

MEETING OF THE GOVERNOR AND CABINET
AS HEAD OF THE DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

November 17, 2009

AGENDA

Agency Contact: Lee Ann Korst, 850-617-3100

<http://www.flhsmv.gov/agenda/2009/111709Agenda.pdf>

1. Respectfully submit the Minutes for August 25, 2009 Cabinet Meeting

Attachment #1.
Recommended.

2. Respectfully submit Rule No. 15A-11 Commercial Driving Schools draft amendment for permission to publish a Notice of Proposed Rulemaking.

Pursuant to Chapter 488.02 the Department has the authority to adopt rules to oversee and license all commercial driving schools. This proposed rule is necessary to administer Chapter 488 and will codify in rule the Department's current policies and procedures. The rule is being promulgated in accordance with Joint Administrative Procedures Committee review process.

Attachment #2.
Recommended.

3. Respectfully submit Rule No. 15B-2.013 Approved Speed Measuring Devices draft amendment for permission to publish a Notice of Proposed Rulemaking.

The purpose of the proposed rule action is to amend the current rule to incorporate a speed measuring device that has been approved since the last revision to Rule 15B-2.013.

Attachment #3.
Recommended.

4. Respectfully submit proposed repeal of Rule No.15C-4 Private Recreational Vehicle Inspection, Rule No.15C-5 Motor Vehicle Inspection

and Rule 15C-6 Motor Vehicle Emissions Inspection for permission to publish Notices of Proposed Rulemaking.

The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F. A. C., Private Recreational Vehicle Inspections; Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspections and Rules 15C-6.001 through 15C-6.007, F.A.C. Motor Vehicle Emissions Inspections. The Florida Statutes which provided rulemaking authority for these rules have been repealed and the Department has not performed the inspections since 1996, 1981 and 2000, respectively.

Attachment #4.
Recommended.

5. Respectfully submit the 1st Quarter Performance Report for Fiscal Year 2010-2011.

Attachment #5.
Recommended

6. Respectfully submit the Legislative Budget Request for FY 2010 – 2011.

Attachment #6.
Recommended.

7. Respectfully submit Substantive Legislative Package for 2010 Session.

Attachment #7.
Recommended.

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THE CABINET
STATE OF FLORIDA

Representing:

FINANCIAL SERVICES COMMISSION, OFFICE OF
FINANCIAL REGULATION

DEPARTMENT OF REVENUE

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

DEPARTMENT OF VETERANS' AFFAIRS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND

The above agencies came to be heard before
THE FLORIDA CABINET, Honorable Governor Crist
presiding, in the Cabinet Meeting Room, LL-03,
The Capitol, Tallahassee, Florida, on Tuesday,
August 25, 2009, commencing at 2:45 p.m.

Reported by:
JO LANGSTON
Registered Professional Reporter

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APPEARANCES:

Representing the Florida Cabinet:

CHARLIE CRIST
Governor

CHARLES H. BRONSON
Commissioner of Agriculture

BILL McCOLLUM
Attorney General

ALEX SINK
Chief Financial Officer

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BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND
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1 GOVERNOR CRIST: Department of Highway Safety
2 and Motor Vehicle. Electra, hi, how are you?

3 MS. BUSTLE: Very well, thank you. How are
4 you?

5 GOVERNOR CRIST: Great.

6 MS. BUSTLE: Good afternoon. We have five
7 items on the agenda today. The first is we
8 respectfully request approval of the minutes from
9 the May 27, 2009, Cabinet meeting.

10 COMMISSIONER BRONSON: Motion for approval of
11 Item 1.

12 CFO SINK: Second.

13 GOVERNOR CRIST: Moved and seconded. Show the
14 minutes approved without objection.

15 MS. BUSTLE: Item Number 2 is our annual
16 performance report for fiscal year '08-'09. As you
17 can see from the annual report, we have been very
18 busy this past fiscal year, focusing on being
19 proactive in our service, education and enforcement
20 efforts. Our proactive measures as a state,
21 combined with various other factors, I believe, has
22 paid off, with the lowest number of fatalities on
23 our roads since 2000. In addition, the state
24 mileage death rate, which is the number of deaths
25 per 100 million miles traveled, is the lowest since

1 the rate has been calculated in the last 40 years.

2 And our wait times are also the lowest they
3 have been in years, with almost 90 percent of our
4 customers waiting less than 15 minutes in our
5 driver's license offices.

6 GOVERNOR CRIST: That's great.

7 MS. BUSTLE: Thank you.

8 GOVERNOR CRIST: Thank you.

9 MS. BUSTLE: I believe the agency performed at
10 a high level, meeting the majority of our
11 performance measures, with the exceptions of those
12 that are impacted by the economy; for example, the
13 car registrations and the mobile home inspections.
14 At this time, I would like to respectfully request
15 approval of the annual performance report.

16 GOVERNOR CRIST: Is there a motion to approve?

17 COMMISSIONER BRONSON: Motion for approval of
18 Item 2.

19 ATTORNEY GENERAL McCOLLUM: Second.

20 GOVERNOR CRIST: Moved and seconded. Show it
21 approved without objection. And I think the CFO has
22 a question.

23 CFO SINK: Excuse me, but I know our staff had
24 a question about some of the deletions of your
25 performance measures, and we were just particularly

1 interested in continuing to see the number of
2 insured motorists on the report, they report that to
3 you.

4 MS. BUSTLE: We will absolutely do that. What
5 we'll do is when I -- the next item on the agenda is
6 the annual performance contract.

7 CFO SINK: Did I get ahead of you?

8 MS. BUSTLE: I'll add that as an amendment, and
9 you can approve that with both items, so, yes.

10 CFO SINK: I was confused about when to bring
11 it up.

12 MS. BUSTLE: Thank you. Item Number 3 is the
13 Department's annual performance contract for fiscal
14 year '09-'10. As you know, the contract outlines
15 your expectations for the Department's performance.
16 The performance contract had not been revised since
17 1996, so we conducted a comprehensive review of the
18 measures to ensure that they were still relevant 13
19 years later and actually measured the Department's
20 performance.

21 And we wanted to measure what matters to you
22 and to the people today. Our goal is to focus on
23 outcome-related performance measures rather than
24 outputs or statistics. While we continue to have
25 some statistics in our performance measures, we will

1 be able to share with you -- we'll be able to share
2 them regularly with you.

3 For example, one of the measures that we
4 changed required that our motor vehicle titles be
5 issued on average within three days. And what that
6 really meant was 50 percent of the titles could be
7 issued in one day, 50 percent of the titles could be
8 issued in five days. The average is three. The new
9 performance measure says 98 percent of our titles
10 will be issued within three days. So we're actually
11 measuring the performance, and it's a higher
12 standard.

13 These measures have been through OPB, have been
14 through legislative approval process, and we would
15 like your approval today, with, CFO Sink, the one
16 amendment that we will continue to include the
17 number of insured vehicles in addition to the
18 percentage of insured vehicles. With that, I would
19 request approval of the performance contract.

20 GOVERNOR CRIST: Is there a motion to approve?

21 CFO SINK: I move it.

22 ATTORNEY GENERAL McCOLLUM: Second.

23 GOVERNOR CRIST: Moved and seconded. Show it
24 approved without objection.

25 MS. BUSTLE: Item 4, we respectfully request

1 approval of the Department of Justice settlement
2 agreement regarding the Collier case, which deals
3 with the Driver Privacy Protection Act. As you
4 recall, we settled the case.

5 And thank you, Attorney General, your folks
6 have been terrific. We settled a \$40 billion
7 liability for \$10 million. That process is ongoing
8 right now, where folks are getting a dollar back as
9 they come into the offices.

10 The other piece to this and the close-out piece
11 is Department of Justice also fined the State for
12 the 2000 to 2004 violations. We were able to reduce
13 that original fine from 2.5 million to 1.5 million,
14 again in conjunction with the Attorney General's
15 Office and their attorneys, who flew up to
16 Washington with our attorneys.

17 So we request approval of the \$1.5 million
18 Department of Justice settlement to close out this
19 Driver Privacy Protection Act claim.

20 GOVERNOR CRIST: General.

21 ATTORNEY GENERAL McCOLLUM: I have a comment.
22 I think that one thing, Electra, your team was just
23 fabulous with this. It was a real pleasure for our
24 attorneys to work with yours. This was scary at the
25 beginning. The total value of these things, as you

1 mentioned, were in the billions of dollars
2 potentially against Florida due to failure to adopt
3 a conforming statute to federal law over a period of
4 time.

5 But ultimately reason prevailed, and I think
6 that's reasonable for us. I would say that I think
7 the settlement is very good, actually, Governor. In
8 terms of dollar amounts, it's not a whole lot. It's
9 right on the money, the second one. And as you can
10 see in reading your notes, as I understand it,
11 Electra, this is simply the amount of money made by
12 the continued sale of information that was
13 prohibited during that time, in other words, the
14 amount of money the State of Florida made, rather
15 than really the penalties. So we're just giving up
16 basically the profit that we made, if you will.

17 MS. BUSTLE: Yes, excellent. Thank you for
18 bringing that up. That's exactly it.

19 ATTORNEY GENERAL McCOLLUM: And I would then
20 move Item 4, Governor.

21 CFO SINK: Second.

22 GOVERNOR CRIST: Great. Moved and seconded.
23 Show it approved without objection. Nice work.

24 MS. BUSTLE: Thank you. Our final agenda item
25 relates to the Department's Medical Advisory Board.

1 The board is established by law and is comprised of
2 volunteers who lend their valuable time and
3 expertise to advise the Department on medical
4 criteria and vision standards related to safe
5 driving.

6 Today we are seeking the approval to extend a
7 current member of the board, Dr. James Paul Grant,
8 who is a Tallahassee-based chiropractor and who
9 happens to hold the rank of major in our FHP
10 auxiliary, having spent 29 years in our auxiliary.

11 The law requires one member be a chiropractor.
12 So we appreciate his willingness to continue to
13 serve the people of Florida and respectfully request
14 approval of Dr. Grant for reappointment to the
15 Medical Advisory Board for another four-year term.

16 COMMISSIONER BRONSON: Motion for approval of
17 Item 5.

18 ATTORNEY GENERAL McCOLLUM: Second.

19 GOVERNOR CRIST: Moved and seconded. Show it
20 approved without objection.

21 CFO SINK: Governor, could I just ask Electra a
22 question?

23 GOVERNOR CRIST: Yes.

24 CFO SINK: As we were coming back today, I
25 happened to see a big article in the Tampa Tribune

1 about the new driver's license requirements. I
2 don't know what precipitated an article today
3 because it starts the first of the year, correct?

