

1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 amending s. 117.10, F.S.; conforming provisions to
4 changes made by the act; amending s. 316.003, F.S.;
5 revising and providing definitions; amending ss.
6 316.027, 316.0271, 316.061, and s. 316.192, F.S.;
7 conforming provisions to changes made by the act;
8 amending s. 316.193, F.S.; including causing serious
9 bodily injury to oneself in penalty provisions for
10 driving under the influence; amending s. 316.1933,
11 F.S.; authorizing a law enforcement officer to require
12 the person driving or in actual physical control of a
13 motor vehicle to submit to a blood test when such
14 person has incurred a serious bodily injury;
15 conforming provisions to changes made by the act;
16 amending s. 316.194, F.S.; conforming provisions to
17 changes made by the act; amending s. 316.224, F.S.;
18 conforming a cross-reference; amending s. 316.235,
19 F.S.; authorizing a motor vehicle to be equipped with
20 certain lamps or devices under certain circumstances;
21 amending s. 316.2397, F.S.; authorizing certain
22 vehicles to display red and white lights; amending s.
23 316.2398, F.S.; authorizing certain vehicles to
24 display red and white warning signals under certain
25 circumstances; providing requirements and penalties;

26 | amending s. 316.302, F.S.; revising regulations to
27 | which owners and drivers of commercial motor vehicles
28 | are subject; removing the cap on a civil penalty for
29 | falsification of time records; deleting a requirement
30 | for documentation of a driver's driving times;
31 | exempting commercial motor vehicles with certain
32 | weight ratings from certain regulations; removing such
33 | exemption for a person transporting petroleum
34 | products; removing an exemption from certain
35 | regulations relating to diabetes; amending ss.
36 | 316.622, 316.640, and 316.655, F.S.; conforming
37 | provisions to changes made by the act; amending s.
38 | 316.70, F.S.; providing that all owners and drivers of
39 | nonpublic sector buses are subject to certain federal
40 | regulations; requiring the Department of Highway
41 | Safety and Motor Vehicles to ensure compliance with
42 | certain requirements; authorizing the Department of
43 | Highway Safety and Motor Vehicles, rather than the
44 | Department of Transportation, to conduct compliance
45 | investigations; providing a civil penalty for
46 | violating a rule or order of the Department of Highway
47 | Safety and Motor Vehicles; removing provisions
48 | relating to subsequent compliance reviews; authorizing
49 | motor carriers to be enjoined pursuant to certain
50 | provisions for violations identified during a

51 compliance investigation; authorizing certain officers
52 or agents to stop and inspect commercial motor
53 vehicles or drivers' records; authorizing an officer
54 or agent to require removal of the motor vehicle or
55 driver from service under certain circumstances;
56 amending s. 318.19, F.S.; requiring appearance at a
57 mandatory hearing by a person who is cited for a
58 certain infraction and incurs a serious bodily injury
59 as a result of such infraction; amending s. 319.25,
60 F.S.; authorizing the department to conduct
61 investigations and examinations relating to certain
62 violations; granting the department subpoena and other
63 powers for purposes of such investigations or
64 examinations; providing for petition of a court order
65 to obey a subpoena if a person fails to do so;
66 providing exceptions; providing for the payment of
67 costs to obtain such order; authorizing the department
68 to designate agents to carry out subpoena and other
69 powers; providing for witness fees under certain
70 circumstances; amending s. 319.40, F.S.; revising
71 purposes for which the department may collect and use
72 e-mail addresses; amending s. 320.01, F.S.; revising
73 the definition of the term "apportionable vehicle";
74 amending s. 320.03, F.S.; authorizing the department,
75 under certain circumstances, to provide tax collectors

76 | and certain agents and vendors with certain real-time
77 | access to data related to vehicle and mobile home
78 | registration certificates, registration license
79 | plates, and validation stickers; amending s. 320.06,
80 | F.S.; revising requirements for issuance of license
81 | plates, cab cards, and validation stickers for
82 | apportionable vehicles registered in accordance with
83 | the International Registration Plan upon
84 | implementation of a new registration operating system;
85 | specifying the registration period; providing for
86 | replacement of damaged or worn license plates free of
87 | charge; authorizing tax collectors and their agents to
88 | purchase validation stickers and certain paper stock
89 | from vendors under certain circumstances; providing
90 | pricing requirements; providing for reimbursement and
91 | invoicing; providing an exception to the design of
92 | dealer license plates; amending s. 320.0605, F.S.;
93 | authorizing an electronic copy of certain rental or
94 | lease documentation to be in the possession of the
95 | vehicle operator or carried in the vehicle and to be
96 | exhibited upon demand of any authorized law
97 | enforcement officer or any agent of the department;
98 | providing that the act of presenting a certain
99 | electronic device to the officer or agent does not
100 | constitute consent for the officer or agent to access

101 any information on the device other than the displayed
102 rental or lease documentation; providing for
103 assumption of liability for any resulting damage to
104 the device; revising requirements for rental or lease
105 documentation; amending s. 320.0607, F.S.; revising
106 fee requirements upon implementation of a new
107 registration operating system; amending s. 320.0657,
108 F.S.; providing an exception to the design of fleet
109 license plates; authorizing fleet companies to
110 purchase specialty license plates in lieu of standard
111 fleet license plates; requiring fleet companies to be
112 responsible for certain costs; amending s. 320.08,
113 F.S.; authorizing dealers to purchase specialty
114 license plates in lieu of standard graphic dealer
115 license plates; requiring dealers to be responsible
116 for certain costs; amending s. 320.08056, F.S.;
117 allowing the department to authorize dealer and fleet
118 specialty license plates; providing requirements for
119 such plates; amending s. 320.0807, F.S.; repealing
120 provisions relating to special license plates for
121 certain federal and state legislators; amending s.
122 320.27, F.S.; defining the term "control person";
123 requiring certain persons to file fingerprints with
124 the department; revising requirements for denial,
125 suspension, or revocation of a motor vehicle dealer

126 license or license application; authorizing a court,
127 under certain circumstances, to bar a person who has
128 violated certain laws from acting as a motor vehicle
129 dealer; amending s. 320.822, F.S.; revising the
130 definition of the term "code"; amending s. 320.8232,
131 F.S.; specifying uniform standards for repair and
132 remodeling of mobile and manufactured homes; amending
133 s. 320.861, F.S.; authorizing the department to
134 conduct investigations and examinations relating to
135 certain violations; granting the department subpoena
136 and other powers for purposes of such investigations
137 or examinations; providing for petition of a court
138 order to obey a subpoena if a person fails to do so;
139 providing exceptions; providing for the payment of
140 costs to obtain such order; authorizing the department
141 to designate agents to carry out subpoena and other
142 powers; providing for witness fees under certain
143 circumstances; amending s. 320.95, F.S.; revising
144 purposes for which the department may collect and use
145 e-mail addresses; amending ss. 321.05, 321.065, and
146 321.23, F.S.; conforming provisions to changes made by
147 the act; amending s. 322.01, F.S.; revising the
148 definition of the term "authorized emergency vehicle";
149 amending s. 322.0602, F.S.; conforming provisions to
150 changes made by the act; amending s. 322.08, F.S.;

151 revising purposes for which the department may collect
152 and use e-mail addresses; amending s. 322.091, F.S.;
153 requiring the department to report certain information
154 regarding suspension of driver licenses to a school
155 district upon request; amending s. 322.17, F.S.;
156 providing for replacement of a stolen identification
157 card under certain circumstances; amending s. 322.212,
158 F.S.; prohibiting the provision of an altered or
159 counterfeit document or participation in a dishonest
160 or deceptive action in making application for a driver
161 license or identification card; providing penalties;
162 providing for suspension of driving privilege under
163 certain circumstances; amending s. 322.36, F.S.;
164 conforming provisions to changes made by the act;
165 amending s. 322.38, F.S.; prohibiting a person from
166 renting a motor vehicle to another person unless he or
167 she has verified that the renter's driver license is
168 unexpired; requiring that a person renting a motor
169 vehicle to another person keep a record of the place
170 where the renter's license was issued; providing that,
171 under certain circumstances, specified requirements
172 are deemed met when a renter is required at certain
173 times to verify that he or she is duly licensed and
174 that the license is unexpired; amending s. 322.61,
175 F.S.; providing additional violations for which a

176 person shall be disqualified from operating a
177 commercial motor vehicle; creating s. 322.71, F.S.;
178 authorizing the department to conduct investigations
179 and examinations relating to certain violations;
180 granting the department subpoena and other powers for
181 purposes of such investigations or examinations;
182 providing for petition of a court order to obey a
183 subpoena if a person fails to do so; providing
184 exceptions; providing for the payment of costs to
185 obtain such order; authorizing the department to
186 designate agents to carry out subpoena and other
187 powers; providing for witness fees under certain
188 circumstances; amending ss. 323.001, 323.002, 324.011,
189 324.022, and 324.023, F.S.; conforming provisions to
190 changes made by the act; amending ss. 324.031 and
191 324.032, F.S.; revising the manner of providing
192 financial responsibility for owners, operators, or
193 lessees of certain for-hire passenger transportation
194 vehicles; amending ss. 324.051 and 324.242, F.S.;
195 conforming provisions to changes made by the act;
196 amending s. 328.30, F.S.; revising provisions under
197 which the department may accept applications by
198 electronic or telephonic means; revising purposes for
199 which the department may collect and use e-mail
200 addresses; amending s. 328.40, F.S.; providing that

201 certain department records are subject to inspection
 202 and copying; amending s. 328.73, F.S.; requiring the
 203 department, under certain circumstances, to provide
 204 tax collectors and certain agents and vendors with
 205 certain real-time access to data related to
 206 registration certificates and vessel numbers and
 207 decals; amending s. 328.80, F.S.; revising provisions
 208 under which the department may accept applications by
 209 electronic or telephonic means; authorizing the
 210 department to collect and use e-mail addresses for
 211 certain purposes; amending s. 627.7415, F.S.; revising
 212 federal insurance regulations to which commercial
 213 motor vehicles are subject; amending ss. 655.960 and
 214 856.015, F.S.; conforming cross-references; amending
 215 s. 784.07, F.S.; conforming provisions to changes made
 216 by the act; providing effective dates.

217
 218 Be It Enacted by the Legislature of the State of Florida:

219
 220 Section 1. Subsection (2) of section 117.10, Florida
 221 Statutes, is amended to read:

222 117.10 Law enforcement and correctional officers;
 223 administration of oaths.—

224 (2) Law enforcement officers, correctional officers, and
 225 correctional probation officers, as defined in s. 943.10, and

226 traffic crash ~~accident~~ investigation officers and traffic
227 infraction enforcement officers, as described in s. 316.640, are
228 authorized to administer oaths by reliable electronic means or
229 in the physical presence of an affiant when engaged in the
230 performance of official duties. Sections 117.01, 117.04,
231 117.045, 117.05, and 117.103 do not apply to this section. An
232 officer may not notarize his or her own signature.

233 Section 2. Subsections (16) through (73) and (74) through
234 (101) of section 316.003, Florida Statutes, are renumbered as
235 subsections (17) through (74) and (76) through (103),
236 respectively, present subsections (2) and (59) are amended, and
237 new subsections (16) and (75) are added to that section, to
238 read:

239 316.003 Definitions.—The following words and phrases, when
240 used in this chapter, shall have the meanings respectively
241 ascribed to them in this section, except where the context
242 otherwise requires:

243 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
244 wheels in the front and one wheel in the back; is equipped with
245 a roll cage or roll hoops, a seat belt for each occupant,
246 antilock brakes, a steering mechanism ~~wheel~~, and seating that
247 does not require the operator to straddle or sit astride it; and
248 is manufactured in accordance with the applicable federal
249 motorcycle safety standards in 49 C.F.R. part 571 by a
250 manufacturer registered with the National Highway Traffic Safety

251 Administration.

252 (16) CRASH.—The operation of a motor vehicle, motorized
253 scooter, or moped which results in property damage or death,
254 bodily injury, or complaint of bodily injury to any person. The
255 term "crash" includes separation of the operator or an occupant
256 from a motor vehicle, motorized scooter, or moped, or trailer
257 being drawn by a motor vehicle, while in motion, which results
258 in property damage or death, bodily injury, or complaint of
259 bodily injury to any person. The term "crash" does not include
260 such operation:

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

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

267 (c) If such property damage or death, bodily injury, or
268 complaint of bodily injury to any person results from an
269 intentional act of a law enforcement officer to force a motor
270 vehicle or moped to stop or reduce speed, such as use of a
271 pursuit termination device or the precision immobilization
272 technique, except that the term "crash" includes such operation
273 that results in death, bodily injury, or complaint of bodily
274 injury to, or damage to property of, anyone other than the
275 operator or an occupant being forced to stop or reduce speed or

276 | the law enforcement officer.

277 |
 278 | The term "crash" also does not include the death or suffering of
 279 | a medical episode by the operator or an occupant of a motor
 280 | vehicle or moped if operation of the motor vehicle or moped did
 281 | not result in such death or medical episode and does not result
 282 | in property damage or death, bodily injury, or complaint of
 283 | bodily injury to any other person.

284 | (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 285 | provided in paragraph (83)(b) ~~(81)(b)~~, any privately owned way
 286 | or place used for vehicular travel by the owner and those having
 287 | express or implied permission from the owner, but not by other
 288 | persons.

289 | (75) SERIOUS BODILY INJURY.—A physical injury to any
 290 | person which creates a substantial risk of death, significant
 291 | personal disfigurement, or protracted loss or impairment of the
 292 | function of any bodily member or organ.

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

295 | 316.027 Crash involving death or personal injuries.—

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

297 | ~~(a) "Serious bodily injury" means an injury to a person,~~
 298 | ~~including the driver, which consists of a physical condition~~
 299 | ~~that creates a substantial risk of death, serious personal~~
 300 | ~~disfigurement, or protracted loss or impairment of the function~~

301 ~~of a bodily member or organ.~~

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

303 (a)1. A pedestrian, including a person actually engaged in
 304 work upon a highway, or in work upon utility facilities along a
 305 highway, or engaged in the provision of emergency services
 306 within the right-of-way;

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

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

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

312 1.a. A farm tractor or similar vehicle designed primarily
 313 for farm use;

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

315 3.e. A horse-drawn carriage;

316 4.d. An electric personal assistive mobility device; or

317 5.e. A wheelchair.

