

By Senator Brandes

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1                                   A bill to be entitled  
2           An act relating to the Department of Highway Safety  
3           and Motor Vehicles; amending s. 207.002, F.S.,  
4           relating to the Florida Diesel Fuel and Motor Fuel Use  
5           Tax Act of 1981; deleting definitions of the terms  
6           "apportioned motor vehicle" and "apportionable  
7           vehicle"; amending s. 316.1937, F.S.; revising  
8           operational specifications for ignition interlock  
9           devices; amending s. 316.302, F.S.; revising  
10          provisions for certain commercial motor vehicles and  
11          transporters and shippers of hazardous materials;  
12          providing for application of specified federal  
13          regulations; removing a provision for application of  
14          specified provisions and federal regulations to  
15          transporting liquefied petroleum gas; amending s.  
16          316.3025, F.S.; providing penalties for violation of  
17          specified federal regulations relating to medical and  
18          physical requirements for commercial drivers while  
19          driving a commercial motor vehicle; revising  
20          provisions for seizure of a motor vehicle for refusal  
21          to pay penalty; amending s. 316.545, F.S.; revising  
22          language relating to certain commercial motor vehicles  
23          not properly licensed and registered; amending s.  
24          316.646, F.S.; authorizing the use of an electronic  
25          device to provide proof of insurance under the  
26          section; providing that displaying such information on  
27          an electronic device does not constitute consent for a  
28          law enforcement officer to access other information  
29          stored on the device; providing that the person

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30 displaying the device assumes the liability for any  
31 resulting damage to the device; requiring the  
32 department to adopt rules; amending s. 317.0016, F.S.,  
33 relating to expedited services; removing a requirement  
34 that the department provide such service for certain  
35 certificates; amending s. 318.14, F.S., relating to  
36 disposition of traffic citations; providing that  
37 certain alternative procedures for certain traffic  
38 offenses are not available to a person who holds a  
39 commercial learner's permit; amending s. 318.1451,  
40 F.S.; revising provisions relating to driver  
41 improvement schools; removing a provision for a chief  
42 judge to establish requirements for the location of  
43 schools within a judicial circuit; removing a  
44 provision that authorizes a person to operate a driver  
45 improvement school; revising provisions for persons  
46 taking unapproved course; providing criteria for  
47 initial approval of courses; revising requirements for  
48 assessment fees, courses, course certificates, and  
49 course providers; directing the department to adopt  
50 rules; amending s. 319.225, F.S.; revising provisions  
51 for certificates of title, reassignment of title, and  
52 forms; revising procedures for transfer of title;  
53 amending s. 319.23, F.S.; revising requirements for  
54 content of certificates of title and applications for  
55 title; amending s. 319.28, F.S.; revising provisions  
56 for transfer of ownership by operation of law when a  
57 motor vehicle or mobile home is repossessed; removing  
58 provisions for a certificate of repossession; amending

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59 s. 319.323, F.S., relating to expedited services of  
60 the department; removing certificates of repossession;  
61 amending s. 320.01, F.S.; removing the definition of  
62 the term "apportioned motor vehicle"; revising the  
63 definition of the term "apportionable motor vehicle";  
64 amending s. 320.02, F.S.; revising requirements for  
65 application for motor vehicle registration; amending  
66 s. 320.03, F.S.; revising a provision for registration  
67 under the International Registration Plan; amending s.  
68 320.05, F.S.; revising provisions relating to record  
69 inspection procedures and fees; deleting provisions  
70 that permit certain public inspection of registration  
71 records; deleting a provision allowing certain  
72 businesses and professionals to obtain information by  
73 telecommunication in certain circumstances; conforming  
74 and clarifying a list of records that may be provided  
75 by the department; amending s. 320.071, F.S.; revising  
76 a provision for advance renewal of registration under  
77 the International Registration Plan; amending s.  
78 320.0715, F.S.; revising provisions for vehicles  
79 required to be registered under the International  
80 Registration Plan; amending s. 320.18, F.S.; providing  
81 for withholding of motor vehicle or mobile home  
82 registration when a coowner has failed to register the  
83 motor vehicle or mobile home during a previous period  
84 when such registration was required; providing for  
85 cancelling a vehicle or vessel registration, driver  
86 license, identification card, or fuel-use tax decal if  
87 the coowner pays certain fees and other liabilities

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88 with a dishonored check; amending s. 320.27, F.S.,  
89 relating to motor vehicle dealers; providing for  
90 extended periods for dealer licenses and supplemental  
91 licenses; providing fees; amending s. 320.62, F.S.,  
92 relating to manufacturers, distributors, and importers  
93 of motor vehicles; providing for extended licensure  
94 periods; providing fees; amending s. 320.77, F.S.,  
95 relating to mobile home dealers; providing for  
96 extended licensure periods; providing fees; amending  
97 s. 320.771, F.S., relating to recreational vehicle  
98 dealers; providing for extended licensure periods;  
99 providing fees; amending s. 320.8225, F.S., relating  
100 to mobile home and recreational vehicle manufacturers,  
101 distributors, and importers; providing for extended  
102 licensure periods; providing fees; amending s.  
103 322.095, F.S.; requiring an applicant for a driver  
104 license to complete a traffic law and substance abuse  
105 education course; providing exceptions; revising  
106 procedures for evaluation and approval of such  
107 courses; revising criteria for such courses and the  
108 schools conducting the courses; providing for  
109 collection and disposition of certain fees; requiring  
110 providers to maintain records; directing the  
111 department to conduct effectiveness studies; requiring  
112 a provider to cease offering a course that fails the  
113 study; requiring courses to be updated at the request  
114 of the department; providing a timeframe for course  
115 length; prohibiting a provider from charging for a  
116 completion certificate; requiring providers to

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117 disclose certain information; requiring providers to  
118 submit course completion information to the department  
119 within a certain time period; prohibiting certain  
120 acts; providing that the department shall not accept  
121 certification from certain students; prohibiting a  
122 person convicted of certain crimes from conducting  
123 courses; directing the department to suspend course  
124 approval for certain purposes; providing for the  
125 department to deny, suspend, or revoke course approval  
126 for certain acts; providing for administrative hearing  
127 before final action denying, suspending, or revoking  
128 course approval; providing penalties for violations;  
129 amending s. 322.125, F.S.; revising criteria for  
130 members of the Medical Advisory Board; amending s.  
131 322.135, F.S.; removing a provision that authorizes a  
132 tax collector to direct certain licensees to the  
133 department for examination or reexamination; amending  
134 s. 322.18, F.S.; revising provisions for a vision test  
135 required for driver license renewal for certain  
136 drivers; amending s. 322.21, F.S.; providing a fee for  
137 a commercial learner's permit; amending s. 322.212,  
138 F.S.; providing penalties for certain violations  
139 involving application and testing for a commercial  
140 driver license or a commercial learner's permit;  
141 amending s. 322.22, F.S.; authorizing the department  
142 to withhold issuance or renewal of a driver license,  
143 identification card, vehicle or vessel registration,  
144 or fuel-use decal under certain circumstances;  
145 amending s. 322.245, F.S.; requiring a depository or

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146 clerk of court to electronically notify the department  
147 of a person's failure to pay support or comply with  
148 directives of the court; amending s. 322.25, F.S.;  
149 removing a provision for a court order to reinstate a  
150 person's driving privilege on a temporary basis when  
151 the person's license and driving privilege have been  
152 revoked under certain circumstances; amending ss.  
153 322.2615 and 322.2616, F.S., relating to review of a  
154 license suspension when the driver had blood or breath  
155 alcohol at a certain level or the driver refused a  
156 test of his or her blood or breath to determine the  
157 alcohol level; revising provisions for informal and  
158 formal reviews; providing for the hearing officer to  
159 be designated by the department; authorizing the  
160 hearing officer to conduct hearings using  
161 telecommunications technology; revising procedures for  
162 enforcement of subpoenas; directing the department to  
163 issue a temporary driving permit or invalidate the  
164 suspension under certain circumstances; providing for  
165 construction of specified provisions; amending s.  
166 322.64, F.S., relating to driving with unlawful blood-  
167 alcohol level or refusal to submit to breath, urine,  
168 or blood test by a commercial driver license holder or  
169 person driving a commercial motor vehicle; providing  
170 that a disqualification from driving a commercial  
171 motor vehicle is considered a conviction for certain  
172 purposes; revising the time period a person is  
173 disqualified from driving for alcohol-related  
174 violations; revising requirements for notice of the

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175 disqualification; providing that under the review of a  
176 disqualification the hearing officer shall consider  
177 the crash report; revising provisions for informal and  
178 formal reviews; providing for the hearing officer to  
179 be designated by the department; authorizing the  
180 hearing officer to conduct hearings using  
181 telecommunications technology; revising procedures for  
182 enforcement of subpoenas; directing the department to  
183 issue a temporary driving permit or invalidate the  
184 suspension under certain circumstances; providing for  
185 construction of specified provisions; amending s.  
186 322.2715, F.S.; providing requirements for issuance of  
187 a restricted license for a person convicted of a DUI  
188 offense if a medical waiver of placement of an  
189 ignition interlock device was given to such person;  
190 amending s. 322.28, F.S., relating to revocation of  
191 driver license for convictions of DUI offenses;  
192 providing that convictions occurring on the same date  
193 for offenses occurring on separate dates are  
194 considered separate convictions; removing a provision  
195 relating to a court order for reinstatement of a  
196 revoked license; repealing s. 322.331, F.S., relating  
197 to habitual traffic offenders; amending s. 322.61,  
198 F.S.; revising provisions for disqualification from  
199 operating a commercial motor vehicle; providing for  
200 application of such provisions to persons holding a  
201 commercial learner's permit; revising the offenses for  
202 which certain disqualifications apply; amending s.  
203 324.0221, F.S.; revising the actions which must be

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204 reported to the department by an insurer that has  
205 issued a policy providing personal injury protection  
206 coverage or property damage liability coverage;  
207 revising time allowed for submitting the report;  
208 amending s. 324.031, F.S.; revising the methods a  
209 vehicle owner or operator may use to prove financial  
210 responsibility; removing a provision for posting a  
211 bond with the department; amending s. 324.091, F.S.;  
212 revising provisions requiring motor vehicle owners and  
213 operators to provide evidence to the department of  
214 liability insurance coverage under certain  
215 circumstances; revising provisions for verification by  
216 insurers of such evidence; amending s. 324.161, F.S.;  
217 providing requirements for issuance of a certificate  
218 of insurance; requiring proof of a certificate of  
219 deposit of a certain amount of money in a financial  
220 institution; providing for power of attorney to be  
221 issued to the department for execution under certain  
222 circumstances; amending s. 328.01, F.S., relating to  
223 vessel titles; revising identification requirements  
224 for applications for a certificate of title; amending  
225 s. 328.48, F.S., relating to vessel registration;  
226 revising identification requirements for applications  
227 for vessel registration; amending s. 328.76, F.S.,  
228 relating to vessel registration funds; revising  
229 provisions for funds to be deposited into the Highway  
230 Safety Operating Trust Fund; amending ss. 212.08,  
231 261.03, 316.2122, 316.2124, 316.21265, 316.3026,  
232 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282,



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233 324.023, 324.171, 324.191, 627.733, and 627.7415,  
 234 F.S.; correcting cross-references and conforming  
 235 provisions to changes made by the act; providing an  
 236 effective date.

237

238 Be It Enacted by the Legislature of the State of Florida:

239

240 Section 1. Section 207.002, Florida Statutes, is reordered  
 241 and amended to read:

242 207.002 Definitions.—As used in this chapter, the term:

243 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~  
 244 ~~which is required to be registered under the International~~  
 245 ~~Registration Plan.~~

246 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not  
 247 owned or operated by a governmental entity which uses diesel  
 248 fuel or motor fuel on the public highways; and which has a gross  
 249 vehicle weight in excess of 26,000 pounds, or has three or more  
 250 axles regardless of weight, or is used in combination when the  
 251 weight of such combination exceeds 26,000 pounds gross vehicle  
 252 weight. The term excludes any vehicle owned or operated by a  
 253 community transportation coordinator as defined in s. 427.011 or  
 254 by a private operator that provides public transit services  
 255 under contract with such a provider.

256 (2)~~(3)~~ "Department" means the Department of Highway Safety  
 257 and Motor Vehicles.

258 (7)~~(4)~~ "Motor carrier" means any person owning,  
 259 controlling, operating, or managing any motor vehicle used to  
 260 transport persons or property over any public highway.

261 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold

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262 as gasoline and fuels containing a mixture of gasoline and other  
263 products.

264 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"  
265 means and includes the utilization in any form of any commercial  
266 motor vehicle, whether loaded or empty, whether utilized for  
267 compensation or not for compensation, and whether owned by or  
268 leased to the motor carrier who uses it or causes it to be used.

269 (10)~~(7)~~ "Person" means and includes natural persons,  
270 corporations, copartnerships, firms, companies, agencies, or  
271 associations, singular or plural.

272 (11)~~(8)~~ "Public highway" means any public street, road, or  
273 highway in this state.

274 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas  
275 product or combination thereof, including, but not limited to,  
276 all forms of fuel known or sold as diesel fuel, kerosene, butane  
277 gas, or propane gas and all other forms of liquefied petroleum  
278 gases, except those defined as "motor fuel," used to propel a  
279 motor vehicle.

280 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of  
281 diesel fuel or motor fuel in a commercial motor vehicle for the  
282 propulsion thereof.

283 (4)~~(11)~~ "International Registration Plan" means a  
284 registration reciprocity agreement among states of the United  
285 States and provinces of Canada providing for payment of license  
286 fees or license taxes on the basis of fleet miles operated in  
287 various jurisdictions.

288 ~~(12) "Apportionable vehicle" means any vehicle, except a~~  
289 ~~recreational vehicle, a vehicle displaying restricted plates, a~~  
290 ~~municipal pickup and delivery vehicle, a bus used in~~

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291 ~~transportation of chartered parties, and a government-owned~~  
292 ~~vehicle, which is used or intended for use in two or more states~~  
293 ~~of the United States or provinces of Canada that allocate or~~  
294 ~~proportionally register vehicles and which is used for the~~  
295 ~~transportation of persons for hire or is designed, used, or~~  
296 ~~maintained primarily for the transportation of property and:~~

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

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

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

303 ~~(5)-(13)~~ "Interstate" means vehicle movement between or  
304 through two or more states.

305 ~~(6)-(14)~~ "Intrastate" means vehicle movement from one point  
306 within a state to another point within the same state.

307 ~~(12)-(15)~~ "Registrant" means a person in whose name or names  
308 a vehicle is properly registered.

309 Section 2. Subsection (1) of section 316.1937, Florida  
310 Statutes, is amended to read:

311 316.1937 Ignition interlock devices, requiring; unlawful  
312 acts.—

313 (1) In addition to any other authorized penalties, the  
314 court may require that any person who is convicted of driving  
315 under the influence in violation of s. 316.193 shall not operate  
316 a motor vehicle unless that vehicle is equipped with a  
317 functioning ignition interlock device certified by the  
318 department as provided in s. 316.1938, and installed in such a  
319 manner that the vehicle will not start if the operator's blood

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320 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
321 specified by the court. The court may require the use of an  
322 approved ignition interlock device for a period of at least ~~not~~  
323 ~~less than~~ 6 continuous months, if the person is permitted to  
324 operate a motor vehicle, whether or not the privilege to operate  
325 a motor vehicle is restricted, as determined by the court. The  
326 court, however, shall order placement of an ignition interlock  
327 device in those circumstances required by s. 316.193.

328 Section 3. Paragraph (b) of subsection (1), paragraph (a)  
329 of subsection (4), and subsection (9) of section 316.302,  
330 Florida Statutes, are amended to read:

331 316.302 Commercial motor vehicles; safety regulations;  
332 transporters and shippers of hazardous materials; enforcement.-

333 (1)

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

341 (4) (a) Except as provided in this subsection, all  
342 commercial motor vehicles transporting any hazardous material on  
343 any road, street, or highway open to the public, whether engaged  
344 in interstate or intrastate commerce, and any person who offers  
345 hazardous materials for such transportation, are subject to the  
346 regulations contained in 49 C.F.R. part 107, subparts F and  
347 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.  
348 Effective July 1, 1997, the exceptions for intrastate motor

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349 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby  
350 adopted.

351 ~~(9) (a) This section is not applicable to the transporting~~  
352 ~~of liquefied petroleum gas. The rules and regulations applicable~~  
353 ~~to the transporting of liquefied petroleum gas on the highways,~~  
354 ~~roads, or streets of this state shall be only those adopted by~~  
355 ~~the Department of Agriculture and Consumer Services under~~  
356 ~~chapter 527. However, transporters of liquefied petroleum gas~~  
357 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~  
358 ~~396.9.~~

359 ~~(b)~~ This section does not apply to any nonpublic sector  
360 bus.

361 Section 4. Paragraph (b) of subsection (3) and subsection  
362 (5) of section 316.3025, Florida Statutes, are amended to read:  
363 316.3025 Penalties.—

364 (3)

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

366 1. Each violation of the North American Uniform Driver Out-  
367 of-Service Criteria;

368 2. A violation of s. 316.302(2)(b) or (c);

369 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

370 4. A violation of the North American Standard Vehicle Out-  
371 of-Service Criteria resulting from an inspection of a commercial  
372 motor vehicle involved in a crash; or

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

374 (5) Whenever any person or motor carrier as defined in  
375 chapter 320 violates the provisions of this section and becomes  
376 indebted to the state because of such violation and refuses to  
377 pay the appropriate penalty, in addition to the provisions of s.

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378 316.3026, such penalty becomes a lien upon the property  
379 including the motor vehicles of such person or motor carrier and  
380 may be seized and foreclosed by the state in a civil action in  
381 any court of this state. It shall be presumed that the owner of  
382 the motor vehicle is liable for the sum, and the vehicle may be  
383 detained or impounded until the penalty is paid.

384 Section 5. Subsection (3) of section 316.545, Florida  
385 Statutes, is amended to read:

386 316.545 Weight and load unlawful; special fuel and motor  
387 fuel tax enforcement; inspection; penalty; review.—

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

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

394 (b) Five cents per pound for each pound of weight in excess  
395 of the maximum herein provided when the excess weight exceeds  
396 200 pounds. However, whenever the gross weight of the vehicle or  
397 combination of vehicles does not exceed the maximum allowable  
398 gross weight, the maximum fine for the first 600 pounds of  
399 unlawful axle weight shall be \$10;

400 (c) For a vehicle equipped with fully functional idle-  
401 reduction technology, any penalty shall be calculated by  
402 reducing the actual gross vehicle weight or the internal bridge  
403 weight by the certified weight of the idle-reduction technology  
404 or by 400 pounds, whichever is less. The vehicle operator must  
405 present written certification of the weight of the idle-  
406 reduction technology and must demonstrate or certify that the

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407 idle-reduction technology is fully functional at all times. This  
408 calculation is not allowed for vehicles described in s.  
409 316.535(6);

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

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

418 Section 6. Subsection (1) of section 316.646, Florida  
419 Statutes, is amended, and subsection (5) is added to that  
420 section, to read:

421 316.646 Security required; proof of security and display  
422 thereof; dismissal of cases.—

423 (1) Any person required by s. 324.022 to maintain property  
424 damage liability security, required by s. 324.023 to maintain  
425 liability security for bodily injury or death, or required by s.  
426 627.733 to maintain personal injury protection security on a  
427 motor vehicle shall have in his or her immediate possession at  
428 all times while operating such motor vehicle proper proof of  
429 maintenance of the required security.

430 (a) Such proof shall be in a uniform paper or electronic  
431 format, as ~~proof of insurance card in a form~~ prescribed by the  
432 department, a valid insurance policy, an insurance policy  
433 binder, a certificate of insurance, or such other proof as may  
434 be prescribed by the department.

435 (b)1. The act of presenting to a law enforcement officer an

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436 electronic device displaying proof of insurance in an electronic  
437 format does not constitute consent for the officer to access any  
438 information on the device other than the displayed proof of  
439 insurance.

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

442 (5) The department shall adopt rules to administer this  
443 section.

444 Section 7. Section 317.0016, Florida Statutes, is amended  
445 to read:

446 317.0016 Expedited service; applications; fees.—The  
447 department shall provide, through its agents and for use by the  
448 public, expedited service on title transfers, title issuances,  
449 duplicate titles, and recordation of liens, ~~and certificates of~~  
450 ~~repossession~~. A fee of \$7 shall be charged for this service,  
451 which is in addition to the fees imposed by ss. 317.0007 and  
452 317.0008, and \$3.50 of this fee shall be retained by the  
453 processing agency. All remaining fees shall be deposited in the  
454 Incidental Trust Fund of the Florida Forest Service of the  
455 Department of Agriculture and Consumer Services. Application for  
456 expedited service may be made by mail or in person. The  
457 department shall issue each title applied for pursuant to this  
458 section within 5 working days after receipt of the application  
459 except for an application for a duplicate title certificate  
460 covered by s. 317.0008(3), in which case the title must be  
461 issued within 5 working days after compliance with the  
462 department's verification requirements.

463 Section 8. Subsections (9) and (10) of section 318.14,  
464 Florida Statutes, are amended to read:



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465 318.14 Noncriminal traffic infractions; exception;  
466 procedures.—

467 (9) Any person who does not hold a commercial driver  
468 license or commercial learner's permit and who is cited while  
469 driving a noncommercial motor vehicle for an infraction under  
470 this section other than a violation of s. 316.183(2), s.  
471 316.187, or s. 316.189 when the driver exceeds the posted limit  
472 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or  
473 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in  
474 lieu of a court appearance, elect to attend in the location of  
475 his or her choice within this state a basic driver improvement  
476 course approved by the Department of Highway Safety and Motor  
477 Vehicles. In such a case, adjudication must be withheld and  
478 points, as provided by s. 322.27, may not be assessed. However,  
479 a person may not make an election under this subsection if the  
480 person has made an election under this subsection in the  
481 preceding 12 months. A person may not make more than five  
482 elections within his or her lifetime under this subsection. The  
483 requirement for community service under s. 318.18(8) is not  
484 waived by a plea of nolo contendere or by the withholding of  
485 adjudication of guilt by a court. If a person makes an election  
486 to attend a basic driver improvement course under this  
487 subsection, 18 percent of the civil penalty imposed under s.  
488 318.18(3) shall be deposited in the State Courts Revenue Trust  
489 Fund; however, that portion is not revenue for purposes of s.  
490 28.36 and may not be used in establishing the budget of the  
491 clerk of the court under that section or s. 28.35.

492 (10)(a) Any person who does not hold a commercial driver  
493 license or commercial learner's permit and who is cited while

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494 driving a noncommercial motor vehicle for an offense listed  
495 under this subsection may, in lieu of payment of fine or court  
496 appearance, elect to enter a plea of nolo contendere and provide  
497 proof of compliance to the clerk of the court, designated  
498 official, or authorized operator of a traffic violations bureau.  
499 In such case, adjudication shall be withheld; however, a person  
500 may not make an election under this subsection if the person has  
501 made an election under this subsection in the preceding 12  
502 months. A person may not make more than three elections under  
503 this subsection. This subsection applies to the following  
504 offenses:

505 1. Operating a motor vehicle without a valid driver license  
506 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
507 operating a motor vehicle with a license that has been suspended  
508 for failure to appear, failure to pay civil penalty, or failure  
509 to attend a driver improvement course pursuant to s. 322.291.

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

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

513 4. Operating a motor vehicle with a license that has been  
514 suspended under s. 61.13016 or s. 322.245 for failure to pay  
515 child support or for failure to pay any other financial  
516 obligation as provided in s. 322.245; however, this subparagraph  
517 does not apply if the license has been suspended pursuant to s.  
518 322.245(1).

519 5. Operating a motor vehicle with a license that has been  
520 suspended under s. 322.091 for failure to meet school attendance  
521 requirements.

522 (b) Any person cited for an offense listed in this

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523 subsection shall present proof of compliance before the  
524 scheduled court appearance date. For the purposes of this  
525 subsection, proof of compliance shall consist of a valid,  
526 renewed, or reinstated driver license or registration  
527 certificate and proper proof of maintenance of security as  
528 required by s. 316.646. Notwithstanding waiver of fine, any  
529 person establishing proof of compliance shall be assessed court  
530 costs of \$25, except that a person charged with violation of s.  
531 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
532 such costs shall be remitted to the Department of Revenue for  
533 deposit into the Child Welfare Training Trust Fund of the  
534 Department of Children and Family Services. One dollar of such  
535 costs shall be distributed to the Department of Juvenile Justice  
536 for deposit into the Juvenile Justice Training Trust Fund.  
537 Fourteen dollars of such costs shall be distributed to the  
538 municipality and \$9 shall be deposited by the clerk of the court  
539 into the fine and forfeiture fund established pursuant to s.  
540 142.01, if the offense was committed within the municipality. If  
541 the offense was committed in an unincorporated area of a county  
542 or if the citation was for a violation of s. 316.646(1)-(3), the  
543 entire amount shall be deposited by the clerk of the court into  
544 the fine and forfeiture fund established pursuant to s. 142.01,  
545 except for the moneys to be deposited into the Child Welfare  
546 Training Trust Fund and the Juvenile Justice Training Trust  
547 Fund. This subsection does not authorize the operation of a  
548 vehicle without a valid driver license, without a valid vehicle  
549 tag and registration, or without the maintenance of required  
550 security.

