

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Wednesday, March 9, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Joyner, and Storms

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 560 Wise (Identical H 313)	Sale of Advertising; Cites act as the "State Revenue Enhancement Act of 2011." Provides for the Office of Tourism, Trade, and Economic Development to sell naming rights and lease space for commercial advertising to be displayed on state transportation property. Revises duties of the office to include such sales and administration of contracts for the sales, etc.	TR CM BC
2	SB 608 Evers (Similar H 403)	Traffic Offenses; Provides criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes or contributes to the death of, a person operating or riding in a motor vehicle or operating or riding on a motorcycle. Requires that the person pay a specified fine, serve a minimum period of incarceration, and attend a driver improvement course. Requires the court to revoke the person's driver's license for a specified period, etc.	TR CJ BC
3	SB 714 Margolis (Identical H 247)	Disabled Parking Permits; Provides for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities. Revises requirements for renewal or replacement of a disabled parking permit. Prohibits applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit, etc.	TR CJ BC

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 9, 2011, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 740 Negron (Identical H 437)	Motor Vehicle Licenses; Revising application of provisions relating to franchise agreements. TR 03/09/2011 BI BC	
5	SB 758 Sobel (Identical H 689)	Driver Improvement Schools and Education Programs ; Requires the curricula of driver improvement schools and education programs for driver's license applicants to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle. TR 03/09/2011 ED BC	
6	SB 886 Oelrich (Similar H 643)	Motor Vehicles; Revises penalties for unlawful operation of a soundmaking device in a motor vehicle. Provides that such operation is a moving violation and includes the assessment of points against the driver's license. Provides increased penalties for repeat violations within a certain time period. TR 03/09/2011 BC	
7	SB 1150 Latvala (Compare H 4007, S 1004, S 1644, S 1684)	Department of Highway Safety and Motor Vehicles; Specifies that the executive director of the department serves at the pleasure of the Governor and Cabinet. Authorizes a health care provider to notify a law enforcement agency after detecting the presence of a controlled substance in the blood of a person injured in a motor vehicle crash. Amends provisions relating to the operation of low-speed vehicles, motorized disability access vehicles, and all-terrain or utility vehicles, the unlawful operation of motor carriers, and special permits, respectively, etc. TR 03/09/2011 GO BC	

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 Transportation Committee

BILL: SB 560

INTRODUCER: Senator Wise

SUBJECT: Sale of Advertising

DATE: March 4, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Pre-meeting
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill, the “State Revenue Enhancement Act of 2011,” authorizes the sale of advertising by private sector entities on state-owned property in the form of naming rights for state transportation facilities. The bill authorizes the Office of Tourism, Trade, and Economic Development (OTTED) to enter contracts for the sale or lease of naming rights to, or space for commercial displays on, any state-owned transportation facility or property. The name or display requires the approval of the Florida Department of Transportation (FDOT, department) or the Florida Turnpike Enterprise (Turnpike) as appropriate. Any such sale or lease is to be for one year but may be extended. Proceeds from the sale are to be distributed to the State Transportation Trust Fund (80%), OTTED (10%), and District School Boards (10%).

This bill creates s. 288.082, F.S.

This bill substantially amends s. 14.2015, F.S.

II. Present Situation:

Outdoor Advertising

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-Aid Primary, Interstate and National Highway System (NHS) roads. The HBA allows the location of billboards in commercial and industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The first section of the law sets forth the basic program objectives: "The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. Expedious removal of illegal signs is required by federal regulations. While the states are not forced directly to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.

The primary features of the Highway Beautification Act include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all Federal-Aid Primaries (FAP's) as of June 1, 1991, Interstates and other highways that are part of the National Highway System (NHS). The FAP routes were highways noted by state DOTs to be of significant service value and importance.
- States have the discretion to remove legal nonconforming signs along highways. However, the payment of just (monetary) compensation is required for the removal of any lawfully erected billboard along the Federal-Aid Primary, Interstate and National Highway System roads.
- States and localities may enact stricter laws than stipulated in the HBA.
- No new signs can be erected along the scenic portions of state designated scenic byways of the Interstate and federal-aid primary highways, but billboards are allowed in segmented areas deemed un-scenic on those routes.

Under the provisions of a 1972 federal-state agreement incorporating the HBA, the FDOT requires commercial signs to meet certain requirements when they are within 660 feet of interstate and federal-aid primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas.

FDOT's outdoor advertising regulatory program is based on federal law and regulations as well as state law and administrative rules. Florida's outdoor advertising laws are found in ch. 479, F.S. In addition to state statutes, the department has developed administrative rules to implement statutory intent for the general public. Chapter 14-10, F.A.C., is FDOT's rule chapter governing outdoor advertising.

Honorary or Memorial Designations of Transportation Facilities

Section 334.071, F.S., specifies the purpose and effect of the designation of roads, bridges, and other transportation facilities for honorary or memorial purposes by the Florida Legislature. These designations are for honorary purposes only, and do not require changing of street signs,

mailing addresses, or 911 listings. The section further specifies that the installation of markers indicating the designation is contingent upon the passage of a resolution of support by all affected local governments. Similarly, s. 267.062, F.S., provides for the naming of state buildings, roads, bridges, parks, recreational complexes, or other similar facilities by the Florida Historical Commission after deceased individuals who contributed to the state.

III. Effect of Proposed Changes:

The bill creates s. 288.082, F.S., to authorize the sale of advertising on state-owned property to private sector businesses or entities. The bill authorizes OTTED to enter contracts for the sale or lease of naming rights to, or space for commercial displays on, any state-owned transportation facility or property, including, but not limited to the Florida Turnpike, other roads and highways, highway lanes, on-ramps, off-ramps, road rights-of-way, toll facilities, buildings, barriers, parks, rest areas, and railways. Other state-owned transportation facilities include bridges and airports. The bill appears to also allow for the selling or leasing of advertising on other state-owned transportation property such as FDOT vehicles and buildings.

The bill specifies that the sale or lease of naming rights is for public relations or advertising purposes, and as such, are not to be construed to require any action by a local government or private party regarding the changing of any street signs, mailing addresses, or 911-emergency system.

Before it can be installed, the name or display requires the approval of FDOT or the Turnpike as appropriate. The department or Turnpike is directed to establish material and construction standards for all signage and is further directed to “provide for” the installation of such displays on its property. However, all costs, including development, construction, installation, operation, maintenance, and removal, are to be borne by the private sector.

Any such sale or lease is to be for one year but may be extended by a multiyear contract.

Proceeds from the sale are to be distributed as follows:

- 80% to the State Transportation Trust Fund (STTF);
- 10% to OTTED; and
- 10% to district school boards.

The proceeds distributed to district school boards are to be prorated by population and must be used to enhance the district’s driver education program. If the district does not provide a driver education program, that district’s funds are to be deposited into the STTF.

The bill revises s. 14.2015, F.S., to amend the responsibilities of OTTED to include entering contracts for the sale or lease of naming rights and advertising as described in newly-created s. 288.082, F.S.

Other Potential Implications:

The bill introduces a number of potential conflicts with existing state and federal law.

Lease of Real or Personal Property

Section 337.25(5), F.S., charges the department with the acquisition, lease, and disposal of real or personal property held by the department in the name of the state. Lease of such property by OTTED appears to conflict with that charge. Further, the department's authority to lease real or personal property pursuant to that section contains specific requirements which would appear to conflict with the bill's provisions.

Signs Prohibited on Right-of-Way

Federal regulations (see 23 CFR 710.403) provide that all real property within the boundaries of a federally-aided facility must be devoted exclusively to the transportation facility and be free of all other public or private alternative uses, unless permitted by federal regulation or the FHWA. Alternative uses must be consistent with the continued operation, maintenance, and safety of the facility, and not result in the exposure of the facility's users or others to hazards. Alternative uses include: public utilities, railroads, bike paths, walkways, and transportation projects. Exceptions must be requested in writing to FHWA.

Sections 337.407 and 479.11(8), F.S., prohibit advertising signs from being placed in the right-of-way of any road on the interstate highway system, the federal-aid primary highway system, the State Highway System, or the State Park Road System.

The bill's intent appear to conflict with these provisions.

Uniform Traffic Control Devices

Rule 14-15.010, F.A.C., incorporates by reference FHWA's "Manual on Uniform Traffic Control Devices" (MUTCD). Quoting FHWA's Policy Memorandums - Manual on Uniform Traffic Control Devices, dated August 10, 2005, "Use of highway right-of-way for advertising purposes is not allowed." This policy position is consistent with the principles and intent of several laws including 23 U.S.C. §1.23(b), 23 U.S.C. §109(d), and 23 U.S.C. §131. The MUTCD Section 1A.01 states:

Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control. This position is founded on safety and operational concerns, particularly as related to driver distraction. Highway signs and other traffic control devices convey crucial information. In order for road users to perceive and respond appropriately to critical information, we must make sure that its conspicuity is preserved so that the safe and orderly movement of traffic is not compromised.

Pursuant to Section 2H.08 of the MUTCD, acknowledgement signs are allowed.

Acknowledgment signs are a way of recognizing a company or business, or a volunteer group that provides a highway-related service. Acknowledgment signs include sponsorship signs for adopt-a-highway litter removal programs, maintenance of a parkway or interchange, and other highway maintenance or beautification sponsorship programs. There must be a direct correlation between the business and its contribution to a particular highway service. The bill's provisions for dispersion of revenue as 80% to the Transportation Trust Fund, 10 % to OTTED and 10% to School Boards for driver safety instruction, conflict with this requirement.

Florida Turnpike Enterprise

Section 338.229, F.S., pledges to bondholders that the state will provide for restrictions on the sale, transfer, lease, or other disposition or operation of any portion of the Turnpike system which reduces the revenue available for payment to bondholders. Section 338.234, F.S., provides for the Turnpike's granting of concessions or selling along the Turnpike system, including advertising and other promotional opportunities. This bill's provisions may usurp the Turnpike's authority under statute to generate revenue and have that revenue available to the bondholders. With limited exception, opportunities for commercial advertising on the Turnpike are already under contract under a long-term agreement having more than 25 years remaining on the term.

Further, s. 338.227, F.S., mandates that revenues from the Turnpike system received by the department shall be used only for the cost of Turnpike projects and Turnpike improvements and for the administration, operation, maintenance, and financing of the Turnpike system. The bill's specified distribution of revenue conflicts with this provision.

Rest Areas

Federal regulations (see 23 CFR 752.5, 23 CFR 752.7, 23 CFR 752.8) address Safety Rest Areas. In summary, states can allow the leasing of advertising space in the Interstate rest areas provided the advertisements are relevant to the traveling public, equal access for space is assured, the space is leased at reasonable rates and the public is not charged for any goods or services with the exception of vending machine items. Advertisements cannot be legible from the roadway or must be inside the building. All revenues generated by this activity would have to be applied to Title 23 eligible activities (with supporting documentation provided to FHWA). The bill appears to conflict with these provisions.

There are no specific laws or regulations that address rest areas on non interstate, federally-funded highways. However, 23 CFR 1.23 states that any right of way purchased with federal Title 23 participation must be used exclusively for a highway purpose. Therefore, if Federal-aid highway funds were used to acquire the right-of-way for the roadway and/or adjoining rest area on any public road, that facility must be used for a highway purpose only.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill requires the approval of the Turnpike or FDOT, as appropriate, prior to the installation of a naming or advertising display. It is not clear whether the intent of this language is to provide authority to regulate the content of a message communicated by a display or simply whether the signage meets material and construction standards. Regardless, the provision may give rise to claims based on alleged interference with constitutionally protected free speech. Further, the language could be argued to vest absolute discretion in FDOT to decide appropriate content, the exercise of which can be expected to result in litigation challenging the constitutionality of the law either on the face of the law or as it is applied by FDOT.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

According to FDOT:

The potential fiscal impact to the department resulting from the bill's conflicts with federal law could subject the department to an annual penalty of 10% of its federal highway funding, which is approximately \$145 million, and would present a substantial impact to the department's work program. Additionally, the state could be required to reimburse the federal government in unknown amounts.

