

STORAGE NAME: h4197a.lep

DATE: April 1, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4197 (PCB TR 98-01)

RELATING TO: Technical Revisions/Department of Highway Safety and Motor Vehicles

SPONSOR(S): Committee on Transportation and Representative Fuller

COMPANION BILL(S): HB 0195(c), CS/H 1377(c)

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

- (1) TRANSPORTATION YEAS 6 NAYS 0
 - (2) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 6 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The provisions of HB 4197 resulted from the State Government Function/Activity Review Interim Project. As part of the Project, statutory provisions relating to the Department of Highway Safety and Motor Vehicles (DHS&MV) were reviewed to determine their consistency with the agency's mission.

During the review, several statutory provisions were found to have incorrect and obsolete references. Most importantly, it was found that many noncriminal traffic infractions are not linked by reference to a specific penalty. In lieu of specific statutory authority, DHS&MV has administratively classified traffic violations (i.e., moving, nonmoving, pedestrian) so that law enforcement officers can properly issue traffic citations and the appropriate penalty assessed.

HB 4197 revises, reenacts, and amends various highway safety and motor vehicle provisions of the Florida Statutes to:

- Delete obsolete language.
- Provide uniform references for noncriminal traffic infractions and applicable penalties.
- Make technical changes to the state statutes governing highway safety, motor vehicles, and vessels.

Because the proposed changes are technical in nature, the bill has no substantive or fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

On November 17, 1997, the Speaker of the Florida House of Representatives directed House committees to perform several activities relating to the State Agency Function/Activity Review and Prioritization Project. Statutory provisions relating to the DHS&MV's operations were reviewed to determine their consistency with the agency's mission. As part of the Project, staff was instructed to identify statutes that are obsolete or in need of technical revision.

During the review, several statutory provisions were found to have incorrect and obsolete references. Most importantly, it was found that most noncriminal traffic infractions are not linked by reference to a specific penalty. In lieu of specific statutory authority, DHS&MV has administratively classified traffic violations (i.e., moving, nonmoving, pedestrian) so that law enforcement officers can properly issue traffic citations and the appropriate penalty assessed. DHS&MV's classification of traffic control violations is included as part of the Department's *Uniform Traffic Citation Procedures Manual*.

In January 1998, the Committee on Transportation issued a report in response to the Speaker's directive. As part of the report, PCB TR 98-01 was prepared and is intended to correct those statutory references that were determined to be obsolete or in need of technical revision.

B. EFFECT OF PROPOSED CHANGES:

HB 4197 (PCB TR 98-01) revises, reenacts, and amends various provisions of the Florida Statutes relating to highway safety and motor vehicles to:

- Delete obsolete language.
- Provide uniform references for noncriminal traffic infractions and applicable penalties.
- Make technical changes to the state statutes governing highway safety, motor vehicles, and vessels.

Because the proposed changes are technical in nature, the bill has no substantive impact.

See section-by-section research for more detail.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

N/A

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

N/A

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

N/A

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

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

chapters 316, 318, 319, 320, 321, 322, 324, 325, 326, 327, 328, and 627, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Reenacts s. 316.003, F.S., to incorporate a statutory reference change made by statutory revision editors, "s. 403.703(23), F.S." to "s. 403.703(21), F.S."

Section 2: Amends s. 316.008, F.S., to delete an obsolete implementation date requirement relating to the Department of Law Enforcement's approval of combat automobile theft program decals.

Sections 3 - 13: Amends ss. 316.061, 316.062, 316.063, 316.064, 316.065, 316.066, 316.067, 316.068, 316.069, 316.070, and 316.072, F.S., to change the term "accident"

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to "crash," to classify violations of applicable sections, and provide cross references to corresponding penalties for committing the violations. In addition, s. 316.072, F.S., is amended to correct a cross reference.

Section 14: Amends s. 316.074, F.S., to classify a violation of the section and to provide a corresponding cross reference to the applicable penalty.

Sections 15 & 16: Amends ss. 316.0745 and 316.0747, F.S., to delete an obsolete date reference regarding uniform traffic control signals and devices.

Sections 17 - 56: Amends ss. 316.075, 316.076, 316.0765, 316.077, 316.0775, 316.078, 316.079, 316.081, 316.082, 316.0825, 316.083, 316.084, 316.085, 316.087, 316.0875, 316.088, 316.089, 316.0895, 316.090, 316.091, 316.121, 316.122, 316.123, 316.1235, 316.125, 316.126, 316.130, 316.1355, 316.151, 316.1515, 316.152, 316.154, 316.155, 316.156, 316.157, 316.1575, 316.159, 316.170, 316.183, and 316.185, to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 57: Amends s. 316.1895, F.S., to delete an obsolete date reference regarding maximum speed limits in school zones.

Section 58: Amends s. 316.191, F.S., to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Section 59: Amends 316.193, F.S., to delete an obsolete provision relating to DUI treatment programs that provided *treatment services* on January 1, 1994. Under this provision, a DUI treatment program could continue providing treatment services until DHS&MV made a determination and granted a waiver allowing such treatment services to continue to be provided. According to DHS&MV, all applicable DUI programs have been reviewed, determinations made, and waivers granted where appropriate.

