

HIGHWAY SAFETY AND MOTOR VEHICLES

CS/CS/HB 293 — Motor Vehicle and Mobile Home Title Transfer

by Full Appropriations Council on Education and Economic Development; Economic Development and Community Affairs Policy Council; and Rep. Rogers and others (CS/SB 906 by Judiciary Committee and Senator Smith)

This bill contains several recommendations of the Automobile Lenders Industry Task Force, which was created by the Legislature in 2008. In addition, the bill modifies and clarifies statutory notification requirements and jurisdictional matters relating to the impounding, recovery, towing and storage of motor vehicles and vessels, amends provisions relating to motor vehicle immobilization or impoundment subsequent to a DUI conviction, and modifies laws regarding the electronic filing system. The bill:

- Places additional requirements upon owners when transferring motor vehicles.
- Allows, under certain conditions, the Department of Highway Safety and Motor Vehicles (department) to withhold registration, renewal of registration, or replacement registration.
- Provides specific definitions of “immobilization,” “immobilization agency,” and “impoundment.” Eliminates the return receipt requirement for notification letters sent by impounding agencies and towing companies to vehicle and vessel owners, lienholders, and other interested parties. Expands the ability of lienholders relating to taking possession of impounded vehicles. Provides upon issuing an order of impoundment or immobilization, the court order must include the name and telephone numbers of all mobilization agencies meeting specified criteria. Requires all costs and fees for the impoundment or immobilization to be paid directly to the person impounding or immobilizing the vehicle. Provides when motor vehicle immobilizations are not performed by a local government agency, private businesses directed by the court to perform these services must meet minimum criteria.
- Preempts to the state, jurisdiction over the outsourced electronic filing system for use by licensed motor vehicle dealers. Allows a licensed motor vehicle dealer to charge customers a fee for use of the electronic filing system. Requires a temporary tag be issued and displayed during the time an application for a transfer of a registration license plate is processed. Requires a licensed motor vehicle dealer to provide certain required information via an electronic system to the department when the owner of a vehicle transfers a registration license plate to a replacement or substitute vehicle acquired from the dealer. Requires the dealer to give the owner written notice documenting the transfer if the dealer cannot provide the required transfer information to the department under certain circumstances.
- Requires, by January 1, 2010, the Office of Program Policy Analysis and Government Accountability, with input from the department and from affected parties, including tax collectors, service providers, and motor vehicle dealers, to report to the President of the

Senate and the Speaker of the House of Representatives on the status of the outsourced electronic filing system, including program standards and statutory compliance.

If approved by the Governor, these provisions take effect July 1, 2009, except as otherwise specified in the bill.

Vote: Senate 40-0; House 115-0

CS/SB 344 — Dori Slosberg and Katie Marchetti Safety Belt Law

by Transportation Committee and Senators Rich, Oelrich, Jones, Hill, Altman, Lynn, Storms, Bullard, Deutch, Gaetz, Lawson, and Joyner

The bill (Chapter 2009-32, L.O.F.), cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law,” amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers. Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under 18 years of age and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. The bill would allow law enforcement officers to stop motorists solely for not using their safety belts. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine.

These provisions were approved by the Governor and take effect June 30, 2009.

Vote: Senate 33-4; House 95-20

CS/CS/HB 405 — Delivery Vehicles

by Economic Development and Community Affairs Policy Council; Insurance, Business, and Financial Affairs Policy Council; and Rep. Nelson and others (CS/CS/CS/SB 1088 by Commerce Committee; Community Affairs Committee; Transportation Committee; and Senator Altman)

The bill creates a new subsection (3) of s. 316.2126, F.S., authorizing “seasonal delivery personnel” to use golf carts, low-speed vehicles, and utility vehicles on certain roads within residential areas, having a posted speed limit of 35 mph or less, for the purpose of delivering goods from October 15 through December 31 of each year. However, seasonal delivery personnel are prohibited from driving golf carts on roads having a speed limit of 30 to 35 mph when a municipality’s ordinance prohibits such conduct. The bill requires any vehicle operated, as authorized in the bill, to meet certain safety requirements.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 34-3; House 102-13

