

HIGH SPEED RAIL

HB 489 — High Speed Rail

by Rep. Johnson and others (CS/CS/SB 1178 by Comprehensive Planning, Local & Military Affairs Committee; Transportation Committee; and Senator Sebesta).

This bill creates s. 341.821, F.S., creating the Florida High-Speed Rail Authority as an agency of the state. The authority will be comprised of nine voting members. The Florida Department of Transportation (FDOT) will serve as the primary staff for the authority. FDOT will provide technical and administrative assistance and ensure the authority's meetings are electronically recorded.

The bill provides criteria the authority must use in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this bill; what the authority must make recommendations on; and what must be included in the authority's operating plan.

The bill provides the authority must prepare and submit a report of its actions, findings, and necessary statutory changes and recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002.

The bill authorizes the authority to prepare and issue a Request for Information and a Request for Proposal in order for the authority to contract for consultants to aid in fulfilling the requirements of this bill, and authorizes the authority to seek assistance from the private sector and other system vendors. The bill further requires the Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection to provide assistance to the authority.

The bill appropriates \$4.5 million from the Transportation Outreach Program to fund the work of the authority.

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

Vote: Senate 38-1; House 97-14

HIGHWAY SAFETY AND MOTOR VEHICLES

CS/CS/HB 1053 — Transportation

by Ready Infrastructure Council; Transportation Committee; and Reps. Russell and Slosberg (CS/CS/SB 2056 by Governmental Oversight & Productivity Committee; Transportation Committee; and Senator Sebesta; CS/CS/CS/SB 1068 by Finance & Taxation Committee; Comprehensive Planning, Local & Military Affairs Committee; Transportation Committee; and Senator Sebesta; CS/SB 1268 by Transportation Committee and Senator Wasserman Schultz; CS/SB 84 by Criminal Justice Committee and Senators Meek and Crist; SB 2016 by Senator Rossin; CS/SB 626 by Transportation Committee and Senator Saunders; SB 1630 by Senators Silver and Miller; SB 1170 by Senator Sebesta; CS/SB 1232 by Finance & Taxation Committee and Senator Sebesta)

This act is a comprehensive transportation package which consists of the substance of many transportation bills.

This bill addresses a number of highway safety, motor vehicle, and vessel issues. Many of the provisions in the bill are related to programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Major provisions of the bill are summarized below.

Section 316.003, F.S., is amended to define a “motorized scooter” as a vehicle having no seat or saddle, no more than three wheels, and being incapable of speeds exceeding 30 miles per hour. The bill exempts motorized scooters from the definition of motor vehicle. The bill also designates certain Department of Health vehicles as emergency vehicles.

Section 316.006, F.S., is amended to permit issuance of a citation for failure to obey a multi-party stop sign in a private community, if provided for in the written agreement and if the signs conform to Department of Transportation specifications. Minimum traffic volumes are not required for installation of the signs or for enforcement of traffic laws for failure to stop at the signs.

Section 316.1967, F.S., is amended to clarify that persons electing to appear before a court on parking violations are subject to a fine amount designated by county ordinance.

Section 316.228, F.S., is amended to provide that commercial motor vehicles transporting certain forestry-related loads must display an amber strobe light, and clarifies the applicability of the strobe light requirement.

Section 316.640, F.S., is amended to authorize county and municipal crash investigation officers to issue traffic citations under chapters 319, 320, and 322, F.S. Currently, such officers are limited to issuing traffic citations under chapter 316, F.S. Clarifying language is added to prohibit parking enforcement specialists from carrying weapons, or from having arrest powers.

Section 319.14, F.S., is amended to authorize DHSMV to affix a decal to rebuilt vehicles to identify it as being rebuilt from parts, and to provide that removal of the decal is a third degree felony.

Section 319.30, F.S., is amended to revise the definition of “major component parts” and “major parts” to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles. The bill allows an insurer paying a total loss claim to obtain a certificate of destruction for such vehicle, and requires the insurer to obtain a certificate in its own name before the vehicle may be sold or transferred.

Section 320.023, F.S., is amended to conform provisions for separate audit and reporting requirements for recipients of specified funds to the Florida Single Audit Act (FSAA). The FSAA establishes uniform audit requirements for financial assistance provided by state agencies to non-state entities to carry out state projects. The FSAA applies to non-state entities expending \$300,000 or more in state financial assistance annually. The bill requires an organization receiving proceeds derived from a voluntary check-off on a vehicle registration form to notify DHSMV immediately if the organization ceases to exist, or if it ceases the activity funded by the check-off contribution. Also requires certain organizations seeking to establish a voluntary contribution on a vehicle registration form to register as a charitable organization intending to solicit contributions with the Department of Agriculture and Consumer Services.

Section 320.08056, F.S., is amended to exempt the specialty license plates of Barry University and Bethune-Cookman College from the discontinuance requirements, thus applying the exemption to all collegiate specialty license plates. The bill directs DHSMV to count annual renewals in making its determination whether to discontinue a specialty plate. In addition, it requires an organization receiving proceeds derived from plate sales to notify DHSMV immediately if the organization ceases to exist, or if it ceases the activity funded by the contribution.

Section 320.27, F.S., is amended to provide that only the buyer of a motor vehicle sold at auction must be a licensed motor vehicle dealer, allowing other entities to sell motor vehicles at auctions and conforming this section to existing industry practice. The bill provides a definition for “Bona fide employee.” The bill also allows the person offering a vehicle for auction to have control of the certificate of title or ownership document, a change allowing ownership documents to be kept in another location to reduce the risk of loss, and be sent to the purchaser later.

