



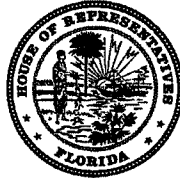
Transportation & Highway Safety Subcommittee

MEETING PACKET

**Tuesday, January 15, 2013
2:00 PM – 4:00 PM
306 HOB**

**Will Weatherford
Speaker**

**Daniel Davis
Chair**



The Florida House of Representatives

Transportation and Highway Safety Subcommittee

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Meeting Agenda
Tuesday, January 15, 2013
306 House Office Building
2:00 p.m. – 4:00 p.m.

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. Presentations**
 - a. Department of Transportation – 2013 Legislative Proposals**
 - b. Department of Highway Safety and Motor Vehicles – 2013 Legislative Proposals**
- V. Adjournment**

DOT'S 2013 Proposed Legislative Package

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Turnpike Toll Enforcement/Public Records Exemption s. 338.155(6), F.S.</p>	<p>Current public records exemption for personal identifying information of users of toll facilities is limited to customers that pay their tolls by using a transponder and the associated prepaid account.</p>	<p>Extends the public records exemption for personal identifying information to customers using the new TOLL-BY-PLATE (video billing) method for toll collection - same as for transponder users.</p>	<p>Protection of a toll user's personal identifying information should not be dependent upon the toll user's chosen method of payment. The same public necessity for the exemption protecting transponder customers should also apply to TOLL-BY-PLATE customers.</p>	<p>No.</p>
<p>Road Fund/Confidentiality of Records s. 288.075(1), F.S.</p>	<p>Effective July 1, 2012, the Economic Development Transportation program was transferred from FDEO to FDOT. The provisions of law (ch. 2012-128) that transferred the program did not include the authority for protection of proprietary confidential business information received and held by FDOT to be exempt from inspection and copying of records provisions of s. 119.07(1), F.S., and the access to public records and meeting provisions of s. 24(a) Art. I of the State Constitution. This authority was previously held by FDEO before transfer of the program.</p>	<p>Provides that information received and held by FDOT in connection with its administration of economic development transportation projects, only as authorized by s. 339.2821, F.S., is subject to the confidentiality of records provisions of s. 288.075, F.S.</p>	<p>Omission of transfer of the authority for protection of confidential proprietary business information appears to be inadvertent. Maintaining the confidentiality of proprietary business information would facilitate implementation of a successful job creation program.</p>	<p>No.</p>
<p>Data Center Consolidation Exemption s. 282.004(1) and (13); s. 282.201(4)(i), F.S.</p>	<p>FDOT's district offices, toll offices, and the District Materials Office are currently directed to begin preliminary planning for consolidation in to a primary data center during the 2014-2015 fiscal year. Computerized traffic systems and control devices used solely for the purpose of motor vehicle traffic control and surveillance are exempt from the provisions of ch. 282 under s. 335.14(2), F.S.</p>	<p>Exempts Turnpike toll offices and district traffic management centers from consolidation.</p>	<p>FDOT toll offices have unique and constantly evolving information technology created by experts in the field of electronic toll collection and image based toll collection, process millions of credit card payments, and maintain databases containing private and protected customer information. Strict adherence to the highest category of credit card industry standards is critical to maintaining authorization to continue processing credit card payments. The continuing and uninterrupted authority from the credit card industry to process credit card payments is essential to today's collection of toll revenues to support the operations and maintenance of FDOT's many toll facilities and to provide for the current and future transportation needs in the state. FDOT's TMCs and their resources are relied upon for the safe and efficient operation of Florida's roads and are designed in accordance with federal law. FDOT is required to establish a Real-Time System Management Information Program to monitor in real-time the traffic and travel conditions of the major highways across the U.S. and provide a means of sharing these data with state and local governments and with the traveling public. A project the size of a statewide consolidation would not be in compliance with the implemented regional architectures and would jeopardize future federal funding of ITS deployments in the Districts.</p>	<p>Yes, avoids negative fiscal impacts.</p>

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ROW/PE Trainee Programs s. 20.23(6), F.S.	FDOT's training programs have been in existence for over 20 years and operating under internal guidelines. Following passage of s. 216.251(3), F.S., in 2006, FDOT was prevented from providing the incremental pay increases associated with these training programs. Since FY 2009-2010, FDOT has been granted authority to continue its very successful training programs and to provide the pay incentive packages for trainees in the General Appropriations Act.	Directs FDOT to maintain specified training programs and to provide incremental increases in base salary for employees enrolled in the programs upon successful completion of the training phases.	The Engineer Training Program, Senior Engineer Training Program, and the Right of Way Training Program provide trainees with classroom and practical experience within FDOT's programs. With the extraordinary competition to recruit, employ and retain qualified individuals, particularly in the areas of engineering, right-of-way, and land appraisal, these training programs allow FDOT the ability to offer a competitive incentive package, within its existing budget, to promising individuals.	No, funds to operate and provide the incentive pay increases for these training programs are included in the agency's base budget.
Transportation Projects/Environmental Mitigation s. 373.4137, F.S.	Historically, FDOT and transportation authorities were directed to fund, and the WMDs to develop and implement, mitigation plans to mitigate the impacts of transportation projects. The 2012 Legislature modified current law to reflect that adverse impacts be offset by the use of mitigation banks and any other option that satisfies state and federal requirements. "Other" mitigation options include the FDOT's payment of funds to the WMDs to develop and implement mitigation plans. The mitigation plan is based on an environmental impact inventory created by FDOT reflecting habitats that would be adversely impacted by transportation projects listed in the next three years of the FDOT's tentative work program. FDOT provides funding in its work program to the FDEP or WMDs for its mitigation requirements. To fund the programs, the statute directs FDOT and the authorities to pay \$75,000, as adjusted by a calculation using the CPI, per impacted acre. The funding required by the statute is based on impact acres as a unit of measure. The statute provides that the mitigation plan developed by the WMDs should use sound ecosystem management to address significant water resource needs and focus on activities of FDEP and WMDs in wetlands and surface waters, including preservation, restoration and enhancement, as well as control of invasive and exotic vegetation. WMDs are also directed to consider the purchase of credits from public and private mitigation banks when such purchase provides equal benefit to water resources and is the most cost effective option. Before each transportation project is added to the WMD mitigation plan, the FDOT must investigate the use of mitigation bank credits based on consideration of cost-effectiveness, time saved, transfer of liability and long-term maintenance. Final approval of the mitigation plan rests with the FDEP. FDOT and the participating expressway authorities are required to transfer funds to pay for mitigation of that year's projected impact acreage resulting from projects identified in the inventory. Quarterly, the projected impact acreage and costs are reconciled with the actual impact acreage, and costs and the balances are adjusted. The statute provides for exclusion of specific projects from the mitigation plan at the discretion of the FDOT, participating transportation authorities and the WMDs.	Clarifies information to be included in the environmental impact inventory and bases amount of mitigation needed for transportation projects on the Uniform Mitigation Assessment Method per Chapter 62-345, F.A.C., rather than impact acres; removes the requirement for FDOT to establish an escrow account and replaces it with the identification of mitigation funds in the work program; clarifies continuing responsibility of entity performing mitigation; provides transition provisions for the March 1, 2013, WMD mitigation plans and clarifies requirements for WMD mitigation plans; replaces statutorily prescribed mitigation cost of \$75,000 per impact acre adjusted by the CPI with actual costs for WMD/FDEP implemented mitigation; and deletes duplicate provisions.	Allows FDOT and qualifying transportation authorities to exercise good business judgment when mitigating their impacts while acting in the best interest of Florida's taxpayers by authorizing FDOT and participating agencies to mitigate their environmental impacts like any other entity seeking a permit; i.e., mitigation is based upon a UMAM score, rather than acres of impact alone, thus establishing mitigation credits as the standard, consistent unit of measure for mitigation. Limits the mitigation obligation to actual environmental impacts (UMAM score), and satisfy its obligation based on actual costs (actual per credit costs, rather than statutorily set \$75,000 adjusted per CPI per impact acres).	Yes, projects are included in FDOT's work program budget submitted annually for Legislative approval. May have additional tracking and accounting implications, offset by greater accountability and accuracy that will streamline these processes.