CS/CS/HB 481 — Highway Safety

by Full Appropriations Council on General Government and Health Care; Public Safety and Domestic Security Policy Committee; and Rep. Kreegal and others (CS/CS/SB 1114 by Policy and Steering Committee on Ways and Means; Criminal Justice Committee; and Senator Richter)

The bill assesses an additional \$65 civil penalty for failure to stop for a school bus, reckless driving, and racing on highways. The \$65 is deposited into the Administrative Trust Fund. The bill directs funds collected from the \$65 fine imposed by the bill to be distributed as follows:

- 30 percent to Level II trauma centers operated by a public hospital governed by an elected board of directors;
- 35 percent to verified trauma centers based on trauma caseload volume for the most recent calendar year available; and
- 35 percent to verified trauma centers based on severity of trauma patients for the most recent calendar year available.

In addition, the bill requires a person who is convicted of a violation of failure to stop at a traffic signal when so required, failure to stop for a school bus, reckless driving, and racing on the highways to attend a driver improvement course.

The bill provides language to clarify a court, after considering residency and employment obligations, may order a defendant to pay a fine of \$10 for each hour of public service or community work required, only if the court determines that either would create an undue hardship for the defendant in completing the required service.

If approved by the Governor, these provisions take effect October 1, 2009.

Vote: Senate 40-0; House 116-1

HB 687 — Motor Vehicle Registration Applications

by Rep. Boyd and others (SB 1394 by Senator Oelrich)

This bill requires the Department of Highway Safety and Motor Vehicles (DHSMV), to include a check-off for a voluntary contribution of \$1.00 to Florida Sheriffs Youth Ranches, Inc., on each application and renewal form for motor vehicle registration. Florida Sheriffs Youth Ranches, Inc., a not-for-profit organization, has completed the statutory requirements, authorizing it to seek legislative enactment of the voluntary contribution check-off.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 118-0

CS/SB 858 — Driver Licenses/Contribution to Stop Heart Disease

by Health Regulation Committee and Senator Garcia

This bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include a check-off for a voluntary contribution of \$1.00 to Stop Heart Disease on each driver's license application form. Stop Heart Disease is a special trust fund established by the Florida Heart Research Institute, a nonprofit organization. The Florida Heart Research Institute has completed the statutory requirements, authorizing it to seek legislative enactment of the voluntary contribution check-off.

If approved by the Governor, these provisions take effect October 1, 2009.

Vote: Senate 40-0; House 117-0

SB 1030 — Motor Vehicle Emergency Lights/Correctional Agency

by Senator Garcia

Current law permits police and the Department of Corrections to show or display blue lights, on vehicles owned, operator, or leased, when responding to emergencies.

Of Florida's 67 counties, 9 counties operate their jail detention facilities in county departments rather than Sheriff's Offices. This bill amends s. 316.2397, F.S., to allow vehicles owned, operated, or leased by any county correctional agency to show or display blue lights when responding to emergencies.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 39-0; House 119-0

CS/CS/SB 1100 — Department of Highway Safety and Motor Vehicles

by Transportation and Economic Development Appropriations Committee and Transportation Committee

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (department). A section-by-section summarization follows:

Section 1. Reenacts and amends s. 20.24, F.S., relating to the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles. The bill amends s. 20.24, F.S., to delete the reference to the Bureau of Motor Vehicle Inspection within the Division of Motor Vehicles. This obsolete bureau was phased out over two fiscal years and eventually eliminated during FY 2001-2002. The reenactment of s. 20.24, F.S., will have the effect of continuing the department, the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board.

Section 2. Creates an undesignated section of law to statutorily provide the department authority to implement the \$1 credit provision associated with the *Collier Settlement Agreement*. Specifically, the new section provides any person who held a driver license, identification card or motor vehicle registration valid between June 1, 2000, and September 30, 2004, is eligible for a single \$1 credit on a new or renewed motor vehicle registration between July 1, 2009, and June 30, 2010. This section expires on July 1, 2011.