318 (4) (a) In addition to any other civil, criminal, or
 319 administrative penalty imposed, a person whose commission of a
 320 noncriminal traffic infraction or a violation of this chapter or
 321 s. 1006.66 causes or results in the death of another person may
 322 be required by the court to serve 120 community service hours in
 323 a trauma center or hospital that regularly receives victims of
 324 vehicle crashes ~~accidents~~, under the supervision of a registered
 325 nurse, an emergency room physician, or an emergency medical

326 technician pursuant to a voluntary community service program
 327 operated by the trauma center or hospital.

328 (b) Notwithstanding paragraph (a), in addition to any
 329 other civil, criminal, or administrative penalty imposed, a
 330 person whose commission of a violation of s. 316.172(1) (a) or
 331 (b) causes or results in serious bodily injury to or death of
 332 another person shall be required by the court to:

333 1. Serve 120 community service hours in a trauma center or
 334 hospital that regularly receives victims of vehicle crashes
 335 ~~accidents~~, under the supervision of a registered nurse, an
 336 emergency room physician, or an emergency medical technician
 337 pursuant to a voluntary community service program operated by
 338 the trauma center or hospital.

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

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

346 316.0271 Yellow dot critical motorist medical information
 347 program; yellow dot decal, folder, and information form.—

348 (1) The governing body of a county may create a yellow dot
 349 critical motorist medical information program to facilitate the
 350 provision of emergency medical care to program participants by

351 emergency medical responders by making critical medical
352 information readily available to responders in the event of a
353 motor vehicle crash ~~accident~~ or a medical emergency involving a
354 participant's vehicle.

355 (5) (a) If the driver or a passenger of a motor vehicle is
356 involved in a motor vehicle crash ~~accident~~ or emergency
357 situation and a yellow dot decal is affixed to the vehicle, an
358 emergency medical responder at the scene may search the glove
359 compartment of the vehicle for the corresponding yellow dot
360 folder.

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

363 316.061 Crashes involving damage to vehicle or property.-

364 (3) Employees or authorized agents of the Department of
365 Transportation, law enforcement with proper jurisdiction, or an
366 expressway authority created pursuant to chapter 348, in the
367 exercise, management, control, and maintenance of its highway
368 system, may undertake the removal from the main traveled way of
369 roads on its highway system of all vehicles incapacitated as a
370 result of a motor vehicle crash and of debris caused thereby.
371 Such removal is applicable when such a motor vehicle crash
372 results only in damage to a vehicle or other property, and when
373 such removal can be accomplished safely and will result in the
374 improved safety or convenience of travel upon the road. The
375 driver or any other person who has removed a motor vehicle from

376 the main traveled way of the road as provided in this section
 377 shall not be considered liable or at fault regarding the cause
 378 of the crash ~~accident~~ solely by reason of moving the vehicle.

379 Section 6. Paragraph (c) of subsection (3) of section
 380 316.192, Florida Statutes, is amended to read:

381 316.192 Reckless driving.—

382 (3) Any person:

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

384 1. Damage to the property or person of another commits a
 385 misdemeanor of the first degree, punishable as provided in s.
 386 775.082 or s. 775.083.

387 2. Serious bodily injury to another commits a felony of
 388 the third degree, punishable as provided in s. 775.082, s.
 389 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~
 390 ~~an injury to another person, which consists of a physical~~
 391 ~~condition that creates a substantial risk of death, serious~~
 392 ~~personal disfigurement, or protracted loss or impairment of the~~
 393 ~~function of any bodily member or organ.~~

394 Section 7. Paragraph (c) of subsection (3) of section
 395 316.193, Florida Statutes, is amended to read:

396 316.193 Driving under the influence; penalties.—

397 (3) Any person:

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

400 1. Damage to the property or person of another commits a

401 | misdemeanor of the first degree, punishable as provided in s.
 402 | 775.082 or s. 775.083.

403 | 2. Serious bodily injury, as defined in s. 316.003, to
 404 | himself or herself or another, ~~as defined in s. 316.1933,~~
 405 | commits a felony of the third degree, punishable as provided in
 406 | s. 775.082, s. 775.083, or s. 775.084.

407 | 3. The death of any human being or unborn child commits
 408 | DUI manslaughter, and commits:

409 | a. A felony of the second degree, punishable as provided
 410 | in s. 775.082, s. 775.083, or s. 775.084.

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

413 | (I) At the time of the crash, the person knew, or should
 414 | have known, that the crash occurred; and

415 | (II) The person failed to give information and render aid
 416 | as required by s. 316.062.

417 |
 418 | For purposes of this subsection, the term "unborn child" has the
 419 | same meaning as provided in s. 775.021(5). A person who is
 420 | convicted of DUI manslaughter shall be sentenced to a mandatory
 421 | minimum term of imprisonment of 4 years.

422 | Section 8. Subsection (1) of section 316.1933, Florida
 423 | Statutes, is amended to read:

424 | 316.1933 Blood test for impairment or intoxication in
 425 | cases of death or serious bodily injury; right to use reasonable

426 force.—

427 (1)~~(a)~~ If a law enforcement officer has probable cause to
 428 believe that a motor vehicle driven by or in the actual physical
 429 control of a person under the influence of alcoholic beverages,
 430 any chemical substances, or any controlled substances has caused
 431 the death or serious bodily injury of a human being, including
 432 the person himself or herself, a law enforcement officer shall
 433 require the person driving or in actual physical control of the
 434 motor vehicle to submit to a test of the person's blood for the
 435 purpose of determining the alcoholic content thereof or the
 436 presence of chemical substances as set forth in s. 877.111 or
 437 any substance controlled under chapter 893. The law enforcement
 438 officer may use reasonable force if necessary to require such
 439 person to submit to the administration of the blood test. The
 440 blood test shall be performed in a reasonable manner.

441 Notwithstanding s. 316.1932, the testing required by this
 442 subsection ~~paragraph~~ need not be incidental to a lawful arrest
 443 of the person.

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

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

451 316.194 Stopping, standing or parking outside of
452 municipalities.—

453 (3) (a) When a ~~Whenever any~~ police officer or traffic crash
454 ~~accident~~ investigation officer finds a vehicle standing upon a
455 highway in violation of any of the foregoing provisions of this
456 section, the officer may ~~is authorized to~~ move the vehicle, or
457 require the driver or other persons in charge of the vehicle to
458 move the vehicle, to a position off the paved or main-traveled
459 part of the highway.

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

466 1. Where such vehicle constitutes an obstruction of
467 traffic;

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

472 3. Where an operative vehicle has been parked or stored on
473 the public right-of-way for more than ~~a period exceeding~~ 10
474 days, in other than designated parking areas, and is more than
475 30 feet from the pavement edge. However, the agency removing

476 such vehicle shall be required to report the removal ~~same~~ to the
477 Department of Highway Safety and Motor Vehicles within 24 hours
478 after ~~of~~ such removal.

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

481 316.224 Color of clearance lamps, identification lamps,
482 side marker lamps, backup lamps, reflectors, and deceleration
483 lights.—

484 (3) All lighting devices and reflectors mounted on the
485 rear of any vehicle shall display or reflect a red color, except
486 the stop light or other signal device, which may be red, amber,
487 or yellow, and except that the light illuminating the license
488 plate shall be white and the light emitted by a backup lamp
489 shall be white or amber. Deceleration lights as authorized by s.
490 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

491 Section 11. Subsections (3) through (6) of section
492 316.235, Florida Statutes, are renumbered as subsections (4)
493 through (7), respectively, and a new subsection (3) is added to
494 that section to read:

495 316.235 Additional lighting equipment.—

496 (3) Any motor vehicle may be equipped with one or more
497 lamps or devices underneath the motor vehicle as long as such
498 lamps or devices do not emit light in violation of s.
499 316.2397(1) or (7) or s. 316.238.

500 Section 12. Subsections (1) and (3) and paragraph (c) of

501 subsection (7) of section 316.2397, Florida Statutes, are
 502 amended to read:

503 316.2397 Certain lights prohibited; exceptions.—

504 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
 505 moved any vehicle or equipment upon any highway within this
 506 state with any lamp or device thereon showing or displaying a
 507 red, red and white, or blue light visible from directly in front
 508 thereof except for certain vehicles ~~hereinafter~~ provided in this
 509 section.

510 (3) Vehicles of the fire department and fire patrol,
 511 including vehicles of volunteer firefighters as permitted under
 512 s. 316.2398, may show or display red or red and white lights.
 513 Vehicles of medical staff physicians or technicians of medical
 514 facilities licensed by the state as authorized under s.
 515 316.2398, ambulances as authorized under this chapter, and buses
 516 and taxicabs as authorized under s. 316.2399 may show or display
 517 red lights. Vehicles of the fire department, fire patrol, police
 518 vehicles, and such ambulances and emergency vehicles of
 519 municipal and county departments, public service corporations
 520 operated by private corporations, the Fish and Wildlife
 521 Conservation Commission, the Department of Environmental
 522 Protection, the Department of Transportation, the Department of
 523 Agriculture and Consumer Services, and the Department of
 524 Corrections as are designated or authorized by their respective
 525 department or the chief of police of an incorporated city or any

526 | sheriff of any county may operate emergency lights and sirens in
527 | an emergency. Wreckers, mosquito control fog and spray vehicles,
528 | and emergency vehicles of governmental departments or public
529 | service corporations may show or display amber lights when in
530 | actual operation or when a hazard exists provided they are not
531 | used going to and from the scene of operation or hazard without
532 | specific authorization of a law enforcement officer or law
533 | enforcement agency. Wreckers must use amber rotating or flashing
534 | lights while performing recoveries and loading on the roadside
535 | day or night, and may use such lights while towing a vehicle on
536 | wheel lifts, slings, or under reach if the operator of the
537 | wrecker deems such lights necessary. A flatbed, car carrier, or
538 | rollback may not use amber rotating or flashing lights when
539 | hauling a vehicle on the bed unless it creates a hazard to other
540 | motorists because of protruding objects. Further, escort
541 | vehicles may show or display amber lights when in the actual
542 | process of escorting overdimensioned equipment, material, or
543 | buildings as authorized by law. Vehicles owned or leased by
544 | private security agencies may show or display green and amber
545 | lights, with either color being no greater than 50 percent of
546 | the lights displayed, while the security personnel are engaged
547 | in security duties on private or public property.

548 | (7) Flashing lights are prohibited on vehicles except:

549 | (c) For the lamps authorized under subsections (1), (2),
550 | (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~

551 | which may flash.

552 | Section 13. Section 316.2398, Florida Statutes, is amended
553 | to read:

554 | 316.2398 Display or use of red or red and white warning
555 | signals; motor vehicles of volunteer firefighters or medical
556 | staff.—

557 | (1) A privately owned vehicle belonging to an active
558 | firefighter member of a regularly organized volunteer
559 | firefighting company or association, while en route to the fire
560 | station for the purpose of proceeding to the scene of a fire or
561 | other emergency or while en route to the scene of a fire or
562 | other emergency in the line of duty as an active firefighter
563 | member of a regularly organized firefighting company or
564 | association, may display or use red or red and white warning
565 | signals. ~~or~~ A privately owned vehicle belonging to a medical
566 | staff physician or technician of a medical facility licensed by
567 | the state, while responding to an emergency in the line of duty,
568 | may display or use red warning signals. Warning signals must be
569 | visible from the front and from the rear of such vehicle,
570 | subject to the following restrictions and conditions:

571 | (a) No more than two red or red and white warning signals
572 | may be displayed.

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

575 | (c) In order for an active volunteer firefighter to

576 display such red or red and white warning signals on his or her
 577 vehicle, the volunteer firefighter must first secure a written
 578 permit from the chief executive officers of the firefighting
 579 organization to use the red or red and white warning signals,
 580 and this permit must be carried by the volunteer firefighter at
 581 all times while the red or red and white warning signals are
 582 displayed.

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

590 (3) ~~It is unlawful for~~ An active volunteer firefighter may
 591 not ~~to~~ operate any red or red and white warning signals as
 592 authorized in subsection (1), except while en route to the fire
 593 station for the purpose of proceeding to the scene of a fire or
 594 other emergency, or while at or en route to the scene of a fire
 595 or other emergency, in the line of duty.

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

600 (5) A violation of this section is a nonmoving violation,

601 punishable as provided in chapter 318. In addition, a ~~any~~
602 volunteer firefighter who violates this section shall be
603 dismissed from membership in the firefighting organization by
604 the chief executive officers thereof.

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

607 316.302 Commercial motor vehicles; safety regulations;
608 transporters and shippers of hazardous materials; enforcement.-

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

610 (a) All owners and drivers of commercial motor vehicles
611 that are operated on the public highways of this state while
612 engaged in interstate commerce are subject to the rules and
613 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
614 390-397.

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

622 (c) The emergency exceptions provided by 49 C.F.R. s.
623 392.82 also apply to communications by utility drivers and
624 utility contractor drivers during a Level 1 activation of the
625 State Emergency Operations Center, as provided in the Florida

626 Comprehensive Emergency Management plan, or during a state of
627 emergency declared by executive order or proclamation of the
628 Governor.

629 (d) Except as provided in s. 316.215(5), and except as
630 provided in s. 316.228 for rear overhang lighting and flagging
631 requirements for intrastate operations, the requirements of this
632 section supersede all other safety requirements of this chapter
633 for commercial motor vehicles.

634 (e) A person who operates a commercial motor vehicle
635 solely in intrastate commerce not transporting hazardous
636 materials in amounts that require placarding pursuant to 49
637 C.F.R. part 172 need not comply with the requirements of
638 electronic logging devices and hours of service supporting
639 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395
640 until December 31, 2019.