Sections 60 - 79: Amends ss. 316.1935, 316.1937, 316.194, 316.1945, 316.195, 316.1951, 316.1974, 316.1975, 316.1985, 316.1995, 316.2004, 316.2005, 316.2014, 316.2024, 316.2025, 316.2034, 316.2035, 316.2044, 316.2051, and 316.2061, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 80: Amends s. 316.2065, F.S., to delete an obsolete date reference, classify a violation of the section, and provide a corresponding cross reference to the applicable penalty.

Section 81: Amends s. 316.2074, F.S., to delete legislative findings which have no substantive impact and to classify a violation of the section.

Sections 82 - 87: Amends ss. 316.208, 316.2085, 316.209, 316.2095, 316.211, 316.212, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 88: Amends s. 316.2126, F.S., to correct a statutory cross reference.

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Sections 89 -117: Amends ss. 316.215, 316.217, 316.220, 316.221, 316.222, 316.225, 316.224, 316.225, 316.226, 316.228, 316.229, 316.2295, 316.231, 316.233, 316.234, 316.235, 316.237, 316.238, 316.2385, 316.239, 316.2395, 316.2396, 316.2397, 316.2399, 316.240, 316.241, 316.251, 316.252, and 316.253, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 118: Amends s. 316.261, F.S., to provide a more direct statutory cross reference, to classify a violation of the section, and to provide a corresponding cross reference to the applicable penalty.

Sections 119 - 124: Amends ss. 316.262, 316.263, 316.267, 316.271, 316.272, 316.293, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 125: Amends. 316.2935, F.S., to delete obsolete date references, to correct a statutory cross reference related to the definition of scooter, and to classify a violation of the section.

Sections 126 - 133: Amends ss. 316.294, 316.2952, 316.2953, 316.2954, 316.2956, 316.299, 316.300, and 316.301, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Sections 134 & 135: Amends ss. 316.3025 and 316.3027, F.S., to correct a statutory reference, to update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission, and to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Sections 136 -157: Amends ss. 316.303, 316.304, 316.3045, 316.400, 316.405, 316.410, 316.415, 316.420, 316.425, 316.430, 316.435, 316.440, 316.445, 316.450, 316.455, 316.46, 316.510, 316.520, 316.525, 316.530, 316.600, and 316.605, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Sections 158 & 159: Amends ss. 316.613 and 316.6135, F.S., to substitute two references to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Transportation and the Department of Children and Family Services, respectively.

Sections 160 & 161: Amends s. 316.615 and 316.620, F.S., to classify violations of applicable sections and provide cross references to corresponding penalties for committing the violations.

Section 162 : Amends s. 316.635, F.S., to substitute references to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Children and Family Services.

Section 163: Amends s. 316.70, F.S., to update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission.

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Sections 164 & 165: Amends ss. 318.12 and 318.13, F.S., to correct statutory cross references.

Section 166: Amends s. 318.14, F.S., to correct several statutory cross references, to add a statutory cross reference (relating to operating a motor vehicle without a valid registration), and to substitute references to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Children and Family Services.

Section 167: Amends s. 318.18, F.S., to provide a conforming cross reference so that the penalty for violations of chapter 316, F.S., by persons less than 15 years of age who are operating a bicycle remains at \$15. In addition, this section is amended to delete an obsolete cross reference relating to penalties for parking in disabled parking spaces and corrects a cross reference relating to the distribution of a \$3 court cost assessment.

Section 168: Amends s. 318.21, F.S., to correct statutory cross references and substitute references to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Children and Family Services.

Section 169: Amends s. 319.28, F.S., to correct a scrivener's error.

Section 170: Amends s. 319.33, F.S., to correct a cross reference.

Section 171: Amends s. 320.02, F.S., to delete an obsolete implementation date requirement for DHS&MV to withhold motor vehicle registrations if the owner has a driver's license under suspension for failure to pay a fine.

Section 172: Amends s. 320.03, F.S., to delete an obsolete implementation date requirement for DHS&MV to implement the International Registration Plan. This section also corrects a cross reference.

Section 173: Amends s. 320.031, F.S., to correct a scrivener's error.

Section 174: Amends s. 320.055, F.S., to correct a cross reference.

Section 175: Amends s. 320.06, F.S., to delete an obsolete implementation date requirement for DHS&MV to issue replacement license plates and to correct references relating to dealer license plates.

Section 176: Amends s. 320.0601, F.S., to delete an obsolete implementation date requirement relating to rental car identification advertising on rental cars.

Section 177: Amends s. 320.0605, F.S., to classify a violation of the section and to provide a corresponding cross reference to the applicable penalty.

Section 178: Amends s. 320.07, F.S., to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Section 179: Repeals s. 320.073, F.S., to delete statutory reference to the \$295 impact fee which was repealed by chapter 96-243, Laws of Florida.

