~~ to the Governor and the
180 Legislature.

181 3. Perform an in-depth evaluation of the annual department
182 budget request, the Florida Transportation Plan, and the
183 tentative work program for compliance with all applicable laws
184 and established departmental policies. Except as specifically
185 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
186 not consider individual construction projects, but shall
187 consider methods of accomplishing the goals of the department in
188 the most effective, efficient, and businesslike manner.

189 4. Monitor the financial status of the department on a
190 regular basis to assure that the department is managing revenue
191 and bond proceeds responsibly and in accordance with law and
192 established policy.

193 5. Monitor on at least a quarterly basis, the efficiency,
194 productivity, and management of the department, ~~using~~
195 performance and production standards developed by the commission
196 pursuant to s. 334.045.

197 6. Perform an in-depth evaluation of the factors causing
198 disruption of project schedules in the adopted work program and
199 recommend to the Governor ~~Legislature~~ and the Legislature
200 ~~Governor~~ methods to eliminate or reduce the disruptive effects
201 of these factors.

202 7. Recommend to the Governor and the Legislature
203 improvements to the department's organization in order to

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204 streamline and optimize the efficiency of the department. In
 205 reviewing the department's organization, the commission shall
 206 determine if the current district organizational structure is
 207 responsive to this state's ~~Florida's~~ changing economic and
 208 demographic development patterns. The initial report by the
 209 commission must be delivered to the Governor and the Legislature
 210 by December 15, 2000, and each year thereafter, as appropriate.
 211 The commission may retain ~~such~~ experts as ~~are reasonably~~
 212 necessary to carry out ~~effectuate~~ this subparagraph, and the
 213 department shall pay the expenses of the ~~such~~ experts.

214 8. Monitor the efficiency, productivity, and management of
 215 the authorities created under chapters 348 and 349, including
 216 any authority formed using ~~the provisions of~~ part I of chapter
 217 348; the Mid-Bay Bridge Authority re-created pursuant to chapter
 218 2000-411, Laws of Florida; and any authority formed under
 219 chapter 343 ~~which is not monitored under subsection (3)~~. The
 220 commission shall also conduct periodic reviews of each
 221 authority's operations and budget, acquisition of property,
 222 management of revenue and bond proceeds, and compliance with
 223 applicable laws and generally accepted accounting principles.

224 ~~(3) There is created the Florida Statewide Passenger Rail~~
 225 ~~Commission.~~

226 ~~(a)1. The commission shall consist of nine voting members~~
 227 ~~appointed as follows:~~

228 ~~a. Three members shall be appointed by the Governor, one of~~
 229 ~~whom must have a background in the area of environmental~~
 230 ~~concerns, one of whom must have a legislative background, and~~
 231 ~~one of whom must have a general business background.~~

232 ~~b. Three members shall be appointed by the President of the~~

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233 ~~Senate, one of whom must have a background in civil engineering,~~
234 ~~one of whom must have a background in transportation~~
235 ~~construction, and one of whom must have a general business~~
236 ~~background.~~

237 ~~e. Three members shall be appointed by the Speaker of the~~
238 ~~House of Representatives, one of whom must have a legal~~
239 ~~background, one of whom must have a background in financial~~
240 ~~matters, and one of whom must have a general business~~
241 ~~background.~~

242 ~~2. The initial term of each member appointed by the~~
243 ~~Governor shall be for 4 years. The initial term of each member~~
244 ~~appointed by the President of the Senate shall be for 3 years.~~
245 ~~The initial term of each member appointed by the Speaker of the~~
246 ~~House of Representatives shall be for 2 years. Succeeding terms~~
247 ~~for all members shall be for 4 years.~~

248 ~~3. A vacancy occurring during a term shall be filled by the~~
249 ~~respective appointing authority in the same manner as the~~
250 ~~original appointment and only for the balance of the unexpired~~
251 ~~term. An appointment to fill a vacancy shall be made within 60~~
252 ~~days after the occurrence of the vacancy.~~

253 ~~4. The commission shall elect one of its members as chair~~
254 ~~of the commission. The chair shall hold office at the will of~~
255 ~~the commission. Five members of the commission shall constitute~~
256 ~~a quorum, and the vote of five members shall be necessary for~~
257 ~~any action taken by the commission. The commission may meet upon~~
258 ~~the constitution of a quorum. A vacancy in the commission does~~
259 ~~not impair the right of a quorum to exercise all rights and~~
260 ~~perform all duties of the commission.~~

261 ~~5. The members of the commission are not entitled to~~

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262 ~~compensation but are entitled to reimbursement for travel and~~
263 ~~other necessary expenses as provided in s. 112.061.~~

264 ~~(b) The commission shall have the primary functions of:~~

265 ~~1. Monitoring the efficiency, productivity, and management~~
266 ~~of all publicly funded passenger rail systems in the state,~~
267 ~~including, but not limited to, any authority created under~~
268 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
269 ~~receives public funds for the provision of passenger rail~~
270 ~~service. The commission shall advise each monitored authority of~~
271 ~~its findings and recommendations. The commission shall also~~
272 ~~conduct periodic reviews of each monitored authority's passenger~~
273 ~~rail and associated transit operations and budget, acquisition~~
274 ~~of property, management of revenue and bond proceeds, and~~
275 ~~compliance with applicable laws and generally accepted~~
276 ~~accounting principles. The commission may seek the assistance of~~
277 ~~the Auditor General in conducting such reviews and shall report~~
278 ~~the findings of such reviews to the Legislature. This paragraph~~
279 ~~does not preclude the Florida Transportation Commission from~~
280 ~~conducting its performance and work program monitoring~~
281 ~~responsibilities.~~

282 ~~2. Advising the department on policies and strategies used~~
283 ~~in planning, designing, building, operating, financing, and~~
284 ~~maintaining a coordinated statewide system of passenger rail~~
285 ~~services.~~

286 ~~3. Evaluating passenger rail policies and providing advice~~
287 ~~and recommendations to the Legislature on passenger rail~~
288 ~~operations in the state.~~

289 ~~(c) The commission or a member of the commission may not~~
290 ~~enter into the day-to-day operation of the department or a~~

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291 ~~monitored authority and is specifically prohibited from taking~~
292 ~~part in:~~

293 ~~1. The awarding of contracts.~~

294 ~~2. The selection of a consultant or contractor or the~~
295 ~~prequalification of any individual consultant or contractor.~~

296 ~~However, the commission may recommend to the secretary standards~~
297 ~~and policies governing the procedure for selection and~~
298 ~~prequalification of consultants and contractors.~~

299 ~~3. The selection of a route for a specific project.~~

300 ~~4. The specific location of a transportation facility.~~

301 ~~5. The acquisition of rights of way.~~

302 ~~6. The employment, promotion, demotion, suspension,~~
303 ~~transfer, or discharge of any department personnel.~~

304 ~~7. The granting, denial, suspension, or revocation of any~~
305 ~~license or permit issued by the department.~~

306 ~~(d) The commission is assigned to the Office of the~~
307 ~~Secretary of the Department of Transportation for administrative~~
308 ~~and fiscal accountability purposes, but it shall otherwise~~
309 ~~function independently of the control and direction of the~~
310 ~~department except that reasonable expenses of the commission~~
311 ~~shall be subject to approval by the Secretary of Transportation.~~
312 ~~The department shall provide administrative support and service~~
313 ~~to the commission.~~

314 Section 2. Paragraphs (j), (m), and (q) of subsection (2)
315 of section 110.205, Florida Statutes, are amended to read:

316 110.205 Career service; exemptions.—

317 (2) EXEMPT POSITIONS.—The exempt positions that are not
318 covered by this part include the following:

319 (j) The appointed secretaries and the State Surgeon

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320 General, assistant secretaries, deputy secretaries, and deputy
 321 assistant secretaries of all departments; the executive
 322 directors, assistant executive directors, deputy executive
 323 directors, and deputy assistant executive directors of all
 324 departments; the directors of all divisions and those positions
 325 determined by the department to have managerial responsibilities
 326 comparable to such positions, which positions include, but are
 327 not limited to, program directors, assistant program directors,
 328 district administrators, deputy district administrators, the
 329 Director of Central Operations Services of the Department of
 330 Children and Families ~~Family Services~~, the State Transportation
 331 Development Administrator, the State Public Transportation and
 332 Modal Administrator, district secretaries, district directors of
 333 transportation development, transportation operations,
 334 transportation support, and the managers of the offices of the
 335 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~
 336 ~~20.23(4)(b)~~, ~~of the Department of Transportation~~. Unless
 337 otherwise fixed by law, the department shall set the salary and
 338 benefits of these positions ~~in accordance with the rules of the~~
 339 ~~Senior Management Service~~; and the positions of county health
 340 department directors and county health department administrators
 341 of the Department of Health in accordance with the rules of the
 342 Senior Management Service.

