

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representatives Brannan and Drake offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) of section 117.10, Florida
7 Statutes, is amended to read:

8 117.10 Law enforcement and correctional officers;
9 administration of oaths.—

10 (2) Law enforcement officers, correctional officers, and
11 correctional probation officers, as defined in s. 943.10, and
12 traffic crash ~~accident~~ investigation officers and traffic
13 infraction enforcement officers, as described in s. 316.640, are
14 authorized to administer oaths by reliable electronic means or
15 in the physical presence of an affiant when engaged in the
16 performance of official duties. Sections 117.01, 117.04,

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17 117.045, 117.05, and 117.103 do not apply to this section. An
18 officer may not notarize his or her own signature.

19 Section 2. Subsections (16) through (73) and (74) through
20 (101) of section 316.003, Florida Statutes, are renumbered as
21 subsections (17) through (74) and (76) through (103),
22 respectively, present subsections (2) and (59) are amended, and
23 new subsections (16) and (75) are added to that section, to
24 read:

25 316.003 Definitions.—The following words and phrases, when
26 used in this chapter, shall have the meanings respectively
27 ascribed to them in this section, except where the context
28 otherwise requires:

29 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
30 wheels in the front and one wheel in the back; is equipped with
31 a roll cage or roll hoops, a seat belt for each occupant,
32 antilock brakes, a steering mechanism wheel, and seating that
33 does not require the operator to straddle or sit astride it; and
34 is manufactured in accordance with the applicable federal
35 motorcycle safety standards in 49 C.F.R. part 571 by a
36 manufacturer registered with the National Highway Traffic Safety
37 Administration.

38 (16) CRASH.—The operation of a motor vehicle, motorized
39 scooter, or moped which results in property damage or death,
40 bodily injury, or complaint of bodily injury to any person. The
41 term "crash" includes separation of the operator or an occupant

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42 from a motor vehicle, motorized scooter, or moped, or trailer
43 being drawn by a motor vehicle, while in motion, which results
44 in property damage or death, bodily injury, or complaint of
45 bodily injury to any person. The term "crash" does not include
46 such operation:

47 (a) On private property, if such operation does not result
48 in death or serious bodily injury, unless the operator is
49 suspected of violating s. 316.193;

50 (b) On a closed course used for commercial or recreational
51 purposes, such as a commercial driving school or racetrack,
52 unless the operator is suspected of violating s. 316.193; or

53 (c) If such property damage or death, bodily injury, or
54 complaint of bodily injury to any person results from an
55 intentional act of a law enforcement officer to force a motor
56 vehicle or moped to stop or reduce speed, such as use of a
57 pursuit termination device or the precision immobilization
58 technique, except that the term "crash" includes such operation
59 that results in death, bodily injury, or complaint of bodily
60 injury to, or damage to property of, anyone other than the
61 operator or an occupant being forced to stop or reduce speed or
62 the law enforcement officer.

63
64 The term "crash" also does not include the death or suffering of
65 a medical episode by the operator or an occupant of a motor
66 vehicle or moped if operation of the motor vehicle or moped did

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67 not result in such death or medical episode and does not result
68 in property damage or death, bodily injury, or complaint of
69 bodily injury to any other person.

70 ~~(60)(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
71 provided in paragraph (83)(b) ~~(81)(b)~~, any privately owned way
72 or place used for vehicular travel by the owner and those having
73 express or implied permission from the owner, but not by other
74 persons.

75 (75) SERIOUS BODILY INJURY.—An injury to any person which
76 consists of a physical injury that creates a substantial risk of
77 death, significant personal disfigurement, or protracted loss or
78 impairment of the function of any bodily member or organ.

79 Section 3. Subsections (1) and (4) of section 316.027,
80 Florida Statutes, are amended to read:

81 316.027 Crash involving death or personal injuries.—

82 (1) As used in this section, the term:

83 ~~(a) "Serious bodily injury" means an injury to a person,~~
84 ~~including the driver, which consists of a physical condition~~
85 ~~that creates a substantial risk of death, serious personal~~
86 ~~disfigurement, or protracted loss or impairment of the function~~
87 ~~of a bodily member or organ.~~

88 ~~(b)~~ "vulnerable road user" means:

89 (a)±. A pedestrian, including a person actually engaged in
90 work upon a highway, or in work upon utility facilities along a
91 highway, or engaged in the provision of emergency services

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92 within the right-of-way;

93 ~~(b)2.~~ A person operating a bicycle, motorcycle, scooter,
94 or moped lawfully on the roadway;

95 ~~(c)3.~~ A person riding an animal; or

96 ~~(d)4.~~ A person lawfully operating on a public right-of-
97 way, crosswalk, or shoulder of the roadway:

98 ~~1.a.~~ A farm tractor or similar vehicle designed primarily
99 for farm use;

100 ~~2.b.~~ A skateboard, roller skates, or in-line skates;

101 ~~3.e.~~ A horse-drawn carriage;

102 ~~4.d.~~ An electric personal assistive mobility device; or

103 ~~5.e.~~ A wheelchair.

104 (4) (a) In addition to any other civil, criminal, or
105 administrative penalty imposed, a person whose commission of a
106 noncriminal traffic infraction or a violation of this chapter or
107 s. 1006.66 causes or results in the death of another person may
108 be required by the court to serve 120 community service hours in
109 a trauma center or hospital that regularly receives victims of
110 vehicle ~~crashes~~ ~~accidents~~, under the supervision of a registered
111 nurse, an emergency room physician, or an emergency medical
112 technician pursuant to a voluntary community service program
113 operated by the trauma center or hospital.

114 (b) Notwithstanding paragraph (a), in addition to any
115 other civil, criminal, or administrative penalty imposed, a
116 person whose commission of a violation of s. 316.172(1) (a) or

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117 (b) causes or results in serious bodily injury to or death of
118 another person shall be required by the court to:

119 1. Serve 120 community service hours in a trauma center or
120 hospital that regularly receives victims of vehicle crashes
121 ~~accidents~~, under the supervision of a registered nurse, an
122 emergency room physician, or an emergency medical technician
123 pursuant to a voluntary community service program operated by
124 the trauma center or hospital.

125 2. Participate in a victim's impact panel session in a
126 judicial circuit if such a panel exists, or if such a panel does
127 not exist, attend a department-approved driver improvement
128 course relating to the rights of vulnerable road users relative
129 to vehicles on the roadway as provided in s. 322.0261(2).

130 Section 4. Subsection (1) and paragraph (a) of subsection
131 (5) of section 316.0271, Florida Statutes, are amended to read:

132 316.0271 Yellow dot critical motorist medical information
133 program; yellow dot decal, folder, and information form.—

134 (1) The governing body of a county may create a yellow dot
135 critical motorist medical information program to facilitate the
136 provision of emergency medical care to program participants by
137 emergency medical responders by making critical medical
138 information readily available to responders in the event of a
139 motor vehicle crash ~~accident~~ or a medical emergency involving a
140 participant's vehicle.

141 (5) (a) If the driver or a passenger of a motor vehicle is

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142 involved in a motor vehicle crash ~~accident~~ or emergency
143 situation and a yellow dot decal is affixed to the vehicle, an
144 emergency medical responder at the scene may search the glove
145 compartment of the vehicle for the corresponding yellow dot
146 folder.

147 Section 5. Subsection (3) of section 316.061, Florida
148 Statutes, is amended to read:

149 316.061 Crashes involving damage to vehicle or property.-

150 (3) Employees or authorized agents of the Department of
151 Transportation, law enforcement with proper jurisdiction, or an
152 expressway authority created pursuant to chapter 348, in the
153 exercise, management, control, and maintenance of its highway
154 system, may undertake the removal from the main traveled way of
155 roads on its highway system of all vehicles incapacitated as a
156 result of a motor vehicle crash and of debris caused thereby.
157 Such removal is applicable when such a motor vehicle crash
158 results only in damage to a vehicle or other property, and when
159 such removal can be accomplished safely and will result in the
160 improved safety or convenience of travel upon the road. The
161 driver or any other person who has removed a motor vehicle from
162 the main traveled way of the road as provided in this section
163 shall not be considered liable or at fault regarding the cause
164 of the crash ~~accident~~ solely by reason of moving the vehicle.

165 Section 6. Paragraph (c) of subsection (3) of section
166 316.192, Florida Statutes, is amended to read:

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167 316.192 Reckless driving.-

168 (3) Any person:

169 (c) Who, by reason of such operation, causes:

170 1. Damage to the property or person of another commits a
171 misdemeanor of the first degree, punishable as provided in s.
172 775.082 or s. 775.083.

173 2. Serious bodily injury to another commits a felony of
174 the third degree, punishable as provided in s. 775.082, s.
175 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~
176 ~~an injury to another person, which consists of a physical~~
177 ~~condition that creates a substantial risk of death, serious~~
178 ~~personal disfigurement, or protracted loss or impairment of the~~
179 ~~function of any bodily member or organ.~~

180 Section 7. Paragraph (c) of subsection (3) of section
181 316.193, Florida Statutes, is amended to read:

182 316.193 Driving under the influence; penalties.-

183 (3) Any person:

184 (c) Who, by reason of such operation, causes or
185 contributes to causing:

186 1. Damage to the property or person of another commits a
187 misdemeanor of the first degree, punishable as provided in s.
188 775.082 or s. 775.083.

189 2. Serious bodily injury, as defined in s. 316.003, to
190 himself or herself or another, ~~as defined in s. 316.1933,~~
191 commits a felony of the third degree, punishable as provided in

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192 s. 775.082, s. 775.083, or s. 775.084.

193 3. The death of any human being or unborn child commits
194 DUI manslaughter, and commits:

195 a. A felony of the second degree, punishable as provided
196 in s. 775.082, s. 775.083, or s. 775.084.

197 b. A felony of the first degree, punishable as provided in
198 s. 775.082, s. 775.083, or s. 775.084, if:

199 (I) At the time of the crash, the person knew, or should
200 have known, that the crash occurred; and

201 (II) The person failed to give information and render aid
202 as required by s. 316.062.

203

204 For purposes of this subsection, the term "unborn child" has the
205 same meaning as provided in s. 775.021(5). A person who is
206 convicted of DUI manslaughter shall be sentenced to a mandatory
207 minimum term of imprisonment of 4 years.

208 Section 8. Subsection (1) of section 316.1933, Florida
209 Statutes, is amended to read:

210 316.1933 Blood test for impairment or intoxication in
211 cases of death or serious bodily injury; right to use reasonable
212 force.-

213 (1)~~(a)~~ If a law enforcement officer has probable cause to
214 believe that a motor vehicle driven by or in the actual physical
215 control of a person under the influence of alcoholic beverages,
216 any chemical substances, or any controlled substances has caused

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217 the death or serious bodily injury of a human being, including
218 the person himself or herself, a law enforcement officer shall
219 require the person driving or in actual physical control of the
220 motor vehicle to submit to a test of the person's blood for the
221 purpose of determining the alcoholic content thereof or the
222 presence of chemical substances as set forth in s. 877.111 or
223 any substance controlled under chapter 893. The law enforcement
224 officer may use reasonable force if necessary to require such
225 person to submit to the administration of the blood test. The
226 blood test shall be performed in a reasonable manner.

227 Notwithstanding s. 316.1932, the testing required by this
228 subsection ~~paragraph~~ need not be incidental to a lawful arrest
229 of the person.

230 ~~(b) The term "serious bodily injury" means an injury to~~
231 ~~any person, including the driver, which consists of a physical~~
232 ~~condition that creates a substantial risk of death, serious~~
233 ~~personal disfigurement, or protracted loss or impairment of the~~
234 ~~function of any bodily member or organ.~~

235 Section 9. Paragraphs (a) and (b) of subsection (3) of
236 section 316.194, Florida Statutes, are amended to read:

237 316.194 Stopping, standing or parking outside of
238 municipalities.—

239 (3) (a) When a ~~Whenever any~~ police officer or traffic crash
240 ~~accident~~ investigation officer finds a vehicle standing upon a
241 highway in violation of any of the foregoing provisions of this

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242 section, the officer may ~~is authorized to~~ move the vehicle, or
243 require the driver or other persons in charge of the vehicle to
244 move the vehicle, to a position off the paved or main-traveled
245 part of the highway.

246 (b) Officers and traffic crash ~~accident~~ investigation
247 officers may provide for the removal of an ~~any~~ abandoned vehicle
248 to the nearest garage or other place of safety, the cost of such
249 removal to be a lien against motor vehicle, when an abandoned
250 vehicle is found unattended upon a bridge or causeway or in any
251 tunnel, or on any public highway in the following instances:

252 1. Where such vehicle constitutes an obstruction of
253 traffic;

254 2. Where such vehicle has been parked or stored on the
255 public right-of-way for more than ~~a period exceeding~~ 48 hours,
256 in other than designated parking areas, and is within 30 feet of
257 the pavement edge; and

258 3. Where an operative vehicle has been parked or stored on
259 the public right-of-way for more than ~~a period exceeding~~ 10
260 days, in other than designated parking areas, and is more than
261 30 feet from the pavement edge. However, the agency removing
262 such vehicle shall be required to report the removal ~~same~~ to the
263 Department of Highway Safety and Motor Vehicles within 24 hours
264 after ~~of~~ such removal.

265 Section 10. Subsection (3) of section 316.224, Florida
266 Statutes, is amended to read:

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267 316.224 Color of clearance lamps, identification lamps,
268 side marker lamps, backup lamps, reflectors, and deceleration
269 lights.-

270 (3) All lighting devices and reflectors mounted on the
271 rear of any vehicle shall display or reflect a red color, except
272 the stop light or other signal device, which may be red, amber,
273 or yellow, and except that the light illuminating the license
274 plate shall be white and the light emitted by a backup lamp
275 shall be white or amber. Deceleration lights as authorized by s.
276 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

277 Section 11. Subsections (3) through (6) of section
278 316.235, Florida Statutes, are renumbered as subsections (4)
279 through (7), respectively, and a new subsection (3) is added to
280 that section to read:

281 316.235 Additional lighting equipment.-

282 (3) Any motor vehicle may be equipped with one or more
283 lamps or devices underneath the motor vehicle as long as such
284 lamps or devices do not emit light in violation of s.
285 316.2397(1) or (7) or s. 316.238.

286 Section 12. Subsections (1) and (3) and paragraph (c) of
287 subsection (7) of section 316.2397, Florida Statutes, are
288 amended to read:

289 316.2397 Certain lights prohibited; exceptions.-

290 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
291 moved any vehicle or equipment upon any highway within this

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292 state with any lamp or device thereon showing or displaying a
293 red, red and white, or blue light visible from directly in front
294 thereof except for certain vehicles ~~hereinafter~~ provided in this
295 section.