Even if the conflicting legal issues above could be resolved, the revenue generating potential for this proposal may be limited. The number of permitted outdoor advertising signs in the state has been steadily declining over the past 5 years. Much of the current inventory sits vacant and the department frequently hears from sign owners about the difficulty of selling their advertising space. Adding inventory to what is possibly an overbuilt sector may not be an effective revenue generator.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The proposed bill is silent as to restrictions put in place by the HBA, but commercial signs within the controlled area would have to meet the following permitting requirements:

1. Size -maximum of 950 feet by Section 479.07(9)(b), F.S. (reduced from fed-state agreement maximum of 1200 feet)
2. Spacing -1500 feet minimum spacing between signs along the interstate pursuant to Section 479.07(9)(a), F.S. (increased from 1000 feet minimum spacing subscribed by fed-state agreement); 1000 feet between signs on primary federal-aid primary highways pursuant to Section 479.07(9)(a), F.S., (increased from 500 feet maximum subscribed in fed-state agreement); outside cities, no outdoor advertising structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area.
3. Lighting - Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited. No signs shall be illuminated that interferes with the effectiveness of an official traffic sign, device, or signal.

Under 23 CFR 750.704, the federal-state agreement; and Section 479.111, F.S., commercial signs could only be permitted within a controlled area if the land use is zoned for commercial use, industrial use, is an unzoned commercial or unzoned industrial area. Many state buildings and state facilities are zoned civic/governmental or some similar designation and, therefore, would not meet the permitting requirements for commercial advertising if located within a controlled area.

VIII. Additional Information:

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

None.
- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Benacquisto) recommended the following:

Senate Amendment

Between lines 65 and 66
insert:

(6) Signs or displays established under the provisions of this section shall comply with county or municipal outdoor advertising, sign, or land use ordinances.

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 Transportation Committee

BILL: SB 608

INTRODUCER: Senator Evers

SUBJECT: Traffic Offenses

DATE: February 28, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	Pre-meeting
2.	_____	_____	CJ	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates criminal penalties for operators of motor vehicles who commit moving violations that cause serious bodily injury or death to a person riding in or on a motor vehicle or motorcycle.

A person who commits a moving violation that results in the serious bodily injury of a person riding in or on a motor vehicle or motorcycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of \$500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for a minimum of 30 days.

A person who commits a moving violation that results in the death of a person riding in or on a motor vehicle or motorcycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of \$1,000, serve a minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended for a minimum of 1 year.

This bill creates section 318.195 of the Florida Statutes.

II. Present Situation:

Moving Violations, Generally

Under chapters 316 and 318, F.S., all moving violations are considered non-criminal infractions and are generally punishable by a fine as provided by s. 318.18, F.S. Moving violations include

such offenses as speeding, failure to stop at a stop sign or traffic control device, and improper lane change.¹ This section provides a baseline fine of \$60 for all moving violations,² although county-by-county fees and surcharges raise the total amount paid. The section also provides tiered fines from \$25 to \$250 for moving violations involving excessive speed.³

Moving violations also typically result in points assessed against an operator's driver's license pursuant to s. 322.27(3)(d), F.S.

Penalties for Causing Death or Injury

Non-Criminal Violations

A mandatory hearing before the court is required for any infraction or criminal violation of chapter 316, F.S., which caused serious bodily injury or death.⁴ Any person committing a traffic infraction causing death may be directed by a judge to perform 120 community service hours in a trauma center, pursuant to s. 316.027(4), F.S.⁵

For any traffic infraction or criminal offense causing death, injury, or property damage, the Department of Highway Safety and Motor Vehicles (DHSMV) may require re-examination of the offender's ability to drive. DHSMV may subsequently suspend the offender's license.⁶ DHSMV may suspend an offender's license if the person refuses to submit to a re-examination. Refusal to submit to retesting is grounds to suspend the offender's license.⁷ The court may suspend the driver's license for any criminal violation.⁸

Criminal Violations

For any criminal traffic offense causing death or an injury sufficient to require medical transport, the department shall mandate a driver-improvement course (in addition to any other applicable penalties). Failure to attend a driver improvement course results in cancellation of the offender's license until the course is completed.⁹ If the criminal offense is murder, manslaughter, or a second DUI manslaughter conviction, the DHSMV shall revoke the offender's license.¹⁰ License suspension for a manslaughter conviction may not be lifted unless the offender has completed a driver improvement or substance abuse program.¹¹

¹ See generally ch. 316, F.S.

² s. 318.18(3)(a), F.S.

³ s. 318.18(3)(b), F.S.

⁴ s. 318.19(1)-(2), F.S.

⁵ The permissive 120 hours of community service are referenced twice in chapter 318, F.S.:

318.14(1), F.S.: "If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. [316.027\(4\)](#), in addition to any other penalties."

318.18(8)(c), F.S.: "If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. [316.027\(4\)](#), in addition to any other penalties."

⁶ s. 322.221(2)(a), F.S.

⁷ s. 322.221(3), F.S.

⁸ s. 316.655(2), F.S.

⁹ s. 322.0261(2), F.S.

¹⁰ s. 322.26, F.S.(1)(a)-(b), F.S.

¹¹ s. 322.291(1)(a)3., F.S.

A person who commits the offense of reckless driving causing injury or death commits a third-degree felony, punishable separately from fines related to reckless driving.¹² If the court reasonably believes alcohol was involved, the court shall order the offender to attend a substance abuse program.¹³

An impaired driver who causes an accident involving injury or death commits a third-degree felony, punishable separately from the potential fine and/or incarceration related to the DUI.¹⁴

A person driving without a valid license who negligently causes an accident involving death or serious bodily injury is guilty of a third-degree felony.¹⁵

III. Effect of Proposed Changes:

The bill creates s. 318.195, F.S., providing for enhanced penalties for certain moving violations.

A person who commits a moving violation resulting in the serious bodily injury of a person riding in or on a motor vehicle or motorcycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of \$500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for a minimum of 30 days.

A person who commits a moving violation resulting in the death of a person riding in or on a motor vehicle or motorcycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of \$1000, serve a mandatory minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended for a minimum of 1 year.

The bill states s. 318.195, F.S., does not prohibit a person from being charged with, convicted of, or punished for any other violation of the law.

The bill shall take effect July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹² s. 316.192(3)(c)2., F.S.

¹³ s. 316.192(5), F.S.

¹⁴ s. 316.193(3)(c)2., F.S.

¹⁵ s. 322.34(6)(a)-(b), F.S. In a related offense, if a person knowingly loans a vehicle to a person whose license is suspended, and the borrower causes death or injury, the owner's license is suspended for one year (s. 322.36, F.S.).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Drivers who commit a moving violation resulting in the serious bodily injury or death of a person riding in or on a motor vehicle or motorcycle will be subject to the sanctions outlined in s. 318.195, F.S.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

C. Government Sector Impact:

The bill may generate an indeterminate amount of revenue from fines for the behaviors criminalized by the bill.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

The bill also may have an impact on local jail populations.

According to DHSMV, programming modifications of approximately 150 hours will be required in order to implement the provisions of this bill; however, this cost will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill criminalizes moving violations that result in an injury or death to persons in or on other motor vehicles and motorcycles, but does not criminalize identical behavior resulting in the injury or death of pedestrians, bicyclists, or persons on other means of conveyance. Punishment is based upon the particular classification of the victim as opposed to the conduct or intent of the violator. This lack of uniformity could result in challenges to the validity of the bill.

Regardless of potential mitigating circumstances, absence of the violator's culpability or contributory actions on the part of the victim, the bill does not allow any discretion in the judiciary by its imposition of a mandatory jail sentence on the violator.

The bill also deviates from the normal practice of not imposing criminal penalties for non criminal civil moving violations alone without additional showing of willful or wanton recklessness or intent to violate the law. (Such as driving under the influence, reckless driving, and fleeing law enforcement.)

The DHSMV has expressed concerns about the effective date of the bill allowing sufficient time for implementation to make necessary programming modifications. The DHSMV suggests an effective date of October 1, 2011.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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 Transportation Committee

BILL: SB 714

INTRODUCER: Senator Margolis

SUBJECT: Disabled Parking Permits

DATE: March 4, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Pre-meeting
2.			CJ	
3.			BC	
4.				
5.				
6.				

I. Summary:

Senate Bill 714 revises laws relating to disability parking permits. The bill:

- expands the type of officials who may waive citations for disability permit parking violations by including the parking enforcement specialist or agency that issued the citation;
- revises the requirements for renewing or replacing a long-term disabled parking permit and includes prohibitions for certain violations;
- provides for random audits of disabled parking permit holders;
- requires the Department of Highway Safety and Motor Vehicles (DHSMV, department) to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- requires the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons.

This bill substantially amends ss. 318.18 and 320.0848 of the Florida Statutes.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for a period of up to 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to 6

months. A fee may be charged for the permit. However, no person may be charged a fee more frequently than once every 12 months.

A person applying for a disabled parking permit 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 inability 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 Statute. 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 placard issued.

The disabled parking permit must be a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. The department allows for online and mail in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability. Currently, s. 320.0848, F. S., does not require persons who has a long-term disabled parking permit to apply for a renewal or a replacement permit in person or provide an additional certificate of disability.

Section 320.0848, F.S., allows for temporary disabled parking permits to be issued for the period of the disability as stated by the certifying physician, but not to exceed six months. A temporary parking permit for a disabled person must be a different color than the long-term permit (the

long-term placard is blue, the temporary placard is red), and, similar to the long-term permit, must display the permit expiration date, the state identification or driver's license number of the permit holder.

An application for a disabled parking permit is an official state document. The following statement is required to appear on each application immediately below the applicant's name and the certifying practitioner's name:

Knowingly providing false information on this application is a misdemeanor of the first degree, punishable as provided in s. 775.082, Florida Statutes, or s. 775.083, Florida Statutes. The penalty is up to 1 year in jail or a fine of \$1000, or both.

A person who fraudulently obtains or unlawfully displays a disabled parking permit (or uses an unauthorized replica) is guilty of a 2nd degree misdemeanor. The penalty is up to 60 days in jail or a fine of \$500, or both.

A law enforcement officer may confiscate the disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit, including using the permit while the owner of the permit is not being transported. A law enforcement officer may confiscate any disabled parking permit that is expired, reported as lost or stolen, or defaced, or that does not display a personal identification number. However, the permit owner may apply for a new permit immediately.

The department tracks all disabled parking permits issued since 1999, including confiscations of the permit. According to DHSMV, the department conducts some auditing to ensure that driver licenses are only issued to living persons. However, programming is not specifically tailored to audit the records of persons to whom disabled parking permits have been issued.

III. Effect of Proposed Changes:

Section 1 amends s. 318.18(6), F.S., expanding those officials who are able to waive citations for illegally parking in a disability parking space. The bill allows the parking enforcement specialist or the agency that issued a parking citation to waive citations and sign affidavits of compliance.

Section 2 amends s. 320.0848, F.S., to require holders of disabled parking permits to renew in person and provide a current certificate of disability. Persons obtaining a replacement for a disabled parking permit must appear in person to submit the required application.

The bill requires a person found guilty of (or entering a plea of nolo contendere to) unlawful use of a permit after a prior finding of guilt, to wait four years before applying for a new disabled permit.

The bill requires DHSMV to conduct random audits of disabled parking permit holders at least every six months. As a component of this audit, the department is required to:

- review the death records maintained by the Department of Health to ensure the permit holder is not deceased;
- review the number of times the permit has been confiscated or unlawfully used;

- determine if the permit has ever been reported lost or stolen; and
- determine the current status of the permit.

The department is directed to verify, at least annually, that the owner of each disabled parking permit has not died. If a permit owner is found to be deceased, the department is directed to promptly invalidate the decedent's permit. The department is also required to develop and implement a method by which abuse can be reported by telephone hotline, submission of an online form, or by mail.

Section 3 creates an unidentified section of Chapter 320, F.S., to require DHSMV to make a public announcement and conduct a public awareness campaign regarding the abuses of disabled parking permits and the burdens inflicted on disabled persons throughout the state. The campaign is to begin within 30 days after the effective date of this act and continue for not less than six months. Its purpose is to inform the public about the:

- requirement to appear in person to renew an expired disabled parking permit or replace a lost or stolen disabled parking permit;
- implementation of the periodic disabled parking permit audit system; and the
- new complaint process for reporting abuses of disabled parking permits.