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

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

650 1. More than 12 hours following 10 consecutive hours off

651 duty; or

652 2. For any period after the end of the 16th hour after
653 coming on duty following 10 consecutive hours off duty.

654
655 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of
656 utility service vehicles as defined in 49 C.F.R. s. 395.2.

657 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
658 operates a commercial motor vehicle solely in intrastate
659 commerce not transporting any hazardous material in amounts that
660 require placarding pursuant to 49 C.F.R. part 172 may not drive
661 after having been on duty more than 70 hours in any period of 7
662 consecutive days or more than 80 hours in any period of 8
663 consecutive days if the motor carrier operates every day of the
664 week. Thirty-four consecutive hours off duty shall constitute
665 the end of any such period of 7 or 8 consecutive days. This
666 weekly limit does not apply to a person who operates a
667 commercial motor vehicle solely within this state while
668 transporting, during harvest periods, any unprocessed
669 agricultural products or unprocessed food or fiber that is
670 subject to seasonal harvesting from place of harvest to the
671 first place of processing or storage or from place of harvest
672 directly to market or while transporting livestock, livestock
673 feed, or farm supplies directly related to growing or harvesting
674 agricultural products. Upon request of the Department of Highway
675 Safety and Motor Vehicles, motor carriers shall furnish time

676 records or other written verification to that department so that
677 the Department of Highway Safety and Motor Vehicles can
678 determine compliance with this subsection. These time records
679 must be furnished to the Department of Highway Safety and Motor
680 Vehicles within 2 days after receipt of that department's
681 request. Falsification of such information is subject to a civil
682 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
683 does ~~de~~ not apply to operators of farm labor vehicles operated
684 during a state of emergency declared by the Governor or operated
685 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
686 utility service vehicles as defined in 49 C.F.R. s. 395.2.

687 (d) A person who operates a commercial motor vehicle
688 solely in intrastate commerce not transporting any hazardous
689 material in amounts that require placarding pursuant to 49
690 C.F.R. part 172 within a 150 air-mile radius of the location
691 where the vehicle is based need not comply with 49 C.F.R. s.
692 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
693 (iii)(A) and (C), ~~s. 395.1(e)(1)(iii)~~ and (v) are met. ~~If a~~
694 ~~driver is not released from duty within 12 hours after the~~
695 ~~driver arrives for duty, the motor carrier must maintain~~
696 ~~documentation of the driver's driving times throughout the duty~~
697 ~~period.~~

698 (e) A person who operates a commercial motor vehicle
699 solely in intrastate commerce is exempt from subsection (1)
700 while transporting agricultural products, including

701 horticultural or forestry products, from farm or harvest place
702 to the first place of processing or storage, or from farm or
703 harvest place directly to market. However, such person must
704 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
705 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
706 vehicles operated pursuant to this paragraph having a gross
707 vehicle weight of 26,001 pounds or more or having three or more
708 axles on the power unit, regardless of weight, must display the
709 name of the vehicle owner or motor carrier and the municipality
710 or town where the vehicle is based on each side of the power
711 unit in letters that contrast with the background and that are
712 readable from a distance of 50 feet. A person who violates this
713 vehicle identification requirement may be assessed a penalty as
714 provided in s. 316.3025(3)(a).

715 (f) A person who operates a commercial motor vehicle
716 having a ~~declared~~ gross vehicle weight, gross vehicle weight
717 rating, and gross combined weight rating of less than 26,001
718 pounds solely in intrastate commerce and who is not transporting
719 hazardous materials in amounts that require placarding pursuant
720 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
721 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
722 However, such person must comply with 49 C.F.R. parts 382, 392,
723 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

724 (g) A person whose driving record shows no convictions for
725 the preceding 3 years and who, as of October 1, 1988, is

726 employed as a driver-salesperson, as defined in 49 C.F.R. s.
727 395.2, and who operates solely in intrastate commerce, is exempt
728 from 49 C.F.R. part 391.

729 (h) A person who is an employee of an electric utility, as
730 defined in s. 361.11, or a telephone company, as defined in s.
731 364.02, and who operates a commercial motor vehicle solely in
732 intrastate commerce and within a 200 air-mile radius of the
733 location where the vehicle is based, is exempt from 49 C.F.R.
734 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

735 (i) A person whose driving record shows no traffic
736 convictions, pursuant to s. 322.61, during the 2-year period
737 immediately preceding the application for the commercial driver
738 license, who is otherwise qualified as a driver under 49 C.F.R.
739 part 391, and who operates a commercial vehicle in intrastate
740 commerce only shall be exempt from the requirements of 49 C.F.R.
741 part 391, subpart E, s. 391.41(b)(10). However, such operators
742 are still subject to the requirements of ss. 322.12 and 322.121.
743 As proof of eligibility, such driver shall have in his or her
744 possession a physical examination form dated within the past 24
745 months.

746 ~~(j) A person who is otherwise qualified as a driver under~~
747 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
748 ~~intrastate commerce only, and who does not transport hazardous~~
749 ~~materials in amounts that require placarding pursuant to 49~~
750 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~

751 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
752 ~~diabetes.~~

753 (j)~~(k)~~ A person holding a commercial driver license who is
754 a regularly employed driver of a commercial motor vehicle and is
755 subject to an alcohol and controlled substance testing program
756 related to that employment shall not be required to be part of a
757 separate testing program for operating any bus owned and
758 operated by a church when the driver does not receive any form
759 of compensation for operating the bus and when the bus is used
760 to transport people to or from church-related activities at no
761 charge. The provisions of this paragraph may not be implemented
762 if the Federal Government notifies the department that
763 implementation will adversely affect the allocation of federal
764 funds to the state.

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

768 316.302 Commercial motor vehicles; safety regulations;
769 transporters and shippers of hazardous materials; enforcement.—

770 (1)

771 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
772 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
773 requirements for intrastate operations, the requirements of this
774 section supersede all other safety requirements of this chapter
775 for commercial motor vehicles.

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

778 316.622 Farm labor vehicles.—

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

782 Section 17. Paragraph (a) of subsection (1) of section
 783 316.640, Florida Statutes, is amended to read:

784 316.640 Enforcement.—The enforcement of the traffic laws
 785 of this state is vested as follows:

786 (1) STATE.—

787 (a)1.a. The Division of Florida Highway Patrol of the
 788 Department of Highway Safety and Motor Vehicles; the Division of
 789 Law Enforcement of the Fish and Wildlife Conservation
 790 Commission; and the agents, inspectors, and officers of the
 791 Department of Law Enforcement each have authority to enforce all
 792 of the traffic laws of this state on all the streets and
 793 highways thereof and elsewhere throughout the state wherever the
 794 public has a right to travel by motor vehicle.

795 b. University police officers may enforce all of the
 796 traffic laws of this state when violations occur on or within
 797 1,000 feet of any property or facilities that are under the
 798 guidance, supervision, regulation, or control of a state
 799 university, a direct-support organization of such state
 800 university, or any other organization controlled by the state

801 university or a direct-support organization of the state
802 university, or when such violations occur within a specified
803 jurisdictional area as agreed upon in a mutual aid agreement
804 entered into with a law enforcement agency pursuant to s.
805 23.1225(1). Traffic laws may also be enforced off-campus when
806 hot pursuit originates on or within 1,000 feet of any such
807 property or facilities, or as agreed upon in accordance with the
808 mutual aid agreement.

809 c. Florida College System institution police officers may
810 enforce all the traffic laws of this state only when such
811 violations occur on or within 1,000 feet of any property or
812 facilities that are under the guidance, supervision, regulation,
813 or control of the Florida College System institution, or when
814 such violations occur within a specified jurisdictional area as
815 agreed upon in a mutual aid agreement entered into with a law
816 enforcement agency pursuant to s. 23.1225. Traffic laws may also
817 be enforced off-campus when hot pursuit originates on or within
818 1,000 feet of any such property or facilities, or as agreed upon
819 in accordance with the mutual aid agreement.

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

824 (I) An airport authority may employ as a parking
825 enforcement specialist any individual who successfully completes

826 a training program established and approved by the Criminal
827 Justice Standards and Training Commission for parking
828 enforcement specialists but who does not otherwise meet the
829 uniform minimum standards established by the commission for law
830 enforcement officers or auxiliary or part-time officers under s.
831 943.12. This sub-sub-subparagraph may not be construed to permit
832 the carrying of firearms or other weapons, nor shall such
833 parking enforcement specialist have arrest authority.

834 (II) A parking enforcement specialist employed by an
835 airport authority may enforce all state, county, and municipal
836 laws and ordinances governing parking only when such violations
837 are on property or facilities owned or operated by the airport
838 authority employing the specialist, by appropriate state,
839 county, or municipal traffic citation.

840 e. The Office of Agricultural Law Enforcement of the
841 Department of Agriculture and Consumer Services may enforce
842 traffic laws of this state.

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

847 2. Any disciplinary action taken or performance evaluation
848 conducted by an agency of the state as described in subparagraph
849 1. of a law enforcement officer's traffic enforcement activity
850 must be in accordance with written work-performance standards.

851 Such standards must be approved by the agency and any collective
852 bargaining unit representing such law enforcement officer. A
853 violation of this subparagraph is not subject to the penalties
854 provided in chapter 318.

855 3. The Division of the Florida Highway Patrol may employ
856 as a traffic crash ~~accident~~ investigation officer any individual
857 who successfully completes instruction in traffic crash ~~accident~~
858 investigation and court presentation through the Selective
859 Traffic Enforcement Program as approved by the Criminal Justice
860 Standards and Training Commission and funded through the
861 National Highway Traffic Safety Administration or a similar
862 program approved by the commission, but who does not necessarily
863 meet the uniform minimum standards established by the commission
864 for law enforcement officers or auxiliary law enforcement
865 officers under chapter 943. Any such traffic crash ~~accident~~
866 investigation officer who makes an investigation at the scene of
867 a traffic crash ~~accident~~ may issue traffic citations, based upon
868 personal investigation, when he or she has reasonable and
869 probable grounds to believe that a person who was involved in
870 the crash ~~accident~~ committed an offense under this chapter,
871 chapter 319, chapter 320, or chapter 322 in connection with the
872 crash ~~accident~~. This subparagraph does not permit the officer to
873 carry firearms or other weapons, and such an officer does not
874 have authority to make arrests.

875 Section 18. Subsection (2) of section 316.655, Florida

876 Statutes, is amended to read:

877 316.655 Penalties.—

878 (2) A driver convicted of a violation of any offense
 879 prohibited by this chapter or any other law of this state
 880 regulating motor vehicles, which resulted in a crash ~~an~~
 881 ~~accident~~, may have his or her driving privileges revoked or
 882 suspended by the court if the court finds such revocation or
 883 suspension warranted by the totality of the circumstances
 884 resulting in the conviction and the need to provide for the
 885 maximum safety for all persons who travel on or who are
 886 otherwise affected by the use of the highways of the state. In
 887 determining whether suspension or revocation is appropriate, the
 888 court shall consider all pertinent factors, including, but not
 889 limited to, such factors as the extent and nature of the
 890 driver's violation of this chapter, the number of persons killed
 891 or injured as the result of the driver's violation of this
 892 chapter, and the extent of any property damage resulting from
 893 the driver's violation of this chapter.

894 Section 19. Section 316.70, Florida Statutes, is amended
 895 to read:

896 316.70 Nonpublic sector buses; safety rules.—

897 (1) All owners and drivers ~~The Department of~~
 898 ~~Transportation shall establish and revise standards to ensure~~
 899 ~~the safe operation~~ of nonpublic sector buses operated on the
 900 public highways of this state are subject to the rules and

901 ~~regulations, which standards shall be those~~ contained in 49
902 C.F.R. parts 382, 383, 385, 386, 387, and 390-397. The
903 department and ~~which shall ensure~~ ~~be directed toward ensuring~~
904 that:

905 (a) Nonpublic sector buses are safely maintained,
906 equipped, and operated.

907 ~~(b) Nonpublic sector buses are carrying the insurance~~
908 ~~required by law and carrying liability insurance on the checked~~
909 ~~baggage of passengers not to exceed the standard adopted by the~~
910 ~~United States Department of Transportation.~~

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

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

917 (2) Department of Highway Safety and Motor Vehicles
918 ~~Transportation~~ personnel may conduct compliance investigations
919 ~~reviews~~ for the purpose of determining compliance with this
920 section. A civil penalty not to exceed \$5,000 in the aggregate
921 may be assessed against a ~~any~~ person who violates ~~any provision~~
922 ~~of~~ this section or who violates a ~~any~~ rule or order of the
923 Department of Highway Safety and Motor Vehicles ~~Transportation~~.
924 A civil penalty not to exceed \$25,000 in the aggregate may be
925 assessed for violations found in a followup compliance

926 ~~investigation review conducted within a 24-month period. A civil~~
927 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
928 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
929 ~~violations are found after a second followup compliance review~~
930 ~~within 12 months after the first followup compliance review.~~

931 Motor carriers may be enjoined under s. 316.3026 for violations
932 identified during a compliance investigation or for found to be
933 operating without insurance coverage required by s. 627.742 or
934 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

935 (3) For the purpose of enforcing this section, a law
936 enforcement officer of the Department of Highway Safety and
937 Motor Vehicles or duly appointed agent who holds a current
938 safety inspector certification from the Commercial Vehicle
939 Safety Alliance may require the driver of any commercial motor
940 vehicle operated on the highways of this state to stop and
941 submit to an inspection of the motor vehicle or the driver's
942 records. If the motor vehicle or driver is found to be operating
943 in an unsafe condition, or if any required part or equipment is
944 not present or is not in proper repair or adjustment, and the
945 continued operation would present an unduly hazardous operating
946 condition, the officer or agent may require the motor vehicle or
947 the driver to be removed from service pursuant to the North
948 American Standard Out-of-Service Criteria until corrected.
949 However, if continued operation would not present an unduly
950 hazardous operating condition, the officer or agent may give

951 written notice requiring correction of the condition within 15
 952 days.

953 (4)-(3) School buses subject to ~~the provisions of~~ chapter
 954 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
 955 section.

