

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Transportation Committee

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BILL: CS/CS/SB 1150 2nd Engrossed

INTRODUCER: Government Accountability and Oversight Committee; Transportation Committee; and Senators Latvala and Bullard

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: May 4, 2011

I. Amendments Contained in Message:

House Amendment 1 – 376895 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 is a delete all amendment. The following is a section by section analysis of the effects of the amendment:

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

In addition, this section is amended to create the Division of Motorist Services within DHSMV and eliminate the Division of Driver Licenses and the Division of Motor Vehicles as two separate entities due to the reorganization of the department structure. The Division of Motorist Services is a merger of the DDL and the DMV. Merging the divisions is intended to streamline operations and may result in significant cost savings.

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

Section 3 amends s. 288.816, F.S., to make conforming changes to reflect the Division of Motorist Services consolidation.

Section 4 amends s. 11.121, F.S., relating to membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council, to make conforming changes to reflect the Division of Motorist Services consolidation.

Section 5 amends s. 316.003, F.S., relating to definitions. Section 316.003(2), F.S., amends the definition of bicycle to remove the qualifier “electric” from the “helper motor” provision. Section 316.003 (21), F.S., is amended to revise the term “motor vehicle” to exclude “swamp buggy”. In addition, s. 316.003(89), F.S., defines the term “swamp buggy” to mean a motorized

off-road vehicle designed to travel over swamp terrain, which may utilize large tires or tracks operated from an elevated platform, and may be used on varied terrain. A swamp buggy does not include any vehicle defined in ch. 261, F.S., or defined or classified in ch. 316, F.S. A swamp buggy may not be operated upon the public roads, streets, or highways, except to the extent specifically authorized by a state or federal agency to be used exclusively upon lands, managed, owned, or leased by that agency.

Section 6 reenacts s. 316.065(4), F.S., relating to crash reports, to incorporate changes made to s. 316.066, F.S., by chapter 2010-163, Laws of Florida.

Section 7 amends s. 316.1303, F.S., to provide a person with impaired mobility who is using a motorized wheelchair or scooter on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. Law enforcement may issue warnings.

Section 8 amends s. 316.1957, F.S., relating to parking violations, to make conforming changes to reflect the Division of Motorist Services consolidation.

Section 9 amends s. 316.2065(3), F.S., to require compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2011, in compliance with the existing statutory standards may continue to be worn legally by riders or passengers until January 1, 2015.

Section 316.2065(5), F.S., is amended to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The amendment clarifies that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

The amendment amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the amendment requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

Section 10 clarifies s. 316.2085, F.S., by requiring the tag of a motorcycle or moped to “remain clearly visible from the rear at all times.” The amendment also clarifies the prohibited action of concealing a tag by eliminating the prohibition on a specific device or method and instead explicitly stating that “any deliberate act to conceal or obscure” the legibility of a tag is prohibited. With respect to license tags affixed vertically to a motorcycle or moped, vehicles registered in other jurisdictions are permitted to affix license tags vertically. Vehicles with such tags, registered in Florida, must maintain a prepaid account and a transponder.

Section 11 amends s. 316.2122, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 12 amends s. 316.2124, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 13 amends s. 316.21265, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 14 amends s. 316.3026, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 15 amends s. 316.545, F.S., to replace the term “apportioned motor vehicle” with “apportionable vehicle.”

Section 16 amends s. 316.650, F.S., to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 17 provides legislative intent with respect to s. 316.613, F.S. The amendment states that it is the legislative intent that the child restraint requirements in the current statute shall not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation. The amendment further states that it is the obligation and responsibility of a parent, guardian, or other person responsible for a child’s welfare to comply with the requirements of s. 316.613, F.S.

Section 18 amends s. 317.0003, F.S., relating to off-highway vehicles, to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 19 amends s. 317.0016, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department’s agents.

Section 20 amends s. 318.14, F.S., to comply with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations who either hold a CDL, regardless of the vehicle being driven, or who hold a regular operator license but are cited while driving a vehicle requiring a CDL. Eligibility for that option would be restricted to drivers who have regular operator’s licenses and were not driving a commercial motor vehicle when cited.

Section 21 amends s. 318.1451, F.S., to create a new curriculum requirement for both driver improvement schools and TLSAE courses. These programs must discuss the dangers of driving while distracted, specifically including the use of technology while driving.

