

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1287 Transportation

SPONSOR(S): Government Accountability Committee; Transportation & Tourism Appropriations Subcommittee; Drake

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1104

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	10 Y, 0 N	Darden	Miller
2) Transportation & Tourism Appropriations Subcommittee	11 Y, 0 N, As CS	Cobb	Davis
3) Government Accountability Committee	20 Y, 0 N, As CS	Roth	Williamson

SUMMARY ANALYSIS

This is a comprehensive bill relating to transportation. The bill:

- Creates a Fleet Vehicle Temporary Tag pilot program to provide temporary license plates for fleet vehicles awaiting permanent registration and title.
- Provides that a vehicle rental company is deemed to have met certain statutory requirements if the renter verifies he or she holds a valid driver license and the vehicle is rented through digital, electronic, or other means.
- Authorizes an electronic copy of a motor vehicle certificate of registration or rental or lease documentation be accepted by law enforcement or other entities as proof of possession of such documentation.
- Defines “mobile carriers” and provides regulations for their use.
- Increases the allowable weight of a personal delivery device from 80 to 100 pounds.
- Defines the term “platoon,” authorizes a motor vehicle platoon to be operated on Florida roadways after an operator provides specified notification, and repeals the Assistive Truck Platooning Technology Pilot Program.
- Amends various commercial motor vehicle regulations to address federal compatibility concerns and updated requirements of the International Registration Plan.
- Revises the motor vehicle registration application to permit a voluntary contribution to aid Alzheimer’s research.
- Authorizes the Florida Turnpike Enterprise to fund, construct, and operate test facilities for the advancement of autonomous vehicles.
- Extends the Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade County and provides additional requirements for the program.
- Expands the types of businesses authorized to use the Department of Highway Safety and Motor Vehicle’s (DHSMV) electronic filing system for title transactions.
- Replaces “digital proof of driver license” with “electronic credentials,” and requires DHSMV to implement protocols for issuing an optional electronic credential.
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates.
- Provides enhanced penalties for persons who commit cargo theft while using any device to interfere with a GPS or similar system.
- Revises provisions regarding the use of certain lights by volunteer firefighters and wreckers.
- Revises the number of times a person can take a basic driver improvement course.
- Establishes a working group on heavy truck registration renewal periods.

The bill has a fiscal impact on both the state and local governments. See Fiscal Analysis for details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 2/26/2018

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Personal Delivery Devices

Current Situation

Personal delivery devices (PDDs) are low-weight, low-speed devices that can carry roughly the equivalent of two grocery bags and resemble a box on wheels. PDDs can navigate around objects and people. Using a combination of mobile technology, the devices operate on integrated navigation and obstacle avoidance software that enable autonomous movement, but human operators may step in to ensure safety.¹ A PDD's cargo bay is locked when sent to make a delivery; only the delivery recipient can unlock the box with a code specific to that recipient. PDD locations are tracked, and delivery recipients can monitor the PDD's progress on a smartphone.²

In 2017, the Legislature established a regulatory framework for PDDs, creating definitions and approved operating parameters in ch. 316, F.S., the Florida Uniform Traffic Control Law. With certain exceptions,³ and in the absence of a local prohibition, PDD operation on sidewalks and crosswalks within a county or municipality is authorized⁴ when such use is permissible under federal law.⁵ However, the law does not restrict a county or municipality from otherwise adopting regulations for the safe operation of PDDs.⁶

Section 316.003(51), F.S., currently defines "personal delivery device" to mean an electrically powered device⁷ that:

- Is operated on sidewalks and crosswalks and intended primarily for transportation of property;
- Weighs less than 80 pounds, excluding cargo;
- Has a maximum speed of ten miles per hour; and
- Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

Proposed Changes

The bill amends s. 316.003(51), F.S., revising the definition of "personal delivery device," to increase the currently allowable PDD weight, excluding cargo, from less than 80 pounds to less than 100 pounds.

Mobile Carriers

Current Situation

Mobile carriers are electronic devices designed to carry cargo and follow its operator through an electronic connection. For example, Piaggio Fast Forward has created a mobile carrier named Gita,⁸

¹ See Starship Technologies Business, available at <https://www.starship.xyz/business/> (last visited Feb. 16, 2018).

² *Id.*

³ PDD operation on the Florida Shared-Use Nonmotorized Trail Network created under s. 339.81, F.S., or on components of the Florida Greenways and Trails System created under ch. 260, F.S., is prohibited. Section 316.008(7)(b)2., F.S.

⁴ Section 316.2071, F.S.

⁵ Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars, except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

⁶ Section 316.008(7)(b), F.S.

⁷ A PDD is not considered a vehicle unless expressly defined by law as a vehicle. PDDs are also excluded from registration and insurance requirements under s. 320.02(19), F.S.; but the owner or operator of a PDD must maintain an insurance policy providing general liability coverage of at least \$100,000 for damages arising from PDD operation.

⁸ Gita means a trip or outing in Italian.

which is capable of hauling up to 44 pounds of goods while following a human operator or moving autonomously through an environment that has been previously mapped by the device.⁹ The device does this by “linking” up to a belt with cameras worn by the user or by the device referring back to a specific map of a path it has already traveled. The device utilizes cameras and an ultrasonic range-finding system to avoid obstacles in its way.¹⁰

Currently, a mobile carrier is not defined in Florida law and Florida law does not contain any provisions regarding the operation of mobile carriers.

Proposed Changes

The bill amends s. 316.003, F.S., to define “mobile carrier” as an electrically powered device that:

- Weighs less than 80 pounds (excluding cargo);
- Has a maximum speed of 12.5 miles per hour;
- Is operated on sidewalks and crosswalks and is intended primarily for transporting property;
- Is primarily designed to remain within 25 feet of the property owner; and
- Is equipped with technology to transport personal property with active monitoring of the property owner.

This section also provides that a mobile carrier is not considered a vehicle, motor vehicle, or a PDD.

The bill amends s. 316.008, F.S., to authorize a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law,¹¹ but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

The bill amends s. 316.2071, F.S., relating to PDDs, to provide for the regulation of mobile carriers similar to the state’s regulation of PDDs. Specifically, the bill provides that a mobile carrier:

- Operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that 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.
- May not transport hazardous materials.¹²

The bill amend ss. 320.01 and 324.021, F.S., respectively, to provide that the term “motor vehicle” does not include mobile carriers. Additionally, the bill amends s. 320.02(19), F.S., to provide that a mobile carrier is not required to be registered or insured to be operated within the state.

⁹ See Piaggio Fast Forward , *Introducing Gita*, available at <https://www.piaggiofastforward.com/gita> (last visited Feb. 16, 2018).

¹⁰ Wired, *The Cute Robot That Follows You Around and Schleps All Your Stuff* (Feb. 16, 2017), available at <https://www.wired.com/2017/02/piaggio-gita-drone/> (last visited Feb. 16, 2018).

¹¹ Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars, except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

¹² As defined in s. 316.003(28), F.S., a “hazardous material” is any substance or material determined by U.S. Department of Transportation Secretary to be capable of imposing an unreasonable risk to health, safety, and property. This includes hazardous waste as defined in s. 403.703, F.S.