Section 4 establishes an effective date of July 1, 2011.

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:

Permit holders will be burdened by the need to obtain a current certification form from their physician every four years and the cost of traveling to a Tax Collector office.

C. Government Sector Impact:

DHSMV estimates approximately 60 hours of programming would be needed to implement the provisions of the bill. Any costs to implement this bill will be absorbed within existing DHSMV resources.

Local Tax Collectors offices would see an increased workload due to the requirement that permit holders to appear in person when renewing their permits.

VI. Technical Deficiencies:

DHSMV notes that additional time will be required to develop the public awareness campaign since 30 days is not sufficient time for development activities. The department recommends pushing back the roll out of the campaign for 120 days and continuing the campaign for 12 months rather than six.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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 Transportation Committee

BILL: SB 740

INTRODUCER: Senator Negron

SUBJECT: Motor Vehicle Licenses

DATE: March 3, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	Pre-meeting
2.			BI	
3.			BC	
4.				
5.				
6.				

I. Summary:

Manufacturers, distributors, and importers (collectively referred to as licensees) enter into contractual agreements with franchised motor vehicle dealers to sell particular vehicles that they manufacture, distribute, or import. Existing law provides for the licensing of motor vehicle dealers and motor vehicle manufacturers, distributors, and importers, and regulates numerous aspects of the franchise contracts these businesses enter into to conduct business in the State of Florida.

The Department of Highway Safety and Motor Vehicles (DHSMV) held, in an administrative proceeding, amendments to the Florida Automobile Dealers Act (ss. 320.60-320.071, F.S.) do not apply to dealers having franchise agreements which were signed prior to the effective date of the amendment. *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. DMV-09-0935 (Fla. DOAH 2009). The Petitioner appealed the final order to the First District Court of Appeal, but ultimately voluntarily dismissed the appeal. The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act. That means dealers have different protections under the law depending on when they signed their franchise agreement.

The bill amends s. 320.6992, F.S., to provide for the application of ss. 320.60-320.70, F.S., including any amendments to ss. 320.60-320.70, F.S., to all existing or subsequently established systems of distribution of motor vehicles in the state unless such application would impair valid contractual agreements in violation of the State or Federal Constitution. All agreements amended subsequent to October 1, 1988, are governed by ss. 320.60-320.70, F.S., including any amendments to ss. 320.60-320.70, F.S., which have been or may be from time to time adopted unless the amendment specifically provides otherwise.

This bill substantially amends s. 320.6992 of the Florida Statutes.

II. Present Situation:

Florida has substantially regulated the relationship between motor vehicle manufacturers and motor vehicle dealers since 1970. Manufacturers, distributors, and importers (collectively referred to as licensees) enter into contractual agreements with franchised motor vehicle dealers to sell particular vehicles (or line-make) that they manufacture, distribute, or import. Chapter 320, F.S., provides, in part, for the regulation of the franchise relationship.

Current law defines “agreement” or “franchise agreement” to mean a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make.¹

A “franchised motor vehicle dealer” is defined as “any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1).”²

The requirements regulating the business relationship between franchised motor vehicle dealers and licensees by the DHSMV are primarily in ss. 320.60-320.070, F.S., (the Florida Automobile Dealers Act).³ These sections of law specify, in part:

- The conditions and situations under which the DHSMV may deny, suspend, or revoke a license;
- The process, timing, and notice requirements for licensees wanting to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a change;
- The procedures a licensee must follow if it wants to add a dealership in an area already served by a franchised dealer, the protest process, and the DHSMV’s role in these circumstances;
- Amounts of damages that can be assessed against a licensee in violation of Florida statutes; and
- The DHSMV’s authority to adopt rules to implement these sections of law.

¹ Section 320.60(1), F.S.

² Section 320.27(1)(c)1., F.S.

³ *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, Walter E. Forehand and John W. Forehand, available online here:

<http://www.law.fsu.edu/journals/lawreview/downloads/293/Forehand.pdf>, No section of the statute provides a short title; however, some courts have referred to the provisions as such. *See* Mike Smith Pontiac, GMC, Inc. v. Mercedes-Benz of N. Am., Inc., 32 F.3d 528, 529 (11th Cir. 1994). *But see* Meteor Motors, Inc. v. Hyundai Motor Am. Corp., No. 97-8820-Civ., 1999 WL 1800074, at 12 (S.D. Fla. Mar. 9, 1999) (using the “Florida Motor Vehicle Dealer *Protection Act*”) (emphasis added).

Section 320.6992, F.S., provides this act [Florida Automobile Dealers Act] shall apply to all presently existing or hereafter established systems of distribution of motor vehicles in this state, except to the extent that such application would impair valid contractual agreements in violation of the State Constitution or Federal Constitution. The provisions of this act shall not apply to any judicial or administrative proceeding pending as of October 1, 1988. All agreements renewed or entered into subsequent to October 1, 1988, shall be governed hereby.

The DHSMV recently held, in an administrative proceeding, amendments to the Florida Automobile Dealers Act do not apply to dealers having franchise agreements which were signed prior to the effective date of the amendment. *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. DMV-09-0935 (Fla. DOAH 2009). The Petitioner appealed the final order to the First District Court of Appeal, but ultimately voluntarily dismissed the appeal.

In this holding, the DHSMV ruled the 2006 amendment to the Florida Automobile Dealers Act which requires that if a dealer's franchise agreement is terminated the manufacturer must buyback from the dealer its unsold vehicles, parts, signs, special tools, and other items, does not apply to a dealer terminated in 2008 because the dealer's franchise agreement was entered into prior to the effective date of the amendment.

The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act. That means dealers have different protections under the law depending on when they signed their franchise agreement.

III. Effect of Proposed Changes:

The bill amends s. 320.6992, F.S., to provide for the application of ss. 320.60-320.70, F.S., including any amendments to ss. 320.60-320.70, F.S., to all existing or subsequently established systems of distribution of motor vehicles in the state unless such application would impair valid contractual agreements in violation of the State or Federal Constitution. All agreements amended subsequent to October 1, 1988, are governed by ss. 320.60-320.70, F.S., including any amendments to ss. 320.60-320.70, F.S., which have been or may be from time to time adopted unless the amendment specifically provides otherwise.

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:

To the extent the agreements between dealers and motor vehicle manufacturers, distributors, and importers change due to compliance with existing laws, the parties may be positively or negatively impacted.

C. Government Sector Impact:

The DHSMV already regulates this industry, so the additional grounds proposed in the bill for regulatory actions should result in no additional state impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (14) of section 320.60, Florida Statutes, is amended to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(14) "Line-make vehicles" are those motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer



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13 of same. However, motor vehicles sold or leased under multiple
14 brand names or marks shall constitute a single line-make when
15 (a) they are included in a single franchise agreement; and (b)
16 every motor vehicle dealer in this state authorized to sell or
17 lease any such vehicles has been offered the right to sell or
18 lease all of the multiple brand names or marks covered by the
19 single franchise agreement. Except, such multiple brand names or
20 marks shall be considered individual franchises for purposes of
21 s. 320.64(36).

22 Section 2. Section 320.6992, Florida Statutes, is amended
23 to read:

24 320.6992 Application.—Sections 320.60-320.70, including
25 amendments to ss. 320.60-320.70, ~~This act shall~~ apply to all
26 presently existing or hereafter established systems of
27 distribution of motor vehicles in this state, except to the
28 extent that such application would impair valid contractual
29 agreements in violation of the State Constitution or Federal
30 Constitution. ~~Sections 320.60-320.70, do~~ ~~The provisions of this~~
31 ~~act shall~~ not apply to any judicial or administrative proceeding
32 pending as of October 1, 1988. All agreements renewed, amended,
33 or entered into subsequent to October 1, 1988, shall be governed
34 by ss. 320.60-320.70, including any amendments to ss. 320.60-
35 320.70, which have been or may be from time to time adopted
36 unless the amendment specifically provides otherwise, except to
37 the extent that such application would impair valid contractual
38 agreements in violation of the State Constitution or Federal
39 Constitution hereby.

40
41 ===== T I T L E A M E N D M E N T =====



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42 And the title is amended as follows:

43 Delete everything before the enacting clause
44 and insert:

45 A bill to be entitled

46 An act relating to motor vehicle licenses; amending s.
47 320.60, F.S.; revising the term "line-make vehicles;
48 amending s. 320.6992, F.S.; revising application of
49 provisions relating to franchise agreements; providing
50 an effective date.

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 Transportation Committee

BILL: SB 758

INTRODUCER: Senator Sobel

SUBJECT: Driver Improvement Schools and Education Programs

DATE: March 1, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Pre-meeting
2.			ED	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill amends ss. 318.1451 and 322.095, F.S., relating to driver improvement schools and education programs for driver’s license applicants. This bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles is required to consider whether such information is included when determining whether to approve driver improvement school courses.

This bill amends ss. 318.1451 and 322.095 of the Florida Statutes.

II. Present Situation:

Driver Improvement Schools

Section 318.1451, F.S., as related to driver improvement schools, provides: (1) The Department of Highway Safety and Motor Vehicles (DHSMV, department) shall approve the courses and technology used as the delivery method of driver improvement schools; (2) In approving a driver improvement course, the department shall consider course content related to promoting safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve the driver performance from a safety viewpoint; (3) The department may only consider those driver improvement schools that have obtained approval for statewide delivery; (4) Persons that elected to take courses through unapproved schools shall receive a refund from the school and may retake the course through a department approved school; (5) Approved driver improvement schools shall collect a fee of \$2.50 from each person who elects to attend a course which shall be remitted to the DHSMV and deposited in the Highway Safety Operating Trust Fund; (8) The

department is authorized to maintain records and information necessary for administration for driver improvement courses and may prepare a traffic school reference guide which lists the benefits of attending driver improvement schools and a list of approved course providers.

Currently, s. 318.1451, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

Traffic Law and Substance Abuse Education Programs

Section 322.095, F.S., as related to traffic law and substance abuse education programs for driver's license applicants, provides: (1) DHSMV must approve traffic law and substance abuse education courses; (2) Curricula of these courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the drive of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle; (3) The course provider must obtain certification from the department that the course complied with the requirements of this section.

Currently, s. 322.095, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

III. Effect of Proposed Changes:

The effects of the bill are as follows:

Section 1: The bill amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school's curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

Section 2: The bill amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

Section: The bill will take effect July 1, 2011.

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:

There are currently 22 different organizations who are providers, some of which are multiple course providers. Providers not currently including such information in their curricula will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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 Transportation Committee

BILL: SB 886

INTRODUCER: Senator Oelrich

SUBJECT: Motor Vehicles

DATE: March 3, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises the penalties associated with noise violations in vehicles established in s. 316.3045, F.S. The bill increases the level of a violation of s. 316.3045, F.S, from a non-moving violation to a moving violation This bill also sets minimum fines for second, third, and subsequent violations of Section 316.3045, F.S., within a 12 month period.

This bill amends ss. 316.3045 and 318.18 of the Florida Statutes.

II. Present Situation:

Section 316.3045, F.S., provides criteria related to the operation of radios or other mechanical sound-making devices in motor vehicles. Presently, it is unlawful for a person operating or occupying a motor vehicle on a street or highway to amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle where the sound is:

- plainly audible at a distance of 25 feet or more from the vehicle, or
- louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools or hospitals.

A violation of the conditions of this section is a noncriminal traffic infraction, punishable as a nonmoving violation.

Section 318.18, F.S. sets the penalty for a non moving violation at \$30 plus applicable court costs and fees.

III. Effect of Proposed Changes:

Section 1: The bill amends s. 316.3045, F.S., to increase the level of the violation to a moving violation. Violators of s. 316.3045, F.S., will pay a higher fine of \$60, and each violation will assess 3 points on the driver's license.

Section 2: The bill amends s. 318.18, F.S., by establishing increased minimum fines for second, third, and subsequent violations occurring within the same 12 month period. A fine of \$120 will be assessed for a second violation and \$180 for third and subsequent violations within a 12 month period.

Section 2: The bill will take effect July 1, 2011.

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:

Because of the increase in the level of the violation, violators of s. 316.3045, F.S. will be required to pay a higher amount.