Section 22 amends s. 318.15, F.S., to make conforming changes to reflect the Division of Motorist Services consolidation and is intended to create a uniform standard for requesting hearings with the clerks of court when a person has been charged with a traffic infraction. Specifically, a person charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or the department to suspend the driving privilege of the person, and upon request, the clerk must set the case for

hearing. The person shall be given a form for requesting that the driving privilege be reinstated. If the 180th day after the date of the violation is a Saturday, Sunday, or a legal holiday, then the person charged must request the hearing within 177 days after the violation; however, the court may grant a request for a hearing made after 180 days after the alleged offense. This paragraph does not affect the assessment of late fees.

Section 23 amends s. 319.14, F.S., to include the terms and definitions of “custom vehicle” and street rod vehicle” to conform the titling process of unique license plates for custom and street rod vehicles. Section 319.14(1)(b), F.S., also provides a vehicle may not be inspected or issued a rebuilt title until all major component parts, as defined in s. 319.30, F.S., (any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag) which were damaged have been repaired or replaced.

Section 24 amends s. 319.225, F.S., to modernize the form and format of motor vehicle certificates of title. The bill eliminates the requirements for certain statements or actions to be taken “on the back” or “on the reverse side” of a certificate of title form, and to allow odometer disclosures and reassignments to take place on forms provided by DHSMV.

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

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

Section 25 amends s. 319.23(6), F.S., to modify title transfers of mobile homes. The bill provides that with respect to mobile homes, the application for a certificate of title or reassignment must be filed within 30 days after the “consummation of the sale” of the mobile home, in lieu of 30 days after delivery.

This section also creates a bonded-title provision in s. 319.23(7), F.S. In the event that a motor vehicle owner is unable to provide DHSMV with a certificate of title assigning a prior owner’s transfer of ownership to the current owner, DHSMV may accept instead an affidavit identifying the Vehicle Identification Number and the applicant’s ownership therein. The affidavit must be accompanied by an application for title along with a bond that meets certain criteria. The bond must be in a form prescribed by the agency, and must be:

- Executed by the applicant,
- Issued by a person authorized to conduct a surety business in this state,

- In an amount equal to two times the value of the motor vehicle, as determined by DHSMV, and
- Conditioned to indemnify all prior owners and lien holders, as well as all subsequent purchasers who acquire a security interest in the vehicle, against any expense, loss, or damage occurring because of the issuance of the title issuance or any defective or unknown security interest on the right, title, or interest of the applicant in the motor vehicle

Any interested person has the right to recover on the bond, for a breach of any of the bond's conditions. The bond expires after 3 years have elapsed since the issuance of the title.

Section 26 amends s. 319.28, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department's agents. In addition, creates a provision that provides a dealer of farm or industrial equipment is not subject to licensure as a recovery agent (repossessions) or recovery agency if the dealer is regularly engaged in the sale of such equipment for a particular manufacturer and the lender is affiliated with that manufacturer.

Section 27 amends s. 319.323, F.S., to remove the certificate of repossession as a form of indicia that can be issued by the department's agents.

Section 28 amends s. 319.40, F.S., to authorize DHSMV to issue electronic certificates of title. It also allows DHSMV to collect e-mail addresses of vehicle owners and registrants for notification purposes related to motor vehicle titles, in lieu of notification via the United States Postal Service (USPS). However, the bill provides that DHSMV may not use electronic notification for any notice regarding the potential forfeiture of an interest in property.

Section 29 amends s. 320.01(1), F.S., to revise the term "motor vehicle" to exclude "special mobile equipment" as defined in ch. 316, F.S., and "swamp buggies". In addition, s. 320.01(45), F.S., is created to define the term "swamp buggy" to mean a motorized off-road vehicle designed to travel over swamp terrain, which may utilize large tires or tracks operated from an elevated platform, and may be used on varied terrain. A swamp buggy does not include any vehicle defined in ch. 261, F.S., or defined or classified in ch. 320, F.S. A swamp buggy may not be operated upon the public roads, streets, or highways, except to the extent specifically authorized by a state or federal agency to be used exclusively upon lands, managed, owned, or leased by that agency.

The section is also amended to conform definitions to the IRP relating to the term "apportionable vehicle." Specifically, this section is amended to delete the disused definition "apportioned motor vehicle," and to revise the gross vehicle weight for purposes of defining the terms "apportionable vehicle" and "commercial motor vehicle."

