

TRANSPORTATION ADMINISTRATION

CS/HB 261 — Transportation

by Ready Infrastructure Council and Rep. Russell and others (CS/CS/CS/SB 502 by Finance & Taxation Committee; Governmental Oversight & Productivity Committee; Transportation Committee; and Senator Sebesta)

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

Commercial Trucks

Amends ss. 316.302 and 316.3025, F.S., to update the reference to the current safety regulations; authorizes specified law enforcement officers holding safety inspector certification to stop commercial motor vehicles; changing a statutory truck regulation to a CFR reference. Removes a permit requirement for auto haulers up to 14 feet. Amends s. 316.535, F.S., to include weight limits on specialty trucks, and to specify they have to meet all safety and operational requirements under law. Amends s. 316.515, F.S., authorizing the use of straight trucks and cotton module movers up to 50 feet, and amends s. 316.520, F.S., providing a tarp exemption for certain agriculture trucks.

Amends s. 334.044, F.S., to provide a definition of the primary mission, powers, and responsibilities of the Office of Motor Carrier Compliance. Amends s. 320.055, F.S., to revise registration dates for Florida commercial motor vehicles that are not apportioned.

Amends ss. 316.520 and 318.19, F.S., to provide that it is the duty of an owner and driver of a truck hauling a load, severally, to prevent inanimate objects from escaping the truck onto the roadway. Such violations are subject to punishment as a second-degree misdemeanor, and require a mandatory hearing. Section 316.520, F.S., is also amended to provide that vehicles carrying agricultural products locally on certain roads for certain distances are exempt from the requirement of covering the load with a close-fitting tarp or other preventive measure.

Turnpike Enterprise

Amends ss. 20.23, 337.025, 337.11, 338.165, 338.22, 338.221, 338.223, 338.227, 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 provide “economically feasible” for a turnpike project means the revenues of the project must pay 50 percent of debt service by the 12th year and 100 percent of debt service by the 22nd year; 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; to provide the turnpike enterprise may sell services, products or business opportunities, which benefit the traveling public, on the turnpike system, however the turnpike enterprise may not take property solely to create business opportunities; to provide approved Federal Highway Patrol expenses incurred patrolling the turnpike system will be reimbursed to the Department of Highway Safety and Motor Vehicles by the turnpike enterprise.

High-Speed Rail Authority

Creates ss. 341.8201, 341.8202, 341.8203, 341.827, 341.828, 341.829, 341.830, 341.831, 341.832, 341.833, 341.834, 341.835, 341.836, 341.837, 341.838, 341.839, 341.840, 341.841, 341.842, F.S., and amends ss. 341.821, 341.822, 341.823, 341.824, 288.109, 334.30, 337.251, and 341.501, F.S., amending the High-Speed Rail Authority act. Broadens the High-Speed Rail Authority's responsibilities and powers to proceed with implementing the provisions of s. 19, Art. X, State Constitution. Authorizes the Authority to establish and collect rates, fees and other charges; acquire land (not by eminent domain) and enter into leases and other contracts; accept donations; and, incur debt, but only in accordance with levels authorized by the Legislature. Authorizes the authority to develop and execute the systems of Prequalification, Qualification, and Request for Proposals. Deletes the Florida High-Speed Rail Transportation Act.

Other Transportation Issues

Amends s. 206.46, F.S., to increase the debt service cap for right-of-way and bridge construction bonds to \$200 million. Amends s. 212.055, F.S., providing charter counties which adopted their charter prior to January 1, 1984 may levy the Charter County Transit System Surtax upon approval by the electorate by county referendum or charter amendment.

Amends ss. 189.441 and 311.09, F.S. providing Community Improvement Districts and the Florida Seaport Transportation and Economic Development Council must comply with s. 287.055, F.S., in regard to the procurement of professional services. Amends ss. 315.02 and 315.03, F.S. to include certain governmental units in the definition of the term "unit," and security measures in the definition of the term "port facilities." Authorizes the seaports to participate in federal loan guarantees or lines of credit.

Amends s. 212.0606, F.S., providing proceeds from the rental car surcharge must be returned to the FDOT district where the fee was collected, beginning in 2007. Amends ss. 215.615, 341.031, 341.051(5)(b), and 341.053 F.S., to delete the requirement that the Department of Transportation (DOT) develop a major capital investment policy for public transit capital projects.

