

TRANSPORTATION ADMINISTRATION

CS/CS/HB 985 — Transportation

by Policy and Budget Council; Economic Expansion and Infrastructure Council; and Rep. Glorioso and others (CS/CS/CS/SB 1928 by Transportation and Economic Development Appropriations Committee; Governmental Operations Committee; and Transportation Committee; CS/CS/CS/CS/SB 2804 by Transportation and Economic Development Appropriations Committee; Environmental Preservation and Conservation Committee; Community Affairs Committee; Transportation Committee; and Senators Baker, Crist, and Bullard; CS/SB 1454 by Community Affairs Committee and Senators Webster, Fasano, Constantine, and Crist; SB 1562 by Senator Saunders; SB 1964 by Senators Webster and Fasano; CS/SB 2188 by Community Affairs Committee and Senators Constantine and Crist; SB 2278 by Senator Oelrich; CS/SB 1134 by Transportation and Economic Development Appropriations Committee and Senators Fasano and Lynn; SB 2132 by Senator Constantine; and SB 2880 by Senator Margolis)

The bill addresses a number of transportation issues related to the Florida Department of Transportation (FDOT) and other entities. Numerous sections of law are amended or created.

Florida Transportation Commission

Section 20.23, F.S., is amended to require the Florida Transportation Commission to monitor expressway authorities and regional transportation authorities' compliance with applicable laws and accounting principles. The commission will periodically review each authority's operations and budget, property acquisition practices, and management of revenue.

Metropolitan Planning Organizations

Sections 112.061, 121.021, 121.051, 121.055, 121.061, 121.081, and 339.175, F.S., are amended to clarify Metropolitan Planning Organizations (MPOs) are separate and distinct legal entities, provide autonomy to MPOs by requiring independent staff and granting specific powers and authority, and provide MPO staff eligibility to participate in the Florida Retirement System.

Transportation Concurrency

Section 163.318(e), F.S., is created, allowing FDOT to establish a pilot program for studying the benefits of and barriers to creating multimodal transportation concurrency districts extending over more than one local government jurisdiction.

Section 163.3182, F.S., is created to allow county or municipal governing bodies to constitute themselves as transportation concurrency backlog authorities for the purpose of developing plans to eliminate concurrency backlogs. Such plans would be funded by tax increment financing within the jurisdiction.

Section 339.282 is created to allow developers to receive future credit against concurrency requirements for donations or improvements not included in a plan or program, through legally binding agreements.

Local Government Bond Issuance

Sections 212.055 and 336.025, F.S., are amended to remove prohibitions on local governments from issuing bonds more than once a year when those bonds are based on local government infrastructure tax or local option fuel tax revenues.

Fixed Guideway Revenue Bond Match

Section 212.055, F.S., is amended to revise the formula used by FDOT for matching fixed-guideway revenue bonds issued to finance local fixed-guideway transit projects. Rather than a fixed 50 percent match, the revision allows for various matching scenarios up to a limit of 50 percent on the State's share of the eligible project cost to allow FDOT to participate when state funds are not adequate to fund a 50 percent match.

Toll and Other Traffic Violation Penalties

Sections 316.65, 318.14, and 318.18, F.S., are revised to allow motorists cited for toll violations to pay a reduced fine and the unpaid toll directly to the tolling agency, and avoid the court process and assessment of points against the motorist's license. Motorists convicted of 10 toll violations within a 36 month period will have their license suspended for 60 days. A \$3 surcharge will be added to certain criminal and all noncriminal moving traffic violations to fund the statewide law enforcement radio system.

Turnpike FDOT Toll Facility Issues

Section 338.2275, F.S., is amended to raise the maximum allowable dollar amount of bonds issued by the Florida Turnpike Enterprise from \$4.5 billion to \$10 billion. Under revisions to s. 338.161, F.S., the turnpike enterprise and expressway authorities may contract with private and public entities to expand the use electronic toll transponders to include the payment of parking fees. Section 338.231, F.S., is amended to extend, through June 2017, the requirement for the turnpike enterprise to program at least 90 percent of the turnpike toll revenues collected in Miami-Dade, Broward, and Palm Beach Counties in those counties.

Section 338.234, F.S., is amended to prevent the commercial rental tax authorized under s. 212.031, F.S., from being levied against the turnpike enterprise or its vendors and lessees on any capital improvements made for essential government functions.

Under revisions made to s. 338.165, F.S., tolls on the turnpike enterprise, as well as other toll facilities owned by FDOT, must be indexed to the Consumer Price Index at least every five years but no more frequently than annually.

FDOT Contracting

The following changes were made to FDOT contracting requirements in order to enhance the number of eligible contractors and increase the competition for contracts:

- Section 337.14, F.S., is amended to allow FDOT to waive the requirement for contractors to be pre-qualified to bid on jobs when the project is under \$500,000 and noncompliance will not endanger the public health, safety, or welfare.
- Section 337.11, F.S., requires FDOT to expand the general advertising of bids to include those projects for which contractors do not need to be pre-qualified.
- Maintenance contractors are permitted to incrementally bond the work on long-term maintenance contracts by revisions to s. 337.18, F.S. which also increases, from \$150,000 to \$250,000, the maximum contract price threshold at which FDOT may waive surety bond requirements. The surety bond requirements may be waived for contracts greater than \$250 million provided the contractor can provide alternate means of security for the balance of the contract amount;

Enhanced Bridge Program

The bill creates s. 339.285, F.S., to establish the Enhanced Bridge Program for Sustainable Transportation within FDOT to provide a funding mechanism to improve:

- Local bridges which are not on the State Highway System (SHS), and
- Highly congested roads on the SHS or local roads with high-cost bridges for the purpose of relieving congestion or providing an alternative corridor.

The program allows for state funds to be used to provide up to 50 percent of the project's cost and authorizes the expenditure of moneys from the State Transportation Trust Fund to fund the program. The bill also establishes a number of eligibility conditions for candidate projects. Bridge projects on regionally significant corridors connecting to the Strategic Intermodal System will receive preference.

Northwest Florida Transportation Corridor Authority

Section 343.81, F.S., is amended to prohibit elected officials from being appointed to the Northwest Florida Transportation Corridor Authority (NFTCA). Current members of the authority are exempted. The Emerald Coast Bridge Authority's responsibilities for developing bridge crossings of Choctawhatchee Bay, Santa Rosa Sound, or both are subsumed by the NFTCA.

Public-Private Partnerships

Revisions to s. 334.30, F.S., establish additional criteria allowing FDOT to enter public-private partnerships (P³s) to advance projects outside of the 5-year work program if the project adds

transportation capacity, costs more than \$500 million, and is included in the 10-year Strategic Intermodal Plan. The projects may not preclude the ability of FDOT or the private entity from increasing capacity on the projects or other competing facilities and the P³ projects must become property of FDOT upon completion of the contract.

