

## **TRANSPORTATION ADMINISTRATION**

### **CS/CS/SB 682 — Department of Transportation**

by Transportation and Economic Development Appropriations Committee; Transportation Committee; and Senators Bullard, Lawson, Wilson, Storms, and Baker.

The bill makes changes to numerous programs administered by or affecting the Florida Department of Transportation (FDOT). A section-by-section summarization follows:

**Section 1.** Directs FDOT to conduct a study examining transportation alternatives for the Interstate 95 travel corridor considering needs relating to transportation, emergency management, homeland security, and economic development.

**Section 2.** Amends s. 20.23, F.S., to provide for the salary and benefits of the executive director of the Florida Transportation Commission to be established in accordance with the Senior Management Service.

**Section 3.** Corrects a cross-reference to s. 337.403, F.S.

**Section 4.** Amends s. 163.3177, F.S., to better integrate airport planning and adjacent land use in the local government comprehensive planning process.

**Section 5.** Amends s. 163.3178, F.S., to exempt certain seaport-related projects from development-of-regional-impact (DRI) review if the project is within 3 miles of a seaport.

**Section 6.** Amends s. 163.3182, F.S., to provide legislative findings relative to transportation concurrency backlogs and to authorize transportation concurrency backlog authorities to issue bonds. The 25 percent tax increment financing rate for ad valorem tax proceeds may be exceeded upon interlocal agreement of all affected taxing authorities.

**Section 7.** Amends s. 287.055, F.S., to correct a cross-reference.

**Section 8.** Amends s. 316.0741, F.S., to redefine hybrid vehicles in relation to their ability to use high-occupancy-vehicle (HOV) lanes. In the event the operation of an HOV facility degrades, FDOT is authorized to limit or discontinue issuance of certifications which permit hybrids to use that facility.

**Section 9.** Amends s. 316.193, F.S., to reduce the blood alcohol content (BAC) threshold at which enhanced "Driving Under the Influence" (DUI) penalties are triggered from 0.20 to 0.15 percent.

**Section 10.** Amends s. 316.302, F.S. to update references to the most current federal rules, regulations, and criteria governing commercial motor vehicles engaged in intrastate commerce.

**Sections 11 and 12.** Amend ss. 316.613 and 316.614, F.S., relating to exemptions from child restraint and safety belt requirements. The revision raises the weight limit for vehicles exempt from child restraint and safety belt requirements from the current 5,000 pound minimum to 26,000 pounds, effectively reducing the number of vehicles currently exempted from child restraint and safety belt requirements.

**Section 13.** Amends s. 316.656, F.S., to update a reference to the BAC threshold at which enhanced DUI penalties are triggered. The threshold is reduced to 0.15 percent from 0.20 percent

**Section 14.** Amends s. 322.64, F.S., to revoke the commercial driver's license (CDL) of persons failing or refusing a DUI test. A first time offender's CDL is revoked for one year. A subsequent offense results in the permanent revocation of a CDL.

**Section 15.** Prohibits a county, city, or special district from owning or operating an asphalt plant or concrete batch plant. Any unit operating a plant prior to April 15, 2008 is exempted from the prohibition.

**Section 16.** Amends s. 337.0261, F.S., to extend the term of the Strategic Aggregate Review Task Force. The date the task force is to be dissolved is revised from July 1, 2008 to June 30, 2009.

**Section 17.** Amends s. 337.11, F.S., to authorize FDOT to award a monetary stipend to unsuccessful bidders for construction and maintenance contracts to compensate for proposal development costs. The revision also directs FDOT to establish a goal of procuring 25 percent of construction contracts as design-build contracts.

**Sections 18 and 19.** Amend ss. 337.14 and 337.16, F.S., to correct cross-references relating to s. 337.11, F.S.

**Section 20.** Amends s. 337.18, F.S., to revise surety bond recording requirements. As amended, contractors would be required to maintain copies of surety bonds at their principal place of business and at the jobsite rather than in the county public records. Copies of the surety bonds would also remain available from FDOT.

**Section 21.** Amends s. 337.185, F.S., to include maintenance contractors in the process used by construction contractors to arbitrate contract disputes via the State Arbitration Board.

**Section 22.** Amends s. 337.403, F.S., providing additional exemptions to utility companies from utility relocation costs related to transportation projects. Utility companies are exempted from

paying for relocation of a utility to accommodate a transportation project when the utility serves the transportation authority or its tenants exclusively. The revisions also require FDOT to bear the costs of the relocation of underground utilities under certain circumstances.

**Section 23.** Amends s. 337.408, F.S., authorizing FDOT to direct the relocation or removal of public pay telephones if they present an endangerment to life or property. The revisions also allow public pay telephones, including advertising displayed upon them, to be installed within governmental right-of-way limits under certain circumstances.

**Section 24.** Amends s. 338.01, F.S., requiring all new or replacement electronic toll collection systems installed on toll roads in the state to be interoperable with FDOT's electronic toll collection system.

**Section 25.** Amends s. 338.165, F.S., removing high-occupancy toll (HOT) lanes and express lanes from FDOT's authorization to request issuance of bonds secured by toll revenues collected on selected facilities for the purpose of funding transportation projects located within the county or counties in which the project is located.

**Section 26.** Creates s. 338.166, F.S., to authorize FDOT to request the issuance of bonds secured by revenues collected on HOT/express lanes on I-95 in Broward and Miami-Dade Counties. Tolls may continue to be collected after the discharge of any bond indebtedness but must first be used for operation and maintenance of the HOT/express lane project or associated transportation project. Any remaining toll revenues may be used for the construction, maintenance, or improvement of any road on the State Highway System. FDOT is authorized to implement variable toll rates on the HOT/express lanes. Except for HOT/express lanes, no tolls may be charged on any interstate highway where tolls were not being charged on July 1, 1997.