4 MS. BUSTLE: It does.

5 CFO SINK: It just reads like a disaster
6 waiting to happen.

7 MS. BUSTLE: Is it the Gather, Go, Get, the
8 Gather, Go, Get, the federal regulations?

9 CFO SINK: Yes.

10 MS. BUSTLE: It starts January 2010.

11 CFO SINK: Yes, all the requirements for
12 identification, multiple forms of identification.

13 MS. BUSTLE: And what we --

14 CFO SINK: Do you think Floridians should hurry
15 up and get their driver's license renewed now so
16 that they can avoid this?

17 MS. BUSTLE: Well, you know, it is -- it's more
18 complicated. It's based on additional security
19 requirements that the new regulations are requiring.
20 And what we've done is we started early in trying to
21 educate the public so that when they do come in in
22 January, they can make one visit and not two. And
23 we have a website that allows them -- there's
24 actually a checklist. You can put your personal
25 information in, and it will tell you what you need

1 to bring with you. So we're trying to make it as
2 easy and convenient as possible.

3 The issue is, every person under the age of 50
4 coming -- their next renewal, they have to come into
5 a driver's license office before 2014. So if you're
6 under 50, you need the new REAL ID -- well, REAL ID,
7 PASS ID, federal regulated compliant card. If
8 you're over 50, you have till 2017.

9 So we are going to see these people coming
10 through the offices the next renewal period. And we
11 are gearing up for a busy time. Thank you.

12 GOVERNOR CRIST: Thank you.

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CHAPTER 15A-11 COMMERCIAL DRIVING SCHOOLS

15A-11.001	Definitions
15A-11.002	General Regulations
15A-11.003	CDS License Application and Renewal
15A-11.004	CDS Office Location and Instructional Facilities
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15A-11.013	Cancellation and Revocation of CDS License, Instructor's Certificate or Agent's Card
15A-11.014	Forms

15A-11.001 Definitions.

- (1) **Agent** - A person who holds a valid identification card issued by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an agent for the CDS, or CTDS, and is authorized by the school to solicit on its behalf.
- (2) **Commercial Driving School (CDS)** - A school licensed by the Department pursuant to Chapter 488, Florida Statutes, which is authorized to engage in driving instruction.
- (3) **Commercial Driving School License** - A license issued to a school by the Department pursuant to Chapter 488, Florida Statutes, indicating that the school is authorized to engage in driving instruction.
- (4) **Commercial Motor Vehicle Driver Instructor Training Course (CMV-DITC)** - A 32-hour Teaching Commercial Motor Vehicle Driver and Traffic Safety Education Course.
- (5) **Commercial Truck Driving School (CTDS)** - A school licensed by the CIE pursuant to Chapter 1005, Florida Statutes, which is authorized to engage in commercial motor vehicle driving instruction.
- (6) **CIE** - The Commission for Independent Education established by Ch. 1005 Fla. Stats.
- (7) **Department** - The Department of Highway Safety and Motor Vehicles.
- (8) **Driver Instructor Training Course (DITC)** - A 32-hour Teaching Driver and Traffic Safety Education Course.
- (9) **Driver Performance Analysis System (DPAS)** - The driver performance test that a potential instructor must pass to be temporarily certified to instruct the Basic Driver Education instructor courses.
- (10) **Driving Instruction** - Any activity for compensation related to on the road or classroom driving education.
- (11) **Driving Instruction Contract** - A written agreement between a CDS and each of its students to provide driving instruction.
- (12) **Driver License Office** - A driver licensing facility operated by or under the authority of the Division of Driver Licenses or local Tax Collector.
- (13) **Immediate Family Member** - A person's spouse, parents, brothers, sisters and children, and parents, brothers, sisters and children of the spouse.
- (14) **Instructor** - A person who holds a valid instructor certificate and engages in driving instruction on behalf of a commercial driving school licensed by the Department.
- (15) **Instructor Certificate** - An instructor certificate issued to an individual instructor by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an instructor for a specific commercial driving school.
- (16) **Owner** - The person or corporation who has the controlling financial interest of the CDS.
- (17) **School Vehicle** - A motor vehicle used by the CDS or CTDS to engage in driving instruction
- (18) **Solicitation** - A request or offer directly or indirectly, to a person for driving instruction services or enrollment of a student in a CDS.
- (19) **Student** - A person who receives driving instruction from a CDS or CTDS.
- (20) **Temporary Instructor Certificate** - A temporary certificate based on satisfactory completion of the DPAS test.
- (21) **Vehicle Registration** - A vehicle owned or leased by the CDS or CTDS that is registered with the department to provide driving instructions.

Specific Authority 488.02 FS. Law Implemented 488.01 FS. History—New_____.

15A-11.002 General Regulations

- (1) No employee of the Department or immediate family member of a Department employee shall be connected in any capacity with any CDS or CTDS in accordance with Section 112.313(7), Florida Statutes.
- (2) A CDS shall not indicate that its program is in any way endorsed by the Department, except to say that it is “licensed.”
- (3) A CDS shall not utilize advertising that indicates, in any way, the school can issue or guarantee the issuance of a driver license or imply that the CDS can in any way influence the Department in the issuance of a driver license, or imply preferential or advantageous treatment from the Department can be obtained.
- (4) The CDS must notify the Department in writing within ten (10) days of any change in the school owner’s name, the school owner’s address, the school’s name, or the school’s principal place of business address or telephone number.
- (5) A duplicate school license or vehicle registration may be issued to a school by submitting a request to the Department on a completed form HSMV 77074S, which is available as provided in Rule 15A-11.014. An affidavit stating that the original document was physically destroyed or lost must accompany the form HSMV 77074S. The fee for issuance of a duplicate certificate shall be two dollars (\$2).
- (7) A CDS shall sufficiently train its students that do not have a Class “E” driver license to better enable students to safely operate a motor vehicle. The Department may require performance evaluations of a CDS, if the Department determines the school’s driving instruction does not meet this standard.

Specific Authority 488.02 FS. Law Implemented 488.01 FS. History—New_____.

15A-11.003 CDS License Application and Renewal.

- (1) The Department oversees and licenses all CDS, except CTDS licensed by the CIE. All private (non-public) CTDS are required to be licensed pursuant to chapter 1005. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license from the Department or from CIE pursuant to chapter 1005.
- (2) All owners or all officers or partners, desiring to engage in the business of conducting a CDS shall, prior to engaging in such business, secure a License from the Department in the manner prescribed by these rules. Prior to the license being issued, all driving instructors employed by the school must be at least 21 years of age and have successfully completed one of the following:
 - (a) A Department approved 32 hour DITC in driver education, or the equivalent.
 - (b) A Department approved DPAS examination for a temporary instructor certificate.
- (3) Before any license is issued, an application shall be made in writing on form HSMV77074S, which is available as provided in Rule 15A-11.014, and provide the following:
 - (a) A driving record from previous state of residence, if a Florida resident for less than one (1) year.
 - (b) A complete FDLE background check on each owner, partner or officer of the school. Each FDLE background check must have been issued within one year of the date of the school application.
 - (c) If the applicant has been a Florida resident for less than one (1) year, a complete criminal background check from the previous state of residence must accompany the application and must be issued within one year of the date of the school application.
 - (d) Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction, in accordance with section 112.01(1)(b)F.S.
- (4) Every application for a license must be accompanied by a non-refundable application fee of fifty dollars (\$50) along with a license fee of two hundred dollars (\$200) and shall be paid by money order, certified check or company check, to the Department.
- (5) Each original license shall be valid for a period of one year from the date of issuance.
- (6) The license shall not be transferable in the event of a change of school ownership. Application for a new license shall be made by the new owner and the old license and all instructor certificates previously issued shall be surrendered to the Department before a license will be issued to the new owner. Additionally, if the school is a previously licensed CTDS, a copy of the new CIE license must be furnished to the Department.
- (7) Before granting approval, the Department may conduct an investigation of the applicant. As a part of its investigation, the Department shall determine if there are any complaints pending against the company being purchased or the owner or owners proposed to operate the purchased driver school.

- (8) The license must be conspicuously displayed in the Licensee's principal, and each additional, place of business at all times.
- (9) The CDS or CTDS shall agree to permit the Department and its representatives to inspect the school, its public facilities, equipment and records that are required to be maintained in the operation of the school.
- (10) The CDS or CTDS shall notify the Department in writing within ten (10) days of any change in the address or employment of the owner, partner, officer, or driving instructor of any CDS or CTDS. Failure to inform the Department of any changes shall be grounds for the Department to issue an order to suspend or revoke the school's license. In cases involving a CTDS the Department shall notify CIE of the change.
- (11) Application for renewal of a CDS license shall be made at least forty-five (45) days prior to the certificate's expiration date on form number HSMV 77074S, which is available as provided in Rule 15A-11.014, and accompanied by a fee of one hundred dollars (\$100) payable to the Department by money order, personal check, certified check or company check. Owners who permit their license to expire shall not be permitted to operate their school and shall have to apply for a new license as set forth above.
- Specific Authority 488.02 FS. Law Implemented 488.01, 488.03, 488.04 FS. History—New_____.*

15A-11.004 Offices and Instruction Facilities.

- (1) A CDS shall operate from an office in the following manner:
- (a) It must establish and maintain a principal place of business in the State of Florida which shall not be connected to any residence. A CDS must establish and maintain a permanent mailing address.
 - (b) It shall ensure that its principal place of business is safe and meets all requirements of state and federal law and local ordinances.
 - (c) No CDS facility shall be established within 300 feet of any government building or portion thereof used for the purpose of conducting driver license examinations.
 - (d) It must permit the Department to inspect its meeting facilities upon reasonable notice. A CDS must permit the Department to inspect its classrooms, offices, vehicles, and records at the discretion of the Department.
 - (e) All classroom facilities must have a minimum of 200 square feet of space or 20 feet of space per student, whichever is greater.
 - (f) When a CDS advertises or lists a different phone or address, other than the main office, it shall be necessary to establish an additional office in this location.
- (2) No CDS shall use, or conduct any business under a name without the approval of the Department. The school shall not use the word "State" in any part of the school name.
- (3) Additional offices.
- (a) A CDS desiring to open an additional office shall notify the Department in writing and provide proof of ownership, occupancy, or lease of such location. The Department shall be notified and the new location must be approved. The license must be conspicuously displayed in each additional place of business at all times.
 - (b) Each additional office shall be equipped to and shall perform substantially the same services as the principal place of business. If an additional office is discontinued, the additional office license shall be surrendered to the Department.
 - (c) Where the owner of a CDS desires to conduct business in an additional office under an adopted name and the additional office is to be located a county other than that in which the principal place of business is located, the owner must submit with his application, a certificate of adopted business name registered with the Department of State.

Specific Authority 488.02 FS. Law Implemented 488.01 FS. History—New_____.

15A-11.045 Program of Instruction and Requirements.

