1. Respectfully submit the Minutes for August 12, 2008 Cabinet Meeting.
   Attachment #1
   Recommended.

2. Respectfully submit the following draft rule amendment for approval to publish a Notice of Proposed Rulemaking.
   Rule No.: 15-1.012, Delegation of Authority. The purpose of the proposed rule action is to amend the current rule to allow the Executive Director to settle claims against the Department without prior approval of the Governor and Cabinet, to conform the rule to the amendments to Section 120.54, F.S. and to raise the reporting requirement for the Executive Director on purchases and expenditures from $25,000 to $100,000.
   Attachment #2
   Recommended.

3. Respectfully submit the following draft rule amendment for approval to publish a Notice of Proposed Rulemaking.
   Rule No.: 15A-7.001, CDL & Third Party Testing. The purpose of the proposed rule action is to amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules.
   Attachment #3
   Recommended.

4. Respectfully submit the following draft rule amendment for approval to publish a Notice of Proposed Rulemaking.
   Rule NO.: 15B-2.016, Tests to Determine Accuracy of Laser Speed Measuring Devices. The proposed rule action revises the current rule changing form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in Rule 15B-2.016 (2) (d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code.
   Attachment #4
   Recommended.
5. Respectfully submit the following draft rule amendment for approval to publish a Notice of Proposed Rulemaking.

Rule NO.: 15B-2.013, Approved Speed Measuring Devices. The purpose of this proposed rule amendment is to add laser devices approved since the last revision, changing the reference numbers of each device, as well as modifying the corporate names of M.P.H. Industries Inc. and Laser Atlanta, LLC.

Attachment #5
Recommended.

6. Respectfully submit the following rule amendment for final adoption in Chapter 15 of the Florida Administrative Code (F.A.C.).

Rule 15C-16. F.A.C., Electronic Temporary Registrations. This amendment allows all temporary license plate issuers to electronically report the issuance of temporary license plates to the Department of Highway Safety and Motor Vehicles.

Attachment #4
Recommended.

7. Respectfully submit the Legislative Budget Request.

Attachment #7
Recommended.


Attachment #8
Recommended.


Attachment #9
For Information.

10. Respectfully submit the new State of Florida License Plate, Play Tennis.

Attachment #10
For Information.

ATTACHMENT 1
THE CABINET
STATE OF FLORIDA

Representing:

DIVISION OF BOND FINANCE
FINANCIAL SERVICES COMMISSION, OFFICE OF
FINANCIAL REGULATION
FINANCIAL SERVICES COMMISSION, OFFICE OF
INSURANCE REGULATION
DEPARTMENT OF REVENUE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DEPARTMENT OF LAW ENFORCEMENT
POWER PLANT AND TRANSMISSION LINE SITING BOARD
BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND
STATE BOARD OF ADMINISTRATION

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 12,
2008, commencing at 9:05 a.m.

Reported by:
JO LANGSTON
Registered Professional Reporter
Notary Public

ACCURATE STENO TYPE REPORTERS, INC.
2894 REMINGTON GREEN LANE
TALLAHASSEE, FLORIDA 32308
(850) 878-2221
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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(Presented by BEN WATKINS)

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**FINANCIAL REGULATION**  
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GOVERNOR CRIST: Highway Safety and Motor
Vehicles. Electra, good morning.

MS. BUSTLE: Good morning.

GOVERNOR CRIST: How are you?

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

GOVERNOR CRIST: Great.

MS. BUSTLE: We have five agenda items today,
and understanding you have a big agenda, there's
only one item that I'm going to speak to. The first
item is we request approval of the minutes from the
February 26 meeting.

COMMISSIONER BRONSON: Motion on Item 1 for
approval.

ATTORNEY GENERAL McCOLLUM: Second.

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

MS. BUSTLE: Item Number 2, we are requesting
approval of our third quarter performance report.

ATTORNEY GENERAL McCOLLUM: I move Item 2.

COMMISSIONER BRONSON: Second.

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

MS. BUSTLE: Item Number 3, we request approval
of our annual performance report. And if I could
just take a minute to talk about a couple of things in there, and if you have questions, I'm happy to answer them, of course.

We've been busy this last fiscal year, and we are proud that we have continued our focus on being a service-driven department. We've made some great strides in the use of technology.

For instance, we started accepting credit cards in all of our offices. We started with a pilot project in April, and July 1st we went to all offices. And we're showing now about 11 percent of our transactions are credit card related, which is great, less money coming through, easier obviously to reconcile.

We've also developed a one-stop shop for our customers. When they come to our website, if they have to do motor vehicle and driver's license related work, they actually can do both at the same time as opposed to having these independent systems.

We rolled out a two-year renewal notice. And I'll use this as a little bit of an advertisement to encourage folks to take advantage of that. When you register your vehicle, you can register it now for two years rather than one year. And it saves you from coming through on an annual basis, and it's a
good customer service tool.

On the education and enforcement front, we've done a lot of work with motorcycle safety, aggressive driving, DUI, teen drivers. There's been quite a discussion on distracted driving. We're going to be focusing on some educational efforts on texting and driving and things to that effect, to encourage folks to think about driving when they're driving.

We've done a move over law, protecting our emergency personnel, statewide campaign. And we've continued our emergency contact information. We actually have 1.3 million drivers registered in our emergency contact database.

And if you remember the I-4 crashes in Polk County months ago, one of the folks there that were injured had his emergency contact information in the system and law enforcement was immediately able to notify the family to go to the hospital. So it worked in a real life situation, which is great.

On the performance measures, we are proud that we have --

GOVERNOR CRIST: Electra, can you hold on a second?

MS. BUSTLE: Sure.
Go ahead.

MS. BUSTLE: On the performance measures, we are proud that we have met the majority of the standards. We've decreased the FHP response time from last year. We've resolved additional criminal investigations.

And we've decreased the wait times in our driver's license offices. 84.4 percent of the folks are waiting less than 15 minutes, up from 80 percent, and our standard is only 50 percent. So we are significantly above the standard.

And, General, we've received dollars to get a queuing system, electronic queuing system. So we'll be implementing that so we can have realtime information regarding what's going on in our driver's license offices.

I just want to thank you for your leadership and your support this last year, and we're continuing to make strides and we're going to continue to focus on being a service-driven department and being proactive.

GOVERNOR CRIST: Thank you.

ATTORNEY GENERAL McCOLLUM: I move Item 3.

CFO SINK: Second.
GOVERNOR CRIST: Moved and seconded. Show it approved without objection. CFO?

CFO SINK: Thank you, Governor. In the interest of full disclosure, given our previous agenda items, this is your opportunity to give us an annual report. And just as a board member overseeing your agency, would you share with us what your two or three -- what you believe your two or three biggest challenges are and whether or not there are issues or concerns that you're concerned about that we as board members ought to be aware of, Electra. Thank you.

MS. BUSTLE: Sure. I think, from the agency perspective, our biggest issues are going to be some of the budget issues coming up, at the same time as implementing the Real ID that's coming, going to be effective 2010.

And I think, in terms of customers coming into driver's license offices, we're going to see an increase there significantly, because everyone, as they come in for their renewal cycle, will not be able to use the Internet this next time.

They'll be coming into our offices and they'll be bringing what we call breeder documents, for lack of a better term. They have to prove who they are
and where they're living. So each of the
transactions, as someone comes to a driver's license
counter, is going to take longer.

So as we're proud about reporting that our wait
times are down, there is some concern, as that law
becomes -- is implemented in 2010, those years of
people coming in, we're going to see some increases.

At the same time, we closed 13 offices last
year in order to accommodate some of the budget
reductions. So balancing that is going to be, I
think, one of our focus areas. But I think we're
going to have a very heavy public education campaign
to let people know what they need to bring into the
driver's license offices so they're not frustrated
when they come and we say you need X, Y and Z and
they don't have it.

So I think that's going to be a focus area.
And I can't think of -- I really am not concerned in
any of the other areas. Law enforcement, Florida
Highway Patrol, retaining and recruiting those
folks, very important. Thank you for your support
last year, for their five percent increase, October
1.

We have seen some positive results already
there. But a continued focus on making sure that we
recruit and retain the best folks, not only for the Florida Highway Patrol, but I know you all have state law enforcement as well that needs to be focused on.

So those would be really sort of the two major areas. Standing here today, I really can't think of anything else to raise the flag on for y'all.

CFO SINK: Thank you.

GOVERNOR CRIST: Next item. Thank you.

MS. BOSTLE: Item Number 4, we request approval for our annual, my annual performance contract.

GOVERNOR CRIST: Is there a motion on Item 4?

COMMISSIONER BRONSON: Motion on Item 4.

ATTORNEY GENERAL McCOLLUM: Second.

GOVERNOR CRIST: Moved and seconded. Show it approved without objection. Thanks, Electra.

MS. BOSTLE: One more item. Sorry.

GOVERNOR CRIST: Go ahead.

MS. BOSTLE: Item Number 5, we respectfully request authorization for the Department of Highway Safety and Motor Vehicles to settle Mary Ann Collier, et al., versus Dickinson -- I have a case number -- in accordance with the mediated settlement agreement, and I believe you have the details as part of the package.
ATTORNEY GENERAL McCOLLUM: I move Item 5.

COMMISSIONER BRONSON: Second.

GOVERNOR CRIST: Moved and seconded. Show it approved without objection. Thank you.

MS. BUSTLE: Thank you.

GOVERNOR CRIST: Again.
ATTACHMENT 2
Notice of Proposed Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE TITLE: Delegation of Authority
RULE NO: 15-1.012

PURPOSE AND EFFECT: To allow the Executive Director to settle claims against the Department without prior approval of the Governor of Cabinet. The Executive Director will continue to report such settlements to the Governor of Cabinet at least quarterly. The amendments also conform the rule to the amendments to Section 120.54, F.S., that were enacted by CS for Senate Bill 704. To raise the limit for the Executive Director to make purchases from $25,000.00 to $100,000.00.

SUMMARY: Changes the Executive Director’s reporting requirement for expending funds and making purchases from $25,000 to $100,000. Deletes the limit on authority of the executive director to settle law suits and other claims against the Department. Authorizes the executive director to initiate rulemaking by publishing a notice of rule development and deletes the procedure for approval of publication of the notice of proposed rulemaking without formal action by the Governor and Cabinet. Deletes a redundant reference to initiation of rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes 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.

SPECIFIC AUTHORITY: 20.05(5), 120.53(1)(a), 320.011 FS.

LAW IMPLEMENTED: 20.05(1)(b), 120.53(1)(a), 120.54 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):

TIME AND DATE: TBA

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number TBA, Tallahassee, Florida 32399
PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael J. Alderman, Senior Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399, (850) 617-3101

THE FULL TEXT OF THE PROPOSED RULE IS:

15-1.012 Delegation of Authority.

Authority to take the following action is hereby delegated by the Governor and Cabinet acting as the head of the Department to the Executive Director of the Department of Highway Safety and Motor Vehicles or the Executive Director’s designee:

(1) through (5) No change.

(6) To expend appropriated funds and make purchases including operating capital outlay to carry out the day-to-day operations of the Department. However, all purchases over $100,000 which are not made from a state contract established by the Department of Management Services shall be reported at least quarterly.

(7) through (11) No change.

(12) To settle claims, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment. Such settlement shall be limited to $25,000.

(13) through (14) No change.

(15) To act on behalf of the agency in carrying out the provisions of Chapter 120, F.S., unless prohibited by law or by directives issued by the Governor and Cabinet acting as the head of the Department. This delegation specifically includes, but is not limited to the following:

(a) To initiate rulemaking by publishing a notice of Rule Development, intended action. However, before a notice of intended action is published, the Department must submit the proposed notice, including the proposed rule text, to the Governor and each member of the Cabinet. Upon the written request of the Governor or any member of the Cabinet, the Department shall submit the proposed rules for action by the Governor and Cabinet at the next appropriate Cabinet meeting. If, after being given 10 working days to review the Department’s proposed notice of intended action and rule text, neither the Governor nor any member of the Cabinet notifies the Department of his/her objection to such publication, the Department shall proceed to initiate rulemaking pursuant to Section 120.54(3)(a), F.S. The power to determine whether proposed rules should be approved for final adoption is hereby reserved to the Governor.
and Cabinet acting as the head of the Department.