Section 30 amends s. 320.02(2), F.S., to exempt active-duty military members who are Florida residents from the requirement to provide a Florida residential address on an application for vehicle registration.

Section 320.02(15), F.S., is amended to create four \$1 voluntary contributions on application and renewal forms for motor vehicle registrations, which according to DHSMV, have met the requirements set forth in s. 320.023, F.S. The entities and causes are:

- End Hunger in Florida – Contributions shall be distributed monthly to the Florida Association of Food Banks, Inc, for the purpose of ending hunger in Florida.
- Take Stock in Children – Contributions shall be transferred to Take Stock in Children, Inc. This charity provides scholarships to Florida’s low-income and at-risk students.
- Autism Services and Supports – Contributions are distributed monthly to the Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – Contributions shall be distributed monthly to Support Our Troops, Inc., a Florida not-for-profit organization.

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

Section 31 amends s. 320.023, F.S., to authorize DHSMV to annually retain, from the first proceeds derived from voluntary contributions collected relating to motor vehicle registrations, an amount sufficient to defray the share of the department’s costs. These costs include renewal notices, postage, distribution costs, direct costs to the department, and costs associated with ensuring an organization’s compliance with auditing and attestation. The revenues retained by the department may not be less than 0.5 percent and it may not exceed 1.5 percent. The balance of the proceeds from voluntary contribution collections are to be distributed as provided by law. The department estimates an annual retention between \$3,089 and \$9,266 of the proceeds from the voluntary contribution collections.

Section 32 amends s. 320.03, F.S., to replace the term “apportioned motor vehicles” with the term “apportionable vehicles” and to correct a cross-reference relating to s. 319.23, F.S., which will change as a result of the amendment.

Section 33 amends s. 320.05, F.S., to delete a \$25 fee for a copy of the Division of Motor Vehicles Procedures Manual and to conform provisions relating to the creation of the Division of Motorists Services.

Section 34 amends s. 320.061, F.S., to prohibit the alteration of temporary license plates and provide such violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

Section 35 amends s. 320.071, F.S., to conform to the IRP relating to the term “apportionable vehicle.” Specifically, this section is amended to replace the term “apportioned motor vehicle” with the term “apportionable vehicle” and to clarify such vehicles are registered under the provisions of the IRP.

Section 36 amends s. 320.0715, F.S., to conform to the IRP relating to the term “apportionable vehicle.” Specifically, this section is amended to replace the term “commercial motor vehicle” with the term “apportionable vehicle.”

Section 37 amends s. 320.08, F.S., relating to license taxes, to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the amendment.

Section 38 amends s. 320.08056(4), F.S., providing for a \$25 annual use fee for the “Go Green” specialty license plate.

Section 320.08056(9), F.S., to specify procedures to change the name of organizations with specialty license plates. Specifically, an organization with a specialty license plate must submit a written request to the department 90 days before the convening of the next regular Session of the Legislature in order to change the name of recipient organizations.

Section 39 amends s. 320.08058(48), F.S., to change the recipient of the proceeds for the Live the Dream specialty license plate from the Dream Foundation, Inc., to the Florida Dream Foundation, Inc.

Section 320.08058(53), F.S., is amended to change the recipient of the proceeds for the Support Soccer specialty license plate from the Lighthouse Soccer Foundation, Inc., to the Florida Soccer Foundation, Inc.

Section 320.08058(79), F.S., creates the “Go Green” specialty license plate, notwithstanding the provisions of s. 45 of ch. 2008-176, L.O.F. as amended by s. 21 of ch. 2010-223, L.O.F., and upon receipt of \$60,000 and submission of the proposed art design for the proposed art design for the specialty. The annual use fee is \$25. The annual use fees will be distributed to the Coalition for Renewable Energy Solutions, Inc. The coalition will retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10% of the annual use fees may be used for administrative costs directly associated with the operation of the coalition and promotion and marketing of the plate. Remaining fees will be used to fund programs and projects that educate the public and implement or publicize renewable energy solutions.

Section 40 amends s. 320.08068, F.S., to remove the requirement that funds received by the Florida Association of Centers for Independent Living must be used “to leverage additional funding and new sources of revenue for the centers for independent living in this state.”