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<p>Water Management District Public Information Systems s. 373.618, F.S.</p>	<p>Chapter 2012-126 authorizes public information systems located on property owned by water management districts, upon terms and conditions approved by the water management district, which must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, amber alerts, and other essential information needed by the public. The law expressly prohibits use of water management district funds to pay the cost to acquire, develop, construct, operate, or manage a public information system and requires that any necessary funds for a public information system be paid for and collected from private sponsors who may display commercial messages. If located within a "controlled area" and contains commercial messages or corporate sponsorship, such system violates both the federal-state agreement and certain provisions of ch. 479, F.S., which potentially subjects FDOT to an annual loss of federal highway funding.</p>	<p>Adds to the authorization for such systems: "provided, however, that any public information system that is subject to the Highway Beautification Act of 1965 must be approved by the Department of Transportation and the Federal Highway Administration when required by federal law and federal regulation under the agreement between the state and the United States Department of Transportation and federal regulations enforced by the Department of Transportation under s. 479.02(1)."</p>	<p>Failure to comply with the provisions of ch. 479 and the federal-state agreement is expected to result in a finding of loss of control of outdoor advertising and result in the severe loss of federal funds.</p>	<p>Yes, avoids loss of federal funds and consequent disruption of FDOT's work program.</p>
<p>Strategic Airport Investment Initiative s. 332.007, F.S.</p>	<p>The 2012 Legislature created a strategic investment initiative program within the FDOT Seaport Program. FDOT does not have a similar investment initiative or authority for the Aviation Program. Currently, funding shares for commercial and general aviation airport projects vary by type of airport and project.</p>	<p>Create the Initiative and authorize FDOT to fund up to 100 percent of a project's cost for commercial and general aviation airport projects that provide important access and on-airport capacity improvements; provide capital improvements to strategically position the state to maximize opportunities in international trade, logistics, and the aviation industry, achieve state goals of an integrated intermodal transportation system, and demonstrate the feasibility and availability of matching funds through federal, local, or private partners; and to authorize up to 100% funding of strategic airport investment projects.</p>	<p>From time to time, strategic infrastructure investment opportunities become available at Florida's airports. The authority to fund such projects would make Florida more economically competitive. Florida's citizens and business sector would benefit to the extent higher priority projects are funded.</p>	<p>Yes, projects are included in FDOT's work program budget submitted annually for Legislative approval.</p>

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Alligator Alley Funds s. 338.155(6), F.S.	FDOT is currently authorized to transfer any excess funds after facility operation and maintenance, contractual obligations, reconstruction and restoration, and the development and operation of a fire station at mile marker 63 to the SWFMD Everglades Fund.	Removes the obligation of Alligator Alley revenues to operate the fire station at mile marker 63, thereby limiting the transfer of annual excess revenue to SPWMD beyond that which is agreed upon in the MOU b/w SWFMD and FDOT, and repeals SPWMD authorization to issue bonds or notes and pledge the revenue from the transfers from the Alligator Alley toll revenues as security for such bonds or notes.	Excess revenues generated from the Alligator Alley, after operation and maintenance and facility-related obligations, would be used for transportation projects within the counties where the facility is located, rather than for operation of a local fire station.	Yes, after removal of operation of the fire station, between this fiscal year and FY 2016, an estimated \$4,250,000 cash would be available for additional transportation projects.
Aviation Fuel Tax Refunds s. 206.9825, F.S.	Current law allows for a refund of the 6.9 cents per gallon aviation fuel tax if an air carrier increases its workforce by more than 1000% and by 250 or more full-time equivalent positions when compared to January 1, 1996. Aviation fuel tax refunds have been unstable and excessive. The unpredictable nature of these refunds has called into question the confidence factor that can be placed on the estimate for aviation fuel tax revenues that are deposited into the STTP as determined by the Revenue Estimating Conference. The refunds are granted to carriers based upon qualifications that are unrelated to the use of the fuel.	Changes the timeframe currently used to calculate aviation fuel tax refunds by revising the qualifying status of the refund from an increase in workforce when compared to January 1, 1996, to an increase in workforce when compared to five years prior to the period that the refund is being applied for.	Entities that increase workforce within the reasonable past, rather than 16 years ago, are rewarded. Creates additional incentive for air carriers to employ more Floridians. The wording of the current statute may allow a carrier that has been reducing its workforce to receive refunds because it employed more workers that it did since January 1, 1996. Thus, the carrier could potentially be rewarded for "creating jobs" even though the carrier may have reduced its workforce in the last few years. Finally, in its current form, the refund offers an unfair competitive advantage to carriers that started up or moved to Florida after January 1, 1996. The revised language attempts to level the playing field across the industry and bring greater stability and predictability as it relates to aviation fuel tax.	Yes, facilitates avoidance of aviation fuel tax refunds in any given year being higher than incoming revenues, forcing FDOR to offset the aviation fuel tax refunds from other tax sources.
Parking Meter Revenue s. 337.408, F.S.	Existing today within the right of way limits of state roads under FDOT's jurisdiction are parking meters or other parking time limit devices whose revenue benefits only local jurisdictions. While some meters are permitted under general permits for use of state right of way, others are not. FDOT has no current inventory of such parking meters.	Authorizes installation of parking meters in the ROW of a state road by FDOT permit and requires counties and municipalities to provide 50% of the revenue to FDOT.	Current parking revenues generated from use of state-owned transportation right of way are collected solely for the benefit of local jurisdictions and are not available in any amount for state transportation purposes.	Yes, an undetermined positive fiscal impact to the STTP is expected.

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Lease-Purchase Agreement Authority s. 334.044(16), F.S.	FDOT is currently authorized to enter into lease-purchase agreements with regional transportation authorities and expressway authorities by which FDOT may agree to pay, from state funds other than the revenues of an authority expressway or other facility, the costs of operation, maintenance, repair, and rehabilitation of authority facilities.	Prohibits FDOT from entering into any new lease purchase agreements with expressway authorities, regional transportation authorities, or any other entity – language preserves responsibilities under already-existing agreements.	Helps ensure that new transportation systems developed by authorities would be capable of being self-sustaining, instead of relying on a long-term commitment by FDOT to pay the costs of operation and maintenance of an authority expressway. Avoids diverting motor fuel tax funds collected throughout the state to a particular locality in a manner contrary to the statutory allocation for those funds if the funds were expended by FDOT through its normal work program process.	No, as this proposal does not impact expressway authorities with existing lease-purchase agreements with FDOT. (Note FDOT's recent policy has been to not enter into such agreements.)
Off-System State Park Roads/Paving s. 335.06, F.S.	FDOT is currently required to maintain roads that provide access to State Parks if the roads are part of the State Highway System. Local governments are required to maintain their own roads that provide access to State Parks.	Authorizes FDOT to improve and maintain county and city roads that provide access to State Parks. If FDOT does not maintain those roads, the appropriate local government is still required to maintain the road.	Allows but does not require the state to fund needed road improvements and maintenance for facilities that serve as entry points to State Parks and helps ensure that State Parks remain accessible without regard to local funding priorities or issues.	Yes, as any selected project would be included in FDOT's work program budget submitted annually for Legislative approval, but offset by what should be a positive impact on State Park revenues by facilitating and improving continued access to State Parks.