Platoons

Current Situation

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles.¹³ Vehicles platoon by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using Dedicated Short-Range Communications (DSRC), a two-way wireless communications capability permitting very high data transmission.¹⁴ DSRC is used by both V2V communications as well as vehicle-to-infrastructure communications to provide connectivity among vehicles and between infrastructure to prevent crashes and enable safety, mobility, and environmental sustainability.¹⁵ The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, which enables vehicle manufacturers to develop safety applications using V2V communications.¹⁶ NHTSA has reported that V2V communication “shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment.”¹⁷

One form of V2V technology is driver-assistive truck platooning (DATP), which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking, which creates a draft, reducing wind resistance and fuel consumption.¹⁸ In 2016, the Legislature directed the Florida Department of Transportation (DOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to study the use and safe operation of DATP technology.¹⁹ Specifically, s. 316.0896, F.S., directs DOT and DHSMV to conduct a pilot project to test the use and safe operation of vehicles equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to the Governor and Legislature. DOT developed the pilot project as a demonstration to evaluate:

- Impacts of DATP on surrounding traffic and infrastructure;
- Feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Administrative aspects of permitting DATP systems.²⁰

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. According to Peloton Technology, the demonstration of its DATP technology occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of

¹³ U.S. Department of Transportation, Volpe Center, *How an Automated Car Platoon Works* (July 31, 2017), available at <https://www.volpe.dot.gov/news/how-automated-car-platoon-works> (last visited February 8, 2018).

¹⁴ *Id.*

¹⁵ U.S. Department of Transportation, *Intelligent Transportation Systems Joint Program Office, DSRC: The Future of Safer Driving*, available at https://www.its.dot.gov/factsheets/dsrc_factsheet.htm (last visited February 8, 2018).

¹⁶ Federal Register, *Federal Motor Vehicle Safety Standards; V2V Communications*, 82 Fed. Reg. 3854 (Jan. 12, 2017), available at <https://www.federalregister.gov/documents/2017/01/12/2016-31059/federal-motor-vehicle-safety-standards-v2vcommunications> (last visited February 8, 2018).

¹⁷ NHTSA, *Vehicle-to-Vehicle Communications*, available at <http://www.safercar.gov/v2v/index.html> (last visited February 8, 2018).

¹⁸ Go by Truck Global News, *Driver Survey: Platooning*, available at <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited February 8, 2018).

¹⁹ Section 316.003(52), F.S., defines “driver-assistive truck platooning technology” as “[v]ehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle’s steering control and systems command in the control of the vehicle’s driver in compliance with the National Highway Safety Administration rules regarding vehicle-to-vehicle communications.”

²⁰ See RFI Document at MyFlorida.com, *Request for Information from DOT – Driver Assistive Truck Platooning Pilot Project* (July 6, 2017), available at http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=134408, (last visited February 8, 2018).

approximately 65 feet.²¹ At this time, DOT has not submitted its report of the results of the study and any findings or recommendations from the pilot project.²²

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP.²³ At least 10 states with “following too closely” laws, including Florida,²⁴ exempt vehicles equipped with a DATP system or a platooning system from such state law.²⁵ Additionally, Arkansas, Michigan, Nevada and Tennessee enacted laws expressly allowing a person to operate DATP or platooning systems; however, Arkansas, Michigan, and Tennessee only allow operation upon state approval of a submitted operations plan, or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency.²⁶ Several states and the federal government are continuing testing of DATP and other platooning systems.

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver’s seat; however, this prohibition does not apply to an electronic display used in:

- Conjunction with a vehicle navigation system;
- A vehicle equipped with autonomous technology in autonomous mode; or
- A vehicle equipped and operating with DATP technology.

Proposed Changes

The bill amends s. 316.003, F.S., and defines “platoon” as a group of two individual truck tractor semi-trailer combinations, transporting property in quantities that do not require placards, traveling in a unified manner at electronically coordinated speeds at following distances that are closer than provided in s. 316.0895(2), F.S.

The bill repeals s. 316.0896, F.S., which created the assistive truck platooning technology pilot project.

The bill creates s. 316.0897, F.S., and provides that a platoon may be operated on Florida roadways after an operator provides notification to DOT and DHSMV. Additionally, Florida’s “following too closely” law²⁷ does not apply to the operator of a non-lead vehicle in a platoon. The bill amends s. 316.303, F.S., and adds that the prohibition on television receivers does not apply to an electronic display used by an operator of a platoon. The bill does not specify how notification to the departments is required to be made or what information is required from the operator. It is unclear how law enforcement will be able to identify that a vehicle is operating in a platoon, thus exempt from certain traffic laws.

²¹ Peloton, *Peloton Technology demonstrates driver-assistive truck platooning system to Florida transportation leaders in connection with Florida Pilot Project* (Dec. 20, 2017), available at <https://peloton-tech.com/driver-assistive-truck-platooning-demonstration-florida-transportation-leaders-connection-florida-pilot-project/> (last visited February 8, 2018).

²² DHSMV staff has indicated to staff of the House Transportation & Infrastructure Subcommittee that the report is in the process of being finalized.

²³ *Supra*, FN 21.

²⁴ See s. 316.0895, F.S.

²⁵ The other states are Arkansas, California (only for testing), Georgia, Michigan, Nevada, North Carolina, South Carolina, Tennessee, and Texas. See National Conference of State Legislatures, *Autonomous Vehicles – Self-Driving Enacted Legislation* (Jan. 2, 2018), available at <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx> (last visited February 8, 2018).

²⁶ *Id.*

²⁷ Section 316.0895, F.S.

Volunteer Firefighter Lights

Current Situation

Section 316.2397(3), F.S., provides that vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters, vehicles of medical staff physicians or technicians of licensed medical facilities, ambulances, buses, and taxicabs may show or display red lights.

Section 316.2398, F.S., relates to the display or use of red warning signals on motor vehicles of volunteer firefighters or medical staff. A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty, or a privately owned vehicle belonging to a medical staff physician or technician of a licensed medical facility licensed, while responding to an emergency in the line of duty, may display or use red warning signals visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

- No more than two red warning signals may be displayed;
- No inscription of any kind may appear across the face of the lens of the red warning signal; and
- In order for an active volunteer firefighter to display such red warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officer of the firefighting organization to use the red warning signals, which must be carried by the volunteer firefighter while the red warning signals are displayed.²⁸

It is unlawful for any person who is not an active firefighter member of a regularly organized volunteer firefighting company or association, or a physician or technician of the medical staff of a licensed medical facility, to display any red warning signals on any motor vehicle owned by him or her.²⁹

A violation of s. 316.2398, F.S., is a nonmoving violation, punishable as provided in ch. 318, F.S.³⁰ In addition, volunteer firefighters must be dismissed from the firefighting organization by the organization's chief executive officer.³¹

Proposed Changes

The bill amends ss. 316.2397 and 316.2398, F.S., authorizing vehicles registered to volunteer fire fighters to use red *or red and white* lights under certain circumstances. Additionally, the bill makes conforming changes.

Federal Motor Carrier Safety Administration Compatibility

Current Situation

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the U.S. Department of Transportation is to prevent commercial motor vehicle-related fatalities and injuries.³² In 2007, FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal commercial motor vehicle (CMV) safety regulations.³³

Florida law defines "commercial motor vehicle" as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or

²⁸ Section 316.2398(1), F.S.

²⁹ Section 316.2398(2), F.S.

³⁰ Chapter 318, F.S., relates to the disposition of traffic infractions.

³¹ Section 316.2398(5), F.S.

³² Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited January 11, 2018).

³³ 2007 Florida State MSCAP Review (Copy on file with Transportation & Infrastructure Subcommittee).

- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,³⁴ as amended.³⁵

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state's public highways while engaged in *interstate* commerce are subject to the following parts of 49 C.F.R.:

Part	Heading
382	Controlled Substance and Alcohol Use Testing
385	Safety Fitness Procedures
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
392	Driving of Commercial Motor Vehicles
393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service for Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Section 320.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in *intrastate* commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

Part	Heading
382	Controlled Substance and Alcohol Use Testing
383	Commercial Driver's License Standards; Requirements and Testing
385	Safety Fitness Procedures
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
392	Driving of Commercial Motor Vehicles
393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service for Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Federal regulations define "bus" as "any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs."³⁶ In its 2007 review, FMCSA found that Florida's exemption for taxicabs was not compatible with federal regulations, which includes taxicabs in the definition of "bus."³⁷

In its 2007 review, FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,³⁸ which does not contain a similar exemption and that federal regulations expressly prohibit lamps and reflectors from being obscured.³⁹

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁴⁰ Federal regulations also provide maximum drive time requirements for property carrying

³⁴ 49 U.S.C. ss. 1801 et seq.

