



Substantive Legislative Proposals

Fiscal Year: 2010-2011



Guiding Principle: *We will protect our roadways.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Aggressive Driving	<p>Law enforcement officials in Florida do not currently have the statutory authority to cite a driver for what is commonly referred to as “aggressive driving”. Many other states have created “aggressive driving” laws to focus attention on those drivers who commit multiple offenses simultaneously.</p>	<p>This proposal would create a new category of traffic offense for “aggressive careless” driving. This new category would fall between the current careless and reckless driving statutes with regard to its impact on the driver and would provide law enforcement a mechanism to issue a single citation to a driver who has committed more than one violation of law.</p> <ul style="list-style-type: none"> ■ Moving violation ■ \$120 fine ■ 4 points ■ Court appearance ■ Traffic school 	<p>Allowing law enforcement to issue a single traffic citation with severe penalties that accurately portrays the behavior of the driver is an essential component to enforcing traffic laws equitably and for adequate deterrence. This proposal mirrors the recommendations of the National Highway Traffic Safety Administration for this type of violation.</p>	<p>Indeterminate</p>	<p>ss. 316.1923, 318.18, 318.19, 322.0261</p>

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<p>DUI Convictions</p>	<p>Florida law does not cover situations in which a driver is convicted of two separate DUI offenses on the same day. Convictions occurring on the same date for two or more offenses when the arrest dates are different are treated as one conviction and generate one revocation</p>	<p>The amendment will clarify that convictions occurring on the same day and are the result of separate offenses are to be treated as separate convictions. The earliest conviction shall be considered as a prior conviction. The amendment also clarifies the revocation period.</p>	<p>This amendment is needed to clarify the appropriate length of a revocation and to clarify the term "prior conviction."</p>	<p>Indeterminate</p>	<p>s. 322.28</p>
<p>Fleeing or Eluding</p>	<p>Currently, the Department does not revoke the driving privilege when adjudication is withheld on Fleeing or Attempting to Elude convictions. Section 316.1935(6) currently states: "Notwithstanding s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of this section."</p>	<p>The proposed change clarifies the definition of the term "conviction" by amending s. 316.1935(5), Florida Statutes, and includes "adjudication withheld" in the definition.</p>	<p>The proposed change is requested to clarify the Department's authority to revoke driving privileges for a felony offense of fleeing or eluding when adjudication is withheld.</p>	<p>None</p>	<p>s. 316.1935</p>

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Financial Responsibility	<p>When the owner/registrator is stopped at roadside and is not able to provide to a law enforcement officer proof of Personal Injury Protection and Property Damage Liability, a citation is issued. This coverage is mandatory under Florida law to be carried continuously throughout the vehicle registration period.</p> <p>The Department currently takes action only when the owner/registrator is unable to provide proof of liability to the court and the court orders the Department to suspend the driving privilege of the offender. A conviction alone on the record does not automatically generate the suspension.</p>	<p>The proposal would authorize the Department to suspend the driving privilege when the conviction is posted to the record even if the courts fail to order the suspension. This change would be consistent with other types of convictions which result in a driver license sanction.</p>	<p>This change is needed to allow the department to take action on a conviction for an owner/operator who is not able to provide the compulsory insurance requirement. Allowing this change would enable the Department to enhance enforcement of the mandatory insurance laws of this State.</p>	<p>Indeterminate</p>	<p>s. 316.646</p>

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Fraud Penalties	Currently, driving school employees are subject to a 1st degree misdemeanor if they are found to have committed fraud. State employees are subject to 3rd degree felony charges for committing fraud.	This change would increase the penalty for driving school employees to a 3rd degree felony as it is for State employees. Furthermore, courts would be required to impose at least 10 days in jail for anyone convicted of driver license fraud.	The driver license and identification cards issued by the state have become the premier document of choice for use in all commerce as well as travel when identifying an individual. It is imperative that the credentials issued by the department are credible and are issued correctly. All persons involved in the issuance process must understand that fraud will not be taken lightly and that violators will face severe repercussions.	None	ss. 322.212 488.07
Commercial Driver Licenses	Florida law requires that a commercial driver be disqualified from driving his/her commercial vehicle for 90 days for a first offense of violating an out-of-service order. A second violation of an out-of-service order results in a 1-year disqualification.	The proposed change would increase the disqualification timer-period for a first offense to 180 days and a second offense to 2-years if found to be in violation of an out-of-service order.	An out-of-service order is generally issued for a safety violation. A driver who blatantly disregards such an order is actively endangering other drivers on the road. In addition, this change is required by the Federal Motor Carrier Safety Administration in order for Florida to remain compliant with federal law.	None	s. 322.61