Section 41 amends s. 320.0847, F.S., relating to license plates for mini trucks and low-speed vehicles, to correct a statutory cross-reference relating to s. 320.01, F.S., which will change as a result of the bill.

Section 42 amends s. 320.0848, F.S., to require, beginning October 1, 2011, holders of disabled parking permits to renew in person and provide a current certificate of disability. Persons obtaining a replacement for a disabled parking permit must appear in person to submit the required application. However, the requirement to apply for renewal or replacement in person does not apply if the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office and the certifying physician has signed an additional section of the department’s parking permit application to exempt the disabled person from the appearance requirement.

In addition, s. 320.0848, F.S., is amended to replace the Florida Governor's Alliance for the Employment of Disabled Citizens and name the Florida Endowment Foundation for Vocational Rehabilitation, known as "The Able Trust," as the recipient organization of the \$4 proceeds from temporary disabled parking permits. The department must directly deposit these fees into the Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615, F.S. For practical purposes, the recipient of these funds is not changed, the bill simply streamlines the process for the distribution of these proceeds.

Section 43 amends s. 320.089, F.S., effective October 1, 2011, create the "Combat Infantry Badge" special license plate. This bill requires the manufacture and issuance of a special license plate stamped with the words "Combat Infantry Badge" to any recipient of the Combat Infantry Badge, who applies for the special license plate, pays the applicable license taxes provided in s. 320.08, F.S., and provides proof of membership in the Combat Infantrymen's Association, Inc., or other acceptable proof of being a Combat Infantry Badge recipient.

Section 44 amends s. 320.27(3), F.S., to provide that salvage motor vehicle dealers are exempt from the requirements for garage liability insurance and personal injury protection on vehicles that cannot be legally operated on Florida roads, highways, or streets.

Section 45 amends s. 320.275, F.S., relating to the Automobile Dealers Industry Advisory Board, to conform provisions relating to the creation of the Division of Motorists Services.

Section 46 amends s. 320.771, F.S., to specify circumstances when a RV dealer may apply for a certificate of title to a RV using a manufacturer's statement of origin. Specifically, RV dealers cannot apply for a certificate of title on RVs within a line-make unless he or she is authorized by a manufacturer/dealer agreement to buy, sell, or deal in a specified line-make and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make. The definition of line-make in s. 320.3202(6), F.S., specifies sufficiently the uniqueness of features to imply that the agreements would authorize a class of models targeted to a specific market segment, further identifying the product line-make to a model.

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

Section 47 amends s. 320.95, F.S., to expressly permit the department to collect and use e-mail addresses of motor vehicle owners and registrants as a method of notification relating to motor vehicle licenses in lieu of the United States Postal Service.

Section 48 amends s. 321.02, F.S., to designate the director of the Division of Highway Patrol as the "Colonel" of the Florida Highway Patrol.

Section 49 amends s. 322.02, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 50 amends s. 322.04, F.S., revises provisions exempting a nonresident from the requirement to obtain a driver's license. Specifically, international visitors are permitted to use an International Driving Permit (IDP) issued in his or her name by their country of residence to operate a motor vehicle of the type for which a Class E driver's license is required. The person must be in immediate possession of both an IDP and a valid driver's license issued in the person's country of residence.

Section 51 amends s. 322.051(1), F.S., to revise the requirements by which an applicant for an ID card may prove non-immigrant status. Every applicant must have documents to prove evidence of lawful presence, and DHSMV is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant's efforts to maintain continuous lawful presence in the United States.

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

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

Section 52 amends s. 322.058, F.S., relating to renewal of motor vehicle registrations, to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

Section 53 amends s. 322.065, F.S., revising the period of expiration that constitutes the offense of driving with an expired driver license from four months to six months, to conform to s. 322.03, F.S.

Section 54 amends s. 322.07(3), F.S., to clarify that the applicant must hold a valid Florida driver license, before being issued a temporary commercial instruction permit.

Section 55 amends s. 322.08(2), F.S., to revise the requirements by which an applicant for a driver's license may prove non-immigrant status. Every applicant must have documents to prove evidence of lawful presence, and DHSMV is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant's efforts to maintain continuous lawful presence in the United States. Section 322.08(2), F.S., is amended to ensure that the revised documentary evidence described above only entitles the applicant for a license or permit that is valid for a period not to exceed one year from the date of issue or until the date of expiration of the document, whichever first occurs; it does not entitle the applicant to a permanent license.

