

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED

## Committee on Transportation

### **CS/HB 437 — Motor Vehicle Licenses**

by Transportation and Highway Safety Subcommittee and Rep. Holder (CS/SB 740 by Transportation Committee and Senator Negron)

The bill amends s. 320.6992, F.S., to provide that the application of ss. 320.60-320.70, F.S., “including any amendments to ss. 320.60-320.70, F.S.,” apply to all existing or subsequently-established motor vehicle distribution systems in Florida, unless such application would impair valid contractual agreements in violation of the State or Federal Constitution.

The bill also amends s. 320.6992, F.S., to provide that 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,” shall govern all agreements renewed, amended, or entered into subsequent to October 1, 1988.

The bill amends s. 320.60(14), F.S., to revise the term “line-make vehicles” to provide an exception that motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when:

- They are included in single franchise agreement; and
- every motor vehicle dealer in Florida authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement.

The definition provides that such multiple brand names or marks shall be considered individual franchises for purposes of s. 320.64(36), F.S., relating to licensee “buy-backs” of dealer equipment upon termination of a franchise contract.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 38-1; House 116-0*

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED

## Committee on Transportation

### **HB 501 — Choose Life License Plates**

by Rep. Baxley (CS/CS/SB 196 by Budget Committee; Community Affairs Committee; and Senator Fasano)

This bill amends s. 320.08058, F.S., to provide the following proposed changes:

- Directs the distribution of funds from the sale of “Choose Life” license plates to Choose Life, Inc.
- Choose Life, Inc., will distribute funds to participating nongovernmental, not-for-profit agencies within the State of Florida that assist pregnant women who are making an adoption plan for their children. Funds will be distributed based on an annual Department of Highway Safety and Motor Vehicle (DHSMV) sales per county report.
- Removes the minimum amount of funds used by agencies to provide materials to pregnant women making an adoption plan, and it extends the use of funds to birth mothers for 60 days after delivery.
- Provides Choose Life, Inc., may use a maximum of 15 percent of funds collected annually for administration and promotion of “Choose Life” specialty license plates. Funds remaining unused by agencies must be returned to Choose Life, Inc., if such funds exceed 10 percent of funds collected annually.
- If no qualified agency applies to receive funds in a county in any year, that county’s Choose Life funds shall be distributed pro-rata to any qualified agencies that apply provided such agencies maintain a place of business within a one hundred mile radius of the county seat of such county. If no qualified agencies apply, the funds shall be held by Choose Life, Inc., until a qualified agency applies for the funds.
- By October 1, 2011, all funds collected by DHSMV from the sale of “Choose Life” license plates shall be transferred to Choose Life, Inc. This change will allow the department to distribute the \$557,451.63 in funds held due to lack of participating counties.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 28-10; House 83-33*

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED

## Committee on Transportation

### **CS/CS/HB 689 — Driver Education and Testing**

by Economic Affairs Committee; Transportation and Highway Safety Subcommittee; and Rep. Berman and others (CS/SB 1974 by Budget Committee and Senator Hill)

This bill amends ss. 318.1451 and 322.095, F.S., relating to Driver Improvement Schools and Traffic Law and Substance Abuse Education Programs for driver's license applicants. The 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 (Department) is required to consider whether such information is included in a provider's curriculum, when determining whether to approve the courses.

The bill amends s. 322.12, F.S., to require driver's license exams and commercial driver's license exams to include one question testing the applicant's knowledge of traffic regulations to assist blind persons. The questions developed by the Department must emphasize pedestrian right-of-way when a driver is making a right turn at an intersection.

The bill amends s. 322.56, F.S., to provide that learner's driver's license applicants must have the opportunity to take written examinations with third-party providers; however, the Department is not precluded from continuing to provide written examinations. The bill requires the Department to contract with providers of approved traffic law and substance abuse education courses to serve as third-party administrators to conduct online knowledge tests for learner's driver's license applicants. The on-line testing program must require, prior to administering the examination, the applicant's parent, guardian or other responsible adult to provide the third-party administrator his or her driver's license number. In addition, before the issuance of the learner's driver's license, the parent, guardian, or other responsible adult must provide to the Department a signed and dated affidavit acknowledging he or she was aware of and allowed the applicant to take the examination online.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 28-9; House 94-16*

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/SB 782 — Fallen Officers Memorial/Road Designations**

by Transportation Committee and Senator Latvala

This bill makes honorary designations of the following roads as follows:

- State Road 687 in Pinellas County from I-275 to I-175 is designated as “Sgt. Thomas J. Baitinger, Officer Jeffrey A. Yaslowitz, and Officer David S. Crawford Memorial Highway.”
- State Road 583/North 50<sup>th</sup> Street in Hillsborough County from Melbourne Blvd/East 21<sup>st</sup> Avenue to State Road 574/Martin Luther King Jr., Blvd. is designated as “Officer Jeffrey A. Kocab and Officer David L. Curtis Memorial Highway.”

The Florida Department of Transportation is directed to erect suitable markers.

These provisions were approved by the Governor and take effect July 1, 2011.

*Vote: Senate 37-0; House 115-0*

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 4009 — Outdoor Theaters**

by Rep. Workman (SB 1624 by Senator Lynn)

The bill repeals ch. 555, F.S., relating to outdoor theaters. The repeal removes the statutory requirements concerning access to and from outdoor theaters from public roads and other requirements that specifically apply to outdoor theaters.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 35-0; House 117-0*

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 4019 — Traffic Offenses**

by Rep. Workman (SB 1630 by Senator Lynn)

The bill (Chapter 2011-9, L.O.F.) repeals a prohibition on coasting in a motor vehicle, with the gears of the vehicle in neutral or the clutch disengaged, while traveling on a downgrade.

These provisions became law upon approval by the Governor on April 27, 2011.

*Vote: Senate 38-0; House 119-0*