956 Section 20. Section 318.19, Florida Statutes, is amended
 957 to read:

958 318.19 Infractions requiring a mandatory hearing.—A Any
 959 person cited for an infraction ~~the infractions~~ listed in this
 960 section shall not have the provisions of s. 318.14(2), (4), and
 961 (9) available to him or her but must appear before the
 962 designated official at the time and location of the scheduled
 963 hearing:

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

966 (2) Any infraction which results in a crash that causes
 967 "serious bodily injury, as defined in s. 316.003," of another,
 968 including the person cited for the infraction as defined in s.
 969 316.1933(1);

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

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

972 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 973 316.189 of exceeding the speed limit by 30 mph or more.

974 Section 21. Subsections (3) through (7) are added to
 975 section 319.25, Florida Statutes, to read:

976 319.25 Cancellation of certificates; investigations;
 977 subpoenas and other process; oaths; rules.—

978 (3) The department may conduct investigations and
 979 examinations of any person suspected of violating or of having
 980 violated any provision of this chapter or any rule adopted or
 981 order issued under this chapter.

982 (4) For purposes of any investigation or examination
 983 conducted under this section, the department is granted and
 984 authorized to exercise the power of subpoena and to administer
 985 oaths or affirmations, examine witnesses, require affidavits,
 986 take depositions, and compel the attendance of witnesses and the
 987 production of books, papers, documents, records, and other
 988 evidence. Such subpoenas may be served by an authorized
 989 representative of the department.

990 (5) If a person refuses to testify, produce books, papers,
 991 documents, or records, or otherwise obey the subpoena or
 992 subpoena duces tecum, the department may petition a court of
 993 competent jurisdiction in the county in which the person's
 994 residence or principal place of business is located, whereupon
 995 the court shall issue an order requiring such person to obey the
 996 subpoena or show cause for failing to obey the subpoena. Unless
 997 the person shows sufficient cause for failing to obey the
 998 subpoena, the court shall direct the person to obey the subpoena
 999 and award costs incurred by the department to obtain the order.
 1000 Failure to comply with such order is contempt of court.

1001 (6) For the purpose of any investigation, examination, or
 1002 proceeding initiated by the department under this chapter, the
 1003 department may designate agents to serve subpoenas and other
 1004 process and administer oaths or affirmations.

1005 (7) A witness subpoenaed under this section is entitled to
 1006 witness fees at the same rate established by s. 92.142 for
 1007 witnesses in a civil case, except that witness fees are not
 1008 payable for appearance at the witness's place of business during
 1009 regular business hours or at the witness's residence.

1010 Section 22. Subsection (3) of section 319.40, Florida
 1011 Statutes, is amended to read:

1012 319.40 Transactions by electronic or telephonic means.—

1013 (3) The department may collect and use e-mail ~~electronic~~
 1014 ~~mail~~ addresses for purposes of this chapter, including, but not
 1015 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1016 United States Postal Service as a method of notification.
 1017 However, any notice regarding the potential forfeiture or
 1018 foreclosure of an interest in property must be sent via the
 1019 United States Postal Service.

1020 Section 23. Subsection (24) of section 320.01, Florida
 1021 Statutes, is amended to read:

1022 320.01 Definitions, general.—As used in the Florida
 1023 Statutes, except as otherwise provided, the term:

1024 (24) "Apportionable vehicle" means any vehicle, except
 1025 recreational vehicles, vehicles displaying restricted plates,

1026 city pickup and delivery vehicles, ~~buses used in transportation~~
 1027 ~~of chartered parties,~~ and government-owned vehicles, which is
 1028 used or intended for use in two or more member jurisdictions
 1029 that allocate or proportionally register vehicles and which is
 1030 used for the transportation of persons for hire or is designed,
 1031 used, or maintained primarily for the transportation of property
 1032 and:

1033 (a) Is a power unit having a gross vehicle weight in
 1034 excess of 26,000 pounds;

1035 (b) Is a power unit having three or more axles, regardless
 1036 of weight; or

1037 (c) Is used in combination, when the weight of such
 1038 combination exceeds 26,000 pounds gross vehicle weight.

1039
 1040 Vehicles, or combinations thereof, having a gross vehicle weight
 1041 of 26,000 pounds or less and two-axle vehicles may be
 1042 proportionally registered.

1043 Section 24. Paragraph (b) of subsection (4) of section
 1044 320.03, Florida Statutes, is amended to read:

1045 320.03 Registration; duties of tax collectors;
 1046 International Registration Plan.-

1047 (4)

1048 (b) The Florida Real Time Vehicle Information System shall
 1049 be installed in every tax collector's and license tag agent's
 1050 office in accordance with a schedule established by the

1051 department in consultation with the tax collectors and
 1052 contingent upon funds being made available for the system by the
 1053 state. For the purpose of enhancing customer services provided
 1054 by tax collectors acting on behalf of the department, the
 1055 department, contingent upon a request and memorandum of
 1056 understanding, shall provide tax collectors and tax collector-
 1057 approved agents and vendors with real-time access to data that
 1058 other third parties receive from the department related to
 1059 vehicle and mobile home registration certificates, registration
 1060 license plates, and validation stickers, including, but not
 1061 limited to, the most current address information and electronic
 1062 mail addresses of applicants. The memorandum of understanding as
 1063 required under this paragraph may not be more restrictive than
 1064 any memorandum of understanding between the department and other
 1065 third-party vendors.

1066 Section 25. Paragraph (b) of subsection (1), subsection
 1067 (2), and paragraph (a) of subsection (3) of section 320.06,
 1068 Florida Statutes, are amended to read:

1069 320.06 Registration certificates, license plates, and
 1070 validation stickers generally.—

1071 (1)

1072 (b)1. Registration license plates bearing a graphic symbol
 1073 and the alphanumeric system of identification shall be issued
 1074 for a 10-year period. At the end of the 10-year period, upon
 1075 renewal, the plate shall be replaced. The department shall

1076 extend the scheduled license plate replacement date from a 6-
1077 year period to a 10-year period. The fee for such replacement is
1078 \$28, \$2.80 of which shall be paid each year before the plate is
1079 replaced, to be credited toward the next \$28 replacement fee.
1080 The fees shall be deposited into the Highway Safety Operating
1081 Trust Fund. A credit or refund may not be given for any prior
1082 years' payments of the prorated replacement fee if the plate is
1083 replaced or surrendered before the end of the 10-year period,
1084 except that a credit may be given if a registrant is required by
1085 the department to replace a license plate under s.
1086 320.08056(8) (a). With each license plate, a validation sticker
1087 shall be issued showing the owner's birth month, license plate
1088 number, and the year of expiration or the appropriate renewal
1089 period if the owner is not a natural person. The validation
1090 sticker shall be placed on the upper right corner of the license
1091 plate. The license plate and validation sticker shall be issued
1092 based on the applicant's appropriate renewal period. The
1093 registration period is 12 months, the extended registration
1094 period is 24 months, and all expirations occur based on the
1095 applicant's appropriate registration period.

1096 2. A vehicle that has an apportioned registration shall be
1097 issued an annual license plate and a cab card denoting that
1098 ~~denote~~ the declared gross vehicle weight for each apportioned
1099 jurisdiction in which the vehicle is authorized to operate. This
1100 subparagraph expires upon implementation of a new operating

1101 system for apportioned vehicle registration.

1102 3. Upon implementation of a new operating system for
1103 apportioned vehicle registration, a vehicle registered in
1104 accordance with the International Registration Plan shall be
1105 issued a license plate for a 5-year period, an annual cab card
1106 denoting the declared gross vehicle weight for each apportioned
1107 jurisdiction, and an annual validation sticker showing the month
1108 and year of expiration. The validation sticker shall be placed
1109 in the center of the license plate. The license plate and
1110 validation sticker shall be issued based on the applicant's
1111 appropriate renewal period. The registration period is 12
1112 months. The fee for an original and a renewed validation sticker
1113 is \$28. This fee shall be deposited into the Highway Safety
1114 Operating Trust Fund. If the license plate is damaged or worn,
1115 it may be replaced at no charge by applying to the department
1116 and surrendering the current license plate.

1117 ~~4.2.~~ In order to retain the efficient administration of
1118 the taxes and fees imposed by this chapter, the 80-cent fee
1119 increase in the replacement fee imposed by chapter 2009-71, Laws
1120 of Florida, is negated as provided in s. 320.0804.

1121 (2) The department shall provide the several tax
1122 collectors and license plate agents with the necessary number of
1123 validation stickers. However, the tax collectors and their
1124 agents shall have the option to purchase validation stickers and
1125 paper stock that is used to produce vehicle registrations from

1126 the department's contracted vendor or from other vendors if such
1127 items meet the department's specifications and are procured at
1128 prices that are equal to or lower than the pricing reflected in
1129 the department's existing contracts for procuring these items.
1130 The department shall reimburse the tax collectors and their
1131 agents for these purchases, but reimbursement may not be made at
1132 prices higher than the pricing contained in the department's
1133 existing contract. The tax collectors and their agents shall
1134 invoice the department in arrears for the validation stickers
1135 and vehicle registrations as they are issued.

1136 (3) (a) Registration license plates must be made of metal
1137 specially treated with a retroreflection material, as specified
1138 by the department. The registration license plate is designed to
1139 increase nighttime visibility and legibility and must be at
1140 least 6 inches wide and not less than 12 inches in length,
1141 unless a plate with reduced dimensions is deemed necessary by
1142 the department to accommodate motorcycles, mopeds, or similar
1143 smaller vehicles. Validation stickers must also be treated with
1144 a retroreflection material, must be of such size as specified by
1145 the department, and must adhere to the license plate. The
1146 registration license plate must be imprinted with a combination
1147 of bold letters and numerals or numerals, not to exceed seven
1148 digits, to identify the registration license plate number. The
1149 license plate must be imprinted with the word "Florida" at the
1150 top and the name of the county in which it is sold, the state

1151 motto, or the words "Sunshine State" at the bottom. Apportioned
 1152 license plates must have the word "Apportioned" at the bottom
 1153 and license plates issued for vehicles taxed under s.
 1154 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
 1155 the word "Restricted" at the bottom. License plates issued for
 1156 vehicles taxed under s. 320.08(12) must be imprinted with the
 1157 word "Florida" at the top and the word "Dealer" at the bottom
 1158 unless the license plate is a specialty license plate as
 1159 authorized in s. 320.08056. Manufacturer license plates issued
 1160 for vehicles taxed under s. 320.08(12) must be imprinted with
 1161 the word "Florida" at the top and the word "Manufacturer" at the
 1162 bottom. License plates issued for vehicles taxed under s.
 1163 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
 1164 the bottom. Any county may, upon majority vote of the county
 1165 commission, elect to have the county name removed from the
 1166 license plates sold in that county. The state motto or the words
 1167 "Sunshine State" shall be printed in lieu thereof. A license
 1168 plate issued for a vehicle taxed under s. 320.08(6) may not be
 1169 assigned a registration license number, or be issued with any
 1170 other distinctive character or designation, that distinguishes
 1171 the motor vehicle as a for-hire motor vehicle.

1172 Section 26. Section 320.0605, Florida Statutes, is amended
 1173 to read:

1174 320.0605 Certificate of registration; possession required;
 1175 exception.—

1176 (1) (a) The registration certificate or an official copy
1177 thereof, a true copy or electronic copy of rental or lease
1178 documentation issued for a motor vehicle or issued for a
1179 replacement vehicle in the same registration period, a temporary
1180 receipt printed upon self-initiated electronic renewal of a
1181 registration via the Internet, or a cab card issued for a
1182 vehicle registered under the International Registration Plan
1183 shall, at all times while the vehicle is being used or operated
1184 on the roads of this state, be in the possession of the operator
1185 thereof or be carried in the vehicle for which issued and shall
1186 be exhibited upon demand of any authorized law enforcement
1187 officer or any agent of the department, except for a vehicle
1188 registered under s. 320.0657. ~~The provisions of~~ This section
1189 does ~~de~~ not apply during the first 30 days after purchase of a
1190 replacement vehicle. A violation of this section is a
1191 noncriminal traffic infraction, punishable as a nonmoving
1192 violation as provided in chapter 318.

1193 (b)1. The act of presenting to a law enforcement officer
1194 or agent of the department an electronic device displaying an
1195 electronic copy of rental or lease documentation does not
1196 constitute consent for the officer or agent to access any
1197 information on the device other than the displayed rental or
1198 lease documentation.

1199 2. The person who presents the device to the officer or
1200 agent assumes liability for any resulting damage to the device.

1201 (2) Rental or lease documentation that is sufficient to
 1202 satisfy the requirement in subsection (1) includes the
 1203 following:

- 1204 (a) ~~Date of rental~~ and time of ~~exit from~~ rental facility;
- 1205 (b) Rental station identification;
- 1206 (c) Rental agreement number;
- 1207 (d) Rental vehicle identification number;
- 1208 (e) Rental vehicle license plate number and state of
 1209 registration;
- 1210 (f) Vehicle's make, model, and color;
- 1211 (g) Vehicle's mileage; and
- 1212 (h) Authorized renter's name.

1213 Section 27. Subsection (5) of section 320.0607, Florida
 1214 Statutes, is amended to read:

1215 320.0607 Replacement license plates, validation decal, or
 1216 mobile home sticker.—

1217 (5) Upon the issuance of an original license plate, the
 1218 applicant shall pay a fee of \$28 to be deposited in the Highway
 1219 Safety Operating Trust Fund. Upon implementation of a new
 1220 operating system for apportioned vehicle registration, this
 1221 subsection does not apply to a vehicle registered under the
 1222 International Registration Plan.

1223 Section 28. Paragraph (b) of subsection (2) of section
 1224 320.0657, Florida Statutes, is amended to read:

1225 320.0657 Permanent registration; fleet license plates.—

1226 (2)

1227 (b) The plates, which shall be of a distinctive color,

1228 shall have the word "Fleet" appearing at the bottom and the word

1229 "Florida" appearing at the top unless the license plate is a

1230 specialty license plate as authorized in s. 320.08056. The

1231 plates shall conform in all respects to the provisions of this

1232 chapter, except as specified herein. For additional fees as set

1233 forth in s. 320.08056, fleet companies may purchase specialty

1234 license plates in lieu of the standard fleet license plates.