- (1) A CDS shall make available theoretical and practical instruction.
- (2) Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety and the driver's responsibility.
- (3) Practical instruction shall include a minimum of two hours of driving providing demonstration of and actual instruction in stopping, starting, shifting, turning, backing, parking and steering in a dual controlled vehicle which meets the Department's requirements.
- (4) No CDS or CTDS instructor, employee or agent shall be permitted to park in any designated testing area of a driver license examining office during the hours when driving tests are being conducted.
- (5) No CDS or CTDS instructor, employee or agent shall accompany any student into a driver license examining office and assist the student in taking a driver license examination.

(6) All instructors shall ascertain, before giving driving instruction, that the student possesses a learner's permit issued by the Department or another jurisdiction for the purpose of learning to drive.
Specific Authority 488.02 FS. Law Implemented 488.01 FS. History—New_____.

15A-11.005 CDS Records Retention.

(1) Every CDS shall maintain a permanent file, or computerized database setting forth the name, address, contract number and terms of payment, with respect to every person giving lessons, lectures, tutoring, instruction of any kind, or any other services relating to instructions in the operation of a motor vehicle. The file shall also contain records showing the date, type, and duration of all lessons, lectures, tutoring and instructions including the name of the instructor giving such lessons and the tag number, make and model of vehicle used to conduct the road test.

(2) A record of all receipts and disbursements for the last three (3) years.

(3) A duplicate copy of every contract entered between the school and every person taking lessons, lectures, tutoring and instructions relating to the operation of a motor vehicle. The original contract shall be given to the student taking instructions and a duplicate thereof shall be retained by the school.

Specific Authority 488.02 FS. Law Implemented 488.01 FS. History—New_____.

15A-11.006 Driving Instruction Contracts.

(1) Contracts between the school and students shall be executed in duplicate with the student receiving the original.

(2) A standard contract is hereby adopted including the terminology to be used with a space provided for the advertisement of the school. All driving instruction contracts issued by a CDS shall use the terminology outlined on form HSMV77072S, which is available as provided in Rule 15A-11.014.

Specific Authority 488.02 FS. Law Implemented 488.01FS. History—New_____.

15A-11.007 CDS Instruction Vehicles.

(1) No vehicle shall be used for instruction unless it has been registered with the Department. The registration shall be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall notify the Department in writing within ten (10) days.

(2) The school must complete the vehicle section of the school application form HSMV77074S or the vehicle registration form HSMV77071S, which are available as provided in Rule 115A-11.014.

The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, motor or serial number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.

(3) A CDS must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school. This identification may be painted on the front, side or rear of the motor vehicle in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.

(4) Every motor vehicle used for practical driver training shall be registered by the Department unless the student has signed a waiver to use their personal vehicle.

(5) A CDS may provide the option for a student to use their personal vehicle for driving instruction. The Instructor must conduct an inspection of the vehicle and verify that the vehicle has valid registration and insurance coverage. The inspection of the vehicle includes verification that the following items are operable: windshield wipers, glass (clear view from the front, sides and back), horn, rearview mirror, directional signals, head lights, tail lights, brakes lights, brakes, valid license plate, emergency brake, steering wheel (no more than 3" play), tires (that are not bald), and muffler exhaust system firmly attached to the vehicle.

(6) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, company check or certified check for each motor vehicle being registered.

(7) Each school must pay the Department a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Specific Authority 488.02 FS. Law implemented 488.05 FS. History—New_____.

15A-11.008 Soliciting and Advertising.

(1) A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised", "recommended" or "endorsed" by the Department. The CDS shall not use the word "STATE" in any part of the school name.

- (2) An owner, instructor, agent or employee of a driving school shall not give the impression to a student that upon completion of their course, they will guarantee the securing of a driver license to operate a motor vehicle.
 - (3) No CDS instructor, agent or employee shall solicit business on the premises rented, leased or owned by the Department, including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.
 - (4) No person shall solicit or act in behalf of any CDS without displaying upon request, a valid agent's identification card issued to such agent by the Department.
 - (5) School advertisements appearing in publications published outside the county in which the school is located shall specify the address of the school.
- Specific Authority 488.02 FS. Law Implemented 488.02 FS. History—New_____.*

15A-11.009 CDS Instructor Certificate Application and Renewal.

- (1) No person shall perform any instructional duties for any CDS or CTDS unless such person meets the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given.
- (2) Instructor qualifications.
 - (a) Every instructor in a school shall be at least twenty-one (21) years of age,
 - (b) Every instructor shall have a valid Class E driver license before making application for an instructor's certificate.
 - (c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.
 - (d) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.
- (3) All applications for an instructor's certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A-11.014, and accompanied by a notarized statement from the owner (unless the owner is making application) of the school listing the person's name in full, his address, and that said person is or will be employed by the school.
- (4) A CDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.
- (5) If the applicant has been a Florida resident for less than one (1) year a complete criminal background check from the previous state of residence must accompany the application and must have been issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with section 112.01(1)(b) F.S.
- (6) All instructors shall have successfully completed a 32 hour DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.
- (7) Temporary Instructor's Certificate.
 - (a) In the event no 32 hour DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32 hour DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six-month temporary certificate per instructor candidate.
 - (b) Temporary certificate holders shall be required to take a 32 hour DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by these rules and by Chapter 488, F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32 hour DITC will result in the cancellation of the temporary instructor's certificate.

(8) CDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV77073S at least forty-five (45) days prior to the certificate's expiration date.

(9) All instructors shall be required to attend an eight (8) hour Driver Instructor Refresher Course every five (5) years.

(10) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

Specific Authority 488.02 FS. Law implemented 488.04 FS. History—New_____.

15A-11.0095 Agent Identification Cards. Upon application to the Department, an agent shall be issued a card identifying him as an agent of a particular driving school to be used while acting on behalf of the school, if he is otherwise in compliance with these rules. Each original application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check, or company check. The fee for the renewal application shall be accompanied by a fee of ten dollars (\$10) payable to the Department as set forth above. The card shall be valid for a period of one year from its date of issuance and shall be renewed by applying to the Department upon the proper form not later than 45 days prior to the expiration date of the card.

Specific Authority 488.02 FS. Law implemented 488.04 FS. History—New_____.

15A-11.010 Commercial Truck Driver Schools.

All CTDS shall be required to be licensed pursuant to chapter 1005 F.S., and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a CTDS without first obtaining a license thereof from the Commission for Independent Education pursuant to chapter 1005 F.S.

Specific Authority 488.02 FS. Law implemented 488.01 FS. History—New_____.

15A-11.011 CTDS Instructor Certificate Application and Renewal.

(1) No person shall perform any instructional duties for any CTDS licensed under section 1005 F.S. unless such person shall meet the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried with the instructor at all times while driving instructions are being given.

(2) Instructor qualifications:

(a) Every instructor in a CTDS shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class A CDL license before making application for an instructor's certificate.

(c) Every instructor must maintain, during the most recent consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any violation, resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) Every instructor shall have a minimum of three years of driving experience as a Class A CDL driver prior to application for an instructor's license.

(e) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(3) All applications for a CTDS instructor's certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A-11.014, and meet all the above qualifications and provide a notarized statement from the owner (unless the owner is making application) of the school listing the person's name in full, his address, and that said person is or will be employed by the school.

(4) A CTDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.

(5) If the applicant has been a Florida resident for less than one (1) year a complete criminal background check from the previous state of residence must accompany the application and must have been issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with section 112.01(1)(b) F.S.

(6) All CTDS instructors shall have successfully completed a 32 hour CMV-DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(7) Temporary Instructor's Certificate.

Prior to acceptance of a Temporary Instructors Certificate the school must verify that the instructor meets the qualification of an instructor as indicated above.

(a) In the event, no 32 hour CMV-DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32 hour CMV-DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six-month temporary certificate per instructor candidate.

(b) Temporary certificate holders shall be required to take a 32 hour CMV-DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by section 488 or 1005 F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32 hour CMV-DITC will result in the cancellation of the temporary instructor's certificate.

(8) CTDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on the prescribed form at least forty-five (45) days prior to the certificate's expiration date.

(9) All instructors shall be required to attend an eight (8) hour CMV-Driver Instructor Refresher Course every five (5) years.

(10) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five (\$25) dollars payable to the Department by money order, or certified check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department as set forth above.

Specific Authority 488.02 FS. Law implemented 488.04 FS, History—New_____.

15A-11.012 CTDS Instruction Vehicles.

(1) No vehicle shall be used for instruction unless it has been issued a federally approved safety inspection and a motor vehicle registration by the Department. The safety inspection and vehicle registration must be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall give the Department written notice of this fact.

(2) To be issued a motor vehicle registration, the school must submit the vehicle registration form HSMV77071S, which is available as provided in Rule 15A-11.014, and comply with the following:

(a) The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, motor or serial number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.

(b) Every motor vehicle used for truck driver training shall be owned or leased by the school.

(c) Every motor vehicle used for truck driver training shall be registered by the Department.

(3) The driving school must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school licensed by the Commission for Independent Education. This identification may be painted on the front, side or rear of the truck and/or trailer in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.

(4) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, or certified check for each motor vehicle being registered.

(5) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Specific Authority 488.02 FS. Law implemented 488.05 FS. History—New_____.

15A-11.013 Suspension, Cancellation, and Revocation of CDS License, Instructor's Certificate or Agent's Card.

(1) Any license, certificate or agents identification card may be cancelled, suspended or revoked by the Department for the purpose of enforcing the safety requirements essential to the purpose of Chapter 488, F.S. The department shall determine whether to suspend, cancel, or revoke based on the severity and frequency of the act or acts committed. Such acts or conditions that warrant cancellation or revocation include, but are not limited to, the following:

- (a) The violation of any provision of Chapter 488, F.S., or of any of the rules and regulations of the Department.
- (b) The conviction of a felony, or any crime involving violence, dishonesty, deceit, indecency, or immoral conduct. The conviction of such a crime shall result in the permanent revocation of the license, certificate, or identification card.
- (c) The conviction of possession or distribution of illegal alcohol or a Chapter 893 controlled substance.
- (d) The use of alcoholic liquors, morphine, cocaine, or other drugs having similar effects, on the premises of the driver training school or driver license office.
- (e) Aiding or assisting a person in obtaining a driver's license by fraudulent procedures.
- (f) The unauthorized possession of application forms or questionnaires used by the Department or its agents in conducting driver's license examinations.