(b) through (g) No change.

(16) No change.

(17) To initiate rule making.

(18) through (25) renumbered (17) through (24) No change.

Specific Authority 20.05(5), 120.53(1)(a), 320.011 FS. Law Implemented 20.05(1)(b), 120.53(1)(a) FS. History–New 6-26-80, Amended 11-6-80, Formerly 15-1.12, Amended 6-6-93, 11-17-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael J. Alderman, Senior Assistant General Counsel, Department of Highway Safety and Motor Vehicles

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electra Theodorides-Bustle, Executive Director, Department of Highway Safety and Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008
Notice of Proposed Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
RULE TITLE: CDL & Third Party Testing
RULE NO: 15A-7
PURPOSE AND EFFECT: Is to amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules. Revisions include the definition of a commercial driver license skills test, truck tractor, and semitrailer. The definition of a tank vehicle has been modified in addition to adding a new endorsement for school buses. Information on how to remove the airbrake restriction has been added and the Bus Only (CMV) and CMV < 26,000 lbs GVWR have been deleted. New restrictions have been added: Restriction 6, No Class A passenger vehicles, Restriction 7, No Class B passenger vehicles, Restriction 8, Automatic transmission-CMV. The requirements for a CDL temporary permit have been revised to ensure clarity. The CDL skills test definition has been expanded to include all 3-parts. The issuance procedures for CDLs have been updated plus the number of CDL tests an applicant may attempt, per day, has been noted. Information on the appropriate class of motor vehicle, to test for a CDL, has been expanded, and all references to a Class D license have been removed. Information on the Hazardous Materials Threat Assessment Program, Military Commercial Driver License qualifications and regulations regarding the Third Party Tester Program have been added.

SUMMARY: Amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules. Deletes languages/policies that are no longer applicable to the CDL & Third Party Testing Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes 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.

SPECIFIC AUTHORITY: 316.12(4), 322.02(6), 322.53(5) FS.

LAW IMPLEMENTED: 316.302(2)(i), 316.003(71), 322.01(17), (18), (32), (24), 322.05(4), (5), (6), (8), 322.07(3), 322.08(4), 322.12(4), 322.14(1)(b), 322.16, 322.18(2)(e), 322.21(1)(e).
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):
TIME AND DATE: TBA
PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number TBA, Tallahassee, Florida 32399

PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee Ann Korst, Chief of Staff, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B441, Tallahassee, Florida 32399-0500. (850) 617-3100

THE FULL TEXT OF THE PROPOSED RULE IS:

15A-7.001 Definitions.
For the purpose of this chapter, the following words, acronyms, and phrases shall have the meanings indicated:

(1) “Alternative Test” means a knowledge test that is given orally by an individual or in which a computer-assisted or taped recorded oral test is presented to the applicant.
(2) “CDL” means commercial driver’s license.
(3) “Commercial Driver’s License” means a license issued to an individual in accordance with the requirement of chapter 322, Florida Statutes, or by another state, pursuant to the Federal Commercial Motor Vehicle Safety Act of 1986 which authorizes that individual to drive a class of commercial motor vehicles if the holder also has any necessary endorsements to the license.
(4) “Department” means the Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Tallahassee, Florida 32399-0560.
(5) “GCWR” means gross combination weight rating.
(6) “GVWR” means gross vehicle weight rating.
(7) “Placard” means a sign that is required on the front, rear and both sides of a vehicle that is transporting hazardous materials. The placards show the hazard class of the cargo being transported.
(8) “Skills Test” means the 3-part driving test consisting of the pretrip inspection, basic control and road test as described in the American Association of Motor Vehicle Administrators (AAMVA) 2005 CDL Testing Model, which is hereby adopted by reference.
(9) “Tow Truck Configuration” means a tow truck with another vehicle in tow, where the gross combined weight rating of the combination is 26,000 pounds or more and the vehicle in tow exceeds 10,000 pounds gross vehicle weight rating.
(10) “Truck Tractor” means a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provisions for carrying loads independently of any motor vehicle designed and used primarily for pulling other vehicles.
(11) “Semitrailer” means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle. Specific Authority 322.02(6)(3) FS. Law Implemented 322.01, 322.51-322.66 FS. History—New 4-7-91, Amended _____.

15A-7.002 Purpose.
The purpose of these rules is to establish uniform procedures for the orderly administration of commercial driver’s license skills and knowledge tests. Specific Authority 322.02(6)(3) FS. Law Implemented 322.01, 322.51-322.66 FS. History—New 4-7-91, 322.54 FS. Repromulgated _____.

15A-7.0025 Application.
These rules are applicable to all applicants for a Florida commercial driver’s license. Specific Authority 322.02(6)(3) FS. Law Implemented 322.08, 322.51-322.66, 322.54 FS. History—New 4-7-91, Repromulgated _____.

15A-7.003 CDL Endorsements.
(1) The endorsements to a commercial driver’s license shall be as follows:
   (a) T – Double/Triple trailers. Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate a complete unit, except, triple trailers are not permitted in Florida;
   (b) P – Passengers. Passenger vehicle means a motor vehicle designed to transport more than 15 persons, including the driver, or a school bus designed to transport more than 15 persons, including the driver. For vehicles designed to transport more than 15 persons, including the driver, or a school bus designed to transport more than 11 persons, including the driver;
   (c) N – Tank Vehicle. Means a commercial motor vehicle with a permanent or temporary attached tank designed to transport liquid or gaseous materials and with a rated capacity of one thousand gallons or more. Tank vehicles, permanently or temporarily attached to the vehicle, shall not include a vehicle with a tank having a rated capacity under 1,000 gallons or tank vehicles that transport materials other than liquid or gaseous material;
   (d) H – Hazardous materials. Hazardous material that is required to be placarded in accordance with Title 49 Code of Federal Regulations Part 172, Subpart F;
   (e) X – Combination tank vehicles and placarded hazardous materials;
   (f) S – School Bus. Means a motor vehicle that is designed to transport more than 15 persons, including the driver, and that is used to transport students to and from a public or private school or in connection with school activities, but does not include a bus operated by a common carrier in the urban transportation of school children. The term “school” includes all preelementary, elementary, secondary, and postsecondary schools. To obtain a school bus endorsement the applicant must pass the school bus endorsement knowledge exam, in addition to other CDL knowledge exams applicable to passenger vehicles, and complete the 3-part skills test in a school bus equivalent to the classification of license that will be issued.
   (2) If a driver’s towing operations are restricted to emergency “first moves” from the site of a malfunction or traffic crash to the nearest appropriate repair facility, then no CDL endorsement of any kind is required.
   (3) If a driver’s towing operations include any “subsequent moves” from one repair or disposal facility to another, then endorsements requisite to the vehicles being towed are required. Exception: Tow truck operators need not obtain a passenger endorsement.
(4) No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver’s license with such endorsement. Specific Authority 322.02(6)(3) FS. Law Implemented 316.003(71), 316.1936(5)(a)(b), 322.01(17), 322.14(1)(b), 322.121(7), (8)(6), 322.21(1)(e), 322.54(2)(a), (b), (c), (d), (e), 322.55(4), 322.57(1)(e), (f), 322.57(2), 322.57(3)(a) FS., 49 CFR, 383.93453(a)(9) History–New 4-7-91, Amended _______.

15A-7.004 CDL Restrictions.

(1) Special restrictions imposed on a commercial driver’s license shall be as follows:

(a) “Vehicles Without Air Brakes”, means no operation of a commercial motor vehicle, which is equipped with air brakes. To remove an airbrake restriction the driver must, at a minimum, successfully complete the airbrake knowledge test, successfully complete the pretrip inspection portion of the standard CDL skills test in an airbrake equipped commercial motor vehicle and demonstrate the ability to safely and effectively operate the vehicle’s air brakes by stopping the vehicle so that the front bumper is within two feet of a designated point on the skills testing area.

(b) “CDL Intrastate Only”, means a commercial motor vehicle can be operated only in the State of Florida;

(c) “Bus Only (CMV)”, means the operation of a commercial motor vehicle bus only."

(d) “CMV < 26,000 lbs GVWR”, means no operation of a commercial motor vehicle with a gross vehicle weight rating, declared weight or actual weight of 26,000 pounds or more;

(e) “No Tractor/Trailers”, means no operation of a commercial motor vehicle which is a tractor/semitrailer combination as defined in Sections 320.01(5) and 320.01(11), Florida Statutes. To remove the “no tractor/trailers” restriction from a Class A CDL the driver must, at a minimum, pass the pretrip inspection, basic control and road test in a tractor/semitrailer combination.

(f) “No Class A passenger vehicle”, means no operation of a commercial motor vehicle classified as a Class A passenger vehicle.

(g) “No Class B passenger vehicle”, means no operation of a commercial motor vehicle classified as a Class A or B passenger vehicle.

(h) “Automatic transmission-CMV”, means no operation of a commercial motor vehicle that is not equipped with an automatic transmission.

(2) No person possessing a restricted commercial driver’s license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable. Specific Authority 322.02(6)(3) FS. Law Implemented 322.16(1)(a), (b), 322.54(2)(c), 322.57(2) FS. History–New 4-7-91, Amended _______.

15A-7.005 Temporary CDL Instructional Permit.

(1) If otherwise qualified an individual 18 years of age or older who holds a valid driver’s license may be issued a commercial driver’s instruction permit. Instructional permits are valid for six months. One six-month extension is permitted. The commercial driver’s instruction permit may not be issued for a period to exceed six months and is nonrenewable.

(2) An individual who holds a commercial driver instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle only while accompanied by a driver 21 years of age or older who is holding a CDL valid for the type of vehicle being driven and who is occupying the closest seat to the right of the driver, the holder of a commercial driver’s license valid for the type of vehicle driven who is actually occupying the closest seat to the right of the individual for the purpose of giving instructions in driving the commercial motor vehicle.
Upon making application for a CDL, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce or any applicant otherwise subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, pursuant to sections 322.08(4) and 322.59, F.S., shall certify that he or she meets the qualification requirements of Part 391.

Upon application for a driver’s license, applicants who are subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, will present to the department a valid medical examiner’s certificate required by Title 49 C.F.R. Part 391 issued not more than 2 years immediately preceding licensure.

Commercial driver license applicants who operate or expect to operate a commercial motor vehicle solely in intrastate commerce must meet the minimum visual standards in Rule 15A-1.013, F.A.C., and comply with the provisions of Section 316.302(2)(k), F.S., before licensing and will have an intrastate restriction applied to the license.

Driver applicants who are deaf will not be issued a commercial driver’s license.

For an unrestricted Class “A” license, the driver must pass applicant will take the combination vehicle knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip inspection, basic control and road test and skills test in a truck-tractor/semitrailer combination commercial vehicle as defined by Rule 15A-7.001, F.A.C.

For a restricted Class “A” license restricted to “No Tractor-Trailers” with tow truck privileges, the driver must pass applicant will take the combination knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip, basic control and road test and skills tests in a vehicle that is not a truck-tractor/semitrailer combination as defined by Rule 15A-7.001, F.A.C., but otherwise represents vehicles requiring a class A CDL, including tow truck configurations as defined in subsection 15A-7.001(9), F.A.C. tow truck configuration. License
will be restricted to “No Tractor-Trailers”. The applicant will pretrip the tow truck and explain how the hitch is checked for safety rather than check those portions of the pretrip which pertains to tractor trailers (i.e., air hoses, fifth wheel landing gear). To remove the “No Tractor-Trailer” restriction, the driver will take a pretrip inspection and a skills test in a tractor-trailer vehicle. See chart below for diverse combinations.