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Turnpike/Noise Mitigation s. 163.3176, F.S.	All FDOT highway projects, regardless of funding source, must be developed in conformity with federal standards for noise abatement. Noise walls are a significant additional cost for FDOT's turnpike and interstate widening and other improvement projects. Almost all of the residential development adjacent to the turnpike, for example, has occurred since the original turnpike was constructed, and homes were built with disregard of noise abatement considerations. This lack of land use planning or developer requirements requires FDOT to incur millions of dollars of additional costs for noise abatement. Future noise abatement concerns for Florida's Turnpike and the interstate highways within the State are growing ever greater. Without effective local land use controls during the initial development of these areas, the need for expensive noise walls may prevent FDOT's ability to construct these road improvements as they are needed.	<p>New language to:</p> <ul style="list-style-type: none"> set forth Legislative findings regarding incompatible residential development of land adjacent to rights-of-way of limited access facilities; require local governments to ensure that noise compatible land-use planning is employed in their jurisdictions in the development of land for residential use adjacent to the right-of-way acquired for a limited access facility (with specified standards and guidelines); require the local government to share equally with FDOT in all costs of noise mitigation if a local government fails to comply with the standards and guidelines and such results in FDOT being required to construct noise mitigation; require local governments to consult with DEO and FDOT, as needed, in the formulation and establishment of adequate noise mitigation requirements in their respective land development regulations; and require local governments to adopt the land development regulations as soon as practical, but no later than July 1, 2014. 	Provides for improved governmental oversight and accountability as to noise mitigation in the planning and construction of residential developments. Homeowners purchasing residences in new developments constructed along a limited access roadway facility would have greater opportunities for full use and enjoyment of their homes and yards without the need for large amounts of governmental funding to provide noise mitigation not constructed as part of the development of their residential community. Responsible planning of new residential growth in local communities should allow the State to plan and construct new roadway infrastructure as needed to support increases in workforce growth and economic expansion.	Yes, an indeterminate amount should FDOT be required to construct a noise wall or other noise mitigation as part of an improvement to a limited access facility due to a local government failing to implement the noise mitigation requirements stated in the proposal, half of which cost would be borne by the relevant local government. Great cost savings would be achieved where noise mitigation is considered and adequately provided for in the planning and construction of residential developments abutting limited access facilities.
Definition/Intercity Bus Service s. 341.031(11), F.S.	The Federal Transit Administration's Intercity Bus Program (49 U.S.C. 5311(f)), is administered by FDOT. Its purpose is to support and maintain intercity bus services, in order to preserve service through rural areas of the state. FDOT provides matching funds as required by s. 339.135(4), F.S. Florida's statutory definition for "intercity bus service" is more restrictive than the federal definition, which limits to just one the number of companies providing these services to compete for the funding in Florida.	Revises the definition of "intercity bus service," thereby broadening eligibility for intercity bus companies to compete for federal and state program funding.	Promotes additional private sector competition within the state. Expanded levels of private intercity bus service is encouraged as a result of additional carriers being able to compete for federal and state program funds. Makes the Florida definition more consistent with the federal program definition, by eliminating the requirement for the carrier to have their services listed in the "National Official Bus Guide" and eliminating the requirement that the carrier provide package express service incidental to passenger transportation.	No.

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Community Development Districts/Routine Maintenance s. 335.055, F.S.	FDOT is currently authorized to enter into contracts with counties and municipalities for routine maintenance work on the State Highway System within the geographical boundaries of the local government.	Includes CDDs in current FDOT authority to contract with counties and municipalities to perform routine maintenance work on the SHS within the appropriate boundaries.	Will assist FDOT in maintenance of the State Highway System by including CDDs in the list of local government boundaries that can perform routine maintenance work on the State Highway System within district boundaries.	No.
Sponsorship Recognition/Organic Emblems	Current federal law has recently been clarified to allow a limited expansion of sponsorship acknowledgment by authorizing states to implement a program that allows a person, firm, or entity to sponsor an element of the public agency's highway operation through the provision of highway-related services, products, or monetary contributions. While the clarification sets out a number of common ways to recognize support provided by sponsors, recognition in the form of organic corporate emblems placed in view of passing motorists is not currently authorized. FDOT, as well as a number of other states, have been approached by parties who are currently seeking authorization in federal law of a program to allow states to recognize sponsors providing revenues that can be used for transportation related projects and maintenance activities through organic corporate emblems visible to passing motorists.	Authorize FDOT, upon approval of a program by the Federal Government, to seek legislative approval to implement a program that allows participation in the maintenance of highway roadside rights-of-way through monetary contributions in exchange for recognition of services provided in the form of organic corporate emblems placed in view of passing motorists.	This proposal represents an innovative roadside maintenance sponsorship opportunity. If approved at the federal level and implemented, the proposal encourages the private sector to contribute toward roadside maintenance, allowing reallocation of limited transportation dollars toward other critical needs.	No immediate fiscal impact but, if authorized and implemented, an indeterminate positive impact
Local Tourist-Oriented Commerce Signs	In an effort to increase visibility and facilitate economic development for small businesses in rural areas of critical concern, HB 599 (s. 76, ch. 2012-174, L.O.F.) was passed by the 2012 Florida Legislature and approved by the Governor, authorizing FDOT to seek approval from the FHWA for a tourist-oriented commerce sign pilot program and to submit the pilot program for legislative approval in the next regular legislative session. In continued discussions with the FHWA, FDOT is advised that approval of the pilot program is not expected. Instead, FDOT is advised to proceed by obtaining permission to replace authorization to seek pilot program approval with an exemption from permitting requirements, as well as language identical to that under current s. 479.16(15), F.S., relating to an exemption from permitting requirements for rural hardship signs, that would protect against any adverse impact upon the allocation of federal funds to FDOT.	Repeals FDOT authorization to seek approval of a pilot program (FHWA will not approve) and provides an exemption for such signs (same criteria) with necessary FHWA implementation language.	Allows FDOT to proceed with a tourist-oriented commerce sign program in an effort to facilitate the visibility and economic development of small businesses in rural areas of critical concern. FDOT anticipates limited participation given the eligibility criteria, but the ability to erect signs would assist those small businesses in eligible locations. Further, language identical to that in current law for rural hardship signs would be in place to preserve the allocation of federal funds.	No.

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Trust Fund Termination s. 339.082, s. 932.7055(6)(k), and paragraphs (b) and (f) of subsection (2) of ch. 2004-235, L.O.F.	The Everglades Parkway Construction Trust Fund and the Jacksonville Transportation Authority Project Construction Trust Fund were both made exempt from termination by ch. 2004-235, L.O.F., pursuant to Article III, Section 19(f)(3) of the Florida Constitution. No balances remain and no future revenues will be generated by either trust fund. The Federal Law Enforcement Trust Fund in the Department of Transportation is exempt from termination pursuant to Article III, Section 19(f)(3) of the Florida Constitution. The trust fund was used by the Office of Motor Carrier Compliance within the Department of Transportation as a repository for receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and receipts and revenues received from federal asset-sharing programs. The Office of Motor Carrier Compliance was transferred to the DHSMV by Ch. 2011-66, Laws of Florida. Any remaining balance that becomes available will be transferred to DHSMV; however, no further revenues will be generated.	Terminates the obsolete Everglades Parkway Construction Trust Fund, the Jacksonville Transportation Authority Project Construction Trust Fund, and the Federal Law Enforcement Trust Fund within FDOT.	Terminates obsolete trust funds.	No.
Florida Transportation Commission Duties/Mid-Bay Bridge Authority s. 20.23(2)(b), F.S.	The Florida Transportation Commission is responsible for monitoring the efficiency, productivity, and management of authorities created under Chapters 348 and 349, Florida Statutes, as well as any authority formed under Chapter 343 that is not otherwise monitored. Florida law reflects no state entity currently charged with monitoring the Mid-Bay Bridge Authority. The Mid-Bay Bridge Authority was created by special law (2000-411, L.O.F.).	Adds to FTC duties the responsibility to monitor the efficiency, productivity, and management of the MBBA.	The policy of the state has long been for the FTC to have oversight responsibilities over expressway and bridge authorities. However, the Mid-Bay Bridge Authority has not been subject to Commission oversight previously.	Yes, administrative expenses associated with oversight responsibilities but with no appropriation.
Remove obsolete references to General Revenue service charge. ss. 206.606(1), 212.0501(6), 319.32(5), 206.608, and 336.025(2)(a), F.S.	The service charge in s. 215.20, F.S., is not currently imposed upon fuel sales tax, off-highway sales tax on diesel, title fees, SCETS fuel tax, or local option fuel tax pursuant to the provisions of s. 215.211, F.S.	Removes obsolete references to the General Revenue service charge from language distributing revenue from title fees, fuel sales tax, off-highway sales tax on diesel, State Comprehensive Enhanced Transportation System surtax (SCETS), and local option fuel tax.	Removes obsolete language and avoids potential confusion.	No.