551 Section 9. Section 318.1451, Florida Statutes, is amended

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552 to read:

553 318.1451 Driver improvement schools.-

554 ~~(1) (a) The department of Highway Safety and Motor Vehicles~~  
555 ~~shall approve and regulate~~ the courses of all driver improvement  
556 schools, as the courses relate to ss. 318.14(9), 322.0261, and  
557 322.291, including courses that use technology as a delivery  
558 method. ~~The chief judge of the applicable judicial circuit may~~  
559 ~~establish requirements regarding the location of schools within~~  
560 ~~the judicial circuit. A person may engage in the business of~~  
561 ~~operating a driver improvement school that offers department-~~  
562 ~~approved courses related to ss. 318.14(9), 322.0261, and~~  
563 ~~322.291.~~

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

568 (2) (a) In determining whether to approve the courses  
569 referenced in this section, the department shall consider course  
570 content designed to promote safety, driver awareness, crash  
571 avoidance techniques, and other factors or criteria to improve  
572 driver performance from a safety viewpoint, including promoting  
573 motorcyclist, bicyclist, and pedestrian safety and risk factors  
574 resulting from driver attitude and irresponsible driver  
575 behaviors, such as speeding, running red lights and stop signs,  
576 and using electronic devices while driving. Initial approval of  
577 the courses shall also be based on the department's review of  
578 all course materials, course presentation to the department by  
579 the provider, and the provider's plan for effective oversight of  
580 the course by those who deliver the course in the state. New

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581 courses shall be provisionally approved and limited to the  
582 judicial circuit originally approved for pilot testing until the  
583 course is fully approved by the department for statewide  
584 delivery.

585 (b) In determining whether to approve courses of driver  
586 improvement schools that use technology as the delivery method  
587 as the courses relate to ss. 318.14(9) and 322.0261, the  
588 department shall consider only those courses submitted by a  
589 person, business, or entity which have approval for statewide  
590 delivery.

591 (3) The department of ~~Highway Safety and Motor Vehicles~~  
592 shall not accept ~~suspend accepting~~ proof of attendance of  
593 courses from persons who attend those schools that do not teach  
594 an approved course. ~~In those circumstances, a person who has~~  
595 ~~elected to take courses from such a school shall receive a~~  
596 ~~refund from the school, and the person shall have the~~  
597 ~~opportunity to take the course at another school.~~

598 (4) In addition to a regular course fee, an assessment fee  
599 in the amount of \$2.50 shall be collected by the school from  
600 each person who elects to attend a course, as it relates to ss.  
601 318.14(9), 322.0261, 322.291, and 627.06501. The course provider  
602 must remit the \$2.50 assessment fee to the department for  
603 deposit into, ~~which shall be remitted to the Department of~~  
604 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~  
605 ~~Safety Operating Trust Fund~~ in order to receive unique course  
606 completion certificate numbers for course participants. The  
607 assessment fee will be used to administer this program and to  
608 fund the general operations of the department.

609 (5) (a) The department is authorized to maintain the

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610 information and records necessary to administer its duties and  
611 responsibilities for driver improvement courses. Course  
612 providers are required to maintain all records related to the  
613 conduct of their approved courses for 5 years and allow the  
614 department to inspect course records as necessary. Records may  
615 be maintained in an electronic format. If ~~Where~~ such information  
616 is a public record as defined in chapter 119, it shall be made  
617 available to the public upon request pursuant to s. 119.07(1).

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

623 (6) The department shall adopt rules establishing and  
624 maintaining policies and procedures to implement the  
625 requirements of this section. These policies and procedures may  
626 include, but shall not be limited to, the following:

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

632 (b) Required updates.—The department may require that  
633 courses approved under this section be updated at the  
634 department's request. Failure of a course provider to update the  
635 course under this section shall result in the suspension of the  
636 course approval until the course is updated and approved by the  
637 department.

638 (c) Course conduct.—The department shall require that the

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639 approved course providers ensure their driver improvement  
640 schools are conducting the approved course fully and to the  
641 required time limit and content requirements.

642 (d) Course content.—The department shall set and modify  
643 course content requirements to keep current with laws and safety  
644 information. Course content includes all items used in the  
645 conduct of the course.

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

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

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

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

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

661 2. Provide proof of ownership, copyright, or written  
662 permission from the course owner to use the course in this  
663 state.

664 3. Ensure that any course that is offered in a classroom  
665 setting, by the provider or a school authorized by the provider  
666 to teach the course, is offered the course at locations that are  
667 free from distractions and reasonably accessible to most

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668 applicants.

669 4. Issue a certificate to persons who successfully complete  
670 the course.

671 Section 10. Section 319.225, Florida Statutes, is amended  
672 to read:

673 319.225 Transfer and reassignment forms; odometer  
674 disclosure statements.—

675 (1) Every certificate of title issued by the department  
676 must contain the following statement on its reverse side:  
677 “Federal and state law require the completion of the odometer  
678 statement set out below. Failure to complete or providing false  
679 information may result in fines, imprisonment, or both.”

680 (2) Each certificate of title issued by the department must  
681 contain on its front ~~reverse~~ side a form for transfer of title  
682 by the titleholder of record, which form must contain an  
683 odometer disclosure statement in the form required by 49 C.F.R.  
684 s. 580.5.

685 (3) Each certificate of title issued by the department must  
686 contain on its reverse side as many forms as space allows for  
687 reassignment of title by a licensed dealer as permitted by s.  
688 319.21(3), which form or forms shall contain an odometer  
689 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
690 When all dealer reassignment forms provided on the back of the  
691 title certificate have been filled in, a dealer may reassign the  
692 title certificate by using a separate dealer reassignment form  
693 issued by the department in compliance with 49 C.F.R. ss. 580.4  
694 and 580.5, which form shall contain an original that ~~two carbon~~  
695 ~~copies one of which~~ shall be submitted directly to the  
696 department by the dealer ~~within 5 business days after the~~



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697 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
698 dealer in his or her records for 5 years. The provisions of this  
699 subsection shall also apply to vehicles not previously titled in  
700 this state and vehicles whose title certificates do not contain  
701 the forms required by this section.

702 (4) Upon transfer or reassignment of a certificate of title  
703 to a used motor vehicle, the transferor shall complete the  
704 odometer disclosure statement provided for by this section and  
705 the transferee shall acknowledge the disclosure by signing and  
706 printing his or her name in the spaces provided. This subsection  
707 does not apply to a vehicle that has a gross vehicle rating of  
708 more than 16,000 pounds, a vehicle that is not self-propelled,  
709 or a vehicle that is 10 years old or older. A lessor who  
710 transfers title to his or her vehicle without obtaining  
711 possession of the vehicle shall make odometer disclosure as  
712 provided by 49 C.F.R. s. 580.7. Any person who fails to complete  
713 or acknowledge a disclosure statement as required by this  
714 subsection is guilty of a misdemeanor of the second degree,  
715 punishable as provided in s. 775.082 or s. 775.083. The  
716 department may not issue a certificate of title unless this  
717 subsection has been complied with.

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

721 (6) (a) If the certificate of title is physically held by a  
722 lienholder, the transferor may give a power of attorney to his  
723 or her transferee for the purpose of odometer disclosure. The  
724 power of attorney must be on a form issued or authorized by the  
725 department, which form must be in compliance with 49 C.F.R. ss.

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726 580.4 and 580.13. The department shall not require the signature  
727 of the transferor to be notarized on the form; however, in lieu  
728 of notarization, the form shall include an affidavit with the  
729 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
730 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
731 ARE TRUE. The transferee shall sign the power of attorney form,  
732 print his or her name, and return a copy of the power of  
733 attorney form to the transferor. Upon receipt of a title  
734 certificate, the transferee shall complete the space for mileage  
735 disclosure on the title certificate exactly as the mileage was  
736 disclosed by the transferor on the power of attorney form. If  
737 the transferee is a licensed motor vehicle dealer who is  
738 transferring the vehicle to a retail purchaser, the dealer shall  
739 make application on behalf of the retail purchaser as provided  
740 in s. 319.23(6) and shall submit the original power of attorney  
741 form to the department with the application for title and the  
742 transferor's title certificate; otherwise, a dealer may reassign  
743 the title certificate by using the dealer reassignment form in  
744 the manner prescribed in subsection (3), and, at the time of  
745 physical transfer of the vehicle, the original power of attorney  
746 shall be delivered to the person designated as the transferee of  
747 the dealer on the dealer reassignment form. ~~A copy of the~~  
748 ~~executed power of attorney shall be submitted to the department~~  
749 ~~with a copy of the executed dealer reassignment form within 5~~  
750 ~~business days after the certificate of title and dealer~~  
751 ~~reassignment form are delivered by the dealer to its transferee.~~

752 (b) If the certificate of title is lost or otherwise  
753 unavailable, the transferor may give a power of attorney to his  
754 or her transferee for the purpose of odometer disclosure. The

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755 power of attorney must be on a form issued or authorized by the  
756 department, which form must be in compliance with 49 C.F.R. ss.  
757 580.4 and 580.13. The department shall not require the signature  
758 of the transferor to be notarized on the form; however, in lieu  
759 of notarization, the form shall include an affidavit with the  
760 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
761 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
762 ARE TRUE. The transferee shall sign the power of attorney form,  
763 print his or her name, and return a copy of the power of  
764 attorney form to the transferor. Upon receipt of the title  
765 certificate or a duplicate title certificate, the transferee  
766 shall complete the space for mileage disclosure on the title  
767 certificate exactly as the mileage was disclosed by the  
768 transferor on the power of attorney form. If the transferee is a  
769 licensed motor vehicle dealer who is transferring the vehicle to  
770 a retail purchaser, the dealer shall make application on behalf  
771 of the retail purchaser as provided in s. 319.23(6) and shall  
772 submit the original power of attorney form to the department  
773 with the application for title and the transferor's title  
774 certificate or duplicate title certificate; otherwise, a dealer  
775 may reassign the title certificate by using the dealer  
776 reassignment form in the manner prescribed in subsection (3),  
777 and, at the time of physical transfer of the vehicle, the  
778 original power of attorney shall be delivered to the person  
779 designated as the transferee of the dealer on the dealer  
780 reassignment form. If the dealer sells the vehicle to an out-of-  
781 state resident or an out-of-state dealer and the power of  
782 attorney form is applicable to the transaction, the dealer must  
783 photocopy the completed original of the form and mail it

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784 directly to the department within 5 business days after the  
785 certificate of title and dealer reassignment form are delivered  
786 by the dealer to its purchaser. A copy of the executed power of  
787 attorney shall be submitted to the department with a copy of the  
788 executed dealer reassignment form within 5 business days after  
789 the duplicate certificate of title and dealer reassignment form  
790 are delivered by the dealer to its transferee.

791 (c) If the mechanics of the transfer of title to a motor  
792 vehicle in accordance with the provisions of paragraph (a) or  
793 paragraph (b) are determined to be incompatible with and  
794 unlawful under the provisions of 49 C.F.R. part 580, the  
795 transfer of title to a motor vehicle by operation of this  
796 subsection can be effected in any manner not inconsistent with  
797 49 C.F.R. part 580 and Florida law; provided, any power of  
798 attorney form issued or authorized by the department under this  
799 subsection shall contain an original that ~~two carbon copies, one~~  
800 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
801 dealer ~~within 5 business days of use by the dealer~~ to effect  
802 transfer of a title certificate as provided in paragraphs (a)  
803 and (b) and a copy that ~~one of which~~ shall be retained by the  
804 dealer in its records for 5 years.

805 (d) Any person who fails to complete the information  
806 required by this subsection or to file with the department the  
807 forms required by this subsection is guilty of a misdemeanor of  
808 the second degree, punishable as provided in s. 775.082 or s.  
809 775.083. The department shall not issue a certificate of title  
810 unless this subsection has been complied with.

811 (7) If a title is held electronically and the transferee  
812 agrees to maintain the title electronically, the transferor and

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813 transferee shall complete a secure reassignment document that  
814 discloses the odometer reading and is signed by both the  
815 transferor and transferee at the tax collector office or license  
816 plate agency. Each certificate of title issued by the department  
817 must contain on its reverse side a minimum of three ~~four~~ spaces  
818 for notation of the name and license number of any auction  
819 through which the vehicle is sold and the date the vehicle was  
820 auctioned. Each separate dealer reassignment form issued by the  
821 department must also have the space referred to in this section.  
822 When a transfer of title is made at a motor vehicle auction, the  
823 reassignment must note the name and address of the auction, but  
824 the auction shall not thereby be deemed to be the owner, seller,  
825 transferor, or assignor of title. A motor vehicle auction is  
826 required to execute a dealer reassignment only when it is the  
827 owner of a vehicle being sold.

828 (8) Upon transfer or reassignment of a used motor vehicle  
829 through the services of an auction, the auction shall complete  
830 the information in the space provided for by subsection (7). Any  
831 person who fails to complete the information as required by this  
832 subsection is guilty of a misdemeanor of the second degree,  
833 punishable as provided in s. 775.082 or s. 775.083. The  
834 department shall not issue a certificate of title unless this  
835 subsection has been complied with.

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

838 Section 11. Subsection (9) of section 319.23, Florida  
839 Statutes, is amended to read:

840 319.23 Application for, and issuance of, certificate of  
841 title.-

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842 (9) The title certificate or application for title must  
843 contain the applicant's full first name, middle initial, last  
844 name, date of birth, sex, and the license plate number. An  
845 individual applicant must provide ~~personal or business~~  
846 ~~identification, which may include, but need not be limited to,~~ a  
847 valid driver ~~driver's~~ license or identification card issued by  
848 ~~number,~~ Florida or another state, or a valid passport. A  
849 business applicant must provide a ~~identification card number, or~~  
850 federal employer identification number, if applicable,  
851 verification that the business is authorized to conduct business  
852 in the state, or a Florida city or county business license or  
853 number. In lieu of ~~and~~ the license plate number the individual  
854 or business applicant must provide ~~or, in lieu thereof,~~ an  
855 affidavit certifying that the motor vehicle to be titled will  
856 not be operated upon the public highways of this state.

857 Section 12. Paragraph (b) of subsection (2) of section  
858 319.28, Florida Statutes, is amended to read:

859 319.28 Transfer of ownership by operation of law.—

860 (2)

861 (b) In case of repossession of a motor vehicle or mobile  
862 home pursuant to the terms of a security agreement or similar  
863 instrument, an affidavit by the party to whom possession has  
864 passed stating that the vehicle or mobile home was repossessed  
865 upon default in the terms of the security agreement or other  
866 instrument shall be considered satisfactory proof of ownership  
867 and right of possession. At least 5 days prior to selling the  
868 repossessed vehicle, any subsequent lienholder named in the last  
869 issued certificate of title shall be sent notice of the  
870 repossession by certified mail, on a form prescribed by the

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871 department. If such notice is given and no written protest to  
872 the department is presented by a subsequent lienholder within 15  
873 days after ~~from~~ the date on which the notice was mailed, the  
874 certificate of title ~~or the certificate of repossession~~ shall be  
875 issued showing no liens. If the former owner or any subsequent  
876 lienholder files a written protest under oath within such 15-day  
877 period, the department shall not issue the certificate of title  
878 ~~or certificate of repossession~~ for 10 days thereafter. If within  
879 the 10-day period no injunction or other order of a court of  
880 competent jurisdiction has been served on the department  
881 commanding it not to deliver the certificate of title ~~or~~  
882 ~~certificate of repossession~~, the department shall deliver the  
883 certificate of title ~~or repossession~~ to the applicant or as may  
884 otherwise be directed in the application showing no other liens  
885 than those shown in the application. Any lienholder who has  
886 repossessed a vehicle in this state in compliance with the  
887 provisions of this section must apply to a tax collector's  
888 office in this state or to the department for a ~~certificate of~~  
889 ~~repossession or to the department for a~~ certificate of title  
890 pursuant to s. 319.323. Proof of the required notice to  
891 subsequent lienholders shall be submitted together with regular  
892 title fees. ~~A lienholder to whom a certificate of repossession~~  
893 ~~has been issued may assign the certificate of title to the~~  
894 ~~subsequent owner.~~ Any person found guilty of violating any  
895 requirements of this paragraph shall be guilty of a felony of  
896 the third degree, punishable as provided in s. 775.082, s.  
897 775.083, or s. 775.084.

898 Section 13. Section 319.323, Florida Statutes, is amended  
899 to read:

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900           319.323 Expedited service; applications; fees.—The  
901 department shall establish a separate title office which may be  
902 used by private citizens and licensed motor vehicle dealers to  
903 receive expedited service on title transfers, title issuances,  
904 duplicate titles, and recordation of liens, ~~and certificates of~~  
905 ~~repossession~~. A fee of \$10 shall be charged for this service,  
906 which fee is in addition to the fees imposed by s. 319.32. The  
907 fee, after deducting the amount referenced by s. 319.324 and  
908 \$3.50 to be retained by the processing agency, shall be  
909 deposited into the General Revenue Fund. Application for  
910 expedited service may be made by mail or in person. The  
911 department shall issue each title applied for under this section  
912 within 5 working days after receipt of the application except  
913 for an application for a duplicate title certificate covered by  
914 s. 319.23(4), in which case the title must be issued within 5  
915 working days after compliance with the department's verification  
916 requirements.

917           Section 14. Subsections (24) through (46) of section  
918 320.01, Florida Statutes, are renumbered as subsections (23)  
919 through (45), respectively, and present subsections (23) and  
920 (25) of that section are amended to read:

921           320.01 Definitions, general.—As used in the Florida  
922 Statutes, except as otherwise provided, the term:

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

927           (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except  
928 recreational vehicles, vehicles displaying restricted plates,



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929 city pickup and delivery vehicles, buses used in transportation  
930 of chartered parties, and government-owned vehicles, which is  
931 used or intended for use in two or more member jurisdictions  
932 that allocate or proportionally register vehicles and which is  
933 used for the transportation of persons for hire or is designed,  
934 used, or maintained primarily for the transportation of property  
935 and:

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

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

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

942  
943 Vehicles, or combinations thereof, having a gross vehicle weight  
944 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
945 proportionally registered.

946 Section 15. Paragraph (a) of subsection (2) of section  
947 320.02, Florida Statutes, is amended to read:

948 320.02 Registration required; application for registration;  
949 forms.—

950 (2) (a) The application for registration shall include the  
951 street address of the owner's permanent residence or the address  
952 of his or her permanent place of business and shall be  
953 accompanied by personal or business identification information.  
954 An individual applicant must provide ~~which may include, but need~~  
955 ~~not be limited to,~~ a valid driver license or number, Florida  
956 identification card issued by this state or another state or a  
957 valid passport. A business applicant must provide a number, or

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958 federal employer identification number, if applicable, or  
959 verification that the business is authorized to conduct business  
960 in the state, or a Florida city or county business license or  
961 number.

962 1. If the owner does not have a permanent residence or  
963 permanent place of business or if the owner's permanent  
964 residence or permanent place of business cannot be identified by  
965 a street address, the application shall include:

966 a.1. If the vehicle is registered to a business, the name  
967 and street address of the permanent residence of an owner of the  
968 business, an officer of the corporation, or an employee who is  
969 in a supervisory position.

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

973 2. If the vehicle is registered to an active duty member of  
974 the Armed Forces of the United States who is a Florida resident,  
975 the active duty member is exempt from the requirement to provide  
976 the street address of a permanent residence.

977 Section 16. Subsection (7) of section 320.03, Florida  
978 Statutes, is amended to read:

979 320.03 Registration; duties of tax collectors;  
980 International Registration Plan.—

981 (7) The Department of Highway Safety and Motor Vehicles  
982 shall register apportionable ~~apportioned motor~~ vehicles under  
983 the ~~provisions of the~~ International Registration Plan. The  
984 department may adopt rules to implement and enforce the  
985 provisions of the plan.

986 Section 17. Section 320.05, Florida Statutes, is amended to

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987 read:

988 320.05 Records of the department; inspection procedure;  
989 lists and searches; fees.—

990 (1) Except as provided in chapter 119 and s. 320.025(3),  
991 the department may release records as provided in this section.

992 (2) Upon receipt of an application for the registration of  
993 a motor vehicle, vessel, or mobile home, as herein provided for,  
994 the department shall register the motor vehicle, vessel, or  
995 mobile home under the distinctive number assigned to such motor  
996 vehicle, vessel, or mobile home by the department. ~~Electronic~~  
997 ~~registration records shall be open to the inspection of the~~  
998 ~~public during business hours.~~

999 (3) Information on a motor vehicle, ~~or~~ vessel, mobile home,  
1000 driver license, or crash record ~~registration~~ may not be made  
1001 available to a person unless the person requesting the  
1002 information furnishes ~~positive proof of~~ identification. The  
1003 agency ~~that furnishes a motor vehicle or vessel registration~~  
1004 ~~record~~ shall record the name and address of any person other  
1005 than a representative of a law enforcement agency who requests  
1006 and receives information from a motor vehicle ~~or~~ vessel, mobile  
1007 home, driver license, or crash ~~registration~~ record and shall  
1008 also record the name and address of the person who is the  
1009 subject of the inquiry or other information identifying the  
1010 entity about which information is requested. A record of each  
1011 ~~such~~ inquiry must be maintained for a period of 6 months from  
1012 the date upon which the information was released to the  
1013 inquirer. ~~Nothing in this section shall prohibit any financial~~  
1014 ~~institution, insurance company, motor vehicle dealer, licensee~~  
1015 ~~under chapter 493, attorney, or other agency which the~~

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1016 ~~department determines has the right to know from obtaining, for~~  
 1017 ~~professional or business use only, information in such records~~  
 1018 ~~from the department through any means of telecommunication~~  
 1019 ~~pursuant to a code developed by the department providing all~~  
 1020 ~~fees specified in subsection (3) have been paid.~~ The department  
 1021 shall disclose records or information to the child support  
 1022 enforcement agency to assist in the location of individuals who  
 1023 owe or potentially owe support, as defined in s. 409.2554, or to  
 1024 whom such an obligation is owed pursuant to Title IV-D of the  
 1025 Social Security Act.

1026 (4) ~~(3)~~ (a) The department is authorized, upon application of  
 1027 any person and payment of the proper fees, to prepare and  
 1028 furnish lists containing motor vehicle, ~~or~~ vessel, mobile home,  
 1029 driver license, or crash record information in such form as the  
 1030 department may authorize, to search the records of the  
 1031 department and make reports thereof, and to make photographic  
 1032 copies of the department records and attestations thereof.

1033 (b) The department shall charge fees for services and  
 1034 documents therefor shall be charged and collected as follows:

1035 1. For providing lists of motor vehicle, ~~or~~ vessel, mobile  
 1036 home, driver license, or crash records for the entire state, or  
 1037 any part ~~or parts~~ thereof, ~~divided according to counties,~~ a sum  
 1038 computed at a rate of not less than 1 cent nor more than 5 cents  
 1039 per item.

1040 2. For providing ~~noncertified photographic copies of~~ motor  
 1041 vehicle, ~~or~~ vessel, mobile home, or driver license supporting  
 1042 documents or verification letters, \$1 per page.

1043 ~~3. For providing noncertified photographic copies of~~  
 1044 ~~micrographic records, \$1 per page.~~

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1045       ~~3.4.~~ For certifying records purchased under subparagraph 2.  
1046 ~~providing certified copies of motor vehicle or vessel records,~~  
1047 \$3 per record.

1048       ~~5.~~ For ~~providing noncertified computer-generated printouts~~  
1049 ~~of motor vehicle or vessel records, 50 cents per record.~~

1050       ~~6.~~ For ~~providing certified computer-generated printouts of~~  
1051 ~~motor vehicle or vessel records, \$3 per record.~~

1052       ~~4.7.~~ For providing electronic access to motor vehicle,  
1053 vessel, and mobile home registration data requested by tag,  
1054 vehicle identification number, title number, or decal number, 50  
1055 cents per item.