296 (3) Vehicles of the fire department and fire patrol,
297 including vehicles of volunteer firefighters as permitted under
298 s. 316.2398, may show or display red or red and white lights.
299 Vehicles of medical staff physicians or technicians of medical
300 facilities licensed by the state as authorized under s.
301 316.2398, ambulances as authorized under this chapter, and buses
302 and taxicabs as authorized under s. 316.2399 may show or display
303 red lights. Vehicles of the fire department, fire patrol, police
304 vehicles, and such ambulances and emergency vehicles of
305 municipal and county departments, public service corporations
306 operated by private corporations, the Fish and Wildlife
307 Conservation Commission, the Department of Environmental
308 Protection, the Department of Transportation, the Department of
309 Agriculture and Consumer Services, and the Department of
310 Corrections as are designated or authorized by their respective
311 department or the chief of police of an incorporated city or any
312 sheriff of any county may operate emergency lights and sirens in
313 an emergency. Wreckers, mosquito control fog and spray vehicles,
314 and emergency vehicles of governmental departments or public
315 service corporations may show or display amber lights when in
316 actual operation or when a hazard exists provided they are not

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317 used going to and from the scene of operation or hazard without
318 specific authorization of a law enforcement officer or law
319 enforcement agency. Wreckers must use amber rotating or flashing
320 lights while performing recoveries and loading on the roadside
321 day or night, and may use such lights while towing a vehicle on
322 wheel lifts, slings, or under reach if the operator of the
323 wrecker deems such lights necessary. A flatbed, car carrier, or
324 rollback may not use amber rotating or flashing lights when
325 hauling a vehicle on the bed unless it creates a hazard to other
326 motorists because of protruding objects. Further, escort
327 vehicles may show or display amber lights when in the actual
328 process of escorting overdimensioned equipment, material, or
329 buildings as authorized by law. Vehicles owned or leased by
330 private security agencies may show or display green and amber
331 lights, with either color being no greater than 50 percent of
332 the lights displayed, while the security personnel are engaged
333 in security duties on private or public property.

334 (7) Flashing lights are prohibited on vehicles except:

335 (c) For the lamps authorized under subsections (1), (2),
336 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~
337 which may flash.

338 Section 13. Section 316.2398, Florida Statutes, is amended
339 to read:

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340 316.2398 Display or use of red or red and white warning
341 signals; motor vehicles of volunteer firefighters or medical
342 staff.-

343 (1) A privately owned vehicle belonging to an active
344 firefighter member of a regularly organized volunteer
345 firefighting company or association, while en route to the fire
346 station for the purpose of proceeding to the scene of a fire or
347 other emergency or while en route to the scene of a fire or
348 other emergency in the line of duty as an active firefighter
349 member of a regularly organized firefighting company or
350 association, may display or use red or red and white warning
351 signals. ~~or~~ A privately owned vehicle belonging to a medical
352 staff physician or technician of a medical facility licensed by
353 the state, while responding to an emergency in the line of duty,
354 may display or use red warning signals. Warning signals must be
355 visible from the front and from the rear of such vehicle,
356 subject to the following restrictions and conditions:

357 (a) No more than two red or red and white warning signals
358 may be displayed.

359 (b) No inscription of any kind may appear across the face
360 of the lens of the red or red and white warning signal.

361 (c) In order for an active volunteer firefighter to
362 display such red or red and white warning signals on his or her
363 vehicle, the volunteer firefighter must first secure a written
364 permit from the chief executive officers of the firefighting

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365 organization to use the red or red and white warning signals,
366 and this permit must be carried by the volunteer firefighter at
367 all times while the red or red and white warning signals are
368 displayed.

369 (2) ~~A It is unlawful for~~ any person who is not an active
370 firefighter member of a regularly organized volunteer
371 firefighting company or association or a physician or technician
372 of the medical staff of a medical facility licensed by the state
373 may not ~~to~~ display on any motor vehicle owned by him or her, at
374 any time, any red or red and white warning signals as described
375 in subsection (1).

376 (3) ~~It is unlawful for~~ An active volunteer firefighter may
377 not ~~to~~ operate any red or red and white warning signals as
378 authorized in subsection (1), except while en route to the fire
379 station for the purpose of proceeding to the scene of a fire or
380 other emergency, or while at or en route to the scene of a fire
381 or other emergency, in the line of duty.

382 (4) ~~It is unlawful for~~ A physician or technician of the
383 medical staff of a medical facility may not ~~to~~ operate any red
384 warning signals as authorized in subsection (1), except when
385 responding to an emergency in the line of duty.

386 (5) A violation of this section is a nonmoving violation,
387 punishable as provided in chapter 318. In addition, a any
388 volunteer firefighter who violates this section shall be

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389 dismissed from membership in the firefighting organization by
390 the chief executive officers thereof.

391 Section 14. Subsections (1) and (2) of section 316.302,
392 Florida Statutes, are amended to read:

393 316.302 Commercial motor vehicles; safety regulations;
394 transporters and shippers of hazardous materials; enforcement.-

395 (1) Except as otherwise provided in subsection (3):

396 (a) All owners and drivers of commercial motor vehicles
397 that are operated on the public highways of this state while
398 engaged in interstate commerce are subject to the rules and
399 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
400 390-397.

401 (b) Except as otherwise provided in this section, all
402 owners or drivers of commercial motor vehicles that are engaged
403 in intrastate commerce are subject to the rules and regulations
404 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
405 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
406 ~~definition of bus,~~ as such rules and regulations existed on
407 December 31, 2018 ~~2012~~.

408 (c) The emergency exceptions provided by 49 C.F.R. s.
409 392.82 also apply to communications by utility drivers and
410 utility contractor drivers during a Level 1 activation of the
411 State Emergency Operations Center, as provided in the Florida
412 Comprehensive Emergency Management plan, or during a state of
413 emergency declared by executive order or proclamation of the

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414 Governor.

415 (d) Except as provided in s. 316.215(5), and except as
416 provided in s. 316.228 for rear overhang lighting and flagging
417 requirements for intrastate operations, the requirements of this
418 section supersede all other safety requirements of this chapter
419 for commercial motor vehicles.

420 (e) A person who operates a commercial motor vehicle
421 solely in intrastate commerce which does not transport hazardous
422 materials in amounts that require placarding pursuant to 49
423 C.F.R. part 172 need not comply with the requirements of
424 electronic logging devices and hours of service supporting
425 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395
426 until December 31, 2019.

427 (2) (a) A person who operates a commercial motor vehicle
428 solely in intrastate commerce not transporting any hazardous
429 material in amounts that require placarding pursuant to 49
430 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
431 and 395.3 ~~395.3(a) and (b)~~.

432 (b) Except as provided in 49 C.F.R. s. 395.1, a person who
433 operates a commercial motor vehicle solely in intrastate
434 commerce not transporting any hazardous material in amounts that
435 require placarding pursuant to 49 C.F.R. part 172 may not drive:

436 1. More than 12 hours following 10 consecutive hours off
437 duty; or

438 2. For any period after the end of the 16th hour after

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439 coming on duty following 10 consecutive hours off duty.

440

441 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of
442 utility service vehicles as defined in 49 C.F.R. s. 395.2.

443 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
444 operates a commercial motor vehicle solely in intrastate
445 commerce not transporting any hazardous material in amounts that
446 require placarding pursuant to 49 C.F.R. part 172 may not drive
447 after having been on duty more than 70 hours in any period of 7
448 consecutive days or more than 80 hours in any period of 8
449 consecutive days if the motor carrier operates every day of the
450 week. Thirty-four consecutive hours off duty shall constitute
451 the end of any such period of 7 or 8 consecutive days. This
452 weekly limit does not apply to a person who operates a
453 commercial motor vehicle solely within this state while
454 transporting, during harvest periods, any unprocessed
455 agricultural products or unprocessed food or fiber that is
456 subject to seasonal harvesting from place of harvest to the
457 first place of processing or storage or from place of harvest
458 directly to market or while transporting livestock, livestock
459 feed, or farm supplies directly related to growing or harvesting
460 agricultural products. Upon request of the Department of Highway
461 Safety and Motor Vehicles, motor carriers shall furnish time
462 records or other written verification to that department so that
463 the Department of Highway Safety and Motor Vehicles can

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464 determine compliance with this subsection. These time records
465 must be furnished to the Department of Highway Safety and Motor
466 Vehicles within 2 days after receipt of that department's
467 request. Falsification of such information is subject to a civil
468 penalty ~~not to exceed \$100. The provisions of This paragraph~~
469 does ~~de~~ not apply to operators of farm labor vehicles operated
470 during a state of emergency declared by the Governor or operated
471 pursuant to s. 570.07(21),~~r~~ and does ~~de~~ not apply to drivers of
472 utility service vehicles as defined in 49 C.F.R. s. 395.2.

473 (d) A person who operates a commercial motor vehicle
474 solely in intrastate commerce not transporting any hazardous
475 material in amounts that require placarding pursuant to 49
476 C.F.R. part 172 within a 150 air-mile radius of the location
477 where the vehicle is based need not comply with 49 C.F.R. s.
478 395.8~~r~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
479 (iii) (A) and (C), s. 395.1(e)(1)(iii) and (v) are met. ~~If a~~
480 ~~driver is not released from duty within 12 hours after the~~
481 ~~driver arrives for duty, the motor carrier must maintain~~
482 ~~documentation of the driver's driving times throughout the duty~~
483 ~~period.~~

484 (e) A person who operates a commercial motor vehicle
485 solely in intrastate commerce is exempt from subsection (1)
486 while transporting agricultural products, including
487 horticultural or forestry products, from farm or harvest place
488 to the first place of processing or storage, or from farm or

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489 harvest place directly to market. However, such person must
490 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
491 C.F.R. ss. 396.3(a) (1) and 396.9. A vehicle or combination of
492 vehicles operated pursuant to this paragraph having a gross
493 vehicle weight of 26,001 pounds or more or having three or more
494 axles on the power unit, regardless of weight, must display the
495 name of the vehicle owner or motor carrier and the municipality
496 or town where the vehicle is based on each side of the power
497 unit in letters that contrast with the background and that are
498 readable from a distance of 50 feet. A person who violates this
499 vehicle identification requirement may be assessed a penalty as
500 provided in s. 316.3025(3) (a).

501 (f) A person who operates a commercial motor vehicle
502 having a ~~declared~~ gross vehicle weight, gross vehicle weight
503 rating, and gross combined weight rating of less than 26,001
504 pounds solely in intrastate commerce and who is not transporting
505 hazardous materials in amounts that require placarding pursuant
506 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
507 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
508 However, such person must comply with 49 C.F.R. parts 382, 392,
509 and 393, and with 49 C.F.R. ss. 396.3(a) (1) and 396.9.

510 (g) A person whose driving record shows no convictions for
511 the preceding 3 years and who, as of October 1, 1988, is
512 employed as a driver-salesperson, as defined in 49 C.F.R. s.
513 395.2, and who operates solely in intrastate commerce, is exempt

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514 from 49 C.F.R. part 391.

515 (h) A person who is an employee of an electric utility, as
516 defined in s. 361.11, or a telephone company, as defined in s.
517 364.02, and who operates a commercial motor vehicle solely in
518 intrastate commerce and within a 200 air-mile radius of the
519 location where the vehicle is based, is exempt from 49 C.F.R.
520 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

521 (i) A person whose driving record shows no traffic
522 convictions, pursuant to s. 322.61, during the 2-year period
523 immediately preceding the application for the commercial driver
524 license, who is otherwise qualified as a driver under 49 C.F.R.
525 part 391, and who operates a commercial vehicle in intrastate
526 commerce only shall be exempt from the requirements of 49 C.F.R.
527 part 391, subpart E, s. 391.41(b)(10). However, such operators
528 are still subject to the requirements of ss. 322.12 and 322.121.
529 As proof of eligibility, such driver shall have in his or her
530 possession a physical examination form dated within the past 24
531 months.

532 ~~(j) A person who is otherwise qualified as a driver under~~
533 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
534 ~~intrastate commerce only, and who does not transport hazardous~~
535 ~~materials in amounts that require placarding pursuant to 49~~
536 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
537 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
538 ~~diabetes.~~

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539 ~~(j)-(k)~~ A person holding a commercial driver license who is
540 a regularly employed driver of a commercial motor vehicle and is
541 subject to an alcohol and controlled substance testing program
542 related to that employment shall not be required to be part of a
543 separate testing program for operating any bus owned and
544 operated by a church when the driver does not receive any form
545 of compensation for operating the bus and when the bus is used
546 to transport people to or from church-related activities at no
547 charge. The provisions of this paragraph may not be implemented
548 if the Federal Government notifies the department that
549 implementation will adversely affect the allocation of federal
550 funds to the state.

551 Section 15. Effective December 31, 2019, paragraph (d) of
552 subsection (1) of section 316.302, Florida Statutes, is amended
553 to read:

554 316.302 Commercial motor vehicles; safety regulations;
555 transporters and shippers of hazardous materials; enforcement.-

556 (1)

557 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
558 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
559 requirements for intrastate operations, the requirements of this
560 section supersede all other safety requirements of this chapter
561 for commercial motor vehicles.

562 Section 16. Subsection (8) of section 316.622, Florida
563 Statutes, is amended to read:

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564 316.622 Farm labor vehicles.—

565 (8) The department shall provide to the Department of
566 Business and Professional Regulation each quarter a copy of each
567 crash ~~accident~~ report involving a farm labor vehicle.

568 Section 17. Paragraph (a) of subsection (1) of section
569 316.640, Florida Statutes, is amended to read:

570 316.640 Enforcement.—The enforcement of the traffic laws
571 of this state is vested as follows:

572 (1) STATE.—

573 (a)1.a. The Division of Florida Highway Patrol of the
574 Department of Highway Safety and Motor Vehicles; the Division of
575 Law Enforcement of the Fish and Wildlife Conservation
576 Commission; and the agents, inspectors, and officers of the
577 Department of Law Enforcement each have authority to enforce all
578 of the traffic laws of this state on all the streets and
579 highways thereof and elsewhere throughout the state wherever the
580 public has a right to travel by motor vehicle.