With the exception of the Florida Turnpike System, FDOT may lease its existing toll facilities to private partners for up to 75 years upon approval of the Legislative Budget Commission. FDOT may develop new toll facilities or increase capacity on existing toll facilities through P³s. Up to 15 percent of the total federal and state funds from the State Transportation Trust Fund may be obligated to P³s.

Revisions are made to s. 348.0004, F.S., addressing the ability of expressway, bridge, transportation, and toll authorities to enter P³s for projects increasing transportation capacity. Such authorities may sell or lease any transportation facility owned by the facility upon approval of the Legislative Budget Commission. The project may not preclude the ability of the authority or the private entity from increasing capacity on the project or other competing facilities and the P³ project must become property of the authority upon completion of the agreement.

Construction Aggregates

A new section of the Florida Statutes is created to form the Strategic Aggregates Review Task Force to evaluate the availability and disposition of construction aggregates defined as crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, and certain sands providing the basic materials for concrete, asphalt, and road base. The task force is to present its findings to the Governor and Legislature by February 1, 2008.

Local governments must consider the effect of local land-use decisions on the availability, transportation, and extraction of aggregate materials and no local government may impose a moratorium or moratoria on the mining of construction aggregate for more than 12 months duration.

Environmental permitting for limerock extraction is made eligible for the expedited permitting process established in s. 403.973, F.S., and FDOT is authorized to use special procurement practices in acquiring aggregate when necessary.

Aviation

Section 332.007, F.S., is amended to allow FDOT to fund up to 80 percent of the non-federal share of certain aviation development projects at publicly owned and operated airports with no scheduled commercial service. The Secure Airports for Florida's Economy Council is revised removing state agencies from the council. However, the agencies retain the ability to overrule any action of the council.

Miscellaneous Issues

Several miscellaneous issues are addressed in the bill:

- Sections 120.52, 349.03, and 349.04, F.S., are amended to revise Jacksonville Transportation Authority (JTA) membership and staffing, define JTA as an exempt ‘agency’ under ch. 120, F.S., and to grant JTA the authority to adopt rules.
- The amount of local matching funds required for projects funded through the Small Port Dredging program under s. 311.22, F.S., is reduced from 50 percent to 25 percent.
- Revisions to s. 316.2123, F.S., allow counties to allow the operation of all terrain vehicles on designated unpaved roads with speed limits less than 35 miles per hour during daylight hours.
- Provisions of ss. 316.605 and 320.061, F.S., related to the placement and legibility of vehicle license plates are revised to clarify prohibitions against obscuring or interfering with the legibility of license plates.
- Section 339.2819, F.S., is amended, revising the requirements of the Transportation Regional Incentive Program to allow the use of federal funds for the local match of public transportation projects.
- Under revisions to s. 339.55, F.S., the State Infrastructure Bank is authorized to make emergency loans to specified public transportation providers in declared disaster areas.
- A number of criteria are established for non-profit organizations desiring to contract with FDOT for youth work experience programs under s. 334.351, F.S.
- Local governments are provided authority to regulate wall murals by the creation of s. 479.156, F.S.
- The provisions of ch. 89-383, L.O.F., designating Red Road in Miami-Dade County as a state historic highway are revised to allow certain safety modifications provided no increase in the number of lanes is made.
- Section 341.071, F.S., is amended to require recipients of transit block grants to identify system improvements that would enhance profitability.
- The bill amends s. 316.1951, F.S., to revise provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental. This bill also provides exceptions and prohibits certain acts in the sale of motor vehicles.
- Revisions to s. 348.0003, F.S., require the board of the Miami-Dade Expressway Authority to adhere to the financial disclosure requirements of s. 8, Art. II of the State Constitution.
- Section 348.754, F.S., is revised to allow the Orlando-Orange County Expressway Authority to implement a small business economic development program for contracts between \$200,000 and \$500,000.
- The threshold established in s. 336.41, F.S., at which county construction contracts must be opened to competitive bidding is raised from \$250,000 to \$400,000.
- Cross-references are corrected in ss. 163.3177, 339.176, and 341.828, F.S.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-2; House 68-49

HB 9 — Trespass/Railroad Property

by Rep. Mahon and others (SB 320 by Senator King)

This bill amends s. 810.011(5), F.S., to provide, for purposes of prosecution for trespass, posting is not required for lands containing stationary rails or roadbeds owned or leased by a railroad or railway company if the property is:

- Readily recognizable to a reasonable person as being the property of a railroad or railway company, or
- Identified by conspicuous fencing or signs indicating the property is owned or leased by a railroad or railway company.

This bill will allow people to be found guilty of misdemeanor trespassing for entering onto railroad tracks or railroad beds, even though prior notice that the property is privately owned was not given and “no trespassing” signs were not placed every 500 feet around the property.

If approved by the Governor, these provisions take effect October 1, 2007

Vote: Senate 20-19; House 113-2

SB 90 — Motor Fuel Taxes/Commercial Aviation

by Senator King

This bill entitles persons who purchase and use motor fuel in the operation of aviation ground support vehicles and equipment to a refund of the motor fuel sales tax, the State Comprehensive Enhanced Transportation System (SCETS) Tax, and the local-option fuel tax, provided none of the fuel is used in vehicles or equipment operated on public roads.

Specifically, the bill adds “commercial aviation purposes” to the list of motor fuel uses for which a person is entitled to a refund of the local option fuel tax, the SCETS tax, and the fuel sales tax.

A refund would be available for “fuel used in the operation of aviation ground support vehicles or equipment, no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state.” Under this definition, qualifying vehicles and equipment would include “tugs” used for maneuvering aircraft and transporting baggage and other freight between an aircraft and the terminal, concessionaire and fuel vehicles, emergency and other vehicles used exclusively on airport property, as well as landscaping and other gasoline or diesel fuel equipment. Fuel used in aircraft or any vehicle which operates on the public highway system would not be eligible for tax refund.