1056       ~~5.8.~~ For providing electronic access to driver ~~driver's~~  
1057 license status report by name, sex, and date of birth or by  
1058 driver license number, 50 cents per item.

1059       ~~6.9.~~ For providing lists of licensed mobile home dealers  
1060 and manufacturers and recreational vehicle dealers and  
1061 manufacturers, \$15 per list.

1062       ~~7.10.~~ For providing lists of licensed motor vehicle  
1063 dealers, \$25 per list.

1064       ~~11.~~ For ~~each copy of a videotape record, \$15 per tape.~~

1065       ~~12.~~ For ~~each copy of the Division of Motorist Services~~  
1066 ~~Procedures Manual, \$25.~~

1067       (c) Fees collected pursuant to paragraph (b) shall be  
1068 deposited into the Highway Safety Operating Trust Fund.

1069       (d) The department shall furnish such information without  
1070 charge to any court or governmental entity.

1071       (e) When motor vehicle, vessel, or mobile home registration  
1072 data is provided by electronic access through a tax collector's  
1073 office, the applicable fee as provided in paragraph (b) must be

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1074 collected and deposited pursuant to paragraph (c). However, when  
1075 such registration data is obtained through an electronic system  
1076 described in s. 320.03(10), s. 320.0609, or s. 320.131 and  
1077 results in the issuance of a title certificate or the  
1078 registration credential, such fee shall not apply.

1079 (5)~~(4)~~ The department is authorized to reproduce such  
1080 documents, records, and reports as required to meet the  
1081 requirements of the law and the needs of the public, either by  
1082 photographing, microphotographing, or reproducing on film the  
1083 document, record, or report, or by using an electronic  
1084 digitizing process capable of reproducing a true and correct  
1085 image of the original source document. The photographs,  
1086 microphotographs, or electronic digitized copy of any records  
1087 made in compliance with the provisions of this section shall  
1088 have the same force and effect as the originals thereof and  
1089 shall be treated as originals for the purpose of their  
1090 admissibility into evidence. Duly certified or authenticated  
1091 reproductions of such photographs, microphotographs, or  
1092 electronically digitized records shall be admitted into evidence  
1093 equally with the original photographs, microphotographs, or  
1094 electronically digitized records.

1095 (6)~~(5)~~ The creation and maintenance of records by the  
1096 Division of Motorist Services pursuant to this chapter shall not  
1097 be regarded as law enforcement functions of agency  
1098 recordkeeping.

1099 Section 18. Paragraph (b) of subsection (1) of section  
1100 320.071, Florida Statutes, is amended to read:

1101 320.071 Advance registration renewal; procedures.—

1102 (1)

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1103 (b) The owner of any apportionable ~~apportioned motor~~  
1104 vehicle currently registered in this state under the  
1105 International Registration Plan may file an application for  
1106 renewal of registration with the department any time during the  
1107 3 months preceding the date of expiration of the registration  
1108 period.

1109 Section 19. Subsections (1) and (3) of section 320.0715,  
1110 Florida Statutes, are amended to read:

1111 320.0715 International Registration Plan; motor carrier  
1112 services; permits; retention of records.—

1113 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
1114 in this state ~~and engaged in interstate commerce~~ shall be  
1115 registered in accordance with ~~the provisions of the~~  
1116 International Registration Plan and shall display ~~apportioned~~  
1117 license plates.

1118 (3) (a) If the department is unable to immediately issue the  
1119 apportioned license plate to an applicant currently registered  
1120 in this state under the International Registration Plan or to a  
1121 vehicle currently titled in this state, the department or its  
1122 designated agent may ~~is authorized to~~ issue a 60-day temporary  
1123 operational permit. The department or agent of the department  
1124 shall charge a \$3 fee and the service charge authorized by s.  
1125 320.04 for each temporary operational permit it issues.

1126 (b) The department may not ~~shall in no event~~ issue a  
1127 temporary operational permit for any apportionable ~~commercial~~  
1128 ~~motor~~ vehicle to any applicant until the applicant has shown  
1129 that:

1130 1. All sales or use taxes due on the registration of the  
1131 vehicle are paid; and

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1132 2. Insurance requirements have been met in accordance with  
1133 ss. 320.02(5) and 627.7415.

1134 (c) Issuance of a temporary operational permit provides  
1135 ~~commercial motor vehicle~~ registration privileges in each  
1136 International Registration Plan member jurisdiction designated  
1137 on said permit and therefore requires payment of all applicable  
1138 registration fees and taxes due for that period of registration.

1139 (d) Application for permanent registration must be made to  
1140 the department within 10 days from issuance of a temporary  
1141 operational permit. Failure to file an application within this  
1142 10-day period may result in cancellation of the temporary  
1143 operational permit.

1144 Section 20. Subsection (1) of section 320.18, Florida  
1145 Statutes, is amended to read:

1146 320.18 Withholding registration.-

1147 (1) The department may withhold the registration of any  
1148 motor vehicle or mobile home the owner or coowner of which has  
1149 failed to register it under the provisions of law for any  
1150 previous period or periods for which it appears registration  
1151 should have been made in this state, until the tax for such  
1152 period or periods is paid. The department may cancel any vehicle  
1153 or vessel registration, driver ~~driver's~~ license, identification  
1154 card, or fuel-use tax decal if the owner or coowner pays for any  
1155 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,  
1156 identification card, or fuel-use tax decal; pays any  
1157 administrative, delinquency, or reinstatement fee; or pays any  
1158 tax liability, penalty, or interest specified in chapter 207 by  
1159 a dishonored check, or if the vehicle owner or motor carrier has  
1160 failed to pay a penalty for a weight or safety violation issued



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1161 by the Department of Transportation or the Department of Highway  
1162 Safety and Motor Vehicles. The Department of Transportation and  
1163 the Department of Highway Safety and Motor Vehicles may impound  
1164 any commercial motor vehicle that has a canceled license plate  
1165 or fuel-use tax decal until the tax liability, penalty, and  
1166 interest specified in chapter 207, the license tax, or the fuel-  
1167 use decal fee, and applicable administrative fees have been paid  
1168 for by certified funds.

1169 Section 21. Subsection (3), paragraph (a) of subsection  
1170 (4), and subsection (5) of section 320.27, Florida Statutes, are  
1171 amended to read:

1172 320.27 Motor vehicle dealers.—

1173 (3) APPLICATION AND FEE.—The application for the license  
1174 shall be in such form as may be prescribed by the department and  
1175 shall be subject to such rules with respect thereto as may be so  
1176 prescribed by it. Such application shall be verified by oath or  
1177 affirmation and shall contain a full statement of the name and  
1178 birth date of the person or persons applying therefor; the name  
1179 of the firm or copartnership, with the names and places of  
1180 residence of all members thereof, if such applicant is a firm or  
1181 copartnership; the names and places of residence of the  
1182 principal officers, if the applicant is a body corporate or  
1183 other artificial body; the name of the state under whose laws  
1184 the corporation is organized; the present and former place or  
1185 places of residence of the applicant; and prior business in  
1186 which the applicant has been engaged and the location thereof.  
1187 Such application shall describe the exact location of the place  
1188 of business and shall state whether the place of business is  
1189 owned by the applicant and when acquired, or, if leased, a true

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1190 copy of the lease shall be attached to the application. The  
1191 applicant shall certify that the location provides an adequately  
1192 equipped office and is not a residence; that the location  
1193 affords sufficient unoccupied space upon and within which  
1194 adequately to store all motor vehicles offered and displayed for  
1195 sale; and that the location is a suitable place where the  
1196 applicant can in good faith carry on such business and keep and  
1197 maintain books, records, and files necessary to conduct such  
1198 business, which shall be available at all reasonable hours to  
1199 inspection by the department or any of its inspectors or other  
1200 employees. The applicant shall certify that the business of a  
1201 motor vehicle dealer is the principal business which shall be  
1202 conducted at that location. The application shall contain a  
1203 statement that the applicant is either franchised by a  
1204 manufacturer of motor vehicles, in which case the name of each  
1205 motor vehicle that the applicant is franchised to sell shall be  
1206 included, or an independent (nonfranchised) motor vehicle  
1207 dealer. The application shall contain other relevant information  
1208 as may be required by the department, including evidence that  
1209 the applicant is insured under a garage liability insurance  
1210 policy or a general liability insurance policy coupled with a  
1211 business automobile policy, which shall include, at a minimum,  
1212 \$25,000 combined single-limit liability coverage including  
1213 bodily injury and property damage protection and \$10,000  
1214 personal injury protection. However, a salvage motor vehicle  
1215 dealer as defined in subparagraph (1)(c)5. is exempt from the  
1216 requirements for garage liability insurance and personal injury  
1217 protection insurance on those vehicles that cannot be legally  
1218 operated on roads, highways, or streets in this state. Franchise

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1219 dealers must submit a garage liability insurance policy, and all  
1220 other dealers must submit a garage liability insurance policy or  
1221 a general liability insurance policy coupled with a business  
1222 automobile policy. Such policy shall be for the license period,  
1223 and evidence of a new or continued policy shall be delivered to  
1224 the department at the beginning of each license period. Upon  
1225 making initial application, the applicant shall pay to the  
1226 department a fee of \$300 in addition to any other fees ~~now~~  
1227 required by law. Applicants may choose to extend the licensure  
1228 period for 1 additional year for a total of 2 years. An initial  
1229 applicant shall pay to the department a fee of \$300 for the  
1230 first year and \$75 for the second year, in addition to any other  
1231 fees required by law. An applicant for renewal shall pay to the  
1232 department \$75 for a 1-year renewal or \$150 for a 2-year  
1233 renewal, in addition to any other fees required by law ~~Upon~~  
1234 ~~making a subsequent renewal application, the applicant shall pay~~  
1235 ~~to the department a fee of \$75 in addition to any other fees now~~  
1236 ~~required by law.~~ Upon making an application for a change of  
1237 location, the person shall pay a fee of \$50 in addition to any  
1238 other fees now required by law. The department shall, in the  
1239 case of every application for initial licensure, verify whether  
1240 certain facts set forth in the application are true. Each  
1241 applicant, general partner in the case of a partnership, or  
1242 corporate officer and director in the case of a corporate  
1243 applicant, must file a set of fingerprints with the department  
1244 for the purpose of determining any prior criminal record or any  
1245 outstanding warrants. The department shall submit the  
1246 fingerprints to the Department of Law Enforcement for state  
1247 processing and forwarding to the Federal Bureau of Investigation

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1248 for federal processing. The actual cost of state and federal  
1249 processing shall be borne by the applicant and is in addition to  
1250 the fee for licensure. The department may issue a license to an  
1251 applicant pending the results of the fingerprint investigation,  
1252 which license is fully revocable if the department subsequently  
1253 determines that any facts set forth in the application are not  
1254 true or correctly represented.

1255 (4) LICENSE CERTIFICATE.—

1256 (a) A license certificate shall be issued by the department  
1257 in accordance with such application when the application is  
1258 regular in form and in compliance with the provisions of this  
1259 section. The license certificate may be in the form of a  
1260 document or a computerized card as determined by the department.  
1261 The actual cost of each original, additional, or replacement  
1262 computerized card shall be borne by the licensee and is in  
1263 addition to the fee for licensure. Such license, when so issued,  
1264 entitles the licensee to carry on and conduct the business of a  
1265 motor vehicle dealer. Each license issued to a franchise motor  
1266 vehicle dealer expires ~~annually~~ on December 31 of the year of  
1267 its expiration unless revoked or suspended prior to that date.  
1268 Each license issued to an independent or wholesale dealer or  
1269 auction expires ~~annually~~ on April 30 of the year of its  
1270 expiration unless revoked or suspended prior to that date. At  
1271 least ~~Not less than~~ 60 days before ~~prior to~~ the license  
1272 expiration date, the department shall deliver or mail to each  
1273 licensee the necessary renewal forms. Each independent dealer  
1274 shall certify that the dealer (owner, partner, officer, or  
1275 director of the licensee, or a full-time employee of the  
1276 licensee that holds a responsible management-level position) has

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1277 completed 8 hours of continuing education prior to filing the  
1278 renewal forms with the department. Such certification shall be  
1279 filed once every 2 years. The continuing education shall include  
1280 at least 2 hours of legal or legislative issues, 1 hour of  
1281 department issues, and 5 hours of relevant motor vehicle  
1282 industry topics. Continuing education shall be provided by  
1283 dealer schools licensed under paragraph (b) either in a  
1284 classroom setting or by correspondence. Such schools shall  
1285 provide certificates of completion to the department and the  
1286 customer which shall be filed with the license renewal form, and  
1287 such schools may charge a fee for providing continuing  
1288 education. Any licensee who does not file his or her application  
1289 and fees and any other requisite documents, as required by law,  
1290 with the department at least 30 days prior to the license  
1291 expiration date shall cease to engage in business as a motor  
1292 vehicle dealer on the license expiration date. A renewal filed  
1293 with the department within 45 days after the expiration date  
1294 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
1295 new application is required, accompanied by the initial license  
1296 fee. A license certificate duly issued by the department may be  
1297 modified by endorsement to show a change in the name of the  
1298 licensee, provided, as shown by affidavit of the licensee, the  
1299 majority ownership interest of the licensee has not changed or  
1300 the name of the person appearing as franchisee on the sales and  
1301 service agreement has not changed. Modification of a license  
1302 certificate to show any name change as herein provided shall not  
1303 require initial licensure or reissuance of dealer tags; however,  
1304 any dealer obtaining a name change shall transact all business  
1305 in and be properly identified by that name. All documents

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1306 relative to licensure shall reflect the new name. In the case of  
1307 a franchise dealer, the name change shall be approved by the  
1308 manufacturer, distributor, or importer. A licensee applying for  
1309 a name change endorsement shall pay a fee of \$25 which fee shall  
1310 apply to the change in the name of a main location and all  
1311 additional locations licensed under the provisions of subsection  
1312 (5). Each initial license application received by the department  
1313 shall be accompanied by verification that, within the preceding  
1314 6 months, the applicant, or one or more of his or her designated  
1315 employees, has attended a training and information seminar  
1316 conducted by a licensed motor vehicle dealer training school.  
1317 Any applicant for a new franchised motor vehicle dealer license  
1318 who has held a valid franchised motor vehicle dealer license  
1319 continuously for the past 2 years and who remains in good  
1320 standing with the department is exempt from the prelicensing  
1321 training requirement. Such seminar shall include, but is not  
1322 limited to, statutory dealer requirements, which requirements  
1323 include required bookkeeping and recordkeeping procedures,  
1324 requirements for the collection of sales and use taxes, and such  
1325 other information that in the opinion of the department will  
1326 promote good business practices. No seminar may exceed 8 hours  
1327 in length.

1328 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this  
1329 section hereunder shall obtain a supplemental license for each  
1330 permanent additional place or places of business not contiguous  
1331 to the premises for which the original license is issued, on a  
1332 form to be furnished by the department, and upon payment of a  
1333 fee of \$50 for each such additional location. Applicants may  
1334 choose to extend the licensure period for 1 additional year for

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1335 a total of 2 years. The applicant shall pay to the department a  
1336 fee of \$50 for the first year and \$50 for the second year for  
1337 each such additional location. Thereafter, the applicant shall  
1338 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for  
1339 each such additional location ~~Upon making renewal applications~~  
1340 ~~for such supplemental licenses, such applicant shall pay \$50 for~~  
1341 ~~each additional location.~~ A supplemental license authorizing  
1342 off-premises sales shall be issued, at no charge to the dealer,  
1343 for a period not to exceed 10 consecutive calendar days. To  
1344 obtain such a temporary supplemental license for off-premises  
1345 sales, the applicant must be a licensed dealer; must notify the  
1346 applicable local department office of the specific dates and  
1347 location for which such license is requested, display a sign at  
1348 the licensed location clearly identifying the dealer, and  
1349 provide staff to work at the temporary location for the duration  
1350 of the off-premises sale; must meet any local government  
1351 permitting requirements; and must have permission of the  
1352 property owner to sell at that location. In the case of an off-  
1353 premises sale by a motor vehicle dealer licensed under  
1354 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
1355 applicant must also include documentation notifying the  
1356 applicable licensee licensed under s. 320.61 of the intent to  
1357 engage in an off-premises sale 5 working days prior to the date  
1358 of the off-premises sale. The licensee shall either approve or  
1359 disapprove of the off-premises sale within 2 working days after  
1360 receiving notice; otherwise, it will be deemed approved. This  
1361 section does not apply to a nonselling motor vehicle show or  
1362 public display of new motor vehicles.

1363 Section 22. Section 320.62, Florida Statutes, is amended to

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1364 read:

1365           320.62 Licenses; amount; disposition of proceeds.—The  
 1366 initial license for each manufacturer, distributor, or importer  
 1367 shall be \$300 and shall be in addition to all other licenses or  
 1368 taxes ~~now or hereafter~~ levied, assessed, or required of the  
 1369 applicant or licensee. Applicants may choose to extend the  
 1370 licensure period for 1 additional year for a total of 2 years.  
 1371 An initial applicant shall pay to the department a fee of \$300  
 1372 for the first year and \$100 for the second year. An applicant  
 1373 for a renewal license shall pay \$100 to the department for a 1-  
 1374 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~  
 1375 ~~license fee shall be \$100.~~ The proceeds from all licenses under  
 1376 ss. 320.60-320.70 shall be paid into the State Treasury to the  
 1377 credit of the General Revenue Fund. All licenses shall be  
 1378 payable on or before October 1 of the each year and shall  
 1379 expire, unless sooner revoked or suspended, on ~~the following~~  
 1380 September 30 of the year of its expiration.

1381           Section 23. Subsections (4) and (6) of section 320.77,  
 1382 Florida Statutes, are amended to read:

1383           320.77 License required of mobile home dealers.—

1384           (4) FEES.—Upon making initial application, the applicant  
 1385 shall pay to the department a fee of \$300 in addition to any  
 1386 other fees ~~now~~ required by law. Applicants may choose to extend  
 1387 the licensure period for 1 additional year for a total of 2  
 1388 years. An initial applicant shall pay to the department a fee of  
 1389 \$300 for the first year and \$100 for the second year in addition  
 1390 to any other fees required by law. An applicant for a renewal  
 1391 license shall pay to the department \$100 for a 1-year renewal or  
 1392 \$200 for a 2-year renewal ~~The fee for renewal application shall~~



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1393 ~~be \$100~~. The fee for application for change of location shall be  
1394 \$25. Any applicant for renewal who has failed to submit his or  
1395 her renewal application by October 1 of the year of its current  
1396 license expiration shall pay a renewal application fee equal to  
1397 the original application fee. No fee is refundable. All fees  
1398 shall be deposited into the General Revenue Fund.

1399 (6) LICENSE CERTIFICATE.—A license certificate shall be  
1400 issued by the department in accordance with the application when  
1401 the same is regular in form and in compliance with the  
1402 provisions of this section. The license certificate may be in  
1403 the form of a document or a computerized card as determined by  
1404 the department. The cost of each original, additional, or  
1405 replacement computerized card shall be borne by the licensee and  
1406 is in addition to the fee for licensure. The fees charged  
1407 applicants for both the required background investigation and  
1408 the computerized card as provided in this section shall be  
1409 deposited into the Highway Safety Operating Trust Fund. The  
1410 license, when so issued, shall entitle the licensee to carry on  
1411 and conduct the business of a mobile home dealer at the location  
1412 set forth in the license for a period of 1 or 2 years beginning  
1413 ~~year from~~ October 1 preceding the date of issuance. Each initial  
1414 application received by the department shall be accompanied by  
1415 verification that, within the preceding 6 months, the applicant  
1416 or one or more of his or her designated employees has attended a  
1417 training and information seminar conducted by the department or  
1418 by a public or private provider approved by the department. Such  
1419 seminar shall include, but not be limited to, statutory dealer  
1420 requirements, which requirements include required bookkeeping  
1421 and recording procedures, requirements for the collection of

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1422 sales and use taxes, and such other information that in the  
 1423 opinion of the department will promote good business practices.

1424 Section 24. Subsections (4) and (6) of section 320.771,  
 1425 Florida Statutes, are amended to read:

1426 320.771 License required of recreational vehicle dealers.—

1427 (4) FEES.—Upon making initial application, the applicant  
 1428 shall pay to the department a fee of \$300 in addition to any  
 1429 other fees ~~now~~ required by law. Applicants may choose to extend  
 1430 the licensure period for 1 additional year for a total of 2  
 1431 years. An initial applicant shall pay to the department a fee of  
 1432 \$300 for the first year and \$100 for the second year in addition  
 1433 to any other fees required by law. An applicant for a renewal  
 1434 license shall pay to the department \$100 for a 1-year renewal or  
 1435 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
 1436 ~~be \$100.~~ The fee for application for change of location shall be  
 1437 \$25. Any applicant for renewal who has failed to submit his or  
 1438 her renewal application by October 1 of the year of its current  
 1439 license expiration shall pay a renewal application fee equal to  
 1440 the original application fee. No fee is refundable. All fees  
 1441 shall be deposited into the General Revenue Fund.

1442 (6) LICENSE CERTIFICATE.—A license certificate shall be  
 1443 issued by the department in accordance with the application when  
 1444 the same is regular in form and in compliance with the  
 1445 provisions of this section. The license certificate may be in  
 1446 the form of a document or a computerized card as determined by  
 1447 the department. The cost of each original, additional, or  
 1448 replacement computerized card shall be borne by the licensee and  
 1449 is in addition to the fee for licensure. The fees charged  
 1450 applicants for both the required background investigation and

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1451 the computerized card as provided in this section shall be  
1452 deposited into the Highway Safety Operating Trust Fund. The  
1453 license, when so issued, shall entitle the licensee to carry on  
1454 and conduct the business of a recreational vehicle dealer at the  
1455 location set forth in the license for a period of 1 or 2 years  
1456 ~~year~~ from October 1 preceding the date of issuance. Each initial  
1457 application received by the department shall be accompanied by  
1458 verification that, within the preceding 6 months, the applicant  
1459 or one or more of his or her designated employees has attended a  
1460 training and information seminar conducted by the department or  
1461 by a public or private provider approved by the department. Such  
1462 seminar shall include, but not be limited to, statutory dealer  
1463 requirements, which requirements include required bookkeeping  
1464 and recording procedures, requirements for the collection of  
1465 sales and use taxes, and such other information that in the  
1466 opinion of the department will promote good business practices.

1467 Section 25. Subsections (3) and (6) of section 320.8225,  
1468 Florida Statutes, are amended to read:

1469 320.8225 Mobile home and recreational vehicle manufacturer,  
1470 distributor, and importer license.—

1471 (3) FEES.—Upon submitting an initial application, the  
1472 applicant shall pay to the department a fee of \$300. Applicants  
1473 may choose to extend the licensure period for 1 additional year  
1474 for a total of 2 years. An initial applicant shall pay to the  
1475 department a fee of \$300 for the first year and \$100 for the  
1476 second year. An applicant for a renewal license shall pay to the  
1477 department \$100 for a 1-year renewal or \$200 for a 2-year  
1478 renewal ~~Upon submitting a renewal application, the applicant~~  
1479 ~~shall pay to the department a fee of \$100.~~ Any applicant for

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1480 renewal who fails to submit his or her renewal application by  
 1481 October 1 of the year of its current license expiration shall  
 1482 pay a renewal application fee equal to the original application  
 1483 fee. No fee is refundable. All fees must be deposited into the  
 1484 General Revenue Fund.

1485 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home  
 1486 manufacturer or a recreational vehicle manufacturer,  
 1487 distributor, or importer entitles the licensee to conduct  
 1488 business for a period of 1 or 2 years beginning ~~year from~~  
 1489 October 1 preceding the date of issuance.

1490 Section 26. Section 322.095, Florida Statutes, is amended  
 1491 to read:

1492 322.095 Traffic law and substance abuse education program  
 1493 for driver ~~driver's~~ license applicants.—

1494 (1) Each applicant for a driver license must complete a  
 1495 traffic law and substance abuse education course, unless the  
 1496 applicant has been licensed in another jurisdiction or has  
 1497 satisfactorily completed a Department of Education driver  
 1498 education course offered pursuant to s. 1003.48.

1499 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles  
 1500 must approve traffic law and substance abuse education courses,  
 1501 including courses that use communications technology as the  
 1502 delivery method.

1503 (a) In addition to the course approval criteria provided in  
 1504 this section, initial approval of traffic law and substance  
 1505 abuse education courses shall be based on the department's  
 1506 review of all course materials which must be designed to promote  
 1507 safety, education, and driver awareness; course presentation to  
 1508 the department by the provider; and the provider's plan for

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1509 effective oversight of the course by those who deliver the  
1510 course in the state.

