

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED

## Committee on Transportation

### **CS/SB 226 — Disabled Parking Permits**

by Budget Subcommittee on Transportation, Tourism, and Economic Development  
Appropriations and Senators Margolis and Gaetz

The bill revises laws relating to disability parking permits. Provisions of the bill:

- expand 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;
- revise the requirements for renewing or replacing a long-term disabled parking permit and include prohibitions for certain violations;
- provide for random reviews of disabled parking permit holders; and
- require the Department of Highway Safety and Motor Vehicles to develop and implement a system to allow the reporting of abuses of disabled parking permits.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 118-0*

## Committee on Transportation

### **CS/CS/CS/SB 268 — Sponsorship of State Greenways and Trails**

by Environmental Preservation and Conservation Committee; Commerce and Tourism Committee; Transportation Committee; and Senator Wise

The bill authorizes the Department of Environmental Protection to enter into agreements with not-for-profit or private-sector entities allowing those entities to sponsor signage on state-owned greenway and trail facilities in the form of commercial displays. Signs may only be erected after departmental review and approval, and are restricted in relation to placement, size, terms, materials, and construction.

The bill describes how proceeds from the agreements are to be distributed: 85 percent to the appropriate department trust fund to manage and operate state trails and greenways, and 15 percent to the State Transportation Trust Fund for use in the Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 29-4; House 112-6*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 393 — Recreational Vehicle Dealers**

by Rep. Broxson (SB 388 by Senator Latvala)

The bill amends s. 320.771, F.S., to revise criteria and specify circumstances under which a recreational vehicle (RV) dealer may apply for a certificate of title to an RV using a manufacturer's statement of origin. The bill provides that RV dealers may apply for a certificate of title on RV's within a given line-make only if:

- The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with the Department of Highway Safety and Motor Vehicles, to buy, sell, or deal in that line-make, and
- The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 116-0*

## Committee on Transportation

### **CS/CS/CS/HB 599 — Transportation and Mitigation Programs**

by Economic Affairs Committee; Transportation and Economic Development Appropriations Subcommittee; Transportation and Highway Safety Subcommittee; and Rep. Pilon (CS/CS/SB 824 by Environmental Preservation and Conservation Committee; Transportation Committee; and Senators Dean and Gaetz)

This bill contains a number of changes to the laws which are administered by or affect the Florida Department of Transportation (FDOT or department). The provisions of this bill:

- Allow FDOT additional opportunities in choosing between various mitigation methods when wetland mitigation is required for transportation projects.
- Allow FDOT district secretaries' and executive directors' professional engineering licensure to be issued in another state.
- Add citrus harvesting equipment and citrus fruit loaders to those types of vehicles that are allowed to travel on the highway between farms while still being entitled to a refund of the state motor fuel tax and allow them to travel on public roads, from the point of production to the point of long-term storage and back, despite maximum height, width and length limitations.
- Increase minimum funding of the Florida Seaport Transportation and Economic Development (FSTED) program from \$8 million to \$15 million annually.
- Create the Strategic Port Investment Initiative to set aside an additional \$35 million annually from the Statewide Transportation Trust Fund for certain seaport projects which are selected jointly by FDOT and representatives of the state's ports.
- Create the Intermodal Logistics Center (ILC) Infrastructure Support Program and allocate \$5 million per year towards funding for up to 50% of the eligible costs of local government or private projects at ILC facilities that meet certain criteria.
- Allow designated seaports to make use of offsite stormwater management facilities under certain conditions.
- Call for a Statewide Seaport and Waterways System Plan, which is to be developed by FDOT and must identify 5-, 10-, and 20-year needs for the seaport system along with projects needed to ensure the success of the transportation system as a whole.
- Revise the definition of motor vehicles as related to tolls in order to accurately ticket toll violators who are driving truck-trailer combinations.
- Authorize FDOT to explore the use of the shoulder of limited access facilities for vehicular traffic under certain circumstances.
- Create a 2-year pilot program which will allow bicycles to use limited access bridges under certain circumstances.
- Remove the requirement to send toll violation notices Return Receipt Requested and stipulate that mailing of the citation constitutes legal notification.
- Allow local governments to regulate the use of Segways on sidewalks.
- Clarify that a straight truck-trailer combination may not exceed 68 feet in overall length.