581 b. University police officers may enforce all of the
582 traffic laws of this state when violations occur on or within
583 1,000 feet of any property or facilities that are under the
584 guidance, supervision, regulation, or control of a state
585 university, a direct-support organization of such state
586 university, or any other organization controlled by the state
587 university or a direct-support organization of the state
588 university, or when such violations occur within a specified

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589 jurisdictional area as agreed upon in a mutual aid agreement
590 entered into with a law enforcement agency pursuant to s.
591 23.1225(1). Traffic laws may also be enforced off-campus when
592 hot pursuit originates on or within 1,000 feet of any such
593 property or facilities, or as agreed upon in accordance with the
594 mutual aid agreement.

595 c. Florida College System institution police officers may
596 enforce all the traffic laws of this state only when such
597 violations occur on or within 1,000 feet of any property or
598 facilities that are under the guidance, supervision, regulation,
599 or control of the Florida College System institution, or when
600 such violations occur within a specified jurisdictional area as
601 agreed upon in a mutual aid agreement entered into with a law
602 enforcement agency pursuant to s. 23.1225. Traffic laws may also
603 be enforced off-campus when hot pursuit originates on or within
604 1,000 feet of any such property or facilities, or as agreed upon
605 in accordance with the mutual aid agreement.

606 d. Police officers employed by an airport authority may
607 enforce all of the traffic laws of this state only when such
608 violations occur on any property or facilities that are owned or
609 operated by an airport authority.

610 (I) An airport authority may employ as a parking
611 enforcement specialist any individual who successfully completes
612 a training program established and approved by the Criminal
613 Justice Standards and Training Commission for parking

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614 enforcement specialists but who does not otherwise meet the
615 uniform minimum standards established by the commission for law
616 enforcement officers or auxiliary or part-time officers under s.
617 943.12. This sub-sub-subparagraph may not be construed to permit
618 the carrying of firearms or other weapons, nor shall such
619 parking enforcement specialist have arrest authority.

620 (II) A parking enforcement specialist employed by an
621 airport authority may enforce all state, county, and municipal
622 laws and ordinances governing parking only when such violations
623 are on property or facilities owned or operated by the airport
624 authority employing the specialist, by appropriate state,
625 county, or municipal traffic citation.

626 e. The Office of Agricultural Law Enforcement of the
627 Department of Agriculture and Consumer Services may enforce
628 traffic laws of this state.

629 f. School safety officers may enforce all of the traffic
630 laws of this state when such violations occur on or about any
631 property or facilities that are under the guidance, supervision,
632 regulation, or control of the district school board.

633 2. Any disciplinary action taken or performance evaluation
634 conducted by an agency of the state as described in subparagraph
635 1. of a law enforcement officer's traffic enforcement activity
636 must be in accordance with written work-performance standards.
637 Such standards must be approved by the agency and any collective
638 bargaining unit representing such law enforcement officer. A

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639 violation of this subparagraph is not subject to the penalties
640 provided in chapter 318.

641 3. The Division of the Florida Highway Patrol may employ
642 as a traffic crash ~~accident~~ investigation officer any individual
643 who successfully completes instruction in traffic crash ~~accident~~
644 investigation and court presentation through the Selective
645 Traffic Enforcement Program as approved by the Criminal Justice
646 Standards and Training Commission and funded through the
647 National Highway Traffic Safety Administration or a similar
648 program approved by the commission, but who does not necessarily
649 meet the uniform minimum standards established by the commission
650 for law enforcement officers or auxiliary law enforcement
651 officers under chapter 943. Any such traffic crash ~~accident~~
652 investigation officer who makes an investigation at the scene of
653 a traffic crash ~~accident~~ may issue traffic citations, based upon
654 personal investigation, when he or she has reasonable and
655 probable grounds to believe that a person who was involved in
656 the crash ~~accident~~ committed an offense under this chapter,
657 chapter 319, chapter 320, or chapter 322 in connection with the
658 crash ~~accident~~. This subparagraph does not permit the officer to
659 carry firearms or other weapons, and such an officer does not
660 have authority to make arrests.

661 Section 18. Subsection (2) of section 316.655, Florida
662 Statutes, is amended to read:

663 316.655 Penalties.—

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664 (2) A driver convicted of a violation of any offense
665 prohibited by this chapter or any other law of this state
666 regulating motor vehicles, which resulted in a crash ~~an~~
667 ~~accident~~, may have his or her driving privileges revoked or
668 suspended by the court if the court finds such revocation or
669 suspension warranted by the totality of the circumstances
670 resulting in the conviction and the need to provide for the
671 maximum safety for all persons who travel on or who are
672 otherwise affected by the use of the highways of the state. In
673 determining whether suspension or revocation is appropriate, the
674 court shall consider all pertinent factors, including, but not
675 limited to, such factors as the extent and nature of the
676 driver's violation of this chapter, the number of persons killed
677 or injured as the result of the driver's violation of this
678 chapter, and the extent of any property damage resulting from
679 the driver's violation of this chapter.

680 Section 19. Section 316.70, Florida Statutes, is amended
681 to read:

682 316.70 Nonpublic sector buses; safety rules.—

683 (1) All owners and drivers ~~The Department of~~
684 ~~Transportation shall establish and revise standards to ensure~~
685 ~~the safe operation of nonpublic sector buses~~ operated on the
686 public highways of this state are subject to the rules and
687 regulations, ~~which standards shall be those contained in~~ 49
688 C.F.R. parts 382, 383, 385, 386, 387, and 390-397. The

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689 department and which shall be directed toward ensuring that:

690 (a) Nonpublic sector buses are safely maintained,
691 equipped, and operated.

692 ~~(b) Nonpublic sector buses are carrying the insurance~~
693 ~~required by law and carrying liability insurance on the checked~~
694 ~~baggage of passengers not to exceed the standard adopted by the~~
695 ~~United States Department of Transportation.~~

696 (b)(e) Florida license tags are purchased for nonpublic
697 sector buses pursuant to s. 320.38.

698 ~~(d) The driving records of drivers of nonpublic sector~~
699 ~~buses are checked by their employers at least once each year to~~
700 ~~ascertain whether the driver has a suspended or revoked driver~~
701 ~~license.~~

702 (2) Department of Highway Safety and Motor Vehicles
703 Transportation personnel may conduct compliance investigations
704 ~~reviews~~ for the purpose of determining compliance with this
705 section. A civil penalty not to exceed \$5,000 in the aggregate
706 may be assessed against a ~~any~~ person who violates ~~any provision~~
707 ~~of~~ this section or who violates a ~~any~~ rule or order of the
708 Department of Highway Safety and Motor Vehicles Transportation.
709 A civil penalty not to exceed \$25,000 in the aggregate may be
710 assessed for violations found in a followup compliance
711 investigation ~~review conducted within a 24-month period. A civil~~
712 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
713 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~

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714 ~~violations are found after a second followup compliance review~~
715 ~~within 12 months after the first followup compliance review.~~
716 Motor carriers may be enjoined under s. 316.3026 for violations
717 identified during a compliance investigation or for ~~found to be~~
718 operating without insurance coverage required by s. 627.742 or
719 49 C.F.R. part 387 ~~may be enjoined as provided in s. 316.3026.~~

720 (3) For the purpose of enforcing this section, a law
721 enforcement officer of the Department of Highway Safety and
722 Motor Vehicles or duly appointed agent who holds a current
723 safety inspector certification from the Commercial Vehicle
724 Safety Alliance may require the driver of any commercial motor
725 vehicle operated on the highways of this state to stop and
726 submit to an inspection of the motor vehicle or the driver's
727 records. If the motor vehicle or driver is found to be operating
728 in an unsafe condition, or if any required part or equipment is
729 not present or is not in proper repair or adjustment, and the
730 continued operation would present an unduly hazardous operating
731 condition, the officer or agent may require the motor vehicle or
732 the driver to be removed from service pursuant to the North
733 American Standard Out-of-Service Criteria until corrected.
734 However, if continued operation would not present an unduly
735 hazardous operating condition, the officer or agent may give
736 written notice requiring correction of the condition within 15
737 days.

738 (4)(3) School buses subject to ~~the provisions of chapter~~

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739 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
740 section.

741 Section 20. Section 318.19, Florida Statutes, is amended
742 to read:

743 318.19 Infractions requiring a mandatory hearing.—~~A~~ Any
744 person cited for an infraction ~~the infractions~~ listed in this
745 section shall not have the provisions of s. 318.14(2), (4), and
746 (9) available to him or her but must appear before the
747 designated official at the time and location of the scheduled
748 hearing:

749 (1) Any infraction which results in a crash that causes
750 the death of another;

751 (2) Any infraction which results in a crash that causes
752 "serious bodily injury, as defined in s. 316.003," of another,
753 including the person cited for the infraction as defined in s.
754 316.1933(1);

755 (3) Any infraction of s. 316.172(1)(b);

756 (4) Any infraction of s. 316.520(1) or (2); or

757 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
758 316.189 of exceeding the speed limit by 30 mph or more.

759 Section 21. Subsections (3) through (8) are added to
760 section 319.25, Florida Statutes, to read:

761 319.25 Cancellation of certificates; investigations;
762 subpoenas and other process; oaths; rules.—

763 (3) The department may conduct investigations and

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764 examinations of any person suspected of violating or of having
765 violated any provision of this chapter or any rule adopted or
766 order issued under this chapter.

767 (4) For purposes of any investigation or examination
768 conducted under this section, the department is granted and
769 authorized to exercise the power of subpoena and to administer
770 oaths or affirmations, examine witnesses, require affidavits,
771 take depositions, and compel the attendance of witnesses and the
772 production of books, papers, documents, records, and other
773 evidence. Such subpoenas may be served by an authorized
774 representative of the department.

775 (5) If a person refuses to testify, produce books, papers,
776 documents, or records, or otherwise obey the subpoena or
777 subpoena duces tecum, the department may petition a court of
778 competent jurisdiction in the county in which the person's
779 residence or principal place of business is located, whereupon
780 the court shall issue an order requiring such person to obey the
781 subpoena or show cause for failing to obey the subpoena. Unless
782 the person shows sufficient cause for failing to obey the
783 subpoena, the court shall direct the person to obey the subpoena
784 and award costs incurred by the department to obtain the order.
785 Failure to comply with such order is contempt of court.

786 (6) For the purpose of any investigation, examination, or
787 proceeding initiated by the department under this chapter, the
788 department may designate agents to serve subpoenas and other

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789 process and administer oaths or affirmations.

790 (7) A witness subpoenaed under this section is entitled to
791 witness fees at the same rate established by s. 92.142 for
792 witnesses in a civil case, except that witness fees are not
793 payable for appearance at the witness's place of business during
794 regular business hours or at the witness's residence.

795 Section 22. Subsection (3) of section 319.40, Florida
796 Statutes, is amended to read:

797 319.40 Transactions by electronic or telephonic means.—

798 (3) The department may collect and use e-mail ~~electronic~~
799 ~~mail~~ addresses for purposes of this chapter, including, but not
800 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
801 United States Postal Service as a method of notification.
802 However, any notice regarding the potential forfeiture or
803 foreclosure of an interest in property must be sent via the
804 United States Postal Service.

805 Section 23. Subsection (24) of section 320.01, Florida
806 Statutes, is amended to read:

807 320.01 Definitions, general.—As used in the Florida
808 Statutes, except as otherwise provided, the term:

809 (24) "Apportionable vehicle" means any vehicle, except
810 recreational vehicles, vehicles displaying restricted plates,
811 city pickup and delivery vehicles, ~~buses used in transportation~~
812 ~~of chartered parties,~~ and government-owned vehicles, which is
813 used or intended for use in two or more member jurisdictions

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814 that allocate or proportionally register vehicles and which is
815 used for the transportation of persons for hire or is designed,
816 used, or maintained primarily for the transportation of property
817 and:

818 (a) Is a power unit having a gross vehicle weight in
819 excess of 26,000 pounds;

820 (b) Is a power unit having three or more axles, regardless
821 of weight; or

822 (c) Is used in combination, when the weight of such
823 combination exceeds 26,000 pounds gross vehicle weight.

824

825 Vehicles, or combinations thereof, having a gross vehicle weight
826 of 26,000 pounds or less and two-axle vehicles may be
827 proportionally registered.

828 Section 24. Paragraph (b) of subsection (4) of section
829 320.03, Florida Statutes, is amended to read:

830 320.03 Registration; duties of tax collectors;
831 International Registration Plan.-

832 (4)

833 (b) The Florida Real Time Vehicle Information System shall
834 be installed in every tax collector's and license tag agent's
835 office in accordance with a schedule established by the
836 department in consultation with the tax collectors and
837 contingent upon funds being made available for the system by the
838 state. For the purpose of enhancing customer services provided

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839 by tax collectors acting on behalf of the department, the
840 department, contingent upon a request and memorandum of
841 understanding, shall provide tax collectors and tax collector-
842 approved agents and vendors with real-time access to data that
843 other third parties receive from the department related to
844 vehicle and mobile home registration certificates, registration
845 license plates, and validation stickers, including, but not
846 limited to, the most current address information and electronic
847 mail addresses of applicants. The memorandum of understanding as
848 required under this paragraph may not be more restrictive than
849 any memorandum of understanding between the department and other
850 third-party vendors.

851 Section 25. Paragraph (b) of subsection (1) subsection (2)
852 and paragraph (a) of subsection (3) of section 320.06, Florida
853 Statutes, are amended to read:

854 320.06 Registration certificates, license plates, and
855 validation stickers generally.—

856 (1)

857 (b)1. Registration license plates bearing a graphic symbol
858 and the alphanumeric system of identification shall be issued
859 for a 10-year period. At the end of the 10-year period, upon
860 renewal, the plate shall be replaced. The department shall
861 extend the scheduled license plate replacement date from a 6-
862 year period to a 10-year period. The fee for such replacement is
863 \$28, \$2.80 of which shall be paid each year before the plate is

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864 replaced, to be credited toward the next \$28 replacement fee.
865 The fees shall be deposited into the Highway Safety Operating
866 Trust Fund. A credit or refund may not be given for any prior
867 years' payments of the prorated replacement fee if the plate is
868 replaced or surrendered before the end of the 10-year period,
869 except that a credit may be given if a registrant is required by
870 the department to replace a license plate under s.
871 320.08056(8)(a). With each license plate, a validation sticker
872 shall be issued showing the owner's birth month, license plate
873 number, and the year of expiration or the appropriate renewal
874 period if the owner is not a natural person. The validation
875 sticker shall be placed on the upper right corner of the license
876 plate. The license plate and validation sticker shall be issued
877 based on the applicant's appropriate renewal period. The
878 registration period is 12 months, the extended registration
879 period is 24 months, and all expirations occur based on the
880 applicant's appropriate registration period.