343 (m) All assistant division director, deputy division
 344 director, and bureau chief positions in any department, and
 345 those positions determined by the department to have managerial
 346 responsibilities comparable to such positions, which include,
 347 but are not limited to:

348 1. Positions in the Department of Health and the Department

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349 of Children and Families which ~~Family Services that~~ are assigned
350 primary duties of serving as the superintendent or assistant
351 superintendent of an institution.

352 2. Positions in the Department of Corrections which ~~that~~
353 are assigned primary duties of serving as the warden, assistant
354 warden, colonel, or major of an institution or that are assigned
355 primary duties of serving as the circuit administrator or deputy
356 circuit administrator.

357 3. Positions in the Department of Transportation which ~~that~~
358 are assigned primary duties of serving as regional toll managers
359 and managers of offices, as specified ~~defined~~ in s. 20.23(3)(b)
360 and (4)(c) ~~s. 20.23(4)(b) and (5)(c)~~.

361 4. Positions in the Department of Environmental Protection
362 which ~~that~~ are assigned the duty of an Environmental
363 Administrator or program administrator.

364 5. Positions in the Department of Health which ~~that~~ are
365 assigned the duties of Environmental Administrator, Assistant
366 County Health Department Director, and County Health Department
367 Financial Administrator.

368 6. Positions in the Department of Highway Safety and Motor
369 Vehicles which ~~that~~ are assigned primary duties of serving as
370 captains in the Florida Highway Patrol.

371
372 Unless otherwise fixed by law, the department shall set the
373 salary and benefits of the positions listed in this paragraph in
374 accordance with the rules established for the Selected Exempt
375 Service.

376 (q) The staff directors, assistant staff directors,
377 district program managers, district program coordinators,

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378 district subdistrict administrators, district administrative
379 services directors, district attorneys, and the Deputy Director
380 of Central Operations Services of the Department of Children and
381 Families ~~Family Services~~. Unless otherwise fixed by law, the
382 department shall establish the salary pay band and benefits for
383 these positions in accordance with the rules of the Selected
384 Exempt Service.

385 Section 3. Section 316.0071, Florida Statutes, is created
386 to read:

387 316.0071 Enforcement.—Unless expressly authorized,
388 enforcement of this chapter by a method other than the direct
389 observation and intervention of a law enforcement officer, a
390 parking enforcement specialist, a traffic infraction enforcement
391 officer, or any other duly appointed individual is prohibited.

392 Section 4. Section 316.0078, Florida Statutes, is created
393 to read:

394 316.0778 Automated license plate recognition systems;
395 records retention.—

396 (1) As used in this section, the term “automated license
397 plate recognition system” means a system of one or more mobile
398 or fixed high-speed cameras combined with computer algorithms to
399 convert images of license plates into computer-readable data.

400 (2) In consultation with the Department of Law Enforcement,
401 the Department of State shall establish a retention schedule for
402 records containing images and data generated through the use of
403 an automated license plate recognition system. The retention
404 schedule must establish a maximum period that the records may be
405 retained.

406 Section 5. Section 316.0817, Florida Statutes, is created

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407 to read:

408 316.0817 Loading and unloading of bus passengers.-

409 (1) Notwithstanding any other law, a bus may not stop to
410 load or unload passengers in a manner that impedes, blocks, or
411 otherwise restricts the progression of traffic on the main-
412 traveled portion of a roadway if there is another reasonable
413 means for the bus to stop parallel to the travel lane and safely
414 load and unload passengers. As used in this section, the term
415 "reasonable means" means sufficient unobstructed pavement or a
416 designated turn lane that is sufficient in length to allow the
417 safe loading and unloading of passengers parallel to the travel
418 lane.

419 (2) This section does not apply to a school bus.

420 Section 6. Paragraph (d) is added to subsection (2) of
421 section 316.1975, Florida Statutes, to read:

422 316.1975 Unattended motor vehicle.-

423 (2) This section does not apply to the operator of:

424 (d) A vehicle that is started by remote control while the
425 ignition, transmission, and doors are locked.

426 Section 7. Paragraph (d) of subsection (2) of section
427 316.2952, Florida Statutes, is amended to read:

428 316.2952 Windshields; requirements; restrictions.-

429 (2) A person shall not operate any motor vehicle on any
430 public highway, road, or street with any sign, sunscreening
431 material, product, or covering attached to, or located in or
432 upon, the windshield, except the following:

433 (d) A global positioning system device or similar satellite
434 receiver device that ~~which~~ uses the global positioning system
435 operated pursuant to 10 U.S.C. s. 2281 to obtain ~~for the purpose~~

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436 ~~of obtaining~~ navigation, to improve driver safety as a component
437 of safety monitoring equipment capable of providing driver
438 feedback, or to otherwise route ~~routing~~ information while the
439 motor vehicle is being operated.

440 Section 8. Subsections (1) and (3) of section 316.86,
441 Florida Statutes, are amended to read:

442 316.86 Operation of vehicles equipped with autonomous
443 technology on roads for testing purposes; financial
444 responsibility; exemption from liability for manufacturer when
445 third party converts vehicle; report.-

446 (1) Vehicles equipped with autonomous technology may be
447 operated on roads in this state by employees, contractors, or
448 other persons designated by manufacturers of autonomous
449 technology, or by research organizations associated with
450 accredited educational institutions, for the purpose of testing
451 the technology. For testing purposes, a human operator must
452 retain ~~shall be present in the autonomous vehicle such that he~~
453 ~~or she has~~ the ability to monitor the vehicle's performance and
454 intervene, if necessary, unless the vehicle is being tested or
455 demonstrated on a closed course or any other autonomous vehicle
456 testing roadway as designated by the Department of
457 Transportation and applicable local or county government. Before
458 ~~Prior to~~ the start of testing in this state, the entity
459 performing the testing must submit to the Department of Highway
460 Safety and Motor Vehicles an instrument of insurance, surety
461 bond, or proof of self-insurance acceptable to the department in
462 the amount of \$5 million.

463 ~~(3) By February 12, 2014, the Department of Highway Safety~~
464 ~~and Motor Vehicles shall submit a report to the President of the~~

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465 ~~Senate and the Speaker of the House of Representatives~~
466 ~~recommending additional legislative or regulatory action that~~
467 ~~may be required for the safe testing and operation of motor~~
468 ~~vehicles equipped with autonomous technology.~~

469 Section 9. Subsection (17) of section 320.02, Florida
470 Statutes, is amended to read:

471 320.02 Registration required; application for registration;
472 forms.—

473 (17) If an ~~any~~ applicant's name appears on a list of
474 persons who may not be issued a license plate, revalidation
475 sticker, or replacement license plate after a written notice to
476 surrender a vehicle was submitted to the department by a lienor
477 as provided in s. 320.1316, the department shall ~~may~~ withhold
478 renewal of registration or replacement registration of the ~~any~~
479 motor vehicle identified in ~~owned by the applicant at the time~~
480 ~~the notice was~~ submitted by the lienor. The lienor must maintain
481 proof that written notice to surrender the vehicle was sent to
482 each registered owner pursuant to s. 320.1316(1). A revalidation
483 sticker or replacement license plate may not be issued for the
484 identified vehicle until the ~~that~~ person's name no longer
485 appears on the list, or until ~~or until~~ the person presents documentation
486 from the lienor that the vehicle has been surrendered to the
487 lienor, or a court orders the person's name removed from the
488 list as provided in s. 320.1316. The department may ~~shall~~ not
489 withhold an initial registration in connection with an
490 applicant's purchase or lease of a motor vehicle solely because
491 the applicant's name is on the list created by s. 320.1316.

492 Section 10. Subsection (1) of section 320.083, Florida
493 Statutes, is amended to read:

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494 320.083 Amateur radio operators; special license plates;
495 fees.—

496 (1) A person who is the owner or lessee of an automobile or
497 truck for private use, a truck weighing not more than 7,999
498 pounds, or a recreational vehicle as specified in s.

499 320.08(9)(c) or (d), which is not used for hire or commercial
500 use; who is a resident of the state; and who holds a valid
501 official amateur radio station license recognized ~~issued~~ by the
502 Federal Communications Commission shall be issued a special
503 license plate upon application, accompanied by proof of
504 ownership of such radio station license, and payment of the
505 following tax and fees:

506 (a) The license tax required for the vehicle, as prescribed
507 by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d),
508 (e), or (f), or (9); and

509 (b) An initial additional fee of \$5, and an additional fee
510 of \$1.50 thereafter.

