

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations Committee

BILL: CS/CS/SB 2220

INTRODUCER: Transportation and Economic Development Committee and Transportation Committee

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 22, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	Carey	Noble	TA	Fav/CS
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill allows the Department of Highway Safety and Motor Vehicles (department) to be retained and implements various recommendations contained in the Senate Transportation Committee’s Agency Sunset Report. In addition, this bill contains several changes to the highway safety and motor vehicles laws administered by the department. Specifically, the bill:

- Reenacts the provisions which create the department and amends the organization structure to delete the obsolete Bureau of Motor Vehicle Inspection.
- Provides penalty provisions for a person who is convicted of a moving violation that causes or contributes to causing the death or serious bodily injury to another person on a motorcycle.
- Authorizes the department to create a “Horse Country” specialty license plate and specifies the requirements of s. 320.08053, F.S., must be met prior to the issuance of the plate. This plate would be available to drivers wishing to pay a \$25 annual use fee. Proceeds would be given to PCMI Properties, Inc., organized to support the activities of the Panama City Marine Institute. The Institute rehabilitates troubled and delinquent youth through experiential programs, and is part of the Associated Marine Industries

- group of nonprofits, which has 27 locations in Florida. Proceeds would be used for promotion and marketing (up to 25%) and for programs for delinquent youth in the state of Florida.
- Abolishes the Florida At-Risk Driver Council.
 - Defines the term “convenience service.”
 - Phases out the issuance of licenses that are “valid in Florida only” as required by the REAL ID Act.
 - Modifies the acceptable documents for the issuance of a driver’s license and authorizes the use of additional documents to prove identity. These changes are necessary to comply with the requirements of the REAL ID Act.
 - Modifies the term of a driver license for those under 80 years of age to 8 years. Drivers 80 years old and over would continue to be issued 6 year licenses. In addition, licensees are limited to one consecutive convenience renewal. These changes are necessary to comply with the requirements of the REAL ID Act.
 - Increases the fees charged for obtaining a new or renewal driver’s license or identification card, and specifies a portion of the fees be deposited into the Highway Safety Operating Trust Fund for the general operation of the department.
 - Deletes provisions authorizing the use of a change-of-address sticker on a driver’s license.
 - Authorizes an increase in the service fee charged by tax collectors when providing driver’s license services. The current fee of \$5.25 charged for each driver’s license issued or renewed is authorized to be increased to an amount not to exceed \$10.50.
 - Directs the department to collect and present customer wait time data for each driver’s license examination office.
 - Fiscal impact resulting from modifying the length of the drivers; license issuance from 6 to 8 years and the associated \$7 fee will result in an estimated revenue of \$15.2 million the fiscal year 2008-2009. A projected decline in revenue resulting from the change in renewal cycles is anticipated beginning in fiscal year 2014-15 of (\$15.1) million.
 - Establishes requirements for the state, counties, and municipalities for the use of red light camera (RLC) systems in enforcement of the requirements of s. 316.074(1) and s. 316.075(1)(c)1., F.S., which require vehicles to stop before entering an intersection when so directed by a traffic signal.
 - Preempts the regulation and use of enforcement cameras to the state.
 - Provides for the authorization of traffic infraction detector enforcement officers to issue uniform traffic citations for violations detected by RLC systems.
 - Establishes violator responsibility and notification requirements and admissibility of evidence.
 - Directs the Florida Department of Transportation (FDOT) to develop minimum specifications for the implementation of RLC systems and requires conformity with the specifications.
 - Establishes penalties for violations enforced through RLC systems.
 - A \$60 fine, and notwithstanding any other provision of law, all \$60 shall be distributed in the same manner as the applicable municipal or county parking ordinance.

- Requires other engineering measures to be considered prior to the installation of detectors.
- Requires certification of RLC system vendors.
- Prohibits vendors from receiving a fee based on the number of citations issued.
- Directs the department and FDOT to jointly submit a report on the efficacy of detectors on or before January 1, 2013.

This bill substantially amends and reenacts s. 20.24, F.S.

This bill substantially amends ss. 316.003, 316.640, 318.18, 320.08056, 320.08058, 322.01, 322.02, 322.03, 322.051, 322.08, 322.135, 322.14, 322.17, 322.18, 322.19, 322.21, and 322.27; repeals ss. 322.181(4), and 322.60; and creates ss. 318.195, 316.0083, F.S., and an undesignated section of law.

// Present Situation:

Sunset Review Overview

Sections 11.901-920, F.S., are known as the Florida Government Accountability Act. Under this act, most state agencies and their respective advisory committees are subject to a "sunset" review process to determine whether the agency should be retained, modified or abolished.

Reviews are accomplished in three steps. First, an agency under review must produce a report providing specific information, as enumerated in s. 11.906, F.S. Upon receipt of the agency information, the Joint Legislative Sunset Committee and the House and Senate committees assigned to act as sunset review committees¹ must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Based on the agency submissions, the OPPAGA studies and public input, the Joint Legislative Sunset Committee and the legislative sunset review committees must:

- Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees; and
- Make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review.

In addition, the House and Senate sunset review committees must propose legislation necessary to carry out the committees' recommendations.

An agency subject to review is scheduled to be abolished on June 30 following the date of review as specified in s. 11.905, F.S., provided the Legislature finds all state laws the agency had

¹ Senate Committees include: Agriculture, Commerce, Environmental Preservation and Conservation, and Transportation, together with their respective Appropriations Committee.

responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and adequate provision has been made to transfer certain duties and obligations to a successor agency. If an agency is not abolished, continued, or reorganized, the agency shall continue to be subject to annual sunset review by the Legislature.

The Senate Committee on Transportation (committee) is the primary sunset review committee for reviews within the Department of Highway Safety and Motor Vehicles. The Senate Committee on Transportation and Economic Development Appropriations assisted in this review. As part of the Sunset Review, the committee held several committee meetings and heard testimony regarding the duties and responsibilities of the department. The committee has also reviewed and considered Interim Mandatory Review 2008-215.

The department's mission is to provide highway safety and security through excellence in service, education and enforcement. The department's primary objectives are to regulate driver's licenses, ID cards, titles and registrations. Driver's licenses and ID cards ensure the safety of the motoring public and the security of the general public by assuring Florida's citizens are properly licensed to drive and by reducing criminal use of fraudulent identification.

Driver's licenses, ID cards, titles and registration services are essential to the health, safety and welfare of the citizens of the State of Florida. These services are essential and there are no significant costs savings by transferring these functions to another agency. Based upon all the information considered by the committee and in accordance with ss. 11.908 and 11.911, F.S., the committee recommended the following:

- The Legislature should continue the department.
- The Legislature should delete the obsolete Bureau of Motor Vehicle Inspection.
- The Legislature should continue the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board.
- The Legislature should abolish the Florida At-Risk Driver Council.
- The Legislature should adjust the driver's license and ID card fee structure to promote more tax collector participation in providing driver's license and ID card services.
- The Legislature should implement federal REAL ID requirements.
- The Legislature should support measures to improve customer services for driver's licenses.
- The Legislature should analyze data centers and administrative services of all state agencies to determine whether consolidation, transfer or reorganization of these services would provide a significant cost savings.