881 2. A vehicle that has an apportioned registration shall be
882 issued an annual license plate and a cab card denoting that
883 ~~denote~~ the declared gross vehicle weight for each apportioned
884 jurisdiction ~~in which the vehicle is authorized to operate.~~ This
885 subparagraph expires upon implementation of a new operating
886 system for apportioned vehicle registration.

887 3. Upon implementation of a new operating system for
888 apportioned vehicle registration, a vehicle registered in

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889 accordance with the International Registration Plan shall be
890 issued a license plate for a 5-year period, an annual cab card
891 denoting the declared gross vehicle weight for each apportioned
892 jurisdiction, and an annual validation sticker showing the month
893 and year of expiration. The validation sticker shall be placed
894 in the center of the license plate. The license plate and
895 validation sticker shall be issued based on the applicant's
896 appropriate renewal period. The registration period is 12
897 months. The fee for an original and a renewed validation sticker
898 is \$28. This fee shall be deposited into the Highway Safety
899 Operating Trust Fund. If the license plate is damaged or worn,
900 it may be replaced at no charge by applying to the department
901 and surrendering the current license plate.

902 4.2. In order to retain the efficient administration of
903 the taxes and fees imposed by this chapter, the 80-cent fee
904 increase in the replacement fee imposed by chapter 2009-71, Laws
905 of Florida, is negated as provided in s. 320.0804.

906 (2) The department shall provide the several tax
907 collectors and license plate agents with the necessary number of
908 validation stickers. However, the tax collectors and their
909 agents shall have the option to purchase validation stickers and
910 paper stock that is used to produce vehicle registrations from
911 the department's contracted vendor or from other vendors if such
912 items meet the department's specifications and are procured at
913 prices that are at or lower than the pricing reflected in the

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914 department's existing contracts for procuring these items. The
915 department shall reimburse the tax collectors and their agents
916 for these purchases, but reimbursement may not be made at prices
917 higher than the pricing contained in the department's existing
918 contract. The tax collectors and their agents shall invoice the
919 department in arrears for the validation stickers and vehicle
920 registrations as they are issued.

921 (3) (a) Registration license plates must be made of metal
922 specially treated with a retroreflection material, as specified
923 by the department. The registration license plate is designed to
924 increase nighttime visibility and legibility and must be at
925 least 6 inches wide and not less than 12 inches in length,
926 unless a plate with reduced dimensions is deemed necessary by
927 the department to accommodate motorcycles, mopeds, or similar
928 smaller vehicles. Validation stickers must also be treated with
929 a retroreflection material, must be of such size as specified by
930 the department, and must adhere to the license plate. The
931 registration license plate must be imprinted with a combination
932 of bold letters and numerals or numerals, not to exceed seven
933 digits, to identify the registration license plate number. The
934 license plate must be imprinted with the word "Florida" at the
935 top and the name of the county in which it is sold, the state
936 motto, or the words "Sunshine State" at the bottom. Apportioned
937 license plates must have the word "Apportioned" at the bottom
938 and license plates issued for vehicles taxed under s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1053 (2019)

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939 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
940 the word "Restricted" at the bottom. License plates issued for
941 vehicles taxed under s. 320.08(12) must be imprinted with the
942 word "Florida" at the top and the word "Dealer" at the bottom
943 unless the license plate is a specialty license plate as
944 authorized in s. 320.08056. Manufacturer license plates issued
945 for vehicles taxed under s. 320.08(12) must be imprinted with
946 the word "Florida" at the top and the word "Manufacturer" at the
947 bottom. License plates issued for vehicles taxed under s.
948 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
949 the bottom. Any county may, upon majority vote of the county
950 commission, elect to have the county name removed from the
951 license plates sold in that county. The state motto or the words
952 "Sunshine State" shall be printed in lieu thereof. A license
953 plate issued for a vehicle taxed under s. 320.08(6) may not be
954 assigned a registration license number, or be issued with any
955 other distinctive character or designation, that distinguishes
956 the motor vehicle as a for-hire motor vehicle.

957 Section 26. Section 320.0605, Florida Statutes, is amended
958 to read:

959 320.0605 Certificate of registration; possession required;
960 exception.—

961 (1) (a) The registration certificate or an official copy
962 thereof, a true copy or electronic copy of rental or lease
963 documentation issued for a motor vehicle or issued for a

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964 replacement vehicle in the same registration period, a temporary
965 receipt printed upon self-initiated electronic renewal of a
966 registration via the Internet, or a cab card issued for a
967 vehicle registered under the International Registration Plan
968 shall, at all times while the vehicle is being used or operated
969 on the roads of this state, be in the possession of the operator
970 thereof or be carried in the vehicle for which issued and shall
971 be exhibited upon demand of any authorized law enforcement
972 officer or any agent of the department, except for a vehicle
973 registered under s. 320.0657. ~~The provisions of~~ This section
974 does ~~de~~ not apply during the first 30 days after purchase of a
975 replacement vehicle. A violation of this section is a
976 noncriminal traffic infraction, punishable as a nonmoving
977 violation as provided in chapter 318.

978 (b)1. The act of presenting to a law enforcement officer
979 or agent of the department an electronic device displaying an
980 electronic copy of rental or lease documentation does not
981 constitute consent for the officer or agent to access any
982 information on the device other than the displayed rental or
983 lease documentation.

984 2. The person who presents the device to the officer or
985 agent assumes liability for any resulting damage to the device.

986 (2) Rental or lease documentation that is sufficient to
987 satisfy the requirement in subsection (1) includes the
988 following:

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- 989 (a) Date ~~of rental~~ and time of ~~exit from~~ rental facility;
990 (b) Rental station identification;
991 (c) Rental agreement number;
992 (d) Rental vehicle identification number;
993 (e) Rental vehicle license plate number and state of
994 registration;
995 (f) Vehicle's make, model, and color;
996 (g) Vehicle's mileage; and
997 (h) Authorized renter's name.

998 Section 27. Subsection (5) of section 320.0607, Florida
999 Statutes, is amended to read:

1000 320.0607 Replacement license plates, validation decal, or
1001 mobile home sticker.—

1002 (5) Upon the issuance of an original license plate, the
1003 applicant shall pay a fee of \$28 to be deposited in the Highway
1004 Safety Operating Trust Fund. Upon implementation of a new
1005 operating system for apportioned vehicle registration, this
1006 subsection does not apply to a vehicle registered under the
1007 International Registration Plan.

1008 Section 28. Paragraph (b) of subsection (2) of section
1009 320.0657, Florida Statutes, is amended to read:

1010 320.0657 Permanent registration; fleet license plates.—

1011 (2)

1012 (b) The plates, which shall be of a distinctive color,
1013 shall have the word "Fleet" appearing at the bottom and the word

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1014 "Florida" appearing at the top unless the license plate is a
1015 specialty license plate as authorized in s. 320.08056. The
1016 plates shall conform in all respects to the provisions of this
1017 chapter, except as specified herein. For additional fees as set
1018 forth in s. 320.08056, fleet companies may purchase specialty
1019 license plates in lieu of the standard fleet license plates.
1020 Fleet companies shall be responsible for all costs associated
1021 with the specialty license plate, including all annual use fees,
1022 processing fees, fees associated with switching license plate
1023 types, and any other applicable fees.

1024 Section 29. Subsection (12) of section 320.08, Florida
1025 Statutes, is amended to read:

1026 320.08 License taxes.—Except as otherwise provided herein,
1027 there are hereby levied and imposed annual license taxes for the
1028 operation of motor vehicles, mopeds, motorized bicycles as
1029 defined in s. 316.003(4), tri-vehicles as defined in s. 316.003,
1030 and mobile homes as defined in s. 320.01, which shall be paid to
1031 and collected by the department or its agent upon the
1032 registration or renewal of registration of the following:

1033 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
1034 motor vehicle dealer, independent motor vehicle dealer, marine
1035 boat trailer dealer, or mobile home dealer and manufacturer
1036 license plate: \$17 flat, of which \$4.50 shall be deposited into
1037 the General Revenue Fund. For additional fees as set forth in s.
1038 320.08056, dealers may purchase specialty license plates in lieu

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1039 of the standard graphic dealer license plates. Dealers shall be
1040 responsible for all costs associated with the specialty license
1041 plate, including all annual use fees, processing fees, fees
1042 associated with switching license plate types, and any other
1043 applicable fees.

1044 Section 30. Subsection (2) of section 320.08056, Florida
1045 Statutes, is amended to read:

1046 320.08056 Specialty license plates.—

1047 (2) (a) The department shall issue a specialty license
1048 plate to the owner or lessee of any motor vehicle, except a
1049 vehicle registered under the International Registration Plan, a
1050 commercial truck required to display two license plates pursuant
1051 to s. 320.0706, or a truck tractor, upon request and payment of
1052 the appropriate license tax and fees.

1053 (b) The department may authorize dealer and fleet
1054 specialty license plates. With the permission of the sponsoring
1055 specialty license plate organization, a dealer or fleet company
1056 may purchase specialty license plates to be used on dealer and
1057 fleet vehicles.

1058 (c) Notwithstanding s. 320.08058, a dealer or fleet
1059 specialty license plate must include the letters "DLR" or "FLT"
1060 on the right side of the license plate. Dealer and fleet
1061 specialty license plates must be ordered directly through the
1062 department.

1063 Section 31. Subsection (8) of section 320.0807, Florida

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1064 Statutes, is renumbered as subsection (6), and present
1065 subsections (5), (6), and (7) of that section are amended to
1066 read:

1067 320.0807 Special license plates for Governor and federal
1068 and state legislators.-

1069 ~~(5) Upon application by any current or former President of~~
1070 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~
1071 ~~the department may issue a license plate stamped "Senate~~
1072 ~~President" followed by the number assigned by the department or~~
1073 ~~chosen by the applicant if it is not already in use. Upon~~
1074 ~~application by any current or former Speaker of the House of~~
1075 ~~Representatives and payment of the fees prescribed by s.~~
1076 ~~320.0805, the department may issue a license plate stamped~~
1077 ~~"House Speaker" followed by the number assigned by the~~
1078 ~~department or chosen by the applicant if it is not already in~~
1079 ~~use.~~

1080 ~~(6)(a) Upon application by any former member of Congress~~
1081 ~~or former member of the state Legislature, payment of the fees~~
1082 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~
1083 ~~\$500, the department may issue a former member of Congress,~~
1084 ~~state senator, or state representative a license plate stamped~~
1085 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~
1086 ~~appropriate, for a vehicle owned by the former member.~~

1087 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~
1088 ~~Retired House prestige license plate, a former member must have~~

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1089 ~~served at least 4 years as a member of Congress, state senator,~~
1090 ~~or state representative, respectively.~~

1091 ~~(c) Four hundred fifty dollars of the one-time fee~~
1092 ~~collected under paragraph (a) shall be distributed to the~~
1093 ~~account of the direct support organization established pursuant~~
1094 ~~to s. 272.136 and used for the benefit of the Florida Historic~~
1095 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~
1096 ~~the Highway Safety Operating Trust Fund.~~

1097 ~~(5)-(7)~~ The department may create a unique plate design for
1098 plates to be used by members ~~or former members~~ of the
1099 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~
1100 ~~(2), (5), and (6).~~

1101 Section 32. Paragraph (a) of subsection (9) and subsection
1102 (11) of section 320.27, Florida Statutes, are amended, and
1103 paragraph (g) is added to subsection (1) of that section, to
1104 read:

1105 320.27 Motor vehicle dealers.—

1106 (1) DEFINITIONS.—The following words, terms, and phrases
1107 when used in this section have the meanings respectively
1108 ascribed to them in this subsection, except where the context
1109 clearly indicates a different meaning:

1110 (g) "Control person" means a person who has significant
1111 power, directly or indirectly, to direct the management or
1112 policies of a company, whether through ownership, by contract,
1113 or otherwise. The term includes a person who is an owner,

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1114 director, general partner, officer, manager, or employee
1115 exercising decisionmaking responsibility or exercising similar
1116 executive status or functions but does not include an employee
1117 whose function is only clerical or ministerial or in sales under
1118 the supervision of an owner or manager or other person
1119 exercising decisionmaking responsibility.

1120 (3) APPLICATION AND FEE.—The application for the license
1121 shall be in such form as may be prescribed by the department and
1122 shall be subject to such rules with respect thereto as may be so
1123 prescribed by it. Such application shall be verified by oath or
1124 affirmation and shall contain a full statement of the name and
1125 birth date of the person or persons applying therefor; the name
1126 of the firm or copartnership, with the names and places of
1127 residence of all members thereof, if such applicant is a firm or
1128 copartnership; the names and places of residence of the
1129 principal officers, if the applicant is a body corporate or
1130 other artificial body; the name of the state under whose laws
1131 the corporation is organized; the present and former place or
1132 places of residence of the applicant; and prior business in
1133 which the applicant has been engaged and the location thereof.
1134 Such application shall describe the exact location of the place
1135 of business and shall state whether the place of business is
1136 owned by the applicant and when acquired, or, if leased, a true
1137 copy of the lease shall be attached to the application. The
1138 applicant shall certify that the location provides an adequately

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Bill No. CS/CS/HB 1053 (2019)

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1139 | equipped office and is not a residence; that the location
1140 | affords sufficient unoccupied space upon and within which
1141 | adequately to store all motor vehicles offered and displayed for
1142 | sale; and that the location is a suitable place where the
1143 | applicant can in good faith carry on such business and keep and
1144 | maintain books, records, and files necessary to conduct such
1145 | business, which shall be available at all reasonable hours to
1146 | inspection by the department or any of its inspectors or other
1147 | employees. The applicant shall certify that the business of a
1148 | motor vehicle dealer is the principal business which shall be
1149 | conducted at that location. The application shall contain a
1150 | statement that the applicant is either franchised by a
1151 | manufacturer of motor vehicles, in which case the name of each
1152 | motor vehicle that the applicant is franchised to sell shall be
1153 | included, or an independent (nonfranchised) motor vehicle
1154 | dealer. The application shall contain other relevant information
1155 | as may be required by the department, including evidence that
1156 | the applicant is insured under a garage liability insurance
1157 | policy or a general liability insurance policy coupled with a
1158 | business automobile policy, which shall include, at a minimum,
1159 | \$25,000 combined single-limit liability coverage including
1160 | bodily injury and property damage protection and \$10,000
1161 | personal injury protection. However, a salvage motor vehicle
1162 | dealer as defined in subparagraph (1)(c)5. is exempt from the
1163 | requirements for garage liability insurance and personal injury

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1164 protection insurance on those vehicles that cannot be legally
1165 operated on roads, highways, or streets in this state. Franchise
1166 dealers must submit a garage liability insurance policy, and all
1167 other dealers must submit a garage liability insurance policy or
1168 a general liability insurance policy coupled with a business
1169 automobile policy. Such policy shall be for the license period,
1170 and evidence of a new or continued policy shall be delivered to
1171 the department at the beginning of each license period. Upon
1172 making initial application, the applicant shall pay to the
1173 department a fee of \$300 in addition to any other fees required
1174 by law. Applicants may choose to extend the licensure period for
1175 1 additional year for a total of 2 years. An initial applicant
1176 shall pay to the department a fee of \$300 for the first year and
1177 \$75 for the second year, in addition to any other fees required
1178 by law. An applicant for renewal shall pay to the department \$75
1179 for a 1-year renewal or \$150 for a 2-year renewal, in addition
1180 to any other fees required by law. Upon making an application
1181 for a change of location, the person shall pay a fee of \$50 in
1182 addition to any other fees now required by law. The department
1183 shall, in the case of every application for initial licensure,
1184 verify whether certain facts set forth in the application are
1185 true. Each owner, control person, applicant, general partner in
1186 the case of a partnership, or corporate officer and director in
1187 the case of a corporate applicant, must file a set of
1188 fingerprints with the department for the purpose of determining

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1189 any prior criminal record or any outstanding warrants. The
1190 department shall submit the fingerprints to the Department of
1191 Law Enforcement for state processing and forwarding to the
1192 Federal Bureau of Investigation for federal processing. The
1193 actual cost of state and federal processing shall be borne by
1194 the applicant and is in addition to the fee for licensure. The
1195 department may issue a license to an applicant pending the
1196 results of the fingerprint investigation, which license is fully
1197 revocable if the department subsequently determines that any
1198 facts set forth in the application are not true or correctly
1199 represented.

