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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development)

1                   A bill to be entitled  
2           An act relating to the Department of Highway Safety  
3           and Motor Vehicles; amending s. 110.205, F.S.;

4           providing that certain positions in the department are  
5           exempt from career service; amending s. 207.002, F.S.,  
6           relating to the Florida Diesel Fuel and Motor Fuel Use  
7           Tax Act of 1981; deleting definitions of the terms  
8           "apportioned motor vehicle" and "apportionable  
9           vehicle"; providing legislative intent relating to  
10          road rage and traffic congestion; amending s. 316.003,  
11          F.S.; defining the term "road rage"; amending s.  
12          316.066, F.S.; authorizing the Department of  
13          Transportation to immediately receive a crash report;  
14          amending s. 316.083, F.S.; requiring that an operator  
15          of a motor vehicle yield the furthestmost left-hand  
16          lane when being overtaken on a multilane highway;  
17          providing exceptions; reenacting s. 316.1923, F.S.,  
18          relating to aggressive careless driving, to  
19          incorporate the amendments made to s. 316.083, F.S.,  
20          in a reference thereto; requiring that the Department  
21          of Highway Safety and Motor Vehicles provide  
22          information about the act in driver license  
23          educational materials that are newly published on or  
24          after a specified date; amending s. 316.1937, F.S.;

25          revising operational specifications for ignition  
26          interlock devices; amending s. 316.2015, F.S.;



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27 prohibiting the operator of a pickup truck or flatbed  
28 truck from permitting a child who is younger than 6  
29 years of age from riding within the open body of the  
30 truck under certain circumstances; amending s.  
31 316.302, F.S.; revising provisions for certain  
32 commercial motor vehicles and transporters and  
33 shippers of hazardous materials; providing for  
34 application of specified federal regulations; removing  
35 a provision for application of specified provisions  
36 and federal regulations to transporting liquefied  
37 petroleum gas; amending s. 316.3025, F.S.; providing  
38 penalties for violation of specified federal  
39 regulations relating to medical and physical  
40 requirements for commercial drivers while driving a  
41 commercial motor vehicle; revising provisions for  
42 seizure of a motor vehicle for refusal to pay penalty;  
43 amending s. 316.545, F.S.; revising language relating  
44 to certain commercial motor vehicles not properly  
45 licensed and registered; amending s. 316.646, F.S.;  
46 authorizing the use of an electronic device to provide  
47 proof of insurance under the section; providing that  
48 displaying such information on an electronic device  
49 does not constitute consent for a law enforcement  
50 officer to access other information stored on the  
51 device; providing that the person displaying the  
52 device assumes the liability for any resulting damage  
53 to the device; requiring the department to adopt  
54 rules; amending s. 317.0016, F.S., relating to  
55 expedited services; removing a requirement that the



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56 department provide such service for certain  
57 certificates; amending s. 318.14, F.S., relating to  
58 disposition of traffic citations; providing that  
59 certain alternative procedures for certain traffic  
60 offenses are not available to a person who holds a  
61 commercial learner's permit; amending s. 318.1451,  
62 F.S.; revising provisions relating to driver  
63 improvement schools; removing a provision for a chief  
64 judge to establish requirements for the location of  
65 schools within a judicial circuit; removing a  
66 provision that authorizes a person to operate a driver  
67 improvement school; revising provisions for persons  
68 taking an unapproved course; providing criteria for  
69 initial approval of courses; revising requirements for  
70 assessment fees, courses, course certificates, and  
71 course providers; directing the department to adopt  
72 rules; creating s. 319.141, F.S.; establishing a pilot  
73 rebuilt motor vehicle inspection program; providing  
74 definitions; requiring the department to contract with  
75 private vendors to establish and operate inspection  
76 facilities in certain counties; providing minimum  
77 requirements for applicants; requiring the department  
78 to submit a report to the Legislature; providing for  
79 future repeal; amending s. 319.225, F.S.; revising  
80 provisions for certificates of title, reassignment of  
81 title, and forms; revising procedures for transfer of  
82 title; amending s. 319.23, F.S.; revising requirements  
83 for content of certificates of title and applications  
84 for title; amending s. 319.28, F.S.; revising



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85 provisions for transfer of ownership by operation of  
86 law when a motor vehicle or mobile home is  
87 repossessed; removing provisions for a certificate of  
88 repossession; amending s. 319.323, F.S., relating to  
89 expedited services of the department; removing  
90 certificates of repossession; amending s. 320.01,  
91 F.S.; removing the definition of the term "apportioned  
92 motor vehicle"; revising the definition of the term  
93 "apportionable motor vehicle"; amending s. 320.02,  
94 F.S.; revising requirements for application for motor  
95 vehicle registration; amending s. 320.03, F.S.;  
96 revising a provision for registration under the  
97 International Registration Plan; amending s. 320.05,  
98 F.S.; revising provisions relating to record  
99 inspection procedures and fees; deleting provisions  
100 that permit certain public inspection of registration  
101 records; deleting a provision allowing certain  
102 businesses and professionals to obtain information by  
103 telecommunication in certain circumstances; conforming  
104 and clarifying a list of records that may be provided  
105 by the department; amending s. 320.071, F.S.; revising  
106 a provision for advance renewal of registration under  
107 the International Registration Plan; amending s.  
108 320.0715, F.S.; revising provisions for vehicles  
109 required to be registered under the International  
110 Registration Plan; amending s. 320.18, F.S.; providing  
111 for withholding of motor vehicle or mobile home  
112 registration when a coowner has failed to register the  
113 motor vehicle or mobile home during a previous period



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114 when such registration was required; providing for  
115 cancelling a vehicle or vessel registration, driver  
116 license, identification card, or fuel-use tax decal if  
117 the coowner pays certain fees and other liabilities  
118 with a dishonored check; amending s. 320.27, F.S.,  
119 relating to motor vehicle dealers; providing for  
120 extended periods for dealer licenses and supplemental  
121 licenses; providing fees; amending s. 320.62, F.S.,  
122 relating to manufacturers, distributors, and importers  
123 of motor vehicles; providing for extended licensure  
124 periods; providing fees; amending s. 320.77, F.S.,  
125 relating to mobile home dealers; providing for  
126 extended licensure periods; providing fees; amending  
127 s. 320.771, F.S., relating to recreational vehicle  
128 dealers; providing for extended licensure periods;  
129 providing fees; amending s. 320.8225, F.S., relating  
130 to mobile home and recreational vehicle manufacturers,  
131 distributors, and importers; providing for extended  
132 licensure periods; providing fees; amending s.  
133 322.095, F.S.; requiring an applicant for a driver  
134 license to complete a traffic law and substance abuse  
135 education course; providing exceptions; revising  
136 procedures for evaluation and approval of such  
137 courses; revising criteria for such courses and the  
138 schools conducting the courses; providing for  
139 collection and disposition of certain fees; requiring  
140 providers to maintain records; directing the  
141 department to conduct effectiveness studies; requiring  
142 a provider to cease offering a course that fails the



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143 study; requiring courses to be updated at the request  
144 of the department; providing a timeframe for course  
145 length; prohibiting a provider from charging for a  
146 completion certificate; requiring providers to  
147 disclose certain information; requiring providers to  
148 submit course completion information to the department  
149 within a certain time period; prohibiting certain  
150 acts; providing that the department shall not accept  
151 certification from certain students; prohibiting a  
152 person convicted of certain crimes from conducting  
153 courses; directing the department to suspend course  
154 approval for certain purposes; providing for the  
155 department to deny, suspend, or revoke course approval  
156 for certain acts; providing for administrative hearing  
157 before final action denying, suspending, or revoking  
158 course approval; providing penalties for violations;  
159 amending s. 322.125, F.S.; revising criteria for  
160 members of the Medical Advisory Board; amending s.  
161 322.135, F.S.; removing a provision that authorizes a  
162 tax collector to direct certain licensees to the  
163 department for examination or reexamination; creating  
164 s. 322.143, F.S.; defining terms; prohibiting a  
165 private entity from swiping an individual's driver  
166 license or identification card except for certain  
167 specified purposes; providing that a private entity  
168 that swipes an individual's driver license or  
169 identification card may not store, sell, or share  
170 personal information collected from swiping the driver  
171 license or identification card; providing that a



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172 private entity may store or share personal information  
173 collected from swiping an individual's driver license  
174 or identification card for the purpose of preventing  
175 fraud or other criminal activity against the private  
176 entity; providing that the private entity may manually  
177 collect personal information; prohibiting a private  
178 entity from withholding the provision of goods or  
179 services solely as a result of the individual  
180 requesting the collection of the data through manual  
181 means; providing remedies; amending s. 322.18, F.S.;  
182 revising provisions for a vision test required for  
183 driver license renewal for certain drivers; amending  
184 s. 322.21, F.S.; making grammatical changes; amending  
185 s. 322.212, F.S.; providing penalties for certain  
186 violations involving application and testing for a  
187 commercial driver license or a commercial learner's  
188 permit; amending s. 322.22, F.S.; authorizing the  
189 department to withhold issuance or renewal of a driver  
190 license, identification card, vehicle or vessel  
191 registration, or fuel-use decal under certain  
192 circumstances; amending s. 322.245, F.S.; requiring a  
193 depository or clerk of court to electronically notify  
194 the department of a person's failure to pay support or  
195 comply with directives of the court; amending s.  
196 322.25, F.S.; removing a provision for a court order  
197 to reinstate a person's driving privilege on a  
198 temporary basis when the person's license and driving  
199 privilege have been revoked under certain  
200 circumstances; amending s. 322.2615, F.S., relating to



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201 review of a license suspension when the driver had  
202 blood or breath alcohol at a certain level or the  
203 driver refused a test of his or her blood or breath to  
204 determine the alcohol level; providing procedures for  
205 a driver to be issued a restricted license under  
206 certain circumstances; revising provisions for  
207 informal and formal reviews; providing for the hearing  
208 officer to be designated by the department;  
209 authorizing the hearing officer to conduct hearings  
210 using telecommunications technology; revising  
211 procedures for enforcement of subpoenas; amending s.  
212 322.2616, F.S., relating to review of a license  
213 suspension when the driver is under 21 years of age  
214 and had blood or breath alcohol at a certain level;  
215 revising provisions for informal and formal reviews;  
216 providing for the hearing officer to be designated by  
217 the department; authorizing the hearing officer to  
218 conduct hearings using telecommunications technology;  
219 revising procedures for enforcement of subpoenas;  
220 amending s. 322.271, F.S.; correcting cross-references  
221 and conforming provisions to changes made by the act;  
222 providing procedures for certain persons who have no  
223 previous convictions for certain alcohol-related  
224 driving offenses to be issued a driver license for  
225 business purposes only; amending s. 322.2715, F.S.;  
226 providing requirements for issuance of a restricted  
227 license for a person convicted of a DUI offense if a  
228 medical waiver of placement of an ignition interlock  
229 device was given to such person; amending s. 322.28,





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230 F.S., relating to revocation of driver license for  
231 convictions of DUI offenses; providing that  
232 convictions occurring on the same date for offenses  
233 occurring on separate dates are considered separate  
234 convictions; removing a provision relating to a court  
235 order for reinstatement of a revoked license;  
236 repealing s. 322.331, F.S., relating to habitual  
237 traffic offenders; amending s. 322.61, F.S.; revising  
238 provisions for disqualification from operating a  
239 commercial motor vehicle; providing for application of  
240 such provisions to persons holding a commercial  
241 learner's permit; revising the offenses for which  
242 certain disqualifications apply; amending s. 322.64,  
243 F.S., relating to driving with unlawful blood-alcohol  
244 level or refusal to submit to breath, urine, or blood  
245 test by a commercial driver license holder or person  
246 driving a commercial motor vehicle; providing that a  
247 disqualification from driving a commercial motor  
248 vehicle is considered a conviction for certain  
249 purposes; revising the time period a person is  
250 disqualified from driving for alcohol-related  
251 violations; revising requirements for notice of the  
252 disqualification; providing that under the review of a  
253 disqualification the hearing officer shall consider  
254 the crash report; revising provisions for informal and  
255 formal reviews; providing for the hearing officer to  
256 be designated by the department; authorizing the  
257 hearing officer to conduct hearings using  
258 telecommunications technology; revising procedures for



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259 enforcement of subpoenas; directing the department to  
260 issue a temporary driving permit or invalidate the  
261 suspension under certain circumstances; providing for  
262 construction of specified provisions; amending s.  
263 323.002, F.S.; revising the definition of a wrecker  
264 operator system; providing that an unauthorized  
265 wrecker, tow truck, or other motor vehicle used during  
266 certain offenses may be immediately removed and  
267 impounded; requiring that an unauthorized wrecker  
268 operator disclose in writing to the owner or operator  
269 of a disabled motor vehicle certain information;  
270 requiring that the unauthorized wrecker operator  
271 provide such disclosure to the owner or operator of  
272 the disabled vehicle in the presence of a law  
273 enforcement officer if one is present at the scene of  
274 a motor vehicle accident; authorizing a law  
275 enforcement officer from a local governmental agency  
276 or state law enforcement agency to remove and impound  
277 an unauthorized wrecker, tow truck, or other motor  
278 vehicle from the scene of a disabled vehicle or wreck;  
279 authorizing the authority that caused the removal and  
280 impoundment to assess a cost-recovery fine; requiring  
281 a release form; requiring that the wrecker, tow truck,  
282 or other motor vehicle remain impounded until the fine  
283 has been paid; providing for public sale of an  
284 impounded vehicle; providing fines for violations;  
285 requiring that the unauthorized wrecker operator pay  
286 the fees associated with the removal and storage of  
287 the wrecker, tow truck, or other motor vehicle;



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288 amending s. 324.0221, F.S.; revising the actions which  
289 must be reported to the department by an insurer that  
290 has issued a policy providing personal injury  
291 protection coverage or property damage liability  
292 coverage; revising time allowed for submitting the  
293 report; amending s. 324.031, F.S.; revising the  
294 methods a vehicle owner or operator may use to prove  
295 financial responsibility; removing a provision for  
296 posting a bond with the department; amending s.  
297 324.091, F.S.; revising provisions requiring motor  
298 vehicle owners and operators to provide evidence to  
299 the department of liability insurance coverage under  
300 certain circumstances; revising provisions for  
301 verification by insurers of such evidence; amending s.  
302 324.161, F.S.; providing requirements for issuance of  
303 a certificate of insurance; requiring proof of a  
304 certificate of deposit of a certain amount of money in  
305 a financial institution; providing for power of  
306 attorney to be issued to the department for execution  
307 under certain circumstances; amending s. 328.01, F.S.,  
308 relating to vessel titles; revising identification  
309 requirements for applications for a certificate of  
310 title; amending s. 328.48, F.S., relating to vessel  
311 registration; revising identification requirements for  
312 applications for vessel registration; amending s.  
313 328.76, F.S., relating to vessel registration funds;  
314 revising provisions for funds to be deposited into the  
315 Highway Safety Operating Trust Fund; amending s.  
316 713.585, F.S.; requiring that a lienholder check the



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317 National Motor Vehicle Title Information System or the  
318 records of any corresponding agency of any other state  
319 before enforcing a lien by selling the motor vehicle;  
320 requiring the lienholder to notify the local law  
321 enforcement agency in writing by certified mail  
322 informing the law enforcement agency that the  
323 lienholder has made a good faith effort to locate the  
324 owner or lienholder; specifying that a good faith  
325 effort includes a check of the Department of Highway  
326 Safety and Motor Vehicles database records and the  
327 National Motor Vehicle Title Information System;  
328 setting requirements for notification of the sale of  
329 the vehicle as a way to enforce a lien; requiring the  
330 lienholder to publish notice; requiring the lienholder  
331 to keep a record of proof of checking the National  
332 Motor Vehicle Title Information System; amending s.  
333 713.78, F.S.; revising provisions for enforcement of a  
334 lien for recovering, towing, or storing a vehicle or  
335 vessel; amending ss. 212.08, 261.03, 316.2122,  
336 316.2124, 316.21265, 316.3026, 316.550, 317.0003,  
337 320.08, 320.0847, 322.282, 324.023, 324.171, 324.191,  
338 627.733, and 627.7415, F.S.; correcting cross-  
339 references and conforming provisions to changes made  
340 by the act; providing an effective date.

341  
342 Be It Enacted by the Legislature of the State of Florida:

343  
344 Section 1. Paragraph (m) of subsection (2) of section  
345 110.205, Florida Statutes, is amended to read:



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346 110.205 Career service; exemptions.—

347 (2) EXEMPT POSITIONS.—The exempt positions that are not  
348 covered by this part include the following:

349 (m) All assistant division director, deputy division  
350 director, and bureau chief positions in any department, and  
351 those positions determined by the department to have managerial  
352 responsibilities comparable to such positions, which include,  
353 but are not limited to:

354 1. Positions in the Department of Health and the Department  
355 of Children and Family Services that are assigned primary duties  
356 of serving as the superintendent or assistant superintendent of  
357 an institution.

358 2. Positions in the Department of Corrections that are  
359 assigned primary duties of serving as the warden, assistant  
360 warden, colonel, or major of an institution or that are assigned  
361 primary duties of serving as the circuit administrator or deputy  
362 circuit administrator.

363 3. Positions in the Department of Transportation that are  
364 assigned primary duties of serving as regional toll managers and  
365 managers of offices, as defined in s. 20.23(4)(b) and (5)(c).

366 4. Positions in the Department of Environmental Protection  
367 that are assigned the duty of an Environmental Administrator or  
368 program administrator.

369 5. Positions in the Department of Health that are assigned  
370 the duties of Environmental Administrator, Assistant County  
371 Health Department Director, and County Health Department  
372 Financial Administrator.

373 6. Positions in the Department of Highway Safety and Motor  
374 Vehicles that are assigned primary duties of serving as captains



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375 in the Florida Highway Patrol.

376 Unless otherwise fixed by law, the department shall set the  
377 salary and benefits of the positions listed in this paragraph in  
378 accordance with the rules established for the Selected Exempt  
379 Service.

380 Section 2. Section 207.002, Florida Statutes, is reordered  
381 and amended to read:

382 207.002 Definitions.—As used in this chapter, the term:

383 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~  
384 ~~which is required to be registered under the International~~  
385 ~~Registration Plan.~~

386 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not  
387 owned or operated by a governmental entity which uses diesel  
388 fuel or motor fuel on the public highways; and which has a gross  
389 vehicle weight in excess of 26,000 pounds, or has three or more  
390 axles regardless of weight, or is used in combination when the  
391 weight of such combination exceeds 26,000 pounds gross vehicle  
392 weight. The term excludes any vehicle owned or operated by a  
393 community transportation coordinator as defined in s. 427.011 or  
394 by a private operator that provides public transit services  
395 under contract with such a provider.

396 (2)~~(3)~~ "Department" means the Department of Highway Safety  
397 and Motor Vehicles.

398 (7)~~(4)~~ "Motor carrier" means any person owning,  
399 controlling, operating, or managing any motor vehicle used to  
400 transport persons or property over any public highway.

401 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold  
402 as gasoline and fuels containing a mixture of gasoline and other  
403 products.



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404        (9)~~(6)~~ "Operate," "operated," "operation," or "operating"  
405 means and includes the utilization in any form of any commercial  
406 motor vehicle, whether loaded or empty, whether utilized for  
407 compensation or not for compensation, and whether owned by or  
408 leased to the motor carrier who uses it or causes it to be used.

409        (10)~~(7)~~ "Person" means and includes natural persons,  
410 corporations, copartnerships, firms, companies, agencies, or  
411 associations, singular or plural.

412        (11)~~(8)~~ "Public highway" means any public street, road, or  
413 highway in this state.

414        (3)~~(9)~~ "Diesel fuel" means any liquid product or gas  
415 product or combination thereof, including, but not limited to,  
416 all forms of fuel known or sold as diesel fuel, kerosene, butane  
417 gas, or propane gas and all other forms of liquefied petroleum  
418 gases, except those defined as "motor fuel," used to propel a  
419 motor vehicle.

420        (13)~~(10)~~ "Use," "uses," or "used" means the consumption of  
421 diesel fuel or motor fuel in a commercial motor vehicle for the  
422 propulsion thereof.

423        (4)~~(11)~~ "International Registration Plan" means a  
424 registration reciprocity agreement among states of the United  
425 States and provinces of Canada providing for payment of license  
426 fees or license taxes on the basis of fleet miles operated in  
427 various jurisdictions.

428        ~~(12) "Apportionable vehicle" means any vehicle, except a  
429 recreational vehicle, a vehicle displaying restricted plates, a  
430 municipal pickup and delivery vehicle, a bus used in  
431 transportation of chartered parties, and a government-owned  
432 vehicle, which is used or intended for use in two or more states~~



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433 ~~of the United States or provinces of Canada that allocate or~~  
434 ~~proportionally register vehicles and which is used for the~~  
435 ~~transportation of persons for hire or is designed, used, or~~  
436 ~~maintained primarily for the transportation of property and:~~

437 ~~(a) Is a power unit having a gross vehicle weight in excess~~  
438 ~~of 26,000 pounds;~~

439 ~~(b) Is a power unit having three or more axles, regardless~~  
440 ~~of weight; or~~

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

443 ~~(5)-(13)~~ "Interstate" means vehicle movement between or  
444 through two or more states.

445 ~~(6)-(14)~~ "Intrastate" means vehicle movement from one point  
446 within a state to another point within the same state.

447 ~~(12)-(15)~~ "Registrant" means a person in whose name or names  
448 a vehicle is properly registered.

449 Section 3. The intent of the Legislature is to reduce road  
450 rage and traffic congestion by reducing the incidence of crashes  
451 and drivers' interferences with the movement of traffic and by  
452 promoting the orderly, free flow of traffic on the roads and  
453 highways of the state.

454 Section 4. Subsection (91) is added to section 316.003,  
455 Florida Statutes, to read:

456 316.003 Definitions.—The following words and phrases, when  
457 used in this chapter, shall have the meanings respectively  
458 ascribed to them in this section, except where the context  
459 otherwise requires:

460 (91) ROAD RAGE.—The act of a driver or passenger to  
461 intentionally or unintentionally, due to a loss of emotional





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462 control, injure or kill another driver, passenger, bicyclist, or  
463 pedestrian, or to attempt or threaten to injure or kill another  
464 driver, passenger, bicyclist, or pedestrian.

465 Section 5. Paragraph (b) of subsection (2) of section  
466 316.066, Florida Statutes, is amended to read:

467 316.066 Written reports of crashes.—

468 (2)

469 (b) Crash reports held by an agency under paragraph (a) may  
470 be made immediately available to the parties involved in the  
471 crash, their legal representatives, their licensed insurance  
472 agents, their insurers or insurers to which they have applied  
473 for coverage, persons under contract with such insurers to  
474 provide claims or underwriting information, prosecutorial  
475 authorities, law enforcement agencies, the Department of  
476 Transportation, county traffic operations, victim services  
477 programs, radio and television stations licensed by the Federal  
478 Communications Commission, newspapers qualified to publish legal  
479 notices under ss. 50.011 and 50.031, and free newspapers of  
480 general circulation, published once a week or more often,  
481 available and of interest to the public generally for the  
482 dissemination of news. For the purposes of this section, the  
483 following products or publications are not newspapers as  
484 referred to in this section: those intended primarily for  
485 members of a particular profession or occupational group; those  
486 with the primary purpose of distributing advertising; and those  
487 with the primary purpose of publishing names and other personal  
488 identifying information concerning parties to motor vehicle  
489 crashes.

490 Section 6. Present subsection (3) of section 316.083,



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491 Florida Statutes, is redesignated as subsection (4), and a new  
492 subsection (3) is added to that section, to read:

493 316.083 Overtaking and passing a vehicle.—The following  
494 rules shall govern the overtaking and passing of vehicles  
495 proceeding in the same direction, subject to those limitations,  
496 exceptions, and special rules hereinafter stated:

497 (3) (a) On a road, street, or highway having two or more  
498 lanes that allow movement in the same direction, a driver may  
499 not continue to operate a motor vehicle in the furthestmost left-  
500 hand lane if the driver knows, or reasonably should know, that  
501 he or she is being overtaken in that lane from the rear by a  
502 motor vehicle traveling at a higher rate of speed.

503 (b) Paragraph (a) does not apply to a driver operating a  
504 motor vehicle in the furthestmost left-hand lane if:

505 1. The driver is in the process of overtaking a slower  
506 motor vehicle in the adjacent right-hand lane for the purpose of  
507 passing the slower vehicle before moving to the adjacent right-  
508 hand lane;

509 2. Conditions preclude the driver from moving to the  
510 adjacent right-hand lane;

511 3. The driver's movement to the adjacent right-hand lane  
512 could endanger the driver or other drivers;

513 4. The driver is directed by a law enforcement officer,  
514 road sign, or road crew to remain in the furthestmost left-hand  
515 lane;

516 5. The driver is preparing to make a left turn; or

517 6. The driver is traveling at a speed not less than 10  
518 miles per hour under the posted speed limit.

519 Section 7. For the purpose of incorporating the amendment



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520 made by this act to section 316.083, Florida Statutes, in a  
521 reference thereto, section 316.1923, Florida Statutes, is  
522 reenacted to read:

523 316.1923 Aggressive careless driving.—“Aggressive careless  
524 driving” means committing two or more of the following acts  
525 simultaneously or in succession:

526 (1) Exceeding the posted speed as defined in s.  
527 322.27(3)(d)5.b.

528 (2) Unsafely or improperly changing lanes as defined in s.  
529 316.085.

530 (3) Following another vehicle too closely as defined in s.  
531 316.0895(1).

532 (4) Failing to yield the right-of-way as defined in s.  
533 316.079, s. 316.0815, or s. 316.123.

534 (5) Improperly passing as defined in s. 316.083, s.  
535 316.084, or s. 316.085.

536 (6) Violating traffic control and signal devices as defined  
537 in ss. 316.074 and 316.075.

538 Section 8. The Department of Highway Safety and Motor  
539 Vehicles shall provide information about the Florida Highway  
540 Safety Act in all driver license educational materials printed  
541 on or after October 1, 2013.

542 Section 9. Subsection (1) of section 316.1937, Florida  
543 Statutes, is amended to read:

544 316.1937 Ignition interlock devices, requiring; unlawful  
545 acts.—

546 (1) In addition to any other authorized penalties, the  
547 court may require that any person who is convicted of driving  
548 under the influence in violation of s. 316.193 shall not operate



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549 a motor vehicle unless that vehicle is equipped with a  
550 functioning ignition interlock device certified by the  
551 department as provided in s. 316.1938, and installed in such a  
552 manner that the vehicle will not start if the operator's blood  
553 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
554 specified by the court. The court may require the use of an  
555 approved ignition interlock device for a period of at least ~~not~~  
556 ~~less than~~ 6 continuous months, if the person is permitted to  
557 operate a motor vehicle, whether or not the privilege to operate  
558 a motor vehicle is restricted, as determined by the court. The  
559 court, however, shall order placement of an ignition interlock  
560 device in those circumstances required by s. 316.193.

561 Section 10. Section 316.2015, Florida Statutes, is amended  
562 to read:

563 316.2015 Unlawful for person to ride on exterior of  
564 vehicle.—

565 (1) It is unlawful for any operator of a passenger vehicle  
566 to permit any person to ride on the bumper, radiator, fender,  
567 hood, top, trunk, or running board of such vehicle when operated  
568 upon any street or highway which is maintained by the state,  
569 county, or municipality. Any person who violates this subsection  
570 shall be cited for a moving violation, punishable as provided in  
571 chapter 318.

572 (2) (a) No person shall ride on any vehicle upon any portion  
573 thereof not designed or intended for the use of passengers. This  
574 paragraph does not apply to an employee of a fire department, an  
575 employee of a governmentally operated solid waste disposal  
576 department or a waste disposal service operating pursuant to a  
577 contract with a governmental entity, or to a volunteer



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578 firefighter when the employee or firefighter is engaged in the  
579 necessary discharge of a duty, and does not apply to a person  
580 who is being transported in response to an emergency by a public  
581 agency or pursuant to the direction or authority of a public  
582 agency. This paragraph does not apply to an employee engaged in  
583 the necessary discharge of a duty or to a person or persons  
584 riding within truck bodies in space intended for merchandise.

585 (b) It is unlawful for any operator of a pickup truck or  
586 flatbed truck to permit a minor child who has not attained 18  
587 years of age to ride upon limited access facilities of the state  
588 within the open body of a pickup truck or flatbed truck unless  
589 the minor is restrained within the open body in the back of a  
590 truck that has been modified to include secure seating and  
591 safety restraints to prevent the passenger from being thrown,  
592 falling, or jumping from the truck. This paragraph does not  
593 apply in a medical emergency if the child is accompanied within  
594 the truck by an adult. A county is exempt from this paragraph if  
595 the governing body of the county, by majority vote, following a  
596 noticed public hearing, votes to exempt the county from this  
597 paragraph.

598 (c) It is unlawful for any operator of a pickup truck or  
599 flatbed truck to permit a minor child who has not attained 6  
600 years of age to ride upon any street or highway with a posted  
601 speed limit of greater than forty five miles per hour which is  
602 maintained by the state, county, or municipality within the open  
603 body of a pickup truck or flatbed truck unless the minor is  
604 restrained within the open body in the back of a truck that has  
605 been modified to include secure seating and safety restraints to  
606 prevent the minor from being thrown, falling, or jumping from



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607 the truck. This paragraph does not apply in a medical emergency  
608 if the child is accompanied within the truck by an adult, or on  
609 an unpaved road. A county is exempt from this paragraph if the  
610 governing body of the county, by majority vote, following a  
611 noticed public hearing, votes to exempt the county from this  
612 paragraph. An operator of a pickup truck is exempt from this  
613 paragraph if the pickup truck is the only vehicle owned by the  
614 operator or his or her immediate family.

615 (d)~~(e)~~ Any person who violates this subsection shall be  
616 cited for a nonmoving violation, punishable as provided in  
617 chapter 318.

618 (3) This section does ~~shall~~ not apply to a performer  
619 engaged in a professional exhibition or person participating in  
620 an exhibition or parade, or any such person preparing to  
621 participate in such exhibitions or parades.

622 Section 11. Paragraph (b) of subsection (1), paragraph (a)  
623 of subsection (4), and subsection (9) of section 316.302,  
624 Florida Statutes, are amended to read:

625 316.302 Commercial motor vehicles; safety regulations;  
626 transporters and shippers of hazardous materials; enforcement.-

627 (1)

628 (b) Except as otherwise provided in this section, all  
629 owners or drivers of commercial motor vehicles that are engaged  
630 in intrastate commerce are subject to the rules and regulations  
631 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with  
632 the exception of 49 C.F.R. s. 390.5 as it relates to the  
633 definition of bus, as such rules and regulations existed on  
634 December 31, 2012 ~~October 1, 2011~~.

635 (4) (a) Except as provided in this subsection, all



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636 commercial motor vehicles transporting any hazardous material on  
637 any road, street, or highway open to the public, whether engaged  
638 in interstate or intrastate commerce, and any person who offers  
639 hazardous materials for such transportation, are subject to the  
640 regulations contained in 49 C.F.R. part 107, subparts F and  
641 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.  
642 Effective July 1, 1997, the exceptions for intrastate motor  
643 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby  
644 adopted.

645 ~~(9)(a) This section is not applicable to the transporting~~  
646 ~~of liquefied petroleum gas. The rules and regulations applicable~~  
647 ~~to the transporting of liquefied petroleum gas on the highways,~~  
648 ~~roads, or streets of this state shall be only those adopted by~~  
649 ~~the Department of Agriculture and Consumer Services under~~  
650 ~~chapter 527. However, transporters of liquefied petroleum gas~~  
651 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~  
652 ~~396.9.~~

653 ~~(b)~~ This section does not apply to any nonpublic sector  
654 bus.

655 Section 12. Paragraph (b) of subsection (3) and subsection  
656 (5) of section 316.3025, Florida Statutes, are amended to read:  
657 316.3025 Penalties.—

658 (3)

659 (b) A civil penalty of \$100 may be assessed for:

- 660 1. Each violation of the North American Uniform Driver Out-  
661 of-Service Criteria;
- 662 2. A violation of s. 316.302(2)(b) or (c);
- 663 3. A violation of 49 C.F.R. s. 392.60; ~~or~~
- 664 4. A violation of the North American Standard Vehicle Out-



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665 of-Service Criteria resulting from an inspection of a commercial  
666 motor vehicle involved in a crash; or

667 5. A violation of 49 C.F.R. s. 391.41.

668 (5) Whenever any person or motor carrier as defined in  
669 chapter 320 violates the provisions of this section and becomes  
670 indebted to the state because of such violation and refuses to  
671 pay the appropriate penalty, in addition to the provisions of s.  
672 316.3026, such penalty becomes a lien upon the property  
673 including the motor vehicles of such person or motor carrier and  
674 may be seized and foreclosed by the state in a civil action in  
675 any court of this state. It shall be presumed that the owner of  
676 the motor vehicle is liable for the sum, and the vehicle may be  
677 detained or impounded until the penalty is paid.

