

TRANSPORTATION

SB 1750 — Old Keys Bridges

by Senators Jones and Diaz-Balart

This bill amends ch. 86-304, L.O.F., to implement the recommendations of the Old Keys Bridges Task Force established by Governor Chile's Executive Order 97-253. Title to the Old Keys Bridges located in Monroe County is given to the Board of Trustees of the Internal Improvement Trust Fund, except the portion of the Seven Mile Bridge from Knights Key to Pigeon Key which remains with the Department of Transportation. The bill allows the board to lease the bridges primarily for a public purpose and in compliance with the recommendations of the task force, the local comprehensive plan, and applicable zoning requirements.

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

Vote: Senate 38-0; House 117-0

CS/HB 3061 — Airports/Licensing Exemption

by Governmental Operations Committee, Rep. Minton and others (CS/SB 110 by Transportation Committee and Senator Hargrett)

This bill (Chapter 98-17) exempts certain airports used exclusively for aerial application or spraying of crops on seasonal basis from provision of law requiring the Department of Transportation to approve the airport site and the requirements for licensing of airports.

These provisions became law without the Governor's signature on April 22, 1998.

Vote: Senate 38-0; House 118-0

HIGHWAY SAFETY

CS/HB 1377 — Motor Vehicle Emissions

by Transportation Committee, Reps. Fuller, Healey and others (CS/CS/SB 374 by Natural Resources Committee, Transportation Committee, and Senators Klein and Crist)

This bill prohibits the Department of Highway Safety and Motor Vehicles from entering or extending any motor vehicle inspection contract until directed by program specific legislation. The department is directed to hire an independent consultant who will study and recommend to the Legislature before January 1, 1999, appropriate request-for-proposal specifications and fee ranges. If no specific legislation is passed during the 1999 legislative session, the department may enter one or more contracts for no longer than 2 years. The contracts shall be for a biennial inspection program for vehicles five model years and older using the basic test. A fee of \$10 may be imposed if approved through the budget amendment process and noticed to the Legislature.

This bill appropriates \$125,000 from the department's trust fund for the study.

If approved by the Governor, these provisions take effect 60 days after sine die.

Vote: Senate 40-0; House 118-1

CS/SB 1498 — Disabled Persons/Motor Vehicle Use

by Transportation Committee and Senators Forman, Campbell, Meadows, Casas and Myers

The bill amends s. 316.1955, F.S., to clarify that disabled parking access aisles are reserved for the exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp, and that persons who have disabled parking permits may be penalized for parking in access aisles. The section also provides that signs designating disabled parking spaces must be 84 inches above the ground to the bottom of the sign, and that only a warning may be issued for unlawfully parking in a designated disabled parking space if there is no above-grade sign.

Further, the section is amended to provide that obstructing a disabled parking space, curb cut, or access aisle carries the same penalties as imposed for illegally parking in a disabled parking space. Section 316.1958, F.S., is amended to provide that if an individual is required by law to have a Florida vehicle registration, the disabled parking permit or license plate from another state or jurisdiction is not valid for parking in spaces reserved for persons with disabilities.

Section 316.1964, F.S., is amended to clarify that persons displaying a valid disabled parking permit may park in *on-street* metered parking spaces without charge for four hours, but may be charged for parking in a facility or lot that provides timed parking spaces.

The bill amends s. 318.18, F.S., to provide that the fine for illegally parking in a disabled parking space may be waived if the person provides to the law enforcement agency which issued the citation, proof of ownership of a valid disabled parking permit. The section requires a law enforcement officer to sign an affidavit of compliance that persons who were issued the citation have demonstrated that they do have a valid disabled parking permit.

Sections 320.0842 and 320.0848, F.S., are amended to provide that a person who qualifies for a disabled parking permit or a disabled veteran's license plate may be issued an international wheelchair user symbol license plate instead, which entitles the user to all the privileges afforded to disabled parking permit holders.

Section 320.0843, F.S., is amended to clarify that any owner of a motor vehicle weighing up to 8,000 pounds is eligible to apply for a disabled parking permit or an international wheelchair user symbol license plate.