1200 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1201 (a) The department may deny an initial or renewal
1202 application or suspend or revoke a any license issued
1203 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771
1204 upon proof that an applicant or a licensee has:

1205 1. Committed fraud or willful misrepresentation in
1206 application for or in obtaining a license.

1207 2. Been convicted of a felony and has either not completed
1208 the resulting felony sentence or completed the felony sentence
1209 less than 10 years from the date of licensure application.

1210 3. Failed to honor a bank draft or check given to a motor
1211 vehicle dealer for the purchase of a motor vehicle by another
1212 motor vehicle dealer within 10 days after notification that the
1213 bank draft or check has been dishonored. If the transaction is

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1214 | disputed, the maker of the bank draft or check shall post a bond
1215 | in accordance with the provisions of s. 559.917, and no
1216 | proceeding for revocation or suspension shall be commenced until
1217 | the dispute is resolved.

1218 | 4.a. Failed to provide payment within 10 business days to
1219 | the department for a check payable to the department that was
1220 | dishonored due to insufficient funds in the amount due plus any
1221 | statutorily authorized fee for uttering a worthless check. The
1222 | department shall notify an applicant or licensee when the
1223 | applicant or licensee makes payment to the department by a check
1224 | that is subsequently dishonored by the bank due to insufficient
1225 | funds. The applicant or licensee shall, within 10 business days
1226 | after receiving the notice, provide payment to the department in
1227 | the form of cash in the amount due plus any statutorily
1228 | authorized fee. If the applicant or licensee fails to make such
1229 | payment within 10 business days, the department may deny,
1230 | suspend, or revoke the applicant's or licensee's motor vehicle
1231 | dealer license.

1232 | b. Stopped payment on a check payable to the department,
1233 | issued a check payable to the department from an account that
1234 | has been closed, or charged back a credit card transaction to
1235 | the department. If an applicant or licensee commits any such
1236 | act, the department may deny, suspend, or revoke the applicant's
1237 | or licensee's motor vehicle dealer license.

1238 | 5. Previously owned a majority interest in, or acted as a

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1239 control person of, a motor vehicle dealer that within the past
1240 10 years has been the subject of any decision, finding,
1241 injunction, suspension, revocation, denial, judgment, or
1242 administrative order by any court of competent jurisdiction,
1243 administrative law judge, or state agency that resulted in a
1244 finding of violation of any federal or state law relating to
1245 unlicensed activity, or fraud in connection with the sale of a
1246 motor vehicle, or knowingly employs or contracts such a person
1247 as a control person, or knowingly employs or contracts as a
1248 control person a person who has been convicted of a felony and
1249 has either not completed the resulting felony sentence or
1250 completed the felony sentence less than 10 years from the date
1251 of licensure application.

1252 (11) INJUNCTION.—

1253 (a) In addition to the remedies provided in this chapter
1254 and notwithstanding the existence of any adequate remedy at law,
1255 the department may ~~is authorized to~~ make application to any
1256 circuit court of the state, and such circuit court shall have
1257 jurisdiction, upon a hearing and for cause shown, to grant a
1258 temporary or permanent injunction, or both, restraining any
1259 person from acting as a motor vehicle dealer under the terms of
1260 this section without being properly licensed hereunder, from
1261 violating or continuing to violate any of the provisions of
1262 chapter 319, this chapter, or ss. 559.901-559.9221, or for
1263 failing or refusing to comply with the requirements of chapter

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1264 319, this chapter, or ss. 559.901-559.9221, or any rule or
1265 regulation adopted thereunder, such injunction to be issued
1266 without bond. A single act in violation of the provisions of
1267 chapter 319, this chapter, or chapter 559 shall be sufficient to
1268 authorize the issuance of an injunction.

1269 (b) If the court grants the injunction, the court may bar,
1270 permanently or for a specific time period, any person found to
1271 have violated any federal or state law relating to unlicensed
1272 activity or fraud in connection with the sale of a motor
1273 vehicle. If a person is barred, the person may not continue in
1274 any capacity within the industry. The person shall have no
1275 management, sales, or other role in the operation of a
1276 dealership.

1277 Section 33. Paragraph (c) of subsection (2) of section
1278 320.822, Florida Statutes, is amended to read:

1279 320.822 Definitions; ss. 320.822-320.862.—In construing
1280 ss. 320.822-320.862, unless the context otherwise requires, the
1281 following words or phrases have the following meanings:

1282 (2) "Code" means the appropriate standards found in:

1283 (c) The Mobile and Manufactured Home Repair and Remodeling
1284 Code and the Used Recreational Vehicle Code.

1285 Section 34. Subsection (2) of section 320.8232, Florida
1286 Statutes, is amended to read:

1287 320.8232 Establishment of uniform standards for used
1288 recreational vehicles and repair and remodeling code for mobile

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1289 homes.—

1290 (2) The Mobile and Manufactured Home ~~provisions of the~~
1291 Repair and Remodeling Code shall be a uniform code and shall
1292 ensure safe and livable housing and shall not be more stringent
1293 than those standards required to be met in the manufacture of
1294 mobile homes. Such provisions shall include, but not be limited
1295 ~~to,~~ standards for structural adequacy, plumbing, heating,
1296 electrical systems, and fire and life safety. All repair and
1297 remodeling of mobile and manufactured homes shall be done in
1298 accordance with department rules.

1299 Section 35. Section 320.861, Florida Statutes, is amended
1300 to read:

1301 320.861 Investigations; subpoenas and other process;
1302 oaths; rules ~~Inspection of records; production of evidence;~~
1303 ~~subpoena power.—~~

1304 (1) The department may conduct investigations and
1305 examinations of any person suspected of violating or of having
1306 violated any provision of this chapter or any rule adopted or
1307 order issued under this chapter ~~inspect the pertinent books,~~
1308 ~~records, letters, and contracts of any licensee, whether dealer~~
1309 ~~or manufacturer, relating to any written complaint made to it~~
1310 ~~against such licensee.~~

1311 (2) For purposes of any investigation or examination
1312 conducted under this section, the department is granted and
1313 authorized to exercise the power of subpoena and to administer

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1314 oaths or affirmations, examine witnesses, require affidavits,
1315 take depositions, and compel the attendance of witnesses and the
1316 production of books, papers, documents, records, and other
1317 evidence. Such subpoenas may be served by an authorized
1318 representative of the department for the attendance of witnesses
1319 and the production of any documentary evidence necessary to the
1320 disposition by it of any written complaint against any licensee,
1321 whether dealer or manufacturer.

1322 (3) If a person refuses to testify; produce books, papers,
1323 documents, or records; or otherwise obey the subpoena or
1324 subpoena duces tecum, the department may petition a court of
1325 competent jurisdiction in the county in which the person's
1326 residence or principal place of business is located, whereupon
1327 the court shall issue an order requiring such person to obey the
1328 subpoena or show cause for failing to obey the subpoena. Unless
1329 the person shows sufficient cause for failing to obey the
1330 subpoena, the court shall direct the person to obey the subpoena
1331 and award costs incurred by the department to obtain the order.
1332 Failure to comply with such order is contempt of court.

1333 (4) For the purpose of any investigation, examination, or
1334 proceeding initiated by the department under this chapter, the
1335 department may designate agents to serve subpoenas and other
1336 process and administer oaths or affirmations. The department
1337 shall exercise this power on its own initiative in accordance
1338 with ss. 320.615 and 320.71.

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1339 (5) A witness subpoenaed under this section is entitled to
1340 witness fees at the same rate established by s. 92.142 for
1341 witnesses in a civil case, except that witness fees are not
1342 payable for appearance at the witness's place of business during
1343 regular business hours or at the witness's residence.

1344 Section 36. Subsection (2) of section 320.95, Florida
1345 Statutes, is amended to read:

1346 320.95 Transactions by electronic or telephonic means.—

1347 (2) The department may collect and use e-mail ~~electronic~~
1348 ~~mail~~ addresses for purposes of this chapter, including, but not
1349 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1350 United States Postal Service for the purpose of providing
1351 renewal notices.

1352 Section 37. Subsection (1) of section 321.05, Florida
1353 Statutes, is amended to read:

1354 321.05 Duties, functions, and powers of patrol officers.—
1355 The members of the Florida Highway Patrol are hereby declared to
1356 be conservators of the peace and law enforcement officers of the
1357 state, with the common-law right to arrest a person who, in the
1358 presence of the arresting officer, commits a felony or commits
1359 an affray or breach of the peace constituting a misdemeanor,
1360 with full power to bear arms; and they shall apprehend, without
1361 warrant, any person in the unlawful commission of any of the
1362 acts over which the members of the Florida Highway Patrol are
1363 given jurisdiction as hereinafter set out and deliver him or her

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1364 to the sheriff of the county that further proceedings may be had
1365 against him or her according to law. In the performance of any
1366 of the powers, duties, and functions authorized by law, members
1367 of the Florida Highway Patrol have the same protections and
1368 immunities afforded other peace officers, which shall be
1369 recognized by all courts having jurisdiction over offenses
1370 against the laws of this state, and have authority to apply for,
1371 serve, and execute search warrants, arrest warrants, *capias*, and
1372 other process of the court. The patrol officers under the
1373 direction and supervision of the Department of Highway Safety
1374 and Motor Vehicles shall perform and exercise throughout the
1375 state the following duties, functions, and powers:

1376 (1) To patrol the state highways and regulate, control,
1377 and direct the movement of traffic thereon; to maintain the
1378 public peace by preventing violence on highways; to apprehend
1379 fugitives from justice; to enforce all laws regulating and
1380 governing traffic, travel, and public safety upon the public
1381 highways and providing for the protection of the public highways
1382 and public property thereon, including the security and safety
1383 of this state's transportation infrastructure; to make arrests
1384 without warrant for the violation of any state law committed in
1385 their presence in accordance with state law; providing that no
1386 search may be made unless it is incident to a lawful arrest, to
1387 regulate and direct traffic concentrations and congestions; to
1388 enforce laws governing the operation, licensing, and taxing and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1053 (2019)

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1389 limiting the size, weight, width, length, and speed of vehicles
1390 and licensing and controlling the operations of drivers and
1391 operators of vehicles, including the safety, size, and weight of
1392 commercial motor vehicles; to collect all state fees and
1393 revenues levied as an incident to the use or right to use the
1394 highways for any purpose, including the taxing and registration
1395 of commercial motor vehicles; to require the drivers of vehicles
1396 to stop and exhibit their driver licenses, registration cards,
1397 or documents required by law to be carried by such vehicles; to
1398 investigate traffic crashes ~~accidents~~, secure testimony of
1399 witnesses and of persons involved, and make report thereof with
1400 copy, if requested in writing, to any person in interest or his
1401 or her attorney; to investigate reported thefts of vehicles; and
1402 to seize contraband or stolen property on or being transported
1403 on the highways. Each patrol officer of the Florida Highway
1404 Patrol is subject to and has the same arrest and other authority
1405 provided for law enforcement officers generally in chapter 901
1406 and has statewide jurisdiction. Each officer also has arrest
1407 authority as provided for state law enforcement officers in s.
1408 901.15. This section does not conflict with, but is supplemental
1409 to, chapter 933.

1410 Section 38. Section 321.065, Florida Statutes, is amended
1411 to read:

1412 321.065 Traffic crash ~~accident~~ investigation officers;
1413 employment; standards.—The department may employ traffic crash

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1414 ~~accident~~ investigation officers who must complete any applicable
 1415 standards adopted by the Florida Highway Patrol, including, but
 1416 not limited to: cognitive testing, drug testing, polygraph
 1417 testing, psychological testing, and an extensive background
 1418 check, including a credit check.

1419 Section 39. Paragraph (d) of subsection (2) of section
 1420 321.23, Florida Statutes, is amended to read:

1421 321.23 Public records; fees for copies; destruction of
 1422 obsolete records; photographing records; effect as evidence.—

1423 (2) Fees for copies of public records shall be charged and
 1424 collected as follows:

1425 (d) Photographs (crashes ~~accidents~~, etc.):

1426

	Enlargement Proof	Color	Black & White
1427	1. 5" x 7"	\$1.00	\$0.75
1428	2. 8" x 10"	\$1.50	\$1.00
1429	3. 11" x 14"	Not Available	\$1.75
1430	4. 16" x 20"	Not Available	\$2.75
1431	5. 20" x 24"	Not Available	\$3.75

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The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 40. Subsection (4) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red, red and white, or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 41. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

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1457 1. A trauma center, as defined in s. 395.4001, or a
1458 hospital as defined in s. 395.002, which regularly receives
1459 victims of vehicle crashes ~~accidents~~, between the hours of 10
1460 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1461 observe appropriate victims of vehicle crashes ~~accidents~~
1462 involving drinking drivers, under the supervision of any of the
1463 following:

1464 a. A registered nurse trained in providing emergency
1465 trauma care or prehospital advanced life support.