Section 320.08046, F.S., provides a \$1 surcharge on license taxes for all vehicles required to be registered in Florida. Of this \$1 surcharge, 58 percent is directed to the General Revenue Fund and 42 percent is directed to the Grants and Donations Trust Fund in the Department of Juvenile Justice, to fund community juvenile justice partnership grants. The bill identifies only the General Revenue Fund portion of this surcharge as the funding mechanism for the estimated \$10.4 million in revenue not collected as a result of the settlement. The bill recognizes the credits are authorized if the United States District Court for the Southern District of Florida grants an order approving the settlement agreement.

The department estimates approximately 10.4 million driver license/identification card holders and/or motor vehicle registrants would be eligible to receive the credit.

Section 3. Amends s. 316.126, F.S., to require motorists traveling on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle or wrecker to slow to a speed that is 20 mph less than the posted speed limit if they are unable to move over as required by the Move Over Act.

Section 4. Amends s. 316.2085, F.S., to state that, rather than being “permanently affixed horizontally to the ground,” a motorcycle tag must simply be “permanently affixed to the vehicle.” The bill clarifies the prohibition regarding the visibility or legibility of a tag by adding that “[n]o device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used” by a rider.

Section 5. Expands s. 316.2122(3), F.S., which currently requires low speed vehicles to be registered and insured in accordance with s. 320.02, F.S. The bill adds a requirement that mini trucks must also be registered and insured, and provides that both low speed vehicles and mini trucks must be titled in accordance with ch. 319, F.S.

In addition, s. 316.2122, F.S., is amended to provide mini trucks generally may be operated in the same situations as low speed vehicles. Mini trucks are permitted on roads where the posted speed limit is 35 miles per hour or less, although this does not prohibit the vehicle from crossing at an intersection with a road having a higher speed limit. On roads governed by a county or municipality, the county or municipality may prohibit operation of mini trucks when deemed necessary in the interest of safety. On roads governed by the Florida Department of Transportation (FDOT), FDOT may prohibit operation of mini trucks when deemed necessary in the interest of safety.

The bill provides drivers of mini trucks must have a valid driver’s license.

Section 6. Amends s. 320.01(27), F.S., to modify the definition of motorcycle slightly, to account for standards issued by the National Highway Traffic Safety Administration (NHTSA). While the current Florida definition of “motorcycle” excludes all vehicles in which the driver is enclosed by a cabin, NHTSA currently recognizes a small number of enclosed-cabin vehicles as motorcycles, not vehicles, for the purposes of identifying the correct set of safety standards. In order to fully comply with NHTSA safety standards, the bill provides a motorcycle does not include vehicles with cabins, except when the specific vehicle meets NHTSA requirements for a motorcycle.

In addition, the bill creates s. 320.01(45), F.S., to define “mini truck” as any four-wheeled reduced-dimension truck that does not have NHTSA truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.

Section 7. Creates s. 320.0847, F.S., to provide the department must create license plates of unique design to be issued to mini trucks, along with low speed vehicles, upon payment of the appropriate license taxes and fees.

Section 8. Amends s. 320.0848, F.S., to provide that for a disabled person whose disability prevents the person from physically visiting or being transported to a driver license or tax collector office to obtain a driver’s license or an identification (ID) card, a certifying physician may sign the exemption section of the department’s parking permit application to exempt the disabled person from being issued a driver’s license or ID card for the number to be displayed on the parking permit. This change will allow the department to issue handicapped placards to individuals without issuing non-compliant identification cards. According to the department, these changes are necessary to conform the handicap placard issuance process to the requirements of the REAL ID Act of 2005 (REAL ID).

Section 9. Amends s. 322.0261, F.S., to require the department to identify any operator convicted of or who pleaded nolo contendere to a traffic offense giving rise to a third crash which occurred within 36 months after the first crash, and to require the operator, in addition to other applicable penalties, to attend a department-approved driver improvement course in order to maintain driving privileges. The course must include behind-the-wheel instruction and an assessment of the operator’s ability to safely operate a motor vehicle. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator’s driver license is canceled by the department until the course is successfully completed.