The bill contains several provisions relating to the suspension or cancellation of a motor vehicle dealer license, including:

- Deletes the requirement that a pattern of wrongdoing be established before DHSMV can take action against a licensee, so that a licensee could be subject to discipline for any one violation;

- When a motor vehicle dealer is convicted of a crime which results in revocation of the dealer's license, the dealer may not continue in any capacity within the industry. Such a person may not have a financial interest, or any other role, in the operation of a dealership. The person also may not derive income from the dealership beyond reasonable compensation for the sale of ownership interest.
- Conviction for a specified felony offense will disqualify a person from working in the industry or being involved in a dealership.

Section 322.01, F.S., is amended to provide that a motorized scooter is not a motor vehicle for driver's licensing purposes.

Section 322.0261, F.S., is amended to require DHSMV to screen crash reports identifying crashes where death or injury requiring transport to a medical facility occurs, or there is a first crash involving property damage of at least \$2,500. Currently, DHSMV must screen crash reports to identify crashes involving death or injury requiring transport and a second crash involving at least \$500 damage by the same driver in a two-year period. Drivers so identified in crash reports must attend a driver improvement course.

Section 322.02615, F.S., is created to require DHSMV to screen reports of convictions for traffic violations to identify drivers under 21 years old who have been convicted of, or plead nolo contendere to, a non-criminal traffic infraction. The bill also requires DHSMV to screen reports for any driver who has been convicted of, or plead nolo contendere to, more than one non-criminal traffic infraction in a 12-month period. A person identified in the screening must attend an approved basic driver improvement course or have his or her license suspended.

Section 322.161, F.S., is amended to require DHSMV to restrict for one year the driving privilege of class D or E licensees aged 15 through 17 who accumulate six or more points against their license within a 12-month period. A class E licensee who accumulates six points within 12 months is not eligible to obtain a class D license for one year. Current law provides for restrictions upon accumulation of four or more points.

Section 322.081, F.S., is amended to conform provisions for separate audit and reporting requirements for recipients of these funds to the Florida Single Audit Act (FSAA). The bill also requires an organization receiving proceeds derived from a voluntary check-off on a driver's license application to notify DHSMV immediately if the organization ceases to exist, or if it ceases the activity funded by the check-off contribution.

Section 322.2615, F.S., is amended to shorten the time that a DUI-related temporary permit is valid from 30 days to 10 days after issuance, conforming the permit's validity to the period of time the driver has to request a review of the suspension.

Section 322.292, F.S., is amended to require that DUI programs must be operated by either governmental entities or not-for-profit corporations.

Section 322.61, F.S., is amended to add two additional grounds for disqualification of a commercial driver license: (1) violation of an out-of-service order; and (2) violation of laws pertaining to railroad-highway grade crossings. For violations of an out-of-service order the suspension is 90 days to 1 year for a first violation; 1 to 5 years for two violations within 10 years; and 3 to 5 years for three violations within 10 years. These periods are increased for violations that occur while transporting hazardous materials. For railroad-highway grade crossing violations the suspension is a minimum of 60 days for a first violation; a minimum of 120 days for two violations within 3 years; and a minimum of 1 year for three violations within 3 years. These changes conform Florida law to federal commercial carrier safety requirements.

Section 322.64, F.S., is amended to reduce the temporary permit time from 30 days to 10 days in cases of DUI, bringing Florida law in compliance with federal requirements for commercial drivers.

Section 318.14, F.S., is amended to delete the provision limiting the number of times in a lifetime a person can elect to attend Driver Improvement School in lieu of having points assessed against his or her driver's license.

Section 320.691, F.S., is created which is the Automobile Dealers Industry Advisory Board within DHSMV. The board would make recommendations on proposed legislation, rules and procedures, and provide industry input to DHSMV, the Governor and the Legislature.

Section 713.78, F.S., is amended to add the insurance company to the list of those who must be notified when a vehicle has been towed. The bill also moves the notice requirement when law enforcement authorizes the removal of a vehicle from s. 715.05, F.S., to s. 713.78, F.S. The bill also revises requirements relating to the sale of unclaimed vehicles. The bill provides that a vehicle may be sold after 35 days if the vehicle is 3 years of age or older, or after 50 days if the vehicle is 3 years of age or less.

Section 715.07, F.S., is amended to define the term "vessel" and to allow for the removal of vessels parked on private property, conforming to the same notice, storage and release requirements for towing a vehicle. The bill also provides that failure of a towing company to make "good faith best efforts" to meet notice requirements precludes the imposition of any towing or storage charges.

The bill authorizes counties to impose an additional \$3 fee on each civil traffic penalty to fund driver education programs in public and nonpublic schools. These funds are to be used exclusively for direct educational expenses.

Section 316.2065, F.S., is amended to provide that persons operating motorized scooters are subject to the same operational requirements as bicyclists, including the use of a safety helmet. The bill provides that motorized scooters may not be operated on roadways or sidewalks;

however, counties and municipalities are authorized to enact local ordinances that permit the use of motorized scooters on sidewalks and roadways.

The bill amends ss. 30.15, and 116.0493, F.S., to require sheriffs and municipal law enforcement agencies to incorporate anti-racial profiling policies in their agency policies and practices.

