

STORAGE NAME: h0967s1z.tr
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****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: CS/HB 967 (Passed as CS/CS/SB 1270)
RELATING TO: Traffic Control/DHS&MV
SPONSOR(S): Committee on Transportation and Representatives Kyle and Smith
COMPANION BILL(S): HB 593, SB 670, CS/CS/SB 1270, CS/SB 1306

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 9 NAYS 0
- (2) AGRICULTURE (W/D)
- (3) FINANCE & TAXATION (W/D)
- (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (W/D)
- (5)

I. FINAL ACTION STATUS:

On April 30, 1999, CS/CS/SB 1270, a companion measure to CS/HB 967, was taken up and passed. Please refer to CS/CS/SB 1270, which became Chapter 99-248, Laws of Florida.

II. SUMMARY:

The bill is based on legislative recommendations made by the Department of Highway Safety and Motor Vehicles (DHS&MV) to the 1999 Legislature. The bill contains numerous changes to provisions of law relating to programs administered by DHS&MV. Substantive issues included in the bill relate to traffic control, highway safety, motor vehicles, drivers' licenses, and vessels. Major provisions of the bill relate to:

- Vessel Registration and Titles - In 1994 vessel titling and registration duties were transferred from the Department of Environmental Protection to DHS&MV. A majority of the changes make vessel titling and registration laws consistent with motor vehicle titling and registration laws.
- Registration of Vehicle Fleets - Fleet registration offers businesses the convenience of an exemption from carrying a certificate of registration and validation sticker for each vehicle. Provisions in the bill would encourage more participation in the program.
- Antique Vehicles - The bill repeals the collectible designation for motor vehicles and redefines antique vehicles as those vehicles manufactured after 1945 and are over 30 years old.
- Traffic Control - Several traffic control issues are addressed, including increasing the penalty for debris on the highway; encouraging the use of traffic crash investigation officers to handle minor crashes, which allows troopers to spend more time on patrol; and providing penalties for the deliberate misuse of temporary tags to avoid registration requirements.
- Motor Vehicle Emissions Inspection Program - The bill authorizes DHS&MV to extend the current emissions inspection contracts for a period of time sufficient to implement new contracts resulting from competitive proposals. DHS&MV must enter into one or more contracts by June 30, 2000. The contracts must provide for an inspection program in which vehicles 4 model years and older would be inspected every 2 years. The inspection fee is capped at \$19.

A majority of the provisions in the bill have minimal or no fiscal impact.

Although the bill requires additional cars to be emissions tested, the cumulative fiscal impact of this bill and legislation from previous years will result in motor vehicle owners paying less to be tested. DHS&MV and the contractors performing the inspections should experience a revenue decrease to the extent that motorists pay less to be tested. For more details refer to the Fiscal Comments section of this analysis.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Because of the comprehensive nature of the changes contained in CS/CS/SB 1270, the present situation relating to each issue is set out in the Section-by Section portion of this analysis.

B. EFFECT OF PROPOSED CHANGES:

Because of the comprehensive nature of changes contained in CS/CS/SB 1270, the effect of each change is set out in the Section-by Section portion of this analysis.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

DHS&MV is authorized to adopt rules to enforce motorcycle and moped safety equipment requirements.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

Section 19: The bill authorizes a service charge up to \$1 for the issuance of vessel decals from automated vending facilities or printer dispenser machines.

Section 30: Some vehicles currently registered as collectible will not be eligible for the antique registration category as defined in this bill. These vehicles will be subject to the higher annual license tax amount as specified in s. 320.08, F.S.

Section 37: The bill requires all licensed mobile home dealers and manufactures who perform mobile home installations to obtain a installers license. DHS&MV estimates that approximately 100 mobile home dealers and manufacturers will apply for an installers license during the implementation year.

Section 56: The bill requires a \$.50 FRVIS fee to be collected on every vessel decal registration sold to cover the cost of the Florida Real Time Vehicle Information System.

- c. Does the bill reduce total taxes, both rates and revenues?

Section 30: The bill provides that motor vehicles manufactured from 1928 to 1945 qualify for a permanent license plate and would not be subjected to annual registration renewal fees.

Sections 49 & 50: Th bill changes the cap on the motor vehicle emissions inspection fee from \$10 per vehicle per year to \$19 per vehicle every other year. As a result, motor vehicle owners will pay \$1 less per vehicle over a two year period to have their vehicles emissions tested.

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

chapters 316, 318, 319, 320, 321, 322, 324, 325, 327, 328, 335, 370, 627, 705, 713, 715, 732, 812, 832, 932, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Duty Upon Damaging Unattended Motor Vehicles or Other Property: The bill changes the penalty for a violation of s. 316.063, F.S., (duty upon damaging unattended vehicle or other property) to coincide with penalties of other similar violations. Section 316.063, F.S., requires a driver to make an effort to move a damaged vehicle that is obstructing the flow of traffic. A violation of this section is a second degree misdemeanor, punishable by a fine of up to \$500 or imprisonment for up to 60 days. Sections 316.061 and 316.071, F.S., place similar requirements on drivers of damaged and disabled vehicles obstructing the flow of traffic. However, a violation of either section is considered a noncriminal traffic infraction, punishable by a fine of \$30, plus court costs. This section reduces the penalty for failure to make a reasonable effort to move a damaged vehicle that is obstructing the flow of traffic. The penalty is reduced from a second degree misdemeanor to a noncriminal traffic infraction, punishable by a fine of \$30 and court costs.

Section 2. Out-of-state Vehicles - Parking Permits for Persons With Disabilities: Section 316.1958, F.S., provides that an out-of-state license plate or parking permit issued to a person with a disability is valid in Florida if the other state or country grants reciprocal recognition of Florida's disabled parking permit. However, when an individual is required by law to have a Florida driver's license or a Florida vehicle registration, the out-of-state license plate or parking permit is not valid and the individual who uses such an invalid plate or permit is subject to the same penalty as an individual who illegally parks in a disabled parking space. This section amends s. 316.1958, F.S., to prohibit a law enforcement officer or parking specialist from issuing a ticket for illegally parking in a disabled parking space without first determining whether the owner of an out-of-state disabled parking placard is being transported by the vehicle.

Section 3. Unattended Motor Vehicle/Duties: Section 316.1975, F.S., requires that a person in charge of a motor vehicle must stop the engine, lock the ignition, and remove the key prior to leaving a vehicle unattended. Currently, only delivery vehicles are exempt from this requirement. DHS&MV indicated that it is often difficult for Florida Highway Patrol Officers (and other emergency vehicle operators) to comply with this requirement due to the nature of their work. The bill exempts authorized emergency vehicle operators from the requirement of stopping the engine, locking the ignition, and removing the key prior to leaving vehicle unattended if the vehicle has a theft prevention device that has been activated.

Section 4. Equipment for Motorcycle and Moped Riders: Section 316.211, F.S., authorizes DHS&MV to establish headgear standards for motorcyclists and moped riders. DHS&MV is also required to publish lists of protective equipment for motorcycle and moped riders and make the lists available on request. In 1998, the Second District Court of Appeal of Florida dismissed three cases in which motorcyclists were issued citations for wearing improper helmets. The Court reasoned that the "motorcyclists were not on notice of that conduct which was illegal" because DHS&MV failed to comply with the statutory requirement to publish a list and make the list available to the public. The Court further determined that DHS&MV did have such a list, but that it was out-of-date and of no benefit to a motorcyclist who purchases a new helmet. The bill amends s. 316.211, F.S., to require that motorcyclists in Florida must wear helmets that comply with Federal Motor Vehicle Safety Standard 218 (motorcycle helmets) promulgated by the U.S. Department of Transportation. DHS&MV is required to adopt the Federal motorcycle helmet standard as an agency rule.

Section 5. Loads on Vehicles/Increasing Penalty: Section 316.520, F.S., authorizes vehicles to be operated on highways if their cargo is loaded so that it will not drop, leak, blow, or otherwise escape from the vehicle. In addition, it is the duty of the owner and driver of the vehicle to cover and secure loads that can blow from a vehicle with a close-fitting tarpaulin. A violation of this section is considered a nonmoving traffic infraction, punishable by a fine of \$30 and court costs. DHS&MV has determined that debris on the highway is an increasing hazard to motorists. In order to increase compliance and reduce the amount of debris on roads, DHS&MV has recommended that the penalty be increased. The bill reclassifies the penalty for a violation of this section from a nonmoving to a moving violation, which has the effect of increasing the penalty from \$30 to \$60.