678 Section 13. Subsection (3) of section 316.545, Florida  
679 Statutes, is amended to read:

680 316.545 Weight and load unlawful; special fuel and motor  
681 fuel tax enforcement; inspection; penalty; review.—

682 (3) Any person who violates the overloading provisions of  
683 this chapter shall be conclusively presumed to have damaged the  
684 highways of this state by reason of such overloading, which  
685 damage is hereby fixed as follows:

686 (a) When the excess weight is 200 pounds or less than the  
687 maximum herein provided, the penalty shall be \$10;

688 (b) Five cents per pound for each pound of weight in excess  
689 of the maximum herein provided when the excess weight exceeds  
690 200 pounds. However, whenever the gross weight of the vehicle or  
691 combination of vehicles does not exceed the maximum allowable  
692 gross weight, the maximum fine for the first 600 pounds of  
693 unlawful axle weight shall be \$10;





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694 (c) For a vehicle equipped with fully functional idle-  
695 reduction technology, any penalty shall be calculated by  
696 reducing the actual gross vehicle weight or the internal bridge  
697 weight by the certified weight of the idle-reduction technology  
698 or by 400 pounds, whichever is less. The vehicle operator must  
699 present written certification of the weight of the idle-  
700 reduction technology and must demonstrate or certify that the  
701 idle-reduction technology is fully functional at all times. This  
702 calculation is not allowed for vehicles described in s.  
703 316.535(6);

704 (d) An apportionable ~~apportioned motor~~ vehicle, as defined  
705 in s. 320.01, operating on the highways of this state without  
706 being properly licensed and registered shall be subject to the  
707 penalties as ~~herein~~ provided in this section; and

708 (e) Vehicles operating on the highways of this state from  
709 nonmember International Registration Plan jurisdictions which  
710 are not in compliance with the provisions of s. 316.605 shall be  
711 subject to the penalties as herein provided.

712 Section 14. Subsection (1) of section 316.646, Florida  
713 Statutes, is amended, and subsection (5) is added to that  
714 section, to read:

715 316.646 Security required; proof of security and display  
716 thereof; dismissal of cases.-

717 (1) Any person required by s. 324.022 to maintain property  
718 damage liability security, required by s. 324.023 to maintain  
719 liability security for bodily injury or death, or required by s.  
720 627.733 to maintain personal injury protection security on a  
721 motor vehicle shall have in his or her immediate possession at  
722 all times while operating such motor vehicle proper proof of



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723 maintenance of the required security.

724 (a) Such proof shall be in a uniform paper or electronic  
725 format, as ~~proof of insurance card in a form~~ prescribed by the  
726 department, a valid insurance policy, an insurance policy  
727 binder, a certificate of insurance, or such other proof as may  
728 be prescribed by the department.

729 (b)1. The act of presenting to a law enforcement officer an  
730 electronic device displaying proof of insurance in an electronic  
731 format does not constitute consent for the officer to access any  
732 information on the device other than the displayed proof of  
733 insurance.

734 2. The person who presents the device to the officer  
735 assumes the liability for any resulting damage to the device.

736 (5) The department shall adopt rules to administer this  
737 section.

738 Section 15. Section 317.0016, Florida Statutes, is amended  
739 to read:

740 317.0016 Expedited service; applications; fees.—The  
741 department shall provide, through its agents and for use by the  
742 public, expedited service on title transfers, title issuances,  
743 duplicate titles, and recordation of liens, ~~and certificates of~~  
744 ~~repossession~~. A fee of \$7 shall be charged for this service,  
745 which is in addition to the fees imposed by ss. 317.0007 and  
746 317.0008, and \$3.50 of this fee shall be retained by the  
747 processing agency. All remaining fees shall be deposited in the  
748 Incidental Trust Fund of the Florida Forest Service of the  
749 Department of Agriculture and Consumer Services. Application for  
750 expedited service may be made by mail or in person. The  
751 department shall issue each title applied for pursuant to this



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752 section within 5 working days after receipt of the application  
753 except for an application for a duplicate title certificate  
754 covered by s. 317.0008(3), in which case the title must be  
755 issued within 5 working days after compliance with the  
756 department's verification requirements.

757 Section 16. Subsections (9) and (10) of section 318.14,  
758 Florida Statutes, are amended to read:

759 318.14 Noncriminal traffic infractions; exception;  
760 procedures.—

761 (9) Any person who does not hold a commercial driver  
762 license or commercial learner's permit and who is cited while  
763 driving a noncommercial motor vehicle for an infraction under  
764 this section other than a violation of s. 316.183(2), s.  
765 316.187, or s. 316.189 when the driver exceeds the posted limit  
766 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or  
767 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in  
768 lieu of a court appearance, elect to attend in the location of  
769 his or her choice within this state a basic driver improvement  
770 course approved by the Department of Highway Safety and Motor  
771 Vehicles. In such a case, adjudication must be withheld and  
772 points, as provided by s. 322.27, may not be assessed. However,  
773 a person may not make an election under this subsection if the  
774 person has made an election under this subsection in the  
775 preceding 12 months. A person may not make more than five  
776 elections within his or her lifetime under this subsection. The  
777 requirement for community service under s. 318.18(8) is not  
778 waived by a plea of nolo contendere or by the withholding of  
779 adjudication of guilt by a court. If a person makes an election  
780 to attend a basic driver improvement course under this



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781 subsection, 18 percent of the civil penalty imposed under s.  
782 318.18(3) shall be deposited in the State Courts Revenue Trust  
783 Fund; however, that portion is not revenue for purposes of s.  
784 28.36 and may not be used in establishing the budget of the  
785 clerk of the court under that section or s. 28.35.

786 (10) (a) Any person who does not hold a commercial driver  
787 license or commercial learner's permit and who is cited while  
788 driving a noncommercial motor vehicle for an offense listed  
789 under this subsection may, in lieu of payment of fine or court  
790 appearance, elect to enter a plea of nolo contendere and provide  
791 proof of compliance to the clerk of the court, designated  
792 official, or authorized operator of a traffic violations bureau.  
793 In such case, adjudication shall be withheld; however, a person  
794 may not make an election under this subsection if the person has  
795 made an election under this subsection in the preceding 12  
796 months. A person may not make more than three elections under  
797 this subsection. This subsection applies to the following  
798 offenses:

799 1. Operating a motor vehicle without a valid driver license  
800 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
801 operating a motor vehicle with a license that has been suspended  
802 for failure to appear, failure to pay civil penalty, or failure  
803 to attend a driver improvement course pursuant to s. 322.291.

804 2. Operating a motor vehicle without a valid registration  
805 in violation of s. 320.0605, s. 320.07, or s. 320.131.

806 3. Operating a motor vehicle in violation of s. 316.646.

807 4. Operating a motor vehicle with a license that has been  
808 suspended under s. 61.13016 or s. 322.245 for failure to pay  
809 child support or for failure to pay any other financial



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810 obligation as provided in s. 322.245; however, this subparagraph  
811 does not apply if the license has been suspended pursuant to s.  
812 322.245(1).

813 5. Operating a motor vehicle with a license that has been  
814 suspended under s. 322.091 for failure to meet school attendance  
815 requirements.

816 (b) Any person cited for an offense listed in this  
817 subsection shall present proof of compliance before the  
818 scheduled court appearance date. For the purposes of this  
819 subsection, proof of compliance shall consist of a valid,  
820 renewed, or reinstated driver license or registration  
821 certificate and proper proof of maintenance of security as  
822 required by s. 316.646. Notwithstanding waiver of fine, any  
823 person establishing proof of compliance shall be assessed court  
824 costs of \$25, except that a person charged with violation of s.  
825 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
826 such costs shall be remitted to the Department of Revenue for  
827 deposit into the Child Welfare Training Trust Fund of the  
828 Department of Children and Family Services. One dollar of such  
829 costs shall be distributed to the Department of Juvenile Justice  
830 for deposit into the Juvenile Justice Training Trust Fund.  
831 Fourteen dollars of such costs shall be distributed to the  
832 municipality and \$9 shall be deposited by the clerk of the court  
833 into the fine and forfeiture fund established pursuant to s.  
834 142.01, if the offense was committed within the municipality. If  
835 the offense was committed in an unincorporated area of a county  
836 or if the citation was for a violation of s. 316.646(1)-(3), the  
837 entire amount shall be deposited by the clerk of the court into  
838 the fine and forfeiture fund established pursuant to s. 142.01,



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839 except for the moneys to be deposited into the Child Welfare  
840 Training Trust Fund and the Juvenile Justice Training Trust  
841 Fund. This subsection does not authorize the operation of a  
842 vehicle without a valid driver license, without a valid vehicle  
843 tag and registration, or without the maintenance of required  
844 security.

845 Section 17. Section 318.1451, Florida Statutes, is amended  
846 to read:

847 318.1451 Driver improvement schools.—

848 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~  
849 shall approve and regulate the courses of all driver improvement  
850 schools, as the courses relate to ss. 318.14(9), 322.0261, and  
851 322.291, including courses that use technology as a delivery  
852 method. ~~The chief judge of the applicable judicial circuit may~~  
853 ~~establish requirements regarding the location of schools within~~  
854 ~~the judicial circuit. A person may engage in the business of~~  
855 ~~operating a driver improvement school that offers department-~~  
856 ~~approved courses related to ss. 318.14(9), 322.0261, and~~  
857 ~~322.291.~~

858 ~~(b) The Department of Highway Safety and Motor Vehicles~~  
859 ~~shall approve and regulate courses that use technology as the~~  
860 ~~delivery method of all driver improvement schools as the courses~~  
861 ~~relate to ss. 318.14(9) and 322.0261.~~

862 (2) (a) In determining whether to approve the courses  
863 referenced in this section, the department shall consider course  
864 content designed to promote safety, driver awareness, crash  
865 avoidance techniques, and other factors or criteria to improve  
866 driver performance from a safety viewpoint, including promoting  
867 motorcyclist, bicyclist, and pedestrian safety and risk factors



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868 resulting from driver attitude and irresponsible driver  
869 behaviors, such as speeding, running red lights and stop signs,  
870 and using electronic devices while driving. Initial approval of  
871 the courses shall also be based on the department's review of  
872 all course materials, course presentation to the department by  
873 the provider, and the provider's plan for effective oversight of  
874 the course by those who deliver the course in the state. New  
875 courses shall be provisionally approved and limited to the  
876 judicial circuit originally approved for pilot testing until the  
877 course is fully approved by the department for statewide  
878 delivery.

879 (b) In determining whether to approve courses of driver  
880 improvement schools that use technology as the delivery method  
881 as the courses relate to ss. 318.14(9) and 322.0261, the  
882 department shall consider only those courses submitted by a  
883 person, business, or entity which have approval for statewide  
884 delivery.

885 (3) ~~The department of Highway Safety and Motor Vehicles~~  
886 ~~shall not accept~~ ~~suspend accepting~~ proof of attendance of  
887 courses from persons who attend those schools that do not teach  
888 an approved course. ~~In those circumstances, a person who has~~  
889 ~~elected to take courses from such a school shall receive a~~  
890 ~~refund from the school, and the person shall have the~~  
891 ~~opportunity to take the course at another school.~~

892 (4) In addition to a regular course fee, an assessment fee  
893 in the amount of \$2.50 shall be collected by the school from  
894 each person who elects to attend a course, as it relates to ss.  
895 318.14(9), 322.0261, 322.291, and 627.06501. The course provider  
896 must remit the \$2.50 assessment fee to the department for



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897 deposit into, which shall be remitted to the Department of  
898 Highway Safety and Motor Vehicles and deposited in the Highway  
899 Safety Operating Trust Fund in order to receive unique course  
900 completion certificate numbers for course participants. The  
901 assessment fee will be used to administer this program and to  
902 fund the general operations of the department.

903 (5) (a) The department is authorized to maintain the  
904 information and records necessary to administer its duties and  
905 responsibilities for driver improvement courses. Course  
906 providers are required to maintain all records related to the  
907 conduct of their approved courses for 5 years and allow the  
908 department to inspect course records as necessary. Records may  
909 be maintained in an electronic format. If ~~Where~~ such information  
910 is a public record as defined in chapter 119, it shall be made  
911 available to the public upon request pursuant to s. 119.07(1).

912 (b) The department or court may prepare a traffic school  
913 reference guide which lists the benefits of attending a driver  
914 improvement school and contains the names of the fully approved  
915 course providers with a single telephone number for each  
916 provider as furnished by the provider.

917 (6) The department shall adopt rules establishing and  
918 maintaining policies and procedures to implement the  
919 requirements of this section. These policies and procedures may  
920 include, but shall not be limited to, the following:

921 (a) Effectiveness studies.—The department shall conduct  
922 effectiveness studies on each type of driver improvement course  
923 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a  
924 recurring 5-year basis, including in the study process the  
925 consequence of failed studies.





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926 (b) Required updates.—The department may require that  
927 courses approved under this section be updated at the  
928 department's request. Failure of a course provider to update the  
929 course under this section shall result in the suspension of the  
930 course approval until the course is updated and approved by the  
931 department.

932 (c) Course conduct.—The department shall require that the  
933 approved course providers ensure their driver improvement  
934 schools are conducting the approved course fully and to the  
935 required time limit and content requirements.

936 (d) Course content.—The department shall set and modify  
937 course content requirements to keep current with laws and safety  
938 information. Course content includes all items used in the  
939 conduct of the course.

940 (e) Course duration.—The department shall set the duration  
941 of all course types.

942 (f) Submission of records.—The department shall require  
943 that all course providers submit course completion information  
944 to the department through the department's Driver Improvement  
945 Certificate Issuance System within 5 days.

946 (g) Sanctions.—The department shall develop the criteria to  
947 sanction the course approval of a course provider for any  
948 violation of this section or any other law that pertains to the  
949 approval and use of driver improvement courses.

950 (h) Miscellaneous requirements.—The department shall  
951 require that all course providers:

952 1. Disclose all fees associated with courses offered by the  
953 provider and associated driver improvement schools and not  
954 charge any fees that are not disclosed during registration.



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955           2. Provide proof of ownership, copyright, or written  
956 permission from the course owner to use the course in this  
957 state.

958           3. Ensure that any course that is offered in a classroom  
959 setting, by the provider or a school authorized by the provider  
960 to teach the course, is offered the course at locations that are  
961 free from distractions and reasonably accessible to most  
962 applicants.

963           4. Issue a certificate to persons who successfully complete  
964 the course.

965           Section 18. Section 319.141, Florida Statutes, is created  
966 to read:

967           319.141 Pilot rebuilt motor vehicle inspection program.—

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

969           (a) "Facility" means a rebuilt motor vehicle inspection  
970 facility authorized and operating under this section.

971           (b) "Rebuilt inspection" means an examination of a rebuilt  
972 vehicle and a properly endorsed certificate of title, salvage  
973 certificate of title, or manufacturer's statement of origin and  
974 an application for a rebuilt certificate of title, a rebuilder's  
975 affidavit, a photograph of the junk or salvage vehicle taken  
976 before repairs began, receipts or invoices for all major  
977 component parts, as defined in s. 319.30, which were changed,  
978 and proof that notice of rebuilding of the vehicle has been  
979 reported to the National Motor Vehicle Title Information System.

980           (2) By October 1, 2013, the department shall implement a  
981 pilot program in Miami-Dade and Hillsborough Counties to  
982 evaluate alternatives for rebuilt inspection services to be  
983 offered by the private sector, including the feasibility of



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984 using private facilities, the cost impact to consumers, and the  
985 potential savings to the department.

986 (3) The department shall establish a memorandum of  
987 understanding that allows private parties participating in the  
988 pilot program to conduct rebuilt motor vehicle inspections and  
989 specifies requirements for oversight, bonding and insurance,  
990 procedures, and forms and requires the electronic transmission  
991 of documents.

992 (4) Before an applicant is approved, the department shall  
993 ensure that the applicant meets basic criteria designed to  
994 protect the public. At a minimum, the applicant shall:

995 (a) Have and maintain a surety bond or irrevocable letter  
996 of credit in the amount of \$50,000 executed by the applicant.

997 (b) Have and maintain garage liability and other insurance  
998 required by the department.

999 (c) Have completed criminal background checks of the  
1000 owners, partners, and corporate officers and the inspectors  
1001 employed by the facility.

1002 (d) Meet any additional criteria the department determines  
1003 necessary to conduct proper inspections.

1004 (5) A participant in the program shall access vehicle and  
1005 title information and enter inspection results through an  
1006 electronic filing system authorized by the department.

1007 (6) The department shall submit a report to the President  
1008 of the Senate and the Speaker of the House of Representatives  
1009 providing the results of the pilot program by February 1, 2015.

1010 (7) This section shall stand repealed on July 1, 2015,  
1011 unless saved from repeal through reenactment by the Legislature.

1012 Section 19. Section 319.225, Florida Statutes, is amended



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1013 to read:  
1014       319.225 Transfer and reassignment forms; odometer  
1015 disclosure statements.—  
1016       (1) Every certificate of title issued by the department  
1017 must contain the following statement on its reverse side:  
1018 “Federal and state law require the completion of the odometer  
1019 statement set out below. Failure to complete or providing false  
1020 information may result in fines, imprisonment, or both.”  
1021       (2) Each certificate of title issued by the department must  
1022 contain on its front ~~reverse~~ side a form for transfer of title  
1023 by the titleholder of record, which form must contain an  
1024 odometer disclosure statement in the form required by 49 C.F.R.  
1025 s. 580.5.  
1026       (3) Each certificate of title issued by the department must  
1027 contain on its reverse side as many forms as space allows for  
1028 reassignment of title by a licensed dealer as permitted by s.  
1029 319.21(3), which form or forms shall contain an odometer  
1030 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
1031 When all dealer reassignment forms provided on the back of the  
1032 title certificate have been filled in, a dealer may reassign the  
1033 title certificate by using a separate dealer reassignment form  
1034 issued by the department in compliance with 49 C.F.R. ss. 580.4  
1035 and 580.5, which form shall contain an original that ~~two carbon~~  
1036 ~~copies one of which~~ shall be submitted ~~directly~~ to the  
1037 department by the dealer ~~within 5 business days after the~~  
1038 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
1039 dealer in his or her records for 5 years. The provisions of this  
1040 subsection shall also apply to vehicles not previously titled in  
1041 this state and vehicles whose title certificates do not contain



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1042 the forms required by this section.

1043       (4) Upon transfer or reassignment of a certificate of title  
1044 to a used motor vehicle, the transferor shall complete the  
1045 odometer disclosure statement provided for by this section and  
1046 the transferee shall acknowledge the disclosure by signing and  
1047 printing his or her name in the spaces provided. This subsection  
1048 does not apply to a vehicle that has a gross vehicle rating of  
1049 more than 16,000 pounds, a vehicle that is not self-propelled,  
1050 or a vehicle that is 10 years old or older. A lessor who  
1051 transfers title to his or her vehicle without obtaining  
1052 possession of the vehicle shall make odometer disclosure as  
1053 provided by 49 C.F.R. s. 580.7. Any person who fails to complete  
1054 or acknowledge a disclosure statement as required by this  
1055 subsection is guilty of a misdemeanor of the second degree,  
1056 punishable as provided in s. 775.082 or s. 775.083. The  
1057 department may not issue a certificate of title unless this  
1058 subsection has been complied with.

1059       (5) The same person may not sign a disclosure statement as  
1060 both the transferor and the transferee in the same transaction  
1061 except as provided in subsection (6).

1062       (6) (a) If the certificate of title is physically held by a  
1063 lienholder, the transferor may give a power of attorney to his  
1064 or her transferee for the purpose of odometer disclosure. The  
1065 power of attorney must be on a form issued or authorized by the  
1066 department, which form must be in compliance with 49 C.F.R. ss.  
1067 580.4 and 580.13. The department shall not require the signature  
1068 of the transferor to be notarized on the form; however, in lieu  
1069 of notarization, the form shall include an affidavit with the  
1070 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I



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1071 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
1072 ARE TRUE. The transferee shall sign the power of attorney form,  
1073 print his or her name, and return a copy of the power of  
1074 attorney form to the transferor. Upon receipt of a title  
1075 certificate, the transferee shall complete the space for mileage  
1076 disclosure on the title certificate exactly as the mileage was  
1077 disclosed by the transferor on the power of attorney form. If  
1078 the transferee is a licensed motor vehicle dealer who is  
1079 transferring the vehicle to a retail purchaser, the dealer shall  
1080 make application on behalf of the retail purchaser as provided  
1081 in s. 319.23(6) and shall submit the original power of attorney  
1082 form to the department with the application for title and the  
1083 transferor's title certificate; otherwise, a dealer may reassign  
1084 the title certificate by using the dealer reassignment form in  
1085 the manner prescribed in subsection (3), and, at the time of  
1086 physical transfer of the vehicle, the original power of attorney  
1087 shall be delivered to the person designated as the transferee of  
1088 the dealer on the dealer reassignment form. ~~A copy of the~~  
1089 ~~executed power of attorney shall be submitted to the department~~  
1090 ~~with a copy of the executed dealer reassignment form within 5~~  
1091 ~~business days after the certificate of title and dealer~~  
1092 ~~reassignment form are delivered by the dealer to its transferee.~~

1093 (b) If the certificate of title is lost or otherwise  
1094 unavailable, the transferor may give a power of attorney to his  
1095 or her transferee for the purpose of odometer disclosure. The  
1096 power of attorney must be on a form issued or authorized by the  
1097 department, which form must be in compliance with 49 C.F.R. ss.  
1098 580.4 and 580.13. The department shall not require the signature  
1099 of the transferor to be notarized on the form; however, in lieu



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1100 of notarization, the form shall include an affidavit with the  
1101 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
1102 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
1103 ARE TRUE. The transferee shall sign the power of attorney form,  
1104 print his or her name, and return a copy of the power of  
1105 attorney form to the transferor. Upon receipt of the title  
1106 certificate or a duplicate title certificate, the transferee  
1107 shall complete the space for mileage disclosure on the title  
1108 certificate exactly as the mileage was disclosed by the  
1109 transferor on the power of attorney form. If the transferee is a  
1110 licensed motor vehicle dealer who is transferring the vehicle to  
1111 a retail purchaser, the dealer shall make application on behalf  
1112 of the retail purchaser as provided in s. 319.23(6) and shall  
1113 submit the original power of attorney form to the department  
1114 with the application for title and the transferor's title  
1115 certificate or duplicate title certificate; otherwise, a dealer  
1116 may reassign the title certificate by using the dealer  
1117 reassignment form in the manner prescribed in subsection (3),  
1118 and, at the time of physical transfer of the vehicle, the  
1119 original power of attorney shall be delivered to the person  
1120 designated as the transferee of the dealer on the dealer  
1121 reassignment form. If the dealer sells the vehicle to an out-of-  
1122 state resident or an out-of-state dealer and the power of  
1123 attorney form is applicable to the transaction, the dealer must  
1124 photocopy the completed original of the form and mail it  
1125 directly to the department within 5 business days after the  
1126 certificate of title and dealer reassignment form are delivered  
1127 by the dealer to its purchaser. A copy of the executed power of  
1128 attorney shall be submitted to the department with a copy of the



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1129 ~~executed dealer reassignment form within 5 business days after~~  
1130 ~~the duplicate certificate of title and dealer reassignment form~~  
1131 ~~are delivered by the dealer to its transferee.~~

1132 (c) If the mechanics of the transfer of title to a motor  
1133 vehicle in accordance with the provisions of paragraph (a) or  
1134 paragraph (b) are determined to be incompatible with and  
1135 unlawful under the provisions of 49 C.F.R. part 580, the  
1136 transfer of title to a motor vehicle by operation of this  
1137 subsection can be effected in any manner not inconsistent with  
1138 49 C.F.R. part 580 and Florida law; provided, any power of  
1139 attorney form issued or authorized by the department under this  
1140 subsection shall contain an original that ~~two carbon copies, one~~  
1141 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
1142 dealer ~~within 5 business days of use by the dealer~~ to effect  
1143 transfer of a title certificate as provided in paragraphs (a)  
1144 and (b) and a copy that ~~one of which~~ shall be retained by the  
1145 dealer in its records for 5 years.

1146 (d) Any person who fails to complete the information  
1147 required by this subsection or to file with the department the  
1148 forms required by this subsection is guilty of a misdemeanor of  
1149 the second degree, punishable as provided in s. 775.082 or s.  
1150 775.083. The department shall not issue a certificate of title  
1151 unless this subsection has been complied with.

1152 (7) If a title is held electronically and the transferee  
1153 agrees to maintain the title electronically, the transferor and  
1154 transferee shall complete a secure reassignment document that  
1155 discloses the odometer reading and is signed by both the  
1156 transferor and transferee at the tax collector office or license  
1157 plate agency. Each certificate of title issued by the department





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1158 must contain on its reverse side a minimum of three ~~four~~ spaces  
1159 for notation of the name and license number of any auction  
1160 through which the vehicle is sold and the date the vehicle was  
1161 auctioned. Each separate dealer reassignment form issued by the  
1162 department must also have the space referred to in this section.  
1163 When a transfer of title is made at a motor vehicle auction, the  
1164 reassignment must note the name and address of the auction, but  
1165 the auction shall not thereby be deemed to be the owner, seller,  
1166 transferor, or assignor of title. A motor vehicle auction is  
1167 required to execute a dealer reassignment only when it is the  
1168 owner of a vehicle being sold.

1169 (8) Upon transfer or reassignment of a used motor vehicle  
1170 through the services of an auction, the auction shall complete  
1171 the information in the space provided for by subsection (7). Any  
1172 person who fails to complete the information as required by this  
1173 subsection is guilty of a misdemeanor of the second degree,  
1174 punishable as provided in s. 775.082 or s. 775.083. The  
1175 department shall not issue a certificate of title unless this  
1176 subsection has been complied with.

1177 (9) This section shall be construed to conform to 49 C.F.R.  
1178 part 580.

1179 Section 20. Subsection (9) of section 319.23, Florida  
1180 Statutes, is amended to read:

1181 319.23 Application for, and issuance of, certificate of  
1182 title.-

1183 (9) The title certificate or application for title must  
1184 contain the applicant's full first name, middle initial, last  
1185 name, date of birth, sex, and the license plate number. An  
1186 individual applicant must provide ~~personal or business~~



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1187 ~~identification, which may include, but need not be limited to, a~~  
1188 ~~valid driver ~~driver's~~ license or identification card issued by~~  
1189 ~~number, Florida or another state, or a valid passport. A~~  
1190 ~~business applicant must provide a identification card number, or~~  
1191 ~~federal employer identification number, if applicable,~~  
1192 ~~verification that the business is authorized to conduct business~~  
1193 ~~in the state, or a Florida city or county business license or~~  
1194 ~~number. In lieu of and the license plate number the individual~~  
1195 ~~or business applicant must provide or, in lieu thereof, an~~  
1196 affidavit certifying that the motor vehicle to be titled will  
1197 not be operated upon the public highways of this state.

1198 Section 21. Paragraph (b) of subsection (2) of section  
1199 319.28, Florida Statutes, is amended to read:

1200 319.28 Transfer of ownership by operation of law.—

1201 (2)

1202 (b) In case of repossession of a motor vehicle or mobile  
1203 home pursuant to the terms of a security agreement or similar  
1204 instrument, an affidavit by the party to whom possession has  
1205 passed stating that the vehicle or mobile home was repossessed  
1206 upon default in the terms of the security agreement or other  
1207 instrument shall be considered satisfactory proof of ownership  
1208 and right of possession. At least 5 days prior to selling the  
1209 repossessed vehicle, any subsequent lienholder named in the last  
1210 issued certificate of title shall be sent notice of the  
1211 repossession by certified mail, on a form prescribed by the  
1212 department. If such notice is given and no written protest to  
1213 the department is presented by a subsequent lienholder within 15  
1214 days after ~~from~~ the date on which the notice was mailed, the  
1215 certificate of title ~~or the certificate of repossession~~ shall be



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1216 issued showing no liens. If the former owner or any subsequent  
1217 lienholder files a written protest under oath within such 15-day  
1218 period, the department shall not issue the certificate of title  
1219 ~~or certificate of repossession~~ for 10 days thereafter. If within  
1220 the 10-day period no injunction or other order of a court of  
1221 competent jurisdiction has been served on the department  
1222 commanding it not to deliver the certificate of title ~~or~~  
1223 ~~certificate of repossession~~, the department shall deliver the  
1224 certificate of title ~~or repossession~~ to the applicant or as may  
1225 otherwise be directed in the application showing no other liens  
1226 than those shown in the application. Any lienholder who has  
1227 repossessed a vehicle in this state in compliance with the  
1228 provisions of this section must apply to a tax collector's  
1229 office in this state or to the department for a ~~certificate of~~  
1230 ~~repossession or to the department for a~~ certificate of title  
1231 pursuant to s. 319.323. Proof of the required notice to  
1232 subsequent lienholders shall be submitted together with regular  
1233 title fees. ~~A lienholder to whom a certificate of repossession~~  
1234 ~~has been issued may assign the certificate of title to the~~  
1235 ~~subsequent owner.~~ Any person found guilty of violating any  
1236 requirements of this paragraph shall be guilty of a felony of  
1237 the third degree, punishable as provided in s. 775.082, s.  
1238 775.083, or s. 775.084.

1239 Section 22. Section 319.323, Florida Statutes, is amended  
1240 to read:

1241 319.323 Expedited service; applications; fees.—The  
1242 department shall establish a separate title office which may be  
1243 used by private citizens and licensed motor vehicle dealers to  
1244 receive expedited service on title transfers, title issuances,



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1245 duplicate titles, and recordation of liens, ~~and certificates of~~  
1246 ~~repossession~~. A fee of \$10 shall be charged for this service,  
1247 which fee is in addition to the fees imposed by s. 319.32. The  
1248 fee, after deducting the amount referenced by s. 319.324 and  
1249 \$3.50 to be retained by the processing agency, shall be  
1250 deposited into the General Revenue Fund. Application for  
1251 expedited service may be made by mail or in person. The  
1252 department shall issue each title applied for under this section  
1253 within 5 working days after receipt of the application except  
1254 for an application for a duplicate title certificate covered by  
1255 s. 319.23(4), in which case the title must be issued within 5  
1256 working days after compliance with the department's verification  
1257 requirements.

1258 Section 23. Subsections (24) through (46) of section  
1259 320.01, Florida Statutes, are renumbered as subsections (23)  
1260 through (45), respectively, and present subsections (23) and  
1261 (25) of that section are amended, to read:

1262 320.01 Definitions, general.—As used in the Florida  
1263 Statutes, except as otherwise provided, the term:

1264 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~  
1265 ~~which is required to be registered, or with respect to which an~~  
1266 ~~election has been made to register it, under the International~~  
1267 ~~Registration Plan.~~

1268 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except  
1269 recreational vehicles, vehicles displaying restricted plates,  
1270 city pickup and delivery vehicles, buses used in transportation  
1271 of chartered parties, and government-owned vehicles, which is  
1272 used or intended for use in two or more member jurisdictions  
1273 that allocate or proportionally register vehicles and which is



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1274 used for the transportation of persons for hire or is designed,  
1275 used, or maintained primarily for the transportation of property  
1276 and:

1277 (a) Is a power unit having a gross vehicle weight in excess  
1278 of 26,000 ~~26,001~~ pounds;

1279 (b) Is a power unit having three or more axles, regardless  
1280 of weight; or

1281 (c) Is used in combination, when the weight of such  
1282 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1283

1284 Vehicles, or combinations thereof, having a gross vehicle weight  
1285 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
1286 proportionally registered.

1287 Section 24. Paragraph (a) of subsection (2) of section  
1288 320.02, Florida Statutes, is amended to read:

1289 320.02 Registration required; application for registration;  
1290 forms.-

1291 (2) (a) The application for registration shall include the  
1292 street address of the owner's permanent residence or the address  
1293 of his or her permanent place of business and shall be  
1294 accompanied by personal or business identification information.  
1295 An individual applicant must provide which may include, but need  
1296 not be limited to, a valid driver license or number, Florida  
1297 identification card issued by this state or another state or a  
1298 valid passport. A business applicant must provide a number, or  
1299 federal employer identification number, if applicable, or  
1300 verification that the business is authorized to conduct business  
1301 in the state, or a Florida city or county business license or  
1302 number.



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1303           1. If the owner does not have a permanent residence or  
1304 permanent place of business or if the owner's permanent  
1305 residence or permanent place of business cannot be identified by  
1306 a street address, the application shall include:

1307           a.1. If the vehicle is registered to a business, the name  
1308 and street address of the permanent residence of an owner of the  
1309 business, an officer of the corporation, or an employee who is  
1310 in a supervisory position.

1311           b.2. If the vehicle is registered to an individual, the  
1312 name and street address of the permanent residence of a close  
1313 relative or friend who is a resident of this state.

1314           2. If the vehicle is registered to an active duty member of  
1315 the Armed Forces of the United States who is a Florida resident,  
1316 the active duty member is exempt from the requirement to provide  
1317 the street address of a permanent residence.