³⁵ Section 316.003(12), F.S.

³⁶ 49 C.F.R. 390.5.

³⁷ *Supra* FN 33 at FL/FI-1.

³⁸ 49 C.F.R. 393 Subpart B.

³⁹ *Supra* FN 33 at FL/FI-7.

⁴⁰ 49 C.F.R. s. 391.11(b)(1).

vehicles.⁴¹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding⁴² are not required to comply with the above-referenced federal regulations.

Federal regulations provide hours of service rules for CMV drivers.⁴³ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.⁴⁴

These provisions do not apply to drivers of utility service vehicles.⁴⁵

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service rules,⁴⁶ a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of DHSMV, motor carriers are required to furnish time records or other written verification so that DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status⁴⁷ if the requirements of certain federal rules regarding short-haul operations⁴⁸ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products⁴⁹ is exempt from s. 316.302(1), F.S.; however, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

In its 2007 findings, FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of

⁴¹ 49 C.F.R. s. 395.3(a) and (b).

⁴² Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

⁴³ 49 C.F.R. s. 395.

⁴⁴ Section 316.302(2)(b), F.S.

⁴⁵ 49 C.F.R. s. 395.2, defines "utility service vehicle" as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

⁴⁶ 49 C.F.R. s. 395.1.

⁴⁷ 49 C.F.R. 395.8.

⁴⁸ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

⁴⁹ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.⁵⁰

Proposed Changes

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal law.

The bill provides that s. 316.302(1), F.S., applies to CMVs except as it relates to covered farm vehicles.⁵¹ It amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2017, which updates the state law referencing the applicable federal rules applicable to intrastate CMV vehicles. The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents do not go into effect for motor carriers engaged in intrastate commerce and not carrying hazardous materials until December 31, 2018.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.⁵²

The bill amends s. 316.302(2)(d), F.S., adding a reference to 49 C.F.R. 395.1(e)(1)(ii) and (iii) (A) and (C) and removing the provision that a motor carrier is required to maintain documentation of the driver's driving times if a driver is not released from duty within 12 hours after arriving for duty.

The bill amends s. 316.302(2)(f), F.S., adding the terms "gross vehicle weight rating" and "gross combined vehicle weight rating" and removing the provision regarding transporting petroleum products to conform to federal law.

Innovative Technology/Turnpike Funding

Current Situation

Section 338.2215, F.S., expresses Legislative intent that the Florida Turnpike Enterprise (FTE) within DOT maximize the advantages obtainable through fully leveraging the turnpike system asset, and that the additional powers and authority granted to FTE will provide it with the autonomy and flexibility to enable it to more easily pursue innovations and best practices found in the private sector in, among other items, operations. Section 338.2216(1)(d), F.S., directs FTE in part to "pursue and implement new technologies and processes in its operations."

⁵⁰ *Supra* FN 33 at FL/FI-3.

⁵¹ Section 316.003(14), F.S., defines "covered farm vehicles" as a straight truck, or an articulated vehicle, which is all of the following:

- Registered in a state with a license plate, or any other designation issued by that state, which allows law enforcement officers to identify it as a farm vehicle.
- Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch in accordance with s. 316.302(3), F.S.
- Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.
- Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting certain requirements by a tenant pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

⁵² Section 316.3025(3)(b)1., F.S.

As an example of such efforts, FTE and other entities are participating in a project called SunTrax. According to the project website, “located off I-4 between Orlando and Tampa, SunTrax is a large-scale, cutting-edge facility dedicated to the research, development and testing of emerging transportation technologies in safe and controlled environments.”⁵³ Site construction began in June 2017. The site covers 400 acres containing a multi-lane 2.25-mile long oval track and a 200-acre infield designed specifically for development and testing of automated driving systems.⁵⁴

Proposed Changes

The bill amends s. 316.85, F.S., to authorize FTE to fund, construct, and operate test facilities for the advancement of autonomous, connected, and innovative transportation technology solutions for the purposes of improving safety and decreasing congestion for the traveling public and to otherwise advance FTE’s objectives under ch. 338, F.S.

Basic Driver Improvement Course

Current Situation

Section 318.14(9), F.S., states that under certain circumstances drivers who receive a traffic citation (and as a result accumulate points⁵⁵ on his or her license) may elect to take a basic driver improvement course (BDI) and have the points withheld from his or her driver license record. However, a driver may not elect to take a BDI to remove points more than once a year, and may only elect to take a BDI to remove points five times in his or her lifetime.

In order to qualify for a BDI to eliminate the assessment of points, drivers must voluntarily elect this option within 30 days⁵⁶ from the citation date and, prior to attending the course, drivers must inform the clerk of court in the county where the citation was issued of this election.⁵⁷ Drivers must also pay an election fee to the clerk of court in the county where the citation was issued. Drivers may not elect to take the BDI, in lieu of points, after the initial 30-day period from the citation date. Drivers are required to complete a course approved by DHSMV,⁵⁸ and may contact the approved BDI course provider to register for the course.⁵⁹

A driver who accumulates 12 or more points on his or her driver license record within a 12-month period receives a driver license suspension of up to 30 days. Additionally, a driver who accumulates 18 points within an 18-month period receives a driver license suspension for up to three months. Lastly, a driver who accumulates 24 points within a 36-month period receives a driver license suspension for up to one year.⁶⁰

Proposed Changes

The bill amends s. 318.14(9), F.S., allowing drivers age 30 or older who have already taken the BDI five times to remove points, to make additional BDI elections to remove points no more than once every 36 months.

⁵³ For more information, see the SunTrax website available at <http://www.suntraxfl.com/#about-us> (last visited Feb. 16, 2018).

⁵⁴ See SunTrax Brochure, <http://www.suntraxfl.com/wp-content/uploads/2017/11/SunTrax-Brochure-.pdf>. (last visited Feb. 16, 2018).

⁵⁵ Section 322.27(3)(d), F.S. lists the point system.

⁵⁶ Section 318.14 (4), F.S.

⁵⁷ Department of Highway Safety and Motor Vehicles, *What is Basic Driver Improvement (BDI) and How do I Find the Approved Listing of BDI Course Providers?*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/driver-improvement-schools/basic-driver-improvement-bdi-find-approved-listing-bdi-course-providers/> (last visited February 22, 2018).

⁵⁸ *Id.* A list of DHSMV approved BDI course providers is available on DHSMV’s website.

⁵⁹ *Id.*

⁶⁰ Section 322.27(a)-(c), F.S.

Pilot Rebuilt Motor Vehicle Inspection Program

Current Situation

A person may not sell a rebuilt vehicle until the vehicle's title labels that vehicle as rebuilt, which requires the motor vehicle go through a physical rebuilt motor vehicle inspection conducted by DHSMV.⁶¹ The purpose of the rebuilt inspection is to assure the identity of the vehicle and all major component parts that have been repaired or replaced. After an approved rebuilt inspection, DHSMV affixes a decal to the vehicle that identifies the vehicle as a rebuilt vehicle.

In 2013 the Legislature created s. 319.141, F.S., providing for the implementation of a Pilot Rebuilt Vehicle Inspection Program (PRVIP) in Miami-Dade and Hillsborough counties. DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County.⁶² The program's purpose is to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to DHSMV. DHSMV is required to establish a memorandum of understanding (MOU) that allows private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifies requirements for oversight, bonding and insurance, procedure, and forms, and requires the electronic submission of documents.