Section 6. Traffic Law Enforcement: Section 316.640, F.S., authorizes counties and municipalities to use traffic accident investigation officers to investigate traffic crashes. The 1998 Legislature appropriated \$1.4 million for the FHP to employ community service officers. This section amends s. 316.640, F.S., to specify the employment requirements and authority of community service officers used by the FHP. In addition, this section authorizes the FHP to employ these officers on an ongoing basis. The employment requirements and authority to investigate crashes are similar to those for county and municipal traffic accident investigation officers.

Section 316.640, F.S., also authorizes police officers to enforce traffic laws on airport property. However, the law does not permit parking enforcement specialists to enforce parking laws at airports. The bill authorizes airport authorities to employ parking enforcement specialists to enforce parking laws at airports.

Section 7. Driving with an Expired Tag/Conforming Changes: Amends s. 318.14, F.S., to correct several statutory cross references relating to noncriminal traffic infractions.

Section 8. Tax Collector to Keep \$25 Service Fee for Clearing Suspended Driver's License: Pursuant to s. 318.15, F.S., a driver's license is suspended when a licensee fails to pay the fine, attend driver improvement school, or appear at a scheduled hearing. The license and the driving privilege may not be reinstated until the licensee complies with all obligations and penalties imposed and presents to a driver's license office a certificate of compliance issued by the court. Driver licenses are reinstated by: court clerks; driver license offices; and tax collector offices that provide driver license services. Currently, DHS&MV and court clerks are authorized to charge and retain a \$25 service fee for each license reinstated; tax collectors may charge, but not retain, the \$25 reinstatement fee. The bill amends s. 318.15, F.S., to authorize tax collectors to retain the \$25 service fee when reinstating a driver's license. This will allow tax collectors to receive the same reinstatement fee that DHS&MV and court clerks already receive.

This section is also amended to increase the number of days, from 5 days to 10 days, that the court clerk has to report a person's *failure to appear* in traffic court or *comply* with civil penalties.

Section 9. Traffic Citation Accounting System: The 1996 Legislature appropriated \$4 million for the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain a statewide uniform traffic citation accounting system. Clerks of the court are required to begin electronically transmitting traffic citation information to DHS&MV by December 1, 1999. The 1998 Legislature did not appropriate funds for the project. This section amends s. 318.18, F.S., to provide a 2 year time extension for implementing the automated traffic citation accounting system. The starting date for transmitting the information electronically is changed from December 1999 to December 2001.

Section 10. Judicial Immunity for Civil Traffic Infraction Hearing Officers: The Civil Traffic Infraction Hearing Officer Program, ss. 318.30 - 318.38, F.S., provides that any county may use hearing officers to preside over civil traffic infractions in the county. Hearing officers are authorized to decide the guilt or innocence of any person charged with a civil traffic infraction and are empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge. Hearing officers are not authorized to hold a defendant in contempt of court, hear a case involving an accident resulting in injury or death, or hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense. The bill amends s. 318.36, F.S., to provide that civil traffic infractions hearing officers are vested with the same judicial immunity as judges.

Section 11. Motor Vehicle Title Brands: Section 319.14, F.S., provides that no person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or lease vehicle until DHS&MV stamps or "brands" the previous use of the vehicle on the vehicle's certificate of title. When a lease vehicle is converted to private use, the new owner may request that DHS&MV remove the brand from the title. This section is amended to provide that vehicles leased for more than 12 months are not required to have their titles branded.

Section 12. Motor Vehicle Title Application Process: Section 319.23, F.S., establishes application requirements for titling motor vehicles and mobile homes. The bill amends s. 319.23, F.S., to make several changes to the title application process. DHS&MV asserts these changes are needed

to improve customer service. More specifically, the bill: repeals the requirement for a bill of sale to be notarized when submitted with a title application for an ancient or antique vehicle; repeals the requirement that Florida licensed motor vehicle dealers verify the vehicle identification number on new motor vehicles sold outside the state; and requires the capturing of personal or business identification information when applying for a title (to establish a unique and common identifier to link or match related information across DHSMV's databases).

Sections 13 & 14. Penalties Regarding Dismantling, Destruction, Change of Identity, Salvage/ Motor Vehicles or Mobile Homes: Section 319.30, F.S., places duties and responsibilities on persons who handle motor vehicles and mobile homes that have been salvaged, destroyed, dismantled, or have had their identity changed to the extent that the title no longer accurately describes the vehicle or mobile home. The law specifies that certain violations of the section are third degree felonies, punishable by imprisonment for up to 5 years or a fine of up to \$5,000. DHS&MV indicated that some actions are prohibited in the law but do not have specified penalties. The bill amends s. 319.30, F.S., to further specify criminal penalties for violations of this section.

Section 15. Definition of Agricultural Products/Conforming Change: This section is a conforming change relating to fleet registration provisions in the bill. The bill moves the definition of "agricultural products" contained in s. 320.065, F.S., to s. 320.01, F.S. Moving the definition was necessitated by the creation of a new fleet registration program, which required the repeal of s. 320.065, F.S. The definition "agricultural products" needed to be retained for purposes of fleet registration.

Section 16. Application for Registration: Section 320.02, F.S., establishes the application requirements for registering a motor vehicle in Florida. DHS&MV, primarily through tax collectors, is responsible for administering the process and registering vehicles. The bill amends s. 320.02, F.S., to require the capturing of personal or business identification information when registering a motor vehicle. The information is intended to establish a unique and common identifier that can be used to link or match driver and motor vehicle information stored in DHS&MV's databases.

Section 17. Audit Requirements for Voluntary Checkoffs on Motor Vehicle Registrations: Chapter 98-414, Laws of Florida, established requirements for entities seeking to create and receive funds from a voluntary checkoff on motor vehicle registrations and driver's license transactions. The new requirements are similar to the requirements used for specialty license plates. This section amends s. 320.023, F.S., to revise when a recipient organization must submit an audit or report of how the contributions were used. Currently, audits and reports must be submitted to DHS&MV by December 31. The bill requires audits and reports be submitted to DHS&MV within 180 days after the organization's fiscal year. This section further specifies that DHS&MV must complete its compliance review for how the funds were administered within 90 days after receiving an organization's audit or report.

Section 18. Florida Real Time Vehicle Information System: Section 320.03, F.S., requires that a 50 cent fee must be charged on every motor vehicle registration to cover the cost of automating the registration process or to fund DHS&MV's general operations. The bill amends s. 320.03, F.S., to dedicate half of the 50 cent automation fee specifically for tax collector automation.

Section 19. Registration Service Charge: Section 320.04, F.S., provides that there is a service charge of up to \$1 for each license plate validation sticker and mobile home sticker issued from an automated vending facility or printer dispenser machine. There is currently no provision for the \$1 service charge to be assessed on vessel decals issued by automated vending facilities or printer dispenser machines. This section provides for the \$1 service charge to be assessed on vessel decals issued from automated vending facilities or printer dispenser machines.

Sections 20, 22, & 23. Fleet Registration Program: Fleet registration offers businesses the convenience of an exemption from carrying a certificate of registration and validation sticker for each vehicle. Section 320.0657, F.S., provides that the owner or lessee of 250 or more nonapportioned commercial motor vehicles licensed as passenger vehicles, light trucks, gross vehicle weight trucks, semitrailers, special purpose vehicles or trailers, may register such vehicles as a fleet. To register a fleet, the owner must pay the required regular registration fee for each vehicle plus an annual fee of \$6 per vehicle. [\$3.50 fleet fee + \$2.50 service fee= \$6]

The Fleet Registration Program also requires that participants submit an annual audit to DHS&MV. According to DHS&MV, the audit has been a disincentive for companies to join the fleet registration program because the cost of the audit is prohibitive.

The bill amends s. 320.055, F.S., to require that DHS&MV stagger the registration renewal periods for program participants.

Section 320.0657, F.S., is amended to provide that "fleet" means non-apportioned motor vehicles owned or leased by a company and used for business purposes. The number of vehicles comprising a fleet will be established by DHS&MV. This section also excludes the registering of short term rental vehicles from the program.

The bill provides that *existing* program participants would pay an annual fleet management fee of \$2 per vehicle, which is in lieu of the \$3.50 fleet fee, and the applicable license tax prescribed for the particular vehicle. (The current fleet fee is authorized pursuant to s. 320.0657, F.S.)