1318           Section 25. Subsection (7) of section 320.03, Florida  
1319 Statutes, is amended to read:

1320           320.03 Registration; duties of tax collectors;  
1321 International Registration Plan.—

1322           (7) The Department of Highway Safety and Motor Vehicles  
1323 shall register apportionable ~~apportioned motor~~ vehicles under  
1324 the ~~provisions of the~~ International Registration Plan. The  
1325 department may adopt rules to implement and enforce the  
1326 provisions of the plan.

1327           Section 26. Section 320.05, Florida Statutes, is amended to  
1328 read:

1329           320.05 Records of the department; inspection procedure;  
1330 lists and searches; fees.—

1331           (1) Except as provided in chapter 119 and s. 320.025(3),



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1332 the department may release records as provided in this section.

1333 (2) Upon receipt of an application for the registration of  
1334 a motor vehicle, vessel, or mobile home, as herein provided for,  
1335 the department shall register the motor vehicle, vessel, or  
1336 mobile home under the distinctive number assigned to such motor  
1337 vehicle, vessel, or mobile home by the department. ~~Electronic~~  
1338 ~~registration records shall be open to the inspection of the~~  
1339 ~~public during business hours.~~

1340 (3) Information on a motor vehicle, ~~or~~ vessel, mobile home,  
1341 driver license, or crash record ~~registration~~ may not be made  
1342 available to a person unless the person requesting the  
1343 information furnishes ~~positive proof of~~ identification. The  
1344 agency ~~that furnishes a motor vehicle or vessel registration~~  
1345 ~~record~~ shall record the name and address of any person other  
1346 than a representative of a law enforcement agency who requests  
1347 and receives information from a motor vehicle ~~or~~ vessel, mobile  
1348 home, driver license, or crash ~~registration~~ record and shall  
1349 also record the name and address of the person who is the  
1350 subject of the inquiry or other information identifying the  
1351 entity about which information is requested. A record of each  
1352 ~~such~~ inquiry must be maintained for a period of 6 months from  
1353 the date upon which the information was released to the  
1354 inquirer. ~~Nothing in this section shall prohibit any financial~~  
1355 ~~institution, insurance company, motor vehicle dealer, licensee~~  
1356 ~~under chapter 493, attorney, or other agency which the~~  
1357 ~~department determines has the right to know from obtaining, for~~  
1358 ~~professional or business use only, information in such records~~  
1359 ~~from the department through any means of telecommunication~~  
1360 ~~pursuant to a code developed by the department providing all~~



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1361 ~~fees specified in subsection (3) have been paid.~~ The department  
1362 shall disclose records or information to the child support  
1363 enforcement agency to assist in the location of individuals who  
1364 owe or potentially owe support, as defined in s. 409.2554, or to  
1365 whom such an obligation is owed pursuant to Title IV-D of the  
1366 Social Security Act.

1367 ~~(4)~~<sup>(3)</sup>(a) The department is authorized, upon application of  
1368 any person and payment of the proper fees, to prepare and  
1369 furnish lists containing motor vehicle, ~~or~~ vessel, mobile home,  
1370 driver license, or crash record information in such form as the  
1371 department may authorize, to search the records of the  
1372 department and make reports thereof, and to make photographic  
1373 copies of the department records and attestations thereof.

1374 (b) The department shall charge fees for services and  
1375 documents ~~therefor shall be charged and collected~~ as follows:

1376 1. For providing lists of motor vehicle, ~~or~~ vessel, mobile  
1377 home, driver license, or crash records for the entire state, or  
1378 any part ~~or parts~~ thereof, ~~divided according to counties,~~ a sum  
1379 computed at a rate of not less than 1 cent nor more than 5 cents  
1380 per item.

1381 2. For providing ~~noncertified photographic copies of~~ motor  
1382 vehicle, ~~or~~ vessel, mobile home, or driver license supporting  
1383 documents or verification letters, \$1 per page.

1384 ~~3. For providing noncertified photographic copies of~~  
1385 ~~micrographic records, \$1 per page.~~

1386 ~~3.4.~~ For certifying records purchased under subparagraph 2.  
1387 ~~providing certified copies of motor vehicle or vessel records,~~  
1388 \$3 per record.

1389 ~~5. For providing noncertified computer-generated printouts~~





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1390 ~~of motor vehicle or vessel records, 50 cents per record.~~  
1391 ~~6. For providing certified computer-generated printouts of~~  
1392 ~~motor vehicle or vessel records, \$3 per record.~~  
1393 ~~4.7.~~ For providing electronic access to motor vehicle,  
1394 vessel, and mobile home registration data requested by tag,  
1395 vehicle identification number, title number, or decal number, 50  
1396 cents per item.  
1397 ~~5.8.~~ For providing electronic access to driver ~~driver's~~  
1398 license status report by name, sex, and date of birth or by  
1399 driver license number, 50 cents per item.  
1400 ~~6.9.~~ For providing lists of licensed mobile home dealers  
1401 and manufacturers and recreational vehicle dealers and  
1402 manufacturers, \$15 per list.  
1403 ~~7.10.~~ For providing lists of licensed motor vehicle  
1404 dealers, \$25 per list.  
1405 ~~11. For each copy of a videotape record, \$15 per tape.~~  
1406 ~~12. For each copy of the Division of Motorist Services~~  
1407 ~~Procedures Manual, \$25.~~  
1408 (c) Fees collected pursuant to paragraph (b) shall be  
1409 deposited into the Highway Safety Operating Trust Fund.  
1410 (d) The department shall furnish such information without  
1411 charge to any court or governmental entity.  
1412 (e) When motor vehicle, vessel, or mobile home registration  
1413 data is provided by electronic access through a tax collector's  
1414 office, the applicable fee as provided in paragraph (b) must be  
1415 collected and deposited pursuant to paragraph (c). However, when  
1416 such registration data is obtained through an electronic system  
1417 described in s. 320.03(10), s. 320.0609, or s. 320.131 and  
1418 results in the issuance of a title certificate or the



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1419 registration credential, such fee shall not apply.

1420       (5)~~(4)~~ The department is authorized to reproduce such  
1421 documents, records, and reports as required to meet the  
1422 requirements of the law and the needs of the public, either by  
1423 photographing, microphotographing, or reproducing on film the  
1424 document, record, or report, or by using an electronic  
1425 digitizing process capable of reproducing a true and correct  
1426 image of the original source document. The photographs,  
1427 microphotographs, or electronic digitized copy of any records  
1428 made in compliance with the provisions of this section shall  
1429 have the same force and effect as the originals thereof and  
1430 shall be treated as originals for the purpose of their  
1431 admissibility into evidence. Duly certified or authenticated  
1432 reproductions of such photographs, microphotographs, or  
1433 electronically digitized records shall be admitted into evidence  
1434 equally with the original photographs, microphotographs, or  
1435 electronically digitized records.

1436       (6)~~(5)~~ The creation and maintenance of records by the  
1437 Division of Motorist Services pursuant to this chapter shall not  
1438 be regarded as law enforcement functions of agency  
1439 recordkeeping.

1440       Section 27. Paragraph (b) of subsection (1) of section  
1441 320.071, Florida Statutes, is amended to read:

1442       320.071 Advance registration renewal; procedures.—

1443       (1)

1444       (b) The owner of any apportionable ~~apportioned motor~~  
1445 vehicle currently registered in this state under the  
1446 International Registration Plan may file an application for  
1447 renewal of registration with the department any time during the



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1448 3 months preceding the date of expiration of the registration  
1449 period.

1450 Section 28. Subsections (1) and (3) of section 320.0715,  
1451 Florida Statutes, are amended to read:

1452 320.0715 International Registration Plan; motor carrier  
1453 services; permits; retention of records.—

1454 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
1455 in this state ~~and engaged in interstate commerce~~ shall be  
1456 registered in accordance with ~~the provisions of the~~  
1457 International Registration Plan and shall display apportioned  
1458 license plates.

1459 (3) (a) If the department is unable to immediately issue the  
1460 apportioned license plate to an applicant currently registered  
1461 in this state under the International Registration Plan or to a  
1462 vehicle currently titled in this state, the department or its  
1463 designated agent may ~~is authorized to~~ issue a 60-day temporary  
1464 operational permit. The department or agent of the department  
1465 shall charge a \$3 fee and the service charge authorized by s.  
1466 320.04 for each temporary operational permit it issues.

1467 (b) The department may not ~~shall in no event~~ issue a  
1468 temporary operational permit for any apportionable ~~commercial~~  
1469 ~~motor~~ vehicle to any applicant until the applicant has shown  
1470 that:

1471 1. All sales or use taxes due on the registration of the  
1472 vehicle are paid; and

1473 2. Insurance requirements have been met in accordance with  
1474 ss. 320.02(5) and 627.7415.

1475 (c) Issuance of a temporary operational permit provides  
1476 ~~commercial motor vehicle~~ registration privileges in each



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1477 International Registration Plan member jurisdiction designated  
1478 on said permit and therefore requires payment of all applicable  
1479 registration fees and taxes due for that period of registration.

1480 (d) Application for permanent registration must be made to  
1481 the department within 10 days from issuance of a temporary  
1482 operational permit. Failure to file an application within this  
1483 10-day period may result in cancellation of the temporary  
1484 operational permit.

1485 Section 29. Subsection (1) of section 320.18, Florida  
1486 Statutes, is amended to read:

1487 320.18 Withholding registration.-

1488 (1) The department may withhold the registration of any  
1489 motor vehicle or mobile home the owner or coowner of which has  
1490 failed to register it under the provisions of law for any  
1491 previous period or periods for which it appears registration  
1492 should have been made in this state, until the tax for such  
1493 period or periods is paid. The department may cancel any vehicle  
1494 or vessel registration, driver ~~driver's~~ license, identification  
1495 card, or fuel-use tax decal if the owner or coowner pays for any  
1496 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,  
1497 identification card, or fuel-use tax decal; pays any  
1498 administrative, delinquency, or reinstatement fee; or pays any  
1499 tax liability, penalty, or interest specified in chapter 207 by  
1500 a dishonored check, or if the vehicle owner or motor carrier has  
1501 failed to pay a penalty for a weight or safety violation issued  
1502 by the Department of Transportation or the Department of Highway  
1503 Safety and Motor Vehicles. The Department of Transportation and  
1504 the Department of Highway Safety and Motor Vehicles may impound  
1505 any commercial motor vehicle that has a canceled license plate



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1506 or fuel-use tax decal until the tax liability, penalty, and  
1507 interest specified in chapter 207, the license tax, or the fuel-  
1508 use decal fee, and applicable administrative fees have been paid  
1509 for by certified funds.

1510 Section 30. Subsection (3), paragraph (a) of subsection  
1511 (4), and subsection (5) of section 320.27, Florida Statutes, are  
1512 amended to read:

1513 320.27 Motor vehicle dealers.—

1514 (3) APPLICATION AND FEE.—The application for the license  
1515 shall be in such form as may be prescribed by the department and  
1516 shall be subject to such rules with respect thereto as may be so  
1517 prescribed by it. Such application shall be verified by oath or  
1518 affirmation and shall contain a full statement of the name and  
1519 birth date of the person or persons applying therefor; the name  
1520 of the firm or copartnership, with the names and places of  
1521 residence of all members thereof, if such applicant is a firm or  
1522 copartnership; the names and places of residence of the  
1523 principal officers, if the applicant is a body corporate or  
1524 other artificial body; the name of the state under whose laws  
1525 the corporation is organized; the present and former place or  
1526 places of residence of the applicant; and prior business in  
1527 which the applicant has been engaged and the location thereof.  
1528 Such application shall describe the exact location of the place  
1529 of business and shall state whether the place of business is  
1530 owned by the applicant and when acquired, or, if leased, a true  
1531 copy of the lease shall be attached to the application. The  
1532 applicant shall certify that the location provides an adequately  
1533 equipped office and is not a residence; that the location  
1534 affords sufficient unoccupied space upon and within which



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1535 adequately to store all motor vehicles offered and displayed for  
1536 sale; and that the location is a suitable place where the  
1537 applicant can in good faith carry on such business and keep and  
1538 maintain books, records, and files necessary to conduct such  
1539 business, which shall be available at all reasonable hours to  
1540 inspection by the department or any of its inspectors or other  
1541 employees. The applicant shall certify that the business of a  
1542 motor vehicle dealer is the principal business which shall be  
1543 conducted at that location. The application shall contain a  
1544 statement that the applicant is either franchised by a  
1545 manufacturer of motor vehicles, in which case the name of each  
1546 motor vehicle that the applicant is franchised to sell shall be  
1547 included, or an independent (nonfranchised) motor vehicle  
1548 dealer. The application shall contain other relevant information  
1549 as may be required by the department, including evidence that  
1550 the applicant is insured under a garage liability insurance  
1551 policy or a general liability insurance policy coupled with a  
1552 business automobile policy, which shall include, at a minimum,  
1553 \$25,000 combined single-limit liability coverage including  
1554 bodily injury and property damage protection and \$10,000  
1555 personal injury protection. However, a salvage motor vehicle  
1556 dealer as defined in subparagraph (1)(c)5. is exempt from the  
1557 requirements for garage liability insurance and personal injury  
1558 protection insurance on those vehicles that cannot be legally  
1559 operated on roads, highways, or streets in this state. Franchise  
1560 dealers must submit a garage liability insurance policy, and all  
1561 other dealers must submit a garage liability insurance policy or  
1562 a general liability insurance policy coupled with a business  
1563 automobile policy. Such policy shall be for the license period,



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1564 and evidence of a new or continued policy shall be delivered to  
1565 the department at the beginning of each license period. Upon  
1566 making initial application, the applicant shall pay to the  
1567 department a fee of \$300 in addition to any other fees ~~now~~  
1568 required by law. Applicants may choose to extend the licensure  
1569 period for 1 additional year for a total of 2 years. An initial  
1570 applicant shall pay to the department a fee of \$300 for the  
1571 first year and \$75 for the second year, in addition to any other  
1572 fees required by law. An applicant for renewal shall pay to the  
1573 department \$75 for a 1-year renewal or \$150 for a 2-year  
1574 renewal, in addition to any other fees required by law ~~Upon~~  
1575 ~~making a subsequent renewal application, the applicant shall pay~~  
1576 ~~to the department a fee of \$75 in addition to any other fees now~~  
1577 ~~required by law.~~ Upon making an application for a change of  
1578 location, the person shall pay a fee of \$50 in addition to any  
1579 other fees now required by law. The department shall, in the  
1580 case of every application for initial licensure, verify whether  
1581 certain facts set forth in the application are true. Each  
1582 applicant, general partner in the case of a partnership, or  
1583 corporate officer and director in the case of a corporate  
1584 applicant, must file a set of fingerprints with the department  
1585 for the purpose of determining any prior criminal record or any  
1586 outstanding warrants. The department shall submit the  
1587 fingerprints to the Department of Law Enforcement for state  
1588 processing and forwarding to the Federal Bureau of Investigation  
1589 for federal processing. The actual cost of state and federal  
1590 processing shall be borne by the applicant and is in addition to  
1591 the fee for licensure. The department may issue a license to an  
1592 applicant pending the results of the fingerprint investigation,



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1593 which license is fully revocable if the department subsequently  
1594 determines that any facts set forth in the application are not  
1595 true or correctly represented.

1596 (4) LICENSE CERTIFICATE.—

1597 (a) A license certificate shall be issued by the department  
1598 in accordance with such application when the application is  
1599 regular in form and in compliance with the provisions of this  
1600 section. The license certificate may be in the form of a  
1601 document or a computerized card as determined by the department.  
1602 The actual cost of each original, additional, or replacement  
1603 computerized card shall be borne by the licensee and is in  
1604 addition to the fee for licensure. Such license, when so issued,  
1605 entitles the licensee to carry on and conduct the business of a  
1606 motor vehicle dealer. Each license issued to a franchise motor  
1607 vehicle dealer expires ~~annually~~ on December 31 of the year of  
1608 its expiration unless revoked or suspended prior to that date.  
1609 Each license issued to an independent or wholesale dealer or  
1610 auction expires ~~annually~~ on April 30 of the year of its  
1611 expiration unless revoked or suspended prior to that date. At  
1612 least ~~Not less than~~ 60 days before ~~prior to~~ the license  
1613 expiration date, the department shall deliver or mail to each  
1614 licensee the necessary renewal forms. Each independent dealer  
1615 shall certify that the dealer (owner, partner, officer, or  
1616 director of the licensee, or a full-time employee of the  
1617 licensee that holds a responsible management-level position) has  
1618 completed 8 hours of continuing education prior to filing the  
1619 renewal forms with the department. Such certification shall be  
1620 filed once every 2 years. The continuing education shall include  
1621 at least 2 hours of legal or legislative issues, 1 hour of





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1622 department issues, and 5 hours of relevant motor vehicle  
1623 industry topics. Continuing education shall be provided by  
1624 dealer schools licensed under paragraph (b) either in a  
1625 classroom setting or by correspondence. Such schools shall  
1626 provide certificates of completion to the department and the  
1627 customer which shall be filed with the license renewal form, and  
1628 such schools may charge a fee for providing continuing  
1629 education. Any licensee who does not file his or her application  
1630 and fees and any other requisite documents, as required by law,  
1631 with the department at least 30 days prior to the license  
1632 expiration date shall cease to engage in business as a motor  
1633 vehicle dealer on the license expiration date. A renewal filed  
1634 with the department within 45 days after the expiration date  
1635 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
1636 new application is required, accompanied by the initial license  
1637 fee. A license certificate duly issued by the department may be  
1638 modified by endorsement to show a change in the name of the  
1639 licensee, provided, as shown by affidavit of the licensee, the  
1640 majority ownership interest of the licensee has not changed or  
1641 the name of the person appearing as franchisee on the sales and  
1642 service agreement has not changed. Modification of a license  
1643 certificate to show any name change as herein provided shall not  
1644 require initial licensure or reissuance of dealer tags; however,  
1645 any dealer obtaining a name change shall transact all business  
1646 in and be properly identified by that name. All documents  
1647 relative to licensure shall reflect the new name. In the case of  
1648 a franchise dealer, the name change shall be approved by the  
1649 manufacturer, distributor, or importer. A licensee applying for  
1650 a name change endorsement shall pay a fee of \$25 which fee shall



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1651 apply to the change in the name of a main location and all  
1652 additional locations licensed under the provisions of subsection  
1653 (5). Each initial license application received by the department  
1654 shall be accompanied by verification that, within the preceding  
1655 6 months, the applicant, or one or more of his or her designated  
1656 employees, has attended a training and information seminar  
1657 conducted by a licensed motor vehicle dealer training school.  
1658 Any applicant for a new franchised motor vehicle dealer license  
1659 who has held a valid franchised motor vehicle dealer license  
1660 continuously for the past 2 years and who remains in good  
1661 standing with the department is exempt from the prelicensing  
1662 training requirement. Such seminar shall include, but is not  
1663 limited to, statutory dealer requirements, which requirements  
1664 include required bookkeeping and recordkeeping procedures,  
1665 requirements for the collection of sales and use taxes, and such  
1666 other information that in the opinion of the department will  
1667 promote good business practices. No seminar may exceed 8 hours  
1668 in length.

1669 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this  
1670 section hereunder shall obtain a supplemental license for each  
1671 permanent additional place or places of business not contiguous  
1672 to the premises for which the original license is issued, on a  
1673 form to be furnished by the department, and upon payment of a  
1674 fee of \$50 for each such additional location. Applicants may  
1675 choose to extend the licensure period for 1 additional year for  
1676 a total of 2 years. The applicant shall pay to the department a  
1677 fee of \$50 for the first year and \$50 for the second year for  
1678 each such additional location. Thereafter, the applicant shall  
1679 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for



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1680 each such additional location ~~Upon making renewal applications~~  
1681 ~~for such supplemental licenses, such applicant shall pay \$50 for~~  
1682 ~~each additional location.~~ A supplemental license authorizing  
1683 off-premises sales shall be issued, at no charge to the dealer,  
1684 for a period not to exceed 10 consecutive calendar days. To  
1685 obtain such a temporary supplemental license for off-premises  
1686 sales, the applicant must be a licensed dealer; must notify the  
1687 applicable local department office of the specific dates and  
1688 location for which such license is requested, display a sign at  
1689 the licensed location clearly identifying the dealer, and  
1690 provide staff to work at the temporary location for the duration  
1691 of the off-premises sale; must meet any local government  
1692 permitting requirements; and must have permission of the  
1693 property owner to sell at that location. In the case of an off-  
1694 premises sale by a motor vehicle dealer licensed under  
1695 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
1696 applicant must also include documentation notifying the  
1697 applicable licensee licensed under s. 320.61 of the intent to  
1698 engage in an off-premises sale 5 working days prior to the date  
1699 of the off-premises sale. The licensee shall either approve or  
1700 disapprove of the off-premises sale within 2 working days after  
1701 receiving notice; otherwise, it will be deemed approved. This  
1702 section does not apply to a nonselling motor vehicle show or  
1703 public display of new motor vehicles.

1704 Section 31. Section 320.62, Florida Statutes, is amended to  
1705 read:

1706 320.62 Licenses; amount; disposition of proceeds.—The  
1707 initial license for each manufacturer, distributor, or importer  
1708 shall be \$300 and shall be in addition to all other licenses or



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1709 taxes ~~now or hereafter~~ levied, assessed, or required of the  
1710 applicant or licensee. Applicants may choose to extend the  
1711 licensure period for 1 additional year for a total of 2 years.  
1712 An initial applicant shall pay to the department a fee of \$300  
1713 for the first year and \$100 for the second year. An applicant  
1714 for a renewal license shall pay \$100 to the department for a 1-  
1715 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~  
1716 ~~license fee shall be \$100.~~ The proceeds from all licenses under  
1717 ss. 320.60-320.70 shall be paid into the State Treasury to the  
1718 credit of the General Revenue Fund. All licenses shall be  
1719 payable on or before October 1 of the each year and shall  
1720 expire, unless sooner revoked or suspended, on ~~the following~~  
1721 September 30 of the year of its expiration.

1722 Section 32. Subsections (4) and (6) of section 320.77,  
1723 Florida Statutes, are amended to read:

1724 320.77 License required of mobile home dealers.-

1725 (4) FEES.-Upon making initial application, the applicant  
1726 shall pay to the department a fee of \$300 in addition to any  
1727 other fees ~~now~~ required by law. Applicants may choose to extend  
1728 the licensure period for 1 additional year for a total of 2  
1729 years. An initial applicant shall pay to the department a fee of  
1730 \$300 for the first year and \$100 for the second year in addition  
1731 to any other fees required by law. An applicant for a renewal  
1732 license shall pay to the department \$100 for a 1-year renewal or  
1733 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
1734 ~~be \$100.~~ The fee for application for change of location shall be  
1735 \$25. Any applicant for renewal who has failed to submit his or  
1736 her renewal application by October 1 of the year of its current  
1737 license expiration shall pay a renewal application fee equal to



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1738 the original application fee. No fee is refundable. All fees  
1739 shall be deposited into the General Revenue Fund.

1740 (6) LICENSE CERTIFICATE.—A license certificate shall be  
1741 issued by the department in accordance with the application when  
1742 the same is regular in form and in compliance with the  
1743 provisions of this section. The license certificate may be in  
1744 the form of a document or a computerized card as determined by  
1745 the department. The cost of each original, additional, or  
1746 replacement computerized card shall be borne by the licensee and  
1747 is in addition to the fee for licensure. The fees charged  
1748 applicants for both the required background investigation and  
1749 the computerized card as provided in this section shall be  
1750 deposited into the Highway Safety Operating Trust Fund. The  
1751 license, when so issued, shall entitle the licensee to carry on  
1752 and conduct the business of a mobile home dealer at the location  
1753 set forth in the license for a period of 1 or 2 years beginning  
1754 ~~year from~~ October 1 preceding the date of issuance. Each initial  
1755 application received by the department shall be accompanied by  
1756 verification that, within the preceding 6 months, the applicant  
1757 or one or more of his or her designated employees has attended a  
1758 training and information seminar conducted by the department or  
1759 by a public or private provider approved by the department. Such  
1760 seminar shall include, but not be limited to, statutory dealer  
1761 requirements, which requirements include required bookkeeping  
1762 and recording procedures, requirements for the collection of  
1763 sales and use taxes, and such other information that in the  
1764 opinion of the department will promote good business practices.

1765 Section 33. Subsections (4) and (6) of section 320.771,  
1766 Florida Statutes, are amended to read:



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1767           320.771 License required of recreational vehicle dealers.-  
1768           (4) FEES.—Upon making initial application, the applicant  
1769 shall pay to the department a fee of \$300 in addition to any  
1770 other fees ~~now~~ required by law. Applicants may choose to extend  
1771 the licensure period for 1 additional year for a total of 2  
1772 years. An initial applicant shall pay to the department a fee of  
1773 \$300 for the first year and \$100 for the second year in addition  
1774 to any other fees required by law. An applicant for a renewal  
1775 license shall pay to the department \$100 for a 1-year renewal or  
1776 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
1777 ~~be \$100.~~ The fee for application for change of location shall be  
1778 \$25. Any applicant for renewal who has failed to submit his or  
1779 her renewal application by October 1 of the year of its current  
1780 license expiration shall pay a renewal application fee equal to  
1781 the original application fee. No fee is refundable. All fees  
1782 shall be deposited into the General Revenue Fund.

1783           (6) LICENSE CERTIFICATE.—A license certificate shall be  
1784 issued by the department in accordance with the application when  
1785 the same is regular in form and in compliance with the  
1786 provisions of this section. The license certificate may be in  
1787 the form of a document or a computerized card as determined by  
1788 the department. The cost of each original, additional, or  
1789 replacement computerized card shall be borne by the licensee and  
1790 is in addition to the fee for licensure. The fees charged  
1791 applicants for both the required background investigation and  
1792 the computerized card as provided in this section shall be  
1793 deposited into the Highway Safety Operating Trust Fund. The  
1794 license, when so issued, shall entitle the licensee to carry on  
1795 and conduct the business of a recreational vehicle dealer at the



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1796 location set forth in the license for a period of 1 or 2 years  
1797 ~~year~~ from October 1 preceding the date of issuance. Each initial  
1798 application received by the department shall be accompanied by  
1799 verification that, within the preceding 6 months, the applicant  
1800 or one or more of his or her designated employees has attended a  
1801 training and information seminar conducted by the department or  
1802 by a public or private provider approved by the department. Such  
1803 seminar shall include, but not be limited to, statutory dealer  
1804 requirements, which requirements include required bookkeeping  
1805 and recording procedures, requirements for the collection of  
1806 sales and use taxes, and such other information that in the  
1807 opinion of the department will promote good business practices.

1808 Section 34. Subsections (3) and (6) of section 320.8225,  
1809 Florida Statutes, are amended to read:

1810 320.8225 Mobile home and recreational vehicle manufacturer,  
1811 distributor, and importer license.—

1812 (3) FEES.—Upon submitting an initial application, the  
1813 applicant shall pay to the department a fee of \$300. Applicants  
1814 may choose to extend the licensure period for 1 additional year  
1815 for a total of 2 years. An initial applicant shall pay to the  
1816 department a fee of \$300 for the first year and \$100 for the  
1817 second year. An applicant for a renewal license shall pay to the  
1818 department \$100 for a 1-year renewal or \$200 for a 2-year  
1819 renewal ~~Upon submitting a renewal application, the applicant~~  
1820 ~~shall pay to the department a fee of \$100.~~ Any applicant for  
1821 renewal who fails to submit his or her renewal application by  
1822 October 1 of the year of its current license expiration shall  
1823 pay a renewal application fee equal to the original application  
1824 fee. No fee is refundable. All fees must be deposited into the



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1825 General Revenue Fund.

1826 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home  
1827 manufacturer or a recreational vehicle manufacturer,  
1828 distributor, or importer entitles the licensee to conduct  
1829 business for a period of 1 or 2 years beginning year from  
1830 October 1 preceding the date of issuance.

1831 Section 35. Section 322.095, Florida Statutes, is amended  
1832 to read:

1833 322.095 Traffic law and substance abuse education program  
1834 for driver ~~driver's~~ license applicants.—

1835 (1) Each applicant for a driver license must complete a  
1836 traffic law and substance abuse education course, unless the  
1837 applicant has been licensed in another jurisdiction or has  
1838 satisfactorily completed a Department of Education driver  
1839 education course offered pursuant to s. 1003.48.

1840 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles  
1841 must approve traffic law and substance abuse education courses,  
1842 including courses that use communications technology as the  
1843 delivery method.

1844 (a) In addition to the course approval criteria provided in  
1845 this section, initial approval of traffic law and substance  
1846 abuse education courses shall be based on the department's  
1847 review of all course materials which must be designed to promote  
1848 safety, education, and driver awareness; course presentation to  
1849 the department by the provider; and the provider's plan for  
1850 effective oversight of the course by those who deliver the  
1851 course in the state.

1852 (b) Each course provider seeking approval of a traffic law  
1853 and substance abuse education course must submit:





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1854           1. Proof of ownership, copyright, or written permission  
1855 from the course owner to use the course in the state that must  
1856 be completed by applicants for a Florida driver's license.

1857           2. The curriculum curricula for the courses which must  
1858 promote motorcyclist, bicyclist, and pedestrian safety and  
1859 provide instruction on the physiological and psychological  
1860 consequences of the abuse of alcohol and other drugs; the  
1861 societal and economic costs of alcohol and drug abuse; the  
1862 effects of alcohol and drug abuse on the driver of a motor  
1863 vehicle; and the laws of this state relating to the operation  
1864 of a motor vehicle; the risk factors involved in driver attitude  
1865 and irresponsible driver behaviors, such as speeding, reckless  
1866 driving, and running red lights and stop signs; and the results  
1867 of the use of electronic devices while driving. All instructors  
1868 teaching the courses shall be certified by the department.

1869           ~~(3)(2) The department shall contract for an independent~~  
1870 ~~evaluation of the courses. Local DUI programs authorized under~~  
1871 ~~s. 316.193(5) and certified by the department or a driver~~  
1872 ~~improvement school may offer a traffic law and substance abuse~~  
1873 ~~education course. However, Prior to offering the course, the~~  
1874 ~~course provider must obtain certification from the department~~  
1875 ~~that the course complies with the requirements of this section.~~  
1876 If the course is offered in a classroom setting, the course  
1877 provider and any schools authorized by the provider to teach the  
1878 course must offer the approved course at locations that are free  
1879 from distractions and reasonably accessible to most applicants  
1880 and must issue a certificate to those persons successfully  
1881 completing the course.

1882           ~~(3) The completion of a course does not qualify a person~~



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1883 ~~for the reinstatement of a driver's license which has been~~  
1884 ~~suspended or revoked.~~

1885 ~~(4) The fee charged by the course provider must bear a~~  
1886 ~~reasonable relationship to the cost of the course. The~~  
1887 ~~department must conduct financial audits of course providers~~  
1888 ~~conducting the education courses required under this section or~~  
1889 ~~require that financial audits of providers be performed, at the~~  
1890 ~~expense of the provider, by a certified public accountant.~~

1891 ~~(5) The provisions of this section do not apply to any~~  
1892 ~~person who has been licensed in any other jurisdiction or who~~  
1893 ~~has satisfactorily completed a Department of Education driver's~~  
1894 ~~education course offered pursuant to s. 1003.48.~~

1895 ~~(4)-(6) In addition to a regular course fee, an assessment~~  
1896 ~~fee in the amount of \$3 shall be collected by the school from~~  
1897 ~~each person who attends a course. The course provider must remit~~  
1898 ~~the \$3 assessment fee to the department for deposit into the~~  
1899 ~~Highway Safety Operating Trust Fund in order to receive a unique~~  
1900 ~~course completion certificate number for the student. Each~~  
1901 ~~course provider must collect a \$3 assessment fee in addition to~~  
1902 ~~the enrollment fee charged to participants of the traffic law~~  
1903 ~~and substance abuse course required under this section. The \$3~~  
1904 ~~assessment fee collected by the course provider must be~~  
1905 ~~forwarded to the department within 30 days after receipt of the~~  
1906 ~~assessment.~~

1907 ~~(5)-(7) The department may ~~is authorized to~~ maintain the~~  
1908 ~~information and records necessary to administer its duties and~~  
1909 ~~responsibilities for the program. Course providers are required~~  
1910 ~~to maintain all records pertinent to the conduct of their~~  
1911 ~~approved courses for 5 years and allow the department to inspect~~



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1912 such records as necessary. Records may be maintained in an  
1913 electronic format. If ~~Where~~ such information is a public record  
1914 as defined in chapter 119, it shall be made available to the  
1915 public upon request pursuant to s. 119.07(1). ~~The department~~  
1916 ~~shall approve and regulate courses that use technology as the~~  
1917 ~~delivery method of all traffic law and substance abuse education~~  
1918 ~~courses as the courses relate to this section.~~

1919 (6) The department shall design, develop, implement, and  
1920 conduct effectiveness studies on each delivery method of all  
1921 courses approved pursuant to this section on a recurring 3-year  
1922 basis. At a minimum, studies shall be conducted on the  
1923 effectiveness of each course in reducing DUI citations and  
1924 decreasing moving traffic violations or collision recidivism.  
1925 Upon notification that a course has failed an effectiveness  
1926 study, the course provider shall immediately cease offering the  
1927 course in the state.

