

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SPB 7090

INTRODUCER: For consideration by the Committee on Infrastructure and Security

SUBJECT: Highway Safety and Motor Vehicles

DATE: March 21, 2019

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------------------|
| 1. Proctor | Miller | | Pre-meeting |

I. Summary:

SPB 7090 is a comprehensive bill relating the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Allows the DHSMV to collect payment for expedited shipping of driver license (DL) and identification (ID) cards at the request of the customer for online transactions;
- Allows the DHSMV to provide a no fee ID card, if the previous ID card was stolen, by providing a copy of the police report;
- Extends the renewal window for ID cards to match DLs;
- Creates a definition for “control person” and expands penalties to dealerships who employ a control person whose dealer license has been revoked;
- Strengthens the penalties for false information on an application for DL;
- Establishes a definition for the term “crash” in chapter 316 related to State Uniform Traffic Control;
- Establishes subpoena authority for the DHSMV to obtain testimony and documents from third-party entities that cannot be obtained under current law;
- Provides authority for the DHSMV and its agents (Tax Collectors) to collect and use email addresses to contact customers;
- Removes obsolete language related to the manual reporting of students whose driving privileges have been suspended for truancy;
- Updates Florida Statutes to resolve compatibility concerns from the Federal Motor Carrier Safety Administration (FMCSA) between existing state law and federal regulations;
- Incorporates violations for texting or using a handheld phone device while operating a commercial motor vehicle (CMV) as a serious disqualifying offense to align with federal regulations as noted in FMCSA compliance pre-audit;
- Revises the definition of "Apportionable Vehicle" to bring Florida's statutory definition of "Apportionable Vehicle" in alignment with the requirements of the International Registration Plan (IRP);
- Revises the issuance time frame for apportioned plates to be longer than one year, and will provide for free replacement for damaged or worn apportioned plates;

- Modifies existing law to indicate the DHSMV has statutory authority to adopt rules for the safe operations of commercial motor vehicles and conduct compliance reviews; and
- Re-establishes the Privatized Rebuilt Vehicle Inspection Program (PRVIP) permanently and expand it statewide.

According to the DHSMV, the bill will have a negative, but insignificant fiscal impact to state expenditures. Additionally, classifying charter buses as an apportionable vehicle may have an indeterminate impact to state revenues. See fiscal comments in Section V.

The bill has an effect date of July 1, 2019.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each area is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Definitions - Crash and Serious Bodily Injury

Present Situation

Chapter 316 of Florida law, related to State Uniform Traffic Control, contains the term “crash” over 150 times, but does not contain a definition for the term. The absence of a standard definition leads to inconsistent policies and procedures across law enforcement agencies that investigate crashes and among courts that adjudicate cases involving crashes.

Chapter 316, F.S., defines “serious bodily injury” in ss. 316.192, 316.027, and 316.1933, F.S. However, the term is not defined in the definitions section of s. 316.003, F.S.

Effect of Proposed Changes

The bill amends s. 316.003, F.S., by establishing a definition for the term “crash”. “Crash” is defined as the operation of a motor vehicle, motorized scooter, or moped which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or trailer being drawn by a motor vehicle, while in motion, which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” does not include such operation:

- On private property, if such operation does not result in death or serious bodily injury, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence;
- On a closed course used for commercial or recreational purposes, such as a commercial driving school or racetrack, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence; or
- If such property damage or death, bodily injury, or complaint of bodily injury to any person results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination device or the precision immobilization technique, except that the term “crash” includes such operation that results in

death, bodily injury, or complaint of bodily injury to, or damage to property of, anyone other than the operator or an occupant being forced to stop or reduce speed or the law enforcement officer.

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

The bill also amends s. 316.003, F.S., by creating a definition for the term "serious bodily injury" to be an injury to any person which consists of a physical condition that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill amends ss. 316.027, 316.0271, 316.061, 316.194, 316.622, 316.640, 316.655, 321.05, 321.065, 321.23, 322.0602, 322.36, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, and 324.242, F.S., changing the word "accident" to "crash".

The bill amends ss. 316.027, 316.192, and 316.1933, F.S., deleting the definition of "serious bodily injury."

Federal Motor Carrier Safety Administration Compatibility

Present Situation

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the United States Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.¹ In 2007, the FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal CMV safety regulations.²

Section 316.003(13), F.S. defines "commercial motor vehicle" as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act³, as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state's public highways while engaged in interstate commerce are subject to the following parts of 49 C.F.R.:

- 382 Controlled Substance and Alcohol Use Testing
- 385 Safety Fitness Procedures

¹ Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Mar. 1, 2019).