511 Section 11. Section 320.1316, Florida Statutes, is amended
512 to read:

513 320.1316 Failure to surrender vehicle or vessel.—

514 (1) Upon receipt from a lienor who claims a lien on a
515 vehicle pursuant to s. 319.27 by the Department of Highway
516 Safety and Motor Vehicles of written notice to surrender a
517 vehicle or vessel that has been disposed of, concealed, removed,
518 or destroyed by the lienee, the department shall place the name
519 of the registered owner of that vehicle on the list of those
520 persons who may not be issued a license plate, revalidation
521 sticker, or replacement license plate ~~for any motor vehicle~~
522 ~~under s. 320.03(8) owned by the lienee at the time the notice~~

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523 ~~was given by the lienor. Pursuant to s. 320.03(8), the~~
524 department may not issue a license plate or revalidation sticker
525 for the vehicle or vessel owned by the lienee which is
526 identified in the claim by the lienor. If the vehicle is owned
527 jointly ~~by more than one person,~~ the name of each registered
528 owner shall be placed on the list.

529 (2) The notice to surrender the vehicle shall be signed
530 under oath by the lienor and submitted on forms developed by the
531 department, which must include:

532 (a) The name, address, and telephone number of the lienor.

533 (b) The name of the registered owner of the vehicle and the
534 address to which the lienor provided notice to surrender the
535 vehicle to the registered owner.

536 (c) A general description of the vehicle, including its
537 color, make, model, body style, and year.

538 (d) The vehicle identification number, registration license
539 plate number, if known, or other identification number, as
540 applicable.

541 (3) The registered owner of the vehicle may dispute a
542 notice to surrender the vehicle or his or her inclusion on the
543 list of those persons who may not be issued a license plate,
544 revalidation sticker, or replacement license plate under s.
545 320.03(8) by bringing a civil action in the county in which he
546 or she resides ~~by notifying the department of the dispute in~~
547 ~~writing on forms provided by the department and presenting proof~~
548 ~~that the vehicle was sold to a motor vehicle dealer licensed~~
549 ~~under s. 320.27, a mobile home dealer licensed under s. 320.77,~~
550 ~~or a recreational vehicle dealer licensed under s. 320.771.~~

551 (4) In an action brought pursuant to subsection (3), the

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552 petitioner is entitled to the summary procedure specified in s.
553 51.011, and the court shall advance the cause on its calendar if
554 requested by the petitioner.

555 (5) At a hearing challenging the refusal to issue a license
556 plate, revalidation sticker, or replacement license plate under
557 s. 320.03(8), the court shall first determine whether the lienor
558 has a recorded lien on the vehicle or vessel and whether the
559 lienor properly made a demand for the surrender of the vehicle
560 or vessel in accordance with this section. If the court
561 determines that the lien was recorded and that such a demand was
562 properly made, the court shall determine whether good cause
563 exists for the lienee's failure to surrender the vehicle or
564 vessel. As used in this section, the term "good cause" is
565 limited to proof that:

566 (a) The vehicle that was the subject of the demand for
567 surrender was traded in to a licensed motor vehicle dealer
568 before the date of the surrender demand;

569 (b) The lien giving rise to the inclusion on the list has
570 been paid in full or otherwise satisfied;

571 (c) There is ongoing litigation relating to the validity or
572 enforceability of the lien;

573 (d) The petitioner was in compliance with all of his or her
574 contractual obligations with the lienholder at the time of the
575 demand for surrender;

576 (e) The vehicle or vessel was reported to law enforcement
577 as stolen by the registered owner of the vehicle or vessel
578 before the demand for surrender; or

579 (f) The petitioner no longer has possession of the vehicle
580 or vessel, and the loss of possession occurred pursuant to

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581 operation of law. If the petitioner's loss of possession did not
582 occur pursuant to operation of law, the fact that a third party
583 has physical possession of the vehicle or vessel does not
584 constitute good cause for the failure to surrender the vehicle
585 or vessel.

586 (6) If the petitioner establishes good cause for his or her
587 failure to surrender the vehicle or vessel, the court shall
588 enter an order removing the petitioner's name from the list of
589 those persons who may not be issued a license plate,
590 revalidation sticker, or replacement license plate under s.
591 320.03(8) and shall award the petitioner reasonable attorney
592 fees and costs actually incurred for the proceeding.

593 (7) If the court finds that the demand for surrender was
594 properly made by the lienor and the petitioner fails to
595 establish good cause for the failure to surrender the vehicle or
596 vessel, the court shall award the lienor reasonable attorney
597 fees and costs actually incurred for the proceeding.

598 Section 12. Section 322.032, Florida Statutes, is created
599 to read:

600 322.032 Digital proof of driver license.—

601 (1) The department shall begin to review and prepare for
602 the development of a secure and uniform system for issuing an
603 optional digital proof of driver license. The department may
604 contract with one or more private entities to develop a digital
605 proof of driver license system.

606 (2) The digital proof of driver license developed by the
607 department or by an entity contracted by the department must be
608 in such a format as to allow law enforcement to verify the
609 authenticity of the digital proof of driver license. The

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610 department may promulgate rules to ensure valid authentication
611 of digital driver licenses by law enforcement.

612 (3) A person may not be issued a digital proof of driver
613 license until he or she has satisfied all the requirements of
614 this chapter and has received a physical driver license as
615 provided in this chapter.

616 (4) A person who:

617 (a) Manufactures a false digital proof of driver license
618 commits a felony of the third degree, punishable as provided in
619 s. 775.082, s. 775.083, or s. 775.084.

620 (b) Possesses a false digital proof of driver license
621 commits a misdemeanor of the second degree, punishable as
622 provided in s. 775.082.

623 Section 13. Section 322.059, Florida Statutes, is amended
624 to read:

625 322.059 Mandatory surrender of suspended driver ~~driver's~~
626 ~~license and registration.~~ Any ~~Any~~ person whose driver ~~driver's~~
627 ~~license or registration has been suspended as provided in s.~~
628 ~~322.058 must immediately return his or her~~ driver ~~driver's~~
629 ~~license and registration to the Department of Highway Safety and~~
630 ~~Motor Vehicles. The department shall invalidate the digital~~
631 proof of driver license issued pursuant to s. 322.032 for such
632 person. If such person fails to return his or her driver
633 ~~driver's~~ license or registration, a ~~any~~ law enforcement agent
634 may seize the license or registration while the driver ~~driver's~~
635 license or registration is suspended.

636 Section 14. Subsection (1) of section 322.12, Florida
637 Statutes, is amended to read:

638 322.12 Examination of applicants.-

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639 (1) It is the intent of the Legislature that each ~~every~~
640 applicant for an original driver ~~driver's~~ license in this state
641 be required to pass an examination pursuant to this section.
642 However, the department may waive the knowledge, endorsement,
643 and skills tests for an applicant who is otherwise qualified and
644 who surrenders a valid driver ~~driver's~~ license from another
645 state or a province of Canada, or a valid driver ~~driver's~~
646 license issued by the United States Armed Forces, if the driver
647 applies for a Florida license of an equal or lesser
648 classification. An ~~Any~~ applicant who:

649 (a) ~~Who~~ Fails to pass the initial knowledge test incurs a
650 \$10 fee for each subsequent test. Of the \$10 fee, \$6 shall be
651 retained by the tax collector if the knowledge test is conducted
652 by the tax collector, and the remaining \$4 shall, ~~to~~ be
653 deposited into the Highway Safety Operating Trust Fund. All
654 knowledge test fees incurred by an applicant taking the
655 knowledge test with a third-party provider or administered at a
656 state facility shall be deposited into the Highway Safety
657 Operating Trust Fund. Any applicant

658 (b) ~~Who~~ Fails to pass the initial skills test incurs a \$20
659 fee for each subsequent test. Of the \$20 fee, \$15 shall be
660 retained by the tax collector if the skills test is conducted by
661 the tax collector, and the remaining \$5 shall, ~~to~~ be deposited
662 into the Highway Safety Operating Trust Fund. All skills test
663 fees incurred by an applicant taking the skills test with a
664 third-party provider or administered at a state facility shall
665 be deposited into the Highway Safety Operating Trust Fund. A
666 person who

667 (c) Seeks to retain a hazardous-materials endorsement,

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668 pursuant to s. 322.57(1)(d), must pass the hazardous-materials
669 test, upon surrendering his or her commercial driver ~~driver's~~
670 license, if the person has not taken and passed the hazardous-
671 materials test within 2 years before applying for a commercial
672 driver ~~driver's~~ license in this state.

673 Section 15. Subsection (1) of section 322.15, Florida
674 Statutes, is amended to read:

675 322.15 License to be carried and exhibited on demand;
676 fingerprint to be imprinted upon a citation.-

677 (1) Every licensee shall have his or her driver ~~driver's~~
678 license, which must be fully legible with no portion of such
679 license faded, altered, mutilated, or defaced, in his or her
680 immediate possession at all times when operating a motor vehicle
681 and shall display the same upon the demand of a law enforcement
682 officer or an authorized representative of the department. A
683 licensee may display digital proof of driver license as provided
684 in s. 322.032 in lieu of a physical driver license.