1928 (7) Courses approved under this section must be updated at  
1929 the department's request. Failure of a course provider to update  
1930 the course within 90 days after the department's request shall  
1931 result in the suspension of the course approval until such time  
1932 that the updates are submitted and approved by the department.

1933 (8) Each course provider shall ensure that its driver  
1934 improvement schools are conducting the approved courses fully,  
1935 to the required time limits, and with the content requirements  
1936 specified by the department. The course provider shall ensure  
1937 that only department-approved instructional materials are used  
1938 in the presentation of the course, and that all driver  
1939 improvement schools conducting the course do so in a manner that  
1940 maximizes its impact and effectiveness. The course provider



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1941 shall ensure that any student who is unable to attend or  
1942 complete a course due to action, error, or omission on the part  
1943 of the course provider or driver improvement school conducting  
1944 the course shall be accommodated to permit completion of the  
1945 course at no additional cost.

1946 (9) Traffic law and substance abuse education courses shall  
1947 be conducted with a minimum of 4 hours devoted to course content  
1948 minus a maximum of 30 minutes allotted for breaks.

1949 (10) A course provider may not require any student to  
1950 purchase a course completion certificate. Course providers  
1951 offering paper or electronic certificates for purchase must  
1952 clearly convey to the student that this purchase is optional,  
1953 that the only valid course completion certificate is the  
1954 electronic one that is entered into the department's Driver  
1955 Improvement Certificate Issuance System, and that paper  
1956 certificates are not acceptable for any licensing purpose.

1957 (11) Course providers and all associated driver improvement  
1958 schools that offer approved courses shall disclose all fees  
1959 associated with the course and shall not charge any fees that  
1960 are not clearly listed during the registration process.

1961 (12) Course providers shall submit course completion  
1962 information to the department through the department's Driver  
1963 Improvement Certificate Issuance System within 5 days. The  
1964 submission shall be free of charge to the student.

1965 (13) The department may deny, suspend, or revoke course  
1966 approval upon proof that the course provider:

1967 (a) Violated this section.

1968 (b) Has been convicted of a crime involving any drug-  
1969 related or DUI-related offense, a felony, fraud, or a crime



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1970 directly related to the personal safety of a student.  
1971 (c) Failed to satisfy the effectiveness criteria as  
1972 outlined in subsection (6).  
1973 (d) Obtained course approval by fraud or misrepresentation.  
1974 (e) Obtained or assisted a person in obtaining any driver  
1975 license by fraud or misrepresentation.  
1976 (f) Conducted a traffic law and substance abuse education  
1977 course in the state while approval of such course was under  
1978 suspension or revocation.  
1979 (g) Failed to provide effective oversight of those who  
1980 deliver the course in the state.  
1981 (14) The department shall not accept certificates from  
1982 students who take a course after the course has been suspended  
1983 or revoked.  
1984 (15) A person who has been convicted of a crime involving  
1985 any drug-related or DUI-related offense in the past 5 years, a  
1986 felony, fraud, or a crime directly related to the personal  
1987 safety of a student shall not be allowed to conduct traffic law  
1988 and substance abuse education courses.  
1989 (16) The department shall summarily suspend approval of any  
1990 course without preliminary hearing for the purpose of protecting  
1991 the public safety and enforcing any provision of law governing  
1992 traffic law and substance abuse education courses.  
1993 (17) Except as otherwise provided in this section, before  
1994 final department action denying, suspending, or revoking  
1995 approval of a course, the course provider shall have the  
1996 opportunity to request either a formal or informal  
1997 administrative hearing to show cause why the action should not  
1998 be taken.



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1999           (18) The department may levy and collect a civil fine of at  
2000 least \$1,000 but not more than \$5,000 for each violation of this  
2001 section. Proceeds from fines collected shall be deposited into  
2002 the Highway Safety Operating Trust Fund and used to cover the  
2003 cost of administering this section or promoting highway safety  
2004 initiatives.

2005           Section 36. Subsection (1) of section 322.125, Florida  
2006 Statutes, is amended to read:

2007           322.125 Medical Advisory Board.—

2008           (1) There shall be a Medical Advisory Board composed of not  
2009 fewer than 12 or more than 25 members, at least one of whom must  
2010 be 60 years of age or older and all but one of whose medical and  
2011 other specialties must relate to driving abilities, which number  
2012 must include a doctor of medicine who is employed by the  
2013 Department of Highway Safety and Motor Vehicles in Tallahassee,  
2014 who shall serve as administrative officer for the board. The  
2015 executive director of the Department of Highway Safety and Motor  
2016 Vehicles shall recommend persons to serve as board members.  
2017 Every member but two must be a doctor of medicine licensed to  
2018 practice medicine in this or any other state ~~and must be a~~  
2019 ~~member in good standing of the Florida Medical Association or~~  
2020 ~~the Florida Osteopathic Association.~~ One member must be an  
2021 optometrist licensed to practice optometry in this state ~~and~~  
2022 ~~must be a member in good standing of the Florida Optometric~~  
2023 ~~Association.~~ One member must be a chiropractic physician  
2024 licensed to practice chiropractic medicine in this state.  
2025 Members shall be approved by the Cabinet and shall serve 4-year  
2026 staggered terms. The board membership must, to the maximum  
2027 extent possible, consist of equal representation of the



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2028 disciplines of the medical community treating the mental or  
2029 physical disabilities that could affect the safe operation of  
2030 motor vehicles.

2031 Section 37. Subsection (4) of section 322.135, Florida  
2032 Statutes, is amended to read:

2033 322.135 Driver ~~Driver's~~ license agents.—

2034 (4) A tax collector may not issue or renew a driver  
2035 ~~driver's~~ license if he or she has any reason to believe that the  
2036 licensee or prospective licensee is physically or mentally  
2037 unqualified to operate a motor vehicle. ~~The tax collector may~~  
2038 ~~direct any such licensee to the department for examination or~~  
2039 ~~reexamination under s. 322.221.~~

2040 Section 38. Section 322.143, Florida Statutes, is created  
2041 to read:

2042 322.143 Use of a driver license or identification card.—

2043 (1) As used in this section, the term:

2044 (a) "Personal information" means an individual's name,  
2045 address, date of birth, driver license number, or identification  
2046 card number.

2047 (b) "Private entity" means any nongovernmental entity, such  
2048 as a corporation, partnership, company or nonprofit  
2049 organization, any other legal entity, or any natural person.

2050 (c) "Swipe" means the act of passing a driver license or  
2051 identification card through a device that is capable of  
2052 deciphering, in an electronically readable format, the  
2053 information electronically encoded in a magnetic strip or bar  
2054 code on the driver license or identification card.

2055 (2) Except as provided in subsection (6), a private entity  
2056 may not swipe an individual's driver license or identification



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2057 card, except for the following purposes:

2058 (a) To verify the authenticity of a driver license or  
2059 identification card or to verify the identity of the individual  
2060 if the individual pays for a good or service with a method other  
2061 than cash, returns an item, or requests a refund.

2062 (b) To verify the individual's age when providing an age-  
2063 restricted good or service to a person about whom there is any  
2064 reasonable doubt of the person's having reached 21 years of age.

2065 (c) To prevent fraud or other criminal activity if an  
2066 individual returns an item or requests a refund and the private  
2067 entity uses a fraud prevention service company or system.

2068 (d) To transmit information to a check services company for  
2069 the purpose of approving negotiable instruments, electronic  
2070 funds transfers, or similar methods of payment.

2071 (3) A private entity that swipes an individual's driver  
2072 license or identification card under paragraph (2) (a) or  
2073 paragraph (2) (b) may not store, sell, or share personal  
2074 information collected from swiping the driver license or  
2075 identification card.

2076 (4) A private entity that swipes an individual's driver  
2077 license or identification card under paragraph (2) (c) or  
2078 paragraph (2) (d) may store or share personal information  
2079 collected from swiping an individual's driver license or  
2080 identification card for the purpose of preventing fraud or other  
2081 criminal activity against the private entity.

2082 (5) (a) A person other than an entity regulated by the  
2083 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who  
2084 receives personal information from a private entity under  
2085 subsection (4) may use the personal information received only to





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2086 prevent fraud or other criminal activity against the private  
2087 entity that provided the personal information.

2088 (b) A person who is regulated by the federal Fair Credit  
2089 Reporting Act and who receives personal information from a  
2090 private entity under subsection (4) may use or provide the  
2091 personal information received only to effect, administer, or  
2092 enforce a transaction or prevent fraud or other criminal  
2093 activity, if the person provides or receives personal  
2094 information under contract from the private entity.

2095 (6) (a) An individual may consent to allow the private  
2096 entity to swipe the individual's driver license or  
2097 identification card to collect and store personal information.  
2098 However, the individual must be informed what information is  
2099 collected and the purpose or purposes for which it will be used.

2100 (b) If the individual does not want the private entity to  
2101 swipe the individual's driver license or identification card,  
2102 the private entity may manually collect personal information  
2103 from the individual.

2104 (7) The private entity may not withhold the provision of  
2105 goods or services solely as a result of the individual  
2106 requesting the collection of the data in subsection (6) from the  
2107 individual through manual means.

2108 (8) In addition to any other remedy provided by law, an  
2109 individual may bring an action to recover actual damages and to  
2110 obtain equitable relief, if equitable relief is available,  
2111 against an entity that swipes, stores, shares, sells, or  
2112 otherwise uses the individuals personal information in violation  
2113 of this section. If a court finds that a violation of this  
2114 section was willful or knowing, the court may increase the



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2115 amount of the award to no more than three times the amount  
2116 otherwise available.

2117 Section 39. Paragraph (a) of subsection (5) of section  
2118 322.18, Florida Statutes, is amended to read:

2119 322.18 Original applications, licenses, and renewals;  
2120 expiration of licenses; delinquent licenses.—

2121 (5) All renewal driver ~~driver's~~ licenses may be issued  
2122 after the applicant licensee has been determined to be eligible  
2123 by the department.

2124 (a) A licensee who is otherwise eligible for renewal and  
2125 who is at least 80 years of age:

2126 1. Must submit to and pass a vision test administered at  
2127 any driver ~~driver's~~ license office; or

2128 2. If the licensee applies for a renewal using a  
2129 convenience service as provided in subsection (8), he or she  
2130 must submit to a vision test administered by a doctor of  
2131 medicine or a doctor of osteopathy licensed to practice medicine  
2132 in any state or an optometrist licensed to practice optometry in  
2133 any state ~~physician licensed under chapter 458 or chapter 459,~~  
2134 ~~an optometrist licensed under chapter 463, or a licensed~~  
2135 ~~physician at a federally established veterans' hospital;~~ must  
2136 send the results of that test to the department on a form  
2137 obtained from the department and signed by such health care  
2138 practitioner; and must meet vision standards that are equivalent  
2139 to the standards for passing the departmental vision test. The  
2140 physician or optometrist may submit the results of a vision test  
2141 by a department-approved electronic means.

2142 Section 40. Subsection (1) of section 322.21, Florida  
2143 Statutes, is amended to read:



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2144           322.21 License fees; procedure for handling and collecting  
2145 fees.-

2146           (1) Except as otherwise provided herein, the fee for:

2147           (a) An original or renewal commercial driver ~~driver's~~  
2148 license is \$75, which shall include the fee for driver education  
2149 provided by s. 1003.48. However, if an applicant has completed  
2150 training and is applying for employment or is currently employed  
2151 in a public or nonpublic school system that requires the  
2152 commercial license, the fee is the same as for a Class E driver  
2153 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a  
2154 renewal within 12 months after the license expiration date.

2155           (b) An original Class E driver ~~driver's~~ license is \$48,  
2156 which includes the fee for driver ~~driver's~~ education provided by  
2157 s. 1003.48. However, if an applicant has completed training and  
2158 is applying for employment or is currently employed in a public  
2159 or nonpublic school system that requires a commercial driver  
2160 license, the fee is the same as for a Class E license.

2161           (c) The renewal or extension of a Class E driver ~~driver's~~  
2162 license or of a license restricted to motorcycle use only is  
2163 \$48, except that a delinquent fee of \$15 shall be added for a  
2164 renewal or extension made within 12 months after the license  
2165 expiration date. The fee provided in this paragraph includes the  
2166 fee for driver ~~driver's~~ education provided by s. 1003.48.

2167           (d) An original driver ~~driver's~~ license restricted to  
2168 motorcycle use only is \$48, which includes the fee for driver  
2169 ~~driver's~~ education provided by s. 1003.48.

2170           (e) A replacement driver ~~driver's~~ license issued pursuant  
2171 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into  
2172 the Highway Safety Operating Trust Fund and \$18 shall be



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2173 deposited into the General Revenue Fund. Beginning July 1, 2015,  
2174 or upon completion of the transition of driver ~~driver's~~ license  
2175 issuance services, if the replacement driver ~~driver's~~ license is  
2176 issued by the tax collector, the tax collector shall retain the  
2177 \$7 that would otherwise be deposited into the Highway Safety  
2178 Operating Trust Fund and the remaining revenues shall be  
2179 deposited into the General Revenue Fund.

2180 (f) An original, renewal, or replacement identification  
2181 card issued pursuant to s. 322.051 is \$25. Funds collected from  
2182 these fees shall be distributed as follows:

2183 1. For an original identification card issued pursuant to  
2184 s. 322.051 the fee is \$25. This amount shall be deposited into  
2185 the General Revenue Fund.

2186 2. For a renewal identification card issued pursuant to s.  
2187 322.051 the fee is \$25. Of this amount, \$6 shall be deposited  
2188 into the Highway Safety Operating Trust Fund and \$19 shall be  
2189 deposited into the General Revenue Fund.

2190 3. For a replacement identification card issued pursuant to  
2191 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited  
2192 into the Highway Safety Operating Trust Fund and \$16 shall be  
2193 deposited into the General Revenue Fund. Beginning July 1, 2015,  
2194 or upon completion of the transition of the driver ~~driver's~~  
2195 license issuance services, if the replacement identification  
2196 card is issued by the tax collector, the tax collector shall  
2197 retain the \$9 that would otherwise be deposited into the Highway  
2198 Safety Operating Trust Fund and the remaining revenues shall be  
2199 deposited into the General Revenue Fund.

2200 (g) Each endorsement required by s. 322.57 is \$7.

2201 (h) A hazardous-materials endorsement, as required by s.



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2202 322.57(1)(d), shall be set by the department by rule and must  
2203 reflect the cost of the required criminal history check,  
2204 including the cost of the state and federal fingerprint check,  
2205 and the cost to the department of providing and issuing the  
2206 license. The fee shall not exceed \$100. This fee shall be  
2207 deposited in the Highway Safety Operating Trust Fund. The  
2208 department may adopt rules to administer this section.

2209 (i) The specialty driver license or identification card  
2210 issued pursuant to s. 322.1415 is \$25, which is in addition to  
2211 other fees required in this section. The fee shall be  
2212 distributed as follows:

2213 1. Fifty percent shall be distributed as provided in s.  
2214 320.08058 to the appropriate state or independent university,  
2215 professional sports team, or branch of the United States Armed  
2216 Forces.

2217 2. Fifty percent shall be distributed to the department for  
2218 costs directly related to the specialty driver license and  
2219 identification card program and to defray the costs associated  
2220 with production enhancements and distribution.

2221 Section 41. Subsection (7) of section 322.212, Florida  
2222 Statutes, is amended to read:

2223 322.212 Unauthorized possession of, and other unlawful acts  
2224 in relation to, driver ~~driver's~~ license or identification card.-

2225 (7) In addition to any other penalties provided by this  
2226 section, any person who provides false information when applying  
2227 for a commercial driver ~~driver's~~ license or commercial learner's  
2228 permit or is convicted of fraud in connection with testing for a  
2229 commercial driver license or commercial learner's permit shall  
2230 be disqualified from operating a commercial motor vehicle for a



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2231 period of 1 year ~~60 days~~.

2232 Section 42. Subsection (1) of section 322.22, Florida  
2233 Statutes, is amended to read:

2234 322.22 Authority of department to cancel or refuse to issue  
2235 or renew license.-

2236 (1) The department may ~~is authorized to~~ cancel or withhold  
2237 issuance or renewal of any driver ~~driver's~~ license, upon  
2238 determining that the licensee was not entitled to the issuance  
2239 thereof, or that the licensee failed to give the required or  
2240 correct information in his or her application or committed any  
2241 fraud in making such application, or that the licensee has two  
2242 or more licenses on file with the department, each in a  
2243 different name but bearing the photograph of the licensee,  
2244 unless the licensee has complied with the requirements of this  
2245 chapter in obtaining the licenses. The department may cancel or  
2246 withhold issuance or renewal of any driver ~~driver's~~ license,  
2247 identification card, vehicle or vessel registration, or fuel-use  
2248 decal if the licensee fails to pay the correct fee or pays for  
2249 any driver ~~the driver's~~ license, identification card, vehicle or  
2250 vessel registration, or fuel-use decal; pays any tax liability,  
2251 penalty, or interest specified in chapter 207; or pays any  
2252 administrative, delinquency, or reinstatement fee by a  
2253 dishonored check.

2254 Section 43. Subsection (3) of section 322.245, Florida  
2255 Statutes, is amended to read:

2256 322.245 Suspension of license upon failure of person  
2257 charged with specified offense under chapter 316, chapter 320,  
2258 or this chapter to comply with directives ordered by traffic  
2259 court or upon failure to pay child support in non-IV-D cases as



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2260 provided in chapter 61 or failure to pay any financial  
2261 obligation in any other criminal case.-

2262 (3) If the person fails to comply with the directives of  
2263 the court within the 30-day period, or, in non-IV-D cases, fails  
2264 to comply with the requirements of s. 61.13016 within the period  
2265 specified in that statute, the depository or the clerk of the  
2266 court shall electronically notify the department of such failure  
2267 within 10 days. Upon electronic receipt of the notice, the  
2268 department shall immediately issue an order suspending the  
2269 person's driver ~~driver's~~ license and privilege to drive  
2270 effective 20 days after the date the order of suspension is  
2271 mailed in accordance with s. 322.251(1), (2), and (6).

2272 Section 44. Subsection (7) of section 322.25, Florida  
2273 Statutes, is amended to read:

2274 322.25 When court to forward license to department and  
2275 report convictions; temporary reinstatement of driving  
2276 privileges.-

2277 ~~(7) Any licensed driver convicted of driving, or being in~~  
2278 ~~the actual physical control of, a vehicle within this state~~  
2279 ~~while under the influence of alcoholic beverages, any chemical~~  
2280 ~~substance set forth in s. 877.111, or any substance controlled~~  
2281 ~~under chapter 893, when affected to the extent that his or her~~  
2282 ~~normal faculties are impaired, and whose license and driving~~  
2283 ~~privilege have been revoked as provided in subsection (1) may be~~  
2284 ~~issued a court order for reinstatement of a driving privilege on~~  
2285 ~~a temporary basis; provided that, as a part of the penalty, upon~~  
2286 ~~conviction, the defendant is required to enroll in and complete~~  
2287 ~~a driver improvement course for the rehabilitation of drinking~~  
2288 ~~drivers and the driver is otherwise eligible for reinstatement~~



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2289 ~~of the driving privilege as provided by s. 322.282. The court~~  
2290 ~~order for reinstatement shall be on a form provided by the~~  
2291 ~~department and must be taken by the person convicted to a~~  
2292 ~~Florida driver's license examining office, where a temporary~~  
2293 ~~driving permit may be issued. The period of time for which a~~  
2294 ~~temporary permit issued in accordance with this subsection is~~  
2295 ~~valid shall be deemed to be part of the period of revocation~~  
2296 ~~imposed by the court.~~

2297 Section 45. Section 322.2615, Florida Statutes, is amended  
2298 to read:

2299 322.2615 Suspension of license; right to review.-

2300 (1) (a) A law enforcement officer or correctional officer  
2301 shall, on behalf of the department, suspend the driving  
2302 privilege of a person who is driving or in actual physical  
2303 control of a motor vehicle and who has an unlawful blood-alcohol  
2304 level or breath-alcohol level of 0.08 or higher, or of a person  
2305 who has refused to submit to a urine test or a test of his or  
2306 her breath-alcohol or blood-alcohol level. The officer shall  
2307 take the person's driver ~~driver's~~ license and issue the person a  
2308 10-day temporary permit if the person is otherwise eligible for  
2309 the driving privilege and shall issue the person a notice of  
2310 suspension. If a blood test has been administered, the officer  
2311 or the agency employing the officer shall transmit such results  
2312 to the department within 5 days after receipt of the results. If  
2313 the department then determines that the person had a blood-  
2314 alcohol level or breath-alcohol level of 0.08 or higher, the  
2315 department shall suspend the person's driver ~~driver's~~ license  
2316 pursuant to subsection (3).

2317 (b) The suspension under paragraph (a) shall be pursuant





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2318 to, and the notice of suspension shall inform the driver of, the  
2319 following:

2320 1.a. The driver refused to submit to a lawful breath,  
2321 blood, or urine test and his or her driving privilege is  
2322 suspended for a period of 1 year for a first refusal or for a  
2323 period of 18 months if his or her driving privilege has been  
2324 previously suspended as a result of a refusal to submit to such  
2325 a test; or

2326 b. The driver was driving or in actual physical control of  
2327 a motor vehicle and had an unlawful blood-alcohol level or  
2328 breath-alcohol level of 0.08 or higher and his or her driving  
2329 privilege is suspended for a period of 6 months for a first  
2330 offense or for a period of 1 year if his or her driving  
2331 privilege has been previously suspended under this section.

2332 2. The suspension period shall commence on the date of  
2333 issuance of the notice of suspension.

2334 3. The driver may request a formal or informal review of  
2335 the suspension by the department within 10 days after the date  
2336 of issuance of the notice of suspension or may request a  
2337 restricted license pursuant to s. 322.271(7), if eligible.

2338 4. The temporary permit issued at the time of suspension  
2339 expires at midnight of the 10th day following the date of  
2340 issuance of the notice of suspension.

2341 5. The driver may submit to the department any materials  
2342 relevant to the suspension.

2343 (2) (a) Except as provided in paragraph (1) (a), the law  
2344 enforcement officer shall forward to the department, within 5  
2345 days after issuing the notice of suspension, the driver ~~driver's~~  
2346 license; an affidavit stating the officer's grounds for belief



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2347 that the person was driving or in actual physical control of a  
2348 motor vehicle while under the influence of alcoholic beverages  
2349 or chemical or controlled substances; the results of any breath  
2350 or blood test or an affidavit stating that a breath, blood, or  
2351 urine test was requested by a law enforcement officer or  
2352 correctional officer and that the person refused to submit; the  
2353 officer's description of the person's field sobriety test, if  
2354 any; and the notice of suspension. The failure of the officer to  
2355 submit materials within the 5-day period specified in this  
2356 subsection and in subsection (1) does not affect the  
2357 department's ability to consider any evidence submitted at or  
2358 prior to the hearing.

2359 (b) The officer may also submit a copy of the crash report  
2360 and a copy of a video recording ~~videotape~~ of the field sobriety  
2361 test or the attempt to administer such test. Materials submitted  
2362 to the department by a law enforcement agency or correctional  
2363 agency shall be considered self-authenticating and shall be in  
2364 the record for consideration by the hearing officer.  
2365 Notwithstanding s. 316.066(5), the crash report shall be  
2366 considered by the hearing officer.

2367 (3) If the department determines that the license should be  
2368 suspended pursuant to this section and if the notice of  
2369 suspension has not already been served upon the person by a law  
2370 enforcement officer or correctional officer as provided in  
2371 subsection (1), the department shall issue a notice of  
2372 suspension and, unless the notice is mailed pursuant to s.  
2373 322.251, a temporary permit that expires 10 days after the date  
2374 of issuance if the driver is otherwise eligible.

2375 (4) If the person whose license was suspended requests an



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2376 informal review pursuant to subparagraph (1)(b)3., the  
2377 department shall conduct the informal review by a hearing  
2378 officer designated ~~employed~~ by the department. Such informal  
2379 review hearing shall consist solely of an examination by the  
2380 department of the materials submitted by a law enforcement  
2381 officer or correctional officer and by the person whose license  
2382 was suspended, and the presence of an officer or witness is not  
2383 required.

2384 (5) After completion of the informal review, notice of the  
2385 department's decision sustaining, amending, or invalidating the  
2386 suspension of the driver ~~driver's~~ license of the person whose  
2387 license was suspended must be provided to such person. Such  
2388 notice must be mailed to the person at the last known address  
2389 shown on the department's records, or to the address provided in  
2390 the law enforcement officer's report if such address differs  
2391 from the address of record, within 21 days after the expiration  
2392 of the temporary permit issued pursuant to subsection (1) or  
2393 subsection (3).

2394 (6) (a) If the person whose license was suspended requests a  
2395 formal review, the department must schedule a hearing ~~to be held~~  
2396 within 30 days after such request is received by the department  
2397 and must notify the person of the date, time, and place of the  
2398 hearing.

2399 (b) Such formal review hearing shall be held before a  
2400 hearing officer designated ~~employed~~ by the department, and the  
2401 hearing officer shall be authorized to administer oaths, examine  
2402 witnesses and take testimony, receive relevant evidence, issue  
2403 subpoenas for the officers and witnesses identified in documents  
2404 provided under paragraph (2)(a) ~~in subsection (2)~~, regulate the



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2405 course and conduct of the hearing, question witnesses, and make  
2406 a ruling on the suspension. The hearing officer may conduct  
2407 hearings using communications technology. The party requesting  
2408 the presence of a witness shall be responsible for the payment  
2409 of any witness fees and for notifying in writing the state  
2410 attorney's office in the appropriate circuit of the issuance of  
2411 the subpoena. If the person who requests a formal review hearing  
2412 fails to appear and the hearing officer finds such failure to be  
2413 without just cause, the right to a formal hearing is waived and  
2414 the suspension shall be sustained.

2415 (c) The failure of a subpoenaed witness to appear at the  
2416 formal review hearing is not grounds to invalidate the  
2417 suspension. If a witness fails to appear, a party may seek  
2418 enforcement of a subpoena under paragraph (b) by filing a  
2419 petition for enforcement in the circuit court of the judicial  
2420 circuit in which the person failing to comply with the subpoena  
2421 resides or by filing a motion for enforcement in any criminal  
2422 court case resulting from the driving or actual physical control  
2423 of a motor vehicle that gave rise to the suspension under this  
2424 section. A failure to comply with an order of the court shall  
2425 result in a finding of contempt of court. However, a person is  
2426 not in contempt while a subpoena is being challenged.

2427 (d) The department must, within 7 working days after a  
2428 formal review hearing, send notice to the person of the hearing  
2429 officer's decision as to whether sufficient cause exists to  
2430 sustain, amend, or invalidate the suspension.

2431 (7) In a formal review hearing under subsection (6) or an  
2432 informal review hearing under subsection (4), the hearing  
2433 officer shall determine by a preponderance of the evidence



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2434 whether sufficient cause exists to sustain, amend, or invalidate  
2435 the suspension. The scope of the review shall be limited to the  
2436 following issues:

2437 (a) If the license was suspended for driving with an  
2438 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2439 higher:

2440 1. Whether the law enforcement officer had probable cause  
2441 to believe that the person whose license was suspended was  
2442 driving or in actual physical control of a motor vehicle in this  
2443 state while under the influence of alcoholic beverages or  
2444 chemical or controlled substances.

2445 2. Whether the person whose license was suspended had an  
2446 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2447 higher as provided in s. 316.193.

2448 (b) If the license was suspended for refusal to submit to a  
2449 breath, blood, or urine test:

2450 1. Whether the law enforcement officer had probable cause  
2451 to believe that the person whose license was suspended was  
2452 driving or in actual physical control of a motor vehicle in this  
2453 state while under the influence of alcoholic beverages or  
2454 chemical or controlled substances.

2455 2. Whether the person whose license was suspended refused  
2456 to submit to any such test after being requested to do so by a  
2457 law enforcement officer or correctional officer.

2458 3. Whether the person whose license was suspended was told  
2459 that if he or she refused to submit to such test his or her  
2460 privilege to operate a motor vehicle would be suspended for a  
2461 period of 1 year or, in the case of a second or subsequent  
2462 refusal, for a period of 18 months.



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2463 (8) Based on the determination of the hearing officer  
2464 pursuant to subsection (7) for both informal hearings under  
2465 subsection (4) and formal hearings under subsection (6), the  
2466 department shall:

2467 (a) Sustain the suspension of the person's driving  
2468 privilege for a period of 1 year for a first refusal, or for a  
2469 period of 18 months if the driving privilege of such person has  
2470 been previously suspended as a result of a refusal to submit to  
2471 such tests, if the person refused to submit to a lawful breath,  
2472 blood, or urine test. The suspension period commences on the  
2473 date of issuance of the notice of suspension.

2474 (b) Sustain the suspension of the person's driving  
2475 privilege for a period of 6 months for a blood-alcohol level or  
2476 breath-alcohol level of 0.08 or higher, or for a period of 1  
2477 year if the driving privilege of such person has been previously  
2478 suspended under this section as a result of driving with an  
2479 unlawful alcohol level. The suspension period commences on the  
2480 date of issuance of the notice of suspension.

2481 (9) A request for a formal review hearing or an informal  
2482 review hearing shall not stay the suspension of the person's  
2483 driver ~~driver's~~ license. If the department fails to schedule the  
2484 formal review hearing ~~to be held~~ within 30 days after receipt of  
2485 the request therefor, the department shall invalidate the  
2486 suspension. If the scheduled hearing is continued at the  
2487 department's initiative or the driver enforces the subpoena as  
2488 provided in subsection (6), the department shall issue a  
2489 temporary driving permit that shall be valid until the hearing  
2490 is conducted if the person is otherwise eligible for the driving  
2491 privilege. Such permit may not be issued to a person who sought



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2492 and obtained a continuance of the hearing. The permit issued  
2493 under this subsection shall authorize driving for business or  
2494 employment use only.

2495 (10) A person whose driver ~~driver's~~ license is suspended  
2496 under subsection (1) or subsection (3) may apply for issuance of  
2497 a license for business or employment purposes only if the person  
2498 is otherwise eligible for the driving privilege pursuant to s.  
2499 322.271.

2500 (a) If the suspension of the driver ~~driver's~~ license of the  
2501 person for failure to submit to a breath, urine, or blood test  
2502 is sustained, the person is not eligible to receive a license  
2503 for business or employment purposes only, pursuant to s.  
2504 322.271, until 90 days have elapsed after the expiration of the  
2505 last temporary permit issued. If the driver is not issued a 10-  
2506 day permit pursuant to this section or s. 322.64 because he or  
2507 she is ineligible for the permit and the suspension for failure  
2508 to submit to a breath, urine, or blood test is not invalidated  
2509 by the department, the driver is not eligible to receive a  
2510 business or employment license pursuant to s. 322.271 until 90  
2511 days have elapsed from the date of the suspension.

2512 (b) If the suspension of the driver ~~driver's~~ license of the  
2513 person relating to unlawful blood-alcohol level or breath-  
2514 alcohol level of 0.08 or higher is sustained, the person is not  
2515 eligible to receive a license for business or employment  
2516 purposes only pursuant to s. 322.271 until 30 days have elapsed  
2517 after the expiration of the last temporary permit issued. If the  
2518 driver is not issued a 10-day permit pursuant to this section or  
2519 s. 322.64 because he or she is ineligible for the permit and the  
2520 suspension relating to unlawful blood-alcohol level or breath-



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2521 alcohol level of 0.08 or higher is not invalidated by the  
2522 department, the driver is not eligible to receive a business or  
2523 employment license pursuant to s. 322.271 until 30 days have  
2524 elapsed from the date of the suspension.

2525 (11) The formal review hearing may be conducted upon a  
2526 review of the reports of a law enforcement officer or a  
2527 correctional officer, including documents relating to the  
2528 administration of a breath test or blood test or the refusal to  
2529 take either test or the refusal to take a urine test. However,  
2530 as provided in subsection (6), the driver may subpoena the  
2531 officer or any person who administered or analyzed a breath or  
2532 blood test. If the arresting officer or the breath technician  
2533 fails to appear pursuant to a subpoena as provided in subsection  
2534 (6), the department shall invalidate the suspension.

2535 (12) The formal review hearing and the informal review  
2536 hearing are exempt from the provisions of chapter 120. The  
2537 department may adopt rules for the conduct of reviews under this  
2538 section.

2539 (13) A person may appeal any decision of the department  
2540 sustaining a suspension of his or her driver ~~driver's~~ license by  
2541 a petition for writ of certiorari to the circuit court in the  
2542 county wherein such person resides or wherein a formal or  
2543 informal review was conducted pursuant to s. 322.31. However, an  
2544 appeal shall not stay the suspension. A law enforcement agency  
2545 may appeal any decision of the department invalidating a  
2546 suspension by a petition for writ of certiorari to the circuit  
2547 court in the county wherein a formal or informal review was  
2548 conducted. This subsection shall not be construed to provide for  
2549 a de novo review ~~appeal~~.