² 2007 Florida State MSCAP Review (Copy on file with Senate Committee on Infrastructure and Security).

³ 49 U.S.C. ss. 1801 *et seq.*

- 390 Federal Motor Carrier Safety Regulations; General
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

- 382 Controlled Substance and Alcohol Use Testing
- 383 Commercial Driver's License Standards; Requirements and Testing
- 385 Safety Fitness Procedures
- 390 Federal Motor Carrier Safety Regulations; General
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Federal regulations define "bus" as "any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs."⁴ In its 2007 review, the FMCSA found that Florida's exemption for taxicabs was not compatible with federal regulations, which includes taxicabs in the definition of "bus."⁵

In its 2007 review, the FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,⁶ which does not contain a similar exemption and that federal regulations expressly prohibit lamps and reflectors from being obscured.⁷

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁸ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding¹⁰ is not required to comply with the above-referenced federal regulations.

⁴ 49 C.F.R. s. 390.5T.

⁵ 2007 Florida State MSCAP Review, at p. 2.

⁶ 49 C.F.R. 393 Subpart B.

⁷ 2007 Florida State MSCAP Review, at p. 4.

⁸ 49 C.F.R. s. 391.11(b)(1).

⁹ 49 C.F.R. s. 395.3(a) and (b).

¹⁰ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

Federal regulations provide hours of service rules for CMV drivers.¹¹ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following ten consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following ten consecutive hours off duty.¹²

These provisions do not apply to drivers of utility service vehicles.¹³

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service rules¹⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the DHSMV, motor carriers are required to furnish time records or other written verification so that the DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁵ if the requirements of certain federal rules regarding short-haul operations¹⁶ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products¹⁷ is exempt

¹¹ 49 C.F.R. s. 395.

¹² Section 316.302(2)(b), F.S.

¹³ 49 C.F.R. s. 395.2, defines "utility service vehicle" as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

¹⁴ 49 C.F.R. s. 395.1.

¹⁵ 49 C.F.R. 395.8.

¹⁶ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹⁷ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

from s. 316.302(1), F.S. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

In its 2007 findings, the FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.¹⁸

Effect of Proposed Changes

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal regulation.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2018, which updates the state law referencing the applicable federal rules applicable to intrastate CMV vehicles.

The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents¹⁹ do not go into effect for motor carriers engaged in intrastate commerce, and not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.²⁰

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations, 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v), that allow a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining documentation of the driver's driving times. In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either ten or eight hours off.

¹⁸ 2007 Florida State MSCAP Review, at p. 3.

¹⁹ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited Mar. 4, 2019).

²⁰ Section 316.3025(3)(b)1., F.S.

The bill amends s. 316.302(2)(f), F.S., to remove specific exemptions from federal regulations for drivers transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight*, *gross vehicle weight rating*, and *gross combined weight rating* of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill deletes s. 316.302(2)(j), F.S., removing the requirement that a qualified driver who operates a CMV in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding, be exempt from the diabetes requirement for medical examination of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.41(c).

Safety Rules for Nonpublic Sector Buses

Present Situation

Section 316.70, F.S., provides that the Department of Transportation (DOT) must establish and revise standards contained in federal law²¹ to ensure the safe operation of nonpublic sector buses. The standards should be directed toward ensuring that:

- Nonpublic sector buses are safely maintained, equipped, and operated.
- Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.
- Florida license tags are purchased for nonpublic sector buses pursuant to state law.
- The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

DOT personnel may conduct compliance reviews for the purpose of determining compliance with these requirements. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of DOT. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026, F.S., if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review.

Effect of Proposed Changes

The bill amends s. 316.70, F.S., to change the agency who has statutory authority to adopt rules for the safe operations of commercial motor vehicles and conduct compliance reviews from the DOT to the DHSMV. This change addresses which agency is responsible for the safe operations of nonpublic sector buses, which should have been changed during the merger of the Office of Motor Carrier Compliance within the DOT to the Office of Commercial Vehicle Enforcement with the DHSMV.

²¹ 49 C.F.R. parts 382, 385, and 390-397.