C. Government Sector Impact:

This bill may increase revenue for state and local government because of its higher fines and increased penalties for violators of s. 316.3045, F.S., relating to soundmaking devices in motor vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

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 Transportation Committee

BILL: SB 1150

INTRODUCER: Senator Latvala

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 2, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV or department). Examples of major provisions in the bill include:

- Creates the Division of Motorist Services within DHSMV and eliminates the Division of Driver Licenses and the Division of Motor Vehicles as two separate entities due to the reorganization of the department structure;
- Authorizes health care providers to notify a law enforcement officer or law enforcement agency after detecting the presence of controlled substances in the blood of a person injured in a motor vehicle crash;
- Directs the department to suspend all registrations and the driver's license of a person convicted of failure to maintain required security while operating a private passenger motor vehicle;
- Modernizes the format of motor vehicle certificates of title;
- Creates and authorizes a bonding program for replacement and issuance of motor vehicle titles;
- Permits the DHSMV to use electronic methods to title motor vehicles and vessels, and to collect and use e-mail addresses for various customer notifications;
- Exempts active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration;
- Requires an owner or registrant to obtain a driver's license replacement that reflects changes to the residence or mailing address before changing the address on the motor vehicle record;

- Creates a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms to End Hunger in Florida;
- Specifies all electronic registration records must be retained by the department for at least 10 years;
- Authorizes DHSMV to annually retain, from the first proceeds derived from voluntary contributions collected relating to motor vehicle registrations and renewals and driver's license, an amount sufficient to defray the share of the department's costs;
- Allows DHSMV to conduct a pilot project using alternative license plates on state vehicles only;
- Adds temporary license plates to the list of documents that are unlawful to alter;
- Revises the distribution of certain proceeds from temporary disabled parking permits intended for the Florida Endowment Foundation for Vocational Rehabilitation;
- Specifies circumstances when a RV dealer may apply for a certificate of title to a RV using a manufacturer's statement of origin;
- Revises requirements by which an applicant for an identification card may prove non-immigrant status;
- Requires the department to issue or renew an identification card at no charge to a person who presents good cause for a fee waiver;
- Deletes the requirement that DHSMV conduct motorcycle examinations and specifies the motorcycle safety course for a first-time applicant include a final examination, which conforms law to practice;
- Clarifies military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state;
- Eliminates the requirement that applicants for a Class A, Class B, and Class C driver's license must appear in person within the state for issuance of a color photographic or digital imaged driver's license;
- Repeals obsolete chauffer's license; and
- Mirrors the Federal Motor Carrier Safety Administration (FMCSA) regulations and remedies inconsistencies.

This bill substantially amends the following sections of the Florida Statutes: 20.24, 261.03, 288.816, 316.1933, 316.1957, 316.2122, 316.2124, 316.21265, 316.3026, 316.545, 316.550, 316.646, 317.0003, 317.0016, 318.14, 318.15, 319.14, 319.225, 319.23, 319.28, 319.323, 319.40, 320.01, 320.02, 320.023, 320.03, 320.05, 320.06, 320.061, 320.071, 320.0715, 320.08, 320.0847, 320.0848, 320.275, 320.771, 320.95, 321.02, 322.02, 322.04, 322.051, 322.058, 322.065, 322.07, 322.08, 322.081, 322.12, 322.121, 322.14, 322.20, 322.202, 322.21, 322.53, 322.54, 322.59, 322.61, 322.64, 328.30, 413.012 and 713.78.

The bill also repeals s. 322.58, F.S.

II. Present Situation:

Division of Motorist Services Merger

The department was created by ch. 20.24 F.S. The mission of DHSMV is "Providing Highway Safety and Security Through Excellence in Service, Education, and Enforcement" by providing services in partnership with county tax collectors; local, state, and federal law enforcement

agencies to promote a safe driving environment; issue driver licenses and identification cards; and provide services related to consumer protection and public safety.

The department is composed of four divisions: Florida Highway Patrol, Driver Licenses, Motor Vehicles, Administrative Services and an Information Systems Administration which offers support services to all divisions. The department's duties, responsibilities and procedures are mandated through chs. 316, 317, 318, 319, 320, 321, 322, 323, 324, 328, 488, F.S., and ss. 627.730 – 627.7405, F.S., and Chapter 15-1, F.A.C.

The agency head of DHSMV is the Executive Director and is appointed by the Governor with the approval of the Cabinet. The Executive Director supervises, directs, coordinates, and administers all activities of the department.

Division of Driver Licenses

The Division of Driver Licenses (DDL) promotes safety on the highways by licensing qualified drivers, controlling and improving problem drivers, ensuring vehicle owners and operators are responsible for injuries and damages they may cause in a crash on Florida's roadways, and maintaining records for driver evaluation. The DDL manages the issuance of driver licenses through an examination process and creates permanent records of all licenses issued. The DDL ensures all drivers and their vehicles are properly insured and enforces sanctions imposed for violation of Florida's highway safety laws. The DDL provides services to the driving public through a network of field offices, tax collector agent offices, and mobile units located throughout the state.

The DDL is composed of four bureaus: Records, Financial Responsibility, Driver Improvement, and Driver Education. Field Operations, although not a bureau, is the single largest element of the division and contributes significantly to services.

Field Operations is responsible for verifying identification, administering the driver license examination process (vision, written exam, and driving skills), and issuing state driver licenses and identification cards. Field Operations also oversees county tax collector offices offering driver license services.

Bureau of Records is the official custodian of Florida driver license records and manages all records for the state's licensed drivers. The Bureau ensures traffic citations are recorded on the corresponding driver record, records are maintained and purged appropriately, and that citations issued in Florida are reported to a driver's home state. Bureau of Records also prints, distributes, and accounts for all uniform traffic citations issued in Florida.

Bureau of Financial Responsibility ensures all registered vehicles and owners are properly insured, ensuring compliance with Florida's Financial Responsibility Law and Motor Vehicle No-Fault Insurance Law. Vehicle owners are required to maintain personal injury protection insurance and property damage liability insurance on all registered vehicles throughout the registration period. Bureau of Financial Responsibility maintains all insurance policy information reported by insurance companies by tracking cancelled policies and validating replacement policies.

Bureau of Driver Improvement enforces sanctions imposed on those who violate Florida's highway safety laws through suspensions, revocations, or disqualifications. Bureau of Driver Improvement ensures the collection of statutorily required fees and fines, investigates and enforces appropriate sanctions when fraud or ID theft is established, ensures only legal aliens are issued driver licenses or ID cards, and ensures customers with medical conditions unable to operate a vehicle safely are assessed. This section conducts informal and formal review hearings pertaining to administrative suspensions when requested by sanctioned drivers.

Bureau of Driver Education and DUI Programs approves, monitors, and regulates: DUI programs; commercial driving schools; commercial motor vehicle instructors and vehicles; driver improvement schools; curriculums and instructions; and the Florida Motor Cycle Rider Training Programs. Bureau of Driver Education and DUI Programs is also maintains quality control on all driver education programs through site inspections, document evaluation, and routine review of program components.

Division of Motor Vehicles

The Division of Motor Vehicles (DMV) provides safety and consumer protection of property rights by ensuring motor vehicles, vessels, and mobile homes are properly titled and registered. Motor Vehicles also ensures commercial carriers are properly registered and pay the appropriate gasoline tax for intrastate and interstate commerce. The DMV ensures the safety of mobile home residents by requiring mobile homes to be built in accordance with national construction standards and installed in accordance with state standards. In addition to day-to-day services to Florida residents, the DMV works with other state and federal agencies on motor vehicles issues and assists the state's county tax collectors to provide vehicle services.

The DMV is composed of four bureaus: Field Operations, Titles and Registrations, Motor Carrier Services, and Mobile Home and Recreational Vehicle Construction.

Titles and Registrations registers and titles motor vehicles, vessels and mobile homes. The Bureau issues and cancels titles, records liens, and maintains records of motor vehicle and vessel title transactions. Further, Titles and Registrations issues, renews, transfers, and maintains inventory of license plates and registration decals and issues, cancels, and renews disabled parking permits.

Field Operations receives and processes both original and renewal license applications for motor vehicle manufacturers, importers, distributors, brokers and dealers and mobile home manufacturers and dealers. Field Operations investigates and resolves consumer complaints and performs records inspections of motor vehicle dealers and investigates and assists law enforcement in investigations of vehicle, title, and odometer fraud.

Motor Carrier Services registers and audits Florida-based commercial motor carriers under the International Registration Plan and the International Fuel Use Tax Agreements ensuring appropriate prorated taxes are paid.

Mobile Home and Recreational Vehicle Construction monitors the quality of Florida manufactured/mobile home units and provides training, testing and licensing of individuals who set-up and install manufactured/mobile homes. The bureau also trains local building officials on

state installation requirements, performs dealer lot inspections, and investigates and resolves consumer complaints.

Health Care Provider's Authorization

Section 316.1933(2)(a)1., F.S., provides notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample.

Driver's License and Vehicle Registration Suspension

Section 316.646, F.S., requires drivers to maintain proof of insurance "in his or her immediate possession at all times while operating the motor vehicle." Failure to present proof of insurance upon request is a non-moving traffic infraction, and upon being cited for this failure, the driver is required to provide proof of insurance before or at a scheduled court hearing. If the driver subsequently fails to provide proof of insurance to the court, s. 316.646, F.S., "the court shall notify" DHSMV of the conviction to suspend the registration and driver's license" of the offender. If the court does not independently suspend the driver's license and registration, DHSMV will do so administratively; however, only the vehicle operated at the time of the citation is subject to suspension of registration.

Forms

Certificate of Repossession

Section 317.0016, F.S., requires the department to provide, through the department's agents, expedited service for the issuance of a certificate of repossession relating to off-highway vehicles.

Section 319.28, F.S., requires a lienholder who has repossessed a vehicle to apply to the tax collector's office or to the department for a certificate of repossession or to the department for a certificate of title.

Section 319.323, F.S., requires the department to provide, through the department's agents, expedited service for the issuance of a certificate of repossession relating to vehicles and mobile homes.

According to the department, when a lienholder has repossessed an off-highway vehicle, vehicle, or mobile home he or she currently has the option of requesting either a certificate of title or a certificate of repossession. Since a title must be in the lienholders possession when he or she sells an off-highway vehicle, vehicle or mobile home there is no need for a certificate of repossession.

Transfer and Reassignment Forms - Certificate of Title; Power of Attorney

Section 319.225, F.S., provides for procedures and regulations regarding the transfer and reassignment of motor vehicle titles. Section 319.225(1), F.S., specifies certain provisions the certificate of title must contain on the reverse side. Specifically, s. 319.225(6), F.S., provides if a certificate of title is physically held by a lienholder or is lost or otherwise unavailable, the transferor may give a power of attorney to his or her transferee for the purpose of odometer disclosure. The power of attorney must be on a form issued or authorized by DHSMV. The transferee must sign the power of attorney form, print his or her name, and return a copy of the power of attorney form to the transferor. Upon receipt of a title certificate or duplicate title certificate, the transferee must complete the space for mileage disclosure on the title certificate exactly as the mileage was disclosed by the transferor on the power of attorney form. A copy of the executed power of attorney form must be submitted to DHSMV with a copy of the executed dealer reassignment form within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its transferee.

Custom and Street Rod Vehicles

Section 320.0863(1)(b), F.S., defines "custom vehicle" to mean a motor vehicle that:

- Is 25 years old or older and of a model year after 1948 or was manufactured to resemble a vehicle that is 25 years old or older and of a model year after 1948; and
- Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

Section 320.0863(1)(c), F.S., defines "street rod" to mean a motor vehicle that:

- Is of a model year of 1948 or older or was manufactured after 1948 to resemble a vehicle of a model year of 1948 or older; and
- Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

Section 320.0863(2), F.S., provides the model year and year of manufacture which the body of a custom vehicle or street rod resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

Currently, ch. 320, F.S., provides for unique license plates for custom and street rod vehicles; however, ch. 319, F.S., does not provide for a unique titling process (i.e. titling requirement, branding requirements or definitions for custom and street rod vehicles). According to the department, this has caused a lack of direction for Tax Collector agencies and regional offices in terms of titling these vehicles. Custom vehicles and street rod vehicles fall into the same category as motor vehicles registered as rebuilt vehicles and non-conforming vehicles. Consequently, the department has been titling these vehicles according to these same requirements when one of these vehicles is offered for sale.¹

¹ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1150*, (on file with the Senate Transportation Committee).