Section 318.14, F.S., is amended to provide that except for toll violations, any person cited at the scene for a traffic violation must sign and accept a citation indicating a promise to appear. The bill further provides that this section does not authorize the use of any photographic or video equipment at traffic intersections for the purpose of issuing traffic violations.

Section 318.1451, F.S., is amended to allow government entities and courts to distribute a traffic school reference guide or provider list developed by DHSMV; to allow course providers who receive requests for information about traffic schools from geographic areas they do not serve to provide a telephone number for a course provider they believe serves such geographic area; to amend the traffic school reference guide to include the names and telephone numbers of the fully approved course providers; to require the cost of producing the traffic school reference guide be assumed by providers included in the guide; and to specify guidelines for reproducing the guide.

Section 320.08058, F.S., is amended to direct DHSMV to issue a Florida Golf license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. Annual use fees for the Florida Golf license plate are to be distributed to the Florida Sports Foundation for specified purposes.

Section 322.056, F.S., is amended to authorize the court to direct DHSMV to issue a temporary driver's license, restricted to business or employment purposes only, to a minor whose driving privileges have been revoked or delayed, if the minor is otherwise qualified for such a license. Provides the court with the same discretion it currently possesses for adults to direct DHSMV to issue a business or employment purposes only driver's license to a minor under 18.

Section 320.089, F.S., is amended to provide for the issuance of a Pearl Harbor Survivor or Purple Heart motor vehicle license plate, without cost to a person who also qualifies for a disabled veteran's license plate.

If approved by the Governor, these provisions take effect July 1, 2001, or as otherwise provided in the bill.

Vote: Senate 39-1; House 106-8

CS/SB 1956 — Motor Vehicles

by Commerce & Economic Opportunities Committee and Senators Latvala, Sanderson, and Crist

This bill addresses a number of issues relating to motor vehicle and vessel operation, licensed motor vehicle manufacturers, and prohibited motor vehicle sales practices. Many of the provisions in the bill are related to programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Specific provisions of the bill are summarized below.

Motor Vehicle and Vessel Operation

The bill contains provisions relating to driving under the influence, motor vehicle title and registration, vessel title and registration, operator and commercial driver's license requirements, and vehicle/vessel towing requirements. Specific provisions in the bill include the following:

Section 316.003, F.S., is amended to define a "motorized scooter" as a vehicle having no seat or saddle, no more than three wheels, and being incapable of speeds exceeding 30 miles per hour. The bill exempts a motorized scooter from the definition of motor vehicle and designates certain Department of Health vehicles as emergency vehicles.

Section 316.1967, F.S., is amended to clarify persons electing to appear before a court on parking violations are subject to a fine amount designated by county ordinance.

Section 316.228, F.S., is amended to provide commercial motor vehicles transporting certain forestry-related loads must display an amber strobe light, and clarifies the applicability of the strobe light requirement.

Section 319.23, F.S., is amended to delete a requirement that DHSMV retain copies of certain documents. The Department is currently maintaining electronic records of title documents.

Section 320.023, F.S., is amended to conform provisions for separate audit and reporting requirements for recipients of these funds to the Florida Single Audit Act (FSAA). The FSAA establishes uniform audit requirements for financial assistance provided by state agencies to non-state entities to carry out state projects. The FSAA applies to non-state entities expending \$300,000 or more in state financial assistance annually. The bill requires an organization receiving proceeds derived from a voluntary check-off on a vehicle registration form to notify DHSMV immediately if the organization ceases to exist, or if it ceases the activity funded by the check-off contribution. Also requires certain organizations seeking to establish a voluntary contribution on a vehicle registration form to register as a charitable organization intending to solicit contributions with the Department of Agriculture and Consumer Services.

Section 320.08056, F.S., is amended to exempt the specialty license plates of Barry University and Bethune-Cookman College from the discontinuance requirements, thus applying the exemption to all collegiate specialty license plates. The bill directs DHSMV to count annual

renewals in making its determination whether to discontinue a specialty plate. In addition, it requires an organization receiving proceeds derived from plate sales to notify DHSMV immediately if the organization ceases to exist, or if it ceases the activity funded by the check-off contribution.

Section 320.18, F.S., is amended to provide that DHSMV may cancel the registration or fuel-use decal of a vehicle if the owner has failed to pay a DOT weight or safety violation penalty.

Section 322.161, F.S., is amended to require DHSMV to restrict for one year the driving privilege of class D or E licensees aged 15 through 17 who accumulate six or more points against their license within a 12-month period. A class E licensee who accumulates six points within 12 months is not eligible to obtain a class D license for one year. Current law provides for restrictions upon accumulation of four or more points.

Section 322.2615, F.S., is amended to shorten the time that a temporary permit is valid from 30 days to 10 days after issuance, conforming the permit's validity to the period of time the driver has to request a review of the suspension. When a 30-day temporary driving permit is issued, the driver has 10 days to request review of the suspension. If the driver requests a review, a restricted permit is issued which is valid until the suspension is sustained or invalidated. If a driver does not request review within 10 days, the suspension becomes final on the tenth day and the driver should not have an unrestricted permit that is valid for up to 20 additional days.