Section 320.0848, F.S., is further amended to provide that, to be considered for certification for a disabled parking permit, the applicant must be legally blind or have a condition which renders them unable to walk 200 feet without stopping to rest. The section is further amended to authorize out-of-state physicians to certify patients as disabled on the disabled parking permit application, and that, beginning April 1, 1999, persons certified as permanently disabled by a physician will not be required to show such certification upon renewal.

The section is amended to provide a \$1.00 fee for the replacement of a lost or stolen disabled parking permit, and to authorize the waiver of the fee if the permit holder shows a police report demonstrating that the permit was stolen. The section is amended to provide that the date of expiration must be color coded on the permit to distinguish between long-term and temporary permits and must be in large print. Otherwise, the temporary permit and the long-term permit must be identical including the inclusion of the state identification card or driver's license number.

The section provides that any person who uses a disabled parking permit that belongs to another person while the owner of the permit is not being transported, is guilty of a misdemeanor of the second degree. The bill provides that a law enforcement officer may confiscate a parking permit that is expired, reported lost or stolen, or defaced, or does not display a personal identification number.

The bill provides that beginning April 1, 1999, permit numbers of all confiscated disabled parking permits must be submitted to the Department of Highway Safety and Motor Vehicles to be noted on the permit holder's record. If two permits issued to the same person have been confiscated, the

Department of Highway Safety and Motor Vehicles must refer the information to the Florida Abuse Hotline for an investigation of potential abuse, neglect, or exploitation of the owner.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 40-0; House 119-0

HB 3275 — Traffic Violations and Bad Checks

by Rep. Arnall and others (CS/SB 190 by Transportation Committee and Senators McKay and Lee)

Driver's Licenses

This bill amends s. 322.142, F.S., to authorize the Department of Highway Safety and Motor Vehicles to sell copies of photographs, electronically stored photographs, or digitized images provided such items are to be used solely for the prevention of fraud, including, use in mechanisms intended to prevent the fraudulent use of credit cards, debit cards, or checks, or fraud in other forms of financial transactions.

This bill amends s. 322.251, F.S., to establish requirements for the reinstatement of driving privileges where a person's driver's license has been suspended as a result of passing worthless checks. The Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement are directed to jointly develop a plan to ensure the identification of persons who are the subject of a warrant or capias for passing worthless bank checks and the identification of these person's driver's license records.

This bill amends s. 322.26, F.S., to provide for the permanent revocation of a driver's license if a person is convicted of murder resulting from the operation of a motor vehicle, DUI manslaughter where the conviction represents a subsequent DUI-related conviction, or a 4th or subsequent DUI offense. In such cases, the reinstatement of driving privileges is specifically prohibited.

This bill amends s. 322.283, F.S., to provide that for purposes of calculating a person's eligibility for driver's license reinstatement, the date of release from incarceration must be deemed the date the suspension or revocation was imposed, and provides for notice to the Department of Highway Safety and Motor Vehicles by correctional authorities. The bill also revises the element of knowledge for purposes of driving with a suspended, canceled, revoked, or disqualified driver's license, and establishes penalties for driving with a permanently revoked driver's license.

Finally, this bill eliminates the authority of the Department of Highway Safety and Motor Vehicles to suspend the driver's license of a motor vehicle owner not complying with the financial security

requirements provided for in ss. 324.022 and 627.733, F.S. The effective date of this section is July 1, 2000.

Passing Worthless Bank Checks

This bill creates s. 832.09, F.S., to provide for the suspension of driving privileges for any person who is the subject of a warrant or capias for passing worthless bank checks. In addition, this bill creates s. 832.10, F.S., to authorize the use of private debt collectors by the payee in instances of worthless bank checks.

Traffic Violations and Motor Vehicle Licenses

This bill amends s. 318.18, F.S., to provide that other than in a school zone, persons exceeding the posted speed limit by 1-5 miles per hour would receive a warning rather than a \$25 citation. In addition, fines for speed violations will be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

This bill amends s. 320.07, F.S., to provide that a person whose motor vehicle or motor home registration has been expired for more than 6 months will, upon the first offense, be issued a noncriminal infraction. Upon a conviction for a second or subsequent offense, the person will be deemed guilty of a misdemeanor of the second degree.

If approved by the Governor, these provisions take effect July 1, 1998, except as otherwise indicated.