1511 (b) Each course provider seeking approval of a traffic law  
1512 and substance abuse education course must submit:

1513 1. Proof of ownership, copyright, or written permission  
1514 from the course owner to use the course in the state ~~that must~~  
1515 ~~be completed by applicants for a Florida driver's license.~~

1516 2. The curriculum ~~curricula~~ for the courses which must  
1517 promote motorcyclist, bicyclist, and pedestrian safety and  
1518 provide instruction on the physiological and psychological  
1519 consequences of the abuse of alcohol and other drugs; ~~the~~  
1520 societal and economic costs of alcohol and drug abuse; ~~the~~  
1521 effects of alcohol and drug abuse on the driver of a motor  
1522 vehicle; ~~and~~ the laws of this state relating to the operation  
1523 of a motor vehicle; the risk factors involved in driver attitude  
1524 and irresponsible driver behaviors, such as speeding, reckless  
1525 driving, and running red lights and stop signs; and the results  
1526 of the use of electronic devices while driving. ~~All instructors~~  
1527 ~~teaching the courses shall be certified by the department.~~

1528 (3) ~~(2)~~ The department shall contract for an independent  
1529 evaluation of the courses. ~~Local DUI programs authorized under~~  
1530 ~~s. 316.193(5) and certified by the department or a driver~~  
1531 ~~improvement school may offer a traffic law and substance abuse~~  
1532 ~~education course. However,~~ Prior to offering the course, the  
1533 course provider must obtain certification from the department  
1534 that the course complies with the requirements of this section.  
1535 If the course is offered in a classroom setting, the course  
1536 provider and any schools authorized by the provider to teach the  
1537 course must offer the approved course at locations that are free

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1538 from distractions and reasonably accessible to most applicants  
1539 and must issue a certificate to those persons successfully  
1540 completing the course.

1541 ~~(3) The completion of a course does not qualify a person~~  
1542 ~~for the reinstatement of a driver's license which has been~~  
1543 ~~suspended or revoked.~~

1544 ~~(4) The fee charged by the course provider must bear a~~  
1545 ~~reasonable relationship to the cost of the course. The~~  
1546 ~~department must conduct financial audits of course providers~~  
1547 ~~conducting the education courses required under this section or~~  
1548 ~~require that financial audits of providers be performed, at the~~  
1549 ~~expense of the provider, by a certified public accountant.~~

1550 ~~(5) The provisions of this section do not apply to any~~  
1551 ~~person who has been licensed in any other jurisdiction or who~~  
1552 ~~has satisfactorily completed a Department of Education driver's~~  
1553 ~~education course offered pursuant to s. 1003.48.~~

1554 (4) (6) In addition to a regular course fee, an assessment  
1555 fee in the amount of \$3 shall be collected by the school from  
1556 each person who attends a course. The course provider must remit  
1557 the \$3 assessment fee to the department for deposit into the  
1558 Highway Safety Operating Trust Fund in order to receive a unique  
1559 course completion certificate number for the student. Each  
1560 ~~course provider must collect a \$3 assessment fee in addition to~~  
1561 ~~the enrollment fee charged to participants of the traffic law~~  
1562 ~~and substance abuse course required under this section. The \$3~~  
1563 ~~assessment fee collected by the course provider must be~~  
1564 ~~forwarded to the department within 30 days after receipt of the~~  
1565 ~~assessment.~~

1566 (5) (7) The department may ~~is authorized to~~ maintain the

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1567 information and records necessary to administer its duties and  
1568 responsibilities for the program. Course providers are required  
1569 to maintain all records pertinent to the conduct of their  
1570 approved courses for 5 years and allow the department to inspect  
1571 such records as necessary. Records may be maintained in an  
1572 electronic format. If ~~where~~ such information is a public record  
1573 as defined in chapter 119, it shall be made available to the  
1574 public upon request pursuant to s. 119.07(1). ~~The department~~  
1575 ~~shall approve and regulate courses that use technology as the~~  
1576 ~~delivery method of all traffic law and substance abuse education~~  
1577 ~~courses as the courses relate to this section.~~

1578 (6) The department shall design, develop, implement, and  
1579 conduct effectiveness studies on each delivery method of all  
1580 courses approved pursuant to this section on a recurring 3-year  
1581 basis. At a minimum, studies shall be conducted on the  
1582 effectiveness of each course in reducing DUI citations and  
1583 decreasing moving traffic violations or collision recidivism.  
1584 Upon notification that a course has failed an effectiveness  
1585 study, the course provider shall immediately cease offering the  
1586 course in the state.

1587 (7) Courses approved under this section must be updated at  
1588 the department's request. Failure of a course provider to update  
1589 the course within 90 days after the department's request shall  
1590 result in the suspension of the course approval until such time  
1591 that the updates are submitted and approved by the department.

1592 (8) Each course provider shall ensure that its driver  
1593 improvement schools are conducting the approved courses fully,  
1594 to the required time limits, and with the content requirements  
1595 specified by the department. The course provider shall ensure

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1596 that only department-approved instructional materials are used  
1597 in the presentation of the course, and that all driver  
1598 improvement schools conducting the course do so in a manner that  
1599 maximizes its impact and effectiveness. The course provider  
1600 shall ensure that any student who is unable to attend or  
1601 complete a course due to action, error, or omission on the part  
1602 of the course provider or driver improvement school conducting  
1603 the course shall be accommodated to permit completion of the  
1604 course at no additional cost.

1605 (9) Traffic law and substance abuse education courses shall  
1606 be conducted with a minimum of 4 hours devoted to course content  
1607 minus a maximum of 30 minutes allotted for breaks.

1608 (10) A course provider may not require any student to  
1609 purchase a course completion certificate. Course providers  
1610 offering paper or electronic certificates for purchase must  
1611 clearly convey to the student that this purchase is optional,  
1612 that the only valid course completion certificate is the  
1613 electronic one that is entered into the department's Driver  
1614 Improvement Certificate Issuance System, and that paper  
1615 certificates are not acceptable for any licensing purpose.

1616 (11) Course providers and all associated driver improvement  
1617 schools that offer approved courses shall disclose all fees  
1618 associated with the course and shall not charge any fees that  
1619 are not clearly listed during the registration process.

1620 (12) Course providers shall submit course completion  
1621 information to the department through the department's Driver  
1622 Improvement Certificate Issuance System within 5 days. The  
1623 submission shall be free of charge to the student.

1624 (13) The department may deny, suspend, or revoke course



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1625 approval upon proof that the course provider:

1626 (a) Violated this section.

1627 (b) Has been convicted of a crime involving any drug-  
1628 related or DUI-related offense, a felony, fraud, or a crime  
1629 directly related to the personal safety of a student.

1630 (c) Failed to satisfy the effectiveness criteria as  
1631 outlined in subsection (6).

1632 (d) Obtained course approval by fraud or misrepresentation.

1633 (e) Obtained or assisted a person in obtaining any driver  
1634 license by fraud or misrepresentation.

1635 (f) Conducted a traffic law and substance abuse education  
1636 course in the state while approval of such course was under  
1637 suspension or revocation.

1638 (g) Failed to provide effective oversight of those who  
1639 deliver the course in the state.

1640 (14) The department shall not accept certificates from  
1641 students who take a course after the course has been suspended  
1642 or revoked.

1643 (15) A person who has been convicted of a crime involving  
1644 any drug-related or DUI-related offense in the past 5 years, a  
1645 felony, fraud, or a crime directly related to the personal  
1646 safety of a student shall not be allowed to conduct traffic law  
1647 and substance abuse education courses.

1648 (16) The department shall summarily suspend approval of any  
1649 course without preliminary hearing for the purpose of protecting  
1650 the public safety and enforcing any provision of law governing  
1651 traffic law and substance abuse education courses.

1652 (17) Except as otherwise provided in this section, before  
1653 final department action denying, suspending, or revoking

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1654 approval of a course, the course provider shall have the  
1655 opportunity to request either a formal or informal  
1656 administrative hearing to show cause why the action should not  
1657 be taken.

1658 (18) The department may levy and collect a civil fine of at  
1659 least \$1,000 but not more than \$5,000 for each violation of this  
1660 section. Proceeds from fines collected shall be deposited into  
1661 the Highway Safety Operating Trust Fund and used to cover the  
1662 cost of administering this section or promoting highway safety  
1663 initiatives.

1664 Section 27. Subsection (1) of section 322.125, Florida  
1665 Statutes, is amended to read:

1666 322.125 Medical Advisory Board.—

1667 (1) There shall be a Medical Advisory Board composed of not  
1668 fewer than 12 or more than 25 members, at least one of whom must  
1669 be 60 years of age or older and all but one of whose medical and  
1670 other specialties must relate to driving abilities, which number  
1671 must include a doctor of medicine who is employed by the  
1672 Department of Highway Safety and Motor Vehicles in Tallahassee,  
1673 who shall serve as administrative officer for the board. The  
1674 executive director of the Department of Highway Safety and Motor  
1675 Vehicles shall recommend persons to serve as board members.  
1676 Every member but two must be a doctor of medicine licensed to  
1677 practice medicine in this or any other state ~~and must be a~~  
1678 ~~member in good standing of the Florida Medical Association or~~  
1679 ~~the Florida Osteopathic Association.~~ One member must be an  
1680 optometrist licensed to practice optometry in this state ~~and~~  
1681 ~~must be a member in good standing of the Florida Optometric~~  
1682 ~~Association.~~ One member must be a chiropractic physician

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1683 licensed to practice chiropractic medicine in this state.  
1684 Members shall be approved by the Cabinet and shall serve 4-year  
1685 staggered terms. The board membership must, to the maximum  
1686 extent possible, consist of equal representation of the  
1687 disciplines of the medical community treating the mental or  
1688 physical disabilities that could affect the safe operation of  
1689 motor vehicles.

1690 Section 28. Subsection (4) of section 322.135, Florida  
1691 Statutes, is amended to read:

1692 322.135 Driver ~~Driver's~~ license agents.—

1693 (4) A tax collector may not issue or renew a driver  
1694 ~~driver's~~ license if he or she has any reason to believe that the  
1695 licensee or prospective licensee is physically or mentally  
1696 unqualified to operate a motor vehicle. ~~The tax collector may~~  
1697 ~~direct any such licensee to the department for examination or~~  
1698 ~~reexamination under s. 322.221.~~

1699 Section 29. Paragraph (a) of subsection (5) of section  
1700 322.18, Florida Statutes, is amended to read:

1701 322.18 Original applications, licenses, and renewals;  
1702 expiration of licenses; delinquent licenses.—

1703 (5) All renewal driver ~~driver's~~ licenses may be issued  
1704 after the applicant licensee has been determined to be eligible  
1705 by the department.

1706 (a) A licensee who is otherwise eligible for renewal and  
1707 who is at least 80 years of age:

1708 1. Must submit to and pass a vision test administered at  
1709 any driver ~~driver's~~ license office; or

1710 2. If the licensee applies for a renewal using a  
1711 convenience service as provided in subsection (8), he or she

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1712 must submit to a vision test administered by a doctor of  
 1713 medicine or a doctor of osteopathy licensed to practice medicine  
 1714 in any state or an optometrist licensed to practice optometry in  
 1715 any state; physician licensed under chapter 458 or chapter 459,  
 1716 an optometrist licensed under chapter 463, or a licensed  
 1717 physician at a federally established veterans' hospital; must  
 1718 send the results of that test to the department on a form  
 1719 obtained from the department and signed by such health care  
 1720 practitioner; and must meet vision standards that are equivalent  
 1721 to the standards for passing the departmental vision test. The  
 1722 physician or optometrist may submit the results of a vision test  
 1723 by a department-approved electronic means.

1724 Section 30. Subsection (1) of section 322.21, Florida  
 1725 Statutes, is amended to read:

1726 322.21 License fees; procedure for handling and collecting  
 1727 fees.—

1728 (1) Except as otherwise provided herein, the fee for:

1729 (a) An original or renewal commercial driver ~~driver's~~  
 1730 license is \$75, which shall include the fee for driver education  
 1731 provided by s. 1003.48. However, if an applicant has completed  
 1732 training and is applying for employment or is currently employed  
 1733 in a public or nonpublic school system that requires the  
 1734 commercial license, the fee is the same as for a Class E driver  
 1735 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a  
 1736 renewal within 12 months after the license expiration date.

1737 (b) An original Class E driver ~~driver's~~ license is \$48,  
 1738 which includes the fee for driver ~~driver's~~ education provided by  
 1739 s. 1003.48. However, if an applicant has completed training and  
 1740 is applying for employment or is currently employed in a public

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1741 or nonpublic school system that requires a commercial driver  
1742 license, the fee is the same as for a Class E license.

1743 (c) The renewal or extension of a Class E driver ~~driver's~~  
1744 license or of a license restricted to motorcycle use only is  
1745 \$48, except that a delinquent fee of \$15 shall be added for a  
1746 renewal or extension made within 12 months after the license  
1747 expiration date. The fee provided in this paragraph includes the  
1748 fee for driver ~~driver's~~ education provided by s. 1003.48.

1749 (d) An original driver ~~driver's~~ license restricted to  
1750 motorcycle use only is \$48, which includes the fee for driver  
1751 ~~driver's~~ education provided by s. 1003.48.

1752 (e) A replacement driver ~~driver's~~ license issued pursuant  
1753 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into  
1754 the Highway Safety Operating Trust Fund and \$18 shall be  
1755 deposited into the General Revenue Fund. Beginning July 1, 2015,  
1756 or upon completion of the transition of driver ~~driver's~~ license  
1757 issuance services, if the replacement driver ~~driver's~~ license is  
1758 issued by the tax collector, the tax collector shall retain the  
1759 \$7 that would otherwise be deposited into the Highway Safety  
1760 Operating Trust Fund and the remaining revenues shall be  
1761 deposited into the General Revenue Fund.

1762 (f) An original, renewal, or replacement identification  
1763 card issued pursuant to s. 322.051 is \$25. Funds collected from  
1764 these fees shall be distributed as follows:

1765 1. For an original identification card issued pursuant to  
1766 s. 322.051 the fee is \$25. This amount shall be deposited into  
1767 the General Revenue Fund.

1768 2. For a renewal identification card issued pursuant to s.  
1769 322.051 the fee is \$25. Of this amount, \$6 shall be deposited

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1770 into the Highway Safety Operating Trust Fund and \$19 shall be  
1771 deposited into the General Revenue Fund.

1772 3. For a replacement identification card issued pursuant to  
1773 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited  
1774 into the Highway Safety Operating Trust Fund and \$16 shall be  
1775 deposited into the General Revenue Fund. Beginning July 1, 2015,  
1776 or upon completion of the transition of the driver ~~driver's~~  
1777 license issuance services, if the replacement identification  
1778 card is issued by the tax collector, the tax collector shall  
1779 retain the \$9 that would otherwise be deposited into the Highway  
1780 Safety Operating Trust Fund and the remaining revenues shall be  
1781 deposited into the General Revenue Fund.

1782 (g) Each endorsement required by s. 322.57 is \$7.

1783 (h) A hazardous-materials endorsement, as required by s.  
1784 322.57(1)(d), shall be set by the department by rule and must  
1785 reflect the cost of the required criminal history check,  
1786 including the cost of the state and federal fingerprint check,  
1787 and the cost to the department of providing and issuing the  
1788 license. The fee shall not exceed \$100. This fee shall be  
1789 deposited in the Highway Safety Operating Trust Fund. The  
1790 department may adopt rules to administer this section.

1791 (i) The specialty driver license or identification card  
1792 issued pursuant to s. 322.1415 is \$25, which is in addition to  
1793 other fees required in this section. The fee shall be  
1794 distributed as follows:

1795 1. Fifty percent shall be distributed as provided in s.  
1796 320.08058 to the appropriate state or independent university,  
1797 professional sports team, or branch of the United States Armed  
1798 Forces.

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1799           2. Fifty percent shall be distributed to the department for  
1800 costs directly related to the specialty driver license and  
1801 identification card program and to defray the costs associated  
1802 with production enhancements and distribution.

1803           Section 31. Subsection (7) of section 322.212, Florida  
1804 Statutes, is amended to read:

1805           322.212 Unauthorized possession of, and other unlawful acts  
1806 in relation to, driver ~~driver's~~ license or identification card.-

1807           (7) In addition to any other penalties provided by this  
1808 section, any person who provides false information when applying  
1809 for a commercial driver ~~driver's~~ license or commercial learner's  
1810 permit or is convicted of fraud in connection with testing for a  
1811 commercial driver license or commercial learner's permit shall  
1812 be disqualified from operating a commercial motor vehicle for a  
1813 period of 1 year ~~60 days~~.

1814           Section 32. Subsection (1) of section 322.22, Florida  
1815 Statutes, is amended to read:

1816           322.22 Authority of department to cancel or refuse to issue  
1817 or renew license.-

1818           (1) The department may ~~is authorized to~~ cancel or withhold  
1819 issuance or renewal of any driver ~~driver's~~ license, upon  
1820 determining that the licensee was not entitled to the issuance  
1821 thereof, or that the licensee failed to give the required or  
1822 correct information in his or her application or committed any  
1823 fraud in making such application, or that the licensee has two  
1824 or more licenses on file with the department, each in a  
1825 different name but bearing the photograph of the licensee,  
1826 unless the licensee has complied with the requirements of this  
1827 chapter in obtaining the licenses. The department may cancel or

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1828 withhold issuance or renewal of any driver ~~driver's~~ license,  
1829 identification card, vehicle or vessel registration, or fuel-use  
1830 decal if the licensee fails to pay the correct fee or pays for  
1831 any driver ~~the driver's~~ license, identification card, vehicle or  
1832 vessel registration, or fuel-use decal; pays any tax liability,  
1833 penalty, or interest specified in chapter 207; or pays any  
1834 administrative, delinquency, or reinstatement fee by a  
1835 dishonored check.

1836 Section 33. Subsection (3) of section 322.245, Florida  
1837 Statutes, is amended to read:

1838 322.245 Suspension of license upon failure of person  
1839 charged with specified offense under chapter 316, chapter 320,  
1840 or this chapter to comply with directives ordered by traffic  
1841 court or upon failure to pay child support in non-IV-D cases as  
1842 provided in chapter 61 or failure to pay any financial  
1843 obligation in any other criminal case.—

1844 (3) If the person fails to comply with the directives of  
1845 the court within the 30-day period, or, in non-IV-D cases, fails  
1846 to comply with the requirements of s. 61.13016 within the period  
1847 specified in that statute, the depository or the clerk of the  
1848 court shall electronically notify the department of such failure  
1849 within 10 days. Upon electronic receipt of the notice, the  
1850 department shall immediately issue an order suspending the  
1851 person's driver ~~driver's~~ license and privilege to drive  
1852 effective 20 days after the date the order of suspension is  
1853 mailed in accordance with s. 322.251(1), (2), and (6).

1854 Section 34. Subsection (7) of section 322.25, Florida  
1855 Statutes, is amended to read:

1856 322.25 When court to forward license to department and



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1857 report convictions; temporary reinstatement of driving  
1858 privileges.-

1859 ~~(7) Any licensed driver convicted of driving, or being in~~  
1860 ~~the actual physical control of, a vehicle within this state~~  
1861 ~~while under the influence of alcoholic beverages, any chemical~~  
1862 ~~substance set forth in s. 877.111, or any substance controlled~~  
1863 ~~under chapter 893, when affected to the extent that his or her~~  
1864 ~~normal faculties are impaired, and whose license and driving~~  
1865 ~~privilege have been revoked as provided in subsection (1) may be~~  
1866 ~~issued a court order for reinstatement of a driving privilege on~~  
1867 ~~a temporary basis; provided that, as a part of the penalty, upon~~  
1868 ~~conviction, the defendant is required to enroll in and complete~~  
1869 ~~a driver improvement course for the rehabilitation of drinking~~  
1870 ~~drivers and the driver is otherwise eligible for reinstatement~~  
1871 ~~of the driving privilege as provided by s. 322.282. The court~~  
1872 ~~order for reinstatement shall be on a form provided by the~~  
1873 ~~department and must be taken by the person convicted to a~~  
1874 ~~Florida driver's license examining office, where a temporary~~  
1875 ~~driving permit may be issued. The period of time for which a~~  
1876 ~~temporary permit issued in accordance with this subsection is~~  
1877 ~~valid shall be deemed to be part of the period of revocation~~  
1878 ~~imposed by the court.~~

1879 Section 35. Section 322.2615, Florida Statutes, is amended  
1880 to read:

1881 322.2615 Suspension of license; right to review.-

1882 (1) (a) A law enforcement officer or correctional officer  
1883 shall, on behalf of the department, suspend the driving  
1884 privilege of a person who is driving or in actual physical  
1885 control of a motor vehicle and who has an unlawful blood-alcohol

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1886 level or breath-alcohol level of 0.08 or higher, or of a person  
1887 who has refused to submit to a urine test or a test of his or  
1888 her breath-alcohol or blood-alcohol level. The officer shall  
1889 take the person's driver ~~driver's~~ license and issue the person a  
1890 10-day temporary permit if the person is otherwise eligible for  
1891 the driving privilege and shall issue the person a notice of  
1892 suspension. If a blood test has been administered, the officer  
1893 or the agency employing the officer shall transmit such results  
1894 to the department within 5 days after receipt of the results. If  
1895 the department then determines that the person had a blood-  
1896 alcohol level or breath-alcohol level of 0.08 or higher, the  
1897 department shall suspend the person's driver ~~driver's~~ license  
1898 pursuant to subsection (3).

1899 (b) The suspension under paragraph (a) shall be pursuant  
1900 to, and the notice of suspension shall inform the driver of, the  
1901 following:

1902 1.a. The driver refused to submit to a lawful breath,  
1903 blood, or urine test and his or her driving privilege is  
1904 suspended for a period of 1 year for a first refusal or for a  
1905 period of 18 months if his or her driving privilege has been  
1906 previously suspended as a result of a refusal to submit to such  
1907 a test; or

1908 b. The driver was driving or in actual physical control of  
1909 a motor vehicle and had an unlawful blood-alcohol level or  
1910 breath-alcohol level of 0.08 or higher and his or her driving  
1911 privilege is suspended for a period of 6 months for a first  
1912 offense or for a period of 1 year if his or her driving  
1913 privilege has been previously suspended under this section.

1914 2. The suspension period shall commence on the date of

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1915 issuance of the notice of suspension.

1916 3. The driver may request a formal or informal review of  
1917 the suspension by the department within 10 days after the date  
1918 of issuance of the notice of suspension.

1919 4. The temporary permit issued at the time of suspension  
1920 expires at midnight of the 10th day following the date of  
1921 issuance of the notice of suspension.

1922 5. The driver may submit to the department any materials  
1923 relevant to the suspension.

1924 (2) (a) Except as provided in paragraph (1) (a), the law  
1925 enforcement officer shall forward to the department, within 5  
1926 days after issuing the notice of suspension, the driver ~~driver's~~  
1927 license; an affidavit stating the officer's grounds for belief  
1928 that the person was driving or in actual physical control of a  
1929 motor vehicle while under the influence of alcoholic beverages  
1930 or chemical or controlled substances; the results of any breath  
1931 or blood test or an affidavit stating that a breath, blood, or  
1932 urine test was requested by a law enforcement officer or  
1933 correctional officer and that the person refused to submit; the  
1934 officer's description of the person's field sobriety test, if  
1935 any; and the notice of suspension. The failure of the officer to  
1936 submit materials within the 5-day period specified in this  
1937 subsection and in subsection (1) does not affect the  
1938 department's ability to consider any evidence submitted at or  
1939 prior to the hearing.

1940 (b) The officer may also submit a copy of the crash report  
1941 and a copy of a video recording ~~videotape~~ of the field sobriety  
1942 test or the attempt to administer such test. Materials submitted  
1943 to the department by a law enforcement agency or correctional

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1944 agency shall be considered self-authenticating and shall be in  
1945 the record for consideration by the hearing officer.

1946 Notwithstanding s. 316.066(5), the crash report shall be  
1947 considered by the hearing officer.

1948 (3) If the department determines that the license should be  
1949 suspended pursuant to this section and if the notice of  
1950 suspension has not already been served upon the person by a law  
1951 enforcement officer or correctional officer as provided in  
1952 subsection (1), the department shall issue a notice of  
1953 suspension and, unless the notice is mailed pursuant to s.  
1954 322.251, a temporary permit that expires 10 days after the date  
1955 of issuance if the driver is otherwise eligible.

