

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 780

SPONSOR: Transportation Committee and Senator Webster

SUBJECT: Operation of Vehicles and Vessels.

DATE: April 13, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The CS contains numerous changes to provisions of law relating to programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV).

The CS revises Florida's repeat intoxicated driver law to provide an individual convicted of a second or subsequent offense of driving while intoxicated or driving under the influence shall be subject to the impoundment or immobilization of *all* vehicles owned by the repeat intoxicated driver. The CS also expands Florida's open container law to prohibit the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public roadway or the right-of-way of a public roadway. Both of these provisions were mandated by the Federal Transportation Equity Act for the 21st Century. Failure to implement these provisions could result in the diversion of federal highway construction funds.

The CS amends the driver's license application requirements to streamline documentation requirements when an applicant for a driver's license or identification card already has an established record with DHSMV. The CS provides for the deposit of certain transaction-related fees currently deposited into the general revenue trust fund into Highway Safety Operating Trust Fund. Finally, the CS amends multiple sections of Florida Statutes to delete certain requirements relating to the retention of documents and authorizes DHSMV to utilize electronic records.

This CS substantially amends the following sections of the Florida Statutes: 213.053, 234.02, 316.193, 316.1936, 316.212, 316.2125, 316.613, 318.1451, 319.17, 319.24, 320.031, 320.04, 320.05, 320.0605, 320.08058, 320.833, 320.865, 322.051, 322.08, 328.15, and 328.40.

II. Present Situation:

Section 213.053, F.S., provides the Department of Revenue may provide certain taxpayer information to specified state agencies. Currently, the Department of Revenue is not authorized to share information with DHSMV.

Section 234.02, F.S., provides for the transportation of students. Currently, this section authorizes, for certain purposes, the use of passenger cars which meet all federal safety standards. However, this section does not authorize the use multipurpose passengers vehicles (minivans and sport utility vehicles).

Section 316.193, F.S., establishes penalties for driving under the influence, including penalties for repeat offenders. Currently, Florida law provides that upon a second or subsequent offense for the impoundment or immobilization of the vehicle operated by the individual or any one vehicle registered in the individual's name. The Transportation Equity Act for the 21st Century (TEA-21) requires that each state must enact a repeat intoxicated driver law providing, as a minimum penalty, that upon a second or subsequent offense for the impoundment or immobilization of *all vehicles owned* by the individual. TEA-21 further provides a state which has not adopted a repeat intoxicated driver law meeting the minimum penalty provisions prescribed in TEA-21 by October 1, 2000, will have certain federal-aid highway funds transferred to the state's safety programs. The National Highway Traffic Safety Administration has advised the Department of Transportation that Florida's existing repeat intoxicated driver law fails to satisfy the requirements of TEA-21 because it does not address *all vehicles owned* by the repeat intoxicated driver.

Section 316.1936, F.S., provides it is unlawful to possess an open container of an alcoholic beverage in a motor vehicle while the vehicle is being operated in this state. The Transportation Equity Act for the 21st Century (TEA-21) requires each state must enact an open container law that prohibits the possession of any open alcoholic beverage container in the passenger area of any motor vehicle located on a public highway or on the right-of-way of any public highway in the state. TEA-21 further provides a state which has not adopted an open container law that meets the minimum penalty provisions prescribed in TEA-21 by October 1, 2000, will have certain federal-aid highway funds transferred to the state's safety programs. The Department of Transportation has been advised that Florida's current open container law fails to satisfy the requirements of TEA-21 because it prohibits possession of an alcoholic beverage in a motor vehicle only while the vehicle is being operated and would not prohibit possession, for example, while the vehicle is stopped on the right-of-way.

Section 316.212, F.S., provides for the operation of golf carts on certain roadways. Currently, there is no age limit on the operation of golf carts on public streets.

Section 316.2125, F.S., provides for the operation of golf carts within a retirement community. Currently, there is no provision regarding night-time operation of golf carts.

Section 316.613, F.S., provides that the DHSMV is responsible for conducting certain safety and public awareness campaigns. Currently, DHSMV lacks statutory authority to expend funds for the purchase of promotional items.

Section 318.1451, F.S., establishes certain requirements for driver improvement schools. Currently, Traffic Law and Substance Abuse Education courses are referenced in this section. However, the actual requirements relating to for Traffic Law and Substance Abuse Education courses are located in s. 322.095, F.S.

Section 320.031, F.S., authorizes DHSMV and tax collectors to collect a mail service charge for each registration certificate, license plate, mobile home sticker, and validation sticker mailed. Currently, these fees are deposited into the general revenue trust fund.

Section 320.04, F.S., authorizes a \$2.50 registration service charge for registration transactions handled by DHSMV. Currently, these fees are deposited into the general revenue trust fund.

Section 320.0605, F.S., provides a certificate of registration or other acceptable document must be in the possession of the operator or carried in the vehicle. Currently, there is no provision that addresses documentation for transactions completed via the Internet.

Section 320.08058, F.S., authorizes the Marine Corps specialty license plate. This section currently provides the words "First to Fight" must appear at the bottom of the plate.