Organization Structure of the department

Section 20.24, F.S., provides for the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, the Division of Motor Vehicles, and the Bureau of Motor Vehicle Inspection. This section also specifies the Governor and Cabinet are the head of the department.

Specialty License Plates

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the state university system.

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in specific terms, including a sample plate conforming to the specifications set by the department.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs. The Auditor General is required to validate the methodology, results, and any evaluation by the department of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.
- An application fee, not to exceed \$60,000, to defray the department's cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenue from the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the department no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides the department is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the department. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. Finally, the word "Florida" must appear in the same location on each specialty license plate in such a size and location that is clearly identifiable on the license plate.

The department is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plate's pro rata (proportionate) share of the department's costs directly related to issuing the specialty license plate. A person wishing to purchase a specialty license plate must pay, in addition to the required license plate fee and license tax, a license plate annual use fee (from \$15 to \$25) and a processing fee of \$2.

The department must discontinue the issuance of an approved specialty plate if the number of valid specialty license plates in use falls below 1,000 plates for at least 12 consecutive months. The department is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists, if the organization has stopped providing services authorized to be funded, or if the organization requests it. To date, only four plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, the Miami Hooters plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the department to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly. The department can examine all records pertaining to the use of specialty license plate revenues.

The Legislature has authorized 109 specialty license plates to date. Sales of specialty license plates generated over \$33 million in annual use fee revenues during the 2007 Fiscal Year (July 2006-June 2007).

PCMI Properties, Inc./Panama City Marine Institute

PCMI Properties, Inc., is organized exclusively for charitable and organizational purposes benefiting the Panama City Marine Institute. The Panama City Marine Institute is a registered non-profit organization whose mission is to redirect and motivate at-risk youth to accept responsibility for their actions, develop respect for themselves and others, and become productive members of the community. The Institute is part of the Associated Marine Institutes, Inc. ("AMI") family of non profit educational institutes whose mission is to rehabilitate adjudicated kids to turn their lives around through responsibility, accountability and education. AMI tailors its programs to use the surrounding environment (such as, programs using horses and the marine environment) and is active in 8 states. Associated Marine Institutes of Florida has 27 locations and currently serves over 1000 children in the Florida Department of Juvenile Justice ("DJJ") annually in day treatment intervention programs. Revenues received from sales of the license plate would supplement state expenditures through DJJ and Associated Marine Institutes of Florida.

PCMI Properties, Inc., has not met the application and statutory requirements to pursue legislation for the “Horse Country” specialty license plate. Applicants are required to submit a scientific survey performed by an independent survey firm indicating that 30,000 motor vehicle owners would purchase the proposed plate at the increased cost. The department rejected the survey submitted by PCMI, for reasons beyond the control of PCMI.² A subsequent scientific sample survey has been submitted, but the department has not reviewed the survey as of this date. Section 320.08053(1), F.S., requires that applications submitted for specialty license plates must be completed no later than 90 days before the convening of the next regular session of the legislature. Additionally, because the department rejected the survey, it was not submitted to the Auditor General for validation that the organization has met all statutory requirements, as set out in s. 320.08053(1)(b), F.S.

Definitions

Currently, Florida law does not recognize the term “convenience service.” Some terms defined in Florida law associated with motor vehicle titling and registration have not kept pace with changes in technology and the market place.

Driver’s Licenses and Identification Cards

Overview

The department and its agents issue approximately 6.3 million drivers’ licenses and identification (ID) cards each year and maintain records on more than 19 million licensed drivers. Demand for these services has increased in recent years due to population growth and will likely continue to increase due to the impending implementation of the REAL ID Act of 2005 (REAL ID).

Chapter 322, F.S., prohibits persons from operating any motor vehicle on the highways of the state without having a valid driver’s license. Licensing provides assurance drivers:

- Can read and understand road signs, traffic signals and highway markings;
- Know Florida driving rules;
- Can see well enough to drive safely;
- Have the necessary skills and experience to drive safely; and
- Are not afflicted by physical or mental conditions that might preclude the safe operation of a motor vehicle.

In Florida, driver’s licenses are issued by the Division of Driver Licenses (DDL) within the department. The DDL’s 1,613 employees provide customer services in 96 field offices throughout the state, as well as 11 mobile licensing units. The DDL is composed of ten bureaus. The largest are the five geographical Bureaus of Field Operations with 1040 employees throughout the 96 state driver’s license issuing offices. Field Operations employees administer the required vision, knowledge, and driving skills examinations, and issue driver’s licenses and ID cards. Other bureaus include:

² Upon review of the independent survey, the department determined that a random sample survey was not conducted and that respondents from past surveys were used as part of the current survey.

- Records (138 FTEs)
- Driver Education and DUI Programs (19 FTEs)
- Financial Responsibility (56 FTEs)
- Driver Improvement (64 FTEs)
- Administrative Reviews (134 FTEs)

The DDL issues the following classes of licenses: Class A, B, C, and E. Classes A, B, and C are for drivers of commercial motor vehicles such as large trucks and buses. Class E is for drivers of non-commercial vehicles.

Persons wishing to obtain a Florida driver's license must be properly tested. Prior to issuing a driver's license or identification card, examiners:

- review the customer's identification and residency documents;
- create or retrieve the driver's record;
- take a digital photograph of the applicant;
- complete the driver's license application, which includes real-time verification of the social security number and nationwide driver status checks;
- scan the identification and residency documents;
- collect the applicable fees and the customer's electronic signature; and
- print the driver's license or identification card.

The DDL also performs services relating to voting, selective service, organ donor registration, and data sharing for food stamps and college tuition programs.

County Tax Collectors

Since 1996, s. 322.135, F.S., has allowed county tax collectors to apply to the department for the opportunity to provide driver's license services. Currently, 33 county tax collectors provide driver's license services at 81 locations throughout the state accounting for about 24% of all over-the-counter driver's license and ID card issuances. Services by county tax collectors generally include license/identification card renewals, replacements or duplicates. Many tax collectors do not issue original or foreign national licenses because of the additional resources required for knowledge and skills testing and document validation. Uniformity with state procedures is maintained through state-provided training, quality assurance reviews, and published policies. Tax collectors are authorized to levy an additional service fee of \$5.25 for each license service.

"Valid in Florida Only" Licenses

Section 322.03, F.S., provides a person who does not drive a commercial motor vehicle is not required to surrender a license issued by another jurisdiction, upon a showing to the department that such license is necessary because of employment or part-time residence. Any person who retains a driver's license because of employment or part-time residence shall, upon qualifying for a license in this state, be issued a driver's license which shall be valid within this state only. A person may not have more than one valid Florida driver's license at any time.

Identity Documents

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

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

Section 322.051(2)(a), F.S., provides every identification card shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. However, if an individual is 60 years of age or older, and has an identification card issued under this section, the card shall not expire unless done so by cancellation by the department or by the death of the cardholder. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier.