Section 322.61, F.S., is amended to add two additional grounds for disqualification of a commercial driver's license: (1) violation of an out-of-service order; and (2) violation of laws pertaining to railroad-highway grade crossings. For violations of an out-of-service order the suspension is 90 days to 1 year for a first violation; 1 to 5 years for two violations within 10 years; and 3 to 5 years for three violations within 10 years. These periods are increased for violations that occur while transporting hazardous materials. For railroad-highway grade crossing violations the suspension is a minimum of 60 days for a first violation; a minimum of 120 days for two violations within 3 years; and a minimum of 1 year for three violations within 3 years. These changes conform Florida law to federal commercial carrier safety requirements.

Finally, the bill revises several provisions relating to the towing of vehicles and vessels. Section 713.78, F.S., is amended to add the insurance company to the list of those who must be notified when a vehicle has been towed. The bill also moves the notice requirement when law enforcement authorizes the removal of a vehicle from s. 715.05, F.S., to s. 713.78, F.S. The bill provides that an unclaimed vehicle may be sold after 35 days if the vehicle is 3 years of age or older, or after 50 days if the vehicle is 3 years of age or less.

Motor Vehicle Manufacturers and Distributors

The bill implements a number revisions to ss. 320.60-320.699, F.S., relating to the licensing of motor vehicle manufacturers and distributors.

Section 320.60, F.S., is amended to revise the definition of “motor vehicle dealer” to include licensed franchised motor vehicle dealers who repair or service motor vehicles or certain used motor vehicles for commission, money, or other things of value; and to define “sell” and its various synonyms to include lease transactions. Section 360.61, F.S., is amended to provide no replacement dealer license may be granted pending a dealer complaint of unfair or prohibited cancellation or non-renewal, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.641(7), F.S.

Section 320.64, F.S., is amended to provide violations of prohibited acts are sufficient grounds for license denial, suspension, or revocation and makes them subject to penalties provided in ss. 320.695 and 320.697, F.S. These provisions relate to temporary or permanent injunctions, which shall be issued without bond and civil penalties respectively. If a violation by a licensee has occurred, the person who has been affected may recover damages in an amount equal to 3 times the pecuniary loss, together with costs and a reasonable attorney’s fee to be assessed by the court. Burden of proof is upon the licensee to prove that a violation or unfair practice did not occur. The bill provides additional reasons which could justify the denial, suspension, or revocation of a manufacturers’ license in Florida.

Section 320.641, F.S., relating to the discontinuation, cancellation, non-renewal, or replacement of franchise agreements is amended to provide that no replacement motor vehicle dealer shall be named and the franchise agreement shall continue in effect until all appeals are exhausted. The bill provides certain exceptions to this provision. The bill revises provisions governing certain transfers or franchise agreements.

Section 320.643, F.S., relating to the transfer, assignment, or sale of franchise agreement is amended to allow a manufacturer to use financial qualifications in its determinations regarding a transfer, and allows the dealer to file a complaint in protest of the denial of a transfer. The bill requires a manufacturer to state reasons for rejecting a transfer, and to provide for approval of the transfer if the manufacturer fails to notify the dealer of the rejection within 60 days. If the licensee fails to provide notification of rejection within the 60 day period the transfer shall be deemed approved.

Section 320.645, F.S., is amended to allow manufacturers to operate motor vehicle dealerships for the exclusive purpose of broadening diversity and improving minority representation. The bill provides certain definitions. In addition, the bill does not restrict the business activities of short term rental businesses that sell only used vehicles, perform warranty repairs only on vehicles they sell, and finance the sale of used vehicles only.

Section 320.699, F.S., is amended to require that a hearing on a notice of protest shall not be held sooner than 180 days nor 240 days from the filing of the protest.

Deceptive Trade Practices and Acts

The bill codifies 20 violations proscribed in a repealed Department of Legal Affairs rule regarding motor vehicle sales, and specifically provides that certain motor vehicle dealer practices are actionable under the Florida Deceptive and Unfair Trade Practices Act. The bill also requires a trial court to consider certain information when awarding attorney's fees to a person in civil litigation resulting from a violation of these provisions. The bill provides that it is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to represent that a vehicle was a "factory executive vehicle" or "demonstrator" without reasonable proof. The bill also prohibits various misrepresentations by motor vehicle dealers regarding a vehicle's condition or previous maintenance or warranty coverage.

The bill prohibits dealers from having customers sign contracts which are incomplete, accepting a deposit from a customer before entering into a binding contract, adding fees or charges not authorized by law, increasing the price of a vehicle after having accepted a purchase order, and filing a lien against a new vehicle purchased with a check. An exception is provided for vehicles purchased with a check if the dealer fully discloses the procedures and costs for gaining title after the lien is filed. It also provides certain exceptions where the price of the vehicle may be increased due to reasons outside the control of the dealer.

The bill prohibits charging a customer for any pre-delivery service required by the manufacturer for which the dealer is reimbursed by the manufacturer. The dealer must clearly disclose all pre-delivery service charges noting that they represent costs and profit to the dealer. Dealers are also required to disclose damage to a new motor vehicle that is greater than three percent of the manufacturer's suggested retail price or \$650, whichever is less. Finally, the bill provides that any civil litigation resulting from its provisions may result in the prevailing party receiving reasonable attorney's fees and costs.