To be approved under the program, s. 319.141, F.S., requires an applicant:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services;
- Annually attest that he or she is not employed by or does not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which he or she receives remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria DHSMV determines necessary to conduct proper inspections.

As required by law, DHSMV submitted a report⁶³ in 2015, which summarized the implementation of the pilot program and program results. Since October 1, 2013, DHSMV has certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.⁶⁴ During Fiscal Year 2016-2017, 71,342 rebuilt vehicle inspections were conducted in the state, of which 35,325 were by the PRVIP operators.⁶⁵

Currently, DHSMV employees in Miami-Dade County are still responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations, and for monitoring the PRVIP businesses to ensure inspections are conducted in accordance with program standards.⁶⁶

According to DHSMV, each of the eight pilot program participants have met, and continue to meet, all of the statutory requirements and the MOU executed with DHSMV. Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) have been collected and remitted to the state as

⁶¹ Section 319.14(1)(b), F.S. A rebuilt vehicle is one that has been built from salvage or junk.

⁶² No entities from Hillsborough County applied to participate in the program.

⁶³ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last visited Feb. 16, 2018).

⁶⁴ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last visited Feb. 16, 2018).

⁶⁵ *Id.*

⁶⁶ DHSMV, *Pilot Program Report*.

required. In addition, each pilot program participant is allowed to assess customers a service fee for each inspection. Service fees range from \$50 to \$85 and are not regulated in any manner by DHSMV.⁶⁷

The PRMVIP is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.

Proposed Changes

The bill amends s. 319.141, F.S., to require PRVIP business operators to:

- As part of the rebuilt inspection services, photograph the interior driver and passenger sides of the vehicle if the airbags were previously deployed and replaced;
- Secure and maintain a facility that is a permanent fixed structure that has an address identified by a county-issued tax folio number;
- Annually attest that there have been no changes in the ownership structure of the facility and that the only services being provided at the property are rebuilt vehicle inspection services approved by DHSMV;
- Have a designated office and customer waiting area that is separate from and not within view of the vehicle inspection area; and
- Have a vehicle inspection area capable of accommodating all vehicle types and equipped with cameras allowing DHSMV to view and monitor inspections.

This section prohibits program participants from conducting an inspection of a vehicle to be purchased by the current program applicant. Such vehicles must be inspected by DHSMV.

This section also:

- Requires an applicant for a rebuilt title that fails an initial rebuilt inspection to have that vehicle re-inspected only by DHSMV or the facility that conducted the original inspection;
- Prohibits a person or business authorized by DHSMV to train, certify, or recertify operators and inspectors of private rebuilt inspection facilities from certifying or recertifying themselves or their employees;
- Requires DHSMV to conduct onsite facility inspections at least twice a year;
- Requires the current facility operator to give DHSMV a 45 day written notice of the intended transfer of ownership of the facility, and requires the transferee to meet all eligibility requirements of the program;
- Reenacts the pilot program, which will repeal on July 1, 2018, and provides for the repeal of the program on July 1, 2020, unless saved from repeal through reenactment by the Legislature; and
- Requires DHSMV to submit a written report to the Governor and Legislature on or before January 1, 2019, evaluating the current program and its benefits to consumers and DHSMV.

International Registration Plan – Charter Buses

Current Situation

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.⁶⁸ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.⁶⁹

⁶⁷ DHSMV, *Pilot Program Report*.

⁶⁸ International Registration Plan, Inc., *About IRP*, available at <http://www.irponline.org/?page=AboutIRP> (last visited Feb. 16, 2018).

⁶⁹ As defined by the IRP. IRP, *International Registration Plan with Official Commentary* (Jan. 1, 2017), available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Feb. 16, 2018).

All “apportionable vehicles” domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.⁷⁰ Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.⁷¹ An “apportionable vehicle” is any vehicle that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:⁷²

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The statutory definition excludes recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, government-owned vehicles, and buses used in transportation of chartered parties. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. Excluded vehicles may voluntarily register.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that a charter bus operation will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁷³

Proposed Changes

The bill amends s. 320.01(24), F.S., to remove the exclusion of charter buses from the definition of apportionable vehicle. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are required to obtain an IRP registration or purchase trip permits.

Motor Vehicle Registration and Renewal Application

Current Situation

The motor vehicle registration process is set out in s. 320.02, F.S., and incorporated in form HSMV 82040.⁷⁴ Applicants must provide the street address of the owner’s permanent residence and a valid driver license, identification card, or passport.⁷⁵ Any vehicle registered outside the state must be accompanied by a sworn affidavit from the seller and purchaser verifying the vehicle identification number (VIN), or a copy of the outside state’s departmental form indicating that the vehicle has been physically inspected and the VIN verified.⁷⁶ The owner of any motor vehicle registered in the state must notify DHSMV in writing of any change of address within 30 days of such change.⁷⁷ Additionally, the owner of the vehicle must provide proof that personal injury protection benefits, property damage liability coverage, bodily injury or death coverage, and combined bodily liability insurance and property damage liability insurance have been purchased.⁷⁸

⁷⁰ Sections 320.0715(1) and 320.06(3)(a), F.S.

⁷¹ *Id.* See also IRP, *Trip Permits-Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Feb. 16, 2018).

⁷² Section 320.01(24), F.S. IRP, available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf, at p. 12-13 (last visited Feb. 16, 2018).

⁷³ See IRP, *Official Amendment to the International Registration Plan* (June 2014), available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Feb. 16, 2018).

⁷⁴ Florida Department of Highway Safety and Motor Vehicles Form HSMV 82040, available at <https://www.flhsmv.gov/pdf/forms/82040.pdf> (last visited January 9, 2018).

⁷⁵ Section 320.02(2)(a), F.S.

⁷⁶ Section 320.02(3), F.S.

⁷⁷ Section 320.02(4), F.S.

⁷⁸ Section 320.02(5)(a), F.S.

For the majority of motor vehicles, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month the next year.⁷⁹ The renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.⁸⁰ For vehicles weighing over a certain amount, the registration period must be a period of 12 months beginning in a month designated by DHSMV and ending on the last day of the 12th month.⁸¹ For a vehicle subject to this registration period, the renewal period is the last month of the registration period.⁸² However, there is an extended registration period where a motor vehicle registration is valid for 24 months.⁸³

The application form for motor vehicle registration and renewal must include language permitting a voluntary contribution of \$1 per applicant, which is transferred into the Transportation Disadvantaged Trust Fund and distributed to the charity chosen by the individual applying or renewing his or her registration.⁸⁴ As of 2018, there are 21 charities available for voluntary contribution.⁸⁵

Proposed Changes

The bill creates s. 320.02(15)(v), F.S., and authorizes the Alzheimer's Association, Inc., to appear on the application for motor vehicle registration and renewal and receive voluntary contributions.

DHSMV's Electronic Filing System

Current Situation

Section 320.03, F.S., provides the duties of tax collectors as it relates to motor vehicle licensing. It provides that jurisdiction over the electronic filing system (EFS) for use by authorized EFS agents for certain purposes is expressly preempted to the state, and DHSMV has regulatory authority over the system. Specifically, the EFS is used to:

- Electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles;
- Issue or transfer registration license plates or decals;
- Electronically transfer fees due for the title and registration process; and
- Perform inquiries for title, registration, and lienholder verification and certification of service providers.

An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers, and meets the requirements established by DHSMV may not be precluded from participating in EFS upon request from the qualified entity.⁸⁶ EFS must be available for use statewide and applied uniformly throughout the state. Additionally, EFS agents may charge a fee to the customer for use of EFS.