Guiding Principle: *We are a service driven department.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Motor vehicle dealers	A dealer’s license can be suspended or revoked for failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. The law does not extend this provision for failing to honor a bank draft or check given to the State.	Amend s. 320.27 to include failure to honor a bank draft or check to the Department as a reason to fine, suspend or revoke a dealer’s license.	To provide a means to sanction a dealer for not honoring bank drafts and checks written to the Department.	Indeterminate	s. 320.27
Curbstoning	Current law does not provide a basis to sanction a licensed dealer for selling vehicles off-site without an off-site permit.	Amend chapter 320 to include displaying a car for sale at a location other than the dealer’s licensed location without an approved off-premise sale permit as a reason to fine, deny, suspend, or revoke a dealer’s license.	To provide a means to sanction a dealer for selling vehicles off-site without an off-site permit.	None	s. 320.27

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<p>Vehicles sold on consignment</p>	<p>Currently, Florida statutes are limited on the type of ownership documents a mobile home dealer can accept from the owner vehicle taken in trade and further, doesn't allow for a consignment agreement. The documentation of ownership authorized in statutes governing mobile homes is inconsistent with that of motor vehicles.</p>	<p>This change would provide a statutory framework for ownership documents that is consistent with that of motor vehicles. It would also allow a mobile home or RV to be sold on consignment.</p>	<p>To provide consistency in the types of evidence required to be in the dealer's possession.</p>	<p>None</p>	<p>s. 320.77</p>
<p>Mobile home and recreational vehicle manufacturer's license</p>	<p>There are no provisions in law to penalize a mobile home or recreational vehicle manufacturer for failing to maintain a surety bond. In addition, the insurance company is not required to notify the department when the bond is cancelled.</p>	<p>Amend s. 320.8225 to allow the Department to suspend, revoke or deny license to a mobile home or recreational vehicle manufacturer who did/ does not maintain a surety bond during the license period.</p>	<p>Consumers who purchase mobile homes or recreational vehicles during the time a bond has lapsed are not protected from any loss that may incur.</p>	<p>None</p>	<p>s. 320.8225</p>

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Custom Vehicles	Currently, chapter 320 provides for unique license plates for custom and street rod vehicles however chapter 319 does not provide for a unique titling process.	This change would add language to chapter 319 to conform the titling process to the changes previously made in chapter 320.	Chapters 319 and 320 should work together and these changes will alleviate confusion with respect to custom and street rod vehicles.	None	s. 319.14, s. 320.0863
Heavy Trucks	Heavy trucks, with a gross vehicle weight from 5,000 to 8,000 pounds, which are owned by individuals, have a December renewal period for the vehicle registration.	The proposed changes would allow the vehicle registration renewals for this category of trucks to be on the birth date of the owner in the same manner as other light trucks and cars.	Historically, these trucks had been considered “commercial grade” however over time private use trucks have become heavier. This change would align statute more closely with private use vehicles in the market place.	Revenues overall would not be impacted however the flow of revenues would be more evenly distributed throughout the fiscal year.	s. 320.03, s. 320.055
Examinations	Upon renewal, it is required for certain drivers to be tested with respect to their ability to read and understand highway signs regulating, warning, and directing traffic, in addition to the eyesight and hearing examinations.	It is proposed to eliminate the requirement for drivers to pass the road signs exam automatically upon renewal if they fall into a particular category. Drivers would still be subject to the vision exam and any other exam deemed necessary by the Department.	Almost 300,000 road sign exams are given each year to drivers falling into certain categories. Typically, road signs do not change so the relevancy of the knowledge on the exams is not related to problem driving.	None	s. 322.121