Commercial aviation ground support companies will receive, in the aggregate, an estimated \$200,000 annually in motor fuel tax refunds, with a commensurate recurring loss in motor fuel tax revenues to the State Transportation Trust Fund, and an insignificant recurring loss of local option fuel tax revenues to local governments.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 106-5

CS/SB 138 — Transportation Facilities/Designations

by Transportation Committee and Senators Bullard and Wilson (SB 208 by Senator Wilson; SB 1302 by Senator Oelrich; SB 1566 by Senator Lynn; SB 2296 by Senator Wilson; SB 2738 by Senator Hill)

The bill designates the following roads and bridges:

- That portion of State Road 821, the Florida Turnpike Homestead Extension, between exit 16 at S.W. 152nd Street and exit 11 at S.W. 216th Street in Miami-Dade County is designated as the “John F. Cosgrove Highway.”
- That portion of Flagler Avenue N.W. between 72nd Avenue and 67th Avenue in Miami-Dade County is designated as “Arnold M. Velazquez Boulevard.”
- That portion of Coral Way between S.W. 31st Avenue and S.W. 25th Avenue in Miami-Dade County is designated as “Marilyn Culp Way.”
- That portion of Kendall Drive between 107th Avenue and 87th Avenue in Miami-Dade County is designated as “Dr. Leonard Cherdack Memorial Highway.”
- That portion of Biscayne Boulevard/U.S. 1/ State Road 5, between N.E. 54th Street and N.E. 96th Street in Miami-Dade County is designated as “Athalie Range Boulevard.”
- That portion of Interstate 95 between State Road 400 and State Road 600 in Volusia County is designated as “Kevin John Fischer Memorial Highway.”
- That portion of State Road 191 from the intersection of Garcon Point Road and Forsythe Street in the City of Bagdad south to the intersection of Avalon Boulevard/State Road 281 in Santa Rosa County is designated as “Curtis Golden Boulevard.”
- That portion of Martin Luther King Boulevard between Phoenix Avenue and Boulevard Street in Duval County is designated as “Ed Holt Boulevard.”
- That portion of Martin Luther King Boulevard between North Myrtle Avenue and Fairfax Street in Duval County is designated as “Moses Baker Boulevard.”
- That portion of Beaver Street between Stockton Street and Edgewood Avenue in Duval County is designated as “C.D. Kinsey Street.”
- That portion of U.S. Highway 1 between Red Poll Road and Soutel Drive in Duval County is designated as “Lawrence Callahan Highway.”

- That portion of U.S. Highway 1 between Richardson Road and Soutel Drive in Duval County is designated as “Bernard Wilkes Highway.”
- That portion of Lem Turner Road between Rowe Avenue and I-95 in Duval County is designated as “Sarah Hayes Rice Road.”
- That portion of I-95 Southbound from Dunn Avenue to the I-10 interchange and I-10 Eastbound from Lane Avenue to I-95 in Duval County is designated as the “James Weldon Johnson Memorial Highway.”
- That portion of U.S. Highway 1 (Biscayne Blvd.) between 135th St. to 151st St., in Miami-Dade County is designated as “Sigmund Zilber Memorial Highway.”
- The bridge over the railroad tracks on SR 441 at N.W. 3rd Street and N.W. 8th Street in the City of Ocala in Marion County is designated as “Judge William T. Swigert Bridge.”
- The bridge across Memorial Canal on N.E. 125th Street near Griffing Boulevard in the City of North Miami is designated as the “Rick Ricciardelli Bridge.”
- The U.S. Highway 1 Bridge which crosses the Loxahatchee River at the inlet in the City of Jupiter/Tequesta in Palm Beach County is designated as “Carlin White Bridge.”
- The interchange of the Florida Turnpike and State Road 50 west near the Town of Oakland in Orange County is designated as “Senator Richard H. Langley Memorial Interchange.”
- The bridge on I-10 that crosses Escambia Bay in Escambia County is designated as “The David Bogan Bridge.”
- That portion of U.S. Highway 27 (Okeechobee Road) between W.12th St. and W.19th St., in Miami-Dade County is designated as “Raul L. Martinez / José Abreu Pass.”
- That portion of 49th Street within the boundaries of the City of Hialeah in Miami-Dade County is designated as “Mayor Raul L. Martinez Street.”
- That portion of S.W. 8th Street between S.W. 67th Avenue and S.W. 72nd Avenue in Miami-Dade County is designated as “Dr. Vicente Grau-Imperatori Street.”
- That bridge, number 570125, on State Road 85, which crosses Boggy Bayou in Okaloosa County, is designated as “William Nathey Bridge.”
- That portion of State Road 70 near U.S. Highway 27 in Highlands County is dedicated to the memory of Highway Patrol Sergeant Nicholas Sottile.
- The bridge over Indian Creek on West 41st Street in the City of Miami Beach in Miami-Dade County is designated as “Robert L. Blum Bridge.”
- That portion of U.S. Highway 98/State Road 35/700 in Polk County between Main Street in Bartow and Main Street in Lakeland is designated as “George W. Harris, Jr. Boulevard.”
- That portion of S.W. 12th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as “Angel Manuel De La Portilla Way.”

- That portion of N.W. 21st Avenue between N.W. 20th Street and N.W. 23rd Street in Miami-Dade County is designated as “Dennis Pastrana Avenue.”
- That portion of 27th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as “Luis Conte Agüero Way.”
- That portion of LeJeune Road/S.W. 42nd Avenue between S.W. 8th Street and Coral Way in Miami-Dade County is designated as “Estrella Rubio Way.”
- That portion of LeJeune Road/S.W. 42nd Avenue between Flagler Street and S.W. 8th Street in Miami-Dade County is designated as “Rafael Diaz Balart Road.”
- That portion of N. Kendall Drive between S.W. 117th Avenue and S.W. 127th Avenue in Miami-Dade County is designated as “Ambassador Armando Valladares Drive.”
- That portion of N.W. 2nd Terrace between N.W. 37th Avenue and N.W. 38th Court in Miami-Dade County is designated as “Fred Havenick Way.”
- The corner of W. Flagler Street, State Road 968, and Le June Road, State Road 953, in Miami-Dade County is dedicated to the memory of Aristides Sastre.
- That portion of N.W. 7th Street between N.W. 37th Avenue and N.W. 38th Court in Miami-Dade County is designated as “Isadore Hecht Street.”
- The fountain located in the water retention area bordered by U.S. 441, Old U.S. 441 and State Road 19 in Tavares, Lake County, is designated the “Sheriff Chris Daniels Memorial Fountain.”
- That portion of 7th Avenue NW, between 125th Street and 135th Street in Miami-Dade County is designated as “Victor Hernandez, Sr. Way.”

The Department of Transportation is directed to erect suitable markers.

- Additionally the bill designates that portion of Brickell Avenue situated within the corporate limits of the City of Miami and lying between S.E. 25th Street and the south shoreline of the Miami River as a state historic road. No state funds may be expended by any public body or agency to alter its location whether by extension of its boundaries or the extension of the name Brickell Avenue. Ordinary maintenance and repair of that portion of Brickell Avenue is allowed provided the historic road is preserved.
- Finally, section 27 removes obsolete language from provisions related to roadside beautification programs and plant materials.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 118-0

HB 431 — Tourist-oriented Directional Sign

by Rep. Pickens and others (SB 882 by Senator Fasano)

The bill establishes a tourist-oriented directional sign program to provide travel directions to businesses, services, and activities in rural counties. Signs on the state highway system must comply with the federal standards established in the tourist-oriented directional sign program outlined in the Manual on Uniform Traffic Control Devices.

