

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 135 — Motor Vehicle Registration Applications

by Transportation and Infrastructure Subcommittee; and Rep. Ausley and others (CS/SB 290 by Appropriations Committee; and Senators Rouson and Rader)

The bill requires the Department of Highway Safety and Motor Vehicles to include language on the motor vehicle registration application form that allows a deaf or hard of hearing applicant to indicate voluntarily that he or she is deaf or hard of hearing. This notation will be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system. The bill enables a law enforcement officer to access this information upon searching a license plate prior to approaching the motor vehicle during a traffic stop.

The bill also updates the name of an organization to receive a voluntary \$1 contribution per applicant on the motor vehicle registration application form, from Prevent Blindness Florida to Preserve Vision Florida, to correctly reference the organization's name change.

Finally, the bill makes a cross-reference change to conform to changes made by the bill.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 36-0; House 113-0

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CS/CS/HB 141 — Transportation

by Government Accountability Committee; Transportation and Infrastructure Subcommittee; and Rep. Harrison and others (CS/SB 1012 by Appropriations Committee and Senators Passidomo and Young)

The bill revises provisions currently related to contracting and negotiation between the Florida Department of Transportation (FDOT) and local governmental entities for the design, right-of-way acquisition, and construction of legislatively approved turnpike projects. The bill authorizes, but does not require, the FDOT to contract with local entities for the transfer, purchase, sale, acquisition, or other conveyance of the ownership, operation, or maintenance of any turnpike project approved by the Legislature. Local entities are authorized to negotiate and contract with the FDOT for the same purposes.

In addition, the bill exempts law enforcement officers operating an official vehicle while on official law enforcement business from payment of tolls for the use of toll facilities. The bill also extends by one year the FDOT's existing obligation to reimburse Collier County or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on Alligator Alley, by interlocal agreement, through no later than June 30, 2019.

Lastly, by October 1, 2018, the bill requires the Miami-Dade County Expressway Authority (MDX) to submit to the Governor information regarding its compliance with an existing provision of law. The MDX is currently required to provide a minimum five-percent reduction in tolls charged for SunPass users of MDX facilities at the time the toll is incurred. Effective October 31, 2018, if the required toll reduction has not taken place, the bill dissolves the existing MDX board and requires a new board to be appointed by the same date, except that the FDOT's district secretary continues as an ex officio voting member of the new board. All new board members must be residents of Miami-Dade County, except for the FDOT's district secretary. Miami-Dade County must appoint five voting members, up to two of which may be elected officials. The Governor must appoint three voting members.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 35-2; House 114-0

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HB 185 — Redirection of Fees to Tax Collectors

by Rep. Mariano and others (SB 322 by Senators Book and Baxley)

The bill authorizes tax collectors to retain a portion of fees currently deposited in the Highway Safety Operating Trust Fund when the tax collectors administer subsequent driver license examinations or reinstate driver licenses. Specifically, tax collectors would retain:

- \$10, less the general revenue (GR) service charge, for administering a subsequent knowledge test as part of the driver license examination;
- \$20, less the GR service charge, for administering a subsequent skills test as part of the driver license examination;
- \$15, less the GR service charge, of the \$45 fee for processing a reinstatement of a suspended driver license; and
- \$20, less the GR service charge, of the \$75 fee for processing a reinstatement of a disqualified or revoked driver license.

The GR service charge is provided in s. 215.20, F.S., and is currently eight percent.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-0; House 107-0

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HB 215 — Motor Vehicles

by Rep. Payne and others (CS/SB 504 by Appropriations Committee and Senator Perry)

Autocycles

The bill defines the term “autocycle,” includes an autocycle under the statutory definitions of a motorcycle, and requires occupants of autocycles wear safety belts. The bill also exempts drivers of autocycles from motorcycle endorsement or motorcycle license requirements, meaning drivers are not required to complete motorcycle knowledge and skills testing to operate an autocycle.

Mobile Carriers

The bill defines the term “mobile carrier” and provides regulations for such devices. The bill provides a mobile carrier is not considered a vehicle, motor vehicle, or a personal delivery device, and is not required to be registered or insured to operate within the state pursuant to s. 320.02, F.S. The bill authorizes a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law, but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

The bill provides a mobile carrier:

- Operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except the mobile carrier may not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians;
- Must obey all official traffic and pedestrian control signals and devices;
- Must be equipped with a braking system that, when active or engaged, enables the mobile carrier to come to a controlled stop;
- May not operate on a public highway except to cross a crosswalk;
- May not operate on a sidewalk or crosswalk unless the property owner remains within 25 feet of the mobile carrier; and
- May not transport persons, animals, or hazardous materials.

State University Ingress and Egress

The bill prohibits a local governmental entity from preventing motor vehicle use on or access to an existing transportation facility or corridor if that facility or corridor is the only point, or only one of two points, of ingress to and egress from a state university as defined in s. 1000.21, F.S. However, this section does not apply when motor vehicle use or access is prevented by a law enforcement agency in an emergency situation, or for a temporary closure necessary for road maintenance or repair.

