

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 7005 — Transportation

by Economic Affairs Committee; Transportation and Economic Development Appropriations Subcommittee; Transportation and Highway Safety Subcommittee and Rep. Artilles (CS/CS/SB 1272 by Appropriations Committee; Transportation Committee; and Senator Brandes)

The bill revises a number of transportation-related provisions. Most, but not all of the revisions, affect functions or programs under the jurisdiction of the Department of Highway Safety and Motor Vehicles (DHSMV). Some affect functions or programs under the jurisdiction of the Department of Transportation (FDOT).

Driver Licenses

The bill:

- Provides additional circumstances under which a person may avoid driver license suspension for failure to pay child support.
- Prohibits the DHSMV from accepting the resubmission of a driver license suspension that has remained on the DHSMV's records for the required seven years.
- Requires the DHSMV (or its contractor) to prepare for development of an optional digital proof of driver license in a format that allows law enforcement to verify the authenticity of the digital proof.
- Reduces the mandatory period of revocation or suspension of a driver license from two years to one for persons convicted of certain drug offenses, and requires a court to make a determination as to whether a restricted license would be appropriate for such persons.
- Requires the driver licenses and identification cards of individuals designated as sexual predators to include to the marking "SEXUAL PREDATOR."
- Provides for a clerk to remove a habitual traffic offender designation if the offender meets certain conditions.
- Authorizes the DHSMV to issue a driver license to an applicant whose driving privilege is suspended or revoked in another state for an offense that would not have been grounds for suspension or revocation in this state.
- Authorizes a court that withholds issuance of, or suspends or revokes, the driver license of a person convicted of certain offenses relating to providing alcohol to minors, or suspends the driver license for an offense relating to theft, to direct the DHSMV to issue the person a license for business purposes only, if the person is otherwise qualified.
- Makes the suspension or revocation of a driver license of a person being prosecuted for passing a worthless check discretionary under certain conditions.

DUI/Ignition Interlock Devices

The bill:

- Authorizes a court to order placement of an ignition interlock device (IID) at a first-time-convicted person's expense for at least six continuous months on all vehicles routinely operated by the person.

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- Authorizes a court to dismiss an order of immobilization if the defendant provides proof a certified IID has been installed on all vehicles individually or jointly leased or owned and routinely operated by the convicted person.
- Authorizes a court to order a person, at that person's expense, to participate in a "qualified sobriety and drug monitoring program," in which participants are regularly tested for alcohol and drug use, in addition to the IID requirement.
- Provides conditions under which a person otherwise required to have an IID may operate a leased motor vehicle in the course and scope of employment without installation of an IID.
- Requires certified IIDs to meet *or exceed* current National Highway Traffic Safety Administration standards.
- Allows IID providers whose devices have been certified to contract with the DHSMV to become a service provider, requires the DHSMV to contract with any provider whose devices have been certified and who make a request to be a provider, and provides an extensive list of provisions to be included in the contract between the DHSMV and any provider.
- Requires the Office of Program Policy Analysis and Government Accountability to submit a study, by January 1, 2015, to the Governor, Senate President, and House Speaker on the effectiveness of IID use as an alternative to driver license suspension.

Vehicle Registration Withholding

The bill:

- Limits the withholding of a license plate, revalidation sticker, or replacement license plate for a vehicle identified, or a vessel registration number or decal for a vessel, to only the vehicle or vessel identified in a lienor's written notice to surrender, rather than to all vehicles or vessels registered under the name of the person on the lienor's notice, and requires the notice to be signed under oath by the lienor.
- Provides for removal of a person's name from a list of those who may not be issued a registration by court order, in addition to currently authorized methods of removal.
- Requires the DHSMV to develop a plan addressing registration holds for failure to pay tolls or parking ticket violations, and failure to comply with certain civil penalties, which must include the ability to pay any outstanding toll, parking ticket, or civil penalty at the point of collection of the vehicle registration fee.

Vehicle Operation

The bill:

- Defines "sanitation vehicle" and "utility service vehicle," and mandates that drivers observe the requirements of the "Move Over Act" with respect to such vehicles.
- Extends the period allowing the use of low-speed vehicles and golf carts by seasonal delivery personnel from December 31 of each year to January 31 of each year.