- Increase the number of low-speed vehicles that may be operated on certain public streets by revising the definition of low-speed vehicles to include gasoline-fueled vehicles.
- Allow municipalities participating in the Federal Aviation Administration FAA's pilot program on private ownership of airports to lease or sell an airport and related property to a private party subject to FDOT approval if state funds were provided to the municipality pursuant to s. 332.007, F.S.
- Repeal the definition of "Florida Intrastate Highway System", refer the definition of "Functional Classification" to federal law, and significantly amend the definition of "State Highway System."
- Limit the FDOT landscaping program by preventing the use of funds for landscaping associated with resurfacing projects and declaring the 1.5% of funds contracted for construction projects that are used in the program is to be calculated on a statewide basis.
- Require FDOT to develop a Freight Mobility and Trade Plan.
- Mandate certain actions by FDOT when they receive an inspection report which either recommends a limit on a bridge, or recommends closing a bridge.
- Clarify requirements of FDOT to use noise abatement on new capacity projects.
- Extend the date on which the ninth cent fuel tax and the local option fuel tax must be levied from before July 1 to before October 1, and expand the allowable use of the revenues collected by the tax to include the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.
- Expand the type of security which may be provided before installing certain monuments at rest areas in case the monument must be removed.
- Comport Disadvantaged Business Enterprises law to Federal law.
- Allow local governments to transfer right of way by deed instead of using maps, in order to reduce the cost of the transfer.
- Amend the duties of a utility owner to initiate work to alleviate interference with a road or rail corridor within 30 days of notice and to complete the work within a reasonable time. Provisions establishing responsibilities of the department and other transportation authorities (including local governments) are revised to create uniformity in application throughout the section.
- Regulate certain installations under local government control so as to relieve FDOT's liability in certain lawsuits under the Americans with Disabilities Act.
- Establish FDOT's authority to establish tolls on certain future limited access facilities in the State Highway System and, along with other toll authorities, to pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled by using private attorneys or collection agents.
- Authorize FDOT to contract with other entities to make use of the department's toll collection and billing systems on non-FDOT transportation systems.
- Allow for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage.

- Revise the definition of a turnpike project's economic feasibility by extending the date of project debt defeasance payable from toll revenues from the 22<sup>nd</sup> to the 30<sup>th</sup> year.
- Allow the Turnpike Enterprise to seek Legislative approval of projects at 30 percent design completion, rather than the current 60 percent to more fully leverage the potential time and cost saving opportunities associated with design-build projects.
- Allow the closure of a prepaid toll account which has been inactive for three or more years, and the transfer of any remaining funds in non-active toll account to the Division of Financial Services for disposition as unclaimed property.
- Increase the dollar thresholds which trigger gubernatorial and legislative notification of amendments to FDOT's Work Program. Directs FDOT to index budget amendment thresholds to the consumer price index.
- Change FDOT representatives in Metropolitan Planning Organizations (MPO) from members to non-voting advisors and require that, to the extent possible, only one MPO may exist per urbanized area or group of contiguous urbanized areas. If more than one MPO exists, the MPOs must coordinate in the development of regionally significant projects.
- Require that projects funded under the Transportation Regional Incentive Program (TRIP) be included in FDOT's work program and direct FDOT to consider the amount of local funding available when prioritizing TRIP projects.
- Include military access facilities to the types of facilities which are included in the Strategic Intermodal System (SIS) and emerging SIS.
- Designate Integrated Logistics Centers (ILCs) as part of the SIS and waive transportation concurrency requirements for ILCs that meet certain criteria.
- Repeal the defunct Strategic Intermodal Transportation Advisory Council.
- Grant specific no-fault indemnification to the National Railroad Passenger Corporation (Amtrak) for trains operating on state-owned corridors.
- Revise the membership of the governing board of the South Florida Regional Transportation Authority (SFRTA) to 10 voting members with four being appointed by the Governor or the appropriate FDOT District Secretary. Expansion of the SFRTA system is limited to Monroe County without FDOT approval. SFRTA ability to pledge future state funds is reduced and FDOT oversight of the SFRTA budget is enhanced.
- Authorize a county to operate a ferry by a single party or multiple parties under a joint agreement between public entities and one or more private corporations.
- Directs the Orlando-Orange County Expressway Authority (OOCEA) to install guidance signage on its facilities for a university meeting certain criteria.
- Absolve members of Jacksonville Transportation Authority (JTA) of the need to comply with constitutional financial disclosure requirements.
- Allow the JTA to conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5), F.S. Members must be physically present to vote.