685 Section 16. Paragraphs (e) and (f) of subsection (1) of
686 section 322.21, Florida Statutes, are amended to read:

687 322.21 License fees; procedure for handling and collecting
688 fees.-

689 (1) Except as otherwise provided herein, the fee for:

690 (e) A replacement driver license issued pursuant to s.
691 322.17 is \$25. Of this amount, \$7 shall be deposited into the
692 Highway Safety Operating Trust Fund or retained by the tax
693 collector if issued by a tax collector that has completed the
694 transition of driver licensing services, and \$18 shall be
695 deposited into the General Revenue Fund. ~~Beginning July 1, 2015,~~
696 ~~or upon completion of the transition of driver license issuance~~

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697 ~~services, if the replacement driver license is issued by the tax~~
698 ~~collector, the tax collector shall retain the \$7 that would~~
699 ~~otherwise be deposited into the Highway Safety Operating Trust~~
700 ~~Fund and the remaining revenues shall be deposited into the~~
701 ~~General Revenue Fund.~~

702 (f) An original, renewal, or replacement identification
703 card issued pursuant to s. 322.051 is \$25, except that an
704 applicant who presents evidence satisfactory to the department
705 that he or she is homeless as defined in s. 414.0252(7) or his
706 or her annual income is at or below 100 percent of the federal
707 poverty level is exempt from such fee. Funds collected from
708 ~~these fees~~ for original, renewal, or replacement identification
709 cards shall be distributed as follows:

710 1. For an original identification card issued pursuant to
711 s. 322.051, ~~the fee is \$25. This amount~~ shall be deposited into
712 the General Revenue Fund.

713 2. For a renewal identification card issued pursuant to s.
714 322.051 ~~the fee is \$25. Of this amount,~~ \$6 shall be deposited
715 into the Highway Safety Operating Trust Fund, and \$19 shall be
716 deposited into the General Revenue Fund.

717 3. For a replacement identification card issued pursuant to
718 s. 322.051, the fee is \$25. Of this amount, \$9 shall be
719 deposited into the Highway Safety Operating Trust Fund or
720 retained by the tax collector if issued by a tax collector that
721 has completed the transition of driver licensing services, and
722 \$16 shall be deposited into the General Revenue Fund. ~~Beginning~~
723 ~~July 1, 2015, or upon completion of the transition of the driver~~
724 ~~license issuance services, if the replacement identification~~
725 ~~card is issued by the tax collector, the tax collector shall~~

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726 ~~retain the \$9 that would otherwise be deposited into the Highway~~
727 ~~Safety Operating Trust Fund and the remaining revenues shall be~~
728 ~~deposited into the General Revenue Fund.~~

729 Section 17. Section 337.25, Florida Statutes, is amended to
730 read:

731 337.25 Acquisition, lease, and disposal of real and
732 personal property.-

733 (1) (a) The department may purchase, lease, exchange, or
734 otherwise acquire any land, property interests, ~~or~~ buildings, or
735 other improvements, including personal property within such
736 buildings or on such lands, necessary to secure or use ~~utilize~~
737 transportation rights-of-way for existing, proposed, or
738 anticipated transportation facilities on the State Highway
739 System, on the State Park Road System, in a rail corridor, or in
740 a transportation corridor designated by the department. Such
741 property shall be held in the name of the state.

742 (b) The department may accept donations of any land, ~~or~~
743 buildings, or other improvements, including personal property
744 within such buildings or on such lands with or without such
745 conditions, reservations, or reverter provisions as are
746 acceptable to the department. Such donations may be used as
747 transportation rights-of-way or to secure or use ~~utilize~~
748 transportation rights-of-way for existing, proposed, or
749 anticipated transportation facilities on the State Highway
750 System, on the State Park Road System, or in a transportation
751 corridor designated by the department.

752 (c) If ~~When~~ lands, buildings, or other improvements are
753 needed for transportation purposes, but are held by a federal,
754 state, or local governmental entity and used ~~utilized~~ for public

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755 purposes other than transportation, the department may
756 compensate the entity for such properties by providing
757 functionally equivalent replacement facilities. The provision
758 ~~providing~~ of replacement facilities under this subsection may
759 only be undertaken with the agreement of the governmental entity
760 affected.

761 (d) The department may contract pursuant to s. 287.055 for
762 auction services used in the conveyance of real or personal
763 property or the conveyance of leasehold interests under
764 subsections (4) and (5). The contract may allow for the
765 contractor to retain a portion of the proceeds as compensation
766 for the contractor's services.

767 (2) A complete inventory shall be made of all real or
768 personal property immediately upon possession or acquisition.
769 Such inventory must ~~shall~~ include ~~an itemized listing of all~~
770 ~~appliances, fixtures, and other severable items;~~ a statement of
771 the location or site of each piece of realty, structure, or
772 severable item; ~~and the serial number assigned to each.~~ Copies
773 of each inventory shall be filed in the district office in which
774 the property is located. Such inventory shall be carried forward
775 to show the final disposition of each item of property, both
776 real and personal.

777 (3) The inventory of real property that ~~which~~ was acquired
778 by the state after December 31, 1988, that ~~which~~ has been owned
779 by the state for 10 or more years, and that ~~which~~ is not within
780 a transportation corridor or within the right-of-way of a
781 transportation facility shall be evaluated to determine the
782 necessity for retaining the property. If the property is not
783 needed for the construction, operation, and maintenance of a

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784 transportation facility~~7~~, or is not located within a
785 transportation corridor, the department may dispose of the
786 property pursuant to subsection (4).

787 (4) The department may convey ~~sell~~, in the name of the
788 state, any land, building, or other property, real or personal,
789 which was acquired under ~~the provisions of~~ subsection (1) and
790 which the department has determined is not needed for the
791 construction, operation, and maintenance of a transportation
792 facility. ~~With the exception of any parcel governed by paragraph~~
793 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
794 ~~(i), the department shall afford first right of refusal to the~~
795 ~~local government in the jurisdiction of which the parcel is~~
796 ~~situated.~~ When such a determination has been made, property may
797 be disposed of through negotiations, sealed competitive bids,
798 auctions, or any other means the department deems to be in its
799 best interest, with due advertisement for property valued by the
800 department at greater than \$10,000. A sale may not occur at a
801 price less than the department's current estimate of value,
802 except as provided in paragraphs (a)-(d). The department may
803 afford a right of first refusal to the local government or other
804 political subdivision in the jurisdiction in which the parcel is
805 situated, except in a conveyance transacted under paragraph (a),
806 paragraph (c), or paragraph (e). ~~in the following manner:~~

807 (a) If the ~~value of the property~~ has been donated to the
808 state for transportation purposes and a transportation facility
809 has not been constructed for at least 5 years, plans have not
810 been prepared for the construction of such facility, and the
811 property is not located in a transportation corridor, the
812 governmental entity may authorize reconveyance of the donated

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813 property for no consideration to the original donor or the
814 donor's heirs, successors, assigns, or representatives ~~is~~
815 ~~\$10,000 or less as determined by department estimate, the~~
816 ~~department may negotiate the sale.~~

817 (b) If the value of the property is to be used for a public
818 purpose, the property may be conveyed without consideration to a
819 governmental entity exceeds \$10,000 as determined by department
820 estimate, such property may be sold to the highest bidder
821 through receipt of sealed competitive bids, after due
822 advertisement, or by public auction held at the site of the
823 improvement which is being sold.