Since there currently is no department-approved driver improvement course offered that includes behind-the-wheel instruction, the bill will require the development of special course requirements and curricula by the department.

Section 10. Amends s. 322.03, F.S., to phase out the issuance of licenses that are “valid in Florida only” as required by the REAL ID Act. Specifically, this section allows a part-time resident issued a “valid in Florida only” license to continue to hold such license until the next regularly scheduled renewal. Licenses identified as “valid in Florida only” may not be issued or renewed effective November 1, 2009.

Section 11. Amends s. 322.08, F.S., to specify the department shall not issue a driver license or ID card to anyone holding a valid driver license or ID card issued by another state. This would eliminate the issuance of licenses that are “valid in Florida only.” The REAL ID Act prohibits customers from holding two REAL ID compliant documents simultaneously; and therefore, this necessary change puts Florida statutes in compliance with REAL ID.

Section 12. Amends s. 322.125, F.S., to authorize the department to adopt rules and regulations required to carry out the purposes of the Medical Advisory Board.

Section 13. Amends s. 322.271, F.S., to allow the department to eliminate the hearing for non-egregious suspensions while still requiring the driver to complete all other necessary reinstatement provisions, including DUI substance abuse education and driver training programs.

“Non-egregious” suspensions are those which do not involve death or serious bodily injury, multiple DUI convictions, or a “second or subsequent suspension or revocation pursuant to the same provision of this chapter.” The department retains the right to hold a hearing for a reinstatement that might otherwise qualify as non-egregious, “based on the severity of the offense.”

According to the department, in its FY 2008-2009 budget reduction exercise, the department proposed to eliminate 10 FTEs if it could eliminate non-egregious hearings. Conference Report on HB 5001, General Appropriations Act for FY 2008-2009, reflected the reduction of these 10 FTEs and related funding of \$398,921.

Section 14. Amends s. 322.64, F.S., to make technical changes conforming to current Federal Motor Carrier Safety Administration regulations.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise specified in the bill.

Vote: Senate 39-0; House 116-0

CS/CS/CS/SB 2630 — Motor Vehicle Dealerships

by Judiciary Committee; Commerce Committee; Transportation Committee; and Senator Haridopolos

The bill address several issues related to the licensing of motor vehicle dealers and motor vehicle manufacturers, distributors, and importers, as well as the franchise contracts these businesses enter into to conduct business in the state of Florida. Following is a section-by-section analysis of the bill:

Section 1. Amends s. 320.64, F.S., which specifies actions that may lead the Department of Highway Safety and Motor Vehicles (DHSMV) to deny, suspend, or revoke the state license of a vehicle manufacturer, distributor, or importer (licensee). The section adds or elaborates upon

situations related to automobile franchise agreements between licensees and the auto dealers who sell their products.

Section 2. Amends s. 320.642, F.S., to make minor grammar corrections.

Section 3. Amends s. 320.643, F.S., to specify a licensee or the DHSMV may not:

- Reject a proposed transfer of a legal, equitable, or beneficial interest in a motor vehicle dealer entity to a trust or other entity, or to any beneficiary thereof, that is established by an owner of any interest in a motor vehicle dealer for estate planning purposes, if the controlling person of the trust or entity, or the beneficiary, is of “good moral character.”
- Condition a proposed transfer based on a relocation of, construction of any addition or modification to, or any refurbishing or remodeling of the dealership structure, facility, or building of the existing motor vehicle dealer, or upon any modification of the existing franchise agreement, except for the change of ownership.

The bill provides licensee may not reject or withhold approval of a proposed transfer unless the licensee can prove in court the rejection or withholding of approval of the proposed transfer was reasonable and was not in violation of or precluded by any provision in s. 320.643, F.S.