Amends s. 337.11(6)(c), F.S., providing DOT may award fast response contracts up to \$120,000, and amends s. 337.11(7)(a), F.S., to authorize, effective July 1, 2003, DOT to include right-of-way services in a design-build contract until July 1, 2005. Amends s. 337.185, F.S., providing 820 days for a contractor to file for arbitration. Repeals s. 59 of Chapter 1999-385, L.O.F., and

amends s. 73.071, F.S., providing businesses of 5 years standing are eligible for business damages starting in 2005. Amends Chapter 1988-418, L.O.F., to provide Crandon Boulevard may be modified to provide for vehicular ingress and egress of public safety vehicles.

Amends ss. 255.20, 336.41, 336.44, and 337.14 F.S., to provide any contractor prequalified with DOT 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 DOT certificate of qualification from 16 months to 18 months.

Amends ss. 332.004, 332.007 and 333.06, F.S., to include off-airport noise mitigation projects in the definition of “airport or aviation development project”; authorizing an extension for airport security expenditures; and providing a loan extension; requiring public owned and operated airports to prepare a master plan.

Amends ss. 334.175, 337.401 and 337.408, F.S., providing landscape architects must certify and register design plans; to authorize FDOT to accept a Utility Relocation Schedule and Relocation Agreement in lieu of a written permit; providing for the regulation of advertisements on street light poles.

Amends ss. 339.12 and 339.135, F.S., providing preference for FDOT grants for certain counties; deleting a provision which requires the Florida Transportation Commission to consider the list of projects identified as inconsistent with local comprehensive plans in their review of the tentative work program. Amends ss. 339.55, 341.501 and 768.28, F.S., expanding which facilities are eligible for infrastructure bank loans; authorizing DOT to match aid from other states or jurisdictions if the project is in Florida; providing sovereign immunity for operators, dispatchers and security providers of Tri-Rail.

Expressway Authorities

Amends ss. 348.7543, 348.7545, 348.755 and 348.765, F.S. Updates or clarifies provisions related to the Orlando-Orange County Expressway Authority (OOCEA) allowing the OOCEA to issue its own revenue bonds. Amends ss. 348.0003 and 348.0008, F.S., to provide the qualifications, terms of office, and obligations and rights of the members of the Miami-Dade Expressway Authority will be determined by the Miami-Dade County Commission; authorizing expressway authority employees or authorized agents to enter any premises, upon giving reasonable notice to the landowner, for the purpose of making examinations necessary for the acquisition of property.

Amends ss. 348.545 and 348.565, F.S., authorizing the Tampa-Hillsborough County Expressway Authority to finance toll facilities on the legislatively approved expressway system; adding the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 to the list of projects that could be financed through the Tampa-Hillsborough County Expressway bonds. Amends s. 373.4137, F.S., to allow expressway authorities to utilize the process developed for

DOT to pay mitigation funds into escrow accounts, managed by the Department of Environmental Protection, which finance Water Management District mitigation projects to offset the adverse environmental impacts of expressway projects.

Development of Regional Impact

Amends ss. 163.3177, 380.04 and 380.06, F.S., providing for incorporation of airport master plans into local comprehensive plans, and exempts such airport developments from Development Regional Impact (DRI) review; adding electrical work to what is not considered development; providing a development that is below 100 percent of all numerical thresholds is exempt from DRI review. Provides procedures for developments that have received a DRI review orders, but are no longer required to comply.

Department of Highway Safety and Motor Vehicles

Amends s. 316.003, F.S. and creates s. 316.2068, F.S., defining motorized scooter and Segway and providing they are not vehicles; providing for the regulation of Segway. Amends s. 316.80, F.S., providing it is unlawful to possess any device for the transportation of motor or diesel fuel which does not conform to federal requirements for such fuel transportation devices.

Amends ss. 320.08056 and 320.08058, F.S., creating the Florida Firefighters and the Police Benevolent Association license plates. Creates the Dori Slosberg Safety Act providing county commissions may require a \$3 additional fee with each civil traffic penalty to fund traffic education. Amends s. 316.006, F.S., to permit issuance of a citation for failure to obey a multi-party stop sign in a private community.