Address Verification

Section 322.14, F.S., provides the department shall, upon successful completion of all required examinations and payment of the required fee, issue to every applicant qualifying therefore, a driver's license as applied for, which license shall bear thereon a color photograph or digital image of the licensee; the name of the state; a distinguishing number assigned to the licensee; and the licensee's full name, date of birth, and mailing address; a brief description of the licensee, including, but not limited to, the licensee's gender and height; and the dates of issuance and expiration of the license.

Expiration of Original and Renewal Licenses

Currently, s. 322.18, F.S., provides a person applying for an original issuance driver's license will be issued a driver's license valid for six years. A renewed driver's license is valid for six years if the applicant has no convictions on his or her driving record for the preceding three years. Otherwise, the renewal is valid for four years.

Duplicate and Replacement Licenses

Section 322.17(1), F.S., requires a \$10 fee for a duplicate driver license in the event a licensee's driver license is lost or destroyed.

Section 322.17(2), F.S., requires a \$10 fee for a replacement driver license to reflect a license holder's change of name, address, or restrictions. Upon written request by the licensee and notification of a change in address, and the payment of the fee, the department shall issue an address sticker which shall be affixed to the back of the license by the licensee.

Section 322.19, F.S., provides whenever any person, after applying for or receiving a driver's license, changes the residence or mailing address in the application or license, the person must, within 10 calendar days, either obtain a replacement license that reflects the change or request in writing a change-of-address sticker. The written request to the department must include the old and new addresses and the driver's license number.

License Fees

Section 322.21, F.S., provides the following relating to fees for the various licenses issued by the department:

- An original or renewal commercial driver's license is \$50, which shall include the fee for driver education provided by s. 1003.48, F.S.; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same

as for a Class E driver's license. A delinquent fee of \$1 shall be added for a renewal made not more than 12 months after the license expiration date.

- An original Class E driver's license is \$20, which shall include the fee for driver's education provided by s. 1003.48, F.S.; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.
- The renewal or extension of a Class E driver's license or of a license restricted to motorcycle use only is \$15, except that a delinquent fee of \$1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 1003.48, F.S.
- An original driver's license restricted to motorcycle use only is \$20, which shall include the fee for driver's education provided by s. 1003.48, F.S.
- Each endorsement required by s. 322.57, F.S., is \$5.
- A hazardous-materials endorsement, as required by s. 322.57(1)(d), F.S., shall be set by the department by rule and shall reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed \$100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

Background: The REAL ID Act

On May 11, 2005, the Real ID was enacted and created national standards for issuing state driver's licenses and identification cards, which must be met for state-issued credentials to be accepted as valid identification by the federal government.³ Under the act, only persons with driver's licenses and ID cards complying with Real ID standards will be authorized to access federal facilities, board federally regulated commercial aircraft, and to enter nuclear power plants. The United States Department of Homeland Security may consider expanding these official purposes through future rulemakings to maximize the security benefits of Real ID. Persons without a compliant state-issued license or ID card will be required to obtain and show other accepted documents such as a United States passport.

The United States Department of Homeland Security has published its rules for security features, common machine-readable technology, minimum data elements, issuance process, and appropriate security clearance requirements for employees involved with card issuance. States (should they decide to comply with Real ID) must begin issuing compliant driver's licenses and ID cards by May 2008 (unless extended), and all licenses and cards must be issued on or before the December 2017.

Florida's current driver's licenses and ID cards meet many, but not all of the anticipated Real ID requirements. Florida will need to weigh the Real ID Act's cost and requirements against the inconvenience citizens would encounter if Florida refused to comply with the act and citizens were required to obtain passports in order to board aircraft or enter federal buildings. If the

³ P.L. 109-13, Title II "Improved Security for Drivers' Licenses and Personal Identification Cards."

Legislature determines to comply with Real ID, then Florida will need to change the issuance process and card features to comply with several expected card requirements noted below:

- Full legal name
- Enhanced physical security features to prevent tampering, counterfeiting or duplication
- Documentation showing address of principal residence, such as a utilities bill or property tax assessment
- Verification of source documents with issuing agencies
- Surrendered licenses must be canceled

Real ID permits up to an eight year renewal and requires renewals (every 16 years) must be in person.

In addition, implementation of Real ID will require examiners to verify and maintain electronic copies of identity documents, which may create delays in issuing drivers licenses and ID cards. The annual number of transactions (currently 6.3 million) is expected to increase as all persons holding drivers’ licenses and ID cards will be required to go to a driver’s license office in person over the nine-year period, which may overwhelm the capacity of existing offices and require longer waits for service.

The chart below summarizes the projected requirements of the REAL ID Act and Florida’s current compliance.

#	Issue	Complete	Projected Requirements for Implementation
1	Subject each applicant to mandatory facial image capture and retain such image even if a DL or ID is not issued	Yes	Meets requirement.
2	Have each applicant sign a declaration under penalty of perjury the information present is true and correct and the state must retain this declaration	No	Currently capture in JPEG because of DAVID system. Will need to convert over to TIF. Need to change verbiage of oath to reflect “under penalty or perjury.”
3	Require and individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.	Yes	Meets current requirements, DL will review document list.
4	Require documentation of: <ul style="list-style-type: none"> • Date of Birth • Social Security Number • Principle Address (Not currently) • Evidence of lawful status 	All but Address	DL must determine acceptable documents for proof of principal address. Must be document issued monthly or yearly. All other requirements are met.
5	Have a documented exceptions process that meets the requirements established in 37.11(h)-(3) (if states choose to have this exceptions process)	No	DL must determine acceptable exceptions to issuance of license or ID cards in emergency situations to determine lawful US status.
6	Make reasonable efforts to ensure that the applicant does not have more that one DL or ID already issued by that state under a	Yes	Meets and exceeds requirement.

	different identity		
7	Verify lawful status through SAVE or another method approved by DHS	Yes	Programming is currently being developed and implemented which will ensure meeting of this requirement.
8	Verify Social Security numbers with Social Security Adm. or another method approved by DHS	Yes	DL will need to have programming changed to no longer allow issuance without SSA verification to all US & Immigrant customers
9	Issue DL and ID's that contain Level 1,2 and 3 integrated security features	Yes	Meets requirement.
10	Surface (front and back) of cards include the following printed information in Latin alpha-numeric characters: <ul style="list-style-type: none"> • Full legal name (Needs to be changed to include middle name) • Date of birth • Gender • Unique DL/ID Number 	No	DL must determine what naming convention is to be used: SSA, Vital Statistics, etc. Must print principle address on card. DL needs to consider how they will handle victims, confidential, law enforcement, etc.
11	Commit to mark materially compliant DL and ID with DHS approve security marking	Yes	Meets requirement.
12	Issue temporary or limited-term licenses based on temporary lawful status and tie license validity into the end of lawful status	Yes	Meets requirement.
13	Have a documented security plan for DMV operations in accordance with the requirements set forth in 37.41	No	Must document security plan (includes building, data storage, employees, access control, audit controls, incident response plan, ect.)
14	Have protections in place to ensure the security of personally identifiable information	Yes	Meets requirement.
15	Require all employees handling source documents and issuing to complete the AAMVA approved fraudulent document recognition training and security awareness training	Yes	Meets requirement.
16	Conduct name-based and fingerprint based criminal history and employment eligibility checks on all employees in covered positions	Yes	Meets requirement.
17	Commit to be in material compliance with Subparts A through D no later than January 1, 2010 or within 90 days of submission of this document, whichever date is earlier	Yes	Meets requirement.
18	Clearly state on the face of non-compliant DLs and IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under 37.27	Yes	Meets requirement.