Eligible counties are defined by s. 288.0656, F.S., which defines a “rural community” as a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less. Currently there are 34 counties eligible for this program. Counties are responsible for sign construction, maintenance, and operation of the program. The bill authorizes counties and municipalities to establish permit fees to offset the associated costs of the program. The bill does not create a proprietary or compensable interest in any sign site or location. Permits may be terminated or signs relocated, as necessary, for construction, improvement of transportation facilities, or improved traffic control or safety.

The Florida Department of Transportation is authorized to adopt rules to establish qualifications, construction standards, sign sites, and other criteria.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 116-0

CS/CS/CS/SB 506 — Tampa Bay Area Regional Transportation

by Transportation and Economic Development Appropriations Committee; Governmental Operations Committee; Transportation Committee; and Senators Fasano and Crist

The bill creates ch. 343, part V, F.S. to establish the Tampa Bay Area Regional Transportation Authority (TBRTA) as an agency of the state to improve mobility and expand multimodal transportation options for passengers and freight in the seven county Tampa Bay region (Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.)

The TBRTA Board comprises 15 voting members including seven elected officers appointed by each of the represented counties’ Boards of County Commissioners, and

- A member of the West Central Florida Chair’s Coordinating Committee (CCC);
- The mayor or mayor’s elected designee of the largest city served by the Pinellas Suncoast Transit Authority;
- The mayor or mayor’s elected designee of the largest city served by Hillsborough Area Regional Transit Authority;

- The mayor or mayor's elected designee of the largest city in Manatee County. (After two years the mayor or designee of the largest city in Sarasota County shall be the board member. The seat rotates between these counties every two years.); and
- Four non-elected persons appointed by the Governor representing business, two of which must represent counties within the Tampa Bay Transportation Management Area.

Members of the TBRTA board will serve without compensation and must comply with financial disclosure requirements. The board may employ staff and agents and has the right to plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage transportation projects such as:

- Express bus services;
- Bus rapid transit services;
- Light rail, commuter rail, heavy rail, or other transit services;
- Ferry services;
- Transit stations;
- Park and ride lots;
- Transit-oriented development nodes;
- Feeder, reliever, or connector roads;
- Bypasses; or
- Appurtenant facilities.

A master plan, required by July 1, 2009, is to be updated every 2 years and presented to the governing bodies of the seven-county region and to the legislative delegation members representing those counties, as well as the CCC.

Any project may be tolled. Projects that will be part of the State Highway System require the concurrence of the Florida Department of Transportation (FDOT). All project planning, development, and implementation must be coordinated with the applicable adopted local government comprehensive plans and may be financed from state infrastructure bank loans and advances from the Toll Facilities Revolving Trust Fund and other sources.

The TBRTA is granted numerous powers including, but not limited to the power to:

- Exercise eminent domain;
- Establish and collect tolls, fares, and fees on TBRTA roads and other facilities within the region;
- Enter lease-purchase agreements with FDOT; and
- Borrow money and issue revenue bonds not pledging the credit of the state.

The TBRTA may also participate in public-private partnerships with private entities for the building, operation, ownership, or financing of transportation facilities within the region, if the project:

- Is in the public's best interest;
- Would not require state funds unless the project is on or provides increased mobility on the State Highway System; and
- Includes safeguards against the public realizing additional costs or unreasonable service disruptions in the event of default or cancellation by the authority.

A private entity engaged in a public-private partnership may be authorized to impose tolls or fares subject to regulation by the TBRTA. Any facility constructed via a public-private partnership must comply with all requirements of state, federal, and local laws, state, regional, and local comprehensive plans, and the TBRTA's rules, policies, and standards. The TBRTA may exercise any of its powers, including eminent domain, in developing and constructing projects via public-private partnerships.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 117-0

SB 2912 — Old Cutler Road/Town Of Cutler Bay

by Senators Bullard and Diaz de la Portilla

The bill allows public funds to be used for alterations including the installation of sidewalks, curbing, and landscaping intended to enhance pedestrian access to a portion of the designated state historic highway known as Old Cutler Road in Miami-Dade County. The Department of State must approve any alteration.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 117-0

CS/SB 606 — South Florida Regional Transportation Authority

by Finance and Tax Committee and Senator Geller

The bill revises the South Florida Regional Transportation Authority (SFRTA) Act. Specifically, the bill does the following:

Section 1 of the bill amends s. 343.54, F.S., to delete references to "commuter rail."

Section 2 of the bill creates a new s. 343.55(3), F.S., to allow the SFRTA to issue, reissue, or redeem bonds as necessary to fund the purposes of the SFRTA. The bonds shall be offered at public sale by competitive bid, or through a negotiated sale if recommended by a financial advisor and the SFRTA agrees. These bonds may not pledge the full faith and credit of the state.

Section 3 of the bill amends s. 343.58, F.S., as follows to:

- Clarify that each of the counties served by the SFRTA must dedicate and transfer at least \$2.67 million annually to the SFRTA for capital funding before October 31 of each fiscal year. Existing language identifying each county's ninth cent fuel tax, local option fuel tax, and any other local gas tax or nonfederal tax as possible sources for the annual dedication, is deleted. Authorization of the counties to collect a \$2 fee on vehicle registrations within their boundaries is repealed.
- Require the Legislature to transfer at least \$45 million in recurring funds to the SFRTA to be used for capital, operating, and maintenance purposes. The funds are to come from an un-named state-authorized, local-option recurring funding source available to the affected counties and shall only be dedicated to the authority if all of the affected counties impose the local-option funding source.
- Release the affected counties from capital and operating funding obligations upon the collection of the recurring \$45 million from the State. However, the counties' funding obligations resume when state funding ceases. Should the state funding result in funding only a part of a fiscal year, the affected counties' payments or refunds would be prorated. The date on which the local capital funding requirements for the SFRTA cease if no federal matching funds have been received is extended from December 31, 2009, to December 31, 2015.

Section 4 of the bill provides the legislative finding that a proper and legitimate purpose is served by the bill and it fulfills an important state interest.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 115-1

HIGHWAY SAFETY AND MOTOR VEHICLES

HB 25 — Adam Arnold Act/DUI

by Rep. Galvano and others (SB 720 by Senator Crist)

The bill requires the imposition of a two-year minimum mandatory sentence for the offense of leaving the scene of an accident involving death where the offender was driving under the influence. The bill also requires a judge to order an offender to make restitution to the victim upon conviction for the offenses of leaving the scene of an accident involving injury or death. The bill provides for the imposition of "victim injury points" for these offenses. This will have the effect of significantly increasing the lowest permissible sentence a judge can impose for the offense of leaving the scene of an accident involving death.