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<p>Unsolicited Lease Proposals s. 337.251(2), F.S.</p>	<p>FDOT is currently authorized to request proposals for the lease of FDOT property for joint public-private development or commercial development. FDOT may also receive and consider unsolicited proposals for such uses. The statute provides little guidance to FDOT concerning the process to be followed for consideration of unsolicited proposals, providing only that FDOT shall publish notice of receipt of the proposal and inform affected local governments.</p>	<p>Clarifies FDOT's authority and responsibilities when FDOT receives an unsolicited proposal to enter into a lease of FDOT property for joint public-private development or commercial development - brings the process for unsolicited proposals for such uses into alignment with the process for unsolicited proposals for public-private transportation projects and provides virtually identical guidance.</p>	<p>Advances FDOT's ability to properly evaluate unsolicited lease proposals and provides protections to ensure that proposals do not move forward if the public will be exposed to costs in the future as a result of private commercial activity on FDOT property.</p>	<p>No.</p>
<p>Rail Corridors/Ancillary Development s. 341.302(17)(d), F.S.</p>	<p>FDOT is responsible for developing and implementing a statewide rail program. As part of that program, FDOT is authorized to acquire, operate, and manage rail corridors to provide new rail service. The definition of "rail corridor" in s. 341.301, F.S., specifically includes ancillary development within an FDOT-owned rail corridor, and that section defines "ancillary development" to include "any lessee or licensee of the department, including other governmental entities, vendors, retailers, restaurateurs, or contract service providers, within a department-owned rail corridor, except for providers of commuter rail service, intercity rail passenger service, or freight rail service. The term includes air and subsurface rights, services that provide a local area network for devices for transmitting data over wireless networks, and advertising." However, while clearly contemplated, current language does not clearly and specifically authorize FDOT to engage in ancillary development.</p>	<p>Corrects an apparent technical oversight by expressly providing for FDOT's authority to undertake ancillary development within rail corridors owned by the State.</p>	<p>A technical clarification.</p>	<p>No.</p>

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<p>Wrecker Permits/Technical Revision s. 316.530(3), F.S.</p>	<p>Current s. 316.515(8), F.S., allows wreckers to tow disabled vehicles where the combination of wrecker and towed vehicle are over legal weight, provided that the wrecker is operating under a special use permit. This provision was passed during the 1997 session after agreement with the wrecker industry that in exchange for the ability to tow disabled vehicles to a location of their choice (instead of to the closest repair facility), overweight permits would be obtained. During the same session, s. 316.550(4), F.S., was passed to authorize FDOT to issue such overweight permits. However, s. 316.530(3), F.S., (originally passed as s. 316.205(3) in 1976) which allows wreckers to tow disabled vehicles where the combination of wrecker and towed vehicle are over the legal weight without a special use permit, was inadvertently overlooked and still remains in current law, despite the direct conflict with subsequently passed legislation. As the 1997 changes rendered the provisions of s. 316.530(3), F.S., obsolete, the last-passed provisions of s. 316.515(8), F.S., and 316.550(4), F.S., have since that time been enforced, as they relate to wreckers towing vehicles and the penalties to be assessed for violations.</p>	<p>Eliminates a direct conflict with ss. 316.515(8) and 316.550(4), F.S., regarding permits for wreckers towing disabled vehicles.</p>	<p>Eliminates obsolete statutory language that conflicts with subsequently passed legislation.</p>	<p>Yes, keeps Florida in alignment with federal law and avoids any potential loss of federal funds.</p>
<p>Transportation Corporation Act Repeal ss. 339.401 - 339.421, and 11.45(3)(m), F.S.</p>	<p>Sections 339.401-339.421, F.S., created in 1988 to allow certain corporations authorized by FDOT to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems, have never been used. Consequently, the provisions of s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations, have never been utilized; and the provisions of Rule Chapter 14-35, F.A.C., implementing the act, have never been applied. Following a limited number of inquiries immediately following passage of the act, FDOT has received no requests for information or other indications of interest in the act.</p>	<p>Repeals the "Florida Transportation Corporation Act," and related auditing authority, as neither have ever been used.</p>	<p>Repeal of the never-used Transportation Corporation Act and the referenced auditing authority would eliminate unused statutory language and enable elimination of unused administrative regulation.</p>	<p>No.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
Beachline East/Navarre Bridge s. 338.165(4), F.S.	Section 338.165(4), F.S., authorizes FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, the BeeLine-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the adopted work program of the department. The Navarre Bridge is now county-owned and no longer used for toll revenue. The BeeLine-East Expressway (re-named the Beachline East Expressway) became part of the Turnpike Enterprise, pursuant to Chapter 2012-128, L.O.F., on July 1, 2012. The references to each facility in s. 338.165(4), F.S., are now obsolete.	Removes a reference to the "Beachline East," following transfer to the Turnpike, and a reference to the "Navarre Bridge," which is now county-owned.	Clean-up of statutory language avoids potential confusion.	No.
Toll Collection/Interoperability Agreements s. 338.161(3)(c), F.S.	HB 599 and SB 1998 both passed during the 2012 Legislative Session and both contained language relating to FDOT authority to enter into agreements with public or private transportation facility owners (whose systems become interoperable with FDOT's systems) for the use of FDOT systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility. The language, however, is not identical. Part of the last-passed version of the language contained in HB 599 is potentially ambiguous, leading to more than one possible interpretation, and part of needed language that passed in HB 599 was not included in SB 1998.	Clarifies language passed by the 2012 Legislature relating to FDOT authority to enter into agreements with public or private transportation facility owners for the use of FDOT systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility.	Avoids any potential confusion as to statutory language and FDOT's authority.	No.
Position Title Change s. 110.205(2)(j), F.S.	FDOT requested approval from DMS to change the title of an existing Senior Management Service (SMS) class, State Public Transportation & Modal Administrator, to State Freight & Logistics Administrator. DMS approved the requested title change on September 2, 2011. Florida Statutes currently do not reflect the title change.	Changes the title "State Public Transportation and Modal Administrator" to "State Freight & Logistics Administrator."	Provides statutory accuracy.	No.