Currently, the department performs a physical inspection of rebuilt vehicles to assure the identity of the vehicle and that any major component parts repaired or replaced have proper ownership documentation and are not stolen. The department does not have specific statutory authority to require damaged major component parts to be repaired or replaced as a condition of inspection and or issuing a rebuilt title.²

Bonded Titles

Chapter 319.23, F.S., provides for the application and issuance of motor vehicle titles; however, ch. 319, F.S., does not authorize the DHSMV to accept a bond if an applicant for a certificate of title is unable to provide a title assigning the prior owner's interest in the motor vehicle.

Electronic Transactions - Motor Vehicle Certificates of Title, Motor Vehicle Licenses and Vessel Registration

Chapter 319, F.S., governs vehicle title certificates issued in Florida as well as fees, liens, and related issues. Section 319.40, F.S., authorizes the department to accept title applications provided for in Chapter 319, F.S., by "electronic or telephonic means;" however, it does not specifically allow the collection and use of email addresses or the issuing of electronic titles in lieu of printing paper titles.

Section 320.95, F.S., authorizes the department to accept registration applications provided for in Chapter 320, F.S., by "electronic or telephonic means;" however, it does not specifically allow the collection and use of email addresses from vehicle owners and registrants.

Chapter 328, F.S., governs title certificates and registration of vessels in Florida. Section 328.30, F.S., authorizes the DHSMV to accept any application required under ch. 328 by "electronic or telephonic means," relating to vessel titles.

Motor Vehicle Registration

Permanent Address Requirements - Active Duty Military Members

Section 320.02, F.S., requires every owner or person in charge of a motor vehicle operated or driven on the roads of this state to register the vehicle in this state. The owner or person in charge must apply to the department or to its authorized agent for registration of the vehicle. The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and shall be accompanied by personal or business identification information which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number.

Replacement Driver's Licenses Due to Address Change

Section 320.02(4), F.S., requires an owner of a registered motor vehicle to notify the department in writing of any change of address within 20 days of such change. The notification must include the registration license plate number, the vehicle identification number (VIN) or title certificate number, year of vehicle make, and the owner's full name.

Motor Vehicle Registration Check-offs – Florida Association of Food Banks, Inc.

² *Id.*

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Registration Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected in 09-10	Total Revenue Collected as of 6/30/10
Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$64,414	\$3,257,426
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$64,076	\$19,308,944
Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$59,796	\$1,127,329
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$35,689	\$621,832
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$33,436	\$683,187
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$22,039	\$384,281
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$45,367	\$1,014,046
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$55,819	\$598,792
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$44,920	\$270,176
Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	\$31,006	\$129,471
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$32,410	\$93,296
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$70,175	\$152,981
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$32,893	\$49,258

Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$44,975	\$45,151
Florida Network of Children’s Advocacy Centers, Inc.	2010-186, L.O.F.	7/1/2010	N/A	N/A
League Against Cancer	2010-223, L.O.F.	9/1/2010	N/A	N/A
Lauren’s Kid’s Inc.	2010-82, L.O.F.	10/1/2010	N/A	N/A
Florida Association of Agencies Serving the Blind, Inc.	2010-86, L.O.F.	10/1/2010	N/A	N/A
The ARC of Florida	2010-86, L.O.F.	10/1/2010	N/A	N/A
Ronald McDonald House Charities of Tampa Bay, Inc.	2010-86, L.O.F.	10/1/2010	N/A	N/A
Total			\$639,015	\$27,739,170

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle’s registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the above corporations, trust funds, and organizations as shown in the chart above. The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.³

These contributions are not income revenue and are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exception of the Organ and Tissue Donor trust fund.⁴

In 2010, the Legislature passed HB 971, which included a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver’s license forms by DHSMV. The moratorium is effective from July 1, 2010 to July 1, 2013, but contains an exception to “establish a voluntary contribution for an organization that has submitted a request to the Department of Highway Safety and Motor Vehicles before May 1, 2010 and submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010” or “which was included in a bill filed during the 2010 Legislative Session and met the requirements.”⁵ According to DHSMV, there were five organizations which met the moratorium exceptions.

Alternative License Plate Technologies Pilot Program

Section 320.06, F.S., requires registration license plates be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be

³ Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

⁴ Section 320.02, F.S., and s. 322.081, F.S.

⁵ S. 45, 2008-176, Laws of Florida

imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom.

Motor Carrier Compliance

The International Registration Plan; Apportioned Motor Vehicles; Definitions

The International Registration Plan (IRP) is a program for licensing commercial vehicles in interstate operations among member jurisdictions. The member jurisdictions of IRP are all states (except Alaska and Hawaii), the District of Columbia, and the Canadian provinces (except Yukon and Northwest Territory).

Under this program, an interstate carrier files an apportioned registration application in the state or province where the carrier is based (the base jurisdiction). The fleet vehicles and the miles traveled in each state are listed on the application. The base jurisdiction collects the full license registration fee and then distributes the fees to the other jurisdictions based on the percentage of miles the carrier will travel, or has traveled in each jurisdiction. The base jurisdiction also issues a license plate showing the word "apportioned" and a cab card showing the jurisdictions and weights for which the carrier has paid fees.

Section 320.01, F.S., defines the terms "apportioned motor vehicle" "apportionable vehicle" and "commercial motor vehicle."

Section 320.03(7), F.S., requires the DHSMV to register apportioned motor vehicles under the provisions of the IRP and may adopt rules to implement and enforce the provisions of the plan.

Section 320.071, F.S., provides an owner of any apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the department any time during the three months preceding the date of expiration of the registration period.

Section 320.0715(1), F.S., requires all commercial motor vehicles domiciled in Florida and engaged in interstate commerce to be registered in accordance with the provisions of the IRP and display apportioned license plates.

Section 320.0715(3), F.S., provides the department may in no event issue a temporary operational permit for any commercial motor vehicle to any applicant until the applicant has shown that:

- All sales or use taxes due on the registration of the vehicle are paid; and
- Insurance requirements have been met in accordance with ss. 320.02(5) and 627.7415, F.S.

Issuance of a temporary operational permit provides commercial motor vehicle registration privileges in each IRP member jurisdiction designated on said permit and therefore requires payment of all applicable registration fees and taxes due for that period of registration.

Commercial Vehicles; Federal Requirements - Inconsistencies

The Federal Motor Carrier Safety Administration (FMCSA) requires states to comply with federal commercial motor vehicle and licensing regulations. The FMCSA has requested minor modifications to current Florida law regarding the following commercial motor vehicle issues:

Driver Improvement Courses; Withhold of Adjudication

Sections 318.14(9) and (10) F.S., provide conditions for the court to withhold adjudication for certain violations and upon such action it shall not be considered a conviction.

Section 318.14(9)F.S., provides a person who does not hold a commercial driver's license and who is cited for certain violations may, in lieu of a court appearance, elect to attend a basic driver improvement course approved by the department. In such a case, adjudication must be withheld, points may not be assessed, and the civil penalty must be reduced by 18 percent; however, a person may not elect to attend such course if he or she has attended the course within the preceding 12 months. In addition, a person may make no more than five elections in a lifetime.

Section 318.14(10), F.S., provides any person who does not hold a commercial driver's license and who is cited for a listed offense, in lieu of payment of the fine or court appearance, may elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made if the person has made an election in the past 12 months, and no person may make more than three elections.

Temporary Commercial Instruction Permits

Section 322.07(3), F.S., provides any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver's license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, provided that:

- The applicant possesses a valid driver's license issued in any state; and
- The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is actually occupying the closest seat to the right of the driver.

Farm Vehicles and Straight Trucks

Section 322.53, F.S., requires every person driving a commercial vehicle to possess a commercial driver's license (CDL). The section also lists several exemptions from this requirement, including:

- Drivers of authorized emergency vehicles;
- Military personnel driving vehicles operated for military purposes;
- Farmers transporting farm supplies or farm machinery within 150 miles of their farm, or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm;
- Drivers of recreational vehicles;

- Drivers of straight trucks that are exclusively transporting their own tangible property personal property which is not for sale; and
- Employees of a public transit system when moving the vehicle for maintenance or parking.

Notwithstanding these exemptions, all drivers of for-hire commercial motor vehicles are required to possess a valid CDL.

Commercial Motor Vehicle Weight

Section 322.54, F.S., provides for the classification of vehicles and driver's licenses. Currently, any vehicle with a declared and actual weight of 10,001 pounds or more is classified as a commercial motor vehicle for CDL purposes. Under the provisions, the department is directed to issue driver's licenses for three classes of CDLs, Class A, Class B, and Class C, (as well as one class of non-commercial driver's license, Class E.) The class of CDL required for the legal operation of a commercial motor vehicle is determined by the weight of the vehicle, with heavier vehicles and load requiring a more stringently administered CDL. For example, a combination vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds requires the operator to possess a Class A CDL, whereas a vehicle with a GVWR of 10,001 pounds may require only a Class B CDL. Rather than weighing each vehicle, the classification is based on the GVWR ascribed to each vehicle by the manufacturer. The GVWR is typically identified by in the Vehicle Identification Number (VIN) plate or by a separate plate.

Federal Medical Certification

Section 322.59, F.S., provides the department shall not issue a commercial driver's license to any person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless such person presents a valid certificate prior to licensure.

Federal Motor Carrier Safety Administration Regulations – Disqualifications

Section 322.61, F.S., establishes criteria for disqualifying a commercial driver licensee from operating a commercial motor vehicle if the violations were committed in a commercial motor vehicle. The criteria consist of specified violations that, if made within certain timeframes, result in a temporary disqualification to operate a commercial motor vehicle. These violations and specifications mirror requirements provided by the FMCSA regulations, which the states are required to implement. Florida is required to change its laws to mirror the federal standards. Failure to comply can result in consequences ranging from loss of federal funds to decertification of the state to issue commercial driver's licenses.

Currently, the law provides for disqualification of a commercial motor vehicle operator for 60 days if he or she is convicted of committing two of the following traffic violations while driving a commercial motor vehicle within three years, or 120 days if convicted of three violations within three years. Current law also provides for the disqualification to operate a commercial motor vehicle for 60 or 120 days if the holder of a commercial driver's license commits the listed violations while operating a non-commercial motor vehicle and the violations result in suspension, revocation, or cancellation of the license holder's driving privilege:

- A violation of any traffic control law arising in connection with a crash resulting in death or personal injury to any person;

- Reckless driving;
- Careless driving;
- Fleeing or attempting to ellude law enforcement;
- Unlawful speed of 15 mph or more above the limit;
- Driving a self-owned commercial vehicle that is not properly insured;
- Improper lane change;
- Following too closely;
- Driving a commercial motor vehicle without obtaining a commercial driver's license;
- Driving a commercial motor vehicle without a commercial driver's license in possession;
or
- Driving a commercial motor vehicle without the proper class of commercial driver's license or without the proper endorsements.

If a commercial driver is convicted of committing one of the following violations while operating a commercial motor vehicle or any holder of a commercial driver's license is convicted of committing one of the following violations while operating a non-commercial motor vehicle, he or she will be disqualified for one year from operating a commercial motor vehicle:

- Driving a motor vehicle under the influence;
- Driving a commercial motor vehicle with a blood alcohol content (BAC) of .04 percent or higher;
- Leaving the scene of a crash involving a commercial motor vehicle driven by the driver;
- Using a motor vehicle in the commission of a felony;
- Driving a commercial motor vehicle while in possession of a controlled substance;
- Refusing to submit to test of alcohol concentration while driving a motor vehicle;
- Driving a commercial motor vehicle while the commercial driver's license is suspended, revoked, cancelled or while the driver is disqualified from driving a commercial motor vehicle; or
- Causing a fatality through the negligent operation of a commercial motor vehicle.

