

By the Committee on Transportation; and 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"; providing legislative intent relating to
8 road rage and traffic congestion; amending s. 316.003,
9 F.S.; defining the term "road rage"; amending s.
10 316.083, F.S.; requiring that an operator of a motor
11 vehicle yield the furthestmost left-hand lane when
12 being overtaken on a multilane highway; providing
13 exceptions; reenacting s. 316.1923, F.S., relating to
14 aggressive careless driving, to incorporate the
15 amendments made to s. 316.083, F.S., in a reference
16 thereto; requiring that the Department of Highway
17 Safety and Motor Vehicles provide information about
18 the act in driver license educational materials that
19 are newly published on or after a specified date;
20 amending s. 316.1937, F.S.; revising operational
21 specifications for ignition interlock devices;
22 amending s. 316.302, F.S.; revising provisions for
23 certain commercial motor vehicles and transporters and
24 shippers of hazardous materials; providing for
25 application of specified federal regulations; removing
26 a provision for application of specified provisions
27 and federal regulations to transporting liquefied
28 petroleum gas; amending s. 316.3025, F.S.; providing
29 penalties for violation of specified federal

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30 regulations relating to medical and physical
31 requirements for commercial drivers while driving a
32 commercial motor vehicle; revising provisions for
33 seizure of a motor vehicle for refusal to pay penalty;
34 amending s. 316.545, F.S.; revising language relating
35 to certain commercial motor vehicles not properly
36 licensed and registered; amending s. 316.646, F.S.;
37 authorizing the use of an electronic device to provide
38 proof of insurance under the section; providing that
39 displaying such information on an electronic device
40 does not constitute consent for a law enforcement
41 officer to access other information stored on the
42 device; providing that the person displaying the
43 device assumes the liability for any resulting damage
44 to the device; requiring the department to adopt
45 rules; amending s. 317.0016, F.S., relating to
46 expedited services; removing a requirement that the
47 department provide such service for certain
48 certificates; amending s. 318.14, F.S., relating to
49 disposition of traffic citations; providing that
50 certain alternative procedures for certain traffic
51 offenses are not available to a person who holds a
52 commercial learner's permit; amending s. 318.1451,
53 F.S.; revising provisions relating to driver
54 improvement schools; removing a provision for a chief
55 judge to establish requirements for the location of
56 schools within a judicial circuit; removing a
57 provision that authorizes a person to operate a driver
58 improvement school; revising provisions for persons

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59 taking an unapproved course; providing criteria for
60 initial approval of courses; revising requirements for
61 assessment fees, courses, course certificates, and
62 course providers; directing the department to adopt
63 rules; creating s. 319.141, F.S.; establishing a pilot
64 rebuilt motor vehicle inspection program; providing
65 definitions; requiring the department to contract with
66 private vendors to establish and operate inspection
67 facilities in certain counties; providing minimum
68 requirements for applicants; requiring the department
69 to submit a report to the Legislature; providing for
70 future repeal; amending s. 319.225, F.S.; revising
71 provisions for certificates of title, reassignment of
72 title, and forms; revising procedures for transfer of
73 title; amending s. 319.23, F.S.; revising requirements
74 for content of certificates of title and applications
75 for title; amending s. 319.28, F.S.; revising
76 provisions for transfer of ownership by operation of
77 law when a motor vehicle or mobile home is
78 repossessed; removing provisions for a certificate of
79 repossession; amending s. 319.30, F.S.; defining the
80 terms "National Motor Vehicle Title Information
81 System," "nonrepairable vehicle," and "self-insured
82 entity," in connection with the dismantling,
83 destruction, change of identity of motor vehicles or
84 mobile homes, and the salvage of such vehicles;
85 providing for the department to declare certain
86 vehicles as nonrepairable and print a certificate of
87 destruction; permitting a licensed salvage motor

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88 vehicle dealer or a registered secondary metals
89 recycler to seek reimbursement for the purchase price
90 of a derelict vehicle from a lienholder and
91 prohibiting the recovery of any other costs; including
92 a self-insured motor vehicle or mobile home in the
93 existing framework for determining a total loss
94 vehicle; requiring a self-insured entity that is the
95 owner of a motor vehicle or mobile home that is
96 considered salvage to forward the title to the motor
97 vehicle or mobile home to the department for
98 processing within 72 hours after the motor vehicle or
99 mobile home becomes salvage; requiring an insurance
100 company that pays money as compensation for a salvaged
101 motor vehicle or mobile home to obtain the certificate
102 of title, and within 72 hours, forward the certificate
103 of title to the department for processing, and make
104 the required notification to the National Motor
105 Vehicle Title Information System; requiring a self-
106 insured entity to provide the department with an
107 estimate of the costs of repairing the physical and
108 mechanical damage suffered by the vehicle for which a
109 salvage certificate of title or certificate of
110 destruction is sought; requiring that a vehicle for
111 which a certificate of destruction is sought to
112 authorize the dismantling or destruction of the motor
113 vehicle or mobile home by a licensed salvage motor
114 vehicle dealer; requiring secondary metals recyclers
115 and salvage motor vehicle dealers to keep an original,
116 or a copy in the event the original was returned to

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117 the department, of proof of reporting to the National
118 Motor Vehicle Title Information System; requiring
119 secondary metals recyclers and salvage motor vehicle
120 dealers to make certain reports on a monthly basis;
121 requiring an independent entity to make notification
122 to the National Motor Vehicle Title Information System
123 before releasing any damaged or dismantled motor
124 vehicle to the owner or before applying for a
125 certificate of destruction or salvage certificate of
126 title; requiring all salvage motor vehicle dealers,
127 secondary metals recyclers, auctions, independent
128 entities, or self-insured entities that operate in
129 salvage motor vehicles to register with the National
130 Motor Vehicle Title Information System; amending s.
131 319.323, F.S., relating to expedited services of the
132 department; removing certificates of repossession;
133 amending s. 320.01, F.S.; removing the definition of
134 the term "apportioned motor vehicle"; revising the
135 definition of the term "apportionable motor vehicle";
136 amending s. 320.02, F.S.; revising requirements for
137 application for motor vehicle registration; amending
138 s. 320.03, F.S.; revising a provision for registration
139 under the International Registration Plan; amending s.
140 320.05, F.S.; revising provisions relating to record
141 inspection procedures and fees; deleting provisions
142 that permit certain public inspection of registration
143 records; deleting a provision allowing certain
144 businesses and professionals to obtain information by
145 telecommunication in certain circumstances; conforming

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146 and clarifying a list of records that may be provided
147 by the department; amending s. 320.071, F.S.; revising
148 a provision for advance renewal of registration under
149 the International Registration Plan; amending s.
150 320.0715, F.S.; revising provisions for vehicles
151 required to be registered under the International
152 Registration Plan; amending s. 320.18, F.S.; providing
153 for withholding of motor vehicle or mobile home
154 registration when a coowner has failed to register the
155 motor vehicle or mobile home during a previous period
156 when such registration was required; providing for
157 cancelling a vehicle or vessel registration, driver
158 license, identification card, or fuel-use tax decal if
159 the coowner pays certain fees and other liabilities
160 with a dishonored check; amending s. 320.27, F.S.,
161 relating to motor vehicle dealers; providing for
162 extended periods for dealer licenses and supplemental
163 licenses; providing fees; amending s. 320.62, F.S.,
164 relating to manufacturers, distributors, and importers
165 of motor vehicles; providing for extended licensure
166 periods; providing fees; amending s. 320.77, F.S.,
167 relating to mobile home dealers; providing for
168 extended licensure periods; providing fees; amending
169 s. 320.771, F.S., relating to recreational vehicle
170 dealers; providing for extended licensure periods;
171 providing fees; amending s. 320.8225, F.S., relating
172 to mobile home and recreational vehicle manufacturers,
173 distributors, and importers; providing for extended
174 licensure periods; providing fees; amending s.