824 (c) If the property was originally acquired specifically to
825 provide replacement housing for persons displaced by
826 transportation projects, the department may negotiate for the
827 sale of such property as replacement housing. As compensation,
828 the state shall receive at least its investment in such property
829 or the department's current estimate of value, whichever is
830 lower. It is expressly intended that this benefit be extended
831 only to persons actually displaced by the project. Dispositions
832 to any other person must be for at least the department's
833 current estimate of value, in the discretion of the department,
834 ~~public sale would be inequitable, properties may be sold by~~
835 ~~negotiation to the owner holding title to the property abutting~~
836 ~~the property to be sold, provided such sale is at a negotiated~~
837 ~~price not less than fair market value as determined by an~~
838 ~~independent appraisal, the cost of which shall be paid by the~~
839 ~~owner of the abutting land. If negotiations do not result in the~~
840 ~~sale of the property to the owner of the abutting land and the~~
841 ~~property is sold to someone else, the cost of the independent~~

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842 ~~appraisal shall be borne by the purchaser; and the owner of the~~
843 ~~abutting land shall have the cost of the appraisal refunded to~~
844 ~~him or her. If, however, no purchase takes place, the owner of~~
845 ~~the abutting land shall forfeit the sum paid by him or her for~~
846 ~~the independent appraisal. If, due to action of the department,~~
847 ~~the property is removed from eligibility for sale, the cost of~~
848 ~~any appraisal prepared shall be refunded to the owner of the~~
849 ~~abutting land.~~

850 (d) If the department determines that the property requires
851 significant costs to be incurred or that continued ownership of
852 the property exposes the department to significant liability
853 risks, the department may use the projected maintenance costs
854 over the next 10 years to offset the property's value in
855 establishing a value for disposal of the property, even if that
856 value is zero ~~property acquired for use as a borrow pit is no~~
857 ~~longer needed, the department may sell such property to the~~
858 ~~owner of the parcel of abutting land from which the borrow pit~~
859 ~~was originally acquired, provided the sale is at a negotiated~~
860 ~~price not less than fair market value as determined by an~~
861 ~~independent appraisal, the cost of which shall be paid by the~~
862 ~~owner of such abutting land.~~

863 (e) If, at the discretion of the department, a sale to a
864 person other than an abutting property owner would be
865 inequitable, the property may be sold to the abutting owner for
866 the department's current estimate of value ~~the department begins~~
867 ~~the process for disposing of the property on its own initiative,~~
868 ~~either by negotiation under the provisions of paragraph (a),~~
869 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
870 ~~sealed competitive bids or public auction under the provisions~~

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871 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
872 ~~may determine the fair market value of the property by an~~
873 ~~appraisal.~~

874 ~~(f) Any property which was acquired by a county or by the~~
875 ~~department using constitutional gas tax funds for the purpose of~~
876 ~~a right-of-way or borrow pit for a road on the State Highway~~
877 ~~System, State Park Road System, or county road system and which~~
878 ~~is no longer used or needed by the department may be conveyed~~
879 ~~without consideration to that county. The county may then sell~~
880 ~~such surplus property upon receipt of competitive bids in the~~
881 ~~same manner prescribed in this section.~~

882 ~~(g) If a property has been donated to the state for~~
883 ~~transportation purposes and the facility has not been~~
884 ~~constructed for a period of at least 5 years and no plans have~~
885 ~~been prepared for the construction of such facility and the~~
886 ~~property is not located in a transportation corridor, the~~
887 ~~governmental entity may authorize reconveyance of the donated~~
888 ~~property for no consideration to the original donor or the~~
889 ~~donor's heirs, successors, assigns, or representatives.~~

890 ~~(h) If property is to be used for a public purpose, the~~
891 ~~property may be conveyed without consideration to a governmental~~
892 ~~entity.~~

893 ~~(i) If property was originally acquired specifically to~~
894 ~~provide replacement housing for persons displaced by~~
895 ~~transportation projects, the department may negotiate for the~~
896 ~~sale of such property as replacement housing. As compensation,~~
897 ~~the state shall receive no less than its investment in such~~
898 ~~properties or fair market value, whichever is lower. It is~~
899 ~~expressly intended that this benefit be extended only to those~~

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900 ~~persons actually displaced by such project. Dispositions to any~~
901 ~~other persons must be for fair market value.~~

902 ~~(j) If the department determines that the property will~~
903 ~~require significant costs to be incurred or that continued~~
904 ~~ownership of the property exposes the department to significant~~
905 ~~liability risks, the department may use the projected~~
906 ~~maintenance costs over the next 5 years to offset the market~~
907 ~~value in establishing a value for disposal of the property, even~~
908 ~~if that value is zero.~~

909 (5) The department may convey a leasehold interest for
910 commercial or other purposes, in the name of the state, to any
911 land, building, or other property, real or personal, which was
912 acquired under ~~the provisions of subsection (1).~~ However, a
913 lease may not be entered into at a price less than the
914 department's current estimate of value. The department's
915 estimate of value shall be prepared in accordance with
916 department procedures, guidelines, and rules for valuation of
917 real property, the cost of which shall be paid by the party
918 seeking the lease of the property.

919 (a) A lease may be through negotiations, sealed competitive
920 bids, auctions, or any other means the department deems to be in
921 its best interest ~~The department may negotiate such a lease at~~
922 ~~the prevailing market value with the owner from whom the~~
923 ~~property was acquired; with the holders of leasehold estates~~
924 ~~existing at the time of the department's acquisition; or, if~~
925 ~~public bidding would be inequitable, with the owner holding~~
926 ~~title to privately owned abutting property, if reasonable notice~~
927 ~~is provided to all other owners of abutting property. The~~
928 department may allow an outdoor advertising sign to remain on

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929 the property acquired, or be relocated on department property,
930 and such sign is ~~shall not be considered~~ a nonconforming sign
931 pursuant to chapter 479.

932 (b) If, at the discretion of the department, a lease to a
933 person other than an abutting property owner or tenant with a
934 leasehold interest in the abutting property would be
935 inequitable, the property may be leased to the abutting owner or
936 tenant for at least the department's current estimate of value
937 ~~All other leases shall be by competitive bid.~~

938 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
939 ~~paragraph (b) shall be for a period of more than 5 years;~~
940 however, the department may renegotiate or extend such a lease
941 for an additional ~~term of 5 years~~ as the department deems
942 appropriate ~~without rebidding.~~

943 (d) Each lease shall provide that, unless otherwise
944 directed by the lessor, any improvements made to the property
945 during ~~the term of the lease~~ shall be removed at the lessee's
946 expense.

947 (e) If property is to be used for a public purpose,
948 ~~including a fair, art show, or other educational, cultural, or~~
949 ~~fundraising activity,~~ the property may be leased without
950 consideration to a governmental entity ~~or school board.~~ A lease
951 for a public purpose is exempt from the term limits in paragraph
952 (c).

953 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
954 entered into pursuant to s. 260.0161(3), except as provided in
955 such a lease.

956 (g) A ~~No~~ lease executed under this subsection may not be
957 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing

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958 required under ~~by~~ s. 73.071(3)(b) if the business had not been
959 established for the specified number of 4 years on the date
960 title passed to the department.

961 (h) The department may enter into a long-term lease without
962 compensation with a public port listed in s. 403.021(9)(b) for
963 rail corridors used for the operation of a short-line railroad
964 to the port.

965 (6) ~~Nothing in This chapter~~ does not prevent ~~prevents~~ the
966 joint use of right-of-way for alternative modes of
967 transportation if; ~~provided that~~ the joint use does not impair
968 the integrity and safety of the transportation facility.

969 (7) The department shall prepare the estimate of value
970 provided under subsection (4) in accordance with department
971 procedures, guidelines, and rules for valuation of real
972 property. If the value of the property is greater than \$50,000,
973 as determined by the department estimate, the sale must be at a
974 negotiated price of at least the estimate of value as determined
975 by an appraisal prepared in accordance with department
976 procedures, guidelines, and rules for valuation of real
977 property, the cost of which shall be paid by the party seeking
978 the purchase of the property. If the estimated value is \$50,000
979 or less, the department may use a department staff appraiser or
980 obtain an independent appraisal ~~required by paragraphs (4)(c)~~
981 ~~and (d) shall be prepared in accordance with department~~
982 ~~guidelines and rules by an independent appraiser who has been~~
983 ~~certified by the department. If federal funds were used in the~~
984 ~~acquisition of the property, the appraisal shall also be subject~~
985 ~~to the approval of the Federal Highway Administration.~~

986 (8) As used in this section, the term A "due advertisement"

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987 ~~means under this section is~~ an advertisement in a newspaper of
988 general circulation in the area of the improvements of at least
989 ~~not less than~~ 14 calendar days before ~~prior to~~ the date of the
990 receipt of bids or the date on which a public auction is to be
991 held.

992 (9) The department, with the approval of the Chief
993 Financial Officer, may ~~is authorized to~~ disburse state funds for
994 real estate closings in a manner consistent with good business
995 practices and in a manner minimizing costs and risks to the
996 state.

997 (10) The department may ~~is authorized to~~ purchase title
998 insurance if in those instances where it determines is
999 ~~determined~~ that such insurance is necessary to protect the
1000 public's investment in property being acquired for
1001 transportation purposes. The department shall adopt procedures
1002 to be followed in making the determination to purchase title
1003 insurance for a particular parcel or group of parcels which, at
1004 a minimum, shall specify ~~set forth~~ criteria that ~~which~~
1005 parcels must meet.

1006 (11) This section does not modify the requirements of s.
1007 73.013.

