

**By** the Committees on Fiscal Policy; and Transportation; and  
Senator Brandes

594-04400-16

20161394c2

1                                   A bill to be entitled  
2           An act relating to the Department of Highway Safety  
3           and Motor Vehicles; amending s. 316.003, F.S.;  
4           defining the terms "service patrol vehicle" and  
5           "driver-assistive truck platooning technology";  
6           amending s. 316.126, F.S.; requiring the driver of  
7           every other vehicle to take specified actions if a  
8           utility service vehicle displaying any visual signals  
9           or a service patrol vehicle displaying amber rotating  
10          or flashing lights is performing certain tasks on the  
11          roadside; amending s. 316.193, F.S.; authorizing, as  
12          of a specified date, a specified court to order a  
13          certain qualified sobriety and drug monitoring program  
14          under a specified pilot program as an alternative to  
15          the placement of an ignition interlock device;  
16          deleting obsolete provisions; deleting provisions  
17          relating to a qualified sobriety and drug monitoring  
18          program; directing the department to adopt rules  
19          providing for the implementation of the use of certain  
20          qualified sobriety and drug monitoring programs;  
21          redefining the terms "qualified sobriety and drug  
22          monitoring program" and "evidence-based program";  
23          creating a qualified sobriety and drug monitoring  
24          pilot program effective on a specified date, subject  
25          to certain requirements; requiring a specified court  
26          to provide a report to the Governor and the  
27          Legislature by a specified date; amending s. 316.1937,  
28          F.S.; authorizing, as of a specified date, a specified  
29          court to order a certain qualified sobriety and drug  
30          monitoring program under a specified pilot program as  
31          an alternative to the placement of an ignition

594-04400-16

20161394c2

32 interlock device; amending s. 316.235, F.S.; revising  
33 requirements relating to a deceleration lighting  
34 system for buses; amending s. 316.303, F.S.; revising  
35 the prohibition from operating, under certain  
36 circumstances, a motor vehicle that is equipped with  
37 television-type receiving equipment; providing  
38 exceptions to the prohibition against actively  
39 displaying moving television broadcast or pre-recorded  
40 video entertainment content in vehicles; amending s.  
41 320.02, F.S.; increasing the timeframe within which  
42 the owner of any motor vehicle registered in the state  
43 must notify the department of a change of address;  
44 providing exceptions to such notification; amending s.  
45 320.03, F.S.; providing that an authorized electronic  
46 filing agent may charge a fee to the customer for use  
47 of the electronic filing system if a specified  
48 disclosure is made; amending s. 320.07, F.S.;

49 prohibiting a law enforcement officer from issuing a  
50 citation for a specified violation until a certain  
51 date; amending s. 320.08053, F.S.; revising presale  
52 requirements for issuance of a specialty license  
53 plate; amending s. 320.08056, F.S.; revising  
54 conditions for discontinuing issuance of a specialty  
55 license plate; providing an exception to the minimum  
56 requirements for certain specialty license plates;  
57 amending s. 320.64, F.S.; revising provisions for  
58 denial, suspension, or revocation of the license of a  
59 manufacturer, factory branch, distributor, or importer  
60 of motor vehicles; revising provisions for certain

594-04400-16

20161394c2

61 audits of service-related payments or incentive  
62 payments to a dealer by an applicant or licensee and  
63 the timeframe for the performance of such audits;  
64 defining the term "incentive"; revising provisions for  
65 denial or chargeback of claims; revising provisions  
66 that prohibit certain adverse actions against a dealer  
67 that sold or leased a motor vehicle to a customer who  
68 exported the vehicle to a foreign country or who  
69 resold the vehicle; revising conditions for taking  
70 such adverse actions; prohibiting failure to make  
71 certain payments to a motor vehicle dealer for  
72 temporary replacement vehicles under certain  
73 circumstances; prohibiting requiring or coercing a  
74 dealer to purchase goods or services from a vendor  
75 designated by the applicant or licensee unless certain  
76 conditions are met; providing procedures for approval  
77 of a dealer to purchase goods or services from a  
78 vendor not designated by the applicant or licensee;  
79 defining the term "goods or services"; amending s.  
80 322.051, F.S.; authorizing the international symbol  
81 for the deaf and hard of hearing to be exhibited on  
82 the identification card of a person who is deaf or  
83 hard of hearing; requiring a fee for the exhibition of  
84 the symbol on the card; authorizing a replacement  
85 identification card with the symbol without payment of  
86 a specified fee under certain circumstances; providing  
87 the international symbol for the deaf and hard of  
88 hearing; requiring the department to issue or renew an  
89 identification card to certain juvenile offenders;

594-04400-16

20161394c2

90 requiring that the department's mobile issuing units  
91 process certain identification cards at no charge;  
92 amending s. 322.14, F.S.; authorizing the  
93 international symbol for the deaf and hard of hearing  
94 to be exhibited on the driver license of a person who  
95 is deaf or hard of hearing; requiring a fee for the  
96 exhibition of the symbol on the license; authorizing a  
97 replacement license without payment of a specified fee  
98 under certain circumstances; providing applicability;  
99 amending s. 322.19, F.S.; increasing the timeframe  
100 within which certain persons must obtain a replacement  
101 driver license or identification card that reflects a  
102 change in his or her legal name; providing exceptions  
103 to such requirement; increasing the timeframe within  
104 which certain persons must obtain a replacement driver  
105 license or identification card that reflects a change  
106 in the legal residence or mailing address in his or  
107 her application, license, or card; amending s. 322.21,  
108 F.S.; exempting certain juvenile offenders from a  
109 specified fee for an original, renewal, or replacement  
110 identification card; amending s. 322.221, F.S.;

111 requiring the department to issue an identification  
112 card at no cost at the time a person's driver license  
113 is suspended or revoked due to his or her physical or  
114 mental condition; amending s. 322.251, F.S.; requiring  
115 the department to include in a certain notice a  
116 specified statement; amending s. 322.2715, F.S.;

117 requiring the department to use a certain qualified  
118 sobriety and drug monitoring program as an alternative

594-04400-16

20161394c2

119 to the placement of an ignition interlock device as of  
120 a specified date under certain circumstances; amending  
121 s. 765.521, F.S.; requiring the department to maintain  
122 an integrated link on its website referring certain  
123 visitors to a donor registry; directing the Department  
124 of Transportation to study the operation of driver-  
125 assistive truck platooning technology; authorizing the  
126 Department of Transportation to conduct a pilot  
127 project to test such operation; providing security  
128 requirements; requiring a report to the Governor and  
129 Legislature; providing effective dates.

130  
131 Be It Enacted by the Legislature of the State of Florida:

132  
133 Section 1. Subsections (94) and (95) are added to section  
134 316.003, Florida Statutes, to read:

135 316.003 Definitions.—The following words and phrases, when  
136 used in this chapter, shall have the meanings respectively  
137 ascribed to them in this section, except where the context  
138 otherwise requires:

139 (94) SERVICE PATROL VEHICLE.—A motor vehicle that bears an  
140 emblem or markings with the wording "SERVICE VEHICLE" which is  
141 visible from the roadway and clearly indicates that the vehicle  
142 belongs to or is under contract with a person, an entity, a  
143 cooperative, a board, a commission, a district, or a unit of  
144 government that provides highway assistance services to  
145 motorists, clears travel lanes, or provides temporary  
146 maintenance of traffic support for incident response operations.