EFS is primarily used by Florida's motor vehicle dealers to access DHSMV registration and title information and to process title and registration transactions.⁸⁷

Proposed Changes

The bill amends s. 320.03(10), F.S., to provide that the EFS system can be used to process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles. The bill adds that an entity that, in the normal course of its business, processes title

⁷⁹ Section 320.055(1)(a), F.S.

⁸⁰ Section 320.055(1)(a), F.S.

⁸¹ Section 320.055(5), F.S.

⁸² Section 320.055(5), F.S.

⁸³ Sections 320.055(1)(b), 320.01(19)(b), F.S.

⁸⁴ Section 320.02(14), F.S.

⁸⁵ Section 320.02(15)(a)-(u), F.S.

⁸⁶ Rule 15C-16.010 sets forth the DHSMV's requirements to be an EFS agent.

⁸⁷ For more information, see DHSMV website, *Electronic Filing System (EFS)*, available at <https://www.flhsmv.gov/motor-vehicles-tags-titles/electronic-lien-titles/electronic-filing-system-efs/> (last visited Feb. 16, 2018).

transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles and meets the requirements established by DHSMV may be an authorized EFS agent.

This section also reauthorizes DHSMV to adopt rules to administer the section, including, but not limited to, rules establishing participation requirements, certification of service providers, EFS requirements, disclosures, and enforcement authority for noncompliance.

These changes are effective January 1, 2019.

Issuance of Apportionable Vehicle Plates

Current Situation

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification are issued for a 10-year period. However, “apportioned” license plates issued to vehicles registered under the IRP are issued annually.⁸⁸ Each original license plate costs \$28, which is deposited into the Highway Safety Operating Trust Fund. Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.⁸⁹

Proposed Changes

The bill amends ss. 320.06 and 320.0607, F.S., respectively, to provide that beginning October 1, 2019, apportioned vehicles will be issued license plates valid for a five-year period, instead of annually. If the license plate is damaged or worn prior to the end of the five-year period, DHSMV may replace it at no charge upon application and surrender of the current plate. Cab cards and validation stickers will continue to be issued annually. The \$28 annual fee will apply to the issuance of an original or renewal validation sticker, instead of for the cost of the plate.

Electronic Motor Vehicle Registrations and Rental Agreements

Current Situation

Section 320.0605, F.S., requires certificates of registration for motor vehicles. The registration certificate or an official copy, a true copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the IRP must, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator of the vehicle, or be carried in the vehicle for which it was issued. The certificate must be exhibited upon demand of any authorized law enforcement officer or an agent of DHSMV, except for a registered fleet vehicle.⁹⁰ This provision does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.⁹¹

Section 320.0605, F.S., also requires that a person who rents or leases a vehicle is required to possess a true copy of rental or lease documentation for the motor vehicle at all times while the vehicle is being operated.⁹² The documentation must include certain information including the date of rental and time of exit from the rental facility.

⁸⁸ Section 320.06(1)(b)1., F.S.

⁸⁹ See IRP, *State of Florida Apportioned Cab Card Sample*, available at

http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Feb. 16, 2018).

⁹⁰ A fleet vehicle registered under s. 320.0657, F.S., provides for the permanent registration of fleet license plates.

⁹¹ Chapter 318, F.S., relates to the disposition of traffic infractions.

⁹² A person who cannot display such documentation upon request from an officer or agent of the DHSMV is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation.

Proposed Changes

The bill amends s. 320.0605, F.S., to authorize a person to possess an electronic copy of the motor vehicle registration or rental or lease documentation in a format authorized by DHSMV to be displayed upon the request of a law enforcement officer or an agent of DHSMV. The bill provides that displaying the electronic copy does not constitute consent for the officer or agent to access any information on the device other than the displayed documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

The bill also repeals the requirement that the rental or lease documentation must include the time of exit from the rental facility.

The bill amends s. 320.95, F.S., to authorize DHSMV to issue an electronic certificate of registration, which a driver may present for inspection. The bill provides that displaying the electronic copy does not constitute consent for the officer or agent to access any information on the device other than the displayed documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

Specialty License Plates for Motor Vehicle Dealers and Fleets

Current Situation

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate is subject to an annual license tax of \$17.⁹³ These license plates are imprinted with the word “Dealer” at the bottom of the plate.⁹⁴ Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer’s inventory and for sale, or while being operated in connection with the dealer’s business, except when used as for-hire vehicles.⁹⁵

Fleet license plates are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.⁹⁶ Such permanent plates are available upon approval by DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word “Fleet” imprinted at the bottom of the plate.⁹⁷

There are over 120 specialty license plates available for purchase in Florida;⁹⁸ however, neither dealer license plates nor fleet license plates are eligible to be specialty license plates. Specialty license plates require payment of an annual use fee, ranging from \$15 to \$25, in addition to required license taxes and service fees.⁹⁹ These annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.¹⁰⁰

Proposed Changes

The bill amends ss. 320.06, 320.0657, 320.08, and 320.08056, F.S., respectively, to allow a dealer or fleet company, with the permission of the specialty license plate organization, to purchase specialty license plates directly through DHSMV to be used on dealer or fleet vehicles. The dealer or fleet company that orders specialty license plates for its vehicles must pay the annual use fee of the specialty license plate and any other applicable license taxes or fees. The specialty license plate will

⁹³ Section 320.08(12), F.S.

⁹⁴ Section 320.06(3), F.S.

⁹⁵ Section 320.13, F.S.

⁹⁶ Section 320.0657. DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Feb. 8, 2013), available at <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited Feb. 16, 2018), provides that the fleet company must have a minimum of 200 vehicles or 25 trailers or semitrailers used exclusively to haul agricultural products.

⁹⁷ *Id.*

⁹⁸ A list of Florida’s specialty license plates is available on the DHSMV website, available at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 16, 2018).

⁹⁹ Section 320.08056, F.S.

¹⁰⁰ Section 320.08058, F.S.

include the letters “DLR” for dealer license plates and “FLT” for fleet license plate embossed on the right side of the plate.

Temporary Tags and Fleet Vehicles

Current Situation

Temporary Tags

DHSMV is authorized to design, issue, and regulate the use of temporary tags.¹⁰¹ A temporary tag may be issued where:

- A dealer license plate may not be lawfully used;
- A casual or private sale has occurred;¹⁰²
- A certified common carrier or driveway company transports a motor vehicle, mobile home, or recreational vehicle from one place to another for persons other than themselves;
- A bank, credit union, or other financial institutional is not required to license a vehicle, but needs temporary tags for the purpose of demonstrating repossessions for sale;
- A motor vehicle is sold to a resident of another state for registration in that state and the motor vehicle is not required to be registered by law;
- A motor vehicle must have a vehicle identification number verified or must be weighed or have an emissions test performed prior to registration;¹⁰³
- An out-of-state resident must secure documentation of ownership from his or her home state for a vehicle subject to registration in Florida;
- A motor vehicle is made available for lease by a rental car company, in accordance with rules established by DHSMV;¹⁰⁴
- A personalized prestige or specialty license plate is being manufactured for use on the motor vehicle;¹⁰⁵
- A licensed dealer is transporting motor vehicles and recreational vehicles from the dealer’s licensed location to an off-premise sales location and return; or
- DHSMV has determined that an applicant has demonstrated a need for a temporary tag, but does not otherwise qualify.