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175 322.095, F.S.; requiring an applicant for a driver
176 license to complete a traffic law and substance abuse
177 education course; providing exceptions; revising
178 procedures for evaluation and approval of such
179 courses; revising criteria for such courses and the
180 schools conducting the courses; providing for
181 collection and disposition of certain fees; requiring
182 providers to maintain records; directing the
183 department to conduct effectiveness studies; requiring
184 a provider to cease offering a course that fails the
185 study; requiring courses to be updated at the request
186 of the department; providing a timeframe for course
187 length; prohibiting a provider from charging for a
188 completion certificate; requiring providers to
189 disclose certain information; requiring providers to
190 submit course completion information to the department
191 within a certain time period; prohibiting certain
192 acts; providing that the department shall not accept
193 certification from certain students; prohibiting a
194 person convicted of certain crimes from conducting
195 courses; directing the department to suspend course
196 approval for certain purposes; providing for the
197 department to deny, suspend, or revoke course approval
198 for certain acts; providing for administrative hearing
199 before final action denying, suspending, or revoking
200 course approval; providing penalties for violations;
201 amending s. 322.125, F.S.; revising criteria for
202 members of the Medical Advisory Board; amending s.
203 322.135, F.S.; removing a provision that authorizes a

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204 tax collector to direct certain licensees to the
205 department for examination or reexamination; amending
206 s. 322.18, F.S.; revising provisions for a vision test
207 required for driver license renewal for certain
208 drivers; amending s. 322.21, F.S.; providing a fee for
209 a commercial learner's permit; amending s. 322.212,
210 F.S.; providing penalties for certain violations
211 involving application and testing for a commercial
212 driver license or a commercial learner's permit;
213 amending s. 322.22, F.S.; authorizing the department
214 to withhold issuance or renewal of a driver license,
215 identification card, vehicle or vessel registration,
216 or fuel-use decal under certain circumstances;
217 amending s. 322.245, F.S.; requiring a depository or
218 clerk of court to electronically notify the department
219 of a person's failure to pay support or comply with
220 directives of the court; amending s. 322.25, F.S.;
221 removing a provision for a court order to reinstate a
222 person's driving privilege on a temporary basis when
223 the person's license and driving privilege have been
224 revoked under certain circumstances; amending s.
225 322.2615, F.S., relating to review of a license
226 suspension when the driver had blood or breath alcohol
227 at a certain level or the driver refused a test of his
228 or her blood or breath to determine the alcohol level;
229 revising provisions for informal and formal reviews;
230 providing for the hearing officer to be designated by
231 the department; authorizing the hearing officer to
232 conduct hearings using telecommunications technology;

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233 revising procedures for enforcement of subpoenas;
234 amending s. 322.2616, F.S., relating to review of a
235 license suspension when the driver is under 21 years
236 of age and had blood or breath alcohol at a certain
237 level; revising provisions for informal and formal
238 reviews; providing for the hearing officer to be
239 designated by the department; authorizing the hearing
240 officer to conduct hearings using telecommunications
241 technology; revising procedures for enforcement of
242 subpoenas; amending s. 322.64, F.S., relating to
243 driving with unlawful blood-alcohol level or refusal
244 to submit to breath, urine, or blood test by a
245 commercial driver license holder or person driving a
246 commercial motor vehicle; providing that a
247 disqualification from driving a commercial motor
248 vehicle is considered a conviction for certain
249 purposes; revising the time period a person is
250 disqualified from driving for alcohol-related
251 violations; revising requirements for notice of the
252 disqualification; providing that under the review of a
253 disqualification the hearing officer shall consider
254 the crash report; revising provisions for informal and
255 formal reviews; providing for the hearing officer to
256 be designated by the department; authorizing the
257 hearing officer to conduct hearings using
258 telecommunications technology; revising procedures for
259 enforcement of subpoenas; directing the department to
260 issue a temporary driving permit or invalidate the
261 suspension under certain circumstances; providing for

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262 construction of specified provisions; amending s.
263 322.2715, F.S.; providing requirements for issuance of
264 a restricted license for a person convicted of a DUI
265 offense if a medical waiver of placement of an
266 ignition interlock device was given to such person;
267 amending s. 322.28, F.S., relating to revocation of
268 driver license for convictions of DUI offenses;
269 providing that convictions occurring on the same date
270 for offenses occurring on separate dates are
271 considered separate convictions; removing a provision
272 relating to a court order for reinstatement of a
273 revoked license; repealing s. 322.331, F.S., relating
274 to habitual traffic offenders; amending s. 322.61,
275 F.S.; revising provisions for disqualification from
276 operating a commercial motor vehicle; providing for
277 application of such provisions to persons holding a
278 commercial learner's permit; revising the offenses for
279 which certain disqualifications apply; amending s.
280 324.0221, F.S.; revising the actions which must be
281 reported to the department by an insurer that has
282 issued a policy providing personal injury protection
283 coverage or property damage liability coverage;
284 revising time allowed for submitting the report;
285 amending s. 324.031, F.S.; revising the methods a
286 vehicle owner or operator may use to prove financial
287 responsibility; removing a provision for posting a
288 bond with the department; amending s. 324.091, F.S.;
289 revising provisions requiring motor vehicle owners and
290 operators to provide evidence to the department of

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291 liability insurance coverage under certain
292 circumstances; revising provisions for verification by
293 insurers of such evidence; amending s. 324.161, F.S.;
294 providing requirements for issuance of a certificate
295 of insurance; requiring proof of a certificate of
296 deposit of a certain amount of money in a financial
297 institution; providing for power of attorney to be
298 issued to the department for execution under certain
299 circumstances; amending s. 328.01, F.S., relating to
300 vessel titles; revising identification requirements
301 for applications for a certificate of title; amending
302 s. 328.48, F.S., relating to vessel registration;
303 revising identification requirements for applications
304 for vessel registration; amending s. 328.76, F.S.,
305 relating to vessel registration funds; revising
306 provisions for funds to be deposited into the Highway
307 Safety Operating Trust Fund; amending s. 713.585,
308 F.S.; requiring that a lienholder check the National
309 Motor Vehicle Title Information System or the records
310 of any corresponding agency of any other state before
311 enforcing a lien by selling the motor vehicle;
312 requiring the lienholder to notify the local law
313 enforcement agency in writing by certified mail
314 informing the law enforcement agency that the
315 lienholder has made a good faith effort to locate the
316 owner or lienholder; specifying that a good faith
317 effort includes a check of the Department of Highway
318 Safety and Motor Vehicles database records and the
319 National Motor Vehicle Title Information System;

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320 setting requirements for notification of the sale of
321 the vehicle as a way to enforce a lien; requiring the
322 lienholder to publish notice; requiring the lienholder
323 to keep a record of proof of checking the National
324 Motor Vehicle Title Information System; amending s.
325 713.78, F.S.; revising provisions for enforcement of a
326 lien for recovering, towing, or storing a vehicle or
327 vessel; amending ss. 212.08, 261.03, 316.2122,
328 316.2124, 316.21265, 316.3026, 316.550, 317.0003,
329 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,
330 324.191, 627.733, and 627.7415, F.S.; correcting
331 cross-references and conforming provisions to changes
332 made by the act; providing an effective date.

333

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

335

336 Section 1. Section 207.002, Florida Statutes, is reordered
337 and amended to read:

338 207.002 Definitions.—As used in this chapter, the term:

339 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
340 ~~which is required to be registered under the International~~
341 ~~Registration Plan.~~

342 (1) ~~(2)~~ "Commercial motor vehicle" means any vehicle not
343 owned or operated by a governmental entity which uses diesel
344 fuel or motor fuel on the public highways; and which has a gross
345 vehicle weight in excess of 26,000 pounds, or has three or more
346 axles regardless of weight, or is used in combination when the
347 weight of such combination exceeds 26,000 pounds gross vehicle
348 weight. The term excludes any vehicle owned or operated by a

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349 community transportation coordinator as defined in s. 427.011 or
350 by a private operator that provides public transit services
351 under contract with such a provider.

352 (2)~~(3)~~ "Department" means the Department of Highway Safety
353 and Motor Vehicles.

354 (7)~~(4)~~ "Motor carrier" means any person owning,
355 controlling, operating, or managing any motor vehicle used to
356 transport persons or property over any public highway.

357 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
358 as gasoline and fuels containing a mixture of gasoline and other
359 products.

360 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
361 means and includes the utilization in any form of any commercial
362 motor vehicle, whether loaded or empty, whether utilized for
363 compensation or not for compensation, and whether owned by or
364 leased to the motor carrier who uses it or causes it to be used.

365 (10)~~(7)~~ "Person" means and includes natural persons,
366 corporations, copartnerships, firms, companies, agencies, or
367 associations, singular or plural.

368 (11)~~(8)~~ "Public highway" means any public street, road, or
369 highway in this state.

370 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
371 product or combination thereof, including, but not limited to,
372 all forms of fuel known or sold as diesel fuel, kerosene, butane
373 gas, or propane gas and all other forms of liquefied petroleum
374 gases, except those defined as "motor fuel," used to propel a
375 motor vehicle.

376 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
377 diesel fuel or motor fuel in a commercial motor vehicle for the

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378 propulsion thereof.

379 (4)~~(11)~~ "International Registration Plan" means a
380 registration reciprocity agreement among states of the United
381 States and provinces of Canada providing for payment of license
382 fees or license taxes on the basis of fleet miles operated in
383 various jurisdictions.