1956 (4) If the person whose license was suspended requests an  
1957 informal review pursuant to subparagraph (1)(b)3., the  
1958 department shall conduct the informal review by a hearing  
1959 officer designated ~~employed~~ by the department. Such informal  
1960 review hearing shall consist solely of an examination by the  
1961 department of the materials submitted by a law enforcement  
1962 officer or correctional officer and by the person whose license  
1963 was suspended, and the presence of an officer or witness is not  
1964 required.

1965 (5) After completion of the informal review, notice of the  
1966 department's decision sustaining, amending, or invalidating the  
1967 suspension of the driver ~~driver's~~ license of the person whose  
1968 license was suspended must be provided to such person. Such  
1969 notice must be mailed to the person at the last known address  
1970 shown on the department's records, or to the address provided in  
1971 the law enforcement officer's report if such address differs  
1972 from the address of record, within 21 days after the expiration

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1973 of the temporary permit issued pursuant to subsection (1) or  
1974 subsection (3).

1975 (6) (a) If the person whose license was suspended requests a  
1976 formal review, the department must schedule a hearing ~~to be held~~  
1977 within 30 days after such request is received by the department  
1978 and must notify the person of the date, time, and place of the  
1979 hearing.

1980 (b) Such formal review hearing shall be held before a  
1981 hearing officer designated ~~employed~~ by the department, and the  
1982 hearing officer shall be authorized to administer oaths, examine  
1983 witnesses and take testimony, receive relevant evidence, issue  
1984 subpoenas for the officers and witnesses identified in documents  
1985 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the  
1986 course and conduct of the hearing, question witnesses, and make  
1987 a ruling on the suspension. The hearing officer may conduct  
1988 hearings using communications technology. The party requesting  
1989 the presence of a witness shall be responsible for the payment  
1990 of any witness fees and for notifying in writing the state  
1991 attorney's office in the appropriate circuit of the issuance of  
1992 the subpoena. If the person who requests a formal review hearing  
1993 fails to appear and the hearing officer finds such failure to be  
1994 without just cause, the right to a formal hearing is waived and  
1995 the suspension shall be sustained.

1996 (c) The failure of a subpoenaed witness to appear at the  
1997 formal review hearing is not grounds to invalidate the  
1998 suspension. If a witness fails to appear, a party may seek  
1999 enforcement of a subpoena under paragraph (b) by filing a  
2000 petition for enforcement in the circuit court of the judicial  
2001 circuit in which the person failing to comply with the subpoena

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2002 resides or by filing a motion for enforcement in any criminal  
2003 court case resulting from the driving or actual physical control  
2004 of a motor vehicle that gave rise to the suspension under this  
2005 section. A failure to comply with an order of the court shall  
2006 result in a finding of contempt of court. However, a person is  
2007 not in contempt while a subpoena is being challenged.

2008 (d) The department must, within 7 working days after a  
2009 formal review hearing, send notice to the person of the hearing  
2010 officer's decision as to whether sufficient cause exists to  
2011 sustain, amend, or invalidate the suspension.

2012 (7) In a formal review hearing under subsection (6) or an  
2013 informal review hearing under subsection (4), the hearing  
2014 officer shall determine by a preponderance of the evidence  
2015 whether sufficient cause exists to sustain, amend, or invalidate  
2016 the suspension. The scope of the review shall be limited to the  
2017 following issues:

2018 (a) If the license was suspended for driving with an  
2019 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2020 higher:

2021 1. Whether the law enforcement officer had probable cause  
2022 to believe that the person whose license was suspended was  
2023 driving or in actual physical control of a motor vehicle in this  
2024 state while under the influence of alcoholic beverages or  
2025 chemical or controlled substances.

2026 2. Whether the person whose license was suspended had an  
2027 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2028 higher as provided in s. 316.193.

2029 (b) If the license was suspended for refusal to submit to a  
2030 breath, blood, or urine test:

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2031 1. Whether the law enforcement officer had probable cause  
2032 to believe that the person whose license was suspended was  
2033 driving or in actual physical control of a motor vehicle in this  
2034 state while under the influence of alcoholic beverages or  
2035 chemical or controlled substances.

2036 2. Whether the person whose license was suspended refused  
2037 to submit to any such test after being requested to do so by a  
2038 law enforcement officer or correctional officer.

2039 3. Whether the person whose license was suspended was told  
2040 that if he or she refused to submit to such test his or her  
2041 privilege to operate a motor vehicle would be suspended for a  
2042 period of 1 year or, in the case of a second or subsequent  
2043 refusal, for a period of 18 months.

2044 (8) Based on the determination of the hearing officer  
2045 pursuant to subsection (7) for both informal hearings under  
2046 subsection (4) and formal hearings under subsection (6), the  
2047 department shall:

2048 (a) Sustain the suspension of the person's driving  
2049 privilege for a period of 1 year for a first refusal, or for a  
2050 period of 18 months if the driving privilege of such person has  
2051 been previously suspended as a result of a refusal to submit to  
2052 such tests, if the person refused to submit to a lawful breath,  
2053 blood, or urine test. The suspension period commences on the  
2054 date of issuance of the notice of suspension.

2055 (b) Sustain the suspension of the person's driving  
2056 privilege for a period of 6 months for a blood-alcohol level or  
2057 breath-alcohol level of 0.08 or higher, or for a period of 1  
2058 year if the driving privilege of such person has been previously  
2059 suspended under this section as a result of driving with an

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2060 unlawful alcohol level. The suspension period commences on the  
2061 date of issuance of the notice of suspension.

2062 (9) A request for a formal review hearing or an informal  
2063 review hearing shall not stay the suspension of the person's  
2064 driver ~~driver's~~ license. If the department fails to schedule the  
2065 formal review hearing ~~to be held~~ within 30 days after receipt of  
2066 the request therefor, the department shall invalidate the  
2067 suspension. If the scheduled hearing is continued at the  
2068 department's initiative or the driver enforces the subpoena as  
2069 provided in subsection (6), the department shall issue a  
2070 temporary driving permit that shall be valid until the hearing  
2071 is conducted if the person is otherwise eligible for the driving  
2072 privilege. Such permit may not be issued to a person who sought  
2073 and obtained a continuance of the hearing. The permit issued  
2074 under this subsection shall authorize driving for business or  
2075 employment use only.

2076 (10) A person whose driver ~~driver's~~ license is suspended  
2077 under subsection (1) or subsection (3) may apply for issuance of  
2078 a license for business or employment purposes only if the person  
2079 is otherwise eligible for the driving privilege pursuant to s.  
2080 322.271.

2081 (a) If the suspension of the driver ~~driver's~~ license of the  
2082 person for failure to submit to a breath, urine, or blood test  
2083 is sustained, the person is not eligible to receive a license  
2084 for business or employment purposes only, pursuant to s.  
2085 322.271, until 90 days have elapsed after the expiration of the  
2086 last temporary permit issued. If the driver is not issued a 10-  
2087 day permit pursuant to this section or s. 322.64 because he or  
2088 she is ineligible for the permit and the suspension for failure



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2089 to submit to a breath, urine, or blood test is not invalidated  
2090 by the department, the driver is not eligible to receive a  
2091 business or employment license pursuant to s. 322.271 until 90  
2092 days have elapsed from the date of the suspension.

2093 (b) If the suspension of the driver ~~driver's~~ license of the  
2094 person relating to unlawful blood-alcohol level or breath-  
2095 alcohol level of 0.08 or higher is sustained, the person is not  
2096 eligible to receive a license for business or employment  
2097 purposes only pursuant to s. 322.271 until 30 days have elapsed  
2098 after the expiration of the last temporary permit issued. If the  
2099 driver is not issued a 10-day permit pursuant to this section or  
2100 s. 322.64 because he or she is ineligible for the permit and the  
2101 suspension relating to unlawful blood-alcohol level or breath-  
2102 alcohol level of 0.08 or higher is not invalidated by the  
2103 department, the driver is not eligible to receive a business or  
2104 employment license pursuant to s. 322.271 until 30 days have  
2105 elapsed from the date of the suspension.

2106 (11) The formal review hearing may be conducted upon a  
2107 review of the reports of a law enforcement officer or a  
2108 correctional officer, including documents relating to the  
2109 administration of a breath test or blood test or the refusal to  
2110 take either test or the refusal to take a urine test. However,  
2111 as provided in subsection (6), the driver may subpoena the  
2112 officer or any person who administered or analyzed a breath or  
2113 blood test. If the arresting officer or the breath technician  
2114 fails to appear pursuant to a subpoena as provided in subsection  
2115 (6), the department shall invalidate the suspension.

2116 (12) The formal review hearing and the informal review  
2117 hearing are exempt from the provisions of chapter 120. The

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2118 department may adopt rules for the conduct of reviews under this  
2119 section.

2120 (13) A person may appeal any decision of the department  
2121 sustaining a suspension of his or her driver ~~driver's~~ license by  
2122 a petition for writ of certiorari to the circuit court in the  
2123 county wherein such person resides or wherein a formal or  
2124 informal review was conducted pursuant to s. 322.31. However, an  
2125 appeal shall not stay the suspension. A law enforcement agency  
2126 may appeal any decision of the department invalidating a  
2127 suspension by a petition for writ of certiorari to the circuit  
2128 court in the county wherein a formal or informal review was  
2129 conducted. This subsection shall not be construed to provide for  
2130 a de novo review ~~appeal~~.

2131 (14) (a) The decision of the department under this section  
2132 or any circuit court review thereof may not be considered in any  
2133 trial for a violation of s. 316.193, and a written statement  
2134 submitted by a person in his or her request for departmental  
2135 review under this section may not be admitted into evidence  
2136 against him or her in any such trial.

2137 (b) The disposition of any related criminal proceedings  
2138 does not affect a suspension for refusal to submit to a blood,  
2139 breath, or urine test imposed under this section.

2140 (15) If the department suspends a person's license under s.  
2141 322.2616, it may not also suspend the person's license under  
2142 this section for the same episode that was the basis for the  
2143 suspension under s. 322.2616.

2144 (16) The department shall invalidate a suspension for  
2145 driving with an unlawful blood-alcohol level or breath-alcohol  
2146 level imposed under this section if the suspended person is

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2147 found not guilty at trial of an underlying violation of s.  
2148 316.193.

2149 Section 36. Section 322.2616, Florida Statutes, is amended  
2150 to read:

2151 322.2616 Suspension of license; persons under 21 years of  
2152 age; right to review.—

2153 (1) (a) Notwithstanding s. 316.193, it is unlawful for a  
2154 person under the age of 21 who has a blood-alcohol or breath-  
2155 alcohol level of 0.02 or higher to drive or be in actual  
2156 physical control of a motor vehicle.

2157 (b) A law enforcement officer who has probable cause to  
2158 believe that a motor vehicle is being driven by or is in the  
2159 actual physical control of a person who is under the age of 21  
2160 while under the influence of alcoholic beverages or who has any  
2161 blood-alcohol or breath-alcohol level may lawfully detain such a  
2162 person and may request that person to submit to a test to  
2163 determine his or her blood-alcohol or breath-alcohol level.

2164 (2) (a) A law enforcement officer or correctional officer  
2165 shall, on behalf of the department, suspend the driving  
2166 privilege of such person if the person has a blood-alcohol or  
2167 breath-alcohol level of 0.02 or higher. The officer shall also  
2168 suspend, on behalf of the department, the driving privilege of a  
2169 person who has refused to submit to a test as provided by  
2170 paragraph (b). The officer shall take the person's driver  
2171 ~~driver's~~ license and issue the person a 10-day temporary driving  
2172 permit if the person is otherwise eligible for the driving  
2173 privilege and shall issue the person a notice of suspension.

2174 (b) The suspension under paragraph (a) must be pursuant to,  
2175 and the notice of suspension must inform the driver of, the

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2176 following:

2177 1.a. The driver refused to submit to a lawful breath test  
2178 and his or her driving privilege is suspended for a period of 1  
2179 year for a first refusal or for a period of 18 months if his or  
2180 her driving privilege has been previously suspended as provided  
2181 in this section as a result of a refusal to submit to a test; or

2182 b. The driver was under the age of 21 and was driving or in  
2183 actual physical control of a motor vehicle while having a blood-  
2184 alcohol or breath-alcohol level of 0.02 or higher; and the  
2185 person's driving privilege is suspended for a period of 6 months  
2186 for a first violation, or for a period of 1 year if his or her  
2187 driving privilege has been previously suspended as provided in  
2188 this section for driving or being in actual physical control of  
2189 a motor vehicle with a blood-alcohol or breath-alcohol level of  
2190 0.02 or higher.

2191 2. The suspension period commences on the date of issuance  
2192 of the notice of suspension.

2193 3. The driver may request a formal or informal review of  
2194 the suspension by the department within 10 days after the  
2195 issuance of the notice of suspension.

2196 4. A temporary permit issued at the time of the issuance of  
2197 the notice of suspension shall not become effective until after  
2198 12 hours have elapsed and will expire at midnight of the 10th  
2199 day following the date of issuance.

2200 5. The driver may submit to the department any materials  
2201 relevant to the suspension of his or her license.

2202 (c) When a driver subject to this section has a blood-  
2203 alcohol or breath-alcohol level of 0.05 or higher, the  
2204 suspension shall remain in effect until such time as the driver

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2205 has completed a substance abuse course offered by a DUI program  
2206 licensed by the department. The driver shall assume the  
2207 reasonable costs for the substance abuse course. As part of the  
2208 substance abuse course, the program shall conduct a substance  
2209 abuse evaluation of the driver, and notify the parents or legal  
2210 guardians of drivers under the age of 19 years of the results of  
2211 the evaluation. The term "substance abuse" means the abuse of  
2212 alcohol or any substance named or described in Schedules I  
2213 through V of s. 893.03. If a driver fails to complete the  
2214 substance abuse education course and evaluation, the driver  
2215 ~~driver's~~ license shall not be reinstated by the department.

2216 (d) A minor under the age of 18 years proven to be driving  
2217 with a blood-alcohol or breath-alcohol level of 0.02 or higher  
2218 may be taken by a law enforcement officer to the addictions  
2219 receiving facility in the county in which the minor is found to  
2220 be so driving, if the county makes the addictions receiving  
2221 facility available for such purpose.

2222 (3) The law enforcement officer shall forward to the  
2223 department, within 5 days after the date of the issuance of the  
2224 notice of suspension, a copy of the notice of suspension, the  
2225 driver ~~driver's~~ license of the person receiving the notice of  
2226 suspension, and an affidavit stating the officer's grounds for  
2227 belief that the person was under the age of 21 and was driving  
2228 or in actual physical control of a motor vehicle with any blood-  
2229 alcohol or breath-alcohol level, and the results of any blood or  
2230 breath test or an affidavit stating that a breath test was  
2231 requested by a law enforcement officer or correctional officer  
2232 and that the person refused to submit to such test. The failure  
2233 of the officer to submit materials within the 5-day period

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2234 specified in this subsection does not bar the department from  
2235 considering any materials submitted at or before the hearing.

2236 (4) If the department finds that the license of the person  
2237 should be suspended under this section and if the notice of  
2238 suspension has not already been served upon the person by a law  
2239 enforcement officer or correctional officer as provided in  
2240 subsection (2), the department shall issue a notice of  
2241 suspension and, unless the notice is mailed under s. 322.251, a  
2242 temporary driving permit that expires 10 days after the date of  
2243 issuance if the driver is otherwise eligible.

2244 (5) If the person whose license is suspended requests an  
2245 informal review under subparagraph (2)(b)3., the department  
2246 shall conduct the informal review by a hearing officer  
2247 designated ~~employed~~ by the department within 30 days after the  
2248 request is received by the department and shall issue such  
2249 person a temporary driving permit for business purposes only to  
2250 expire on the date that such review is scheduled to be conducted  
2251 if the person is otherwise eligible. The informal review hearing  
2252 must consist solely of an examination by the department of the  
2253 materials submitted by a law enforcement officer or correctional  
2254 officer and by the person whose license is suspended, and the  
2255 presence of an officer or witness is not required.

2256 (6) After completion of the informal review, notice of the  
2257 department's decision sustaining, amending, or invalidating the  
2258 suspension of the driver ~~driver's~~ license must be provided to  
2259 the person. The notice must be mailed to the person at the last  
2260 known address shown on the department's records, or to the  
2261 address provided in the law enforcement officer's report if such  
2262 address differs from the address of record, within 7 days after

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2263 completing the review.

2264 (7) (a) If the person whose license is suspended requests a  
2265 formal review, the department must schedule a hearing to be held  
2266 within 30 days after the request is received by the department  
2267 and must notify the person of the date, time, and place of the  
2268 hearing and shall issue such person a temporary driving permit  
2269 for business purposes only to expire on the date that such  
2270 review is scheduled to be conducted if the person is otherwise  
2271 eligible.

2272 (b) The formal review hearing must be held before a hearing  
2273 officer designated ~~employed~~ by the department, and the hearing  
2274 officer may administer oaths, examine witnesses and take  
2275 testimony, receive relevant evidence, issue subpoenas, regulate  
2276 the course and conduct of the hearing, and make a ruling on the  
2277 suspension. The hearing officer may conduct hearings using  
2278 communications technology. The department and the person whose  
2279 license was suspended may subpoena witnesses, and the party  
2280 requesting the presence of a witness is responsible for paying  
2281 any witness fees and for notifying in writing the state  
2282 attorney's office in the appropriate circuit of the issuance of  
2283 the subpoena. If the person who requests a formal review hearing  
2284 fails to appear and the hearing officer finds the failure to be  
2285 without just cause, the right to a formal hearing is waived and  
2286 the suspension is sustained.

2287 (c) The failure of a subpoenaed witness to appear at the  
2288 formal review hearing shall not be grounds to invalidate the  
2289 suspension. If a witness fails to appear, a party may seek  
2290 enforcement of a subpoena under paragraph (b) by filing a  
2291 petition for enforcement in the circuit court of the judicial

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2292 circuit in which the person failing to comply with the subpoena  
2293 resides. A failure to comply with an order of the court  
2294 constitutes contempt of court. However, a person may not be held  
2295 in contempt while a subpoena is being challenged.

2296 (d) The department must, within 7 working days after a  
2297 formal review hearing, send notice to the person of the hearing  
2298 officer's decision as to whether sufficient cause exists to  
2299 sustain, amend, or invalidate the suspension.

2300 (8) In a formal review hearing under subsection (7) or an  
2301 informal review hearing under subsection (5), the hearing  
2302 officer shall determine by a preponderance of the evidence  
2303 whether sufficient cause exists to sustain, amend, or invalidate  
2304 the suspension. The scope of the review is limited to the  
2305 following issues:

2306 (a) If the license was suspended because the individual,  
2307 then under the age of 21, drove with a blood-alcohol or breath-  
2308 alcohol level of 0.02 or higher:

2309 1. Whether the law enforcement officer had probable cause  
2310 to believe that the person was under the age of 21 and was  
2311 driving or in actual physical control of a motor vehicle in this  
2312 state with any blood-alcohol or breath-alcohol level or while  
2313 under the influence of alcoholic beverages.

2314 2. Whether the person was under the age of 21.

2315 3. Whether the person had a blood-alcohol or breath-alcohol  
2316 level of 0.02 or higher.

2317 (b) If the license was suspended because of the  
2318 individual's refusal to submit to a breath test:

2319 1. Whether the law enforcement officer had probable cause  
2320 to believe that the person was under the age of 21 and was



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2321 driving or in actual physical control of a motor vehicle in this  
2322 state with any blood-alcohol or breath-alcohol level or while  
2323 under the influence of alcoholic beverages.

2324 2. Whether the person was under the age of 21.

2325 3. Whether the person refused to submit to a breath test  
2326 after being requested to do so by a law enforcement officer or  
2327 correctional officer.

2328 4. Whether the person was told that if he or she refused to  
2329 submit to a breath test his or her privilege to operate a motor  
2330 vehicle would be suspended for a period of 1 year or, in the  
2331 case of a second or subsequent refusal, for a period of 18  
2332 months.

2333 (9) Based on the determination of the hearing officer under  
2334 subsection (8) for both informal hearings under subsection (5)  
2335 and formal hearings under subsection (7), the department shall:

2336 (a) Sustain the suspension of the person's driving  
2337 privilege for a period of 1 year for a first refusal, or for a  
2338 period of 18 months if the driving privilege of the person has  
2339 been previously suspended, as provided in this section, as a  
2340 result of a refusal to submit to a test. The suspension period  
2341 commences on the date of the issuance of the notice of  
2342 suspension.

2343 (b) Sustain the suspension of the person's driving  
2344 privilege for a period of 6 months for driving or being in  
2345 actual physical control of a motor vehicle while under the age  
2346 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or  
2347 higher, or for a period of 1 year if the driving privilege of  
2348 such person has been previously suspended under this section.  
2349 The suspension period commences on the date of the issuance of

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2350 the notice of suspension.

2351 (10) A request for a formal review hearing or an informal  
2352 review hearing shall not stay the suspension of the person's  
2353 driver ~~driver's~~ license. If the department fails to schedule the  
2354 formal review hearing ~~to be held~~ within 30 days after receipt of  
2355 the request therefor, the department shall invalidate the  
2356 suspension. If the scheduled hearing is continued at the  
2357 department's initiative or the driver enforces the subpoena as  
2358 provided in subsection (7), the department shall issue a  
2359 temporary driving permit that is valid until the hearing is  
2360 conducted if the person is otherwise eligible for the driving  
2361 privilege. The permit shall not be issued to a person who  
2362 requested a continuance of the hearing. The permit issued under  
2363 this subsection authorizes driving for business or employment  
2364 use only.

2365 (11) A person whose driver ~~driver's~~ license is suspended  
2366 under subsection (2) or subsection (4) may apply for issuance of  
2367 a license for business or employment purposes only, pursuant to  
2368 s. 322.271, if the person is otherwise eligible for the driving  
2369 privilege. However, such a license may not be issued until 30  
2370 days have elapsed after the expiration of the last temporary  
2371 driving permit issued under this section.

2372 (12) The formal review hearing may be conducted upon a  
2373 review of the reports of a law enforcement officer or  
2374 correctional officer, including documents relating to the  
2375 administration of a breath test or the refusal to take a test.  
2376 However, as provided in subsection (7), the driver may subpoena  
2377 the officer or any person who administered a breath or blood  
2378 test. If the officer who suspended the driving privilege fails

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2379 to appear pursuant to a subpoena as provided in subsection (7),  
2380 the department shall invalidate the suspension.

2381 (13) The formal review hearing and the informal review  
2382 hearing are exempt from chapter 120. The department may adopt  
2383 rules for conducting reviews under this section.

2384 (14) A person may appeal any decision of the department  
2385 sustaining a suspension of his or her driver ~~driver's~~ license by  
2386 a petition for writ of certiorari to the circuit court in the  
2387 county wherein such person resides or wherein a formal or  
2388 informal review was conducted under s. 322.31. However, an  
2389 appeal does not stay the suspension. This subsection does not  
2390 provide for a de novo review ~~appeal~~.

2391 (15) The decision of the department under this section  
2392 shall not be considered in any trial for a violation of s.  
2393 316.193, nor shall any written statement submitted by a person  
2394 in his or her request for departmental review under this section  
2395 be admissible into evidence against him or her in any such  
2396 trial. The disposition of any related criminal proceedings shall  
2397 not affect a suspension imposed under this section.

2398 (16) By applying for and accepting and using a driver  
2399 ~~driver's~~ license, a person under the age of 21 years who holds  
2400 the driver ~~driver's~~ license is deemed to have expressed his or  
2401 her consent to the provisions of this section.

2402 (17) A breath test to determine breath-alcohol level  
2403 pursuant to this section may be conducted as authorized by s.  
2404 316.1932 or by a breath-alcohol test device listed in the United  
2405 States Department of Transportation's conforming-product list of  
2406 evidential breath-measurement devices. The reading from such a  
2407 device is presumed accurate and is admissible in evidence in any

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2408 administrative hearing conducted under this section.

2409 (18) The result of a blood test obtained during an  
2410 investigation conducted under s. 316.1932 or s. 316.1933 may be  
2411 used to suspend the driving privilege of a person under this  
2412 section.

2413 (19) A violation of this section is neither a traffic  
2414 infraction nor a criminal offense, nor does being detained  
2415 pursuant to this section constitute an arrest. A violation of  
2416 this section is subject to the administrative action provisions  
2417 of this section, which are administered by the department  
2418 through its administrative processes. Administrative actions  
2419 taken pursuant to this section shall be recorded in the motor  
2420 vehicle records maintained by the department. This section does  
2421 not bar prosecution under s. 316.193. However, if the department  
2422 suspends a person's license under s. 322.2615 for a violation of  
2423 s. 316.193, it may not also suspend the person's license under  
2424 this section for the same episode that was the basis for the  
2425 suspension under s. 322.2615.