1235 Fleet companies shall be responsible for all costs associated

1236 with the specialty license plate, including all annual use fees,

1237 processing fees, fees associated with switching license plate

1238 types, and any other applicable fees.

1239 Section 29. Subsection (12) of section 320.08, Florida

1240 Statutes, is amended to read:

1241 320.08 License taxes.—Except as otherwise provided herein,

1242 there are hereby levied and imposed annual license taxes for the

1243 operation of motor vehicles, mopeds, motorized bicycles as

1244 defined in s. 316.003(4), tri-vehicles as defined in s. 316.003,

1245 and mobile homes as defined in s. 320.01, which shall be paid to

1246 and collected by the department or its agent upon the

1247 registration or renewal of registration of the following:

1248 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised

1249 motor vehicle dealer, independent motor vehicle dealer, marine

1250 boat trailer dealer, or mobile home dealer and manufacturer

1251 license plate: \$17 flat, of which \$4.50 shall be deposited into
1252 the General Revenue Fund. For additional fees as set forth in s.
1253 320.08056, dealers may purchase specialty license plates in lieu
1254 of the standard graphic dealer license plates. Dealers shall be
1255 responsible for all costs associated with the specialty license
1256 plate, including all annual use fees, processing fees, fees
1257 associated with switching license plate types, and any other
1258 applicable fees.

1259 Section 30. Subsection (2) of section 320.08056, Florida
1260 Statutes, is amended to read:

1261 320.08056 Specialty license plates.—

1262 (2)(a) The department shall issue a specialty license
1263 plate to the owner or lessee of any motor vehicle, except a
1264 vehicle registered under the International Registration Plan, a
1265 commercial truck required to display two license plates pursuant
1266 to s. 320.0706, or a truck tractor, upon request and payment of
1267 the appropriate license tax and fees.

1268 (b) The department may authorize dealer and fleet
1269 specialty license plates. With the permission of the sponsoring
1270 specialty license plate organization, a dealer or fleet company
1271 may purchase specialty license plates to be used on dealer and
1272 fleet vehicles.

1273 (c) Notwithstanding s. 320.08058, a dealer or fleet
1274 specialty license plate must include the letters "DLR" or "FLT"
1275 on the right side of the license plate. Dealer and fleet

1276 specialty license plates must be ordered directly through the
1277 department.

1278 Section 31. Subsection (8) of section 320.0807, Florida
1279 Statutes, is renumbered as subsection (6), and present
1280 subsections (5), (6), and (7) of that section are amended to
1281 read:

1282 320.0807 Special license plates for Governor and federal
1283 and state legislators.—

1284 ~~(5) Upon application by any current or former President of~~
1285 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~
1286 ~~the department may issue a license plate stamped "Senate~~
1287 ~~President" followed by the number assigned by the department or~~
1288 ~~chosen by the applicant if it is not already in use. Upon~~
1289 ~~application by any current or former Speaker of the House of~~
1290 ~~Representatives and payment of the fees prescribed by s.~~
1291 ~~320.0805, the department may issue a license plate stamped~~
1292 ~~"House Speaker" followed by the number assigned by the~~
1293 ~~department or chosen by the applicant if it is not already in~~
1294 ~~use.~~

1295 ~~(6) (a) Upon application by any former member of Congress~~
1296 ~~or former member of the state Legislature, payment of the fees~~
1297 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~
1298 ~~\$500, the department may issue a former member of Congress,~~
1299 ~~state senator, or state representative a license plate stamped~~
1300 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~

1301 ~~appropriate, for a vehicle owned by the former member.~~

1302 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~
 1303 ~~Retired House prestige license plate, a former member must have~~
 1304 ~~served at least 4 years as a member of Congress, state senator,~~
 1305 ~~or state representative, respectively.~~

1306 ~~(c) Four hundred fifty dollars of the one-time fee~~
 1307 ~~collected under paragraph (a) shall be distributed to the~~
 1308 ~~account of the direct support organization established pursuant~~
 1309 ~~to s. 272.136 and used for the benefit of the Florida Historic~~
 1310 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~
 1311 ~~the Highway Safety Operating Trust Fund.~~

1312 ~~(5)-(7)~~ The department may create a unique plate design for
 1313 plates to be used by members ~~or former members~~ of the
 1314 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~
 1315 ~~(2), (5), and (6).~~

1316 Section 32. Paragraph (a) of subsection (9) and
 1317 subsections (3) and (11) of section 320.27, Florida Statutes,
 1318 are amended, and paragraph (g) is added to subsection (1) of
 1319 that section, to read:

1320 320.27 Motor vehicle dealers.—

1321 (1) DEFINITIONS.—The following words, terms, and phrases
 1322 when used in this section have the meanings respectively
 1323 ascribed to them in this subsection, except where the context
 1324 clearly indicates a different meaning:

1325 (g) "Control person" means a person who has significant

1326 power, directly or indirectly, to direct the management or
1327 policies of a company, whether through ownership, by contract,
1328 or otherwise. The term includes a person who is an owner,
1329 director, general partner, officer, manager, or employee
1330 exercising decisionmaking responsibility or exercising similar
1331 executive status or functions but does not include an employee
1332 whose function is only clerical or ministerial or in sales under
1333 the supervision of an owner or manager or other person
1334 exercising decisionmaking responsibility.

1335 (3) APPLICATION AND FEE.—The application for the license
1336 shall be in such form as may be prescribed by the department and
1337 shall be subject to such rules with respect thereto as may be so
1338 prescribed by it. Such application shall be verified by oath or
1339 affirmation and shall contain a full statement of the name and
1340 birth date of the person or persons applying therefor; the name
1341 of the firm or copartnership, with the names and places of
1342 residence of all members thereof, if such applicant is a firm or
1343 copartnership; the names and places of residence of the
1344 principal officers, if the applicant is a body corporate or
1345 other artificial body; the name of the state under whose laws
1346 the corporation is organized; the present and former place or
1347 places of residence of the applicant; and prior business in
1348 which the applicant has been engaged and the location thereof.
1349 Such application shall describe the exact location of the place
1350 of business and shall state whether the place of business is

1351 owned by the applicant and when acquired, or, if leased, a true
1352 copy of the lease shall be attached to the application. The
1353 applicant shall certify that the location provides an adequately
1354 equipped office and is not a residence; that the location
1355 affords sufficient unoccupied space upon and within which
1356 adequately to store all motor vehicles offered and displayed for
1357 sale; and that the location is a suitable place where the
1358 applicant can in good faith carry on such business and keep and
1359 maintain books, records, and files necessary to conduct such
1360 business, which shall be available at all reasonable hours to
1361 inspection by the department or any of its inspectors or other
1362 employees. The applicant shall certify that the business of a
1363 motor vehicle dealer is the principal business which shall be
1364 conducted at that location. The application shall contain a
1365 statement that the applicant is either franchised by a
1366 manufacturer of motor vehicles, in which case the name of each
1367 motor vehicle that the applicant is franchised to sell shall be
1368 included, or an independent (nonfranchised) motor vehicle
1369 dealer. The application shall contain other relevant information
1370 as may be required by the department, including evidence that
1371 the applicant is insured under a garage liability insurance
1372 policy or a general liability insurance policy coupled with a
1373 business automobile policy, which shall include, at a minimum,
1374 \$25,000 combined single-limit liability coverage including
1375 bodily injury and property damage protection and \$10,000

1376 personal injury protection. However, a salvage motor vehicle
1377 dealer as defined in subparagraph (1)(c)5. is exempt from the
1378 requirements for garage liability insurance and personal injury
1379 protection insurance on those vehicles that cannot be legally
1380 operated on roads, highways, or streets in this state. Franchise
1381 dealers must submit a garage liability insurance policy, and all
1382 other dealers must submit a garage liability insurance policy or
1383 a general liability insurance policy coupled with a business
1384 automobile policy. Such policy shall be for the license period,
1385 and evidence of a new or continued policy shall be delivered to
1386 the department at the beginning of each license period. Upon
1387 making initial application, the applicant shall pay to the
1388 department a fee of \$300 in addition to any other fees required
1389 by law. Applicants may choose to extend the licensure period for
1390 1 additional year for a total of 2 years. An initial applicant
1391 shall pay to the department a fee of \$300 for the first year and
1392 \$75 for the second year, in addition to any other fees required
1393 by law. An applicant for renewal shall pay to the department \$75
1394 for a 1-year renewal or \$150 for a 2-year renewal, in addition
1395 to any other fees required by law. Upon making an application
1396 for a change of location, the person shall pay a fee of \$50 in
1397 addition to any other fees now required by law. The department
1398 shall, in the case of every application for initial licensure,
1399 verify whether certain facts set forth in the application are
1400 true. Each owner, control person, applicant, general partner in

1401 the case of a partnership, or corporate officer and director in
1402 the case of a corporate applicant, must file a set of
1403 fingerprints with the department for the purpose of determining
1404 any prior criminal record or any outstanding warrants. The
1405 department shall submit the fingerprints to the Department of
1406 Law Enforcement for state processing and forwarding to the
1407 Federal Bureau of Investigation for federal processing. The
1408 actual cost of state and federal processing shall be borne by
1409 the applicant and is in addition to the fee for licensure. The
1410 department may issue a license to an applicant pending the
1411 results of the fingerprint investigation, which license is fully
1412 revocable if the department subsequently determines that any
1413 facts set forth in the application are not true or correctly
1414 represented.

1415 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1416 (a) The department may deny an initial or renewal
1417 application or ~~suspend~~ or revoke a ~~any~~ license issued
1418 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771
1419 upon proof that an applicant or a licensee has:

1420 1. Committed fraud or willful misrepresentation in
1421 application for or in obtaining a license.

1422 2. Been convicted of a felony and has either not completed
1423 the resulting felony sentence or completed the felony sentence
1424 less than 10 years from the date of licensure application.

1425 3. Failed to honor a bank draft or check given to a motor

1426 vehicle dealer for the purchase of a motor vehicle by another
1427 motor vehicle dealer within 10 days after notification that the
1428 bank draft or check has been dishonored. If the transaction is
1429 disputed, the maker of the bank draft or check shall post a bond
1430 in accordance with the provisions of s. 559.917, and no
1431 proceeding for revocation or suspension shall be commenced until
1432 the dispute is resolved.

1433 4.a. Failed to provide payment within 10 business days to
1434 the department for a check payable to the department that was
1435 dishonored due to insufficient funds in the amount due plus any
1436 statutorily authorized fee for uttering a worthless check. The
1437 department shall notify an applicant or licensee when the
1438 applicant or licensee makes payment to the department by a check
1439 that is subsequently dishonored by the bank due to insufficient
1440 funds. The applicant or licensee shall, within 10 business days
1441 after receiving the notice, provide payment to the department in
1442 the form of cash in the amount due plus any statutorily
1443 authorized fee. If the applicant or licensee fails to make such
1444 payment within 10 business days, the department may deny,
1445 suspend, or revoke the applicant's or licensee's motor vehicle
1446 dealer license.

1447 b. Stopped payment on a check payable to the department,
1448 issued a check payable to the department from an account that
1449 has been closed, or charged back a credit card transaction to
1450 the department. If an applicant or licensee commits any such

1451 act, the department may deny, suspend, or revoke the applicant's
 1452 or licensee's motor vehicle dealer license.

1453 5. Previously owned a majority interest in, or acted as a
 1454 control person of, a motor vehicle dealer that within the past
 1455 10 years has been the subject of any decision, finding,
 1456 injunction, suspension, revocation, denial, judgment, or
 1457 administrative order by any court of competent jurisdiction,
 1458 administrative law judge, or state agency that resulted in a
 1459 finding of violation of any federal or state law relating to
 1460 unlicensed activity, or fraud in connection with the sale of a
 1461 motor vehicle, or knowingly employs or contracts such a person
 1462 as a control person, or knowingly employs or contracts as a
 1463 control person a person who has been convicted of a felony and
 1464 has either not completed the resulting felony sentence or
 1465 completed the felony sentence less than 10 years from the date
 1466 of licensure application.

1467 (11) INJUNCTION.—

1468 (a) In addition to the remedies provided in this chapter
 1469 and notwithstanding the existence of any adequate remedy at law,
 1470 the department may ~~is authorized to~~ make application to any
 1471 circuit court of the state, and such circuit court shall have
 1472 jurisdiction, upon a hearing and for cause shown, to grant a
 1473 temporary or permanent injunction, or both, restraining any
 1474 person from acting as a motor vehicle dealer under the terms of
 1475 this section without being properly licensed hereunder, from

1476 | violating or continuing to violate any of the provisions of
 1477 | chapter 319, this chapter, or ss. 559.901-559.9221, or for
 1478 | failing or refusing to comply with the requirements of chapter
 1479 | 319, this chapter, or ss. 559.901-559.9221, or any rule or
 1480 | regulation adopted thereunder, such injunction to be issued
 1481 | without bond. A single act in violation of the provisions of
 1482 | chapter 319, this chapter, or chapter 559 shall be sufficient to
 1483 | authorize the issuance of an injunction.

1484 | (b) If the court grants the injunction, the court may bar,
 1485 | permanently or for a specific time period, any person found to
 1486 | have violated any federal or state law relating to unlicensed
 1487 | activity or fraud in connection with the sale of a motor
 1488 | vehicle. If a person is barred, the person may not continue in
 1489 | any capacity within the industry. The person shall have no
 1490 | management, sales, or other role in the operation of a
 1491 | dealership.

1492 | Section 33. Paragraph (c) of subsection (2) of section
 1493 | 320.822, Florida Statutes, is amended to read:

1494 | 320.822 Definitions; ss. 320.822-320.862.—In construing
 1495 | ss. 320.822-320.862, unless the context otherwise requires, the
 1496 | following words or phrases have the following meanings:

1497 | (2) "Code" means the appropriate standards found in:

1498 | (c) The Mobile and Manufactured Home Repair and Remodeling
 1499 | Code and the Used Recreational Vehicle Code.