The bill provides that a law enforcement officer of the DHSMV or an appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of a commercial motor vehicle operated in Florida to stop and submit to an inspection of the vehicle and the driver's records. If a specified issue is found, then the motor vehicle or driver may be removed from service or a written 15-day notice requiring correction of the condition may be provided.

The bill cross-references the applicable Code of Federal Regulations, removes duplicative standards for nonpublic sector buses.

The bill removes a civil penalty that may be applied should a motor carrier continue to be in violation of any provision of s. 316.70, F.S., or department rules following a second follow up compliance review within 12 months after the first follow up compliance review.

Privatized Rebuilt Vehicle Inspection Program

Present Situation

In 2013, the Legislature created s. 319.141, F.S., creating a PRVIP in Miami-Dade and Hillsborough counties through June 30, 2018.²² The DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program's purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to establish a memorandum of understanding (MOU) allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifies requirements for oversight, bonding and insurance, procedure and forms, and requires the electronic submission of documents.

To be approved for the program, an applicant was required to:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services;
- Annually attest that he or she is not employed by or does not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which he or she receives remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria the DHSMV determines necessary to conduct proper inspections.²³

²² Section 319.14(1)(c)3., defines "rebuilt vehicle" for purposes of that section as a motor vehicle or motor home built from salvage or junk.

²³ Section 319.141(4), F.S.

As required by law, in 2015, the DHSMV submitted a report²⁴ that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.²⁵ The DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations, and for monitoring the PRVIP businesses to ensure inspections were conducted in accordance with program standards.²⁶

According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the MOU executed with the DHSMV.²⁷ Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from \$50 to \$85 and were not regulated in any manner by the DHSMV.²⁸

As provided in its authorizing legislation, the PRVIP was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

Effect of Proposed Changes

The bill revives, reenacts, and amends s. 319.141, F.S., notwithstanding its repeal on July 1, 2018. The bill re-establishes the PRVIP permanently and expands it statewide. The DHSMV will oversee the program and establish MOUs with participating private entities to include bonding and insurance, procedures, forms, and document transmittals. Proposed language would prohibit conflicts of interest, establish prohibited business practices, and provide authority for the DHSMV to conduct investigations.

The bill amends s. 319.001, F.S., to define:

- “Conflict” or “conflict of interest” means a situation in which a private interest could benefit from or interfere with official duties or a public interest, including, but not limited to, having a direct or indirect financial interest in a vehicle being inspected pursuant to s. 319.141, F.S.; or being employed by, or directly or indirectly having an ownership interest in, an entity that has a financial interest in a vehicle being inspected pursuant to s. 319.141, F.S.;
- “Private rebuilt inspection provider” means a person or an entity conducting rebuilt motor vehicle inspections who is physically located in this state and is authorized by the DHSMV and operating under this chapter;
- “Rebuilt courier service” means an individual or entity who provides services to vehicle owners or motor vehicle dealers who use the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct

²⁴ DHSMV, *Florida’s Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last viewed March 9, 2019). No entities from Hillsborough County applied to participate in the pilot program.

²⁵ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last viewed March 9, 2019).

²⁶ *Supra* note 60 at p. 3.

²⁷ *Id.*

²⁸ *Id.*

a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection; and

- “Rebuilt inspection” means an examination of a rebuilt vehicle and the required documentation. Required documentation includes, but is not limited to: a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin; an application for a rebuilt branded certificate of title; a rebuilder’s affidavit; a photograph of the junk or salvage vehicle taken before repairs began; receipts or invoices for all major component parts, as defined in s. 319.30, F.S.; repairs conducted; and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System. If an airbag or airbags were deployed, before and after photos must be provided which clearly show the deployed airbags and that the airbags have been replaced.

The bill creates s. 319.002, F.S., providing rulemaking authority to the DHSMV for the PRVIP.

The bill creates s. 319.1411, F.S., to provide that the DHSMV may monitor and inspect the operations of the PRVIP providers as it deems necessary to determine whether the PRVIP provider is operating in compliance of law and to determine if the PRVIP provider has engaged in any prohibited business practices.