Customer Service

Due to the subjective ambiguity of qualitative assessments of customer service and personal convenience, the quantitative measure of customer ‘wait time’ has become the most meaningful proxy for measuring customer satisfaction with driver licensing services. In essence, wait time and the ability to complete the entire transaction in one visit are the criteria by which an applicant is most likely to judge his or her experience. Accordingly, the department has in recent years sought to improve the way in which the product is delivered. Particular attention has been paid to wait times with the DDL implementing a number of process improvements over the last few years, which have contributed to its reduction.

A primary focus has been to accommodate customers who do not need to visit an office in person to complete their transactions. By remotely servicing persons needing express services, such as address changes, via the Internet, telephone, or mail, overall wait times in field offices is reduced. Self-service computer kiosks are being tested in various locations including the field offices to accommodate those persons lacking Internet and phone service. The department is also exploring the concept of opening satellite offices in retail locations such as Wal-Mart stores.

To measure its progress in reducing wait times, the department polls its customers via internet surveys and comment cards in field office locations. From the quarter ending September 2005 to the quarter ending September 2007, the statewide percentage of customers who waited more than 120 minutes for service in a state driver’s license office decreased from 14 percent to 0.4 percent. The metric measuring the shortest wait period, *i.e.*, “Up to 15 Minutes” increased from 42 percent to 76.2 percent indicating a general reduction in wait times statewide.

Due to the wide variations in population densities, the number of drivers being serviced can vary dramatically between the state’s geographic regions. For example, the field offices in Palm Beach, Broward, and Miami-Dade Counties handle more licensing transactions than the rest of the state combined. None of the three counties’ tax collectors provides driver’s license services and, according to the department, these counties typically show the longest wait times. However, from the quarter ending September 2005 to the quarter ending September 2006, the number of customers in this region waiting more than 120 minutes times decreased from 17% to 2% and the shortest measured period (“Up to 15 Minutes”) increased from 38% to 70% also indicating customers are experiencing significantly shorter wait times as a result of various service improvements.

Reducing Wait Times

The most apparent solution to reducing customer wait times is to increase the number of service providers available to customers. This can be accomplished by providing for additional department employees or through outsourcing to either other public sector or private entities. Research conducted by OPPAGA indicates increased outsourcing to tax collectors is feasible but challenged by funding concerns. Likewise, the report indicates outsourcing of driver’s license services to private entities is feasible but could increase the state’s and its citizens’ exposure to identity theft and fraud.

As experienced, trusted agents of the state and, in most cases, elected constitutional officers accountable to the state and their citizens, and due to the availability of existing infrastructure, tax collector’s present the most viable option for expanding face-to-face customer services for

driver's licenses and ID cards. Besides the increase in the number of driver's license service providers, consumers further benefit from the grouping with other services such as vehicle title and registration services in a one-stop shop. Statutory authority currently exists to give all tax collectors the opportunity to provide driver's license services. However, about half of the counties' tax collectors do not currently offer any and many offer only a limited number of services. There are at least two possible reasons for this – the fiscal impact and the complexity of the driver's license process. As stated previously, Florida law authorizes tax collectors to levy an additional service fee of \$5.25 for each license service. A 2001 study by the Cost Determination and Allocation Task Force found, and OPPAGA has confirmed, this fee is insufficient to cover the actual cost of providing most drivers' license services. According to the 2001 study, the average actual cost borne by a tax collector to issue a driver's license is \$10.09 (in 2001 dollars.) Thus, tax collectors choosing to provide all services must, in effect, pay for that opportunity. The complexity of providing some driver licensing services such as driver skills examinations is also a disincentive. Services for foreign nationals also require a complex process of establishing legal presence and document verification that is both costly and, in recent years, subject to numerous revisions. As a result, many of those tax collectors who provide driver's license services pick and choose which services to provide based on their costs and the complexity of the requirements.

Red Light Camera Enforcement

Intersection Safety

According to the Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), more than 45 percent of all traffic crashes occur at intersections or are intersection-related. In 2005, nearly 9,200 people died and approximately one million people were injured in intersection-related crashes. NHTSA's Fatality Analysis Reporting System showed crashes caused by red light running (RLR) resulted in an estimated 805 fatalities in 2005.⁴ The DHSMV reported there were 106 fatalities and 10,720 injuries related to RLR events in Florida during 2007. Two sections of Florida Statutes address RLR:

- Section 316.074(1), F.S., requires drivers to obey the instructions of any applicable official traffic control device, when properly installed, unless otherwise directed by a police officer.
- Section 316.075(1)(c)1., F.S., requires vehicles facing a steady red signal to stop before entering the intersection and to remain standing until a green indication is shown. Exceptions are made to provide for a right turn on red after stopping and in certain one-way traffic intersections, a left turn on red after stopping.

Violation of either section for a driver failing to stop at a traffic signal when so required constitutes a noncriminal traffic infraction, punishable under ch. 318, F.S., as a moving violation and a one hundred twenty-five dollar fine, sixty dollars of which is distributed as provided in s. 318.21, F.S., and the remaining \$65 remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health under s. 318.18(15), F.S. A violation of either section also results in the assessment of 4 points against a driver's license under s. 322.27(3), F.S.

⁴ http://safety.fhwa.dot.gov/intersections/inter_facts.htm

A number of factors contribute to RLR-related crashes. According to the Federal Highway Administration's (FHWA) Red Light Camera Systems Operational Guidelines (January 2005)⁵, while deficiencies in the design and configuration of signalized intersections may contribute to red light violations, driver behavior is the most significant contributing factor to the occurrence of RLR. According to the FHWA guidelines, the solution to the RLR problem and resulting crashes may require one or a combination of the following:

- *Intersection Engineering Improvements* including modifying traffic signal timing, improving signing and marking, improving sight lines, modifying grades and/or grade separation, adjusting the prevailing speeds, changes in surface treatments, altering lane configuration, and replacing the traffic signal with some other form of traffic control device or intersection type.
- *Education* to assist motorists and the general public in understanding the safety issues inherent to red light running.
- *Traditional Enforcement By Law Enforcement Officers* specifically targeting red light running violators can be a cost effective deterrent in reducing red light violations at problem intersections.
- *Red Light Camera Systems* can be a cost effective tool to reduce red light violations and should be part of a comprehensive intersection safety program, which considers all countermeasures to reduce fatal and injury crashes at intersections.