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Section 180: Amends s. 320.0802, F.S., to substitute an obsolete reference to the Department of General Services with the Department of Management Services.

Section 181: Amends s. 320.08058, F.S., to substitute an obsolete reference to the Florida Developmental Disabilities Planning Council (which received proceeds from the sale of Florida Special Olympics License Plates) with a reference to a private nonprofit corporation, which replaced the Council.

Section 182: Amends s. 320.08062, F.S., to correct a reference to the section's title.

Section 183: Amends s. 320.087, F.S., to update a statutory reference by substituting the United States Department of Transportation for the Interstate Commerce Commission.

Section 184: Amends s. 320.1325, F.S., to delete a reference to s. 319.231, F.S., which was repealed by chapter 95-140, Laws of Florida.

Section 185: Amends s. 320.20, F.S., to delete an obsolete implementation date requirement relating to the deposit of license tax moneys into the State Transportation Trust Fund.

Section 186: Amends s. 320.8255, F.S., to correct a scrivener's error, substitutes "label" for "seal."

Section 187: Repeals s. 320.8256, F.S., to delete obsolete provisions relating to recreational vehicle inspections.

Section 188: Amends s. 321.05, F.S., to delete an obsolete implementation date requirement relating to the authority of the Florida Highway Patrol to adopt safety rules.

Section 189: Repeals various sections of chapter 321, F.S., that relate to employee benefits of the Florida Highway Patrol. Repealed sections include, but are not limited to, civil service rules, compensation, and retirement. DHS&MV has determined that these provisions are obsolete and unnecessary.

Section 190: Amends s. 322.055, F.S., to substitute a reference to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Health.

Section 191: Amends s. 322.08, F.S., to delete an obsolete implementation date requirement relating to first time applicants who must complete a traffic law and substance abuse education course prior to receiving a driver's license.

Section 192: Amends s. 322.12, F.S., to incorporate a change made by statutory revision editors from "s. 322.161, F.S." to "s. 322.1615, F.S."

Section 193: Amends s. 322.121, F.S., to correct a statutory cross reference.

Section 194: Amends s. 322.141, F.S., to delete an obsolete implementation date requirement relating to distinctive markings on drivers' licenses for persons who have insulin-dependent diabetes.

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Section 195: Amends s. 322.15, F.S., to classify a violation of the section and provide a corresponding cross reference to the applicable penalty.

Section 196: Amends s. 322.20, F.S., to substitute a reference to the Department of Health and Rehabilitative Services, which was abolished, with the Department of Health.

Section 197: Reenacts s. 322.264, F.S., to incorporate changes that were made by statutory revision editors as a result of a scrivener's error in chapter 91-255, Laws of Florida.

Section 198: Amends s. 322.27, F.S., to correct a statutory cross reference.

Section 199: Amends s. 322.292, F.S., to delete reference to chapter 396, F.S., which has been repealed, to substitute "rules" for "standards" to more accurately reflect DHS&MV's rulemaking authority to monitor DUI programs, and to delete obsolete implementation and reporting requirements relating to DUI programs.

Section 200: Amends s. 322.293, F.S., to delete obsolete requirements relating to the transfer of the DUI Programs Coordination Trust Fund from the Supreme Court to DHS&MV.

Section 201: Amends s. 322.57, F.S., to delete a reference to a statutory provision that was repealed by chapters 95-247 and 95-333, Laws of Florida. The repealed provision allowed applicants for commercial drivers' licenses to obtain a waiver from having to take the driving skills portion of the license exam.

Section 202: Amends s. 324.202, F.S., to delete an obsolete reporting requirement.

Section 203: Repeals various sections of chapter 325, F.S., that relate to the Vehicle Equipment Safety Compact, which was intended "to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment . . ." Authorization to develop the Compact was approved in 1963, but the State of Florida never entered into the Compact. The federal government has subsequently established national standards regarding motor vehicle safety. DHS&MV has determined that these provisions are obsolete and unnecessary.

Section 204: Amends s. 325.209, F.S., to make a conforming change regarding the time period that a motor vehicle owner may apply emission-related repair expenses toward meeting the criteria for obtaining an emissions inspection waiver.

Section 205: Reenacts s. 325.212(2), F.S., to incorporate a statutory reference change made by statutory revision editors, "s. 559.903(2), F.S." to "s. 559.903(7), F.S."

Section 206: Amends s. 327.25, F.S., to delete an obsolete requirement relating to DHS&MV's implementation of staggered vessel registrations and correct a statutory cross reference.

Section 207: Reenacts s. 328.17(1), F.S., to correct a scrivener's error.

Sections 208 & 209: Amends ss. 627.7415 and 627.742, F.S., to classify violations of the sections and provide cross references to corresponding penalties for committing the violations.

Section 210: Provides an effective date.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

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2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Legislative Research Director:

Thomas E. Duncan

John R. Johnston

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AS REVISED BY THE COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:
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Kurt E. Ahrendt

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