Section 322.08(7)(o), F.S., is amended to include a voluntary contribution check-off option of \$1 on driver's license and renewal forms for Autism Services and Supports. The department must

distribute the proceeds monthly to the Achievement and Rehabilitation Centers, Inc., Autism Services Fund. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S. According to DHSMV, the Achievement and Rehabilitation Centers, Inc., has met the requirements set forth in s. 322.081, F.S.

Section 322.08(7)(p), F.S., is created to include a voluntary contribution check-off option of \$1 or more on original, renewal, and replacement driver license applications to be distributed to the Support Our Troops, Inc., a Florida non-profit organization. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S. According to DHSMV, the Support Our Troops, Inc., has met the requirements set forth in s. 322.081, F.S.

Section 322.08(8), F.S., is created to authorize the department to collect and use e-mail addresses for the purpose of providing renewal notices in lieu of the United States Postal Service. According to the department, this would result in substantial savings by reducing mailing costs. However, the renewals mailed in are a small segment of the overall renewals. Currently, all renewal mail-ins from customers are sent to the Department of Revenue (DOR). The formatting of the coupon or the notice that is mailed back is specifically designed to fit the DOR electronic systems. Until the electronic addresses that the department may gather can be interfaced with the DOR systems for processing, this change cannot be made for those who may choose to renew by mail. In addition, this will enable the department to continue its efforts doing business electronically, as well as reduce costs associated with printing and mailing renewal notices.

Section 56 amends s. 322.081, F.S., to authorize DHSMV to annually retain, from the first proceeds derived from voluntary contributions collected relating to driver's license applications and renewals, an amount sufficient to defray the share of the department's costs. These costs include renewal notices, postage, distribution costs, direct costs to the department, and costs associated with ensuring an organization's compliance with auditing and attestation. The revenues retained by the department may not be less than 0.5 percent and it may not exceed 1.5 percent. The balance of the proceeds from voluntary contribution collections are to be distributed as provided by law. The department estimates an annual retention between \$2,794 and \$8,382 of the proceeds from the voluntary contribution collections.

Section 57 amends s. 322.095, F.S., to create a new curriculum requirement for both driver improvement schools and TLSAE courses. These programs must discuss the dangers of driving while distracted, specifically including the use of technology while driving.

Section 58 amends s. 322.12, F.S., to delete the requirement that DHSMV conduct motorcycle examinations and to specify the motorcycle safety course for a first-time applicant include a final examination, which conforms law to practice.

Section 59 amends s. 322.121, F.S., to clarify that military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state.

Section 60 amends s. 322.14, F.S., to eliminate the requirement that applicants for a Class A, Class B, and Class C driver's license must appear in person within the state for issuance of a color photographic or digital imaged driver's license.

Section 61 creates s. 322.1415, F.S., to establish a specialty driver's license and identification card program. The department is required to issue to any applicant qualified pursuant to s. 322.14, F.S., a specialty driver's license or identification card upon payment of the \$25 fee. Department-approved specialty driver's licenses and identification cards must, at a minimum, be available for state and independent universities domiciled in Florida, all Florida professional sports teams designated in s. 320.08058(9)(a), F.S., and all branches of the United States military. The design and use of each specialty driver's license and identification card must be approved by the department and the organization that is recognized by the driver's license or card.

Organization receiving funds from this program must attest as provided in s. 320.08062, F.S., that the funds have been expended in the same manner as provided in s. 320.08058, F.S. On December 1 of each year, the department must submit a report to the President of the Senate and the Speaker of the House of Representatives addressing the viability of the program and detailing the amounts distributed to each entity.

The specialty driver's license and identification card program is repealed August 31, 2015.

Section 62 amends s. 322.19, F.S., to provide that persons with a valid current student identification card issued by an educational institution in this state are presumed not to have changed their legal residence or mailing address. The bill explicitly states that this presumption shall not affect any person who is otherwise required to notify the state of address changes pursuant to ss. 775.13, 775.21, 775.25, or 943.0435, F.S.

Section 63 amends s. 322.20, F.S., to conform provisions relating to the creation of the Division of Motorists Services.

Section 64 amends s. 322.202, F.S., clarifying that the Division of Motorist Services is not a law enforcement agency, to conform provisions relating to the creation of the Division of Motorists Services.