147 (95) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle

594-04400-16

20161394c2

148 automation and safety technology that integrates sensor array,  
149 wireless vehicle-to-vehicle communications, active safety  
150 systems, and specialized software to link safety systems and  
151 synchronize acceleration and braking between two vehicles while  
152 leaving each vehicle's steering control and systems command in  
153 the control of the vehicle's driver in compliance with the  
154 National Highway Traffic Safety Administration rules regarding  
155 vehicle-to-vehicle communications.

156 Section 2. Section 316.126, Florida Statutes, is amended to  
157 read:

158 316.126 Operation of vehicles and actions of pedestrians on  
159 approach of an authorized emergency, sanitation, ~~or~~ utility  
160 service vehicle, or service patrol vehicle.-

161 (1) (a) Upon the immediate approach of an authorized  
162 emergency vehicle, while en route to meet an existing emergency,  
163 the driver of every other vehicle shall, when such emergency  
164 vehicle is giving audible signals by siren, exhaust whistle, or  
165 other adequate device, or visible signals by the use of  
166 displayed blue or red lights, yield the right-of-way to the  
167 emergency vehicle and shall immediately proceed to a position  
168 parallel to, and as close as reasonable to the closest edge of  
169 the curb of the roadway, clear of any intersection and shall  
170 stop and remain in position until the authorized emergency  
171 vehicle has passed, unless otherwise directed by a law  
172 enforcement officer.

173 (b) If an authorized emergency vehicle displaying any  
174 visual signals is parked on the roadside, a sanitation vehicle  
175 is performing a task related to the provision of sanitation  
176 services on the roadside, a utility service vehicle displaying

594-04400-16

20161394c2

177 any visual signals is performing a task related to the provision  
178 of utility services on the roadside, ~~or~~ a wrecker displaying  
179 amber rotating or flashing lights is performing a recovery or  
180 loading on the roadside, or a service patrol vehicle displaying  
181 amber rotating or flashing lights is performing official duties  
182 or services on the roadside, the driver of every other vehicle,  
183 as soon as it is safe:

184 1. Shall vacate the lane closest to the emergency vehicle,  
185 sanitation vehicle, utility service vehicle, ~~or wrecker,~~ or  
186 service patrol vehicle when driving on an interstate highway or  
187 other highway with two or more lanes traveling in the direction  
188 of the emergency vehicle, sanitation vehicle, utility service  
189 vehicle, ~~or wrecker,~~ or service patrol vehicle except when  
190 otherwise directed by a law enforcement officer. If such  
191 movement cannot be safely accomplished, the driver shall reduce  
192 speed as provided in subparagraph 2.

193 2. Shall slow to a speed that is 20 miles per hour less  
194 than the posted speed limit when the posted speed limit is 25  
195 miles per hour or greater; or travel at 5 miles per hour when  
196 the posted speed limit is 20 miles per hour or less, when  
197 driving on a two-lane road, except when otherwise directed by a  
198 law enforcement officer.

199 (c) The Department of Highway Safety and Motor Vehicles  
200 shall provide an educational awareness campaign informing the  
201 motoring public about the Move Over Act. The department shall  
202 provide information about the Move Over Act in all newly printed  
203 driver license educational materials.

204 (2) Every pedestrian using the road right-of-way shall  
205 yield the right-of-way until the authorized emergency vehicle

594-04400-16

20161394c2

206 has passed, unless otherwise directed by a law enforcement  
207 officer.

208 (3) An authorized emergency vehicle, when en route to meet  
209 an existing emergency, shall warn all other vehicular traffic  
210 along the emergency route by an audible signal, siren, exhaust  
211 whistle, or other adequate device or by a visible signal by the  
212 use of displayed blue or red lights. While en route to such  
213 emergency, the emergency vehicle shall otherwise proceed in a  
214 manner consistent with the laws regulating vehicular traffic  
215 upon the highways of this state.

216 (4) This section does not diminish or enlarge any rules of  
217 evidence or liability in any case involving the operation of an  
218 emergency vehicle.

219 (5) This section does not relieve the driver of an  
220 authorized emergency vehicle from the duty to drive with due  
221 regard for the safety of all persons using the highway.

222 (6) A violation of this section is a noncriminal traffic  
223 infraction, punishable pursuant to chapter 318 as either a  
224 moving violation for infractions of subsection (1) or subsection  
225 (3), or as a pedestrian violation for infractions of subsection  
226 (2).

227 Section 3. Subsection (2), present paragraph (j) of  
228 subsection (6), and subsection (11) of section 316.193, Florida  
229 Statutes, are amended, present paragraphs (k), (l), and (m) of  
230 subsection (6) are redesignated as paragraphs (j), (k), and (l),  
231 respectively, and subsections (15) and (16) are added to that  
232 section, to read:

233 316.193 Driving under the influence; penalties.—

234 (2) (a) Except as provided in paragraph (b), subsection (3),



594-04400-16

20161394c2

235 or subsection (4), any person who is convicted of a violation of  
236 subsection (1) shall be punished:

237 1. By a fine of:

238 a. Not less than \$500 or more than \$1,000 for a first  
239 conviction.

240 b. Not less than \$1,000 or more than \$2,000 for a second  
241 conviction; and

242 2. By imprisonment for:

243 a. Not more than 6 months for a first conviction.

244 b. Not more than 9 months for a second conviction.

245 3. For a second conviction, by mandatory placement for a  
246 period of at least 1 year, at the convicted person's sole  
247 expense, of an ignition interlock device approved by the  
248 department in accordance with s. 316.1938 upon all vehicles that  
249 are individually or jointly leased or owned and routinely  
250 operated by the convicted person, when the convicted person  
251 qualifies for a permanent or restricted license. Effective  
252 October 1, 2016, the court in the Fourth Judicial Circuit may  
253 order an offender to participate in a qualified sobriety and  
254 drug monitoring program, as defined in subsection (15) and  
255 authorized by 23 U.S.C. s. 164, under the pilot program in  
256 subsection (16), as an alternative to the placement of an  
257 ignition interlock device required by this section ~~The~~  
258 ~~installation of such device may not occur before July 1, 2003.~~

259 (b)1. Any person who is convicted of a third violation of  
260 this section for an offense that occurs within 10 years after a  
261 prior conviction for a violation of this section commits a  
262 felony of the third degree, punishable as provided in s.  
263 775.082, s. 775.083, or s. 775.084. In addition, the court shall

594-04400-16

20161394c2

264 order the mandatory placement for a period of not less than 2  
265 years, at the convicted person's sole expense, of an ignition  
266 interlock device approved by the department in accordance with  
267 s. 316.1938 upon all vehicles that are individually or jointly  
268 leased or owned and routinely operated by the convicted person,  
269 when the convicted person qualifies for a permanent or  
270 restricted license. Effective October 1, 2016, the court in the  
271 Fourth Judicial Circuit may order an offender to participate in  
272 a qualified sobriety and drug monitoring program, as defined in  
273 subsection (15) and authorized by 23 U.S.C. s. 164, under the  
274 pilot program in subsection (16), as an alternative to the  
275 placement of an ignition interlock device required by this  
276 section ~~The installation of such device may not occur before~~  
277 ~~July 1, 2003.~~