The bill also makes changes to cross-references to conform to changes made by the bill.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 33-3; House 91-10

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CS/SB 382 — Transportation Facility Designations

by Appropriations Committee and Senators Book, Campbell, Stewart, and Broxson

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers for each designation. Designations are as follows:

- I-95 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County is designated as “Deputy Ryan Seguin Memorial Highway.”
- I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County is designated as “Trooper Stephen G. Rouse Memorial Highway.”
- The Minneola interchange on S.R. 91/Florida’s Turnpike at N. Hancock road in Lake County is designated as “Tera Ross Memorial Interchange.”
- U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County is designated as “Deputy Christopher Smith Memorial Highway.”
- The pedestrian bridge over S.R. 436/Semorán Boulevard at Abercorn Drive in Orange County is designated as “Elias ‘Rico’ Piccard Memorial Overpass.”
- Bridge number 105503 on W. Laurel Street over the Hillsborough River in Hillsborough County is designated as “Fortune Taylor Bridge.”
- N.W. 133rd Avenue between N.W. 11th Street and N.W. 12th Street in Broward County is designated as “Patricia Angella Barrett Lewis and Charlton Pernell Lewis Avenue.”
- 5th Street between Euclid Avenue and Lenox Avenue in Miami-Dade County is designated as “Joseph Emmanuel ‘Manno’ Charlemagne Street.”
- The bridge on Peninsula Corp Drive over I-95 in Palm Beach County is designated as “Richard Jason Randolph Memorial Bridge.”
- I-75/S.R. 93 between mile marker 110 and the Broward County line in Collier County is designated as “Submarine Veterans Memorial Highway.”
- S.R. 4 between Munson Highway and S.R. 189 in Santa Rosa and Okaloosa Counties is designated as “Senator Greg Evers Memorial Highway.”
- U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County is designated as “Lieutenant Ewart T. Sconiers Highway.”
- S.R. 9336/S.W. 344th Street/W. Palm Drive between S.W. 192nd Avenue/Tower Road and S.W. 177th Avenue/S. Krome Avenue in Miami-Dade County is designated as “Steve Mainster Memorial Drive.”
- Upon completion of construction, the pedestrian bridge over S.R. 390 at Kentucky Avenue and Mowat School Road in Bay County is designated as “Harold Haynes Memorial Pedestrian Bridge.”
- S.R. 109/University Boulevard between Clifton Avenue and Fort Caroline Road in Duval County is designated as “Jim Tullis memorial Boulevard.”
- S.R. 46 between International Parkway and S.R. 431/Orange Boulevard in Seminole County is designated as “Dr. R.C. Sproul Way.”

- S.R. 190/Valparaiso Parkway between S.R. 85/Government Avenue and S.R. 397/John Sims Parkway in Okaloosa County is designated as “John B. Arnold, Jr., Memorial Highway.”

The bill also revises a previously enacted designation of U.S. 1 between Broward Boulevard and Sunrise Boulevard in Broward County as “The Hope and Healing Highway,” to remove applicability of the provisions of s. 334.071(3), F.S., allowing installation of designation markers without a local government resolution in support of the designation.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 100-1

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CS/CS/HB 1361 — Clerks of Court

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Clemons (CS/CS/SB 918 by Rules Committee; Judiciary Committee; and Senator Grimsley)

The bill modifies how the clerks of the circuit courts will dispose of surplus funds and how they will receive course completion information from driver improvement schools.

Remission of Unclaimed or Surplus Funds from Courts to the Department of Financial Services (DFS)

The bill repeals s. 43.19, F.S., which requires courts to retain unclaimed funds in their possession for 5 years and requires a court order for payment of an unclaimed fund. This will require courts to turn unclaimed funds over to the DFS 1 year after they become payable or distributable as provided in s. 717.113, F.S. A surplus of less than \$10 escheats to the clerk.

The bill provides any surplus fund remaining 1 year after the judicial sale of property are presumed unclaimed, and the clerk of court is required to report (in accordance with s. 717.117, F.S.) and remit (in accordance with s. 717.119, F.S.) the surplus funds to the DFS. However, the time for remitting funds is extended if the owner of the funds has not been determined by the court or if entitlement to the funds is being litigated.

Termination of the Surplus Trustee Program and Related Fees

The bill repeals statutory provisions regarding the use of surplus trustees to locate the owners of surplus funds from judicial sales. Such trustees receive 2 percent of the surplus funds upon appointment and an additional 10 percent of the funds if the trustee locates and disburses the funds to the owner. By terminating this program, no surplus trustee will be appointed and the full amount of unclaimed surplus funds will be transferred to the DFS, which is obligated under current law to attempt to locate the owners of the funds at no cost to the owners. Additionally, the bill repeals related clerk's fees for trustee appointment.

Submission of Claims by Subordinate Lienholders

The bill increases the time period in which subordinate lienholders may claim surplus funds resulting from the judicial sale of property, to any time prior to when the clerk reports the surplus as unclaimed to the DFS (at least one year after the sale) instead of within the 60-day period after the sale. The bill retains the provisions of existing law requiring a court to hold an evidentiary hearing to determine entitlement if the record owner claims the funds during the time period for subordinate lienholders to assert claims to the funds. If entitlement to the funds is being litigated, the clerk of court must retain the funds until conclusion of the litigation. Once a clerk remits the surplus funds to DFS, only the owner of record of the property sold at a judicial sale or the beneficiary of the deceased owner is entitled to the surplus.

The bill makes cross-reference changes to conform to the repeal of the surplus trustee program and the transfer of surplus funds to the DFS.

Transmission of Course Completion Information by Driver Improvement Schools

The bill requires driver improvement schools to transmit student course completion certificates through the Florida Courts E-Filing Portal, within three days after a person successfully completes the course. The certificate must be transmitted to the clerk of the circuit court for the county in which the citation was issued which resulted in the student's attendance at the driver improvement school. The requirement for the electronic submission of driver improvement school completion certificates is intended to eliminate the need for students to obtain and submit the certificate to a clerk's office.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 36-0; House 114-0