Section 65 creates paragraph (i) of s. 322.21(1), F.S., to provide a specialty license or identification card issued pursuant to s. 322.1415 is \$25, which is in addition to other fees. The specialty fee shall be distributed as follows:

- Fifty percent must be distributed as provided in s. 320.08058, F.S., to the appropriate state or independent university, the professional sports team, or branches of the military; and,
- Fifty percent must be distributed to the department for department costs directly related to the specialty driver's license and identification card program and to defray costs of production enhancements and distribution.

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

Section 66 amends s. 322.22, F.S., to clarify provisions authorizing the department to cancel a driver's license and to authorize the department to cancel a license upon determining that the licensee is not entitled to the license.

Section 67 amends s. 322.2615, F.S., relating to a person's right to review of a license suspension, to revise provisions for a formal review hearing and enforcement of a subpoena.

Section 68 creates s. 322.34(12), F.S., to clarify that a person violating s. 322.34(1), F.S., for unknowingly driving with a suspended or revoked license commits a moving violation and that the penalty for this moving violation shall not include the impoundment or immobilization of the motor vehicle.

Section 69 Amends s. 322.53, F.S. Specifically, s. 322.53(2), F.S., is revised to clarify two exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL.

- Paragraph (c) is amended to clarify that farmers are exempt from CDL requirements only when transporting agricultural products, farm machinery, and farm supplies, within 150 miles of, and to or from, their farms. The exemption does not apply if the products, machinery, or supplies are being transported by a vehicle used by a common or contract carrier.
- Paragraph (e) is amended to clarify the exemption for drivers of straight trucks used exclusively for transporting their own personal property which is not for sale. In compliance with federal regulations, the bill clarifies that in order for the exemption to apply, the vehicle must not be engaged in commerce, or be for-hire. For example, if a construction company transports construction debris to a landfill, the fact that the property being transported is not for sale would not exempt the driver from CDL requirements since the vehicle is being used in a commercial enterprise.

Section 70 amends s. 322.54, F.S., to add a new subsection (5), to allow the vehicle's actual weight to be used in the determination of the class of CDL required when the GVWR or VIN plate is not available.

Section 71 repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver's Licenses in the early 1990's.

Section 72 amends s. 322.59, F.S., to mirror the Federal Motor Carrier Safety Administration (FMCSA) regulations and remedy inconsistencies. Specifically, s. 322.59, F.S., is amended to require the department to disqualify a driver holding a CDL who fails to comply with the medical certification requirements described in 49 C.F.R. s. 383.71, F.S.

Section 73 amends s. 322.61, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.61(5), F.S., is amended to provide any holder of a commercial driver's license who is convicted of two violations of specified offenses listed in s. 322.61(3), F.S., which were committed while operating any motor vehicle arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

Section 74 amends s. 322.64, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.64, F.S., is amended to provide a notice of disqualification from operating a commercial motor vehicle acts as a conviction for purposes of certain federal restrictions imposed for the offense of operating a commercial motor vehicle while under the influence of alcohol. In addition, the section is amended to delete provisions authorizing the department to impose certain restrictions for certain offenses and replace those provisions with the federal reference, in order to negate the need to continuously modify state law with FMCSA regulations.

Section 75 amends s. 328.30, F.S., to permit DHSMV to issue an electronic certificate of title for vessels in lieu of printing a paper title and to permit DHSMV to collect and use e-mail addresses as a method of notification regarding vessel titles and registration in lieu of the USPS.

Section 76 amends s. 413.012, F.S., relating to a prohibition on disclosing confidential records held by the department, to conform provisions relating to the elimination of the Division of Driver Licenses and the creation of the Division of Motorists Services.

Section 77 amends s. 713.78, F.S., regarding liens for recovering, towing, or storing vehicles, to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

Section 78 designates Orange Blossom Trail between Gore Street and Church Street in Orange County as “Edna S. Hargrett-Thrower Avenue.”

Section 79 designates U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County as “SP4 Thomas Berry Corbin Memorial Highway.”

Section 80 designates U.S. Highway 19/98/State Road 55 between N.E. 592 Street/Chavous Road/ Kate Green Road and N.E. 170th Street in Dixie County as “U.S. Navy BMC Samuel Calhoun Chavous, Jr. Memorial Highway.”