Vote: Senate 39-0; House 111-3

CS/HB 3345 — Wrecker Operator/Immobilizing Autos

by Community Affairs Committee, Rep. Lacasa and others (CS/SB 710 by Transportation Committee and Senators Silver, Lee and Forman)

Section 1.1, F.S., is amended to define the term “wrecker operator” for purposes of the entire Florida Statutes, as any person or firm regularly engaged for hire in the business of towing or removing motor vehicles.

Section 320.04, F.S., is amended to authorize tax collectors and tag agencies to charge a \$1 service fee for license plate validation stickers and mobile home stickers issued from a printer dispenser machine.

Section 713.78, F.S., is amended to authorize wrecker operators to place a lien on vessels to recover towing and storage costs, and provides that immobilization of a vehicle does not authorize any person to claim a lien on a vehicle for fees or charges connected with the immobilization of the vehicle.

Section 320.08, F.S., is amended to clarify that wreckers which register at a flat rate of \$30 may also tow vessels as well as abandoned, stolen-recovered, or impounded motor vehicles, and wreckers which register by gross vehicle weight may also tow vessels and any other cargo.

Hold orders

The bill provides that a law enforcement officer, or court may put a hold order on a vehicle which is stored in a wrecker operator's storage facility, for a period not to exceed five days, when the officer has probable cause to believe that the vehicle was used in an illegal act or is evidence in a crime. The wrecker operator must comply with the hold order and may not release the vehicle.

If the law enforcement agency wishes to continue to hold the vehicle beyond five days they may move the vehicle to another lot, but must hold the vehicle until the owner pays the wrecker operator for all accrued towing and storage charges. If the law enforcement agency chooses to hold the vehicle at the wrecker's storage facility beyond five days, the agency will be responsible for payment of the storage fees for the extended period, and the owner of the vehicle is responsible for payment for the first five days. However, the law enforcement agency will be responsible for all towing and storage charges if a court finds that the agency did not have probable cause to impound or put a hold order on the vehicle. The vehicle owner will be responsible for all towing and storage charges if found guilty of, or pleads nolo contendere to, the offense that resulted in a hold being placed on their vehicle.

Authorized and Unauthorized Wreckers

The bill defines an "authorized wrecker operator" as any wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle. An "unauthorized wrecker operator" is defined as a wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle. A "wrecker operator system" is defined as a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system.

The bill provides that in a county or municipality that operates a wrecker operator system for the removal and storage of wrecked, disabled, or abandoned vehicles, which system operates in a manner similar to the rotation operated by the FHP, a wrecker may not solicit or offer towing services as a result of information received by police radio. A violation of this provision is a noncriminal violation. Further, an unauthorized wrecker may not give false information in rendering towing services at the scene of an accident, or falsely identify themselves as under contract for emergency towing services with the governmental unit having jurisdiction over the accident scene. A violation of these provisions is a misdemeanor of the second degree.

The bill provides that an unauthorized wrecker may offer towing services when the operator of a vehicle signals the wrecker for assistance. However, the unauthorized wrecker must disclose the charges for towing and storage and must inform the operator that they are not an authorized wrecker. A violation of this provision is a misdemeanor of the second degree.

The provisions of this bill do not prohibit the owner of a motor vehicle from contracting with any wrecker operator for wrecker services, regardless of whether the wrecker operator is an authorized member of the rotation system.

The bill amends ss. 125.0103 and 166.043, F.S., to require local governments to enact ordinances to establish maximum fees which may be charged for: the towing of vehicles from or immobilization of vehicles on private property; the removal and storage of wrecked or disabled vehicles from an accident scene; or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of the wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle.

DUI and Driving on a Suspended License

The bill amends s. 316.193, F.S., relating to vehicle impoundment, and s. 327.35, F.S., relating to vessel impoundment to allow the court to impound or immobilize a vehicle or vessel currently owned, leased or rented by a person convicted of a DUI offense. The bill requires as a condition of probation the impoundment or immobilization of the vehicle or vessel used in a DUI offense or another vehicle or vessel currently owned by a person convicted of a DUI offense. The period of immobilization or impoundment will be 10, 30, or 90 days depending on the number of DUI convictions. The bill provides for dismissal of the impoundment order against a vehicle or vessel used in the offense when the vehicle or vessel was stolen or has changed owners since the offense was committed. The bill also expressly reiterates that the period of impoundment or immobilization cannot be concurrent with imprisonment.