Amends s. 316.066, F.S., creating an exception to the 60-day public records exemption and confidentiality designation for crash reports for local government employees and agents. Amends s. 316.1975, F.S., to exempt solid waste and recovered waste collection vehicles from certain requirements relating to unattended motor vehicles, extending the same exemption that is currently applicable to delivery vehicles. Creates s. 316.2127, F.S., authorizing the operation of certain utility vehicles on public roads by homeowners' associations.

Amends s. 316.304, F.S., to provide that any person using a headset in conjunction with communicating with a central base operation while operating a vehicle is not subject to the traffic law prohibiting the wearing of headsets under certain conditions. Amends s. 318.18, F.S., providing the fine for speeding through a toll collection facility is double the standard speeding fine, and to provide that a willful violation of certain provisions in s. 316.520, F.S., proven in a hearing, are punishable by a fine of \$100.

Section 316.640, F.S., is amended to authorize university police officers to enforce traffic laws on any property or facilities of direct-support organizations of the university, or other organization under the control of the university. Amends s. 322.056, F.S., to give courts

discretion to order the issuance of a business or employment purposes only license to certain juvenile violators. Amends ss. 316.640 and 570.073, F.S., to expand the traffic law and general law enforcement authority of agricultural law enforcement officers. Amends s. 319.23, F.S., to require DHSMV to retain the evidence of title presented by an applicant upon which a certificate of title is issued.

Amends s. 319.28, F.S., to delete the requirement that an original or certified copy of the underlying contract be included in an application title based on a contractual default. Amends s. 319.33, F.S., to provide that it is unlawful to remove any manufacturer or state VIN number from a vehicle. Amends s. 320.025, F.S., to include governmentally owned law enforcement vessels in provisions allowing the registration of vehicles owned or operated by a law enforcement agency under a fictitious name. Amends s. 320.05, F.S., to include the term “vessel” in this section relating to public inspection of registration information. Amends s. 320.06, F.S., to provide for only one validation decal on the upper right corner of a license plate with the month and year on the same decal.

Amends s. 320.0805, F.S., allowing personalized license plates to be reassigned to another individual one year following the expiration of registration. Amends ss. 320.083 and 320.089, F.S., increasing the weight restriction for private-use vehicles eligible for certain license plates to include vehicles weighing less than 8,000 pounds. Amends s. 320.0848, F.S. to eliminate the fee required to obtain a 4-year disabled parking permit.

Amends s. 321.02, F.S., to provide that DHSMV shall prescribe colors for FHP vehicles and that the colors shall be referred to as “FHP black and tan.” Amends s. 322.051, F.S., to require persons accepting a driver’s license as proof of identification to also accept a state identification card as proof of identification. Amends s. 860.20, F.S., providing that DHSMV rather than DEP shall adopt rules specifying the locations and the manner in which serial numbers on outboard motors shall be affixed. Provides all automotive service technology education programs must be industry certified by 2007.

Amends s. 319.30, F.S., redefining the term “total loss” to require the owner of a damaged vehicle or mobile home to request the DHSMV to brand “Total Loss Vehicle” on the certificate of title if the actual costs of repair exceed 100 percent of the cost of replacing the damaged vehicle or mobile home. Creates s. 319.41, F.S., requiring the DHSMV to create a title history database for vehicles to be implemented by July 1, 2003. Requires the program to provide access to information relating to the year, make, model, mileage, date of sales, and outstanding liens on motor vehicles. This database is required to be made available on the Internet. Amends s. 316.003(1) and 316.2397 F.S., to include the Department of Health’s emergency vehicles in the definition of “Authorized Emergency Vehicles.” The primary purpose of these vehicles is to respond to major disasters. Fixes a glitch in CS/CS/SB 1360 providing section 16 of that bill will apply retroactively to January 1, 2002.

If approved by the Governor, these provisions take effect, except as otherwise provided, July 1, 2002.

Vote: Senate 35-1; House 114-1

CS/HB 715 — Transportation

by Ready Infrastructure Council and Reps. Bense, Haridopolos, and others (CS/SB 728 by Transportation Committee and Senator Latvala)

The bill provides local governments must pay cash compensation for the alteration or removal of a billboard sign. The rights to select and proceed with a public project are recognized as the exclusive right of local government. Once a local government decides to proceed and it affects a sign, the owner must be notified and the parties are directed to meet and try and enter into a “relocation and reconstruction agreement.” Parties are allowed to have the sign removed and relocated, substituted or replaced at another acceptable location.