Section 81 designates State Road 24 between County Road 347 and Bridge Number 340053 in Levy County as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”

Section 82 designates U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County as “United States Army Sergeant Karl A. Campbell Memorial Highway.”

Section 83 designates U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as “U.S. Army SPC James A. Page Memorial Highway.”

Section 84 designates State Road 19 in Putnam County between U.S. Highway 17 (State Road 15) and Carriage Drive in Palatka in Putnam County as “Veterans Memorial Highway.”

Section 85 designates U.S. Highway 90/State Road 10 between the Holmes County line and the Jackson County line in Washington County as “Ben G. Watts Highway.”

Section 86 designates State Road 824 between I-95 and U.S. 1 in Broward County as “Mardi Gras Way.”

Section 87 designates State Road 7 between Pembroke Road and County Line Road in Broward County as “West Park Boulevard.”

Section 88 designates State Road 858/Hallandale Beach Boulevard between Interstate 95 and U.S. Highway 441/State Road 7 in Broward County as “Pembroke Park Boulevard.”

Section 89 designates State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as “Stark Memorial Drive.”

Section 90 designates the Interstate 295/State Road 9A overpass (Bridge Nos. 720256 and 720347) over Interstate 10/State Road 8 in Duval County as “Duval County Law Enforcement Memorial Overpass.”

Section 91 designates State Road 200 between Lime Street and Beech Street in the City of Fernandina Beach in Nassau County as “Verna Bell Way.”

Section 92 designates State Road 100 in Union County between the Bradford County Line and the Columbia County line as “Deputy Hal P. Croft and Deputy Ronald Jackson Memorial Highway.”

Section 93 designates Coral Way between S.W. 32nd Avenue and S.W. 37th Avenue in Miami-Dade County as “Dr. Oscar Elias Biscet Boulevard.”

Section 94 designates Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County as “Hugh Anderson Boulevard.”

Section 95 designates West 20th Avenue between West 68th Street and West 73rd Street in Miami-Dade County as “Palmetto General Hospital Way.”

Section 96 designates SR 976 (Bird Road) between S.W. 87th Ave and Palmetto Expressway Ramp as “Senator Javier D. Souto Way.”

Section 97 designates S.W. 27th Avenue between S.W. 8th Street and S.W. 13th Street in the City of Miami in Miami-Dade County as “Reverend Max Salvadore Avenue.”

Section 98 designates S.W. 8th Street between S.W. 10th Avenue and S.W. 12th Avenue in the City of Miami in Miami-Dade County as “BRIGADA 2506 STREET, Carlos Rodriguez Santana.”

Section 99 designates S.W. 87th Avenue in Miami-Dade County between S.W. 8th Street and S.W. 24th Street in Miami-Dade County as “Rev. Jorge Comesanas Way.”

Section 100 designates S.W. 57th Avenue/Red Road between S.W. 8th Street/Kendall Drive in Miami-Dade County as “Amadeo Lopez-Castro, Jr. Road.”

Section 101 designates 27th Avenue located in Miami-Dade county as “Benjamin Leon, Jr. Way.”

Section 102 designates Coral Way/S.W. 22nd Street between 24th Avenue and 27th Avenue in Miami-Dade County as “Miami Medical Team Way.”

Section 103 designates Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County as “Alma Lee Loy Bridge.”

Section 104 designates Sunset Harbor Road between S.E. 105th Avenue and S.E. 115th Avenue in Marion County as “Samuel B. Love Memorial Highway.”

Section 105 designates Tampa Bay Boulevard between Armenia Avenue and Himes Avenue in Hillsborough County as “Elvin Martinez Road.”

Section 106 designates Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County as “Whale Harbor Joe Roth Jr. Bridge.”

Section 107 designates Milepost 22.182 on U.S. 27 in Highlands County as “Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial.”

Section 108 designates S.W. 23rd Street, in front of James G. Pressly Stadium, and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County as “Coach Jimmy Carnes Boulevard.”

Section 109 designates N.W. 79th Street between N.W. 6th Avenue and N.W. 7th Avenue in Miami-Dade County as “Miss Lillie Williams Boulevard.”

Section 110 designates N.W. 54th Street between N.W. 2nd Avenue and N.E. 3rd Avenue in Miami Dade-County as “Father Gerard Jean-Juste Street.”

Section 111 designates State Road 932/N.E. 103rd Street between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County as “Tanya Martin Oubre Pekel Street.”