Section 322.61(5), F.S., specifies any holder of a commercial driver's license who is convicted of two of the violations listed above, which were committed while operating a noncommercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

Section 322.64, F.S., provides law enforcement officers or correctional officers shall disqualify commercial vehicle operators who have been arrested for a violation of driving with an unlawful blood alcohol level or have refused to submit to a breath, urine, or blood test from operating a commercial motor vehicle. Such officers shall provide the person disqualified with a 10-day temporary driving permit for the operation of a noncommercial vehicle, if otherwise eligible for the driving privilege, and also issue the person a notice of disqualification.

Section 322.64(8), F.S., provides the department must sustain the disqualification:

- For a period of 1 year if the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful BAL of 0.08 percent or higher; or

- Permanently if the person has been previously disqualified from operating a commercial motor vehicle or his or her driving privilege has been previously suspended for driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful BAL of 0.08 percent or higher.

Voluntary Contribution Check-offs

Currently, DHSMV is not authorized to retain certain proceeds derived from the motor vehicle registrations or driver license voluntary contributions program to defray the pro rata share of the department's costs that are directly related to the voluntary contributions program. Funds collected are distributed in full to the respective organizations as provided by law.

Temporary License Plates

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificates, license plates, mobile home stickers, or validation stickers or to obscure license plates; however, the prohibition does not include temporary license plates. A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

Temporary Disabled Parking Permits – Florida Governor's Alliance for the Employment of Disabled Citizens, Inc.

Section 320.0848, F.S., provides for the disbursement of the \$15 fee for a temporary disabled parking permit. Specifically, from the proceeds of each temporary disabled parking permit fee:

- The department must receive \$3.50, to be deposited into the Highway Safety Operating Trust Fund and used for implementing the real-time disabled parking permit database and for administering the disabled parking permit program.
- The tax collector, for processing, must receive \$2.50.
- The remainder must be distributed monthly as follows:
 - To the Florida Governor's Alliance for the Employment of Disabled Citizens for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers, \$4. These fees must be deposited into the Transportation Disadvantaged Trust Fund for transfer to the Florida Governor's Alliance for Employment of Disabled Citizens.
 - To the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities, \$5.

Recreational Vehicle Dealers

Section 320.771, F.S., governs recreational vehicle (RV) dealers' licenses.

Persons Exempt from Obtaining a Florida Driver's License

Section 322.04(1)(c), F.S., provides a nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country, may operate a motor vehicle of the type for which a Class E driver's license is required in Florida.

Section 322.04(1)(d), F.S., provides a nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country may operate a motor vehicle, other than a commercial motor vehicle, in Florida.

Identity Documents

Sections 322.051 and 322.08, F.S., provide requirements for the issuance of an identification card or driver's license. An applicant must submit the following proof of identity:

- 1) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.
- 2) Proof of birth date satisfactory to the department.
- 3) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:
 - a) A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., or sub-subparagraph g.;
 - b) A certified copy of a United States birth certificate;
 - c) A valid, unexpired United States passport;
 - d) A naturalization certificate issued by the United States Department of Homeland Security;
 - e) An valid, unexpired alien registration receipt card (green card);
 - f) A Consular Report of Birth Abroad provided by the United States Department of State;
 - g) An unexpired employment authorization card issued by the United States Department of Homeland Security; or
 - h) Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:
 - A notice of hearing from an immigration court scheduling a hearing on any proceeding.
 - A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.
 - Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.
 - Any official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.
 - Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.

- Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.
- Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.
- On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

Presentation of any of the documents in (3)(g) or (3)(h) entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or 1 year, whichever occurs first.

Expired Driver's Licenses

Section 322.065, F.S., provides that a person whose driver's license is expired for four months or less and who drives a motor vehicle upon the highways of this state is guilty of an infraction and subject to penalty provided in s. 318.18, Florida Statutes.

Examination of Motorcycle Applicants

Section 322.12(5), F.S., contains obsolete provisions directing the DHSMV to formulate a separate examination for applicants for licenses to operated motorcycles. The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorcycle. Effective July 1, 2008, s. 322.12(5), F.S., requires every first-time applicant, regardless of age, for licensure to operate a motorcycle to provide proof of completion of a DHSMV approved motorcycle safety course, as provided in s. 322.0255, F.S., prior to the applicant being issued a license to operate a motorcycle. According to the department, an examination is included with the motorcycle safety course. DHSMV does not offer any motorcycle examinations.

Military Driver's License Extensions

Section 322.121(5), F.S., grants members of the Armed Forces, or their dependents residing with them, an automatic extension for the expiration of their licenses without reexamination while serving on active duty outside the state. The extension is valid for 90 days after the member of the Armed Forces is either discharged or returns to Florida to live.

Driver's License Photographs

Section 322.14, F.S., requires applicants qualifying to receive a Class A, Class B, or Class C driver's license must appear in person within the state for issuance of a color photographic or digital imaged driver's license.

Driver's License Renewals

Section 322.21(4), F.S., provides a licensee shall be issued a renewal license, after reexamination, if required, during the 30 days immediately preceding his or her birthday upon

presenting a renewal notice, his or her current license, and the fee for renewal to the department at any driver's license examining office. However, the department currently allows a person to renew his or her driver's license 18 months prior to his or her birthday. This change would codify the correct early renewal period and reflect current practice.

Chauffeurs' Licenses

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of chauffeur's licenses to transfer to uniform Commercial Driver's License requirements. The 'phasing out' period ended on April 1, 1991, after which time chauffeurs' licenses were no longer issued nor recognized as valid.

III. Effect of Proposed Changes:

The following discussion represents a section-by-section analysis of the bill:

Section 1 amends s. 20.24, F.S., to specify an Executive Director shall serve at the pleasure of the Governor and Cabinet, who are the head of the department. The Executive Director is authorized to establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

In addition, this section is amended to create the Division of Motorist Services within DHSMV and eliminate the Division of Driver Licenses and the Division of Motor Vehicles as two separate entities due to the reorganization of the department structure. The Division of Motorist Services is a merger of the DDL and the DMV. According to DHSMV, the two divisions have similar functions and serve the same customers, merging the divisions will allow the department to capitalize on operational efficiencies and will result in significant cost savings while enhancing customer service delivery.

Section 2 amends s. 261.03, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 3 amends s. 288.816, F.S., to conform provisions relating to the creation of the Division of Motorists Services. Specifically, this section refers to the department as having the authority to issue special license plates instead of DMV due to the reorganized structure that eliminates DMV as an entity.

Section 4 amends s. 316.1933, F.S., to authorize health care providers to notify any law enforcement officer or law enforcement agency after detecting the presence of controlled substances, as specified in ch. 893, F.S., in the blood of a person injured in a motor vehicle crash, in addition to cases where the level of alcohol is determined as meeting or exceeding the blood-alcohol limits specified in s. 316.193(1)(b), F.S.

Section 5 amends s. 316.1957, F.S., to conform provisions relating to the creation of the Division of Motorists Services. Specifically, this section refers to records of the department instead of the DMV due to the reorganized structure that eliminates DMV as an entity.

Section 6 amends s. 316.2122, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 7 amends s. 316.2124, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 8 amends s. 316.21265, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 9 amends s. 316.3026, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 10 amends s. 316.545, F.S., to replace the term “apportioned motor vehicle” with “apportionable vehicle.”

Section 11 amends s. 316.550, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 12 amends the provisions of s. 316.646, F.S., dealing with suspension of a driver’s registration and license. The bill directs the department to suspend all registrations of all vehicles owned and the driver's license of a person convicted of failure to maintain required security while operating a private passenger motor vehicle.

Section 13 amends s. 317.0003, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 14 amends s. 317.0016, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department’s agents.

Section 15 amends s. 318.14, F.S., to comply with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations who either hold a CDL, regardless of the vehicle being driven, or who hold a regular operator license but are cited while driving a vehicle requiring a CDL. Eligibility for that option would be restricted to drivers who have regular operator’s licenses and were not driving a commercial motor vehicle when cited.

Section 16 amends s. 318.15, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 17 amends s. 319.14, F.S., to include the terms and definitions of “custom vehicle” and street rod vehicle” to conform the titling process of unique license plates for custom and street rod vehicles. Section 319.14(1)(b), F.S., also provides a vehicle may not be inspected or issued a rebuilt title until all major component parts, as defined in s. 319.30, F.S., (any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag) which were damaged have been repaired or replaced.

Section 18 amends s. 319.225, F.S., to modernize the format of motor vehicle certificates of title.

Specifically, the bill amends s. 319.225(1) through 319.225(6)(a), F.S., to eliminate the requirements for actions to be taken on the back of certificate of title form to allow odometer disclosures and reassignments to take place on forms provided by the department.

The bill amends s. 319.225(6)(b), F.S., relating to power of attorney forms to provide if the dealer sells the vehicle to an out-of-state resident or an out-of-state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original of the form and mail it directly to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to the purchaser.

The bill creates s. 319.225(7), F.S., which would allow titles to remain electronic in sales of a motor vehicle. This is subject to approval of the National Highway Traffic Safety Administration or any other applicable authority to allow the transferor and transferee to complete the federally required odometer disclosure on a secure reassignment document. Both the transferor and transferee must execute the secure reassignment document at a tax collector office or license plate agency. A dealer acquiring a motor vehicle that has an electronic title is also to use a secure reassignment document signed by the person from whom the dealer acquired the motor vehicle. Upon transfer of the motor vehicle to another person, a separate reassignment document must be executed.

According to DHSMV, currently, when a customer sells a motor vehicle, they must sign over a paper title to the buyer to comply with federal and state odometer disclosure laws.

Section 19 creates s. 319.23(7), F.S., to allow the department to accept a bond and affidavit, which includes verification of the vehicle identification number and application for title, if an applicant for a certificate of title is unable to provide the department with a certificate of title assigning the prior owner's interest in the motor vehicle. The bond must be:

- In a form prescribed by the department;
- Executed by the applicant;
- Issued by a person authorized to conduct a surety business in this state;
- In an amount equal to two times the value of the vehicle as determined by the department; and
- Conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle.

An interested person has a right to recover on the bond for a breach of the bond's condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond. A bond under this subsection expires on the third anniversary of the date the bond became effective.

The affidavit must:

- Be in a form prescribed by the department;

- Include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle;
- Disclose that no security interests, liens, or encumbrances against the motor vehicle are known to the applicant against the motor vehicle; and
- State that the applicant has the right to have a certificate of title issued.

According to the department, this provision will align Florida with many other states that offer bonding as a way to provide consumer protection and allow the issuance of a title without having to obtain a court order or provide other acceptable alternative proof of ownership.⁶

Section 20 amends s. 319.28, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department's agents.

Section 21 amends s. 319.323, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department's agents.

Section 22 amends s. 319.40, F.S., to authorize the department to issue electronic certificates of title and to collect e-mail addresses of vehicle owners and registrants for notification purposes related to vehicle titles in lieu of the United States Postal Service.

Section 23 amends s. 320.01, F.S., to conform definitions to the IRP relating to the term "apportionable vehicle." Specifically, this section is amended to delete the disused definition "apportioned motor vehicle," and to revise the gross vehicle weight for purposes of defining the terms "apportionable vehicle" and "commercial motor vehicle".

Section 24 amends s. 320.02(2), F.S., to exempt active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration.

Section 320.02(4), relates to notification of address changes on motor vehicle records. This section is amended to require an owner or registrant to obtain a driver's license replacement that reflects changes to the residence or mailing address before changing the address on the motor vehicle record.

Section 320.02(15), F.S., is amended to include a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms to End Hunger in Florida. The department must distribute the proceeds monthly to the Florida Association of Food Banks, Inc., a non-profit 501(c)(3) corporation to be used for the purpose of ending hunger in Florida. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S. According to DHSMV, the Florida Association of Food Banks, Inc. has met the requirements set forth in s. 320.023, F.S.

Section 320.02(18), F.S., is created to specify all electronic registration records must be retained by the department for at least 10 years.

⁶ *Id.*

Section 25 amends s. 320.023, F.S., to authorize DHSMV to annually retain, from the first proceeds derived from voluntary contributions collected relating to motor vehicle registrations, an amount sufficient to defray the share of the department's costs. These costs include renewal notices, postage, distribution costs, direct costs to the department, and costs associated with ensuring an organization's compliance with auditing and attestation. The revenues retained by the department may not be less than 0.005 percent and it may not exceed 0.015 percent. The balance of the proceeds from voluntary contribution collections are to be distributed as provided by law. The department estimates an annual retention between \$3,089 and \$9,266 of the proceeds from the voluntary contribution collections.