If the parties fail to reach agreement, either the local government or the sign owner may request mandatory, non-binding arbitration. Each party picks an arbitrator and the two pick a third arbitrator. When the arbitration process is complete, the panel presents an agreement to the parties that they believe balances the rights of the parties. If the parties fail to reach an agreement and fail to sign the arbitration agreement presented by the arbitration panel, the local government may, at that point, proceed with the public project or purpose after paying cash compensation as determined through a traditional eminent domain process.

The bill also does not permit an indirect taking by local government. Removal of a sign cannot be a condition for obtaining a building permit or other development approval for the property, and it cannot be pre-condition to a voluntary acquisition of the property by the local government. The bill preserves the provisions of all current ordinances that are not inconsistent with the act, including restrictions or bans on new signs.

The bill exempts from the act disputes where the amortization period has run and litigation on the dispute was filed before May 1, 1997, and delays the effective date of the act for one year for three jurisdictions currently in litigation. The Department of Transportation is not covered by the bill and the department will continue to be governed by ch. 479, F.S. The bill provides for a study commission to be done by OPPAGA concerning the methodology and impact of just compensation for signs being taken by local government.

Further, the bill amends ss. 163.3180 and 339.135, F.S., to change the concurrency time frames from 3 years to 5 years for projects affecting the Florida Intrastate Highway System (FIHS).

The bill Amends s. 344.044(5), F.S., to include “scenic roads” among the topics for which the Department of Transportation can purchase promotional materials, and to delegate storm water permitting to a water management district or other entity, provided the permit is based on

requirements, as determined by the agency, that protect transportation facilities being affected by the runoff.

The bill amends s. 479.15, F.S., to provide a definition for the term “federal-aid primary highway system,” and 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.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 29-8; House 91-17

HB 325 — Historic Road

by Rep. Prieguez (SB 1010 by Senator Silver)

The bill designates a portion of Le Jeune Road within the city limits of Coral Gables as a state historic road. It prohibits the use of state funds to widen or broaden this section of road, or to alter, remove, or replace any existing landscaping, including the decades-old mahogany trees that line the road. The bill directs the Florida Department of State’s Division of Historical Resources to provide for suitable markers noting the designation. The cost of the markers could range from \$1,400 to \$1,600. Under the provisions of s. 267.074, F.S., these costs will typically be paid, either in whole or part, by the local sponsors of the designation.

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

Vote: Senate 38-0; House 112-0

HB 329 — Small Aircraft

by Rep. Baker and others (SB 1228 by Senator Mitchell)

This bill would make Florida a participant along with NASA, the Federal Aviation Administration, the aircraft industry, and various universities in the Small Aircraft Transportation System (SATS) project.

Small Aircraft Transportation System is an integration of new technologies that includes small airplanes with high-tech, user-friendly cockpits, quiet jet propulsion systems working with integrated airports’ infrastructure technology to allow precision landings even in inclement weather. Small Aircraft Transportation System strategies are conceived to affect the nature of aviation operational capabilities for airports, airspace, and air traffic and commercial services. The strategy focuses on airborne technologies that expand the use of airports with excess capacity as well as underutilized, unmanaged airspace for transportation use.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 38-0; House 118-0

CS/HB 811 — Seaport Security Infrastructure

by Ready Infrastructure Council; Select Committee on Security; and Rep. Bense and others
(CS/SB 972 by Transportation Committee and Senators Brown-Waite and Posey)

This bill authorizes the use of Florida Seaport Transportation and Economic Development (FSTED) funds for the purpose of seaport security measures. The bill stipulates that infrastructure security projects must be included within a seaport security plan approved by the Department of Law Enforcement and the Office of Drug Control in order to be eligible for funding. Specific projects not included within an approved seaport security plan must be reviewed and approved by the Department of Law Enforcement. Authorized uses for these funds include security fencing and lighting, equipment to be used for security monitoring and recording, remote surveillance systems, and other infrastructure or equipment that contributes to the overall security of the seaport and its facilities. Infrastructure security measures required by an approved seaport security plan or as otherwise found by the Department of Law Enforcement to be consistent with an approved security plan are not subject to the 50 percent matching fund requirement.

The bill provides for the use of FSTED funds for operational security measures mandated by federal, state, or local agencies, including the deployment of the Florida National Guard, local, and private law enforcement personnel at seaports. Applicable law enforcement measures are subject to the 50 percent matching fund requirements, except that funds provided for the Florida National Guard are exempt from this requirement through the period April 30, 2002.