1008 Section 18. Subsection (2) of section 337.251, Florida
1009 Statutes, is amended, present subsections (3) through (10) of
1010 that section are redesignated as subsections (4) through (11),
1011 respectively, and a new subsection (3) is added to that section,
1012 to read:

1013 337.251 Lease of property for joint public-private
1014 development and areas above or below department property.-

1015 (2) The department may request proposals for the lease of

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1016 such property or, if the department receives a proposal for ~~to~~
1017 negotiate a lease of a particular department property which it
1018 desires to consider, the department ~~it~~ shall publish a notice in
1019 a newspaper of general circulation at least once a week for 2
1020 weeks, ~~stating that it has received the proposal and will~~
1021 ~~accept, for 60 days after the date of publication, other~~
1022 proposals for lease of such property for 120 days after the date
1023 of publication use of the space. A copy of the notice must be
1024 mailed to each local government in the affected area. The
1025 department shall establish by rule an application fee for the
1026 submission of proposals pursuant to this section. The fee must
1027 be sufficient to pay the anticipated costs of evaluating the
1028 proposals. The department may engage the services of private
1029 consultants to assist in the evaluations. Before approval, the
1030 department shall determine that the proposed lease:

1031 (a) Is in the public's best interest;

1032 (b) Does not require that state funds be used; and

1033 (c) Has adequate safeguards in place to ensure that
1034 additional costs are not borne and service disruptions are not
1035 experienced by the traveling public and residents of the state
1036 in the event of default by the private lessee or upon
1037 termination or expiration of the lease.

1038 (3) The department shall provide an independent analysis of
1039 a proposed lease which demonstrates the cost-effectiveness and
1040 overall public benefit at the following times:

1041 (a) Before moving forward with the procurement; and

1042 (b) Before awarding the contract if the procurement moves
1043 forward.

1044 Section 19. Paragraphs (a) and (b) of subsection (3),

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1045 paragraph (a) of subsection (4), and paragraph (c) of subsection
1046 (11) of section 339.175, Florida Statutes, are amended to read:

1047 339.175 Metropolitan planning organization.—

1048 (3) VOTING MEMBERSHIP.—

1049 (a) The voting membership of an M.P.O. shall consist of at
1050 least ~~not fewer than~~ 5 but not ~~or~~ more than 25 ~~19~~ apportioned
1051 members, with the exact number ~~to be~~ determined on an equitable
1052 geographic-population ratio basis ~~by the Governor~~, based on an
1053 agreement among the affected units of general-purpose local
1054 government and the Governor, as required by federal ~~rules and~~
1055 regulations. ~~The Governor~~, In accordance with 23 U.S.C. s. 134,
1056 the Governor may also allow ~~provide for~~ M.P.O. members who
1057 represent municipalities to alternate with representatives from
1058 other municipalities within the metropolitan planning area which
1059 ~~that~~ do not have members on the M.P.O. With the exception of
1060 instances in which all of the county commissioners in a single-
1061 county M.P.O. are members of the M.P.O. governing board, county
1062 commissioners ~~commission members~~ shall compose at least ~~not less~~
1063 ~~than~~ one-third of the M.P.O. governing board membership. A
1064 multicounty M.P.O. may satisfy this requirement by any
1065 combination of county commissioners from each of the counties
1066 constituting the M.P.O., ~~except for an M.P.O. with more than 15~~
1067 ~~members located in a county with a 5-member county commission or~~
1068 ~~an M.P.O. with 19 members located in a county with no more than~~
1069 ~~6 county commissioners, in which case county commission members~~
1070 ~~may compose less than one-third percent of the M.P.O.~~
1071 ~~membership, but all county commissioners must be members. All~~
1072 Voting members shall be elected officials of general-purpose
1073 local governments, one of whom may represent a group of general-

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1074 purpose local governments through an entity created by an M.P.O.
1075 for that purpose. ~~except that~~ An M.P.O. may include, as part of
1076 its apportioned voting members, a member of a statutorily
1077 authorized planning board, an official of an agency that
1078 operates or administers a major mode of transportation, or an
1079 official of Space Florida. As used in this section, the term
1080 "elected officials of a general-purpose local government"
1081 ~~excludes shall exclude~~ constitutional officers, including
1082 sheriffs, tax collectors, supervisors of elections, property
1083 appraisers, clerks of the court, and similar types of officials.
1084 County commissioners shall compose not less than 20 percent of
1085 the M.P.O. membership if an official of an agency that operates
1086 or administers a major mode of transportation has been appointed
1087 to an M.P.O.

1088 (b) In metropolitan areas in which authorities or other
1089 agencies have been or may be created by law to perform
1090 transportation functions and are or will be performing
1091 transportation functions that are not under the jurisdiction of
1092 a general-purpose local government represented on the M.P.O.,
1093 such authorities or other agencies may ~~they shall~~ be provided
1094 voting membership on the M.P.O. In all other M.P.O.s in which
1095 ~~M.P.O.'s where~~ transportation authorities or agencies are to be
1096 represented by elected officials from general-purpose local
1097 governments, the M.P.O. shall establish a process by which the
1098 collective interests of such authorities or other agencies are
1099 expressed and conveyed.

1100 (4) APPORTIONMENT.—

1101 (a) Each M.P.O. shall review the composition of its
1102 membership in conjunction with the decennial census, as prepared

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1103 by the United States Department of Commerce, Bureau of the
1104 Census, and with the agreement of the Governor and the affected
1105 general-purpose local government units that constitute the
1106 existing M.P.O., reapportion the membership as necessary to
1107 comply with subsection (3) ~~The Governor shall, with the~~
1108 ~~agreement of the affected units of general-purpose local~~
1109 ~~government as required by federal rules and regulations,~~
1110 ~~apportion the membership on the applicable M.P.O. among the~~
1111 ~~various governmental entities within the area. At the request of~~
1112 ~~a majority of the affected units of general-purpose local~~
1113 ~~government comprising an M.P.O., the Governor and a majority of~~
1114 ~~units of general-purpose local government serving on an M.P.O.~~
1115 ~~shall cooperatively agree upon and prescribe who may serve as an~~
1116 ~~alternate member and a method for appointing alternate members,~~
1117 ~~who may vote at any M.P.O. meeting that he or she ~~an alternate~~~~
1118 ~~member attends in place of a regular member. The method must~~
1119 ~~shall be set forth as a part of the interlocal agreement~~
1120 ~~describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~~~
1121 ~~operating procedures and bylaws of the M.P.O. The governmental~~
1122 ~~entity so designated shall appoint the appropriate number of~~
1123 ~~members to the M.P.O. from eligible officials. Representatives~~
1124 ~~of the department shall serve as nonvoting advisers to the~~
1125 ~~M.P.O. governing board. Additional nonvoting advisers may be~~
1126 ~~appointed by the M.P.O. as deemed necessary; however, to the~~
1127 ~~maximum extent feasible, each M.P.O. shall seek to appoint~~
1128 ~~nonvoting representatives of various multimodal forms of~~
1129 ~~transportation not otherwise represented by voting members of~~
1130 ~~the M.P.O. An M.P.O. shall appoint nonvoting advisers~~
1131 ~~representing major military installations located within the~~

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1132 jurisdictional boundaries of the M.P.O. upon the request of the
 1133 aforesaid major military installations and subject to the
 1134 agreement of the M.P.O. All nonvoting advisers may attend and
 1135 participate fully in governing board meetings but may not vote
 1136 or be members of the governing board. ~~The Governor shall review~~
 1137 ~~the composition of the M.P.O. membership in conjunction with the~~
 1138 ~~decennial census as prepared by the United States Department of~~
 1139 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
 1140 ~~to comply with subsection (3).~~

1141 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

1142 (c) The powers and duties of the Metropolitan Planning
 1143 Organization Advisory Council are to:

- 1144 1. Enter into contracts with individuals, private
 1145 corporations, and public agencies.
- 1146 2. Acquire, own, operate, maintain, sell, or lease personal
 1147 property essential for the conduct of business.
- 1148 3. Accept funds, grants, assistance, gifts, or bequests
 1149 from private, local, state, or federal sources.
- 1150 4. Establish bylaws by action of its governing board
 1151 providing procedural rules to guide its proceedings and
 1152 consideration of matters before the council, or, alternatively,
 1153 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1154 implement provisions of law conferring powers or duties upon it.
- 1155 5. Assist M.P.O.s ~~M.P.O.'s~~ in carrying out the urbanized
 1156 area transportation planning process by serving as the principal
 1157 forum for collective policy discussion pursuant to law.
- 1158 6. Serve as a clearinghouse for review and comment by
 1159 M.P.O.s ~~M.P.O.'s~~ on the Florida Transportation Plan and on other
 1160 issues required to comply with federal or state law in carrying

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1161 out the urbanized area transportation and systematic planning
1162 processes instituted pursuant to s. 339.155.

1163 7. Employ an executive director and such other staff as
1164 necessary to perform adequately the functions of the council,
1165 within budgetary limitations. The executive director and staff
1166 are exempt from part II of chapter 110 and serve at the
1167 direction and control of the council. The council is assigned to
1168 the Office of the Secretary of the Department of Transportation
1169 for fiscal and accountability purposes, but it shall otherwise
1170 function independently of the control and direction of the
1171 department.