278 2. Any person who is convicted of a third violation of this  
279 section for an offense that occurs more than 10 years after the  
280 date of a prior conviction for a violation of this section shall  
281 be punished by a fine of not less than \$2,000 or more than  
282 \$5,000 and by imprisonment for not more than 12 months. In  
283 addition, the court shall order the mandatory placement for a  
284 period of at least 2 years, at the convicted person's sole  
285 expense, of an ignition interlock device approved by the  
286 department in accordance with s. 316.1938 upon all vehicles that  
287 are individually or jointly leased or owned and routinely  
288 operated by the convicted person, when the convicted person  
289 qualifies for a permanent or restricted license. Effective  
290 October 1, 2016, the court in the Fourth Judicial Circuit may  
291 order an offender to participate in a qualified sobriety and  
292 drug monitoring program, as defined in subsection (15) and

594-04400-16

20161394c2

293 authorized by 23 U.S.C. s. 164, under the pilot program in  
294 subsection (16), as an alternative to the placement of an  
295 ignition interlock device required by this section ~~The~~  
296 ~~installation of such device may not occur before July 1, 2003.~~

297 3. Any person who is convicted of a fourth or subsequent  
298 violation of this section, regardless of when any prior  
299 conviction for a violation of this section occurred, commits a  
300 felony of the third degree, punishable as provided in s.  
301 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
302 for such fourth or subsequent violation may be not less than  
303 \$2,000.

304 (c) In addition to the penalties in paragraph (a), the  
305 court may order placement, at the convicted person's sole  
306 expense, of an ignition interlock device approved by the  
307 department in accordance with s. 316.1938 for at least 6  
308 continuous months upon all vehicles that are individually or  
309 jointly leased or owned and routinely operated by the convicted  
310 person if, at the time of the offense, the person had a blood-  
311 alcohol level or breath-alcohol level of .08 or higher.

312 (6) With respect to any person convicted of a violation of  
313 subsection (1), regardless of any penalty imposed pursuant to  
314 subsection (2), subsection (3), or subsection (4):

315 ~~(j)1. Notwithstanding the provisions of this section, s.~~  
316 ~~316.1937, and s. 322.2715 relating to ignition interlock devices~~  
317 ~~required for second or subsequent offenders, in order to~~  
318 ~~strengthen the pretrial and posttrial options available to~~  
319 ~~prosecutors and judges, the court may order, if deemed~~  
320 ~~appropriate, that a person participate in a qualified sobriety~~  
321 ~~and drug monitoring program, as defined in subparagraph 2., in~~

594-04400-16

20161394c2

322 ~~addition to the ignition interlock device requirement.~~

323 ~~Participation shall be at the person's sole expense.~~

324 ~~2. As used in this paragraph, the term "qualified sobriety~~  
325 ~~and drug monitoring program" means an evidence-based program,~~  
326 ~~approved by the department, in which participants are regularly~~  
327 ~~tested for alcohol and drug use. As the court deems appropriate,~~  
328 ~~the program may monitor alcohol or drugs through one or more of~~  
329 ~~the following modalities: breath testing twice a day; continuous~~  
330 ~~transdermal alcohol monitoring in cases of hardship; or random~~  
331 ~~blood, breath, urine, or oral fluid testing. Testing modalities~~  
332 ~~that provide the best ability to sanction a violation as close~~  
333 ~~in time as reasonably feasible to the occurrence of the~~  
334 ~~violation should be given preference. This paragraph does not~~  
335 ~~preclude a court from ordering an ignition interlock device as a~~  
336 ~~testing modality.~~

337 ~~3. For purposes of this paragraph, the term "evidence-based~~  
338 ~~program" means a program that satisfies the requirements of at~~  
339 ~~least two of the following:~~

340 ~~a. The program is included in the federal registry of~~  
341 ~~evidence-based programs and practices.~~

342 ~~b. The program has been reported in a peer-reviewed journal~~  
343 ~~as having positive effects on the primary targeted outcome.~~

344 ~~c. The program has been documented as effective by informed~~  
345 ~~experts and other sources.~~

346  
347 For the purposes of this section, any conviction for a violation  
348 of s. 327.35; a previous conviction for the violation of former  
349 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
350 previous conviction outside this state for driving under the

594-04400-16

20161394c2

351 influence, driving while intoxicated, driving with an unlawful  
352 blood-alcohol level, driving with an unlawful breath-alcohol  
353 level, or any other similar alcohol-related or drug-related  
354 traffic offense, is also considered a previous conviction for  
355 violation of this section. However, in satisfaction of the fine  
356 imposed pursuant to this section, the court may, upon a finding  
357 that the defendant is financially unable to pay either all or  
358 part of the fine, order that the defendant participate for a  
359 specified additional period of time in public service or a  
360 community work project in lieu of payment of that portion of the  
361 fine which the court determines the defendant is unable to pay.  
362 In determining such additional sentence, the court shall  
363 consider the amount of the unpaid portion of the fine and the  
364 reasonable value of the services to be ordered; however, the  
365 court may not compute the reasonable value of services at a rate  
366 less than the federal minimum wage at the time of sentencing.

367 (11) The Department of Highway Safety and Motor Vehicles is  
368 directed to adopt rules providing for the implementation of the  
369 use of ignition interlock devices and qualified sobriety and  
370 drug monitoring programs, as defined in subsection (15), to be  
371 used in the pilot program under subsection (16).

372 (15) As used in this chapter and chapter 322, the term:

373 (a) "Qualified sobriety and drug monitoring program" means  
374 an evidence-based program approved by the department which  
375 authorizes a court or an agency with jurisdiction, as a  
376 condition of bond, sentence, probation, parole, or restricted  
377 driving privileges, to require a person who was arrested for,  
378 pleaded guilty to, or was convicted of driving under the  
379 influence of alcohol or drugs to be regularly tested for alcohol

594-04400-16

20161394c2

380 and drug use. As the court deems appropriate, the program shall  
381 monitor alcohol or drugs through one or more of the following  
382 modalities: breath testing twice a day at a testing location;  
383 continuous transdermal alcohol monitoring via an electronic  
384 monitoring device; random blood, breath, or urine testing; or  
385 drug patch or oral fluid testing. Testing modalities that  
386 provide the best ability to detect a violation as close in time  
387 as reasonably feasible to the occurrence of the violation should  
388 be given preference. Participation shall be at the person's sole  
389 expense.

390 (b) "Evidence-based program" means a program that satisfies  
391 the requirements of at least two of the following:

392 1. The program is included in the federal registry of  
393 evidence-based programs and practices.

394 2. The program has been reported in a peer-reviewed journal  
395 as having positive effects on the primary targeted outcome.

396 3. The program has been documented as effective by informed  
397 experts and other sources.

398 (16) The Fourth Judicial Circuit, in coordination with the  
399 department, shall implement a qualified sobriety and drug  
400 monitoring pilot program effective October 1, 2016, for offenses  
401 where an ignition interlock device is mandated under  
402 subparagraphs (2) (a)3., (2) (b)1., and (2) (b)2. The Fourth  
403 Judicial Circuit may order a qualified sobriety and drug  
404 monitoring program, as defined in subsection (15) and authorized  
405 by 23 U.S.C. s. 164, as an alternative to the ignition interlock  
406 device. The Fourth Judicial Circuit shall provide a report on  
407 the results of the pilot program to the Governor, the President  
408 of the Senate, and the Speaker of the House of Representatives

594-04400-16

20161394c2

409 by March 1, 2018.