<table>
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<th>Combination</th>
<th>Class</th>
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<th>Vehicle in Tow</th>
<th>GCWR</th>
<th>LIC. REQ</th>
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</table>

*Noncommercial Licenses
**No Tractor-Trailers

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS. History–New 4-7-91, Amended ________.

15A-7.009 Issuance of Commercial Driver’s License; Department; Duties.
(1) Check the driving record of the applicant as maintained by the department; and
(2) Electronically check Contact the Commercial Driver License Information System (CDLIS) to determine whether the applicant possesses a valid commercial driver’s license issued by any other state, and whether such license or the applicant’s privilege to operate commercial motor vehicle has been disqualified.
(3) Electronically check Contact the National Driver Register (NDR) to determine if the applicant has any open driver license suspensions, revocations or cancellations.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.17, 322.65 FS. History–New 4-7-91, Amended ________.

15A-7.010 Issuance of License; Department Notify Commercial Driver’s License Information System.
Prior to the issuance of an original or renewal commercial driver’s license or the reissuance of a commercial driver’s license with a change of any classification, endorsement, restriction, or name change, the department shall electronically check notify the Commercial Driver License Information System (CDLIS) of the issuance and shall provide the applicant’s name, social security number and any other required information to the operator of the system.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.17, 322.65 FS., 49 CFR 383.153(b)(2) History–New 4-7-91, Amended ________.

(1) The department may offer knowledge tests in written, computer-assisted, or alternative formats.
(2) The department may offer the commercial driver’s license general knowledge bus test to applicants who operate commercial buses or school buses only. Applicants choosing to take the general knowledge bus test, as
opposed to the regular general knowledge test, shall have their commercial driver’s license restricted to buses only
for the class of license for which the applicant is applying.

(2) Applicants must obtain a minimum score of 80 percent to pass a commercial driver’s license knowledge
test.

(4) A time limit may not be applied to;
(a) Alternative testing methods;
(b) Commercial driver’s license general knowledge tests, except, any testing started shall be stopped at the
station’s regularly scheduled closing time.

(3) Applicants who fail to pass the commercial driver’s license knowledge test will be permitted to review
the questions they missed.

(4) Applicants are limited to two attempts per day on each type of knowledge exam. There is no limit on the
number of times a knowledge test may be taken by an applicant.

Specific Authority 322.02(6) FS. Law Implemented 322.12(4), 322.57 FS., 49 CFR 383.121, 49 CFR 391.11(b)(2) History–
New 4-7-91, Amended ______.

15A-7.012 Commercial Driver’s License Skills Tests.

(1) The commercial driver’s license skills test is a three-part test established by the department to certify the
driving skills necessary for operation of a commercial motor vehicle. The test consists of:
(a) Pretrip inspection; and
(b) Basic vehicle control skills test; and
(c) Road test Safe driving skills test.

(2) No change.

(3) A driver applicant is required to take the pretrip inspection, before any other part of the test is taken. An
applicant must pass the basic control test before the road test. The following are exempt from this requirement pass
the commercial driver’s license skills test in the order specified in subsection (1), except:

(a) An applicant who qualifies for a waiver of skills tests as defined in Section 322.55, F.S.; or

(b) An applicant for a class “C” commercial driver’s license that will not be endorsed for school bus
operation and that will be restricted to vehicles not equipped with air brakes will not be required to pass the pretrip
inspection or the basic control skills test.

(b) An applicant for a class “C” commercial driver’s license that will not have an air brake restriction must pass,
at a minimum, the tests specified in subsection 15A-7.004(1), F.A.C., for removing CDL air brake restrictions in
addition to the CDL road test specified in paragraph 15A-7.012(1)(c), F.A.C.

(4) A skills test applicant shall provide an appropriate vehicle for the skills test.
(a) The vehicle used for the skills test must be unloaded, except tow trucks may have a vehicle in tow and the
towed vehicle must be unloaded.
(b) The vehicle used for the skills test must have a valid registration and proof of insurance, unless exempt from
providing proof under current law.
(c) The vehicle cannot be laden with placarded hazardous materials.
(d) Motor vehicles provided must have a stationary seat to the right of the driver for use by the examiner who
administers the test.

(5) An appointment is required for the CDL skills test.

(6) To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can
successfully perform all of the skills listed in Title 49 Code of Federal Regulations 383.113.
If the driver applicant does not obey traffic laws, commits a dangerous act, or causes a traffic crash during the test, he or she shall automatically fail the test. Once any part of the test is failed, scoring of the test will end immediately.

The required tests in this rule shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS., 49 CFR 383.113 History–New 4-7-91, Amended ________.


(1) Each applicant for a commercial driver’s license shall provide a motor vehicle of a type appropriate to test the applicant’s ability to drive motor vehicles that may be driven under the type and class of license for which the applicant will be skills tested.

(2) Class A Commercial Driver’s License Skills Test.

(a) For the Class A commercial driver’s license three-part skills test, the applicant shall provide a tractor-trailer combination of vehicles with a GCWR of 26,001 or more pounds, provided the GVWR of the trailer being towed is in excess of 10,000 pounds GVWR.

(b) If the applicant provides a combination of vehicles other than tractor-trailer combinations the department shall restrict the applicant to combinations of vehicles other than tractor-trailers.

(c) If the motor vehicle is not a passenger transport combination vehicle (bus) designed to transport 16 or more passengers, including the driver, or a school bus designed to transport 11 or more passengers, including the driver, the department may not endorse the applicant’s license for a passenger transport vehicle in that class of vehicle.

(3) Class B Commercial Driver’s License Skills Test.

(a) The applicant shall provide any single motor vehicle with GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

(b) If the motor vehicle is not a passenger transport single unit vehicle (bus) designed to transport 16 or more passengers, including the driver, or a school bus designed to transport 11 or more passengers, including the driver, the department may not endorse the applicant’s license for a passenger endorsement vehicle in that class of vehicle.

Note: Federal regulations require all drivers operating a school bus be licensed with a Commercial Driver License having both the passenger endorsement and school bus endorsement.

(4) Class C Commercial Driver’s License Skills Test. The department may permit an appropriate noncommercial motor vehicle to be used in the skills testing of an applicant for a commercial driver’s license in this class.

(5) Vehicles used for skills testing to obtain a school bus endorsement must be identified as a School Bus on the federal certification plate and be equipped, at a minimum, with a stop arm, emergency exit, front and rear red flashing loading lights, front corner mounted student mirror, right and left exterior rear view mirrors, interior student mirror, and emergency flares or triangle reflectors.

(6) If the vehicle used for testing is equipped with an automatic transmission, the applicant will have an automatic transmission restriction applied to the license.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS. History–New 4-7-91, Amended ________.

15A-7.014 Commercial Driver’s License Document; Requirements; Class; Security Features.

A commercial driver’s license issued by the department shall comply with all of the following:
(1) Requirements set forth in Sections 322.14 and 322.08, F.S.

(2) Upon request of the person to whom the license is issued, a license shall indicate the fact that the person is an anatomical donor.

(3) A commercial driver’s license shall indicate the class of license issued, and the acronym “CDL” shall appear on the face of the license.

(4) The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any commercial driver’s license that prohibits as nearly as possible anyone’s ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.08, 322.14 FS. History–New 4-7-91, Repromulgated ______.

The department will not issue a hardship commercial driver’s license authorizing a person to drive a commercial motor vehicle if the person's commercial driver’s license is disqualified, suspended, revoked, or canceled.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.272 FS. History–New 4-7-91, Amended ______.

15A-7.016 Persons Exempt from Requirements of Commercial Driver’s License Program; Noncommercial Driver’s License Endorsement.

(1) The following persons are exempt from the requirement to obtain a commercial driver’s license:

(a) Legitimate farm to market operations by farmers and to those operators of a farm vehicle which is:

1. Controlled and operated by a farmer;
2. Used to transport either agricultural, horticultural or forestry products, farm machinery, farm supplies or both to or from farm or harvest place to the first place of processing or storage or from farm or harvest place directly to market;
3. Not used in the operations of a common or contract motor carrier; and
4. Used within 150 miles of the person’s farm.

(b) Military personnel driving military vehicles. This exemption applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice);

(c) Drivers of authorized emergency vehicles as defined in Section 322.01(4), F.S. This exemption applies to drivers who operate emergency or fire equipment which is necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions and are not subject to normal traffic regulations. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included;

(d) Drivers of recreational vehicles, as defined in Section 320.01, Florida Statutes. This exemption applies to drivers of recreational vehicles operated solely as a family/personal conveyance for recreational purposes;

(e) Drivers of straight trucks that are exclusively transporting their own tangible personal property which is not for sale.
(2) “Operated by a farmer” in (1) above can include employees or family members of the farmer, as long as the vehicle is controlled by the farmer and conditions 2. through 4. are met, but not employees whose primary purpose of employment is the operation of motor vehicles.

(3) A person operating a farm commercial motor vehicle is required to have a valid class D driver’s license which contains the endorsement “F = Farm Commercial Motor Vehicle.” The “F” endorsement is to be issued without additional charge.

(4) A person operating an authorized emergency commercial motor vehicle is required to have a valid class D driver's license which contains the endorsement “E = Emergency Commercial Motor Vehicle.” The "E" endorsement is to be issued without additional charge.

Specific Authority 322.02(6)(3), 322.53(5) FS. Law Implemented 322.01(18), 322.53(2), (4) FS. History–New 4-7-91, Amended ________.

15A-7.017 Hazmat Endorsement Threat Assessment Program.

(1) All applicants for a CDL hazardous materials (Hazmat) endorsements are required to undergo fingerprint-based background checks in accordance with the USA Patriot Act and federal regulations of the Transportation Security Administration, 49 CFR, Part 1572. Department policy and procedures for processing Hazmat applicants procedures conform to 49 CFR Part 1572 in all respects.

(2) Hazmat endorsements and the associated background check results obtained in other states are not transferable to Florida CDLs. All Hazmat applicants including applicants reciprocating an out of state Hazmat-endorsed CDL are required to pass a new Hazmat knowledge exam and a new background check. Applicants presenting Hazmat endorsed CDLs from other states in conjunction with application for a Florida CDL will receive a 90-day temporary Hazmat endorsement pending completion of this process. Florida CDLs issued to these applicants will display “Hazmat until (date of issuance + 90 days)”.

(3) Hazardous materials knowledge test results older than 60 days prior to the date of application may not be used to meet the testing requirement for issuance of a Hazmat endorsement.

(4) In accordance with Section 322.18(2)(e), Florida Statutes, hazmat-endorsed CDLs are valid for a period of 4 years. Hazmat-endorsed CDLs may be renewed up to 12 months in advance of their expiration dates.

(5) In accordance with Section 322.21(1)(f), Florida Statutes, the application fee for a Hazmat endorsement is initially set at $91. The Hazmat application fee may be adjusted within the statutory maximum of $100 as may be needed to accommodate changes in fees charged to the Department for this process by the Florida Department of Law Enforcement, the Federal Bureau of Investigation and the Transportation Security Administration. This fee applies in addition to other applicable issuance and endorsement fees established by Section 322.21, Florida Statutes.

Specific Authority 322.02(6) FS. Law Implemented 322.18(2)(e), 322.21(1)(f) FS., 49 CFR Part 1572. History–New ________.

15A-7.018 Military Qualifications for Waiver of Commercial Driver License Skills Test.

In accordance with Federal Motor Carrier Safety Administration Regulation 49 CFR, Section 383.77, applicants seeking waiver of CDL skills testing due to military experience must:

(1) Pass all required written knowledge exams for the CDL class and endorsements they will be issued.