The bill also provides that *new* program participants would pay: a one time \$1.50 manufacturing fee; a fleet management fee of \$2 per vehicle, which is in lieu of the current \$2 advanced replacement fee; and the applicable license tax prescribed for the particular vehicle. (The \$2 advanced replacement fee is authorized pursuant to s. 320.06, F.S.)

If the cost to manufacture the license plate increases, DHS&MV is authorized to increase the fee to recoup its costs. If the size of the fleet increases, a \$10 per vehicle issuance fee, which is in lieu of the \$10 issuance fee that would be assessed pursuant to s. 320.06, F.S., will be charged and includes the license plate manufacturing fee. Vehicles registered as a fleet are exempt from carrying a certificate of registration and no annual validation sticker is required.

The bill deletes the requirement for annual audits by program participants. Instead, all participants must provide DHS&MV with an annual vehicle reconciliation and must annually surrender all unassigned license plates. Failure to comply may result in fines of up to \$1,000 for each occurrence, or suspension or termination from the fleet program.

The bill provides that if a program participant fails to properly and timely renew or initially register vehicles in its fleet, DHS&MV may impose a delinquency penalty of \$50 or 10 percent of the delinquent taxes due, whichever is greater, if the failure is for not more than 30 days. An additional 10 percent penalty is assessed for each additional 30 days during the time which the failure continues, not to exceed a total penalty of 100 percent of the registration fee. The penalty may not be less than \$50.

The bill repeals s. 320.065, F.S., dealing with permanent registration for specified trailers which carry agricultural products. The bill authorizes these trailers to register under the fleet registration program.

Section 21. Manufacturer License Plates/Pride to Manufacture Vessel Decals: Section 320.06, F.S., establishes general requirements regarding registration certificates, license plates, and validation stickers. This section provides for the production and replacement of license plates and validation stickers and the manufacturing of the plates and validation stickers by PRIDE. The bill amends s. 320.06, F.S., to allow vehicle manufacturers to be issued license plates with the word "Manufacturer" at the bottom like a dealer plate and provides for PRIDE to manufacture vessel decals. DHS&MV believes that issuing a unique plate to manufacturers will help to identify vehicles owned by manufacturers and minimize the possible misuse of temporary tags. DHS&MV also indicated that it needs specific statutory authority to have PRIDE manufacture vessel decals without having to go through the bid process.

Sections 24 - 31. Motor Vehicle Registrations:

- Amends ss. 320.08 and 320.086, F.S., to implement DHS&MV's recommendations regarding the designation of ancient, antique, and collectible motor vehicles. The bill:
 - Makes ancient/horseless carriage license plates available to vehicles manufactured prior to 1946. According to DHS&MV experts and collectors, pre-1946 is more appropriate cutoff time for this plate.

- Repeals the collectible designation and redefines antique vehicles as those vehicles manufactured after 1945 and over 30 years old.
- Creates a category for ancient and antique fire fighting and military equipment. Such vehicles are not currently recognized in the statutes and collectors of these vehicles would like to use them for "show" purposes.
- Provides that motor vehicles manufactured prior to 1975 may use historical plates. DHS&MV recommended this change because historical plates have the registration embossed on the plate rather than the validation decal; 1974 was the last year that the date was embossed on the plate.
- Amends ss. 320.08056 and 320.08058, F.S., to increase the annual use fee for the Challenger license plate from \$15 to \$25; repeal the provision of law that provides for the expiration of the Challenger plate on July of 2001; provide for the redesign of the Florida Salutes Veterans specialty license plate, and authorize the use of tag proceeds for promotion and marketing both license plates, Challenger and Florida Salutes Veterans plates.
- Amends s. 320.083, F.S., to provide for the redesign of the "Amateur Radio Operators" license plate to make the tag more recognizable. This section also removes obsolete language regarding citizen band radios.
- Amends s. 320.084, F.S., to repeal a provision that prohibited counties and municipalities from charging a fee or penalty on vehicles with a "DV" license plate when the vehicle is parked in a metered or timed parking space. DHS&MV indicated that the prohibition is intended for persons who have mobility problems and been issued a disabled parking permit. Currently, a person with a "DV" tag does not automatically qualify for a disabled parking permit because a person's disability may not affect their mobility and their need for a permit.

Section 32. Dealer and Manufacturer License Plates: Section 320.13, F.S., authorizes motor vehicle and mobile home dealers to obtain dealer license plates. Dealer plates may be used on motor vehicles or mobile homes owned by the dealer while the vehicles are in inventory and available for sale, or while being operated in connection with the dealer's business. This section amends s. 320.13, F.S., to:

- Prohibit the use of dealer plates on tow trucks or wreckers unless the tow truck or wrecker is being demonstrated for sale.
- Prohibit the dealer plate from being when transporting another vehicle for the dealership.
- Create a manufacturer license plate which is to be used by manufacturers in the same manner as dealer plates.
- Repeal a provision regarding the \$2 replacement fee for dealer license plates that have been lost or destroyed. DHS&MV indicated that they currently apply the replacement provisions for tags, stickers, and decals pursuant to s. 320.0607, F.S. This would conform law to current agency practice and create consistency in the tag replacement process.

Section 33. Temporary Tags: Current law does not provide penalties for the deliberate misuse of temporary tags and the failure to properly maintain records. DHS&MV has determined that temporary tags are often sold for exorbitant amounts of money to allow people to avoid registration requirements or to conceal the identity of the vehicle's owner. DHS&MV recommends that the statutes include penalties to discourage such behavior. This section amends s. 320.131, F.S., to provide criminal penalties for the deliberate misuse of temporary tags to avoid registration requirements (first degree misdemeanor), to avoid the disclosure of the vehicle's true owner (third degree misdemeanor), and the failure to knowingly and willfully maintain records as required by law and agency rules (second degree misdemeanor).

This section also authorizes tax collectors and dealers, with DHS&MV's approval, to issue additional temp tags when there is a demonstrated need for the tag. Currently, only DHS&MV is authorized to issue more than two temp tags when there is a demonstrated need.

Section 34. Proof of Employment for Temporarily Employed: Persons who are temporarily employed in the state, but who are not residents, must register their vehicles. DHS&MV issues a temporary tag to such persons that is valid for 90 days. Currently, DHS&MV is not authorized to verify if the motor vehicle owner has proof of insurance. The bill amends s. 320.1325, F.S., to require that such registrants must provide proof of insurance coverage as required by the applicant's resident state at the time of registering their vehicle. In addition, if the vehicle becomes subject to permanent registration in Florida, Florida insurance coverage would be required.

Section 35. Motor Vehicle Dealer Licenses: Currently, DHS&MV regulates motor vehicle dealers and is authorized to deny, suspend, or revoke a dealer license where there is an established pattern of wrongdoing by the licensee. Subsection 320.27(9), F.S., specifies the violations for which DHS&MV may take such action against a dealer's license. This section amends the list of violations to include a requirement that the dealer must first complete the sale of the new car or obtain a waiver from the customer before selling the trade-in vehicle. This should help to ensure that customers would be able to get their trade-in vehicle returned if there is a problem with the purchase of the newly acquired vehicle. In addition, the bill provides that a dealer's license is subject to denial, suspension, or revocation if the dealer fails to properly post the federally-mandated consumer sales window form on used motor vehicles.

Section 36. Nonresident Dealers in Secondhand Motor Vehicles, Recreational Vehicles, and Mobile Homes: Section 320.28, F.S., requires specified nonresident dealers in used or secondhand motor vehicles, recreational vehicles, or mobile homes, who bring a used or secondhand motor vehicle, recreational vehicle, or mobile home into the state to sell, except to a licensed dealer, must apply for a certificate of title for the vehicle at least 10 days prior to advertising, offering, or selling the vehicle. The penalty for the failure to comply with this section is a second degree misdemeanor, punishable by a fine of up to \$500 or imprisonment for up to 60 days. The bill amends s. 320.30, F.S., to increase the penalty for failure to comply with s. 320.28, F.S. When a person is found guilty of violating s. 320.28, F.S., the bill authorizes the confiscation and forfeiture of the vehicle or vehicles offered for sale in accordance with the Florida Contraband Forfeiture Act. This section also provides guidance regarding ownership and management of the forfeited property by the enforcing law enforcement agency and DHS&MV.