410 Section 4. Subsection (1) of section 316.1937, Florida  
411 Statutes, is amended to read:

412 316.1937 Ignition interlock devices, requiring; unlawful  
413 acts.—

414 (1) In addition to any other authorized penalties, the  
415 court may require that any person who is convicted of driving  
416 under the influence in violation of s. 316.193 shall not operate  
417 a motor vehicle unless that vehicle is equipped with a  
418 functioning ignition interlock device certified by the  
419 department as provided in s. 316.1938, and installed in such a  
420 manner that the vehicle will not start if the operator's blood  
421 alcohol level is in excess of 0.025 percent or as otherwise  
422 specified by the court. The court may require the use of an  
423 approved ignition interlock device for a period of at least 6  
424 continuous months, if the person is permitted to operate a motor  
425 vehicle, whether or not the privilege to operate a motor vehicle  
426 is restricted, as determined by the court. The court, however,  
427 shall order placement of an ignition interlock device in those  
428 circumstances required by s. 316.193. Effective October 1, 2016,  
429 for offenses where an ignition interlock device is mandated  
430 under s. 316.193(2)(a)3., (2)(b)1., and (2)(b)2., the court in  
431 the Fourth Judicial Circuit may order a qualified sobriety and  
432 drug monitoring program, as defined in s. 316.193(15) and  
433 authorized by 23 U.S.C. s. 164, under the pilot program in s.  
434 316.193(16) as an alternative to the ignition interlock device.

435 Section 5. Subsection (5) of section 316.235, Florida  
436 Statutes, is amended to read:

437 316.235 Additional lighting equipment.—

594-04400-16

20161394c2

438 (5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped  
439 with a deceleration lighting system that ~~which~~ cautions  
440 following vehicles that the bus is slowing, is preparing to  
441 stop, or is stopped. Such lighting system shall consist of red  
442 or amber lights mounted in horizontal alignment on the rear of  
443 the vehicle at ~~or near~~ the vertical centerline of the vehicle,  
444 no greater than 12 inches apart, not higher than the lower edge  
445 of the rear window or, if the vehicle has no rear window, not  
446 higher than 100 ~~72~~ inches from the ground. Such lights shall be  
447 visible from a distance of not less than 300 feet to the rear in  
448 normal sunlight. Lights are permitted to light and flash during  
449 deceleration, braking, or standing and idling of the bus.  
450 Vehicular hazard warning flashers may be used in conjunction  
451 with or in lieu of a rear-mounted deceleration lighting system.

452 Section 6. Subsections (1) and (3) of section 316.303,  
453 Florida Statutes, are amended to read:

454 316.303 Television receivers.—

455 (1) No motor vehicle may be operated on the highways of  
456 this state if the vehicle is actively displaying moving  
457 television broadcast or pre-recorded video entertainment content  
458 that is ~~shall be equipped with television-type receiving~~  
459 ~~equipment so located that the viewer or screen is~~ visible from  
460 the driver's seat while the vehicle is in motion, unless the  
461 vehicle is equipped with autonomous technology, as defined in s.  
462 316.003(90), and is being operated in autonomous mode, as  
463 provided in s. 316.85(2).

464 (3) This section does not prohibit the use of an electronic  
465 display used in conjunction with a vehicle navigation system, or  
466 an electronic display used by an operator of a vehicle equipped



594-04400-16

20161394c2

467 and operating with driver-assistive truck platooning technology,  
468 as defined in s. 316.003.

469 Section 7. Subsection (4) of section 320.02, Florida  
470 Statutes, is amended to read:

471 320.02 Registration required; application for registration;  
472 forms.—

473 (4) Except as provided in ss. 775.21, 775.261, 943.0435,  
474 944.607, and 985.4815, the owner of any motor vehicle registered  
475 in the state shall notify the department in writing of any  
476 change of address within 30 ~~20~~ days of such change. The  
477 notification shall include the registration license plate  
478 number, the vehicle identification number (VIN) or title  
479 certificate number, year of vehicle make, and the owner's full  
480 name.

481 Section 8. Subsection (10) of section 320.03, Florida  
482 Statutes, is amended to read:

483 320.03 Registration; duties of tax collectors;  
484 International Registration Plan.—

485 (10) Jurisdiction over the electronic filing system for use  
486 by authorized electronic filing system agents to electronically  
487 title or register motor vehicles, vessels, mobile homes, or off-  
488 highway vehicles; issue or transfer registration license plates  
489 or decals; electronically transfer fees due for the title and  
490 registration process; and perform inquiries for title,  
491 registration, and lienholder verification and certification of  
492 service providers is expressly preempted to the state, and the  
493 department shall have regulatory authority over the system. The  
494 electronic filing system shall be available for use statewide  
495 and applied uniformly throughout the state. An entity that, in

594-04400-16

20161394c2

496 the normal course of its business, sells products that must be  
497 titled or registered, provides title and registration services  
498 on behalf of its consumers and meets all established  
499 requirements may be an authorized electronic filing system agent  
500 and shall not be precluded from participating in the electronic  
501 filing system in any county. Upon request from a qualified  
502 entity, the tax collector shall appoint the entity as an  
503 authorized electronic filing system agent for that county. The  
504 department shall adopt rules in accordance with chapter 120 to  
505 replace the December 10, 2009, program standards and to  
506 administer ~~the provisions of~~ this section, including, but not  
507 limited to, establishing participation requirements,  
508 certification of service providers, electronic filing system  
509 requirements, and enforcement authority for noncompliance. The  
510 December 10, 2009, program standards, excluding any standards  
511 which conflict with this subsection, shall remain in effect  
512 until the rules are adopted. If an authorized electronic filing  
513 agent makes the disclosure required under s. 501.976(18), the an  
514 authorized electronic filing agent may charge a fee to the  
515 customer for use of the electronic filing system.

516 Section 9. Paragraph (a) of subsection (3) of section  
517 320.07, Florida Statutes, is amended to read:

518 320.07 Expiration of registration; renewal required;  
519 penalties.—

520 (3) The operation of any motor vehicle without having  
521 attached thereto a registration license plate and validation  
522 stickers, or the use of any mobile home without having attached  
523 thereto a mobile home sticker, for the current registration  
524 period shall subject the owner thereof, if he or she is present,

594-04400-16

20161394c2

525 or, if the owner is not present, the operator thereof to the  
526 following penalty provisions:

527 (a) Any person whose motor vehicle or mobile home  
528 registration has been expired for a period of 6 months or less  
529 commits a noncriminal traffic infraction, punishable as a  
530 nonmoving violation as provided in chapter 318. However, a law  
531 enforcement officer may not issue a citation for a violation  
532 under this paragraph until midnight on the last day of the  
533 owner's birth month of the year the registration expires.

534 Section 10. Effective July 1, 2016, section 320.08053,  
535 Florida Statutes, is amended to read:

536 320.08053 Establishment of Requirements for requests to  
537 establish specialty license plates.-

538 (1) If a specialty license plate requested by an  
539 organization is approved by law, the organization must submit  
540 the proposed art design for the specialty license plate to the  
541 department, in a medium prescribed by the department, as soon as  
542 practicable, but no later than 60 days after the act approving  
543 the specialty license plate becomes a law.

544 (2) (a) Within 120 days following the specialty license  
545 plate becoming law, the department shall establish a method to  
546 issue a specialty license plate voucher to allow for the presale  
547 of the specialty license plate. The processing fee as prescribed  
548 in s. 320.08056, the service charge and branch fee as prescribed  
549 in s. 320.04, and the annual use fee as prescribed in s.  
550 320.08056 shall be charged for the voucher. All other applicable  
551 fees shall be charged at the time of issuance of the license  
552 plates.