Seaports are authorized to request the Department of Transportation to revise the purpose of a project contained in the 2000-2001 and 2001-2002 work programs to reflect changes in funding for certain security related projects. The bill also provides that additional consideration will be given to seaports with operating revenues of \$14 million or less for seaport security grants not to exceed \$350,000. Finally, the bill provides any federal funds provided to Florida seaports for seaport security infrastructure measures must be allocated consistent with federal guidelines and requirements. If a seaport receives FSTED funding for a specific security project, then subsequently receives federal funding for the same security project, the seaport must reimburse the FSTED Program.

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

Vote: Senate 31-0; House 119-0

HB 275 — Public Records/Deepwater Ports

by State Administration Committee and Rep. Brummer (SB 476 by Transportation Committee)

Section 315.18, F.S., was certified by the Division of Statutory Revision and will repeal on October 2, 2002, unless otherwise reenacted by the Legislature. This bill (Chapter 2002-5, L.O.F.) maintains an exemption from public records requirements for any proposal or counterproposal exchanged between a nongovernmental entity and a deepwater port, or any financial records submitted by a nongovernmental entity to a deepwater port, relating to the sale, use, or lease of land or of port facilities. This bill provides, however, that in the 30-day period prior to the consideration of a proposal or counterproposal by a deepwater port, the information contained in such proposals is subject to public disclosure. If the proposal or counterproposal is not submitted to the governing body of the deepwater port for approval, the information contained within is subject to public disclosure after 90 days following the end of negotiations.

These provisions were approved by the Governor and take effect October 1, 2002.

Vote: Senate 39-0; House 114-0

HIGHWAY SAFETY AND MOTOR VEHICLES

CS/CS/SB 522 — Highway Safety and Motor Vehicles

by Criminal Justice Committee; Transportation Committee; and Senator Sebesta

Section 316.006, F.S., is amended to provide that if a county commission elects to abandon a road and convey the county's interest in such road to a subdivision, the county's traffic enforcement jurisdiction ceases, unless otherwise agreed to by the county.

Section 316.00825, F.S., is created establishing a standardized process by which a county commission can consider, and in its discretion agree to, a request from a subdivision for a return of roads it originally owned but deeded to the county. Counties would have an option to abandon such roads and simultaneously convey the county's interest in such roads, rights-of-way, drainage systems, lighting, and other appurtenant facilities, to a qualifying homeowners' association. A homeowners' association taking over ownership and control of such roads shall have traffic control jurisdiction over the roads unless an agreement stating otherwise has been entered into with the county.

Section 316.061, F.S., is amended to authorize employees and agents of law enforcement, the Department of Transportation, or an expressway authority to remove crashed vehicles and their debris from the roadway when a crash involves only vehicle or property damage. The bill also limits the liability of persons who move such a vehicle or debris.

Section 316.520, F.S., is amended to clarify that the penalty for allowing a vehicle load to escape onto the highway is a nonmoving violation.

Section 318.1451, F.S., is amended to repeal provisions prohibiting governmental agencies from providing any information regarding driver improvement schools or course providers, and directing all inquiries to the telephone directory. The bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) or court to issue a reference guide that contains the names and telephone numbers for approved course providers.

Section 319.001, F.S., is amended to revise the definitions of certain motor vehicle and motorcycle parts to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles.

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

Section 319.22, F.S., is amended to provide that it is illegal to transfer the title of a motor vehicle unless the purchaser's name appears on the title. A person who knowingly and willfully violates this provision with intent to commit fraud is guilty of a first degree misdemeanor.

Section 319.30, F.S., is amended to revise the definition of "major component parts" to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles. Anyone who willfully and knowingly directs a person to sign an affidavit that falsely asserts that a vehicle title has been surrendered to the DHSMV commits a third degree felony. The bill also clarifies requirements relating to "total loss" vehicles, and provides for the issuance of state-assigned vehicle identification number plates in certain circumstances.

The bill provides that motor vehicle and vessel titling and registration fees collected by county tax collectors must be transferred to the DHSMV within 5 days from the close of the business day in which the county officer received the funds. Applicable funds must be transferred electronically to the department.

Section 320.27, F.S., is amended to provide for the suspension or revocation of a motor vehicle dealer license for a single violation of prohibited criminal or fraudulent activities. A pattern of wrongdoing must be documented before administrative action can be taken against a motor vehicle dealer for lesser violations.