Section 322.34, F.S., is amended to provide that after a vehicle is impounded or immobilized for having been driven by an operator who was driving on a suspended or revoked license, the towing service which has the vehicle in its possession must notify the registered owner and all persons of record claiming a lien against the vehicle by certified mail or express courier service within seven business days. If the vehicle is a rental vehicle, the rental company may pass the charge to the renter. The bill provides that, when a person's vehicle is impounded or immobilized, and that person does not prevail on a complaint that the vehicle was wrongly taken, the owner must pay all accrued charges for towing and storage.

Wrecker Operator Liability

Section 713.78, F.S., is further amended to limit the liability of a wrecker operator when towing or storing a vehicle. The bill provides that a wrecker operator is not liable for the theft of a vehicle or personal property contained in a towed or stored vehicle, providing the wrecker operator uses reasonable care. The wrecker operator is not liable for damages when complying with the lawful directions of a law enforcement officer to remove a vehicle which is a hazard or obstructing the normal movement of traffic.

The section further provides that any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. The wrecker operator may not be held liable for the loss of personal property which was not identified on the inventory record prepared by the law enforcement agency.

If approved by the Governor, these provisions take effect October 1 of the year in which enacted.

Vote: Senate 39-0; House 116-0

HB 3509 — Specialty License Plate Requirements

by Rep. Constantine (SB 1250 by Senator Burt)

The bill amends s. 320.08053, F.S., deleting the speciality license plate requirement that 10,000 signatures be submitted as part of the application process. In lieu of the signatures, the bill requires the results of a scientific sample survey be submitted as part of the application process in order to better gauge potential interest and sales. The survey results must indicate that at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased cost. The application fee is increased to \$60,000 except where the application process has been started prior to the effective date of the act..

The bill amends s. 320.08056, F.S., to revise the requirements for discontinuing production of low-volume specialty plates except collegiate plates, to require that a specialty license plate be discontinued if less than 8,000 plates are issued by the 5th year of sales. Distribution of specialty plate proceeds will be discontinued if an audit or expenditure report is not submitted by the recipient organization or if the funds are not properly spent. If the organization fails to comply within 12 months, proceeds from that specialty plate are deposited into the Highway Safety Operating Trust Fund and used to offset DHSMV's costs related to specialty license plates.

The bill also establishes accountability guidelines in s. 320.08062, F.S., for organizations seeking to establish a voluntary contribution or "check off" on a motor vehicle registration or driver's license application. Audits are required for all organizations receiving funds through voluntary contributions. The bill also establishes guidelines for the discontinuance of certain voluntary contributions.

Finally, the bill increases the annual use fee for the manatee license plate from \$15 to \$20 and the fees are deposited into the Save the Manatee Trust Fund within the Department of Environmental Protection (DEP). The funds are to be used for manatee research, protection and recovery, and manatee facilities as provided in s. 370.12(5), F.S. The Save the Manatee Trust Fund is exempted from the general revenue service charge required by s. 215.20(1), F.S.

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

Vote: Senate 34-5; House 116-0

HB 4713 — Federal Law Enforcement TF/HSMV

by Transportation & Economic Development Appropriations and others (SB 2242 by Senator Hargrett)

This bill creates s. 932.7051, F.S., to create the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles. Funds and revenues received by the Department from federal forfeiture actions pursuant to 21 U.S.C. and all federal criminal proceedings, including criminal, administrative, or civil forfeiture proceedings, will be deposited into this trust fund. This will allow the Department to comply with federal guidelines which require the Department to separately account for these federal funds.

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

Vote: Senate 39-0; House 114-0

CS/SB 368 — Motorcycle Safety Education

by Transportation Committee and Senator Kurth

This bill amends s. 215.20(1), F.S., to exempt the \$2.50 Motorcycle Safety Education fee from the 7 percent general revenue fund service charge. The amount exempted is to be retained in the Highway Safety Operating Trust Fund and used to fund the Florida Motorcycle Safety Education program.

This bill amends s. 322.0255, F.S., to delete the requirement that the reimbursement fee be paid to the course provider upon successful completion of the course by the student. Instead, the reimbursement fee would be paid when a student begins the *on-cycle* portion of the course. The bill also deletes the \$50 per student cap on the reimbursement that is paid to the course provider.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 37-0; House 116-0