Red Light Cameras

A Red Light Camera (RLC) System is a system for detecting and recording traffic violations occurring when a motor vehicle fails to obey a traffic control device. Most typically, RLCs are used to combat intersection traffic signal violations, i.e., RLR - when vehicles fail to stop at red lights. RLC systems use sensors connected to computers which measure a vehicle's speed. If the measured speed indicates the vehicle is unlikely to stop for a traffic signal's stop phase, high-speed cameras are engaged to record photographic evidence of a violation. Typically, two photos are taken: one of the front of the vehicle as it enters the intersection, and the second photo is taken of the rear of the vehicle when the vehicle is in the intersection during the stop phase. Most RLC systems also record digital video data of the event, bracketing the alleged violation with several seconds of video to show any extenuating circumstances, e.g., a police officer directing traffic or the presence of emergency vehicles. When used as photo enforcement of traffic laws, traffic infraction enforcement officials remotely review the evidence, and, when warranted, issue a citation which is mailed to the registered owner of the vehicle. Most applications include processes allowing owners to challenge the citation if he or she was not the driver at the time of the violation. The United States Supreme Court has held that driving in open view on a public highway does not afford Fourth Amendment protection of an individual's privacy.⁶

Numerous studies examining RLC systems' impact on safety have shown mixed results. A 2005 publication by FHWA exemplifies the findings. The comprehensive report, "Safety Evaluation of Red-Light Cameras" (FHWA-HRT-05-048)⁷, included data from seven jurisdictions

⁵ http://safety.fhwa.dot.gov/intersections/rlc_guide/rlcguide05jan.pdf

⁶ *Photographic Traffic Law Enforcement* (National Cooperative Highway Research Program's Legal Research Digest Number 36, 1997)

⁷ <http://www.tfhrc.gov/safety/pubs/05048/>

(Baltimore, MD; Charlotte, NC; El Cajon, CA; Howard County and Montgomery County, MD; and San Diego and San Francisco, CA) and 132 intersections. The study showed RLCs led to a decrease in the types of crashes most likely to cause death and injury while property-damage-only crashes increased. Specifically, the report showed a:

- 25 percent decrease in total right-angle crashes.
- 16 percent reduction in injury right-angle crashes.
- 15 percent increase in total rear-end crashes.
- 24 percent increase in injury rear-end crashes.

An overall economic analysis from the study showed that RLC systems provide a modest aggregate crash-cost benefit. According to the study, the greatest economic benefits provided by RLCs would be at intersections with:

- relatively few rear end crashes and many right-angle ones,
- a higher traffic volume, especially when entering from the major road,
- shorter signal cycle lengths and intergreen periods (yellow clearance + all red), and
- one or more left turn protected phases.⁸

The study also found that high public awareness, such as the presence of warning signs at both RLC-enforced intersections and city limits of jurisdictions using RLC systems, will enhance the benefits of the detectors.

According to FHWA's Red Light Camera Systems Operational Guidelines, the following critical elements should be considered while installing RLC systems:

- Conduct an engineering study before considering camera installation.
- Evaluate effective engineering and education alternatives before considering photo enforcement.
- Make sure the RLC program is engineered and installed properly.
- Measure, document, and make safety results available.
- Ensure complete oversight and supervision by public agencies.
- Avoid compensating vendors based on the number of citations.
- Include an ongoing photo-enforcement public education program.

Photo Enforcement in Florida

Since RLCs first became feasible in the early 1990s, a number of Florida communities have employed RLCs in some form, most often as a research tool or for issuing warnings to RLR violators. Responding to a request relating to whether a county might enact an ordinance authorizing the use of unmanned cameras at traffic intersections for the purpose of issuing citations for RLR violations, a 1997 Attorney General Opinion⁹ concluded nothing in Florida Statutes precluded the recording of violations, but photographic evidence could not "be used as the sole basis for issuing citations" since statutes provide a citation may be issued only when an

⁸ The study suggested the presence of protected left turn phases may be a proxy for high numbers of left turning vehicles.

⁹ Attorney General Opinion 97-06.

officer observes the infraction. A 2005 Attorney General Opinion¹⁰ on the same subject concluded a local government may “enact an ordinance authorizing the city:

- to monitor violations of traffic signals within the city and to use unmanned cameras to monitor intersections and record traffic violations;
- to monitor violations of traffic signals within the city and to use unmanned cameras to record the license tag numbers of cars involved in such violations; and
- to advise a car owner that his or her license tag number has been recorded in a violation of the traffic laws.”

The 2005 opinion also stated “legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices” as collected from a photographic record from unmanned cameras monitoring intersections.

Statutory authority for photo enforcement of required highway toll payment was provided by the Legislature in 1993. Section 316.1001(2)(d), F.S., provides for the admissibility of photographic evidence in enforcing toll payment violations. Toll facility operators use camera systems to photograph the license plates of vehicles passing a tolling point without tendering payment. If no payment is received and the vehicle is not qualified for video billing, the registered owner of the vehicle is issued a Uniform Traffic Citation by first class or registered mail. If the vehicle was not in the care and control of the registered owner at the time of the violation, the owner is afforded the opportunity to establish this as fact and identify the driver via an affidavit.

RLC System Procurement

State and local governments have a number of choices in the development and operation of RLC systems. FHWA’s Red Light Camera Systems Operational Guidelines, offers the following guidance:

Where a private contractor is responsible for installation and operation of the red light camera equipment, the State or local agency should establish the necessary procedures so that the agency has complete oversight and day-to-day supervision of the program.

and:

Where a private contractor is responsible for the processing of citations, compensation to private vendors based on the number of citations issued should be avoided. In multiple jurisdictions, the courts have determined that it is inappropriate for the private contractor to be responsible for determining installation locations and operation of the system because of an appearance of a conflict of interest. This conflict of interest should be avoided in all phases of the system installation and operation: startup, design, installation, operation, and maintenance. At all times, the State or local agency should verify and exercise complete oversight of all actions of the private contractor.

¹⁰ Attorney General Opinion 05-41.

Some agencies are compensating their camera system vendors based on a flat fee per location per time period. Others have installed and operated their own systems. It may also be appropriate to pay a vendor to operate and maintain an agency-designed and -implemented system. Compensation should be based solely on the value of the equipment or the services provided.

III. Effect of Proposed Changes:

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

Section 1 reenacts and amends s. 20.24, F.S., relating to the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles. The bill amends s. 20.24, F.S., to delete the reference to the Bureau of Motor Vehicle Inspection within the Division of Motor Vehicles. This obsolete bureau was phased out over two fiscal years and eventually eliminated during FY 2001-2002.

Section 2 creates s. 318.195, F.S., to provide penalty provisions for a person who is convicted of a moving violation that causes or contributes to causing the death or serious bodily injury to another person on a motorcycle. Specifically:

- A moving violation that causes serious bodily injury to another motorcyclist is a 2nd degree misdemeanor. The person must pay a fine of not less than \$500, serve a minimum of 30 days imprisonment, and is required to attend a 4-hour driver improvement course. In addition, the court must revoke the person's driver license for at least 30 days.
- A moving violation that causes or contributes to causing the death of another person on a motorcycle is a 1st degree misdemeanor. The person must pay a fine of not less than \$1,000, serve a minimum of 90 days imprisonment, and is required to attend a 12-hour advanced driver improvement course. In addition, the court must revoke the person's driver license for 1 year.

In addition, this section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.

Section 3 amends s. 320.08056, F.S., to provide the annual use fee for the "Horse Country" specialty license plate shall be \$25.