If approved by the Governor, these provisions take effect October 1, 2001

Vote: Senate 39-0; House 118-0

HB 29 — Driving Under the Influence/Minors

by Rep. Brummer and others (SB 430 by Senator Dyer)

This bill requires the driver license suspension periods provided for in s. 322.2616, F.S., shall remain in effect until the person completes a substance abuse course and evaluation offered by a DUI program licensed by the Department of Highway Safety and Motor Vehicles in those instances where the person's blood or breath alcohol level was .05 or higher. As part of the substance abuse course, the program must conduct a substance abuse evaluation of the driver, and notify the parents or legal guardians of drivers under the age of 19 years, of the results of the evaluation. The driver must bear the cost of substance abuse education course and substance

abuse evaluation. The bill further provides that if the driver fails to complete the substance abuse education course and evaluation, the Department shall not reinstate the person's license.

In addition, the bill provides a temporary driving permit may not be effective until 12 hours after the notice of suspension is issued. The bill also allows the use of results of a blood test obtained during a traffic investigation to suspend a driver's license under this section. Further, if a minor under the age of 18 is found to be driving with a blood or breath alcohol level of 0.02 or higher, a law enforcement officer may take the minor to an addictions receiving facility in the county in which the minor is driving, if the county makes the facility available for this purpose.

Finally, the bill makes a number of technical corrections including deleting references to "percent" when referring to alcohol level, and adding appropriate references to "blood alcohol" and "breath alcohol" levels.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 37-0; House 113-1

CS/HB 175 — Reckless Driving

by Crime Prevention, Corrections & Safety Committee and Rep. Machek and others (CS/SB 678 by Transportation Committee and Senators Klein and Crist; SB 1088 by Senator Villalobos)

This bill, amending s. 316.192, F.S., enhances penalties for reckless driving resulting in serious bodily injury to another, and defines it as a third degree felony, punishable by up to 5 years imprisonment and a \$5,000 fine, or both. The bill also enhances penalties for damaging the property of another as a result of reckless driving and defines the offense as a first degree misdemeanor, punishable by up to one year imprisonment and a \$1,000 fine, or both.

The bill creates s. 316.1923, F.S., to provide a definition for the term "aggressive careless driving." The bill provides that any person who commits two or more of the following acts simultaneously or in succession is deemed to have committed "aggressive careless driving":

- Exceeding the posted speed by more than 15 miles per hour,
- Unsafely or improperly changing lanes,
- Following another vehicle too closely,
- Failing to yield the right-of-way,
- Improperly passing, and
- Violating traffic-control and signal devices.

The bill also amends s. 316.650, F.S., to require the Department of Highway Safety and Motor Vehicles to revise the uniform traffic citation to include a box to be checked by a law enforcement officer when the officer believes a traffic violation or traffic accident was caused by aggressive driving. The bill further requires the Department to submit a report to the President

of the Senate and the Speaker of the House by February 1, 2002, which sets forth the number of incidents of aggressive driving in Florida during the preceding 6-month period.

If approved by the Governor, these provisions take effect October 1, 2001.

Vote: Senate 37-0; House 116-0

CS/HB 157 — Motor Vehicle Airbags

by Competitive Commerce Council and Rep. Weissman and others (CS/SB 260 by Transportation Committee and Senators Geller and Villalobos)

This bill creates s. 860.146, F.S., to define the terms “Fake airbag” and “Junk-filled airbag” compartment. The bill also provides it is unlawful to knowingly purchase, sell, or install any fake or junk-filled airbag compartment. Violations of this provision are punishable as a second-degree felony. A second-degree felony is punishable by up to 15 years in prison and a \$10,000 fine.

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

Vote: Senate 38-0; House 119-0

HB 635 — Drivers’ Licenses/Selective Service

by Rep. Hart and others (SB 1948 by Senator Crist)

This bill creates s. 322.0515, F.S., directing the Department of Highway Safety and Motor Vehicles to require any male between the ages of 18 and 26 to comply with the Selective Service System requirements when applying for a driver’s license, commercial driver’s license, identification card, or a renewal or a replacement of such license or card. The Department will require male applicants to either certify compliance with Selective Service System requirements or authorize the Department to forward to the Selective Service System the information necessary for registration. This will be accomplished through the utilization of a data sharing system of the American Association of Motor Vehicle Administrators.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 38-0; House 120-0

HB 757 — Wrecker Liens

by Rep. Barreiro and others (CS/SB 2044 by Transportation Committee and Senator Burt)

This bill amends s. 320.03, F.S., to provide that if the applicant’s name appears on a list as a result of a wrecker operator’s lien filed in accordance with s. 713.78, F.S., a license plate or revalidation decal may not be issued. The license plate or revalidation decal may be issued once

the person's name no longer appears on the list or the person presents a receipt from the clerk showing that the outstanding fines have been paid.

The bill also amends s. 713.78, F.S., to provide that the Department of Highway Safety and Motor Vehicles (DHSMV) is to create a wrecker operator's lien list. A wrecker operator may claim a lien for the cost of recovery, towing, or storage of an abandoned motor vehicle, mobile home or vessel that was ordered towed by a law enforcement operator and for which a certificate of destruction has been issued. The lien is applicable against all owners of the motor vehicle, mobile home, or vessel. A notice of wrecker operator's lien must be submitted on forms provided by DHSMV.

For purposes of a wrecker operator's recorded lien only, the amount of a wrecker operator's lien may not exceed the amount of the charges for recovery and towing of the motor vehicle, mobile home, or vessel, plus no more than 7 days storage charges. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). Any registered owner of a motor vehicle, mobile home, or vessel, may dispute a wrecker operator's lien, by notifying DHSMV of the dispute.