The unlawful issuance or use of a temporary tag is a non-criminal infraction punishable as a moving violation under ch. 318, F.S., as well as subject to administrative action by DHSMV.¹⁰⁶ DHSMV may sell temporary tags to its agents where need is demonstrated by a consumer complainant.¹⁰⁷ A temporary tag issued under this subsection is valid for 30 days and no more than two may be issued to the same person for the same vehicle.¹⁰⁸ Temporary tags must be displayed in the rear license plate bracket.¹⁰⁹ If a vehicle also requires the front display of a license plate, the temporary tag must be displayed on the front of the vehicle in the location where a metal license plate would normally be displayed. The tag must be made of materials, designated by DMSHV, that are either non-permeable or subject to weatherproofing.¹¹⁰

The issuers of temporary tags must keep records as required by ch. 320, F.S., as well as DHSMV rules.¹¹¹ These records must be open to inspection by DHSMV or its agents during reasonable

¹⁰¹ Section 320.131(1), F.S.

¹⁰² A “casual or private sale” is any sale other than by a licensed dealer. Section 320.0131(1)(b), F.S.

¹⁰³ A temporary tag issued for this purpose is valid for ten days. Section 320.131(1)(f), F.S.

¹⁰⁴ If a motor vehicle receives a temporary tag under this sub-section, the license plate fee is calculated from the original issuance date of the temporary tag.

¹⁰⁵ A temporary tag issued for this purpose is valid for 90 days. Section 320.131(1)(j), F.S.

¹⁰⁶ Section 320.131(3), F.S.

¹⁰⁷ Section 320.131(2), F.S.

¹⁰⁸ Section 320.131(2), F.S.

¹⁰⁹ Section 320.131(4)(a), F.S.

¹¹⁰ Section 320.131(4)(b), F.S.

¹¹¹ Section 320.131(7), F.S.

business hours. Knowingly and willfully failing to comply with record-keeping requirements is a second-degree misdemeanor.

DHSMV maintains an electronic system for licensed motor vehicle dealers to issue temporary tags.¹¹² DHSMV may deny, suspend, or revoke the license of a dealer who fails to comply with departmental requirements for issuing temporary tags. The system allows DHSMV to issue a temporary tag number in response to a request from the issuer using a secure transmission and then enable the issuer to print the tag containing all required information.¹¹³ If a system outage occurs, the issuer may use a backup manual issuance method that requires recordkeeping information by DHSMV and timely electronic reporting of information to DHSMV.¹¹⁴ DHSMV may adopt rules to administer the system, including exemptions as feasibly required to administer the program and for issuers who do not require a dealer license due to the type or size of vehicle being sold.¹¹⁵

Fleet Vehicles

A fleet vehicle is a non-apportioned motor vehicle owned or leased by a company and used for business purposes.¹¹⁶ DHSMV is authorized to determine the minimum number of vehicles that constitute a fleet. Short-term rental vehicles are excluded from the definition of fleet vehicles.

The owner or lessee of a fleet vehicle may receive permanent fleet license plates by filing an application with DHSMV and paying a license tax.¹¹⁷ The owner or lessee of a fleet vehicle must also pay an annual fleet management fee of \$2 and a one-time license plate manufacturing fee.¹¹⁸ An issuance fee of \$10 per vehicle is charged when the size of a fleet is increased. The license plate manufacturing fee is included in the issuance fee. If a recipient of fleet vehicle plates fails to renew or initially register vehicles in the fleet within 30 days, DHSMV may impose a penalty equal to the greater of \$50 or 10 percent of the delinquent taxes due.¹¹⁹ If the delinquent taxes are more than 30 days past due, DHSMV may levy an additional penalty of the greater of \$50 or 10 percent of the delinquent taxes due up to the total amount of taxes due.

Fleet license plates must have a distinctive color and have the word "Fleet" printed at the bottom.¹²⁰ The operators of fleet vehicles are not required to maintain a copy of the certificate of registration in the vehicle and fleet vehicle plates do not require an annual validation sticker.¹²¹ Recipients of fleet license plates must provide an annual reconciliation with DHSMV and must surrender all unassigned plates.¹²²

Temporary tags are not currently authorized for fleet vehicles.

Proposed Changes

The bill authorizes DHSMV to partner with county tax collectors to issue temporary tags to fleet companies awaiting permanent registration and title. A fleet company must have a minimum of 3,500 fleet vehicles registered in the state as fleet vehicles and enter into a memorandum of understanding with DHSMV to receive temporary tags. DHSMV may issue up to 50 temporary tags to an eligible fleet company. Each temporary tag is assigned to one vehicle and becomes invalid upon receipt of the vehicle's permanent license plate and registration. DHSMV may terminate the memorandum of understanding upon a finding that a fleet company has misused a temporary tag.

¹¹² Section 320.131(8), F.S.

¹¹³ Section 320.131(9)(a), F.S.

¹¹⁴ Section 320.131(9)(b), F.S.

¹¹⁵ Section 320.131(9)(c), F.S.

¹¹⁶ Section 320.0657(1), F.S.

¹¹⁷ Section 320.0657(2)(a), F.S.

¹¹⁸ Section 320.0657(2)(c), F.S. The license plate manufacturing fee is the greater of \$1.50 or the actual cost of producing the plate.

¹¹⁹ Section 320.0657(3), F.S.

¹²⁰ Section 320.0657(2)(b), F.S.

¹²¹ Section 320.0657(2)(c), F.S.

¹²² Section 320.0657(4), F.S.

This program is repealed on October 1, 2021, unless saved from repeal through reenactment by the Legislature.

Digital Driver Licenses and Electronic Credentials

Current Situation

Section 322.032, F.S.,¹²³ provides for the establishment of a digital proof of driver license. This section requires DHSMV to begin to review and prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license. DHSMV is authorized to contract with one or more private entities to develop a digital proof of driver license system.

The digital proof of driver license developed by DHSMV or by an entity contracted by DHSMV is required to be in such a format as to allow law enforcement to verify the authenticity of the digital proof of driver license. DHSMV may adopt rules to ensure valid authentication of digital driver licenses by law enforcement.

This section also establishes certain penalties for a person who manufactures or possesses a false digital proof of driver license. Specifically, a person who:

- Manufactures a false digital proof of driver license commits a third degree felony, punishable by up to five years in prison¹²⁴ and a fine not to exceed \$5,000.¹²⁵
- Possesses a false digital proof of driver license commits a second degree misdemeanor, punishable by up to 60 days in jail.¹²⁶

Currently, there are six states who are piloting or have completed pilot projects testing digital driver license applications with limited populations; however, no state has implemented use of a statewide digital driver license.¹²⁷ The American Association of Motor Vehicle Administrators (AAMVA) represents state and provincial officials who administer and enforce motor vehicle laws in the United States and Canada, and develops programs to encourage uniformity and reciprocity among the states and provinces, including developing driver license and identification card design standards.¹²⁸ AAMVA has brought together its Card Design Standard Committee and an Electronic Identity Working Group to recommend standards regarding the use of mobile or electronic driver licenses and identification cards.¹²⁹

At this time, AAMVA has not released its standards for electronic identification, but has produced a continuously updated white paper discussing the functional needs for and practical considerations associated with a mobile driver license solution.¹³⁰

Proposed Changes

The bill replaces references in the Florida Statutes to a “digital proof of driver license” with the term “electronic credential,” which refers to an electronic driver license or identification card which is viewable on an electronic credential system capable of being verified and authenticated. The bill provides requirements to implement the creation and use of statewide electronic credentials.

¹²³ This section was created in 2014. See ch. 2014-216, L.O.F.

¹²⁴ Section 775.082, F.S.,

¹²⁵ Section 775.083, F.S.

¹²⁶ Section 775.082, F.S.

¹²⁷ Iowa plans to develop an app-based mobile driver’s license for statewide deployment this year. See Government Technology, *Iowa, Five Other States Will Try Digital Driver’s License Projects in 2018* (Oct. 20, 2017), available at <http://www.govtech.com/transportation/Iowa-Five-Other-States-Will-Try-Digital-Drivers-License-Projects-in-2018.html> (last visited Feb. 16, 2018).