553 (b) Within 24 months after the presale specialty license

594-04400-16

20161394c2

554 plate voucher is established, the approved specialty license  
555 plate organization must record with the department a minimum of  
556 4,000 ~~1,000~~ voucher sales before manufacture of the license  
557 plate may begin ~~commence~~. If, at the conclusion of the 24-month  
558 presale period, the minimum sales requirement has ~~requirements~~  
559 ~~have~~ not been met, the specialty plate is deauthorized and the  
560 department shall discontinue development of the plate and  
561 discontinue issuance of the presale vouchers. Upon  
562 deauthorization of the license plate, a purchaser of the license  
563 plate voucher may use the annual use fee collected as a credit  
564 towards any other specialty license plate or apply for a refund  
565 on a form prescribed by the department.

566 Section 11. Effective July 1, 2019, paragraph (a) of  
567 subsection (8) of section 320.08056, Florida Statutes, is  
568 amended to read:

569 320.08056 Specialty license plates.—

570 (8) (a) The department must discontinue the issuance of an  
571 approved specialty license plate if the number of valid  
572 specialty plate registrations falls below 4,000 ~~1,000~~ ~~plates~~ for  
573 at least 12 consecutive months. A warning letter shall be mailed  
574 to the sponsoring organization following the first month in  
575 which the total number of valid specialty plate registrations is  
576 below 4,000 ~~1,000~~ ~~plates~~. This paragraph does not apply to  
577 collegiate license plates established under s. 320.08058(3) or  
578 specialty license plates that have statutory eligibility  
579 limitations for purchase.

580 Section 12. Subsections (25) and (26) of section 320.64,  
581 Florida Statutes, are amended, and subsections (39) and (40) are  
582 added to that section, to read:

594-04400-16

20161394c2

583 320.64 Denial, suspension, or revocation of license;  
584 grounds.—A license of a licensee under s. 320.61 may be denied,  
585 suspended, or revoked within the entire state or at any specific  
586 location or locations within the state at which the applicant or  
587 licensee engages or proposes to engage in business, upon proof  
588 that the section was violated with sufficient frequency to  
589 establish a pattern of wrongdoing, and a licensee or applicant  
590 shall be liable for claims and remedies provided in ss. 320.695  
591 and 320.697 for any violation of any of the following  
592 provisions. A licensee is prohibited from committing the  
593 following acts:

594 (25) The applicant or licensee has undertaken or engaged in  
595 an audit of warranty, maintenance, and other service-related  
596 payments or incentive payments, including payments to a motor  
597 vehicle dealer under any licensee-issued program, policy, or  
598 other benefit, which were previously ~~have been~~ paid to a motor  
599 vehicle dealer in violation of this section or has failed to  
600 comply with any of its obligations under s. 320.696. An  
601 applicant or licensee may reasonably and periodically audit a  
602 motor vehicle dealer to determine the validity of paid claims as  
603 provided in s. 320.696. Audits of warranty, maintenance, and  
604 other service-related payments shall be performed by an  
605 applicant or licensee only during the 12-month ~~1-year~~ period  
606 immediately following the date the claim was paid. Audits ~~Audit~~  
607 of incentive payments shall ~~only~~ be performed only during the  
608 12-month ~~for an 18-month~~ period immediately following the date  
609 the incentive was paid. As used in this section, the term  
610 "incentive" includes any bonus, incentive, or other monetary or  
611 nonmonetary consideration. After such time periods have elapsed,

594-04400-16

20161394c2

612 all warranty, maintenance, and other service-related payments  
613 and incentive payments shall be deemed final and  
614 incontrovertible for any reason notwithstanding any otherwise  
615 applicable law, and the motor vehicle dealer shall not be  
616 subject to any chargeback ~~charge-back~~ or repayment. An applicant  
617 or licensee may deny a claim or, as a result of a timely  
618 conducted audit, impose a chargeback ~~charge-back~~ against a motor  
619 vehicle dealer for warranty, maintenance, or other service-  
620 related payments or incentive payments only if the applicant or  
621 licensee can show that the warranty, maintenance, or other  
622 service-related claim or incentive claim was false or fraudulent  
623 or that the motor vehicle dealer failed to substantially comply  
624 with the reasonable written and uniformly applied procedures of  
625 the applicant or licensee for such repairs or incentives, but  
626 only for that portion of the claim so shown. Notwithstanding the  
627 terms of any franchise agreement, guideline, program, policy, or  
628 procedure, an applicant or licensee may deny or charge back only  
629 that portion of a warranty, maintenance, or other service-  
630 related claim or incentive claim which the applicant or licensee  
631 has proven to be false or fraudulent or for which the dealer  
632 failed to substantially comply with the reasonable written and  
633 uniformly applied procedures of the applicant or licensee for  
634 such repairs or incentives, as set forth in this subsection. An  
635 applicant or licensee may not charge back a motor vehicle dealer  
636 ~~back~~ subsequent to the payment of a warranty, maintenance, or  
637 service-related claim or incentive claim unless, within 30 days  
638 after a timely conducted audit, a representative of the  
639 applicant or licensee first meets in person, by telephone, or by  
640 video teleconference with an officer or employee of the dealer

594-04400-16

20161394c2

641 designated by the motor vehicle dealer. At such meeting the  
642 applicant or licensee must provide a detailed explanation, with  
643 supporting documentation, as to the basis for each of the claims  
644 for which the applicant or licensee proposed a chargeback  
645 ~~charge-back~~ to the dealer and a written statement containing the  
646 basis upon which the motor vehicle dealer was selected for audit  
647 or review. Thereafter, the applicant or licensee must provide  
648 the motor vehicle dealer's representative a reasonable period  
649 after the meeting within which to respond to the proposed  
650 chargebacks ~~charge-backs~~, with such period to be commensurate  
651 with the volume of claims under consideration, but in no case  
652 less than 45 days after the meeting. The applicant or licensee  
653 is prohibited from changing or altering the basis for each of  
654 the proposed chargebacks ~~charge-backs~~ as presented to the motor  
655 vehicle dealer's representative following the conclusion of the  
656 audit unless the applicant or licensee receives new information  
657 affecting the basis for one or more chargebacks ~~charge-backs~~ and  
658 that new information is received within 30 days after the  
659 conclusion of the timely conducted audit. If the applicant or  
660 licensee claims the existence of new information, the dealer  
661 must be given the same right to a meeting and right to respond  
662 as when the chargeback ~~charge-back~~ was originally presented.  
663 After all internal dispute resolution processes provided through  
664 the applicant or licensee have been completed, the applicant or  
665 licensee shall give written notice to the motor vehicle dealer  
666 of the final amount of its proposed chargeback ~~charge-back~~. If  
667 the dealer disputes that amount, the dealer may file a protest  
668 with the department within 30 days after receipt of the notice.  
669 If a protest is timely filed, the department shall notify the

594-04400-16

20161394c2

670 applicant or licensee of the filing of the protest, and the  
671 applicant or licensee may not take any action to recover the  
672 amount of the proposed chargeback ~~charge-back~~ until the  
673 department renders a final determination, which is not subject  
674 to further appeal, that the chargeback ~~charge-back~~ is in  
675 compliance with ~~the provisions of~~ this section. In any hearing  
676 pursuant to this subsection, the applicant or licensee has the  
677 burden of proof that its audit and resulting chargeback ~~charge-~~  
678 ~~back~~ are in compliance with this subsection.