**Section 27.** Amends s. 338.2216, F.S., to provide for alternative tolling and payment methods including video billing and variable pricing. The revisions also provide service plaza contract bid requirements for fuel and other vendors on the turnpike system. Fuel contracts must be bid separate from food vendor services.

**Section 28.** Amends s. 338.223, F.S., to correct a cross-reference relating to s. 339.155, F.S.

**Section 29.** Amends s. 338.231, F.S., to eliminate the requirement to maintain a uniform toll rate structure on the turnpike system.

**Section 30.** Amends s. 339.12, F.S., to increase the maximum amount of project agreements for projects or project phases not included in the adopted work program from \$100 million to \$250 million. The revisions also create a new reimbursement program for counties with a population of 150,000 or less. The program authorizes FDOT to enter into agreements with governmental entities to advance a maximum of \$200 million in projects or project phases from outside the five-year adopted work program. Projects included in these agreements must also be included in

the governmental entity's comprehensive plan. This new program authorizes FDOT to enter into long-term repayment agreements with these counties for up to 30 years.

**Section 31.** Amends s. 339.135, F.S., to revise the notification process used by FDOT when amending the work program. Under the revisions, FDOT must notify each affected municipality, metropolitan planning organization, and county when deleting or deferring capacity-enhancing projects. FDOT must include comments received from affected bodies in its preparation of work program amendments.

**Section 32.** Amends s. 339.155, F.S., to revise obsolete statutory requirements related to federal planning requirements.

**Section 33.** Amends s. 339.2819, F.S., to reinstate the Small County Resurfacing Assistance Program in 2012. Certain eligibility criteria relating to ad valorem tax rates are removed.

**Section 34.** Amends s. 339.2819, F.S., to correct a cross-reference relating to s. 339.155, F.S.

**Section 35.** Amends s. 339.285, F.S., to correct a cross-reference relating to s. 339.155, F.S.

**Section 36.** Repeals ch. 343, part III, F.S., to abolish the non-functioning Tampa Bay Commuter Transit Authority.

**Section 37.** Amends s. 348.0003, F.S., to require the members of each statutorily-created expressway authority, transportation authority, bridge authority, and toll authority to comply with constitutional financial disclosure requirements. The Miami-Dade Expressway Authority currently is required to comply.

**Section 38.** Amends s. 348.0004, F.S., to authorize all expressway authorities to index toll rates to the Consumer Price Index. Toll rates may be adjusted no more often than once per year.

**Section 39.** Amends s. 479.01, F.S., to modernize the definition of "automatic changeable facing" as it relates to outdoor advertising.

**Section 40.** Amends s. 479.07, F.S., to prohibit un-permitted signs outside urban areas, rather than incorporated area. The revisions revise requirements for display of sign permit tags and directs FDOT to establish, by rule, a fee for furnishing a replacement permit tag in an amount that covers the actual cost of the tag. The amendment relegates the permitting of signs viewable from two or more roads in separate jurisdictions to the more stringent requirements. The amendment adds Hillsborough County and the City of Miami to a pilot program reducing the allowable minimum distance between signs to 1000 feet if all other requirements are met.

**Section 41.** Amends s. 479.08, F.S., to revise provisions for the denial or revocation of a sign permit for violations. Any notice of a violation must include a detailed description of the violation.

**Section 42.** Amends s. 479.156, F.S., to revise provisions relating to a municipality's or county's ability to permit and regulate wall murals as "customary use" under federal law. The amendment allows a determination of customary use, the determination overrides the controls in the agreement between FDOT and the United States Department of Transportation.

**Section 43.** Amends s. 479.261, F.S., to expand the services for which the interstate highway logo sign program is applicable. FDOT is authorized to implement a three-year rotation system to provide for the removal or addition of participating businesses. Permit fees are to be established based on market demand, population, traffic volume, and costs but may not exceed \$5,000 in urban areas or \$2,500 in other areas.

**Section 44.** Creates a business partnership pilot program which authorizes the Palm Beach County School District to display names of business partners on district property in unincorporated areas.

**Section 45.** Authorizes the use of, but does not appropriate, public funds for certain non-capacity improvements to Old Cutler Road in Miami-Dade County.

**Section 46.** Amends s. 120.52, F.S., to exclude transportation authorities created under ch. 343, F.S., from the definition of "agency" for the purposes of ch. 120, F.S., the Administrative Procedure Act.

**Section 47.** Directs FDOT to establish an approved methodology for calculating proportionate share exactions which recognizes that sustainable DRIs will likely achieve an internal capture rate greater than 30 percent.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 34-5; House 109-5*

### **CS/CS/HB 1175 — Transportation Disadvantaged Services**

by Policy and Budget Council; Healthcare Council; and Rep. Robaina (CS/CS/SB 788 by Health and Human Services Appropriations Committee; Transportation and Economic Development Appropriations Committee; and Senators Fasano and Lynn)

This revises ss. 427.011-427.016, F.S., to ensure the coordinated planning of transportation disadvantaged services by all human service agencies; strengthen the alternative provider procedure process for purchasing agencies to ensure all agencies follow the same process; require all agencies to identify dollars spent on non-emergency transportation services to

transportation disadvantaged clients; and require agencies to pay the transportation rates established by the service plan unless the procedure to use an alternative provider has been completed. The bill allows the Agency for Health Care Administration to continue to contract for non-emergency transportation services in agency service area 11 with managed care plans under contract before July 1, 2004. The bill also updates terminology, deletes obsolete language, and makes other technical changes.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 36-0; House 118-0*