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Construction Projects/Bidding s. 337.14(1), F.S.</p>	<p>Section 337.14(1), F.S., requires that persons "desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified...." Section 337.14(2), F.S. provides: "Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than \$250,000." The purpose of certification is to ensure professional and financial competence relating to the performance of construction contracts by evaluating bidders "...with respect to equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification." This language could be interpreted as being tied to a bid amount. The logical interpretation is that current law requires a person must first be certified as qualified to bid on construction contracts in excess of \$250,000 as determined by FDOT's proposed budget estimate. Consistent with that logical interpretation, FDOT's Bid Solicitation Notices currently advise: "A prequalified contractor must have a current certificate of qualification in accordance with Rule Chapter 14-22, F.A.C. on the date of the letting to bid on construction projects over \$250,000 as established by the Department's budget." Revisions to s. 337.14(1), F.S., during the last legislative session with respect to financial statements submitted in connection with the performance of construction contracts of less than \$1 million expressly tied that submission to proposed budget estimates and have highlighted the need to clarify that the determining factor regarding bidders for projects in excess of \$250,000 should likewise be expressly tied to FDOT's proposed budget estimate.</p>	<p>Clarifies that the threshold to bid on construction contracts in excess of \$250,000 is determined by FDOT's proposed budget estimate and not the bid amount.</p>	<p>Provides internal statute consistency and consistency between statute and rule, thereby avoiding potential confusion. No change in administration of the subject contracts occurs.</p>	<p>No.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>CMVs/Auxiliary Power Units</p>	<p>Section 756 of the Energy Policy Act of 2005, "Idle Reduction and Energy Conservation Deployment Program, amended Title 23 U.S.C. 127(a)(12) to allow for a national 400-pound exemption on the maximum weight limit on the interstate system for the additional weight of idling reduction technology ("auxiliary power units" or "APUs") on heavy-duty vehicles. Section 316.545(3)(c), F.S., was created by the 2010 Legislature to provide for a 400-pound reduction in the gross weight of commercial motor vehicles equipped with idling reduction technology when calculating a penalty for exceeding maximum weight limits. The reauthorized Federal-aid highway program, Moving Ahead for Progress in the 21st Century (MAP-21) further amended Title 23 U.S.C. 127(a)(12) to increase from 400 to 550 pounds the allowable exemption for additional weight of APUs.</p>	<p>Increases from 400 pounds to 550 pounds the authorized maximum gross vehicle weight to compensate for the additional weight of auxiliary power units (idle-reduction technology) installed on commercial motor vehicles, as authorized by recent federal law.</p>	<p>Facilitates the trucking industry and the movement of goods. Creates greater uniformity between federal and state law, which is especially important for truck drivers doing interstate business, and would assist regulatory officials by preventing enforcement ambiguities that could cause problems for drivers during inspections.</p>	<p>An insignificant negative fiscal impact to the STTF, offset by positive impacts to the trucking industry and the environment.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Space Florida/SIS Funding Creates Section 73.071(3)(b)(i), Florida Statutes</p>	<p>Space Florida believes the state has the opportunity to lay the groundwork for a thriving commercial space industry in the state. Space Florida provided the department with several proposals designed to integrate space transportation programs with the department's programs and processes and provide a consistent source of funding for infrastructure projects.</p> <p>Spaceports have been considered a transportation mode in Florida Statutes since 1999. Since then the department has worked closely with Space Florida to provide space transportation infrastructure. The department programmed \$16 million in spaceport projects in both fiscal years 2011-12 and 2012-13.</p>	<p>Provided below are key provisions in the proposal:</p> <p>\$15 million minimum annually set aside for spaceport projects. 50-50 match of non-state funds. The department may waive match if strategic criteria is addressed by project.</p> <p>\$5 million annually set aside for spaceport project financing. Similar proposal for seaports passed by 2012 Legislature; refer to SB 1998.</p> <p>Prior to executing a grant agreement, Space Florida provides specific information for the department to evaluate the project. Space Florida currently evaluates and recommends projects to the department.</p> <p>Changes "master plan" to "system plan". This corrects terminology since master plans are facility specific and not statewide in nature.</p> <p>Makes spaceports eligible for state-funded infrastructure bank funding. Airports and seaports are eligible for state-funded infrastructure bank funding, but spaceports are not specified.</p>	<p>This proposal would help the department and Space Florida to become more responsive to the needs of the aerospace business sector by clarifying the infrastructure development process and providing a stable and reliable source of program funds.</p>	<p>This proposal represents a policy change, as it establishes a minimum amount of funds to be annually allocated for spaceport projects. Currently, there is no recurring process or amount dedicated to annually fund spaceport projects.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Small County Dredging Program s. 311.22</p>	<p>Section 311.22 was originally enacted in 2005. It provided for the FSTED Council to fund dredging projects in counties having a population of fewer than 300,000, with a 25% match. The FSTED Council was accorded rulemaking authority, and they created Rule 14B-2, F.A.W. The Legislature provided funding for this program during two fiscal years. Three projects were awarded by the FSTED Council, for Port St. Joe, Port of Fort Pierce, and Hernando County. All funds are contracted for this program at this point in time</p>	<p>Replaces reference to "joint participation agreement" with "agreement." Conforming in nature since the department will be authorized to enter into more than one kind of agreement. For example SIB loans or Road Fund agreements.</p> <p>Deletes reference to "aerospace discretionary capacity improvement" in order clarify that the department can fund all types of currently authorized projects.</p> <p>Deletes requirement for master plan to identify appropriate sources of revenue to contribute to the STTF. This provision was addressed by Space Florida in their 2010 Master Plan.</p>	<p>This change removes authority for an obsolete program.</p>	<p>Technical/non-controversial revision without a fiscal impact.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Intermodal Development Program</p>	<p>Section 341.053, F.S., creating the Intermodal Development Program, was originally enacted in 1990. The purpose of the program is to provide for major capital investments in fixed-guideway systems, access to seaports, airports and other transportation terminals, providing for the construction of intermodal or multimodal terminals; and to otherwise facilitate the intermodal or multimodal movement of people and goods. The department is directed, in determining the distribution of funds of the program to assume that future appropriation levels are equal to the current appropriation level.</p> <p>While there was a FDOT Central Office funding component for the first few years, this program has been entirely district-directed for at least the past 10 years. Under current department policy, funds for the program are allocated to the various districts based upon equal parts of population and fuel tax collections (the statutory formula).</p> <p>The following funding levels are allocated to the program: FY 12-13, \$126.3m; FY 13-14, \$31.3m; FY14-15, \$25.7m, FY 15-16 \$17.2m, and FY 16-17 \$18.0m.</p> <p>The Strategic Intermodal System (SIS) was enacted in 2003 (ss. 339.61-339.64). The SIS comprises transportation facilities and services that primarily serve interregional, interstate and international trips, based on criteria and thresholds established by a 41-member Steering Committee in 2002, adopted by the Legislature in 2003, and applied by the Department to continually evaluate Florida's transportation system.</p>	<p>Section 341.053(2), requiring the creation of an intermodal development plan, will be deleted, and replaced with a reference that funds from this program be used for projects that support statewide goals found in the Florida Transportation Plan (FTP), the Strategic Intermodal System Plan, the Freight Mobility and Trade Plan, or other appropriate modal plans developed by the department. This will also remove obsolete language and create a link to current policy documents.</p> <p>Section 341.053(5) will be expanded to add clarification that these funds can be used for planning and/or constructing projects on airport and/or seaports. It will also allow the use of project funds at seaports, and projects that provide access to intermodal logistics centers and freight facilities. Most districts now interpret the last part of the existing language "and projects which otherwise facilitate the intermodal or multimodal movement of people and goods" broadly to mean funds can be spent on on-port projects and planning studies, but some do not, believing the statute does not give them that specific authority. This leads to inconsistent use of these funds between districts.</p>	<p>This change deletes unnecessary requirements, in the deletion of the requirement for an intermodal plan, and implements the agency's CPR initiative by clarifying how districts are to use the funds consistently statewide.</p>	<p>None</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Outdoor Advertising Chapter 479 Rewrite</p>	<p>The Department has determined the Agency needs to conduct a review of chapter 479, Florida Statutes (the primary statute for the Outdoor Advertising Regulatory program) and propose revisions. This Chapter has undergone a number of "minor fixes" over the years. This rewrite would allow for better continuity and a clearer understanding of the provisions of law, which is critical to the Department because the January 1972 Agreement on outdoor advertising control between the U.S. Department of Transportation and the State of Florida, provides that failure by the State to maintain control shall result in reduced amounts equal to 10 per cent of the amounts which would otherwise be apportioned to the State until such time as the State shall provide for effective control. The 10 per cent correlates today to approximately \$160 Million annually</p>	<p>The proposed revisions will ensure consistency, incorporate plain language, and address changes brought about by new technology, changes in field conditions and zoning, and judicial determinations. It has been several years since this Chapter has undergone an extensive review and rewrite. The Department has considered all written statements and comments submitted to it by affected stakeholders in its rewrite language.</p>	<p>The rewrite establishes a fee at the time of permit application. Based on historical information, the Department processes approximately 500 applications annually, of which at least 40% are submitted multiple times before they can be considered a complete application. By requiring an application fee, the Department is hopeful applicants will initially submit a complete application which will reduce the Department's administrative costs. Under Section 479.07(3)(c), Florida Statutes, permit fees must be established in an amount sufficient to offset the total cost to the department for the program.</p>	<p>The proposal increases fee for private sector.</p>
<p>Regional Toll-way Authority Create sections 345.0011-345.0017, F.S.</p>	<p>No existing avenue for local groups to create regional toll-way authorities</p>	<p>Allows any county, or two or more contiguous counties with approval of the legislature to form a regional toll-way authority for the purposes of constructing, maintaining and operating transportation projects in a region of the state. Transfers governance and control of the Mid-Bay Bridge Authority to the Okaloosa-Bay Regional Tollway Authority</p>	<p>To allow local authorities increased flexibility in the use of transportation dollars.</p>	<p>None</p>
<p>FTC Passenger Rail s. 20.23(3)(d), F.S.</p>	<p>Administrative support and service to the Florida Statewide Passenger Rail Commission is provided by the Florida Department of Transportation.</p>	<p>The proposed bill transfers responsibility for providing administrative support and service to the Florida Statewide Passenger Rail Commission from the Florida Department of Transportation to the Florida Department of Transportation. The executive director and assistant executive director of the Florida Transportation Commission will also serve as the executive director and assistant executive director of the Florida Statewide Passenger Rail Commission.</p>	<p>The Florida Transportation Commission will become responsible for providing administrative support and service to the Florida Statewide Passenger Rail Commission. The executive director and assistant executive director of the Florida Transportation Commission will also serve as the executive director and assistant executive director of the Florida Statewide Passenger Rail Commission.</p>	<p>The Florida Transportation Commission will be affected, although the impact is not anticipated to be significant. The proposed bill achieves efficiencies by utilizing existing state resources.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Surplus Property Rewrite of 337.25</p>	<p>Property Management (Rewrite of 337.25)</p> <p>The Department is authorized to sell property acquired as right of way which is no longer needed for the construction, operation and maintenance of a transportation facility. Sale of properties valued at \$10,000 or less may be sold by negotiated sale. Properties valued at more than \$10,000 are to be sold by sealed bid or public auction, unless such sale would create an inequity. A public auction is required to be held at the site of the improvement being sold.</p> <p>The Department is also authorized to convey a leasehold interest in any property acquired as right of way. All leases are required to be by competitive bid except when the lease is with 1) the owner from whom the property was acquired, 2) a holder of a leasehold estate existing at the time of the acquisition, or 3) the owner holding title to privately owned abutting property where public bidding would create an inequity. Leases are restricted to a 5 year term with one 5 year renewal term.</p> <p>In order to conduct the sale or lease of a property, the department is required to publish the availability in a newspaper of general circulation in the area of the property not less than 14 days prior to the date of the sale or lease.</p>	<p>The Department would be authorized to sell or lease, in the name of the state, property acquired as right of way that is no longer needed for the construction, operation and maintenance of a transportation facility, in a manner that is in the best interest of the Department. The proposed changes would benefit the Department by:</p> <ol style="list-style-type: none"> 1) Allowing the sale to occur at the Department's current estimate of value; 2) Disposing of property through negotiated sealed competitive bids, auctions, or other means in the best interest of the Department; 3) Allowing the sale at no less than the Department's current estimate of value unless the property requires significant costs to be incurred as there are significant liability risks; 4) Allowing property leases through negotiations, bids, auctions, or other means in the best interest of the Department; and 5) Allowing leases for five (5) years and negotiating or extending for terms of 5 years, as the Department deems appropriate. 	<p>This proposal would modify the terms and conditions under which the Department of Transportation may sell or lease properties acquired for rights of way.</p> <p>This proposal continues protection of the public's investment in property acquired for transportation</p>	<p>There will likely be a net positive impact to local revenue as properties are returned to the tax roll. Because of the widely varying factors which could impact the amount, it is not possible to estimate a dollar amount. In addition, some of these properties could be used to establish or expand businesses thus creating new private sector employment opportunities.</p>