Section 4 amends s. 320.08058, F.S., to authorize the department to develop and issue a "Horse Country" license plate; however the requirements of s. 320.08053, F.S., must be met prior to the issuance of the plate. Drivers can purchase this specialty plate upon payment of the appropriate license taxes and fees and a \$25 annual use fee.

Annual use fees shall be distributed to PCMI, to fund its activities, programs, and projects within the state of Florida. PCMI may retain the first \$60,000 of revenues from the annual use fees to recover their documented startup costs for developing and establishing the plate. Afterwards, up to 25 percent of revenue may be used for promotion and marketing of the plate. Funds may also be used as necessary for any annual audit or compliance affidavit costs. The remaining revenue shall be used for programs involved in the rehabilitation of at-risk youth as directed by the Board of Trustees of PCMI.

Remaining funds may be used to provide educational materials, athletic equipment, transportation, food, medical services, counseling, scholarships, and other direct administrative and program expenses.

The funds may also be used as grants for expansion of youth rehabilitation programs in the state. Special consideration shall be given to programs using horses and other livestock in the efforts to redirect at-risk youth.

Section 5 amends s. 322.01, F.S., to define “convenience service.” Specifically, the definition of “convenience service” is created to mean any means whereby an individual conducts a transaction with the department other than in person.

Section 6 amends s. 322.02, F.S., to direct the department to collect and annually report wait time information for each driver’s license examination office. The report is to be presented to the respective legislative transportation committees and must include the average wait time experienced by customers in each office location.

Section 7 amends s. 322.03, F.S., to specify a person may not have more than one valid driver’s license at any time and to phase out the issuance of licenses that are “valid in Florida only” as required by the REAL ID Act. Specifically, the section is amended to allow a part-time resident issued a “valid in Florida only” license to continue to hold such license until the next regularly scheduled renewal. Licenses identified as “valid in Florida only” may not be issued or renewed effective July 1, 2009.

Section 8 amends s. 322.051, F.S., to modify the acceptable documents for the issuance of an ID card and to require proof of a residence address. This section also removes the permanent ID card for seniors and changes the term of the ID card from 6 years to 8 years. References to respective fees are moved to s. 322.21, F.S. These changes are necessary to comply with the requirements of the REAL ID Act.

Specifically, s. 322.051(1), F.S., is amended to provide an applicant must submit the following information:

- 1) Full name (first, middle or maiden, and last), gender, *proof of* social security card number *satisfactory to the department*, county of residence, mailing address, *proof of residential address satisfactory to the department*, country of birth, and a brief description.
- 2) Proof of birth date satisfactory to the department.
- 3) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:
 - a) A driver’s license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., sub-subparagraph g.; or sub-subparagraph h;
 - b) A certified copy of a United States birth certificate;
 - c) A *valid, unexpired* United States passport;

- d) A naturalization certificate issued by the United States Department of Homeland Security;
- e) A *valid, unexpired* alien registration receipt card (green card);
- f) *Consular Report of Birth Abroad provided by the united States Department of State;*
- g) An *unexpired* employment authorization card issued by the United States Department of Homeland Security; or
- h) Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to certain documents, which includes *on or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.*

Subsection (2) of s. 322.051, F.S., is amended to provide every identification card:

- Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.
- Issued to a person 15 years of age and older shall expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Section 9 amends s. 322.08, F.S., to modify the acceptable documents for the issuance of a driver's license and authorize the use of additional documents to prove identity. These changes are necessary to comply with the requirements of the REAL ID Act.

Specifically, s. 322.08(2), F.S., is amended to provide an applicant must submit the following information:

- 1) Full name (first, middle or maiden, and last), gender, *proof of* social security card number *satisfactory to the department*, county of residence, mailing address, *proof of residential address satisfactory to the department*, country of birth, and a brief description.
- 2) Proof of birth date satisfactory to the department.
- 3) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:
 - a) A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph 2., sub-subparagraph 3., sub-subparagraph 4., sub-subparagraph 5, sub-subparagraph 6., sub-subparagraph 7.; or sub-subparagraph 8;
 - b) A certified copy of a United States birth certificate;
 - c) A *valid, unexpired* United States passport;
 - d) A naturalization certificate issued by the United States Department of Homeland Security;
 - e) A *valid, unexpired* alien registration receipt card (green card);
 - f) *Consular Report of Birth Abroad provided by the united States Department of State;*
 - g) An *unexpired* employment authorization card issued by the United States Department of Homeland Security; or

- h) Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to certain documents, which includes *on or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.*

In addition, this section of the bill repeals s. 322.08(6)(a), F.S., to remove the voluntary contribution option on driver's license applications for the Election Campaign Financing Trust Fund, which is expired.

Section 10 amends s. 322.135, F.S., to authorize an increase in the fee charged by tax collectors issuing or renewing driver's licenses from the current \$5.25 to a maximum of \$10.50 for each issuance or renewal.

Section 11 amends s. 322.14, F.S., to require the residence address to be displayed on the face of the driver's license, which is a requirement of the REAL ID Act.

Section 12 amends s. 322.17, F.S., to revise the requirements for obtaining a replacement driver's license; to delete provisions authorizing the department to issue address stickers; reference to respective fees are moved to s. 322.21, F.S., and to correct a cross-reference in s. 322.08, F.S., which will change as a result of the bill.

Section 13 amends s. 322.18, F.S., modifying length of drivers' license issuance; modifying terms of renewal; limiting 'convenience service' renewals to one renewal. Specifically, the term of a driver license for those under 80 years of age is extended to 8 years. Drivers 80 years old and over would continue to be issued 6 year licenses. In addition, licensees are limited to one consecutive convenience renewal. These changes are necessary to comply with the requirements of the REAL ID Act. A reduction in revenue collections in years seven and eight will occur as a result of these changes in the renewal cycle.

Section 322.18(2)(a), F.S., requires an applicant who has not attained 80 years of age applying for an original driver's license to be issued a driver's license that expires at midnight on the licensee's birthday which next occurs on or after the eight anniversary of the date of issue. An applicant who is at least 80 years of age applying for an original issuance shall be issued a driver's license that expires at midnight on the licensee's birthday that next occurs on or after the sixth anniversary of the date of issue.

Section 322.18(2)(d), F.S., corrects a cross-reference, which will change as a result of the bill. In addition, this subsection is amended to bring Florida into compliance with Federal law, which allows persons to have not more than a 1 year license when they have proven their ID by an unexpired employment authorization card issued by the United States Department of Homeland Security or a non-immigrant classification provided by the United States Department of Homeland Security based on certain documents.

Section 322.18(4), F.S., provides all licenses shall be renewable every eight years, excluding licenses of applicants who are at least 80 years of age, which would continue to be issued six year licenses.

Section 322.18(8), F.S., requires the department to issue 8 year renewals using a convenience service without reexamination to drivers who have not attained 80 years of age. The department is required to issue 6 year renewals using a convenience service when the applicant has satisfied the vision test requirement.

Section 322.18(8)(c), F.S., specifies the department shall issue one renewal using a convenience service.

Section 14 repeals subsection (4) of s. 322.181, F.S., to abolish the Florida At-Risk Driver Council.