(2) Apply for the CDL qualification waiver while on active duty status or within 90 days of separation of service. The applicant must provide a military active duty identification card or DD-214 (military discharge papers). The skills test waiver process must be completed, and the CDL issued, within 120 days of separation from service.
(3) Certify that for at least 2 years immediately preceding the application, he or she operated a motor vehicle representative of the CDL class and endorsements for which he or she is applying.

(4) To waive the CDL skills test the applicant must present the Certification for Waiver of Skill Test for Military Personnel form, filled out in its entirety, and signed by his or her commanding officer or designee.

Specific Authority 322.02(6) FS. Law Implemented 322.12 FS., 49 CFR Part 383.77. History–New

15A-7.019 Third Party Testing Program.

(1) Commercial Driver License Third Party Administrators and Third Party Testers may be authorized by the Department to conduct driver license tests in accordance with Section 322.56, Florida Statutes.

(2) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with all rules established in this chapter except those that by their nature cannot apply.

(3) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with contractual agreements, instructional manuals, approved testing locations and routes, and similar written documents establishing policies, procedures, and recordkeeping requirements to maintain the integrity of the testing program.

(4) Electronic and written records created by Commercial Driver License Third Party Administrators and Third Party Testers are public records of the State of Florida, and are subject to applicable laws and penalties regarding falsification of such records. Acts that constitute falsification of third party testing records include, but are not limited to:

(a) Entry of information on CDL test score sheets (form HSMV 7183) that falsifies the parts of a test performed, the type of vehicle used, the test applicant’s (driver’s) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test;

(b) Entry of information in the Department’s electronic test records that falsifies the parts of a test performed, the type of vehicle used, the test applicant’s (driver’s) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test. Use of the tester’s login name and password to create an electronic test record is deemed an electronic signature affirming that the test was personally conducted and the results were entered by that tester.

(c) Withholding or destruction of information that falsifies the true record of test activity, such as not recording a test given but failed by the applicant.

Specific Authority 322.02(6) FS. Law Implemented 322.56 FS., 49 CFR Part 383.75. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee Ann Korst, Chief of Staff,
Department of Highway Safety and Motor Vehicles

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electra Theodorides-Bustle, Executive Director, Department of Highway Safety and Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008
ATTACHMENT 4
Notice of Proposed Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE TITLE: Approved Speed Measuring Devices

RULE NO: 15B-2.013

PURPOSE AND EFFECT: An amendment to Rule 15B-2.013 (5) (b) (d) is needed to add those laser devices approved since the last revision. Furthermore, since the last revision of the Chapter 15B-2, Florida Administrative Code, additional radar speed measuring devices have been approved for use in the State of Florida. Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended to add those devices approved since the last revision. In addition, Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, Rule 15B-2.013 (1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, Rule 15B-2.013 (5) (d) will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SUMMARY: An amendment to Rule 15B-2.013 (5) (b) (d) is needed to add those laser devices approved since the last revision. Furthermore, Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended to reflect those radar speed measuring devices approved since the last revision. In addition, Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, Rule 15B-2.013 (1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, Rule 15B-2.013 (5) (d) will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.
Any person who wishes 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.

SPECIFIC AUTHORITY: **316.1905, FS**

LAW IMPLEMENTED: **316.1905, 316.1906, 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):

TIME AND DATE: TBA
PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number TBA, Tallahassee, Florida 32399


THE FULL TEXT OF THE PROPOSED RULE IS:

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) Applied Concepts, Inc., formerly known as Applied Concepts Marketing –

   1. Model STALKER;

   2. (b) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL;

   3. (c) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL SL;
4. (d) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL DSR;

5. (e) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER BASIC – stationary and moving;

6. Model DSR2X

7. Model Stalker II MDR

8. Model Stalker II SDR

(b)(f) Broderick Enforcement Electronic – Model BEE-36;

(g) CMI/MPH Industries, Inc., — Model Python;

(c) (h) Decatur Electronics, Inc., —

1. Model MVF 724;

2. (i) Decatur Electronics, Inc., — Model KF-1;

3. (i) Decatur Electronics, Inc., — Model Genesis-I;

4. (k) Decatur Electronics, Inc., — Model Genesis - II;

5. (l) Decatur Electronics, Inc., — Genesis Handheld;

6. (m) Decatur Electronics, Inc., — Model Genesis VP;

7. (n) Decatur Electronics, Inc., — Model Genesis VP - Directional;

8. Genesis GHD (Handheld Directional)

9. Gensis II – Select

10. Gensis II – Directional

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

1. Model KR-10SP-F, Model KR-10SP;

2. (p) Kustom Electronics, Inc., or Kustom Signals, Inc., — Model FALCON-F, Model FALCON;

3. (l) Kustom Electronics, Inc., or Kustom Signals, Inc., — Model TROOPER-F, Model TROOPER;

4. (r) Kustom Electronics, Inc., or Kustom Signals, Inc., — Model HAWK;

5. (s) Kustom Electronics, Inc., or Kustom Signals, Inc., — Model PRO-1000, Model PRO-1000DS;
6. (t) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle K-Band;
7. (u) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle KA-Band;
8. (v) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle Plus K-Band;
9. (w) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle Plus KA-Band;
10. (x) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Silver Eagle K-Band;
11. (y) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Silver Eagle KA-Band;
12. (z) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Golden Eagle K-Band;
13. (aa) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Golden Eagle KA-Band;
15. (cc) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model HR-12;
16. (dd) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Talon;
17. (ee) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Directional Golden Eagle KA-Band;
18. Golden Eagle Plus
19. Eagle II Plus – DCM Antenna
20. Eagle II – DCM Antenna
21. Golden Eagle II – DCM Antenna
22. Directional Golden Eagle II – DCM Antenna
23. Talon II
24. Eagle II Plus Ka
25. Eagle II Ka
26. Golden Eagle II Ka
27. Pro – Lite Plus
28. Falcon – HR – Stationary
29. Falcon – HR – Moving
30. Talon - Directional
(e) (ff) McCoy’s LAWLINE Speed Trak Elite K, Ka and Elite KD (directional);
(f) (gg) M.P.H. Industries, Inc., or CMI/MPH or CMI/MPH Industries, Inc., –

2. (hh) M.P.H. Industries, Inc., or CMI/MPH – Model MPH Speedgun (K-BAND);
3. (ii) M.P.H. Industries, Inc., or CMI/MPH – Model K-55K; Model BEE-36;
4. (jj) M.P.H. Industries, Inc., or CMI/MPH – Model Bee III;
5. (kk) M.P.H. Industries, Inc., or CMI/MPH – Model Enforcer;
6. Model Python
7. Model Z-15
8. Model Z-25
9. Model Z-35
10. Model Python III – Standard
11. Model Python III – Fastest Speed, Same Direction

(g) (ll) Tribar Industries, Inc., –

1. Model MDR-2;
2. (mm) Tribar Industries, Inc., – Model K-GP.

(2) Average Speed Calculators (ASC):

(a) Federal Sign and Signal Corp., – VASCAR II;
(b) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Tracker;

(3) Speedometers – All mechanical or electronic motor vehicle speedometers having certified calibration pursuant to these rules.

(4) Stopwatches – All stopwatches certified pursuant to subsection 15B-2.008(4) and Rule 15B-2.012, F.A.C. The following stopwatches are approved for use in this State when they have been tested according to this rule chapter. The absence on this list of other stopwatches used by other law enforcement agencies or the Florida Highway Patrol does not preclude their use when they have been properly tested.

<table>
<thead>
<tr>
<th>Brand Name</th>
<th>Model Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Casio</td>
<td>HS-10W</td>
</tr>
<tr>
<td>(b) Timex Quartz Timer</td>
<td>None</td>
</tr>
</tbody>
</table>
(c) Heuer 1000
(d) Heuer 1010
(e) Seiko S022-5009
(f) Accusplit 620-CT
(g) Minerva Manual Timer None
(h) Seiko 87-0019G
(i) Aristo Apollo
(j) Lorus W903
(k) Marshall Browning International Corp. Robic Acutrak SC-800

(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) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Prolaser II; Model Prolaser III;

(b) Laser Technology, Inc., – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LR B; Model LTI 20/20 TruSpeed

(c) Applied Concepts, Inc., – Model Stalker Lidar;

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


NAME OF PERSON ORIGINATING PROPOSED RULE: Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electra Theodorides-Bustle, Executive Director, Department of Highway Safety and Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008
Notice of Proposed Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE TITLE:          RULE NO:
Tests to Determine Accuracy of Laser Speed Measuring Devices   15B-2.016

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the revision of form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in Rule 15B-2.016 (2) (d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code.

SUMMARY: The proposed rule action revises the current rule changing form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in Rule 15B-2.016 (2) (d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes 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.

SPECIFIC AUTHORITY: 316.1905, FS

LAW IMPLEMENTED: 316.1905, 316.1906, 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):

TIME AND DATE: TBA

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

(1) All LSMD used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or a certification issued by one of the following:

   (a) Association of Public-Safety Communications Officials-International (APCO);

   (b) Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Education Radio (NABER); or

   (c) National Association of Radio and Telecommunications Engineers (NARTE).

(2) Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include:

   (a) Bench Tests – Wavelength verification, optical power output, pulse repetition rate, pulse width, and verify that the pulse train is free of any double laser pulses or intermittent laser pulses. The results of these tests shall conform with the safety report from the U.S. Department of Health and Human Services, Center for Devices and Radiological Health (CDRH), Food and Drug Administration (21 C.F.R. part 1040), which is incorporated by reference, and the manufacturer’s specifications, both of which will be supplied by the manufacturer.

   (b) Distance/Velocity – A complete verification test as described in paragraphs 15B-2.015(1)(a) through (c), F.A.C., and a Velocity Verification test certifying that the Laser Speed Output was compared to Actual Speed as verified by a certified radar device. The results of these tests will not be greater than plus or minus one (1) foot for the distance tests, and plus or minus one (1) mph for the speed test.

   (c) Sight Alignment/Beam Pattern Test. The sighting device will be checked for accuracy to determine that it remains within the laser beam at all distances from 500-3000 feet. This may be determined from calculation based on an initial beam pattern/sight alignment analysis. The beam will be analyzed to determine that it is within the pattern/size tolerances specified by the manufacturer.

   (d) Each test shall be recorded on form HSMV 61071(_) (3/04) which is incorporated by reference. Blank forms are available by contacting the Department at the address described in subsection 15B-2.0082(1), F.A.C.
(e) When an Average Speed Calculator (ASC) is installed and used as a separate feature of an LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.


NAME OF PERSON ORIGINATING PROPOSED RULE:   Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:  Electra Theodorides-Bustle, Executive Director, Department of Highway Safety and Motor Vehicles
DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:  August 22, 2008
ATTACHMENT 6
NOTICE OF PROPOSED NEW RULE

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

RULE TITLE: Electronic Temporary Registrations
RULE NUMBER: 15C-16

PURPOSE AND EFFECT: Create a new rule to reflect the addition of 320.96, FS., The new statute requires the Department of Highway Safety and Motor Vehicles to implement a secure electronic process for the issuance of temporary license plates.

SUMMARY: Per Section 320.96, Florida Statutes, the Department of Highway Safety and Motor Vehicles shall implement a secure print-on-demand electronic temporary license plate registration, record retention, and issue system for use by every department-authorized issuer of temporary license plates. Secure print-on-demand for this purpose means validating state registration data using higher levels of commercially accepted data encryption methods from the point of department connectivity to the license plate printer. The department may adopt rules as necessary to implement this program. The department may provide such exemptions as may be feasibly required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The implementation of administrative rule 15C-16 will have no appreciable effect on state, county, or local governments. The approximately 12,300 licensed motor vehicle dealers currently issuing temporary license plates will continue to pay the state mandated $2.00 per plate fee as they have done in the past. In addition, motor vehicle dealers who opt to use a department approved third party vendor to implement electronic temporary registration will have the additional costs associated with that option.
SPECIFIC AUTHORITY: 320.131, 320.96 FS.