1500 | Section 34. Subsection (2) of section 320.8232, Florida

1501 Statutes, is amended to read:

1502 320.8232 Establishment of uniform standards for used
1503 recreational vehicles and repair and remodeling code for mobile
1504 homes.—

1505 (2) The Mobile and Manufactured Home ~~provisions of the~~
1506 Repair and Remodeling Code shall be a uniform code, shall ensure
1507 safe and livable housing, and shall not be more stringent than
1508 those standards required to be met in the manufacture of mobile
1509 homes. Such code provisions shall include, ~~but not be limited~~
1510 ~~to,~~ standards for structural adequacy, plumbing, heating,
1511 electrical systems, and fire and life safety. All repair and
1512 remodeling of mobile and manufactured homes shall be performed
1513 in accordance with department rules.

1514 Section 35. Section 320.861, Florida Statutes, is amended
1515 to read:

1516 320.861 Investigations; subpoenas and other process;
1517 oaths; rules ~~Inspection of records; production of evidence;~~
1518 ~~subpoena power.—~~

1519 (1) The department may conduct investigations and
1520 examinations of any person suspected of violating or of having
1521 violated any provision of this chapter or any rule adopted or
1522 order issued under this chapter ~~inspect the pertinent books,~~
1523 ~~records, letters, and contracts of any licensee, whether dealer~~
1524 ~~or manufacturer, relating to any written complaint made to it~~
1525 ~~against such licensee.~~

1526 (2) For purposes of any investigation or examination
1527 conducted under this section, the department is granted and
1528 authorized to exercise the power of subpoena and to administer
1529 oaths or affirmations, examine witnesses, require affidavits,
1530 take depositions, and compel the attendance of witnesses and the
1531 production of books, papers, documents, records, and other
1532 evidence. Such subpoenas may be served by an authorized
1533 representative of the department ~~for the attendance of witnesses~~
1534 ~~and the production of any documentary evidence necessary to the~~
1535 ~~disposition by it of any written complaint against any licensee,~~
1536 ~~whether dealer or manufacturer.~~

1537 (3) If a person refuses to testify; produce books, papers,
1538 documents, or records; or otherwise obey the subpoena or
1539 subpoena duces tecum, the department may petition a court of
1540 competent jurisdiction in the county in which the person's
1541 residence or principal place of business is located, whereupon
1542 the court shall issue an order requiring such person to obey the
1543 subpoena or show cause for failing to obey the subpoena. Unless
1544 the person shows sufficient cause for failing to obey the
1545 subpoena, the court shall direct the person to obey the subpoena
1546 and award costs incurred by the department to obtain the order.
1547 Failure to comply with such order is contempt of court.

1548 (4) For the purpose of any investigation, examination, or
1549 proceeding initiated by the department under this chapter, the
1550 department may designate agents to serve subpoenas and other

1551 process and administer oaths or affirmations. The department
 1552 shall exercise this power on its own initiative in accordance
 1553 with ss. 320.615 and 320.71.

1554 (5) A witness subpoenaed under this section is entitled to
 1555 witness fees at the same rate established by s. 92.142 for
 1556 witnesses in a civil case, except that witness fees are not
 1557 payable for appearance at the witness's place of business during
 1558 regular business hours or at the witness's residence.

1559 Section 36. Subsection (2) of section 320.95, Florida
 1560 Statutes, is amended to read:

1561 320.95 Transactions by electronic or telephonic means.—

1562 (2) The department may collect and use e-mail ~~electronic~~
 1563 ~~mail~~ addresses for purposes of this chapter, including, but not
 1564 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1565 United States Postal Service for the purpose of providing
 1566 renewal notices.

1567 Section 37. Subsection (1) of section 321.05, Florida
 1568 Statutes, is amended to read:

1569 321.05 Duties, functions, and powers of patrol officers.—
 1570 The members of the Florida Highway Patrol are hereby declared to
 1571 be conservators of the peace and law enforcement officers of the
 1572 state, with the common-law right to arrest a person who, in the
 1573 presence of the arresting officer, commits a felony or commits
 1574 an affray or breach of the peace constituting a misdemeanor,
 1575 with full power to bear arms; and they shall apprehend, without

1576 warrant, any person in the unlawful commission of any of the
1577 acts over which the members of the Florida Highway Patrol are
1578 given jurisdiction as hereinafter set out and deliver him or her
1579 to the sheriff of the county that further proceedings may be had
1580 against him or her according to law. In the performance of any
1581 of the powers, duties, and functions authorized by law, members
1582 of the Florida Highway Patrol have the same protections and
1583 immunities afforded other peace officers, which shall be
1584 recognized by all courts having jurisdiction over offenses
1585 against the laws of this state, and have authority to apply for,
1586 serve, and execute search warrants, arrest warrants, capias, and
1587 other process of the court. The patrol officers under the
1588 direction and supervision of the Department of Highway Safety
1589 and Motor Vehicles shall perform and exercise throughout the
1590 state the following duties, functions, and powers:

1591 (1) To patrol the state highways and regulate, control,
1592 and direct the movement of traffic thereon; to maintain the
1593 public peace by preventing violence on highways; to apprehend
1594 fugitives from justice; to enforce all laws regulating and
1595 governing traffic, travel, and public safety upon the public
1596 highways and providing for the protection of the public highways
1597 and public property thereon, including the security and safety
1598 of this state's transportation infrastructure; to make arrests
1599 without warrant for the violation of any state law committed in
1600 their presence in accordance with state law; providing that no

1601 search may be made unless it is incident to a lawful arrest, to
1602 regulate and direct traffic concentrations and congestions; to
1603 enforce laws governing the operation, licensing, and taxing and
1604 limiting the size, weight, width, length, and speed of vehicles
1605 and licensing and controlling the operations of drivers and
1606 operators of vehicles, including the safety, size, and weight of
1607 commercial motor vehicles; to collect all state fees and
1608 revenues levied as an incident to the use or right to use the
1609 highways for any purpose, including the taxing and registration
1610 of commercial motor vehicles; to require the drivers of vehicles
1611 to stop and exhibit their driver licenses, registration cards,
1612 or documents required by law to be carried by such vehicles; to
1613 investigate traffic crashes ~~accidents~~, secure testimony of
1614 witnesses and of persons involved, and make report thereof with
1615 copy, if requested in writing, to any person in interest or his
1616 or her attorney; to investigate reported thefts of vehicles; and
1617 to seize contraband or stolen property on or being transported
1618 on the highways. Each patrol officer of the Florida Highway
1619 Patrol is subject to and has the same arrest and other authority
1620 provided for law enforcement officers generally in chapter 901
1621 and has statewide jurisdiction. Each officer also has arrest
1622 authority as provided for state law enforcement officers in s.
1623 901.15. This section does not conflict with, but is supplemental
1624 to, chapter 933.

1625 Section 38. Section 321.065, Florida Statutes, is amended

1626 to read:

1627 321.065 Traffic crash ~~accident~~ investigation officers;
 1628 employment; standards.—The department may employ traffic crash
 1629 ~~accident~~ investigation officers who must complete any applicable
 1630 standards adopted by the Florida Highway Patrol, including, but
 1631 not limited to: cognitive testing, drug testing, polygraph
 1632 testing, psychological testing, and an extensive background
 1633 check, including a credit check.

1634 Section 39. Paragraph (d) of subsection (2) of section
 1635 321.23, Florida Statutes, is amended to read:

1636 321.23 Public records; fees for copies; destruction of
 1637 obsolete records; photographing records; effect as evidence.—

1638 (2) Fees for copies of public records shall be charged and
 1639 collected as follows:

1640 (d) Photographs (crashes ~~accidents~~, etc.):

1641

	Enlargement Proof	Color	Black & White
1642	1. 5" x 7"	\$1.00	\$0.75
1643	2. 8" x 10"	\$1.50	\$1.00
1644	3. 11" x 14"	Not Available	\$1.75

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- 4. 16" x 20" Not Available \$2.75
- 5. 20" x 24" Not Available \$3.75

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

1669 available to the court, the court may include a requirement for
1670 supervised visitation by the probationer to all, or any, of the
1671 following:

1672 1. A trauma center, as defined in s. 395.4001, or a
1673 hospital as defined in s. 395.002, which regularly receives
1674 victims of vehicle crashes ~~accidents~~, between the hours of 10
1675 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1676 observe appropriate victims of vehicle crashes ~~accidents~~
1677 involving drinking drivers, under the supervision of any of the
1678 following:

1679 a. A registered nurse trained in providing emergency
1680 trauma care or prehospital advanced life support.

1681 b. An emergency room physician.

1682 c. An emergency medical technician.

1683 2. A licensed service provider, as defined in s. 397.311,
1684 which cares for substance abuse impaired persons, to observe
1685 persons in the terminal stages of substance abuse impairment,
1686 under the supervision of appropriately licensed medical
1687 personnel. Before ~~Prior to~~ any visitation of such terminally ill
1688 or disabled persons, the persons or their legal representatives
1689 must give their express consent to participate in the visitation
1690 program.

1691 3. If approved by the county coroner, the county coroner's
1692 office or the county morgue to observe appropriate victims of
1693 vehicle crashes ~~accidents~~ involving drinking drivers, under the

1694 supervision of the coroner or a deputy coroner.

1695 (b) As used in this section, the term "appropriate
 1696 victims" means victims or their legal representatives, including
 1697 the next of kin, who have expressly given their consent to
 1698 participate in the visitation program and victims whose
 1699 condition is determined by the visitation supervisor to
 1700 demonstrate the results of crashes ~~accidents~~ involving drinking
 1701 drivers without being excessively gruesome or traumatic to the
 1702 probationer.

1703 Section 42. Subsection (10) of section 322.08, Florida
 1704 Statutes, is amended to read:

1705 322.08 Application for license; requirements for license
 1706 and identification card forms.—

1707 (10) The department may collect and use e-mail ~~electronic~~
 1708 ~~mail~~ addresses for purposes of this chapter, including, but not
 1709 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1710 United States Postal Service for the purpose of providing
 1711 renewal notices.

1712 Section 43. Subsection (5) of section 322.091, Florida
 1713 Statutes, is amended to read:

1714 322.091 Attendance requirements.—

1715 (5) REPORTING AND ACCOUNTABILITY.—The department shall
 1716 make available, upon request, a report ~~quarterly~~ to each school
 1717 district of the legal name, sex, date of birth, and social
 1718 security number of each student whose driving privileges have

1719 | been suspended under this section.

1720 | Section 44. Paragraph (b) of subsection (1) of section
1721 | 322.17, Florida Statutes, is amended to read:

1722 | 322.17 Replacement licenses, identification cards, and
1723 | permits.-

1724 | (1)

1725 | (b) In the event that an instruction permit, or driver
1726 | license, or identification card issued under ~~the provisions of~~
1727 | this chapter is stolen, the person to whom the same was issued
1728 | may, at no charge, obtain a replacement upon furnishing proof
1729 | satisfactory to the department that such permit, or license, or
1730 | identification card was stolen and further furnishing the
1731 | person's full name, date of birth, sex, residence and mailing
1732 | address, proof of birth satisfactory to the department, and
1733 | proof of identity satisfactory to the department.

1734 | Section 45. Subsection (8) of section 322.212, Florida
1735 | Statutes, is renumbered as subsection (9), paragraph (a) of
1736 | subsection (5) and subsection (6) are amended, and a new
1737 | subsection (8) is added to that section, to read:

1738 | 322.212 Unauthorized possession of, and other unlawful
1739 | acts in relation to, driver license or identification card.-

1740 | (5) (a) A ~~It is unlawful for any person may not~~ to use a
1741 | false or fictitious name in any application for a driver license
1742 | or identification card or knowingly ~~to~~ make a false statement,
1743 | knowingly conceal a material fact, provide an altered or

1744 counterfeit document, participate in a dishonest or deceptive
1745 action, or otherwise commit a fraud in any such application.

1746 (6) Except as otherwise provided in this subsection, a ~~any~~
1747 person who violates ~~any of the provisions of~~ this section
1748 commits ~~is guilty of~~ a felony of the third degree, punishable as
1749 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person
1750 who violates paragraph (5) (a) by giving a false age in an ~~any~~
1751 application for a driver license or identification card or who
1752 violates paragraph (5) (b) by possessing a driver license,
1753 identification card, or similar ~~any~~ instrument ~~in the similitude~~
1754 ~~thereof,~~ on which the date of birth has been altered commits ~~is~~
1755 ~~guilty of~~ a misdemeanor of the second degree, punishable as
1756 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates
1757 paragraph (1) (d) commits a felony of the third degree,
1758 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1759 (8) In addition to any other penalties provided by this
1760 section, if a person provides false information when applying
1761 for a driver license, identification card, commercial driver
1762 license, or commercial learner's permit or is convicted of fraud
1763 in connection with testing for a driver license, commercial
1764 driver license, or commercial learner's permit, such person's
1765 driving privilege shall be suspended for 1 year.

1766 Section 46. Section 322.36, Florida Statutes, is amended
1767 to read:

1768 322.36 Permitting unauthorized operator to drive.—A person

1769 may not authorize or knowingly permit a motor vehicle owned by
 1770 him or her or under his or her dominion or control to be
 1771 operated upon any highway or public street except by a person
 1772 who is duly authorized to operate a motor vehicle under this
 1773 chapter. A ~~Any~~ person who violates this section commits a
 1774 misdemeanor of the second degree, punishable as provided in s.
 1775 775.082 or s. 775.083. If a person violates this section by
 1776 knowingly loaning a vehicle to a person whose driver license is
 1777 suspended and if that vehicle is involved in a crash ~~an accident~~
 1778 resulting in bodily injury or death, the driver license of the
 1779 person violating this section shall be suspended for 1 year.