Section 15 amends s. 322.19, F.S., to delete provisions authorizing the use of a change-of-address sticker on a driver’s license and correct a cross-reference in s. 322.08, F.S., which will change as a result of the bill.

Section 16 amends s. 322.21, F.S., to increase the fees charged for obtaining a new or renewal driver’s license or identification card, and specifies that a portion of the fees be deposited into the Highway Safety Operating Trust Fund (HSOTF) for the general operation of the department.

The bill raises the fees contained in 322.21, F.S., as follows:

- A Class E license is raised from \$20 to \$27.
- A renewal is raised from \$15 to \$20.
- The replacement fee (moved from s. 322.17, F.S.) remains \$10, but shall apply in all cases where a change of address is required, as the sticker-replacement method in s. 322.17, F.S. is removed (as discussed above).
- The commercial license is increased from \$50 to \$67.
- Each endorsement required by s. 322.57, F.S., is raised from \$5 to \$7.
- Original or replacement ID cards issued pursuant to s. 322.051, F.S., are \$10.

The chart below summarizes the increases and distribution of the amended fees.

	Current Fees		Amended Fees	
	GR	HSOTF	GR	HSOTF
Original Licenses	\$20		\$20	\$7
Renewal Licenses	\$15		\$15	\$5
Duplicate Licenses	\$5	\$5	\$3	\$7
Replacement Licenses	\$1	\$9	\$3	\$7
CDL Licenses	\$50		\$50	\$17
Endorsements	\$5		\$5	\$2
ID Cards (original)	\$3		\$4	\$6
ID Cards (renewal)	\$4	\$6	\$4	\$6

According to the department, the changes prescribed in Sections 10 and 13 of this bill will result in estimated revenue of over \$15.2 million in the first year assuming an October 1, 2008, implementation. The revenue stream for the subsequent five fiscal years is estimated at \$22.5 million for fiscal year 2009-2010, \$22.4 million for fiscal year 2010-2011, \$23.3 million, for fiscal year 2011-2012, \$22.7 million for fiscal year 2012-2013, and \$21.6 million for fiscal year 2013-2014. A projected decline in revenue, resulting from the change in renewal cycles, is anticipated beginning in fiscal year 2014-2015. The decrease in revenue for fiscal years 2014-2015 and 2015-2016 is projected to be (\$15.1million) and (\$20.9 million), respectively.

Section 17 repeals s. 322.60, F.S., to delete duplicative language.

Section 18 amends s. 316.003, F.S., to provide a definition of the term “traffic infraction detector” which would encompass a typical RLC.

Section 19 creates s. 316.0083, F.S., authorizing the use of cameras to enforce the requirements of s. 316.074(1) and s. 316.075(1)(c)1., F.S., for failing to stop at a traffic signal when so directed. In addition, this section preempts the regulation and use of all camera enforcement systems to the state and allows the department, FDOT, counties, and municipalities to authorize traffic infraction detector enforcement officers to issue uniform traffic citations for violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver’s failure to stop at a traffic signal when so directed and when identified by traffic infraction detectors.

A citation is to be delivered to the registered owner of the vehicle by first-class or registered mail within seven days of the violation. The registered owner is liable for paying the citation unless he or she provides an affidavit showing the vehicle was in the control of another person or the driver had received a citation for the violation issued at the location by a law enforcement officer. Submission of a false affidavit is a second degree misdemeanor. Also, the report of an officer and images provided by an RLC are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.

Before implementing an RLC system at an intersection, a Florida municipal, county, or FDOT traffic engineer must review and certify all other safety-enhancing engineering methods have been considered. All RLC systems must conform to specifications, to be developed by FDOT, guiding the operation and implementation of RLCs. The FDOT must, on or before October 1, 2008, adopt and publish minimum specifications. The specifications must conform to the FDOT Traffic Engineering Manual and include as a minimum requirements for:

- signal cycle timing and phasing;
- intersection marking (stop bars);
- vehicle locational standards constituting a violation;
- photographic and video standards; and
- signage and public awareness.

The FDOT must require mandatory reporting of all accidents at the intersections using RLCs and must provide information relating to those accidents to the Legislature by March 1, 2010.

Noncompliant systems must be removed at FDOT's direction and the public agency installing the noncompliant system is barred from additional installations for five years. Systems acquired by contract on or prior to April 1, 2008 are not required to meet the FDOT specifications until July 1, 2013.

Subsection (7) of s. 316.0083, F.S., provides all vendors or manufacturers must be qualified by FDOT prior to bidding to provide RLC services. Vendors are prohibited from receiving a fee based on the number of citations issued.

Section 20 amends s. 316.640, F.S., to provide traffic infraction detector enforcement officers must meet training and qualifications standards developed by FDOT.

Section 21 amends s. 318.18, F.S., to provide a distinction between violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when so directed when enforced by a law enforcement officer and violations of those sections when enforced by a traffic infraction detector enforcement officer using evidence obtained from an RLC:

- No change is made to the fine, distribution of fines, or the assessment of points against a driver's license when a violation is enforced by a law enforcement officer.
- The bill provides different penalties for violations enforced by traffic infraction detector enforcement officers:
 - The bill requires a fine of \$60, and notwithstanding any other provision of law, all \$60 shall be distributed in the same manner as the applicable municipal or county parking ordinance.

Section 22 amends s. 322.27, F.S., to specify no points are assessed against a driver's license for violations enforced by traffic infraction detector enforcement officers.

Section 23 creates an undesignated section of law to provide the department and FDOT are required to jointly report the efficacy of traffic infraction detectors in enhancing public safety to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2013.

Section 24 provides this act shall take effect October 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**Section 10

The bill allows county tax collectors to increase the additional fee charged for any driver's license issued or renewed by a tax collector from the current \$5.25 to an amount no greater than \$10.50.

B. Private Sector Impact:Section 2

Persons who are convicted of a moving violation that causes or contributes to causing the death or serious bodily injury to another person on a motorcycle are subject to penalties. Specifically:

- A moving violation that causes serious bodily injury to another motorcyclist is a 2nd degree misdemeanor. The person must pay a fine of not less than \$500, serve a minimum of 30 days imprisonment, and is required to attend a 4-hour driver improvement course. In addition, the court must revoke the person's driver license for at least 30 days.
- A moving violation that causes or contributes to causing the death of another person on a motorcycle is a 1st degree misdemeanor. The person must pay a fine of not less than \$1,000, serve a minimum of 90 days imprisonment, and is required to attend a 12-hour advanced driver improvement course. In addition, the court must revoke the person's driver license for 1 year.

Sections 3 and 4

Persons wishing to purchase a "Horse Country" plate can do so for an additional charge of \$25 (plus a \$2 processing fee) beyond the normal fees associated with buying a license plate.

The applicant has paid the \$60,000 application fee, which will be refunded if the plate is not approved by the Legislature. Revenue from an approved plate is based on public interest and cannot be predicted.

Section 10

Individuals obtaining driver's license services from county tax collectors could experience increases of up to 100% of the additional fee charged by a tax collector.