LAW IMPLEMENTED: 320.131, 320.96 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW RULE IS:

Palmer Brand, Assistant Chief, Bureau of Titles and Registration Services, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room A334, MS 68, Neil Kirkman Building, Tallahassee, Florida 32399-0500, 850 617-3001.

THE FULL TEXT OF THE PROPOSED NEW RULE IS:

RULE TITLE: RULE NUMBER:
Electronic Temporary Registrations 15C-16

Rule Titles: Rule Numbers:
Data Security 15C-16.001
Exemptions 15C-16.002
Record Retention 15C-16.003

15C-16.001 Data Security

All information communicated via Electronic Temporary Registration (ETR) providers and the department must, at a minimum, be encrypted using a secure sockets layer (SSL) protocol with 128-bit encryption.

15C-16.002 Exemptions

(1) Trailers less than 2,000 lbs. net weight do not require the seller to be licensed for commercial sale and are therefore exempt from electronic temporary registration requirements.

(2) To ensure the continuation of operations with the least negative impact to temporary plate issuers when the Department is unable to authorize, or third party providers are unable to
assign print on demand temporary license plates, a backup issuance method is authorized by the department. This method is issuing pre-printed and pre-assigned temporary license plate stock. The issuance of a plate using this method must be reported to the department within one business day, not including weekends or state holidays, of the issuance of the plate. Every issuer shall keep a record of any temporary tag issued in a form specified by the Department. The record will include, but is not limited to: date of issuance, tag number issued, the name and address of the motor vehicle purchase, vehicle identification number, vehicle description, and reason for off-line issuance.

15C-16.003 Record Retention

Any person or entity authorized to issue electronic temporary registrations shall maintain all records relating to their issuance for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History — New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Palmer Brand, Assistant Chief, Bureau of Titles and Registration Services, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room A334, MS 68, Neil Kirkman Building, Tallahassee, Florida 32399-0500, 850 617-3001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE:
Carl Ford, Director, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles

DATE PROPOSED RULE APPROVED: January 15, 2008.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008.
Electronic Temporary Registration (ETR) is a legislatively authorized program associated with issuing temporary license plates. This program allows all temporary license plate issuers to electronically report the issuance of temporary license plates to the Department of Highway Safety and Motor Vehicles. Dealerships will issue temporary license plates to customers and electronically submit customer and vehicle information to the Department in real time.

The rules implemented in Chapter 15C-16, F.A.C., define the electronic security required for transfer of ETR data, exemptions from ETR requirements, and the record keeping requirements of ETR participants.

Statement of Facts and Circumstances Justifying the Rule
Per Section 320.96 and 320.131, Florida Statutes, the Department of Highway Safety and Motor Vehicles shall implement a secure print-on-demand electronic temporary license plate registration, record retention, and issue system for use by every department-authorized issuer of temporary license plates. Secure print-on-demand for this purpose means validating state registration data using higher levels of commercially accepted data encryption methods from the point of department connectivity to the license plate printer. The department may adopt rules as necessary to implement this program. The department may provide such exemptions as may be feasibly required.

Federal Standards Statement
A federal rule on the same subject as that covered by the proposed new rule does not exist.
Summary of Hearing

The proposed rule development was noticed in the February 15, 2008, Florida Administrative Weekly, Volume 34, Number 7. The proposed rule was noticed in the May 2, 2008, Florida Administrative Weekly, Volume 34, Number 18. No timely request for hearing was received by the agency and no hearing was held.

A Notice of Public Meeting advertising the June 10, 2008 Governor and Cabinet Meeting was noticed in the May 30, 2008, Florida Administrative Weekly, Volume 34, Number 22. A second Notice of Public Hearing was noticed in the August 1, 2008, Florida Administrative Weekly, Volume 34, Number 30, to advertise the change of hearing to September 30, 2008.
ATTACHMENT 7
2007-2010 STRATEGIC PLAN

2008-09 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 2008-09 Budget

<table>
<thead>
<tr>
<th>Division</th>
<th>FTE</th>
<th>GR</th>
<th>TF</th>
<th>Total</th>
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<td>Florida Highway Patrol</td>
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<td>TOTAL</td>
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*excludes administered funds
## Fiscal Year 2009 - 10 Request

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<th>General Revenue</th>
<th>Trust Fund</th>
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<td>Non-Recurring</td>
<td>Recurring</td>
<td>Non-Recurring</td>
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<td>1. FHP Leadership Development Plan</td>
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<td>1,912,044</td>
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<td>2. Funding for Increased Fuel Costs</td>
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<td>3. Systematic Alien Verification for Entitlements Increase</td>
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<td>7. Telephone System Replacement</td>
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<td>8. Electronic Control Devices</td>
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<td>9. Geographical Information System</td>
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<td>10. Grand Driver Program</td>
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<td><strong>573,003</strong></td>
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<td>Real ID</td>
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<td>Transfer Mainframe to Shared Resource Center</td>
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<td></td>
<td>TBD</td>
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<td>Critical Repairs and Mold Remediation</td>
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<td><strong>Fixed Capital Outlay</strong></td>
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<td><strong>TOTAL</strong></td>
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<td><strong>4,152,217</strong></td>
<td><strong>6,653,880</strong></td>
<td><strong>1,951,900</strong></td>
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</table>
Florida Highway Patrol Leadership Development Plan
$1,912,044 Recurring General Revenue

Funding requested for a Leadership Development Plan for the sworn members of FHP to create a more educated and trained workforce, increase retention, and improve service delivery.

This issue requests a Leadership Development Plan that would provide the Florida Highway Patrol the opportunity to invest in and further train its members. This leadership plan emulates what many other state law enforcement agencies, such as Maryland, Virginia, and Louisiana already incorporate. This issue is so critical in law enforcement today that the International Association of Chiefs of Police have created the Center for Police Leadership to increase this development throughout the country. The proposed Florida Highway Patrol Leadership Development Plan would incorporate education, leadership training, experience, work history, and performance evaluation to cultivate Troopers to become future leaders of the agency who are prepared to command in an increasingly complex society.

The leadership development initiative contained in this request would provide graduated compensation increases for sworn members of the Florida Highway Patrol by creating tiers within the Trooper, Corporal, and Sergeant ranks. Troopers would find opportunity and motivation to enhance their professionalism through this program. It would be a source of pride to continually achieve a higher level of aptitude throughout their career. The Patrol realizes that the more educated and trained our troopers are, the more professional we will become. This would contribute to an improved interaction between citizens and troopers when responding to citizen’s needs, both routine and emergency.

This plan will encourage members to increase their level of knowledge through either formal education or professional law enforcement leadership training to continue to provide the highest quality of service to the citizens and visitors of Florida.

<table>
<thead>
<tr>
<th>Trooper</th>
<th>Corporal</th>
<th>Sergeant</th>
<th>Experience</th>
<th>Education / Training</th>
<th>Evaluations</th>
<th>Suspensions</th>
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<tbody>
<tr>
<td>Trooper</td>
<td></td>
<td></td>
<td></td>
<td>Entry Level Requirements</td>
<td>At least “meet expectations” (exact requirement will be finalized upon approval)</td>
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<td>Corporal</td>
<td>Sergeant</td>
<td>Min. 2 yrs.</td>
<td>30 college credits and/or Leadership Training</td>
<td>Must at least “meet expectations” (exact requirement will be finalized upon approval)</td>
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<tr>
<td>Trooper 1st Class</td>
<td>Senior Corporal</td>
<td>Staff Sergeant</td>
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<td>Master Corporal</td>
<td>Sergeant 1st Class</td>
<td>Varies</td>
<td>60 college credits and/or Leadership Training</td>
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<td>Master Trooper</td>
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<td>Master Sergeant</td>
<td>Varies</td>
<td>90 college credits and/or Leadership Training</td>
<td>None in past 3 years</td>
<td></td>
</tr>
</tbody>
</table>

COST
$1,912,044 is requested to invest in this leadership development plan and is based on the total number of Troopers currently eligible for each of the tiers. March 2010 is the requested effective date with an anticipated annualized cost of $6,662,772.

* The Department also supports the efforts of the FHP Chapter of the Police Benevolent Association to reduce compression and create an equitable pay scale for law enforcement through a comprehensive compensation plan.
Funding for Increased Fuel Costs
$1,272,516 Recurring Trust Fund

Funding requested to continue critical vehicle operations in support of the Department’s mission of providing highway safety and security.

Vehicle operations are a critical part of the Department’s ability to provide highway safety and security. Last fiscal year, Florida Highway Patrol members assisted nearly 302,000 motorists with disabled vehicles, made over 406,000 unlawful speed arrests, and investigated over 230,000 crashes. In carrying out their responsibilities, FHP patrolled over 38.5 million miles. The Division of Motor Vehicles and Division of Driver Licenses vehicles were driven nearly four million miles in support of the Department’s mission. Fuel costs continue to be a major financial issue for the Department to address.

Based on the September 8, 2008, Short Term Energy Outlook projections by the Energy Information Administration (official energy statistics from the U.S. government), the cost per gallon of regular unleaded gasoline is projected at $3.88 average pump price for 2009. The Department is projecting to spend $12.4 million on fuel this year which represents nearly a 17 percent increase over the previous year. The projected expenditures are based on the same number of vehicle miles driven as the previous year.

A recurring funding increase in the amount of $1.4 million was appropriated by the 2008 Legislature due to the extreme increases in the price of gasoline and to ensure adequate funding for critical activities. The Department is requesting additional funding to meet anticipated price increases and ensure the vehicle fleet can continue to function in its mission critical capacity.

### COST

<table>
<thead>
<tr>
<th>Division</th>
<th>2008-09 Budget</th>
<th>2009-10 Projected Expenditures</th>
<th>Projected Deficit</th>
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<td>38,063</td>
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<tr>
<td>Highway Patrol</td>
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<td>1,143,987</td>
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<td>Driver Licenses</td>
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<td>370,006</td>
<td>106,006</td>
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<tr>
<td>Motor Vehicles</td>
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<td>TOTAL</td>
<td>11,146,873</td>
<td>12,419,389</td>
<td>1,272,516</td>
</tr>
</tbody>
</table>
Systematic Alien Verification for Entitlements (SAVE) Increase
$324,176 Recurring General Revenue

Funding requested to address a price increase and continue to verify alien numbers of non-citizens and comply with federal Real ID Act provisions.

The Systematic Alien Verification for Entitlements (SAVE) Program is an inter-governmental information sharing initiative to aid in determining a non-citizen applicant’s immigration status, and ensure that only entitled non-citizen applicants receive federal, state, or local public benefits and licenses. It is an information service for benefit issuing agencies, institutions, and licensing bureaus. The SAVE Program provides access to information contained in the U.S. Citizenship and Immigration Services databases, which includes information on over 100 million records. The Program verifies a non-citizen applicant’s immigration status, thereby ensuring only entitled non-citizen applicants receive federal, state, or local public benefits and licenses. The Department has participated in the SAVE program since 2002.

The SAVE Program, administered by U.S. Citizenship and Immigration Service, is adjusting its transaction charges. A uniform rate of $0.50 will apply to each request submitted electronically, with an additional $0.50 charge if the case is referred for additional verification. A rate of $2.00 will apply to each initial manual verification request submitted via a paper-based Document Verification Request Form. The Department currently pays $0.05, the new charge represents a 1,000 percent increase. The Department was noticed in May 2008 of the fee increase and is not budgeted to handle the fee increase.

The SAVE program is a requirement of the federal Real ID Act effective January 1, 2010. The implementation of the provisions of Real ID, which have been adopted into Florida statutes, will increase the number of times the SAVE program will be accessed. From 2010 through 2017, every license holder must produce their lawful presence, permanent residency card, or non-immigrant documents to be scanned and processed, regardless of whether they had already shown the documents.

Until June 2008, only Alien Registration numbers representing lawful permanent residents were verified through the SAVE program. Since that time, the Department has also started verifying ID numbers of non-immigrants who are not lawful permanent residents. This change is expected to increase the number of verifications by 300,000 to approximately 704,000 verifications per year.