A registered owner may not dispute a wrecker operator's lien if the wrecker operator has provided DHSMV with a certified copy of a judgment against the registered owner requiring the registered owner to pay the wrecker operator's lien. A wrecker operator's lien may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. A wrecker operator must issue a certificate of discharge to each registered owner of the motor vehicle, mobile home, or vessel, attesting that the amount of the wrecker operator's lien has been discharged.

Finally, the bill provides that an unclaimed vehicle may be sold after 35 days if the vehicle is more than 3 years of age, or after 50 days if the vehicle is 3 years of age or less.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 34-0; House 113-2

SB 766 — Drivers' License/DUI Convictions

by Senator Sanderson

This bill amends s. 322.28, F.S., to provide that persons convicted of a second or subsequent driving under the influence (DUI) offense are subject to license revocation for a period of 5 years or 10 years based on the date of offense rather than the conviction date. The bill requires the license revocation period to be 5 years based upon the second conviction for an offense occurring within 5 years of the previous conviction. A third conviction for an offense of DUI within a 10-year period would result in a 10-year license revocation period.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 119-0

CS/CS/HB 1121 — Driver Licenses/County Tax Collectors

by Smarter Government Council; Local Government & Veterans Affairs; and Rep. Byrd (CS/CS/SB 1276 by Comprehensive Planning, Local & Military Affairs Committee; Transportation Committee; and Senator Lee)

This bill amends s. 322.135, F.S., to allow county tax collectors to be designated the exclusive agent of the Department of Highway Safety and Motor Vehicles (DHSMV) for the local administration of driver license services. The bill establishes an application process for tax collectors to apply to DHSMV to serve as the exclusive agent. The bill provides that the administration of driver license services by the tax collector as the exclusive agent of DHSMV must be revenue neutral with no adverse state fiscal impact and with no adverse unfunded mandate to the tax collector.

This bill provides for the creation of a Cost Determination and Allocation Task Force to analyze and recommend the allocation of costs between DHSMV and tax collectors for the administration of driver license services. The bill also provides for the development of transition plans to facilitate, where applicable, the orderly transfer of service responsibilities to the tax collector.

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

Vote: Senate 33-0; House 114-2

SB 1412 — Child Safety Booster Seat Act

by Senator Posey

This bill creates the “Child Safety Booster Seat Act of 2001” which revises the requirements for child restraint devices in motor vehicles. The bill amends s. 316.613, F.S., to require that children 8 years of age or younger, who are less than 4 feet 9 inches in height be provided the protection of a crash-tested, federally approved child restraint device. For children 3 years of age or younger the restraint device must be a separate carrier or a vehicle manufacturer’s integrated child seat. For children aged 4 through 8 years who are less than 4 feet 9 inches in height, a separate carrier, an integrated child seat or a child booster seat must be used.

Law enforcement officers will issue warnings for violations of the committee substitute and give educational literature from July 1, 2001, until January 1, 2002. After the warning period, moving traffic violations may be issued to drivers. The court must dismiss first violations if the driver provides proof of purchase of an approved child restraint device.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 29-2; House 107-8

TRANSPORTATION ADMINISTRATION

CS/CS/HB 1053 —Transportation

by Ready Infrastructure Council; Transportation Committee; and Reps. Russell and Slosberg (CS/CS/SB 2056 by Governmental Oversight & Productivity Committee; Transportation Committee; and Senator Sebesta; CS/SB 1566 by Transportation Committee and Senator Sebesta; CS/SB 1776 by Transportation Committee and Senator Jones; SB 506 by Senator Diaz de la Portilla; CS/SB 1976 by Commerce & Economic Opportunities Committee and Senator Sebesta; CS/SB 1482 by Commerce & Economic Opportunities Committee and Senator Bronson; SB 2204 by Senator Sebesta; SB 712 by Senator Mitchell; SB 1304 by Senator Webster; SB 1732 by Senator Jones; SB 1746 by Senator Smith)

This act is a comprehensive transportation package which consists of the substance of many transportation bills.

Amends s. 20.23, F.S., deleting instructions on the Department of Transportation (DOT) Secretary's responsibilities, deletes obsolete language and provides for the turnpike enterprise.

Amends s. 163.3177, F.S., to exempt airports from the Development of Regional Impact (DRI) process if the airport master plan has been incorporated into the local government comprehensive plan.

Amends s. 163.3180(2)(c), F.S., to provide FIHS facilities needed to serve new development must be in place or under actual construction no more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent.

Amends s. 189.441, F.S., removing the exemption for Community Improvement Authorities from s. 287.055, F.S., for professional architectural, engineering, landscape architectural, or land surveying services, or for the procurement of design-build contracts.

Amends s. 73.092, F.S., to provide if a defendant does not accept the last written settlement offer by the condemning authority before the final judgment and the final judgment is equal to or less than the final judgment no attorneys fees or costs will be awarded.

Amends s. 206.46, F.S., to increase the debt service cap on the transfer of 7 percent of State Transportation Revenue to the Right of Way Acquisition and Bridge Construction Trust Fund from \$135 million to \$200 million.

Amends ss. 255.20, 336.41, 336.44, and 337.14, F.S., to provide any contractor prequalified with FDOT and eligible to bid is presumed prequalified to obtain bid documents and submit bids for county and expressway authority road projects.

Section 337.14, F.S., is amended to increase the validity period for a FDOT certificate of qualification from 16 months to 18 months.