1466 b. An emergency room physician.

1467 c. An emergency medical technician.

1468 2. A licensed service provider, as defined in s. 397.311,
1469 which cares for substance abuse impaired persons, to observe
1470 persons in the terminal stages of substance abuse impairment,
1471 under the supervision of appropriately licensed medical
1472 personnel. Before ~~Prior to~~ any visitation of such terminally ill
1473 or disabled persons, the persons or their legal representatives
1474 must give their express consent to participate in the visitation
1475 program.

1476 3. If approved by the county coroner, the county coroner's
1477 office or the county morgue to observe appropriate victims of
1478 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1479 supervision of the coroner or a deputy coroner.

1480 (b) As used in this section, the term "appropriate
1481 victims" means victims or their legal representatives, including

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1482 the next of kin, who have expressly given their consent to
1483 participate in the visitation program and victims whose
1484 condition is determined by the visitation supervisor to
1485 demonstrate the results of crashes ~~accidents~~ involving drinking
1486 drivers without being excessively gruesome or traumatic to the
1487 probationer.

1488 Section 42. Subsection (10) of section 322.08, Florida
1489 Statutes, is amended to read:

1490 322.08 Application for license; requirements for license
1491 and identification card forms.—

1492 (10) The department may collect and use e-mail ~~electronic~~
1493 ~~mail~~ addresses for purposes of this chapter, including, but not
1494 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1495 United States Postal Service for the purpose of providing
1496 renewal notices.

1497 Section 43. Subsection (5) of section 322.091, Florida
1498 Statutes, is amended to read:

1499 322.091 Attendance requirements.—

1500 (5) REPORTING AND ACCOUNTABILITY.—The department shall
1501 make available, upon request, a report ~~quarterly~~ to each school
1502 district of the legal name, sex, date of birth, and social
1503 security number of each student whose driving privileges have
1504 been suspended under this section.

1505 Section 44. Paragraph (b) of subsection (1) of section
1506 322.17, Florida Statutes, is amended to read:

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1507 322.17 Replacement licenses, identification cards, and
1508 permits.-

1509 (1)

1510 (b) In the event that an instruction permit, ~~or~~ driver
1511 license, or identification card issued under ~~the provisions of~~
1512 this chapter is stolen, the person to whom the same was issued
1513 may, at no charge, obtain a replacement upon furnishing proof
1514 satisfactory to the department that such permit, ~~or~~ license, or
1515 identification card was stolen and further furnishing the
1516 person's full name, date of birth, sex, residence and mailing
1517 address, proof of birth satisfactory to the department, and
1518 proof of identity satisfactory to the department.

1519 Section 45. Subsection (8) of section 322.212, Florida
1520 Statutes, is renumbered as subsection (9), paragraph (a) of
1521 subsection (5) and subsection (6) are amended, and a new
1522 subsection (8) is added to that section, to read:

1523 322.212 Unauthorized possession of, and other unlawful
1524 acts in relation to, driver license or identification card.-

1525 (5) (a) A ~~It is unlawful for any person~~ may not ~~to~~ use a
1526 false or fictitious name in any application for a driver license
1527 or identification card or knowingly ~~to~~ make a false statement,
1528 knowingly conceal a material fact, provide an altered or
1529 counterfeit document, participate in a dishonest or deceptive
1530 action, or otherwise commit a fraud in any such application.

1531 (6) Except as otherwise provided in this subsection, a ~~any~~

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1532 person who violates ~~any of the provisions of~~ this section
1533 ~~commits is guilty of~~ a felony of the third degree, punishable as
1534 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person
1535 who violates paragraph (5) (a) by giving a false age in an ~~any~~
1536 application for a driver license or identification card or who
1537 violates paragraph (5) (b) by possessing a driver license,
1538 identification card, or similar ~~any~~ instrument ~~in the similitude~~
1539 ~~thereof,~~ on which the date of birth has been altered commits is
1540 ~~guilty of~~ a misdemeanor of the second degree, punishable as
1541 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates
1542 paragraph (1) (d) commits a felony of the third degree,
1543 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1544 (8) In addition to any other penalties provided by this
1545 section, if a person provides false information when applying
1546 for a driver license, identification card, commercial driver
1547 license, or commercial learner's permit or is convicted of fraud
1548 in connection with testing for a driver license, commercial
1549 driver license, or commercial learner's permit, such person's
1550 driving privilege shall be suspended for 1 year.

1551 Section 46. Section 322.36, Florida Statutes, is amended
1552 to read:

1553 322.36 Permitting unauthorized operator to drive.—A person
1554 may not authorize or knowingly permit a motor vehicle owned by
1555 him or her or under his or her dominion or control to be
1556 operated upon any highway or public street except by a person

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1557 who is duly authorized to operate a motor vehicle under this
1558 chapter. A ~~Any~~ person who violates this section commits a
1559 misdemeanor of the second degree, punishable as provided in s.
1560 775.082 or s. 775.083. If a person violates this section by
1561 knowingly loaning a vehicle to a person whose driver license is
1562 suspended and if that vehicle is involved in a crash ~~an accident~~
1563 resulting in bodily injury or death, the driver license of the
1564 person violating this section shall be suspended for 1 year.

1565 Section 47. Section 322.38, Florida Statutes, is amended
1566 to read:

1567 322.38 Renting motor vehicle to another.-

1568 (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
1569 other person unless the other ~~latter~~ person is ~~then~~ duly
1570 licensed, ~~or,~~ if a nonresident, ~~he or she shall be licensed~~
1571 under the laws of the state or country of his or her residence,
1572 except a nonresident whose home state or country does not
1573 require that an operator be licensed.

1574 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
1575 another until he or she has inspected the driver license of the
1576 person to whom the vehicle is to be rented, ~~and has compared and~~
1577 verified that the driver license is unexpired ~~signature thereon~~
1578 ~~with the signature of such person written in his or her~~
1579 ~~presence.~~

1580 (3) Every person renting a motor vehicle to another shall
1581 keep a record of the registration number of the motor vehicle so

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1582 rented, the name and address of the person to whom the vehicle
1583 is rented, the number of the license of said latter person, and
1584 the ~~date and place when and where the said~~ license was issued.
1585 Such record shall be open to inspection by any police officer,
1586 or officer or employee of the department.

1587 (4) If a rental car company rents a motor vehicle to a
1588 person through digital, electronic, or other means that allows
1589 the renter to obtain possession of the motor vehicle without
1590 direct contact with an agent or employee of the rental car
1591 company, or if the renter does not execute a rental contract at
1592 the time he or she takes possession of the motor vehicle, the
1593 rental car company shall be deemed to have met all obligations
1594 of subsections (1) and (2) when the rental car company, at the
1595 time the renter enrolls in a membership program, master
1596 agreement, or other means of establishing use of the rental car
1597 company's services, or any time thereafter, requires the renter
1598 to verify that he or she is duly licensed and that the license
1599 is unexpired.

1600 Section 48. Paragraphs (g) and (h) of subsection (1) of
1601 section 322.61, Florida Statutes, are amended, and paragraphs
1602 (i) and (j) are added to that subsection, to read:

1603 322.61 Disqualification from operating a commercial motor
1604 vehicle.—

1605 (1) A person who, for offenses occurring within a 3-year
1606 period, is convicted of two of the following serious traffic

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1607 violations or any combination thereof, arising in separate
1608 incidents committed in a commercial motor vehicle shall, in
1609 addition to any other applicable penalties, be disqualified from
1610 operating a commercial motor vehicle for a period of 60 days. A
1611 holder of a commercial driver license or commercial learner's
1612 permit who, for offenses occurring within a 3-year period, is
1613 convicted of two of the following serious traffic violations, or
1614 any combination thereof, arising in separate incidents committed
1615 in a noncommercial motor vehicle shall, in addition to any other
1616 applicable penalties, be disqualified from operating a
1617 commercial motor vehicle for a period of 60 days if such
1618 convictions result in the suspension, revocation, or
1619 cancellation of the licenseholder's driving privilege:

1620 (g) Driving a commercial vehicle without the proper class
1621 of commercial driver license or commercial learner's permit or
1622 without the proper endorsement; ~~or~~

1623 (h) Driving a commercial vehicle without a commercial
1624 driver license or commercial learner's permit in possession, as
1625 required by s. 322.03;

1626 (i) Texting while driving a commercial motor vehicle as
1627 prohibited by 49 C.F.R. s. 392.80; or

1628 (j) Using a hand-held mobile telephone while driving a
1629 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1630 Section 49. Section 322.71, Florida Statutes, is created
1631 to read:

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1632 322.71 Investigations; subpoenas and other process; oaths;
1633 rules.-

1634 (1) The department may conduct investigations and
1635 examinations of any person suspected of violating or of having
1636 violated any provision of this chapter or any rule adopted or
1637 order issued under this chapter.

1638 (2) For purposes of any investigation or examination
1639 conducted under this section, the department is granted and
1640 authorized to exercise the power of subpoena and to administer
1641 oaths or affirmations, examine witnesses, require affidavits,
1642 take depositions, and compel the attendance of witnesses and the
1643 production of books, papers, documents, records, and other
1644 evidence. Such subpoenas may be served by an authorized
1645 representative of the department.

1646 (3) If a person refuses to testify; produce books, papers,
1647 documents, or records; or otherwise obey the subpoena or
1648 subpoena duces tecum, the department may petition a court of
1649 competent jurisdiction in the county in which the person's
1650 residence or principal place of business is located, whereupon
1651 the court shall issue an order requiring such person to obey the
1652 subpoena or show cause for failing to obey the subpoena. Unless
1653 the person shows sufficient cause for failing to obey the
1654 subpoena, the court shall direct the person to obey the subpoena
1655 and award costs incurred by the department to obtain the order.
1656 Failure to comply with such order is contempt of court.

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1657 (4) For the purpose of any investigation, examination, or
1658 proceeding initiated by the department under this chapter, the
1659 department may designate agents to serve subpoenas and other
1660 process and administer oaths or affirmations.

1661 (5) A witness subpoenaed under this section is entitled to
1662 witness fees at the same rate established by s. 92.142 for
1663 witnesses in a civil case, except that witness fees are not
1664 payable for appearance at the witness's place of business during
1665 regular business hours or at the witness's residence.

1666 Section 50. Paragraph (e) of subsection (4) of section
1667 323.001, Florida Statutes, is amended to read:

1668 323.001 Wrecker operator storage facilities; vehicle
1669 holds.—

1670 (4) The requirements for a written hold apply when the
1671 following conditions are present:

1672 (e) The officer has probable cause to believe the vehicle
1673 was involved in a traffic crash ~~accident~~ resulting in death or
1674 personal injury and should be sealed for investigation and
1675 collection of evidence by a vehicular homicide investigator;

1676 Section 51. Paragraph (c) of subsection (1), paragraph (c)
1677 of subsection (2), and subsection (4) of section 323.002,
1678 Florida Statutes, are amended to read:

1679 323.002 County and municipal wrecker operator systems;
1680 penalties for operation outside of system.—

1681 (1) As used in this section, the term:

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1682 (c) "Wrecker operator system" means a system for the
1683 towing or removal of wrecked, disabled, or abandoned vehicles,
1684 similar to the Florida Highway Patrol wrecker operator system
1685 described in s. 321.051(2), under which a county or municipality
1686 contracts with one or more wrecker operators for the towing or
1687 removal of wrecked, disabled, or abandoned vehicles from crash
1688 ~~accident~~ scenes, streets, or highways. A wrecker operator system
1689 shall include using a method for apportioning the towing
1690 assignments among the eligible wrecker operators through the
1691 creation of geographic zones, a rotation schedule, or a
1692 combination of these methods.

1693 (2) In any county or municipality that operates a wrecker
1694 operator system:

1695 (c) When an unauthorized wrecker operator drives by the
1696 scene of a wrecked or disabled vehicle and the owner or operator
1697 initiates contact by signaling the wrecker operator to stop and
1698 provide towing services, the unauthorized wrecker operator must
1699 disclose in writing to the owner or operator of the vehicle his
1700 or her full name and driver license number, that he or she is
1701 not the authorized wrecker operator who has been designated as
1702 part of the wrecker operator system, that the motor vehicle is
1703 not being towed for the owner's or operator's insurance company
1704 or lienholder, whether he or she has in effect an insurance
1705 policy providing at least \$300,000 of liability insurance and at
1706 least \$50,000 of on-hook cargo insurance, and the maximum

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1707 charges for towing and storage which will apply before the
1708 vehicle is connected to the towing apparatus. The unauthorized
1709 wrecker operator must also provide a copy of the disclosure to
1710 the owner or operator in the presence of a law enforcement
1711 officer if such officer is at the scene of a motor vehicle crash
1712 ~~accident~~. A ~~Any~~ person who violates this paragraph commits a
1713 misdemeanor of the second degree, punishable as provided in s.
1714 775.082 or s. 775.083, and the person's wrecker, tow truck, or
1715 other motor vehicle that was used during the offense may be
1716 immediately removed and impounded pursuant to subsection (3).

1717 (4) This section does not prohibit, or in any way prevent,
1718 the owner or operator of a vehicle involved in a crash ~~an~~
1719 ~~accident~~ or otherwise disabled from contacting any wrecker
1720 operator for the provision of towing services, regardless of
1721 whether the wrecker operator is an authorized wrecker operator
1722 ~~or not~~.

1723 Section 52. Section 324.011, Florida Statutes, is amended
1724 to read:

1725 324.011 Purpose of chapter.—It is the intent of this
1726 chapter to recognize the existing privilege to own or operate a
1727 motor vehicle on the public streets and highways of this state
1728 when such vehicles are used with due consideration for others
1729 and their property, and to promote safety and provide financial
1730 security requirements for such owners or operators whose
1731 responsibility it is to recompense others for injury to person

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1732 or property caused by the operation of a motor vehicle.

1733 Therefore, it is required herein that the operator of a motor
1734 vehicle involved in a crash or convicted of certain traffic
1735 offenses meeting the operative provisions of s. 324.051(2) shall
1736 respond for such damages and show proof of financial ability to
1737 respond for damages in future crashes ~~accidents~~ as a requisite
1738 to his or her future exercise of such privileges.