384 ~~(12) "Apportionable vehicle" means any vehicle, except a~~
385 ~~recreational vehicle, a vehicle displaying restricted plates, a~~
386 ~~municipal pickup and delivery vehicle, a bus used in~~
387 ~~transportation of chartered parties, and a government-owned~~
388 ~~vehicle, which is used or intended for use in two or more states~~
389 ~~of the United States or provinces of Canada that allocate or~~
390 ~~proportionally register vehicles and which is used for the~~
391 ~~transportation of persons for hire or is designed, used, or~~
392 ~~maintained primarily for the transportation of property and:~~

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

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

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

399 (5)~~(13)~~ "Interstate" means vehicle movement between or
400 through two or more states.

401 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
402 within a state to another point within the same state.

403 (12)~~(15)~~ "Registrant" means a person in whose name or names
404 a vehicle is properly registered.

405 Section 2. The intent of the Legislature is to reduce road
406 rage and traffic congestion by reducing the incidence of crashes

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407 and drivers' interferences with the movement of traffic and by
408 promoting the orderly, free flow of traffic on the roads and
409 highways of the state.

410 Section 3. Subsection (91) is added to section 316.003,
411 Florida Statutes, to read:

412 316.003 Definitions.—The following words and phrases, when
413 used in this chapter, shall have the meanings respectively
414 ascribed to them in this section, except where the context
415 otherwise requires:

416 (91) ROAD RAGE.—The act of a driver or passenger to
417 intentionally or unintentionally, due to a loss of emotional
418 control, injure or kill another driver, passenger, bicyclist, or
419 pedestrian, or to attempt or threaten to injure or kill another
420 driver, passenger, bicyclist, or pedestrian.

421 Section 4. Present subsection (3) of section 316.083,
422 Florida Statutes, is redesignated as subsection (4), and a new
423 subsection (3) is added to that section, to read:

424 316.083 Overtaking and passing a vehicle.—The following
425 rules shall govern the overtaking and passing of vehicles
426 proceeding in the same direction, subject to those limitations,
427 exceptions, and special rules hereinafter stated:

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

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

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436 1. The driver is in the process of overtaking a slower
437 motor vehicle in the adjacent right-hand lane for the purpose of
438 passing the slower vehicle before moving to the adjacent right-
439 hand lane;

440 2. Conditions preclude the driver from moving to the
441 adjacent right-hand lane;

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

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

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

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

450 Section 5. For the purpose of incorporating the amendment
451 made by this act to section 316.083, Florida Statutes, in a
452 reference thereto, section 316.1923, Florida Statutes, is
453 reenacted to read:

454 316.1923 Aggressive careless driving.—“Aggressive careless
455 driving” means committing two or more of the following acts
456 simultaneously or in succession:

457 (1) Exceeding the posted speed as defined in s.

458 322.27(3)(d)5.b.

459 (2) Unsafely or improperly changing lanes as defined in s.

460 316.085.

461 (3) Following another vehicle too closely as defined in s.

462 316.0895(1).

463 (4) Failing to yield the right-of-way as defined in s.

464 316.079, s. 316.0815, or s. 316.123.

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465 (5) Improperly passing as defined in s. 316.083, s.
466 316.084, or s. 316.085.

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

469 Section 6. The Department of Highway Safety and Motor
470 Vehicles shall provide information about the Florida Highway
471 Safety Act in all driver license educational materials printed
472 on or after October 1, 2013.

473 Section 7. Subsection (1) of section 316.1937, Florida
474 Statutes, is amended to read:

475 316.1937 Ignition interlock devices, requiring; unlawful
476 acts.—

477 (1) In addition to any other authorized penalties, the
478 court may require that any person who is convicted of driving
479 under the influence in violation of s. 316.193 shall not operate
480 a motor vehicle unless that vehicle is equipped with a
481 functioning ignition interlock device certified by the
482 department as provided in s. 316.1938, and installed in such a
483 manner that the vehicle will not start if the operator's blood
484 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
485 specified by the court. The court may require the use of an
486 approved ignition interlock device for a period of at least ~~not~~
487 ~~less than~~ 6 continuous months, if the person is permitted to
488 operate a motor vehicle, whether or not the privilege to operate
489 a motor vehicle is restricted, as determined by the court. The
490 court, however, shall order placement of an ignition interlock
491 device in those circumstances required by s. 316.193.

492 Section 8. Paragraph (b) of subsection (1), paragraph (a)
493 of subsection (4), and subsection (9) of section 316.302,

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494 Florida Statutes, are amended to read:

495 316.302 Commercial motor vehicles; safety regulations;
496 transporters and shippers of hazardous materials; enforcement.-

497 (1)

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

505 (4) (a) Except as provided in this subsection, all
506 commercial motor vehicles transporting any hazardous material on
507 any road, street, or highway open to the public, whether engaged
508 in interstate or intrastate commerce, and any person who offers
509 hazardous materials for such transportation, are subject to the
510 regulations contained in 49 C.F.R. part 107, subparts F and
511 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
512 Effective July 1, 1997, the exceptions for intrastate motor
513 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
514 adopted.

515 ~~(9) (a) This section is not applicable to the transporting~~
516 ~~of liquefied petroleum gas. The rules and regulations applicable~~
517 ~~to the transporting of liquefied petroleum gas on the highways,~~
518 ~~roads, or streets of this state shall be only those adopted by~~
519 ~~the Department of Agriculture and Consumer Services under~~
520 ~~chapter 527. However, transporters of liquefied petroleum gas~~
521 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
522 ~~396.9.~~

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523 ~~(b)~~ This section does not apply to any nonpublic sector
524 bus.

525 Section 9. Paragraph (b) of subsection (3) and subsection
526 (5) of section 316.3025, Florida Statutes, are amended to read:
527 316.3025 Penalties.—

528 (3)

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

530 1. Each violation of the North American Uniform Driver Out-
531 of-Service Criteria;

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

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

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

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

538 (5) Whenever any person or motor carrier as defined in
539 chapter 320 violates the provisions of this section and becomes
540 indebted to the state because of such violation and refuses to
541 pay the appropriate penalty, in addition to the provisions of s.
542 316.3026, such penalty becomes a lien upon the property
543 including the motor vehicles of such person or motor carrier and
544 may be seized and foreclosed by the state in a civil action in
545 any court of this state. It shall be presumed that the owner of
546 the motor vehicle is liable for the sum, and the vehicle may be
547 detained or impounded until the penalty is paid.

548 Section 10. Subsection (3) of section 316.545, Florida
549 Statutes, is amended to read:

550 316.545 Weight and load unlawful; special fuel and motor
551 fuel tax enforcement; inspection; penalty; review.—

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

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

558 (b) Five cents per pound for each pound of weight in excess
559 of the maximum herein provided when the excess weight exceeds
560 200 pounds. However, whenever the gross weight of the vehicle or
561 combination of vehicles does not exceed the maximum allowable
562 gross weight, the maximum fine for the first 600 pounds of
563 unlawful axle weight shall be \$10;

564 (c) For a vehicle equipped with fully functional idle-
565 reduction technology, any penalty shall be calculated by
566 reducing the actual gross vehicle weight or the internal bridge
567 weight by the certified weight of the idle-reduction technology
568 or by 400 pounds, whichever is less. The vehicle operator must
569 present written certification of the weight of the idle-
570 reduction technology and must demonstrate or certify that the
571 idle-reduction technology is fully functional at all times. This
572 calculation is not allowed for vehicles described in s.
573 316.535(6);

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

578 (e) Vehicles operating on the highways of this state from
579 nonmember International Registration Plan jurisdictions which
580 are not in compliance with the provisions of s. 316.605 shall be

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581 subject to the penalties as herein provided.

582 Section 11. Subsection (1) of section 316.646, Florida
583 Statutes, is amended, and subsection (5) is added to that
584 section, to read:

585 316.646 Security required; proof of security and display
586 thereof; dismissal of cases.—

587 (1) Any person required by s. 324.022 to maintain property
588 damage liability security, required by s. 324.023 to maintain
589 liability security for bodily injury or death, or required by s.
590 627.733 to maintain personal injury protection security on a
591 motor vehicle shall have in his or her immediate possession at
592 all times while operating such motor vehicle proper proof of
593 maintenance of the required security.

594 (a) Such proof shall be in a uniform paper or electronic
595 format, as ~~proof of insurance card in a form~~ prescribed by the
596 department, a valid insurance policy, an insurance policy
597 binder, a certificate of insurance, or such other proof as may
598 be prescribed by the department.