679 (26) Notwithstanding the terms of any franchise agreement,  
680 including any licensee's program, policy, or procedure, the  
681 applicant or licensee has refused to allocate, sell, or deliver  
682 motor vehicles; charged back or withheld payments or other  
683 things of value for which the dealer is otherwise eligible under  
684 a sales promotion, program, or contest; prevented a motor  
685 vehicle dealer from participating in any promotion, program, or  
686 contest; or has taken or threatened to take any adverse action  
687 against a dealer, including chargebacks ~~charge-backs~~, reducing  
688 vehicle allocations, or terminating or threatening to terminate  
689 a franchise because the dealer sold or leased a motor vehicle to  
690 a customer who exported the vehicle to a foreign country or who  
691 resold the vehicle, unless the licensee proves that the dealer  
692 knew or reasonably should have known that the customer intended  
693 to export or resell the motor vehicle. There is a rebuttable  
694 presumption that the dealer neither knew nor reasonably should  
695 have known of its customer's intent to export or resell the  
696 vehicle if the vehicle is titled or registered in any state in  
697 this country. A licensee may not take any action against a motor  
698 vehicle dealer, including reducing its allocations or supply of



594-04400-16

20161394c2

699 motor vehicles to the dealer, or charging back to a dealer any  
700 ~~for an~~ incentive payment previously paid, unless the licensee  
701 first meets in person, by telephone, or video conference with an  
702 officer or other designated employee of the dealer. At such  
703 meeting, the licensee must provide a detailed explanation, with  
704 supporting documentation, as to the basis for its claim that the  
705 dealer knew or reasonably should have known of the customer's  
706 intent to export or resell the motor vehicle. Thereafter, the  
707 motor vehicle dealer shall have a reasonable period,  
708 commensurate with the number of motor vehicles at issue, but not  
709 less than 15 days, to respond to the licensee's claims. If,  
710 following the dealer's response and completion of all internal  
711 dispute resolution processes provided through the applicant or  
712 licensee, the dispute remains unresolved, the dealer may file a  
713 protest with the department within 30 days after receipt of a  
714 written notice from the licensee that it still intends to take  
715 adverse action against the dealer with respect to the motor  
716 vehicles still at issue. If a protest is timely filed, the  
717 department shall notify the applicant or licensee of the filing  
718 of the protest, and the applicant or licensee may not take any  
719 action adverse to the dealer until the department renders a  
720 final determination, which is not subject to further appeal,  
721 that the licensee's proposed action is in compliance with ~~the~~  
722 ~~provisions of~~ this subsection. In any hearing pursuant to this  
723 subsection, the applicant or licensee has the burden of proof on  
724 all issues raised by this subsection. An applicant or licensee  
725 may not take any adverse action against a motor vehicle dealer  
726 because the dealer sold or leased a motor vehicle to a customer  
727 who exported the vehicle to a foreign country or who resold the

594-04400-16

20161394c2

728 vehicle unless the applicant or licensee provides written  
729 notification to the motor vehicle dealer of such resale or  
730 export within 12 months after the date the dealer sold or leased  
731 the vehicle to the customer.

732 (39) Notwithstanding any agreement, program, incentive,  
733 bonus, policy, or rule, an applicant or licensee may not fail to  
734 make any payment pursuant to any agreement, program, incentive,  
735 bonus, policy, or rule for any temporary replacement motor  
736 vehicle loaned, rented, or provided by a motor vehicle dealer to  
737 or for its service or repair customers, even if the temporary  
738 replacement motor vehicle has been leased, rented, titled, or  
739 registered to the motor vehicle dealer's rental or leasing  
740 division or an entity that is owned or controlled by the motor  
741 vehicle dealer, provided that the motor vehicle dealer or its  
742 rental or leasing division or entity complies with the written  
743 and uniformly enforced vehicle eligibility, use, and reporting  
744 requirements specified by the applicant or licensee in its  
745 agreement, program, policy, bonus, incentive, or rule relating  
746 to loaner vehicles.

747 (40) Notwithstanding the terms of any franchise agreement,  
748 the applicant or licensee may not require or coerce, or attempt  
749 to require or coerce, a motor vehicle dealer to purchase goods  
750 or services from a vendor selected, identified, or designated by  
751 the applicant or licensee, or one of its parents, subsidiaries,  
752 divisions, or affiliates, by agreement, standard, policy,  
753 program, incentive provision, or otherwise, without making  
754 available to the motor vehicle dealer the option to obtain the  
755 goods or services of substantially similar design and quality  
756 from a vendor chosen by the motor vehicle dealer. If the motor

594-04400-16

20161394c2

757 vehicle dealer exercises such option, the dealer must provide  
758 written notice of its desire to use the alternative goods or  
759 services to the applicant or licensee, along with samples or  
760 clear descriptions of the alternative goods or services that the  
761 dealer desires to use. The licensee or applicant shall have the  
762 opportunity to evaluate the alternative goods or services for up  
763 to 30 days to determine whether it will provide a written  
764 approval to the motor vehicle dealer to use the alternative  
765 goods or services. Approval may not be unreasonably withheld by  
766 the applicant or licensee. If the motor vehicle dealer does not  
767 receive a response from the applicant or licensee within 30  
768 days, approval to use the alternative goods or services is  
769 deemed granted. If a dealer using alternative goods or services  
770 complies with this subsection and has received approval from the  
771 licensee or applicant, the dealer is not ineligible for all  
772 benefits described in the agreement, standard, policy, program,  
773 incentive provision, or otherwise solely for having used such  
774 alternative goods or services. As used in this subsection, the  
775 term "goods or services" is limited to such goods and services  
776 used to construct or renovate dealership facilities or furniture  
777 and fixtures at the dealership facilities. The term does not  
778 include:

779 (a) Any materials subject to applicant's or licensee's  
780 copyright, trademark, or trade dress rights;

781 (b) Any special tool and training as required by the  
782 licensee or applicant;

783 (c) Any part to be used in repairs under warranty  
784 obligations of an applicant or licensee;

785 (d) Any good or service paid for entirely by the applicant

594-04400-16

20161394c2

786 or licensee; or

787 (e) Any applicant's or licensee's design or architectural  
788 review service.

789  
790 A motor vehicle dealer who can demonstrate that a violation of,  
791 or failure to comply with, any of the preceding provisions by an  
792 applicant or licensee will or can adversely and pecuniarily  
793 affect the complaining dealer, shall be entitled to pursue all  
794 of the remedies, procedures, and rights of recovery available  
795 under ss. 320.695 and 320.697.