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Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>MPO Planning Agency Proposal s. 339.175, F.S.</p>	<p>Federal law and rule (23 USC 134, 23 CFR 450 Part C) require a metropolitan planning organization (MPO) be designated for each urbanized area or group of contiguous urbanized areas. In addition, federal law and rules specifies the requirements for MPO transportation planning and programming activities. These requirements are updated after each federal transportation authorization bill enacted by Congress.</p> <p>State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements (e.g., for MPO designation, planning boundaries, responsibilities). In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific. Section 339.175(3), F.S., requires the voting membership of MPOs include no fewer than 5 and no more than 19 apportioned members. The exact number is to be determined on an equitable geographic-population ratio basis by the Governor based on agreement among the affected local governments. There are other provisions in state law concerning MPO voting membership, such as the minimum number of county commissioners. The Governor shall review the composition of each MPO's membership in conjunction with the decennial census and reapportion the MPO membership as needed to comply with state law.</p> <p>Florida is unique in having more MPOs (26 currently) than any state. In numerous regions in Florida there are multiple MPOs designated for a single urbanized area (Southeast, Southwest, Central, Tampa Bay, Panhandle). In those instances where MPOs have reached the 19 member cap as prescribed in state law and the desire is to: 1) consolidate two or more MPOs or 2) expand the MPO planning boundary of an existing MPO to include an expanded urbanized area boundary the currently membership cap restricts the ability of the MPO to add additional members. Current law also provides that in metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O.</p>	<p>The proposed legislation revises certain membership requirements for Florida's Metropolitan Planning Organizations (MPOs). The language will conform Florida law to federal requirements and allows for an exception to the current cap of 19 members where the boundary of an existing MPO is expanded to encompass a new urbanized area or where two or more MPOs consolidate within a single urbanized area. In such cases the membership of the MPO can be up to 23 members. The proposal also gives MPOs the flexibility to provide voting membership to transportation authorities or other agencies which are not under the jurisdiction of a general-purpose local government represented on the M.P.O. and remain within the statutory membership cap.</p>	<p>The proposed legislation revises certain membership requirements for Florida's Metropolitan Planning Organizations (MPOs). The language conforms Florida law with federal requirements and allows for an exception to the current cap of 19 members where the boundary of an existing MPO is expanded to encompass a new urbanized area or where two or more MPOs consolidate within a single urbanized area.</p> <p>The bill will remove an impediment for the consolidation of existing MPOs. Potentially less government by encouraging (or at least removing an impediment to) the consolidation of MPOs</p>	

Florida Department of Highway Safety and Motor Vehicles - 2013 Draft Legislative Proposals