In addition, the bill requires the imposition of a four-year minimum mandatory sentence for the offense of DUI manslaughter.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 115-0

HB 121 — Auxiliary Law Enforcement Officer

by Rep. Coley and others (SB 558 by Senators Wise and Crist)

In an effort to honor certain retiring Florida Highway Patrol Auxiliary (FHPA) officers, this bill authorizes the director of the Florida Highway Patrol to present a retiring officer, who has a minimum of 20 years of service, with one complete uniform, including the badge worn by that officer; the officer's service handgun, if one was issued as part of the officer's equipment; and an identification card clearly marked "RETIRED." In addition, the bill removes the provision prohibiting compensation to individuals who volunteer for the FHPA.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 33-0; House 112-0

CS/SB 124 — Custom Vehicles and Street Rods

by Transportation Committee and Senator Posey

This bill amends s. 320.0863, F.S., adding the term "custom vehicle" and its definition. A custom vehicle is defined as a vehicle 25 years old or older and of a model year after 1948 or was manufactured to resemble a vehicle 25 years old or older and of a model year after 1948; and has been altered from the manufacturer's original design or has a body constructed from non-original materials.

This bill requires the creation of a special, new license plate for those vehicles that meet the above definition of "custom vehicle." To register a street rod or custom vehicle, the owner shall apply to the Department of Highway Safety and Motor Vehicles by submitting a completed application form and providing:

- The license tax prescribed by s. 320.08(2)(a), F.S., and a processing fee of \$3.
- A written statement the vehicle will not be used for general daily transportation.
- A written statement the vehicle meets state equipment and safety requirements for the year listed as the model year on the certificate of title.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 115-0

CS/SB 136 — Live The Dream License Plates

by Transportation Committee and Senator Bullard

This bill amends s. 320.08058(49), F.S., by redirecting 25 percent of allocated funds for programs that provide research, care, and treatment of sickle cell disease to be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 118-0

CS/CS/HB 275 — Vehicles/Mobile Homes/Vessels/Registration

by Policy and Budget Council; Economic Expansion and Infrastructure Council; and Rep. Davis and others (CS/SB 442 by Finance and Tax Committee and Senator Bennett)

The following is a section-by-section analysis of the bill:

Section 1 amends s. 320.01, F.S., to define an “extended registration period” as a period of 24 months during which a motor vehicle or mobile home registration is valid. Also, the definition of “registration period” is redefined to include the option of a 24-month period.

Section 2 amends s. 320.055, F.S., to establish extended registration and renewal periods for motor vehicles and mobile homes and clarifies that the following vehicles are eligible for the extended 24-month registration period and may be renewed biennially:

- Motorcycles
- Mopeds
- Automobiles for private use
- Trucks with a net weight of 5,000 pounds or less
- Heavy trucks with a gross vehicle weight of 5,001 pounds or more, but less than 8,000 pounds
- Motor vehicles for hire
- Trailers for private use
- Trailers for hire
- Recreational vehicles
- Park trailers
- Travel trailers
- 35 to 40 foot fifth wheel trailers
- Mobile homes

Section 3 amends s. 320.06, F.S., to extend the current five-year replacement cycle for license plates to six-years and increases the current \$10 license replacement fee to \$12. The Department of Highway Safety and Motor Vehicles is required to stagger the implementation of the 6-year license plate replacement cycle. More specifically, the bill provides a six-year license plate

issuance period, with the current \$2 per year fee paid each year to be credited towards the next \$12 replacement fee. The expiration of the license plate is based on the applicant's appropriate registration period. The bill also provides license plates equipped with validation stickers are subject to the extended 24-month registration period. Further, this bill provides that for each extended registration period, a validation sticker showing the year of expiration shall be issued and is valid for not more than 24 months.

Section 4 amends s. 320.07, F.S., to authorize the biennial renewal of motor vehicle and mobile home registrations and to require payment of double the amount of license tax, service charge and surcharge on annual registrations which equates to the amount that would normally be paid for two 12-month registrations and clarifies semiannual registrations.

Section 5 amends s. 320.071, F.S., to clarify the registration period for a motor vehicle or mobile home may not exceed 27 months.

Section 6 creates s. 320.203, F.S., to provide for the disposition of the biennial registration revenues. After the distributions pursuant to s. 320.20(1), (2), (3), and (4) are fulfilled, an amount equal to 50 percent of the biennial registration revenues shall be retained in the Motor Vehicle License Clearing Trust Fund until July 1. After July 1 of the subsequent fiscal year, an amount equal to 50 percent of revenues collected from biennial registrations shall be retained. This revenue distribution smoothing will ensure that revenue collected for 50 percent of the optional 2-year registration is distributed in the same manner and in the same amounts as revenues currently collected for annual vehicle registrations.

Section 7 amends s. 328.72, F.S., to allow vessel owners the option of an extended registration period of 24 months.

According to the Revenue Estimating Conference, implementation of this bill in January 2008 will generate approximately \$36.8 million in nonrecurring revenue in fiscal year 2007-08, with a recurring increase of \$9.7 million in subsequent fiscal years.

If approved by the Governor, these provisions take effect January 1, 2008.

Vote: Senate 37-3; House 117-0

HB 359 — Motor Vehicle Financial Responsibility

by Policy and Budget Council; Economic Expansion and Infrastructure Council; and Rep. Kriseman and others (CS/CS/SB 846 by Banking and Insurance Committee; Transportation Committee; and Senator Jones)

The bill creates s. 324.023, F.S., under the Financial Responsibility (FR) law which provides for an additional financial responsibility requirement based on a vehicle owner or operator who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to the charge of driving under the influence (DUI). Specifically, the bill requires after October 1, 2007, every owner or operator of a motor vehicle that is required to be registered or located in Florida, and who, regardless of adjudication of guilt, has been found guilty of or

entered a plea of guilty or nolo contendere to the charge of DUI, under s. 316.193, F.S., must have and maintain \$100,00 in Bodily Injury (BI) liability coverage for injury to, or death of, one person in any one crash; \$300,000 in BI coverage for injury to, or death of, two or more persons in any one crash; and, \$50,000 in Property Damage (PD) liability coverage in any one crash. The bill provides motorists the option of posting a bond or furnishing a certificate of deposit of not less than \$350,000. The bill provides such higher limits must be carried for a period of three years. If the person has not been found guilty of a DUI or a felony traffic offense during the three year period, then the person is allowed to return to the standard coverage limits.

The bill amends s. 316.646, F.S., pertaining to security requirements, to provide persons required to maintain the increased BI and PD liability coverages under s. 324.023, F.S. (Section 1 of the bill) must maintain in their possession at all times while driving proper proof of the required insurance coverages. Such proof may be an insurance card, policy, binder, certificate of insurance or such other proof prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV). Persons who violate this provision commit a nonmoving traffic infraction under ch. 318, F.S. Failure to furnish proof of liability insurance results in suspension of the person's registration and driver's license and reinstatement of same is provided for under s. 627.733, F.S.

The bill also amends s. 320.02, F.S., pertaining to motor vehicle licenses. The bill requires county tax collector's to verify the increased BI and PD insurance coverages mandated under s. 324.023, F.S., have been purchased by the motorist at the time he or she applies for a vehicle registration or registration renewal. If such proof is not provided, the vehicle registration or renewal will not be issued.