Acts or conditions that warrant suspension include, but are not limited to, the following:

- (g) Mental incompetence.
 - (h) The failure or refusal of the owner or the officers or partners thereof to permit the Department or its representatives to inspect the school or class, or the motor vehicles used to teach its students or to give full information pertaining to any or all items contained in an application form or to its program.
 - (i) The failure or refusal of a certified instructor, agent or licensed owner or the officers or partners thereof to produce his license, certificate or identification card when requested to do so either by prospective students, student or official of the Department.
 - (j) The failure of the owner or the officers or partners thereof to maintain adequate standards of instruction or to secure the services of qualified instructors or to secure the use of equipment sufficient to maintain the school or classes.
 - (k) The employment of instructors, teachers or agents who have not been approved and certified or issued identification cards by the Department.
 - (l) The failure to immediately advise the Department of a change in the school's ownership.
 - (m) The instruction of students contrary to the restrictions imposed on the students' driver's licenses.
 - (n) Solicitation of business within 300 feet of the property rented, leased or owned by the Department, including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.
- (2) The Department may take emergency suspension or revocation action, without preliminary hearing whenever any school or instructor has knowingly been involved in assisting anyone to obtain a driver's license fraudulently or otherwise acted in a manner whereby an immediate danger to the public safety would result by delaying such suspension or revocation action as outlined in section 120.60 F.S.
- (3) Prior to any Departmental action against a driver training school license, instructors certificate or agent's identification card, an administrative hearing shall be offered by the Department and held by the Bureau of Administrative Reviews office to allow the school owner or instructor to show cause why action should not be taken, except as provided in emergency suspension action as outlined in section 120.60 F.S.
- (4) Any applicant for a license, certificate or agents identification card who is denied, suspended or revoked by the Department in accordance with this rule may re-apply for consideration three years after the date of such denial, suspension or revocation.
- (5) The Department shall notify CIE if negative action is taken against a truck driver training school or its instructors.

Specific Authority 488.02 FS. Law implemented 488.06 FS. History—New_____.

15A-11.014 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the DUI Programs Section, Neil Kirkman Building, Tallahassee, Florida 32399-0571. The following forms are available via our website at

<http://www.flhsmv.gov/ddl/comschool.html>

- (1) Driver Training School Application Form, HSMV Form 77074S (Rev. 11/08),
- (2) Instructor/Agent Application Form, HSMV Form 77073S (Rev. 11/08),
- (3) Vehicle Registration Application Form, HSMV Form 77071S (Rev. 11/08),
- (4) Student Contract Form, HSMV Form 77072S (Rev. 11/08)

Specific Authority 488.02FS. Law Implemented 488.01 FS. History—New_____.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol

RULE TITLE:

RULE NUMBER:

Approved Speed Measuring Devices

15B-2.013

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to incorporate those speed measuring devices that have been approved since the last revision to Rule 15B-2.013.

SUMMARY: Changes are being made to the Department’s rule on Approved Speed Measuring Devices to incorporate those speed measuring devices that have been approved since the last revision of Rule 15B-2.013.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency. Any person who wished to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 316.1905, F.S.

LAW IMPLEMENTED: 316.1905, 316.1906, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, December 23, 2009 at 10:00AM

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850) 617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

Rule Titles:

Rule Numbers:

Approved Speed Measuring Devices

15B-2.013

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) – (c) – No Change

(d) Kustom Electronics, Inc., or Kustom Signals, Inc.

1-29 – No Change

30. Raptor RP-1

(e) – (g) – No Change

(2) – (4) – No Change

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a)-(c)-No Change

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B, Model Speed Laser R, Model Speed Laser S.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09, _____

NAME AND AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE OF PROPOSED RULE APPROVED BY THE AGENCY HEAD: [Insert date]

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES Division of Motor Vehicles

CHAPTER NO:
15C-4

CHAPTER TITLE:
Private Recreational Vehicle Inspections

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F. A. C., Private Recreational Vehicle Inspections, because they are obsolete. Section 320.8256, Florida Statutes, which provided rulemaking authority for this rule, has been repealed; therefore the Department no longer performs private recreational vehicle inspections. The effect will be to repeal Chapter 15C-4, F. A. C.

SUMMARY: The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F. A. C., Private Recreational Vehicle Inspections, because they are obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding a statement of regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 320.8256, FS.

LAW IMPLEMENTED: 320.8256, 320.824(1), 320.824(2), 320.8231, 320.8232, 120.53(1)(b), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 22, 2009 at 9:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-4: Private Recreational Vehicle Inspections

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.824(1), 320.824(2), 320.8231, 320.8232, 120.53(1)(b), FS. History—New 11-5-80, Amended 2-8-81, Formerly 15C-4.01, 15C-4.02, 15C-4.04, 15C-4.05, 15C-4.06, 15C-4.07, 15C-4.08, 15C-4.09, Amended 1-13-92 Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Rankin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: [insert date]

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES Division of Driver Licenses

CHAPTER NO: CHAPTER TITLE:
15C-5 Motor Vehicle Inspection

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, because they are obsolete. Section 325.26, Florida Statutes, which authorized rulemaking for this rule, has been repealed; therefore the Department no longer performs motor vehicle inspections. The effect will be to repeal Chapter 15C-5, F.A.C.

SUMMARY: The purpose is to repeal Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, because they are obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 325.26, FS.

LAW IMPLEMENTED: 325.12, 325.13, 320.15, 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: Tuesday, December 22, 2009, at 10:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-5: Motor Vehicle Inspection

Rulemaking Specific Authority 325.26, FS. Law Implemented 325.12, 325.13, 320.15, 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27, FS. History–New 5-7-81, Formerly 15C-5.01, Formerly 15C-5.02, Formerly 15C-5.03, History–Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Amended 5-7-81, Formerly 15C-5.04, Formerly 15C-5.05, Formerly 15C-5.06, Formerly 15C-5.07, History–Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08, Formerly 15C-5.09, Formerly 15C-5.10, Formerly 15C-5.11, History–New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Rankin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: [insert]

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
Division of Driver Licenses

CHAPTER NO: CHAPTER TITLE:

15C-6 Motor Vehicle Emissions Inspection

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete. Section 325.219, Florida Statutes, which authorized rulemaking for this rule, has been repealed; therefore the Department no longer performs motor vehicle emissions inspections. The effect will be to repeal Chapter 15C-6, F.A.C.

SUMMARY: The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 325.26, 325.205(3), 320.011, FS.

LAW IMPLEMENTED: 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: Tuesday, December 22, 2009, at 2:30 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dwight Davis, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, 2900 Apalachee Parkway, Mail Stop 66, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-6: Motor Vehicle Emissions Inspection

Rulemaking Specific Authority 325.219, FS. Law Implemented 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214, FS. History–New 9-18-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, History–New 6-21-90, History–New 2-11-92, History–New 8-2-89, Formerly 15C-7.001, Amended 8-4-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Rankin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: [insert]



A SAFER
FLORIDA

HIGHWAY SAFETY AND MOTOR VEHICLES



**1ST QUARTER PERFORMANCE REPORT
FISCAL YEAR 2009 - 2010**

PROVIDING HIGHWAY SAFETY AND SECURITY
THROUGH EXCELLENCE IN SERVICE, EDUCATION, AND ENFORCEMENT

JULIE JONES, EXECUTIVE DIRECTOR

Leading the Way to... A Safer Florida!

DHSMV Completes Installation of State-of-the-Art Queuing System in Driver License Offices: The



Department has completed installation of a premiere queuing system to improve customer service, set internal performance metrics and measure driver license office and examiner performance. Prior to the system, customer flow within state-owned driver license offices was managed manually. The Department has installed the Q-Matic system in 53 of the highest volume offices statewide. The system has also identified opportunities in several offices for workflow enhancements, staffing level adjustments, and additional training which is currently underway.

Florida Launches the Joshua Abbott Organ and Tissue Registry: In July, the Department partnered with Florida's Agency for Health Care Administration and Donate Life Florida to launch the Joshua Abbott Organ and Tissue Donor Registry. The new online registry at www.DonateLifeFlorida.org allows residents (and even those who live outside Florida) to designate themselves as organ, tissue, and eye donors. The online registry also makes the exact wishes of registered donors more accessible and current for organ, tissue and eye recovery organizations. Funding for the registry comes solely from voluntary contributions to the Health Care Trust Fund through the \$1 donation Floridians make when obtaining motorist services.



Department Announces New Web Feature for Drivers: A new feature on our website allows customers who have received traffic citations (in Florida) determine eligibility to attend driver improvement school in lieu of points on their driving record. Drivers may elect to attend driver improvement school up to once per year and five times in a ten year period. To access the information, visit www.flhsmv.gov/dlcheck, and simply enter the driver license number. The results indicate whether a driver can opt for driver improvement school, the last time the driver chose the school option, and the number of times the driver took a course during the previous 10 years.

Florida Highway Patrol Announces Results Of 4th of July Holiday Enforcement: Operation CARE (Combined Accident Reduction Effort), which FHP conducted on July 3 – 5, focused on violations for speed, failure to buckle up, and Driving Under the Influence in an effort to minimize the number of crashes and fatalities on interstate highways during the holiday weekend. The Operation resulted in 4,548 speeding citations, 1,928 safety belt-related offenses, and 98 DUI arrests. In addition, troopers assisted 2,443 motorists. While the operation successfully targeted enforcement action on drivers who put themselves and other motorists at risk, FHP reported 19 fatalities and 66 alcohol-related crashes during the holiday period.



City of Miami Declares Highway Safety Day: The City of Miami Board of Commissioners recognized and celebrated the Department of Highway Safety and Motor Vehicles' 40th and the Florida Highway Patrol's 70th anniversaries on July 23. Miami City Commission Chairman Joe Sanchez, a former FHP trooper, praised the commitment to highway safety by all components of DHSMV as well as the contribution to serve Floridians made on a daily basis by all members. Business, community and political leaders from various south Florida cities, including Florida state representatives, attended the event.



Guaranteed Energy Performance Savings Contract: Continuing to focus on green initiatives, the Department entered into a guaranteed energy performance savings contract with Siemens Building Technologies, Inc. This contract will retrofit owned facilities across the state with energy efficient lighting and heating and air conditioning (HVAC) systems as well as allow facility staff in Tallahassee to monitor and control the HVAC systems across the state to reduce energy consumption. Boilers at the Kirkman Building are also being changed from fuel oil to natural gas to further reduce energy costs. The project moves the Department towards its goal of reducing greenhouse gas emissions, and the initiative will save more than \$170,000 in electricity annually.



Florida Highway Patrol Central Installation Facility Works on FDLE Vehicles: FHP and the Florida Department of Law Enforcement have entered into an agreement for the next fiscal year for services to be performed by the FHP Central Installation Facility. The agreement outlines that FHP's communications technicians in Middleburg will perform the installation of communications equipment and other law enforcement related equipment in new FDLE vehicles. This working arrangement will save the state taxpayers thousands of dollars by using state resources instead of a private vendor to perform these services.



Motorcycle Safety Campaign Garner Statewide Recognition: The Florida Public Relations Association recently presented its top award for statewide campaigns, the Golden Image Award, to the Department for its “Ride Proud. Dress Loud.” safety campaign. The campaign launched last summer to make Florida’s roads safer for motorcycle riders. The campaign encouraged riders to make themselves more visible to other motorists and to ride with the appropriate training and endorsements. Notably, motorcycle rider and passenger fatalities in Florida decreased 3.3 percent between 2007 and 2008 from 550 to 532. Tallahassee communications firm, Kidd Group, assisted the Department with the campaign.