Section 37. Mobile Home Installers Licenses: Pursuant to s. 320.8249, F.S., DHS&MV is responsible for regulating persons who install mobile homes. Licensure qualifications include an eight hour training course, an examination, and possession of a performance bond and liability insurance. Licensed mobile home dealers or manufacturers are not required to be licensed to do installation, but must have at least one person on staff who has completed an eight hour installation course. This section amends s. 320.8248, F.S., to repeal the licensure exception for mobile home dealers or manufacturers. As a result, all mobile home installers will be subject to the same regulation requirements.

Section 38. Mobile Home Standards: This section amends s. s. 320.8325, F.S., to require that DHS&MV promulgate rules relating to *uniform* standards instead of *minimum* standards for the manufacture or installation of anchors, tie-downs, over-the-roof ties, or other reliable methods of securing mobile homes or park trailers when over-the-roof ties are not suitable.

Section 39. Florida Highway Patrol Traffic Accident Investigation Officers/Additional Requirements: Amends s. 321.06, F.S., to require that traffic accident investigation officers (which are authorized in section 6 of the bill) must complete any applicable standards promulgated by the FHP, including cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check.

Section 40. Driver's License Application Requirements: Any person currently holding an out-of-state license who applies for a Florida driver's license must show proof of Florida registration on their vehicle or an affidavit stating non-ownership of a vehicle. This law was intended to be used as a way to enforce the registration of vehicles when the state was collecting the \$295 impact fee. In 1994, the \$295 impact fee was declared unconstitutional and is no longer collected. This section amends s. 322.08, F.S., to repeal the requirement for registering one's vehicle before obtaining a Florida driver's license.

Section 41. Audit Requirements for Voluntary Checkoffs on Driver License Applications: Chapter 98-414, Laws of Florida, established requirements for entities seeking to create and receive funds from a voluntary checkoff on motor vehicle registrations and driver's license transactions. The new requirements are similar to the requirements used for specialty license plates. This section amends s. 322.081, F.S., to revise when a recipient organization must submit an audit or report of how the contributions were used. Currently, audits and reports must be submitted to DHS&MV by December 31. The bill requires audits and reports be submitted to DHS&MV within 180 days after the organization's fiscal year. This section further specifies that DHS&MV must complete its compliance review for how the funds were administered within 90 days after receiving an organization's audit or report.

Section 42. Learner's Driver's License/Nighttime Driving: Section 322.1615, F.S., provides that a person holding a learner's driver's license may operate a vehicle only during daylight hours. The law allows the beginning driver to operate a vehicle between the hours of 7 p.m. and 10 p.m., 3 months after the issuance of the learner's license in order to develop nighttime driving skills. During the winter months some areas of the state get dark before 7 p.m., which creates a period of time from dark until 7 p.m. that beginning drivers may not operate a motor vehicle. The bill authorizes such operators to drive from dark until 10 p.m., instead of from 7 p.m. to 10 p.m.

Section 43. Right to Review Suspension of License: Section 322.2615, F.S., authorizes law enforcement and correctional officers, on behalf of DHS&MV, to suspend the driving privilege of a person arrested for unlawful blood-alcohol level or breath-alcohol level, or for refusing to submit to a breath, urine, or blood test. The officer must take the person's driver's license and issue a 30-day temporary permit and a notice of suspension if the person is otherwise eligible to drive.

If the person arrested requests a formal review of the suspension, DHS&MV must hold a hearing within 30 days. If the person fails to appear and the hearing officer finds such failure to be without just cause, the right to a formal hearing is waived and DHS&MV must conduct an informal review. DHS&MV indicated that the requirement to automatically conduct an informal review if the person fails to appear is often unnecessary. DHS&MV reasons that under the current statutes, it must conduct an informal review even if a person abandons their application or fails to appear at the formal hearing, or no longer intends to challenge the suspension. As a result of this requirement, DHS&MV conducted informal reviews for 2,300 cases in FY 1997 - 98 where the person did not appear or no longer intended to challenge the suspension. This section amends s. 322.2615, F.S., to repeal the requirement that a person automatically be given an informal review if they fail to appear. If the hearing officer finds the failure to appear is without just cause, the driver's license suspension is sustained.

DHS&MV must, within 7 days after a formal review hearing, send a notice to inform the person of the hearing officer's decision to sustain, amend, or invalidate the suspension. DHS&MV indicated that meeting the 7 day requirement was sometimes difficult to meet due to Administrative Review Offices being closed on Mondays, weekends, and holidays. DHS&MV's administrative rules currently allow for 7 working days in which to send the notice. The bill amends s. 322.2615, F.S., to give DHS&MV 7 *working* days, instead of 7 calendar days, to send the notice after a formal review hearing.

Section 322.2615(10), F.S., requires that a person whose driver's license has been suspended for failure to *submit* to a breath, urine, or blood test is not eligible to receive a license for business or employment purposes until 90 days after the expiration of the 30-day temporary permit issued at the time of suspension. For suspensions due to unlawful blood-alcohol level a person must wait 30 days before they are eligible for the business and employment license. Under current law, if the hearing is continued or rescheduled and DHS&MV issues another temporary driving permit that is valid until the hearing is conducted a person may not be without a business or employment license for the full 30 or 90 days. The bill amends s. 322.2615(10), F.S., to ensure that a person is without a business or employment purpose license for the full 30 or 90 days, even in cases where DHS&MV issues more than one temporary driving permit.

Section 44. Notice of Failure to Comply with Traffic Court Directives: Section 322.245, F.S., provides that if a person fails to comply with the court's directives within a 30-day period or fails to comply with the requirements of s. 61.13016, F.S., within the period specified for non-IV-D cases, the depository or the court clerk must notify DHS&MV of such failure within 5 days. On receipt of the notice, DHS&MV issues an order suspending the person's driver's license and privilege to

drive effective 20 days after the date the order is mailed. This section amends s. 322.245, F.S., to increase the number of days from 5 days to 10 days that a depository or court clerk has to report a person's noncompliance to DHS&MV.

Sections 45 & 46. Period of Driver's License Suspension or Revocation: Subsections 322.28(4) and (5), F.S., specify circumstances when DHS&MV must extend the suspension or revocation period of a driver's license. In a 1997 memorandum to the Office of the Auditor General, DHS&MV indicated that the Department has not implemented these laws because "the provisions are unclear and could cause unjust and unequal results if application of the literal reading of the provisions were attempted." For example, a person who has had their license suspended or revoked for a drug-related conviction already receives an extension pursuant to ss. 322.055 and 322.0561, F.S. It is unclear whether such convictions should result in an extension of an extension. For these reasons, DHS&MV requested that the two subsections be repealed. The bill amends s. 322.28, F.S., to repeal the two subsections.

Subsection 322.28(7), F.S., provides that *no* administrative suspension of a driver's license shall be stayed on a request for review of the departmental order that suspended the driver's license. DHS&MV indicated that this subsection needs to be clarified due to a recent opinion by the 5th District Court of Appeal. The Court held that the circuit court had the authority to stay the administrative suspension of a driver's license pending certiorari review by the circuit court. DHS&MV indicated that the administrative suspension statutes were originally intended to provide immediate suspension of the driver's license when arrested for DUI, without a stay, until the judicial review determines the validity of the suspension. The bill renumbers and amends s. 322.28(7), F.S., to clarify that no court shall stay the administrative suspension of a driving privilege during judicial review of the departmental order that resulted in such suspension. This section also clarifies that judicial stays are not permitted in .02 cases.

Section 322.34, F.S., is amended to provide a conforming cross reference.

Sections 47 & 48. Seizure of Motor Vehicle License Plates: Since October 1995, DHS&MV has been coordinating a pilot project which authorizes licensed recovery agents to seize the license plates of motor vehicles, if the vehicle registration or owner's driver's license has been suspended for failure to maintain proper insurance. Currently, the three authorized pilot counties are Dade, Broward, and Hillsborough.

The bill amends ss. 324.201 and 324.202, F.S., to authorize counties to opt into the tag seizure program after DHS&MV completes its computer system upgrade and verification of an error rate of 2 percent or less for valid license plates seized during the period following implementation of the database. The Office of Program Policy and Analysis and Governmental Accountability is responsible for determining the error rate. The bill also repeals the program on July 1, 2002.

The bill also makes several administrative changes to the program. For example, the bill provides for the payment of a \$25 recovery fee to the recovery agent or recovery agency for the seizure of each "eligible" license plate. The bill also requires seized license plates to be delivered to a driver license office instead of a local law enforcement agency.