If this issue is not funded, the Department would not have sufficient funding to pay the U.S. Department of Homeland Security, Citizenship and Immigration Services for the alien number verifications that are required for the Department to be in compliance with the provisions of the Real ID Act.

COST
Funding is requested to cover an increase in the number of alien numbers to be electronically verified at the increased rate of $0.50 per transaction. During FY 2009-10 it is estimated that an additional 300,000 alien numbers will be verified. $324,176 in funding is requested in recurring general revenue to continue the SAVE program and ensure compliance with Real ID Act provisions.
Trooper Equipment
$1,215,125 Non-Recurring General Revenue

Funding requested for needed Florida Highway Patrol equipment to deliver services and ensure the safety and security of Florida’s roadways.

Having safe and current equipment is essential for the Florida Highway Patrol to protect the roadways and achieve the goal of reducing the number and severity of traffic crashes in Florida. In order to continue to provide the best service to citizens and visitors, it is necessary to replace worn and dated equipment to maintain officer safety and ensure they have the proper tools to perform their job.

The following equipment needs have been identified:

- **Personal Protective Equipment (PPE) Kits** – PPE kits, designed to protect from chemical and biological agent exposure, are issued to new recruit Troopers upon graduation from the Academy. Funding is required to replace damaged, used, or expired personal protective equipment. This funding provides 100 PPE kits.
- **Radars** – The radars will be used to replace older and outdated equipment. This funding will provide for the replacement of 402 radars.
- **Lasers** – The lasers will be issued to Troopers that have not been issued a laser to-date, and in some instances to replace damaged equipment. This funding will provide for 150 lasers.
- **Mobile Digital Recorders** – These cameras are a vital evidence documenting tool used by the Contraband Interdiction Program and are the tool of choice for mobile applications. The cameras currently owned are very old, and difficult and expensive to repair.
- **Aircraft Engines** – The airplane engine manufacturer recommends replacement time on the majority of airplanes is 2,000 hours. Based on that recommendation, two airplane engines now require replacement. Based on current usage, engine lifespan is approximately 4-5 years.
- **Aircraft Painting** – FHP’s aircraft operate in a salt air environment, and three of the aircraft are showing corrosion and deterioration of paint. To prevent structural damage and further deterioration, painting is required.

Funding for needed equipment will provide a required level of personal safety and security for law enforcement officers and the motoring public.

**COST**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Cost</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Protection Kits (PPE’s)</td>
<td>100</td>
<td>$365</td>
<td>36,500</td>
</tr>
<tr>
<td>Radars (speed measuring)</td>
<td>402</td>
<td>$1,200</td>
<td>482,400</td>
</tr>
<tr>
<td>Lasers (speed measuring)</td>
<td>150</td>
<td>$2,250</td>
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<tr>
<td>Mobile digital recorders (CIP)</td>
<td>55</td>
<td>$4,795</td>
<td>263,725</td>
</tr>
<tr>
<td>Aircraft engines</td>
<td>2</td>
<td>$34,000</td>
<td>68,000</td>
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<tr>
<td>Aircraft painting</td>
<td>3</td>
<td>$9,000</td>
<td>27,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>1,215,125</strong></td>
</tr>
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</table>
Department Occupancy Cost Increases
$1,123,398 Trust Fund
($78,500 Non-Recurring Trust Fund and $1,044,898 Recurring Trust Fund)

Funding requested for lease increases, occupancy costs, and janitorial services necessary to continue
operations and provide quality services to the citizens of Florida.

FHP Contractually Obligated Occupancy Expenses - FHP entered into a Memorandum of Understanding
with the Florida Department of Transportation to provide a co-located transportation management
system designed for early detection of traffic incidents along the state highway system.

FHP Janitorial and Lawn Maintenance Service Contracts – Previously, members of the Highway Patrol
performed the duties necessary to maintain the stations. It is common practice to hire a vendor to
perform these services and the stations listed below do not have janitorial and/or lawn service funding
and inmate labor is not available to them.

Driver License Lease Increases - The cost of leases is estimated to increase due to current real estate
prices and space requirements needed to adequately service the motoring public. Additionally, thirteen
leases require price adjustments for the additional work day that driver license offices are now open.
Funding for cabling is also required when a driver license relocates to another site location due to an
expiring lease.

Driver License Janitorial Service Contracts - Based on experience of negotiating a private lease or when
moving into a state-owned facility, the Department is required to enter into a separate janitorial service
contract. The Department anticipates entering into a private janitorial contract on seven leased sites.

COSTS

<table>
<thead>
<tr>
<th>Issue</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>FHP Contractually Obligated Occupancy Expenses</td>
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<tr>
<td>Ft. Myers Regional Communications Center</td>
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<tr>
<td>Miami Regional Communications Center</td>
<td>$84,812</td>
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<tr>
<td>Tampa Regional Communications Center</td>
<td>$19,812</td>
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<tr>
<td>Tampa</td>
<td>$11,400</td>
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<tr>
<td>Pinellas Park</td>
<td>$18,000</td>
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<tr>
<td>Leesburg</td>
<td>$2,760</td>
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<tr>
<td>Naples</td>
<td>$25,800</td>
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<tr>
<td>Ft. Pierce</td>
<td>$7,800</td>
</tr>
<tr>
<td>Lake Worth</td>
<td>$16,800</td>
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<tr>
<td>FHP Janitorial and Lawn Maintenance Service Contracts</td>
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<tr>
<td>10 lease agreements that expired in FY 2008-09</td>
<td>$145,121</td>
</tr>
<tr>
<td>10 lease agreements that expire in FY 2009-10</td>
<td>$288,070</td>
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<tr>
<td>Expansion of hours of operation in field offices (13)</td>
<td>$32,546</td>
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<tr>
<td>Computer network, phone, alarm, and surveillance cabling</td>
<td>$78,500</td>
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<tr>
<td>DDL Lease Increases</td>
<td></td>
</tr>
<tr>
<td>Janitorial contracted services (existing leased facilities)</td>
<td>$69,506</td>
</tr>
<tr>
<td>Janitorial contracted services (new leased sites and an existing state facility)</td>
<td>$27,309</td>
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<tr>
<td>Increase in frequency of janitorial services in field offices to address the change from a four to five day work week</td>
<td>$35,350</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,123,398</td>
</tr>
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</table>
Maintenance for Live Scan Devices
$175,000 Recurring General Revenue

Funding requested for live scan device maintenance contracts in driver license field offices statewide to prevent costly repairs and ensure the Department continues to meet provisions of the USA Patriot Act.

Under Federal law a state cannot issue, renew or transfer a hazmat endorsement unless the driver successfully completes a security threat assessment. The program was implemented to meet the requirements of the USA Patriot Act, which prohibits states from issuing a license to transport hazardous materials in commerce unless a determination has been made that the driver does not pose a security risk. This assessment is completed by taking the applicant’s fingerprints, which are then used to run a criminal background check. In addition to the hazmat endorsement, the live scan devices are used to perform background checks on Department members and employees from other state and government agencies. The Department processed nearly 15,000 prints during fiscal year 2007-08.

From January 2008 through August 2008 approximately 185 service calls were placed for this equipment and were covered by the warranty. Non-warranty estimated costs for an engineer to respond:

- $1,500 in travel costs
- $120 per hour/4 hour minimum (may involve more than one visit to resolve problem
- the replacement cost of the defective part (most expensive part is the scanner-$10,000)
- shipping charges, if the equipment has to be returned for repairs

During this time, 35 scanners were replaced at no cost since they were under warranty. Over the last year, approximately 30 percent of the 120 calls for service involved an instance where the live scan machine required replacement. Without a maintenance contract, scanner replacement costs alone would have equaled $685,440. Additionally, paying on an “as needed” basis would hinder the responsiveness of the trouble calls. Under the current contract, the vendor is required to respond within two hours of notification and ship replacement parts overnight if the problem cannot be resolved remotely within four hours. Without a contract in place the vendor response would be on a “not-to-interfere with other contracts” basis. This could severely hamper the turnaround time in the field offices and result in poor customer service for those applicants that would be forced to drive farther to locate an office with an operational machine. If these devices are covered under a maintenance contract, services would continue to be provided in accordance with the contract.

COSTS
$175,000 in recurring funding to purchase maintenance contracts for 72 live scan devices in driver license offices statewide.
Replace Telephone Systems in the Regional Communication Centers
$554,703 Non-Recurring General Revenue

Funding requested for three regional communication center phone systems to meet the needs of the Florida Highway Patrol and ensure uninterrupted service for law enforcement and citizens.

Florida Highway Patrol Communication Personnel are responsible for 24 hour dispatch services for FHP and ten other state law enforcement agencies. Dispatch personnel in each center answer 50-90 incoming telephone lines, including ‘911’, *FHP, and roadside call boxes. The Regional Communication Centers receive an average of 25,600 calls per month.

The telephone systems in Jacksonville, Tallahassee, and Miami are between four and eight years old. There have been maintenance issues, down time related to hardware with no redundant capabilities, and aging computer equipment. Quality, reliability, and continuous telephone communications are essential in providing highway safety and security. Unreliable telephone communications equipment, telephone system outages, and use of more expensive conventional telephone lines when less expensive technologies are available are negatively impact the Department and the efficiency and effectiveness in which services are delivered. Reliable communications are needed to provide dependable customer service and ensure response to citizen calls for law enforcement services.

New telephone systems are needed in the Jacksonville, Tallahassee, and Miami Regional Communications Centers. The new systems will have the flexibility to meet the needs of both Florida Department of Transportation and Florida Highway Patrol where they are co-located. The new systems offer many new features for operations:

- Redundant components so that a failure of even a major telephone component will not result in the loss of the telephone system
- 5-digit dialing between all communication centers which will allow calls to be routed on the network avoiding long distance costs
- Call transfer plan within the telephone system that could shift telephone functions to another communications center and continue uninterrupted service to the public in an emergency
- Routing, tracking and reporting features that are not found in the current system
- Additional announcements to callers regarding road conditions
- Voice over IP features that could reduce telephone hardware in some locations and also provide remote telephone access from Emergency Operations Centers and other locations of assignment
- Built-in small conferencing to allow up to 8 callers to have a conference without the need to pay for a conference call

COSTS
$554,703 to enable the Patrol to replace FHP telephone systems at the regional communication centers.

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
<th>Total</th>
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</thead>
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<td>System cost</td>
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<tr>
<td>Installation</td>
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<tr>
<td>Integration</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$554,703</strong></td>
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Electronic Control Devices
$1,724,400 Non-Recurring Trust Fund

Funding requested to purchase electronic control devices for members of the Florida Highway Patrol to enhance officer safety and provide an intermediate means to address use of force issues.

The Florida Highway Patrol promotes a safe driving environment through proactive enforcement operations, investigation of highway traffic crashes, interdiction of dangerous contraband, and arresting wanted fugitives. These operations occur across a wide geographical region where back-up may not always be immediately available. In addition, the duties of the Patrol bring them into contact with a wide range of individuals under a variety of different circumstances. In carrying out their duties, officer and motorist safety are of primary importance. As law enforcement deaths in Florida continue to rise, officer safety remains a significant concern. Electronic control devices would provide a much higher level of personal safety and security for law enforcement officers and the motoring public.

Electronic Control Devices (i.e. Taser®) are a non-lethal electronic control device that has gained popularity in the law enforcement community by reducing the number of officer injuries as well as the extent of the injuries to non-compliant subjects during arrest and flight situations. The use of this device gives officers another alternative in the escalation of force required to overcome resistance. The devices can be deployed at distances of up to 35 feet, giving the officer time in certain potential life threatening situations, to use an effective non-lethal option before having to escalate to the use of deadly force, or potentially placing the officer in a harmful “hands-on” situation. Section 943.1717, Florida Statutes, governs the training and use of these devices, including annual re-training.