Florida Highway Patrol Assists with Motorcycle Safety Video: The Department has assisted the Institute of Police Technology and Management and the Florida Department of Transportation with a video project on how to conduct traffic stops on motorcycles and the laws pertaining to riding a motorcycle. The video will arm law enforcement officers with some important information about the complexities of Florida law when it comes to enforcing traffic violations related to different types of vehicles. According to DHSMV statistics, even though motorcycles represent just over 4 percent of registered vehicles in Florida, nearly 18 percent of all fatalities were motorcycle drivers and their passengers. Once produced, the video will be provided to all law enforcement agencies in Florida.



Plain Language Pays Off: As part of a process improvement exercise involving the Customer Service Center, the Department reviewed call types generating the majority of calls for the center. Two of the top issues generating calls were citation and vehicle insurance questions. Letters frequently mailed on these two topics were thoroughly reviewed by subject matter experts and our legal team. The review resulted in a more “streamlined” letter with step by step instructions and clearer language. Since instituting the revised letters call volume on citation issues has decreased nearly 1,200 calls per month or 19 percent. In addition, calls regarding vehicle insurance have decreased over 500 calls per month or 8.5 percent. These figures are significant as the Customer Service Center receives over 70,000 calls per month.

Aggressive Enforcement and Education Saves Lives: From August 21 through September 7, FHP participated in the national *Over the Limit. Under Arrest.* campaign and focused on drivers who violated Florida’s Move Over Law during FHP’s *Be Smart, Drive Smart Florida!* effort. Both initiatives ran through the Labor Day weekend. Troopers issued more than 57,000 traffic citations and made 540 arrests for Driving Under the Influence of alcohol or drugs. They cited more than 20,000 drivers for speeding and more than 2,200 for violating the Move Over law. Troopers also assisted nearly 15,000 motorists, gave nearly 21,000 warnings and issued more than 8,500 faulty equipment notices.



Department Implements New Fees: On September 1st new fees, established by the 2009 Florida Legislature, were implemented for 107 different motorist services. This large number of fee changes required an enormous amount of planning, programming, and testing hours with a short deadline. Members of the Division of Motor Vehicles, Division of Driver Licenses, Division of Administrative Services, the Communications Office, Office of Workforce Programs and ISA’s Project Management Office attended 30 Joint Application Development (JAD) sessions for the purpose of reviewing each fee change and its impact on DHSMV’s policies and procedures, communications efforts, and information systems. The outcome of the JAD sessions included changes to 243 existing fee codes, 33 new fee codes and associated system enhancements, and 72 distribution schedule changes. Approximately 1,200 hours were spent on the planning phase and over 14,000 hours were spent by ISA to complete the changes by the September 1, 2009 deadline.

Department Enhances Database with Night Screen Option: To better accommodate the state’s law enforcement officers patrolling in the evening hours, the Department has released an update to the Driver and Vehicle Information Database. This update includes an option to enter *night screen* mode, which makes viewing driver license or motor vehicle information in the evening easier. The Department is pleased to offer this option to law enforcement personnel throughout the state.

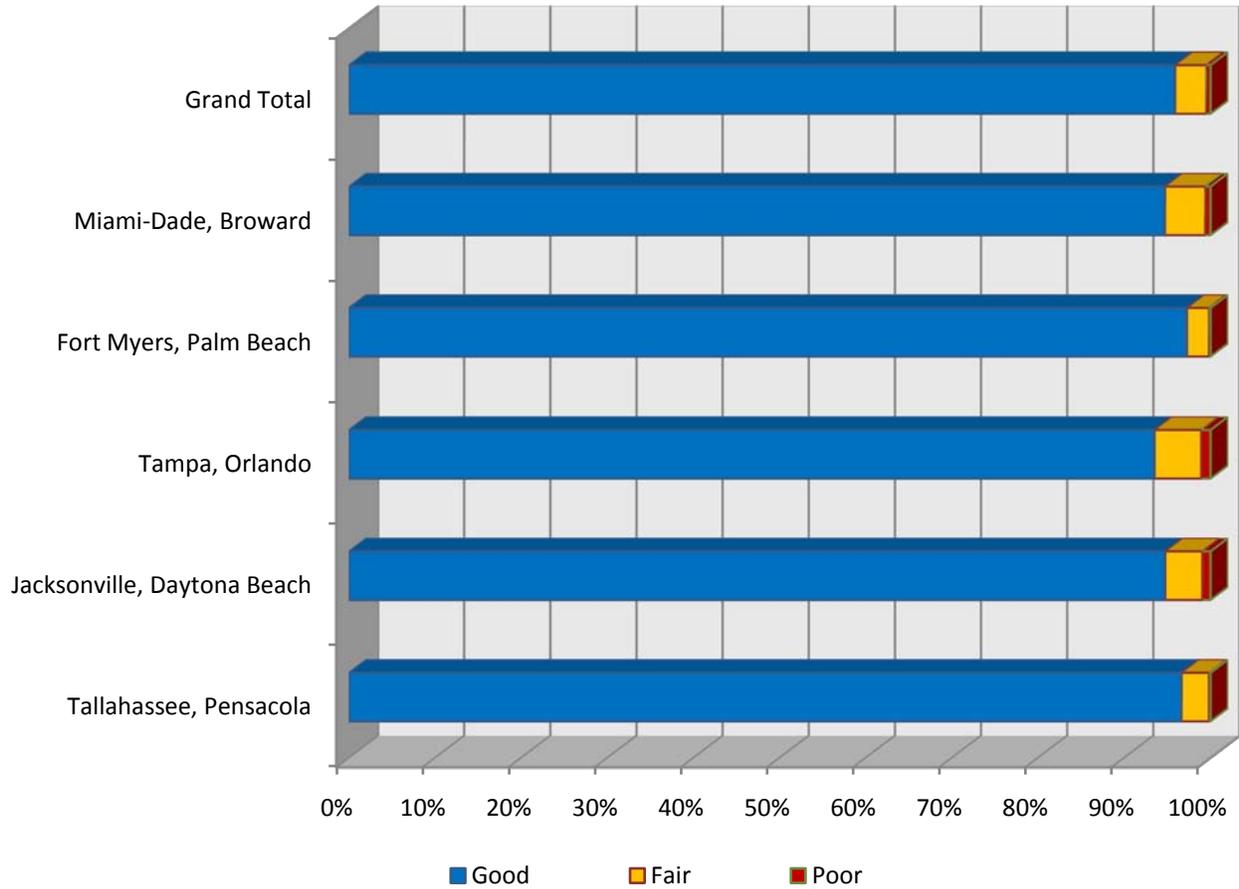
DHSMV Launches Public Arm of the Real ID Public Information Campaign: The final phase of the Real ID informational campaign was launched to the public on August 13. The website, www.GatherGoGet.com, allows users to create a personalized checklist of the documents they will need to gather before going into an office and getting a compliant credential after January 1, 2010. The purpose behind the education campaign is to empower Floridians and prevent multiple trips to their driver license office. Since inception, the site has hosted over 177,000 visits.



Customer Service Information

Driver License In Office Surveys – The following information is based on the overall service satisfaction score from over 14,000 surveys received from state driver license field offices during the first quarter.

Overall Service Satisfaction

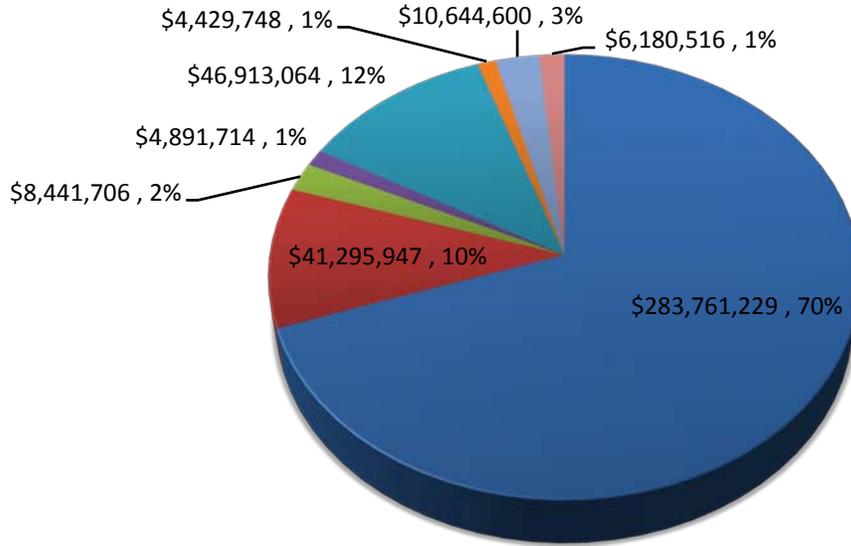


Revenue Information

Revenue Generated

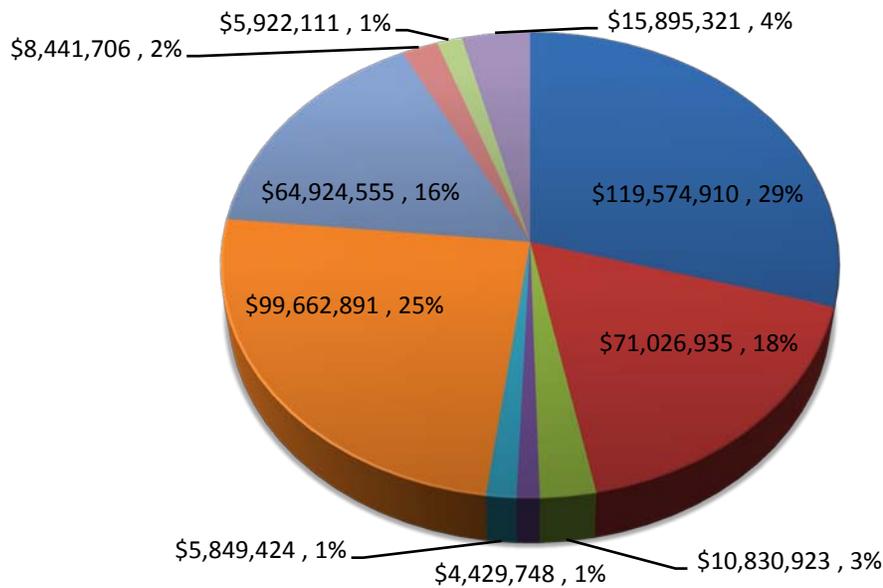
	Trust Fund	General Revenue	Total
1 st Quarter	\$341,633,969	\$64,924,555	\$406,558,524