Section 4. Amends s. 320.696, F.S., relating to the options for computing reimbursement of warranty work. The bill revises the provision in current law specifying a licensee may not seek to recover compensation for warranty work either directly or indirectly.

Section 5. Provides if any provisions of this act, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the act, which are severable.

Section 6. Provides a process whereby recreational vehicle (RV) dealers may sell used RVs on consignment. This provision conforms provisions relating to certificate of title requirements for RV dealers to provisions currently allowed for motor vehicle dealers.

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

Vote: Senate 39-0; House 116-1

CS/HB 7027 — Open Government Sunset Review/Motor Vehicle Records

by Economic Development and Community Affairs Policy Council; Governmental Affairs Policy Committee; and Rep. Schenck (CS/SB 1290 by Governmental Oversight and Accountability Committee and Transportation Committee)

The bill reenacts the public records exemption in s. 119.0712(2), F.S., relating to personal information contained in a motor vehicle record. This exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill also amends s. 119.0712(2), F.S., by removing the codification of the federal law and clarifies personal information, including highly restricted personal information, contained in a motor vehicle record is confidential pursuant to the Driver's Privacy Protection Act (DPPA) by cross-referencing the federal law and its protections. The bill maintains the public record exemption for emergency contact information. The bill also maintains a prohibition against the use of information received pursuant to the DPPA for the mass commercial solicitation of clients for litigation against motor vehicle dealers.

If approved by the Governor, these provisions take effect October 1, 2009.

Vote: Senate 40-0; House 115-0

TRANSPORTATION ADMINISTRATION

HB 1021 — Department of Transportation

by Rep. Aubuchon (CS/CS/SB 424 by Finance and Tax Committee; Transportation Committee; and Senator Gardiner)

The bill makes changes to numerous programs administered by or affecting the Florida Department of Transportation (FDOT). A section-by-section summarization follows:

Section 1. Amends s. 120.52, F.S., to exclude transportation authorities created under ch. 343, F.S., from the definition of "agency" for the purposes of ch. 120, F.S., the Administrative Procedure Act.

Section 2. Amends s. 125.42, F.S., to correct a cross-reference.

Section 3. Amends s. 163.3177, F.S., to better integrate airport planning and adjacent land use in the local government comprehensive planning process.

Section 4. Amends s. 163.3178, F.S., to exempt certain seaport-related projects from development-of-regional-impact (DRI) review if the project is within 3 miles of a seaport.

Section 5. Amends s. 163.3180, F.S., to provide a definition of the term "backlog" as used in proportionate-share and proportionate fair-share contribution calculations for transportation concurrency.

Section 6. Amends s. 163.3182, F.S., to provide legislative findings relative to transportation concurrency backlogs and to authorize transportation concurrency backlog authorities to issue bonds. The 25 percent tax increment financing rate for ad valorem tax proceeds may be exceeded upon interlocal agreement of all affected taxing authorities.

Section 7. Amends s. 337.11, F.S., to authorize FDOT, through rule, to award a monetary stipend to unsuccessful bidders for design-build contracts to compensate for proposal development costs if the department determines it is in the best interest of the public to do so.

Section 8. Amends s. 337.18, F.S., to revise surety bond recording requirements. As amended, contractors would be required to maintain copies of surety bonds at their principal place of business and at the jobsite rather than in the county public records. Copies of the surety bonds would also remain available from FDOT.

Section 9. Amends s. 337.185, F.S., to include maintenance contractors in the process used by construction contractors to arbitrate contract disputes via the State Arbitration Board.

Section 10. Amends s. 337.403, F.S., providing additional exemptions to utility companies from utility relocation costs related to transportation projects. Utility companies are exempted from paying for relocation of a utility to accommodate a transportation project when the utility serves the transportation authority or its tenants exclusively. The revisions also require FDOT to bear the costs of the relocation of underground utilities under certain circumstances.

Section 11. Amends s. 337.408, F.S., authorizing FDOT to direct the relocation or removal of public pay telephones if they present an endangerment to life or property. The revisions also allow public pay telephones, including advertising displayed upon them, to be installed within governmental right-of-way limits under certain circumstances.