Section 322.095, F.S., is amended to repeal a provision prohibiting governmental entities from providing information on traffic law and substance abuse education schools or providers. The bill also authorizes the DHSMV to approve and regulate such courses that use technology as the delivery method.

Section 713.78, F.S., is amended to limit the number of reassignments allowable under a certificate of destruction to two before dismantling or destruction of the vehicle shall be required. The bill authorizes law enforcement officers and employees of the DHSMV to inspect records of those in the business of towing, storing, or transporting vehicles to ensure compliance. The bill provides that failure to maintain or produce required records when properly requested is punishable as a first degree misdemeanor.

The bill amends several provisions relating to the Pilot Recreational Vehicle Mediation and Arbitration Program. The bill provides that RV manufacturers must provide written notice to consumers of the claims process available under s. 681.1096, F.S. The bill also extends the operation of the RV Mediation and Arbitration Program through September 2006, and authorizes the Attorney General to delegate responsibility for screening of claims to the program administrator.

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

Vote: Senate 34-0; House 118-0

SB 358 — Motor Vehicle Accidents/Distractions

by Senators Sebesta, Lee, Clary, Latvala, and Smith

This bill expressly preempts to the state the regulation of the use of cellular phones and other electronic communications devices by drivers and passengers of a motor vehicle. In addition, the bill requires the Florida Department of Highway Safety and Motor Vehicles to collect and analyze data on the impact of driver distractions on crashes and report its findings to the Senate and the House of Representatives by February 28, 2003.

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

Vote: Senate 39-0; House 115-0

CS/SB 520 — Driver's Licenses

by Transportation Committee and Senators Brown-Waite, Burt, Geller, and Dyer

This bill amends s. 322.051, F.S., to require that applicants for a Florida identification card must identify their country of birth. Similarly, the bill limits reciprocity for the purpose of verifying the applicant's identity to those states that have adopted proof of identity requirements that are at least as stringent as Florida's. In addition, the bill provides that identification cards issued to foreign nationals who rely on certain United States Department of Justice documents (an employment authorization card, or proof of nonimmigrant classification) to establish proof of identity shall expire 4 years from the date of issuance or upon the expiration date cited on the applicable Department of Justice document, whichever date occurs first. Identification cards issued to specified foreign nationals may not be renewed or duplicated except in person. Finally, the bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to

incorporate fingerprints and other unique biometric means of identity into the application for an identification card.

The bill amends s. 322.08, F.S., to require that applicants for a Florida driver's license identify their country of birth. The bill limits reciprocity for purposes of verifying the applicant's identity to those states that have adopted proof of identity requirements that are at least as stringent as Florida's. Under this provision, Florida would continue to accept valid driver licenses issued through other jurisdictions for purposes of determining the applicant's driving qualifications. However, Florida would limit reciprocity for identification purposes to those jurisdictions that have adopted comparable proof of identity documentation requirements. Currently, Florida accepts the following five primary identification documents: (1) a certified copy of a United States birth certificate; (2) a valid United States passport; (3) an alien registration receipt card (green card); (4) an employment authorization card issued by the United States Department of Justice; or (5) proof of nonimmigrant classification provided by the United States Department of Justice. The bill provides that DHSMV may incorporate fingerprints and other unique biometric means of identity into the application for a driver's license.

The bill amends s. 322.17, F.S., to provide that a licensee who establishes his or her identity for a driver's license using certain Department of Justice documents (an employment authorization card or proof of nonimmigrant classification) may not obtain a duplicate or replacement driver's license except in person and upon submission of the appropriate identification documentation.

The bill amends s. 322.18, F.S., to provide that driver's licenses issued to foreign nationals who rely on certain Department of Justice documents (an employment authorization card, or proof of nonimmigrant classification) to establish proof of identity shall expire 4 years from the date of issuance or upon the expiration date cited on the applicable Department of Justice document, whichever date first occurs. Driver licenses issued to specified foreign nationals may not be renewed or duplicated except in person and upon submission of the appropriate identification documentation.

The bill amends s. 322.19, F.S., to provide that a licensee who establishes his or her identity for a driver's license using certain Department of Justice documents (an employment authorization card, or proof of nonimmigrant classification) may not change his or her name or address except in person and upon submission of the appropriate identification documentation.