Amends s. 287.055, F.S., to raise the threshold amounts for a “continuing contract” for projects in which construction costs do not exceed \$1 million (from \$500,000), for study activity when the fee for such professional service does not exceed \$50,000 (from \$25,000).

Amends s. 311.07, F.S., to provide seaports may utilize certain funds for seaport security projects and are exempt from the 50/50 match requirement. Amends s. 315.031, F.S., to authorize seaports to expend funds for promotional activities such as meals, hospitality, and entertainment in the interest of promoting and engendering goodwill toward its port facilities. Amends s. 311.09(12), F.S., to provide all moneys derived from the Florida Seaport Transportation and Economic Development Program must be expended in accordance with ss. 287.057 and 287.055, F.S. Further, the exemption for seaports subject to competitive negotiation requirements of a local governing body is repealed.

Amends ss. 316.302(1)(b), 316.3025, 316.515(2), 316.535, 316.545, F.S., to update the reference to the current safety regulations contained in the Code of Federal Regulations (C.F.R.) to October 1, 2000 and to provide other technical changes.

Amends ss. 330.27, 330.29, 330.30, 330.35, 330.36(2), F.S., to alter airport-related definitions to provide more currently accepted terminology; to include in the FDOT’s duties the establishment of minimum standards for airport sites and airports under its registration jurisdiction; to include in the FDOT’s duties the establishment and maintenance of a state aviation data system to facilitate licensing and registration of all airports; to abolish airport site approval fees; to establish separate site approval methods for public and private airports; to simplify and clarify the reasons to revoke an airport site approval; establishes private airport registration requirements and abolishes airport license and registration fees; provides for licensing of public airports and registration of private airports; clarifies temporary airport usage and authorization; and amends the validity period to conform to current FAA requirements.

Amends s. 332.004, F.S., to include off-airport noise mitigation projects in the definition of an “airport or aviation development project” or “development project.”

Amends s. 333.06, F.S., to require airports to prepare a master plan and submit that plan to affected local governments.

Amends s. 334.044, F.S., to authorize FDOT to purchase promotional items for the Florida Scenic Highways Program. The section is further amended to authorize FDOT to enter into a permit delegation agreement with local governments to issue drainage permits.

Amends s. 334.193, F.S., to authorize certain FDOT employees to bid on projects prior to resignation, and amends s. 334.30, F.S., to provide for “public-private transportation facilities.”

Creates s. 335.066, F.S., to establish within the FDOT the Safe Paths to Schools Program to consider the planning and construction of bicycle and pedestrian ways to provide safe transportation for children from neighborhoods to schools, to parks, and to the state’s greenway and trails system. The section provides the FDOT may establish a grant program and adopt appropriate rules to administer the Safe Paths to Schools Program.

Amends ss. 335.141(3) and 341.302, F.S., to repeal the FDOT’s authority to regulate train-operating speeds, which authority has been preempted by federal law.

Amends s. 336.12, F.S., to provide for optional conveyance of roads for gated communities.

Amends s. 337.107 and 337.11(7)(a), F.S., to authorize FDOT to include right-of-way services in a design-build contract, and to use design-build contracts for enhancement projects. Section 337.11(6)(c), F.S., is further amended to increase, from \$60,000 to \$120,000, the current cap on Fast Response contracts.

Amends s. 337.401(2), F.S., to authorize FDOT to accept a Utility Relocation Schedule and Relocation Agreement in lieu of a written permit, unless the utility work takes place before the Schedule and Agreement are available.

Amends s. 339.08(1) and (2), F.S., to delete a duplicative rulemaking requirement for the expenditure of moneys in the STTF.

Amends s. 339.12(4)(a), F.S., to allow FDOT to “compensate” rather than “reimburse” the governmental entity for the actual amount of the bond proceeds, time warrants, or cash used on a highway project or project phases that are not revenue producing and are contained in the FDOT’s adopted work program. Increases the amount which may be loaned to \$150 million.

Provides, for FIHS projects only, the first five years of the adopted work program are a commitment to local governments for planning purposes.

Amends s. 339.137, F.S., to provide the Transportation Outreach Program (TOP) council must develop a comprehensive ranking and scoring system. Changes TOP project criteria, and provides for a review of project list by the Transportation Commission.

Amends s. 341.051(5)(b), F.S., to delete the requirement that FDOT develop a major capital investment policy for public transit capital projects. According to FDOT, the necessity for specific state evaluations methodologies has been eliminated by changes in federal law regarding the evaluation of such projects.

Amends s. 348.0003, F.S., to provide the qualifications, terms of office, and obligations and rights of the members of the authority will be determined by the Miami-Dade County Commission.

Amends ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S., respectively to give the Orlando Orange County Expressway Authority authority to issue its own bonds, and reissue bonds for certain projects. The section provides the bonds do not pledge the full faith and credit of the state.

Amends s. 373.4137, F.S., to allow expressway authorities to utilize the process developed for FDOT to pay mitigation funds into escrow accounts, managed by DEP, which finance WMD mitigation projects to offset the adverse environmental impacts of expressway projects.

Amends s. 380.06, F.S., to provide an exemption from DRIs for: any proposed facility for the storage of any petroleum product if the facility is consistent with a local comprehensive plan that is in compliance with s. 163.3177 or s. 163.3178, F.S.; and any development or expansion of an airport or airport-related or aviation-related development which has been incorporated in a local comprehensive plan. Provides procedures for an airport or petroleum storage facility which has received a DRI development order but is no longer required to undergo DRI review because of this act. Exempts certain motor vehicle wholesale facilities from the DRI process.