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2550           (14) (a) The decision of the department under this section  
2551 or any circuit court review thereof may not be considered in any  
2552 trial for a violation of s. 316.193, and a written statement  
2553 submitted by a person in his or her request for departmental  
2554 review under this section may not be admitted into evidence  
2555 against him or her in any such trial.

2556           (b) The disposition of any related criminal proceedings  
2557 does not affect a suspension for refusal to submit to a blood,  
2558 breath, or urine test imposed under this section.

2559           (15) If the department suspends a person's license under s.  
2560 322.2616, it may not also suspend the person's license under  
2561 this section for the same episode that was the basis for the  
2562 suspension under s. 322.2616.

2563           (16) The department shall invalidate a suspension for  
2564 driving with an unlawful blood-alcohol level or breath-alcohol  
2565 level imposed under this section if the suspended person is  
2566 found not guilty at trial of an underlying violation of s.  
2567 316.193.

2568           Section 46. Section 322.2616, Florida Statutes, is amended  
2569 to read:

2570           322.2616 Suspension of license; persons under 21 years of  
2571 age; right to review.—

2572           (1) (a) Notwithstanding s. 316.193, it is unlawful for a  
2573 person under the age of 21 who has a blood-alcohol or breath-  
2574 alcohol level of 0.02 or higher to drive or be in actual  
2575 physical control of a motor vehicle.

2576           (b) A law enforcement officer who has probable cause to  
2577 believe that a motor vehicle is being driven by or is in the  
2578 actual physical control of a person who is under the age of 21



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2579 while under the influence of alcoholic beverages or who has any  
2580 blood-alcohol or breath-alcohol level may lawfully detain such a  
2581 person and may request that person to submit to a test to  
2582 determine his or her blood-alcohol or breath-alcohol level.

2583 (2) (a) A law enforcement officer or correctional officer  
2584 shall, on behalf of the department, suspend the driving  
2585 privilege of such person if the person has a blood-alcohol or  
2586 breath-alcohol level of 0.02 or higher. The officer shall also  
2587 suspend, on behalf of the department, the driving privilege of a  
2588 person who has refused to submit to a test as provided by  
2589 paragraph (b). The officer shall take the person's driver  
2590 ~~driver's~~ license and issue the person a 10-day temporary driving  
2591 permit if the person is otherwise eligible for the driving  
2592 privilege and shall issue the person a notice of suspension.

2593 (b) The suspension under paragraph (a) must be pursuant to,  
2594 and the notice of suspension must inform the driver of, the  
2595 following:

2596 1.a. The driver refused to submit to a lawful breath test  
2597 and his or her driving privilege is suspended for a period of 1  
2598 year for a first refusal or for a period of 18 months if his or  
2599 her driving privilege has been previously suspended as provided  
2600 in this section as a result of a refusal to submit to a test; or

2601 b. The driver was under the age of 21 and was driving or in  
2602 actual physical control of a motor vehicle while having a blood-  
2603 alcohol or breath-alcohol level of 0.02 or higher; and the  
2604 person's driving privilege is suspended for a period of 6 months  
2605 for a first violation, or for a period of 1 year if his or her  
2606 driving privilege has been previously suspended as provided in  
2607 this section for driving or being in actual physical control of



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2608 a motor vehicle with a blood-alcohol or breath-alcohol level of  
2609 0.02 or higher.

2610 2. The suspension period commences on the date of issuance  
2611 of the notice of suspension.

2612 3. The driver may request a formal or informal review of  
2613 the suspension by the department within 10 days after the  
2614 issuance of the notice of suspension.

2615 4. A temporary permit issued at the time of the issuance of  
2616 the notice of suspension shall not become effective until after  
2617 12 hours have elapsed and will expire at midnight of the 10th  
2618 day following the date of issuance.

2619 5. The driver may submit to the department any materials  
2620 relevant to the suspension of his or her license.

2621 (c) When a driver subject to this section has a blood-  
2622 alcohol or breath-alcohol level of 0.05 or higher, the  
2623 suspension shall remain in effect until such time as the driver  
2624 has completed a substance abuse course offered by a DUI program  
2625 licensed by the department. The driver shall assume the  
2626 reasonable costs for the substance abuse course. As part of the  
2627 substance abuse course, the program shall conduct a substance  
2628 abuse evaluation of the driver, and notify the parents or legal  
2629 guardians of drivers under the age of 19 years of the results of  
2630 the evaluation. The term "substance abuse" means the abuse of  
2631 alcohol or any substance named or described in Schedules I  
2632 through V of s. 893.03. If a driver fails to complete the  
2633 substance abuse education course and evaluation, the driver  
2634 ~~driver's~~ license shall not be reinstated by the department.

2635 (d) A minor under the age of 18 years proven to be driving  
2636 with a blood-alcohol or breath-alcohol level of 0.02 or higher



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2637 may be taken by a law enforcement officer to the addictions  
2638 receiving facility in the county in which the minor is found to  
2639 be so driving, if the county makes the addictions receiving  
2640 facility available for such purpose.

2641 (3) The law enforcement officer shall forward to the  
2642 department, within 5 days after the date of the issuance of the  
2643 notice of suspension, a copy of the notice of suspension, the  
2644 driver ~~driver's~~ license of the person receiving the notice of  
2645 suspension, and an affidavit stating the officer's grounds for  
2646 belief that the person was under the age of 21 and was driving  
2647 or in actual physical control of a motor vehicle with any blood-  
2648 alcohol or breath-alcohol level, and the results of any blood or  
2649 breath test or an affidavit stating that a breath test was  
2650 requested by a law enforcement officer or correctional officer  
2651 and that the person refused to submit to such test. The failure  
2652 of the officer to submit materials within the 5-day period  
2653 specified in this subsection does not bar the department from  
2654 considering any materials submitted at or before the hearing.

2655 (4) If the department finds that the license of the person  
2656 should be suspended under this section and if the notice of  
2657 suspension has not already been served upon the person by a law  
2658 enforcement officer or correctional officer as provided in  
2659 subsection (2), the department shall issue a notice of  
2660 suspension and, unless the notice is mailed under s. 322.251, a  
2661 temporary driving permit that expires 10 days after the date of  
2662 issuance if the driver is otherwise eligible.

2663 (5) If the person whose license is suspended requests an  
2664 informal review under subparagraph (2)(b)3., the department  
2665 shall conduct the informal review by a hearing officer



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2666 designated ~~employed~~ by the department within 30 days after the  
2667 request is received by the department and shall issue such  
2668 person a temporary driving permit for business purposes only to  
2669 expire on the date that such review is scheduled to be conducted  
2670 if the person is otherwise eligible. The informal review hearing  
2671 must consist solely of an examination by the department of the  
2672 materials submitted by a law enforcement officer or correctional  
2673 officer and by the person whose license is suspended, and the  
2674 presence of an officer or witness is not required.

2675 (6) After completion of the informal review, notice of the  
2676 department's decision sustaining, amending, or invalidating the  
2677 suspension of the driver ~~driver's~~ license must be provided to  
2678 the person. The notice must be mailed to the person at the last  
2679 known address shown on the department's records, or to the  
2680 address provided in the law enforcement officer's report if such  
2681 address differs from the address of record, within 7 days after  
2682 completing the review.

2683 (7) (a) If the person whose license is suspended requests a  
2684 formal review, the department must schedule a hearing to be held  
2685 within 30 days after the request is received by the department  
2686 and must notify the person of the date, time, and place of the  
2687 hearing and shall issue such person a temporary driving permit  
2688 for business purposes only to expire on the date that such  
2689 review is scheduled to be conducted if the person is otherwise  
2690 eligible.

2691 (b) The formal review hearing must be held before a hearing  
2692 officer designated ~~employed~~ by the department, and the hearing  
2693 officer may administer oaths, examine witnesses and take  
2694 testimony, receive relevant evidence, issue subpoenas, regulate



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2695 the course and conduct of the hearing, and make a ruling on the  
2696 suspension. The hearing officer may conduct hearings using  
2697 communications technology. The department and the person whose  
2698 license was suspended may subpoena witnesses, and the party  
2699 requesting the presence of a witness is responsible for paying  
2700 any witness fees and for notifying in writing the state  
2701 attorney's office in the appropriate circuit of the issuance of  
2702 the subpoena. If the person who requests a formal review hearing  
2703 fails to appear and the hearing officer finds the failure to be  
2704 without just cause, the right to a formal hearing is waived and  
2705 the suspension is sustained.

2706 (c) The failure of a subpoenaed witness to appear at the  
2707 formal review hearing shall not be grounds to invalidate the  
2708 suspension. If a witness fails to appear, a party may seek  
2709 enforcement of a subpoena under paragraph (b) by filing a  
2710 petition for enforcement in the circuit court of the judicial  
2711 circuit in which the person failing to comply with the subpoena  
2712 resides. A failure to comply with an order of the court  
2713 constitutes contempt of court. However, a person may not be held  
2714 in contempt while a subpoena is being challenged.

2715 (d) The department must, within 7 working days after a  
2716 formal review hearing, send notice to the person of the hearing  
2717 officer's decision as to whether sufficient cause exists to  
2718 sustain, amend, or invalidate the suspension.

2719 (8) In a formal review hearing under subsection (7) or an  
2720 informal review hearing under subsection (5), the hearing  
2721 officer shall determine by a preponderance of the evidence  
2722 whether sufficient cause exists to sustain, amend, or invalidate  
2723 the suspension. The scope of the review is limited to the



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2724 following issues:

2725 (a) If the license was suspended because the individual,  
2726 then under the age of 21, drove with a blood-alcohol or breath-  
2727 alcohol level of 0.02 or higher:

2728 1. Whether the law enforcement officer had probable cause  
2729 to believe that the person was under the age of 21 and was  
2730 driving or in actual physical control of a motor vehicle in this  
2731 state with any blood-alcohol or breath-alcohol level or while  
2732 under the influence of alcoholic beverages.

2733 2. Whether the person was under the age of 21.

2734 3. Whether the person had a blood-alcohol or breath-alcohol  
2735 level of 0.02 or higher.

2736 (b) If the license was suspended because of the  
2737 individual's refusal to submit to a breath test:

2738 1. Whether the law enforcement officer had probable cause  
2739 to believe that the person was under the age of 21 and was  
2740 driving or in actual physical control of a motor vehicle in this  
2741 state with any blood-alcohol or breath-alcohol level or while  
2742 under the influence of alcoholic beverages.

2743 2. Whether the person was under the age of 21.

2744 3. Whether the person refused to submit to a breath test  
2745 after being requested to do so by a law enforcement officer or  
2746 correctional officer.

2747 4. Whether the person was told that if he or she refused to  
2748 submit to a breath test his or her privilege to operate a motor  
2749 vehicle would be suspended for a period of 1 year or, in the  
2750 case of a second or subsequent refusal, for a period of 18  
2751 months.

2752 (9) Based on the determination of the hearing officer under



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2753 subsection (8) for both informal hearings under subsection (5)  
2754 and formal hearings under subsection (7), the department shall:

2755 (a) Sustain the suspension of the person's driving  
2756 privilege for a period of 1 year for a first refusal, or for a  
2757 period of 18 months if the driving privilege of the person has  
2758 been previously suspended, as provided in this section, as a  
2759 result of a refusal to submit to a test. The suspension period  
2760 commences on the date of the issuance of the notice of  
2761 suspension.

2762 (b) Sustain the suspension of the person's driving  
2763 privilege for a period of 6 months for driving or being in  
2764 actual physical control of a motor vehicle while under the age  
2765 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or  
2766 higher, or for a period of 1 year if the driving privilege of  
2767 such person has been previously suspended under this section.  
2768 The suspension period commences on the date of the issuance of  
2769 the notice of suspension.

2770 (10) A request for a formal review hearing or an informal  
2771 review hearing shall not stay the suspension of the person's  
2772 driver ~~driver's~~ license. If the department fails to schedule the  
2773 formal review hearing ~~to be held~~ within 30 days after receipt of  
2774 the request therefor, the department shall invalidate the  
2775 suspension. If the scheduled hearing is continued at the  
2776 department's initiative or the driver enforces the subpoena as  
2777 provided in subsection (7), the department shall issue a  
2778 temporary driving permit that is valid until the hearing is  
2779 conducted if the person is otherwise eligible for the driving  
2780 privilege. The permit shall not be issued to a person who  
2781 requested a continuance of the hearing. The permit issued under





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2782 this subsection authorizes driving for business or employment  
2783 use only.

2784 (11) A person whose driver ~~driver's~~ license is suspended  
2785 under subsection (2) or subsection (4) may apply for issuance of  
2786 a license for business or employment purposes only, pursuant to  
2787 s. 322.271, if the person is otherwise eligible for the driving  
2788 privilege. However, such a license may not be issued until 30  
2789 days have elapsed after the expiration of the last temporary  
2790 driving permit issued under this section.

2791 (12) The formal review hearing may be conducted upon a  
2792 review of the reports of a law enforcement officer or  
2793 correctional officer, including documents relating to the  
2794 administration of a breath test or the refusal to take a test.  
2795 However, as provided in subsection (7), the driver may subpoena  
2796 the officer or any person who administered a breath or blood  
2797 test. If the officer who suspended the driving privilege fails  
2798 to appear pursuant to a subpoena as provided in subsection (7),  
2799 the department shall invalidate the suspension.

2800 (13) The formal review hearing and the informal review  
2801 hearing are exempt from chapter 120. The department may adopt  
2802 rules for conducting reviews under this section.

2803 (14) A person may appeal any decision of the department  
2804 sustaining a suspension of his or her driver ~~driver's~~ license by  
2805 a petition for writ of certiorari to the circuit court in the  
2806 county wherein such person resides or wherein a formal or  
2807 informal review was conducted under s. 322.31. However, an  
2808 appeal does not stay the suspension. This subsection does not  
2809 provide for a de novo review ~~appeal~~.

2810 (15) The decision of the department under this section



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2811 shall not be considered in any trial for a violation of s.  
2812 316.193, nor shall any written statement submitted by a person  
2813 in his or her request for departmental review under this section  
2814 be admissible into evidence against him or her in any such  
2815 trial. The disposition of any related criminal proceedings shall  
2816 not affect a suspension imposed under this section.

2817 (16) By applying for and accepting and using a driver  
2818 ~~driver's~~ license, a person under the age of 21 years who holds  
2819 the driver ~~driver's~~ license is deemed to have expressed his or  
2820 her consent to the provisions of this section.

2821 (17) A breath test to determine breath-alcohol level  
2822 pursuant to this section may be conducted as authorized by s.  
2823 316.1932 or by a breath-alcohol test device listed in the United  
2824 States Department of Transportation's conforming-product list of  
2825 evidential breath-measurement devices. The reading from such a  
2826 device is presumed accurate and is admissible in evidence in any  
2827 administrative hearing conducted under this section.

2828 (18) The result of a blood test obtained during an  
2829 investigation conducted under s. 316.1932 or s. 316.1933 may be  
2830 used to suspend the driving privilege of a person under this  
2831 section.

2832 (19) A violation of this section is neither a traffic  
2833 infraction nor a criminal offense, nor does being detained  
2834 pursuant to this section constitute an arrest. A violation of  
2835 this section is subject to the administrative action provisions  
2836 of this section, which are administered by the department  
2837 through its administrative processes. Administrative actions  
2838 taken pursuant to this section shall be recorded in the motor  
2839 vehicle records maintained by the department. This section does



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2840 not bar prosecution under s. 316.193. However, if the department  
2841 suspends a person's license under s. 322.2615 for a violation of  
2842 s. 316.193, it may not also suspend the person's license under  
2843 this section for the same episode that was the basis for the  
2844 suspension under s. 322.2615.

2845 Section 47. Subsections (4) and (5) of section 322.271,  
2846 Florida Statutes, are amended, and subsection (7) is added to  
2847 that section, to read:

2848 322.271 Authority to modify revocation, cancellation, or  
2849 suspension order.—

2850 (4) Notwithstanding the provisions of s. 322.28(2)(d)  
2851 ~~322.28(2)(e)~~, a person whose driving privilege has been  
2852 permanently revoked because he or she has been convicted of DUI  
2853 manslaughter in violation of s. 316.193 and has no prior  
2854 convictions for DUI-related offenses may, upon the expiration of  
2855 5 years after the date of such revocation or the expiration of 5  
2856 years after the termination of any term of incarceration under  
2857 s. 316.193 or former s. 316.1931, whichever date is later,  
2858 petition the department for reinstatement of his or her driving  
2859 privilege.

2860 (a) Within 30 days after the receipt of such a petition,  
2861 the department shall afford the petitioner an opportunity for a  
2862 hearing. At the hearing, the petitioner must demonstrate to the  
2863 department that he or she:

2864 1. Has not been arrested for a drug-related offense during  
2865 the 5 years preceding the filing of the petition;

2866 2. Has not driven a motor vehicle without a license for at  
2867 least 5 years prior to the hearing;

2868 3. Has been drug-free for at least 5 years prior to the



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2869 hearing; and  
2870           4. Has completed a DUI program licensed by the department.  
2871           (b) At such hearing, the department shall determine the  
2872 petitioner's qualification, fitness, and need to drive. Upon  
2873 such determination, the department may, in its discretion,  
2874 reinstate the driver ~~driver's~~ license of the petitioner. Such  
2875 reinstatement must be made subject to the following  
2876 qualifications:  
2877           1. The license must be restricted for employment purposes  
2878 for at least ~~not less than~~ 1 year; and  
2879           2. Such person must be supervised by a DUI program licensed  
2880 by the department and report to the program for such supervision  
2881 and education at least four times a year or additionally as  
2882 required by the program for the remainder of the revocation  
2883 period. Such supervision shall include evaluation, education,  
2884 referral into treatment, and other activities required by the  
2885 department.  
2886           (c) Such person must assume the reasonable costs of  
2887 supervision. If such person fails to comply with the required  
2888 supervision, the program shall report the failure to the  
2889 department, and the department shall cancel such person's  
2890 driving privilege.  
2891           (d) If, after reinstatement, such person is convicted of an  
2892 offense for which mandatory revocation of his or her license is  
2893 required, the department shall revoke his or her driving  
2894 privilege.  
2895           (e) The department shall adopt rules regulating the  
2896 providing of services by DUI programs pursuant to this section.  
2897           (5) Notwithstanding the provisions of s. 322.28(2)(d)



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2898 ~~322.28(2)(e)~~, a person whose driving privilege has been  
2899 permanently revoked because he or she has been convicted four or  
2900 more times of violating s. 316.193 or former s. 316.1931 may,  
2901 upon the expiration of 5 years after the date of the last  
2902 conviction or the expiration of 5 years after the termination of  
2903 any incarceration under s. 316.193 or former s. 316.1931,  
2904 whichever is later, petition the department for reinstatement of  
2905 his or her driving privilege.

2906 (a) Within 30 days after receipt of a petition, the  
2907 department shall provide for a hearing, at which the petitioner  
2908 must demonstrate that he or she:

2909 1. Has not been arrested for a drug-related offense for at  
2910 least 5 years prior to filing the petition;

2911 2. Has not driven a motor vehicle without a license for at  
2912 least 5 years prior to the hearing;

2913 3. Has been drug-free for at least 5 years prior to the  
2914 hearing; and

2915 4. Has completed a DUI program licensed by the department.

2916 (b) At the hearing, the department shall determine the  
2917 petitioner's qualification, fitness, and need to drive, and may,  
2918 after such determination, reinstate the petitioner's driver  
2919 ~~driver's~~ license. The reinstatement shall be subject to the  
2920 following qualifications:

2921 1. The petitioner's license must be restricted for  
2922 employment purposes for at least ~~not less than~~ 1 year; and

2923 2. The petitioner must be supervised by a DUI program  
2924 licensed by the department and must report to the program for  
2925 supervision and education at least four times a year or more, as  
2926 required by the program, for the remainder of the revocation



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2927 period. The supervision shall include evaluation, education,  
2928 referral into treatment, and other activities required by the  
2929 department.

2930 (c) The petitioner must assume the reasonable costs of  
2931 supervision. If the petitioner does not comply with the required  
2932 supervision, the program shall report the failure to the  
2933 department, and the department shall cancel such person's  
2934 driving privilege.

2935 (d) If, after reinstatement, the petitioner is convicted of  
2936 an offense for which mandatory license revocation is required,  
2937 the department shall revoke his or her driving privilege.

2938 (e) The department shall adopt rules regulating the  
2939 services provided by DUI programs pursuant to this section.

2940 (7) A person who has never had a driver license suspended  
2941 under s. 322.2615, has never been disqualified under s. 322.64,  
2942 has never been convicted of a violation of s. 316.193, has never  
2943 applied for a business purposes only license, as defined in this  
2944 section, whose driving privilege has been suspended pursuant to  
2945 this section may apply for a business purposes only driver  
2946 license without a hearing if the person meets the requirements  
2947 of this section and s. 322.291, and is otherwise eligible for a  
2948 driver license.

2949 (a) For purposes of this subsection, a previous conviction  
2950 outside of this state for driving under the influence, driving  
2951 while intoxicated, driving with an unlawful blood-alcohol level,  
2952 or any other alcohol-related or drug-related traffic offense  
2953 similar to the offense of driving under the influence as  
2954 provided in s. 316.193 will be considered a previous conviction  
2955 for a violation of s. 316.193, and a conviction for violation of



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2956 former s. 316.028, former s. 316.1931, or former s. 860.01 is  
2957 considered a conviction for a violation of s. 316.193.

2958 (b) The reinstatement shall be restricted to business  
2959 purposes only for the duration of the suspension imposed under  
2960 s. 322.2615.

2961 (c) Acceptance of the reinstated driving privilege as  
2962 provided in this subsection is deemed a waiver of the right to  
2963 formal and informal review under s. 322.2615. The waiver may not  
2964 be used as evidence in any other proceeding.

2965 Section 48. Section 322.2715, Florida Statutes, is amended  
2966 to read:

2967 322.2715 Ignition interlock device.—

2968 (1) Before issuing a permanent or restricted driver  
2969 driver's license under this chapter, the department shall  
2970 require the placement of a department-approved ignition  
2971 interlock device for any person convicted of committing an  
2972 offense of driving under the influence as specified in  
2973 subsection (3), except that consideration may be given to those  
2974 individuals having a documented medical condition that would  
2975 prohibit the device from functioning normally. If a medical  
2976 waiver has been granted for a convicted person seeking a  
2977 restricted license, the convicted person shall not be entitled  
2978 to a restricted license until the required ignition interlock  
2979 device installation period under subsection (3) expires, in  
2980 addition to the time requirements under s. 322.271. If a medical  
2981 waiver has been approved for a convicted person seeking  
2982 permanent reinstatement of the driver license, the convicted  
2983 person must be restricted to an employment-purposes-only license  
2984 and be supervised by a licensed DUI program until the required



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2985 ignition interlock device installation period under subsection  
2986 (3) expires. An interlock device shall be placed on all vehicles  
2987 that are individually or jointly leased or owned and routinely  
2988 operated by the convicted person.

2989 (2) For purposes of this section, any conviction for a  
2990 violation of s. 316.193, a previous conviction for a violation  
2991 of former s. 316.1931, or a conviction outside this state for  
2992 driving under the influence, driving while intoxicated, driving  
2993 with an unlawful blood-alcohol level, or any other similar  
2994 alcohol-related or drug-related traffic offense is a conviction  
2995 of driving under the influence.

2996 (3) If the person is convicted of:

2997 (a) A first offense of driving under the influence under s.  
2998 316.193 and has an unlawful blood-alcohol level or breath-  
2999 alcohol level as specified in s. 316.193(4), or if a person is  
3000 convicted of a violation of s. 316.193 and was at the time of  
3001 the offense accompanied in the vehicle by a person younger than  
3002 18 years of age, the person shall have the ignition interlock  
3003 device installed for at least ~~not less than~~ 6 continuous months  
3004 for the first offense and for at least ~~not less than~~ 2  
3005 continuous years for a second offense.

3006 (b) A second offense of driving under the influence, the  
3007 ignition interlock device shall be installed for a period of at  
3008 least ~~not less than~~ 1 continuous year.

3009 (c) A third offense of driving under the influence which  
3010 occurs within 10 years after a prior conviction for a violation  
3011 of s. 316.193, the ignition interlock device shall be installed  
3012 for a period of at least ~~not less than~~ 2 continuous years.

3013 (d) A third offense of driving under the influence which





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3014 occurs more than 10 years after the date of a prior conviction,  
3015 the ignition interlock device shall be installed for a period of  
3016 at least ~~not less than~~ 2 continuous years.

3017 (e) A fourth or subsequent offense of driving under the  
3018 influence, the ignition interlock device shall be installed for  
3019 a period of at least ~~not less than~~ 5 years.

3020 (4) If the court fails to order the mandatory placement of  
3021 the ignition interlock device or fails to order for the  
3022 applicable period the mandatory placement of an ignition  
3023 interlock device under s. 316.193 or s. 316.1937 at the time of  
3024 imposing sentence or within 30 days thereafter, the department  
3025 shall immediately require that the ignition interlock device be  
3026 installed as provided in this section, except that consideration  
3027 may be given to those individuals having a documented medical  
3028 condition that would prohibit the device from functioning  
3029 normally. This subsection applies to the reinstatement of the  
3030 driving privilege following a revocation, suspension, or  
3031 cancellation that is based upon a conviction for the offense of  
3032 driving under the influence which occurs on or after July 1,  
3033 2005.

3034 (5) In addition to any fees authorized by rule for the  
3035 installation and maintenance of the ignition interlock device,  
3036 the authorized installer of the device shall collect and remit  
3037 \$12 for each installation to the department, which shall be  
3038 deposited into the Highway Safety Operating Trust Fund to be  
3039 used for the operation of the Ignition Interlock Device Program.

3040 Section 49. Section 322.28, Florida Statutes, is amended to  
3041 read:

3042 322.28 Period of suspension or revocation.-



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3043 (1) Unless otherwise provided by this section, the  
3044 department shall not suspend a license for a period of more than  
3045 1 year and, upon revoking a license, in any case except in a  
3046 prosecution for the offense of driving a motor vehicle while  
3047 under the influence of alcoholic beverages, chemical substances  
3048 as set forth in s. 877.111, or controlled substances, shall not  
3049 in any event grant a new license until the expiration of 1 year  
3050 after such revocation.

3051 (2) In a prosecution for a violation of s. 316.193 or  
3052 former s. 316.1931, the following provisions apply:

3053 (a) Upon conviction of the driver, the court, along with  
3054 imposing sentence, shall revoke the driver ~~driver's~~ license or  
3055 driving privilege of the person so convicted, effective on the  
3056 date of conviction, and shall prescribe the period of such  
3057 revocation in accordance with the following provisions:

3058 1. Upon a first conviction for a violation of the  
3059 provisions of s. 316.193, except a violation resulting in death,  
3060 the driver ~~driver's~~ license or driving privilege shall be  
3061 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
3062 1 year.

3063 2. Upon a second conviction for an offense that occurs  
3064 within a period of 5 years after the date of a prior conviction  
3065 for a violation of the provisions of s. 316.193 or former s.  
3066 316.1931 or a combination of such sections, the driver ~~driver's~~  
3067 license or driving privilege shall be revoked for at least ~~not~~  
3068 ~~less than~~ 5 years.

3069 3. Upon a third conviction for an offense that occurs  
3070 within a period of 10 years after the date of a prior conviction  
3071 for the violation of the provisions of s. 316.193 or former s.



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3072 316.1931 or a combination of such sections, the driver ~~driver's~~  
3073 license or driving privilege shall be revoked for at least ~~not~~  
3074 ~~less than~~ 10 years.

3075  
3076 For the purposes of this paragraph, a previous conviction  
3077 outside this state for driving under the influence, driving  
3078 while intoxicated, driving with an unlawful blood-alcohol level,  
3079 or any other alcohol-related or drug-related traffic offense  
3080 similar to the offense of driving under the influence as  
3081 proscribed by s. 316.193 will be considered a previous  
3082 conviction for violation of s. 316.193, and a conviction for  
3083 violation of former s. 316.028, former s. 316.1931, or former s.  
3084 860.01 is considered a conviction for violation of s. 316.193.

3085 (b) If the period of revocation was not specified by the  
3086 court at the time of imposing sentence or within 30 days  
3087 thereafter, and is not otherwise specified by law, the  
3088 department shall forthwith revoke the driver ~~driver's~~ license or  
3089 driving privilege for the maximum period applicable under  
3090 paragraph (a) for a first conviction and for the minimum period  
3091 applicable under paragraph (a) for any subsequent convictions.  
3092 The driver may, within 30 days after such revocation by the  
3093 department, petition the court for further hearing on the period  
3094 of revocation, and the court may reopen the case and determine  
3095 the period of revocation within the limits specified in  
3096 paragraph (a).

3097 (c) The forfeiture of bail bond, not vacated within 20  
3098 days, in any prosecution for the offense of driving while under  
3099 the influence of alcoholic beverages, chemical substances, or  
3100 controlled substances to the extent of depriving the defendant



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3101 of his or her normal faculties shall be deemed equivalent to a  
3102 conviction for the purposes of this paragraph, and the  
3103 department shall forthwith revoke the defendant's driver  
3104 ~~driver's~~ license or driving privilege for the maximum period  
3105 applicable under paragraph (a) for a first conviction and for  
3106 the minimum period applicable under paragraph (a) for a second  
3107 or subsequent conviction; however, if the defendant is later  
3108 convicted of the charge, the period of revocation imposed by the  
3109 department for such conviction shall not exceed the difference  
3110 between the applicable maximum for a first conviction or minimum  
3111 for a second or subsequent conviction and the revocation period  
3112 under this subsection that has actually elapsed; upon conviction  
3113 of such charge, the court may impose revocation for a period of  
3114 time as specified in paragraph (a). This paragraph does not  
3115 apply if an appropriate motion contesting the forfeiture is  
3116 filed within the 20-day period.

3117 ~~(d) When any driver's license or driving privilege has been~~  
3118 ~~revoked pursuant to the provisions of this section, the~~  
3119 ~~department shall not grant a new license, except upon~~  
3120 ~~reexamination of the licensee after the expiration of the period~~  
3121 ~~of revocation so prescribed. However, the court may, in its~~  
3122 ~~sound discretion, issue an order of reinstatement on a form~~  
3123 ~~furnished by the department which the person may take to any~~  
3124 ~~driver's license examining office for reinstatement by the~~  
3125 ~~department pursuant to s. 322.282.~~

3126 (d) ~~(e)~~ The court shall permanently revoke the driver  
3127 ~~driver's~~ license or driving privilege of a person who has been  
3128 convicted four times for violation of s. 316.193 or former s.  
3129 316.1931 or a combination of such sections. The court shall



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3130 permanently revoke the driver ~~driver's~~ license or driving  
3131 privilege of any person who has been convicted of DUI  
3132 manslaughter in violation of s. 316.193. If the court has not  
3133 permanently revoked such driver ~~driver's~~ license or driving  
3134 privilege within 30 days after imposing sentence, the department  
3135 shall permanently revoke the driver ~~driver's~~ license or driving  
3136 privilege pursuant to this paragraph. No driver ~~driver's~~ license  
3137 or driving privilege may be issued or granted to any such  
3138 person. This paragraph applies only if at least one of the  
3139 convictions for violation of s. 316.193 or former s. 316.1931  
3140 was for a violation that occurred after July 1, 1982. For the  
3141 purposes of this paragraph, a conviction for violation of former  
3142 s. 316.028, former s. 316.1931, or former s. 860.01 is also  
3143 considered a conviction for violation of s. 316.193. Also, a  
3144 conviction of driving under the influence, driving while  
3145 intoxicated, driving with an unlawful blood-alcohol level, or  
3146 any other similar alcohol-related or drug-related traffic  
3147 offense outside this state is considered a conviction for the  
3148 purposes of this paragraph.

3149 (e) Convictions that occur on the same date resulting from  
3150 separate offense dates shall be treated as separate convictions,  
3151 and the offense that occurred earlier will be deemed a prior  
3152 conviction for the purposes of this section.

3153 (3) The court shall permanently revoke the driver ~~driver's~~  
3154 license or driving privilege of a person who has been convicted  
3155 of murder resulting from the operation of a motor vehicle. No  
3156 driver ~~driver's~~ license or driving privilege may be issued or  
3157 granted to any such person.

3158 (4) (a) Upon a conviction for a violation of s.



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3159 316.193(3)(c)2., involving serious bodily injury, a conviction  
3160 of manslaughter resulting from the operation of a motor vehicle,  
3161 or a conviction of vehicular homicide, the court shall revoke  
3162 the driver ~~driver's~~ license of the person convicted for a  
3163 minimum period of 3 years. If a conviction under s.

3164 316.193(3)(c)2., involving serious bodily injury, is also a  
3165 subsequent conviction as described under paragraph (2)(a), the  
3166 court shall revoke the driver ~~driver's~~ license or driving  
3167 privilege of the person convicted for the period applicable as  
3168 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3169 (b) If the period of revocation was not specified by the  
3170 court at the time of imposing sentence or within 30 days  
3171 thereafter, the department shall revoke the driver ~~driver's~~  
3172 license for the minimum period applicable under paragraph (a)  
3173 or, for a subsequent conviction, for the minimum period  
3174 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3175 (5) A court may not stay the administrative suspension of a  
3176 driving privilege under s. 322.2615 or s. 322.2616 during  
3177 judicial review of the departmental order that resulted in such  
3178 suspension, and a suspension or revocation of a driving  
3179 privilege may not be stayed upon an appeal of the conviction or  
3180 order that resulted in the suspension or revocation.