The bill amends s. 322.212, F.S., to provide it is unlawful to sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or similar document without approval by DHSMV. Violation of this section would constitute a third-degree felony. The bill also provides that violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

If approved by the Governor, these provisions take effect October 1, 2002.

Vote: Senate 31-6; House 112-1

CS/SB 366 — State Uniform Traffic Control

by Transportation Committee and Senator Crist

This bill (cited as the “Move Over Act”) provides that when an emergency vehicle is parked and using its visual signals, motorists are to, as soon as it is safe, vacate the lane closest to the emergency vehicle when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle. On two lane roads, motorists are required to reduce their speed to 20 miles an hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater, or 5 miles per hour when the posted speed limit is 20 miles per hour or less. A violation of this provision is punishable by a \$30 civil penalty. Proceeds from this fine are to be paid to the Crimes Compensation Trust Fund administered by the Office of the Attorney General.

The Department of Highway Safety and Motor Vehicles is directed to provide an educational awareness campaign informing the motoring public of the requirements of this bill. In addition, the Department is required to incorporate information concerning this bill in all driver’s license educational materials printed after July 1, 2002.

This bill specifies those public and private entities that are authorized to operate emergency lights and sirens. The bill also provides additional authority to wrecker operators with regard to the use of rotating amber lights while recovering or towing a vehicle.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 37-0; House 118-0

SB 441 — License Plate/Breast Cancer Research

by Reps. Cantens, Berfield, Lerner, Heyman, Romeo, and others (SB 722 by Senators Sanderson, Brown-Waite, Holzendorf, Sebesta, Pruitt, and Villalobos)

This bill creates the Breast Cancer Research license plate. The license plate will include a figure on the left side of the plate with a pink ribbon on the chest, and will display a pink banner containing the Florida Breast Cancer Coalition website. The background will be blue and the words “End Breast Cancer” will appear at the top of the plate. In addition to the applicable motor vehicle taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate.

All annual use fees will be distributed by the Department of Highway Safety and Motor Vehicles to the Florida Breast Cancer Coalition Research Foundation to fund a peer-reviewed grant process. Grant funding must be made available for various kinds of breast cancer related research and innovative ideas. In the first year the plate is issued, no more than 25 percent of the fees collected may be used for administrative costs associated with the operation of the Florida Breast Cancer Coalition Research Foundation, and marketing and promotion of the research concept

and license plate. In subsequent years, no more than 20 percent of the revenues may be used for such purposes.

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

Vote: Senate 34-1; House 116-0

HB 561 — Parking Permits/Disabled Persons

by Rep. Ball and others (SB 350 by Senator Futch)

This bill (Chapter 2002-6, L.O.F.) amends s. 320.0848, F.S., to expand the statutory list of persons qualified to certify a person as disabled for the purposes of acquiring a parking permit for disabled persons to include an advanced registered nurse practitioner in a facility operated by the United States Department of Veterans Affairs under the protocol of a licensed physician, or by a licensed physician assistant in a facility operated by the United States Department of Veterans Affairs.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 39-0; House 117-0

HB 183 — Motor Vehicles/Pre-delivery Services

by Rep. Gardiner and others (SB 344 by Senator Latvala)

This bill repeals subsection (19) of section 29 of Chapter 2001-196, L.O.F. This repeals a provision of law that makes it a deceptive and unfair trade practice to add an additional charge for pre-delivery services other than those shown on a window sticker affixed to the vehicle. The bill applies retroactively to any motor vehicle sold on or after October 1, 2001. Motor vehicle dealers will still be required to disclose all pre-delivery charges to prospective purchasers before the final sale.

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

Vote: Senate 38-0; House 118-0

CS/HB 1431 — Motor Vehicle Warranty Enforcement

by Smarter Government Council and Rep. Jordan (CS/SB 1882 by Transportation Committee and Senator Latvala)

This bill provides that the nameplate manufacturer of a recreational vehicle must provide written notice to the consumer, at the time of vehicle acquisition, of the procedures required to file a claim under the Pilot RV Mediation and Arbitration Program. The bill extends the operation of the RV Mediation and Arbitration Program until September 30, 2006. The bill also authorizes the

Department of Legal Affairs to delegate responsibility for the screening of claims under the Pilot RV Mediation and Arbitration Program to the program administrator.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 37-0; House 116-0