### **CS/SB 1604 — Designations**

by Transportation Committee and Senator Baker (includes SB 126 by Senator Wilson; SB 1948 by Senator Bullard; SB 1952 by Senator Bullard; CS/CS/CS/SB 1978 by Transportation and Economic Development Appropriations Committee; Transportation Committee; and Senator Baker; CS/CS/CS/SB 1992 by Transportation and Economic Development Appropriations Committee; Criminal Justice Committee; Transportation Committee; and Senator Baker; SB 2074 by Senator Bullard; and SB 2672 by Senator Hill)

This bill makes honorary designates of the following roads, bridges, and buildings as follows:

- That portion of State Road 44 in Lake County from County Road 46A east to the county line is designated as the "Major Claude A. Gnann Memorial Highway."
- That portion of State Road 44 in Lake County from County Road 439 east to County Road 46A is designated as the "Deputy Wayne Koester Memorial Highway."
- That portion of U.S. Highway 441 between County Road 318 and NW 193rd Street in Marion County is designated as the "Lt. Colonel Robert T. Heagy, Jr. Memorial Highway."
- That portion of U.S. 1 in Miami-Dade County from S.W. 184th Street to S.W. 112th Avenue, inclusive, is designated as "Cutler Bay Boulevard."
- That portion of U.S. 1 in Miami-Dade County from S.W. 136th Street to S.W. 184th Street, inclusive, is designated as "Palmetto Bay Boulevard."
- That portion of S.W. 59th Avenue in Miami-Dade County from S.W. 80th Street to S.W. 72nd Street is designated as "American Legion Way."
- That portion of Opa-Locka Boulevard/N.W. 135th Street in Miami-Dade County between N.W. 7th Avenue and N.W. 47th Avenue is designated as "Honorable Robert B. Ingram, Ph.D., Boulevard."
- That portion of West Flagler Street in Miami-Dade County between 13th Avenue and 14th Avenue is designated as "Monsignor Emilio Vallina Avenue."

- That portion of N.W. 135<sup>th</sup> Street between 7<sup>th</sup> Avenue and 27<sup>th</sup> Avenue in Miami-Dade County is designated as "Bishop Victor Tyrone Curry Boulevard."
- That portion of S.W. 67<sup>th</sup> Avenue between S.W. 56th Street and S.W. 64th Street in Miami-Dade County is designated as "Richard D. Ward Way."
- That portion of Hialeah Drive between Okeechobee Road and Lejeune Road in Miami-Dade County is designated as "Mary Ellen Miller Way."
- That portion of West Country Club Drive between N.E. 199th Street and N.E. 192nd Street in Miami-Dade County is designated as "Jacobo Cababie Avenue."
- That portion of State Road 934/71st Street between Bay Drive and State Road A1A/Collins Avenue in the City of Miami Beach in Miami-Dade County is designated as "Rosendo Rosell Road."
- That portion of S.E. 2nd Avenue from the Miami River south to S.E. 2nd Street in Miami-Dade County is designated as the "Avenue of the Americas."
- That portion of State Road 836 between 97th Avenue and 137th Avenue in Miami-Dade County is designated as "MSgt. Benjamin Strickland Highway."
- That portion of LeJune Road between East 65th Street and Okeechobee Road in the City of Hialeah in Miami-Dade County is designated as "Rafael Diaz-Balart Way."
- That portion of 8th Street between S.W. 107th Avenue and S.W. 117th Avenue in Miami-Dade County is designated as "Jose A. Marques Boulevard."
- That portion of W. Okeechobee Road between W. 4th Avenue and Palm Avenue in Miami-Dade County is designated as "Willy Chirino Boulevard."
- That portion of U.S. Highway 98 between U.S. Highway 301 and the Pasco-Hernando County line in Pasco County is designated as the "Constable Arthur Fleece Crenshaw Memorial Highway."
- That portion of U.S. Highway 98 between U.S. Highway 301 and the Pasco-Polk County line in Pasco County is designated as the "Agent John Van Waters Memorial Highway."
- That portion of Beaver Street between Myrtle Avenue and Tyler Street in Duval County is designated as "Roy Willis Street."
- That portion of U.S. Highway 19/98 (State Road 55) and U.S. Alternate 27 (State Road 500) in Levy County in front of the Chiefland High School is designated as the "United States Army Specialist Brandon Tyler Thorsen Memorial Highway."
- That portion of Edgewood Avenue in Duval County between Beaver Street and Roosevelt Boulevard is designated as "John E. Andrews Boulevard."
- That portion of Wilson Boulevard in Duval County between I-295 South and Old Middleburg Road is designated as "George Matthews Boulevard."

