

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Tuesday, January 24, 2017

TIME: 2:00—4:00 p.m.

PLACE: *James E. "Jim" King, Jr. Committee Room*, 401 Senate Office Building

MEMBERS: Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Hukill, and Rader

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1		Presentation and Discussion of Agency Legislative Proposals:		Presented
		Department of Highway Safety and Motor Vehicles Department of Transportation		

Other Related Meeting Documents



2017 Legislative Concepts

1. Truancy reporting

Statutory Reference: Section 322.091, Florida Statutes

Current Situation: State law requires DHSMV to report to each school district on a quarterly basis, those students whose driving privilege has been suspended for truancy. This function is now automated for all school districts to access. Any school needing information on students whose licenses have been suspended under s. 322.091, F.S. can access in real time.

Proposed Change: Removes obsolete language related to the manual reporting of students whose driving privileges have been suspended for truancy. This report is no longer generated and distributed to each school district since the process has been automated. By placing this information on an accessible website, the individual school boards access the information when needed.

2. Law Enforcement Officer Training Reimbursement

Statutory Reference: Section 321.25, Florida Statutes

Current Situation: State law allows law enforcement agencies to collect training costs from their employee if they leave within two years of completing their training. The Florida Highway Patrol continues to lose qualified members to other law enforcement agencies due to higher pay, opportunities closer to their home along with other issues.

Proposed Change: Increase the reimbursement requirement from 2 years to 3 years. This change will encourage more members to stay another year and complete their obligation to the agency for training them.

3. Federal Motor Carrier Safety Administration Compatibility (FMCSA)

Statutory Reference: Section 316.302, Florida Statutes

Current Situation: In 2007, the FMCSA delivered a 2007 Motor Carrier Safety Assistance Program (MCSAP) review. The findings concluded that Florida Statutes have multiple compatibility concerns with federal regulations.

Proposed Change: This proposal addresses several of these concerns, updates the newly enacted regulation or amendments within three years, and provides for language clarification. These changes resolve compatibility concerns from FMCSA between existing state law and federal regulations.

2017 Legislative Concepts

4. Serious disqualifying offense for a Commercial Motor Vehicle (CMV)

Statutory Reference: Section 322.61, 316.3025 Florida Statutes

Current Situation: In 2013, s. 316.3025, F.S. was amended to codify Florida law that a federal prohibition existed on drivers of CMVs using handheld devices while driving. Section 322.61, F.S. should also have been amended to add this infraction to the list of serious disqualifying offenses.

Proposed Change: This proposed change incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations as noted in FMCSA compliance pre-audit.

5. International Registration Plan

Statutory Reference: Section 320.01(24), Florida Statutes

Current Situation: The International Registration Plan (IRP) is a cooperative registration agreement among all of the states in the continental United States, the District of Columbia and certain Canadian provinces. The IRP allows a carrier to register once for all the jurisdictions, rather than dealing with each jurisdiction separately. The IRP jurisdictions voted in favor of amending the definition of Apportionable Vehicle which became effective January 1, 2016. This amendment removed Charter Buses as a vehicle exempt from IRP registration. All Charter Buses operating interstate are now required to obtain IRP registration or purchase trip permits. Florida is required by federal law to maintain its interstate commercial motor vehicle registration programs in conformance with the IRP.

Proposed Change: Revises the definition of "Apportionable Vehicle" to bring Florida's statutory definition of "apportionable vehicle" in alignment with the requirements of the International Registration Plan (IRP).

6. Issuance of Apportionable Vehicle Plates

Statutory Reference: Section 320.06, Florida Statutes

Current Situation: Florida is a member of the International Registration Plan (the Plan) and registers apportionable vehicles pursuant to the provisions the Plan as provided for in state law. An Apportionable vehicle is one that displays a restricted plate, has a gross weight in excess of 26k lbs and has three or more axels. These plates are only valid for one year.

Proposed Change: Revises the issuance time frame for apportioned plates to be longer than one year, and will provide for free replacement for damaged or worn apportioned plates. This change will allow companies that utilize apportioned plates the ability to keep their license plates longer and will make placing the plates on fleets less burdensome.

2017 Legislative Concepts

7. Transporter License Plates (TLP)

Statutory Reference: Section 320.133, Florida Statutes

Current Situation: State law does not authorize DHSMV or law enforcement to conduct inspections on the use of TLP. These plates are issued to any applicant who incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates. Current law does not require the applicant to prove they are a transporter plate eligible business.

Proposed Change: The Department seeks to prevent misuse of TLPs by providing clearer guidelines on the types of businesses that qualify to use these plates. To better manage the issuance and use of TLPs by requiring applicants to prove a need for this plate and to provide DHSMV and law enforcement with tools that will allow better oversight of the usage of the plate. DHSMV has discovered businesses are using TLP's on their company vehicles rather than on vehicles they are transporting. The vehicles are not properly insured or registered with the state of Florida. DHSMV has discovered TLPs issued in large quantities to a business with more issued in the business owner's personal name but have little or no authority to inquire as to whether the license plates are being used appropriately.

8. Expedited Shipping Service

Statutory Reference: Section 322.21, Florida Statutes

Current Situation: Current law provides the authority to charge a service fee for customers to receive titles in an expedited timeframe. However, the law does not provide the authority for the Department to collect an expedited shipping cost related to driver licenses and identification cards from customers. For example, Florida residents needing an immediate driver license or identification card issuance, such as a replacement or renewal, who are not able to visit an office oftentimes call the customer service center to request expedited shipping of their transaction via the online portal. To assist these customers, customer service agents must have the customer pre-pay directly to a mail courier service for the expedited shipping cost.

Proposed Change: Allows the Department to collect payment for expedited shipping of driver license and identification cards at the request of the customer for online transactions. Provides the Department the ability to automate this process; thereby, creating a more efficient process and improving customer service to those customers requesting such service.

2017 Legislative Concepts

9. Stolen identification cards

Statutory Reference: Section 322.17(1)(b), Florida Statutes

Current Situation: Section 322.17(1)(b), F. S. provides for the replacement of a driver license for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue no fee replacement *identification cards* when stolen even when a police report is provided. The Department does not have the authority to waive the replacement fee. It is believed that replacement identification cards of this type were to be included when the original law was enacted.

Proposed Change: This change allows the Department to serve its customers more consistently by providing them the ability to obtain a no fee identification card just as customers may obtain a no fee driver license if stolen by providing a copy of the police report.

10. Tax Collector Fee Distribution

Statutory Reference: Sections 322.21, 322.12, Florida Statutes

Current Situation: Statutes specify that the fees for reexaminations of knowledge exams and skills tests are distributed to the Highway Safety Operating Trust Fund. Tax Collectors also perform these services on a daily basis. Similarly, a portion of the fees for driver license reinstatements of suspensions, revocations or disqualifications transactions processed by Tax Collectors are also distributed to the Highway Safety Operating Trust fund.

Proposed Change: This change represents an equitable distribution of the effort of the Tax Collectors and the Department. Provides that a portion of the revenues associated with in-office knowledge re-exams and skills re-tests, due to exam failures, are distributed to either the Tax Collector or the Department when they provide the testing services. Additionally, Tax Collectors will receive a portion of reinstatement fees when Tax Collectors process reinstatements of driver license suspensions, revocations and disqualifications.



2017 Department of Transportation Legislative Priorities

Purpose:

The purpose of the proposed legislation is to make technical revisions to improve business practices and to conform to recently enacted Federal regulations.

Major Components of the Bill:

- **Truck Weight Allowance Increase for Natural Gas Fueled Vehicles**
 - Currently, Florida law limits all vehicles to a maximum gross vehicle weight of 80,000 pounds when operating on the Interstate System.
 - This proposal will update state law to accommodate changes made in the Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015 allowing states to increase the allowable weight of a natural gas fueled vehicle by an amount equal to the difference between the weight attributable to the vehicle's natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system, up to a maximum gross vehicle weight of 82,000 pounds when operating on the Interstate System, without the Federal Highway Administration (FHWA) imposing funding sanctions, against the Department. [FAST Act § 1410; 23 U.S.C. 127(s)]
 - Brings state law into compliance with current federal law.
- **FHWA Risk Based Bridge Inspection Schedule**
 - Currently, Florida law mandates inspection of all highway bridges, regardless of age or condition, every two years (24 months).
 - The Federal Highway Administration (FHWA) allows a state to vary the time between bridge inspections depending on the condition of the bridge. Based on approved criteria, a bridge in poor condition will be inspected more frequently while a bridge in good condition may be inspected less frequently.
 - This proposal aligns statute with federal law, and subject to FHWA approval, FDOT would then adopt a risk-based inspection program, as other 16 states have done.
 - Based on the Department's tentative criteria, the Department expects to reduce the number of yearly bridge inspections by an average of 400 per year.
- **Price Cap Increase for Rapid Response Contracts**

- This proposal increases the fiscal limitation identified in s. 337.11(6)(c), F.S. from \$120,000 to \$250,000. This will include projects such as: sinkhole repairs that protect roadways and other infrastructure; traffic railing and guardrail repairs that are needed to protect the safety of the traveling public; and drainage and inlet work that prevents roadway flooding during heavy rain.
 - The cap was established in 1999 and adjusted in 2002 to the current number.
 - The Department has utilized rapid response contracts 46 times since 2014.
 - The Department will ensure surety bond requirements (s. 337.18(1)(a) 1.a., F.S.) are met if the price cap is increased.
- **Optional Bond Validation for Turnpike Bonds**
 - Currently, Turnpike bonds are required to be validated pursuant to s. 215.82, F.S.
 - When the remaining bond validation amount is insufficient to cover the anticipated bond sales that will be needed in any given fiscal year, the Division of Bond Finance must file a suit to validate a bond amount approved earlier in the year.
 - With this change the Department and the Division, at the discretion of the Division, will not need to seek an increase in the Turnpike bond validation amount by way of the courts, making it unnecessary to obtain a judgment in order for the Turnpike to continue to issue bonds to fund its capital improvement program.
 - This proposal will provide for consistency with other similar bond programs administered by the Division, such as Education PECO Bonds, Florida Forever Bonds and State University System Bonds.
- **Emergency Repair Work Program Amendments for LBC Review**
 - Currently, as passed by the 2016 Legislature, any project or phase of a project over \$3 million added to the adopted work program must be approved by the LBC.
 - This proposal excludes emergency actions from the paragraph (h) requirement which directs that all projects or phases added to the work program in excess of \$3 million are subject to approval by the Legislative Budget Commission (LBC).
 - Including paragraph (h) ensures the department can expeditiously respond to an emergency event, safeguards the safety of the public and is consistent with procedures used during natural disasters.
 - This would ensure that emergencies that are not covered by a Governor's Executive Emergency Order, such as a direct bridge hit, could be addressed in a timely manner to protect public safety.
- **Repeal - Florida Highway Beautification Council**
 - This proposal seeks to repeal the Florida Highway Beautification Council, established in 1987, and create in its place, a Highway Beautification Grant Program managed and administered solely by the Department of Transportation.
 - \$1 million was appropriated by the Legislature in FY 2016/17 for highway beautification grants.

- The Department is required by statute (s. 334.044(26), F.S.) to allocate a minimum of 1.5% of construction dollars for landscaping, which generally amounts to \$50 – 60 million annually.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21

Meeting Date

TBID

Bill Number (if applicable)

Topic DHSMV Legislative Package

Amendment Barcode (if applicable)

Name Jennifer Langston

Job Title Legislative Affairs Director

Address 2900 Apalachee Pkwy

Phone 617-3195

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing DHSMV

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2017
Meeting Date

Bill Number (if applicable)

Topic FDOT Legislative Proposals

Amendment Barcode (if applicable)

Name Shannan Schuessler

Job Title Legislative Affairs Director

Address 605 Suwannee Street
Street

Phone (850) 4144247

Tallahassee FL 32317
City State Zip

Email shannan.schuessler@dot.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Department of Transportation

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Bill Number (if applicable) _____

Topic FDOT Legislative Priorities

Amendment Barcode (if applicable) _____

Name Jim Boxold

Job Title Secretary

Address 605 Suwanee Street

Phone 850-410-5206

Street

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City

State

Zip

Email jim.boxold@dot.state.fl.gov

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Dept of Transportation

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/17

N/A

Meeting Date

Bill Number (if applicable)

Topic Discussion of Agency Legislative Proposals: DHSMV & DOT

Amendment Barcode (if applicable)

Name Paul Henry

Job Title _____

Address PO Box 698

Phone 850-629-9550

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32345

Email paul@libertyfirstfl.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
 (The Chair will read this information into the record.)

Representing N/A

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Regulated Industries, *Vice Chair*
Appropriations Subcommittee on the Environment
and Natural Resources
Health Policy
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
14th District

January 20, 2017

The Honorable George B. Gainer
Transportation Committee, Chair
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Request for Excusal from Committee Meeting

Dear Chairman Gainer:

Please excuse me from the Transportation Committee on January 24, 2017 at 2 p.m. as I will not be able to attend due to illness.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill
State Senator, District 14

cc: Phillip Miller, Staff Director of the Transportation Committee
Marilyn Hudson, Committee Administrative Assistant of the Transportation Committee

REPLY TO:

□ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 1/24/2017 2:00:32 PM

Ends: 1/24/2017 3:13:41 PM

Length: 01:13:10

2:00:40 PM Meeting called to order by Chair Gainer
2:00:49 PM Roll call by Administrative Assistant, Marilyn Hudson
2:01:08 PM Quorum present
2:01:12 PM Comments by Chair Gainer, stating Senator Hukill's excusal from the meeting
2:01:25 PM Pledge of Allegiance
2:01:34 PM Speaker Jennifer Langston, Legislative Affairs, Department of Highway Safety
2:07:25 PM Comments for Chair Gainer
2:07:43 PM Question from Senator Rouson
2:08:12 PM Response from Ms. Langston
2:08:47 PM Follow-up question from Senator Rouson
2:09:36 PM Response from Ms. Langston
2:10:01 PM Additional question from Senator Rouson
2:10:48 PM Response from Ms. Langston
2:11:14 PM Follow-up from Senator Rouson
2:11:41 PM Response from Ms. Langston
2:11:51 PM Comments from Chair Gainer
2:11:51 PM Question from Senator Baxley
2:12:52 PM Response from Ms. Langston
2:13:43 PM Follow-up question from Senator Baxley
2:14:35 PM Response from Ms. Langston
2:14:45 PM Comments from Chair Gainer
2:15:15 PM Question from Senator Rader
2:15:35 PM Response from Ms. Langston
2:16:16 PM Follow-up question from Senator Rader
2:17:12 PM Response from Ms. Langston
2:18:05 PM Additional question from Senator Rader
2:18:43 PM Response from Ms. Langston
2:19:24 PM Additional question from Senator Rader
2:20:11 PM Response from Ms. Langston
2:20:40 PM Comments from Chair Gainer
2:21:03 PM Question from Senator Baxley
2:23:24 PM Comments from Chair Gainer
2:23:58 PM Speaker Shannon Schuessler, Legislative Affairs Director, Department of Transportation
2:27:30 PM Comments from Chair Gainer
2:27:41 PM Question from Senator Rader
2:28:07 PM Response from Ms. Schuessler
2:29:02 PM Comments by Chair Gainer
2:29:14 PM Comments from Senator Baxley
2:32:52 PM Question from Senator Rouson
2:33:11 PM Response from Ms. Schuessler
2:33:36 PM Follow-up from Senator Rouson
2:34:13 PM Response from Secretary Jim Boxold
2:35:17 PM Additional question from Senator Rouson
2:35:30 PM Response from Secretary Boxold
2:36:31 PM Comments from Chair Gainer
2:37:07 PM Question from Senator Baxley
2:37:47 PM Response from Ms. Schuessler
2:38:05 PM Speaker Paul Henry, Retired Law Enforcement
2:39:57 PM Comments from Chair Gainer
2:40:07 PM Response from Mr. Henry
2:42:46 PM Comments from Chair Gainer
2:43:01 PM Senator Rouson moves to adjourn