1172 8. Adopt an agency strategic plan that prioritizes steps
1173 ~~provides the priority directions~~ the agency will take to carry
1174 out its mission within the context of the state comprehensive
1175 plan and any other statutory mandates and directives ~~directions~~
1176 ~~given to the agency~~.

1177 Section 20. Paragraph (a) of subsection (1) and subsections
1178 (4) and (5) of section 339.2821, Florida Statutes, are amended
1179 to read:

1180 339.2821 Economic development transportation projects.—

1181 (1) (a) The department, in consultation with the Department
1182 of Economic Opportunity and Enterprise Florida, Inc., may make
1183 and approve expenditures and contract with the appropriate
1184 governmental body for the direct costs of transportation
1185 projects. The Department of Economic Opportunity and the
1186 Department of Environmental Protection may formally review and
1187 comment on recommended transportation projects, although the
1188 department has final approval authority for any project
1189 authorized under this section.

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1190 (4) A contract between the department and a governmental
1191 body for a transportation project must:

1192 (a) Specify that the transportation project is for the
1193 construction of a new or expanding business and specify the
1194 number of full-time permanent jobs that will result from the
1195 project.

1196 (b) Identify the governmental body and require that the
1197 governmental body award the construction of the particular
1198 transportation project to the lowest and best bidder in
1199 accordance with applicable state and federal statutes or rules
1200 unless the transportation project can be constructed using
1201 existing local governmental employees within the contract period
1202 specified by the department.

1203 (c) Require that the governmental body provide the
1204 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1205 progress report must contain:

1206 1. A narrative description of the work completed and
1207 whether the work is proceeding according to the transportation
1208 project schedule;

1209 2. A description of each change order executed by the
1210 governmental body;

1211 3. A budget summary detailing planned expenditures compared
1212 to actual expenditures; and

1213 4. The identity of each small or minority business used as
1214 a contractor or subcontractor.

1215 (d) Require that the governmental body make and maintain
1216 records in accordance with accepted governmental accounting
1217 principles and practices for each progress payment made for work
1218 performed in connection with the transportation project, each

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1219 change order executed by the governmental body, and each payment
1220 made pursuant to a change order. The records are subject to
1221 financial audit as required by law.

1222 (e) Require that the governmental body, upon completion and
1223 acceptance of the transportation project, certify to the
1224 department that the transportation project has been completed in
1225 compliance with the terms and conditions of the contract between
1226 the department and the governmental body and meets the minimum
1227 construction standards established in accordance with s.
1228 336.045.

1229 (f) Specify that ~~the department transfer funds~~ will not be
1230 transferred to the governmental body unless construction has
1231 begun on the facility of the not more often than quarterly, upon
1232 receipt of a request for funds from the governmental body and
1233 consistent with the needs of the transportation project. The
1234 governmental body shall expend funds received from the
1235 department in a timely manner. The department may not transfer
1236 funds unless construction has begun on the facility of a
1237 business on whose behalf the award was made. The grant award
1238 shall be terminated if construction of the transportation
1239 project does not begin within 4 years after the date of the
1240 initial grant award ~~A contract totaling less than \$200,000 is~~
1241 ~~exempt from the transfer requirement.~~

1242 (g) Require that funds be used only on a transportation
1243 project that has been properly reviewed and approved in
1244 accordance with the criteria provided ~~set forth~~ in this section.

1245 (h) Require that the governing board of the governmental
1246 body adopt a resolution accepting future maintenance and other
1247 attendant costs occurring after completion of the transportation

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1248 project if the transportation project is constructed on a county
1249 or municipal system.

1250 (5) For purposes of this section, Space Florida may serve
1251 as the governmental body or as the contracting agency for a
1252 ~~transportation~~ project within a spaceport territory as defined
1253 by s. 331.304.

1254 Section 21. Subsection (5) of section 526.141, Florida
1255 Statutes, is amended to read:

1256 526.141 Self-service gasoline stations; attendants;
1257 regulations.-

1258 (5) (a) Every full-service gasoline station offering self-
1259 service at a lesser cost shall require an attendant employed by
1260 the station to dispense gasoline from the self-service portion
1261 of the station to any motor vehicle properly displaying an
1262 exemption parking permit as provided in s. 316.1958 or s.
1263 320.0848 or a license plate issued pursuant to s. 320.084, s.
1264 320.0842, s. 320.0843, or s. 320.0845 when the person to whom
1265 such permit has been issued is the operator of the vehicle and
1266 such service is requested. Such stations shall prominently
1267 display a decal no larger than 8 square inches on the front of
1268 all self-service pumps clearly stating the requirements of this
1269 subsection and the penalties applicable to violations of this
1270 subsection. The Department of Agriculture and Consumer Services
1271 shall enforce this requirement.

1272 (b) By July 1, 2016, a full-service gasoline station
1273 offering self-service at a lesser cost shall prominently
1274 display, in addition to the decal required under paragraph (a),
1275 a decal that is blue, is at least 15 square inches in size, and
1276 clearly displays the international symbol of accessibility shown

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1277 in s. 320.0842, the telephone number of the station, and the
1278 words "Call for Assistance." The Department of Agriculture and
1279 Consumer Services shall adopt rules to implement and enforce
1280 this paragraph. This paragraph preempts and supersedes local
1281 government laws and regulations pertaining to the provision of
1282 fueling assistance by a self-service gasoline station to a motor
1283 vehicle operator described in paragraph (a).

1284 (c) ~~(b)~~ Violation of paragraph (a) is a misdemeanor of the
1285 second degree, punishable as provided in s. 775.082 or s.
1286 775.083.

1287 Section 22. Section 2 of chapter 85-364, Laws of Florida,
1288 as amended by section 2 of chapter 95-382, Laws of Florida, is
1289 amended to read:

1290 Section 2. All tolls collected shall ~~first~~ be used first
1291 for the payment of annual operating and maintenance costs and
1292 second to discharge the current bond indebtedness related to the
1293 Pinellas Bayway. Thereafter, tolls collected shall be used to
1294 establish a reserve construction account to be used, together
1295 with interest earned thereon, by the department ~~for the~~
1296 ~~construction of Blind Pass Road, State Road 699 improvements,~~
1297 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
1298 ~~of the tolls collected shall first be used specifically for the~~
1299 ~~construction of the Blind Pass Road improvements, which~~
1300 ~~improvements consist of widening to four lanes the Blind Pass~~
1301 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
1302 ~~the Blind Pass Bridge, including necessary right-of-way~~
1303 ~~acquisition along said portion of Blind Pass Road, and~~
1304 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
1305 ~~Pinellas County. Said improvements shall be included in the~~

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1306 ~~department's current 5-year work program. Upon completion of the~~
1307 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
1308 ~~together with interest earned thereon, by the department for~~
1309 Phase II of the Pinellas Bayway improvements consists, ~~which~~
1310 ~~improvements consist~~ of widening to four lanes the Pinellas
1311 Bayway from State Road 679 west to Gulf Boulevard, including
1312 necessary approaches, bridges, and avenues of access. Upon
1313 completion of the Phase II improvements, the department shall
1314 continue to collect tolls on the Pinellas Bayway for purposes of
1315 reimbursing the department for all accrued maintenance costs for
1316 the Pinellas Bayway.

1317 Section 23. The Department of Highway Safety and Motor
1318 Vehicles is directed to develop a plan of action that addresses
1319 motor vehicle registration holds placed pursuant to ss.
1320 316.1001, 316.1967, and 318.15, Florida Statutes, for
1321 presentation to the Legislature by February 1, 2015. The plan
1322 must, at a minimum, include a methodology for applicants whose
1323 names have been placed on the list of persons who may not be
1324 issued a license plate or revalidation sticker under s.
1325 320.03(8), Florida Statutes, to rectify the cause of the hold
1326 through the payment of any outstanding toll, parking ticket,
1327 fine, and any other fee at the point of collection of the
1328 registration fee.

1329 Section 24. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1558

INTRODUCER: Senator Abruzzo

SUBJECT: Parking Permits for Persons with Mobility Impairment

DATE: April 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Carey</u>	<u>Martin</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1558 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to design and issue a disabled parking sticker (decal) displaying the international symbol of accessibility to affix to the upper left corner of a registration license plate, including special or specialty license plates, issued under ch. 320, F.S. The sticker may be issued in lieu of the disabled parking permit (placard) to persons with long-term mobility impairment and shall have equal privileges.

The bill will have an insignificant fiscal impact to the DHSMV which can be absorbed within existing resources.