Section 16

Fee increases, as prescribed in the bill, will result in increased costs to individuals obtaining original or renewal driver licenses or ID cards.

Sections 19-23

Since the language is permissive, it is not possible to estimate the number of traffic infraction detector systems to be implemented. Traffic infraction detectors will increase government's ability to enforce RLR violations; therefore, increasing the possibility of a

motor vehicle owner being fined for a red light violation. The fine for the violation, as determined by a traffic infraction detector, is \$60. Individuals, perhaps significant numbers, will experience a negative fiscal impact.

C. Government Sector Impact:

According to the department, this bill will require programming modifications to the Driver License and Motor Vehicle software systems at a minimal cost to be managed through existing resources. In addition, the bill has the following fiscal impacts:

Sections 3 and 4

The department is responsible for developing and distributing the “Horse Country” license plate. The cost of this effort is approximately \$60,000. This impact will be offset by the \$60,000 application fee that the organization has already paid.

Sections 13 and 16

According to the department, section 13 would will generate the following revenues:

General Revenue	FY 08-09	FY 09-10	FY 10-11
ID Cards (\$3 to \$10)	\$431,375	\$583,162	\$593,367
Duplicate Licenses	(\$880,005)	(\$1,777,610)	(\$1,795,386)
Replacement Licenses	\$1,076,443	\$2,174,416	\$2,196,160
Total	\$627,813	\$979,968	\$994,141

HSOTF	FY 08-09	FY 09-10	FY 10-11
Original Licenses (\$20 to \$27)	\$3,972,579	\$5,370,396	\$5,464,378
Renewal (\$15 to \$20)	\$6,300,890	\$10,166,105	\$9,925,318
CDL Original Licenses (\$50 to \$67)	\$529,808	\$716,226	\$728,760
CDL Renewal (\$50 to \$67)	\$957,594	\$1,545,021	\$1,508,426
School CDL Original (\$20 to \$27)	\$13,112	\$17,727	\$18,038
School CDL Renewal (\$20 to \$27)	\$8,676	\$13,999	\$13,667
Endorsements (\$ 5 to \$7)	\$444,868	\$601,402	\$611,926
ID Cards (\$3 to \$10)	\$2,588,252	\$3,498,971	\$3,560,203
Duplicate Licenses	\$880,005	\$1,777,610	\$1,795,386
Replacement Licenses	(\$1,076,443)	(\$2,174,416)	(\$2,196,160)
Total	\$14,619,338	\$21,533,041	\$21,429,942

According to the department, the changes prescribed in Sections 13 and 16 of this bill will result in estimated revenue of over \$15.2 million in the first year assuming an October 1, 2008, implementation. The revenue stream for the subsequent five fiscal years is estimated at \$22.5 million for fiscal year 2009-2010, \$22.4 million for fiscal year 2010-2011, \$23.3 million , for fiscal year 2011-2012, \$22.7 million for fiscal year 2012-2013, and \$21.6 million for fiscal year 2013-2014. A projected decline in revenue, resulting from the change in renewal cycles, is anticipated beginning in fiscal year 2014–

2015. The decrease in revenue for fiscal years 2014-2015 and 2015-2016 is projected to be (\$15.1million) and (\$20.9 million), respectively.

Sections 19-23

The department and FDOT staff have stated the requirement to report on the efficacy of traffic infraction detectors could be accomplished using existing resources.

The \$60 from each violator's fine would remain with municipalities or a county's clerk of court. The fiscal impact to a local government implementing traffic infraction detectors is dependent upon:

- the cost of equipment (typically, \$50,000 to \$100,000 per intersection),
- the negotiated agreement between the local government and any private vendor providing and potentially operating the equipment, and
- the number of violators.

In 2006, there were 391,204 citations issued statewide by law enforcement officers for violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when so directed. Due to the technological advantage of RLC systems in enforcing RLR violations, estimating the margin of additional violations with any degree of accuracy is difficult. Further complicating any estimation, it is not clear how effective RLC systems would be in modifying driver behavior, but some reduction in the initial number of violations should be expected subsequent to the implementation of an RLC system.

Local court systems may see a caseload increase, in the event that vehicle operators choose to contest citations as permitted under the bill. There may be an indeterminate cost to the local court system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Transportation and Economic Development on April 22, 2008:

This CS:

- Provides penalty provisions for a person who is convicted of a moving violation that causes or contributes to causing the death or serious bodily injury to another person on a motorcycle.

- Authorizes the department to create a “Horse Country” specialty license plate and specifies the requirements of s. 320.08053, F.S., must be met prior to the issuance of the plate. This plate would be available to drivers wishing to pay a \$25 annual use fee. Proceeds would be given to PCMI Properties, Inc., organized to support the activities of the Panama City Marine Institute. The Institute rehabilitates troubled and delinquent youth through experiential programs, and is part of the Associated Marine Industries group of nonprofits, which has 27 locations in Florida. Proceeds would be used for promotion and marketing (up to 25%) and for programs for delinquent youth in the state of Florida.
- States that a person can have only one valid driver’s license at a time.
- Adds the provision that on or after January, 1, 2010, an unexpired foreign passport with an unexpired Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States is necessary to prove nonimmigrant classification for a driver license or ID card.
- Preempts regulation and use of enforcement cameras to the state.
 - Provides explicit prohibition on vendors receiving a fee based on the number of citations issued;
 - Provides requirement for other engineering measures prior to the installation of detectors;
 - Directs FDOT to develop minimum specifications and required compliance with specifications;
 - Requires FDOT to certify vendors; and
 - Provides a \$60 fine for a violation of s. 316.074(1), F.S., or s. 316.75(1)(c)1., F.S., when enforced by a traffic infraction detector enforcement officer, to be distributed in the same manner as an applicable municipal or county parking ordinance.
- Changes the effective date of the CS to allow time for necessary programming modifications.

CS by Transportation on March 18, 2008:

The bill:

- Reenacts the provisions which create the department and amends the organization structure to delete the obsolete Bureau of Motor Vehicle Inspection.
- Abolishes the Florida At-Risk Driver Council;
- Defines the term “convenience service;”
- Phases out the issuance of licenses that are “valid in Florida only” as required by the REAL ID Act;
- Modifies the acceptable documents for the issuance of a driver’s license and authorizes the use of additional documents to prove identity. These changes are necessary to comply with the requirements of the REAL ID Act;
- Modifies the term of a driver license for those under 80 years of age to 8 years. Drivers 80 years old and over would continue to be issued 6 year licenses. In addition, licensees are limited to one consecutive convenience renewal. These changes are necessary to comply with the requirements of the REAL ID Act;

- Increases the fees charged for obtaining a new or renewal driver's license or identification card, and specifies that a portion of the fees be deposited into the Highway Safety Operating Trust Fund for the general operation of the department;
- Deletes provisions authorizing the use of a change-of-address sticker on a driver's license;
- Authorizes an increase in the service fee charged by tax collectors when providing driver's license services. The current fee of \$5.25 charged for each driver's license issued or renewed is authorized to be increased to an amount not to exceed \$10.50; and
- Directs the department to collect and present customer wait time data for each driver's license examination office.

B. Amendments:

None.