2426 Section 37. Section 322.64, Florida Statutes, is amended to  
2427 read:

2428 322.64 Holder of commercial driver ~~driver's~~ license;  
2429 persons operating a commercial motor vehicle; driving with  
2430 unlawful blood-alcohol level; refusal to submit to breath,  
2431 urine, or blood test.—

2432 (1) (a) A law enforcement officer or correctional officer  
2433 shall, on behalf of the department, disqualify from operating  
2434 any commercial motor vehicle a person who while operating or in  
2435 actual physical control of a commercial motor vehicle is  
2436 arrested for a violation of s. 316.193, relating to unlawful

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2437 blood-alcohol level or breath-alcohol level, or a person who has  
2438 refused to submit to a breath, urine, or blood test authorized  
2439 by s. 322.63 or s. 316.1932 arising out of the operation or  
2440 actual physical control of a commercial motor vehicle. A law  
2441 enforcement officer or correctional officer shall, on behalf of  
2442 the department, disqualify the holder of a commercial driver  
2443 ~~driver's~~ license from operating any commercial motor vehicle if  
2444 the licenseholder, while operating or in actual physical control  
2445 of a motor vehicle, is arrested for a violation of s. 316.193,  
2446 relating to unlawful blood-alcohol level or breath-alcohol  
2447 level, or refused to submit to a breath, urine, or blood test  
2448 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
2449 the person, the officer shall take the person's driver ~~driver's~~  
2450 license and issue the person a 10-day temporary permit for the  
2451 operation of noncommercial vehicles only if the person is  
2452 otherwise eligible for the driving privilege and shall issue the  
2453 person a notice of disqualification. If the person has been  
2454 given a blood, breath, or urine test, the results of which are  
2455 not available to the officer at the time of the arrest, the  
2456 agency employing the officer shall transmit such results to the  
2457 department within 5 days after receipt of the results. If the  
2458 department then determines that the person had a blood-alcohol  
2459 level or breath-alcohol level of 0.08 or higher, the department  
2460 shall disqualify the person from operating a commercial motor  
2461 vehicle pursuant to subsection (3).

2462 (b) For purposes of determining the period of  
2463 disqualification described in 49 C.F.R. s. 383.51, a  
2464 disqualification under paragraph (a) shall be considered a  
2465 conviction.

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2466        (c) ~~(b)~~ The disqualification under paragraph (a) shall be  
2467 pursuant to, and the notice of disqualification shall inform the  
2468 driver of, the following:

2469        1.a. The driver refused to submit to a lawful breath,  
2470 blood, or urine test and he or she is disqualified from  
2471 operating a commercial motor vehicle for the time period  
2472 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~  
2473 ~~first refusal, or permanently, if he or she has previously been~~  
2474 ~~disqualified under this section; or~~

2475        b. The driver had an unlawful blood-alcohol level of 0.08  
2476 or higher while ~~was~~ driving or in actual physical control of a  
2477 commercial motor vehicle, or any motor vehicle if the driver  
2478 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~  
2479 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~  
2480 and his or her driving privilege is ~~shall be~~ disqualified for  
2481 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~  
2482 ~~year for a first offense or permanently disqualified if his or~~  
2483 ~~her driving privilege has been previously disqualified under~~  
2484 ~~this section.~~

2485        2. The disqualification period for operating commercial  
2486 vehicles shall commence on the date of issuance of the notice of  
2487 disqualification.

2488        3. The driver may request a formal or informal review of  
2489 the disqualification by the department within 10 days after the  
2490 date of issuance of the notice of disqualification.

2491        4. The temporary permit issued at the time of  
2492 disqualification expires at midnight of the 10th day following  
2493 the date of disqualification.

2494        5. The driver may submit to the department any materials

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2495 relevant to the disqualification.

2496       (2) (a) Except as provided in paragraph (1) (a), the law  
2497 enforcement officer shall forward to the department, within 5  
2498 days after the date of the issuance of the notice of  
2499 disqualification, a copy of the notice of disqualification, the  
2500 driver ~~driver's~~ license of the person disqualified, and an  
2501 affidavit stating the officer's grounds for belief that the  
2502 person disqualified was operating or in actual physical control  
2503 of a commercial motor vehicle, or holds a commercial driver  
2504 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-  
2505 alcohol level; the results of any breath or blood or urine test  
2506 or an affidavit stating that a breath, blood, or urine test was  
2507 requested by a law enforcement officer or correctional officer  
2508 and that the person arrested refused to submit; a copy of the  
2509 notice of disqualification issued to the person; and the  
2510 officer's description of the person's field sobriety test, if  
2511 any. The failure of the officer to submit materials within the  
2512 5-day period specified in this subsection or subsection (1) does  
2513 not affect the department's ability to consider any evidence  
2514 submitted at or prior to the hearing.

2515       (b) The officer may also submit a copy of a video recording  
2516 ~~videotape~~ of the field sobriety test or the attempt to  
2517 administer such test and a copy of the crash report, ~~if any~~.  
2518 Notwithstanding s. 316.066, the crash report shall be considered  
2519 by the hearing officer.

2520       (3) If the department determines that the person arrested  
2521 should be disqualified from operating a commercial motor vehicle  
2522 pursuant to this section and if the notice of disqualification  
2523 has not already been served upon the person by a law enforcement

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2524 officer or correctional officer as provided in subsection (1),  
2525 the department shall issue a notice of disqualification and,  
2526 unless the notice is mailed pursuant to s. 322.251, a temporary  
2527 permit which expires 10 days after the date of issuance if the  
2528 driver is otherwise eligible.

2529 (4) If the person disqualified requests an informal review  
2530 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall  
2531 conduct the informal review by a hearing officer designated  
2532 ~~employed~~ by the department. Such informal review hearing shall  
2533 consist solely of an examination by the department of the  
2534 materials submitted by a law enforcement officer or correctional  
2535 officer and by the person disqualified, and the presence of an  
2536 officer or witness is not required.

2537 (5) After completion of the informal review, notice of the  
2538 department's decision sustaining, amending, or invalidating the  
2539 disqualification must be provided to the person. Such notice  
2540 must be mailed to the person at the last known address shown on  
2541 the department's records, and to the address provided in the law  
2542 enforcement officer's report if such address differs from the  
2543 address of record, within 21 days after the expiration of the  
2544 temporary permit issued pursuant to subsection (1) or subsection  
2545 (3).

2546 (6) (a) If the person disqualified requests a formal review,  
2547 the department must schedule a hearing to be held within 30 days  
2548 after such request is received by the department and must notify  
2549 the person of the date, time, and place of the hearing.

2550 (b) Such formal review hearing shall be held before a  
2551 hearing officer designated ~~employed~~ by the department, and the  
2552 hearing officer shall be authorized to administer oaths, examine



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2553 witnesses and take testimony, receive relevant evidence, issue  
2554 subpoenas for the officers and witnesses identified in documents  
2555 provided under paragraph (2) (a) as provided in subsection (2),  
2556 regulate the course and conduct of the hearing, and make a  
2557 ruling on the disqualification. The hearing officer may conduct  
2558 hearings using communications technology. The department and the  
2559 person disqualified may subpoena witnesses, and the party  
2560 requesting the presence of a witness shall be responsible for  
2561 the payment of any witness fees. If the person who requests a  
2562 formal review hearing fails to appear and the hearing officer  
2563 finds such failure to be without just cause, the right to a  
2564 formal hearing is waived.

2565 (c) The failure of a subpoenaed witness to appear at the  
2566 formal review hearing shall not be grounds to invalidate the  
2567 disqualification. If a witness fails to appear, a party may seek  
2568 enforcement of a subpoena under paragraph (b) by filing a  
2569 petition for enforcement in the circuit court of the judicial  
2570 circuit in which the person failing to comply with the subpoena  
2571 resides or by filing a motion for enforcement in any criminal  
2572 court case resulting from the driving or actual physical control  
2573 of a motor vehicle or commercial motor vehicle that gave rise to  
2574 the disqualification under this section. A failure to comply  
2575 with an order of the court shall result in a finding of contempt  
2576 of court. However, a person shall not be in contempt while a  
2577 subpoena is being challenged.

2578 (d) The department must, within 7 working days after a  
2579 formal review hearing, send notice to the person of the hearing  
2580 officer's decision as to whether sufficient cause exists to  
2581 sustain, amend, or invalidate the disqualification.

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2582 (7) In a formal review hearing under subsection (6) or an  
2583 informal review hearing under subsection (4), the hearing  
2584 officer shall determine by a preponderance of the evidence  
2585 whether sufficient cause exists to sustain, amend, or invalidate  
2586 the disqualification. The scope of the review shall be limited  
2587 to the following issues:

2588 (a) If the person was disqualified from operating a  
2589 commercial motor vehicle for driving with an unlawful blood-  
2590 alcohol level:

2591 1. Whether the ~~arresting~~ law enforcement officer had  
2592 probable cause to believe that the person was driving or in  
2593 actual physical control of a commercial motor vehicle, or any  
2594 motor vehicle if the driver holds a commercial driver ~~driver's~~  
2595 license, in this state while he or she had any alcohol, chemical  
2596 substances, or controlled substances in his or her body.

2597 2. Whether the person had an unlawful blood-alcohol level  
2598 or breath-alcohol level of 0.08 or higher.

2599 (b) If the person was disqualified from operating a  
2600 commercial motor vehicle for refusal to submit to a breath,  
2601 blood, or urine test:

2602 1. Whether the law enforcement officer had probable cause  
2603 to believe that the person was driving or in actual physical  
2604 control of a commercial motor vehicle, or any motor vehicle if  
2605 the driver holds a commercial driver ~~driver's~~ license, in this  
2606 state while he or she had any alcohol, chemical substances, or  
2607 controlled substances in his or her body.

2608 2. Whether the person refused to submit to the test after  
2609 being requested to do so by a law enforcement officer or  
2610 correctional officer.

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2611 3. Whether the person was told that if he or she refused to  
2612 submit to such test he or she would be disqualified from  
2613 operating a commercial motor vehicle for a period of 1 year or,  
2614 if previously disqualified under this section, permanently.

2615 (8) Based on the determination of the hearing officer  
2616 pursuant to subsection (7) for both informal hearings under  
2617 subsection (4) and formal hearings under subsection (6), the  
2618 department shall:

2619 ~~(a) sustain the disqualification for the time period~~  
2620 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~  
2621 ~~refusal, or permanently if such person has been previously~~  
2622 ~~disqualified from operating a commercial motor vehicle under~~  
2623 ~~this section. The disqualification period commences on the date~~  
2624 ~~of the issuance of the notice of disqualification.~~

2625 ~~(b) Sustain the disqualification:~~

2626 ~~1. For a period of 1 year if the person was driving or in~~  
2627 ~~actual physical control of a commercial motor vehicle, or any~~  
2628 ~~motor vehicle if the driver holds a commercial driver's license,~~  
2629 ~~and had an unlawful blood alcohol level or breath alcohol level~~  
2630 ~~of 0.08 or higher; or~~

2631 ~~2. Permanently if the person has been previously~~  
2632 ~~disqualified from operating a commercial motor vehicle under~~  
2633 ~~this section or his or her driving privilege has been previously~~  
2634 ~~suspended for driving or being in actual physical control of a~~  
2635 ~~commercial motor vehicle, or any motor vehicle if the driver~~  
2636 ~~holds a commercial driver's license, and had an unlawful blood-~~  
2637 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2638  
2639 ~~The disqualification period commences on the date of the~~

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2640 ~~issuance of the notice of disqualification.~~

2641 (9) A request for a formal review hearing or an informal  
2642 review hearing shall not stay the disqualification. If the  
2643 department fails to schedule the formal review hearing ~~to be~~  
2644 ~~held~~ within 30 days after receipt of the request therefor, the  
2645 department shall invalidate the disqualification. If the  
2646 scheduled hearing is continued at the department's initiative or  
2647 the driver enforces the subpoena as provided in subsection (6),  
2648 the department shall issue a temporary driving permit limited to  
2649 noncommercial vehicles which is valid until the hearing is  
2650 conducted if the person is otherwise eligible for the driving  
2651 privilege. Such permit shall not be issued to a person who  
2652 sought and obtained a continuance of the hearing. The permit  
2653 issued under this subsection shall authorize driving for  
2654 business purposes only.

2655 (10) A person who is disqualified from operating a  
2656 commercial motor vehicle under subsection (1) or subsection (3)  
2657 is eligible for issuance of a license for business or employment  
2658 purposes only under s. 322.271 if the person is otherwise  
2659 eligible for the driving privilege. However, such business or  
2660 employment purposes license shall not authorize the driver to  
2661 operate a commercial motor vehicle.

2662 (11) The formal review hearing may be conducted upon a  
2663 review of the reports of a law enforcement officer or a  
2664 correctional officer, including documents relating to the  
2665 administration of a breath test or blood test or the refusal to  
2666 take either test. However, as provided in subsection (6), the  
2667 driver may subpoena the officer or any person who administered  
2668 or analyzed a breath or blood test. If the arresting officer or

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2669 the breath technician fails to appear pursuant to a subpoena as  
2670 provided in subsection (6), the department shall invalidate the  
2671 disqualification.

2672 (12) The formal review hearing and the informal review  
2673 hearing are exempt from the provisions of chapter 120. The  
2674 department may ~~is authorized to~~ adopt rules for the conduct of  
2675 reviews under this section.

2676 (13) A person may appeal any decision of the department  
2677 sustaining the disqualification from operating a commercial  
2678 motor vehicle by a petition for writ of certiorari to the  
2679 circuit court in the county wherein such person resides or  
2680 wherein a formal or informal review was conducted pursuant to s.  
2681 322.31. However, an appeal shall not stay the disqualification.  
2682 This subsection shall not be construed to provide for a de novo  
2683 review ~~appeal~~.

2684 (14) The decision of the department under this section  
2685 shall not be considered in any trial for a violation of s.  
2686 316.193, s. 322.61, or s. 322.62, nor shall any written  
2687 statement submitted by a person in his or her request for  
2688 departmental review under this section be admissible into  
2689 evidence against him or her in any such trial. The disposition  
2690 of any related criminal proceedings shall not affect a  
2691 disqualification imposed pursuant to this section.

2692 (15) This section does not preclude the suspension of the  
2693 driving privilege pursuant to s. 322.2615. The driving privilege  
2694 of a person who has been disqualified from operating a  
2695 commercial motor vehicle also may be suspended for a violation  
2696 of s. 316.193.

2697 Section 38. Section 322.2715, Florida Statutes, is amended

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2698 to read:

2699 322.2715 Ignition interlock device.—

2700 (1) Before issuing a permanent or restricted driver  
2701 ~~driver's~~ license under this chapter, the department shall  
2702 require the placement of a department-approved ignition  
2703 interlock device for any person convicted of committing an  
2704 offense of driving under the influence as specified in  
2705 subsection (3), except that consideration may be given to those  
2706 individuals having a documented medical condition that would  
2707 prohibit the device from functioning normally. If a medical  
2708 waiver has been granted for a convicted person seeking a  
2709 restricted license, the convicted person shall not be entitled  
2710 to a restricted license until the required ignition interlock  
2711 device installation period under subsection (3) expires, in  
2712 addition to the time requirements under s. 322.271. If a medical  
2713 waiver has been approved for a convicted person seeking  
2714 permanent reinstatement of the driver license, the convicted  
2715 person must be restricted to an employment-purposes-only license  
2716 and be supervised by a licensed DUI program until the required  
2717 ignition interlock device installation period under subsection  
2718 (3) expires. An interlock device shall be placed on all vehicles  
2719 that are individually or jointly leased or owned and routinely  
2720 operated by the convicted person.

2721 (2) For purposes of this section, any conviction for a  
2722 violation of s. 316.193, a previous conviction for a violation  
2723 of former s. 316.1931, or a conviction outside this state for  
2724 driving under the influence, driving while intoxicated, driving  
2725 with an unlawful blood-alcohol level, or any other similar  
2726 alcohol-related or drug-related traffic offense is a conviction

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2727 of driving under the influence.

2728 (3) If the person is convicted of:

2729 (a) A first offense of driving under the influence under s.  
2730 316.193 and has an unlawful blood-alcohol level or breath-  
2731 alcohol level as specified in s. 316.193(4), or if a person is  
2732 convicted of a violation of s. 316.193 and was at the time of  
2733 the offense accompanied in the vehicle by a person younger than  
2734 18 years of age, the person shall have the ignition interlock  
2735 device installed for at least ~~not less than~~ 6 continuous months  
2736 for the first offense and for at least ~~not less than~~ 2  
2737 continuous years for a second offense.

2738 (b) A second offense of driving under the influence, the  
2739 ignition interlock device shall be installed for a period of at  
2740 least ~~not less than~~ 1 continuous year.

2741 (c) A third offense of driving under the influence which  
2742 occurs within 10 years after a prior conviction for a violation  
2743 of s. 316.193, the ignition interlock device shall be installed  
2744 for a period of at least ~~not less than~~ 2 continuous years.

2745 (d) A third offense of driving under the influence which  
2746 occurs more than 10 years after the date of a prior conviction,  
2747 the ignition interlock device shall be installed for a period of  
2748 at least ~~not less than~~ 2 continuous years.

2749 (e) A fourth or subsequent offense of driving under the  
2750 influence, the ignition interlock device shall be installed for  
2751 a period of at least ~~not less than~~ 5 years.

2752 (4) If the court fails to order the mandatory placement of  
2753 the ignition interlock device or fails to order for the  
2754 applicable period the mandatory placement of an ignition  
2755 interlock device under s. 316.193 or s. 316.1937 at the time of

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2756 imposing sentence or within 30 days thereafter, the department  
2757 shall immediately require that the ignition interlock device be  
2758 installed as provided in this section, except that consideration  
2759 may be given to those individuals having a documented medical  
2760 condition that would prohibit the device from functioning  
2761 normally. This subsection applies to the reinstatement of the  
2762 driving privilege following a revocation, suspension, or  
2763 cancellation that is based upon a conviction for the offense of  
2764 driving under the influence which occurs on or after July 1,  
2765 2005.

2766 (5) In addition to any fees authorized by rule for the  
2767 installation and maintenance of the ignition interlock device,  
2768 the authorized installer of the device shall collect and remit  
2769 \$12 for each installation to the department, which shall be  
2770 deposited into the Highway Safety Operating Trust Fund to be  
2771 used for the operation of the Ignition Interlock Device Program.

2772 Section 39. Section 322.28, Florida Statutes, is amended to  
2773 read:

2774 322.28 Period of suspension or revocation.—

2775 (1) Unless otherwise provided by this section, the  
2776 department shall not suspend a license for a period of more than  
2777 1 year and, upon revoking a license, in any case except in a  
2778 prosecution for the offense of driving a motor vehicle while  
2779 under the influence of alcoholic beverages, chemical substances  
2780 as set forth in s. 877.111, or controlled substances, shall not  
2781 in any event grant a new license until the expiration of 1 year  
2782 after such revocation.

2783 (2) In a prosecution for a violation of s. 316.193 or  
2784 former s. 316.1931, the following provisions apply:



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2785 (a) Upon conviction of the driver, the court, along with  
2786 imposing sentence, shall revoke the driver ~~driver's~~ license or  
2787 driving privilege of the person so convicted, effective on the  
2788 date of conviction, and shall prescribe the period of such  
2789 revocation in accordance with the following provisions:

2790 1. Upon a first conviction for a violation of the  
2791 provisions of s. 316.193, except a violation resulting in death,  
2792 the driver ~~driver's~~ license or driving privilege shall be  
2793 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
2794 1 year.

2795 2. Upon a second conviction for an offense that occurs  
2796 within a period of 5 years after the date of a prior conviction  
2797 for a violation of the provisions of s. 316.193 or former s.  
2798 316.1931 or a combination of such sections, the driver ~~driver's~~  
2799 license or driving privilege shall be revoked for at least ~~not~~  
2800 ~~less than~~ 5 years.

2801 3. Upon a third conviction for an offense that occurs  
2802 within a period of 10 years after the date of a prior conviction  
2803 for the violation of the provisions of s. 316.193 or former s.  
2804 316.1931 or a combination of such sections, the driver ~~driver's~~  
2805 license or driving privilege shall be revoked for at least ~~not~~  
2806 ~~less than~~ 10 years.

2807  
2808 For the purposes of this paragraph, a previous conviction  
2809 outside this state for driving under the influence, driving  
2810 while intoxicated, driving with an unlawful blood-alcohol level,  
2811 or any other alcohol-related or drug-related traffic offense  
2812 similar to the offense of driving under the influence as  
2813 proscribed by s. 316.193 will be considered a previous

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2814 conviction for violation of s. 316.193, and a conviction for  
2815 violation of former s. 316.028, former s. 316.1931, or former s.  
2816 860.01 is considered a conviction for violation of s. 316.193.

2817 (b) If the period of revocation was not specified by the  
2818 court at the time of imposing sentence or within 30 days  
2819 thereafter, and is not otherwise specified by law, the  
2820 department shall forthwith revoke the driver ~~driver's~~ license or  
2821 driving privilege for the maximum period applicable under  
2822 paragraph (a) for a first conviction and for the minimum period  
2823 applicable under paragraph (a) for any subsequent convictions.  
2824 The driver may, within 30 days after such revocation by the  
2825 department, petition the court for further hearing on the period  
2826 of revocation, and the court may reopen the case and determine  
2827 the period of revocation within the limits specified in  
2828 paragraph (a).

2829 (c) The forfeiture of bail bond, not vacated within 20  
2830 days, in any prosecution for the offense of driving while under  
2831 the influence of alcoholic beverages, chemical substances, or  
2832 controlled substances to the extent of depriving the defendant  
2833 of his or her normal faculties shall be deemed equivalent to a  
2834 conviction for the purposes of this paragraph, and the  
2835 department shall forthwith revoke the defendant's driver  
2836 ~~driver's~~ license or driving privilege for the maximum period  
2837 applicable under paragraph (a) for a first conviction and for  
2838 the minimum period applicable under paragraph (a) for a second  
2839 or subsequent conviction; however, if the defendant is later  
2840 convicted of the charge, the period of revocation imposed by the  
2841 department for such conviction shall not exceed the difference  
2842 between the applicable maximum for a first conviction or minimum

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2843 for a second or subsequent conviction and the revocation period  
2844 under this subsection that has actually elapsed; upon conviction  
2845 of such charge, the court may impose revocation for a period of  
2846 time as specified in paragraph (a). This paragraph does not  
2847 apply if an appropriate motion contesting the forfeiture is  
2848 filed within the 20-day period.

2849 ~~(d) When any driver's license or driving privilege has been~~  
2850 ~~revoked pursuant to the provisions of this section, the~~  
2851 ~~department shall not grant a new license, except upon~~  
2852 ~~reevaluation of the licensee after the expiration of the period~~  
2853 ~~of revocation so prescribed. However, the court may, in its~~  
2854 ~~sound discretion, issue an order of reinstatement on a form~~  
2855 ~~furnished by the department which the person may take to any~~  
2856 ~~driver's license examining office for reinstatement by the~~  
2857 ~~department pursuant to s. 322.282.~~

2858 ~~(d)~~ (e) The court shall permanently revoke the driver  
2859 ~~driver's~~ license or driving privilege of a person who has been  
2860 convicted four times for violation of s. 316.193 or former s.  
2861 316.1931 or a combination of such sections. The court shall  
2862 permanently revoke the driver ~~driver's~~ license or driving  
2863 privilege of any person who has been convicted of DUI  
2864 manslaughter in violation of s. 316.193. If the court has not  
2865 permanently revoked such driver ~~driver's~~ license or driving  
2866 privilege within 30 days after imposing sentence, the department  
2867 shall permanently revoke the driver ~~driver's~~ license or driving  
2868 privilege pursuant to this paragraph. No driver ~~driver's~~ license  
2869 or driving privilege may be issued or granted to any such  
2870 person. This paragraph applies only if at least one of the  
2871 convictions for violation of s. 316.193 or former s. 316.1931

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2872 was for a violation that occurred after July 1, 1982. For the  
2873 purposes of this paragraph, a conviction for violation of former  
2874 s. 316.028, former s. 316.1931, or former s. 860.01 is also  
2875 considered a conviction for violation of s. 316.193. Also, a  
2876 conviction of driving under the influence, driving while  
2877 intoxicated, driving with an unlawful blood-alcohol level, or  
2878 any other similar alcohol-related or drug-related traffic  
2879 offense outside this state is considered a conviction for the  
2880 purposes of this paragraph.

2881 (e) Convictions that occur on the same date resulting from  
2882 separate offense dates shall be treated as separate convictions,  
2883 and the offense that occurred earlier will be deemed a prior  
2884 conviction for the purposes of this section.