3181 (6) In a prosecution for a violation of s. 316.172(1), and  
3182 upon a showing of the department's records that the licensee has  
3183 received a second conviction within 5 years following the date  
3184 of a prior conviction of s. 316.172(1), the department shall,  
3185 upon direction of the court, suspend the driver ~~driver's~~ license  
3186 of the person convicted for a period of at least ~~not less than~~  
3187 90 days but not ~~or~~ more than 6 months.



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3188 (7) Following a second or subsequent violation of s.  
3189 796.07(2)(f) which involves a motor vehicle and which results in  
3190 any judicial disposition other than acquittal or dismissal, in  
3191 addition to any other sentence imposed, the court shall revoke  
3192 the person's driver ~~driver's~~ license or driving privilege,  
3193 effective upon the date of the disposition, for a period of at  
3194 least ~~not less than~~ 1 year. A person sentenced under this  
3195 subsection may request a hearing under s. 322.271.

3196 Section 50. Section 322.331, Florida Statutes, is repealed.

3197 Section 51. Section 322.61, Florida Statutes, is amended to  
3198 read:

3199 322.61 Disqualification from operating a commercial motor  
3200 vehicle.—

3201 (1) A person who, for offenses occurring within a 3-year  
3202 period, is convicted of two of the following serious traffic  
3203 violations or any combination thereof, arising in separate  
3204 incidents committed in a commercial motor vehicle shall, in  
3205 addition to any other applicable penalties, be disqualified from  
3206 operating a commercial motor vehicle for a period of 60 days. A  
3207 holder of a commercial driver ~~driver's~~ license or commercial  
3208 learner's permit who, for offenses occurring within a 3-year  
3209 period, is convicted of two of the following serious traffic  
3210 violations, or any combination thereof, arising in separate  
3211 incidents committed in a noncommercial motor vehicle shall, in  
3212 addition to any other applicable penalties, be disqualified from  
3213 operating a commercial motor vehicle for a period of 60 days if  
3214 such convictions result in the suspension, revocation, or  
3215 cancellation of the licenseholder's driving privilege:

3216 (a) A violation of any state or local law relating to motor



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3217 vehicle traffic control, other than a parking violation, a  
3218 ~~weight violation, or a vehicle equipment violation,~~ arising in  
3219 connection with a crash resulting in death ~~or personal injury to~~  
3220 ~~any person;~~

3221 (b) Reckless driving, as defined in s. 316.192;

3222 ~~(c) Careless driving, as defined in s. 316.1925;~~

3223 ~~(d) Fleeing or attempting to elude a law enforcement~~  
3224 ~~officer, as defined in s. 316.1935;~~

3225 ~~(c)~~(e) Unlawful speed of 15 miles per hour or more above  
3226 the posted speed limit;

3227 ~~(f) Driving a commercial motor vehicle, owned by such~~  
3228 ~~person, which is not properly insured;~~

3229 ~~(d)~~(g) Improper lane change, as defined in s. 316.085;

3230 ~~(e)~~(h) Following too closely, as defined in s. 316.0895;

3231 ~~(f)~~(i) Driving a commercial vehicle without obtaining a  
3232 commercial driver ~~driver's~~ license;

3233 ~~(g)~~(j) Driving a commercial vehicle without the proper  
3234 class of commercial driver ~~driver's~~ license or commercial  
3235 learner's permit or without the proper endorsement; or

3236 ~~(h)~~(k) Driving a commercial vehicle without a commercial  
3237 driver ~~driver's~~ license or commercial learner's permit in  
3238 possession, as required by s. 322.03. ~~Any individual who~~  
3239 ~~provides proof to the clerk of the court or designated official~~  
3240 ~~in the jurisdiction where the citation was issued, by the date~~  
3241 ~~the individual must appear in court or pay any fine for such a~~  
3242 ~~violation, that the individual held a valid commercial driver's~~  
3243 ~~license on the date the citation was issued is not guilty of~~  
3244 ~~this offense.~~

3245 (2) (a) Any person who, for offenses occurring within a 3-





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3246 year period, is convicted of three serious traffic violations  
3247 specified in subsection (1) or any combination thereof, arising  
3248 in separate incidents committed in a commercial motor vehicle  
3249 shall, in addition to any other applicable penalties, including  
3250 but not limited to the penalty provided in subsection (1), be  
3251 disqualified from operating a commercial motor vehicle for a  
3252 period of 120 days.

3253 (b) A holder of a commercial driver ~~driver's~~ license or  
3254 commercial learner's permit who, for offenses occurring within a  
3255 3-year period, is convicted of three serious traffic violations  
3256 specified in subsection (1) or any combination thereof arising  
3257 in separate incidents committed in a noncommercial motor vehicle  
3258 shall, in addition to any other applicable penalties, including,  
3259 but not limited to, the penalty provided in subsection (1), be  
3260 disqualified from operating a commercial motor vehicle for a  
3261 period of 120 days if such convictions result in the suspension,  
3262 revocation, or cancellation of the licenseholder's driving  
3263 privilege.

3264 (3) (a) Except as provided in subsection (4), any person who  
3265 is convicted of one of the offenses listed in paragraph (b)  
3266 while operating a commercial motor vehicle shall, in addition to  
3267 any other applicable penalties, be disqualified from operating a  
3268 commercial motor vehicle for a period of 1 year.

3269 (b) Except as provided in subsection (4), any holder of a  
3270 commercial driver license or commercial learner's permit who is  
3271 convicted of one of the offenses listed in this paragraph while  
3272 operating a noncommercial motor vehicle shall, in addition to  
3273 any other applicable penalties, be disqualified from operating a  
3274 commercial motor vehicle for a period of 1 year:



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- 3275 1. Driving a motor vehicle while he or she is under the  
3276 influence of alcohol or a controlled substance;
- 3277 2. Driving a commercial motor vehicle while the alcohol  
3278 concentration of his or her blood, breath, or urine is .04  
3279 percent or higher;
- 3280 3. Leaving the scene of a crash involving a motor vehicle  
3281 driven by such person;
- 3282 4. Using a motor vehicle in the commission of a felony;
- 3283 ~~5. Driving a commercial motor vehicle while in possession~~  
3284 ~~of a controlled substance;~~
- 3285 ~~5.6.~~ Refusing to submit to a test to determine his or her  
3286 alcohol concentration while driving a motor vehicle;
- 3287 6. Driving a commercial motor vehicle when, as a result of  
3288 prior violations committed operating a commercial motor vehicle,  
3289 his or her commercial driver license or commercial learner's  
3290 permit is revoked, suspended, or canceled, or he or she is  
3291 disqualified from operating a commercial motor vehicle; or
- 3292 ~~7. Driving a commercial vehicle while the licenseholder's~~  
3293 ~~commercial driver license is suspended, revoked, or canceled or~~  
3294 ~~while the licenseholder is disqualified from driving a~~  
3295 ~~commercial vehicle; or~~
- 3296 ~~7.8.~~ Causing a fatality through the negligent operation of  
3297 a commercial motor vehicle.
- 3298 (4) Any person who is transporting hazardous materials as  
3299 defined in s. 322.01(24) shall, upon conviction of an offense  
3300 specified in subsection (3), be disqualified from operating a  
3301 commercial motor vehicle for a period of 3 years. The penalty  
3302 provided in this subsection shall be in addition to any other  
3303 applicable penalty.



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3304           (5) A person who is convicted of two violations specified  
3305 in subsection (3) which were committed while operating a  
3306 commercial motor vehicle, or any combination thereof, arising in  
3307 separate incidents shall be permanently disqualified from  
3308 operating a commercial motor vehicle. A holder of a commercial  
3309 driver license or commercial learner's permit who is convicted  
3310 of two violations specified in subsection (3) which were  
3311 committed while operating any motor vehicle arising in separate  
3312 incidents shall be permanently disqualified from operating a  
3313 commercial motor vehicle. The penalty provided in this  
3314 subsection is in addition to any other applicable penalty.

3315           (6) Notwithstanding subsections (3), (4), and (5), any  
3316 person who uses a commercial motor vehicle in the commission of  
3317 any felony involving the manufacture, distribution, or  
3318 dispensing of a controlled substance, including possession with  
3319 intent to manufacture, distribute, or dispense a controlled  
3320 substance, shall, upon conviction of such felony, be permanently  
3321 disqualified from operating a commercial motor vehicle.

3322 Notwithstanding subsections (3), (4), and (5), any holder of a  
3323 commercial driver ~~driver's~~ license or commercial learner's  
3324 permit who uses a noncommercial motor vehicle in the commission  
3325 of any felony involving the manufacture, distribution, or  
3326 dispensing of a controlled substance, including possession with  
3327 intent to manufacture, distribute, or dispense a controlled  
3328 substance, shall, upon conviction of such felony, be permanently  
3329 disqualified from operating a commercial motor vehicle. The  
3330 penalty provided in this subsection is in addition to any other  
3331 applicable penalty.

3332           (7) A person whose privilege to operate a commercial motor



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3333 vehicle is disqualified under this section may, if otherwise  
3334 qualified, be issued a Class E driver ~~driver's~~ license, pursuant  
3335 to s. 322.251.

3336 (8) A driver who is convicted of or otherwise found to have  
3337 committed a violation of an out-of-service order while driving a  
3338 commercial motor vehicle is disqualified as follows:

3339 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1  
3340 year if the driver is convicted of or otherwise found to have  
3341 committed a first violation of an out-of-service order.

3342 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5  
3343 years if, for offenses occurring during any 10-year period, the  
3344 driver is convicted of or otherwise found to have committed two  
3345 violations of out-of-service orders in separate incidents.

3346 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5  
3347 years if, for offenses occurring during any 10-year period, the  
3348 driver is convicted of or otherwise found to have committed  
3349 three or more violations of out-of-service orders in separate  
3350 incidents.

3351 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2  
3352 years if the driver is convicted of or otherwise found to have  
3353 committed a first violation of an out-of-service order while  
3354 transporting hazardous materials required to be placarded under  
3355 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101  
3356 et seq., or while operating motor vehicles designed to transport  
3357 more than 15 passengers, including the driver. A driver is  
3358 disqualified for a period of at least ~~not less than~~ 3 years but  
3359 not ~~nor~~ more than 5 years if, for offenses occurring during any  
3360 10-year period, the driver is convicted of or otherwise found to  
3361 have committed any subsequent violations of out-of-service



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3362 orders, in separate incidents, while transporting hazardous  
3363 materials required to be placarded under the Hazardous Materials  
3364 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while  
3365 operating motor vehicles designed to transport more than 15  
3366 passengers, including the driver.

3367 (9) A driver who is convicted of or otherwise found to have  
3368 committed an offense of operating a commercial motor vehicle in  
3369 violation of federal, state, or local law or regulation  
3370 pertaining to one of the following six offenses at a railroad-  
3371 highway grade crossing must be disqualified for the period of  
3372 time specified in subsection (10):

3373 (a) For drivers who are not always required to stop,  
3374 failing to slow down and check that the tracks are clear of  
3375 approaching trains.

3376 (b) For drivers who are not always required to stop,  
3377 failing to stop before reaching the crossing if the tracks are  
3378 not clear.

3379 (c) For drivers who are always required to stop, failing to  
3380 stop before driving onto the crossing.

3381 (d) For all drivers, failing to have sufficient space to  
3382 drive completely through the crossing without stopping.

3383 (e) For all drivers, failing to obey a traffic control  
3384 device or all directions of an enforcement official at the  
3385 crossing.

3386 (f) For all drivers, failing to negotiate a crossing  
3387 because of insufficient undercarriage clearance.

3388 (10) (a) A driver must be disqualified for at least ~~not less~~  
3389 ~~than~~ 60 days if the driver is convicted of or otherwise found to  
3390 have committed a first violation of a railroad-highway grade



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3391 crossing violation.

3392 (b) A driver must be disqualified for at least ~~not less~~  
3393 ~~than~~ 120 days if, for offenses occurring during any 3-year  
3394 period, the driver is convicted of or otherwise found to have  
3395 committed a second railroad-highway grade crossing violation in  
3396 separate incidents.

3397 (c) A driver must be disqualified for at least ~~not less~~  
3398 ~~than~~ 1 year if, for offenses occurring during any 3-year period,  
3399 the driver is convicted of or otherwise found to have committed  
3400 a third or subsequent railroad-highway grade crossing violation  
3401 in separate incidents.

3402 Section 52. Section 322.64, Florida Statutes, is amended to  
3403 read:

3404 322.64 Holder of commercial driver ~~driver's~~ license;  
3405 persons operating a commercial motor vehicle; driving with  
3406 unlawful blood-alcohol level; refusal to submit to breath,  
3407 urine, or blood test.-

3408 (1) (a) A law enforcement officer or correctional officer  
3409 shall, on behalf of the department, disqualify from operating  
3410 any commercial motor vehicle a person who while operating or in  
3411 actual physical control of a commercial motor vehicle is  
3412 arrested for a violation of s. 316.193, relating to unlawful  
3413 blood-alcohol level or breath-alcohol level, or a person who has  
3414 refused to submit to a breath, urine, or blood test authorized  
3415 by s. 322.63 or s. 316.1932 arising out of the operation or  
3416 actual physical control of a commercial motor vehicle. A law  
3417 enforcement officer or correctional officer shall, on behalf of  
3418 the department, disqualify the holder of a commercial driver  
3419 ~~driver's~~ license from operating any commercial motor vehicle if



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3420 the licenseholder, while operating or in actual physical control  
3421 of a motor vehicle, is arrested for a violation of s. 316.193,  
3422 relating to unlawful blood-alcohol level or breath-alcohol  
3423 level, or refused to submit to a breath, urine, or blood test  
3424 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
3425 the person, the officer shall take the person's driver ~~driver's~~  
3426 license and issue the person a 10-day temporary permit for the  
3427 operation of noncommercial vehicles only if the person is  
3428 otherwise eligible for the driving privilege and shall issue the  
3429 person a notice of disqualification. If the person has been  
3430 given a blood, breath, or urine test, the results of which are  
3431 not available to the officer at the time of the arrest, the  
3432 agency employing the officer shall transmit such results to the  
3433 department within 5 days after receipt of the results. If the  
3434 department then determines that the person had a blood-alcohol  
3435 level or breath-alcohol level of 0.08 or higher, the department  
3436 shall disqualify the person from operating a commercial motor  
3437 vehicle pursuant to subsection (3).

3438 (b) For purposes of determining the period of  
3439 disqualification described in 49 C.F.R. s. 383.51, a  
3440 disqualification under paragraph (a) shall be considered a  
3441 conviction.

3442 (c) ~~(b)~~ The disqualification under paragraph (a) shall be  
3443 pursuant to, and the notice of disqualification shall inform the  
3444 driver of, the following:

3445 1.a. The driver refused to submit to a lawful breath,  
3446 blood, or urine test and he or she is disqualified from  
3447 operating a commercial motor vehicle for the time period  
3448 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~



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3449 ~~first refusal, or permanently, if he or she has previously been~~  
3450 ~~disqualified under this section; or~~

3451       b. The driver had an unlawful blood-alcohol level of 0.08  
3452 or higher while ~~was~~ driving or in actual physical control of a  
3453 commercial motor vehicle, or any motor vehicle if the driver  
3454 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~  
3455 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~  
3456 and his or her driving privilege is ~~shall be~~ disqualified for  
3457 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~  
3458 ~~year for a first offense or permanently disqualified if his or~~  
3459 ~~her driving privilege has been previously disqualified under~~  
3460 ~~this section.~~

3461       2. The disqualification period for operating commercial  
3462 vehicles shall commence on the date of issuance of the notice of  
3463 disqualification.

3464       3. The driver may request a formal or informal review of  
3465 the disqualification by the department within 10 days after the  
3466 date of issuance of the notice of disqualification.

3467       4. The temporary permit issued at the time of  
3468 disqualification expires at midnight of the 10th day following  
3469 the date of disqualification.

3470       5. The driver may submit to the department any materials  
3471 relevant to the disqualification.

3472       (2) (a) Except as provided in paragraph (1) (a), the law  
3473 enforcement officer shall forward to the department, within 5  
3474 days after the date of the issuance of the notice of  
3475 disqualification, a copy of the notice of disqualification, the  
3476 driver ~~driver's~~ license of the person disqualified, and an  
3477 affidavit stating the officer's grounds for belief that the





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3478 person disqualified was operating or in actual physical control  
3479 of a commercial motor vehicle, or holds a commercial driver  
3480 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-  
3481 alcohol level; the results of any breath or blood or urine test  
3482 or an affidavit stating that a breath, blood, or urine test was  
3483 requested by a law enforcement officer or correctional officer  
3484 and that the person arrested refused to submit; a copy of the  
3485 notice of disqualification issued to the person; and the  
3486 officer's description of the person's field sobriety test, if  
3487 any. The failure of the officer to submit materials within the  
3488 5-day period specified in this subsection or subsection (1) does  
3489 not affect the department's ability to consider any evidence  
3490 submitted at or prior to the hearing.

3491 (b) The officer may also submit a copy of a video recording  
3492 ~~videotape~~ of the field sobriety test or the attempt to  
3493 administer such test and a copy of the crash report, ~~if any~~.  
3494 Notwithstanding s. 316.066, the crash report shall be considered  
3495 by the hearing officer.

3496 (3) If the department determines that the person arrested  
3497 should be disqualified from operating a commercial motor vehicle  
3498 pursuant to this section and if the notice of disqualification  
3499 has not already been served upon the person by a law enforcement  
3500 officer or correctional officer as provided in subsection (1),  
3501 the department shall issue a notice of disqualification and,  
3502 unless the notice is mailed pursuant to s. 322.251, a temporary  
3503 permit which expires 10 days after the date of issuance if the  
3504 driver is otherwise eligible.

3505 (4) If the person disqualified requests an informal review  
3506 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall



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3507 conduct the informal review by a hearing officer designated  
3508 ~~employed~~ by the department. Such informal review hearing shall  
3509 consist solely of an examination by the department of the  
3510 materials submitted by a law enforcement officer or correctional  
3511 officer and by the person disqualified, and the presence of an  
3512 officer or witness is not required.

3513 (5) After completion of the informal review, notice of the  
3514 department's decision sustaining, amending, or invalidating the  
3515 disqualification must be provided to the person. Such notice  
3516 must be mailed to the person at the last known address shown on  
3517 the department's records, and to the address provided in the law  
3518 enforcement officer's report if such address differs from the  
3519 address of record, within 21 days after the expiration of the  
3520 temporary permit issued pursuant to subsection (1) or subsection  
3521 (3).

3522 (6) (a) If the person disqualified requests a formal review,  
3523 the department must schedule a hearing to be held within 30 days  
3524 after such request is received by the department and must notify  
3525 the person of the date, time, and place of the hearing.

3526 (b) Such formal review hearing shall be held before a  
3527 hearing officer designated ~~employed~~ by the department, and the  
3528 hearing officer shall be authorized to administer oaths, examine  
3529 witnesses and take testimony, receive relevant evidence, issue  
3530 subpoenas for the officers and witnesses identified in documents  
3531 provided under paragraph (2) (a) as provided in subsection (2),  
3532 regulate the course and conduct of the hearing, and make a  
3533 ruling on the disqualification. The hearing officer may conduct  
3534 hearings using communications technology. The department and the  
3535 person disqualified may subpoena witnesses, and the party



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3536 requesting the presence of a witness shall be responsible for  
3537 the payment of any witness fees. If the person who requests a  
3538 formal review hearing fails to appear and the hearing officer  
3539 finds such failure to be without just cause, the right to a  
3540 formal hearing is waived.

3541 (c) The failure of a subpoenaed witness to appear at the  
3542 formal review hearing shall not be grounds to invalidate the  
3543 disqualification. If a witness fails to appear, a party may seek  
3544 enforcement of a subpoena under paragraph (b) by filing a  
3545 petition for enforcement in the circuit court of the judicial  
3546 circuit in which the person failing to comply with the subpoena  
3547 resides or by filing a motion for enforcement in any criminal  
3548 court case resulting from the driving or actual physical control  
3549 of a motor vehicle or commercial motor vehicle that gave rise to  
3550 the disqualification under this section. A failure to comply  
3551 with an order of the court shall result in a finding of contempt  
3552 of court. However, a person shall not be in contempt while a  
3553 subpoena is being challenged.

3554 (d) The department must, within 7 working days after a  
3555 formal review hearing, send notice to the person of the hearing  
3556 officer's decision as to whether sufficient cause exists to  
3557 sustain, amend, or invalidate the disqualification.

3558 (7) In a formal review hearing under subsection (6) or an  
3559 informal review hearing under subsection (4), the hearing  
3560 officer shall determine by a preponderance of the evidence  
3561 whether sufficient cause exists to sustain, amend, or invalidate  
3562 the disqualification. The scope of the review shall be limited  
3563 to the following issues:

3564 (a) If the person was disqualified from operating a



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3565 commercial motor vehicle for driving with an unlawful blood-  
3566 alcohol level:

3567 1. Whether the ~~arresting~~ law enforcement officer had  
3568 probable cause to believe that the person was driving or in  
3569 actual physical control of a commercial motor vehicle, or any  
3570 motor vehicle if the driver holds a commercial driver ~~driver's~~  
3571 license, in this state while he or she had any alcohol, chemical  
3572 substances, or controlled substances in his or her body.

3573 2. Whether the person had an unlawful blood-alcohol level  
3574 or breath-alcohol level of 0.08 or higher.

3575 (b) If the person was disqualified from operating a  
3576 commercial motor vehicle for refusal to submit to a breath,  
3577 blood, or urine test:

3578 1. Whether the law enforcement officer had probable cause  
3579 to believe that the person was driving or in actual physical  
3580 control of a commercial motor vehicle, or any motor vehicle if  
3581 the driver holds a commercial driver ~~driver's~~ license, in this  
3582 state while he or she had any alcohol, chemical substances, or  
3583 controlled substances in his or her body.

3584 2. Whether the person refused to submit to the test after  
3585 being requested to do so by a law enforcement officer or  
3586 correctional officer.

3587 3. Whether the person was told that if he or she refused to  
3588 submit to such test he or she would be disqualified from  
3589 operating a commercial motor vehicle for a period of 1 year or,  
3590 if previously disqualified under this section, permanently.

3591 (8) Based on the determination of the hearing officer  
3592 pursuant to subsection (7) for both informal hearings under  
3593 subsection (4) and formal hearings under subsection (6), the



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3594 department shall:

3595 ~~(a) sustain the disqualification for the time period~~  
3596 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~  
3597 ~~refusal, or permanently if such person has been previously~~  
3598 ~~disqualified from operating a commercial motor vehicle under~~  
3599 ~~this section. The disqualification period commences on the date~~  
3600 ~~of the issuance of the notice of disqualification.~~

3601 ~~(b) Sustain the disqualification:~~

3602 ~~1. For a period of 1 year if the person was driving or in~~  
3603 ~~actual physical control of a commercial motor vehicle, or any~~  
3604 ~~motor vehicle if the driver holds a commercial driver's license,~~  
3605 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~  
3606 ~~of 0.08 or higher; or~~

3607 ~~2. Permanently if the person has been previously~~  
3608 ~~disqualified from operating a commercial motor vehicle under~~  
3609 ~~this section or his or her driving privilege has been previously~~  
3610 ~~suspended for driving or being in actual physical control of a~~  
3611 ~~commercial motor vehicle, or any motor vehicle if the driver~~  
3612 ~~holds a commercial driver's license, and had an unlawful blood-~~  
3613 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3614  
3615 ~~The disqualification period commences on the date of the~~  
3616 ~~issuance of the notice of disqualification.~~

3617 (9) A request for a formal review hearing or an informal  
3618 review hearing shall not stay the disqualification. If the  
3619 department fails to schedule the formal review hearing ~~to be~~  
3620 ~~held~~ within 30 days after receipt of the request therefor, the  
3621 department shall invalidate the disqualification. If the  
3622 scheduled hearing is continued at the department's initiative or



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3623 the driver enforces the subpoena as provided in subsection (6),  
3624 the department shall issue a temporary driving permit limited to  
3625 noncommercial vehicles which is valid until the hearing is  
3626 conducted if the person is otherwise eligible for the driving  
3627 privilege. Such permit shall not be issued to a person who  
3628 sought and obtained a continuance of the hearing. The permit  
3629 issued under this subsection shall authorize driving for  
3630 business purposes only.

3631 (10) A person who is disqualified from operating a  
3632 commercial motor vehicle under subsection (1) or subsection (3)  
3633 is eligible for issuance of a license for business or employment  
3634 purposes only under s. 322.271 if the person is otherwise  
3635 eligible for the driving privilege. However, such business or  
3636 employment purposes license shall not authorize the driver to  
3637 operate a commercial motor vehicle.

3638 (11) The formal review hearing may be conducted upon a  
3639 review of the reports of a law enforcement officer or a  
3640 correctional officer, including documents relating to the  
3641 administration of a breath test or blood test or the refusal to  
3642 take either test. However, as provided in subsection (6), the  
3643 driver may subpoena the officer or any person who administered  
3644 or analyzed a breath or blood test. If the arresting officer or  
3645 the breath technician fails to appear pursuant to a subpoena as  
3646 provided in subsection (6), the department shall invalidate the  
3647 disqualification.

3648 (12) The formal review hearing and the informal review  
3649 hearing are exempt from the provisions of chapter 120. The  
3650 department may ~~is authorized to~~ adopt rules for the conduct of  
3651 reviews under this section.



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3652           (13) A person may appeal any decision of the department  
3653 sustaining the disqualification from operating a commercial  
3654 motor vehicle by a petition for writ of certiorari to the  
3655 circuit court in the county wherein such person resides or  
3656 wherein a formal or informal review was conducted pursuant to s.  
3657 322.31. However, an appeal shall not stay the disqualification.  
3658 This subsection shall not be construed to provide for a de novo  
3659 review ~~appeal~~.

3660           (14) The decision of the department under this section  
3661 shall not be considered in any trial for a violation of s.  
3662 316.193, s. 322.61, or s. 322.62, nor shall any written  
3663 statement submitted by a person in his or her request for  
3664 departmental review under this section be admissible into  
3665 evidence against him or her in any such trial. The disposition  
3666 of any related criminal proceedings shall not affect a  
3667 disqualification imposed pursuant to this section.

3668           (15) This section does not preclude the suspension of the  
3669 driving privilege pursuant to s. 322.2615. The driving privilege  
3670 of a person who has been disqualified from operating a  
3671 commercial motor vehicle also may be suspended for a violation  
3672 of s. 316.193.

3673           Section 53. Section 323.002, Florida Statutes, is amended  
3674 to read:

3675           323.002 County and municipal wrecker operator systems;  
3676 penalties for operation outside of system.-

3677           (1) As used in this section, the term:

3678           (a) "Authorized wrecker operator" means any wrecker  
3679 operator who has been designated as part of the wrecker operator  
3680 system established by the governmental unit having jurisdiction



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3681 over the scene of a wrecked or disabled vehicle.

3682 (b) "Unauthorized wrecker operator" means any wrecker  
3683 operator who has not been designated as part of the wrecker  
3684 operator system established by the governmental unit having  
3685 jurisdiction over the scene of a wrecked or disabled vehicle.

3686 (c) "Wrecker operator system" means a system for the towing  
3687 or removal of wrecked, disabled, or abandoned vehicles, similar  
3688 to the Florida Highway Patrol wrecker operator system described  
3689 in s. 321.051(2), under which a county or municipality contracts  
3690 with one or more wrecker operators for the towing or removal of  
3691 wrecked, disabled, or abandoned vehicles from accident scenes,  
3692 streets, or highways. A wrecker operator system must include a  
3693 requirement that authorized wrecker operators must maintain  
3694 liability insurance of at least \$300,000, and on-hook cargo  
3695 insurance of at least \$50,000. A wrecker operator system must  
3696 ~~shall~~ include using a method for apportioning the towing  
3697 assignments among the eligible wrecker operators through the  
3698 creation of geographic zones, a rotation schedule, or a  
3699 combination of these methods.

3700 (2) In any county or municipality that operates a wrecker  
3701 operator system:

3702 (a) It is unlawful for an unauthorized wrecker operator or  
3703 its employees or agents to monitor police radio for  
3704 communications between patrol field units and the dispatcher in  
3705 order to determine the location of a wrecked or disabled vehicle  
3706 for the purpose of driving by the scene of such vehicle in a  
3707 manner described in paragraph (b) or paragraph (c). Any person  
3708 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
3709 violation, punishable as provided in s. 775.083, and a wrecker,





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3710 tow truck, or other motor vehicle used during the violation may  
3711 be immediately removed and impounded pursuant to subsection (3).

3712 (b) It is unlawful for an unauthorized wrecker operator to  
3713 drive by the scene of a wrecked or disabled vehicle before the  
3714 arrival of an authorized wrecker operator, initiate contact with  
3715 the owner or operator of such vehicle by soliciting or offering  
3716 towing services, and tow such vehicle. Any person who violates  
3717 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
3718 degree, punishable as provided in s. 775.082 or s. 775.083, and  
3719 a wrecker, tow truck, or other motor vehicle used during the  
3720 violation may be immediately removed and impounded pursuant to  
3721 subsection (3).

3722 (c) If ~~when~~ an unauthorized wrecker operator drives by the  
3723 scene of a wrecked or disabled vehicle and the owner or operator  
3724 initiates contact by signaling the wrecker operator to stop and  
3725 provide towing services, the unauthorized wrecker operator must  
3726 disclose in writing to the owner or operator of the disabled  
3727 vehicle his or her full name, driver license number, that he or  
3728 she is not the authorized wrecker operator who has been  
3729 designated as part of the wrecker operator system, that the  
3730 motor vehicle is not being towed for the owner's or operator's  
3731 insurance company or lienholder, and the maximum ~~must disclose,~~  
3732 ~~in writing, a fee schedule that includes what~~ charges for towing  
3733 and storage which will apply before the vehicle is connected to  
3734 ~~or disconnected from~~ the towing apparatus. If a law enforcement  
3735 officer is present at the scene of a motor vehicle accident, the  
3736 unauthorized wrecker operator must provide such disclosures to  
3737 the owner or operator of the disabled vehicle in the presence of  
3738 the law enforcement officer ~~The fee charged per mile to and from~~



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3739 ~~the storage facility, the fee charged per 24 hours of storage,~~  
3740 ~~and, prominently displayed, the consumer hotline for the~~  
3741 ~~Department of Agriculture and Consumer Services. Any person who~~  
3742 violates this paragraph commits ~~is guilty of~~ a misdemeanor of  
3743 the second degree, punishable as provided in s. 775.082 or s.  
3744 775.083, and a wrecker, tow truck, or other motor vehicle used  
3745 during the violation may be immediately removed and impounded  
3746 pursuant to subsection (3).

3747 (d) At the scene of a wrecked or disabled vehicle, it is  
3748 unlawful for a wrecker operator to falsely identify himself or  
3749 herself as being part of the wrecker operator system. Any person  
3750 who violates this paragraph commits ~~is guilty of~~ a misdemeanor  
3751 of the first degree, punishable as provided in s. 775.082 or s.  
3752 775.083, and a wrecker, tow truck, or other motor vehicle used  
3753 during the violation may be immediately removed and impounded  
3754 pursuant to subsection (3).

3755 (3) (a) A law enforcement officer from a local governmental  
3756 agency or a state law enforcement agency may cause a wrecker,  
3757 tow truck, or other motor vehicle that is used in violation of  
3758 subsection (2) to be immediately removed and impounded from the  
3759 scene of a wreck or disabled vehicle at the unauthorized wrecker  
3760 operator's expense. The unauthorized wrecker operator shall be  
3761 assessed a cost-recovery fine as provided in paragraph (b) by  
3762 the authority that ordered the immediate removal and impoundment  
3763 of the wrecker, tow truck, or other motor vehicle. A wrecker,  
3764 tow truck, or other motor vehicle that is removed and impounded  
3765 pursuant to this section may not be released from an impound or  
3766 towing and storage facility until a release form has been  
3767 completed by the authority that ordered the immediate removal



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3768 and impoundment of the wrecker, tow truck, or other motor  
3769 vehicle under this section. The release form must verify that  
3770 the cost-recovery fine as provided in paragraph (b) has been  
3771 paid to such authority. The vehicle must remain impounded until  
3772 the cost-recovery fine has been paid or until the vehicle is  
3773 sold at public sale pursuant to s. 713.78.