The bill creates s. 319.142, F.S., to establish rules of conduct and prohibited business practices for the PRVIP. The following business conduct is prohibited:

- Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the PRVIP provider’s duties in the public interest;
- Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered;
- Failure to report to the DHSMV the identification of a suspected stolen part or stolen vehicle during a rebuilt inspection;
- In connection with providing private rebuilt inspection services, engaging in any course of conduct that is fraud or deceit upon the DHSMV, a dealer, or a vehicle owner;
- Knowingly falsifying DHSMV records or knowingly providing materially false or misleading information to the DHSMV;
- Failing to allow an examination or inspection of a PRVIP provider facility, including a review of books and records, by the DHSMV or law enforcement during regular business hours;
- Passing a vehicle through inspection without having a reasonable basis to believe that all airbags that are subject to a safety recall issued by the National Highway Transportation Safety Administration were replaced with airbags not subject to such a safety recall;
- Failure to timely respond to a subpoena issued by the DHSMV;
- Conducting rebuilt inspection services at a physical location not approved in writing by the DHSMV or providing services from a mobile unit not approved in writing by the DHSMV;
- Failure to maintain at all times a garage liability insurance in the amount of at least \$100,000;
- Failure to maintain at all times a good and sufficient surety bond or irrevocable letter of credit in the amount of \$100,000 which covers all activities under the PRVIP and names the DHSMV as an insured;
- Violation of law or the contract between the DHSMV and the PRVIP provider; and

- The use of advertising that would reasonably lead the public to believe that the provider was or is an employee or representative of the DHSMV, or the use in its name of the terms “Department of Highway Safety and Motor Vehicles,” “DMV,” “DHSMV,” “FLHSMV,” or “HSMV” or any other terms or logos that are associated with the DHSMV.

The DHSMV is provided the authority to terminate a vendor contract for any violation of the above listed items.

The bill creates s. 319.1414, F.S., providing the DHSMV the authority to conduct investigations and examinations of approved PRVIP vendors. The purpose of the inspections is to determine whether a person has violated the terms of their contract. The DHSMV is authorized to subpoena records, examine witnesses under oath, and collect any business records as part of an investigation. The DHSMV is authorized to seek a court order for any vendor who refuses to comply with an investigation.

Subpoena and Investigative Authority

Present Situation

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

Effect of Proposed Changes

The bill creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. The subpoena is to be used for investigations or examinations conducted by DHSMV of suspected violations of Chapters 319, 320, or 322, F.S., and may be served by an authorized representative of DHSMV.

If a person refuses to obey the subpoena, DHSMV may petition a court in the county in which the person or business is located. The court may direct the person to obey the subpoena, and any court costs incurred by DHSMV in the process, must be paid by the subpoenaed person.

For the purpose of any investigation, examination, or proceeding initiated by DHSMV under Chapters 319, 320, and 322, F.S., DHSMV may designate agents to serve subpoenas and other processes and administer oaths or affirmations. A witness subpoenaed under this section is entitled to witness fees as established in statute for a witness in a civil case.²⁹

²⁹ Section 92.142, F.S.

Enhanced Customer Notification

Present Situation

The DHSMV lacks statutory authority to collect and use cellular telephone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allows for the collection of email addresses and the use of email, in lieu of USPS, to provide motor vehicle registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.^{30 31 32 33 34}

Effect of Proposed Changes

The bill amends ss. 319.40, 320.95(2), 322.08, 328.30, and 328.80, F.S., authorizing DHSMV to collect and use e-mail addresses to contact customers for business reasons other than vehicle registration, vessel registration, and driver license renewal notices. The DHSMV advised some of the business reasons for which a customer's email may be used would be: allowing customers to subscribe to services such as receiving email alerts when it's time to renew their driver license or motor vehicle registrations, or to notify them when adverse action has been taken against their license due to failing to maintain insurance, failing to pay child support, or for accumulating too many points. It could also be used to communicate online order statuses and as part of a multi-factor authentication process to verify a user's identity.³⁵

International Registration Plan – Charter Buses

Present Situation

The IRP is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.³⁶ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.³⁷

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display "Apportioned" license plates.³⁸ Motor carriers registered under the IRP are

³⁰ Section 319.40, F.S.

³¹ Section 320.95, F.S.

³² Section 322.08(10), F.S.

³³ Section 328.30, F.S.

³⁴ Section 328.80, F.S.

³⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

³⁶ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Mar. 4, 2019).

³⁷ As defined by the International Registration Plan, (January 2017) available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Mar. 4, 2019).