796 Section 13. Paragraph (c) is added to subsection (8) of  
797 section 322.051, Florida Statutes, and subsection (9) of that  
798 section is amended, to read:

799 322.051 Identification cards.—

800 (8)

801 (c) The international symbol for the deaf and hard of  
802 hearing shall be exhibited on the identification card of a  
803 person who is deaf or hard of hearing upon the payment of an  
804 additional \$1 fee for the identification card and the  
805 presentation of sufficient proof that the person is deaf or hard  
806 of hearing as determined by the department. Until a person's  
807 identification card is next renewed, the person may have the  
808 symbol added to his or her identification card upon surrender of  
809 his or her current identification card, payment of a \$2 fee to  
810 be deposited into the Highway Safety Operating Trust Fund, and  
811 presentation of sufficient proof that the person is deaf or hard  
812 of hearing as determined by the department. If the applicant is  
813 not conducting any other transaction affecting the  
814 identification card, a replacement identification card may be

594-04400-16

20161394c2

815 issued with the symbol without payment of the fee required in s.  
816 322.21(1)(f)3. For purposes of this paragraph, the international  
817 symbol for the deaf and hard of hearing is substantially as  
818 follows:

819                     Insert deaf and hard of hearing symbol

820       (9) Notwithstanding any other provision of this section or  
821 s. 322.21 to the contrary, the department shall issue or renew a  
822 card at no charge to a person who presents evidence satisfactory  
823 to the department that he or she is homeless as defined in s.  
824 414.0252(7), to a juvenile offender who is in the custody or  
825 under the supervision of the Department of Juvenile Justice and  
826 receiving services pursuant to s. 985.461, to an inmate  
827 receiving a card issued pursuant to s. 944.605(7), or, if  
828 necessary, to an inmate receiving a replacement card if the  
829 department determines that he or she has a valid state  
830 identification card. If the replacement state identification  
831 card is scheduled to expire within 6 months, the department may  
832 also issue a temporary permit valid for at least 6 months after  
833 the release date. The department's mobile issuing units shall  
834 process the identification cards for juvenile offenders and  
835 inmates at no charge, as provided by s. 944.605 (7)(a) and (b).

836       Section 14. Present paragraph (c) of subsection (1) of  
837 section 322.14, Florida Statutes, is redesignated as paragraph  
838 (d), and a new paragraph (c) is added to that subsection, to  
839 read:

840       322.14 Licenses issued to drivers.—

841       (1)

842       (c) The international symbol for the deaf and hard of  
843 hearing provided in s. 322.051(8)(c) shall be exhibited on the

594-04400-16

20161394c2

844 driver license of a person who is deaf or hard of hearing upon  
845 the payment of an additional \$1 fee for the license and the  
846 presentation of sufficient proof that the person is deaf or hard  
847 of hearing as determined by the department. Until a person's  
848 license is next renewed, the person may have the symbol added to  
849 his or her license upon the surrender of his or her current  
850 license, payment of a \$2 fee to be deposited into the Highway  
851 Safety Operating Trust Fund, and presentation of sufficient  
852 proof that the person is deaf or hard of hearing as determined  
853 by the department. If the applicant is not conducting any other  
854 transaction affecting the driver license, a replacement license  
855 may be issued with the symbol without payment of the fee  
856 required in s. 322.21(1)(e).

857 Section 15. The amendments made by this act to subsection  
858 (8) of s. 322.051, Florida Statutes, and s. 322.14, Florida  
859 Statutes, shall apply upon implementation of new designs for the  
860 identification card and driver license by the Department of  
861 Highway Safety and Motor Vehicles.

862 Section 16. Subsections (1) and (2) of section 322.19,  
863 Florida Statutes, are amended to read:

864 322.19 Change of address or name.—

865 (1) Except as provided in ss. 775.21, 775.261, 943.0435,  
866 944.607, and 985.4815, whenever any person, after applying for  
867 or receiving a driver license or identification card, changes  
868 his or her legal name, that person must within 30 ~~40~~ days  
869 thereafter obtain a replacement license or card that reflects  
870 the change.

871 (2) If a ~~Whenever any~~ person, after applying for or  
872 receiving a driver license or identification card, changes the

594-04400-16

20161394c2

873 legal residence or mailing address in the application, ~~or~~  
874 license, or card, the person must, within 30 ~~10~~ calendar days  
875 after making the change, obtain a replacement license or card  
876 that reflects the change. A written request to the department  
877 must include the old and new addresses and the driver license or  
878 identification card number. Any person who has a valid, current  
879 student identification card issued by an educational institution  
880 in this state is presumed not to have changed his or her legal  
881 residence or mailing address. This subsection does not affect  
882 any person required to register a permanent or temporary address  
883 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
884 943.0435.

885 Section 17. Paragraph (f) of subsection (1) of section  
886 322.21, Florida Statutes, is amended to read:

887 322.21 License fees; procedure for handling and collecting  
888 fees.—

889 (1) Except as otherwise provided herein, the fee for:

890 (f) An original, renewal, or replacement identification  
891 card issued pursuant to s. 322.051 is \$25, except that an  
892 applicant who presents evidence satisfactory to the department  
893 that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his  
894 or her annual income is at or below 100 percent of the federal  
895 poverty level; or he or she is a juvenile offender who is in the  
896 custody or under the supervision of the Department of Juvenile  
897 Justice, is receiving services pursuant to s. 985.461, and whose  
898 identification card is issued by the department's mobile issuing  
899 units is exempt from such fee. Funds collected from fees for  
900 original, renewal, or replacement identification cards shall be  
901 distributed as follows:

594-04400-16

20161394c2

902 1. For an original identification card issued pursuant to  
903 s. 322.051, the fee shall be deposited into the General Revenue  
904 Fund.

905 2. For a renewal identification card issued pursuant to s.  
906 322.051, \$6 shall be deposited into the Highway Safety Operating  
907 Trust Fund, and \$19 shall be deposited into the General Revenue  
908 Fund.

909 3. For a replacement identification card issued pursuant to  
910 s. 322.051, \$9 shall be deposited into the Highway Safety  
911 Operating Trust Fund, and \$16 shall be deposited into the  
912 General Revenue Fund. Beginning July 1, 2015, or upon completion  
913 of the transition of the driver license issuance services, if  
914 the replacement identification card is issued by the tax  
915 collector, the tax collector shall retain the \$9 that would  
916 otherwise be deposited into the Highway Safety Operating Trust  
917 Fund and the remaining revenues shall be deposited into the  
918 General Revenue Fund.

919 Section 18. Subsection (3) of section 322.221, Florida  
920 Statutes, is amended to read:

921 322.221 Department may require reexamination.—

922 (3) (a) Upon the conclusion of such examination or  
923 reexamination the department shall take action as may be  
924 appropriate and may suspend or revoke the license of such person  
925 or permit him or her to retain such license, or may issue a  
926 license subject to restrictions as permitted under s. 322.16.  
927 Refusal or neglect of the licensee to submit to such examination  
928 or reexamination shall be ground for suspension or revocation of  
929 his or her license.

930 (b) If the department suspends or revokes the license of a



594-04400-16

20161394c2

931 person due to his or her physical or mental condition, the  
932 department shall issue an identification card to the person at  
933 the time of the license suspension or revocation. The department  
934 may not charge fees for the issuance of the identification card.

935 Section 19. Subsection (2) of section 322.251, Florida  
936 Statutes, is amended to read:

937 322.251 Notice of cancellation, suspension, revocation, or  
938 disqualification of license.—

939 (2) The giving of notice and an order of cancellation,  
940 suspension, revocation, or disqualification by mail is complete  
941 upon expiration of 20 days after deposit in the United States  
942 mail for all notices except those issued under chapter 324 or  
943 ss. 627.732-627.734, which are complete 15 days after deposit in  
944 the United States mail. Proof of the giving of notice and an  
945 order of cancellation, suspension, revocation, or  
946 disqualification in either manner shall be made by entry in the  
947 records of the department that such notice was given. The entry  
948 is admissible in the courts of this state and constitutes  
949 sufficient proof that such notice was given. If notice is given  
950 that a driving privilege will be suspended for nonpayment of a  
951 fine, the department must include in the notice a statement  
952 informing the violator that, if he or she is unable to pay the  
953 citation in full, he or she may avoid a suspension by agreeing  
954 to a payment plan, based on his or her ability to pay, which  
955 will be provided through the clerk of the court in the county in  
956 which the citation was written.