599 (b)1. The act of presenting to a law enforcement officer an
600 electronic device displaying proof of insurance in an electronic
601 format does not constitute consent for the officer to access any
602 information on the device other than the displayed proof of
603 insurance.

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

606 (5) The department shall adopt rules to administer this
607 section.

608 Section 12. Section 317.0016, Florida Statutes, is amended
609 to read:

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610 317.0016 Expedited service; applications; fees.—The
611 department shall provide, through its agents and for use by the
612 public, expedited service on title transfers, title issuances,
613 duplicate titles, and recordation of liens, ~~and certificates of~~
614 ~~repossession~~. A fee of \$7 shall be charged for this service,
615 which is in addition to the fees imposed by ss. 317.0007 and
616 317.0008, and \$3.50 of this fee shall be retained by the
617 processing agency. All remaining fees shall be deposited in the
618 Incidental Trust Fund of the Florida Forest Service of the
619 Department of Agriculture and Consumer Services. Application for
620 expedited service may be made by mail or in person. The
621 department shall issue each title applied for pursuant to this
622 section within 5 working days after receipt of the application
623 except for an application for a duplicate title certificate
624 covered by s. 317.0008(3), in which case the title must be
625 issued within 5 working days after compliance with the
626 department's verification requirements.

627 Section 13. Subsections (9) and (10) of section 318.14,
628 Florida Statutes, are amended to read:

629 318.14 Noncriminal traffic infractions; exception;
630 procedures.—

631 (9) Any person who does not hold a commercial driver
632 license or commercial learner's permit and who is cited while
633 driving a noncommercial motor vehicle for an infraction under
634 this section other than a violation of s. 316.183(2), s.
635 316.187, or s. 316.189 when the driver exceeds the posted limit
636 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
637 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
638 lieu of a court appearance, elect to attend in the location of

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639 his or her choice within this state a basic driver improvement
640 course approved by the Department of Highway Safety and Motor
641 Vehicles. In such a case, adjudication must be withheld and
642 points, as provided by s. 322.27, may not be assessed. However,
643 a person may not make an election under this subsection if the
644 person has made an election under this subsection in the
645 preceding 12 months. A person may not make more than five
646 elections within his or her lifetime under this subsection. The
647 requirement for community service under s. 318.18(8) is not
648 waived by a plea of nolo contendere or by the withholding of
649 adjudication of guilt by a court. If a person makes an election
650 to attend a basic driver improvement course under this
651 subsection, 18 percent of the civil penalty imposed under s.
652 318.18(3) shall be deposited in the State Courts Revenue Trust
653 Fund; however, that portion is not revenue for purposes of s.
654 28.36 and may not be used in establishing the budget of the
655 clerk of the court under that section or s. 28.35.

656 (10) (a) Any person who does not hold a commercial driver
657 license or commercial learner's permit and who is cited while
658 driving a noncommercial motor vehicle for an offense listed
659 under this subsection may, in lieu of payment of fine or court
660 appearance, elect to enter a plea of nolo contendere and provide
661 proof of compliance to the clerk of the court, designated
662 official, or authorized operator of a traffic violations bureau.
663 In such case, adjudication shall be withheld; however, a person
664 may not make an election under this subsection if the person has
665 made an election under this subsection in the preceding 12
666 months. A person may not make more than three elections under
667 this subsection. This subsection applies to the following

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668 offenses:

669 1. Operating a motor vehicle without a valid driver license
670 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
671 operating a motor vehicle with a license that has been suspended
672 for failure to appear, failure to pay civil penalty, or failure
673 to attend a driver improvement course pursuant to s. 322.291.

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

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

677 4. Operating a motor vehicle with a license that has been
678 suspended under s. 61.13016 or s. 322.245 for failure to pay
679 child support or for failure to pay any other financial
680 obligation as provided in s. 322.245; however, this subparagraph
681 does not apply if the license has been suspended pursuant to s.
682 322.245(1).

683 5. Operating a motor vehicle with a license that has been
684 suspended under s. 322.091 for failure to meet school attendance
685 requirements.

686 (b) Any person cited for an offense listed in this
687 subsection shall present proof of compliance before the
688 scheduled court appearance date. For the purposes of this
689 subsection, proof of compliance shall consist of a valid,
690 renewed, or reinstated driver license or registration
691 certificate and proper proof of maintenance of security as
692 required by s. 316.646. Notwithstanding waiver of fine, any
693 person establishing proof of compliance shall be assessed court
694 costs of \$25, except that a person charged with violation of s.
695 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
696 such costs shall be remitted to the Department of Revenue for

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697 deposit into the Child Welfare Training Trust Fund of the
698 Department of Children and Family Services. One dollar of such
699 costs shall be distributed to the Department of Juvenile Justice
700 for deposit into the Juvenile Justice Training Trust Fund.
701 Fourteen dollars of such costs shall be distributed to the
702 municipality and \$9 shall be deposited by the clerk of the court
703 into the fine and forfeiture fund established pursuant to s.
704 142.01, if the offense was committed within the municipality. If
705 the offense was committed in an unincorporated area of a county
706 or if the citation was for a violation of s. 316.646(1)-(3), the
707 entire amount shall be deposited by the clerk of the court into
708 the fine and forfeiture fund established pursuant to s. 142.01,
709 except for the moneys to be deposited into the Child Welfare
710 Training Trust Fund and the Juvenile Justice Training Trust
711 Fund. This subsection does not authorize the operation of a
712 vehicle without a valid driver license, without a valid vehicle
713 tag and registration, or without the maintenance of required
714 security.

715 Section 14. Section 318.1451, Florida Statutes, is amended
716 to read:

717 318.1451 Driver improvement schools.-

718 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
719 shall approve and regulate the courses of all driver improvement
720 schools, as the courses relate to ss. 318.14(9), 322.0261, and
721 322.291, including courses that use technology as a delivery
722 method. ~~The chief judge of the applicable judicial circuit may~~
723 ~~establish requirements regarding the location of schools within~~
724 ~~the judicial circuit. A person may engage in the business of~~
725 ~~operating a driver improvement school that offers department-~~

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726 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
727 ~~322.291.~~

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

732 (2) (a) In determining whether to approve the courses
733 referenced in this section, the department shall consider course
734 content designed to promote safety, driver awareness, crash
735 avoidance techniques, and other factors or criteria to improve
736 driver performance from a safety viewpoint, including promoting
737 motorcyclist, bicyclist, and pedestrian safety and risk factors
738 resulting from driver attitude and irresponsible driver
739 behaviors, such as speeding, running red lights and stop signs,
740 and using electronic devices while driving. Initial approval of
741 the courses shall also be based on the department's review of
742 all course materials, course presentation to the department by
743 the provider, and the provider's plan for effective oversight of
744 the course by those who deliver the course in the state. New
745 courses shall be provisionally approved and limited to the
746 judicial circuit originally approved for pilot testing until the
747 course is fully approved by the department for statewide
748 delivery.

749 (b) In determining whether to approve courses of driver
750 improvement schools that use technology as the delivery method
751 as the courses relate to ss. 318.14(9) and 322.0261, the
752 department shall consider only those courses submitted by a
753 person, business, or entity which have approval for statewide
754 delivery.

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755 (3) The department ~~of Highway Safety and Motor Vehicles~~
756 shall not accept ~~suspend accepting~~ proof of attendance of
757 courses from persons who attend those schools that do not teach
758 an approved course. ~~In those circumstances, a person who has~~
759 ~~elected to take courses from such a school shall receive a~~
760 ~~refund from the school, and the person shall have the~~
761 ~~opportunity to take the course at another school.~~

762 (4) In addition to a regular course fee, an assessment fee
763 in the amount of \$2.50 shall be collected by the school from
764 each person who elects to attend a course, as it relates to ss.
765 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
766 must remit the \$2.50 assessment fee to the department for
767 deposit into, ~~which shall be remitted to the Department of~~
768 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~
769 ~~Safety Operating Trust Fund in order to receive unique course~~
770 ~~completion certificate numbers for course participants. The~~
771 assessment fee will be used to administer this program and to
772 fund the general operations of the department.

773 (5) (a) The department is authorized to maintain the
774 information and records necessary to administer its duties and
775 responsibilities for driver improvement courses. Course
776 providers are required to maintain all records related to the
777 conduct of their approved courses for 5 years and allow the
778 department to inspect course records as necessary. Records may
779 be maintained in an electronic format. If ~~Where~~ such information
780 is a public record as defined in chapter 119, it shall be made
781 available to the public upon request pursuant to s. 119.07(1).