This bill amends s. 627.733, F.S., relating to required motor vehicle security. Under current law, any operator or owner whose driver's license or registration has been suspended under s. 316.646, F.S., may apply for reinstatement upon compliance with specified financial insurance requirements and payment to DHSMV of a nonrefundable fee of \$150 for a first reinstatement; \$250 for a second reinstatement and \$500 for each subsequent reinstatement during the three years following the first reinstatement. The effect of this provision is that drivers who are required to maintain the increased liability insurance coverages under the bill, and who seek reinstatement of their license or registration, will have to pay the fees outlined herein.

The bill also adds ss. 324.021(8) and 324.023, F.S., to the requirements of s. 627.733, F.S., to clarify persons present proof to the DHSMV of securing the increased liability coverage required under the bill. Current law requires persons seeking reinstatement of their license or registration to also secure noncancelable insurance coverage described under s. 627.7275, F.S.,² and present to the DHSMV proof the coverage is in force and such proof is noncancelable for 2 years.

In addition, the bill amends s. 627.7261, F.S., pertaining to refusal to issue automobile liability insurance. The bill prohibits insurers from denying an application for motor vehicle liability

² Section 627.7275(2), F.S., requires motor vehicle insurers to offer PIP and liability coverages for drivers seeking such coverages to reinstate their driving privileges when these privileges were revoked or suspended under s. 316.646 or s. 627.733, F.S., due to such drivers failure to maintain required security.

insurance, imposing a surcharge or otherwise increasing the premium for a policy “solely” on the basis the applicant, a named insured, a member of the insured’s household, or a person who operates the insured’s vehicle, is a “volunteer driver.” The bill defines the term “volunteer driver” as a person who provides services, including transporting individuals or goods, without compensation in excess of expenses to a private nonprofit agency as defined in s. 273.01(3), F.S., or a charitable organization defined in s. 737.501(2), F.S.³ Finally, the bill states this provision does not prohibit an insurer from refusing to renew, imposing a surcharge on, or otherwise increasing premiums for a motor vehicle liability policy based on factors other than the volunteer status of the person.

Under current law, an insurer may not deny an application for automobile liability insurance “solely” on the ground that renewal of similar coverage has been denied by another insurer or on the ground of an applicant’s failure to disclose that such denial has occurred.

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

Vote: Senate 39-0; House 117-0

CS/HB 615 — Motor Vehicle Registration

by Economic Expansion and Infrastructure Council and Rep. Nehr (CS/CS/SB 482 by Finance and Tax Committee; Health Policy Committee; and Senator Fasano)

This bill amends s. 320.02, F.S., requiring the Department of Highway Safety and Motor Vehicles, to include a check off for a voluntary \$1 contribution to the Children’s Hearing Help Fund on each motor vehicle registration and renewal form for the purposes provided for the fund. In addition, the bill clarifies a voluntary \$1 contribution may be made to Stop Heart Disease to be distributed to the Miami Heart Research Institute, Inc.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 39-0; House 116-0

CS/HB 707 — Lights on Motor Vehicles

by Economic Expansion and Infrastructure Council and Rep. Taylor and others (SB 1780 by Senators Baker, Bullard, and Crist)

The bill enables those vehicles “owned or leased by private security agencies” to display green and amber lights while engaged in security duties on private or public property. By striking the current language, “private watch, guard, or patrol agencies licensed pursuant to chapter 493” [F.S.], the bill allows a broader range of security providers to display green and amber lights. Many private security providers in Florida are proprietary services and not required to be licensed. Such services are authorized by s. 493.6102(4), F.S.

³ A private nonprofit agency is a charitable organization which is tax exempt from the Internal Revenue Code and which has a public mission. A charitable organization is described in s. 501(c)(3) and exempt from tax under s. 501(a) of the Internal Revenue Code.

In addition, the bill allows the color green to be displayed by such security vehicles, when current statute only allows the color amber. The bill specifies either color may be no greater than 50 percent of the lights displayed.

The bill also allows security vehicles to display the green and amber lights over an increased area, by allowing the lighted vehicles on “private or public property”.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 111-0

CS/HB 815 — Motor Vehicle Dealers

by Economic Expansion and Infrastructure Council and Rep. McKeel (CS/SB 1722 by Transportation Committee and Senators Baker and Crist)

The general impact of the bill is to raise the level of protection for franchised motor vehicle dealers in three different aspects of their businesses.

To address the issue of manufacturer charge-backs of warranty or incentive payment costs, the bill amends s. 320.64(25), F.S., by:

- Specifying a motor vehicle manufacturer may not charge back to a motor vehicle dealer extra costs subsequent to the payment of a warranty or incentive claim unless a representative of the manufacturer has met in person, by telephone, or by video teleconference with a representative of the dealer.
- Requiring the manufacturer at such a meeting to provide a detailed explanation, with supporting documentation, on the basis for each of the claims for which the manufacturer proposes to charge back the dealer, and a written statement containing the basis upon which the motor vehicle dealer was selected for audit or review. The dealer is given a reasonable period of time, commensurate with the volume of claims being considered, but not less than 45 days after the meeting, to respond to the proposed charge-backs.
- Prohibiting the manufacturer from changing or altering the basis for each of the proposed charge-backs as presented to the dealer following the conclusion of the audit, unless the manufacturer received new information affecting the basis for one or more charge-backs.
- Specifying if a manufacturer changes the basis for a proposed charge-back based on new information, the motor vehicle dealer must be given the same right to a meeting and right to respond as when the charge-back was originally presented. No provision in Florida law currently requires manufacturers to permit a dealer to respond to alleged improper claims.

The bill adds a subsection to s. 320.64, F.S., prohibiting a motor vehicle manufacturer from limiting, restricting, or refusing to allow a dealer from acquiring or adding a sales or service operation for another line-make of motor vehicles to his facility, unless the manufacturer is able to prove its decision is justified after consideration of:

- Reasonable facility and financial requirements associated with adding the new line-make, and
- The dealer's performance with the existing line-make.

This prohibition would be enforced notwithstanding the terms of any franchise agreement to the contrary.

In addition, the bill amends s. 320.641(3), F.S., to clarify a new motor vehicle dealer must be given at least 180 days to correct an alleged failure related to sales or service performance before a manufacturer may send out a notice of discontinuation, cancellation, or nonrenewal of the franchise agreement.

As provided in current law, affected motor vehicle dealers could pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697, F.S., – including treble damages against the manufacturer – when a manufacturer fails to comply with or violates these new provisions.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 117-0

CS/SB 830 — HSMV Records/Public Disclosure

by Transportation Committee and Senators Baker and Bullard

The bill amends s. 119.0712(2), F.S., to make personal information in a motor vehicle record confidential and exempt. Additionally, the bill modifies the definition of “personal information” by expressly including identification card numbers and emergency contact information. Also, the CS provides for the release of personal information held by the Department of Highway Safety and Motor Vehicles (DHSMV) to comply with the federal Drivers Privacy Protection Act (DPPA).⁴

In addition, the bill includes the creation of a two tiered system for personal information contained within the records of DHSMV and places additional restrictions on the availability and use of social security numbers, photographs and images, medical disability information, and emergency contact information.