Where the Money Comes From – 1st Quarter



- Licenses Plates and Decals
- Motor Vehicles Titles
- Motor Fuel Use Tax
- Fines and Forfeitures
- Driver Licenses
- International Registration Plan Receipts
- Driving Records/Transcript
- Other

Where the Money Goes – 1st Quarter



- Department of Education
- HSMV Agency Funding
- Specialized Plate-Sponsor
- International Registration Plan Program
- Law Enforcement Radio TF
- Dept of Transportation
- General Revenue Funded Programs
- Fuel Use Tax
- Air Pollutions Control program
- Other

Performance Measures

<i>Measure</i>	<i>1st Quarter 2008-09</i>	<i>1st Quarter 2009-10</i>	<i>Annual Standard</i>
Service Delivery - Employ strategies that ensure customer-driven excellence.			
1. Number of motorists assisted by FHP	80,795	77,016	300,000
2. Percent of driver license office customers waiting 15 minutes or less for service (1)	Annual	47%	80%
3. Percent of driver license office customers waiting less than 30 minutes for service (1)	Annual	67%	95%
4. Percent of customer service phone calls answered by the Customer Service Center within 2 minutes of being placed in the queue (2)	42%	39%	70%
5. Number of highway crashes investigated by FHP	54,643	54,381	235,000
6. Percent of fatal highway crashes investigated by FHP to all fatal highway crashes investigated by law enforcement in Florida	52%	61%	60%
7. Percent of highway homicide investigations completed within 90 days of crash	82%	69%	80%
8. Percent of calls for service responded to within 30 minutes	71%	70%	65%
9. Percent of traffic investigation hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	23.6%	24.1%	23%
10. Percent of criminal investigation cases resolved within 30 days	34%	43%	50%
11. Percent of professional compliance investigation cases completed within 45 days (3)	69%	23%	80%
12. Number of corrections per 1,000 driver records maintained (4)	6.0	6.7	4
13. Number of driver licenses and identification cards issued	1,539,074	1,530,191	6,200,000
14. Percent of vehicle/vessel titles issued without error	93%	89%	92%
15. Number of motor vehicle/manufactured home/vessel titles issued	1,316,007	1,225,158	5,750,000
16. Number of motor vehicle/manufactured home/vessel registrations issued	5,019,856	4,851,988	21,300,000
17. Percent of titles issued within 3 workdays of request	100%	100%	98%
18. Percent of motor vehicle, manufactured home and recreation vehicle dealer licenses issued within 5 workdays of receipt of completed dealer application	99%	99%	99%
19. Percent of paper titles issued for motor vehicles, manufactured homes and vessels to all titles issued	77%	77%	80%
20. Percent of biennial motor vehicle, manufactured home and vessel registrations issued to all registrations issued eligible biennial registration participants	5%	45%	6%

<i>Measure</i>	<i>1st Quarter 2008-09</i>	<i>1st Quarter 2009-10</i>	<i>Annual Standard</i>
Safety –Protect our citizens’ lives and personal security through service, education, and enforcement.			
21. Florida highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	1.5
22. Florida alcohol-related highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	0.58
23. Florida's seat belt compliance rate	81.7%	85.2%	85%
24. Percent of preventive patrol hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	57.1%	52.9%	52%
25. Number/Percent of registered vehicles that meet Florida's minimum insurance requirements	11,642,182 94%	11,613,684 95%	95%
26. Number/percent of driving related sanctions issued to all sanctions issued	32,134 5.4%	30,581 6.1%	130,000 5.0%
27. Percent of "Driving Under the Influence" course graduates who do not have another DUI conviction within 4 years of graduation	Annual	Annual	90%
28. Percent of new manufactured home warranty complaints to new manufactured homes titled (5)	0.8%	0.8%	0.6%
29. Number of manufactured homes inspected in plants (6)	1,184	628	6,000
30. Number of rebuilt salvage motor vehicles inspected	6,293	9,138	25,000
31. Number of dealer licenses issued (includes motor vehicle and manufactured home dealers, and manufacturers licenses)	Annual	Annual	12,800

Workforce –Build an environment that regards our members as our most valuable resource.			
32. Percent of FHP recruit graduates who passed certification exam on initial testing	N/A	N/A	95%
33. Percent turnover for all FHP troopers and corporals	N/A	3.1%	7.5%
34. Percent of administrative/training hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	19.3%	23.0%	25%

Performance Management –Take an integrated approach to measure, manage, and improve our organizational performance to further the agency’s mission.			
35. Agency administration and support costs as a percent to total agency costs	4.80%	5.60%	5.00%
36. Number/percent of non-driving related sanctions issued to all sanctions issued	568,665 94.6%	471,559 93.9%	2,470,000 / 95%
37. Cost per motor vehicle/manufactured home/vessel title issued	\$2.50	\$2.82	\$2.75
38. Percent of International Fuel Tax Agreement audits completed to all International Fuel Tax agreements (7)	0.45%	0.55%	3.00%
39. Percent of International Registration Plan Agreement audits completed to all International Registration Plan agreements	0.34%	0.83%	3.00%

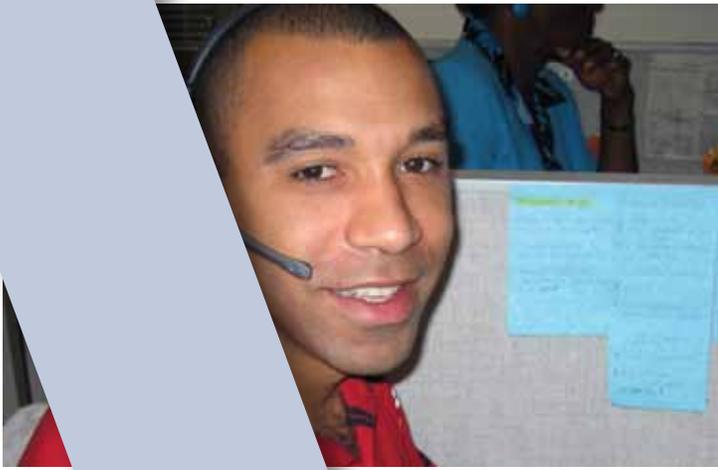
PERFORMANCE EXPLANATION

- (1) Percent of driver license office customers waiting 15 minutes or less for service and Percent of driver license office customers waiting less than 30 minutes for service – The majority of the variance can be attributed to driver license examiners learning the new process associated with the queuing system and system instability. The Department is providing training for members on the new system and is working with the vendor to resolve the technical difficulties. In addition, during the final days of August the Department experienced extraordinary volume based on customers electing to complete transactions prior to the September 1 fee increases.
- (2) Percent of customer service phone calls answered by the Customer Service Center within 2 minutes of being placed in the queue – The Department continues to experience a large volume of calls that exceeds current capacity. Several steps have been taken to reduce the volume by maximizing staff, resources, technology, and processes.
- (3) Percent of professional compliance investigation cases completed within 45 days - The complexity of specific cases during this quarter necessitated additional investigative time. In addition, Office of Professional Compliance investigative staffing is currently down by eight investigators, due to promotions, vacancies, and one temporary reassignment to the Bureau of Integrity, causing increased caseloads and travel time for investigators. Investigations are fluid by nature and this quarter necessitated an increased investigative effort with decreased resources, which strongly attributed to the variance.
- (4) Number of corrections per 1,000 driver records maintained - Many of the errors made on the driver's record, which subsequently require a correction, are completed or reported by outside agencies (courts and other state motor vehicle agencies). The Department, through a DOT grant, is working with five clerks of court to identify causes of errors in the transmission of citation data and to propose solutions to decrease error rates. Quality assurance reviews have also revealed system errors. We have hired a consultant to document the business rules and provide a gap analysis. Two federal grants will partially fund system modernization and data clean-up efforts.
- (5) Percent of new manufactured home warranty complaints to new manufactured homes titled – Warranty complaints are investigated on Florida and out-of-state built manufactured homes titled in Florida. The variance is caused by the higher number of complaints on out-of-state manufacturers that ship into Florida. Our statistics reveal 23 of the 37 warranty complaints (62%) were against manufactured homes built outside Florida.
- (6) Number of manufactured homes inspected in plants - Production in mobile/manufactured home plants has continued to decrease due to reduced public demand and industry decline causing fewer homes to be inspected in plants. The Department inspects 100 percent of all Florida in plant manufactured homes.
- (7) Percent of International Fuel Tax Agreement audits completed to all International Fuel Tax agreements – The variance is due to a change in the reporting methodology. Audits are now counted complete once the review process is complete and the information has been transmitted to the other jurisdictions. This makes the process consistent with annual International Registration Plan and International Fuel Tax Agreement reports. In addition, this is a cumulative measure that may not account for quarterly variances.

**PURCHASES MADE IN EXCESS OF \$25,000 AND NOT IN CONJUNCTION WITH
STATE CONTRACTS**

JULY through SEPTEMBER 2009

ITEM(S) PURCHASED	VENDOR	AMOUNT
DDL: This booklet is used as a guide in the safe operation of motorcycles, designed to teach novice and experienced riders, and skills taught in the Motorcycle Safety Foundation. Order No. A0DC63.	Motorcycle Safety Foundation Irvine, CA	\$74,452.80
DAS: To continue full service maintenance which is essential to support the daily operation of the high speed and high volume Docutech located in the Print Shop. Order No. A0B81D.	Xerox Corporation Supplies Lewisville, TX	\$67,496.22
ISA: Maintenance services for ADLTS Application Computer Software. Hewlett Packard provides additional service to support the infrastructure, database considerations, network, and hardware in the Kirkman Building. Order No. A0E146.	Hewlett Packard Tallahassee, FL	\$67,500.00
DDL: The West Government database gives the Department instant ability to verify raw data such as peoples, associates, criminal history, addresses, date of birth, SSN, etc. Order DO# 1518447.	West Publishing Corporation McLean, VA	\$26,460.00
DDL: This service provides ongoing maintenance that updates the Expert System to keep employees abreast of new laws and practices, so they may give the customer the correct information regarding their particular situation. Order No. A024F0.	Canopy Software, Inc. Tallahassee, FL	\$48,000.00



Legislative Budget Request

Fiscal Year: 2010-2011



2010-11 FY Goals



Service Delivery

It is critical that we employ strategies that ensure customer-driven excellence.

1. We will improve customer satisfaction annually focusing resources where opportunities for improvement are greatest.
2. We will increase efficiency in our work systems to enhance internal and external service delivery.
3. We will expand public and private partnerships to increase visibility or availability of services and achieve strategic objectives.

Safety

It is critical that we protect our citizens' lives and personal security through service, education, and enforcement.

4. We will decrease the number of traffic fatalities and injuries annually on Florida's roadways.
5. We will improve the safety of Florida's residents and visitors through proactive enforcement.
6. We will advance our safety education efforts and consumer protection initiatives to increase public awareness.
7. We will safeguard crucial information to ensure public trust.