957 Section 20. Subsections (1), (3), and (4) of section  
958 322.2715, Florida Statutes, are amended to read:

959 322.2715 Ignition interlock device.—

594-04400-16

20161394c2

960 (1) Before issuing a permanent or restricted driver license  
961 under this chapter, the department shall require the placement  
962 of a department-approved ignition interlock device for any  
963 person convicted of committing an offense of driving under the  
964 influence as specified in subsection (3), except that  
965 consideration may be given to those individuals having a  
966 documented medical condition that would prohibit the device from  
967 functioning normally. If a medical waiver has been granted for a  
968 convicted person seeking a restricted license, the convicted  
969 person is shall ~~shall~~ not be entitled to a restricted license until  
970 the required ignition interlock device installation period under  
971 subsection (3) expires, in addition to the time requirements  
972 under s. 322.271. If a medical waiver has been approved for a  
973 convicted person seeking permanent reinstatement of the driver  
974 license, the convicted person must be restricted to an  
975 employment-purposes-only license and be supervised by a licensed  
976 DUI program until the required ignition interlock device  
977 installation period under subsection (3) expires. An interlock  
978 device shall be placed on all vehicles that are individually or  
979 jointly leased or owned and routinely operated by the convicted  
980 person. Effective October 1, 2016, if a court in the Fourth  
981 Judicial Circuit orders a qualified sobriety and drug monitoring  
982 program as defined in s. 316.193(15) and authorized by 23 U.S.C.  
983 s. 164 under the pilot program implemented under s. 316.193(16),  
984 the department shall use the monitoring program as an  
985 alternative to the placement of an ignition interlock device  
986 required by this section.

987 (3) If the person is convicted of:

988 (a) A first offense of driving under the influence under s.

594-04400-16

20161394c2

989 316.193 and has an unlawful blood-alcohol level or breath-  
990 alcohol level as specified in s. 316.193(1), the ignition  
991 interlock device may be installed for at least 6 continuous  
992 months.

993 (b) A first offense of driving under the influence under s.  
994 316.193 and has an unlawful blood-alcohol level or breath-  
995 alcohol level as specified in s. 316.193(4), or if a person is  
996 convicted of a violation of s. 316.193 and was at the time of  
997 the offense accompanied in the vehicle by a person younger than  
998 18 years of age, the person shall have the ignition interlock  
999 device installed for at least 6 continuous months for the first  
1000 offense and for at least 2 continuous years for a second  
1001 offense.

1002 (c) A second offense of driving under the influence, the  
1003 ignition interlock device shall be installed for a period of at  
1004 least 1 continuous year.

1005 (d) A third offense of driving under the influence which  
1006 occurs within 10 years after a prior conviction for a violation  
1007 of s. 316.193, the ignition interlock device shall be installed  
1008 for a period of at least 2 continuous years.

1009 (e) A third offense of driving under the influence which  
1010 occurs more than 10 years after the date of a prior conviction,  
1011 the ignition interlock device shall be installed for a period of  
1012 at least 2 continuous years.

1013 (f) A fourth or subsequent offense of driving under the  
1014 influence, the ignition interlock device shall be installed for  
1015 a period of at least 5 years.

1016

1017 Effective October 1, 2016, if a court in the Fourth Judicial

594-04400-16

20161394c2

1018 Circuit orders a qualified sobriety and drug monitoring program  
1019 as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164  
1020 under the pilot program implemented under s. 316.193(16), the  
1021 department shall use the monitoring program as an alternative to  
1022 the placement of an ignition interlock device required by this  
1023 section.

1024 (4) If the court fails to order the mandatory placement of  
1025 the ignition interlock device or fails to order for the  
1026 applicable period the mandatory placement of an ignition  
1027 interlock device under s. 316.193 or s. 316.1937 at the time of  
1028 imposing sentence or within 30 days thereafter, the department  
1029 shall immediately require that the ignition interlock device be  
1030 installed as provided in this section, except that consideration  
1031 may be given to those individuals having a documented medical  
1032 condition that would prohibit the device from functioning  
1033 normally. Effective October 1, 2016, if a court in the Fourth  
1034 Judicial Circuit orders a qualified sobriety and drug monitoring  
1035 program as defined in s. 316.193(15) and authorized by 23 U.S.C.  
1036 s. 164 under the pilot program implemented under s. 316.193(16),  
1037 the department shall use the monitoring program as an  
1038 alternative to the placement of an ignition interlock device  
1039 required by this section. This subsection applies to the  
1040 reinstatement of the driving privilege following a revocation,  
1041 suspension, or cancellation that is based upon a conviction for  
1042 the offense of driving under the influence which occurs on or  
1043 after July 1, 2005.

1044 Section 21. Present subsections (2) and (3) of section  
1045 765.521, Florida Statutes, are redesignated as subsections (3)  
1046 and (4), respectively, and a new subsection (2) is added to that

594-04400-16

20161394c2

1047 section, to read:

1048 765.521 Donations as part of driver license or  
1049 identification card process.—

1050 (2) The department shall maintain an integrated link on its  
1051 website referring a visitor renewing a driver license or  
1052 conducting other business to the donor registry operated under  
1053 s. 765.5155.

1054 Section 22. The Department of Transportation, in  
1055 consultation with the Department of Highway Safety and Motor  
1056 Vehicles, shall study the use and safe operation of driver-  
1057 assistive truck platooning technology, as defined in s. 316.003,  
1058 Florida Statutes, for the purpose of developing a pilot project  
1059 to test vehicles that are equipped to operate using driver-  
1060 assistive truck platooning technology.

1061 (1) Upon conclusion of the study, the Department of  
1062 Transportation, in consultation with the Department of Highway  
1063 Safety and Motor Vehicles, may conduct a pilot project to test  
1064 the use and safe operation of vehicles equipped with driver-  
1065 assistive truck platooning technology.

1066 (2) Notwithstanding ss. 316.0895 and 316.303, Florida  
1067 Statutes, the Department of Transportation may conduct the pilot  
1068 project in such a manner and at such locations as determined by  
1069 the Department of Transportation based on the study.

1070 (3) Before the start of the pilot project, manufacturers of  
1071 driver-assistive truck platooning technology being tested in the  
1072 pilot project must submit to the Department of Highway Safety  
1073 and Motor Vehicles an instrument of insurance, surety bond, or  
1074 proof of self-insurance acceptable to the department in the  
1075 amount of \$5 million.

594-04400-16

20161394c2

1076       (4) Upon conclusion of the pilot project, the Department of  
1077 Transportation, in consultation with the Department of Highway  
1078 Safety and Motor Vehicles, shall submit the results of the study  
1079 and any findings or recommendations from the pilot project to  
1080 the Governor, the President of the Senate, and the Speaker of  
1081 the House of Representatives.

1082       Section 23. Except as otherwise expressly provided in this  
1083 act, and except for this section, which shall take effect July  
1084 1, 2016, this act shall take effect on October 1, 2016.