II. Present Situation:

Disabled parking permits and license plates; general requirements

In order to be issued a disabled parking permit or license plate a person must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The ability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various

chapters of Florida Statutes. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition; and
- Justification for any additional parking permit issued.

Disabled parking license plate

Section 320.0843, F.S., provides that any owner or lessee of a motor vehicle residing in the state and qualifying for a disabled parking permit, under s. 320.0848(2), F.S., upon application and payment of the license tax for the motor vehicle shall be issued a license plate with the international wheelchair user symbol after the serial number of the plate.

Section 320.084, F.S., authorizes the DHSMV to issue one free motor vehicle license plate to be used on any motor vehicle owned or leased by a disabled veteran who has been a Florida resident continuously for five preceding years, or has established domicile in this state, and has been honorably discharged from the U.S. Armed Forces upon application and proof that:

- A vehicle was initially acquired through financial assistance by the U.S. Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;
- The applicant has been determined by the U. S. Department of Veterans Affairs or its predecessor to have a service-connected 100 percent disability rating for compensation; or
- The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the U.S. Armed Services.

Section 320.0841, F.S., provides that the DHSMV may issue, free of charge, to any state agency or individual, a sufficient number of motor vehicle license plates for use on vehicles owned and operated by members of the Seminole and Miccosukee Indian Tribes.

Section 320.0845, F.S., provides that members of the Paralyzed Veterans of America who reside in the state and provide proof of such membership, may, upon application and payment, be issued a motor vehicle license plate with the name of the organization, if space permits on the license plate.

All disabled license plates under the aforementioned sections are valid for:

- Enforcement of parking requirements for persons who have disabilities;¹
- Exemption of vehicles transporting certain persons who have disabilities from payment of parking fees and penalties;² and
- Self-service gasoline stations, attendants, and regulations.³

¹ [Section 316.1955, F.S.](#)

² [Section 316.1964, F.S.](#)

³ [Section 526.141, F.S.](#)

Disabled parking permit; persons with long-term mobility

Currently, s. 320.0848(1)(a), F.S., authorizes the DHSMV, or its authorized agents, upon application and payment, to issue a disabled parking permit for up to four years to any person who has long-term mobility impairment. A temporary disabled parking permit may be issued for up to six months, if a temporary mobility impairment exists. A disabled parking permit is valid for a 12-month period from the date of the prior fee payment.

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and is usually hung from the rear-view mirror. Each side of the placard has the international symbol of accessibility in a contrasting color in the center so as to be visible on each side of the parking placard. On one side of the placard is the applicant's driver license number, or state identification card number, and a warning that the applicant must have such identification at all times while using the placard, and on the other side is the month and year of expiration. Validation stickers must be of the size specified by the department and be affixed to the disabled parking permit. The disabled parking permit uses the same color (lemon-yellow) decal as the license plate.

The DHSMV may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant, more than two disabled parking permits, except to an organization under certain conditions.

The International Uniform System⁴

In 1988, Congress passed legislation requiring the United States Department of Transportation (USDOT) to create a "uniform system" of parking privileges for people with disabilities. However, Congress never required states comply with the Uniform System, nor authorized penalties for non-compliance. Nevertheless, the federal government has a strong advisory role, but leaves ultimate regulation of parking privileges to the states.

The Uniform System provides model definitions and rules regarding eligibility, application procedures, and issuance of special license plates and placards. It does not contain model rules regarding enforcement, nor does it provide model rules specifying lengths of time after which special plates or placards must be renewed, or address whether eligible individuals must be primary users of vehicles with special license plates. Instead, it contains basic definitions and samples that the department encourages states to utilize as part of their own, more detailed, parking privilege system.

Under the Uniform System, special license plates and placards "shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair the ability to walk." The system delineates two types of windshield placards: removable windshield placards and temporary removable windshield placards, and provide samples of each type of windshield placard. The sample placards display the "international symbol of access," which was adopted by the disability rights organization Rehabilitation International in 1969.⁵

⁴ Research.policyarchive.org (CRS Report for Congress, November 10, 2008) (last visited 3/31/14)

⁵ 23 C.F.R. § 1235.2(a) (2008).

The U.S.D.O.T's Uniform System promotes increased uniformity in state laws. Many states utilize uniform sample placards and have enacted statutes requiring reciprocal privileges for individuals bearing placards issued by other states. Nonetheless, the state systems differ in many aspects of parking privilege administration.

III. Effect of Proposed Changes:

The bill amends s. 320.0848, F.S., directing the department to design and issue a sticker displaying the international symbol of accessibility which may be affixed to the upper left corner of a registration license plate, including special and specialty license plates. The sticker may be issued in lieu of the disabled parking permit (placard) to persons with long-term mobility problems and shall be valid for the same parking and other privileges as a placard issued under this section.

Passage of this bill will allow disabled persons with mobility impairments flexibility in license plate choice. The disabled placard or the wheelchair license plate will not be the only choices available to the mobility impaired. An example is the veteran Purple Heart recipient that may choose the Purple Heart special license plate. If he or she has a mobility problem the disabled placard is the only available disabled parking permit option. Passage of this bill will allow that person to choose the Purple Heart special plate, a specialty plate, or a regular Florida plate, and affix the disabled parking sticker (decal) to the license plate.

The bill will take effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Citizens with mobility impairment will be afforded an unlimited choice of Florida license plates as the international symbol of accessibility parking permit sticker (decal) can be affixed to any plate of choice and used in lieu of a disabled parking permit placard.

C. Government Sector Impact:

The DHSMV Office of Information Systems Administration will require a one-time cost of \$16,200 to implement the provisions of SB 1558 utilizing existing staff and outside contractors for programming changes. The costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV has expressed a number of concerns:⁶

- The bill does not specify the size or color or the information to be placed on the decal (driver license number, parking permit number, month/year of expiration);
- The current yellow decal would not meet the nationally recognized standard color (blue/white);
- A small decal may not be sufficient space to accommodate the international symbol of accessibility, the expiration date, DL or ID number, and parking permit number;
- Visibility of the decal from a law enforcement perspective may be difficult;
- Parking permit decal recipients may mistakenly place a decal over a vehicle revalidation decal on the upper right side of the license plate, as current license plates do not have the word decal printed in the upper left-hand corner;
- Theft of parking permit decals affixed to the license plate may occur;
- The bill does not address whether or not a recipient can obtain permit decals for multiple vehicles; and
- Other states may not recognize a parking permit decal.

VIII. Statutes Affected:

This bill substantially amends section 320.0848 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁶ Department of Highway Safety and Motor Vehicles Legislative Bill Analysis (On file in Senate Transportation Committee).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Abruzzo

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1 A bill to be entitled
2 An act relating to parking permits for persons with
3 mobility impairment; amending s. 320.0848, F.S.;
4 directing the Department of Highway Safety and Motor
5 Vehicles to design and issue a sticker for use as a
6 parking permit in lieu of a placard; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (2) of section
12 320.0848, Florida Statutes, is amended to read:

13 320.0848 Persons who have disabilities; ~~issuance of~~
14 ~~disabled parking permits; temporary permits; permits for certain~~
15 ~~providers of transportation services to persons who have~~
16 ~~disabilities.~~—

17 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
18 MOBILITY PROBLEMS.—

19 (a) The disabled parking permit is a placard that can be
20 placed in a motor vehicle so as to be visible from the front and
21 rear of the vehicle or a sticker that can be affixed to a
22 registration license plate, including special and specialty
23 license plates, issued under this chapter.

24 1. Each side of the placard must have the international
25 symbol of accessibility in a contrasting color in the center so
26 as to be visible. One side of the placard must display the
27 applicant's driver ~~driver's~~ license number or state
28 identification card number along with a warning that the
29 applicant must have such identification at all times while using

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30 the parking permit. In those cases where the severity of the
31 disability prevents a disabled person from physically visiting
32 or being transported to a driver license or tax collector office
33 to obtain a driver ~~driver's~~ license or identification card, a
34 certifying physician may sign the exemption section of the
35 department's parking permit application to exempt the disabled
36 person from being issued a driver ~~driver's~~ license or
37 identification card for the number to be displayed on the
38 parking permit. A validation sticker must also be issued with
39 each disabled parking permit, showing the month and year of
40 expiration on each side of the placard. Validation stickers must
41 be of the size specified by the Department of Highway Safety and
42 Motor Vehicles and must be affixed to the disabled parking
43 permits. The disabled parking permits must use the same colors
44 as license plate validations.

45 2. The department shall design a sticker displaying the
46 international symbol of accessibility which may be affixed to
47 the upper left corner of a registration license plate issued
48 under this chapter. The sticker may be issued in lieu of the
49 placard under subparagraph 1. to persons with long-term mobility
50 problems and shall be valid for the same parking and other
51 privileges as a placard issued under this section.

52 Section 2. This act shall take effect July 1, 2014.