

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

October 25th, 2016
AGENDA

<http://www.flhsmv.gov/agenda/2016/10252016Agenda.pdf>

1. Respectfully submit the Minutes for the September 20th, 2016 Cabinet Meeting.

Attachment #1.
Recommend Approval.

2. Respectfully submit the 2017 Legislative Concepts.

Attachment #2.
Recommend Approval.

Attachment # 1

Attachment # 2



Legislative Concepts

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

Fiscal Year 2017–2018

2017 Legislative Concepts

▪ Truancy reporting

Statutory Reference: Section 322.091, Florida Statutes

Current Situation: State law requires DHSMV to report to each school district on a quarterly basis, those students whose driving privilege has been suspended for truancy. This function is now automated for all school districts to access. Any school needing information on students whose licenses have been suspended under s. 322.091, F.S. can access in real time.

Proposed Change: Removes obsolete language related to the manual reporting of students whose driving privileges have been suspended for truancy. This report is no longer generated and distributed to each school district since the process has been automated. By placing this information on an accessible website, the individual school boards access the information when needed.

▪ Law Enforcement Officer Training Reimbursement

Statutory Reference: Section 943.16, Florida Statutes

Current Situation: State law allows law enforcement agencies to collect training costs from their employee if they leave within two years of completing their training. The Florida Highway Patrol continues to lose qualified members to other law enforcement agencies due to higher pay, opportunities closer to their home along with other issues.

Proposed Change: Increase the reimbursement requirement from 2 years to 3 years. This change will encourage more members to stay another year and complete their obligation to the agency for training them.

▪ Use of Drones

Statutory Reference: Section 934.50, Florida Statutes

Current Situation: State law prohibits the use of drones, unmanned aerial vehicles, by law enforcement for surveillance and evidence gathering. This prohibits the FHP from collecting evidence from traffic crashes. There is potential for drone use by the FHP for complex traffic crash scenes where aerial photos and aerial scene mapping can aid in clearing the roads more expeditiously.

Proposed Change: Creates a pilot program in coordination with the FDOT traffic management to allow law enforcement to use drones for traffic crash management and clearance.

2017 Legislative Concepts

▪ **Federal Motor Carrier Safety Administration Compatibility (FMCSA)**

Statutory Reference: Section 316.302, Florida Statutes

Current Situation: In 2007, the FMCSA delivered a 2007 Motor Carrier Safety Assistance Program (MCSAP) review. The findings concluded that Florida Statutes have multiple compatibility concerns with federal regulations.

Proposed Change: This proposal addresses several of these concerns, updates the newly enacted regulation or amendments within three years, and provides for language clarification. These changes resolve compatibility concerns from FMCSA between existing state law and federal regulations.

▪ **Serious disqualifying offense for a Commercial Motor Vehicle (CMV)**

Statutory Reference: Section 322.61, Florida Statutes

Current Situation: In 2013, s. 316.3025, F.S. was amended to codify Florida law that a federal prohibition existed on drivers of CMVs using handheld devices while driving. Section 322.61, F.S. should also have been amended to add this infraction to the list of serious disqualifying offenses.

Proposed Change: This proposed change incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations as noted in FMCSA compliance pre-audit.

▪ **International Registration Plan**

Statutory Reference: Sections 320.0715(1) and 320.01(24), Florida Statutes

Current Situation: The International Registration Plan (IRP) is a cooperative registration agreement among all of the states in the continental United States, the District of Columbia and certain Canadian provinces. The IRP allows a carrier to register once for all the jurisdictions, rather than dealing with each jurisdiction separately. The IRP jurisdictions voted in favor of amending the definition of Apportionable Vehicle which became effective January 1, 2016. This amendment removed Charter Buses as a vehicle exempt from IRP registration. All Charter Buses operating interstate are now required to obtain IRP registration or purchase trip permits. Florida is required by federal law to maintain its interstate commercial motor vehicle registration programs in conformance with the IRP.

Proposed Change: Revises the definition of "Apportionable Vehicle" to bring Florida's statutory definition of "apportionable vehicle" in alignment with the requirements of the International Registration Plan (IRP).

2017 Legislative Concepts

▪ Issuance of Apportionable Vehicle Plates

Statutory Reference: Section 320.06 and 320.0715(1), Florida Statutes

Current Situation: Florida is a member of the International Registration Plan (the Plan) and registers apportionable vehicles pursuant to the provisions the Plan as provided for in state law. An Apportionable vehicle is one that displays a restricted plate, has a gross weight in excess of 26k lbs and has three or more axels. These plates are only valid for one year.

Proposed Change: Revises the issuance time frame for apportioned plates to be longer than one year, and will provide for free replacement for damaged or worn apportioned plates. This change will allow companies that utilize apportioned plates the ability to keep their license plates longer and will make placing the plates on fleets less burdensome.

▪ Transporter License Plates (TLP)

Statutory Reference: Chapter 320, Florida Statutes

Current Situation: State law does not authorize DHSMV or law enforcement to conduct inspections on the use of TLP. These plates are issued to any applicant who incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates. Current law does not require the applicant to prove they are a transporter plate eligible business.

Proposed Change: The Department seeks to prevent misuse of TLPs by providing clearer guidelines on the types of businesses that qualify to use these plates. To better manage the issuance and use of TLPs by requiring applicants to prove a need for this plate and to provide DHSMV and law enforcement with tools that will allow better oversight of the usage of the plate. DHSMV has discovered businesses are using TLP's on their company vehicles rather than on vehicles they are transporting. The vehicles are not properly insured or registered with the state of Florida. DHSMV has discovered TLPs issued in large quantities to a business with more issued in the business owner's personal name but have little or no authority to inquire as to whether the license plates are being used appropriately.

▪ Expedited Shipping Service

Statutory Reference: Section 322.21, Florida Statutes

Current Situation: Current law provides the authority to charge a service fee for customers to receive titles in an expedited timeframe. However, the law does not provide the authority for the Department to collect an expedited shipping cost related to driver licenses and identification cards from customers. For example, Florida residents needing an immediate driver license or identification card issuance, such as a replacement or renewal, who are not able to visit an office oftentimes call the customer service center to request expedited shipping of their transaction via the online portal.

2017 Legislative Concepts

To assist these customers, customer service agents must have the customer pre-pay directly to a mail courier service for the expedited shipping cost.

Proposed Change: Allows the Department to collect payment for expedited shipping of driver license and identification cards at the request of the customer for online transactions. Provides the Department the ability to automate this process; thereby, creating a more efficient process and improving customer service to those customers requesting such service.

- **Stolen identification cards**

Statutory Reference: Section 322.171(1)(b), Florida Statutes

Current Situation: Section 322.17(1)(b), F. S. provides for the replacement of a driver license for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue no fee replacement *identification cards* when stolen even when a police report is provided. The Department does not have the authority to waive the replacement fee. It is believed that replacement identification cards of this type were to be included when the original law was enacted.

Proposed Change: This change allows the Department to serve its customers more consistently by providing them the ability to obtain a no fee identification card just as customers may obtain a no fee driver license if stolen by providing a copy of the police report.