- That portion of New Kings Road in Duval County between Davis Street and Myrtle Avenue is designated as "Angela Webb Hammonds Boulevard."
- That portion of Martin Luther King, Jr., Boulevard in Duval County between Myrtle Avenue and Moncrief Road is designated as "Willie F. Faust Boulevard."
- That portion of Edgewood Avenue West between Avenue B and Moncrief Road is designated as "James H. Argrett, Sr. Avenue."
- That portion of State Road 72 in Sarasota County from a point immediately east of I-75 to the entrance of the National Veterans Cemetery in Sarasota is designated as "Veteran's Memorial Parkway."
- That portion of SR 789/Gulf Stream Avenue between Sunset Drive and Bird Key Drive in Sarasota County is designated as the "Gil Waters Bridge."
- The portion of 27th Avenue in Miami-Dade County from Flagler to S.W. 5th Street is designated as "Raquel Regalado Avenue."
- The Regional Transportation Management Center in Fort Myers is designated the "Joseph P. Bertrand Building."
- The portion of SR 934 on N.W. 79th Street between N.W. 7th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as "Reverend Dr. C.P. Preston, Jr. Street."
- That portion of SR 972/ SW 22nd Street between SW 22nd Avenue and SW 24th Avenue in Miami-Dade County is designated as "Rolando Encinosa Road."
- That portion of 71st Street between Collins Avenue and Bay Drive in the City of Miami Beach in Miami-Dade County is designated as "Henri Levy Boulevard."
- That portion of S.W. 72nd Avenue between S.W. 21st Street and North Waterway Drive in Miami-Dade County is designated as "Manuel Feijoo Avenue."
- That portion of U.S. Highway 1 between S.W. 80th Street and S.W. 57th Avenue in Miami-Dade County designated as "South Miami All-American Parkway" by chapter 2003-298, Laws of Florida, is redesignated as "All America Parkway."
- That portion of 12th Avenue between 8th Street S.W. and 64th Street N.W. in Miami-Dade County is designated as "Katherine Fernandez Rundle Avenue."
- The portion of Biscayne Boulevard in Miami-Dade County between N.E. 13th Street and N.E. 14th Street is designated as "Judy Drucker Boulevard."
- The portion of State Road 976/S.W. 40th Street in Miami-Dade County from Hibiscus Street to Ohio Street is designated as "Will James Johnson Road."
- The portion of 8th Street in Miami-Dade County from SW 42nd Avenue to SW 47th Avenue is designated as "Martha Flores Way."



- The portion of SW 87th Ave from SW 94th St to SW 95th Street is designated as "Rabbi Barry Tabachnikoff Avenue."
- The Department of Transportation Turnpike District Headquarters Building located at the Turkey Lake Service Plaza at Turnpike Mile Post 263 is designated as the "Senator Daniel Webster Building."

The Department of Transportation, and where appropriate the Department of Management Services, are directed to erect suitable markers.

- The CS also amends s. 589.19, F. S., and names the state forest managed by the Division of Forestry in Seminole County (now known as the Little Big Econ State Forest) as the Charles H. Bronson State Forest.
- Additionally, the bill provides that, notwithstanding any provision of Chapter 1974-400, L. O. F., public funds may be used for the alteration of Old Cutler Road, between Southwest 136th Street and Southwest 184th Street, in the Village of Palmetto Bay. The alteration may include the installation of sidewalks, curbing, and landscaping to enhance pedestrian access to the road. The official approval of the project by the Department of State must be obtained before any alteration is started.

If approved by the Governor, these provisions take effect July 1, 2008.

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

## **HIGHWAY SAFETY AND MOTOR VEHICLES**

### **CS/HB 69 — License Plates**

by Economic Expansion and Infrastructure Council and Rep. Patterson and others (CS/CS/SB 222 by Transportation and Economic Development Appropriations Committee; Transportation Committee; and Senators Wise and Baker)

This bill allows county tax collectors to, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the state motto ("In God we Trust"), or the words "Sunshine State." Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The bill allows for a third license plate option for counties who have not elected to remove the county name to issue license plates with either the name of the county in which the plate is sold, the state motto, or the words "Sunshine State" imprinted on the plate.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 33-2; House 109-4*

### **CS/HB 137 — Operating a Motor Vehicle**

by Economic Expansion and Infrastructure Council and Rep. Lopez-Cantera (CS/CS/CS/SB 802 by Transportation and Economic Development Appropriations Committee; Criminal Justice Committee; Transportation Committee; and Senator Garcia)

The bill creates a new s. 316.1926, F.S., regarding additional offenses. The new section provides violations of s. 316.2085(2) and (3), F.S., regarding motorcycle operation, and violations of the speeding laws in ss. 316.183(2), 316.187, and 316.189, F.S., in excess of 50 miles per hour over the speed limit, are moving violations punishable as provided in ch. 318, F.S.

This bill amends s. 316.2085(2), F.S., to include the requirement that a person riding a motorcycle or moped must have both wheels on the ground at all times; however, an exception is added to provide it is not a violation if the wheels of the motorcycle or moped lose contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the operator.

A new subsection (3) is added to s. 316.2085, F.S., to require the license tag of a motorcycle or moped be permanently affixed horizontally to the ground and may not be adjusted or capable of being flipped up.

In addition, the bill amends s. 318.14, F.S., to provide "tiered" penalties for violations of the newly created s. 316.1926, F.S. The penalties are as follows:

- A person cited for a violation shall, in addition to any other requirements, pay a fine of \$1,000. This fine is in lieu of the fine required under s. 318.18(3)(b), F.S., if the person is cited for violation of s. 316.1926(2).
- A person cited for a second violation shall, in addition to any other requirements, pay a fine of \$2,500. This fine is in lieu of the fine required under s. 318.18(3)(b), F.S., if the person is cited for violation of s. 316.1926(2), F.S. In addition, the court shall revoke the person's authorization and privilege to operate a motor vehicle for a period of 1 year and order the person to surrender his or her driver's license.
- A person cited for a third violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. Upon conviction, the court shall impose a \$5,000 fine, revoke the person's authorization and privilege to operate a motor vehicle for a period of 10 years and order the person to surrender his or her driver's license.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 38-1; House 112-0*

## **SB 154 — Pedestrian Safety/Driver Requirements**

by Senators Fasano and Baker

This bill clarifies the requirements of ch. 316, F.S., requiring drivers to yield the right of way to pedestrians crossing a roadway at crosswalks and intersections. The bill clarifies these requirements by requiring drivers at signal controlled intersections to stop for pedestrians currently legally crossing the roadway.