1739 Section 53. Subsection (1) of section 324.022, Florida
1740 Statutes, is amended to read:

1741 324.022 Financial responsibility for property damage.—

1742 (1) Every owner or operator of a motor vehicle required to
1743 be registered in this state shall establish and maintain the
1744 ability to respond in damages for liability on account of
1745 crashes ~~accidents~~ arising out of the use of the motor vehicle in
1746 the amount of \$10,000 because of damage to, or destruction of,
1747 property of others in any one crash. The requirements of this
1748 section may be met by one of the methods established in s.
1749 324.031; by self-insuring as authorized by s. 768.28(16); or by
1750 maintaining an insurance policy providing coverage for property
1751 damage liability in the amount of at least \$10,000 because of
1752 damage to, or destruction of, property of others in any one
1753 crash ~~accident~~ arising out of the use of the motor vehicle. The
1754 requirements of this section may also be met by having a policy
1755 which provides coverage in the amount of at least \$30,000 for
1756 combined property damage liability and bodily injury liability

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1757 for any one crash arising out of the use of the motor vehicle.
1758 The policy, with respect to coverage for property damage
1759 liability, must meet the applicable requirements of s. 324.151,
1760 subject to the usual policy exclusions that have been approved
1761 in policy forms by the Office of Insurance Regulation. An ~~No~~
1762 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered
1763 claims irrespective of their joinder with covered claims.

1764 Section 54. Section 324.023, Florida Statutes, is amended
1765 to read:

1766 324.023 Financial responsibility for bodily injury or
1767 death.—In addition to any other financial responsibility
1768 required by law, every owner or operator of a motor vehicle that
1769 is required to be registered in this state, or that is located
1770 within this state, and who, regardless of adjudication of guilt,
1771 has been found guilty of or entered a plea of guilty or nolo
1772 contendere to a charge of driving under the influence under s.
1773 316.193 after October 1, 2007, shall, by one of the methods
1774 established in s. 324.031(1) or (2), establish and maintain the
1775 ability to respond in damages for liability on account of
1776 crashes ~~accidents~~ arising out of the use of a motor vehicle in
1777 the amount of \$100,000 because of bodily injury to, or death of,
1778 one person in any one crash and, subject to such limits for one
1779 person, in the amount of \$300,000 because of bodily injury to,
1780 or death of, two or more persons in any one crash and in the
1781 amount of \$50,000 because of property damage in any one crash.

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1782 If the owner or operator chooses to establish and maintain such
1783 ability by furnishing a certificate of deposit pursuant to s.
1784 324.031(2), such certificate of deposit must be at least
1785 \$350,000. Such higher limits must be carried for a minimum
1786 period of 3 years. If the owner or operator has not been
1787 convicted of driving under the influence or a felony traffic
1788 offense for a period of 3 years from the date of reinstatement
1789 of driving privileges for a violation of s. 316.193, the owner
1790 or operator shall be exempt from this section.

1791 Section 55. Section 324.031, Florida Statutes, is amended
1792 to read:

1793 324.031 Manner of proving financial responsibility.—The
1794 owner or operator of a taxicab, limousine, jitney, or any other
1795 for-hire passenger transportation vehicle may prove financial
1796 responsibility by providing satisfactory evidence of holding a
1797 motor vehicle liability policy as defined in s. 324.021(8) or s.
1798 324.151, which policy is provided by an insurer authorized to do
1799 business in this state ~~issued by an insurance carrier~~ which is a
1800 member of the Florida Insurance Guaranty Association or an
1801 eligible nonadmitted insurer that has a superior, excellent,
1802 exceptional, or equivalent financial strength rating by a rating
1803 agency acceptable to the Office of Insurance Regulation of the
1804 Financial Services Commission. The operator or owner of any
1805 other vehicle may prove his or her financial responsibility by:

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1806 (1) Furnishing satisfactory evidence of holding a motor
1807 vehicle liability policy as defined in ss. 324.021(8) and
1808 324.151;

1809 (2) Furnishing a certificate of self-insurance showing a
1810 deposit of cash in accordance with s. 324.161; or

1811 (3) Furnishing a certificate of self-insurance issued by
1812 the department in accordance with s. 324.171.

1813
1814 Any person, including any firm, partnership, association,
1815 corporation, or other person, other than a natural person,
1816 electing to use the method of proof specified in subsection (2)
1817 shall furnish a certificate of deposit equal to the number of
1818 vehicles owned times \$30,000, to a maximum of \$120,000; in
1819 addition, any such person, other than a natural person, shall
1820 maintain insurance providing coverage in excess of limits of
1821 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
1822 such excess insurance shall provide minimum limits of
1823 \$125,000/250,000/50,000 or \$300,000 combined single limits.
1824 These increased limits shall not affect the requirements for
1825 proving financial responsibility under s. 324.032(1).

1826 Section 56. Paragraph (a) of subsection (1) and subsection
1827 (2) of section 324.032, Florida Statutes, are amended to read:

1828 324.032 Manner of proving financial responsibility; for-
1829 hire passenger transportation vehicles.—Notwithstanding the
1830 provisions of s. 324.031:

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1831 (1) (a) A person who is either the owner or a lessee
1832 required to maintain insurance under s. 627.733(1) (b) and who
1833 operates one or more taxicabs, limousines, jitneys, or any other
1834 for-hire passenger transportation vehicles may prove financial
1835 responsibility by furnishing satisfactory evidence of holding a
1836 motor vehicle liability policy, but with minimum limits of
1837 \$125,000/250,000/50,000 or \$100,000/300,000/50,000.

1838 (2) An owner or a lessee who is required to maintain
1839 insurance under s. 324.021(9) (b) and who operates at least 150
1840 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
1841 passenger transportation vehicles may provide financial
1842 responsibility by complying with the provisions of s. 324.171,
1843 such compliance to be demonstrated by maintaining at its
1844 principal place of business an audited financial statement,
1845 prepared in accordance with generally accepted accounting
1846 principles, and providing to the department a certification
1847 issued by a certified public accountant that the applicant's net
1848 worth is at least equal to the requirements of s. 324.171 as
1849 determined by the Office of Insurance Regulation of the
1850 Financial Services Commission, including claims liabilities in
1851 an amount certified as adequate by a Fellow of the Casualty
1852 Actuarial Society.

1853
1854 Upon request by the department, the applicant must provide the
1855 department at the applicant's principal place of business in

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1856 | this state access to the applicant's underlying financial
1857 | information and financial statements that provide the basis of
1858 | the certified public accountant's certification. The applicant
1859 | shall reimburse the requesting department for all reasonable
1860 | costs incurred by it in reviewing the supporting information.
1861 | The maximum amount of self-insurance permissible under this
1862 | subsection is \$300,000 and must be stated on a per-occurrence
1863 | basis, and the applicant shall maintain adequate excess
1864 | insurance issued by an authorized or eligible insurer licensed
1865 | or approved by the Office of Insurance Regulation. All risks
1866 | self-insured shall remain with the owner or lessee providing it,
1867 | and the risks are not transferable to any other person, unless a
1868 | policy complying with subsection (1) is obtained.

1869 | Section 57. Paragraph (b) of subsection (1) and subsection
1870 | (2) of section 324.051, Florida Statutes, are amended to read:

1871 | 324.051 Reports of crashes; suspensions of licenses and
1872 | registrations.—

1873 | (1)

1874 | (b) The department is ~~hereby~~ further authorized to require
1875 | reports of crashes from individual owners or operators whenever
1876 | it deems it necessary for the proper administration of this
1877 | chapter, and these reports shall be made without prejudice
1878 | except as specified in this subsection. ~~No~~ Such a report may not
1879 | ~~shall~~ be used as evidence in any trial arising out of a crash.
1880 | However, subject to the applicable rules of evidence, a law

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1881 enforcement officer at a criminal trial may testify as to any
1882 statement made to the officer by the person involved in the
1883 crash ~~accident~~ if that person's privilege against self-
1884 incrimination is not violated.

1885 (2) (a) Thirty days after receipt of notice of a crash ~~any~~
1886 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
1887 within this state, the department shall suspend, after due
1888 notice and opportunity to be heard, the license of each operator
1889 and all registrations of the owner of the vehicles operated by
1890 such operator whether or not involved in such crash and, in the
1891 case of a nonresident owner or operator, shall suspend such
1892 nonresident's operating privilege in this state, unless such
1893 operator or owner ~~shall~~, before ~~prior to~~ the expiration of such
1894 30 days, is ~~be~~ found by the department to be exempt from the
1895 operation of this chapter, based upon evidence satisfactory to
1896 the department that:

1897 1. The motor vehicle was legally parked at the time of
1898 such crash.

1899 2. The motor vehicle was owned by the United States
1900 Government, this state, or any political subdivision of this
1901 state or any municipality therein.

1902 3. Such operator or owner has secured a duly acknowledged
1903 written agreement providing for release from liability by all
1904 parties injured as the result of such ~~said~~ crash and has
1905 complied with one of the provisions of s. 324.031.

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1906 4. Such operator or owner has deposited with the
1907 department security to conform with s. 324.061 when applicable
1908 and has complied with one of the provisions of s. 324.031.

1909 5. One year has elapsed since such owner or operator was
1910 suspended pursuant to subsection (3), the owner or operator has
1911 complied with one of the provisions of s. 324.031, and no bill
1912 of complaint of which the department has notice has been filed
1913 in a court of competent jurisdiction.

1914 (b) This subsection does ~~shall~~ not apply:

1915 1. To such operator or owner if such operator or owner had
1916 in effect at the time of such crash or traffic conviction an
1917 automobile liability policy with respect to all of the
1918 registered motor vehicles owned by such operator or owner.

1919 2. To such operator, if not the owner of such motor
1920 vehicle, if there was in effect at the time of such crash or
1921 traffic conviction an automobile liability policy or bond with
1922 respect to his or her operation of motor vehicles not owned by
1923 him or her.

1924 3. To such operator or owner if the liability of such
1925 operator or owner for damages resulting from such crash is, in
1926 the judgment of the department, covered by any other form of
1927 liability insurance or bond.

1928 4. To a ~~any~~ person who has obtained from the department a
1929 certificate of self-insurance, in accordance with s. 324.171, or
1930 to a ~~any~~ person operating a motor vehicle for such self-insurer.

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1931
1932 No such policy or bond shall be effective under this paragraph
1933 ~~subsection~~ unless it contains limits of not less than those
1934 specified in s. 324.021(7).
1935 Section 58. Subsections (2), (3), and (4) of section
1936 324.242, Florida Statutes, are amended to read:
1937 324.242 Personal injury protection and property damage
1938 liability insurance policies; public records exemption.—
1939 (2) Upon receipt of a request and proof of a crash report
1940 as required under s. 316.065, s. 316.066, or s. 316.068, or a
1941 crash report created pursuant to the laws of another state, the
1942 department shall release the policy number for a policy covering
1943 a vehicle involved in a motor vehicle crash ~~accident~~ to:
1944 (a) Any person involved in such crash ~~accident~~;
1945 (b) The attorney of any person involved in such crash
1946 ~~accident~~; or
1947 (c) A representative of the insurer of any person involved
1948 in such crash ~~accident~~.
1949 (3) The department shall provide personal injury
1950 protection and property damage liability insurance policy
1951 numbers to department-approved third parties that provide data
1952 collection services to an insurer of any person involved in such
1953 crash ~~accident~~.
1954 (4) Before the department's release of a policy number in
1955 accordance with subsection (2) or subsection (3), an insurer's

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1956 representative, a contracted third party, or an attorney for a
1957 person involved in a crash ~~an accident~~ must provide the
1958 department with documentation confirming proof of
1959 representation.

1960 Section 59. Section 328.30, Florida Statutes, is amended
1961 to read:

1962 328.30 Transactions by electronic or telephonic means.—

1963 (1) The Department of Highway Safety and Motor Vehicles
1964 may accept any application provided for under this part ~~chapter~~
1965 by electronic or telephonic means.

1966 (2) The department may issue an electronic certificate of
1967 title in lieu of printing a paper title.

1968 (3) The department may collect and use e-mail ~~electronic~~
1969 ~~mail~~ addresses for purposes of this part, including, but not
1970 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1971 United States Postal Service for the purpose of providing
1972 renewal notices.

1973 Section 60. Subsection (3) of section 328.40, Florida
1974 Statutes, is amended to read:

1975 328.40 Administration of vessel registration and titling
1976 laws; records.—

1977 (3) All records made or kept by the Department of Highway
1978 Safety and Motor Vehicles under this part are subject to
1979 inspection and copying as provided in chapter 119 ~~law are public~~
1980 ~~records except for confidential reports.~~

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1981 Section 61. Subsection (1) of section 328.73, Florida
1982 Statutes, is amended to read:

1983 328.73 Registration; duties of tax collectors.-

1984 (1) The tax collectors in the counties of the state, as
1985 authorized agents of the department, shall issue registration
1986 certificates and vessel numbers and decals to applicants,
1987 subject to the requirements of law and in accordance with rules
1988 of the department. For the purpose of enhancing customer
1989 services provided by tax collectors acting on behalf of the
1990 department, the department, contingent upon a request and
1991 memorandum of understanding, shall provide tax collectors, and
1992 tax collector-approved agents and vendors with real-time access
1993 to data that other third parties receive from the department
1994 related to registration certificates and vessel numbers and
1995 decals, including, but not limited to, the most current address
1996 information and electronic mail addresses of applicants. The
1997 memorandum of understanding as required under this paragraph may
1998 not be more restrictive than any memorandum of understanding
1999 between the department and other third-party vendors.

2000 Section 62. Section 328.80, Florida Statutes, is amended
2001 to read:

2002 328.80 Transactions by electronic or telephonic means.-

2003 (1) The Department of Highway Safety and Motor Vehicles
2004 may ~~commission is authorized to~~ accept any application provided
2005 for under this ~~part chapter~~ by electronic or telephonic means.

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2006 (2) The department may collect and use e-mail addresses
2007 for purposes of this part, including, but not limited to, use of
2008 e-mail in lieu of the United States Postal Service for the
2009 purpose of providing renewal notices.

2010 Section 63. Subsection (4) of section 627.7415, Florida
2011 Statutes, is amended to read:

2012 627.7415 Commercial motor vehicles; additional liability
2013 insurance coverage.—Commercial motor vehicles, as defined in s.
2014 207.002 or s. 320.01, operated upon the roads and highways of
2015 this state shall be insured with the following minimum levels of
2016 combined bodily liability insurance and property damage
2017 liability insurance in addition to any other insurance
2018 requirements:

2019 (4) All commercial motor vehicles subject to regulations
2020 of the United States Department of Transportation, 49 C.F.R.
2021 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
2022 amended, shall be insured in an amount equivalent to the minimum
2023 levels of financial responsibility as set forth in such
2024 regulations.