Sections 49 - 51. Motor Vehicle Emissions Inspections: In Florida, motor vehicles registered in Broward, Dade, Duval, Hillsborough, Pinellas, and Palm Beach counties are required to undergo annual emissions inspections. (ss. 325.201 - 325.219, F.S.) The inspections are performed by private entities (contractors) pursuant to a contract with DHS&MV. The contracts are set to expire during the Spring of 2000.

The bill amends s. 325.2135, F.S., to provide that DHSMV may extend the current emissions inspection contracts for a period of time sufficient to implement new contracts resulting from competitive proposals. However, DHSMV must enter the contracts by June 30, 2000. The contracts must provide for an inspection program in which vehicles 4 model years and older would be inspected every 2 years for hydrocarbon and carbon monoxide emissions (current testing procedures). The inspection fee is capped at \$19. Contracts may not exceed 7 years. In addition, contracts must provide that, after 4 years, DHSMV reserves the right to cancel a contract at any time before the conclusion of the contract term upon 6 months notice to the contractor.

Sections 52 - 57. Registration of Vessels: Chapter 94-356, Laws of Florida, authorized vessel registration and titling duties to be transferred from the Department of Environmental Protection to DHS&MV. A majority of the changes made in these sections are intended to make vessel registration laws consistent with motor vehicle registration laws.

- Amends s. 327.031, F.S., to give DHS&MV the authority to deny or cancel a vessel registration if registration fees are paid with a dishonored check. [refer to s. 320.18(1), F.S., for corresponding motor vehicle requirement]
- Amends s. 327.11, F.S., to provide for the replacement of vessel decals at no charge if they are lost in the mail or stolen and reported to law enforcement. [refer to s. 320.0607, F.S., plus DHS&MV Procedure for corresponding motor vehicle requirement]
- Amends s. 327.23(2)(b), F.S., to allow DHS&MV to issue a temporary registration to an out-of-state resident, subject to registration in this state, when the applicant is unable to submit the out-of-state title because it is being held by an out-of-state lienholder. [refer to s. 320.131(g), F.S., for corresponding motor vehicle requirement]
- Amends s. 327.25, F.S., to delete the requirement that a bill of sale for an antique vessel be notarized. This section also provides for staggered registrations of privately owned antique vessels. [refer to ss. 319.23(3)(c), and 320.055, F.S., respectively, for corresponding motor vehicle requirements] In addition, this section is amended to: 1) establish a 30-day time period to report a change in vessel classification for registration purposes. Although such reporting is required, it is difficult to enforce since there is no time period for when it must be done; 2) corrects a conflict between state and federal law. Antique vessels would be required to display numbers and decal on the hull. Current state law allows such information to be placed on the windshield, which is in conflict with U.S. Coast Guard regulations; and 3) replaces Safe Harbor Haven, Inc., with its successor entity, Florida Association of Christian Child Caring Agencies, Inc., in regards to vessel registration fee exemptions. Vessels currently owned by Safe Harbor Haven, Inc., will continue to be exempted under the name of Florida Association of Christian Child Caring Agencies, Inc.
- Section 327.255, F.S., is a newly created section that authorizes tax collectors to issue vessel decals, registration certificates, and numbers to applicants. It requires tax collectors to be accountable for vessel decals and requires a \$.50 FRVIS fee to be collected on every vessel decal registration sold to cover the cost of the Florida Real Time Vehicle Information System. The fees collected under this section are to be deposited into the Highway Safety Operating Trust Fund to fund that system and general operations of the Department. [refer to s. 320.03, F.S., for corresponding motor vehicle requirement]
- Section 327.256, F.S., is a newly created section that authorizes DHS&MV to renew vessel registrations during the three month period before expiration of the registration. [refer to s. 320.071(1)(a), F.S., for corresponding motor vehicle requirement]

Sections 58 - 62. Vessel Titles: Chapter 94-356, Laws of Florida, authorized the transfer of vessel titling and registration duties from the Department of Environmental Protection to DHS&MV. A majority of the changes made in these sections are intended to make vessel titling laws consistent with motor vehicle titling laws.

- Amends s. 328.01(3)(c), F.S., to remove the requirement that a decedent's last will and testament be *certified* when transferring a title. [refer to s. 319.28(1), F.S., for corresponding motor vehicle requirement]
- Amends s. 328.11, F.S., to change from 90 days to 180 days the time within which a title may be issued without charge if it is lost in transit or stolen. [refer to s. 319.29(3), F.S., for corresponding motor vehicle requirement]
- Amends s. 328.15(2), F.S., to authorize the vessel owner or the director of the child support enforcement program to request the first lienholder forward the title certificate to DHS&MV for endorsement of a second lien. It also, allows DHS&MV to demand the certificate if the first lienholder fails to return it. [refer to s. 319.24(4), F.S., for corresponding motor vehicle requirement]

- Section 328.15(7), F.S., provides any person, firm, or corporation holding a lien, which has been recorded by DHS&MV, on payment of such lien and on demand, fail or refuse to furnish the debtor or the registered owner a lien satisfaction then such person, firm, or corporation is liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the debtor or the registered owner of the motorboat in any suit which brought for the cancellation of the lien. DHS&MV recommended the following changes to improve this process:
 1. Section 328.15(7)(a), F.S., is amended to change the reference "motorboat" to "vessel" because liens are recorded on both non-powered and powered vessels.
 2. Section 328.15(7)(b), F.S., is amended to require that the lienholder provide DHS&MV with a lien satisfaction within 10 days after satisfaction of the lien. [refer to s. 319.24(4), F.S., for corresponding motor vehicle requirement]
 3. Section 328.15(7)(c), F.S., is amended to require that the first lienholder to mail satisfaction of the first lien to the owner and the certificate of title showing satisfaction of the first lien to DHS&MV within 10 days after satisfaction of the lien. [refer to s. 319.24(5)(a), F.S., for corresponding motor vehicle requirement]
 4. Section 328.15(7)(d), F.S., is amended to require that DHS&MV issue a clear title to the owner showing no lien if the title is mailed to DHS&MV by the first lienholder showing the lien paid. It also requires DHS&MV to issue another title when a first lien has been paid, moving a subsequent lienholder to first place on the title. [refer to s. 319.24(5)(c), F.S., for corresponding motor vehicle requirement]
- Section 328.15(8), F.S., provides that if a title is not available to accompany a lien satisfaction furnished to DHS&MV by a lienholder, DHS&MV will issue a duplicate copy of the title to the owner upon receipt of a completed form and the required fee. [refer to s. 319.24(6), F.S., for corresponding motor vehicle requirement]
- Section 328.15(9), F.S., establishes a penalty for a person who fails to return a certificate of title within 10 days of receipt of a demand by DHS&MV or who fails to forward a lien satisfaction within 10 days after receipt of such demand by DHS&MV. [refer to s. 319.24(7), F.S., for corresponding motor vehicle requirement]
- Section 328.15(10), F.S., authorizes DHS&MV to destroy any bill of sale, notice of lien, or satisfaction of lien after 7 years. [refer to s. 319.24(8), F.S., for corresponding motor vehicle requirement]
- Section 328.15(11), F.S., authorizes DHS&MV to use the last known address indicated in the agency's records when sending any notice required by this section.
- Section 328.16, F.S., establishes time frames for a vessel owner to remove a lien from DHS&MV files or from the certificate of title. [refer to s. 319.241, F.S., for corresponding motor vehicle requirement]
- Creates s. 328.165, F.S., to provide for cancellation of titles it improperly issued and authorizes DHS&MV to furnish records on payment of proper fees. [refer to s. 319.25, F.S., for corresponding motor vehicle requirement]

Section 63. Conforming Cross-reference: Amends s. 627.733, to provide a conforming cross reference for other provisions in the bill relating to the seizure of motor vehicle license plates. The corresponding provisions are in sections 47 and 48 of the bill.

Section 64. Law Enforcement Officer Inventory of Motor Vehicles Being Towed: When requesting that a vehicle be removed from the highway, a law enforcement officer must conduct an inventory and prepare a written record of personal property found in the vehicle. This is required even when the owner/operator accompanies the vehicle. DHS&MV indicated that conducting the inventory and preparing a written record on a vehicle's contents is time consuming and serves no useful purpose if the owner is present and accompanies the vehicle to its destination. This section

amends s. 713.78, F.S., to exempt law enforcement officers from the inventory requirement when the owner/operator is present and accompanies the vehicle.

Sections 65 & 66. Driver's License Application Requirements/Conforming Change: Amends ss. 732.9215 and 732.9216, F.S., to make conforming cross references for provisions in the bill related to driver's license applications. The corresponding provision is in section 40 of the bill.