782 (b) The department or court may prepare a traffic school
783 reference guide which lists the benefits of attending a driver

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784 improvement school and contains the names of the fully approved
785 course providers with a single telephone number for each
786 provider as furnished by the provider.

787 (6) The department shall adopt rules establishing and
788 maintaining policies and procedures to implement the
789 requirements of this section. These policies and procedures may
790 include, but shall not be limited to, the following:

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

796 (b) Required updates.—The department may require that
797 courses approved under this section be updated at the
798 department's request. Failure of a course provider to update the
799 course under this section shall result in the suspension of the
800 course approval until the course is updated and approved by the
801 department.

802 (c) Course conduct.—The department shall require that the
803 approved course providers ensure their driver improvement
804 schools are conducting the approved course fully and to the
805 required time limit and content requirements.

806 (d) Course content.—The department shall set and modify
807 course content requirements to keep current with laws and safety
808 information. Course content includes all items used in the
809 conduct of the course.

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

812 (f) Submission of records.—The department shall require

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813 that all course providers submit course completion information
814 to the department through the department's Driver Improvement
815 Certificate Issuance System within 5 days.

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

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

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

825 2. Provide proof of ownership, copyright, or written
826 permission from the course owner to use the course in this
827 state.

828 3. Ensure that any course that is offered in a classroom
829 setting, by the provider or a school authorized by the provider
830 to teach the course, is offered the course at locations that are
831 free from distractions and reasonably accessible to most
832 applicants.

833 4. Issue a certificate to persons who successfully complete
834 the course.

835 Section 15. Section 319.141, Florida Statutes, is created
836 to read:

837 319.141 Pilot rebuilt motor vehicle inspection program.—

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

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

841 (b) "Rebuilt inspection" means an examination of a rebuilt

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842 vehicle and a properly endorsed certificate of title, salvage
843 certificate of title, or manufacturer's statement of origin and
844 an application for a rebuilt certificate of title, a rebuilder's
845 affidavit, a photograph of the junk or salvage vehicle taken
846 before repairs began, receipts or invoices for all major
847 component parts, as defined in s. 319.30, which were changed,
848 and proof that notice of rebuilding of the vehicle has been
849 reported to the National Motor Vehicle Title Information System.

850 (2) By October 1, 2013, the department shall implement a
851 pilot program in Miami-Dade and Hillsborough Counties to
852 evaluate alternatives for rebuilt inspection services to be
853 offered by the private sector, including the feasibility of
854 using private facilities, the cost impact to consumers, and the
855 potential savings to the department.

856 (3) The department shall establish a memorandum of
857 understanding that allows private parties participating in the
858 pilot program to conduct rebuilt motor vehicle inspections and
859 specifies requirements for oversight, bonding and insurance,
860 procedures, and forms and requires the electronic transmission
861 of documents.

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

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

867 (b) Have and maintain garage liability and other insurance
868 required by the department.

869 (c) Have completed criminal background checks of the
870 owners, partners, and corporate officers and the inspectors

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871 employed by the facility.

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

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

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

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

883 Section 16. Section 319.225, Florida Statutes, is amended
884 to read:

885 319.225 Transfer and reassignment forms; odometer
886 disclosure statements.—

887 (1) Every certificate of title issued by the department
888 must contain the following statement on its reverse side:
889 "Federal and state law require the completion of the odometer
890 statement set out below. Failure to complete or providing false
891 information may result in fines, imprisonment, or both."

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

897 (3) Each certificate of title issued by the department must
898 contain on its reverse side as many forms as space allows for
899 reassignment of title by a licensed dealer as permitted by s.

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900 319.21(3), which form or forms shall contain an odometer
901 disclosure statement in the form required by 49 C.F.R. s. 580.5.
902 When all dealer reassignment forms provided on the back of the
903 title certificate have been filled in, a dealer may reassign the
904 title certificate by using a separate dealer reassignment form
905 issued by the department in compliance with 49 C.F.R. ss. 580.4
906 and 580.5, which form shall contain an original that ~~two carbon~~
907 ~~copies one of which~~ shall be submitted ~~directly~~ to the
908 department by the dealer ~~within 5 business days after the~~
909 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
910 dealer in his or her records for 5 years. The provisions of this
911 subsection shall also apply to vehicles not previously titled in
912 this state and vehicles whose title certificates do not contain
913 the forms required by this section.

914 (4) Upon transfer or reassignment of a certificate of title
915 to a used motor vehicle, the transferor shall complete the
916 odometer disclosure statement provided for by this section and
917 the transferee shall acknowledge the disclosure by signing and
918 printing his or her name in the spaces provided. This subsection
919 does not apply to a vehicle that has a gross vehicle rating of
920 more than 16,000 pounds, a vehicle that is not self-propelled,
921 or a vehicle that is 10 years old or older. A lessor who
922 transfers title to his or her vehicle without obtaining
923 possession of the vehicle shall make odometer disclosure as
924 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
925 or acknowledge a disclosure statement as required by this
926 subsection is guilty of a misdemeanor of the second degree,
927 punishable as provided in s. 775.082 or s. 775.083. The
928 department may not issue a certificate of title unless this

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929 subsection has been complied with.

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

933 (6) (a) If the certificate of title is physically held by a
934 lienholder, the transferor may give a power of attorney to his
935 or her transferee for the purpose of odometer disclosure. The
936 power of attorney must be on a form issued or authorized by the
937 department, which form must be in compliance with 49 C.F.R. ss.
938 580.4 and 580.13. The department shall not require the signature
939 of the transferor to be notarized on the form; however, in lieu
940 of notarization, the form shall include an affidavit with the
941 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
942 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
943 ARE TRUE. The transferee shall sign the power of attorney form,
944 print his or her name, and return a copy of the power of
945 attorney form to the transferor. Upon receipt of a title
946 certificate, the transferee shall complete the space for mileage
947 disclosure on the title certificate exactly as the mileage was
948 disclosed by the transferor on the power of attorney form. If
949 the transferee is a licensed motor vehicle dealer who is
950 transferring the vehicle to a retail purchaser, the dealer shall
951 make application on behalf of the retail purchaser as provided
952 in s. 319.23(6) and shall submit the original power of attorney
953 form to the department with the application for title and the
954 transferor's title certificate; otherwise, a dealer may reassign
955 the title certificate by using the dealer reassignment form in
956 the manner prescribed in subsection (3), and, at the time of
957 physical transfer of the vehicle, the original power of attorney

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958 shall be delivered to the person designated as the transferee of
959 the dealer on the dealer reassignment form. ~~A copy of the~~
960 ~~executed power of attorney shall be submitted to the department~~
961 ~~with a copy of the executed dealer reassignment form within 5~~
962 ~~business days after the certificate of title and dealer~~
963 ~~reassignment form are delivered by the dealer to its transferee.~~

964 (b) If the certificate of title is lost or otherwise
965 unavailable, the transferor may give a power of attorney to his
966 or her transferee for the purpose of odometer disclosure. The
967 power of attorney must be on a form issued or authorized by the
968 department, which form must be in compliance with 49 C.F.R. ss.
969 580.4 and 580.13. The department shall not require the signature
970 of the transferor to be notarized on the form; however, in lieu
971 of notarization, the form shall include an affidavit with the
972 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
973 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
974 ARE TRUE. The transferee shall sign the power of attorney form,
975 print his or her name, and return a copy of the power of
976 attorney form to the transferor. Upon receipt of the title
977 certificate or a duplicate title certificate, the transferee
978 shall complete the space for mileage disclosure on the title
979 certificate exactly as the mileage was disclosed by the
980 transferor on the power of attorney form. If the transferee is a
981 licensed motor vehicle dealer who is transferring the vehicle to
982 a retail purchaser, the dealer shall make application on behalf
983 of the retail purchaser as provided in s. 319.23(6) and shall
984 submit the original power of attorney form to the department
985 with the application for title and the transferor's title
986 certificate or duplicate title certificate; otherwise, a dealer

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987 may reassign the title certificate by using the dealer
988 reassignment form in the manner prescribed in subsection (3),
989 and, at the time of physical transfer of the vehicle, the
990 original power of attorney shall be delivered to the person
991 designated as the transferee of the dealer on the dealer
992 reassignment form. If the dealer sells the vehicle to an out-of-
993 state resident or an out-of-state dealer and the power of
994 attorney form is applicable to the transaction, the dealer must
995 photocopy the completed original of the form and mail it
996 directly to the department within 5 business days after the
997 certificate of title and dealer reassignment form are delivered
998 by the dealer to its purchaser. A copy of the executed power of
999 attorney shall be submitted to the department with a copy of the
1000 executed dealer reassignment form within 5 business days after
1001 the duplicate certificate of title and dealer reassignment form
1002 are delivered by the dealer to its transferee.