3774 (b) Notwithstanding any other provision of law to the  
3775 contrary, an unauthorized wrecker operator, upon retrieval of a  
3776 wrecker, tow truck, or other motor vehicle removed or impounded  
3777 pursuant to this section, in addition to any other penalties  
3778 that may be imposed for noncriminal violations, shall pay a  
3779 cost-recovery fine of \$500 for a first-time violation of  
3780 subsection (2), or a fine of \$1,000 for each subsequent  
3781 violation, to the authority that ordered the immediate removal  
3782 and impoundment of the wrecker, tow truck, or other motor  
3783 vehicle under this section. Cost-recovery funds collected  
3784 pursuant to this subsection shall be retained by the authority  
3785 that ordered the removal and impoundment of the wrecker, tow  
3786 truck, or other motor vehicle and may be used only for  
3787 enforcement, investigation, prosecution, and training related to  
3788 towing violations and crimes involving motor vehicles.

3789 (c) Notwithstanding any other provision of law to the  
3790 contrary and in addition to the cost-recovery fine required by  
3791 this subsection, a person who violates any provision of  
3792 subsection (2) shall pay the fees associated with the removal  
3793 and storage of an unauthorized wrecker, tow truck, or other  
3794 motor vehicle.

3795 (4)~~(3)~~ This section does not prohibit, or in any way  
3796 prevent, the owner or operator of a vehicle involved in an



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3797 accident or otherwise disabled from contacting any wrecker  
3798 operator for the provision of towing services, whether the  
3799 wrecker operator is an authorized wrecker operator or not.

3800 Section 54. Paragraph (a) of subsection (1) of section  
3801 324.0221, Florida Statutes, is amended to read:

3802 324.0221 Reports by insurers to the department; suspension  
3803 of driver ~~driver's~~ license and vehicle registrations;  
3804 reinstatement.—

3805 (1)(a) Each insurer that has issued a policy providing  
3806 personal injury protection coverage or property damage liability  
3807 coverage shall report the ~~renewal~~, cancellation, or nonrenewal  
3808 thereof to the department within 10 ~~45~~ days after the processing  
3809 ~~effective~~ date of each ~~renewal~~, cancellation, or nonrenewal.

3810 Upon the issuance of a policy providing personal injury  
3811 protection coverage or property damage liability coverage to a  
3812 named insured not previously insured by the insurer during that  
3813 calendar year, the insurer shall report the issuance of the new  
3814 policy to the department within 10 ~~30~~ days. The report shall be  
3815 in the form and format and contain any information required by  
3816 the department and must be provided in a format that is  
3817 compatible with the data processing capabilities of the  
3818 department. The department may adopt rules regarding the form  
3819 and documentation required. Failure by an insurer to file proper  
3820 reports with the department as required by this subsection or  
3821 rules adopted with respect to the requirements of this  
3822 subsection constitutes a violation of the Florida Insurance  
3823 Code. These records shall be used by the department only for  
3824 enforcement and regulatory purposes, including the generation by  
3825 the department of data regarding compliance by owners of motor



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3826 vehicles with the requirements for financial responsibility  
3827 coverage.

3828 Section 55. Section 324.031, Florida Statutes, is amended  
3829 to read:

3830 324.031 Manner of proving financial responsibility.—The  
3831 owner or operator of a taxicab, limousine, jitney, or any other  
3832 for-hire passenger transportation vehicle may prove financial  
3833 responsibility by providing satisfactory evidence of holding a  
3834 motor vehicle liability policy as defined in s. 324.021(8) or s.  
3835 324.151, which policy is issued by an insurance carrier which is  
3836 a member of the Florida Insurance Guaranty Association. The  
3837 operator or owner of any other vehicle may prove his or her  
3838 financial responsibility by:

3839 (1) Furnishing satisfactory evidence of holding a motor  
3840 vehicle liability policy as defined in ss. 324.021(8) and  
3841 324.151;

3842 ~~(2) Posting with the department a satisfactory bond of a~~  
3843 ~~surety company authorized to do business in this state,~~  
3844 ~~conditioned for payment of the amount specified in s.~~  
3845 ~~324.021(7);~~

3846 ~~(2)(3)~~ Furnishing a certificate of self-insurance ~~the~~  
3847 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance  
3848 with s. 324.161; or

3849 ~~(3)(4)~~ Furnishing a certificate of self-insurance issued by  
3850 the department in accordance with s. 324.171.

3851  
3852 Any person, including any firm, partnership, association,  
3853 corporation, or other person, other than a natural person,  
3854 electing to use the method of proof specified in subsection (2)



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3855 ~~or subsection (3)~~ shall furnish a certificate of post a bond or  
3856 deposit equal to the number of vehicles owned times \$30,000, to  
3857 a maximum of \$120,000; in addition, any such person, other than  
3858 a natural person, shall maintain insurance providing coverage in  
3859 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined  
3860 single limits, and such excess insurance shall provide minimum  
3861 limits of \$125,000/250,000/50,000 or \$300,000 combined single  
3862 limits. These increased limits shall not affect the requirements  
3863 for proving financial responsibility under s. 324.032(1).

3864 Section 56. Subsection (1) of section 324.091, Florida  
3865 Statutes, is amended to read:

3866 324.091 Notice to department; notice to insurer.—

3867 (1) Each owner and operator involved in a crash or  
3868 conviction case within the purview of this chapter shall furnish  
3869 evidence of automobile liability insurance or motor vehicle  
3870 liability insurance, ~~or a surety bond~~ within 14 days after the  
3871 date of the mailing of notice of crash by the department in the  
3872 form and manner as it may designate. Upon receipt of evidence  
3873 that an automobile liability policy or motor vehicle liability  
3874 policy, ~~or surety bond~~ was in effect at the time of the crash or  
3875 conviction case, the department shall forward ~~by United States~~  
3876 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~  
3877 ~~of~~ such information for verification in a method as determined  
3878 by the department. ~~and shall assume that the policy or bond was~~  
3879 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~  
3880 ~~notifies~~ the department ~~otherwise~~ within 20 days after the  
3881 ~~mailing of~~ the notice whether or not such information is valid  
3882 ~~to the insurer or surety insurer.~~ However, If the department  
3883 ~~later~~ determines that an automobile liability policy or motor



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3884 vehicle liability policy, ~~or surety bond~~ was not in effect and  
3885 did not provide coverage for both the owner and the operator, it  
3886 shall take action as it is ~~otherwise~~ authorized to do under this  
3887 chapter. ~~Proof of mailing to the insurer or surety insurer may~~  
3888 ~~be made by the department by naming the insurer or surety~~  
3889 ~~insurer to whom the mailing was made and by specifying the time,~~  
3890 ~~place, and manner of mailing.~~

3891 Section 57. Section 324.161, Florida Statutes, is amended  
3892 to read:

3893 324.161 Proof of financial responsibility; ~~surety bond or~~  
3894 ~~deposit.~~ Annually, before any certificate of insurance may be  
3895 issued to a person, including any firm, partnership,  
3896 association, corporation, or other person, other than a natural  
3897 person, proof of a certificate of deposit of \$30,000 issued and  
3898 held by a financial institution must be submitted to the  
3899 department. A power of attorney will be issued to and held by  
3900 the department and may be executed upon ~~The certificate of the~~  
3901 ~~department of a deposit may be obtained by depositing with it~~  
3902 ~~\$30,000 cash or securities such as may be legally purchased by~~  
3903 ~~savings banks or for trust funds, of a market value of \$30,000~~  
3904 ~~and which deposit shall be held by the department to satisfy, in~~  
3905 ~~accordance with the provisions of this chapter, any execution on~~  
3906 a judgment issued against such person making the deposit, for  
3907 damages because of bodily injury to or death of any person or  
3908 for damages because of injury to or destruction of property  
3909 resulting from the use or operation of any motor vehicle  
3910 occurring after such deposit was made. Money ~~or securities~~ so  
3911 deposited shall not be subject to attachment or execution unless  
3912 such attachment or execution shall arise out of a suit for



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3913 damages as aforesaid.

3914 Section 58. Paragraph (a) of subsection (1) of section  
3915 328.01, Florida Statutes, is amended to read:

3916 328.01 Application for certificate of title.—

3917 (1) (a) The owner of a vessel which is required to be titled  
3918 shall apply to the county tax collector for a certificate of  
3919 title. The application shall include the true name of the owner,  
3920 the residence or business address of the owner, and the complete  
3921 description of the vessel, including the hull identification  
3922 number, except that an application for a certificate of title  
3923 for a homemade vessel shall state all the foregoing information  
3924 except the hull identification number. The application shall be  
3925 signed by the owner and shall be accompanied by personal or  
3926 business identification and the prescribed fee. An individual  
3927 applicant must provide a valid driver license or identification  
3928 card issued by this state or another state or a valid passport.  
3929 A business applicant must provide a federal employer  
3930 identification number, if applicable, verification that the  
3931 business is authorized to conduct business in the state, or a  
3932 Florida city or county business license or number, ~~which may~~  
3933 ~~include, but need not be limited to, a driver's license number,~~  
3934 ~~Florida identification card number, or federal employer~~  
3935 ~~identification number, and the prescribed fee.~~

3936 Section 59. Paragraph (a) of subsection (1) of section  
3937 328.48, Florida Statutes, is amended to read:

3938 328.48 Vessel registration, application, certificate,  
3939 number, decal, duplicate certificate.—

3940 (1) (a) The owner of each vessel required by this law to pay  
3941 a registration fee and secure an identification number shall





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3942 file an application with the county tax collector. The  
3943 application shall provide the owner's name and address;  
3944 residency status; personal or business identification, ~~which may~~  
3945 ~~include, but need not be limited to, a driver's license number,~~  
3946 ~~Florida identification card number, or federal employer~~  
3947 ~~identification number;~~ and a complete description of the vessel,  
3948 and shall be accompanied by payment of the applicable fee  
3949 required in s. 328.72. An individual applicant must provide a  
3950 valid driver license or identification card issued by this state  
3951 or another state or a valid passport. A business applicant must  
3952 provide a federal employer identification number, if applicable,  
3953 verification that the business is authorized to conduct business  
3954 in the state, or a Florida city or county business license or  
3955 number. Registration is not required for any vessel that is not  
3956 used on the waters of this state.

3957 Section 60. Subsection (1) of section 328.76, Florida  
3958 Statutes, is amended to read:

3959 328.76 Marine Resources Conservation Trust Fund; vessel  
3960 registration funds; appropriation and distribution.—

3961 (1) Except as otherwise specified in this subsection and  
3962 less the amount equal to \$1.4 million for any administrative  
3963 costs which shall be deposited in the Highway Safety Operating  
3964 Trust Fund, in each fiscal year beginning on or after July 1,  
3965 2001, all funds collected from the registration of vessels  
3966 through the Department of Highway Safety and Motor Vehicles and  
3967 the tax collectors of the state, except for those funds  
3968 designated as the county portion pursuant to s. 328.72(1), shall  
3969 be deposited in the Marine Resources Conservation Trust Fund for  
3970 recreational channel marking; public launching facilities; law



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3971 enforcement and quality control programs; aquatic weed control;  
3972 manatee protection, recovery, rescue, rehabilitation, and  
3973 release; and marine mammal protection and recovery. The funds  
3974 collected pursuant to s. 328.72(1) shall be transferred as  
3975 follows:

3976 (a) In each fiscal year, an amount equal to \$1.50 for each  
3977 commercial and recreational vessel registered in this state  
3978 shall be transferred by the Department of Highway Safety and  
3979 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
3980 used only for the purposes specified in s. 379.2431(4).

3981 (b) An amount equal to \$2 from each recreational vessel  
3982 registration fee, except that for class A-1 vessels, shall be  
3983 transferred by the Department of Highway Safety and Motor  
3984 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
3985 and Wildlife Conservation Commission for aquatic weed research  
3986 and control.

3987 (c) An amount equal to 40 percent of the registration fees  
3988 from commercial vessels shall be transferred by the Department  
3989 of Highway Safety and Motor Vehicles to the Invasive Plant  
3990 Control Trust Fund in the Fish and Wildlife Conservation  
3991 Commission for aquatic plant research and control.

3992 (d) An amount equal to 40 percent of the registration fees  
3993 from commercial vessels shall be transferred by the Department  
3994 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
3995 General Inspection Trust Fund of the Department of Agriculture  
3996 and Consumer Services. These funds shall be used for shellfish  
3997 and aquaculture law enforcement and quality control programs.

3998 Section 61. Subsections (1), (2), (3), (4), (9), and (13)  
3999 of section 713.585, Florida Statutes, are amended to read:



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4000           713.585 Enforcement of lien by sale of motor vehicle.—A  
4001 person claiming a lien under s. 713.58 for performing labor or  
4002 services on a motor vehicle may enforce such lien by sale of the  
4003 vehicle in accordance with the following procedures:

4004           (1) The lienor must give notice, by certified mail, return  
4005 receipt requested, within 15 business days, excluding Saturday  
4006 and Sunday, from the beginning date of the assessment of storage  
4007 charges on said motor vehicle, to the registered owner of the  
4008 vehicle, to the customer as indicated on the order for repair,  
4009 and to all other persons claiming an interest in or lien  
4010 thereon, as disclosed by the records of the Department of  
4011 Highway Safety and Motor Vehicles or as disclosed by the records  
4012 of any ~~of a~~ corresponding agency of any other state in which the  
4013 vehicle is identified through a records check of the National  
4014 Motor Vehicle Title Information System as being the current  
4015 state where the vehicle is titled ~~appears registered~~. Such  
4016 notice must contain:

4017           (a) A description of the vehicle (year, make, vehicle  
4018 identification number) and its location.

4019           (b) The name and address of the owner of the vehicle, the  
4020 customer as indicated on the order for repair, and any person  
4021 claiming an interest in or lien thereon.

4022           (c) The name, address, and telephone number of the lienor.

4023           (d) Notice that the lienor claims a lien on the vehicle for  
4024 labor and services performed and storage charges, if any, and  
4025 the cash sum which, if paid to the lienor, would be sufficient  
4026 to redeem the vehicle from the lien claimed by the lienor.

4027           (e) Notice that the lien claimed by the lienor is subject  
4028 to enforcement pursuant to this section and that the vehicle may



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4029 be sold to satisfy the lien.

4030 (f) If known, the date, time, and location of any proposed  
4031 or scheduled sale of the vehicle. No vehicle may be sold earlier  
4032 than 60 days after completion of the repair work.

4033 (g) Notice that the owner of the vehicle or any person  
4034 claiming an interest in or lien thereon has a right to a hearing  
4035 at any time prior to the scheduled date of sale by filing a  
4036 demand for hearing with the clerk of the circuit court in the  
4037 county in which the vehicle is held and mailing copies of the  
4038 demand for hearing to all other owners and lienors as reflected  
4039 on the notice.

4040 (h) Notice that the owner of the vehicle has a right to  
4041 recover possession of the vehicle without instituting judicial  
4042 proceedings by posting bond in accordance with the provisions of  
4043 s. 559.917.

4044 (i) Notice that any proceeds from the sale of the vehicle  
4045 remaining after payment of the amount claimed to be due and  
4046 owing to the lienor will be deposited with the clerk of the  
4047 circuit court for disposition upon court order pursuant to  
4048 subsection (8).

4049 (2) If attempts to locate the owner or lienholder are  
4050 unsuccessful after a check of the records of the Department of  
4051 Highway Safety and Motor Vehicles and any state disclosed by the  
4052 check of the National Motor Vehicle Title Information System,  
4053 the lienor must notify the local law enforcement agency in  
4054 writing by certified mail or acknowledged hand delivery that the  
4055 lienor has been unable to locate the owner or lienholder, that a  
4056 physical search of the vehicle has disclosed no ownership  
4057 information, and that a good faith effort, including records



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4058 checks of the Department of Highway Safety and Motor Vehicles  
4059 database and the National Motor Vehicle Title Information  
4060 System, has been made. A description of the motor vehicle which  
4061 includes the year, make, and identification number must be given  
4062 on the notice. This notification must take place within 15  
4063 business days, excluding Saturday and Sunday, from the beginning  
4064 date of the assessment of storage charges on said motor vehicle.  
4065 For purposes of this paragraph, the term "good faith effort"  
4066 means that the following checks have been performed by the  
4067 company to establish the prior state of registration and title:

4068 (a) A check of the Department of Highway Safety and Motor  
4069 Vehicles database for the owner and any lienholder.

4070 (b) A check of the federally mandated electronic National  
4071 Motor Vehicle Title Information System to determine the state of  
4072 registration when there is not a current title or registration  
4073 record for the vehicle on file with the Department of Highway  
4074 Safety and Motor Vehicles.

4075 (c)~~(a)~~ A check of vehicle for any type of tag, tag record,  
4076 temporary tag, or regular tag;

4077 (d)~~(b)~~ A check of vehicle for inspection sticker or other  
4078 stickers and decals that could indicate the state of possible  
4079 registration; and

4080 (e)~~(c)~~ A check of the interior of the vehicle for any  
4081 papers that could be in the glove box, trunk, or other areas for  
4082 the state of registration.

4083 (3) If the date of the sale was not included in the notice  
4084 required in subsection (1), notice of the sale must be sent by  
4085 certified mail, return receipt requested, not less than 15 days  
4086 before the date of sale, to the customer as indicated on the



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4087 order for repair, and to all other persons claiming an interest  
4088 in or lien on the motor vehicle, as disclosed by the records of  
4089 the Department of Highway Safety and Motor Vehicles or of a  
4090 corresponding agency of any other state in which the vehicle  
4091 appears to have been registered after completion of a check of  
4092 the National Motor Vehicle Title Information System. ~~After~~  
4093 ~~diligent search and inquiry, if the name and address of the~~  
4094 ~~registered owner or the owner of the recorded lien cannot be~~  
4095 ~~ascertained, the requirements for this notice may be~~  
4096 ~~disregarded.~~

4097 (4) The lienor, at least 15 days before the proposed or  
4098 scheduled date of sale of the vehicle, shall publish the notice  
4099 required by this section once in a newspaper circulated in the  
4100 county where the vehicle is held. A certificate of compliance  
4101 with the notification provisions of this section, verified by  
4102 the lienor, together with a copy of the notice and return  
4103 receipt for mailing of the notice required by this section, ~~and~~  
4104 proof of publication, and checks of the Department of Highway  
4105 Safety and Motor Vehicles and the National Motor Vehicle Title  
4106 Information System, must be duly and expeditiously filed with  
4107 the clerk of the circuit court in the county where the vehicle  
4108 is held. The lienor, at the time of filing the certificate of  
4109 compliance, must pay to the clerk of that court a service charge  
4110 of \$10 for indexing and recording the certificate.

4111 (9) A copy of the certificate of compliance and the report  
4112 of sale, certified by the clerk of the court, and proof of the  
4113 required check of the National Motor Vehicle Title Information  
4114 System shall constitute satisfactory proof for application to  
4115 the Department of Highway Safety and Motor Vehicles for transfer



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4116 of title, together with any other proof required by any rules  
4117 and regulations of the department.

4118 (13) A failure to make good faith efforts as defined in  
4119 subsection (2) precludes the imposition of any storage charges  
4120 against the vehicle. If a lienor fails to provide notice to any  
4121 person claiming a lien on a vehicle under subsection (1) within  
4122 15 business days after the assessment of storage charges have  
4123 begun, then the lienor is precluded from charging for more than  
4124 15 days of storage, but failure to provide timely notice does  
4125 not affect charges made for repairs, adjustments, or  
4126 modifications to the vehicle or the priority of liens on the  
4127 vehicle.

4128 Section 62. Section 713.78, Florida Statutes, is amended to  
4129 read:

4130 713.78 Liens for recovering, towing, or storing vehicles  
4131 and vessels.—

4132 (1) For the purposes of this section, the term:

4133 (a) "Vehicle" means any mobile item, whether motorized or  
4134 not, which is mounted on wheels.

4135 (b) "Vessel" means every description of watercraft, barge,  
4136 and airboat used or capable of being used as a means of  
4137 transportation on water, other than a seaplane or a "documented  
4138 vessel" as defined in s. 327.02(9).

4139 (c) "Wrecker" means any truck or other vehicle which is  
4140 used to tow, carry, or otherwise transport motor vehicles or  
4141 vessels upon the streets and highways of this state and which is  
4142 equipped for that purpose with a boom, winch, car carrier, or  
4143 other similar equipment.

4144 (d) "National Motor Vehicle Title Information System" means



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4145 the federally authorized electronic National Motor Vehicle Title  
4146 Information System.

4147 (2) Whenever a person regularly engaged in the business of  
4148 transporting vehicles or vessels by wrecker, tow truck, or car  
4149 carrier recovers, removes, or stores a vehicle or vessel upon  
4150 instructions from:

4151 (a) The owner thereof;

4152 (b) The owner or lessor, or a person authorized by the  
4153 owner or lessor, of property on which such vehicle or vessel is  
4154 wrongfully parked, and the removal is done in compliance with s.  
4155 715.07; ~~or~~

4156 (c) The landlord or a person authorized by the landlord,  
4157 when such motor vehicle or vessel remained on the premises after  
4158 the tenancy terminated and the removal is done in compliance  
4159 with s. 715.104; or

4160 (d) ~~(e)~~ Any law enforcement agency,

4161  
4162 she or he shall have a lien on the vehicle or vessel for a  
4163 reasonable towing fee and for a reasonable storage fee; except  
4164 that no storage fee shall be charged if the vehicle is stored  
4165 for less than 6 hours.

4166 (3) This section does not authorize any person to claim a  
4167 lien on a vehicle for fees or charges connected with the  
4168 immobilization of such vehicle using a vehicle boot or other  
4169 similar device pursuant to s. 715.07.

4170 (4) (a) Any person regularly engaged in the business of  
4171 recovering, towing, or storing vehicles or vessels who comes  
4172 into possession of a vehicle or vessel pursuant to subsection  
4173 (2), and who claims a lien for recovery, towing, or storage





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4174 services, shall give notice to the registered owner, the  
4175 insurance company insuring the vehicle notwithstanding the  
4176 provisions of s. 627.736, and to all persons claiming a lien  
4177 thereon, as disclosed by the records in the Department of  
4178 Highway Safety and Motor Vehicles or as disclosed by the records  
4179 of any ~~of a~~ corresponding agency in any other state in which the  
4180 vehicle is identified through a records check of the National  
4181 Motor Vehicle Title Information System as being titled or  
4182 registered.

4183 (b) Whenever any law enforcement agency authorizes the  
4184 removal of a vehicle or vessel or whenever any towing service,  
4185 garage, repair shop, or automotive service, storage, or parking  
4186 place notifies the law enforcement agency of possession of a  
4187 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
4188 enforcement agency of the jurisdiction where the vehicle or  
4189 vessel is stored shall contact the Department of Highway Safety  
4190 and Motor Vehicles, or the appropriate agency of the state of  
4191 registration, if known, within 24 hours through the medium of  
4192 electronic communications, giving the full description of the  
4193 vehicle or vessel. Upon receipt of the full description of the  
4194 vehicle or vessel, the department shall search its files to  
4195 determine the owner's name, the insurance company insuring the  
4196 vehicle or vessel, and whether any person has filed a lien upon  
4197 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
4198 notify the applicable law enforcement agency within 72 hours.  
4199 The person in charge of the towing service, garage, repair shop,  
4200 or automotive service, storage, or parking place shall obtain  
4201 such information from the applicable law enforcement agency  
4202 within 5 days after the date of storage and shall give notice



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4203 pursuant to paragraph (a). The department may release the  
4204 insurance company information to the requestor notwithstanding  
4205 the provisions of s. 627.736.

4206 (c) Notice by certified mail shall be sent within 7  
4207 business days after the date of storage of the vehicle or vessel  
4208 to the registered owner, the insurance company insuring the  
4209 vehicle notwithstanding the provisions of s. 627.736, and all  
4210 persons of record claiming a lien against the vehicle or vessel.  
4211 It shall state the fact of possession of the vehicle or vessel,  
4212 that a lien as provided in subsection (2) is claimed, that  
4213 charges have accrued and the amount thereof, that the lien is  
4214 subject to enforcement pursuant to law, and that the owner or  
4215 lienholder, if any, has the right to a hearing as set forth in  
4216 subsection (5), and that any vehicle or vessel which remains  
4217 unclaimed, or for which the charges for recovery, towing, or  
4218 storage services remain unpaid, may be sold free of all prior  
4219 liens after 35 days if the vehicle or vessel is more than 3  
4220 years of age or after 50 days if the vehicle or vessel is 3  
4221 years of age or less.

4222 (d) If attempts to locate the name and address of the owner  
4223 or lienholder prove unsuccessful, the towing-storage operator  
4224 shall, after 7 working days, excluding Saturday and Sunday, of  
4225 the initial tow or storage, notify the public agency of  
4226 jurisdiction where the vehicle or vessel is stored in writing by  
4227 certified mail or acknowledged hand delivery that the towing-  
4228 storage company has been unable to locate the name and address  
4229 of the owner or lienholder and a physical search of the vehicle  
4230 or vessel has disclosed no ownership information and a good  
4231 faith effort has been made, including records checks of the



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4232 Department of Highway Safety and Motor Vehicles and the National  
4233 Motor Vehicle Title Information System databases. For purposes  
4234 of this paragraph and subsection (9), "good faith effort" means  
4235 that the following checks have been performed by the company to  
4236 establish prior state of registration and for title:

4237 1. Check of the Department of Highway Safety and Motor  
4238 Vehicles database for the owner and any lienholder.

4239 2. Check of the electronic National Motor Vehicle Title  
4240 Information System to determine the state of registration when  
4241 there is not a current registration record for the vehicle on  
4242 file with the Department of Highway Safety and Motor Vehicles.

4243 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag  
4244 record, temporary tag, or regular tag.

4245 ~~4.2.~~ Check of law enforcement report for tag number or  
4246 other information identifying the vehicle or vessel, if the  
4247 vehicle or vessel was towed at the request of a law enforcement  
4248 officer.

4249 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck  
4250 operator to see if a tag was on vehicle or vessel at beginning  
4251 of tow, if private tow.

4252 ~~6.4.~~ If there is no address of the owner on the impound  
4253 report, check of law enforcement report to see if an out-of-  
4254 state address is indicated from driver license information.

4255 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or  
4256 other stickers and decals that may indicate a state of possible  
4257 registration.

4258 ~~8.6.~~ Check of the interior of the vehicle or vessel for any  
4259 papers that may be in the glove box, trunk, or other areas for a  
4260 state of registration.



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4261        ~~9.7.~~ Check of vehicle for vehicle identification number.

4262        ~~10.8.~~ Check of vessel for vessel registration number.

4263        ~~11.9.~~ Check of vessel hull for a hull identification number  
4264 which should be carved, burned, stamped, embossed, or otherwise  
4265 permanently affixed to the outboard side of the transom or, if  
4266 there is no transom, to the outmost seaboard side at the end of  
4267 the hull that bears the rudder or other steering mechanism.

4268            (5) (a) The owner of a vehicle or vessel removed pursuant to  
4269 the provisions of subsection (2), or any person claiming a lien,  
4270 other than the towing-storage operator, within 10 days after the  
4271 time she or he has knowledge of the location of the vehicle or  
4272 vessel, may file a complaint in the county court of the county  
4273 in which the vehicle or vessel is stored to determine if her or  
4274 his property was wrongfully taken or withheld from her or him.

4275            (b) Upon filing of a complaint, an owner or lienholder may  
4276 have her or his vehicle or vessel released upon posting with the  
4277 court a cash or surety bond or other adequate security equal to  
4278 the amount of the charges for towing or storage and lot rental  
4279 amount to ensure the payment of such charges in the event she or  
4280 he does not prevail. Upon the posting of the bond and the  
4281 payment of the applicable fee set forth in s. 28.24, the clerk  
4282 of the court shall issue a certificate notifying the lienor of  
4283 the posting of the bond and directing the lienor to release the  
4284 vehicle or vessel. At the time of such release, after reasonable  
4285 inspection, she or he shall give a receipt to the towing-storage  
4286 company reciting any claims she or he has for loss or damage to  
4287 the vehicle or vessel or the contents thereof.

4288            (c) Upon determining the respective rights of the parties,  
4289 the court may award damages, attorney's fees, and costs in favor



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4290 of the prevailing party. In any event, the final order shall  
4291 provide for immediate payment in full of recovery, towing, and  
4292 storage fees by the vehicle or vessel owner or lienholder; or  
4293 the agency ordering the tow; or the owner, lessee, or agent  
4294 thereof of the property from which the vehicle or vessel was  
4295 removed.

4296 (6) Any vehicle or vessel which is stored pursuant to  
4297 subsection (2) and which remains unclaimed, or for which  
4298 reasonable charges for recovery, towing, or storing remain  
4299 unpaid, and any contents not released pursuant to subsection  
4300 (10), may be sold by the owner or operator of the storage space  
4301 for such towing or storage charge after 35 days from the time  
4302 the vehicle or vessel is stored therein if the vehicle or vessel  
4303 is more than 3 years of age or after 50 days following the time  
4304 the vehicle or vessel is stored therein if the vehicle or vessel  
4305 is 3 years of age or less. The sale shall be at public sale for  
4306 cash. If the date of the sale was not included in the notice  
4307 required in subsection (4), notice of the sale shall be given to  
4308 the person in whose name the vehicle or vessel is registered and  
4309 to all persons claiming a lien on the vehicle or vessel as shown  
4310 on the records of the Department of Highway Safety and Motor  
4311 Vehicles or of any ~~the~~ corresponding agency in any other state  
4312 in which the vehicle is identified through a records check of  
4313 the National Motor Vehicle Title Information System as being  
4314 titled. Notice shall be sent by certified mail to the owner of  
4315 the vehicle or vessel and the person having the recorded lien on  
4316 the vehicle or vessel at the address shown on the records of the  
4317 registering agency and shall be mailed not less than 15 days  
4318 before the date of the sale. After diligent search and inquiry,



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4319 if the name and address of the registered owner or the owner of  
4320 the recorded lien cannot be ascertained, the requirements of  
4321 notice by mail may be dispensed with. In addition to the notice  
4322 by mail, public notice of the time and place of sale shall be  
4323 made by publishing a notice thereof one time, at least 10 days  
4324 prior to the date of the sale, in a newspaper of general  
4325 circulation in the county in which the sale is to be held. The  
4326 proceeds of the sale, after payment of reasonable towing and  
4327 storage charges, and costs of the sale, in that order of  
4328 priority, shall be deposited with the clerk of the circuit court  
4329 for the county if the owner or lienholder is absent, and the  
4330 clerk shall hold such proceeds subject to the claim of the owner  
4331 or lienholder legally entitled thereto. The clerk shall be  
4332 entitled to receive 5 percent of such proceeds for the care and  
4333 disbursement thereof. The certificate of title issued under this  
4334 law shall be discharged of all liens unless otherwise provided  
4335 by court order. The owner or lienholder may file a complaint  
4336 after the vehicle or vessel has been sold in the county court of  
4337 the county in which it is stored. Upon determining the  
4338 respective rights of the parties, the court may award damages,  
4339 attorney's fees, and costs in favor of the prevailing party.

4340 (7) (a) A wrecker operator recovering, towing, or storing  
4341 vehicles or vessels is not liable for damages connected with  
4342 such services, theft of such vehicles or vessels, or theft of  
4343 personal property contained in such vehicles or vessels,  
4344 provided that such services have been performed with reasonable  
4345 care and provided, further, that, in the case of removal of a  
4346 vehicle or vessel upon the request of a person purporting, and  
4347 reasonably appearing, to be the owner or lessee, or a person



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4348 authorized by the owner or lessee, of the property from which  
4349 such vehicle or vessel is removed, such removal has been done in  
4350 compliance with s. 715.07. Further, a wrecker operator is not  
4351 liable for damage to a vehicle, vessel, or cargo that obstructs  
4352 the normal movement of traffic or creates a hazard to traffic  
4353 and is removed in compliance with the request of a law  
4354 enforcement officer.

4355 (b) For the purposes of this subsection, a wrecker operator  
4356 is presumed to use reasonable care to prevent the theft of a  
4357 vehicle or vessel or of any personal property contained in such  
4358 vehicle stored in the wrecker operator's storage facility if all  
4359 of the following apply:

4360 1. The wrecker operator surrounds the storage facility with  
4361 a chain-link or solid-wall type fence at least 6 feet in height;

4362 2. The wrecker operator has illuminated the storage  
4363 facility with lighting of sufficient intensity to reveal persons  
4364 and vehicles at a distance of at least 150 feet during  
4365 nighttime; and

4366 3. The wrecker operator uses one or more of the following  
4367 security methods to discourage theft of vehicles or vessels or  
4368 of any personal property contained in such vehicles or vessels  
4369 stored in the wrecker operator's storage facility:

4370 a. A night dispatcher or watchman remains on duty at the  
4371 storage facility from sunset to sunrise;

4372 b. A security dog remains at the storage facility from  
4373 sunset to sunrise;

4374 c. Security cameras or other similar surveillance devices  
4375 monitor the storage facility; or

4376 d. A security guard service examines the storage facility



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4377 at least once each hour from sunset to sunrise.

4378 (c) Any law enforcement agency requesting that a motor  
4379 vehicle be removed from an accident scene, street, or highway  
4380 must conduct an inventory and prepare a written record of all  
4381 personal property found in the vehicle before the vehicle is  
4382 removed by a wrecker operator. However, if the owner or driver  
4383 of the motor vehicle is present and accompanies the vehicle, no  
4384 inventory by law enforcement is required. A wrecker operator is  
4385 not liable for the loss of personal property alleged to be  
4386 contained in such a vehicle when such personal property was not  
4387 identified on the inventory record prepared by the law  
4388 enforcement agency requesting the removal of the vehicle.