Section 12. Amends s. 338.01, F.S., requiring all new or replacement electronic toll collection systems installed on toll roads in the state to be interoperable with FDOT's electronic toll collection system.

Section 13. Amends s. 338.165, F.S., removing high-occupancy toll (HOT) lanes and express lanes from FDOT's authorization to request issuance of bonds secured by toll revenues collected on selected facilities for the purpose of funding transportation projects located within the county or counties in which the project is located.

Section 14. Creates s. 338.166, F.S., to authorize FDOT to request the issuance of bonds secured by revenues collected on HOT/express lanes on I-95 in Broward and Miami-Dade Counties. Tolls may continue to be collected after the discharge of any bond indebtedness but must first be used for operation and maintenance of the HOT/express lane project or associated transportation project. Any remaining toll revenues may be used for the construction, maintenance, or improvement of any road on the State Highway System. FDOT is authorized to implement variable toll rates on the HOT/express lanes. Except for HOT/express lanes, no tolls may be charged on any interstate highway where tolls were not being charged on July 1, 1997.

Section 15. Amends s. 338.2216, F.S., to provide for alternative tolling and payment methods including video billing and variable pricing for the Turnpike Enterprise system.

Section 16. Amends s. 338.231, F.S., to eliminate the requirement to maintain a uniform toll rate structure on the turnpike system.

Section 17. Amends s. 339.12, F.S., to increase the maximum amount of project agreements for projects or project phases not included in the adopted work program from \$100 million to \$250

million. The revisions also create a new reimbursement program for counties with a population of 150,000 or less. The program authorizes FDOT to enter into agreements with governmental entities to advance a maximum of \$200 million in projects or project phases from outside the 5-year adopted work program. Projects included in these agreements must also be included in the governmental entity's comprehensive plan. This new program authorizes FDOT to enter into long-term repayment agreements with these counties for up to 30 years.

Section 18. Amends s. 339.135, F.S., to revise the notification process used by FDOT when amending the work program. Under the revisions, FDOT must notify each affected municipality, metropolitan planning organization, and county when deleting or deferring capacity-enhancing projects. FDOT must include comments received from affected bodies in its preparation of work program amendments.

Section 19. Amends s. 339.2816, F.S., to reinstate the Small County Road Assistance Program in 2012. Certain eligibility criteria relating to ad valorem tax rates are removed.

Section 20. Amends s. 348.0003, F.S., to require the members of each statutorily-created expressway authority, transportation authority, bridge authority, and toll authority to comply with constitutional financial disclosure requirements. The Miami-Dade Expressway Authority currently is required to comply.

Section 21. Amends s. 479.01, F.S., to modernize the definition of "automatic changeable facing" as it relates to outdoor advertising.

Section 22. Amends s. 479.07, F.S., to prohibit un-permitted signs outside urban areas, rather than incorporated area. The bill revises requirements for display of sign permit tags and directs FDOT to establish, by rule, a fee for furnishing a replacement permit tag in an amount that covers the actual cost of the tag. The amendment relegates the permitting of signs viewable from two or more roads in separate jurisdictions to the more stringent requirements. The amendment adds Hillsborough County and the City of Miami to a pilot program reducing the allowable minimum distance between signs to 1000 feet if all other requirements are met.

Section 23. Amends s. 479.08, F.S., to revise provisions for the denial or revocation of a sign permit for violations. Any notice of a violation must include a detailed description of the violation.

Section 24. Amends s. 479.156, F.S., to revise provisions relating to a municipality or county's ability to permit and regulate wall murals as "customary use" under federal law. The amendment allows a determination of customary use, the determination overrides the controls in the agreement between FDOT and the United States Department of Transportation.

Section 25. Amends s. 479.261, F.S., to expand the services for which the interstate highway logo sign program is applicable. FDOT is authorized to implement a 3-year rotation system to provide for the removal or addition of participating businesses. Permit fees are to be established based on market demand, population, traffic volume, and costs but may not exceed \$5,000 in urban areas or \$2,500 in other areas.