Workforce

It is critical that we build an environment that regards our members as our most valuable resource.

8. We will attract and retain a diverse and highly qualified workforce.
9. We will recognize members who are responsive, innovative, and effective.
10. We will provide educational resources that expand and increase professional knowledge and personal development.
11. We will provide personalized, professional human resource services and programs to support our members.

Performance Management

It is critical that we take an integrated approach to measure, manage, and improve our organizational performance to further the agency's mission.

12. We will cultivate a strategic thinking agency by ensuring effective governance and implementing proactive solutions to anticipated trends and strategic challenges.
13. We will "measure what matters" to ensure accountability, organizational sustainability, and improvement of overall agency effectiveness and capabilities.

What We Believe...



OUR MISSION

Providing Highway Safety and Security through Excellence in Service, Education, and Enforcement

OUR VISION

A Safer Florida!

OUR VALUES

WE BELIEVE IN:

- Service by exceeding expectations;
- Integrity by upholding the highest ethical standards;
- Courtesy by treating everyone with dignity and respect;
- Professionalism by inspiring confidence and trust;
- Innovation by fostering creativity; and
- Excellence in all we do!

Fiscal Year 2009-10 Budget

Division	FTE	Highway Safety Operations Trust Fund
Office of Executive Director and Administrative Services	276	\$18,447,675
Florida Highway Patrol	2232	\$207,081,418
Driver Licenses	1476	\$104,918,706
Motor Vehicles	425	\$35,690,040
Information Systems Administration	175	\$27,195,602
TOTAL	4,584	\$393,333,441

**excludes administered funds*

Fiscal Year 2010-11 Budget Request



Issue	FTE	Trust Fund Request		Total Request
		Non-Recurring	Recurring	
1. FHP and Motorist Services Leadership Development Plan			1,962,558	1,962,558
2. Phase I - Replace Outdated Computer Systems		1,440,000		1,440,000
3. FHP Regional Communication Center Telephone System Enhancements		1,354,103		1,354,103
4. Purchase of Driver Licenses			2,286,037	2,286,037
5. Adjustments in Recurring Operating Expenses		39,994	837,807	877,801
6. Critical Repairs and Mold Remediation		1,242,000		1,242,000
7. Trooper Equipment		1,201,505		1,201,505
TOTALS:	0	5,277,602	5,086,402	10,364,004

Florida Highway Patrol & Motorist Services Leadership Development Plan

Funding in the amount of \$1,962,558 is requested for a Leadership Development Plan for FHP's law enforcement officers and Motorist Services driver license examiners and compliance officers. The plan will create a more educated, highly trained, and professional workforce, thus improving service delivery and helping enhance the quality of services to the motoring public.

The Department recognizes its members as its most valuable resource. The Department's Leadership Development Plan would incorporate education, leadership training, experience, work history, and performance evaluation to cultivate our law enforcement officers and motorist services members to become future leaders of the agency who are prepared to command in an increasingly complex society. Through this plan, we would provide opportunity and motivation for members to improve their leadership, performance, and customer service skills. This would result in greater expertise and professionalism, which would be reflected in the interactions between the motoring public and our troopers, driver license examiners, and compliance officers. It may also result in higher quality products, more innovation, and better marketing strategies, as members are trained and encouraged to seek new ways to meet the ever changing needs of our communities.

The Department's Leadership Development Plan emulates what many other state law enforcement agencies (such as Maryland, Virginia, and Louisiana) have already effectively

implemented. Leadership development is so critical and necessary in law enforcement today that the International Association of Chiefs of Police have created a center to assist agencies in developing effective programs.

As shown in the chart below, this plan would provide graduated compensation increases for our law enforcement officers by creating tiers within the Trooper, Corporal, and Sergeant ranks. Advancement through the tiers would include a minimum number of years of service, an established minimum overall rating on their performance evaluations, and higher education or training requirements. The Leadership Development plan proposes an implementation date of April 1, 2011, with an initial cost of \$1,882,238. Second year costs are estimated to be approximately \$7,848,772.

Similarly, this plan includes funding for salary adjustments for driver license examiners and compliance officers and will allow selected members to advance through newly created positions designed to develop leadership and managerial skills. The initial first year costs (FY 10-11) are projected to be \$80,320 with an estimated annualized cost of \$321,283.

Trooper	Corporal	Sergeant	Experience	Education/Training	Evaluations	Suspensions
Trooper				Entry Level Requirements	Must at least "meet expectations" (exact requirements will be finalized upon approval)	None
Trooper Specialist	Corporal	Sergeant	Min. 2 yrs. Sgt. Min. 5	30 college credits and/or Leadership Training		None in past 3 years
Trooper 1st Class	Senior Corporal	Staff Sergeant	Varies	45 college credits and/or Leadership Training		None in past 3 years
Senior Trooper	Master Corporal	Sergeant 1st Class	Varies	60 college credits and/or Leadership Training		None in past 3 years
Master Trooper		Master Sergeant	Varies	60 college credits and/or Leadership Training		None in past 3 years

Priority One (1) *(continued)*

	# of positions	Increase per position to be reclassified	Total
Driver License Examiner II	54	5%	\$19,093
Senior Driver License Examiner II	54	5%	\$38,187
Subtotal	108		\$57,280
Motor Vehicle Compliance Officer II	33	5%	\$14,569
Motor Vehicle Senior Compliance Officer II	10	5%	\$8,471
Subtotal	43		\$23,040
TOTAL:	151		\$80,320

Phase I to Replace Outdated Motor Vehicle and Driver License Computer Systems

The Department requests **\$1,440,000** to begin the effort to replace the Department's outdated motor vehicle and driver license computer systems.

The Department recognizes that our customers and business needs have changed, and that the Department has become increasingly reliant on the many software systems and applications that are used to provide critical services to the public, law enforcement, courts, other state and local agencies. Customer demand for access to online services has continuously increased and additional online services could be provided if the computer applications were built on an architecture that was easily enhanced and maintained. Due to the complexity of these legacy systems, maintenance and enhancements require more time and human effort than should be required. As a result, many legislative changes take several months to implement when they should be able to be completed in far less time. Additionally, our current driver license and motor vehicle processes and systems are not integrated, making them difficult to enhance and maintain. These current systems are based on antiquated technologies that are inherently rigid and difficult to support, limiting our ability to recognize certain efficiencies resulting from duplicative business processes. Consultant recommendations published in July 2009 suggest that a combination of the Divisions of Driver License and Motor Vehicle into a single Motorist Services organization would result in a more cost effective and efficient organization - with simplified business processes and improved customer service. However, many of the recommendations focus on organization alignment which will require substantive changes to the

supporting computer systems.

It is essential that we develop a plan for system replacement that will support the Department's reorganization effort so that the benefits of the reorganization and new business processes can be fully realized and supported through technology. In the absence of funding for this initiative, the Department will have to continue to work on merging the two divisions without the benefit of true business process re-engineering. Additionally, the newly organized unit will have to rely on disparate, complex computer systems to provide services, while maintenance and enhancement requests will continue to be complex, expensive, and time consuming. Our plan will include a feasibility study and detailed requirements, including business process reengineering, a business case describing how processes can be streamlined and consolidated, cost-benefit analysis, business rules, interfaces, and known customers and system needs. This funding will ensure the replacement of these critical systems are planned appropriately, so that all stakeholders are aware of the value of making this investment, what the costs will be, and the necessary timeline to make all the required changes. This first phase of the project is expected to be completed within 12 months, full system development and implementation is anticipated to take from 3 - 5 years. The estimated costs for this phase of the project are described below, and are based on our experience with hiring consultants for similar types of work.

	FY 2010-2011 Request
Business resources:	
Business analysts (3) 6,000 hrs. @ \$100	\$600,000
ISA resources:	
Business analysts (3) 6,000 hrs. @ \$100	\$600,000
Project manager (1) 2,000 hrs. @ \$120	\$240,000
Total funding requested	\$1,440,000

FHP Regional Communication Center Telephone System Enhancements

The Department is seeking **\$1,354,103** to update and improve telephone systems in three FHP regional communication centers. This request will help ensure that both law enforcement and the public are provided uninterrupted telephone service when they are attempting to reach the one of these call centers.

The current telephone systems in the FHP's Jacksonville, Tallahassee, and Miami regional communication centers are in need of replacement due to their age (between five and nine years old) and their current operating condition. These telephone systems help our duty officers and call takers provide 24 hour a day dispatch services for the FHP and 10 other state law enforcement agencies. However, we have experienced maintenance issues and system down time related to equipment with no redundant capabilities. Unreliable telephone communications equipment, telephone system outages, and use of more expensive conventional telephone lines when less expensive technologies are available negatively impact the Department and the efficiency and effectiveness in which services are delivered. Reliable communications are needed to provide excellent customer service and to ensure a timely response to citizen calls for law enforcement services. These telephone systems are a

critical component to our efforts to provide highway safety and security.

As shown below, this issue requests \$1,354,103 and includes the replacement of the three telephone systems and the upgrading of the related computer aided dispatch and mobile data terminal hardware, including servers, routers, and network storage capacity.

In the absence of necessary funding, the Department must manage its daily telephone calls on equipment that has exceeded its expected lifecycle and for which both parts for repair and vendor support/maintenance may no longer be available. System outages create inefficient and/or ineffective dispatch operations that can adversely affect both officer safety and service to the public. The Department is seeking Federal grant funding to assist with the completion of this project.