Issue	Current Situation	Proposed Change	Justification	Statute	Fiscal Impact Notes
#1 Insurance Company Reporting Requirements	PIP/Auto Insurance In 2012, the Florida Legislature shortened the time-frame for motor vehicle registrants to submit proof of insurance. This was a vital step in improving PIP compliance and reducing the uninsured motorist rate. However, insurance companies still have 30 to 45-days to report a new, cancelled or nonrenewed policy.	Shortens the current reporting requirement of 30 to 45-days for insurance companies down to a flat 10-days. This time-frame will apply to new policies and those that are canceled or not renewed.	The majority of insurance policy data is reported electronically and in real time. This shortened time-frame will ensure that all data is reported in a manner that is compatible with the department's goals for financial responsibility compliance.	324.022(1), F.S.	Positive indeterminate due to more timely communication
#2 Self-insurance Bond	A person may meet the financial responsibility requirement by posting a satisfactory surety bond issued by a company authorized to do business in the state or through a deposit of cash or securities.	Deletes the option to prove financial responsibility by posting a surety bond. Allows a person to obtain a self-insurance certificate through a cash deposit.	The department is proposing this change to improve processes and procedures for DHSMV and the motoring public.	324.031, F.S.	No fiscal impact
#3 Insurance Verification Notices (motor vehicle crashes)	The way the law reads, an insurance company is not required to verify with the department that a motorist was insured at the time he or she was involved in an accident. In fact, sometimes it takes months to receive verification, and a large percentage of companies simply never respond. This leads to inefficiencies and inconsistencies in the department's database. These flaws often lead to erroneous suspensions as well as uninsured motorists who game the system.	Removes the requirement that the department send insurance verification notices via United States mail. Requires insurance companies to respond within 20-days of the department's notice.	The department is proposing this change to enhance its financial responsibility redesign project.	324.091, F.S.	Positive indeterminate related to elimination of mailing requirement
#4 Self-insurance Cash Deposit	A person may obtain a self-insurance certificate from the department via a cash deposit. The deposit is held by the department and places on it a wealth of unneeded responsibility.	Eliminates the cash deposit provision and instead provides for a certificate of deposit to be held by the financial institution in favor of the department.	To simplify the procedure for self-insurance, which will result in a cost savings. In addition, this would reduce the liability of the department by having the financial institution that issued the certificate of deposit hold the CD.	324.161, F.S.	Positive indeterminate cost savings related to instruction/renewal forms for deposits to Security Deposit Trust Fund
#5 License Suspension Hearings before the Bureau of Administrative Review	Driving Under the Influence Current statutes are silent on the matter of conducting hearings by telephone and/or video. This can become an issue in appellate litigation, increase legal costs for the department and create ongoing uncertainty for hearing officers and the courts. Invalidation for failure of a witness to appear is another frequently litigated issue.	Permits the department's Hearing Officers to hold telephonic and/or audiovisual hearings. Clarifies the department's obligations to invalidate suspensions when certain critical witnesses fail to appear at hearings. Allows drivers to file subpoena enforcement actions in criminal cases, rather than pay filing fees for a separate, new case. Updates s. 322.64, F.S., with the latest federal CFR citations.	Telephonic and audiovisual hearings should increase efficiency in hearing offices. Clarifying subpoena-related issues should reduce litigation costs. Subpoena enforcement through existing criminal cases should reduce legal costs for petitioners. The CFR updates are necessary to stay in compliance with USDOT requirements.	322.2615, 322.2616, and 322.64, F.S.	Positive indeterminate savings realized from a decrease in "windshield time" and gas costs. Allows staff to hold more hearings instead of driving to statewide satellite offices. For example, staff drives 1.5 hours each way to get to satellite office.
#6 DUI and Temporary Licenses	Florida law currently allows drivers convicted of DUI to have their driving privileges reinstated on a temporary basis via court order, although this almost never happens.	Repeals s. 322.25(7), F.S., to reflect current practice.	To eliminate a procedure that is outdated and is no longer in use.	322.25(7), F.S.	No fiscal impact
#7 IID Medical Waivers for DUI Offenders	Currently, a DUI offender that is subject to mandatory installation of an ignition interlock device (IID) may be granted a medical waiver for certain medical conditions that would prevent the offender from utilizing the IID correctly. In these cases, the offender may have his or her driving privileges reinstated in lieu of mandatory IID installation.	Requires a DUI offender that is granted an IID medical waiver to apply for an employment purposes only (EPO) license.	To reduce the public's exposure to impaired drivers and assist in the rehabilitation of the DUI offender by detecting and preventing driving by such individuals.	322.2715, F.S.	Possibly negative, but insignificant
#8 Clarifying DUI Convictions and Length of Revocations.	Florida's DUI law does not cover situations when a driver is convicted of separate DUI offenses at the same time.	Convictions that occur on the same day shall be treated as separate convictions and the offense which occurred earliest will be deemed a prior conviction.	To clarify the statute's intent.	322.28, F.S.	No fiscal impact

Issue	Current Situation	Proposed Change	Justification	Statute	Fiscal Impact Notes
#9 IID threshold	Unfortunately, DUJ offenders who have been placed on an IID are allowed to drink and drive as long as they don't drink enough to fail the start-up test. If the offender's BAC is 0.05% or less, the vehicle will start and the offender can begin driving. A BAC of 0.05% equates to 3-4, 12oz. beers an hour for a male weighing 200 pounds.	Lowers the IID threshold to 0.025% BAC from 0.05% BAC.	To reduce the public's exposure to impaired drivers and assist in the rehabilitation of the DUJ offender by detecting and preventing driving by such individuals.	316.1957, F.S.	No fiscal impact
#10 Driver Improvement Courses	Driver Licensing In 1995, the department had sufficient authority to administer basic and advanced driver improvement courses (BDI/ADI) and traffic law & substance abuse education courses (TLSAE) under Chapter 15A-8, Florida Administrative Code, and s. 322.095, F.S., as they stood. However, this has changed over time.	Clarifies the department's rulemaking authority to implement driver improvement courses.	The department is proposing this change in order to satisfy JAPC's concerns over the department's rulemaking authority in Rule 15A-8.	318.1451, F.S.	No fiscal impact
#11 Medical Advisory Board	Florida law currently requires that members of the Medical Advisory Board be a member of the Florida Medical Association, the Florida Osteopathic Association, or the Florida Optometric Association.	Eliminates the requirement that a medical board member be a member of the Florida Medical Association, Florida Osteopathic Association, or Florida Optometric Association.	To allow additional qualified, licensed physicians to be eligible to serve on the Medical Advisory Board.	322.125, F.S.	No fiscal impact
#12 Re-exams for Mentally or Physically Unqualified Drivers	While many local tax collector's offices provide driver licensing services, Florida law does not allow them to issue or renew a driver license to someone whom they believe is physically or mentally unqualified. Instead, local tax collector's office staff may direct these individuals to the department for re-examination.	Removes the language related to directing these individuals to the department for re-examination.	This provision is a component of the plan to transition all driver license services to the tax collectors by June 30, 2015.	322.135, F.S.	No fiscal impact
#13 Vision Tests	Currently, licensees are only allowed to submit a vision test for a driver license renewal from a Florida licensed physician.	Requires that a vision test be submitted by a physician that is licensed in Florida or any other state.	This change would allow the department to serve the public more effectively by allowing a licensee to renew his or driver license while out-of-state, provided the physician submitting the vision test is licensed in Florida or another state.	322.18, F.S.	No fiscal impact
#14 Habitual Traffic Offender License Restoration.	Currently, a habitual traffic offender (HTO) whose five-year revocation has expired and who has not had an HTO hearing, must request a hearing prior to driver license reinstatement. These hearings are cursory, with all such drivers granted the option to reinstatement.	Eliminates the hearing requirement for reinstatement. No other circumstance for reinstatement requires a hearing.	The department is proposing this change to simplify the reinstatement process and to eliminate unnecessary bureaucracy.	322.331, F.S.	Negative, but insignificant. The HTO pays a \$12 fee for the hearing. Last year, DHSMV conducted 1,028 HTO reinstatement hearings. The negative fiscal impact to DHSMV would be \$12,336.
#15 Identity Requirements for Vehicle and Vessel Registration	Current statutes are vague on the documents that may be accepted and only include a Florida driver license or identification card. Currently, a valid U.S. Passport is not acceptable.	Provides that a valid out-of-state driver license, valid out-of-state identification card, or valid U.S. Passport will be accepted for vehicle and vessel registration.	The department is proposing these changes to clarify and broaden identification requirements.	319.23 and 320.02, F.S.	No fiscal impact
#16 Certificates of Repossession	When a lienholder has repossessed a motor vehicle, the lienholder has the option of obtaining a certificate of title or a certificate of repossession. Because the lienholder must possess a certificate of title when selling the vehicle, there is no need for a certificate of repossession.	Eliminates the option to obtain a certificate of repossession and provides for a certificate of title to be issued instead.	There are many times when a certificate of repossession may be lost. The lienholder must then get a duplicate certificate of repossession OR apply for a certificate of title. Therefore the lienholder may end up paying a fee twice.	319.28-319.323, 317.0016, F.S.	No fiscal impact