Drivers at intersections with traffic control signals in place, or at any crosswalk where signage so indicates, are required to stop and remain stopped to allow legally crossing pedestrians to cross the street. Drivers must also stop and remain stopped for pedestrians who are stepping into the roadway to legally cross and are upon the half of the roadway upon which the vehicle is traveling, or approaching so closely from the opposite half of the roadway as to be in danger.

If approved by the Governor, these provisions take effect July 1, 2008.

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

## **CS/HB 167 — Temporary Motor Vehicle License Tags**

by Economic Expansion and Infrastructure Council and Rep. Cretul and others (CS/CS/SB 544 by Transportation and Economic Development Appropriations Committee; Transportation Committee; and Senators Baker and Bullard)

Section 320.131(4)(a), F.S., is amended to remove the option to display a temporary tag on the inside of the rear window of a vehicle. The result is that temporary tags may only be displayed in the rear license plate bracket, or on the front where the metal license plate would normally be, for vehicles requiring front display of license plates.

Section 320.131(4)(b), F.S., is created to require the Department of Highway Safety and Motor Vehicles (department) to designate specifications for the media upon which the temporary tag is printed. Such media must be either nonpermeable or subject to weatherproofing so that it maintains its structural integrity, including graphic and data adhesion, in all weather conditions after being placed on a vehicle.

Section 320.131(8), F.S., is amended to correct a reference from temporary license plate to temporary tag to be consistent throughout this section. Also, this section is amended to require the department to administer an electronic system for licensed motor vehicle dealers to use for issuing temporary tags.

Section 320.131(9), F.S., is created to:

- Revise the provisions for required implementation of a secure, electronic, print-on-demand, temporary tag issuance and record retention system;

- Remove the criteria determining what secure print-on-demand means; and
- Authorize licensed motor vehicle dealers to charge a fee.

Specifically, s. 320.131(9), F.S., is created to provide the department is required to implement a secure print-on-demand, electronic temporary tag registration, record retention, and issue system for use by every department-authorized issuer of temporary tags by the end of FY 2007-2008. The system allows the department to issue, on demand, a temporary tag number in response to a request from the issuer via a secure electronic exchange of data and then allow the issuer to print the temporary tag with all required information. In order to ensure the continuation of operations for issuers should a system outage occur, the department is authorized to allow limited use of a backup manual issuance which requires recordkeeping of information as determined by the department and the timely electronic reporting of that information to the department. The department, also, is authorized to adopt the necessary rules to administer this specified program. The rules may include exemptions for issuers who do not require a dealer license, under this section, due to the type or size of vehicle being sold. In addition, motor vehicle dealers licensed under ch. 320, F.S., are authorized to charge a fee to comply with this section.

In addition, this bill repeals s. 320.96, F.S. Most of the requirements from this section are moved to s. 320.131(9), F.S.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 36-0; House 112-0*

### **CS/SB 630 — Vehicle Registration/Family First Contribution**

by Transportation and Economic Development Appropriations Committee and Senator Fasano

This bill amends ss. 320.02 and 322.08, F.S., to direct the Department of Highway Safety and Motor Vehicles to insert a new voluntary contribution option of \$1 to the nonprofit organization, Family First, on the application and renewal forms for both motor vehicle registrations and driver's license applications. The bill also provides that the driver's license application form for renewal issuance or renewal extension include an option to make a voluntary contribution to Family First and amends s. 320.18, F.S.

Organizations can apply for inclusion on these forms as a voluntary contribution option, or check off, for individuals wishing to donate funds. Family First is a nonprofit organization that focuses on strengthening the family by promoting and supporting healthy families and marriages.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 21-15; House 79-38*

**CS/SB 732 — Bethune-Cookman University License Plates**

by Transportation Committee and Senators Hill, Lynn, and Wilson

This bill authorizes the Bethune-Cookman College specialty license plate to be reissued as the Bethune-Cookman University specialty license plate. It updates provisions directing annual use fees from license plate sales to go to Bethune-Cookman University.

The Bethune-Cookman College license plate was created by an act of the Legislature and enacted into law on February 15, 1997. The name of Bethune-Cookman College was changed to Bethune-Cookman University to commemorate the school's accreditation as a Level III Master's Degree institution by the Southern Association of Colleges and Schools (SACS) on February 14, 2007.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 37-0; House 117-0*

**CS/SB 734 — Specialty License Plates**

by Transportation and Economic Development Appropriations Committee and Senators Fasano and Gaetz (includes SB 1274 by Senator Gaetz; CS/SB 2206 by Transportation Committee and Senator Baker; CS/CS/SB 2220 by Transportation and Economic Development Appropriations Committee; and Transportation Committee; SB 2854 by Senator Siplin)

This bill creates four specialty license plates (Florida Tennis, Lighthouse Association, In God We Trust, and Horse Country) and provides for the collection and distribution of annual use fees associated with the specialty plates. Drivers wishing to purchase a specialty license plate can do so for an annual use fee of \$25. The bill amends ss. 320.08056 and 320.08058, F.S.

***Florida Tennis***

The Florida Tennis license plate shall be titled "Play Tennis." Funds would be distributed to the United States Tennis Association, Florida Section Foundation, for distribution via grants to nonprofit organizations to operate tennis programs for youth and special populations, and to build, renovate, and maintain public tennis courts. Up to 5 percent of plate revenue could be used for marketing, and up to 5 percent could also be used for administrative costs.

***Lighthouse Association***

The Lighthouse Association license plate shall be titled "Visit Our Lights." Funds would be distributed to the Florida Lighthouse Association, Inc., for the preservation, restoration, and protection of the 29 remaining historic lighthouses in Florida. Up to 10 percent of revenue could be used for promotion and marketing.