- Authorize the Department of Environmental Protection (FDEP) to develop rules providing for a general statewide rule controlling stormwater management permits for airside activities at airports.
- Allow flexibility in the permitting of stormwater treatment facilities for transportation facilities due to their linear nature and allow alternatives to onsite treatment and remove FDOT's responsibility for providing stormwater treatment for adjacent landowners' stormwater permits.
- Repeal the unused Rest Area Information Panel Program and authorize FDOT to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program for small businesses.
- Extend for two years, a pilot program allowing the Palm Beach County School District to recognize its business partners by publicly displaying its business partners' names on district property in unincorporated areas.
- Expedites the summary proceedings of certain environmental permit hearings and renders a judge's decision related to the permit a recommended order.
- Create a study of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA's) Regional Transportation Master Plan.
- Direct the Florida Transportation Commission to study the potential cost savings made available by sharing certain resources between expressway authorities.
- Designate a portion of State Road 818 in Broward County as Pembroke Park Boulevard.
- Create an additional defense which may used to rebut red light camera violations involving a vehicle registered to deceased persons.
- Allow recipients of the Combat Infantry Badge or Combat Action Badge to purchase a special license plate indicating such receipt.
- Transfer the Beachline-East Expressway to the Turnpike Enterprise and allocates funds from such transfer to pay for FDOT's obligation to fund the Wekiva Parkway.
- Codify provisions related to repayment of operations and maintenance costs borne by the department for OOCEA facilities under the terms of a certain memorandum of understanding (MOU) and prohibits the authority from issuing bonds except as permitted by the MOU. Lease-purchase agreement provisions are also codified.
- Clarify that FDEP is the sole environmental permitting authority for the Wekiva Parkway and that FDOT shall locate the precise corridor alignment in Seminole County.
- Creates legislative intent, definitions, licensure, and insurance requirements for the testing of autonomous vehicle technology.
- Designates a portion of 118<sup>th</sup> Avenue North in Pinellas County as the St. Pete Crosstown.
- Corrects a number of cross-references.

If approved by the Governor, these provisions take effect on July 1, 2012 unless otherwise expressly provided within the act.

*Vote: Senate 40-0; House 93-20*



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2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**HB 763 — Motor Vehicle Registration**

by Rep. Rogers and others (SB 1068 by Senator Joyner)

This bill specifies a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, which clarifies when the motor vehicle registration expires for an individual.

In addition, the bill authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 28-0; House 115-0*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED

## Committee on Transportation

### **CS/HB 1207 — Vehicles with Autonomous Technology**

by Economic Affairs Committee; and Rep. Brandes and others (SB 1768 by Senators Negron, Ring, and Sachs)

Currently, Florida law does not address the use of autonomous vehicles. This bill:

- Defines the terms “autonomous technology” and “autonomous vehicle” and provides the legislative intent to safely develop the operation of motor vehicles with autonomous technology on the public roads of the state.
- Requires autonomous vehicles registered in Florida to meet federal standards and regulations for motor vehicles and to comply with applicable traffic and motor vehicle laws of Florida.
- Requires safety mechanisms for engaging and disengaging the technology, indicators inside the vehicle that show when the vehicle is in autonomous mode, and a means of alerting the operator of a technology failure.
- Requires the presence of a human being and creates insurance requirements for testing autonomous vehicles.
- Creates a defense for the original manufacturer when legal action is taken due to issues arising from the conversion of a vehicle to an autonomous vehicle by a third party.
- Requires the DHSMV to prepare and submit a report relating to the safe operation of vehicles equipped with autonomous technology on public roads to the President of the Senate and the Speaker of the House of Representatives no later than February 12, 2014.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 112-0*

## Committee on Transportation

### **CS/CS/HB 1223 — Highway Safety and Motor Vehicles**

by Economic Affairs Committee; Transportation and Highway Safety Subcommittee and Rep. Albritton and others (CS/CS/SB 1122 by Budget Committee; Transportation Committee; and Senator Latvala)

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (department). Specifically, the bill:

- Renames the Office of Motor Carrier Compliance as the Office of Commercial Vehicle Enforcement.
- Revises the term “motor vehicle” and defines the term “swamp buggy.”
- Prohibits the operation of swamp buggies on state roads or streets, unless one of the following exceptions applies:
  - A swamp buggy may be operated on a public road if (1) the responsible local government entity considers the speed, volume and character of motor vehicle traffic using the road and determines swamp buggies may travel safely, and (2) the responsible local government entity posts appropriate signs designating that use by swamp buggies is allowed; or
  - A state or federal agency authorizes the operation of swamp buggies on land managed, owned or leased by that agency and has indicated that such operation is allowed.
- Provides an additional exemption for red light camera violations for the situation that occurs where, “the motor vehicle’s owner was deceased on or before the date the uniformed traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner’s estate or other designated person or family member.” The bill also sets forth what must be included with the affidavit.
- Provides a person with impaired mobility who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. Law enforcement may issue verbal warnings.
- Removes the provision prohibiting a school bus from exceeding 55 miles per hour. A school bus must still obey all posted speed limits.
- Effective October 1, 2012, requires compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2012, in compliance with the existing statutory standards may continue to be worn legally by riders or passengers until January 1, 2016.
- Clarifies situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.
- Allows law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation.

- Requires the license tag of a motorcycle or moped remain clearly visible from the rear at all times and prohibits deliberate acts to conceal or obscure the license tag. With respect to license tags affixed vertically to a motorcycle or moped, the bill removes the requirement that such vehicles must maintain a prepaid account and a transponder; however, the owner or operator must pay any required toll by whatever means available.
- Expands the scope of golf cart and utility vehicle operation upon state roads located within the corporate limits of municipalities authorizing such utilization.
- Allows a motorist to intermittently flash his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so.
- Exempts, from the child restraint requirements, a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of person for compensation. Specifies it is the obligation and responsibility of the parent, guardian, or other person responsible for a child's welfare, as defined in s. 39.01(47), F.S., to comply with the child restraint requirements.
- Specifies a child under 6 years of age may not be left unattended or unsupervised in a motor vehicle for any period of time if the child appears in distress.
- Clarifies that drivers convicted of violations regulating motor vehicles "resulting in an accident" may have driving privileges revoked or suspended by the court.
- Creates a uniform standard for requesting hearings with the clerks of court when a person has been charged with a traffic infraction. Specifically, a person charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or the department to suspend the person's driving privilege, and upon request, the clerk must set the case for hearing.
- Prohibits a person from knowingly offering for sale, selling, or exchanging certain vehicles unless the department has stamped in a conspicuous place on the certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle.
- Modifies title transfers of mobile homes. The bill provides that with respect to mobile homes, the application for a certificate of title or reassignment must be filed within 30 days after the "consummation of the sale" of the mobile home, in lieu of 30 days after delivery.
- Allows 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.
- Requires the department to electronically transmit a lien to the first lienholder and electronically notify the first lienholder of additional liens if there are one or more lien encumbrances on a motor vehicle, mobile home, or vessel. Subsequent lien satisfactions must be submitted electronically to the department.
- Requires the department to establish and administer an electronic titling program that requires electronic recording of vehicle or vessel title information for new, transferred, and corrected title certificates. Lienholders must electronically transmit liens and lien satisfactions to DHSMV in a prescribed format. Individuals and lienholders that are not

normally engaged in the business or practice of financing vehicles or vessels are exempt from the electronic titling requirement.

- Exempts industrial equipment dealers from having to be licensed as recovery agents if these dealers are regularly engaged in the sale of such equipment for a particular manufacturer and the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make the repossession.
- Authorizes the department to issue electronic certificates of title and to collect e-mail addresses of vehicle and vessel owners and registrants for notification purposes related to vehicle and vessel titles in lieu of the United States Postal Service. However, the bill provides DHSMV may not use electronic notification for any notice regarding the potential forfeiture or foreclosure of an interest in property.
- Exempts active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration.
- Allows the department to suspend a commercial motor vehicle registration upon the expiration date noted in the cancellation notice that the department receives from an insurer instead of the current 30 day statutory requirement. This subsection also requires insurance companies to notify the department of commercial motor vehicle cancellations at the same time the cancellation notice is provided to the insured pursuant to s. 627.7281, F.S.
- The following organizations have met the requirements set forth in s. 320.023, F.S., including the moratorium requirements established in Chapter 2010-223, L.O.F., and the bill:
  - Creates a \$1 voluntary check-off on motor vehicle registration and renewal forms to Florida Association of Food Banks, Inc., for the purpose of ending hunger in Florida.
  - Creates a \$1 voluntary check-off on motor vehicle registration and renewal forms to Take Stock In Children, Inc.
  - Creates a \$1 voluntary check-off on motor vehicle registrations, driver license applications and renewals for Autism Services and Supports.
  - Creates a \$1 voluntary check-off on motor vehicle registrations, driver license applications and renewals to Support Our Troops.
- Allows the department to perform a pilot program limited to state-owned vehicles, in order to evaluate designs, concepts, and alternative technologies for license plates.
- Allows a true copy of rental or lease documentation in lieu of a true copy of a rental or lease agreement. The effect of the change broadens the category of documents that will satisfy the statutory requirement by allowing documents other than the rental or lease agreement.
- Includes a prohibition on 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.
- Clarifies the expiration of the registration renewal period for a motor vehicle or mobile home owner, who is a natural person, is at midnight on the owner's birthday.
- Extends the prohibition of using annual usage fees from the sale of specialty license plates to lobby, entertain, or reward employees of a governmental agency responsible for

the sale and distribution of specialty license plates to an elected member or employee of the Legislature.

- Modifies the disbursement of annual use fees for the Florida Golf specialty license plate. Specifically, the bill increases the allocation of annual use fees from up to 10 percent to up to 15 percent that may be used by the Dade Amateur Golf Association for the administration of the Florida Junior Golf Program.
- Removes the requirement that funds received by the Florida Association of Centers for Independent Living must be used to “leverage additional funding and new sources of revenue for the centers for independent living in this state.”
- Allows the issuance of an optional special plate for former members of Congress or the Legislature upon application and payment of required fees, including a one-time \$500 fee.
- Creates special use plates for Vietnam War Veterans and recipients of the Combat Infantry Badge.
- Replaces the name “Florida Governor’s Alliance for the Employment of Disabled Citizens” with 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 bill also provides the department must deposit these fees directly with the Florida Endowment Foundation for Vocational Rehabilitation.
- Allows a dealer of heavy trucks as defined in s. 320.01(10), F.S., upon payment of appropriate license fees, to secure one or more dealer license plates for use on vehicles owned, by the dealer to whom such plates are issued while the heavy trucks are in inventory and for sale and are being used only in the state for demonstration purposes. The license plates may be used for demonstration purposes for a period not to exceed 24 hours. The license plates must be validated on a form prescribed by the department and must be retained in the vehicle being operated.
- Provides a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.
- Exempts salvage motor vehicle dealers from the requirements for garage liability insurance and personal injury protection on those vehicles that cannot be legally operated on roads, highways or streets in Florida.
- Specifies circumstances under which an RV dealer may apply for a certificate of title to an RV using a manufacturer’s statement of origin. The bill provides that RV dealers may apply for a certificate of title on RVs within a given line-make only if:
  - The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with DHSMV, to buy, sell, or deal in that line-make, and
  - The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

- Permits the department to collect and use e-mail addresses of motor vehicle and vessel owners and registrants as a method of notification for the purpose of providing registration and driver license renewal notices in lieu of the United States Postal Service.
- Revises provisions exempting a nonresident from the requirement to obtain a driver 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 license is required. The person must be in immediate possession of both an IDP and a valid driver license issued in the person's country of residence.
- Revises requirements by which an applicant for an identification card or driver license may prove non-immigrant status. Specifically, every applicant for an identification card or driver license must have documents to prove evidence of lawful presence and the department is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant's efforts to maintain continuous lawful presence in the United States.
- Requires the department to issue or renew an identification card at no charge to a person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252, F.S.
- Revises the period of expiration that constitutes the offense of driving with an expired driver license from four months to six months, to conform to s. 322.03, F.S. The effect of this change will close the loophole relating to drivers whose licenses have been expired for more than four months but less than six months.
- Clarifies that military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state.
- Removes the requirement that Class A, Class B, and Class C license holders must appear in person within the state for issuance of a color photographic or digital imaged driver license. This change allows these license holders to renew or replace licenses online.
- Establishes a specialty driver license and identification card program. The department may issue to any applicant qualified pursuant to s. 322.14, F.S., a specialty driver license or identification card upon payment of the \$25 fee. Department-approved specialty driver licenses and identification cards must, at a minimum, be available for state and independent universities domiciled in Florida, all Florida professional sports teams designated in s. 320.08058(9)(a), F.S., and all branches of the United States military. The design and use of each specialty driver license and identification card must be approved by the department and the organization that is recognized by the driver license or card. This section is repealed August 31, 2016.
- Permits, pursuant to an interagency agreement, district medical examiners to access the DAVID system for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations authorized in s. 406.011, F.S.
- Provides that persons with a valid current student identification card issued by an educational institution in this state are presumed not to have changed their legal residence or mailing address.

- Provides that notices issued under ch. 324, F.S., or ss. 627.732-627.734, F.S., of cancellation, suspension, revocation, or disqualification of a driver license are complete 15 days after deposit into the U.S. mail. This change allows for the suspension of a driver license 15 days after the letter is deposited in the U.S. mail for all financial responsibility related cases.
- Prohibits the department from suspending a registration of a motor vehicle if the person to whom the motor vehicle is registered had insurance coverage limits required under s. 324.031, F.S., on the date of the latest offense that caused the suspension or revocation.
- Shortens the timeframe that an owner or operator involved in a crash must furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond. The timeframe is revised from 30 days to 14 days after the date of mailing notice of crash by the department.
- Authorizes the department to suspend the identification card when a cardholder has permitted the unlawful use of his or her identification card or has knowingly been a party to obtaining an identification card by fraud or misrepresentation or to the display or representation as one's own identification card not issued to him or her.
- Repeals s. 322.292(5), F.S., relating to the prohibition of private probation service providers referring probationers to certain DUI programs.
- Repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver Licenses in the early 1990's.
- Allows motor vehicle dealers to finance vehicles and after-market products under the motor vehicle retail installment license under ch. 520, Part I, F.S. However, the Office of Financial Regulation will still require dealerships to conform to all of the supplemental regulations associated with both licenses.
- Removes a prohibition of using horns on highways unless reasonably necessary for safe operation.
- Requires unauthorized wrecker operators signaled to provide tow services to provide a fee schedule, the fee charged per mile to and from the storage facility, the fee charged per 24 hours of storage, and prominently display the consumer hotline for the Department of Agriculture and Consumer Services.
- Renames the Department of Health Administrative Trust Fund to the Department of Health Emergency Medical Services Trust Fund.
- Complies with requested modifications from the Federal Motor Carrier Safety Administration to comply with federal commercial motor vehicle and licensing regulations. Specifically, the bill:
  - Authorizes the Office of Commercial Vehicle Enforcement to enforce the most current regulations (as existed on October 1, 2011) applicable to owners and operators of commercial motor vehicles, thereby ensuring safety within the state.
  - Complies with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations who either (i) hold a CDL (regardless of the vehicle being driven) or (ii) hold a regular operator license but are cited while driving a vehicle requiring a CDL. The bill provides eligibility for the withhold-of-adjudication is restricted to drivers who have noncommercial driver licenses and were not driving a commercial motor vehicle when cited.



- Requires the applicant hold a valid Florida driver license before being issued a temporary commercial instruction permit.
- Clarifies exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL. 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, machinery, or supplies are being transported by a vehicle used by a common or contract carrier.
- Includes the motor vehicle's gross vehicle weight to be used in the determination of the class of CDL required.
- Provides the department may not issue a CDL to a person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before licensure.
- Requires 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, from commercial motor vehicle operation. The bill also allows for a person who is disqualified from operating a commercial motor vehicle to be issued a Class E driver license if otherwise qualified.
- Provides any holder of a commercial driver 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.

If approved by the Governor, these provisions take effect January 1, 2013, unless otherwise provided in the bill.

*Vote: Senate 40-0; House 115-0*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Transportation**

**CS/HB 1287 — Voluntary Contributions on Registration, Driver License, and Identification Card Forms**

by Economic Affairs Committee; and Rep. Abruzzo and others (CS/SB 1388 by Transportation Committee; and Senator Bogdanoff)

The bill amends ss. 320.02 and 322.08, F.S., to create \$1 voluntary contribution check-offs on a motor vehicle application (initial registration and renewal) and a driver license or identification card application (initial, renewal, or replacement). The check-offs are created for the following entities and causes:

Autism Services and Supports – contributions must be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.

Support Our Troops – contributions must be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The legislature passed a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver license forms that ends on July 1, 2013 with limited exceptions. These two organizations have met these exceptions to the moratorium.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 39-0; House 116-0*

## Committee on Transportation

### **CS/HB 7039 — Transportation Facility Designations**

by Economic Affairs Committee; Transportation and Highway Safety Subcommittee; and Rep. Drake and others (CS/SB 406 by Community Affairs; Transportation; and Senators Dean, Thrasher, Fasano and Evers)

The bill creates a number of honorary designations of transportation facilities around the state and directs the Department of Transportation to erect suitable markers. Designations are as follows:

- That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as “SP4 Thomas Berry Corbin Memorial Highway.”
- That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.”
- That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”
- That portion of U.S. Highway 19/98/State Road 55/South Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as “United States Army Sergeant Karl A. Campbell Memorial Highway.”
- That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as “U.S. Army SPC James A. Page Memorial Highway.”
- Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as “Alma Lee Loy Bridge.”
- The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as “Joyce Webb Nobles Bridge.”
- That portion of Interstate 275 in Hillsborough County between the Livingston Avenue Bridge and the intersection with Interstate 75 at the Hillsborough-Pasco County line is designated as “Corporal Michael Joseph Roberts Memorial Highway.”
- That portion of Orange Blossom Trail between W. Gore Street and W. Church Street in Orange County is designated as “Edna S. Hargrett-Thrower Avenue.”
- That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as “USS Stark Memorial Drive.”
- That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, between S.W. 2<sup>nd</sup> Avenue and Fraternity Row/Drive in Alachua County is designated as “Coach Jimmy Carnes Boulevard.”
- That portion of State Road 46 in Brevard County between U.S. Highway 1 and the Volusia County line is designated as “Harry T. and Harriette V. Moore Memorial Highway.”

- The Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County is designated as “Duval County Law Enforcement Memorial Overpass.”
- Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County is designated as “Whale Harbor Joe Roth, Jr., Bridge.”
- That portion of State Road 826/Palmetto Expressway between on-ramp 87260330 and on-ramp 87260333 in Miami-Dade County is designated as “Jim Mandich Memorial Highway.”
- Milepost 22.182 on U.S. Highway 27 in Highlands County is designated as “Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial.”
- That portion of State Road 44 between U.S. Highway 441 and State Road 44/East Orange Avenue near the City of Eustis in Lake County is designated as “Captain Jim Reynolds, Jr., USAF ‘Malibu’ Road.”
- That portion of State Road 932/N.E. 103rd Street between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County is designated as “Tanya Martin Oubre Pekel Street.”
- That portion of State Road 934/N.W. 79th Street between N.W. 14th Avenue and N.W. 9th Avenue in Miami-Dade County is designated as “Jacob Fleishman Street.”
- That portion of N.W. 59th Street between N.W. 27th Avenue and N.W. 25th Avenue in Miami-Dade County is designated as “Margaret Haines Street.”
- That portion of U.S. Highway 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215<sup>th</sup> Street/County Line Road in Broward County is designated as “West Park Boulevard.”
- That portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as “Pembroke Park Boulevard.”
- That portion of State Road 51 between Cooks Hammock and the Lafayette-Taylor County line in Lafayette County is designated as “Sheriff Stanley H. Cannon Memorial Highway.”
- That portion of State Road 19 between U.S. Highway 17/State Road 15 and Carriage Drive in Putnam County is designated as “Veterans Memorial Highway.”
- That portion of County Road 18 in Bradford, Union, and Columbia Counties between State Road 100 in Bradford County and State Road 20 in Columbia County is designated as “Santa Fe Military Trail.”
- That portion of State Road 953/LeJeune Road/N.E. 8th Avenue between E. 32nd Street and E. 41st Street in Miami-Dade County is designated as “Florencio ‘Kiko’ Pernas Avenue.”
- That portion of State Road 972/S.W. 22nd Street between S.W. 32nd Avenue and S.W. 37th Avenue/Douglas Road in Miami-Dade County is designated as “Dr. Oscar Elias Biscet Boulevard.”
- Bridge Numbers 100646 and 100647 on Paul S. Buchman Highway/State Road 39 between County Line Road and Half Mile Road in Hillsborough County are designated “Ivey Edward Cannon Memorial Bridge.”