Specifically, the bill provides notwithstanding s. 119.0712(2)(b), F.S., without the express consent of the person to whom such information applies, the following information contained in motor vehicle records may only be released as specified in this paragraph:

- Social security numbers may be released only as provided in subparagraphs (b)2., 5., 7., and 10.

⁴ 18 U.S.C. s. 2721 *et seq.*

- An individual's photograph or image may be released only as provided in s. 322.142, F.S.
- Medical disability information may be released only as provided in ss. 322.125 and 322.126, F.S.
- Emergency contact information held by DHSMV may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency.

The bill makes the exemption subject to the Open Government Sunset Review Act and it will repeal October 2, 2012, unless reviewed and reenacted by the Legislature.

In addition, the bill provides a public necessity statement as required by s. 24(c) Art. I, State Constitution, to justify the exemption from public records laws. The CS is needed, according to the public necessity statement, to make personal information in an individual's motor vehicle record confidential and exempt and to conform to federal law. The public necessity statement also states the personal information contained in the state's motor vehicle records could be used to invade the personal privacy of the person identified in the records or could be used for other purposes, such as solicitation, harassment, stalking, and intimidation. Therefore, limiting access will protect the privacy of persons who are identified in those records and minimize the opportunity for invading that privacy.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 35-0; House 116-0

CS/HB 1003 — Off-road Vehicles/Law Enforcement

by Economic Expansion and Infrastructure Council and Rep. Pickens and others (CS/SB 1676 by Criminal Justice Committee and Senators Oelrich and Justice)

This bill creates s 316.21265, F.S., to allow any law enforcement agency in this state to operate ATVs, golf carts, low-speed vehicles, or utility vehicles on any street, road, or highway in this state while carrying out its official duties. Currently, law enforcement officers are utilizing these vehicles at the municipal, county, and state level to carry out activities. The rural areas of the state have become especially reliant on ATVs to cover the large areas of unpaved land in their jurisdictions. According to the Florida Sheriffs Association, each county in the state utilizes at least one of these vehicles. This bill would specifically authorize such utilization by municipal, county, and state law enforcement agencies.

The bill also specifies the off-road vehicles used by law enforcement agencies must be clearly marked as law enforcement vehicles and may be equipped with approved law enforcement equipment, such as special warning lights and signaling devices.

In addition, the bill directs the vehicle operator and any passengers to wear the safety equipment which is required for use by operators or passengers, such as safety helmets.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 112-0

CS/SB 1206 — Warranty Responsibility/MV Dealers

by Commerce Committee and Senator Atwater

The bill amends s. 320.696, F.S., to clarify “labor and parts” are included in warranty work, repairs, and service and to require manufacturers to compensate dealers for work, “including labor and parts,” to rectify warranty defects. In addition, the bill specifies reasonable compensation to dealers by manufacturers for warranty work equal to the amount charged by the dealer for similar work for non-warranty repairs or service, “including labor and parts.”

Also, if a dispute on warranty compensation is taken to an administrative proceeding before the Department of Highway Safety and Motor Vehicles, the manufacturer is required to demonstrate that the dealer’s retail charges for labor “and parts” are improper.

The bill also prohibits a manufacturer from recovering any of its costs for compensating a dealer for warranty work, including labor and parts, by imposing a charge or surcharge to the wholesale price paid by the dealer for any product, such as the vehicle and vehicle parts.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 113-1

CS/SB 1900 — Specialty License Plates

by Transportation Committee and Senators Baker, Wilson, and Lynn (CS/CS/CS/SB 1980 by General Government Appropriations Committee; Governmental Operations Committee; and Environmental Preservation and Conservation Committee; SB 1986 by Senator Argenziano; SB 2042 by Senator Baker; SB 2046 by Senator Bennett; CS/CS/SB 2052 by General Government Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dockery; SB 2590 by Senator Hill; SB 2592 by Senator Argenziano)

This bill substantially amends ss. 320.08056 and 320.08058, F.S., repeals s. 320.0848(2)(c), F.S., and creates s. 320.0894, F.S., and provides the following relating to specialty and special plates:

Girl Scout

This bill discontinues the annual use fee for the Girl Scout license plate and deletes provisions establishing the Girl Scout license plate.

Sea Turtle

The bill increases the annual use fee for the Sea Turtle license plate. The \$17.50 annual user fee will increase by \$5.50, to \$23 annually.

Florida Sheriffs Youth Ranches

The bill increases the annual use fee for the Florida Sheriffs Youth Ranches license plate. The \$20.00 annual user fee will increase by \$5, to \$25 annually.

Florida Educational

The bill authorizes the use of up to 10 percent of the proceeds from the sale of the Florida Educational license plate to be used for continuing marketing and promotion expenses.

Florida Agricultural

The bill authorizes the use of up to 25 percent proceeds from the sale of the Florida Agricultural license plate to be used for promotion, marketing, and administrative costs directly associated with the license plate and Florida agriculture in the classroom programs.

Florida Wildflower

The bill specifies the annual use fees shall be distributed to the Florida Wildflower Foundation, Inc., (foundation). The foundation shall develop operation procedures, research contracts, education and marketing programs, and wildflower-planting grants for Florida native wildflowers, plants, and grasses.

The bill increases the percent of the proceeds from the sale of the Florida Wildflower license plate from a maximum of 10 percent to a maximum of 15 percent that may be used by the foundation for administrative and marketing costs.

If the foundation ceases to be an active nonprofit corporation, any unexpended use fees held by the foundation must be promptly transferred to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services (department) and all future fees collected shall be deposited to the same trust fund in the department. The department shall use and administer the proceeds from the annual use fee in the same manner the foundation would have been required.

Florida NASCAR (National Association for Stock Car Auto Racing)

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Florida NASCAR specialty 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. The annual use fees shall be distributed to the Florida Sports Foundation. NASCAR shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, the annual use fees shall be used for the following benefits:

- Up to five percent to be used by the Florida Sports Foundation for the administration of the NASCAR specialty license plate program.

- Ten percent provided to NASCAR for the royalty rights for the use of their marks.
- Fifteen percent to the Florida Sports Foundation to support their regional grant program, attracting sporting events to Florida.
- Twenty percent to the Florida Sports Foundation to support the marketing of motorsports-related tourism in the state of Florida.
- Fifty percent to be paid to NASCAR Foundation, an s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981, F.S., of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development (Office) as specified in s. 288.1229(5), F.S. The auditor shall submit the audit report to the Office for review and approval. If the audit report is approved, the Office shall certify the audit report to the Auditor General for review.