³⁸ Section 320.0715(1), F.S.

also required to maintain specified records for the DHSMV, and may have their registrations and license plates withheld if:

- An identifying number issued by the federal agency responsible for motor carrier safety is not provided for the motor carrier and entity responsible for motor carrier safety for each motor vehicle; or
- A motor carrier or vehicle owner has been prohibited from operating by a federal or state agency responsible for motor carrier safety.³⁹

Additionally, the DHSMV has authority to suspend, with notice, any commercial motor vehicle or license plate issued to a motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.⁴⁰ Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.⁴¹

The IRP defines an apportionable vehicle as:⁴²

[A]ny Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

- (i) Has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds, or
- (ii) Has three or more Axles, regardless of weight, or
- (iii) Is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP, but retained the option to do so. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that charter bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁴³

Effect of Proposed Changes

The bill amends s. 320.01(24), F.S., to revise the definition of "Apportionable Vehicle" to remove charter buses, and bring Florida's statutory definition of "Apportionable Vehicle" in alignment with the requirements of the IRP. All charter buses operating interstate will be required to obtain an IRP registration or purchase trip permits.

³⁹ Sections 320.0715(4)(a) and (b), F.S.

⁴⁰ Section 320.0715(4)(c), F.S.

⁴¹ See IRP, Inc., *Trip Permits- Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Mar. 4, 2019).

⁴² International Registration Plan, *supra* note 36 at p. 12-13 (last visited Mar. 4, 2019). The definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

⁴³ See IRP, Inc., *Official Amendment to the International Registration Plan* (June 2014) http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Mar. 4, 2019).

Issuance of Apportionable Vehicle Plates

Present Situation

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.⁴⁴

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification, most are issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.⁴⁵ Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.⁴⁶

Section 320.0607, F.S., provides for replacement license plates, validation decals, or mobile home stickers. It requires that upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), the applicant pay a fee of \$28 to be deposited into the Highway Safety Operating Trust Fund (HSOTF).

Effect of Proposed Changes

The bill repeals s. 320.06(1)(b)2., F.S., on October 1, 2019, which provides that an apportioned vehicle must be issued an annual license plate and cab card denoting the declared gross vehicle weight.

Additionally, the bill amends s. 320.06, F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP, will be issued a license plate for a five-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The license plate and validation sticker will be issued based on the applicant’s appropriate renewal period. The registration period for an apportionable vehicle is for 12 months and the validation sticker is valid for 12 months. The annual fee for an original and renewed validation sticker (rather than license plate) is \$28, which is deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn it may be replaced at no charge by applying to DHSMV and surrendering the current license plate.

The bill amends s. 320.0607(5), F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, the \$28 fee for a replacement license plate does not apply to vehicles registered under the IRP and issued an apportionable license plate. Instead, vehicles registered under the IRP will be issued an annual cab card and validation sticker for the same \$28 fee.

⁴⁴ Section 320.0715(1), F.S.

⁴⁵ Section 320.06(1)(b)1., F.S.

⁴⁶ See IRP, Inc., *State of Florida Apportioned Cab Card Sample*,

http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Jan. 15, 2018).

Motor Vehicle Dealer Licensing

Present Situation

Section 320.27, F.S., provides the DHSMV with the authority to revoke a dealership license for failure to comply with certain requirements. Oftentimes, persons who have previously had their dealer license revoked are able to re-establish themselves in other dealerships. The DHSMV lacks the authority to act on those who operate in this capacity. Current law allows the DHSMV to file for an injunction against a dealer who fails to comply with the law. However, the DHSMV does not have the authority to petition the court to prohibit the person who operated the dealership from operating in a similar capacity in the future.

Effect of Proposed Changes

The bill amends s. 320.27, F.S., to create a definition for “control person” to mean any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decision-making responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decision-making responsibility.

The bill authorizes DHSMV to deny an initial or renewal application for dealer license. The bill also allows DHSMV to deny an application or suspend or revoke a license upon proof that the applicant or licensee has:

- Been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than ten years after the date of licensure application.
- Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that within the past ten years has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or state agency that resulted in a finding of violation of any federal or state law relating to unlicensed activity, or fraud in connection with the sale of a motor vehicle, or knowingly employs or contracts such a person as a control person, or knowingly employs or contracts as a control person a person who has been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than ten years from the date of licensure application.

The bill also provides that if a court grants an injunction, the court may bar, permanently or for a specific time period, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. If a person is barred, the person may not continue in any capacity within the industry. The person will have no management, sales, or other role in the operation of a dealership. Further, if permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

ID Card Renewal

Present Situation

A Florida DL can be renewed within 12 months of expiration⁴⁷; however, an ID card can only be renewed within 90 days of expiration.⁴⁸ Individuals outside the renewal window are not eligible to renew online.