Section 67. Suspension of Driver's License for Petit Theft of Retail Gasoline: Section 812.014, F.S., establishes what actions constitute the crime of petit theft. The penalty for petit theft of the second degree is a second degree misdemeanor, punishable by a fine of up to \$500 or imprisonment for up to 60 days. The bill amends s. 812.014, F.S., to add an additional penalty for petit theft in cases where a person drives off without paying for gasoline offered for retail sale. The additional penalty would be the suspension of the person's driver's license for up to 6 months for a first conviction and one year for subsequent convictions.

Section 68. Prosecution for Worthless Checks Given Tax Collector for Drivers' Licenses and Identification Cards: In 1996 the Legislature authorized tax collectors to perform driver license services. Currently, tax collectors lack recourse under s. 832.06, F.S., (prosecution for worthless checks given tax collector for licenses or taxes) if given a worthless check for driver license services. This section adds driver license and identification cards to the provisions of s. 832.06, F.S., which would provide tax collectors recourse for collecting on worthless checks when providing driver's license services.

Sections 69 & 70. Nonresident Dealers- Seized Vehicles: Section 36 of the bill provides for vehicle forfeiture when a nonresident dealer brings a used motor vehicle, recreational vehicle, or mobile home into the state to sell but fails to apply for a title at least 10 days prior to advertising, offering, or selling the vehicle. This section amends s. 932.701, F.S., to add the term motor vehicle to the definition of contraband, which will allow the forfeiture provisions in the bill to be implemented. Sections 705.101 and 932.703, F.S., are reenacted for the purpose of incorporating the change to s. 932.701, F.S.

Section 71. Rental or Leased Vehicles that are Seized: Amends s. 932.703, F.S., to provide that when a leased vehicle is seized, but is not forfeited under the Florida Contraband Forfeiture Act, fines, penalties, or administrative charges (other than reasonable and customary towing and storage charges) may not be imposed by any governmental agency on the company that rented or leased the vehicle.

Section 72. Florida Clean Fuel Act: The bill creates the "Florida Clean Fuel Act" that establishes the Clean Fuel Florida Advisory Board. The Board is required to:

- Study the implementation of alternative fuel vehicles;
- Make recommendations to the Secretary of the Department Community Affairs (DCA) on expanding the use of alternative fuel vehicles in Florida;
- Serve as a resource for the DCA; and

The bill provides that the Board is established within the DCA and its membership must consist of the :

- Secretaries or their designees from the Departments of Community Affairs, Environmental Protection, Education, Transportation, and Management Services;
- Commissioner of Agriculture or the Commissioner's designee from the Department of Agriculture and Consumer Services; and
- One representative from each of the following:
 - Florida biodiesel industry
 - Florida electric utility industry
 - Florida natural gas industry
 - Florida propane gas industry

- Automobile manufacturers' association
- Florida Clean Cities Coalition designated by the United States Department of Energy
- Enterprise Florida, Inc.
- EV Ready Broward
- Florida petroleum industry
- Florida League of Cities
- Florida Association of Counties
- Motor vehicle manufacturer
- Florida Local Environment Resource Agencies
- Project for an energy efficient Florida
- Florida Transportation Builders Association

The bill provides for the termination of the Board after five years.

Sections 73 - 75. Proof of Identity: Amends ss. 322.051, 322.08, 322.09, F.S., to specify the documents that an applicant must provide to prove their identity when applying for an identification card or driver's license. The applicant must provide one of the following documents: a valid U.S. passport, a U.S. birth certificate, an alien registration receipt card (green card), an employment authorization card issued by the U.S. Department of Justice, or proof of nonimmigrant classification provided by the U.S. Department of Justice.

Section 76. Payment of Third-Party Claims: This section amends s. 627.743, F.S., regarding the payment of third party claims. When making any payment on a third party claim for damage to a motor vehicle, insurers are required to have a statement printed on the loss estimate that failure to use insurance proceeds in accordance with the security agreement could constitute theft under Florida law. This requirement does not apply if the insurer does not prepare the loss estimate.

Section 77. Highway Designation: This section designates Highway 326 from I-75 east to Highway 441/301/27 as the "Mike Stavola Highway" and directs the Department of Transportation to erect suitable markers to designate the road.

Section 78. Driver Improvement Courses and Schools: Amends s. 318.1451, F.S., to require that DHS&MV prepare a traffic school reference guide listing the benefits of attending driver improvement schools. DHS&MV is prohibited from including in the reference guide a list of course providers or traffic schools and is directed to refer inquiries relating to course providers and traffic schools to the telephone directory listing for driving instruction. Additionally, governmental entities and courts are prohibited from providing, issuing, or maintaining information or orders regarding driver improvement schools or course providers, except to direct the public to the local telephone directory or to provide the traffic school reference guide. This section also authorizes DHS&MV to maintain the information and records necessary to perform its regulatory duties regarding driver improvement courses.

Section 79. Theft: Amends s. 812.014, F.S., to make stealing a stop sign grand theft of the third degree and a felony of the third degree. A third degree felony is punishable by a fine of up to \$5,000 and imprisonment for up to 5 years.

Sections 80 - 315. Department of Highway Safety and Motor Vehicles/Technical Revisions: These sections resulted from the State Government Function/Activity Review Interim Project. During the review, several statutory provisions relating to DHS&MV were found to have incorrect and obsolete references. Most importantly, it was found that many noncriminal traffic infractions are not linked by reference to a specific penalty. In lieu of specific statutory authority, DHS&MV has administratively classified traffic violations (i.e., moving, nonmoving, pedestrian). These sections of the bill revise, reenact, and amend various highway safety and motor vehicle provisions of the Florida Statutes to:

- Delete obsolete language.
- Provide uniform references for noncriminal traffic infractions and applicable penalties.
- Make technical and corrective changes.

Section 80. Reenacts s. 316.003, F.S., to incorporate a statutory reference change made by statutory revision editors, "s. 403.703(23), F.S." to "s. 403.703(21), F.S."

Section 81. Amends s. 316.008, F.S., to delete an obsolete implementation date requirement relating to the Department of Law Enforcement's approval of combat automobile theft program decals. Also, changes the term "accident" to "crash" in order to update and conform terminology.

Section 82. Amends s. 316.027, F.S., to change the term "accident" to "crash" in order to update and conform terminology and to more accurately described a collision involving a motor vehicle.

Sections 84 - 93. Amends ss. 316.061, 316.062, 316.063, 316.064, 316.065, 316.066, 316.067, 316.068, 316.069, 316.070, and 316.072, F.S., to change the term "accident" to "crash," to classify violations of applicable sections, and provide cross references to corresponding penalties for committing the violations. In addition, s. 316.072, F.S., is amended to correct a cross reference.

Section 94. Amends s. 316.074, F.S., to classify a violation of the section and to provide a corresponding cross reference to the applicable penalty.

Sections 95 & 96. Amends ss. 316.0745 and 316.0747, F.S., to delete an obsolete date reference regarding uniform traffic control signals and devices.

Sections 97 - 136. Amends ss. 316.075, 316.076, 316.0765, 316.077, 316.0775, 316.078, 316.079, 316.081, 316.082, 316.0825, 316.083, 316.084, 316.085, 316.087, 316.0875, 316.088, 316.089, 316.0895, 316.090, 316.091, 316.121, 316.122, 316.123, 316.1235, 316.125, 316.126, 316.130, 316.1355, 316.151, 316.1515, 316.152, 316.154, 316.155, 316.156, 316.157, 316.1575, 316.159, 316.170, 316.183, and 316.185, to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 137. Amends s. 316.1895, F.S., to delete an obsolete date reference regarding maximum speed limits in school zones.

Section 138. Amends s. 316.191, F.S., to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Section 139. Amends s. 316.193, F.S., to delete an obsolete provision relating to DUI treatment programs that provided *treatment services* on January 1, 1994. Under this provision, a DUI treatment program could continue providing substance abuse education courses, evaluation services, and treatment services until DHS&MV made a determination and granted a waiver allowing such services to continue to be provided by the same service provider. According to DHS&MV, all applicable DUI programs have been reviewed, determinations made, and waivers granted where appropriate. Also, the term "accident" is changed to "crash" where appropriate.