1780 Section 47. Section 322.38, Florida Statutes, is amended
 1781 to read:

1782 322.38 Renting motor vehicle to another.—

1783 (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
 1784 other person unless the other ~~latter~~ person is ~~then~~ duly
 1785 licensed, or, if a nonresident, ~~he or she shall be licensed~~
 1786 under the laws of the state or country of his or her residence,
 1787 except a nonresident whose home state or country does not
 1788 require that an operator be licensed.

1789 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
 1790 another until he or she has inspected the driver license of the
 1791 person to whom the vehicle is to be rented, and has ~~compared and~~
 1792 verified that the driver license is unexpired ~~signature thereon~~
 1793 ~~with the signature of such person written in his or her~~

1794 presence.

1795 (3) Every person renting a motor vehicle to another shall
1796 keep a record of the registration number of the motor vehicle so
1797 rented, the name and address of the person to whom the vehicle
1798 is rented, the number of the license of said latter person, and
1799 the ~~date and place when and where the said~~ license was issued.
1800 Such record shall be open to inspection by any police officer,
1801 or officer or employee of the department.

1802 (4) If a rental car company rents a motor vehicle to a
1803 person through digital, electronic, or other means that allows
1804 the renter to obtain possession of the motor vehicle without
1805 direct contact with an agent or employee of the rental car
1806 company, or if the renter does not execute a rental contract at
1807 the time he or she takes possession of the motor vehicle, the
1808 rental car company shall be deemed to have met all obligations
1809 of subsections (1) and (2) when the rental car company, at the
1810 time the renter enrolls in a membership program, master
1811 agreement, or other means of establishing use of the rental car
1812 company's services, or any time thereafter, requires the renter
1813 to verify that he or she is duly licensed and that the license
1814 is unexpired.

1815 Section 48. Paragraphs (g) and (h) of subsection (1) of
1816 section 322.61, Florida Statutes, are amended, and paragraphs
1817 (i) and (j) are added to that subsection, to read:

1818 322.61 Disqualification from operating a commercial motor

1819 vehicle.-

1820 (1) A person who, for offenses occurring within a 3-year
 1821 period, is convicted of two of the following serious traffic
 1822 violations or any combination thereof, arising in separate
 1823 incidents committed in a commercial motor vehicle shall, in
 1824 addition to any other applicable penalties, be disqualified from
 1825 operating a commercial motor vehicle for a period of 60 days. A
 1826 holder of a commercial driver license or commercial learner's
 1827 permit who, for offenses occurring within a 3-year period, is
 1828 convicted of two of the following serious traffic violations, or
 1829 any combination thereof, arising in separate incidents committed
 1830 in a noncommercial motor vehicle shall, in addition to any other
 1831 applicable penalties, be disqualified from operating a
 1832 commercial motor vehicle for a period of 60 days if such
 1833 convictions result in the suspension, revocation, or
 1834 cancellation of the licenseholder's driving privilege:

1835 (g) Driving a commercial vehicle without the proper class
 1836 of commercial driver license or commercial learner's permit or
 1837 without the proper endorsement; ~~or~~

1838 (h) Driving a commercial vehicle without a commercial
 1839 driver license or commercial learner's permit in possession, as
 1840 required by s. 322.03;

1841 (i) Texting while driving a commercial motor vehicle as
 1842 prohibited by 49 C.F.R. s. 392.80; or

1843 (j) Using a hand-held mobile telephone while driving a

1844 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1845 Section 49. Section 322.71, Florida Statutes, is created
1846 to read:

1847 322.71 Investigations; subpoenas and other process; oaths;
1848 rules.—

1849 (1) The department may conduct investigations and
1850 examinations of any person suspected of violating or of having
1851 violated any provision of this chapter or any rule adopted or
1852 order issued under this chapter.

1853 (2) For purposes of any investigation or examination
1854 conducted under this section, the department is granted and
1855 authorized to exercise the power of subpoena and to administer
1856 oaths or affirmations, examine witnesses, require affidavits,
1857 take depositions, and compel the attendance of witnesses and the
1858 production of books, papers, documents, records, and other
1859 evidence. Such subpoenas may be served by an authorized
1860 representative of the department.

1861 (3) If a person refuses to testify; produce books, papers,
1862 documents, or records; or otherwise obey the subpoena or
1863 subpoena duces tecum, the department may petition a court of
1864 competent jurisdiction in the county in which the person's
1865 residence or principal place of business is located, whereupon
1866 the court shall issue an order requiring such person to obey the
1867 subpoena or show cause for failing to obey the subpoena. Unless
1868 the person shows sufficient cause for failing to obey the

1869 subpoena, the court shall direct the person to obey the subpoena
1870 and award costs incurred by the department to obtain the order.
1871 Failure to comply with such order is contempt of court.

1872 (4) For the purpose of any investigation, examination, or
1873 proceeding initiated by the department under this chapter, the
1874 department may designate agents to serve subpoenas and other
1875 process and administer oaths or affirmations.

1876 (5) A witness subpoenaed under this section is entitled to
1877 witness fees at the same rate established by s. 92.142 for
1878 witnesses in a civil case, except that witness fees are not
1879 payable for appearance at the witness's place of business during
1880 regular business hours or at the witness's residence.

1881 Section 50. Paragraph (e) of subsection (4) of section
1882 323.001, Florida Statutes, is amended to read:

1883 323.001 Wrecker operator storage facilities; vehicle
1884 holds.—

1885 (4) The requirements for a written hold apply when the
1886 following conditions are present:

1887 (e) The officer has probable cause to believe the vehicle
1888 was involved in a traffic crash ~~accident~~ resulting in death or
1889 personal injury and should be sealed for investigation and
1890 collection of evidence by a vehicular homicide investigator;

1891 Section 51. Paragraph (c) of subsection (1), paragraph (c)
1892 of subsection (2), and subsection (4) of section 323.002,
1893 Florida Statutes, are amended to read:

1894 323.002 County and municipal wrecker operator systems;
 1895 penalties for operation outside of system.—

1896 (1) As used in this section, the term:

1897 (c) "Wrecker operator system" means a system for the
 1898 towing or removal of wrecked, disabled, or abandoned vehicles,
 1899 similar to the Florida Highway Patrol wrecker operator system
 1900 described in s. 321.051(2), under which a county or municipality
 1901 contracts with one or more wrecker operators for the towing or
 1902 removal of wrecked, disabled, or abandoned vehicles from crash
 1903 ~~accident~~ scenes, streets, or highways. A wrecker operator system
 1904 shall include using a method for apportioning the towing
 1905 assignments among the eligible wrecker operators through the
 1906 creation of geographic zones, a rotation schedule, or a
 1907 combination of these methods.

1908 (2) In any county or municipality that operates a wrecker
 1909 operator system:

1910 (c) When an unauthorized wrecker operator drives by the
 1911 scene of a wrecked or disabled vehicle and the owner or operator
 1912 initiates contact by signaling the wrecker operator to stop and
 1913 provide towing services, the unauthorized wrecker operator must
 1914 disclose in writing to the owner or operator of the vehicle his
 1915 or her full name and driver license number, that he or she is
 1916 not the authorized wrecker operator who has been designated as
 1917 part of the wrecker operator system, that the motor vehicle is
 1918 not being towed for the owner's or operator's insurance company

1919 or lienholder, whether he or she has in effect an insurance
 1920 policy providing at least \$300,000 of liability insurance and at
 1921 least \$50,000 of on-hook cargo insurance, and the maximum
 1922 charges for towing and storage which will apply before the
 1923 vehicle is connected to the towing apparatus. The unauthorized
 1924 wrecker operator must also provide a copy of the disclosure to
 1925 the owner or operator in the presence of a law enforcement
 1926 officer if such officer is at the scene of a motor vehicle crash
 1927 ~~accident~~. A ~~Any~~ person who violates this paragraph commits a
 1928 misdemeanor of the second degree, punishable as provided in s.
 1929 775.082 or s. 775.083, and the person's wrecker, tow truck, or
 1930 other motor vehicle that was used during the offense may be
 1931 immediately removed and impounded pursuant to subsection (3).

1932 (4) This section does not prohibit, or in any way prevent,
 1933 the owner or operator of a vehicle involved in a crash ~~an~~
 1934 ~~accident~~ or otherwise disabled from contacting any wrecker
 1935 operator for the provision of towing services, regardless of
 1936 whether the wrecker operator is an authorized wrecker operator
 1937 ~~or not~~.

1938 Section 52. Section 324.011, Florida Statutes, is amended
 1939 to read:

1940 324.011 Purpose of chapter.—It is the intent of this
 1941 chapter to recognize the existing privilege to own or operate a
 1942 motor vehicle on the public streets and highways of this state
 1943 when such vehicles are used with due consideration for others

1944 and their property, and to promote safety and provide financial
 1945 security requirements for such owners or operators whose
 1946 responsibility it is to recompense others for injury to person
 1947 or property caused by the operation of a motor vehicle.
 1948 Therefore, it is required herein that the operator of a motor
 1949 vehicle involved in a crash or convicted of certain traffic
 1950 offenses meeting the operative provisions of s. 324.051(2) shall
 1951 respond for such damages and show proof of financial ability to
 1952 respond for damages in future crashes ~~accidents~~ as a requisite
 1953 to his or her future exercise of such privileges.

1954 Section 53. Subsection (1) of section 324.022, Florida
 1955 Statutes, is amended to read:

1956 324.022 Financial responsibility for property damage.—

1957 (1) Every owner or operator of a motor vehicle required to
 1958 be registered in this state shall establish and maintain the
 1959 ability to respond in damages for liability on account of
 1960 crashes ~~accidents~~ arising out of the use of the motor vehicle in
 1961 the amount of \$10,000 because of damage to, or destruction of,
 1962 property of others in any one crash. The requirements of this
 1963 section may be met by one of the methods established in s.
 1964 324.031; by self-insuring as authorized by s. 768.28(16); or by
 1965 maintaining an insurance policy providing coverage for property
 1966 damage liability in the amount of at least \$10,000 because of
 1967 damage to, or destruction of, property of others in any one
 1968 crash ~~accident~~ arising out of the use of the motor vehicle. The

1969 requirements of this section may also be met by having a policy
 1970 which provides coverage in the amount of at least \$30,000 for
 1971 combined property damage liability and bodily injury liability
 1972 for any one crash arising out of the use of the motor vehicle.
 1973 The policy, with respect to coverage for property damage
 1974 liability, must meet the applicable requirements of s. 324.151,
 1975 subject to the usual policy exclusions that have been approved
 1976 in policy forms by the Office of Insurance Regulation. An ~~No~~
 1977 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered
 1978 claims irrespective of their joinder with covered claims.

1979 Section 54. Section 324.023, Florida Statutes, is amended
 1980 to read:

1981 324.023 Financial responsibility for bodily injury or
 1982 death.—In addition to any other financial responsibility
 1983 required by law, every owner or operator of a motor vehicle that
 1984 is required to be registered in this state, or that is located
 1985 within this state, and who, regardless of adjudication of guilt,
 1986 has been found guilty of or entered a plea of guilty or nolo
 1987 contendere to a charge of driving under the influence under s.
 1988 316.193 after October 1, 2007, shall, by one of the methods
 1989 established in s. 324.031(1) or (2), establish and maintain the
 1990 ability to respond in damages for liability on account of
 1991 crashes ~~accidents~~ arising out of the use of a motor vehicle in
 1992 the amount of \$100,000 because of bodily injury to, or death of,
 1993 one person in any one crash and, subject to such limits for one

1994 person, in the amount of \$300,000 because of bodily injury to,
 1995 or death of, two or more persons in any one crash and in the
 1996 amount of \$50,000 because of property damage in any one crash.
 1997 If the owner or operator chooses to establish and maintain such
 1998 ability by furnishing a certificate of deposit pursuant to s.
 1999 324.031(2), such certificate of deposit must be at least
 2000 \$350,000. Such higher limits must be carried for a minimum
 2001 period of 3 years. If the owner or operator has not been
 2002 convicted of driving under the influence or a felony traffic
 2003 offense for a period of 3 years from the date of reinstatement
 2004 of driving privileges for a violation of s. 316.193, the owner
 2005 or operator shall be exempt from this section.

2006 Section 55. Section 324.031, Florida Statutes, is amended
 2007 to read:

2008 324.031 Manner of proving financial responsibility.—The
 2009 owner or operator of a taxicab, limousine, jitney, or any other
 2010 for-hire passenger transportation vehicle may prove financial
 2011 responsibility by providing satisfactory evidence of holding a
 2012 motor vehicle liability policy as defined in s. 324.021(8) or s.
 2013 324.151, which policy is provided by an insurer authorized to do
 2014 business in this state ~~issued by an insurance carrier~~ which is a
 2015 member of the Florida Insurance Guaranty Association or an
 2016 eligible nonadmitted insurer that has a superior, excellent,
 2017 exceptional, or equivalent financial strength rating by a rating
 2018 agency acceptable to the Office of Insurance Regulation of the

2019 | Financial Services Commission. The operator or owner of any
 2020 | other vehicle may prove his or her financial responsibility by:

2021 | (1) Furnishing satisfactory evidence of holding a motor
 2022 | vehicle liability policy as defined in ss. 324.021(8) and
 2023 | 324.151;

2024 | (2) Furnishing a certificate of self-insurance showing a
 2025 | deposit of cash in accordance with s. 324.161; or

2026 | (3) Furnishing a certificate of self-insurance issued by
 2027 | the department in accordance with s. 324.171.

2028 |
 2029 | Any person, including any firm, partnership, association,
 2030 | corporation, or other person, other than a natural person,
 2031 | electing to use the method of proof specified in subsection (2)
 2032 | shall furnish a certificate of deposit equal to the number of
 2033 | vehicles owned times \$30,000, to a maximum of \$120,000; in
 2034 | addition, any such person, other than a natural person, shall
 2035 | maintain insurance providing coverage in excess of limits of
 2036 | \$10,000/20,000/10,000 or \$30,000 combined single limits, and
 2037 | such excess insurance shall provide minimum limits of
 2038 | \$125,000/250,000/50,000 or \$300,000 combined single limits.
 2039 | These increased limits shall not affect the requirements for
 2040 | proving financial responsibility under s. 324.032(1).