Issue	Current Situation	Proposed Change	Justification	Statute	Fiscal Impact Notes
#17 Specialty License Plates - Recovery of Start-up Costs	Florida law allows an organization sponsoring a specialty license plate to recover start-up costs related to the establishment of the specialty license plate in certain cases. However, the definition of 'start-up costs', and the amount that may be recovered, varies from plate to plate.	Defines allowable start-up costs, limits the time in which start-up costs may be incurred, and sets a maximum amount that may be recovered.	To help prevent the misuse of annual use fees distributed to specialty license plate organizations for the recovery of start-up costs.	320.08053, F.S.	No fiscal impact
Issue	Current Situation	Proposed Change	Justification	Statute	Fiscal Impact Notes
#18 Definitions	Commercial Drivers "Apportioned motor vehicle" and "Apportionable vehicle" are defined in s. 207.002, F.S., but are not relevant to the chapter's administration.	Deletes s. 207.002(1), (11) and (12), F.S.	To delete definitions that are not applicable to the purpose of Chapter 207, F.S.	207.002(1), (11 and (12), F.S.	No fiscal impact
#19 Commercial Learner's Permit (CLP) Cards	CLPs are currently issued as paper documents at no charge to the permit holder.	Requires that CLPs be plastic cards, physically similar to regular commercial driver licenses.	Federal regulations require that CLPs be with the same physical features as a regular CDL.	322.21, F.S.	Indeterminate. The department will incur costs related to the purchase of card-stock due to the new requirement. The department's printing costs are estimated to be roughly \$2.97/card. The bill sets a \$5 fee to alleviate this cost. Roughly 60,000 CLPs are issued in Florida per year, however, only about 10,000-15,000 are in circulation at any one time. The learner's stage typically only lasts a few months.
#20 CDL and CLP Fraud	Florida law requires a 60-day CMV disqualification for providing false information in connection with a CDL application. There is no corresponding penalty for CLP applications.	Requires a one-year CMV disqualification for providing false information in connection with a CDL or CLP application.	Now required by federal rule, 49 CFR 383.73(k)(1).	322.212, F.S.	No fiscal impact
#21 Enforceability of Federal Regulations Related to Several Specific Areas	Currently, Florida statutes do not authorize enforcement of federal CMV regulations related to driver license standards, cargo tank regulations, and liquid petroleum transportation.	Includes relevant federal regulations in the authorization statute, removes the liquid petroleum transportation exemption, and requires transporters of agricultural products to comply with requests for time records.	Enforcement of these federal regulations is essential in complying with the Federal Motor Carrier Safety Assistance Grant.	316.302, F.S.	No fiscal impact
#22 CDL and CLP Disqualifications	Florida law does not subject CLP holders to the same traffic violations criteria that now disqualify CDL holders from operating commercial motor vehicles (CMVs). Additionally, Florida law requires CMV disqualification for certain violations not specified by federal rules.	Florida law will subject CLP holders to the same traffic violations criteria that now disqualify full CDL holders from operating commercial motor vehicles (CMVs) and will fully conform to the required federal criteria.	Now required by federal rule, 49 CFR 383.51.	322.61, F.S.	No fiscal impact
#23 International Registration Plan (IRP) Definitions	Chapter 316, F.S., incorrectly references 'apportioned motor vehicle' as opposed to 'apportionable motor vehicle.'	Corrects definitions and deletes inappropriate references to commercial vehicles.	To correct these inconsistencies and make these chapters agree with the IRP Plan.	316.545, 320.01, 320.03, 320.071 and 320.0715, F.S.	No fiscal impact
#24 Commercial Learner's Permit (CLP); Noncriminal Traffic Infractions	Florida law prohibits CDL holders issued uniform traffic citations from electing to have adjudication withheld by the Clerk of the Court. There is no corresponding penalty for CLP holders.	Provides that the prohibition on electing to have adjudication withheld by the Clerk of the Court will now apply to CLP holders.	Now required by federal rule, 49 CFR 384.226.	318.14, F.S.	No fiscal impact
#25 Electronic Crash Reports	Leveraging Technology The department is tasked with the supply and inventory of crash forms to approximately 400 law enforcement agencies across the state. Over 500,000 long forms are printed and produced annually. The department is also tasked with supplying Driver Exchange Information forms, which total approximately 850,000 on an annual basis.	Requires all traffic crash reports to be submitted electronically after June 30, 2015. Clarifies that the department will provide crash report form supplies, but not Driver Exchange forms.	To add an implementation date for all agencies to submit electronic crash reports. To reduce the overhead cost of the department's printing budget and to systematically move toward a single form system of reporting traffic crashes.	316.066 and 316.068, F.S.	Indeterminate
#26 Electronic Notifications to the Department.	The Clerks of Court typically notify the department electronically when suspending a driver license under this section. However, some do not.	Requires the Clerks of Court to electronically notify the department when suspending a driver license under this section, which will bring it in line with s. 318.18 (8)(a), F.S.	To clarify the statute regarding electronic submission related to the use of the Uniform Traffic Citation Accounting System (TCATS).	322.245, F.S.	No fiscal impact

Issue	Current Situation	Proposed Change	Justification	Statute	Fiscal Impact Notes
#27 E-titles in Casual Sales and Title Form Language Changes	Florida law does not specifically address how to transfer e-titles in a casual or private sale. Forms HSMV 82994 and 82995 were revised to eliminate an additional copy for the department since this information is entered into FRVIS. This provides budget savings.	Allows for a new form to be used by the buyer and seller when transferring a motor vehicle electronic title and allows the title to remain electronic. Amends s. 319.225, F.S., to align statutory language with current operational processes.	The department recognizes the benefits in maintaining electronic titles. This eliminates risk of losing the title and protects the title from theft.	319.225, F.S.	Negative indeterminate decrease in revenue to the HSOTF and GR. The \$1 Security Fee on paper titles to GR will decrease and the \$2.50 Paper Title Service Charge to HSOTF will decrease. As well, this will cause a decrease in the Duplicate Title fee of \$70; \$21 to STTF; \$1 to HSOTF; \$47 to STTF; & \$1 to GR. Fund impacts can be assumed as the following: GR (\$137,483); STTF (\$4,674,405); HSOTF (\$240,594).
#28 Insufficient Funds Checks	Misc. Items Florida law does not authorize the department to prohibit future transactions by a person who has previously paid a fee with a dishonored check.	Requires that a person who has previously paid a department fee with a dishonored check to settle the outstanding debt before making future transactions with the department.	This will help the department collect a greater amount of outstanding debt through greater consequences to those who write bad checks.	320.18 and 322.22, F.S.	Positive indeterminate
#29 Public Records Fees	The statutory public records fees are unclear and scattered throughout various sections of Florida law.	Consolidates statutory public records fees for motor vehicle, vessel, crash, mobile home, and driver license records into s. 320.05, F.S., where possible, and standardizes like fees. Strikes some fees from s. 322.20, F.S., and amends others.	To clean up the statutes regarding public records fees. To ensure uniformity in all public records fees for driver license, motor vehicle, vessel, mobile home and crash records.	320.05 and 322.20, F.S.	Positive indeterminate
#30 Excessive Funds Retained for Vessel Registration Program Costs	Florida law authorizes the department to retain \$1.4M in annual fees collected from vessel registrations. The \$1.4M is to be used to cover administrative costs. Due to reorganization and efficiencies, the department's administrative costs for the vessel registration program have been significantly reduced. The amount being retained is in excess of actual administrative costs.	Eliminates the specific authorization given to the department to retain \$1.4M in annual fees, and instead, provides that the department may only retain an amount equal to the program's administrative costs.	Vessel registration fees are deposited into the Marine Resources Conservation Trust Fund administered by the Florida Fish and Wildlife Conservation Commission (FWC). These funds are used to provide recreational channel marking, marine mammal protection, law enforcement and quality control programs. Transferring the excess funds to FWC will better serve the public.	328.78(1)	(\$675K) to DHSMV, but positive to FWC. No statewide impact.
#31 Two-year Dealer Licenses	Currently, dealers that apply for an original or renewal dealer license will be issued a license that is valid through the end of the specified licensing period. Each license type has a specific expiration date.	Provides an option for dealers to choose to renew their license for one or two licensing periods.	Proposal is in response to interest from the automobile industry to reduce paperwork required to maintain their license.	320.27, 320.62, 320.77, 320.771, 320.781, 320.822, F.S.	Initially, the second year after legislation may have an appearance of decrease in revenue as the biennial cycle begins, but will flatten back to normal expected revenue by the 3rd year.