1003 (c) If the mechanics of the transfer of title to a motor
1004 vehicle in accordance with the provisions of paragraph (a) or
1005 paragraph (b) are determined to be incompatible with and
1006 unlawful under the provisions of 49 C.F.R. part 580, the
1007 transfer of title to a motor vehicle by operation of this
1008 subsection can be effected in any manner not inconsistent with
1009 49 C.F.R. part 580 and Florida law; provided, any power of
1010 attorney form issued or authorized by the department under this
1011 subsection shall contain an original that ~~two carbon copies, one~~
1012 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1013 dealer ~~within 5 business days of use by the dealer~~ to effect
1014 transfer of a title certificate as provided in paragraphs (a)
1015 and (b) and a copy that ~~one of which~~ shall be retained by the

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1016 dealer in its records for 5 years.

1017 (d) Any person who fails to complete the information
1018 required by this subsection or to file with the department the
1019 forms required by this subsection is guilty of a misdemeanor of
1020 the second degree, punishable as provided in s. 775.082 or s.
1021 775.083. The department shall not issue a certificate of title
1022 unless this subsection has been complied with.

1023 (7) If a title is held electronically and the transferee
1024 agrees to maintain the title electronically, the transferor and
1025 transferee shall complete a secure reassignment document that
1026 discloses the odometer reading and is signed by both the
1027 transferor and transferee at the tax collector office or license
1028 plate agency. Each certificate of title issued by the department
1029 must contain on its reverse side a minimum of three ~~four~~ spaces
1030 for notation of the name and license number of any auction
1031 through which the vehicle is sold and the date the vehicle was
1032 auctioned. Each separate dealer reassignment form issued by the
1033 department must also have the space referred to in this section.
1034 When a transfer of title is made at a motor vehicle auction, the
1035 reassignment must note the name and address of the auction, but
1036 the auction shall not thereby be deemed to be the owner, seller,
1037 transferor, or assignor of title. A motor vehicle auction is
1038 required to execute a dealer reassignment only when it is the
1039 owner of a vehicle being sold.

1040 (8) Upon transfer or reassignment of a used motor vehicle
1041 through the services of an auction, the auction shall complete
1042 the information in the space provided for by subsection (7). Any
1043 person who fails to complete the information as required by this
1044 subsection is guilty of a misdemeanor of the second degree,

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1045 punishable as provided in s. 775.082 or s. 775.083. The
1046 department shall not issue a certificate of title unless this
1047 subsection has been complied with.

1048 (9) This section shall be construed to conform to 49 C.F.R.
1049 part 580.

1050 Section 17. Subsection (9) of section 319.23, Florida
1051 Statutes, is amended to read:

1052 319.23 Application for, and issuance of, certificate of
1053 title.—

1054 (9) The title certificate or application for title must
1055 contain the applicant's full first name, middle initial, last
1056 name, date of birth, sex, and the license plate number. An
1057 individual applicant must provide ~~personal or business~~
1058 ~~identification, which may include, but need not be limited to,~~ a
1059 valid driver ~~driver's~~ license or identification card issued by
1060 ~~number,~~ Florida or another state, or a valid passport. A
1061 business applicant must provide a identification card number, or
1062 federal employer identification number, if applicable,
1063 verification that the business is authorized to conduct business
1064 in the state, or a Florida city or county business license or
1065 number. In lieu of ~~and~~ the license plate number the individual
1066 or business applicant must provide ~~or, in lieu thereof,~~ an
1067 affidavit certifying that the motor vehicle to be titled will
1068 not be operated upon the public highways of this state.

1069 Section 18. Paragraph (b) of subsection (2) of section
1070 319.28, Florida Statutes, is amended to read:

1071 319.28 Transfer of ownership by operation of law.—

1072 (2)

1073 (b) In case of repossession of a motor vehicle or mobile

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1074 home pursuant to the terms of a security agreement or similar
1075 instrument, an affidavit by the party to whom possession has
1076 passed stating that the vehicle or mobile home was repossessed
1077 upon default in the terms of the security agreement or other
1078 instrument shall be considered satisfactory proof of ownership
1079 and right of possession. At least 5 days prior to selling the
1080 repossessed vehicle, any subsequent lienholder named in the last
1081 issued certificate of title shall be sent notice of the
1082 repossession by certified mail, on a form prescribed by the
1083 department. If such notice is given and no written protest to
1084 the department is presented by a subsequent lienholder within 15
1085 days after ~~from~~ the date on which the notice was mailed, the
1086 certificate of title ~~or the certificate of repossession~~ shall be
1087 issued showing no liens. If the former owner or any subsequent
1088 lienholder files a written protest under oath within such 15-day
1089 period, the department shall not issue the certificate of title
1090 ~~or certificate of repossession~~ for 10 days thereafter. If within
1091 the 10-day period no injunction or other order of a court of
1092 competent jurisdiction has been served on the department
1093 commanding it not to deliver the certificate of title ~~or~~
1094 ~~certificate of repossession~~, the department shall deliver the
1095 certificate of title ~~or repossession~~ to the applicant or as may
1096 otherwise be directed in the application showing no other liens
1097 than those shown in the application. Any lienholder who has
1098 repossessed a vehicle in this state in compliance with the
1099 provisions of this section must apply to a tax collector's
1100 office in this state or to the department for a ~~certificate of~~
1101 ~~repossession or to the department for a~~ certificate of title
1102 pursuant to s. 319.323. Proof of the required notice to

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1103 subsequent lienholders shall be submitted together with regular
1104 title fees. ~~A lienholder to whom a certificate of repossession~~
1105 ~~has been issued may assign the certificate of title to the~~
1106 ~~subsequent owner.~~ Any person found guilty of violating any
1107 requirements of this paragraph shall be guilty of a felony of
1108 the third degree, punishable as provided in s. 775.082, s.
1109 775.083, or s. 775.084.

1110 Section 19. Subsections (1), (2), (3), (7), (8), (9), and
1111 (11) of section 319.30, Florida Statutes, are amended, and a new
1112 subsection (11) is added to that section, to read:

1113 319.30 Definitions; dismantling, destruction, change of
1114 identity of motor vehicle or mobile home; salvage.—

1115 (1) As used in this section, the term:

1116 (a) "Certificate of destruction" means the certificate
1117 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

1118 (b) "Certificate of registration number" means the
1119 certificate of registration number issued by the Department of
1120 Revenue of the State of Florida pursuant to s. 538.25.

1121 (c) "Certificate of title" means a record that serves as
1122 evidence of ownership of a vehicle, whether such record is a
1123 paper certificate authorized by the department or by a motor
1124 vehicle department authorized to issue titles in another state
1125 or a certificate consisting of information stored in electronic
1126 form in the department's database.

1127 (d) "Derelict" means any material which is or may have been
1128 a motor vehicle or mobile home, which is not a major part or
1129 major component part, which is inoperable, and which is in such
1130 condition that its highest or primary value is in its sale or
1131 transfer as scrap metal.

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1132 (e) "Derelict motor vehicle" means:

1133 1. Any motor vehicle as defined in s. 320.01(1) or mobile
1134 home as defined in s. 320.01(2), with or without all parts,
1135 major parts, or major component parts, which is valued under
1136 \$1,000, is at least 10 model years old, beginning with the model
1137 year of the vehicle as year one, and is in such condition that
1138 its highest or primary value is for sale, transport, or delivery
1139 to a licensed salvage motor vehicle dealer or registered
1140 secondary metals recycler for dismantling its component parts or
1141 conversion to scrap metal; or

1142 2. Any trailer as defined in s. 320.01(1), with or without
1143 all parts, major parts, or major component parts, which is
1144 valued under \$5,000, is at least 10 model years old, beginning
1145 with the model year of the vehicle as year one, and is in such
1146 condition that its highest or primary value is for sale,
1147 transport, or delivery to a licensed salvage motor vehicle
1148 dealer or registered secondary metals recycler for conversion to
1149 scrap metal.

1150 (f) "Derelict motor vehicle certificate" means a
1151 certificate issued by the department which serves as evidence
1152 that a derelict motor vehicle will be dismantled or converted to
1153 scrap metal. This certificate may be obtained by completing a
1154 derelict motor vehicle certificate application authorized by the
1155 department. A derelict motor vehicle certificate may be
1156 reassigned only one time if the derelict motor vehicle
1157 certificate was completed by a licensed salvage motor vehicle
1158 dealer and the derelict motor vehicle was sold to another
1159 licensed salvage motor vehicle dealer or a secondary metals
1160 recycler.