Amends s. 331.308, F.S., to revise the Spaceport Authority Board of Supervisors.

Amends s. 479.15, F.S., to provide the term “federal-aid primary highway system” means the federal-aid primary highway system in existence on June 1, 1991, and any highway which was not on such system but which is, or hereafter becomes, a part of the National Highway System.

Creates s. 479.25, F.S., to specify governmental entities may enter into agreements with billboard owners allowing a lawfully erected billboard to be raised when a sound barrier, visibility screen, or other highway improvement blocks the billboard from being seen.

Creates s. 70.20, F.S., authorizing municipalities and counties to enter into relocation agreements with outdoor advertising sign owners. The section provides no municipality, county, or governmental entity may remove or alter a lawfully erected sign along the interstate, federal-aid primary or other highway system without first paying just compensation through eminent domain proceedings.

Amends s. 496.425(1), F.S., to delete highway rest areas, roadside welcome centers and highway service plazas from the types of transportation facilities where fund solicitation can occur. Creates s. 496.4256, F.S., to specify any governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a solicitation permit.

Amends s. 337.408, F.S., providing local governments may authorize the installation of benches and transit shelters with or without public bid. Provides for removal of benches and shelters. Provides for the regulation of street light poles.

Amends s. 768.28, F.S., provides sovereign immunity for Tri-Rail security providers and rail service operators.

Amends s. 337.025, F.S., to provide the annual cap for innovative highway projects (\$120 million) does not apply to turnpike enterprise projects.

Amends ss. 337.11, 338.165, 338.22, 338.221, 338.223, 338.227, 338.2275, 338.234, 338.235, 338.239, 338.241, 338.251, and 553.80, F.S., and creates ss. 338.2215 and 338.2216, F.S., to create the turnpike enterprise; to exempt the turnpike enterprise from the provision that no advertisement for bids may be published and no bid solicitation notice may be provided until title to necessary rights-of-way and easements for the construction of a project have been secured; to provide “economically feasible” for a turnpike project means the revenues of the project in combination with those of the existing turnpike system are sufficient to service the debt of the outstanding turnpike bonds to safeguard investors; to remove the provision that federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project; to provide the turnpike enterprise may sell services, products, or business opportunities, which benefit the traveling public, on the turnpike system; to provide approved FHP expenses incurred patrolling the turnpike system will be reimbursed to the DHSMV by the turnpike enterprise.

Repeals s. 316.3027, F.S., to remove a state law concerning commercial motor vehicle identification and adopt by reference a similar federal regulation. Repeals s. 316.610(3), F.S. The commercial motor vehicle inspection provided in the subsection is no longer relevant.

This bill provides, notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, FDOT may use funds for arterial highway construction for all projects including Leon County, whether or not the contingency provided in the appropriation is met, and provides certain multicounty airports must establish a noise mitigation fund.

Amends s. 348.565, F.S., to provide the connector road linking the Lee Roy Selmon Crosstown Expressway to I-4 may be refinanced.

Provides for the Small Aircraft Transportation System.

Amends s. 338.165, F.S., authorizing the use of certain toll revenue in Miami-Dade County for non-transportation projects, and requires a referendum in Miami-Dade County to create an airport authority.

The bill amends ss. 331.367 and 331.368, F.S., providing operational changes to the Spaceport Management Council.

Amends s. 212.20, F.S., appropriating money to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority.

The bill provides numerous road designations.

If approved by the Governor, these provisions take effect July 1, 2001, or as otherwise provided in the bill.

Vote: Senate 39-1; House 106-8

CS/SB 978 — Seaport Security Standards

by Transportation Committee and Senator Burt

The bill amends s. 311.12, F.S., providing minimum-security standards for Florida's seaports. The bill provides the Florida Department of Law Enforcement (FDLE), in consultation with the Office of Drug Control (ODC), must adopt rules incorporating statewide minimum-security standards for all 14 of Florida's deep-water seaports. The bill provides:

Each seaport must maintain a security plan relating the specific and identifiable needs of the seaport which assures the seaport is in substantial compliance with the statewide minimum standards.

By January 1, 2002, each prospective and current port employee must have a fingerprint-based criminal history check as determined by each port and dependent upon the employees access to restricted areas.

The FDLE must conduct at least one unannounced inspection of each seaport to determine minimal compliance with security standards and report their findings and recommendations to the Governor and Legislature.

Funds appropriated for seaport security will be allocated as determined through a mutual agreement between FDLE, ODC and the Florida Seaport Transportation and Economic Development Council.

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

Vote: Senate 36-2; House 106-3

HB 397 — Public Records/Toll Facility Charges

by State Administration Committee and Rep. Brummer (SB 1060 by Transportation Committee)

This bill amends s. 338.155, F.S., maintaining the existing public records exemption for personal identifying information, which is obtained from the use of a credit card, charge card or check for the prepayment of electronic toll facilities charges to the FDOT, a county, or an expressway authority.

If approved by the Governor, these provisions take effect October 1, 2001.

Vote: Senate 40-0; House 117-0

HB 395 — Public Records/Airport Security Plans

by State Administration Committee and Rep. Brummer (SB 1062 by Transportation Committee)

This bill amends s. 331.22, F.S., maintaining the existing public records exemption for airport security plans.

If approved by the Governor, these provisions take effect October 1, 2001.

Vote: Senate 38-0; House 116-0