2025
2026 A violation of this section is a noncriminal traffic infraction,
2027 punishable as a nonmoving violation as provided in chapter 318.

2028 Section 64. Subsection (1) of section 655.960, Florida
2029 Statutes, is amended to read:

2030 655.960 Definitions; ss. 655.960-655.965.—As used in this

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2031 section and ss. 655.961-655.965, unless the context otherwise
2032 requires:

2033 (1) "Access area" means any paved walkway or sidewalk
2034 which is within 50 feet of any automated teller machine. The
2035 term does not include any street or highway open to the use of
2036 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or
2037 (b), including any adjacent sidewalk, as defined in s. 316.003.

2038 Section 65. Subsection (2) of section 784.07, Florida
2039 Statutes, is amended to read:

2040 784.07 Assault or battery of law enforcement officers,
2041 firefighters, emergency medical care providers, public transit
2042 employees or agents, or other specified officers;
2043 reclassification of offenses; minimum sentences.-

2044 (2) When a ~~Whenever any~~ person is charged with knowingly
2045 committing an assault or battery upon a law enforcement officer,
2046 a firefighter, an emergency medical care provider, a railroad
2047 special officer, a traffic crash ~~accident~~ investigation officer
2048 as described in s. 316.640, a nonsworn law enforcement agency
2049 employee who is certified as an agency inspector, a blood
2050 alcohol analyst, or a breath test operator while such employee
2051 is in uniform and engaged in processing, testing, evaluating,
2052 analyzing, or transporting a person who is detained or under
2053 arrest for DUI, a law enforcement explorer, a traffic infraction
2054 enforcement officer as described in s. 316.640, a parking
2055 enforcement specialist as defined in s. 316.640, a person

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2056 licensed as a security officer as defined in s. 493.6101 and
2057 wearing a uniform that bears at least one patch or emblem that
2058 is visible at all times that clearly identifies the employing
2059 agency and that clearly identifies the person as a licensed
2060 security officer, or a security officer employed by the board of
2061 trustees of a community college, while the officer, firefighter,
2062 emergency medical care provider, railroad special officer,
2063 traffic crash ~~accident~~ investigation officer, traffic infraction
2064 enforcement officer, inspector, analyst, operator, law
2065 enforcement explorer, parking enforcement specialist, public
2066 transit employee or agent, or security officer is engaged in the
2067 lawful performance of his or her duties, the offense for which
2068 the person is charged shall be reclassified as follows:

2069 (a) In the case of assault, from a misdemeanor of the
2070 second degree to a misdemeanor of the first degree.

2071 (b) In the case of battery, from a misdemeanor of the
2072 first degree to a felony of the third degree.

2073 (c) In the case of aggravated assault, from a felony of
2074 the third degree to a felony of the second degree.

2075 Notwithstanding any other provision of law, a ~~any~~ person
2076 convicted of aggravated assault upon a law enforcement officer
2077 shall be sentenced to a minimum term of imprisonment of 3 years.

2078 (d) In the case of aggravated battery, from a felony of
2079 the second degree to a felony of the first degree.

2080 Notwithstanding any other provision of law, a ~~any~~ person

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2081 convicted of aggravated battery of a law enforcement officer
2082 shall be sentenced to a minimum term of imprisonment of 5 years.

2083 Section 66. Subsection (5) of section 856.015, Florida
2084 Statutes, is amended to read:

2085 856.015 Open house parties.—

2086 (5) If a violation of subsection (2) causes or contributes
2087 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~
2088 ~~316.1933~~, or death to the minor, or if the minor causes or
2089 contributes to causing serious bodily injury or death to another
2090 as a result of the minor's consumption of alcohol or drugs at
2091 the open house party, the violation is a misdemeanor of the
2092 first degree, punishable as provided in s. 775.082 or s.
2093 775.083.

2094 Section 67. Except as otherwise expressly provided in this
2095 act, this act shall take effect July 1, 2019.

2096
2097 -----

2098 **T I T L E A M E N D M E N T**

2099 Remove everything before the enacting clause and insert:
2100 An act relating to Highway Safety and Motor Vehicles; amending
2101 s. 117.10, F.S.; conforming provisions to changes made by the
2102 act; amending s. 316.003, F.S.; revising the term "autocycle"
2103 and defining the terms "crash" and "serious bodily injury";
2104 amending ss. 316.027, 316.0271, and 316.061, F.S.; conforming
2105 provisions to changes made by the act; amending s. 316.192,

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2106 F.S.; conforming provisions to changes made by the act; amending
2107 s. 316.193, F.S.; including causing serious bodily injury to
2108 oneself in penalty provisions for driving under the influence;
2109 amending s. 316.1933, F.S.; authorizing a law enforcement
2110 officer to require the person driving or in actual physical
2111 control of a motor vehicle to submit to a blood test when such
2112 person has incurred a serious bodily injury; conforming
2113 provisions to changes made by the act; amending s. 316.194,
2114 F.S.; conforming provisions to changes made by the act; amending
2115 s. 316.224, F.S.; conforming a cross-reference; amending s.
2116 316.235, F.S.; authorizing a motor vehicle to be equipped with
2117 certain lamps or devices under certain circumstances; amending
2118 s. 316.2397, F.S.; authorizing certain vehicles to display red
2119 and white lights; amending s. 316.2398, F.S.; authorizing
2120 certain vehicles to display red and white warning signals under
2121 certain circumstances; providing requirements and penalties;
2122 amending s. 316.302, F.S.; revising regulations to which owners
2123 and drivers of commercial motor vehicles are subject; removing
2124 the cap on a civil penalty for falsification of time records;
2125 deleting a requirement for documentation of a driver's driving
2126 times; exempting commercial motor vehicles with certain weight
2127 ratings from certain regulations; removing such exemption for a
2128 person transporting petroleum products; removing an exemption
2129 from certain regulations relating to diabetes; amending ss.
2130 316.622, 316.640, and 316.655, F.S.; conforming provisions to

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Amendment No.

2131 changes made by the act; amending s. 316.70, F.S.; providing
2132 that all owners and drivers of nonpublic sector buses are
2133 subject to certain federal regulations; authorizing the
2134 Department of Highway Safety and Motor Vehicles, rather than the
2135 Department of Transportation, to conduct compliance
2136 investigations; providing a civil penalty for violating a rule
2137 or order of the Department of Highway Safety and Motor Vehicles;
2138 removing provisions relating to subsequent compliance reviews;
2139 authorizing motor carriers to be enjoined pursuant to certain
2140 provisions for violations identified during a compliance
2141 investigation; authorizing certain officers or agents to stop
2142 and inspect commercial motor vehicles or drivers' records;
2143 authorizing an officer or agent to require removal of the motor
2144 vehicle or driver from service under certain circumstances;
2145 amending s. 318.19, F.S.; requiring appearance at a mandatory
2146 hearing by a person who is cited for a certain infraction and
2147 incurs a serious bodily injury as a result of such infraction;
2148 amending s. 319.25, F.S.; authorizing the department to conduct
2149 investigations and examinations relating to certain violations;
2150 granting the department subpoena and other powers for purposes
2151 of such investigations or examinations; providing for petition
2152 of a court order to obey a subpoena if a person fails to do so;
2153 providing exceptions; providing for the payment of costs to
2154 obtain such order; authorizing the department to designate
2155 agents to carry out subpoena and other powers; providing for

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Amendment No.

2156 witness fees under certain circumstances; amending s. 319.40,
2157 F.S.; revising purposes for which the department may collect and
2158 use e-mail addresses; amending s. 320.01, F.S.; revising the
2159 definition of the term "apportionable vehicle"; amending s.
2160 320.03, F.S.; authorizing the department, under certain
2161 circumstances, to provide tax collectors and certain agents and
2162 vendors with certain real-time access to data related to vehicle
2163 and mobile home registration certificates, registration license
2164 plates, and validation stickers; providing requirements for a
2165 certain memorandum of understanding; amending s. 320.06, F.S.;
2166 revising requirements for issuance of license plates, cab cards,
2167 and validation stickers for apportionable vehicles registered in
2168 accordance with the International Registration Plan upon
2169 implementation of a new registration operating system;
2170 specifying the registration period; providing for replacement of
2171 damaged or worn license plates free of charge; providing tax
2172 collectors and their agents the option to purchase validation
2173 stickers and paper stock that is used to produce vehicle
2174 registrations from vendors under certain circumstances;
2175 exempting such purchases from certain competitive bid
2176 requirements; requiring the department to reimburse the tax
2177 collectors and their agents for such purchases; requiring the
2178 tax collectors and their agents to invoice the department in
2179 arrears for the validation stickers and vehicle registrations as
2180 they are issued; providing an exception to the design of dealer

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Amendment No.

2181 license plates; amending s. 320.0605, F.S.; authorizing an
2182 electronic copy of certain rental or lease documentation to be
2183 in the possession of the vehicle operator or carried in the
2184 vehicle and to be exhibited upon demand of any authorized law
2185 enforcement officer or any agent of the department; providing
2186 that the act of presenting a certain electronic device to the
2187 officer or agent does not constitute consent for the officer or
2188 agent to access any information on the device other than the
2189 displayed rental or lease documentation; providing for
2190 assumption of liability for any resulting damage to the device;
2191 revising requirements for rental or lease documentation;
2192 amending s. 320.0607, F.S.; revising fee requirements upon
2193 implementation of a new registration operating system; amending
2194 s. 320.0657, F.S.; providing an exception to the design of fleet
2195 license plates; authorizing fleet companies to purchase
2196 specialty license plates in lieu of standard fleet license
2197 plates; requiring fleet companies to be responsible for certain
2198 costs; amending s. 320.08, F.S.; authorizing dealers to purchase
2199 specialty license plates in lieu of standard graphic dealer
2200 license plates; requiring dealers to be responsible for certain
2201 costs; amending s. 320.08056, F.S.; allowing the department to
2202 authorize dealer and fleet specialty license plates; providing
2203 requirements for such plates; amending s. 320.0807, F.S.;
2204 repealing provisions relating to special license plates for
2205 certain federal and state legislators; amending s. 320.27, F.S.;

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Amendment No.

2206 defining the term "control person"; revising requirements for
2207 denial, suspension, or revocation of a motor vehicle dealer
2208 license or license application; authorizing a court, under
2209 certain circumstances, to bar a person who has violated certain
2210 laws from acting as a motor vehicle dealer; amending s. 320.822,
2211 F.S.; revising the definition of the term "code"; amending s.
2212 320.8232, F.S.; specifying uniform standards for repair and
2213 remodeling of mobile homes; amending s. 320.861, F.S.;
2214 authorizing the department to conduct investigations and
2215 examinations relating to certain violations; granting the
2216 department subpoena and other powers for purposes of such
2217 investigations or examinations; providing for petition of a
2218 court order to obey a subpoena if a person fails to do so;
2219 providing exceptions; providing for the payment of costs to
2220 obtain such order; authorizing the department to designate
2221 agents to carry out subpoena and other powers; providing for
2222 witness fees under certain circumstances; amending s. 320.95,
2223 F.S.; revising purposes for which the department may collect and
2224 use e-mail addresses; amending ss. 321.05, 321.065, and 321.23,
2225 F.S.; conforming provisions to changes made by the act; amending
2226 s. 322.01, F.S.; revising the definition of the term "authorized
2227 emergency vehicle"; amending s. 322.0602, F.S.; conforming
2228 provisions to changes made by the act; amending s. 322.08, F.S.;
2229 revising purposes for which the department may collect and use
2230 e-mail addresses; amending s. 322.091, F.S.; requiring the

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Amendment No.

2231 department to report certain information regarding suspension of
2232 driver licenses to a school district upon request; amending s.
2233 322.17, F.S.; providing for replacement of a stolen
2234 identification card under certain circumstances; amending s.
2235 322.212, F.S.; prohibiting the provision of an altered or
2236 counterfeit document or participation in a dishonest or
2237 deceptive action in making application for a driver license or
2238 identification card; providing penalties; providing for
2239 suspension of driving privilege under certain circumstances;
2240 amending s. 322.36, F.S.; conforming provisions to changes made
2241 by the act; amending s. 322.38, F.S.; prohibiting a person from
2242 renting a motor vehicle to another person unless he or she has
2243 verified that the renter's driver license is unexpired;
2244 requiring that a person renting a motor vehicle to another
2245 person keep a record of the place where the renter's license was
2246 issued; providing that, under certain circumstances, specified
2247 requirements are deemed met when a renter is required at certain
2248 times to verify that he or she is duly licensed and that the
2249 license is unexpired; amending s. 322.61, F.S.; providing
2250 additional violations for which a person shall be disqualified
2251 from operating a commercial motor vehicle; creating s. 322.71,
2252 F.S.; authorizing the department to conduct investigations and
2253 examinations relating to certain violations; granting the
2254 department subpoena and other powers for purposes of such
2255 investigations or examinations; providing for petition of a

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2256 court order to obey a subpoena if a person fails to do so;
2257 providing exceptions; providing for the payment of costs to
2258 obtain such order; authorizing the department to designate
2259 agents to carry out subpoena and other powers; providing for
2260 witness fees under certain circumstances; amending ss. 323.001,
2261 323.002, 324.011, 324.022, 324.023, 324.051, and 324.242, F.S.;
2262 conforming provisions to changes made by the act; amending ss.
2263 324.031 and 324.032, F.S.; revising the manner of providing
2264 financial responsibility for owners, operators, or lessees of
2265 certain for-hire passenger transportation vehicles; amending s.
2266 328.30, F.S.; revising provisions under which the department may
2267 accept applications by electronic or telephonic means; revising
2268 purposes for which the department may collect and use e-mail
2269 addresses; amending s. 328.40, F.S.; providing that certain
2270 department records are subject to inspection and copying;
2271 amending s. 328.73, F.S.; requiring the department, under
2272 certain circumstances, to provide tax collectors and certain
2273 agents and vendors with certain real-time access to data related
2274 to registration certificates and vessel numbers and decals;
2275 providing requirements for a certain memorandum of
2276 understanding; amending s. 328.80, F.S.; revising provisions
2277 under which the department may accept applications by electronic
2278 or telephonic means; authorizing the department to collect and
2279 use e-mail addresses for certain purposes; amending s. 627.7415,
2280 F.S.; revising federal insurance regulations to which commercial

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Amendment No.

2281 motor vehicles are subject; amending ss. 655.960 and 856.015,
2282 F.S.; conforming cross-references; amending s. 784.07, F.S.;
2283 conforming provisions to changes made by the act; providing
2284 effective dates.