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1161 (g) "Independent entity" means a business or entity that
1162 may temporarily store damaged or dismantled motor vehicles
1163 pursuant to an agreement with an insurance company and is
1164 engaged in the sale or resale of damaged or dismantled motor
1165 vehicles. The term does not include a wrecker operator, a towing
1166 company, or a repair facility.

1167 (h) "Junk" means any material which is or may have been a
1168 motor vehicle or mobile home, with or without all component
1169 parts, which is inoperable and which material is in such
1170 condition that its highest or primary value is either in its
1171 sale or transfer as scrap metal or for its component parts, or a
1172 combination of the two, except when sold or delivered to or when
1173 purchased, possessed, or received by a secondary metals recycler
1174 or salvage motor vehicle dealer.

1175 (i) "Major component parts" means:

1176 1. For motor vehicles other than motorcycles, any fender,
1177 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
1178 door, decklid, floor pan, engine, frame, transmission, catalytic
1179 converter, or airbag.

1180 2. For trucks, in addition to those parts listed in
1181 subparagraph 1., any truck bed, including dump, wrecker, crane,
1182 mixer, cargo box, or any bed which mounts to a truck frame.

1183 3. For motorcycles, the body assembly, frame, fenders, gas
1184 tanks, engine, cylinder block, heads, engine case, crank case,
1185 transmission, drive train, front fork assembly, and wheels.

1186 4. For mobile homes, the frame.

1187 (j) "Major part" means the front-end assembly, cowl
1188 assembly, or rear body section.

1189 (k) "Materials" means motor vehicles, derelicts, and major

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1190 parts that are not prepared materials.

1191 (l) "Mobile home" means mobile home as defined in s.
1192 320.01(2).

1193 (m) "Motor vehicle" means motor vehicle as defined in s.
1194 320.01(1).

1195 (n) "National Motor Vehicle Title Information System" means
1196 the national mandated vehicle history database required under 28
1197 C.F.R. part 25 and maintained for the United States Department
1198 of Justice that links the states' motor vehicle title records,
1199 including the department's motor vehicle title records, and
1200 requires the reporting of junk and salvage motor vehicles in
1201 order to ensure that states, law enforcement agencies, and
1202 consumers have access to vehicle titling, branding, and other
1203 information that enables them to verify the accuracy and
1204 legality of motor vehicle titles before purchase or title
1205 transfer of the vehicle occurs.

1206 (o) "Nonrepairable vehicle" means a vehicle of a type
1207 otherwise subject to registration that:

1208 1. Has no resale value except as a source of parts or scrap
1209 metal or that the owner irreversibly designates as a source of
1210 parts or scrap metal or for destruction; or

1211 2. Has little or no resale value other than its worth as a
1212 source of a vehicle identification number that could be used
1213 illegally; and

1214 a. Has been substantially stripped as a result of theft;

1215 b. Is missing all of the bolt-on sheet metal body panels,
1216 all of the doors and hatches, substantially all of the interior
1217 components, and substantially all of the grill and light
1218 assemblies; or

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1219 c. Is a substantially burned vehicle that:

1220 (I) Has burned to the extent that there are no more usable
1221 or repairable body or interior components, tires and wheels, or
1222 drive train components; or

1223 (II) The owner irreversibly designates for destruction or
1224 as having little or no resale value other than its worth as a
1225 source of scrap metal or as a source of a vehicle identification
1226 number that could be used illegally.

1227 (p) ~~(n)~~ "Parts" means parts of motor vehicles or
1228 combinations thereof that do not constitute materials or
1229 prepared materials.

1230 (q) ~~(o)~~ "Prepared materials" means motor vehicles, mobile
1231 homes, derelict motor vehicles, major parts, or parts that have
1232 been processed by mechanically flattening or crushing, or
1233 otherwise processed such that they are not the motor vehicle or
1234 mobile home described in the certificate of title, or their only
1235 value is as scrap metal.

1236 (r) ~~(p)~~ "Processing" means the business of performing the
1237 manufacturing process by which ferrous metals or nonferrous
1238 metals are converted into raw material products consisting of
1239 prepared grades and having an existing or potential economic
1240 value, or the purchase of materials, prepared materials, or
1241 parts therefor.

1242 (s) ~~(q)~~ "Recreational vehicle" means a motor vehicle as
1243 defined in s. 320.01(1).

1244 (t) ~~(r)~~ "Salvage" means a motor vehicle or mobile home which
1245 is a total loss as defined in paragraph (3)(a).

1246 (u) ~~(s)~~ "Salvage certificate of title" means a salvage
1247 certificate of title issued by the department or by another

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1248 motor vehicle department authorized to issue titles in another
1249 state.

1250 (v) ~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
1251 vehicle dealer as defined in s. 320.27(1)(c)5.

1252 (w) ~~(u)~~ "Secondary metals recycler" means secondary metals
1253 recycler as defined in s. 538.18.

1254 (x) "Self-insured entity" means a person, firm, business,
1255 company, or corporation, including a rental car company, that
1256 self-insures its own inventory or company vehicles.

1257 (y) ~~(v)~~ "Seller" means the owner of record or a person who
1258 has physical possession and responsibility for a derelict motor
1259 vehicle and attests that possession of the vehicle was obtained
1260 through lawful means along with all ownership rights. A seller
1261 does not include a towing company, repair shop, or landlord
1262 unless the towing company, repair shop, or landlord has obtained
1263 title, salvage title, or a certificate of destruction in the
1264 name of the towing company, repair shop, or landlord.

1265 (2) (a) Each person mentioned as owner in the last issued
1266 certificate of title, when such motor vehicle or mobile home is
1267 dismantled, destroyed, or changed in such manner that it is not
1268 the motor vehicle or mobile home described in the certificate of
1269 title, shall surrender his or her certificate of title to the
1270 department, and thereupon the department shall, with the consent
1271 of any lienholders noted thereon, enter a cancellation upon its
1272 records. Upon cancellation of a certificate of title in the
1273 manner prescribed by this section, the department may cancel and
1274 destroy all certificates in that chain of title. Any person who
1275 knowingly violates this paragraph commits a misdemeanor of the
1276 second degree, punishable as provided in s. 775.082 or s.

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1277 775.083.

1278 (b)1. When a motor vehicle, recreational vehicle, or mobile
1279 home is sold, transported, delivered to, or received by a
1280 salvage motor vehicle dealer, it shall be accompanied by:

1281 a. A valid certificate of title issued in the name of the
1282 seller or properly endorsed, as required in s. 319.22, over to
1283 the seller;

1284 b. A valid salvage certificate of title issued in the name
1285 of the seller or properly endorsed, as required in s. 319.22,
1286 over to the seller; or

1287 c. A valid certificate of destruction issued in the name of
1288 the seller or properly endorsed over to the seller.

1289 2. Any person who knowingly violates this paragraph by
1290 selling, transporting, delivering, purchasing, or receiving a
1291 motor vehicle, recreational vehicle, or mobile home without
1292 obtaining a properly endorsed certificate of title, salvage
1293 certificate of title, or certificate of destruction from the
1294 owner commits a felony of the third degree, punishable as
1295 provided in s. 775.082, s. 775.083, or s. 775.084.

1296 (c)1. When a derelict motor vehicle is sold, transported,
1297 or delivered to a licensed salvage motor vehicle dealer, the
1298 purchaser shall record the date of purchase and the name,
1299 address, and valid Florida driver's license number or valid
1300 Florida identification card number, or a valid driver's license
1301 number or identification card number issued by another state, of
1302 the person selling the derelict motor vehicle, and it shall be
1303 accompanied by:

1304 a. A valid certificate of title issued in the name of the
1305 seller or properly endorsed over to the seller;

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1306 b. A valid salvage certificate of title issued in the name
1307 of the seller or properly endorsed over to the seller; or

1308 c. A valid certificate of destruction issued in the name of
1309 the seller or properly endorsed over to the seller.