¹²⁸ See AAMVA, *About AAMVA*, available at <https://www.aamva.org/about-aamva/> and *DL/ID Standards*, <https://www.aamva.org/dl-id-card-design-standard/> (last visited Feb. 16, 2018).

¹²⁹ AAMVA, *Mobile Driver’s License (MDL)*, available at <https://www.aamva.org/Mobile-Drivers-License/> (last visited Feb. 16, 2018).

¹³⁰ AAMVA, *Mobile Driver’s License – Functional Needs White Paper 0.8 Document Version* (revised Sept. 5, 2017), available at <https://www.aamva.org/mDLFunctionalNeedsRequirements-08/> (last visited Feb. 16, 2018).

The bill amends s. 322.01, F.S., to define terms as used in ch. 322, F.S., relating to driver licenses. Specifically, the bill defines the terms “electronic”,¹³¹ “electronic credential,” “electronic credential holder,” “electronic credential provider,” “electronic credential system,” “electronic device,” and “electronic record.”¹³²

The bill amends s. 322.032(1), F.S., to require DHSMV to develop and implement secure and uniform protocols that comply with national standards for issuing an optional electronic credential. The bill also requires DHSMV to:

- Procure¹³³ a related technology solution that uses a revenue-sharing model;
- Procure one or more electronic credential providers to develop and implement a secure electronic credential system;
- Maintain the protocols and national standards necessary for an electronic credential provider to request authorized access to an application programming interface, or an appropriate technological tool, necessary for such private entity to consume an electronic credential;
- Timely review requests for authorized access and approve all requests by electronic credential providers which meet DHSMV’s requirements; and
- Enter into an agreement with electronic credential providers that describe the permitted uses, terms and conditions, privacy policy, and uniform remittance terms relating to the consumption of an electronic credential.

The electronic credential and verification solution must:

- Have the necessary technological capabilities to execute the authentication of an electronic credential across all states, jurisdictions, federal and state agencies, and municipalities; and
- Provide system integration:
 - For qualified and authorized entities to securely consume the electronic credential;
 - For the production of a fully compliant electronic credential by qualified and authorized providers; and
 - To successfully ensure secure authentication and validation of data from disparate sources.

This section authorizes DHSMV to issue electronic credentials to persons who hold a Florida driver license or identification card. Additionally, DHSMV may assess a fee for use of the electronic credential and verification solution. Any revenue generated from the electronic credential system must be collected by DHSMV and distributed pursuant to a legislative appropriation and DHSMV agreements with the electronic credential provider. Any revenue shared between the state and the provider must be based solely on revenues derived from the purchase of the optional, electronic credential.

This section requires DHSMV to provide access to a standardized digital transaction process for use by the approved provider to enable the financial transaction be completed in such a manner that the proceeds are accepted by DHSMV at the point of sale. This process must enable the providers of the credential to direct through their electronic commerce workflow to a standardized checkout process and be able to document the providers involved.

This section also amends s. 322.032(2), F.S., to require the electronic credential to be in a format that allows law enforcement or an authorized consumer to verify the authenticity of the credential, identify the identity of the holder, and to validate the status of the holder’s driving privilege associated with the credential. It provides that the act of presenting the electronic credential to a law enforcement officer does not constitute consent for inspection of any information on the device other than the displayed credential, and the person who presents the device assumes liability for any resulting damage to the device.

¹³¹ This definition is identical to the definition of “electronic” as used in Florida’s Uniform Electronic Transaction Act. See s. 668.50(2)(e), F.S.

¹³² This definition is identical to the definition of “electronic record” as used in Florida’s Uniform Electronic Transaction Act. See s. 668.50(2)(g), F.S.

¹³³ Through a competitive solicitation process pursuant to s. 287.057, F.S.

Finally, the bill amends various sections of law to replace the term “digital proof of driver license” with the term “electronic credential.”

Renting a Motor Vehicle to Another

Current Situation

Section 322.38, F.S., sets the requirements for an individual who wishes to rent a motor vehicle to another. These include that the individual inspects the driver license of the person to whom the vehicle is to be rented, and compares and verifies the signature thereon with the signature of such person written in his or her presence before the vehicle can be rented. Further, the individual must keep a record of the registration number of the motor vehicle rented, the name and address of the person renting and the number, date, and place of issue.

Proposed Changes

The bill amends s. 322.38, F.S., to eliminate the requirement that a person renting a motor vehicle to another verify the latter individual’s signature on his or her driver license, and adds the requirement that the individual renting the vehicle to another verify that the renter’s driver license is unexpired. The bill also eliminates the requirement that the individual renting the vehicle to another record the date on which the driver license was issued.

The bill creates s. 322.38(4), F.S., to provide that a rental car company that rents a motor vehicle to a person through digital, electronic, or other means which allows the renter to obtain possession of the vehicle without direct contact with an agent or employee of the rental car company, or where the renter does not execute a rental contract at the time he or she takes possession of the vehicle, is deemed to have met the license inspection requirements if the renter verifies that he or she is duly licensed and the license is unexpired. Such verification may occur when the renter enrolls in a rental company’s membership program, master agreement, or other means of establishing use of the company’s services or at any time thereafter.

Cargo Theft

Current Situation

First degree grand theft, a first degree felony, is theft of property valued at \$100,000 or more; a semitrailer deployed by a law enforcement officer; or cargo valued at \$50,000 or more in specified circumstances. First degree grand theft also includes any grand theft in which, in the course of committing the offense, a motor vehicle is used as specified or the offender causes damage to the real or personal property of another in excess of \$1,000.¹³⁴ A first degree felony is punishable by up to 30 years in state prison and a fine of up to \$10,000.¹³⁵

Currently, it is a second degree misdemeanor¹³⁶ to, without authority, willfully, maliciously, or intentionally tamper with, attempt to tamper with, or otherwise interfere with any motor vehicle or trailer of another which results in the cargo or contents of such motor vehicle or trailer becoming unloaded or damaged; or mechanical functions of such motor vehicle or trailer becoming inoperative or impaired.¹³⁷

Global positioning system (GPS) jammers are devices using radio frequency transmitters in order to intentionally block, jam, or interfere with GPS systems. It is illegal to market, sell, or use GPS jammers in the United States.¹³⁸ Such devices have been linked to cargo thefts throughout the United States.¹³⁹

¹³⁴ Section 812.014(2)(a), F.S.

¹³⁵ Sections 775.082 and 775.083, F.S.

¹³⁶ A second degree misdemeanor is punishable by up to 60 days imprisonment in county jail and a fine of up to \$500. *Id.*

¹³⁷ Section 860.17, F.S.

¹³⁸ See GPS.gov, *Information About GPS Jamming*, available at <http://www.gps.gov/spectrum/jamming/> (last visited Feb. 16, 2018).

¹³⁹ Federal Bureau of Investigation, Private Industry Notification 141002-001, *Cargo Thieves use GPS Jammers to Mask GPS Trackers* (Oct. 2, 2014), available at <https://info.publicintelligence.net/FBI-CargoThievesGPS.pdf> (last visited Feb. 16, 2018).

Proposed Changes

The bill amends s. 812.014(2), F.S., to create a new first degree grand theft offense. A person commits first degree grand theft if he or she commits cargo theft and uses a device in the course of committing the offense to defeat, block, disable, jam, or interfere with a GPS or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo.