Guiding Principle: *We will implement technology solutions.*

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Use of electronic notification	Currently, the department is required to send all notifications to customers via the U.S. Postal Service	This proposed change would allow the department to transmit renewal reminders utilizing a secure electronic transmission at the customer's request.	This change would allow the department to utilize technology for communication purposes and provide savings to the State by lowering mailing costs.	Indeterminate	s. 320.95, s. 322.08, s. 322.18, s. 328.30, s. 328.80
Signatures on Citations	Current statute requires that both criminal violations and noncriminal infraction citations must be signed. There is no requirement in the Florida Rules of Traffic Court, 2006 Edition, which require signatures by the violator	Amend s. 318.14, F.S., to require signatures only on criminal citations and citations requiring a mandatory court appearance. This change will bring Florida in line with many other states that require signatures only on criminal violations and will enhance and streamline electronic citation transmission.	The Department views the requirement to obtain a signature as unnecessary for noncriminal infractions; however, for violations requiring a mandatory hearing listed in s. 318.19, F.S., or any other criminal traffic violation listed in chapter 316 the signature should in fact continue to be required. This change will bring Florida in line with many other states that require signature only on criminal violations. Additionally, this change will facilitate the issuance of citations using electronic citation writing software.	None	s. 318.14

Other Issues

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Technical changes	<ul style="list-style-type: none"> (1) Traffic records centers. (2) Chapters 320 and 316 contain incorrect or incompatible terms and references related to the International Registration Plan. (3) Traffic law and Substance Abuse Education certification. (4) Motorcycle riders under 16. (5) identification card fraud 	<ul style="list-style-type: none"> (1) Remove references to traffic records centers and other corrections. (2) Make necessary changes to conform Florida statutes to the International Registration Plan. (3) Remove statutory reference to certification. (4) Correct statutory conflict. (5) Provide specific statutory authority for the department to cancel an ID card obtained by fraud. 	<ul style="list-style-type: none"> (1)Traffic records centers as defined in law do not actually exist. (2)The International Registration Plan is a multi-jurisdictional program that Florida participates in and should be uniform across jurisdictions. (3) Certification no longer occurs. (4) Ch. 322 and ch. 316 appear to be in conflict and this proposal would clarify that 15 year old drivers may not operate a motorcycle. (5) Florida law provides the department authority to cancel a driver license when it is obtained by fraud however the law is silent with respect to ID cards. Because the process to obtain both is identical the department believes this was an oversight. 	<p>None</p>	<ul style="list-style-type: none"> s. 316.066, s. 316.545, s. 320.01, s. 322.095

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Other Issues

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Technical changes <i>(cont'd)</i>	<ul style="list-style-type: none"> (6) Registration record retention (7) Hearings (8) Speeding citations (9) Disabled Veterans Plate (10) Headlights 	<ul style="list-style-type: none"> (6) Chapter 319 requires the department to maintain title records for 10 years. This change would set 10 years as the record retention for registrations. (7) Remove the requirement that law enforcement submit a copy of the crash report to the department in order to uphold a driver license suspension. (8) Modify current law to clarify when enhanced penalties apply to drivers convicted of speeding. (9) Modify section 320.084 to allow Disabled Veteran plates to be renewed biennially. (10) Extend the distance a driver must dim the headlights by 200 ft. 	<ul style="list-style-type: none"> (6) Create consistent record retention law for titles and registrations. (7) Correct a deficiency in the current law with respect to the documentation required to uphold a driver license suspension. (8) Clarification of which statutory site should be listed on the citation in order to impose enhanced penalties is needed. (9) Disabled Veteran plates were inadvertently not included in the list of plates eligible for biennial renewal (10) Newer technology has increased the brightness of high-beam headlights and has created vision issues for oncoming drivers with sensitive vision. 	<p>None</p>	<ul style="list-style-type: none"> s. 320.02, s. 322.2615, s. 316.1926, s. 320.084 s. 316.238