On July 2, 2008, a Trooper was at the scene of a traffic crash on I-95 in Nassau County. A deputy from the Nassau County Sheriff’s Office was on the scene when the Trooper arrived. One of the drivers involved in the crash had a strong odor of alcohol on his breath and the Trooper began a DUI investigation. When the subject refused to cooperate, he was advised he was under arrest and became combative, and attempted to strike the Trooper. The deputy was in a position to provide immediate support and deployed his electronic control device. Because the deputy was on scene with an electronic control device, a violent offender, assaulting a Trooper was subdued without significant injury or death.

COSTS
This issue requests $1,724,400 for the purchase of electronic control devices for Troopers. Funding available through the Federal Equitable Sharing Law Enforcement Trust Fund and Highway Safety Operating Trust Fund.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic control device, holster, duty cartridges, training</td>
<td>1,488</td>
<td>$1,150</td>
<td>$1,711,200</td>
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<tr>
<td>cartridges, simulators, USB data kit, shipping and handling, and a 4-</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>year extended warranty</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training to certify two instructors per troop and the FHP Academy,</td>
<td>22</td>
<td>$600</td>
<td>$13,200</td>
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<tr>
<td>to further instruct other members of the Patrol in the use of this</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>device</td>
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<td></td>
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</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$1,724,400</td>
</tr>
</tbody>
</table>
Geographical Information System

$174,000 Trust Fund

($149,000 Non-Recurring Trust Fund and $25,000 Recurring Trust Fund)

Funding requested to purchase Geographic Information System technology to assist in identifying crash causation factors and develop prevention strategies.

Geographic Information System (GIS) technology provides a framework for understanding and applying geographic knowledge to solve problems. The geographic approach involves integrating many factors on a map and interpreting their meaning in a holistic way. This science provides a true picture of current conditions, provides predictions of what may happen, and provides systematic information for planning and decision making.

One of the most frequent requests or questions by law enforcement, public safety, and transportation agencies is what happened along a particular section of roadway during a specific time period. Currently, there is no way, using a typical database such as Excel or Access, to view this information in a useful and meaningful way.

GIS technology would provide an automated solution in usable format. This technology provides the capability to ask multiple questions with multiple inputs or filters with a single result that can be shown in a summary total, spreadsheet, or map format. Considering all these factors can be overwhelming. This is where the use of GIS is particularly valuable. Determining when, where, and why crashes are occurring will provide law enforcement managers the tools to enforce those laws that specifically address and will prevent the problem. Public education campaigns and roadway design improvements would benefit from data collected and reported through this technology.

Example: If the National Highway Traffic Safety Administration (NHTSA) was to review traffic crash trends in Florida and identified Improper Change of Lane or Course as the primary cause of traffic crashes in Florida. GIS would help answer the question, “What happened between point A and point B, between two periods of time?” The capability to plot every crash on I-10 between I-75 and I-95 that involved a tractor-trailer with the violation of Improper Change of Lane or Course. Based on this information law enforcement managers would know where and when to place their officer’s to achieve the greatest effectiveness.

This issue requests funding for the purchase of a geographic information system. The technology will help determine where traffic problem areas are located, which will enable the Patrol to design related enforcement programs and adjust staffing to increase safety and security at the most vulnerable locations. Implementing GIS technology will greatly support initiatives outlined in the Florida Department of Transportation’s Strategic Highway Safety Plan.

<table>
<thead>
<tr>
<th>COSTS</th>
<th>Item</th>
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<td></td>
<td>Software</td>
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<td></td>
<td>Services</td>
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<tr>
<td></td>
<td><strong>Total</strong></td>
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<td></td>
<td><strong>$174,000</strong></td>
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</table>
Grand Driver Program
$628,003 General Revenue
($55,000 Non-Recurring General Revenue and $573,003 Recurring General Revenue)

Funding requested to continue to meet the needs of Florida’s growing mature driver population and provide mobility options.

The growth trend of Florida’s aging population and medically at risk driver population has and will continue to create challenges that the Florida GrandDriver® program is designed to address. The objective of Florida GrandDriver® is to extend years of safe driving by mature drivers and generate suitable alternatives to driving. The program operates through a website and educational sessions for seniors, medical professionals, judicial staff, law enforcement, caregivers and family members. This program supports the Governor’s funding initiatives aimed at developing a multi-modal infrastructure, under Florida’s Innovation Economy.

According to the Office of Economic and Demographic Research, Florida’s 65 and older population is projected to grow to nearly 3.5 million by 2010, an increase of 24 percent over the 2000 number. The population aged 85 and older is forecast to expand by 60 percent between 2000 and 2010.

Funding will provide:
- Florida GrandDriver® website update and social marketing campaign to encompass community events, media outreach, exhibits at conferences, and limited online reporting of at-risk drivers
- Centers to maximize public-private partnerships for community outreach events, mobility counseling, driving assessments, and medical referrals (Department of Elder Affairs partnership)
- Focus groups of subject matter experts to support a strategic plan for Florida in a comprehensive licensing approach and a seamless system connecting seniors to safety and transportation resources
- Review of the medical referral process and medical standards
- Creation of a longitudinal static database enabling program tracking, program evaluation, trends and conditions analysis, driver behavior and performance issues of all at risk drivers
- Design and implementation of more effective driver skill screening tools and a referral system suited to Division of Driver Licenses to provide indicators for detection of unsafe drivers

COSTS

<table>
<thead>
<tr>
<th>Issue</th>
<th>Costs</th>
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<tr>
<td>Expense and travel funding</td>
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</tr>
<tr>
<td>Contracted services for web design, mobility counseling, fitness screenings, and marketing</td>
<td>$510,003</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$628,003</strong></td>
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</tbody>
</table>
Mandate

Federal Real ID Act Implementation

$4,614,687 General Revenue

($945,030 Non-Recurring General Revenue and $3,669,657 Recurring General Revenue)

Funding requested to continue computer system modifications to comply with the Federal Real ID Act and begin issuing Real ID compliant licenses and identification cards by January 2010.

In January 2008, the Department of Homeland Security finalized the rules to implement the requirements of the federal Real ID Act. This Act sets national standards for the issuance of driver licenses and identification cards. States were required to comply with the new standards by May 2008, unless the state filed an extension. Florida filed an extension and expects to begin issuing Real ID licenses and ID cards no later than January 2010.

On December 1, 2014, Federal agencies will no longer accept a driver’s license or identification card for official purposes from individuals born after December 1, 1964, unless the credential is Real ID compliant. This means a person without Real ID compliant identification will not be allowed to board commercial flights or enter certain federal facilities. On December 1, 2017, the same will apply for the remainder of the population; those born on or before December 1, 1964.

States must improve and create new electronic verification and document imaging systems that:

- Validate the name and date of birth assigned to each alien number (immigrants & non-immigrants)
- Provide real-time verification of birth records
- Provide real-time verification on surrendered Real ID compliant licenses and ID cards
- Verify U.S. passports with the U.S. Department of State; and
- Electronically capture identity and proof of lawful presence documents

The implementation of the Real ID Act rules requires numerous enhancements to Florida’s driver license system and new systems and infrastructure upgrades to support the electronic verification and document imaging requirements. Funding was provided in fiscal year 2008-09 year to replace the Department’s aging database servers and software to handle the increased workload, increase the network connection used for electronic validation, and to hire contractors to make first year system changes. Funding was also received for scanner upgrades, background checks, and a public information campaign.

Additional funding for fiscal year 2009-10 is required to support recurring database server costs, upgrade the verification system infrastructure, and hire contractors to make driver license system changes. Since Florida has already met many of the Real ID requirements, preliminary estimates indicate that an increase of $1.00 or less is anticipated per Florida license or ID card issued.

**COSTS**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase based on projected $1 per card increase and January 2010 implementation date</td>
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</tr>
<tr>
<td>Scanner maintenance</td>
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<tr>
<td>Electronic verification system servers</td>
<td>$29,230</td>
</tr>
<tr>
<td>Developers for 7,878 hours @ $100 an hour</td>
<td>$787,800</td>
</tr>
<tr>
<td>One Senior Database contractor for 1,024 hours @ $125 an hour rate</td>
<td>$128,000</td>
</tr>
<tr>
<td>Recurring disk storage for additional scanned identity documents</td>
<td>$232,000</td>
</tr>
<tr>
<td>Contracted services</td>
<td>$14,351</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,614,687</strong></td>
</tr>
</tbody>
</table>

- Fiscal year 2010-11 annualized cost $7,090,308
Transfer Mainframe to Shared Resource Center
Funding To Be Determined

Funding requested to purchase mainframe services from the Southwood Shared Resource Center in compliance with Senate Bill 1892.

Senate Bill 1892 requires that the computing requirements currently provided by the mainframe resources of the Department of Highway Safety and Motor Vehicles (and other agencies) be consolidated within the Southwood Shared Resource Center (SSRC) by July 2009. The bill anticipates that savings will be achieved for the state by leveraging the SSRC’s economies of scale and negotiating strengths to achieve the mainframe consolidation.

Currently, all overnight processing is performed on the mainframe this includes: centralized title printing, driver license renewals, problem driver processing (points, revocations, cancellation notices are printed and added to the record), revenue reconciliation and distribution, citation inventory, financial responsibility processing (suspension notices are printed and added to the record), death notice updates, driver license and identification card central issuance.

In addition, all driver license online and batch national system verifications (Commercial Driver License Information System, Problem Driver Pointer System, Social Security verification), online public access to driver history records and status, online transactions used by the Courts, and the driver license law enforcement inquiry rely on the mainframe.

Funding is requested to pay for mainframe services that will now be provided by the SSRC. Additionally, the SSRC is assessing its capability to provide specialty mainframe print functions for the Department. As a result, there may be an adjustment to the amount of this request following the completion of these activities in December 2008.

COSTS
Funding required to purchase necessary computing services will be determined at a later date.
Fixed Capital Outlay

Critical Repairs and Mold Remediation
$1,382,359 Non-Recurring General Revenue

Funding requested for fixed capital outlay projects necessary to continue operations and provide quality services to the citizens of Florida.

Kirkman Building Improvements - The Kirkman Building, located in Tallahassee, was constructed in 1956 with wing additions being made in subsequent years. The building is comprised of 380,836 square feet. Items included in this request are two cooling tower upgrades to support two 500 ton chillers and critical life safety repairs which consist of door replacements and plumbing backflow prevention based on a May 2008 State Fire Marshal’s report of deficiencies. Plumbing backflow prevention is necessary to prevent backflow of non-potable water into the building system.

Florida Highway Patrol Facility Maintenance - This issue requests funding for maintenance and repairs to Florida Highway Patrol facilities statewide as part of a five year plan. Due to hurricanes and tropical storms, water intrusion has caused mold and mildew problems statewide.

Division of Driver Licenses Facility Maintenance – This issue requests funding for mold and mildew remediation/duct cleaning, HVAC repairs/replacements, and roof repairs to driver license facilities statewide. Due to hurricanes and tropical storms, water intrusion has caused a mold and mildew problem statewide.

COST
This issue requests $1,382,359 for special projects and improvements for the Neil Kirkman Building, located in Tallahassee, Florida, and for repairs and improvements to Florida Highway Patrol and Driver License office facilities statewide. Issue detail below.