Item	# Purchased	Cost	Total (all non-recurring)
Telephone Systems	3	\$111,516	\$334,548
Installation	3	\$50,385	\$151,155
Integration	3	\$23,000	\$69,000
CAD System cost	1	\$693,400	\$693,400
CAD System Installation	1	\$106,000	\$106,000
Total			\$1,354,103

Purchase of Driver Licenses

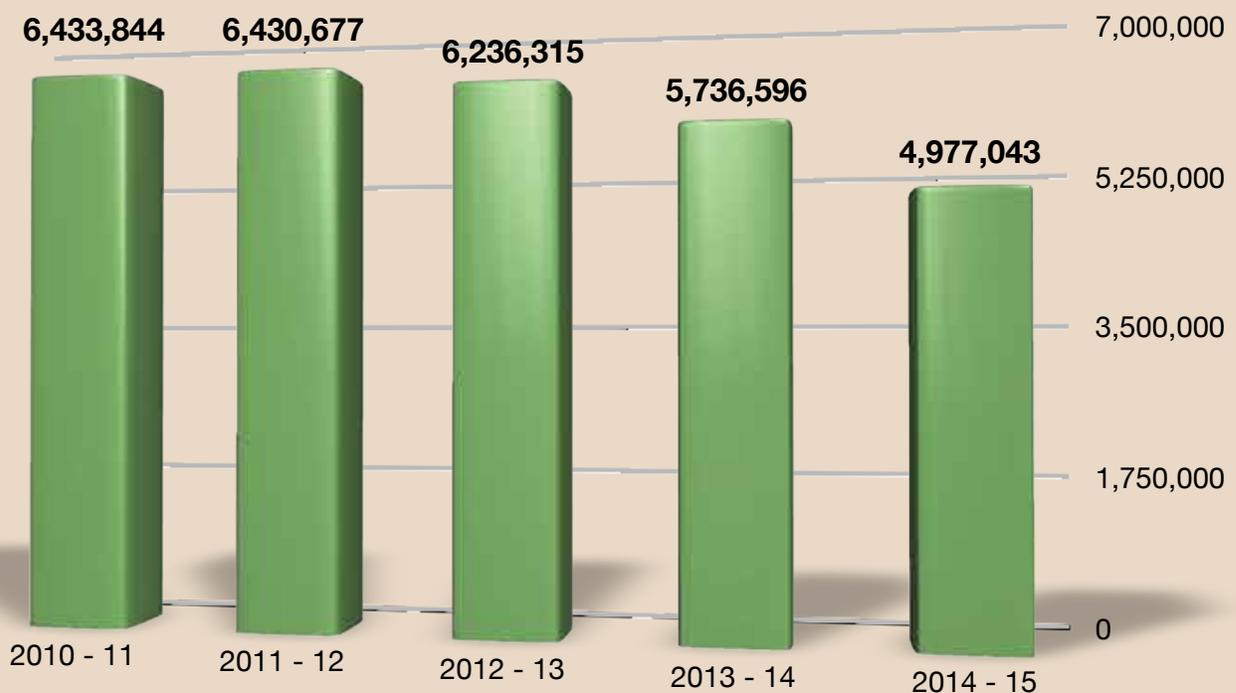
\$2,286,037 is requested to cover the increased cost for the purchase of driver licenses and related contracted services.

The Department contracts for the issuance of Florida's driver licenses and identification cards with an outside contractor. The Department pays a set fee for each card issued, which covers both the cost of the card and the related equipment and supplies necessary to maintain the system. Negotiations for a contract renewal are currently underway with the current vendor. The contract will provide for an equipment refresh and will continue to provide security features that include multiple layers of card security in compliance with Real ID, application access, the ability to

use one or more biometrics identifiers, and the scanning of a customer's identity documents.

Although the terms of the contract are not finalized, the unit price per card issued will be an estimated cost of \$1.99. Based on the FY 10-11 projected issuance of 6,433,844 driver licenses and ID cards and the estimated \$1.99 unit cost, the Department estimates that an additional \$2,286,037 in recurring funding is needed to ensure total driver license funding with the anticipated increased costs associated with the contract.

Anticipated Card Issuances (5-years)



Adjustments in Recurring Operating Expenses

Several of the Department's recurring operating expenses, such as those related to leased facilities, postage, janitorial, and the electronic verification of information with the Federal government have or are scheduled to increase, resulting in the Department's request for additional funding in the amount of **\$877,801**.

Leased Facilities:

- The Department entered into a Memorandum of Understanding with the Florida Department of Transportation in October 2003 to provide a co-located transportation management system designed for early detection of traffic incidents along the state highway system. However, the Department's current funding levels for annual occupancy costs are not adequate to cover these actual expenses.
- The Department has 10 leased offices with leases expiring in FY 2010-11 that include a renewal option in the lease. Market rates have increased since these original leases were executed. To ensure uninterrupted service to our customers, the Department is requesting funding for the price increases to renew the leases for these offices.

Janitorial Services:

- The Department is seeking to obtain janitorial services related to a change in a motorist service office facility lease agreement.

Miscellaneous Operating Expenses:

- The Department is requesting funding to install cabling associated with the relocation of a motorist service office.
- Each year, the Department sends out more than 10 million pieces of mail. The Department is seeking additional funding as a result of the United States Postal Service increasing postage rates.

Issue	Location	Costs
Contractually obligated lease increases	3 FHP Regional Communications Centers	\$364,436
Lease renewals with price increases	9 driver license offices 1 motor vehicle office	\$245,330 \$68,905
Janitorial services	motorist services office	\$15,457
Driver license office cabling	1 driver license and 1 motorist services office	\$39,994
Postage price increase	Statewide	\$143,679
Total		\$877,801

Critical Repairs and Mold Remediation

The Department is requesting **\$1,242,000** for various fixed capital outlay projects necessary to continue operations and provide a safe and clean environment for our customers and members.

The Department's daily operations are conducted in its main headquarters (Tallahassee's Neil H. Kirkman Building) and 130 other driver license, motor vehicle, and Florida Highway Patrol offices throughout the state. Of these 130 facilities, 60 are state-owned and operated facilities. As a result, there are periodic maintenance, repair, and improvement issues that must be addressed to ensure the safety and well-being of both our customers and our members at each location. The following list includes those items that require funding for the FY 2010-11:

Kirkman Building Improvements - The Kirkman Building was originally constructed in 1956 (with subsequent additions), and includes 380,836 square feet. The Department is seeking funding for three critical life safety repair issues:

- Plumbing backflow prevention. Based on a May 2008 State Fire Marshal's report of deficiencies, this improvement is necessary to prevent the backflow of non-potable water into the building system.

- Replacement of the inadequate fire alarm system. The current system does not meet code requirements. Funding is requested to replace and consolidate alarm panel and to include enunciator system for improved emergency response.

Florida Highway Patrol Facility Maintenance - This issue requests funding for critical maintenance and repairs to Florida Highway Patrol facilities statewide including roof repairs, window replacement, and critical paving. Due to hurricanes, tropical storms and other severe weather, water intrusion has caused mold and mildew problems statewide and offices need to be remediated.

Division of Driver Licenses Facility Maintenance - This issue requests funding for mold and mildew remediation resulting from hurricanes, tropical storms, and other severe weather. Also included are roof repairs, ADA restroom compliance and other critical repairs for driver licenses facilities statewide.

Issue	Cost	
Kirkman Building Improvements	Plumbing backflow prevention	\$60,000
	Fire alarm system replacement	\$355,000
Florida Highway Patrol Facility Maintenance	Roofing (Lakeland, Marathon)	\$211,000
	Paving, Miscellaneous critical repairs and maintenance -Statewide	\$63,000
	Mold/Mildew Remediation/Duct Cleaning (Marathon, Statewide recurring)	\$70,000
Division of Driver Licenses Facility Maintenance	Roofing (Coral Reef, Pinellas Park, Tampa BAR, Daytona BAR)	\$268,000
	Mold and Mildew Remediation – Statewide	\$75,000
	ADA restroom compliance – Statewide	\$50,000
	Paving/ Window and Door Replacement - Statewide	\$90,000
Total		\$1,242,000

Trooper Equipment

The Department requests **\$1,201,505** to purchase additional and replacement equipment for the Florida Highway Patrol.

In order to help ensure the personal safety and security of both our law enforcement officers and the motoring public and effectively fulfill the Department's mission and vision, the FHP must periodically upgrade and supplement its existing equipment. Proper equipment allows the Patrol to more efficiently enforce the laws relating to safety and security on the roads in Florida.

This request will fund the purchase of equipment to be used for the Florida Highway Patrol's operations from the Federal Law Enforcement Fund and the State Law Enforcement Trust Fund. The following equipment needs have been identified and are being requested:

1. Personal Protective Equipment (PPE) Kits – PPE kits, designed to protect from chemical and biological agent exposure, are issued to new troopers upon graduation from the FHP Training Academy. However, we have identified a need to acquire 100 kits to replace damaged, used, or expired personal protective equipment kits.

2. Digital Imagers – These Imagers digitize case reports produced by FHP investigations to reduce the amount of paper copies made for public records cases for dissemination purposes. The FHP is requesting funding for two Imagers.

3. Polygraph Instruments – These instruments are used to maintain the integrity of new and existing employees. The Department currently has five instruments, and is requesting two additional devices.

4. Aircraft Surveillance Equipment – In addition to its routine traffic enforcement responsibilities, the FHP aviation unit is occasionally requested to assist local and federal law enforcement agencies during searches, manhunts, and investigation assignments. To assist in these efforts, the Department is requesting three image stabilized binoculars that allow both day and nighttime surveillance (with recording capability).

5. Mobile Digital Video Recorders- These cameras are a vital evidence documenting tool used by the FHP's Contraband Interdiction Program and are the tool of choice for mobile applications. The Department is seeking funding to purchase 55 additional recorders.

6. Rifles – To insure officer safety and security, the Department is requesting authority to purchase 1,085 AR-15 rifles. The patrol rifle's role is to raise the level of force available to a trooper that is closer to the threat level presented by subjects.

Item	Quantity	Cost	Total
Personal Protection Kits (PPE's)	100	\$365.00	\$36,500
Digital Imagers	2	\$6,000	\$12,000
Polygraph Instruments	2	\$3,500	\$7,000
Aircraft Surveillance Equipment	3	\$4,760	\$14,280
Mobile Digital Video Recorders	55	\$4,795	\$263,725
Rifles	1,085	\$800	\$868,000
Grand Total			\$1,201,505

Our Vision... A Safer Florida!



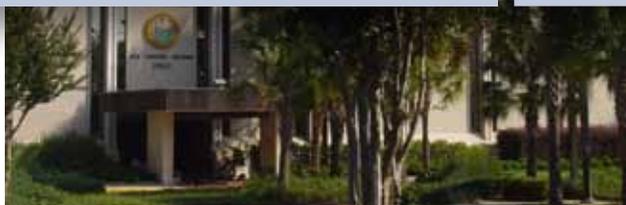
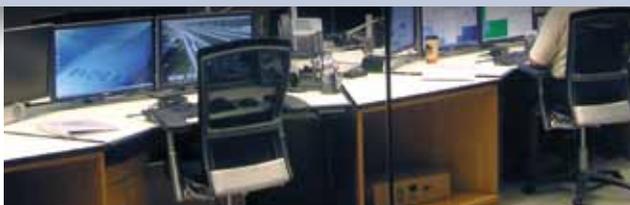
Florida Department of Highway Safety and Motor Vehicles
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Substantive Legislative Proposals

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>

continued

Guiding Principle: *We will protect our roadways.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
<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>

continued

Guiding Principle: *We will protect our roadways.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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>	Indeterminate	s. 316.646

continued

Guiding Principle: *We will protect our roadways.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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

continued

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

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
<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>

continued

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

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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.*

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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. 	None	<ul style="list-style-type: none"> s. 316.066, s. 316.545, s. 320.01, s. 322.095

continued

Other Issues

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
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 	<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. 	<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 	<p>None</p>	<ul style="list-style-type: none"> s. 320.02, s. 322.2615, s. 316.1926, s. 320.084