- Adds accredited educational institutions to the organizations that may operate autonomous vehicles for testing purposes, and removes obsolete language relating to an already-submitted DHSMV report.
- Authorizes the Office of Insurance Regulation to approve a motor vehicle insurance premium discount for insured vehicles equipped with autonomous driving technology or electronic vehicle collision avoidance technology in compliance with National Highway Traffic Safety Administration standards.
- Exempts a vehicle started by remote control from “unattended motor vehicle” provisions.
- Authorizes the use of devices mounted on windshields, used for the purpose of monitoring or assisting in safe vehicle operation.
- Deletes a provision that negates the violation of failing to yield the left lane if the vehicle is traveling at up to 10 miles slower than the posted speed limit.
- Prohibits a bus from stopping to load or unload passengers in a manner that restricts the progression of traffic if another “reasonable means” exists.

Specialty and Special License Plates

The bill:

- Changes the names of the “Sportsmen’s National Land Trust” and the “Catch Me, Release Me” license plates to the “Wildlife Foundation of Florida” and the “Protect Our Oceans” plates, respectively, and revises the distribution of annual revenues from the Wildlife Foundation of Florida plate.
- Creates a new military-related special use license plate that will be stamped with the word “Veteran.”
- Requires that annual use fees from the sale of specialty license plates be expended only for use in this state, unless the annual use fee is derived from the sale of United States Armed Forces plates and certain other veteran-related plates.
- Defines “administrative expenses” to include certain direct operating costs and revises audit and attestation requirements for specialty license plate organizations.
- Allows amateur radio operators holding a valid official radio station license *recognized*, rather than *issued* by the Federal Communications Commission to obtain a special license plate.
- Extends the current moratorium on new specialty license plates from July 1, 2014, to July 1, 2016.

Miscellaneous

The bill:

- Defines “automated license plate recognition system” and requires establishment of a retention schedule for records generated through the use of such systems.
- Authorizes a clerk to designate a local governmental entity to receive and keep a currently required affidavit and dismissal fee from a person who has a disabled parking placard or plate but receives a violation.

- Provides requirements for a licensed Recreational Vehicle dealer conducting an off-premises sale not in conjunction with a public vehicle show.
- Authorizes immediate removal and impoundment of an unauthorized wrecker operator's tow truck used during certain prohibited acts upon order of a law enforcement officer.
- Requires a specified decal on each gas pump reflecting certain information relating to fueling assistance for disabled drivers at self-service gas stations; and provides that counties and municipalities are not barred from expanding the accessibility, safety, or availability of fueling assistance.
- Prohibits requiring a gas station to provide air or vacuum supply without charge and preempts all local ordinances to that effect.
- Provides a free identification card to a person who presents satisfactory evidence that he or she is homeless or that his or her annual income is at or below 100% of the federal poverty level.
- Limits the number of referenda for consolidation or dissolution of certain authorities and provides that a referendum not expressly agreed to by an authority applies only to future bond issuance.
- Requires a county or municipality to respond within 60 days after receiving a request from another county or municipality to which it provides traffic signal services regarding the evaluation, installation, operation, or maintenance of a signal.
- Authorizes counties to create a yellow dot critical motorist medical information program; provides for limited use of the medical information by emergency medical responders; and requires the county to adopt guidelines to ensure confidentiality of the information.
- Removes the prohibition against obscuring the word "Florida," on license plates effective July 1, 2016.

Florida Department of Transportation

The bill:

- Authorizes, but does not require, the FDOT to enter into agreements under which investors may purchase the revenue stream from wireless communication leases on FDOT property.
- Replaces the maximum limit on funding for the Intermodal Logistics Center Infrastructure Support Program of "up to" \$5 million annually with a minimum of "at least" \$5 million annually beginning in fiscal year 2014-2015 and provides that the funding expires on July 1, 2020.
- Exempts deepwater port vehicles and equipment from vehicle registration requirements when operated on public roads connecting facilities of a deepwater port for the purpose of transporting cargo, containers, and other equipment.
- Designates a portion of State Road 293/Mid-Bay Bridge Extension Okaloosa County as "Walter Francis Spence Parkway," and directs the FDOT to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2014, except where otherwise provided.

Vote: Senate 37-0; House 106-3

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