### ***In God We Trust***

Proceeds from the "In God We Trust" license plate shall be distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for children of Florida residents who are members of the United States Armed forces, the National Guard and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty and are not covered by existing state law. Funds may also be distributed to other nonprofit organizations that may apply for grants and to provide educational grants to schools promoting the historical and religious significance of American and Floridian history. Up to 10 percent of revenue could be used for administration and marketing. The specialty license plate application requirements of s. 320.08053, F.S., must be met before the plates are issued.

### ***Horse Country***

Proceeds from the "Horse Country" license plate shall be distributed to PCMI Properties, Inc., organized to support the activities of the Panama City Marine Institute. The Institute rehabilitates troubled and delinquent youth, and is part of the Associated Marine Industries group of nonprofits, which has 27 locations in Florida. Proceeds would be used in programs for the rehabilitation of at-risk youth, and for the expansion of other youth rehabilitation programs in the state. Special consideration will be given to programs using horses and other livestock. Up to 10 percent of revenue could be used for marketing and any audit compliance costs. The specialty license plate requirements of s. 320.08053, F.S., must be met before the plates are issued.

If approved by the Governor, these provisions take effect October 1, 2008.

*Vote: Senate 35-4; House 118-1*

### **CS/SB 1008 — Failure to Redeliver Hired Vehicles**

by Criminal Justice Committee and Senators Storms and Crist

Under s. 817.52, F.S., any person failing to return a rented vehicle in accordance with the rental agreement, may be charged with a third degree felony if the lessor does not give prior permission and the person had the intent to defraud, abandon, or willfully refuse to redeliver the vehicle. At least one law enforcement agency considers the failure to redeliver a rental vehicle as a breach of contract rather than a crime.

The bill stipulates when a vehicle rental agency files a report to a law enforcement agency indicating a renter has not returned a rental vehicle as per the rental agreement, the agency must accept the report and enter it into the National Crime Information System and the Florida Crime Information System.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 38-0; House 115-0*

**CS/CS/SB 1076 — Motor Vehicles and Mobile Homes/Destruction**

by Transportation and Economic Development Appropriations Committee; Criminal Justice Committee; and Senators King, Storms, Justice, Lynn, and Crist

The bill closes loopholes in current law whereby towed vehicles could be sold as scrap to salvage yards and metal recyclers without the actual owners' permission. It requires salvagers and recyclers to hold so-called "derelict" vehicles for 3 full business days, excluding weekends and holidays, before destroying them, and to notify the Department of Highway Safety and Motor Vehicles within 24 hours after receiving the derelict vehicle.

The bill provides definitions, enhanced penalties, and additional requirements related to the dismantling or destruction of motor vehicles and mobile homes by salvage motor vehicle dealers and secondary metals recyclers. It also conforms related requirements and penalties, authorizes the department to charge a \$3 fee for each derelict vehicle certificate, and allows for a \$2.50 service charge to be collected by county tax collectors.

If approved by the Governor, these provisions take effect July 1, 2008.

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

**CS/HB 1509 — Community Service/Noncriminal Traffic Offenses**

by Economic Expansion and Infrastructure Council and Rep. Braynon and others (CS/CS/SB 858 by Criminal and Civil Justice Appropriations Committee; Judiciary Committee; and Senators Joyner and Wilson)

This bill modifies provisions allowing a person ordered to pay a civil penalty for a noncriminal traffic infraction to perform community service in lieu of paying, if the person presents evidence of a "demonstrable financial hardship." Upon a finding of such hardship, the court must allow the person to satisfy the civil penalty by participating in community service in lieu of payment.

The bill specifies that either the federal minimum wage or the "average prevailing wage rate" (instead of current law's "average standard wage") for a trade or profession for which there is a community service need may be used to determine a specific value for the community service, and provides a reporting mechanism between the agency overseeing the community service and the clerk of court authorized to collect payment from the offender. The bill also defines "community service" and "community service agency."

If approved by the Governor, these provisions take effect July 1, 2008.

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

**CS/CS/SB 1946 — Agricultural and Farming Equipment/Highways**

by Transportation and Economic Development Appropriations Committee; Agriculture Committee; and Senator Baker

The bill revises restrictions in current law authorizing agricultural equipment and implements of husbandry. Specifically the bill amends s. 316.515, F.S. Agricultural vehicles including straight trucks, agricultural tractors, cotton module movers, not exceeding 50 feet in length, any combination of up to and including three implements of husbandry, including the towing power unit, any single agricultural trailer, any agricultural implements attached to a towing power unit, or a self propelled agricultural implement or an agricultural tractor are no longer required to be within 130 inches in width. In addition, the Florida Department of Transportation is no longer required to issue overwidth permits for implements of husbandry greater than 130 inches, but not more than 170 inches, in width.

Section 316.515(c), F.S., is created to provide that the existing width and height restrictions of this section do not apply to farming or agricultural equipment, whether the equipment is self-propelled, pulled or hauled. This applies only if such movement is performed during daylight hours upon a public road which is not a limited access facility as defined in s. 334.03(13), F.S., and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment must be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner; however, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width is required to have one warning lamp mounted on each side of the equipment, to be visible from the front and rear at a distance of 1000 feet. A slow moving vehicle sign will also be required. The operator of the vehicle is responsible for verifying that the route used has adequate clearance for the equipment.

All vehicles included in these proposed changes must comply with all safety requirements prescribed by s. 316.2295(5) and (6), F.S., and DOT rules.

If approved by the Governor, these provisions take effect July 1, 2008.