Sections 140 - 160. Amends ss. 316.1935, 316.1937, 316.194, 316.1945, 316.195, 316.1951, 316.1955, 316.1974, 316.1975, 316.1985, 316.1995, 316.2004, 316.2005, 316.2014, 316.2024, 316.2025, 316.2034, 316.2035, 316.2044, 316.2051, and 316.2061, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations. Also, the term "accident" is changed to "crash" as appropriate.

Section 161. Amends s. 316.2065, F.S., to delete an obsolete date reference, classify a violation of the section, and provide a corresponding cross reference to the applicable penalty.

Section 162. Amends s. 316.2074, F.S., to delete legislative findings which have no substantive impact and to classify a violation of the section. Also, the term "accident" is changed to "crash" where appropriate.

Sections 163 - 168. Amends ss. 316.208, 316.2085, 316.209, 316.2095, 316.211, 316.212, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 169. Amends s. 316.2126, F.S., to correct a statutory cross reference.

Sections 170 - 204. Amends ss. 316.215, 316.217, 316.220, 316.221, 316.222, 316.2225, 316.224, 316.225, 316.226, 316.228, 316.229, 316.2295, 316.231, 316.233, 316.234, 316.235, 316.237, 316.238, 316.2385, 316.239, 316.2395, 316.2396, 316.2397, 316.2399, 316.240, 316.241, 316.251, 316.252, 316.253, 316.261, 316.262, 316.263, 316.267, 316.271, 316.272, and 316.293, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 206. Amends s. 316.2935, F.S., to delete obsolete date references, to correct a statutory cross reference relating to the definition of scooter, and to classify a violation of the section.

Sections 207 - 214. Amends ss. 316.294, 316.2952, 316.2953, 316.2954, 316.2956, 316.299, 316.300, and 316.301, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Sections 215 - 217. Amends ss. 316.302, 316.3025 and 316.3027, F.S., to correct a statutory reference and update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission.

Sections 218 - 239. Amends ss. 316.303, 316.304, 316.3045, 316.400, 316.405, 316.410, 316.415, 316.420, 316.425, 316.430, 316.435, 316.440, 316.445, 316.450, 316.455, 316.46, 316.510, 316.520, 316.525, 316.530, 316.600, and 316.605, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations. Also, the term "accident" is changed to "crash" where appropriate and a reference to a Federal safety standard for motorcycle headlights is provided.

Sections 240 & 241. Amends ss. 316.613 and 316.6135, F.S., to substitute two references to the Department of Health and Rehabilitative Services, which was abolished, with DHS&MV and the Department of Children and Family Services, respectively.

Sections 242 & 243. Amends ss. 316.615 and 316.620, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 244. Amends s. 316.640, F.S., changes the title of "traffic accident investigation officer" to "traffic crash investigation officer." Also, the term "accident" is changed to "crash" as appropriate.

Section 245. Amends s. 316.645, F.S., to change the term "accident" to "crash" as appropriate.

Section 246. Amends s. 316.70, F.S., to update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission.

Sections 247 & 248. Amends ss. 318.12 and 318.13, F.S., to correct statutory cross references.

Section 249. Amends s. 318.14, F.S., to correct several statutory cross references, to add a statutory cross reference (relating to operating a motor vehicle without a valid registration), and to substitute references to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Children and Family Services.

Sections 250 & 251. Amends ss. 318.1451 and 318.17, F.S., to change the term "accident" to "crash" as appropriate.

Section 252. Amends s. 318.18, F.S., to provide a conforming cross reference so that the penalty for violations of chapter 316, F.S., by persons under 15 years of age who are operating a bicycle remains at \$15.

Section 253. Amends s. 318.19, F.S., to change the term "accident" to "crash" as appropriate.

Section 254. Amends s. 318.21, F.S., to correct statutory cross references and make a conforming change in the schedule used to determine the amount of speeding fine revenues that must be deposited into the Nongame Wildlife Trust Fund (see chapter 98-223, Laws of Florida).

Section 255. Amends s. 318.32, F.S., to change the term "accident" to "crash" as appropriate.

Section 256. Repeals s. 318.39, F.S., to remove an obsolete and unnecessary provision regarding the redesignation of the Accident Reports Trust Fund to the Highway Safety Operating Trust Fund.

Section 257. Amends s. 319.28, F.S., to correct a scrivener's error.

Section 258. Amends s. 319.33, F.S., to correct a cross reference.

Section 259. Amends s. 320.02, F.S., to delete an obsolete implementation date requirement for DHS&MV to withhold motor vehicle registrations if the owner has a driver's license under suspension for failure to pay a fine.

Section 260. Amends s. 320.03, F.S., to delete an obsolete implementation date requirement for DHS&MV to implement the International Registration Plan. This section also corrects a cross reference.

Section 261. Amends s. 320.031, F.S., to correct a scrivener's error. Subsection (3) was incorrectly placed in this section. However, the same provision is also correctly located in s. 320.05(4), F.S.

Section 262. Amends s. 320.055, F.S., to correct a cross reference.

Section 263. Amends s. 320.06, F.S., to delete an obsolete implementation date requirement for DHS&MV to issue replacement license plates and to correct references relating to dealer license plates.

Section 264. Amends s. 320.0601, F.S., to delete an obsolete implementation date requirement relating to rental car identification advertising on rental cars.

Sections 265 & 266. Amends ss. 320.0605 and 320.07, F.S., to classify a violation of the section and to provide a corresponding cross reference to the applicable penalty.

Section 267. Repeals s. 320.073, F.S., to delete statutory reference to the \$295 impact fee which was repealed by chapter 96-243, Laws of Florida.

Section 268. Amends s. 320.0802, F.S., to substitute an obsolete reference to the Department of General Services with the Department of Management Services.

Section 269. Amends s. 320.08058, F.S., to substitute an obsolete reference to the Florida Developmental Disabilities Planning Council (which received proceeds from the sale of Florida Special Olympics License Plates) with a reference to a private nonprofit corporation, which replaced the Council.

Section 270. Amends s. 320.08062, F.S., to correct a reference in the section's title.

Section 271. Amends s. 320.0848, F.S., to correct a cross reference.

Section 272. Amends s. 320.087, F.S., to update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission.

Section 273. Amends s. 320.1325, F.S., to delete a reference to s. 319.231, F.S., which was repealed by chapter 95-140, Laws of Florida.

Section 274. Amends s. 320.20, F.S., to delete an obsolete implementation date requirement relating to the deposit of license tax moneys into the State Transportation Trust Fund.

Section 275. Amends s. 320.8255, F.S., to correct a scrivener's error, substitutes "label" for "seal."

Section 276. Repeals s. 320.8256, F.S., to delete obsolete provisions relating to recreational vehicle inspections.

Sections 277 & 278. Amends ss. 321.051 and 321.23, F.S., to change the term "accident" to "crash" as appropriate.

Section 279. Repeals various sections of chapter 321, F.S., that relate to employee benefits of the Florida Highway Patrol. Repealed sections include, but are not limited to, civil service rules, compensation, and retirement. DHS&MV has determined that these provisions are obsolete and unnecessary.

Section 280. Amends s. 322.0261, F.S., to change the term "accident" to "crash."

Section 281. Amends s. 322.055, F.S., to substitute a reference to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Children and Family Services.

Section 282. Amends s. 322.08, F.S., to delete an obsolete implementation date requirement relating to first time applicants who must complete a traffic law and substance abuse education course prior to receiving a driver's license.

Section 283. Amends s. 322.12, F.S., to incorporate a change made by statutory revision editors from "s. 322.161, F.S." to "s. 322.1615, F.S."

Section 284. Amends s. 322.121, F.S., to correct a statutory cross reference.

Section 285. Amends s. 322.141, F.S., to delete an obsolete implementation date requirement relating to distinctive markings on drivers' licenses for persons who have insulin-dependent diabetes.

Section 286. Amends s. 322.15, F.S., to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Sections 287 - 290. Amends s. 322.20, 322.201, 322.221, and 322.26, F.S., to substitute a reference to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Health. Also, changes the term "accident" to "crash" as appropriate.

Section 291. Reenacts s. 322.264, F.S., to incorporate changes that were made by statutory revision editors as a result of a scrivener's error in chapter 91-255, Laws of Florida. Also, changes the term "accident" to "crash" as appropriate.

Section 292. Amends s. 322.27, F.S., to correct a statutory cross reference and changes the term "accident" to "crash" as appropriate.

Section 293. Amends s. 322.291, F.S., to change the term "accident" to "crash" as appropriate.