Corrections Foundation

The bill directs the DHSMV to issue a Corrections Foundation specialty 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. The license plate annual use fees shall be distributed to Corrections Foundation, Inc., and shall be used to continue and expand the charitable work of the foundation.

Protect Florida Springs

The bill directs the DHSMV to issue a Protect Florida Springs specialty 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 collected from the sale of this license plate shall be distributed to the Wildlife Foundation of Florida, Inc., (Foundation). The first \$60,000 in proceeds shall be retained to pay startup costs. The Foundation will administer the remaining fees and will use the proceeds as follows:

- A maximum of fifteen percent for the continuing promotion and marketing of the license plate.
- A maximum of ten percent for administrative costs associated with education programs, conservation, springs research, and grant administration of the foundation.
- At least fifty-five percent for competitive grants for targeted community-based springs research not currently available for state funding.
- The remaining 20 percent toward community outreach programs aimed at implementing research findings.
 - The competitive grants will be administered and approved by the board of directors of the Wildlife Foundation of Florida. The granting advisory committee will be

composed of nine members, including one representative each from the Fish and Wildlife Conservation Commission, Department of Environmental Protection, Department of Health, and the Department of Community Affairs, three citizen representatives, and two representatives from non-profit stakeholder groups.

- The remaining funds shall be distributed with the approval of and accountability to the board of directors of the Wildlife Foundation of Florida, and shall be used to support activities contributing to education, outreach, and springs conservation.

Trees Are Cool

The bill directs the DHSMV to issue a Trees Are Cool specialty 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 collected from the sale of the Trees Are Cool license plate shall be distributed to the Florida Chapter of the International Society of Arboriculture, Inc., which is a professional organization dedicated to continuing education for arborists, tree care and research, and to serving tree care consumers throughout Florida. The first \$60,000 in proceeds shall be retained to pay startup costs. Thereafter, the proceeds of the annual use fee will be administered as follows:

- Twenty percent for of the funds may be used by the Florida Chapter of the International Society of Arboriculture, Inc., for continuing promotion and marketing of the license plate and concept.
- Five percent of the funds received by the Florida Society of Arboriculture, Inc., may be used for administrative costs directly associated with the operations of the Florida Chapter of the International Society of Arboriculture, Inc., with respect to the management of the Trees Are Cool license plate program.
- Seventy-five percent of the funds must be used to fulfill the mission of the Florida Chapter of the International Society of Arboriculture, Inc., which is to provide education and training statewide with respect to tree care and tree safety.

Support Our Troops

The bill directs the DHSMV to issue a Support Our Troops specialty 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 collected from the sale of the Support Our Troops license plate shall be distributed to the Support Our Troops, Inc., to be used for the benefit of Florida troops and their families in accordance with its articles of incorporation. The first \$60,000 in proceeds shall be retained to pay startup costs. Thereafter, the proceeds of the annual use fee will be administered as follows:

- Twenty-five percent shall be distributed to Support Our Troops, Inc., to offset marketing, administration, and promotion costs.

- Of the remaining seventy-five percent, sixty-five percent shall be distributed to Support Our Troops, Inc., and thirty-five percent shall be distributed to the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs State Homes.

According to the DHSMV, the newly authorized specialty license plates listed above have completed all statutory requirements for eligibility to seek Legislative approval of these specialty license plate concepts.

Gold Star

The bill creates the Gold Star special license plate to honor the family members of servicemembers who have been killed in action while serving in the Armed Forces of the United States. The surviving spouse and a surviving parent meeting the requirements shall each, upon application and payment of the license tax, be issued the Gold Star license plate. The Gold Star license plate shall be issued only to family members of a service member who resided in Florida at the time of the death of the servicemember. To qualify for issuance of a Gold Star license plate, the applicant must be directly related to a fallen servicemember as spouse, legal mother or father, or stepparent who is currently married to the mother or father of the fallen service member.

Additional Provisions

The bill authorizes the sponsoring organization's Internet domain name to appear on the specialty plate. This bill also prohibits the use of annual use fees for marketing to, lobbying, entertaining, or rewarding an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates. This provision creates the option to provide or not provide an applicant's personal information to the tag's sponsoring organization.

The bill repeals the \$1.50 administrative fee authorized in s. 320.0848(2)(c), F.S., and provides an effective date of July 1, 2007.

If approved by the Governor, these provisions take effect October 1, 2007, except as otherwise expressly provided.

Vote: Senate 34-0; House 112-5

HB 7205 — RV Manufacturers/Distributors/Dealers/Importers

by Economic Expansion and Infrastructure Council and Rep. Cannon and others
(CS/CS/CS/SB 2488 by Transportation and Economic Development Appropriations Committee; Commerce Committee; Transportation Committee; and Senators Haridopolos and Crist)

The bill creates new sections in ch. 320, F.S., to regulate the business relationships between RV dealers and manufacturers.

The bill creates s. 320.3203, F.S., requiring manufacturers to have a written agreement with dealers to designate a market area within which a dealer has the exclusive right to display or sell

new RVs of a particular line-make. A dealer may not sell or display RVs outside of its market area unless the dealer has obtained an offsite/supplemental license and other criteria are met.

Section 320.3205, F.S., is created to establish criteria under which a manufacturer/dealer agreement may be terminated. A manufacturer is prohibited from terminating, canceling or failing to renew an agreement without good cause. A dealer may terminate, cancel, or not renew its manufacturer/dealer agreement with or without cause by giving the manufacturer 30 days' notice.

If an agreement is terminated by the manufacturer without cause or by the dealer for cause, the dealer may cause a manufacturer to repurchase all new RVs, manufacturer's accessories and parts, and special tools, current signage, and other equipment and machinery which can no longer be used in the normal course of business.

The bill creates s. 320.3206, F.S., prohibiting a manufacturer from disapproving the change or sale of a dealership except under certain circumstances. Any succession of a dealership to a family member involving a relocation of the business requires the manufacturer's consent.

Section 320.3207, F.S., directs each warrantor to specify the obligations for preparation, delivery, and warranty service on its products and requires a dealer to be reasonably compensated for warranty service required by the warrantor at rates specified by the warrantor. However, the compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer. Dealer claims for warranty compensation may not be denied except for cause, such as: performance of nonwarranty repairs, noncompliance with warrantor's published policies, lack of material documentation, fraud, or misrepresentation.

The bill creates s. 320.3209, F.S., prohibiting a manufacturer from coercing or attempting to coerce a dealer to purchase a product the dealer did not order, enter agreements, or take any action which is unfair or unreasonable to the dealer. A dispute resolution process is created.

The bill also establishes penalties in s. 320.3211, F.S., for violations of the provisions of the act and amends s. 320.8225, F.S., to require RV distributors and importers to annually obtain a license from the DHSMV, subject to the same conditions as RV manufacturers.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 39-0; House 117-0