2885 (3) The court shall permanently revoke the driver ~~driver's~~  
2886 license or driving privilege of a person who has been convicted  
2887 of murder resulting from the operation of a motor vehicle. No  
2888 driver ~~driver's~~ license or driving privilege may be issued or  
2889 granted to any such person.

2890 (4) (a) Upon a conviction for a violation of s.  
2891 316.193(3)(c)2., involving serious bodily injury, a conviction  
2892 of manslaughter resulting from the operation of a motor vehicle,  
2893 or a conviction of vehicular homicide, the court shall revoke  
2894 the driver ~~driver's~~ license of the person convicted for a  
2895 minimum period of 3 years. If a conviction under s.  
2896 316.193(3)(c)2., involving serious bodily injury, is also a  
2897 subsequent conviction as described under paragraph (2)(a), the  
2898 court shall revoke the driver ~~driver's~~ license or driving  
2899 privilege of the person convicted for the period applicable as  
2900 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

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2901 (b) If the period of revocation was not specified by the  
2902 court at the time of imposing sentence or within 30 days  
2903 thereafter, the department shall revoke the driver ~~driver's~~  
2904 license for the minimum period applicable under paragraph (a)  
2905 or, for a subsequent conviction, for the minimum period  
2906 applicable under paragraph (2) (a) or paragraph (2) (d) ~~(2) (e)~~.

2907 (5) A court may not stay the administrative suspension of a  
2908 driving privilege under s. 322.2615 or s. 322.2616 during  
2909 judicial review of the departmental order that resulted in such  
2910 suspension, and a suspension or revocation of a driving  
2911 privilege may not be stayed upon an appeal of the conviction or  
2912 order that resulted in the suspension or revocation.

2913 (6) In a prosecution for a violation of s. 316.172(1), and  
2914 upon a showing of the department's records that the licensee has  
2915 received a second conviction within 5 years following the date  
2916 of a prior conviction of s. 316.172(1), the department shall,  
2917 upon direction of the court, suspend the driver ~~driver's~~ license  
2918 of the person convicted for a period of at least ~~not less than~~  
2919 90 days but not ~~or~~ more than 6 months.

2920 (7) Following a second or subsequent violation of s.  
2921 796.07(2) (f) which involves a motor vehicle and which results in  
2922 any judicial disposition other than acquittal or dismissal, in  
2923 addition to any other sentence imposed, the court shall revoke  
2924 the person's driver ~~driver's~~ license or driving privilege,  
2925 effective upon the date of the disposition, for a period of at  
2926 least ~~not less than~~ 1 year. A person sentenced under this  
2927 subsection may request a hearing under s. 322.271.

2928 Section 40. Section 322.331, Florida Statutes, is repealed.

2929 Section 41. Section 322.61, Florida Statutes, is amended to

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2930 read:

2931 322.61 Disqualification from operating a commercial motor  
2932 vehicle.-

2933 (1) A person who, for offenses occurring within a 3-year  
2934 period, is convicted of two of the following serious traffic  
2935 violations or any combination thereof, arising in separate  
2936 incidents committed in a commercial motor vehicle shall, in  
2937 addition to any other applicable penalties, be disqualified from  
2938 operating a commercial motor vehicle for a period of 60 days. A  
2939 holder of a commercial driver ~~driver's~~ license or commercial  
2940 learner's permit who, for offenses occurring within a 3-year  
2941 period, is convicted of two of the following serious traffic  
2942 violations, or any combination thereof, arising in separate  
2943 incidents committed in a noncommercial motor vehicle shall, in  
2944 addition to any other applicable penalties, be disqualified from  
2945 operating a commercial motor vehicle for a period of 60 days if  
2946 such convictions result in the suspension, revocation, or  
2947 cancellation of the licenseholder's driving privilege:

2948 (a) A violation of any state or local law relating to motor  
2949 vehicle traffic control, other than a parking violation, a  
2950 ~~weight violation, or a vehicle equipment violation,~~ arising in  
2951 connection with a crash resulting in death ~~or personal injury to~~  
2952 ~~any person;~~

2953 (b) Reckless driving, as defined in s. 316.192;

2954 ~~(c) Careless driving, as defined in s. 316.1925;~~

2955 ~~(d) Fleeing or attempting to elude a law enforcement~~  
2956 ~~officer, as defined in s. 316.1935;~~

2957 (c) ~~(e)~~ Unlawful speed of 15 miles per hour or more above  
2958 the posted speed limit;

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2959 ~~(f) Driving a commercial motor vehicle, owned by such~~  
 2960 ~~person, which is not properly insured;~~

2961 (d) ~~(g)~~ Improper lane change, as defined in s. 316.085;

2962 (e) ~~(h)~~ Following too closely, as defined in s. 316.0895;

2963 (f) ~~(i)~~ Driving a commercial vehicle without obtaining a  
 2964 commercial driver ~~driver's~~ license;

2965 (g) ~~(j)~~ Driving a commercial vehicle without the proper  
 2966 class of commercial driver ~~driver's~~ license or commercial  
 2967 learner's permit or without the proper endorsement; or

2968 (h) ~~(k)~~ Driving a commercial vehicle without a commercial  
 2969 driver ~~driver's~~ license or commercial learner's permit in  
 2970 possession, as required by s. 322.03. ~~Any individual who~~  
 2971 ~~provides proof to the clerk of the court or designated official~~  
 2972 ~~in the jurisdiction where the citation was issued, by the date~~  
 2973 ~~the individual must appear in court or pay any fine for such a~~  
 2974 ~~violation, that the individual held a valid commercial driver's~~  
 2975 ~~license on the date the citation was issued is not guilty of~~  
 2976 ~~this offense.~~

2977 (2) (a) Any person who, for offenses occurring within a 3-  
 2978 year period, is convicted of three serious traffic violations  
 2979 specified in subsection (1) or any combination thereof, arising  
 2980 in separate incidents committed in a commercial motor vehicle  
 2981 shall, in addition to any other applicable penalties, including  
 2982 but not limited to the penalty provided in subsection (1), be  
 2983 disqualified from operating a commercial motor vehicle for a  
 2984 period of 120 days.

2985 (b) A holder of a commercial driver ~~driver's~~ license or  
 2986 commercial learner's permit who, for offenses occurring within a  
 2987 3-year period, is convicted of three serious traffic violations

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2988 specified in subsection (1) or any combination thereof arising  
2989 in separate incidents committed in a noncommercial motor vehicle  
2990 shall, in addition to any other applicable penalties, including,  
2991 but not limited to, the penalty provided in subsection (1), be  
2992 disqualified from operating a commercial motor vehicle for a  
2993 period of 120 days if such convictions result in the suspension,  
2994 revocation, or cancellation of the licenseholder's driving  
2995 privilege.

2996 (3) (a) Except as provided in subsection (4), any person who  
2997 is convicted of one of the offenses listed in paragraph (b)  
2998 while operating a commercial motor vehicle shall, in addition to  
2999 any other applicable penalties, be disqualified from operating a  
3000 commercial motor vehicle for a period of 1 year.

3001 (b) Except as provided in subsection (4), any holder of a  
3002 commercial driver license or commercial learner's permit who is  
3003 convicted of one of the offenses listed in this paragraph while  
3004 operating a noncommercial motor vehicle shall, in addition to  
3005 any other applicable penalties, be disqualified from operating a  
3006 commercial motor vehicle for a period of 1 year:

3007 1. Driving a motor vehicle while he or she is under the  
3008 influence of alcohol or a controlled substance;

3009 2. Driving a commercial motor vehicle while the alcohol  
3010 concentration of his or her blood, breath, or urine is .04  
3011 percent or higher;

3012 3. Leaving the scene of a crash involving a motor vehicle  
3013 driven by such person;

3014 4. Using a motor vehicle in the commission of a felony;

3015 ~~5. Driving a commercial motor vehicle while in possession~~  
3016 ~~of a controlled substance;~~



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3017 ~~5.6.~~ Refusing to submit to a test to determine his or her  
3018 alcohol concentration while driving a motor vehicle;

3019 6. Driving a commercial motor vehicle when, as a result of  
3020 prior violations committed operating a commercial motor vehicle,  
3021 his or her commercial driver license or commercial learner's  
3022 permit is revoked, suspended, or canceled, or he or she is  
3023 disqualified from operating a commercial motor vehicle; or

3024 ~~7. Driving a commercial vehicle while the licenseholder's~~  
3025 ~~commercial driver license is suspended, revoked, or canceled or~~  
3026 ~~while the licenseholder is disqualified from driving a~~  
3027 ~~commercial vehicle; or~~

3028 ~~7.8.~~ Causing a fatality through the negligent operation of  
3029 a commercial motor vehicle.

3030 (4) Any person who is transporting hazardous materials as  
3031 defined in s. 322.01(24) shall, upon conviction of an offense  
3032 specified in subsection (3), be disqualified from operating a  
3033 commercial motor vehicle for a period of 3 years. The penalty  
3034 provided in this subsection shall be in addition to any other  
3035 applicable penalty.

3036 (5) A person who is convicted of two violations specified  
3037 in subsection (3) which were committed while operating a  
3038 commercial motor vehicle, or any combination thereof, arising in  
3039 separate incidents shall be permanently disqualified from  
3040 operating a commercial motor vehicle. A holder of a commercial  
3041 driver license or commercial learner's permit who is convicted  
3042 of two violations specified in subsection (3) which were  
3043 committed while operating any motor vehicle arising in separate  
3044 incidents shall be permanently disqualified from operating a  
3045 commercial motor vehicle. The penalty provided in this

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3046 subsection is in addition to any other applicable penalty.

3047 (6) Notwithstanding subsections (3), (4), and (5), any  
3048 person who uses a commercial motor vehicle in the commission of  
3049 any felony involving the manufacture, distribution, or  
3050 dispensing of a controlled substance, including possession with  
3051 intent to manufacture, distribute, or dispense a controlled  
3052 substance, shall, upon conviction of such felony, be permanently  
3053 disqualified from operating a commercial motor vehicle.

3054 Notwithstanding subsections (3), (4), and (5), any holder of a  
3055 commercial driver ~~driver's~~ license or commercial learner's  
3056 permit who uses a noncommercial motor vehicle in the commission  
3057 of any felony involving the manufacture, distribution, or  
3058 dispensing of a controlled substance, including possession with  
3059 intent to manufacture, distribute, or dispense a controlled  
3060 substance, shall, upon conviction of such felony, be permanently  
3061 disqualified from operating a commercial motor vehicle. The  
3062 penalty provided in this subsection is in addition to any other  
3063 applicable penalty.

3064 (7) A person whose privilege to operate a commercial motor  
3065 vehicle is disqualified under this section may, if otherwise  
3066 qualified, be issued a Class E driver ~~driver's~~ license, pursuant  
3067 to s. 322.251.

3068 (8) A driver who is convicted of or otherwise found to have  
3069 committed a violation of an out-of-service order while driving a  
3070 commercial motor vehicle is disqualified as follows:

3071 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1  
3072 year if the driver is convicted of or otherwise found to have  
3073 committed a first violation of an out-of-service order.

3074 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5

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3075 years if, for offenses occurring during any 10-year period, the  
3076 driver is convicted of or otherwise found to have committed two  
3077 violations of out-of-service orders in separate incidents.

3078 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5  
3079 years if, for offenses occurring during any 10-year period, the  
3080 driver is convicted of or otherwise found to have committed  
3081 three or more violations of out-of-service orders in separate  
3082 incidents.

3083 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2  
3084 years if the driver is convicted of or otherwise found to have  
3085 committed a first violation of an out-of-service order while  
3086 transporting hazardous materials required to be placarded under  
3087 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101  
3088 et seq., or while operating motor vehicles designed to transport  
3089 more than 15 passengers, including the driver. A driver is  
3090 disqualified for a period of at least ~~not less than~~ 3 years but  
3091 not ~~nor~~ more than 5 years if, for offenses occurring during any  
3092 10-year period, the driver is convicted of or otherwise found to  
3093 have committed any subsequent violations of out-of-service  
3094 orders, in separate incidents, while transporting hazardous  
3095 materials required to be placarded under the Hazardous Materials  
3096 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while  
3097 operating motor vehicles designed to transport more than 15  
3098 passengers, including the driver.

3099 (9) A driver who is convicted of or otherwise found to have  
3100 committed an offense of operating a commercial motor vehicle in  
3101 violation of federal, state, or local law or regulation  
3102 pertaining to one of the following six offenses at a railroad-  
3103 highway grade crossing must be disqualified for the period of

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3104 time specified in subsection (10):

3105 (a) For drivers who are not always required to stop,  
3106 failing to slow down and check that the tracks are clear of  
3107 approaching trains.

3108 (b) For drivers who are not always required to stop,  
3109 failing to stop before reaching the crossing if the tracks are  
3110 not clear.

3111 (c) For drivers who are always required to stop, failing to  
3112 stop before driving onto the crossing.

3113 (d) For all drivers, failing to have sufficient space to  
3114 drive completely through the crossing without stopping.

3115 (e) For all drivers, failing to obey a traffic control  
3116 device or all directions of an enforcement official at the  
3117 crossing.

3118 (f) For all drivers, failing to negotiate a crossing  
3119 because of insufficient undercarriage clearance.

3120 (10) (a) A driver must be disqualified for at least ~~not less~~  
3121 ~~than~~ 60 days if the driver is convicted of or otherwise found to  
3122 have committed a first violation of a railroad-highway grade  
3123 crossing violation.

3124 (b) A driver must be disqualified for at least ~~not less~~  
3125 ~~than~~ 120 days if, for offenses occurring during any 3-year  
3126 period, the driver is convicted of or otherwise found to have  
3127 committed a second railroad-highway grade crossing violation in  
3128 separate incidents.

3129 (c) A driver must be disqualified for at least ~~not less~~  
3130 ~~than~~ 1 year if, for offenses occurring during any 3-year period,  
3131 the driver is convicted of or otherwise found to have committed  
3132 a third or subsequent railroad-highway grade crossing violation

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3133 in separate incidents.

3134 Section 42. Paragraph (a) of subsection (1) of section  
3135 324.0221, Florida Statutes, is amended to read:

3136 324.0221 Reports by insurers to the department; suspension  
3137 of driver ~~driver's~~ license and vehicle registrations;  
3138 reinstatement.—

3139 (1) (a) Each insurer that has issued a policy providing  
3140 personal injury protection coverage or property damage liability  
3141 coverage shall report the ~~renewal~~, cancellation, or nonrenewal  
3142 thereof to the department within 10 ~~45~~ days after the processing  
3143 ~~effective~~ date of each ~~renewal~~, cancellation, or nonrenewal.

3144 Upon the issuance of a policy providing personal injury  
3145 protection coverage or property damage liability coverage to a  
3146 named insured not previously insured by the insurer during that  
3147 calendar year, the insurer shall report the issuance of the new  
3148 policy to the department within 10 ~~30~~ days. The report shall be  
3149 in the form and format and contain any information required by  
3150 the department and must be provided in a format that is  
3151 compatible with the data processing capabilities of the  
3152 department. The department may adopt rules regarding the form  
3153 and documentation required. Failure by an insurer to file proper  
3154 reports with the department as required by this subsection or  
3155 rules adopted with respect to the requirements of this  
3156 subsection constitutes a violation of the Florida Insurance  
3157 Code. These records shall be used by the department only for  
3158 enforcement and regulatory purposes, including the generation by  
3159 the department of data regarding compliance by owners of motor  
3160 vehicles with the requirements for financial responsibility  
3161 coverage.

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3162 Section 43. Section 324.031, Florida Statutes, is amended  
3163 to read:

3164 324.031 Manner of proving financial responsibility.—The  
3165 owner or operator of a taxicab, limousine, jitney, or any other  
3166 for-hire passenger transportation vehicle may prove financial  
3167 responsibility by providing satisfactory evidence of holding a  
3168 motor vehicle liability policy as defined in s. 324.021(8) or s.  
3169 324.151, which policy is issued by an insurance carrier which is  
3170 a member of the Florida Insurance Guaranty Association. The  
3171 operator or owner of any other vehicle may prove his or her  
3172 financial responsibility by:

3173 (1) Furnishing satisfactory evidence of holding a motor  
3174 vehicle liability policy as defined in ss. 324.021(8) and  
3175 324.151;

3176 ~~(2) Posting with the department a satisfactory bond of a~~  
3177 ~~surety company authorized to do business in this state,~~  
3178 ~~conditioned for payment of the amount specified in s.~~  
3179 ~~324.021(7);~~

3180 (2)~~(3)~~ Furnishing a certificate of self-insurance the  
3181 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance  
3182 with s. 324.161; or

3183 (3)~~(4)~~ Furnishing a certificate of self-insurance issued by  
3184 the department in accordance with s. 324.171.

3185  
3186 Any person, including any firm, partnership, association,  
3187 corporation, or other person, other than a natural person,  
3188 electing to use the method of proof specified in subsection (2)  
3189 ~~or subsection (3)~~ shall furnish a certificate of post a bond or  
3190 deposit equal to the number of vehicles owned times \$30,000, to

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3191 a maximum of \$120,000; in addition, any such person, other than  
3192 a natural person, shall maintain insurance providing coverage in  
3193 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined  
3194 single limits, and such excess insurance shall provide minimum  
3195 limits of \$125,000/250,000/50,000 or \$300,000 combined single  
3196 limits. These increased limits shall not affect the requirements  
3197 for proving financial responsibility under s. 324.032(1).

3198 Section 44. Subsection (1) of section 324.091, Florida  
3199 Statutes, is amended to read:

3200 324.091 Notice to department; notice to insurer.—

3201 (1) Each owner and operator involved in a crash or  
3202 conviction case within the purview of this chapter shall furnish  
3203 evidence of automobile liability insurance or, motor vehicle  
3204 liability insurance, ~~or a surety bond~~ within 14 days after the  
3205 date of the mailing of notice of crash by the department in the  
3206 form and manner as it may designate. Upon receipt of evidence  
3207 that an automobile liability policy or, motor vehicle liability  
3208 policy, ~~or surety bond~~ was in effect at the time of the crash or  
3209 conviction case, the department shall forward ~~by United States~~  
3210 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy  
3211 ~~of~~ such information for verification in a method as determined  
3212 by the department. ~~and shall assume that the policy or bond was~~  
3213 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~  
3214 ~~notifies~~ the department ~~otherwise~~ within 20 days after the  
3215 ~~mailing of~~ the notice whether or not such information is valid  
3216 ~~to the insurer or surety insurer.~~ ~~However,~~ If the department  
3217 ~~later~~ determines that an automobile liability policy or, motor  
3218 vehicle liability policy, ~~or surety bond~~ was not in effect and  
3219 did not provide coverage for both the owner and the operator, it

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3220 shall take action as it is ~~otherwise~~ authorized to do under this  
3221 chapter. ~~Proof of mailing to the insurer or surety insurer may~~  
3222 ~~be made by the department by naming the insurer or surety~~  
3223 ~~insurer to whom the mailing was made and by specifying the time,~~  
3224 ~~place, and manner of mailing.~~

3225 Section 45. Section 324.161, Florida Statutes, is amended  
3226 to read:

3227 324.161 Proof of financial responsibility; ~~surety bond or~~  
3228 ~~deposit.~~Annually, before any certificate of insurance may be  
3229 issued to a person, including any firm, partnership,  
3230 association, corporation, or other person, other than a natural  
3231 person, proof of a certificate of deposit of \$30,000 issued and  
3232 held by a financial institution must be submitted to the  
3233 department. A power of attorney will be issued to and held by  
3234 the department and may be executed upon ~~The certificate of the~~  
3235 ~~department of a deposit may be obtained by depositing with it~~  
3236 ~~\$30,000 cash or securities such as may be legally purchased by~~  
3237 ~~savings banks or for trust funds, of a market value of \$30,000~~  
3238 ~~and which deposit shall be held by the department to satisfy, in~~  
3239 ~~accordance with the provisions of this chapter, any execution on~~  
3240 a judgment issued against such person making the deposit, for  
3241 damages because of bodily injury to or death of any person or  
3242 for damages because of injury to or destruction of property  
3243 resulting from the use or operation of any motor vehicle  
3244 occurring after such deposit was made. Money ~~or securities~~ so  
3245 deposited shall not be subject to attachment or execution unless  
3246 such attachment or execution shall arise out of a suit for  
3247 damages as aforesaid.

3248 Section 46. Paragraph (a) of subsection (1) of section



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3249 328.01, Florida Statutes, is amended to read:

3250 328.01 Application for certificate of title.—

3251 (1) (a) The owner of a vessel which is required to be titled  
3252 shall apply to the county tax collector for a certificate of  
3253 title. The application shall include the true name of the owner,  
3254 the residence or business address of the owner, and the complete  
3255 description of the vessel, including the hull identification  
3256 number, except that an application for a certificate of title  
3257 for a homemade vessel shall state all the foregoing information  
3258 except the hull identification number. The application shall be  
3259 signed by the owner and shall be accompanied by personal or  
3260 business identification and the prescribed fee. An individual  
3261 applicant must provide a valid driver license or identification  
3262 card issued by this state or another state or a valid passport.  
3263 A business applicant must provide a federal employer  
3264 identification number, if applicable, verification that the  
3265 business is authorized to conduct business in the state, or a  
3266 Florida city or county business license or number, ~~which may~~  
3267 ~~include, but need not be limited to, a driver's license number,~~  
3268 ~~Florida identification card number, or federal employer~~  
3269 ~~identification number, and the prescribed fee.~~

3270 Section 47. Paragraph (a) of subsection (1) of section  
3271 328.48, Florida Statutes, is amended to read:

3272 328.48 Vessel registration, application, certificate,  
3273 number, decal, duplicate certificate.—

3274 (1) (a) The owner of each vessel required by this law to pay  
3275 a registration fee and secure an identification number shall  
3276 file an application with the county tax collector. The  
3277 application shall provide the owner's name and address;

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3278 residency status; personal or business identification, ~~which may~~  
 3279 ~~include, but need not be limited to, a driver's license number,~~  
 3280 ~~Florida identification card number, or federal employer~~  
 3281 ~~identification number;~~ and a complete description of the vessel,  
 3282 and shall be accompanied by payment of the applicable fee  
 3283 required in s. 328.72. An individual applicant must provide a  
 3284 valid driver license or identification card issued by this state  
 3285 or another state or a valid passport. A business applicant must  
 3286 provide a federal employer identification number, if applicable,  
 3287 verification that the business is authorized to conduct business  
 3288 in the state, or a Florida city or county business license or  
 3289 number. Registration is not required for any vessel that is not  
 3290 used on the waters of this state.

3291 Section 48. Subsection (1) of section 328.76, Florida  
 3292 Statutes, is amended to read:

3293 328.76 Marine Resources Conservation Trust Fund; vessel  
 3294 registration funds; appropriation and distribution.—

3295 (1) Except as otherwise specified in this subsection and  
 3296 less the amount equal to \$1.4 million for any administrative  
 3297 costs which shall be deposited in the Highway Safety Operating  
 3298 Trust Fund, in each fiscal year beginning on or after July 1,  
 3299 2001, all funds collected from the registration of vessels  
 3300 through the Department of Highway Safety and Motor Vehicles and  
 3301 the tax collectors of the state, except for those funds  
 3302 designated as the county portion pursuant to s. 328.72(1), shall  
 3303 be deposited in the Marine Resources Conservation Trust Fund for  
 3304 recreational channel marking; public launching facilities; law  
 3305 enforcement and quality control programs; aquatic weed control;  
 3306 manatee protection, recovery, rescue, rehabilitation, and

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3307 release; and marine mammal protection and recovery. The funds  
3308 collected pursuant to s. 328.72(1) shall be transferred as  
3309 follows:

3310 (a) In each fiscal year, an amount equal to \$1.50 for each  
3311 commercial and recreational vessel registered in this state  
3312 shall be transferred by the Department of Highway Safety and  
3313 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
3314 used only for the purposes specified in s. 379.2431(4).

3315 (b) An amount equal to \$2 from each recreational vessel  
3316 registration fee, except that for class A-1 vessels, shall be  
3317 transferred by the Department of Highway Safety and Motor  
3318 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
3319 and Wildlife Conservation Commission for aquatic weed research  
3320 and control.

3321 (c) An amount equal to 40 percent of the registration fees  
3322 from commercial vessels shall be transferred by the Department  
3323 of Highway Safety and Motor Vehicles to the Invasive Plant  
3324 Control Trust Fund in the Fish and Wildlife Conservation  
3325 Commission for aquatic plant research and control.