Section 294. Amends s. 322.292, F.S., to delete reference to chapter 396, F.S., which has been repealed, to substitute "rules" for "standards" to more accurately reflect DHS&MV's rulemaking authority to monitor DUI programs, and to delete obsolete implementation and reporting requirements relating to DUI programs.

Section 295. Amends s. 322.293, F.S., to delete obsolete requirements relating to the transfer of the DUI Programs Coordination Trust Fund from the Supreme Court to DHS&MV.

Section 296. Amends s. 322.44, F.S., to change the term "accident" to "crash" as appropriate.

Section 297. Amends s. 322.57, F.S., to delete a reference to a statutory provision that was repealed by chapters 95-247 and 95-333, Laws of Florida. The repealed provision allowed applicants for commercial drivers' licenses to obtain a waiver from having to take the driving skills portion of the license exam.

Sections 298 - 307. Amends ss. 322.61, 322.63, 324.011, 324.021, 324.022, 324.051, 324.061, 324.081, 324.091, 324.101, F.S., to change the term "accident" to "crash" as appropriate.

Section 308. Amends s. 324.202, F.S., to delete an obsolete reporting requirement.

Section 309. Repeals various sections of chapter 325, F.S., that relate to the Vehicle Equipment Safety Compact, which was intended "to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment . . ." Authorization to develop the Compact was approved in 1963, but the State of Florida never entered into the Compact. The federal government has subsequently established national standards regarding motor vehicle safety. DHS&MV has determined that these provisions are obsolete and unnecessary.

Section 310. Amends s. 325.209, F.S., to make a conforming change regarding the time period that a motor vehicle owner may apply emission-related repair expenses toward meeting the criteria for obtaining an emissions inspection waiver.

Section 311. Reenacts s. 325.212(2), F.S., to incorporate a statutory reference change made by statutory revision editors, "s. 559.903(2), F.S." to "s. 559.903(7), F.S."

Section 312. Reenacts s. 328.17(1), F.S., to correct a scrivener's error.

Sections 313 & 314. Amends ss. 627.7415 and 627.742, F.S., to classify violations of the sections and provide cross references to corresponding penalties for committing the violations.

Section 315. Amends s. 784.07, F.S., to correct a statutory cross reference.

Section 316. Road Jurisdiction/Operation & Maintenance Responsibility: Under s. 335.0415, F.S., jurisdictional responsibilities, and operations and maintenance (O&M) responsibilities of various governmental entities (DOT, counties, and cities) for public roads was frozen as the responsibilities that existed on July 1, 1995. Due to an effective date of June 11, 1995 for the act that created this section, some local governments have requested clarification regarding the 19 day gap and its effect on O&M responsibilities. The bill amends this section to change the date on which the freeze on transfers of these responsibilities became effective from July 1, 1995 to June 10, 1995.

Section 317. Required Security: Pursuant to s. 627.733, F.S., DHS&MV suspends the driver's license and registration of the owner or registrant of a motor vehicle for failure to carry required insurance. The 1998 Legislature amended the statute to remove the driver's license suspension from the enforcement process. This law is effective on July 1, 2000. Therefore, only the motor vehicle registration would be suspended if a vehicle were found to be uninsured. DHS&MV indicated that removing the driver license sanction would reduce compliance with the state's financial responsibility law, thereby putting more uninsured motorists on the roads. This section repeals the section of law passed by the 1998 Legislature which removed the driver's license suspension sanction from the enforcement process.

Section 318. Reporting of Unclaimed Motor Vehicles: Amends s. 715.05, F.S., to require the person in charge of the towing service, garage, repair shop, automotive service, storage, or parking place to notify the insurer of certain unclaimed or impounded motor vehicles

Section 319. Effective Date: On becoming a law, except as otherwise provided.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

<u>REVENUES</u>	<u>1999-00</u>	<u>2000-01</u>
Highway Safety Operating Trust Fund		
Fleet Registration Program	\$1.6 m	\$0.0

This assumes that 1,096,242 vehicles would participate in the Fleet Registration Program. These vehicles would be assessed the \$1.50 license plate manufacturing fee in the initial registration year.

<u>EXPENDITURES</u>	<u>1999-00</u>	<u>200-01</u>
Highway Safety Operating Trust Fund		
Initial inventory of fleet plates @ \$1.38	\$1.52 m	
Initial inventory of manufacturer plates @ \$1.38	<u>\$.014 m</u>	
Total	<u>\$1.534 m</u>	\$0.0
General Revenue Fund	\$.08 m	\$0.0

DHS&MV intends to purchase 1.1 million license plates at \$1.38 per plate for the Fleet Registration Program. In addition, DHS&MV intends to purchase 10,000 license plates at \$1.38 per plate for the initial inventory of manufacturer license plates.

Fiscal impacts to the General Revenue Fund are attributable to computer programming costs for various requirements in the bill. DHS&MV estimates that 672 hours of contracted programming are needed at a cost of \$125 per hour.

2. Recurring Effects:

<u>REVENUES</u>	<u>1999-00</u>	<u>2000-01</u>
Highway Safety Operating Trust Fund		
Annual Replacement Fee @ \$2	(\$2.2 m)	(\$2.2 m)
Fleet Management Fee @ \$2	\$2.2 m	\$2.2 m
FRVIS \$.50 Fee	<u>\$.4 m</u>	<u>\$.4 m</u>
Total Revenue	<u>\$0.4 m</u>	<u>\$0.4 m</u>

The impact of the FRVIS fee assumes an annual vessel registration population of 833,438 vessels, with a \$.50 cent FRVIS fee collected on each registration transaction.

3. Long Run Effects Other Than Normal Growth:

See D. Fiscal Comments, motor vehicle emissions inspection program.

4. Total Revenues and Expenditures:

<u>REVENUES</u>	<u>1999-00</u>	<u>2000-01</u>
Highway Safety Operating Trust Fund	\$2.0 m	\$0.4 m
<u>EXPENDITURES</u>	<u>1999-00</u>	<u>2000-01</u>
Highway Safety Operating Trust Fund	\$1.534 m	\$0.0
General Revenue Fund	\$.08 m	\$0.0

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate. Tax collectors will retain the \$25 service fee when reinstating driver's licenses.

Also, see D. Fiscal Comments, regarding the motor vehicle emissions inspection program.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See D. Fiscal Comments, regarding the motor vehicle emissions inspection program.

2. Direct Private Sector Benefits:

Indeterminate. Participants in the modified fleet registration program will experience some savings from less stringent administrative and record requirements.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

Motor Vehicle Inspection Program

The bill requires that when DHS&MV enters into new contracts in June of 2000, vehicles that are 4 model years old would not be exempt from inspections (such vehicles are currently exempt, but the exemption is effective with the new contracts). Repealing the exemption will result in approximately 373,000 additional vehicles being annually inspected, starting with Fiscal Year 2000 - 2001. In addition, the bill changes the cap on the motor vehicle emissions inspection fee from \$10 per vehicle per year to \$19 per vehicle per year. As a result, motor vehicle owners will pay \$1 less per vehicle over a two year period to have their vehicles emissions tested.

Although this bill requires additional cars to be inspected, the cumulative fiscal impact of this bill and legislation from previous years on the new contracts will result in motor vehicle owners paying less for emissions inspections. DHS&MV and the contractors should experience a revenue decrease to the extent that motorists pay less to be tested. The separate fiscal impacts on the motoring public, the state, and the contractor cannot presently be determined because the impacts will be based on the terms of new contracts and will not take effect until after the current contracts expire. However, if DHS&MV were to implement the biennial inspections, set the inspection fee at \$19, and exempt the 3 most recent model years from inspections, the impact on the Highway Safety Operating Trust Fund and the businesses performing the inspections would be a revenue decrease of approximately \$12.7 million.

Challenger License Plate

In Fiscal Year 1997-98, DHS&MV issued and renewed 75,771 Challenger specialty license plates, which generated \$1,136,568 in annual use fees. Assuming that this level of registration will continue, increasing the use fee by \$10 will generate an additional \$757,710 for distribution to the Astronauts Memorial Foundation, Inc., and the Technological Research and Development Authority.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

VI. COMMENTS:

Sections 5 and 235 of the bill amend the penalty for unsecured loads on vehicles. Section 5 increases the penalty in order to increase compliance with the provision and reduce the amount of debris on roads. Section 235 provides a corresponding cross reference and retains the current penalty. The 2000 Legislature may wish to amend s. 316.520, F.S., to reaffirm its intent regarding the penalty for unsecured loads on vehicles.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston