

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation and Economic Development Appropriations Committee

BILL: CS/CS/CS/SB 454

SPONSOR: Transportation and Economic Development Appropriations Committee, Governmental Oversight and Productivity Committee, Transportation Committee, and Senator Sebesta

SUBJECT: Highway Safety

DATE: April 27, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
3.	<u>McKay</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
4.	<u>Noble</u>	<u>Martin</u>	<u>TA</u>	<u>Fav/CS</u>
5.	_____	_____	<u>RC</u>	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Committee Substitute for Senate Bill 454 is a compilation of various issues relating to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). The following is a summary of changes included in the bill:

- Allows a person whose driver's license is being suspended for failure to pay child support to petition the court to be issued a driver's license for driving privileges restricted to "business purposes only" subject to the court's approval and subject to the person making a payment schedule for current and past due child support obligations;
- Provides for interlocal agreements between municipalities and counties transferring traffic regulatory authority over areas within the municipality to the county;
- Requires that a driver may not turn a vehicle from a direct course or move left or right upon a highway unless the movement can be done safely, and only after giving an appropriate signal, and that a driver must give an appropriate signal when overtaking or passing another vehicle proceeding in the same direction;
- Revises the physical requirements of motorcycles to require passenger handholds, and also, prohibits handlebars or handgrips which are higher than the top of the shoulders. Current standard is based on 15 inches above the seat;

- Provides that local governmental entities may enact ordinances regarding golf cart operation and equipment which are more restrictive than state law;
- Provides a person operating a commercial motor vehicle bearing an identification number which is false, fraudulent, or displayed without the consent of the person to whom it was assigned commits a first degree misdemeanor;
- Reduces the distance at which radios, mechanical sound making devices, or instruments in vehicles may be plainly audible, from 100 feet to being plainly audible at a distance of no more than 25 feet;
- Clarifies that funds from the Dori Slosberg Driver Education Act are to be used for enhancement of driver education programs in schools, and also provides that 30 percent of a student's time in the program shall be devoted to behind-the-wheel training;
- Revises procedures applicable to determining whether vehicles with custom lowered floors for wheelchair access or a wheelchair lift are damaged to the point of total loss for insurance purposes.
- Provides that the DHSMV may withhold registration of a vehicle if an owner appears on a list or persons owing registration fees to a motor vehicle dealer.
- Renames the Florida Special Olympics specialty license plate to the Special Olympics Florida license plate and allows for the redesign of the plate. Revises requirements for agencies receiving funds from the Choose Life and United We Stand specialty license plates and revises distribution and use of the annual use fee revenues from the Animal Friend specialty license plate;
- Adds retired members of any branch of the United States Armed Forces Reserve to the list of persons eligible to be issued U.S. Reserve license plates;
- Deletes a requirement that funds collected from a voluntary contribution to the Hearing Research Institute, Incorporated, on driver's license applications and renewals be used for infant hearing screening;
- Directs the DHSMV to invalidate a driver's license suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed under s. 322.2615, F.S., if the suspended person is found not guilty of driving under the influence at trial. In addition, it clarifies that the disposition of a criminal proceeding does not affect a suspension for refusal to submit to a blood, breath, or urine test;
- Provides for the creation and duties of the Manufactured Housing Regulatory Study Commission;
- Corrects a statutory cross reference relating to points assigned for littering violations;

- Amends the standards for disqualification from operating a commercial motor vehicle;
- Provides that certain licensed health professionals appointed by the director of the Florida Highway Patrol are considered employees for the purposes of the state's sovereign immunity provision;
- Exempts motorsports complexes from the provisions of ch. 513, F.S., relating to the temporary overnight parking during a motorsports event at a motorsports entertainment complex; and
- Requires a mandatory hearing when a person commits an infraction resulting in a crash causing serious bodily injury or death and provides penalties. The fees collected must be deposited in the Department of Health (DOH) Administrative Trust Fund to be allocated to trauma centers.

This bill amends sections 61.13016, 316.006, 316.083, 316.155, 316.2095, 316.212, 316.2126, 316.302, 316.3045, 318.1215, 318.14, 318.21, 319.30, 320.02, 320.08058, 320.089, 320.27, 320.77, 321.24, 322.08, 322.2615, 322.27, and 322.61 of the Florida Statutes.

The bill creates s. 549.102, F. S.

The bill provides an effective date of July 1, 2005.

II. Present Situation:

Section 61.13016, F.S., addresses the suspension of driver's licenses and motor vehicle registrations of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings.

Chapter 316, F.S., provides for uniform traffic laws throughout the state relating to speed limits, street signage, traffic signals, and penalties for violators of traffic laws. Specific sections within the chapter discuss the authority of counties and municipalities to regulate and restrict traffic on locally owned and maintained roads. No city or county may enact an ordinance on a traffic-related matter covered by chapter 316, F.S., unless expressly authorized by the Legislature.

Pursuant to s. 316.006, F.S., the Florida Department of Transportation (FDOT) has jurisdiction over all state roads; municipalities have jurisdiction over all streets and highways within their boundaries, except for state roads; and counties have jurisdiction over all streets and highways within their boundaries, except for state and municipal roads.

Section 316.083, F.S., specifies rules governing the overtaking and passing of vehicles proceeding in the same direction, and provides that violation of the conditions of this section is a noncriminal traffic infraction, punishable as a moving violation.

Section 316.155, F.S., specifies when certain signals are to be used, and provides that violation of the section is a noncriminal traffic infraction, punishable as a moving violation.

Section 316.2095, F.S., requires a motorcycle carrying a passenger, other than in a sidecar or enclosed cab, to be equipped with footrests for such passenger. In addition, the section specifies that a person may not operate a motorcycle with handlebars more than 15 inches in height above the motorcycle operator's seat. A violation of the section is a noncriminal traffic infraction, punishable as a nonmoving violation.

Section 316.212, F.S., regulates the operation of golf carts on certain roadways.

Pursuant to chapters 207 and 316, F.S., the DHSMV and FDOT's Motor Carrier Compliance Office (MCCO) enforces state and federal laws and rules regulating the safety of commercial motor vehicles and their drivers, and the weight and size of commercial vehicles operating on the state's highways. The MCCO officers perform vehicle safety inspections to determine whether commercial drivers are appropriately licensed, are not under the influence of drugs or alcohol, have maintained required logbooks of their hours of service, and are not operating their vehicles in an unsafe manner. In addition, the MCCO conducts compliance reviews at truck and bus terminals to examine company vehicles and records. In the course of performing these duties, MCCO officers also check to see that other commercial motor vehicle-related laws, such as registration and fuel taxes, are complied with. This program helps to ensure that trucks and buses operating in Florida are mechanically sound, are licensed, do not exceed size and weight limits, and that vehicle operators are properly qualified, licensed, and driving their vehicles in a safe manner.

Specifically, s. 316.302, F.S., authorizes the FDOT to conduct compliance reviews for the purpose of determining whether commercial motor vehicles are compliant with all safety requirements contained in s. 316.302, F.S. The section also requires the display of certain information on the side of the power unit of certain commercial vehicles. Finally, the section clarifies that commercial trucks are required to comply with federal and state hazardous material requirements only when carrying such materials in amounts that require placarding pursuant to federal law.

Section 316.3045, F.S., provides criteria related to the operation of radios or other mechanical sound-making devices in motor vehicles. Presently, it is unlawful for a person operating or occupying a motor vehicle on a street or highway to amplify the sound produced by a radio, tape player, or other mechanical sound-making devices from within the motor vehicle where the sound is plainly audible at a distance of 100 feet or more from the vehicle. A violation of the conditions of this section is a noncriminal traffic infraction, punishable as a nonmoving violation.

Section 318.1215, F.S., also known as the Dori Slosberg Driver Education Safety Act, provides that a board of county commissioners may require, by ordinance, collection of an additional \$3 for each civil traffic penalty, to be used to fund traffic education programs in schools. Funds may only be used for direct education expenses.

Section 318.19, F.S., requires a mandatory hearing following a citation for certain civil traffic infractions. These infractions are:

- Any infraction resulting in a crash that causes the death of another;

- Any infraction resulting in a crash that causes “serious bodily injury” to another;
- Passing a school bus on the door side while the bus displays a stop signal; and
- Certain infractions concerning loads on vehicles.

Any person who commits one of these infractions may not dispose of the matter by submitting payment of the fine by mail or by making the driver improvement course election. Instead, the person committing the infraction must appear before the designated official at a scheduled hearing.

Persons who have elected to appear at a hearing, or who are required to do so, are considered as having waived the right to the regular civil penalty provisions for traffic infractions. Instead, upon a finding that the person committed the charged traffic infraction, the official conducting the hearing may impose a civil penalty up to \$500. If the infraction involves unlawful speed in a school or construction zone, or involves death, the official may impose a civil penalty up to \$1,000. These civil penalty amounts are authorized, but they are not mandatory. The official conducting the hearing has discretion in choosing how much of a penalty, if any, to impose against a person found to have committed the infraction.

Under these provisions, a person committing an infraction resulting in the death of another person is required to appear before a designated official and may be subject to a \$1,000 fine. A person committing an infraction that results in the “serious bodily injury” of another is also required to appear before a designated official, but may be subject to a \$500 fine. The increased penalty is not mandatory. A person committing an infraction resulting in an injury to a person that is not considered “serious bodily injury”, is not subject to a mandatory hearing, and is not subject to enhanced penalties.

“Serious bodily injury” is defined in s. 316.1933, F.S., as an injury which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. The precise point at which bodily injury becomes serious is unclear as the foregoing definition is open to interpretation. According to DHSMV, a law enforcement officer issuing a citation makes the determination (subject to judicial review) whether a bodily injury is serious and, therefore, whether a mandatory hearing is required.

Furthermore, DHSMV is authorized under s. 322.27, F.S., to suspend a driver’s license in the event that a person violates any traffic law that results in a crash causing death or personal injury to another or property damage in excess of \$500. According to DHSMV, upon a review of its records, DHSMV suspends the driver’s license of any persons meeting these criteria who are subject to a mandatory hearing. A suspension is lifted if at the hearing the designated official finds the accused not guilty of the offense or infraction.

Section 318.21, F.S., provides for the distribution of funds received resulting from traffic-related dispositions. The moneys collected from violations of traffic law are distributed and paid monthly as follows:

- One dollar from every civil penalty is remitted to DOR for deposit into the Child Welfare Training Trust Fund for child welfare training purposes.

- One dollar from every civil penalty is remitted to DOR for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes.

Of the remainder:

- Twenty and six-tenths percent is remitted to DOR for deposit into the General Revenue Fund of the state, except that the first \$300,000 is deposited into the Grants and Donations Trust Fund in the Justice Administrative Commission for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county.
- Seven and two-tenths percent is remitted to DOR for deposit in the Emergency Medical Services Trust Fund.
- Five and one-tenth percent is remitted to DOR for deposit in the Additional Court Cost Clearing Trust Fund established for criminal justice purposes.
- Eight and two-tenths percent is remitted to DOR for deposit in the Brain and Spinal Cord Injury Rehabilitation Trust Fund.
- Two percent is remitted to DOR for deposit in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation.
- Five-tenths percent is paid to the clerk of the court for administrative costs.
- If the violation occurred within a special improvement district of the Seminole or Miccosukee Indian Tribe, 56.4 percent is paid to that special improvement district. Such moneys paid to a municipality or special improvement district must be used to fund local criminal justice training when such a program is established by ordinance; to fund a municipal school crossing guard training program; and for any other lawful purpose.
 - If the violation occurred within a municipality, 50.8 percent is paid to that municipality and 5.6 percent is deposited into the fine and forfeiture trust fund.
 - If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent is deposited into the fine and forfeiture fund.
- Twelve dollars and fifty cents from each moving traffic violation must be used by the county to fund that county's participation in an intergovernmental radio communication program or to fund local law enforcement automation.

Section 320.08058(7), F.S., relates to the Florida Special Olympics specialty license plate. The design requirements specify the license plate must contain the official Florida Special Olympics logo and must bear a design and colors approved by DHSMV. The word "Florida" must be centered at the top of the plate, and the words "Support Florida Special Olympics" must be centered at the bottom of the plate.

Section 320.08058(30), F.S., relates to the Choose Life specialty license plate. Annual use fees collected from the plate must be distributed to each county in the ratio the fees were collected. Counties must distribute the funds to nongovernmental, not-for-profit agencies within the county, which agencies' services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Each agency receiving funds must submit an annual audit, prepared by a certified public accountant, to the county; however, the county may conduct a consolidated audit in lieu of the annual audit.

In 2004, the Legislature enacted SB 2020, which among other things, created the Animal Friend specialty license plate. Specifically, s. 320.08058(56), F.S., requires DHSMV to issue an Animal Friend specialty license plate. In addition to applicable motor vehicle registration fees and taxes, a \$25 annual use fee is charged for the specialty plate. The DHSMV is authorized to retain the first \$60,000 in proceeds to cover its costs related to the development and issuance of the specialty plate. Thereafter, the annual use fees are distributed to the Humane Society of the United States for animal welfare programs and spay and neuter programs in Florida. However, no more than 10 percent of the proceeds may be used for administrative costs directly associated with marketing and promotion of the plate and distribution of funds. Also, funds received from the purchase of the plate may not be used for litigation.

Section 319.30, F.S., addresses the destruction and salvage of damaged vehicles.

Section 320.02, F.S., provides the requirements for registering a motor vehicle in the state of Florida.

There are 9 limited issue specialty license plates available to qualified recipients, including: disabled veterans, Ex-POWs, Medal of Honor recipients, National Guard members, paralyzed veterans, Pearl Harbor survivors, Purple Heart recipients, U.S. Reserve members, and U.S. Paratroopers. Section 320.089, F.S., provides an owner or lessee of a motor vehicle, who is an active member of any branch of the Armed Forces Reserve, accompanied by proof of active membership and payment of the license tax, be issued a "U.S. Reserve" plate.

Section 320.77, F.S., addresses procedures for licensing mobile home dealers.

Section 321.24, F.S., provides for the existence and duties of an auxiliary to the Florida Highway Patrol.

Section 322.08, F.S., requires DHSMV to include on each application form for a driver's license or duplicate thereof, language permitting a voluntary contribution of \$2 per applicant to the Hearing Research Institute, Incorporated, for the purpose of infant hearing screening in Florida.

Section 322.2615, F.S., mandates the administrative license suspension of a person arrested for a DUI violation under s. 316.193, F.S., when the person has a breath or blood alcohol level of .08 or higher or if the person refuses to submit to a blood or breath test.

To contest the suspension at DHSMV, the person may request either an informal hearing, where a hearing officer determines based on written submissions whether cause exists to sustain the suspension, or a formal hearing, where a hearing officer determines based on written submissions and witness testimony whether cause exists to sustain the suspension. The hearing, whether informal or formal, must be requested within 10 days of the suspension. If the hearing officer sustains the suspension, the person may appeal the decision to the circuit court.

The administrative suspension process under s. 322.2615, F.S., is separate and distinct from any criminal proceedings under s. 316.193, F.S. Section 322.2615(14), F.S., provides the disposition of any related criminal proceedings shall have no effect on the administrative suspension. In

addition, the disposition of the suspension shall not be considered in any related criminal proceedings. As a result, both the administrative suspension and the DUI charge stand on their own merits, with each process independent and distinct from the other.

Under current law, an administrative suspension can be sustained even if the criminal proceeding is dismissed, if the criminal defendant enters a plea to a different charge, or if the criminal defendant is found not guilty at trial. Similarly, even if the hearing officer invalidates the administrative suspension, the criminal process can still go forward and the person could be convicted and sentenced for DUI.

Section 322.27, F.S., establishes a system of points assessed against a driver's license when a person is convicted of violating certain motor vehicle laws. The point system is used for the evaluation and determination of the continuing qualification of any person to operate a motor vehicle. The DHSMV is authorized to suspend the license of any person upon a showing of its records or other good and sufficient evidence the licensee has been convicted of violation of motor vehicle laws amounting to 12 or more points as determined by the point system. The suspension will be for a period of not more than one year. The statute provides the following provisions:

- When a licensee accumulates 12 points within a 12-month period, the period of suspension will be for not more than 30 days.
- When a licensee accumulates 18 points within an 18-month period, the suspension will be for a period of not more than 3 months.
- When a licensee accumulates 24 points within a 36-month period, the suspension will be for a period of not more than 1 year.
- The point system has, as its basic element, a graduated scale of points assigning relative values to convictions of the following violations:
 1. Reckless driving—4 points
 2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points
 3. Unlawful speed resulting in a crash—6 points
 4. Passing a stopped school bus—4 points
 5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points
 6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points
 7. Any moving violation, excluding unlawful speed, resulting in a crash—4 points
 8. Dumping litter in an amount exceeding 15 pounds, which involves the use of a motor vehicle—3 points
 9. Driving during restricted hours—3 points
 10. Violation of curfew—3 points
 11. Open container as an operator—3 points
 12. Child restraint violation—3 points

Moving violations typically result in assessment of 3 points, unless the infraction or offense is among those viewed as more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of 4 points. Leaving the scene of a crash and speeding resulting in a crash require assessment of 6 points. All other moving violations require assessment of 3 points.

Section 322.61, F.S., provides the standards for disqualification from operating a commercial motor vehicle.

Chapter 513, F.S., addresses the requirements for mobile home and recreational vehicle parks. In addition, ch. 549, F.S., governs automobile race meets, including issues relating to meet notice, duties and compensation of sheriffs, penalties for failure of a person to remove himself or herself from an automobile racecourse, and motorsports entertainment complex contracts.

III. Effect of Proposed Changes:

The following discussion represents a section-by-section analysis of the CS:

Section 1 amends s. 61.13016, F.S., to allow a person whose driver's license is being suspended for failure to pay child support to petition the court to be issued a driver's license for driving privileges restricted to "business purposes only" subject to the court's approval and subject to the person making a payment schedule for current and past due child support obligations. However, if the person obtaining the "business purposes only" driver's license does not comply with the payment schedule then the person's license will be suspended.

Section 2 amends s. 316.006, F.S., to allow municipalities, by interlocal agreement with a county, to transfer traffic regulatory authority over areas within the municipality to the county.

Section 3 amends s. 316.083, F.S., to require a driver of a vehicle to give an appropriate signal when overtaking another vehicle proceeding in the same direction.

Section 4 amends s. 316.155, F.S., to provide that no person may turn a vehicle from a direct course or move left or right upon a highway unless the movement can be done safely, and only after giving an appropriate signal, and to require signal lamps to be used to indicate an intention to overtake or to pass a vehicle.

Section 5 amends s. 316.2095, F.S., to require any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, to be equipped with handholds for such passenger. The section is further amended to specify a person may not operate a motorcycle with handlebars or handgrips higher than the top of the shoulders of the person operating the motorcycle while properly seated on the motorcycle.

Section 6 amends s. 316.212, F.S., by changing some references from "city" to "municipal," and by creating a new subsection (7) that permits a local governmental entity to enact an ordinance regarding golf cart operation and equipment which is more restrictive than state law. The bill

provides that violations of local ordinances regulating golf carts are punishable as moving or nonmoving violations.

Section 7 amends s. 316.2126, F.S., to require golf carts to comply with any more restrictive ordinances enacted by local governmental entities.

Section 8 amends s. 316.302, F.S., to provide that a person operating a commercial motor vehicle bearing an identification number which is false, fraudulent, or displayed without the consent of the person to whom it was assigned, commits a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. (up to 1 year imprisonment/\$1,000 fine).

Section 9 amends s. 316.3045, F.S., to revise the distance to no more than 25 feet that a radio may be plainly audible from a motor vehicle.

Section 10 amends s. 318.1215, F.S., to clarify that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools. In addition, the section specifies that the funds must be used for the enhancement, and not replacement, of driver education program funds. Finally, the section is amended to provide certain driver education programs require a minimum of 30 percent of a student's time be behind-the-wheel training.

Section 11 amends s. 318.14, F.S., to require a mandatory hearing when a person commits an infraction resulting in a crash causing serious bodily injury or death. Specifically, if the infraction results in a crash causing death and at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$1,000 in addition to any other penalties, and suspend the person's driver's license for 6 months. If the infraction results in a crash causing serious bodily injury, and at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$500 in addition to any other penalties, and suspend the person's driver's license for 3 months. All fees collected are to be remitted to the Department of Revenue (DOR) for deposit into the Department of Health Administrative Trust Fund. The fees are to be allocated as follows:

- Fifty percent equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services; and
- Fifty percent among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the DOH Trauma Registry.

Section 12 amends s. 318.21, F.S., to provide for the distribution of specified civil penalties by county courts.

Section 13 amends s. 319.30(3)(b), F.S., by revising procedures applicable to determining whether vehicles with custom lowered floors for wheelchair access or a wheelchair lift are damaged to the point of total loss. If such a vehicle is repairable to a safe operating condition, the insurance company may submit the title for reissuance as a salvageable rebuildable title and the addition of a title brand of "insurance declared total loss."

Section 14 amends s. 320.02, F.S., by adding new subsection (19), which authorizes the Department of Highway Safety and Motor Vehicles to withhold registration or re-registration of

a motor vehicle if the owner, or one of the co-owners' name appears on a list that was given to the department by a licensed motor vehicle dealer for a previous registration of that vehicle. The bill requires the motor vehicle dealer to maintain signed evidence that the owner or co-owner acknowledged the dealer's authority to give the list to the department if they failed to pay, and allows the owner or co-owner to dispute a claim that money is owed to a dealer for registration fees by giving a form to the department if such owner has documentary proof that the fees have been paid to the dealer for the disputed amount.

Section 15 amends s. 320.27, F.S., to allow the department to deny, suspend, or revoke any license upon proof that a licensee has failed to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration or titling fees owed under the bill.

Section 16 amends ss. 320.08058(7), (30), (33), and (56), F.S., relating to the Florida Special Olympics, Choose Life, United We Stand, and Animal Friend specialty license plates. Specifically, s. 320.08058(7), F.S., renames the specialty license plate to the Special Olympics Florida license plate due to a change in the corporate name and allows for redesign of the plate, so that "Everyone Wins" will be centered at the top of the plate. Section 320.08058(30), F.S., is amended to revise requirements of each agency receiving funds to submit an annual attestation to the county. Section 320.08058(33), F.S., is amended to require that all of the fees generated by the United We Stand plate be distributed to the SAFE Council of the DOT. Section 320.08058(56), F.S., is amended to revise distribution and use of the annual use fee revenues from the Animal Friend specialty license plate.

Section 17 amends s. 320.089, F.S., to allow retired members from any branch of the United States Armed Forces Reserve to be issued a U.S. Reserve special license plate.

Section 18 amends s. 320.77, F.S., to allow mobile home dealers to, in lieu of a required surety bond, to post a cash bond or irrevocable letter of credit in order to be licensed mobile home dealers in the state.

Section 19 amends s. 322.08, F.S., by deleting a provision requiring funds collected from a voluntary contribution associated with driver's licenses and renewals distributed to the Hearing Research Institute, Inc., to be used for infant hearing screening in Florida.

Section 20 amends s. 322.2615, F.S., to direct the DHSMV to invalidate a driver's license suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed under s. 322.2615, F.S., if the suspended person is found not guilty of DUI at trial. In addition, it clarifies the disposition of a criminal proceeding does not affect a suspension for refusal to submit to a blood, breath, or urine test.

Section 21 provides for the creation and duties of the Manufactured Housing Regulatory Study Commission. The bill provides for the commission's membership, the goals of its study, its report, and termination.

Section 22 amends s. 322.27, F.S., to correct an obsolete cross reference relating to points assigned for littering violations.

Section 23 amends s. 322.61, F.S., to amend the standards for disqualification from operating a commercial motor vehicle, by clarifying that when the offense occurred is the determinant for timeframes for which penalties may attach. The bill provides additional violations that can disqualify a person from driving a commercial vehicle, and provides that penalties incurred while driving a noncommercial vehicle can impact the commercial driver's license.

Section 24 amends s. 321.24, F.S., by providing that any volunteer highway patrol troop surgeon or any volunteer licensed health professional appointed by the director of the Florida Highway Patrol are considered employees for the purposes of the state's sovereign immunity provision.

Section 25 creates s. 549.102, F.S., to exempt motorsport complexes from the provisions of ch. 513, F.S., relating to mobile home and recreational vehicle parks. Specifically, the owner of a motorsports entertainment complex may allow temporary overnight parking during a motorsports event and the two days before and after the event without any other license or permit as long as the area where the parking is allowed meets applicable DOH requirements other than site requirements.

Section 26 provides the act will take effect July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The fines and penalties associated with certain provisions of the bill can be expected to have a negative economic impact upon offenders.

C. Government Sector Impact:

State Impacts (DOH)

According to the DOH, historically, any funds distributed to the trauma centers are delivered through the Agency for Health Care Administration, which has the authority over health care facilities and can reimburse trauma centers for patient care.

There are currently twenty-one trauma centers in Florida as follows: seven level I trauma centers, seven level II trauma centers, five level II and pediatric trauma centers, and two pediatric only trauma centers. Shands Hospital at the University of Florida is a provisional level I trauma center.

Currently, the DOH receives no funding to support the existing trauma centers. Trauma centers in Florida received a lump sum Medicaid Program disproportionate share payment in fiscal year 2002-03 of approximately \$11,000,000 and fiscal year 2003-04 of \$13,000,000, but in other years, they have received no reimbursement for uncompensated care.

VI. Technical Deficiencies:

None.

VII. Related Issues:

During 2003, according to the 2003 Florida Uniform Traffic Citation Statistics, 65,113 citations were issued for DUI violations, of which 50,625 had been resolved. Of the total number of citations, 42,167 (83.3 percent) were adjudicated guilty. In 477 cases (.9 percent), the person was adjudicated not guilty

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