Section 26 amends s. 320.03, F.S., to replace the term "apportioned motor vehicles" with the term "apportionable vehicles" and to correct a cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

Section 27 amends s. 320.05, F.S., to delete a \$25 fee for a copy of the Division of Motor Vehicles Procedures Manual and to conform provisions relating to the creation of the Division of Motorists Services.

According to the department, the Division of Motor Vehicles Procedures Manual is maintained electronically and hard copies are no longer available for sale.

Section 28 amends s. 320.06, F.S., to allow DHSMV to perform a pilot program limited to state-owned vehicles, in order to evaluate designs, concepts, and alternative technologies for license plates. The section also, specifies, all license plates issued by the department are the property of the state.

According to DHSMV, Florida law specifically describes the physical attributes of a license plate and by doing so prohibits the testing of some emerging plate technologies on the roads of Florida. This pilot program will allow the department to investigate newly available license plate designs, concepts and technologies, possibly resulting in going beyond current production standards. By doing so, the pilot will provide answers to questions involving alternative license plate technologies. This may be an additional revenue source, currently indeterminate, if a less expensive option is available.⁷

Section 29 amends s. 320.061, F.S., to prohibit the alteration of temporary license plates and provide such violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

Section 30 amends s. 320.071, F.S., to conform to the IRP relating to the term "apportionable vehicle." Specifically, this section is amended to replace the term "apportioned motor vehicle" with the term "apportionable vehicle" and to clarify such vehicles are registered under the provisions of the IRP.

⁷ *Id.*

Section 31 amends s. 320.0715, F.S., to conform to the IRP relating to the term “apportionable vehicle.” Specifically, this section is amended to replace the term “commercial motor vehicle” with the term “apportionable vehicle.”

Section 32 amends s. 320.08, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 33 amends s. 320.0847, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 34 amends s. 320.0848, F.S., to replace the Florida Governor’s Alliance for the Employment of Disabled Citizens and name the Florida Endowment Foundation for Vocational Rehabilitation, known as “The Able Trust,” as the recipient organization of the \$4 proceeds from temporary disabled parking permits. The department must directly deposit these fees into the Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615, F.S.

Section 35 amends s. 320.275, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 36 amends s. 320.771, F.S., to specify circumstances when a RV dealer may apply for a certificate of title to a RV using a manufacturer’s statement of origin. Specifically, RV dealers cannot apply for a certificate of title on RVs within a line-make unless he or she is authorized by a manufacturer/dealer agreement to buy, sell, or deal in a specified line-make and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make. The definition of line-make in s. 320.3202(6), F.S., specifies sufficiently the uniqueness of features to imply that the agreements would authorize a class of models targeted to a specific market segment, further identifying the product line-make to a model.

According to DHSMV, this will have an operational and fiscal impact. Operationally, the tax collectors will no longer title a recreational vehicle unless the dealer is authorized to buy, sell, or deal in the specified model within the line-make. Fiscally, this will require programming to identify a model number associated with each line-make for each of the current 107 manufacturers and 131 dealers. The line-makes have a range of models from 1-18. This section will also require programming for vendors that provide the industry access to the department’s FRVIS system for titling and registration via the electronic filing system (EFS).

Section 37 amends s. 320.95, F.S., to expressly permit the department to collect and use e-mail addresses of motor vehicle owners and registrants as a method of notification relating to motor vehicle licenses in lieu of the United States Postal Service.

Section 38 amends s. 321.02, F.S., to designate the director of the Division of Highway Patrol as the “Colonel” of the Florida Highway Patrol.

Section 39 amends s. 322.02, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 40 amends s. 322.04, F.S., revises provisions exempting a nonresident from the requirement to obtain a driver's license. Specifically, international visitors are permitted to use an International Driving Permit (IDP) issued in his or her name by their country of residence to operate a motor vehicle of the type for which a Class E driver's license is required if he or she has the (IDP) in their immediate possession.

Section 41 amends s. 322.051(1), F.S., to revise requirements by which an applicant for an identification card may prove non-immigrant status. Specifically, every applicant for an identification card must have documents to prove evidence of lawful presence and the department is authorized to require other documents from those listed in the statute in order to establish efforts to maintain continuous lawful presence.

In addition, this section is amended to ensure the revised documentary evidence does not make the applicant entitled to an identification card, but only eligible for one which, when issued, will be valid for a period not to exceed one year from the date of issue or until the date of expiration of the document, whichever first occurs.

Section 322.051(9), F.S., is created to require the department to issue or renew an identification card at no charge to a person who presents good cause for a fee waiver, notwithstanding any other provision of this section or s. 322.21, F.S., to the contrary.

Section 42 amends s. 322.058, F.S., to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

Section 43 amends s. 322.065, F.S., to revise the period of expiration from 4 months to 6 months that constitutes the offense of driving with an expired driver license, in order to conform with other statutes.

Section 44 amends s. 322.07, F.S., requires an applicant for a temporary commercial instruction permit to have a valid Florida license.

Section 45 amends s. 322.08(2), F.S., to revise requirements by which an applicant for driver license may prove non-immigrant status. Specifically, every applicant for a driver license must have documents to prove evidence of lawful presence and the department is authorized to require other documents from those listed in the statute in order to establish efforts to maintain continuous lawful presence.

In addition, this section is amended to ensure the revised documentary evidence does not make the applicant entitled to a driver license or temporary permit, but only eligible for one which, when issued, will be valid for a period not to exceed one year from the date of issue or until the date of expiration of the document, whichever first occurs.

Section 322.08(8), F.S., is created to authorize the department to collect and use e-mail addresses for the purpose of providing renewal notices in lieu of the United States Postal Service. According to the department, this would result in substantial savings by reducing mailing costs. However, the renewals mailed in are a small segment of the overall renewals. Currently, all renewal mail-ins from customers are sent to the Department of Revenue (DOR). The formatting

of the coupon or the notice that is mailed back is specifically designed to fit the DOR electronic systems. Until the electronic addresses that the department may gather can be interfaced with the DOR systems for processing, this change cannot be made for those who may choose to renew by mail. In addition, this will enable the department to continue its efforts doing business electronically, as well as reduce costs associated with printing and mailing renewal notices.⁸

Section 46 amends s. 322.081, F.S., to authorize DHSMV to annually retain, from the first proceeds derived from voluntary contributions collected relating to driver's license applications and renewals, an amount sufficient to defray the share of the department's costs. These costs include renewal notices, postage, distribution costs, direct costs to the department, and costs associated with ensuring an organization's compliance with auditing and attestation. The revenues retained by the department may not be less than 0.005 percent and it may not exceed 0.015 percent. The balance of the proceeds from voluntary contribution collections are to be distributed as provided by law. The department estimates an annual retention between \$2,794 and \$8,382 of the proceeds from the voluntary contribution collections.

Section 47 amends s. 322.12, F.S., to delete the requirement that DHSMV conduct motorcycle examinations and to specify the motorcycle safety course for a first-time applicant include a final examination, which conforms law to practice.

Section 48 amends s. 322.121, F.S., to clarify that military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state.

Section 49 amends s. 322.14, F.S., to eliminate the requirement that applicants for a Class A, Class B, and Class C driver's license must appear in person within the state for issuance of a color photographic or digital imaged driver's license.

Section 50 amends s. 322.20, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 51 amends s. 322.202, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 52 amends s. 322.21(2), F.S., to conform provisions relating to the creation of the Division of Motorists Services. Section 322.21(4), F.S., is also amended to extend the license renewal period up to 18 months prior to expiration. The department currently allows a person to renew his or her driver's license 18 months prior to his or her birthday. This change would codify the correct early renewal period and reflect current practice

Section 53 amends s. 322.53, F.S. Specifically, s. 322.53(2), F.S., is revised to clarify two exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL.

- Paragraph (c) is amended to clarify that farmers are exempt from CDL requirements only when transporting agricultural products, farm machinery, and farm supplies, within 150 miles of, and to or from, their farms. The exemption does not apply if the products,

⁸ *Id.*

machinery, or supplies are being transported by a vehicle used by a common or contract carrier.

- Paragraph (e) is amended to clarify the exemption for drivers of straight trucks used exclusively for transporting their own personal property which is not for sale. In compliance with federal regulations, the bill clarifies that, in order for the exemption to apply, the vehicle must not be engaged in commerce, or be for-hire. For example, if a construction company transports construction debris to a landfill, the fact that the property being transported is not for sale would not exempt the driver from CDL requirements since the vehicle is being used in a commercial enterprise.

Section 54 amends s. 322.54, F.S., to add a new subsection (5), to allow the vehicle's actual weight to be used in the determination of the class of CDL required when the GVWR or VIN plate is not available.

Section 55 repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver's Licenses in the early 1990's.

Section 56 amends s. 322.59, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.59, F.S., is amended to require the department to disqualify a driver holding a CDL who fails to comply with the medical certification requirements described in 49 C.F.R. s. 383.71.

Section 57 amends s. 322.61, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.61(5), F.S., is amended to provide any holder of a commercial driver's license who is convicted of two violations of specified offenses listed in s. 322.61(3), F.S., which were committed while operating *any* motor vehicle arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

Section 58 amends s. 322.64, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.64, F.S., is amended to provide a notice of disqualification from operating a commercial motor vehicle acts as a conviction for purposes of certain federal restrictions imposed for the offense of operating a commercial motor vehicle while under the influence of alcohol. In addition, the section is amended to delete provisions authorizing the department to impose certain restrictions for certain offenses and replace those provisions with the federal reference, in order to negate the need to continuously modify state law with FMCSA regulations.

Section 59 amends s. 328.30, F.S., to provide DHSMV may issue an electronic certificate of title for vessels in lieu of printing a paper title and to permit DHSMV to collect and use e-mail addresses as a method of notification regarding vessel titles and registration in lieu of the United States Postal Service.

Section 60 amends s. 413.012, F.S., to conform provisions relating to the elimination of the Division of Driver Licenses and the creation of the Division of Motorists Services .

Section 61 amends s. 713.78, F.S., to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

Section 62 provides this act shall take effect July 1, 2011.

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:

Persons who elect to donate to a charitable cause on a motor vehicle registration application or renewal, will be required to pay an additional \$1 for each check-off they elect. It is impossible to determine how many people will elect to donate on applications or renewals. Therefore, the aggregate impact to the private sector cannot be determined.

Persons who presents good cause for a fee waiver, may be issued a new or renewal identification card at no charge.

C. Government Sector Impact:

According to DHSMV, authorizing the collection of email addresses and telephone numbers will allow the department to provide enhanced customer service by facilitating electronic and telephonic communication. Postal costs may be reduced in the future depending on the number of customers participating in the electronic service. Also provides electronic tracking of correspondence.

The department estimates an annual retention between \$3,089 and \$9,266 of the proceeds from the voluntary contribution collections relating to motor vehicle registrations.

The department estimates an annual retention between \$2,794 and \$8,382 of the proceeds from the voluntary contribution collections relating to driver's license applications and renewals.

According to DHSMV, amending s. 320.771, F.S., as provided in the bill, will have an operational and fiscal impact. Operationally, the tax collectors will no longer title a

recreational vehicle unless the dealer is authorized to buy, sell, or deal in the specified model within the line-make. Fiscally, this will require programming to identify a model number associated with each line-make for each of the current 107 manufacturers and 131 dealers. The line-makes have a range of models from 1-18. This section will also require programming for vendors that provide the industry access to the department's FRVIS system for titling and registration via the electronic filing system (EFS)

The Florida Association of Food Banks, Inc., has paid an application fee of \$10,000 for motor vehicle registrations to defray DHSMV's costs for reviewing the application and developing the check-off.