<table>
<thead>
<tr>
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<th>Cost</th>
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<tbody>
<tr>
<td>Kirkman Building Improvements</td>
<td></td>
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<tr>
<td>Two cooling tower upgrades to support two 500 ton chillers</td>
<td>$100,000</td>
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<tr>
<td>Door replacements and plumbing backflow prevention</td>
<td>$198,618</td>
</tr>
<tr>
<td>Florida Highway Patrol Facility Maintenance</td>
<td></td>
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<tr>
<td>Roofing Statewide (Lakeland, Pensacola, Davie, Bradenton Miami, Arcadia, Gainesville, Madison)</td>
<td>$606,630</td>
</tr>
<tr>
<td>Mold/Mildew Remediation/Duct Cleaning (Bradenton, Lakeland, Pensacola, Crestview, Quincy)</td>
<td>$205,111</td>
</tr>
<tr>
<td>Division of Driver Licenses Facility Maintenance</td>
<td></td>
</tr>
<tr>
<td>Roofing (Miami and Pinellas Park)</td>
<td>$106,000</td>
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<tr>
<td>Mold and Mildew Remediation (Brooksville, Pensacola, Tampa)</td>
<td>$100,000</td>
</tr>
<tr>
<td>HVAC (Tampa, Sarasota, Brookville)</td>
<td>$66,000</td>
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<tr>
<td>TOTAL</td>
<td>$1,382,359</td>
</tr>
</tbody>
</table>
Florida Department of Highway Safety and Motor Vehicles

Proposed Substantive Legislative Package
Fiscal Year 2009-2010
September 2008

Electra Theodorides-Bustle
Executive Director
**Guiding Principle:** We will protect our roadways.

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<tr>
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<tr>
<td>Move Over Law</td>
<td>The Move Over Law enacted in 2002 has been a successful tool for providing safety to law enforcement at road side. While the law is a great success it can be improved. Currently, there is not a stated requirement for drivers on a four-lane highway to slow down if they cannot move over. The subsection requiring drivers to slow down is limited to roads with only two lanes.</td>
<td>The proposed change would add language directing motorist to slow down on a four-lane highway if they are unable to move over as required by the act.</td>
<td>The current law does not provide an alternative to drivers who find themselves unable to move over on a four-lane highway.</td>
<td>None</td>
<td>s. 316.126</td>
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## Department of Highway Safety and Motor Vehicles
### 2009 Legislative Proposals

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<td>Driving without a valid license</td>
<td>Currently, drivers who are charged with driving on a suspended, revoked or cancelled driver license may be charged with a criminal traffic violation if it is determined that the driver knew his or her license was not valid. If the driver was not aware that his/her license was invalid, then the charge becomes a moving violation. Three convictions for driving on an invalid license results in the driver being designated a habitual traffic offender and a 5-year revocation is placed on the driver record.</td>
<td>If the driver is found to have been driving on a suspended or revoked license with knowledge of the sanction and the underlying suspension or revocation was driving related, then the driver is subject to having their vehicle impounded for 10 days by order of the court for a first offense and 20 days for the second offense.</td>
<td>According to national statistics, unlicensed drivers are almost four times more likely to be involved in a fatal crash. According to NHTSA, one in five fatal crashes per year involves a driver without a proper license. In Florida over 3,000 people per year are killed on our roadways. Removing unlicensed drivers from the roadways of our State will greatly enhance our ability to lower fatalities and ensure the safety of our motoring public. Impoundment of the vehicle is a valuable tool that should be applied when behavior modification is needed.</td>
<td>None</td>
<td>s. 322.34</td>
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### Department of Highway Safety and Motor Vehicles
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<td>Multiple Crashes</td>
<td>Current Florida law requires all drivers charged with a moving violation that resulted in a crash involving death or bodily injury require transport to a medical facility or a 2\textsuperscript{nd} crash within a 2-year period involving property damage of at least $500 to complete a traffic collision avoidance course. Furthermore, law enforcement may report any driver to the department for re-examination if he/she determines that their abilities are questionable.</td>
<td>This proposal would require the at-fault driver who has been convicted of three or more moving violations resulting in crashes within 3 years to submit to a skills assessment at the driver’s expense. The fee for the assessment would be established by agency rule.</td>
<td>Over 3,000 people per year are killed on Florida’s roadways in over 250,000 crashes. In a 3-year period over 3,682 drivers were involved in 11,548 crashes. Reducing the volume of crashes will reduce the number of fatalities and injuries. The department’s skills assessment has proven to be an effective and unbiased tool in our medical review process. This proposal would expand the use of the skills assessment to further enhance our ability to remove drivers from our roadways who have proven to be negligent and pose a hazard to other drivers.</td>
<td>Minimal</td>
<td>s. 322.121</td>
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<td>Identification Cards and Driver Licenses</td>
<td>Currently, customers are allowed to hold a Florida driver license and identification card simultaneously. Florida law allows part-time residents to obtain a driver license that is “Valid in Florida Only” while retaining their out-of-state license.</td>
<td>The proposal would prohibit customers from holding a valid driver license and identification card simultaneously. The recommended change would eliminate the issuance of licenses that are Valid in Florida Only.</td>
<td>The Real Id Act prohibits customers from holding two Real Id compliant documents simultaneously and this proposal would put Florida statutes into compliance with the act.</td>
<td>Unknown</td>
<td>s. 322.08</td>
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**Department of Highway Safety and Motor Vehicles**  
**2009 Legislative Proposals**

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

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<td>Custom Vehicles</td>
<td>Currently, chapter 320 provides for unique license plates for customer and street rod vehicles however chapter 319 does provide for a unique titling process.</td>
<td>This change would add language to chapter 319 to conform the titling process to the changes previously made in chapter 320.</td>
<td>Chapters 319 and 320 should work together and these changes will alleviate confusion with respect to custom and street rod vehicles that currently exists.</td>
<td>None</td>
<td>s. 319.14 s. 320.0863</td>
</tr>
<tr>
<td>Dealer Licensing penalties</td>
<td>Currently, the department may not deny or suspend a dealer license for failure to obtain proper off-premises permits or for submitting a dishonored check to the department.</td>
<td>The proposed change would allow the department to sanction a dealer for failure to obtain an off-premises permit and for submitting a dishonored check to the department.</td>
<td>Offering vehicles for sale at roadside without a proper dealer license is currently a violation of law however enforcement is difficult. This sanctioning ability would provide the department authority to better enforce these types of violations and provide consumers protection. The department would also be able to enforce payment of funds owed to it for services rendered.</td>
<td>None</td>
<td>s. 320.27</td>
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<td>Record Access</td>
<td>At this time the department provides vehicle information via the internet however it only gives customers information on vehicles titled in Florida.</td>
<td>This proposal would create a new avenue whereby the department would provide customers with online access to the National Vehicle Title Information System in order to obtain vehicle history and branding data.</td>
<td>This proposal would enhance consumer protection to those customers who are prospective buyers of a used vehicle by providing vehicle history and branding data.</td>
<td>Indeterminate</td>
<td>s. 320.05</td>
</tr>
<tr>
<td>Dealer Licensing</td>
<td>Currently, Florida law requires limited direction with respect to the type of insurance licensed dealers must carry and does not provide a penalty for dealers failing to maintain insurance and/or a surety bond during the entire licensing period.</td>
<td>This proposal would restructure manner in which proof of insurance is submitted by dealers without changing the limits of liability but establishing more detailed criteria for maintenance of coverage for the entire licensing period.</td>
<td>A clear definition of the required coverage with specified time-frames will allow better oversight and provide better consumer protection.</td>
<td>None</td>
<td>s. 320.27, s. 320.77, s. 320.771, s. 320.8225</td>
</tr>
<tr>
<td>Dealer Publications</td>
<td>Currently, when franchised motor vehicle dealers seek to open a new point of sale or seek a relocation of their current franchise the department is responsible for publishing notices of the intended moves in the Florida Administrative Weekly.</td>
<td>This proposal would require the parties involved in the dealer transaction to pay the specified amount for publication in the Florida Administrative Weekly.</td>
<td>While the department does receive an application fee for licensing all motor vehicle dealers, this fee does not cover expenses related to publication of changes related to new locations. The publication costs are easily identifiable and should be borne by the entity benefiting from the service.</td>
<td>($25,000)</td>
<td>Ch. 320</td>
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Department of Highway Safety and Motor Vehicles
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Other Issues

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<tr>
<td>Technical Corrections</td>
<td>(1) Traffic Law and Substance Abuse Education certification.</td>
<td>(1) Remove statutory reference to certification of TLSAE instructors.</td>
<td>(1) Certification no longer occurs.</td>
<td>None</td>
<td>s. 322.095</td>
</tr>
<tr>
<td></td>
<td>(2) Motorcycle riders under 16.</td>
<td>(2) Correct statutory conflict.</td>
<td>(2) 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.</td>
<td></td>
<td>s. 316.2085</td>
</tr>
<tr>
<td></td>
<td>(3) Identification card fraud.</td>
<td>(3) Provide specific statutory authority for the department to cancel an identification card obtained by fraud.</td>
<td>(3) Florida law provides the department authority to cancel a driver license when it was 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.</td>
<td></td>
<td>s. 322.22</td>
</tr>
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<td></td>
<td>(4) Deposits of voluntary contributions.</td>
<td>(4) This change would allow the department to make disbursements of voluntary contributions from the Clearing TF in lieu of the Highway Safety Operating TF</td>
<td>(4) Currently, the department must transfer voluntary contributions from one fund to other before disbursement. This proposal would remove one step in that process.</td>
<td></td>
<td>s. 322.27</td>
</tr>
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<td></td>
<td>(5) Vessel registrations</td>
<td>(5) Amend s. 328.72 to define “extended registration”.</td>
<td>(5) This change will conform ch. 328. with ch. 320</td>
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## Department of Highway Safety and Motor Vehicles
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<tr>
<td>Use of e-mail addresses</td>
<td>Currently, the department is required to send all notifications to customers via the U.S. Postal Service</td>
<td>This proposed change would allow the department to collect and utilize e-mail addresses for the purpose of sending notifications to its customers.</td>
<td>This change would allow the department to utilize technology for communication purposes and provide savings to the State by lowering mailing costs.</td>
<td>At least ($600,000)</td>
<td>s. 319.40 s. 320.95 s. 328.30 s. 328.80</td>
</tr>
<tr>
<td>Motorcycle Funds</td>
<td>At this time, the motorcycle safety education providers are eligible for reimbursements that were originally created to help the program become economically viable. While the statute provides authority for the reimbursement, the legislature has not authorized the expenditure.</td>
<td>This change would eliminate subsides to the motorcycle safety education industry.</td>
<td>The motorcycle safety education industry has matured to the extent that subsides are no longer necessary and the funds previously used are needed elsewhere.</td>
<td>Funds associated with the elimination of the subsidy will be redirected to public education.</td>
<td>s. 320.06 s. 322.0255</td>
</tr>
<tr>
<td>Non-egregious Hearings</td>
<td>Currently, drivers who have had their license suspended for various non-egregious actions are required to attend a hearing for consideration for a hardship license.</td>
<td>This change would allow the department to eliminate the hearing for non-egregious suspensions while still requiring the driver to complete all other necessary reinstatement provisions.</td>
<td>The elimination of in-person hearings can be accomplished without compromising the programs integrity and simultaneously providing an opportunity for the department to reduce costs.</td>
<td>The savings associated with this provision were taken in FY 08-09.</td>
<td>s. 322.271</td>
</tr>
</tbody>
</table>
ATTACHMENT 9
VISIT OUR LIGHTS

Bill Number: Senate Bill 734

Sponsored By: Representative Bill Proctor  
Senator Mike Fasano

Additional Fee: $25 Annual Use Fee  
$ 2 Processing Fee

Fees Distributed to: Florida Lighthouse Association, Inc.

Purpose:

A maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

Approval: Organization, Legislative and law enforcement approval letters on file.

Production and Of approved, the plate will go into production and be available for
Sales Availability: purchase within six months.

Initial Order: 6,000
ATTACHMENT 10
PLAY TENNIS

Bill Number: Senate Bill 734

Sponsored By: Representative Bill Proctor
Senator Carey Baker

Additional Fee: $25 Annual Use Fee
$2 Processing Fee

Fees Distributed to: Florida Sports Foundation

Purpose:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first $60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Approval: Organization, Legislative and law enforcement approval letters on file.

Production and Sales Availability: Of approved, the plate will go into production and be available for purchase within six months.

Initial Order: 6,000
FLORIDA

Play Tennis!