- That portion of Sunset Harbor Road between S.E. 105th Avenue and S.E. 115th Avenue in Marion County is designated as “Samuel B. Love Memorial Highway.”
- That portion of U.S. Highway 90/State Road 10 between the Holmes County line and the Jackson County line in Washington County is designated as “Ben G. Watts Highway.”
- That portion of State Road 20/John Sims Parkway (57-040-000) between State Road 85 and the Walton County line in Okaloosa County is designated as “Purple Heart Memorial Highway.”
- That portion of U.S. Highway 41/State Road 90/S.W. 8th Street/Tamiami Trail between S.W. 10th Avenue and State Road 933/S.W. 12th Avenue in Miami-Dade County is designated as “BRIGADA 2506 STREET, Carlos Rodriguez Santana.”
- That portion of U.S. Highway 41/State Road 6/State Road 25 between the Madison County line and County Road 51 in Hamilton County is designated as “Brett Fulton and Josh Burch Memorial Highway.”
- That portion of U.S. Highway 41/State Road 45 between State Road 50 in Hernando County and State Road 52 in Pasco County is designated as “Deputy John C. Mecklenburg Memorial Highway.”
- That portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as “Hugh Anderson Boulevard.”
- That portion of State Road 679/Pinellas Bayway South from north of the Pedestrian Crossing to State Road 682/Pinellas Bayway South in Pinellas County is designated as “P.E. ‘Gene’ Carpenter Memorial Highway.”
- That portion of State Road 200 between Lime Street and Beech Street in the City of Fernandina Beach in Nassau County is designated as “Verna Bell Way.”
- That portion of State Road 100 East between the Bradford County line and the Columbia County line in Union County is designated as “Deputy Hal P. Croft and Deputy Ronald Jackson Highway.”
- That portion of State Road 22 between U.S. Highway 98 in the City of Springfield in Bay County and State Road 71 in the City of Wewahitchka in Gulf County is designated as “Veterans’ Parkway.”
- That portion of Tampa Bay Boulevard between Armenia Avenue and Himes Avenue in Hillsborough County is designated as “Elvin Martinez Road.”
- That portion of State Road 972/S.W. 22nd Street between S.W. 24th Avenue and State Road 9/S.W. 27th Avenue in Miami-Dade County is designated as “Miami Medical Team Way.”
- That portion of State Road 9/27th Avenue between U.S. 1/State Road 5/South Dixie Highway and U.S. 441/State Road 7 in Miami-Dade County is designated as “Benjamin Leon, Jr., Way.”
- That portion of State Road 9/S.W. 27th Avenue between U.S. Highway 41/State Road 90/S.W. 8th Street/Tamiami Trail and S.W. 13th Street in Miami-Dade County is designated as “Reverend Max Salvador Avenue.”
- That portion of State Road 968/West Flagler Street between S.W. 39th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as “Aleida Leal Way.”

- Bridge Number 870002 on U.S. Highway 1/State Road 5/Biscayne Boulevard between N.E. 77th Street and N.E. 78th Street crossing Little River Canal in Miami-Dade County is designated as “Mrs. Ann Carlton Bridge.”
- That portion of S.W. 57th Avenue/Red Road between S.W. 78th Street and S.W. 88th Street/Kendall Drive in Miami-Dade County is designated as “Amadeo Lopez-Castro, Jr., Road.”
- That portion of Miller Road/S.W. 56th Street between S.W. 120th Avenue and S.W. 117th Avenue in Miami-Dade County is designated as “Pastor Marvin Gochenour Way.”
- That portion of S.W. 87th Avenue between S.W. 8th Street and S.W. 24th Street in Miami-Dade County is designated as “Rev. Jorge Comesanas Way.”
- That portion of U.S. Highway 90/State Road 10/East Jefferson Street between State Road 12/State Road 65/Madison Street and County Road 159 in Gadsden County is designated as “Alfred Lawson, Jr., Highway.”
- That portion of State Road 26A in Alachua County between West University Avenue and S.W. 25th Street in Gainesville is designated as “Deputy Jack A. Romeis Road.”
- That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as “Creola Rutledge Parkway.”
- That section of County Road 30A between County Road 283 to County Hwy 395 is designated as “Charles Modica, Sr., Hospitality Way.”
- That portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”
- That portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.”
- That portion of S.W. 12th Avenue from Coral Way to S.W. 16th Street in Miami-Dade County is designated as “Lourdes P. Aguila Street.”

Additionally, the bill makes technical corrections to Chapter 2010-230, s. 24, L.O.F.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 38-0; House 117-0*