Effect of Proposed Changes

The bill amends s. 322.051(2)(a), F.S., to extend the renewal window for ID cards to within 12 months of expiration to be consistent with the DL renewal period.

Truancy Reporting

Present Situation

A minor is not eligible for driving privileges unless that minor:

- Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;
- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;
- Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
- Has been issued a certificate of exemption; or
- Has received a hardship waiver.

DHSMV may not issue a driver license or learner's permit to, or will suspend the driver license or learner's permit of, any minor concerning whom DHSMV receives notification of noncompliance with the above requirements.⁴⁹

DHSMV must report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended for one of the reasons above.⁵⁰ According to DHSMV, the reporting function is now automated for all school districts to access in real time.⁵¹

Effect of Proposed Changes

The bill amends s. 322.091(5), F.S., to remove language related to the manual quarterly reporting of students whose driving privileges have been suspended for truancy, and instead requires the DHSMV to make the report available upon request. The amended language is more consistent with the current automated nature of the report.

⁴⁷ Section 322.18(7), F.S.

⁴⁸ Section 322.051(2)(a), F.S.

⁴⁹ Section 322.091(1), F.S.

⁵⁰ Section 322.091(5), F.S.

⁵¹ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

Stolen Identification Cards

Present Situation

Section 322.17(1)(b), F. S., provides for the replacement of a DL for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue a no fee replacement ID card when stolen, even when a police report is provided.

Effect of Proposed Changes

The bill amends s. 322.17, F.S., by adding an ID card to the list of cards that can be replaced for free when stolen.

Expedited Shipping Service

Present Situation

The DHSMV has the authority to charge a service fee for individuals to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens.⁵² A fee of \$10.00 is charged for this service⁵³, which is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens.⁵⁴ The fee, minus deductions for odometer fraud prevention and detection⁵⁵ and \$3.50 to be retained by the processing agency, are deposited into the General Revenue Fund.⁵⁶ Application for expedited service may be made by mail or in person and the DHSMV must issue each title within 5 working days after receipt of the application, except for an application for a duplicate title certificate covered by s. 319.23(4), F.S., in which case the title must be issued within five working days after compliance with the DHSMV's verification requirements.⁵⁷

Currently, the law does not provide the authority for the DHSMV to collect an expedited shipping cost related to DLs and ID cards from customers. For example, Florida residents needing an immediate DL or ID card issuance, such as a replacement or renewal, often call the DHSMV customer service center to request expedited shipping of their transaction via the online portal. To assist these individuals, the DHSMV must have the individual pre-pay directly to a mail courier service for the expedited shipping cost.⁵⁸

Effect of Proposed Changes

The bill creates s. 322.21(10), F.S., to provide that an applicant who submits an application for a renewal or replacement DL or ID card to the DHSMV for online transactions must be provided with an option for expedited shipping in which the DHSMV, at the applicant's request, must issue the DL or ID card within 5 working days after receipt of the application and ship the DL or

⁵² Section 319.323, F.S.

⁵³ *Id.*

⁵⁴ Section 319.32, F.S.

⁵⁵ Section 319.324, F.S.

⁵⁶ Section 319.323, F.S.

⁵⁷ *Id.*

⁵⁸ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

ID card using an expedited mail service. Fees collected for the expedited shipping option will be deposited into the HSOTF.

Penalties for False Information on Application for Driver License

Present Situation

A person may not have or display a blank, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card.⁵⁹ Likewise, a person may not sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card.⁶⁰

It is unlawful for a person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.⁶¹

A person who violates any of the above provisions is guilty of a felony of the third degree, except that a person who gives a false age in any application for a driver license or identification card or who possesses a driver license, identification card, or any instrument in the likeness thereof, on which the date of birth has been altered is guilty of a misdemeanor of the second degree.⁶²

In addition to any other penalties provided above, a person who provides false information when applying for a commercial driver license or commercial learner's permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit shall be disqualified from operating a commercial motor vehicle for a period of one year.⁶³

Effect of Proposed Changes

The bill amends s. 322.212, F.S., to strengthen the penalties in statute. The bill provides that in addition to any other penalties provided, if a person provides false information when applying for a driver license, identification card, commercial driver license, or commercial learner's permit or is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner's permit, such person's driving privilege shall be suspended for one year.