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

**CS/CS/CS/SB 1992 — Department of Highway Safety and Motor Vehicles**

by Transportation and Economic Development Appropriations Committee; Criminal Justice Committee; Transportation Committee; and Senator Baker (includes SB 382 by Senator Baker; CS/CS/CS/SB 802 by Transportation and Economic Development Appropriations Committee; Criminal Justice Committee; Transportation Committee; and Senator Garcia; SB 958 by Senators Oelrich and Gaetz; SB 1102 by Senator Geller; CS/SB 1604 by Transportation Committee and Senator Baker; CS/CS/CS/SB 1978 by Transportation and Economic Development Appropriations Committee; Transportation Committee; and Senator Baker; CS/CS/SB 2220 by



Transportation and Economic Development Appropriations Committee; Transportation Committee; and SB 2604 by Senator Constantine)

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

**Section 1.** Redefines the term "hybrid vehicle" and the ability of drivers to use High Occupancy Vehicle (HOV) lanes. Authorizes Department of Transportation (DOT) to eliminate the program authorizing hybrid vehicles to use HOV lanes if it deems the lanes are being degraded. The department will be required to modify the procedure for issuing HOV decals.

**Section 2.** Requires persons to stop for a railroad crossing if a law enforcement officer signals the approach or passage of a railroad train.

**Section 3.** Requires beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating "speeding fines doubled" shall be installed within the school zone. By adding notification as a requirement for new and replacement school zone signs, the DOT would mirror the current practice in other areas where speeding fines are doubled.

**Section 4.** Provides a "spectator" is defined to mean any person who is knowingly present at and views a drag race when such presence is the result of an affirmative choice to attend or participate in the race or exhibition. For purposes of determining whether or not an individual is a spectator, finders of fact shall consider the relationship between the racer and the individual, evidence of gambling or betting on the outcome of the race, and any other factor that would tend to show knowing attendance or participation. A person may not be a spectator at any prohibited drag race. A violation is a noncriminal traffic infraction, punishable as a moving violation.

**Sections 5, 6, 13, 36, and 37.** Lowers the BAL for purposes of triggering DUI enhanced penalties from 0.20 or more to 0.15 or more. In addition, no trial judge may accept a plea of guilty to a lesser offense from a person charged who has been given a breath or blood test to determine blood or breath alcohol content, the results of which show a blood or breath alcohol content by weight of 0.15 percent or more.

Deletes an obsolete provision and provides the court may require the use of an approved ignition interlock device for a period of not less than 6 continuous months for a first DUI offense and for not less than 2 continuous years for a second offense.

Provides that for a third or subsequent violation involving the required use of an IID, the person is required to complete treatment as determined by a licensed treatment agency following a referral by a DUI program and have the duration of the requirement to use an IID extended for a least 1 month up to the time required to complete treatment.

**Sections 9 and 10.** Redefines the term "motor vehicle" to exclude a truck having a gross vehicle weight rating of more than 26,000 pounds from the requirement to use a child restraint and a safety belt. As a result, child restraint and safety belt usage would be required on additional vehicles, those weighing between 5,000 and 26,000 pounds.

**Sections 11, 12, and 30.** Authorizes a police officer to make an arrest upon probable cause of a violation of laws governing the registration of motor vehicles in ch. 320, F.S.

Revises requirements for traffic citation forms and provides for the electronic transmission of citation data.

Authorizes a law enforcement officer or authorized representative of the department to collect a person's fingerprints electronically when issuing a citation.

**Section 14.** Allows certain persons to attend a basic driver improvement course approved by the department up to five times within 10 years.

**Section 15.** Creates a new definition for electronic titles. The term "Certificate of Title" is defined to mean the record that is evidence of ownership of a vehicle, whether a paper certificate authorized by the department or certificate consisting of information that is stored in an electronic form in the department's database.

**Sections 16 and 17.** Modifies the definition of "motorcycle" to exclude vehicles where the operator is enclosed by a cabin and deletes the requirement that an original motorcycle, motor-driven cycle, or moped registration only be issued to a driver with a motorcycle endorsement.

**Sections 18 and 28.** Removes the voluntary contribution option on motor vehicle registrations and renewals for the Election Campaign Financing Trust Fund, which is expired.

**Section 19.** Provides that a violation of requirements for displaying a truck license plate is a moving violation punishable as provided in ch. 318, F.S.

**Section 20.** Requires the department to withhold the registration and license plate for a commercial motor vehicle unless the identifying number issued by the federal agency responsible for motor carrier safety is provided for the motor carrier and the entity responsible for motor carrier safety for each motor vehicle as part of the application process. This section also provides the department may not issue a commercial motor vehicle registration or license plate to, and may not transfer the commercial motor vehicle registration or license plate for, a motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.

According to the department, this proposed change provides authority for the department to participate in the Performance and Registration Information System Management Program,

whereby a carrier under an out-of-service order will have his or her vehicle registration withheld. Participation in this program will allow the department in conjunction with other partners in highway safety, to assist in removing an unsafe motor carrier from state roadways by suspending his or her vehicle registration. A federal grant request for \$750,000 has been approved for programmatic changes pending enactment of this proposal.

**Sections 21, 22, and 45.** Streamlines the design process by removing paragraph (3) from section 316.08053, F.S., containing some of the agency's rulemaking authority, in favor of existing statutory design standards.

Allows a family member of a service member killed while serving, the opportunity to obtain a Gold Star license plate even if the service member was not a resident of Florida.

Creates a moratorium on the creation of new specialty license plates between July 1, 2008 and July 1, 2011 and provides exceptions to the moratorium.