Therefore, the Highway Safety Operating Trust Fund has received \$10,000 in revenues from application fees, which, should this bill pass, would be expended in programming costs in the same amount, through the Highway Safety Operating Trust Fund, for a zero net gain or loss of state revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 250 and 251
insert:

Section 4. Section 316.1905, Florida Statutes, is amended
to read:

316.1905 Electrical, mechanical, or other speed calculating
devices; power of arrest; evidence.—

(1) Whenever any peace officer engaged in the enforcement
of the motor vehicle laws of this state uses an electronic,
electrical, mechanical, or other device used to determine the
speed of a motor vehicle on any highway, road, street, or other



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13 public way, such device shall be of a type approved by the
14 department and shall have been tested to determine that it is
15 operating accurately. Tests for this purpose shall be made not
16 less than once each 6 months, according to procedures and at
17 regular intervals of time prescribed by the department.

18 (2) Any police officer, upon receiving information relayed
19 to him or her from a fellow officer stationed on the ground or
20 in the air operating such a device that a driver of a vehicle
21 has violated the speed laws of this state, may arrest the driver
22 for violation of said laws where reasonable and proper
23 identification of the vehicle and the speed of same has been
24 communicated to the arresting officer.

25 (3) Citations for violations of ss. 316.183, 316.187,
26 316.189, 316.1893, and 316.1895 may not be issued or prosecuted
27 unless a law enforcement officer used an electrical, mechanical,
28 or other speed-calculating device that has been tested and
29 approved in accordance with subsection (1).

30 (4)~~(3)~~(a) A witness otherwise qualified to testify shall be
31 competent to give testimony against an accused violator of the
32 motor vehicle laws of this state when such testimony is derived
33 from the use of such an electronic, electrical, mechanical, or
34 other device used in the calculation of speed, upon showing that
35 the speed calculating device which was used had been tested.
36 However, the operator of any visual average speed computer
37 device shall first be certified as a competent operator of such
38 device by the department.

39 (b) Upon the production of a certificate, signed and
40 witnessed, showing that such device was tested within the time
41 period specified and that such device was working properly, a



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42 presumption is established to that effect unless the contrary
43 shall be established by competent evidence.

44 (c) Any person accused pursuant to the provisions of this
45 section shall be entitled to have the officer actually operating
46 the device appear in court and testify upon oral or written
47 motion.

48

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

50 And the title is amended as follows:

51 Delete line 11

52 and insert:

53 license plates; conforming a reference; amending s.
54 316.1905, F.S.; providing that certain traffic citations may not
55 be issued or prosecuted unless a law enforcement officer used an
56 electrical, mechanical, or other speed-calculating device that
57 has been tested and approved; amending s.

58



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Transportation (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Between lines 2021 and 2022
insert:

Section 53. Subsection (5) of section 322.292, Florida Statutes, is amended to read:

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

(5) A private probation services provider authorized under s. 948.15 may not provide services to ~~refer~~ probationers through ~~to~~ any DUI program owned in whole or in part by that probation services provider or its affiliates. The department may adopt



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13 rules establishing an exemption from this requirement if there
14 is only one DUI program provider within a county shall establish
15 rules to administer this subsection.

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Between lines 169 and 170

20 insert:

21 amending s. 322.292, F.S.; prohibiting certain private
22 probation service providers from providing services to
23 probationers through a DUI program that it or its
24 affiliate owns; authorizing the department to adopt
25 rules establishing an exemption;



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 2279 and 2280
insert:

Section 62. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and may not be ~~adjusted or~~ capable of being flipped up, inverted, reversed, or in any other way rendered to make the letters of the tag illegible from the rear while the vehicle is being operated. ~~No device for or~~



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13 ~~method of concealing~~ Concealing or obscuring the legibility of
14 the license tag of a motorcycle is prohibited ~~shall be installed~~
15 ~~or used~~. The license tag of a motorcycle or moped may be affixed
16 horizontally or vertically to the ground so that the numbers and
17 letters read from left to right or from top to bottom.
18 ~~Alternatively, a license tag for a motorcycle or moped for which~~
19 ~~the numbers and letters read from top to bottom may be affixed~~
20 ~~perpendicularly to the ground, provided that the registered~~
21 ~~owner of the motorcycle or moped maintains a prepaid toll~~
22 ~~account in good standing and a transponder associated with the~~
23 ~~prepaid toll account is affixed to the motorcycle or moped.~~

24 Section 63. Subsection (6) of section 319.23, Florida
25 Statutes, is amended to read

26 319.23 Application for, and issuance of, certificate of
27 title.—

28 (6) (a) In the case of the sale of a motor vehicle or mobile
29 home by a licensed dealer to a general purchaser, the
30 certificate of title must be obtained in the name of the
31 purchaser by the dealer upon application signed by the
32 purchaser, and in each other case such certificate must be
33 obtained by the purchaser. In each case of transfer of a motor
34 vehicle or mobile home, the application for a certificate of
35 title, a corrected certificate, or an assignment or reassignment
36 must be filed within 30 days after the delivery of the motor
37 vehicle or from consummation of the sale of a mobile home to the
38 purchaser. An applicant must pay a fee of \$20, in addition to
39 all other fees and penalties required by law, for failing to
40 file such application within the specified time. In the case of
41 the sale of a motor vehicle by a licensed motor vehicle dealer



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42 to a general purchaser who resides in another state or country,
43 the dealer is not required to apply for a certificate of title
44 for the motor vehicle; however, the dealer must transfer
45 ownership and reassign the certificate of title or
46 manufacturer's certificate of origin to the purchaser, and the
47 purchaser must sign an affidavit, as approved by the department,
48 that the purchaser will title and register the motor vehicle in
49 another state or country.

50 (b) If a licensed dealer acquires a motor vehicle or mobile
51 home as a trade-in, the dealer must file with the department,
52 within 30 days, a notice of sale signed by the seller. The
53 department shall update its database for that title record to
54 indicate "sold." A licensed dealer need not apply for a
55 certificate of title for any motor vehicle or mobile home in
56 stock acquired for stock purposes except as provided in s.
57 319.225.

58 Section 64. Subsection (1) of section 320.01, Florida
59 Statutes, is amended to read:

60 320.01 Definitions, general.—As used in the Florida
61 Statutes, except as otherwise provided, the term:

62 (1) "Motor vehicle" means:

63 (a) An automobile, motorcycle, truck, trailer, semitrailer,
64 truck tractor and semitrailer combination, or any other vehicle
65 operated on the roads of this state, used to transport persons
66 or property, and propelled by power other than muscular power,
67 but the term does not include traction engines, road rollers,
68 special mobile equipment as defined in chapter 316, such
69 vehicles as run only upon a track, bicycles, or mopeds.

70 (b) A recreational vehicle-type unit primarily designed as



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71 temporary living quarters for recreational, camping, or travel
72 use, which either has its own motive power or is mounted on or
73 drawn by another vehicle. Recreational vehicle-type units, when
74 traveling on the public roadways of this state, must comply with
75 the length and width provisions of s. 316.515, as that section
76 may hereafter be amended. As defined below, the basic entities
77 are:

78 1. The "travel trailer," which is a vehicular portable
79 unit, mounted on wheels, of such a size or weight as not to
80 require special highway movement permits when drawn by a
81 motorized vehicle. It is primarily designed and constructed to
82 provide temporary living quarters for recreational, camping, or
83 travel use. It has a body width of no more than 8 1/2 feet and
84 an overall body length of no more than 40 feet when factory-
85 equipped for the road.

86 2. The "camping trailer," which is a vehicular portable
87 unit mounted on wheels and constructed with collapsible partial
88 sidewalls which fold for towing by another vehicle and unfold at
89 the campsite to provide temporary living quarters for
90 recreational, camping, or travel use.

91 3. The "truck camper," which is a truck equipped with a
92 portable unit designed to be loaded onto, or affixed to, the bed
93 or chassis of the truck and constructed to provide temporary
94 living quarters for recreational, camping, or travel use.

95 4. The "motor home," which is a vehicular unit which does
96 not exceed the length, height, and width limitations provided in
97 s. 316.515, is a self-propelled motor vehicle, and is primarily
98 designed to provide temporary living quarters for recreational,
99 camping, or travel use.



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100 5. The "private motor coach," which is a vehicular unit
101 which does not exceed the length, width, and height limitations
102 provided in s. 316.515(9), is built on a self-propelled bus type
103 chassis having no fewer than three load-bearing axles, and is
104 primarily designed to provide temporary living quarters for
105 recreational, camping, or travel use.

106 6. The "van conversion," which is a vehicular unit which
107 does not exceed the length and width limitations provided in s.
108 316.515, is built on a self-propelled motor vehicle chassis, and
109 is designed for recreation, camping, and travel use.

110 7. The "park trailer," which is a transportable unit which
111 has a body width not exceeding 14 feet and which is built on a
112 single chassis and is designed to provide seasonal or temporary
113 living quarters when connected to utilities necessary for
114 operation of installed fixtures and appliances. The total area
115 of the unit in a setup mode, when measured from the exterior
116 surface of the exterior stud walls at the level of maximum
117 dimensions, not including any bay window, does not exceed 400
118 square feet when constructed to ANSI A-119.5 standards, and 500
119 square feet when constructed to United States Department of
120 Housing and Urban Development Standards. The length of a park
121 trailer means the distance from the exterior of the front of the
122 body (nearest to the drawbar and coupling mechanism) to the
123 exterior of the rear of the body (at the opposite end of the
124 body), including any protrusions.

125 8. The "fifth-wheel trailer," which is a vehicular unit
126 mounted on wheels, designed to provide temporary living quarters
127 for recreational, camping, or travel use, of such size or weight
128 as not to require a special highway movement permit, of gross



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129 trailer area not to exceed 400 square feet in the setup mode,
130 and designed to be towed by a motorized vehicle that contains a
131 towing mechanism that is mounted above or forward of the tow
132 vehicle's rear axle.

133 Section 65. Section 322.1415, Florida Statutes, is created
134 to read:

135 322.1415 Specialty driver's license and identification card
136 program.—

137 (1) The department shall issue to any applicant qualified
138 pursuant to s. 322.14 a specialty driver's license or
139 identification card upon payment of the appropriate fee pursuant
140 to s. 322.21.

141 (2) Department-approved specialty driver's licenses and
142 identification cards shall, at a minimum, be available for state
143 and independent universities domiciled in this state, all
144 Florida professional sports teams designated in s.
145 320.08058(9)(a), and all branches of the United States military.

146 (3) The design and use of each specialty driver's license
147 and identification card must be approved by the department and
148 the organization that is recognized by the driver's license or
149 card.

150 Section 66. Paragraph (i) is added to subsection (1) of
151 section 322.21, Florida Statutes, to read:

152 322.21 License fees; procedure for handling and collecting
153 fees.—

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

155 (i) The specialty license or identification card issued
156 pursuant to s. 322.1415 is \$25, which is in addition to other
157 fees required in this section. The specialty fee shall be



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158 distributed as follows:

159 1. Twenty percent shall be distributed to the appropriate
160 state or independent university foundation, the Florida Sports
161 Foundation, or the State Homes for Veterans Trust Fund, as
162 designated by the purchaser, for deposit into an unrestricted
163 account.

164 2. Eighty percent shall be distributed to the department
165 for department costs directly related to the specialty driver's
166 license and identification card program and to defray costs of
167 production enhancements and distribution.

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete line 201

172 and insert:

173 conforming a cross-reference; amending s. 316.2085, F.S.;

174 providing that license tags for mopeds and motorcycles must be

175 affixed so that the letters and numbers are legible from the

176 rear; specifying that the tags may be displayed horizontally or

177 vertically to the ground so that the numbers and letters read

178 from left to right or from top to bottom; amending s. 319.23,

179 F.S.; authorizing the application for certificate of title,

180 corrected certificate, or assignment or reassignment be filed

181 from the consummation of the sale of a mobile home; amending s.

182 320.01, F.S.; revising the definition of the term "motor

183 vehicle" to include special mobile equipment; creating s.

184 322.1415, F.S.; requiring the Department of Highway Safety and

185 Motor Vehicles to issue a specialty driver's license or

186 identification card to qualified applicants; specifying that, at



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187 a minimum, the specialty driver's licenses and identification
188 cards must be available for certain state and independent
189 universities and professional sports teams and all of the
190 branches of the United States military; requiring that the
191 design of each specialty driver's license and identification
192 card be approved by the department; amending s. 322.21, F.S.;
193 providing for the distribution of funds collected from the
194 specialty driver's license and identification card fees;
195 providing an effective
196