Section 112 designates State Road 26A in Gainesville, Alachua County, between West University Avenue and S.W. 25th Street as “Deputy Jack A. Romeis Road.”

Section 113 designates the San Juan Road Extension in Anastasia State Park as “Nona and Papa Road.”

Section 114 designates State Road 293 from U.S. Highway 98/State Road 30 to State Road 20 in Okaloosa County as “Walter Francis Spence Parkway.”

Section 115 designates State Route 87 from its intersection with U.S. 98 northward to its intersection with U.S. 90 in Santa Rosa County as “Florida’s Beaches and Rivers Parkway.”

Section 116 designates U.S. 41/State Road 45/ Nebraska Ave from County Road 584/Waters Avenue to State Road 580/Busch Boulevard as “Corporal Michael J. Roberts Parkway.”

Section 117 designates State Road 46 in Brevard County from U.S. 1 to the Volusia County line as “Harry T. and Harriette V. Moore Memorial Highway.”

Section 118 designates Beaver Street in Duval County between Laura Street and Rushing Street as “Elizabeth G. Means Memorial Boulevard.”

Section 119 designates U.S. 1 Alternate/SR 115/SR 115A/Haines Street Expressway in Duval County between 8th Street and Duval Street as “Louise Steward Memorial Boulevard.”

Section 120 designates Edgewood Avenue in Duval County between Commonwealth Avenue and Beaver Street as “Isiah J. Williams, III, Memorial Boulevard.”

Section 121 creates an unnumbered section of law regarding DHSMV’s “Emergency Contact Information” program. The amendment allows DHSMV to educate law enforcement and the general public about the importance of this program, and provides for signage in driver license offices to advertise the program. The program allows all drivers to register the names of up to two individuals to be contacted in the event of an emergency. These provisions of the bill are given a short title: The “Inform Families First Act.”

Section 122 creates s. 322.145, F.S., to require a driver’s license issued on or after July 1, 2012, to contain a means of electronic authentication, which conforms to a recognized standard for such authentication, such as public key infrastructure, symmetric key algorithms, security tokens, medimetrics, or biometrics. The department must provide, at the applicant’s option a security token that can be electronically authenticated through a personal computer. The department must negotiate a new contract with the vendor selected to implement the electronic authentication feature which provides that the vendor pay all costs of implementing the system; however, the contract must not conflict with current contractual arrangements for the issuance of driver’s licenses.

Section 123 amends s. 316.066, F.S., to include additional circumstances requiring the completion of a Florida Traffic Crash Report, Long Form. Specifically, a Florida Traffic Crash Report, Long Form must be completed and submitted to the department by a law enforcement officer investigating a motor vehicle crash:

- That resulted in death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- That involved one or more passengers, other than the drivers of the vehicles, in any of the vehicles involved in the crash.

The long form must include the following information:

- The date, time, and location of the crash.
- A description of the vehicles involved.

- The names and addresses of the parties involved.
- The names and addresses of witnesses.
- The name, badge number, and law enforcement agency of the officer investigating the crash.
- The names of the insurance companies for the respective parties involved in the crash.
- The names and addresses of all passengers in all 3306 vehicles involved in the crash, each clearly identified as being a passenger, including the identification of the vehicle in which each was a passenger.

The investigating law enforcement officer may testify at trial or provide a signed affidavit to confirm or supplement the information included on the long-form or short-form report.

Section 124 amends s. 316.0083, F.S., to require the Department of Transportation (FDOT) to perform a safety hazard study of an intersection prior to the installation of a traffic infraction detector at that intersection. A traffic infraction detector may not be installed until FDOT has performed the study and determined the intersection warrants a traffic infraction detector. The department, county, or municipality is responsible for the cost of the study.

The safety hazard study must evaluate the safety of an intersection within a 6-month period. A safety hazard exists if, at the end of the study period, the FDOT identifies a statistically disproportionate number of motor vehicle crashes at the intersection, greater than that of similarly situated intersections in the county or municipality.

In addition, this section is amended to provide notwithstanding s. 316.0083(1), F.S., the department, a county, or a municipality may not use a traffic infraction detector to enforce a violation of s. 316.075(1)(c)1., F.S., when a driver is making a right turn or when a driver is making a left turn from a one-way street onto a one-way street.

Section 125 provides this act shall take effect July 1, 2011, except as otherwise expressly provided in the act.