**Sections 23 and 25.** Removes the option of displaying a temporary tag on the inside of the rear window of a vehicle, and requires the department to designate specifications for the media upon which the temporary tag is printed in order to be protected from weather hazards. The bill also repeals s. 320.96, F.S., requiring the department to implement a print-on-demand electronic temporary tag registration system. The bill, however, amends s. 320.131, F.S., to still require the department to implement a secure print-on-demand electronic temporary tag system for use by every department-authorized issuer of temporary tags by the end of FY 2007-2008.

**Section 24.** Further clarifies the types of insurance that motor vehicle dealers would be required to have under the motor vehicle dealer licensing requirements. Specifically, franchise dealers must obtain a garage liability insurance policy, and all other motor vehicle dealers must submit either a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy.

**Section 26.** Defines "convenience service" and redefines "conviction," "hazardous materials," and "out-of-service order." Specifically, the definition:

- "Convenience service" is created to mean any means whereby an individual conducts a transaction with the department other than in person.
- "Conviction" is modified to apply to offenses committed in a commercial motor vehicle or by a person holding a commercial driver license.
- "Hazardous materials" is redefined to mean any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.

- "Out-of-service order" is modified to mean a prohibition issued by an authorized local, state, or federal government official which precludes a person from driving a commercial motor vehicle.

**Sections 27, 28, 29, 31, and 32.** Modifies 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.

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.

Requires the residence address to be displayed on the face of the driver's license, which is a requirement of the REAL ID Act.

Modifies length of drivers' license issuance; modifies terms of renewal; limiting "convenience service" renewals to one renewal. Specifically, the term of a driver's license for those under 80 years of age is modified 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.

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 eighth 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 33.** Abolishes the Florida At-Risk Driver Council.

**Section 34.** Deletes 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 35.** Increases the fees charged for obtaining a new or renewal driver's license or identification card, and specifies all of the fees be deposited into the General Revenue Fund unless specifically noted below.

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

- The commercial license is increased from \$50 to \$67.
- 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). Of the \$10 replacement fee, \$7 is directed to the Highway Safety Operating Trust Fund (HSOTF).
- Fees for identification cards issued pursuant to s. 322.051, F.S., are:
  - \$10 for an original ID card.
  - \$10 for a renewal ID card, with \$6 of the \$10 deposited in the HSOTF.
  - \$10 for a replacement ID card, with \$9 of the \$10 deposited in the HSOTF.
- Each endorsement required by s. 322.57, F.S., is raised from \$5 to \$7.

**Section 38.** Requires a 1 year suspension of a person's driver's license, if that person knowingly loans their vehicle to someone whose driver's license is suspended and that vehicle is involved in an accident resulting in bodily injury or death.

**Sections 40 and 41.** Mirrors the FMCSA regulations, remedies inconsistencies, and removes the limitation on disqualifications for specified major offenses to those committed in a commercial motor vehicle. This section is amended to include that law enforcement officers or correctional officers shall disqualify commercial vehicle operators who have been arrested for a violation of driving of a motor vehicle (not just a violation committed in a commercial motor vehicle) with an unlawful blood alcohol level or have refused to submit to a breath, urine, or blood test from operating a commercial motor vehicle. Basically, if a person holds a commercial driver's license and is arrested for a violation of s. 316.193, F.S., a disqualification of the commercial driver's license applies whether the violation was committed while operating a commercial motor vehicle or any motor vehicle.

Also, provides the department must sustain the disqualification:

- For a period of 1 year if the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful BAL of 0.08 percent or higher; or
- Permanently if the person has been previously disqualified from operating a commercial motor vehicle or his or her driving privilege has been previously suspended for driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful BAL of 0.08 percent or higher.

**Section 42.** Modifies the definition of "judgment" as "any judgment becoming final by expiration ... of the time within which an appeal might have been perfected...."

**Section 44.** Creates an undesignated section of law to create the Automobile Lenders Industry Task Force (task force) within the department. The task force is to be composed of 12 appointed members representing lending institutions, law enforcement, state attorney, state regulatory agencies, automotive repair, towing and motor vehicle dealers. The task force shall make recommendations on proposed legislation and proposed department rules, present issues concerning the motor vehicle lending industry, consider any matters relating to the motor vehicle lending industry which are presented to it by the department, and submit a final report, including legislative proposal to the Governor, the President of the Senate, the Speaker of the House of Representatives and appropriate committees with the Legislature by June 30, 2009, when the task force shall cease to exist.

**Section 46.** Provides the Regional Transportation Management Center in Fort Myers is designated the "Joseph P. Bertrand Building" and the department is directed to erect suitable markers for such designation. Corporal Bertrand was shot by a traffic violator he suspected was under the influence, on State Road 80 in Fort Myers. He had served the citizens of Florida, with the Florida Highway Patrol, for 16 years. His career with FHP began August 26, 1951. He was stationed in Pahokee, Homestead, Miami, Pinellas Park, and Fort Myers. At the time of his death, he was 46.

**Sections 7, 8, 24, 39, and 43.** Corrects conforming cross-references and makes necessary changes as a result of other changes in the bill and deletes duplicative language.

If approved by the Governor, these provisions take effect October 1, 2008, except as otherwise specified in the bill.

*Vote: Senate 38-0; House 112-2*

## **SB 2296 — Commercial Motor Vehicles**

by Senators Posey and Bullard

The bill clarifies the definition of "commercial motor vehicle" (CMV) as it is used in Florida traffic laws, motor vehicle registration and titling laws, and driver's licensing law. Through the codification in Florida Statute of a published interpretation of federal regulations relating to the definition of CMV, the bill clarifies vehicles occasionally transporting personal property to or from a closed-course motorsport facility are not CMVs, provided no profit or corporate sponsorship is involved.

If approved by the Governor, these provisions take effect July 1, 2008.

*Vote: Senate 40-0; House 117-0*