Section 322.051, F.S., establishes application requirements for identification cards, including documents required for proof of identity. Currently, applicants for an identification card who already have a driver's license are required to resubmit the same documentation that is already in the DHSMV's driver's license record.

Section 322.08, F.S., establishes application requirements for drivers licenses, including documents required for proof of identity. Currently, applicants for a driver's license who have already established a driver's license or identification card record, are required to resubmit the same proof of identification documentation that is already in the Department's records.

The following sections relate to the retention of records: 319.17, 319.24, 320.05, 320.833, 320.865, 328.15, and 328.40.

III. Effect of Proposed Changes:

Section 213.053, F.S., is amended to authorize the Department of Revenue to provide certain taxpayer information to DHSMV for use in the conduct of its official business.

Section 234.02, F.S., is amended to provide for an allowable exception to the use of a school bus. Allows the use of minivans in transporting students for extracurricular activities.

Section 316.193, F.S., is amended to provide an individual convicted of a second or subsequent offense of driving while intoxicated or driving under the influence shall be subject to the impoundment or immobilization of all vehicles owned by the repeat intoxicated driver. Current Florida law provides for the impoundment or immobilization of the vehicle that was operated by the individual or any one vehicle registered in the individual's name. This revision would bring state law into compliance with the requirements of the TEA-21 and avoid the loss of \$13.2 million in federal construction funds.

Section 316.1936, F.S., is amended to prohibit the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public roadway or the right-of-way of a public roadway. Current Florida law provides that it is unlawful to possess an open container of an alcoholic beverage in a motor vehicle while the vehicle is being operated. This revision would bring state law into compliance with the requirements of the TEA-21 and avoid the loss of \$13.2 million in federal construction funds. The Department of Transportation anticipates that this provision will be interpreted to include, for example, the shoulders of a roadway or parking spaces along the side of the roadway, but would not include parking lots where tailgate parties would typically occur.

Section 316.212, F.S., is amended to provide that a golf cart may not be operated on a public road by a person under the age of 14.

Section 316.2125, F.S., is amended to require retirement communities to adhere to night-time golf cart safety requirements.

Section 316.613, F.S., is amended to authorize DHSMV to expend funds for the purpose of purchasing promotional items in connection with certain safety and public awareness campaigns.

Section 318.1451, F.S. (driver improvement schools), is amended to delete a reference to Traffic Law and Substance Abuse Education courses. Requirements relating to these courses are currently contained in s. 322.095, F.S.

Section 319.17, F.S., is amended to provide that DHSMV must keep an electronic record of notices of liens and satisfactions.

Section 319.24, F.S., is amended to delete provision requiring DHSMV to keep certain documents on file for 7 years.

Section 320.031, F.S., is amended to provide that all charges collected from a mail service charge will be deposited into the Highway Safety Operating Trust Fund.

Section 320.04, F.S., is amended to provide that for registration transactions handled by DHSMV the \$2.50 registration service charge is to be deposited into the Highway Safety Operating Trust Fund rather than general revenue.

Section 320.05, F.S., is amended to authorize the use of electronic registration records.

Section 320.0605, F.S., is amended to authorize a temporary receipt printed on self-initiated electronic renewal of a registration via the Internet as sufficient proof of registration.

Section 320.08058, F.S., is amended to change the plate from "first to fight" to "Marine Corps", and add the Young Marine program as a beneficiary of license plate funds.

Section 320.833, F.S., is amended to provide that effective December 31, 2001, DHSMV is authorized to retain all records by electronic means.

Section 320.865, F.S., is amended to provide that beginning December 31, 2001, DHSMV is to maintain an electronic record of complaints against licenses.

Section 322.051, F.S., is amended to provide identification card applicants with established driver's license records need not resubmit primary identification documents for an identification card. The Department asserts that it is redundant to require applicants to submit primary identification documents when those documents have previously been submitted and verified in connection with a driver's license application.

Section 322.08, F.S., is amended to provide driver's license applicants with established identification card records need not resubmit primary identification documents for a driver's license. The Department asserts that it is redundant to require applicants to submit primary identification documents when those documents have previously been submitted and verified in connection with an identification card application.

Section 328.15, F.S., is amended to delete a provision requiring DHSMV to keep certain documents on file for 7 years.

Section 328.40, F.S., is amended to authorize DHSMV to maintain electronic records.

The CS provides for an effective date of October 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

If Florida does not meet the requirements of both DUI-related laws contained in the federal Transportation Equity Act for the 21st Century by October 1, 2000, 1.5 percent of the state's fiscal year 2001 federal-aid highway apportionment will be transferred for each law. On October 1, 2001, the same percentages will be transferred if a complying law is not in effect. In subsequent years beginning October 1, 2002, 3 percent of these funds will be transferred for each law if a complying law is not in effect. In federal fiscal year 2001, this could amount to approximately \$13.38 million in transferred funds in Florida if the requirements of one transfer program are not met, and double this amount if both are not met.

Approximately \$42,000 will be redirected from general revenue trust fund into the Highway Safety Operating Trust Fund during fiscal year 2000-2001 as a result of revising provisions relating to registration mail service charges. Approximately \$312,000 will be redirected from general revenue to the Highway Safety Operating Trust Fund during fiscal year 2000-2001 as a result of revising provisions relating registration service charge.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