Section 26. Directs FDOT to conduct a study examining transportation alternatives for the Interstate 95 travel corridor considering needs relating to transportation, emergency management, homeland security, and economic development.

Section 27. Repeals ch. 343, part III, F.S., to abolish the non-functioning Tampa Bay Commuter Transit Authority.

Section 28. Amends s. 316.191, F.S., to increase the term for which a vehicle used in a violation of street racing provisions may be impounded from 10 days to 30 days.

Section 29. Amends s. 316.191, F.S., to revise the definition of “race” to include prearranged competitions as well as immediate responses to challenges to demonstrative superiority of a vehicle or driver.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 39-1; House 116-0

CS/HB 1065 — Airline Safety

by Roads, Bridges, and Ports Policy Committee and Rep. Plakon and others (CS/SB 1864 by Judiciary Committee and Senator Baker)

The bill creates the “Airline Safety and Wildlife Protection Act of Florida.” The bill includes a legislative finding that the ability of airport operators to manage wildlife hazards in a manner consistent with federal and state law is necessary to prevent jeopardy to human life or aircraft safety. Further, the bill declares the legislative intent that an airport should not be subject to penalties, restrictions, liabilities, or sanctions when taking authorized actions to manage wildlife, and that the authorization should not be superseded by the actions of other state and local agencies.

The bill provides an airport authority or any other entity owning or operating an airport may not be subject to any administrative or civil penalty, restriction, or other sanction stemming from authorized actions taken for the purpose of protecting human life or aircraft safety from wildlife hazards.

The bill defines what constitutes an authorized action and provides exceptions to that definition. The bill specifies that it is not intended to provide immunity from liability with respect to intentional or negligent torts, and is not intended to affect the waiver of sovereign immunity.

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

Vote: Senate 40-0; House 113-0

CS/CS/HB 1205 — Charter County Transit System Surtax

by Economic Development and Community Affairs Policy Council; Military and Local Affairs Policy Committee; and Rep. Braynon and others (CS/SB 2210 by Transportation Committee and Senator Wilson)

This bill renames the Charter County Transit System Surtax, the “Charter County Transportation System Surtax” and allows prospective eligibility for twelve existing charter counties by removing an existing provision requiring charter adoption prior to January 1, 1984. The bill allows proceeds of the surtax to be remitted to transit authorities for specified uses and requires any charter county distributing the proceeds of a charter county transit system surtax to one or more of its municipalities, to revise the interlocal agreement directing the distribution no less frequently than every five years for the purpose of including newly created municipalities in the distribution.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 38-0; House 102-9

CS/HB 1213 — Jacksonville Transportation Authority

by Roads, Bridges, and Ports Policy Committee and Rep. A. Gibson and others (SB 2246 by Senators King and Baker)

The bill makes significant changes to the Jacksonville Transportation Authority (JTA) Law by providing consistency between the JTA’s current functions and operations and its statutory powers, duties, and responsibilities. The bill also provides the JTA statutory authority to enter into public-private partnerships to build, operate, own, or finance transportation facilities. Additionally, the bill requires the Florida Transportation Commission to monitor the efficiency, productivity, and management of the JTA.

The bill also amends s. 334.30, F.S., concerning public-private transportation facilities, to provide a legislative finding that certain private entities perform a governmental function when entering into agreements with the Department of Transportation and, as a consequence, certain transportation facilities will receive an exemption from the payment of ad valorem tax to the extent the property is owned by the state or other government entity, from intangible tax levied by ch. 199, F.S., and from special assessments levied by the state or any political subdivisions.

Further, the private entities, or consortia, are exempt from the tax imposed by ch. 201 F.S., on all documents or obligations to pay money that arise out of the agreements to design, build, operate, own, or finance transportation facilities.

The bill directs the JTA to conduct and fund a study determining the feasibility of creating a regional transportation authority (RTA) in Northeast Florida composed of Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 119-0