2041 | Section 56. Paragraph (a) of subsection (1) and subsection
 2042 | (2) of section 324.032, Florida Statutes, are amended to read:
 2043 | 324.032 Manner of proving financial responsibility; for-

2044 hire passenger transportation vehicles.—Notwithstanding the
 2045 provisions of s. 324.031:

2046 (1) (a) A person who is either the owner or a lessee
 2047 required to maintain insurance under s. 627.733(1) (b) and who
 2048 operates one or more taxicabs, limousines, jitneys, or any other
 2049 for-hire passenger transportation vehicles may prove financial
 2050 responsibility by furnishing satisfactory evidence of holding a
 2051 motor vehicle liability policy, but with minimum limits of
 2052 \$125,000/250,000/50,000 or \$100,000/300,000/50,000.

2053 (2) An owner or a lessee who is required to maintain
 2054 insurance under s. 324.021(9) (b) and who operates at least 150
 2055 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
 2056 passenger transportation vehicles may provide financial
 2057 responsibility by complying with the provisions of s. 324.171,
 2058 such compliance to be demonstrated by maintaining at its
 2059 principal place of business an audited financial statement,
 2060 prepared in accordance with generally accepted accounting
 2061 principles, and providing to the department a certification
 2062 issued by a certified public accountant that the applicant's net
 2063 worth is at least equal to the requirements of s. 324.171 as
 2064 determined by the Office of Insurance Regulation of the
 2065 Financial Services Commission, including claims liabilities in
 2066 an amount certified as adequate by a Fellow of the Casualty
 2067 Actuarial Society.

2068

2069 Upon request by the department, the applicant must provide the
 2070 department at the applicant's principal place of business in
 2071 this state access to the applicant's underlying financial
 2072 information and financial statements that provide the basis of
 2073 the certified public accountant's certification. The applicant
 2074 shall reimburse the requesting department for all reasonable
 2075 costs incurred by it in reviewing the supporting information.
 2076 The maximum amount of self-insurance permissible under this
 2077 subsection is \$300,000 and must be stated on a per-occurrence
 2078 basis, and the applicant shall maintain adequate excess
 2079 insurance issued by an authorized or eligible insurer licensed
 2080 or approved by the Office of Insurance Regulation. All risks
 2081 self-insured shall remain with the owner or lessee providing it,
 2082 and the risks are not transferable to any other person, unless a
 2083 policy complying with subsection (1) is obtained.

2084 Section 57. Paragraph (b) of subsection (1) and subsection
 2085 (2) of section 324.051, Florida Statutes, are amended to read:

2086 324.051 Reports of crashes; suspensions of licenses and
 2087 registrations.—

2088 (1)

2089 (b) The department is ~~hereby~~ further authorized to require
 2090 reports of crashes from individual owners or operators whenever
 2091 it deems it necessary for the proper administration of this
 2092 chapter, and these reports shall be made without prejudice
 2093 except as specified in this subsection. ~~No~~ Such a report may not

2094 ~~shall~~ be used as evidence in any trial arising out of a crash.
2095 However, subject to the applicable rules of evidence, a law
2096 enforcement officer at a criminal trial may testify as to any
2097 statement made to the officer by the person involved in the
2098 crash ~~accident~~ if that person's privilege against self-
2099 incrimination is not violated.

2100 (2) (a) Thirty days after receipt of notice of a crash ~~any~~
2101 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
2102 within this state, the department shall suspend, after due
2103 notice and opportunity to be heard, the license of each operator
2104 and all registrations of the owner of the vehicles operated by
2105 such operator whether or not involved in such crash and, in the
2106 case of a nonresident owner or operator, shall suspend such
2107 nonresident's operating privilege in this state, unless such
2108 operator or owner ~~shall, before~~ before ~~prior to~~ the expiration of such
2109 30 days, is ~~be~~ found by the department to be exempt from the
2110 operation of this chapter, based upon evidence satisfactory to
2111 the department that:

2112 1. The motor vehicle was legally parked at the time of
2113 such crash.

2114 2. The motor vehicle was owned by the United States
2115 Government, this state, or any political subdivision of this
2116 state or any municipality therein.

2117 3. Such operator or owner has secured a duly acknowledged
2118 written agreement providing for release from liability by all

2119 parties injured as the result of such ~~said~~ crash and has
 2120 complied with one of the provisions of s. 324.031.

2121 4. Such operator or owner has deposited with the
 2122 department security to conform with s. 324.061 when applicable
 2123 and has complied with one of the provisions of s. 324.031.

2124 5. One year has elapsed since such owner or operator was
 2125 suspended pursuant to subsection (3), the owner or operator has
 2126 complied with one of the provisions of s. 324.031, and no bill
 2127 of complaint of which the department has notice has been filed
 2128 in a court of competent jurisdiction.

2129 (b) This subsection does ~~shall~~ not apply:

2130 1. To such operator or owner if such operator or owner had
 2131 in effect at the time of such crash or traffic conviction an
 2132 automobile liability policy with respect to all of the
 2133 registered motor vehicles owned by such operator or owner.

2134 2. To such operator, if not the owner of such motor
 2135 vehicle, if there was in effect at the time of such crash or
 2136 traffic conviction an automobile liability policy or bond with
 2137 respect to his or her operation of motor vehicles not owned by
 2138 him or her.

2139 3. To such operator or owner if the liability of such
 2140 operator or owner for damages resulting from such crash is, in
 2141 the judgment of the department, covered by any other form of
 2142 liability insurance or bond.

2143 4. To a ~~any~~ person who has obtained from the department a

2144 certificate of self-insurance, in accordance with s. 324.171, or
2145 to a ~~any~~ person operating a motor vehicle for such self-insurer.

2146
2147 No such policy or bond shall be effective under this paragraph
2148 ~~subsection~~ unless it contains limits of not less than those
2149 specified in s. 324.021(7).

2150 Section 58. Subsections (2), (3), and (4) of section
2151 324.242, Florida Statutes, are amended to read:

2152 324.242 Personal injury protection and property damage
2153 liability insurance policies; public records exemption.—

2154 (2) Upon receipt of a request and proof of a crash report
2155 as required under s. 316.065, s. 316.066, or s. 316.068, or a
2156 crash report created pursuant to the laws of another state, the
2157 department shall release the policy number for a policy covering
2158 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2159 (a) Any person involved in such crash ~~accident~~;

2160 (b) The attorney of any person involved in such crash
2161 ~~accident~~; or

2162 (c) A representative of the insurer of any person involved
2163 in such crash ~~accident~~.

2164 (3) The department shall provide personal injury
2165 protection and property damage liability insurance policy
2166 numbers to department-approved third parties that provide data
2167 collection services to an insurer of any person involved in such
2168 crash ~~accident~~.

2169 (4) Before the department's release of a policy number in
2170 accordance with subsection (2) or subsection (3), an insurer's
2171 representative, a contracted third party, or an attorney for a
2172 person involved in a crash ~~an accident~~ must provide the
2173 department with documentation confirming proof of
2174 representation.

2175 Section 59. Section 328.30, Florida Statutes, is amended
2176 to read:

2177 328.30 Transactions by electronic or telephonic means.—

2178 (1) The Department of Highway Safety and Motor Vehicles
2179 may accept any application provided for under this part ~~chapter~~
2180 by electronic or telephonic means.

2181 (2) The department may issue an electronic certificate of
2182 title in lieu of printing a paper title.

2183 (3) The department may collect and use e-mail ~~electronic~~
2184 ~~mail~~ addresses for purposes of this part, including, but not
2185 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
2186 United States Postal Service for the purpose of providing
2187 renewal notices.

2188 Section 60. Subsection (3) of section 328.40, Florida
2189 Statutes, is amended to read:

2190 328.40 Administration of vessel registration and titling
2191 laws; records.—

2192 (3) All records made or kept by the Department of Highway
2193 Safety and Motor Vehicles under this part are subject to

2194 inspection and copying as provided in chapter 119 ~~law are public~~
2195 ~~records except for confidential reports.~~

2196 Section 61. Subsection (1) of section 328.73, Florida
2197 Statutes, is amended to read:

2198 328.73 Registration; duties of tax collectors.—

2199 (1) The tax collectors in the counties of the state, as
2200 authorized agents of the department, shall issue registration
2201 certificates and vessel numbers and decals to applicants,
2202 subject to the requirements of law and in accordance with rules
2203 of the department. For the purpose of enhancing customer
2204 services provided by tax collectors acting on behalf of the
2205 department, the department, contingent upon a request and
2206 memorandum of understanding, shall provide tax collectors and
2207 tax collector-approved agents and vendors with real-time access
2208 to data that other third parties receive from the department
2209 related to registration certificates and vessel numbers and
2210 decals, including, but not limited to, the most current address
2211 information and electronic mail addresses of applicants. The
2212 memorandum of understanding as required under this paragraph may
2213 not be more restrictive than any memorandum of understanding
2214 between the department and other third-party vendors.

2215 Section 62. Section 328.80, Florida Statutes, is amended
2216 to read:

2217 328.80 Transactions by electronic or telephonic means.—

2218 (1) The Department of Highway Safety and Motor Vehicles

2219 ~~may commission is authorized to~~ accept any application provided
 2220 for under this part ~~chapter~~ by electronic or telephonic means.

2221 (2) The department may collect and use e-mail addresses
 2222 for purposes of this part, including, but not limited to, use of
 2223 e-mail in lieu of the United States Postal Service for the
 2224 purpose of providing renewal notices.

2225 Section 63. Subsection (4) of section 627.7415, Florida
 2226 Statutes, is amended to read:

2227 627.7415 Commercial motor vehicles; additional liability
 2228 insurance coverage.—Commercial motor vehicles, as defined in s.
 2229 207.002 or s. 320.01, operated upon the roads and highways of
 2230 this state shall be insured with the following minimum levels of
 2231 combined bodily liability insurance and property damage
 2232 liability insurance in addition to any other insurance
 2233 requirements:

2234 (4) All commercial motor vehicles subject to regulations
 2235 of the United States Department of Transportation, 49 C.F.R.
 2236 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
 2237 amended, shall be insured in an amount equivalent to the minimum
 2238 levels of financial responsibility as set forth in such
 2239 regulations.

2240
 2241 A violation of this section is a noncriminal traffic infraction,
 2242 punishable as a nonmoving violation as provided in chapter 318.

2243 Section 64. Subsection (1) of section 655.960, Florida

2244 Statutes, is amended to read:

2245 655.960 Definitions; ss. 655.960-655.965.—As used in this
2246 section and ss. 655.961-655.965, unless the context otherwise
2247 requires:

2248 (1) "Access area" means any paved walkway or sidewalk
2249 which is within 50 feet of any automated teller machine. The
2250 term does not include any street or highway open to the use of
2251 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or
2252 (b), including any adjacent sidewalk, as defined in s. 316.003.

2253 Section 65. Subsection (2) of section 784.07, Florida
2254 Statutes, is amended to read:

2255 784.07 Assault or battery of law enforcement officers,
2256 firefighters, emergency medical care providers, public transit
2257 employees or agents, or other specified officers;
2258 reclassification of offenses; minimum sentences.—

2259 (2) When a ~~Whenever any~~ person is charged with knowingly
2260 committing an assault or battery upon a law enforcement officer,
2261 a firefighter, an emergency medical care provider, a railroad
2262 special officer, a traffic crash ~~accident~~ investigation officer
2263 as described in s. 316.640, a nonsworn law enforcement agency
2264 employee who is certified as an agency inspector, a blood
2265 alcohol analyst, or a breath test operator while such employee
2266 is in uniform and engaged in processing, testing, evaluating,
2267 analyzing, or transporting a person who is detained or under
2268 arrest for DUI, a law enforcement explorer, a traffic infraction

2269 enforcement officer as described in s. 316.640, a parking
 2270 enforcement specialist as defined in s. 316.640, a person
 2271 licensed as a security officer as defined in s. 493.6101 and
 2272 wearing a uniform that bears at least one patch or emblem that
 2273 is visible at all times that clearly identifies the employing
 2274 agency and that clearly identifies the person as a licensed
 2275 security officer, or a security officer employed by the board of
 2276 trustees of a community college, while the officer, firefighter,
 2277 emergency medical care provider, railroad special officer,
 2278 traffic crash ~~accident~~ investigation officer, traffic infraction
 2279 enforcement officer, inspector, analyst, operator, law
 2280 enforcement explorer, parking enforcement specialist, public
 2281 transit employee or agent, or security officer is engaged in the
 2282 lawful performance of his or her duties, the offense for which
 2283 the person is charged shall be reclassified as follows:

2284 (a) In the case of assault, from a misdemeanor of the
 2285 second degree to a misdemeanor of the first degree.

2286 (b) In the case of battery, from a misdemeanor of the
 2287 first degree to a felony of the third degree.

2288 (c) In the case of aggravated assault, from a felony of
 2289 the third degree to a felony of the second degree.

2290 Notwithstanding any other provision of law, a ~~any~~ person
 2291 convicted of aggravated assault upon a law enforcement officer
 2292 shall be sentenced to a minimum term of imprisonment of 3 years.

2293 (d) In the case of aggravated battery, from a felony of

2294 the second degree to a felony of the first degree.
2295 Notwithstanding any other provision of law, a ~~any~~ person
2296 convicted of aggravated battery of a law enforcement officer
2297 shall be sentenced to a minimum term of imprisonment of 5 years.

2298 Section 66. Subsection (5) of section 856.015, Florida
2299 Statutes, is amended to read:

2300 856.015 Open house parties.—

2301 (5) If a violation of subsection (2) causes or contributes
2302 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~
2303 ~~316.1933~~, or death to the minor, or if the minor causes or
2304 contributes to causing serious bodily injury or death to another
2305 as a result of the minor's consumption of alcohol or drugs at
2306 the open house party, the violation is a misdemeanor of the
2307 first degree, punishable as provided in s. 775.082 or s.
2308 775.083.

2309 Section 67. Except as otherwise expressly provided in this
2310 act, this act shall take effect July 1, 2019.