“Cargo” is “partial or entire shipments, containers, or cartons of property that are contained in or on a trailer, motor truck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.”¹⁴⁰

Work Group on Heavy Truck Registration Renewal Periods

Current Situation

A “heavy truck” is defined as “any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight, and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.”¹⁴¹

Section 320.055(5), F.S., provides that the registration period for heavy trucks weighing more than 5,000 pounds is a 12-month period beginning in a month designated by DHSMV and ending on the last day of the 12th month. The current registration period for heavy trucks weighing more than 5,000 pounds is December 31st of each year.

Proposed Changes

The bill creates a work group comprised of DHSMV and the Florida Tax Collectors Association to review the registration renewal periods for heavy trucks weighing more than 5,000 pounds and less than 8,000 pounds. DHSMV must prepare a report and submit it to the Governor and Legislature by December 31, 2018. As part of the review, DHSMV must include:

- Options to allow owners of applicable heavy trucks to renew their registrations on their birthdays instead of December 31st of each year.
- A plan for implementation of the revised renewal period, including the proration of registration renewal fees.
- The estimated fiscal impact to state and local government associated with changes in the renewal period for applicable heavy trucks.
- A plan to educate the motoring public about changes in renewal periods for applicable heavy trucks.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.003, F.S., relating to definitions.

Section 2: Amends s. 316.008, F.S., relating to powers of local authorities.

Section 3: Repeals s. 316.0896, F.S., relating to assistive truck platooning technology pilot project.

Section 4: Amends s. 316.0897, F.S., relating to platoons.

Section 5: Amends s. 316.2071, F.S., relating to personal delivery devices.

Section 6: Amends s. 316.2397, F.S., relating to certain lights prohibited; exceptions.

¹⁴⁰ Section 812.012(1), F.S.

¹⁴¹ Section 320.01(10), F.S.

Section 7: Amends s. 316.2398, F.S., relating to display or use of red warning signals; motor vehicles of volunteer firefighters or medical staff.

Section 8: Amends s. 316.302, F.S., relating to commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.

Section 9: Amends s. 316.303, F.S., relating to television receivers.

Section 10: Amends s. 316.85, F.S., relating to autonomous vehicles; operation.

Section 11: Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exception; procedures.

Section 12: Amends s. 319.141, F.S., relating to pilot rebuilt motor vehicle inspection program.

Section 13: Amends s. 320.01, F.S., relating to definitions.

Section 14: Amends s. 320.02, F.S., relating to registration required; application for registration; forms.

Section 15: Amends s.320.03, F.S., relating to registration; duties of tax collectors; international registration plan.

Section 16: Amends s. 320.06, F.S., relating to registration certificates, license plates, and validation stickers generally.

Section 17: Amends s. 320.0605, F.S., relating to certificate of registration; possession required; exception.

Section 18: Amends s. 320.0607, F.S., relating to replacement license plates, validation decal, or mobile home sticker.

Section 19: Amends s. 320.0657, F.S., relating to permanent registration; fleet license plates.

Section 20: Amends s. 320.08, F.S., relating to license taxes.

Section 21: Amends s. 320.08056, F.S., relating to specialty license plates.

Section 22: Amends s. 320.131, F.S., relating to temporary tags.

Section 23: Amends s. 320.95, F.S., relating to transactions by electronic or telephonic means.

Section 24: Amends s. 322.01, F.S., relating to definitions.

Section 25: Amends s. 322.032, F.S., relating to digital proof of driver license.

Section 26: Amends s. 322.059, F.S., relating to mandatory surrender of suspended driver license and registration.

Section 27: Amends s. 322.143, F.S., relating to use of driver license or identification card.

Section 28: Amends s. 322.15, F.S., relating to license to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.

Section 29: Amends s. 322.38, F.S., relating to renting motor vehicle to another.

Section 30: Amends s. 322.61, F.S., relating to disqualification from operating a commercial motor vehicle.

Section 31: Amends s. 324.021, F.S., relating to definitions; minimum insurance required.

Section 32: Amends s. 655.960, F.S., relating to definitions.

Section 33: Amends s. 812.014, F.S., relating to theft.

Section 34: Creates a heavy truck registration working group.

Section 35: Provides an effective date of October 1, 2018, unless otherwise expressly provided in this act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There is currently a \$2 temporary tag fee for certain vehicles, whose revenues are divided evenly between the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund. To the extent that fleet companies choose to utilize this new authority to purchase temporary tags for their vehicles, there may be an indeterminate, positive fiscal impact on the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. According to DHSMV, if Florida fails to comply with FMCSA compatibility requirements, Florida may experience a reduction of up to 4 percent of Federal-aid highway funds following the first year of noncompliance and up to 8 percent for subsequent years. Noncompliance may also affect the potential award of future grants.

2. Expenditures:

The bill may have a negative, but indeterminate impact on DHSMV. DHSMV will incur programming and implementation costs associated with various changes made by the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

County tax collectors are currently authorized to collect a \$3 surcharge for each temporary tag issuance. To the extent that fleet companies choose to utilize this new authority to purchase temporary tags for their vehicles, there may be an indeterminate, positive fiscal impact on local government revenues.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive fiscal impact on:

- Entities that will be authorized to use DHSMV's EFS system;
- Operators of motor vehicle platoons and manufacturers of platooning technology that will be authorized to operate on Florida roadways;

- Specialty license plate organizations if motor vehicle dealers or fleet companies choose to purchase the organization's specialty license plate; and
- Fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program may benefit in a reduction in the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DHSMV to adopt rules to administer the expansion of the electronic filing system.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 6, 2018, the Transportation & Tourism Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment authorized the use of an electronic copy of rental car documentation. Additionally, the strike-all amendment required that an individual or rental car company renting a motor vehicle to another needs to verify that the individual possesses a valid driver license.

On February 23, 2018, the Government Accountability Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment changed the "relating to" clause of the bill to "[a]n act relating to transportation," and added numerous provisions to the bill. Specifically, the amendment:

- Defined "mobile carriers" and provided regulations for such devices;
- Increased the allowable weight of PDDs;
- Exempted certain intrastate motor carriers from federal electronic logging device and hours of service support document requirements until December 31, 2018;
- Authorized the FTE to fund, construct, and operate test facilities for the advancement of autonomous and connected transportation technology solutions;
- Extended the Pilot Rebuilt Motor Vehicle Inspection Program to July 1, 2020, and provided additional requirements for the program;
- Expanded businesses that may be authorized to use DHSMV's electronic filing system to process title transactions;
- Authorized an electronic copy of a motor vehicle certificate of registration be accepted by law enforcement or agents of DHSMV, and provided restrictions and liability regarding the electronic device displaying such documentation;

- Removed reference in Florida Statutes to “digital proof of driver license” and replaced it with “electronic credentials;”
- Required DHSMV to implement protocols for issuing an optional electronic credential and provided requirements for the procurement of electronic credential and verification solution providers;
- Repealed the Assistive Truck Platooning Technology Pilot Program, which has been completed;
- Authorized a motor vehicle platoon to be operated on Florida roadways after an operator provides notification to DOT and DHSMV;
- Defined the term “platoon” for purposes of ch. 316, F.S., and exempted certain operators of platoons from state laws relating to “following too closely” and television receiver prohibitions;
- Updated various commercial motor vehicle regulations to address compatibility issues with federal law and revisions to the International Registration Plan;
- Allowed motor vehicle dealers and fleet companies to purchase specialty license plates;
- Provided enhanced penalties for persons who commit grand theft while using any device to interfere with a GPS or similar system;
- Revised the motor vehicle registration application to permit a voluntary contribution to aid Alzheimer’s research;
- Revised provisions regarding the use of certain lights by volunteer firefighters and wreckers;
- Revised the number of times a person can take a basic driver improvement course; and
- Established a heavy truck registration working group to review registration renewal periods for specified vehicles.

This analysis is written to the committee substitute as reported favorably by the Government Accountability Committee.