Serious Disqualifying Offense for a Commercial Motor Vehicle

Present Situation

In 2013, the Legislature amended s. 316.3025, F.S., codifying a federal prohibition on CMV drivers using handheld devices while operating a CMV.⁶⁴ However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not amended to list using a handheld

⁵⁹ Section 322.212(1)(a), F.S.

⁶⁰ Section 322.212(1)(d), F.S.

⁶¹ Section 322.212(5)(a), F.S.

⁶² Section 322.212(6), F.S.

⁶³ Section 322.212(7), F.S.

⁶⁴ Chapter 2013-160, L.O.F.

device while operating a CMV as a serious disqualifying offense regarding a commercial driver license.

Section 316.3025(6)(a), F.S., provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against texting or using a handheld mobile telephone⁶⁵ while operating a CMV, may be assessed a civil penalty and commercial driver license disqualification⁶⁶ as follows:

- First violation: \$500;
- Second violation: \$1,000 and a 60-day commercial driver license disqualification;⁶⁷
- Third and subsequent violations: \$2,750 and a 120-day commercial driver license disqualification.

Section 322.61, F.S., provides a list of serious disqualifying offenses regarding the operation of a CMV. If while operating a CMV, a person is convicted of two or more of the following offenses within a three year period, that person is disqualified from operating a CMV for a period of 60 days for:

- A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;
- Reckless driving;⁶⁸
- Unlawful speed of 15 miles per hour or more above the posted speed limit;
- Improper lane change;⁶⁹
- Following too closely;⁷⁰
- Driving a commercial vehicle without obtaining a commercial driver license;
- Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement; or
- Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession.⁷¹

Effect of Proposed Changes

The bill amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations.

Administration of vessel registration and titling laws; records

Present Situation

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver's Privacy Protection Act of 1994 and s. 119.0712(2), F.S., and an

⁶⁵ 49 C.F.R. 392.82

⁶⁶ Section 320.01(15), F.S., defines "disqualification" as "a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle."

⁶⁷ Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

⁶⁸ Reckless driving is defined in s. 316.192, F.S.

⁶⁹ Improper lane change is defined in s. 316.085, F.S.

⁷⁰ Following too closely is defined in s. 316.0895, F.S.

⁷¹ A license or learner permit is required to drive a commercial motor vehicle pursuant to s. 322.03, F.S.

entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

Effect of Proposed Changes

The bill amends s. 328.40, F.S., to allow the DHSMV to protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in chapter 119.

Effective Date

The act takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

Classifying charter buses as apportionable vehicles may change the registration fees for these vehicles; however, the actual impact for any specific vehicle will be based on motor

vehicle details, jurisdictions where the vehicle travels, and the mileage percentages in each of the jurisdictions.⁷²

Individuals whose ID cards are stolen will see a reduction in costs since they will be able to obtain a replacement card at no cost.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements by February 16, 2019, may jeopardize federal funding for the state's motor carrier safety program for federal fiscal year 2019.⁷³ Federal funding for the state's motor carrier safety program for fiscal year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.⁷⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

SPB 7092 contains fee provisions impacting this bill. The fees cover:

- Costs incurred by the DHSMV to obtain an order requiring a person to obey a subpoena, in whole or in part, and such fees must be charged to the subpoenaed person;
- The \$28.00 initial validation sticker and any renewed validation stickers for a apportionable vehicle; and
- A charged for the expedited shipping option, not to exceed the cost of the expedited mail service, for a DL or ID card.

SPB 7094 contains public record exemptions impacting this bill. The public record exemptions are:

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Verified e-mail addresses and texting numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

VIII. Statutes Affected:

This proposed bill substantially amends sections 316.003, 316.027, 316.0271, 316.061, 316.192, 316.193, 316.1933, 316.194, 316.302, 316.622, 316.640, 316.655, 316.70, 318.19, 319.001,

⁷² Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

⁷³ William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Committee on Infrastructure and Security).

⁷⁴ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, Mcsap funds, (February 7, 2019).

319.141, 319.25, 319.40, 320.01, 320.06, 320.0607, 320.27, 320.861, 320.95, 321.05, 321.065, 321.23, 322.051, 322.0602, 322.08, 322.091, 322.17, 322.21, 322.212, 322.36, 322.61, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, 324.242, 328.30, 328.40, 328.80, 627.7415, 316.241, 501.976, 655.960, and 856.015 of the Florida Statutes.

This proposed bill creates the sections 319.002, 319.1411, 319.142, 319.1414, and 322.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.