4389 (8) A person regularly engaged in the business of  
4390 recovering, towing, or storing vehicles or vessels, except a  
4391 person licensed under chapter 493 while engaged in  
4392 "repossession" activities as defined in s. 493.6101, may not  
4393 operate a wrecker, tow truck, or car carrier unless the name,  
4394 address, and telephone number of the company performing the  
4395 service is clearly printed in contrasting colors on the driver  
4396 and passenger sides of its vehicle. The name must be in at least  
4397 3-inch permanently affixed letters, and the address and  
4398 telephone number must be in at least 1-inch permanently affixed  
4399 letters.

4400 (9) Failure to make good faith best efforts to comply with  
4401 the notice requirements of this section shall preclude the  
4402 imposition of any storage charges against such vehicle or  
4403 vessel.

4404 (10) Persons who provide services pursuant to this section  
4405 shall permit vehicle or vessel owners, lienholders, insurance





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4406 company representatives, or their agents, which agency is  
4407 evidenced by an original writing acknowledged by the owner  
4408 before a notary public or other person empowered by law to  
4409 administer oaths, to inspect the towed vehicle or vessel and  
4410 shall release to the owner, lienholder, or agent the vehicle,  
4411 vessel, or all personal property not affixed to the vehicle or  
4412 vessel which was in the vehicle or vessel at the time the  
4413 vehicle or vessel came into the custody of the person providing  
4414 such services.

4415 (11) (a) Any person regularly engaged in the business of  
4416 recovering, towing, or storing vehicles or vessels who comes  
4417 into possession of a vehicle or vessel pursuant to subsection  
4418 (2) and who has complied with the provisions of subsections (3)  
4419 and (6), when such vehicle or vessel is to be sold for purposes  
4420 of being dismantled, destroyed, or changed in such manner that  
4421 it is not the motor vehicle or vessel described in the  
4422 certificate of title, shall report the vehicle to the National  
4423 Motor Vehicle Title Information System and apply to the  
4424 Department of Highway Safety and Motor Vehicles ~~county tax~~  
4425 ~~collector~~ for a certificate of destruction. A certificate of  
4426 destruction, which authorizes the dismantling or destruction of  
4427 the vehicle or vessel described therein, shall be reassignable a  
4428 maximum of two times before dismantling or destruction of the  
4429 vehicle shall be required, and shall accompany the vehicle or  
4430 vessel for which it is issued, when such vehicle or vessel is  
4431 sold for such purposes, in lieu of a certificate of title. The  
4432 application for a certificate of destruction must include proof  
4433 of reporting to the National Motor Vehicle Title Information  
4434 System and an affidavit from the applicant that it has complied



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4435 with all applicable requirements of this section and, if the  
4436 vehicle or vessel is not registered in this state or any other  
4437 state, by a statement from a law enforcement officer that the  
4438 vehicle or vessel is not reported stolen, and shall be  
4439 accompanied by such documentation as may be required by the  
4440 department.

4441 (b) The Department of Highway Safety and Motor Vehicles  
4442 shall charge a fee of \$3 for each certificate of destruction. A  
4443 service charge of \$4.25 shall be collected and retained by the  
4444 tax collector who processes the application.

4445 (c) The Department of Highway Safety and Motor Vehicles may  
4446 adopt such rules as it deems necessary or proper for the  
4447 administration of this subsection.

4448 (12) (a) Any person who violates any provision of subsection  
4449 (1), subsection (2), subsection (4), subsection (5), subsection  
4450 (6), or subsection (7) is guilty of a misdemeanor of the first  
4451 degree, punishable as provided in s. 775.082 or s. 775.083.

4452 (b) Any person who violates the provisions of subsections  
4453 (8) through (11) is guilty of a felony of the third degree,  
4454 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4455 (c) Any person who uses a false or fictitious name, gives a  
4456 false or fictitious address, or makes any false statement in any  
4457 application or affidavit required under the provisions of this  
4458 section is guilty of a felony of the third degree, punishable as  
4459 provided in s. 775.082, s. 775.083, or s. 775.084.

4460 (d) Employees of the Department of Highway Safety and Motor  
4461 Vehicles and law enforcement officers are authorized to inspect  
4462 the records of any person regularly engaged in the business of  
4463 recovering, towing, or storing vehicles or vessels or



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4464 transporting vehicles or vessels by wrecker, tow truck, or car  
4465 carrier, to ensure compliance with the requirements of this  
4466 section. Any person who fails to maintain records, or fails to  
4467 produce records when required in a reasonable manner and at a  
4468 reasonable time, commits a misdemeanor of the first degree,  
4469 punishable as provided in s. 775.082 or s. 775.083.

4470 (13) (a) Upon receipt by the Department of Highway Safety  
4471 and Motor Vehicles of written notice from a wrecker operator who  
4472 claims a wrecker operator's lien under paragraph (2) (c) or  
4473 paragraph (2) (d) for recovery, towing, or storage of an  
4474 abandoned vehicle or vessel upon instructions from any law  
4475 enforcement agency, for which a certificate of destruction has  
4476 been issued under subsection (11) and the vehicle has been  
4477 reported to the National Motor Vehicle Title Information System,  
4478 the department shall place the name of the registered owner of  
4479 that vehicle or vessel on the list of those persons who may not  
4480 be issued a license plate or revalidation sticker for any motor  
4481 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
4482 jointly by more than one person, the name of each registered  
4483 owner shall be placed on the list. The notice of wrecker  
4484 operator's lien shall be submitted on forms provided by the  
4485 department, which must include:

4486 1. The name, address, and telephone number of the wrecker  
4487 operator.

4488 2. The name of the registered owner of the vehicle or  
4489 vessel and the address to which the wrecker operator provided  
4490 notice of the lien to the registered owner under subsection (4).

4491 3. A general description of the vehicle or vessel,  
4492 including its color, make, model, body style, and year.



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4493           4. The vehicle identification number (VIN); registration  
4494 license plate number, state, and year; validation decal number,  
4495 state, and year; vessel registration number; hull identification  
4496 number; or other identification number, as applicable.

4497           5. The name of the person or the corresponding law  
4498 enforcement agency that requested that the vehicle or vessel be  
4499 recovered, towed, or stored.

4500           6. The amount of the wrecker operator's lien, not to exceed  
4501 the amount allowed by paragraph (b).

4502           (b) For purposes of this subsection only, the amount of the  
4503 wrecker operator's lien for which the department will prevent  
4504 issuance of a license plate or revalidation sticker may not  
4505 exceed the amount of the charges for recovery, towing, and  
4506 storage of the vehicle or vessel for 7 days. These charges may  
4507 not exceed the maximum rates imposed by the ordinances of the  
4508 respective county or municipality under ss. 125.0103(1)(c) and  
4509 166.043(1)(c). This paragraph does not limit the amount of a  
4510 wrecker operator's lien claimed under subsection (2) or prevent  
4511 a wrecker operator from seeking civil remedies for enforcement  
4512 of the entire amount of the lien, but limits only that portion  
4513 of the lien for which the department will prevent issuance of a  
4514 license plate or revalidation sticker.

4515           (c)1. The registered owner of a vehicle or vessel may  
4516 dispute a wrecker operator's lien, by notifying the department  
4517 of the dispute in writing on forms provided by the department,  
4518 if at least one of the following applies:

4519           a. The registered owner presents a notarized bill of sale  
4520 proving that the vehicle or vessel was sold in a private or  
4521 casual sale before the vehicle or vessel was recovered, towed,



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4522 or stored.

4523           b. The registered owner presents proof that the Florida  
4524 certificate of title of the vehicle or vessel was sold to a  
4525 licensed dealer as defined in s. 319.001 before the vehicle or  
4526 vessel was recovered, towed, or stored.

4527           c. The records of the department were marked "sold" prior  
4528 to the date of the tow.

4529

4530 If the registered owner's dispute of a wrecker operator's lien  
4531 complies with one of these criteria, the department shall  
4532 immediately remove the registered owner's name from the list of  
4533 those persons who may not be issued a license plate or  
4534 revalidation sticker for any motor vehicle under s. 320.03(8),  
4535 thereby allowing issuance of a license plate or revalidation  
4536 sticker. If the vehicle or vessel is owned jointly by more than  
4537 one person, each registered owner must dispute the wrecker  
4538 operator's lien in order to be removed from the list. However,  
4539 the department shall deny any dispute and maintain the  
4540 registered owner's name on the list of those persons who may not  
4541 be issued a license plate or revalidation sticker for any motor  
4542 vehicle under s. 320.03(8) if the wrecker operator has provided  
4543 the department with a certified copy of the judgment of a court  
4544 which orders the registered owner to pay the wrecker operator's  
4545 lien claimed under this section. In such a case, the amount of  
4546 the wrecker operator's lien allowed by paragraph (b) may be  
4547 increased to include no more than \$500 of the reasonable costs  
4548 and attorney's fees incurred in obtaining the judgment. The  
4549 department's action under this subparagraph is ministerial in  
4550 nature, shall not be considered final agency action, and is



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4551 appealable only to the county court for the county in which the  
4552 vehicle or vessel was ordered removed.

4553         2. A person against whom a wrecker operator's lien has been  
4554 imposed may alternatively obtain a discharge of the lien by  
4555 filing a complaint, challenging the validity of the lien or the  
4556 amount thereof, in the county court of the county in which the  
4557 vehicle or vessel was ordered removed. Upon filing of the  
4558 complaint, the person may have her or his name removed from the  
4559 list of those persons who may not be issued a license plate or  
4560 revalidation sticker for any motor vehicle under s. 320.03(8),  
4561 thereby allowing issuance of a license plate or revalidation  
4562 sticker, upon posting with the court a cash or surety bond or  
4563 other adequate security equal to the amount of the wrecker  
4564 operator's lien to ensure the payment of such lien in the event  
4565 she or he does not prevail. Upon the posting of the bond and the  
4566 payment of the applicable fee set forth in s. 28.24, the clerk  
4567 of the court shall issue a certificate notifying the department  
4568 of the posting of the bond and directing the department to  
4569 release the wrecker operator's lien. Upon determining the  
4570 respective rights of the parties, the court may award damages  
4571 and costs in favor of the prevailing party.

4572         3. If a person against whom a wrecker operator's lien has  
4573 been imposed does not object to the lien, but cannot discharge  
4574 the lien by payment because the wrecker operator has moved or  
4575 gone out of business, the person may have her or his name  
4576 removed from the list of those persons who may not be issued a  
4577 license plate or revalidation sticker for any motor vehicle  
4578 under s. 320.03(8), thereby allowing issuance of a license plate  
4579 or revalidation sticker, upon posting with the clerk of court in



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4580 the county in which the vehicle or vessel was ordered removed, a  
4581 cash or surety bond or other adequate security equal to the  
4582 amount of the wrecker operator's lien. Upon the posting of the  
4583 bond and the payment of the application fee set forth in s.  
4584 28.24, the clerk of the court shall issue a certificate  
4585 notifying the department of the posting of the bond and  
4586 directing the department to release the wrecker operator's lien.  
4587 The department shall mail to the wrecker operator, at the  
4588 address upon the lien form, notice that the wrecker operator  
4589 must claim the security within 60 days, or the security will be  
4590 released back to the person who posted it. At the conclusion of  
4591 the 60 days, the department shall direct the clerk as to which  
4592 party is entitled to payment of the security, less applicable  
4593 clerk's fees.

4594 4. A wrecker operator's lien expires 5 years after filing.

4595 (d) Upon discharge of the amount of the wrecker operator's  
4596 lien allowed by paragraph (b), the wrecker operator must issue a  
4597 certificate of discharged wrecker operator's lien on forms  
4598 provided by the department to each registered owner of the  
4599 vehicle or vessel attesting that the amount of the wrecker  
4600 operator's lien allowed by paragraph (b) has been discharged.  
4601 Upon presentation of the certificate of discharged wrecker  
4602 operator's lien by the registered owner, the department shall  
4603 immediately remove the registered owner's name from the list of  
4604 those persons who may not be issued a license plate or  
4605 revalidation sticker for any motor vehicle under s. 320.03(8),  
4606 thereby allowing issuance of a license plate or revalidation  
4607 sticker. Issuance of a certificate of discharged wrecker  
4608 operator's lien under this paragraph does not discharge the



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4609 entire amount of the wrecker operator's lien claimed under  
4610 subsection (2), but only certifies to the department that the  
4611 amount of the wrecker operator's lien allowed by paragraph (b),  
4612 for which the department will prevent issuance of a license  
4613 plate or revalidation sticker, has been discharged.

4614 (e) When a wrecker operator files a notice of wrecker  
4615 operator's lien under this subsection, the department shall  
4616 charge the wrecker operator a fee of \$2, which shall be  
4617 deposited into the General Revenue Fund. A service charge of  
4618 \$2.50 shall be collected and retained by the tax collector who  
4619 processes a notice of wrecker operator's lien.

4620 (f) This subsection applies only to the annual renewal in  
4621 the registered owner's birth month of a motor vehicle  
4622 registration and does not apply to the transfer of a  
4623 registration of a motor vehicle sold by a motor vehicle dealer  
4624 licensed under chapter 320, except for the transfer of  
4625 registrations which includes the annual renewals. This  
4626 subsection does not apply to any vehicle registered in the name  
4627 of the lessor. This subsection does not affect the issuance of  
4628 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4629 (g) The Department of Highway Safety and Motor Vehicles may  
4630 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
4631 this subsection.

4632 Section 63. Paragraph (aa) of subsection (7) of section  
4633 212.08, Florida Statutes, is amended to read:

4634 212.08 Sales, rental, use, consumption, distribution, and  
4635 storage tax; specified exemptions.—The sale at retail, the  
4636 rental, the use, the consumption, the distribution, and the  
4637 storage to be used or consumed in this state of the following





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4638 are hereby specifically exempt from the tax imposed by this  
4639 chapter.

4640 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
4641 entity by this chapter do not inure to any transaction that is  
4642 otherwise taxable under this chapter when payment is made by a  
4643 representative or employee of the entity by any means,  
4644 including, but not limited to, cash, check, or credit card, even  
4645 when that representative or employee is subsequently reimbursed  
4646 by the entity. In addition, exemptions provided to any entity by  
4647 this subsection do not inure to any transaction that is  
4648 otherwise taxable under this chapter unless the entity has  
4649 obtained a sales tax exemption certificate from the department  
4650 or the entity obtains or provides other documentation as  
4651 required by the department. Eligible purchases or leases made  
4652 with such a certificate must be in strict compliance with this  
4653 subsection and departmental rules, and any person who makes an  
4654 exempt purchase with a certificate that is not in strict  
4655 compliance with this subsection and the rules is liable for and  
4656 shall pay the tax. The department may adopt rules to administer  
4657 this subsection.

4658 (aa) *Certain commercial vehicles.*—Also exempt is the sale,  
4659 lease, or rental of a commercial motor vehicle as defined in s.  
4660 207.002 ~~207.002(2)~~, when the following conditions are met:

4661 1. The sale, lease, or rental occurs between two commonly  
4662 owned and controlled corporations;

4663 2. Such vehicle was titled and registered in this state at  
4664 the time of the sale, lease, or rental; and

4665 3. Florida sales tax was paid on the acquisition of such  
4666 vehicle by the seller, lessor, or renter.



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4667 Section 64. Subsection (8) of section 261.03, Florida  
4668 Statutes, is amended to read:

4669 261.03 Definitions.—As used in this chapter, the term:

4670 (8) "ROV" means any motorized recreational off-highway  
4671 vehicle 64 inches or less in width, having a dry weight of 2,000  
4672 pounds or less, designed to travel on four or more nonhighway  
4673 tires, having nonstraddle seating and a steering wheel, and  
4674 manufactured for recreational use by one or more persons. The  
4675 term "ROV" does not include a golf cart as defined in ss. 320.01  
4676 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
4677 s. 320.01 ~~320.01(42)~~.

4678 Section 65. Section 316.2122, Florida Statutes, is amended  
4679 to read:

4680 316.2122 Operation of a low-speed vehicle or mini truck on  
4681 certain roadways.—The operation of a low-speed vehicle as  
4682 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
4683 320.01 ~~320.01(45)~~ on any road is authorized with the following  
4684 restrictions:

4685 (1) A low-speed vehicle or mini truck may be operated only  
4686 on streets where the posted speed limit is 35 miles per hour or  
4687 less. This does not prohibit a low-speed vehicle or mini truck  
4688 from crossing a road or street at an intersection where the road  
4689 or street has a posted speed limit of more than 35 miles per  
4690 hour.

4691 (2) A low-speed vehicle must be equipped with headlamps,  
4692 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
4693 parking brakes, rearview mirrors, windshields, seat belts, and  
4694 vehicle identification numbers.

4695 (3) A low-speed vehicle or mini truck must be registered



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4696 and insured in accordance with s. 320.02 and titled pursuant to  
4697 chapter 319.

4698 (4) Any person operating a low-speed vehicle or mini truck  
4699 must have in his or her possession a valid driver ~~driver's~~  
4700 license.

4701 (5) A county or municipality may prohibit the operation of  
4702 low-speed vehicles or mini trucks on any road under its  
4703 jurisdiction if the governing body of the county or municipality  
4704 determines that such prohibition is necessary in the interest of  
4705 safety.

4706 (6) The Department of Transportation may prohibit the  
4707 operation of low-speed vehicles or mini trucks on any road under  
4708 its jurisdiction if it determines that such prohibition is  
4709 necessary in the interest of safety.

4710 Section 66. Section 316.2124, Florida Statutes, is amended  
4711 to read:

4712 316.2124 Motorized disability access vehicles.—The  
4713 Department of Highway Safety and Motor Vehicles is directed to  
4714 provide, by rule, for the regulation of motorized disability  
4715 access vehicles as described in s. 320.01 ~~320.01(34)~~. The  
4716 department shall provide that motorized disability access  
4717 vehicles shall be registered in the same manner as motorcycles  
4718 and shall pay the same registration fee as for a motorcycle.  
4719 There shall also be assessed, in addition to the registration  
4720 fee, a \$2.50 surcharge for motorized disability access vehicles.  
4721 This surcharge shall be paid into the Highway Safety Operating  
4722 Trust Fund. Motorized disability access vehicles shall not be  
4723 required to be titled by the department. The department shall  
4724 require motorized disability access vehicles to be subject to



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4725 the same safety requirements as set forth in this chapter for  
4726 motorcycles.

4727 Section 67. Subsection (1) of section 316.21265, Florida  
4728 Statutes, is amended to read:

4729 316.21265 Use of all-terrain vehicles, golf carts, low-  
4730 speed vehicles, or utility vehicles by law enforcement  
4731 agencies.—

4732 (1) Notwithstanding any provision of law to the contrary,  
4733 any law enforcement agency in this state may operate all-terrain  
4734 vehicles as defined in s. 316.2074, golf carts as defined in s.  
4735 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01  
4736 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01  
4737 ~~320.01(43)~~ on any street, road, or highway in this state while  
4738 carrying out its official duties.

4739 Section 68. Subsection (1) of section 316.3026, Florida  
4740 Statutes, is amended to read:

4741 316.3026 Unlawful operation of motor carriers.—

4742 (1) The Office of Commercial Vehicle Enforcement may issue  
4743 out-of-service orders to motor carriers, as defined in s. 320.01  
4744 ~~320.01(33)~~, who, after proper notice, have failed to pay any  
4745 penalty or fine assessed by the department, or its agent,  
4746 against any owner or motor carrier for violations of state law,  
4747 refused to submit to a compliance review and provide records  
4748 pursuant to s. 316.302(5) or s. 316.70, or violated safety  
4749 regulations pursuant to s. 316.302 or insurance requirements in  
4750 s. 627.7415. Such out-of-service orders have the effect of  
4751 prohibiting the operations of any motor vehicles owned, leased,  
4752 or otherwise operated by the motor carrier upon the roadways of  
4753 this state, until the violations have been corrected or



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4754 penalties have been paid. Out-of-service orders must be approved  
4755 by the director of the Division of the Florida Highway Patrol or  
4756 his or her designee. An administrative hearing pursuant to s.  
4757 120.569 shall be afforded to motor carriers subject to such  
4758 orders.

4759 Section 69. Paragraph (a) of subsection (5) and subsection  
4760 (10) of section 316.550, Florida Statutes, are amended to read:  
4761 316.550 Operations not in conformity with law; special  
4762 permits.—

4763 (5) (a) The Department of Transportation may issue a wrecker  
4764 special blanket permit to authorize a wrecker as defined in s.  
4765 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in  
4766 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and  
4767 the disabled vehicle being towed exceeds the maximum weight  
4768 limits as established by s. 316.535.

4769 (10) Whenever any motor vehicle, or the combination of a  
4770 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor  
4771 vehicle, exceeds any weight or dimensional criteria or special  
4772 operational or safety stipulation contained in a special permit  
4773 issued under the provisions of this section, the penalty  
4774 assessed to the owner or operator shall be as follows:

4775 (a) For violation of weight criteria contained in a special  
4776 permit, the penalty per pound or portion thereof exceeding the  
4777 permitted weight shall be as provided in s. 316.545.

4778 (b) For each violation of dimensional criteria in a special  
4779 permit, the penalty shall be as provided in s. 316.516 and  
4780 penalties for multiple violations of dimensional criteria shall  
4781 be cumulative except that the total penalty for the vehicle  
4782 shall not exceed \$1,000.



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4783 (c) For each violation of an operational or safety  
4784 stipulation in a special permit, the penalty shall be an amount  
4785 not to exceed \$1,000 per violation and penalties for multiple  
4786 violations of operational or safety stipulations shall be  
4787 cumulative except that the total penalty for the vehicle shall  
4788 not exceed \$1,000.

4789 (d) For violation of any special condition that has been  
4790 prescribed in the rules of the Department of Transportation and  
4791 declared on the permit, the vehicle shall be determined to be  
4792 out of conformance with the permit and the permit shall be  
4793 declared null and void for the vehicle, and weight and  
4794 dimensional limits for the vehicle shall be as established in s.  
4795 316.515 or s. 316.535, whichever is applicable, and:

4796 1. For weight violations, a penalty as provided in s.  
4797 316.545 shall be assessed for those weights which exceed the  
4798 limits thus established for the vehicle; and

4799 2. For dimensional, operational, or safety violations, a  
4800 penalty as established in paragraph (c) or s. 316.516, whichever  
4801 is applicable, shall be assessed for each nonconforming  
4802 dimensional, operational, or safety violation and the penalties  
4803 for multiple violations shall be cumulative for the vehicle.

4804 Section 70. Subsection (9) of section 317.0003, Florida  
4805 Statutes, is amended to read:

4806 317.0003 Definitions.—As used in this chapter, the term:

4807 (9) "ROV" means any motorized recreational off-highway  
4808 vehicle 64 inches or less in width, having a dry weight of 2,000  
4809 pounds or less, designed to travel on four or more nonhighway  
4810 tires, having nonstraddle seating and a steering wheel, and  
4811 manufactured for recreational use by one or more persons. The



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4812 term "ROV" does not include a golf cart as defined in ss. 320.01  
4813 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
4814 s. 320.01 ~~320.01(42)~~.

4815 Section 71. Paragraph (d) of subsection (5) of section  
4816 320.08, Florida Statutes, is amended to read:

4817 320.08 License taxes.—Except as otherwise provided herein,  
4818 there are hereby levied and imposed annual license taxes for the  
4819 operation of motor vehicles, mopeds, motorized bicycles as  
4820 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
4821 and mobile homes, as defined in s. 320.01, which shall be paid  
4822 to and collected by the department or its agent upon the  
4823 registration or renewal of registration of the following:

4824 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
4825 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4826 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is  
4827 used to tow a vessel as defined in s. 327.02(39), a disabled,  
4828 abandoned, stolen-recovered, or impounded motor vehicle as  
4829 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle  
4830 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall  
4831 be deposited into the General Revenue Fund.

4832 Section 72. Subsection (1) of section 320.0847, Florida  
4833 Statutes, is amended to read:

4834 320.0847 Mini truck and low-speed vehicle license plates.—

4835 (1) The department shall issue a license plate to the owner  
4836 or lessee of any vehicle registered as a low-speed vehicle as  
4837 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
4838 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes  
4839 and fees prescribed in s. 320.08.

4840 Section 73. Section 322.282, Florida Statutes, is amended



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4841 to read:

4842 322.282 Procedure when court revokes or suspends license or  
4843 driving privilege and orders reinstatement.—When a court  
4844 suspends or revokes a person’s license or driving privilege and,  
4845 in its discretion, orders reinstatement ~~as provided by s.~~  
4846 ~~322.28(2)(d) or former s. 322.261(5):~~

4847 (1) The court shall pick up all revoked or suspended driver  
4848 ~~driver’s~~ licenses from the person and immediately forward them  
4849 to the department, together with a record of such conviction.  
4850 The clerk of such court shall also maintain a list of all  
4851 revocations or suspensions by the court.

4852 (2) (a) The court shall issue an order of reinstatement, on  
4853 a form to be furnished by the department, which the person may  
4854 take to any driver ~~driver’s~~ license examining office. The  
4855 department shall issue a temporary driver ~~driver’s~~ permit to a  
4856 licensee who presents the court’s order of reinstatement, proof  
4857 of completion of a department-approved driver training or  
4858 substance abuse education course, and a written request for a  
4859 hearing under s. 322.271. The permit shall not be issued if a  
4860 record check by the department shows that the person has  
4861 previously been convicted for a violation of s. 316.193, former  
4862 s. 316.1931, former s. 316.028, former s. 860.01, or a previous  
4863 conviction outside this state for driving under the influence,  
4864 driving while intoxicated, driving with an unlawful blood-  
4865 alcohol level, or any similar alcohol-related or drug-related  
4866 traffic offense; that the person’s driving privilege has been  
4867 previously suspended for refusal to submit to a lawful test of  
4868 breath, blood, or urine; or that the person is otherwise not  
4869 entitled to issuance of a driver ~~driver’s~~ license. This





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4870 paragraph shall not be construed to prevent the reinstatement of  
4871 a license or driving privilege that is presently suspended for  
4872 driving with an unlawful blood-alcohol level or a refusal to  
4873 submit to a breath, urine, or blood test and is also revoked for  
4874 a conviction for a violation of s. 316.193 or former s.  
4875 316.1931, if the suspension and revocation arise out of the same  
4876 incident.

4877 (b) The temporary driver ~~driver's~~ permit shall be  
4878 restricted to either business or employment purposes described  
4879 in s. 322.271, as determined by the department, and shall not be  
4880 used for pleasure, recreational, or nonessential driving.

4881 (c) If the department determines at a later date from its  
4882 records that the applicant has previously been convicted of an  
4883 offense referred to in paragraph (a) which would render him or  
4884 her ineligible for reinstatement, the department shall cancel  
4885 the temporary driver ~~driver's~~ permit and shall issue a  
4886 revocation or suspension order for the minimum period  
4887 applicable. A temporary permit issued pursuant to this section  
4888 shall be valid for 45 days or until canceled as provided in this  
4889 paragraph.

4890 (d) The period of time for which a temporary permit issued  
4891 in accordance with paragraph (a) is valid shall be deemed to be  
4892 part of the period of revocation imposed by the court.

4893 Section 74. Section 324.023, Florida Statutes, is amended  
4894 to read:

4895 324.023 Financial responsibility for bodily injury or  
4896 death.—In addition to any other financial responsibility  
4897 required by law, every owner or operator of a motor vehicle that  
4898 is required to be registered in this state, or that is located



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4899 within this state, and who, regardless of adjudication of guilt,  
4900 has been found guilty of or entered a plea of guilty or nolo  
4901 contendere to a charge of driving under the influence under s.  
4902 316.193 after October 1, 2007, shall, by one of the methods  
4903 established in s. 324.031(1) or (2), ~~or (3)~~, establish and  
4904 maintain the ability to respond in damages for liability on  
4905 account of accidents arising out of the use of a motor vehicle  
4906 in the amount of \$100,000 because of bodily injury to, or death  
4907 of, one person in any one crash and, subject to such limits for  
4908 one person, in the amount of \$300,000 because of bodily injury  
4909 to, or death of, two or more persons in any one crash and in the  
4910 amount of \$50,000 because of property damage in any one crash.  
4911 If the owner or operator chooses to establish and maintain such  
4912 ability by ~~posting a bond or~~ furnishing a certificate of deposit  
4913 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of  
4914 deposit must be at least ~~in an amount not less than~~ \$350,000.  
4915 Such higher limits must be carried for a minimum period of 3  
4916 years. If the owner or operator has not been convicted of  
4917 driving under the influence or a felony traffic offense for a  
4918 period of 3 years from the date of reinstatement of driving  
4919 privileges for a violation of s. 316.193, the owner or operator  
4920 shall be exempt from this section.

4921 Section 75. Paragraph (c) of subsection (1) of section  
4922 324.171, Florida Statutes, is amended to read:

4923 324.171 Self-insurer.—

4924 (1) Any person may qualify as a self-insurer by obtaining a  
4925 certificate of self-insurance from the department which may, in  
4926 its discretion and upon application of such a person, issue said  
4927 certificate of self-insurance when such person has satisfied the



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4928 requirements of this section to qualify as a self-insurer under  
4929 this section:

4930 (c) The owner of a commercial motor vehicle, as defined in  
4931 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-  
4932 insurer subject to the standards provided for in subparagraph  
4933 (b)2.

4934 Section 76. Section 324.191, Florida Statutes, is amended  
4935 to read:

4936 324.191 Consent to cancellation; direction to return money  
4937 or securities.—The department shall consent to the cancellation  
4938 of any ~~bond or~~ certificate of insurance furnished as proof of  
4939 financial responsibility pursuant to s. 324.031, or the  
4940 department shall return to the person entitled thereto cash or  
4941 securities deposited as proof of financial responsibility  
4942 pursuant to s. 324.031:

4943 (1) Upon substitution and acceptance of other adequate  
4944 proof of financial responsibility pursuant to this chapter, or

4945 (2) In the event of the death of the person on whose behalf  
4946 the proof was filed, or the permanent incapacity of such person  
4947 to operate a motor vehicle, or

4948 (3) In the event the person who has given proof of  
4949 financial responsibility surrenders his or her license and all  
4950 registrations to the department; providing, however, that no  
4951 notice of court action has been filed with the department, a  
4952 judgment in which would result in claim on such proof of  
4953 financial responsibility.

4954  
4955 This section shall not apply to security as specified in s.  
4956 324.061 deposited pursuant to s. 324.051(2)(a)4.



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4957 Section 77. Subsection (3) of section 627.733, Florida  
4958 Statutes, is amended to read:

4959 627.733 Required security.—

4960 (3) Such security shall be provided:

4961 (a) By an insurance policy delivered or issued for delivery  
4962 in this state by an authorized or eligible motor vehicle  
4963 liability insurer which provides the benefits and exemptions  
4964 contained in ss. 627.730-627.7405. Any policy of insurance  
4965 represented or sold as providing the security required hereunder  
4966 shall be deemed to provide insurance for the payment of the  
4967 required benefits; or

4968 (b) By any other method authorized by s. 324.031(2) or  
4969 (3), ~~or (4)~~ and approved by the Department of Highway Safety and  
4970 Motor Vehicles as affording security equivalent to that afforded  
4971 by a policy of insurance or by self-insuring as authorized by s.  
4972 768.28(16). The person filing such security shall have all of  
4973 the obligations and rights of an insurer under ss. 627.730-  
4974 627.7405.

4975 Section 78. Section 627.7415, Florida Statutes, is amended  
4976 to read:

4977 627.7415 Commercial motor vehicles; additional liability  
4978 insurance coverage.—Commercial motor vehicles, as defined in s.  
4979 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and  
4980 highways of this state shall be insured with the following  
4981 minimum levels of combined bodily liability insurance and  
4982 property damage liability insurance in addition to any other  
4983 insurance requirements:

4984 (1) Fifty thousand dollars per occurrence for a commercial  
4985 motor vehicle with a gross vehicle weight of 26,000 pounds or



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4986 more, but less than 35,000 pounds.

4987 (2) One hundred thousand dollars per occurrence for a  
4988 commercial motor vehicle with a gross vehicle weight of 35,000  
4989 pounds or more, but less than 44,000 pounds.

4990 (3) Three hundred thousand dollars per occurrence for a  
4991 commercial motor vehicle with a gross vehicle weight of 44,000  
4992 pounds or more.

4993 (4) All commercial motor vehicles subject to regulations of  
4994 the United States Department of Transportation, Title 49 C.F.R.  
4995 part 387, subpart A, and as may be hereinafter amended, shall be  
4996 insured in an amount equivalent to the minimum levels of  
4997 financial responsibility as set forth in such regulations.

4998  
4999 A violation of this section is a noncriminal traffic infraction,  
5000 punishable as a nonmoving violation as provided in chapter 318.

5001 Section 79. This act shall take effect July 1, 2013.

5002