3326 (d) An amount equal to 40 percent of the registration fees  
3327 from commercial vessels shall be transferred by the Department  
3328 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
3329 General Inspection Trust Fund of the Department of Agriculture  
3330 and Consumer Services. These funds shall be used for shellfish  
3331 and aquaculture law enforcement and quality control programs.

3332 Section 49. Paragraph (aa) of subsection (7) of section  
3333 212.08, Florida Statutes, is amended to read:

3334 212.08 Sales, rental, use, consumption, distribution, and  
3335 storage tax; specified exemptions.—The sale at retail, the

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3336 rental, the use, the consumption, the distribution, and the  
3337 storage to be used or consumed in this state of the following  
3338 are hereby specifically exempt from the tax imposed by this  
3339 chapter.

3340 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
3341 entity by this chapter do not inure to any transaction that is  
3342 otherwise taxable under this chapter when payment is made by a  
3343 representative or employee of the entity by any means,  
3344 including, but not limited to, cash, check, or credit card, even  
3345 when that representative or employee is subsequently reimbursed  
3346 by the entity. In addition, exemptions provided to any entity by  
3347 this subsection do not inure to any transaction that is  
3348 otherwise taxable under this chapter unless the entity has  
3349 obtained a sales tax exemption certificate from the department  
3350 or the entity obtains or provides other documentation as  
3351 required by the department. Eligible purchases or leases made  
3352 with such a certificate must be in strict compliance with this  
3353 subsection and departmental rules, and any person who makes an  
3354 exempt purchase with a certificate that is not in strict  
3355 compliance with this subsection and the rules is liable for and  
3356 shall pay the tax. The department may adopt rules to administer  
3357 this subsection.

3358 (aa) *Certain commercial vehicles*.—Also exempt is the sale,  
3359 lease, or rental of a commercial motor vehicle as defined in s.  
3360 207.002 ~~207.002(2)~~, when the following conditions are met:

- 3361 1. The sale, lease, or rental occurs between two commonly  
3362 owned and controlled corporations;
- 3363 2. Such vehicle was titled and registered in this state at  
3364 the time of the sale, lease, or rental; and

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3365 3. Florida sales tax was paid on the acquisition of such  
3366 vehicle by the seller, lessor, or renter.

3367 Section 50. Subsection (8) of section 261.03, Florida  
3368 Statutes, is amended to read:

3369 261.03 Definitions.—As used in this chapter, the term:

3370 (8) "ROV" means any motorized recreational off-highway  
3371 vehicle 64 inches or less in width, having a dry weight of 2,000  
3372 pounds or less, designed to travel on four or more nonhighway  
3373 tires, having nonstraddle seating and a steering wheel, and  
3374 manufactured for recreational use by one or more persons. The  
3375 term "ROV" does not include a golf cart as defined in ss. 320.01  
3376 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
3377 s. 320.01 ~~320.01(42)~~.

3378 Section 51. Section 316.2122, Florida Statutes, is amended  
3379 to read:

3380 316.2122 Operation of a low-speed vehicle or mini truck on  
3381 certain roadways.—The operation of a low-speed vehicle as  
3382 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
3383 320.01 ~~320.01(45)~~ on any road is authorized with the following  
3384 restrictions:

3385 (1) A low-speed vehicle or mini truck may be operated only  
3386 on streets where the posted speed limit is 35 miles per hour or  
3387 less. This does not prohibit a low-speed vehicle or mini truck  
3388 from crossing a road or street at an intersection where the road  
3389 or street has a posted speed limit of more than 35 miles per  
3390 hour.

3391 (2) A low-speed vehicle must be equipped with headlamps,  
3392 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
3393 parking brakes, rearview mirrors, windshields, seat belts, and

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3394 vehicle identification numbers.

3395 (3) A low-speed vehicle or mini truck must be registered  
3396 and insured in accordance with s. 320.02 and titled pursuant to  
3397 chapter 319.

3398 (4) Any person operating a low-speed vehicle or mini truck  
3399 must have in his or her possession a valid driver ~~driver's~~  
3400 license.

3401 (5) A county or municipality may prohibit the operation of  
3402 low-speed vehicles or mini trucks on any road under its  
3403 jurisdiction if the governing body of the county or municipality  
3404 determines that such prohibition is necessary in the interest of  
3405 safety.

3406 (6) The Department of Transportation may prohibit the  
3407 operation of low-speed vehicles or mini trucks on any road under  
3408 its jurisdiction if it determines that such prohibition is  
3409 necessary in the interest of safety.

3410 Section 52. Section 316.2124, Florida Statutes, is amended  
3411 to read:

3412 316.2124 Motorized disability access vehicles.—The  
3413 Department of Highway Safety and Motor Vehicles is directed to  
3414 provide, by rule, for the regulation of motorized disability  
3415 access vehicles as described in s. 320.01 ~~320.01(34)~~. The  
3416 department shall provide that motorized disability access  
3417 vehicles shall be registered in the same manner as motorcycles  
3418 and shall pay the same registration fee as for a motorcycle.  
3419 There shall also be assessed, in addition to the registration  
3420 fee, a \$2.50 surcharge for motorized disability access vehicles.  
3421 This surcharge shall be paid into the Highway Safety Operating  
3422 Trust Fund. Motorized disability access vehicles shall not be

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3423 required to be titled by the department. The department shall  
3424 require motorized disability access vehicles to be subject to  
3425 the same safety requirements as set forth in this chapter for  
3426 motorcycles.

3427 Section 53. Subsection (1) of section 316.21265, Florida  
3428 Statutes, is amended to read:

3429 316.21265 Use of all-terrain vehicles, golf carts, low-  
3430 speed vehicles, or utility vehicles by law enforcement  
3431 agencies.—

3432 (1) Notwithstanding any provision of law to the contrary,  
3433 any law enforcement agency in this state may operate all-terrain  
3434 vehicles as defined in s. 316.2074, golf carts as defined in s.  
3435 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01  
3436 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01  
3437 ~~320.01(43)~~ on any street, road, or highway in this state while  
3438 carrying out its official duties.

3439 Section 54. Subsection (1) of section 316.3026, Florida  
3440 Statutes, is amended to read:

3441 316.3026 Unlawful operation of motor carriers.—

3442 (1) The Office of Commercial Vehicle Enforcement may issue  
3443 out-of-service orders to motor carriers, as defined in s. 320.01  
3444 ~~320.01(33)~~, who, after proper notice, have failed to pay any  
3445 penalty or fine assessed by the department, or its agent,  
3446 against any owner or motor carrier for violations of state law,  
3447 refused to submit to a compliance review and provide records  
3448 pursuant to s. 316.302(5) or s. 316.70, or violated safety  
3449 regulations pursuant to s. 316.302 or insurance requirements in  
3450 s. 627.7415. Such out-of-service orders have the effect of  
3451 prohibiting the operations of any motor vehicles owned, leased,

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3452 or otherwise operated by the motor carrier upon the roadways of  
3453 this state, until the violations have been corrected or  
3454 penalties have been paid. Out-of-service orders must be approved  
3455 by the director of the Division of the Florida Highway Patrol or  
3456 his or her designee. An administrative hearing pursuant to s.  
3457 120.569 shall be afforded to motor carriers subject to such  
3458 orders.

3459 Section 55. Paragraph (a) of subsection (5) and subsection  
3460 (10) of section 316.550, Florida Statutes, are amended to read:  
3461 316.550 Operations not in conformity with law; special  
3462 permits.—

3463 (5) (a) The Department of Transportation may issue a wrecker  
3464 special blanket permit to authorize a wrecker as defined in s.  
3465 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in  
3466 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and  
3467 the disabled vehicle being towed exceeds the maximum weight  
3468 limits as established by s. 316.535.

3469 (10) Whenever any motor vehicle, or the combination of a  
3470 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor  
3471 vehicle, exceeds any weight or dimensional criteria or special  
3472 operational or safety stipulation contained in a special permit  
3473 issued under the provisions of this section, the penalty  
3474 assessed to the owner or operator shall be as follows:

3475 (a) For violation of weight criteria contained in a special  
3476 permit, the penalty per pound or portion thereof exceeding the  
3477 permitted weight shall be as provided in s. 316.545.

3478 (b) For each violation of dimensional criteria in a special  
3479 permit, the penalty shall be as provided in s. 316.516 and  
3480 penalties for multiple violations of dimensional criteria shall



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3481 be cumulative except that the total penalty for the vehicle  
3482 shall not exceed \$1,000.

3483 (c) For each violation of an operational or safety  
3484 stipulation in a special permit, the penalty shall be an amount  
3485 not to exceed \$1,000 per violation and penalties for multiple  
3486 violations of operational or safety stipulations shall be  
3487 cumulative except that the total penalty for the vehicle shall  
3488 not exceed \$1,000.

3489 (d) For violation of any special condition that has been  
3490 prescribed in the rules of the Department of Transportation and  
3491 declared on the permit, the vehicle shall be determined to be  
3492 out of conformance with the permit and the permit shall be  
3493 declared null and void for the vehicle, and weight and  
3494 dimensional limits for the vehicle shall be as established in s.  
3495 316.515 or s. 316.535, whichever is applicable, and:

3496 1. For weight violations, a penalty as provided in s.  
3497 316.545 shall be assessed for those weights which exceed the  
3498 limits thus established for the vehicle; and

3499 2. For dimensional, operational, or safety violations, a  
3500 penalty as established in paragraph (c) or s. 316.516, whichever  
3501 is applicable, shall be assessed for each nonconforming  
3502 dimensional, operational, or safety violation and the penalties  
3503 for multiple violations shall be cumulative for the vehicle.

3504 Section 56. Subsection (9) of section 317.0003, Florida  
3505 Statutes, is amended to read:

3506 317.0003 Definitions.—As used in this chapter, the term:

3507 (9) "ROV" means any motorized recreational off-highway  
3508 vehicle 64 inches or less in width, having a dry weight of 2,000  
3509 pounds or less, designed to travel on four or more nonhighway

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3510 tires, having nonstraddle seating and a steering wheel, and  
 3511 manufactured for recreational use by one or more persons. The  
 3512 term "ROV" does not include a golf cart as defined in ss. 320.01  
 3513 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
 3514 s. 320.01 ~~320.01(42)~~.

3515 Section 57. Paragraph (d) of subsection (5) of section  
 3516 320.08, Florida Statutes, is amended to read:

3517 320.08 License taxes.—Except as otherwise provided herein,  
 3518 there are hereby levied and imposed annual license taxes for the  
 3519 operation of motor vehicles, mopeds, motorized bicycles as  
 3520 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
 3521 and mobile homes, as defined in s. 320.01, which shall be paid  
 3522 to and collected by the department or its agent upon the  
 3523 registration or renewal of registration of the following:

3524 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 3525 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3526 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is  
 3527 used to tow a vessel as defined in s. 327.02(39), a disabled,  
 3528 abandoned, stolen-recovered, or impounded motor vehicle as  
 3529 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle  
 3530 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall  
 3531 be deposited into the General Revenue Fund.

3532 Section 58. Subsection (1) of section 320.0847, Florida  
 3533 Statutes, is amended to read:

3534 320.0847 Mini truck and low-speed vehicle license plates.—

3535 (1) The department shall issue a license plate to the owner  
 3536 or lessee of any vehicle registered as a low-speed vehicle as  
 3537 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
 3538 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes

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3539 and fees prescribed in s. 320.08.

3540 Section 59. Subsections (4) and (5) of section 322.271,  
3541 Florida Statutes, are amended to read:

3542 322.271 Authority to modify revocation, cancellation, or  
3543 suspension order.—

3544 (4) Notwithstanding the provisions of s. 322.28(2)(d)  
3545 ~~322.28(2)(e)~~, a person whose driving privilege has been  
3546 permanently revoked because he or she has been convicted of DUI  
3547 manslaughter in violation of s. 316.193 and has no prior  
3548 convictions for DUI-related offenses may, upon the expiration of  
3549 5 years after the date of such revocation or the expiration of 5  
3550 years after the termination of any term of incarceration under  
3551 s. 316.193 or former s. 316.1931, whichever date is later,  
3552 petition the department for reinstatement of his or her driving  
3553 privilege.

3554 (a) Within 30 days after the receipt of such a petition,  
3555 the department shall afford the petitioner an opportunity for a  
3556 hearing. At the hearing, the petitioner must demonstrate to the  
3557 department that he or she:

3558 1. Has not been arrested for a drug-related offense during  
3559 the 5 years preceding the filing of the petition;

3560 2. Has not driven a motor vehicle without a license for at  
3561 least 5 years prior to the hearing;

3562 3. Has been drug-free for at least 5 years prior to the  
3563 hearing; and

3564 4. Has completed a DUI program licensed by the department.

3565 (b) At such hearing, the department shall determine the  
3566 petitioner's qualification, fitness, and need to drive. Upon  
3567 such determination, the department may, in its discretion,

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3568 reinstate the driver ~~driver's~~ license of the petitioner. Such  
3569 reinstatement must be made subject to the following  
3570 qualifications:

3571 1. The license must be restricted for employment purposes  
3572 for at least ~~not less than~~ 1 year; and

3573 2. Such person must be supervised by a DUI program licensed  
3574 by the department and report to the program for such supervision  
3575 and education at least four times a year or additionally as  
3576 required by the program for the remainder of the revocation  
3577 period. Such supervision shall include evaluation, education,  
3578 referral into treatment, and other activities required by the  
3579 department.

3580 (c) Such person must assume the reasonable costs of  
3581 supervision. If such person fails to comply with the required  
3582 supervision, the program shall report the failure to the  
3583 department, and the department shall cancel such person's  
3584 driving privilege.

3585 (d) If, after reinstatement, such person is convicted of an  
3586 offense for which mandatory revocation of his or her license is  
3587 required, the department shall revoke his or her driving  
3588 privilege.

3589 (e) The department shall adopt rules regulating the  
3590 providing of services by DUI programs pursuant to this section.

3591 (5) Notwithstanding the provisions of s. 322.28(2)(d)  
3592 ~~322.28(2)(e)~~, a person whose driving privilege has been  
3593 permanently revoked because he or she has been convicted four or  
3594 more times of violating s. 316.193 or former s. 316.1931 may,  
3595 upon the expiration of 5 years after the date of the last  
3596 conviction or the expiration of 5 years after the termination of

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3597 any incarceration under s. 316.193 or former s. 316.1931,  
3598 whichever is later, petition the department for reinstatement of  
3599 his or her driving privilege.

3600 (a) Within 30 days after receipt of a petition, the  
3601 department shall provide for a hearing, at which the petitioner  
3602 must demonstrate that he or she:

3603 1. Has not been arrested for a drug-related offense for at  
3604 least 5 years prior to filing the petition;

3605 2. Has not driven a motor vehicle without a license for at  
3606 least 5 years prior to the hearing;

3607 3. Has been drug-free for at least 5 years prior to the  
3608 hearing; and

3609 4. Has completed a DUI program licensed by the department.

3610 (b) At the hearing, the department shall determine the  
3611 petitioner's qualification, fitness, and need to drive, and may,  
3612 after such determination, reinstate the petitioner's driver  
3613 ~~driver's~~ license. The reinstatement shall be subject to the  
3614 following qualifications:

3615 1. The petitioner's license must be restricted for  
3616 employment purposes for at least ~~not less than~~ 1 year; and

3617 2. The petitioner must be supervised by a DUI program  
3618 licensed by the department and must report to the program for  
3619 supervision and education at least four times a year or more, as  
3620 required by the program, for the remainder of the revocation  
3621 period. The supervision shall include evaluation, education,  
3622 referral into treatment, and other activities required by the  
3623 department.

3624 (c) The petitioner must assume the reasonable costs of  
3625 supervision. If the petitioner does not comply with the required

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3626 supervision, the program shall report the failure to the  
3627 department, and the department shall cancel such person's  
3628 driving privilege.

3629 (d) If, after reinstatement, the petitioner is convicted of  
3630 an offense for which mandatory license revocation is required,  
3631 the department shall revoke his or her driving privilege.

3632 (e) The department shall adopt rules regulating the  
3633 services provided by DUI programs pursuant to this section.

3634 Section 60. Section 322.282, Florida Statutes, is amended  
3635 to read:

3636 322.282 Procedure when court revokes or suspends license or  
3637 driving privilege and orders reinstatement.—When a court  
3638 suspends or revokes a person's license or driving privilege and,  
3639 in its discretion, orders reinstatement ~~as provided by s.~~  
3640 ~~322.28(2)(d) or former s. 322.261(5):~~

3641 (1) The court shall pick up all revoked or suspended driver  
3642 ~~driver's~~ licenses from the person and immediately forward them  
3643 to the department, together with a record of such conviction.  
3644 The clerk of such court shall also maintain a list of all  
3645 revocations or suspensions by the court.

3646 (2) (a) The court shall issue an order of reinstatement, on  
3647 a form to be furnished by the department, which the person may  
3648 take to any driver ~~driver's~~ license examining office. The  
3649 department shall issue a temporary driver ~~driver's~~ permit to a  
3650 licensee who presents the court's order of reinstatement, proof  
3651 of completion of a department-approved driver training or  
3652 substance abuse education course, and a written request for a  
3653 hearing under s. 322.271. The permit shall not be issued if a  
3654 record check by the department shows that the person has

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3655 previously been convicted for a violation of s. 316.193, former  
3656 s. 316.1931, former s. 316.028, former s. 860.01, or a previous  
3657 conviction outside this state for driving under the influence,  
3658 driving while intoxicated, driving with an unlawful blood-  
3659 alcohol level, or any similar alcohol-related or drug-related  
3660 traffic offense; that the person's driving privilege has been  
3661 previously suspended for refusal to submit to a lawful test of  
3662 breath, blood, or urine; or that the person is otherwise not  
3663 entitled to issuance of a driver ~~driver's~~ license. This  
3664 paragraph shall not be construed to prevent the reinstatement of  
3665 a license or driving privilege that is presently suspended for  
3666 driving with an unlawful blood-alcohol level or a refusal to  
3667 submit to a breath, urine, or blood test and is also revoked for  
3668 a conviction for a violation of s. 316.193 or former s.  
3669 316.1931, if the suspension and revocation arise out of the same  
3670 incident.

3671 (b) The temporary driver ~~driver's~~ permit shall be  
3672 restricted to either business or employment purposes described  
3673 in s. 322.271, as determined by the department, and shall not be  
3674 used for pleasure, recreational, or nonessential driving.

3675 (c) If the department determines at a later date from its  
3676 records that the applicant has previously been convicted of an  
3677 offense referred to in paragraph (a) which would render him or  
3678 her ineligible for reinstatement, the department shall cancel  
3679 the temporary driver ~~driver's~~ permit and shall issue a  
3680 revocation or suspension order for the minimum period  
3681 applicable. A temporary permit issued pursuant to this section  
3682 shall be valid for 45 days or until canceled as provided in this  
3683 paragraph.

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3684 (d) The period of time for which a temporary permit issued  
3685 in accordance with paragraph (a) is valid shall be deemed to be  
3686 part of the period of revocation imposed by the court.

3687 Section 61. Section 324.023, Florida Statutes, is amended  
3688 to read:

3689 324.023 Financial responsibility for bodily injury or  
3690 death.—In addition to any other financial responsibility  
3691 required by law, every owner or operator of a motor vehicle that  
3692 is required to be registered in this state, or that is located  
3693 within this state, and who, regardless of adjudication of guilt,  
3694 has been found guilty of or entered a plea of guilty or nolo  
3695 contendere to a charge of driving under the influence under s.  
3696 316.193 after October 1, 2007, shall, by one of the methods  
3697 established in s. 324.031(1) or (2), ~~or (3)~~, establish and  
3698 maintain the ability to respond in damages for liability on  
3699 account of accidents arising out of the use of a motor vehicle  
3700 in the amount of \$100,000 because of bodily injury to, or death  
3701 of, one person in any one crash and, subject to such limits for  
3702 one person, in the amount of \$300,000 because of bodily injury  
3703 to, or death of, two or more persons in any one crash and in the  
3704 amount of \$50,000 because of property damage in any one crash.  
3705 If the owner or operator chooses to establish and maintain such  
3706 ability by ~~posting a bond or~~ furnishing a certificate of deposit  
3707 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of  
3708 deposit must be at least ~~in an amount not less than~~ \$350,000.  
3709 Such higher limits must be carried for a minimum period of 3  
3710 years. If the owner or operator has not been convicted of  
3711 driving under the influence or a felony traffic offense for a  
3712 period of 3 years from the date of reinstatement of driving



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3713 privileges for a violation of s. 316.193, the owner or operator  
3714 shall be exempt from this section.

3715 Section 62. Paragraph (c) of subsection (1) of section  
3716 324.171, Florida Statutes, is amended to read:

3717 324.171 Self-insurer.—

3718 (1) Any person may qualify as a self-insurer by obtaining a  
3719 certificate of self-insurance from the department which may, in  
3720 its discretion and upon application of such a person, issue said  
3721 certificate of self-insurance when such person has satisfied the  
3722 requirements of this section to qualify as a self-insurer under  
3723 this section:

3724 (c) The owner of a commercial motor vehicle, as defined in  
3725 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-  
3726 insurer subject to the standards provided for in subparagraph  
3727 (b)2.

3728 Section 63. Section 324.191, Florida Statutes, is amended  
3729 to read:

3730 324.191 Consent to cancellation; direction to return money  
3731 or securities.—The department shall consent to the cancellation  
3732 of any ~~bond or~~ certificate of insurance furnished as proof of  
3733 financial responsibility pursuant to s. 324.031, or the  
3734 department shall return to the person entitled thereto cash or  
3735 securities deposited as proof of financial responsibility  
3736 pursuant to s. 324.031:

3737 (1) Upon substitution and acceptance of other adequate  
3738 proof of financial responsibility pursuant to this chapter, or

3739 (2) In the event of the death of the person on whose behalf  
3740 the proof was filed, or the permanent incapacity of such person  
3741 to operate a motor vehicle, or

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3742 (3) In the event the person who has given proof of  
3743 financial responsibility surrenders his or her license and all  
3744 registrations to the department; providing, however, that no  
3745 notice of court action has been filed with the department, a  
3746 judgment in which would result in claim on such proof of  
3747 financial responsibility.

3748  
3749 This section shall not apply to security as specified in s.  
3750 324.061 deposited pursuant to s. 324.051(2)(a)4.

3751 Section 64. Subsection (3) of section 627.733, Florida  
3752 Statutes, is amended to read:

3753 627.733 Required security.—

3754 (3) Such security shall be provided:

3755 (a) By an insurance policy delivered or issued for delivery  
3756 in this state by an authorized or eligible motor vehicle  
3757 liability insurer which provides the benefits and exemptions  
3758 contained in ss. 627.730-627.7405. Any policy of insurance  
3759 represented or sold as providing the security required hereunder  
3760 shall be deemed to provide insurance for the payment of the  
3761 required benefits; or

3762 (b) By any other method authorized by s. 324.031(2) or  
3763 (3), ~~or (4)~~ and approved by the Department of Highway Safety and  
3764 Motor Vehicles as affording security equivalent to that afforded  
3765 by a policy of insurance or by self-insuring as authorized by s.  
3766 768.28(16). The person filing such security shall have all of  
3767 the obligations and rights of an insurer under ss. 627.730-  
3768 627.7405.

3769 Section 65. Section 627.7415, Florida Statutes, is amended  
3770 to read:

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3771           627.7415 Commercial motor vehicles; additional liability  
3772 insurance coverage.—Commercial motor vehicles, as defined in s.  
3773 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and  
3774 highways of this state shall be insured with the following  
3775 minimum levels of combined bodily liability insurance and  
3776 property damage liability insurance in addition to any other  
3777 insurance requirements:

3778           (1) Fifty thousand dollars per occurrence for a commercial  
3779 motor vehicle with a gross vehicle weight of 26,000 pounds or  
3780 more, but less than 35,000 pounds.

3781           (2) One hundred thousand dollars per occurrence for a  
3782 commercial motor vehicle with a gross vehicle weight of 35,000  
3783 pounds or more, but less than 44,000 pounds.

3784           (3) Three hundred thousand dollars per occurrence for a  
3785 commercial motor vehicle with a gross vehicle weight of 44,000  
3786 pounds or more.

3787           (4) All commercial motor vehicles subject to regulations of  
3788 the United States Department of Transportation, Title 49 C.F.R.  
3789 part 387, subpart A, and as may be hereinafter amended, shall be  
3790 insured in an amount equivalent to the minimum levels of  
3791 financial responsibility as set forth in such regulations.

3792  
3793 A violation of this section is a noncriminal traffic infraction,  
3794 punishable as a nonmoving violation as provided in chapter 318.

3795           Section 66. This act shall take effect July 1, 2013.