1310 2. If a valid certificate of title, salvage certificate of
1311 title, or certificate of destruction is not available, a
1312 derelict motor vehicle certificate application shall be
1313 completed by the seller or owner of the motor vehicle or mobile
1314 home, the seller's or owner's authorized transporter, and the
1315 licensed salvage motor vehicle dealer at the time of sale,
1316 transport, or delivery to the licensed salvage motor vehicle
1317 dealer. The derelict motor vehicle certificate application shall
1318 be used by the seller or owner, the seller's or owner's
1319 authorized transporter, and the licensed salvage motor vehicle
1320 dealer to obtain a derelict motor vehicle certificate from the
1321 department. The derelict motor vehicle certificate application
1322 must be accompanied by a legible copy of the seller's or owner's
1323 valid Florida driver's license or Florida identification card,
1324 or a valid driver's license or identification card issued by
1325 another state. If the seller is not the owner of record of the
1326 vehicle being sold, the dealer shall, at the time of sale,
1327 ensure that a smudge-free right thumbprint, or other digit if
1328 the seller has no right thumb, of the seller is imprinted upon
1329 the derelict motor vehicle certificate application and that a
1330 legible copy of the seller's driver's license or identification
1331 card is affixed to the application and transmitted to the
1332 department. The licensed salvage motor vehicle dealer shall
1333 secure the derelict motor vehicle for 3 full business days,
1334 excluding weekends and holidays, if there is no active lien or a

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1335 lien of 3 years or more on the department's records before
1336 destroying or dismantling the derelict motor vehicle and shall
1337 follow all reporting procedures established by the department,
1338 including electronic notification to the department or delivery
1339 of the original derelict motor vehicle certificate application
1340 to an agent of the department within 24 hours after receiving
1341 the derelict motor vehicle. If there is an active lien of less
1342 than 3 years on the derelict motor vehicle, the licensed salvage
1343 motor vehicle dealer shall secure the derelict motor vehicle for
1344 10 days. The department shall notify the lienholder that a
1345 derelict motor vehicle certificate has been issued and shall
1346 notify the lienholder of its intention to remove the lien. Ten
1347 days after receipt of the motor vehicle derelict certificate
1348 application, the department may remove the lien from its records
1349 if a written statement protesting removal of the lien is not
1350 received by the department from the lienholder within the 10-day
1351 period. However, if the lienholder files with the department and
1352 the licensed salvage motor vehicle dealer within the 10-day
1353 period a written statement that the lien is still outstanding,
1354 the department shall not remove the lien and shall place an
1355 administrative hold on the record for 30 days to allow the
1356 lienholder to apply for title to the vehicle or a repossession
1357 certificate under s. 319.28. The licensed salvage motor vehicle
1358 dealer must secure the derelict motor vehicle until the
1359 department's administrative stop is removed, the lienholder
1360 submits a lien satisfaction, or the lienholder takes possession
1361 of the vehicle. The licensed salvage motor vehicle dealer may
1362 require the lienholder to reimburse him or her only for the
1363 dealer's purchase price of the derelict vehicle and shall not

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1364 include any towing costs, storage fees, administrative fees, or
1365 other costs.

1366 3. Any person who knowingly violates this paragraph by
1367 selling, transporting, delivering, purchasing, or receiving a
1368 derelict motor vehicle without obtaining a certificate of title,
1369 salvage certificate of title, certificate of destruction, or
1370 derelict motor vehicle certificate application; enters false or
1371 fictitious information on a derelict motor vehicle certificate
1372 application; does not complete the derelict motor vehicle
1373 certificate application as required; does not obtain a legible
1374 copy of the seller's or owner's valid driver's license or
1375 identification card when required; does not make the required
1376 notification to the department; or destroys or dismantles a
1377 derelict motor vehicle without waiting the required time as set
1378 forth in subparagraph 2. commits a felony of the third degree,
1379 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1380 (3)(a)1. As used in this section, a motor vehicle or mobile
1381 home is a "total loss":

1382 a. When an insurance company pays the vehicle owner to
1383 replace the wrecked or damaged vehicle with one of like kind and
1384 quality or when an insurance company pays the owner upon the
1385 theft of the motor vehicle or mobile home; or

1386 b. When an uninsured or self-insured motor vehicle or
1387 mobile home is wrecked or damaged and the cost, at the time of
1388 loss, of repairing or rebuilding the vehicle is 80 percent or
1389 more of the cost to the owner of replacing the wrecked or
1390 damaged motor vehicle or mobile home with one of like kind and
1391 quality.

1392 2. A motor vehicle or mobile home shall not be considered a

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1393 "total loss" if the insurance company and owner of a motor
1394 vehicle or mobile home agree to repair, rather than to replace,
1395 the motor vehicle or mobile home. ~~However, if the actual cost to~~
1396 ~~repair the motor vehicle or mobile home to the insurance company~~
1397 ~~exceeds 100 percent of the cost of replacing the wrecked or~~
1398 ~~damaged motor vehicle or mobile home with one of like kind and~~
1399 ~~quality, the owner shall forward to the department, within 72~~
1400 ~~hours after the agreement, a request to brand the certificate of~~
1401 ~~title with the words "Total Loss Vehicle." Such a brand shall~~
1402 ~~become a part of the vehicle's title history.~~

1403 (b) The owner, including ~~persons who are~~ self-insured
1404 entities, of any motor vehicle or mobile home which is
1405 considered to be salvage shall, within 72 hours after the motor
1406 vehicle or mobile home becomes salvage, forward the title to the
1407 motor vehicle or mobile home to the department for processing.
1408 However, an insurance company which pays money as compensation
1409 for total loss of a motor vehicle or mobile home shall obtain
1410 the certificate of title for the motor vehicle or mobile home
1411 and, within 72 hours after receiving such certificate of title,
1412 shall forward such title to the department for processing and
1413 make the required notification to the National Motor Vehicle
1414 Title Information System. The owner, ~~or~~ insurance company, or
1415 self-insured entity as the case may be, may not dispose of a
1416 vehicle or mobile home that is a total loss before it has
1417 obtained a salvage certificate of title or certificate of
1418 destruction from the department. When applying for a salvage
1419 certificate of title or certificate of destruction, the owner,
1420 ~~or~~ insurance company, or self-insured entity must provide the
1421 department with an estimate of the costs of repairing the

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1422 physical and mechanical damage suffered by the vehicle for which
1423 a salvage certificate of title or certificate of destruction is
1424 sought. If the motor vehicle is a nonrepairable vehicle
1425 ~~estimated costs of repairing the physical and mechanical damage~~
1426 ~~to the vehicle are equal to 80 percent or more of the current~~
1427 ~~retail cost of the vehicle, as established in any official used~~
1428 ~~car or used mobile home guide~~, the department shall declare the
1429 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a
1430 certificate of destruction, which authorizes the dismantling or
1431 destruction of the motor vehicle or mobile home described
1432 therein. However, if the damaged motor vehicle is equipped with
1433 custom-lowered floors for wheelchair access or a wheelchair
1434 lift, the insurance company may, upon determining that the
1435 vehicle is repairable to a condition that is safe for operation
1436 on public roads, submit the certificate of title to the
1437 department for reissuance as a salvage rebuildable title and the
1438 addition of a title brand of "insurance-declared total loss."
1439 The certificate of destruction shall be reassignable a maximum
1440 of two times before dismantling or destruction of the vehicle
1441 shall be required, and shall accompany the motor vehicle or
1442 mobile home for which it is issued, when such motor vehicle or
1443 mobile home is sold for such purposes, in lieu of a certificate
1444 of title, and, thereafter, the department shall refuse issuance
1445 of any certificate of title for that vehicle. Nothing in this
1446 subsection shall be applicable when a vehicle is worth less than
1447 \$1,500 retail in undamaged condition in any official used motor
1448 vehicle guide or used mobile home guide or when a stolen motor
1449 vehicle or mobile home is recovered in substantially intact
1450 condition with all major component parts present and is readily

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1451 resalable without extensive repairs ~~to or replacement of the~~
1452 ~~frame or engine~~. Any person who knowingly violates this
1453 paragraph or falsifies any document to avoid the requirements of
1454 this paragraph commits a misdemeanor of the first degree,
1455 punishable as provided in s. 775.082 or s. 775.083.

1456 (7) (a) In the event of a purchase by a secondary metals
1457 recycler, that has been issued a certificate of registration
1458 number, of:

1459 1. Materials, prepared materials, or parts from any seller
1460 for purposes other than the processing of such materials,
1461 prepared materials, or parts, the purchaser shall obtain such
1462 documentation as may be required by this section and shall
1463 record the seller's name and address, date of purchase, and the
1464 personal identification card number of the person delivering
1465 such items.

1466 2. Parts or prepared materials from any seller for purposes
1467 of the processing of such parts or prepared materials, the
1468 purchaser shall record the seller's name and address and date of
1469 purchase and, in the event of a purchase transaction consisting
1470 primarily of parts or prepared materials, the personal
1471 identification card number of the person delivering such items.

1472 3. Materials from another secondary metals recycler for
1473 purposes of the processing of such materials, the purchaser
1474 shall record the seller's name and address and date of purchase.

1475 4.a. Motor vehicles, recreational vehicles, mobile homes,
1476 or derelict motor vehicles from other than a secondary metals
1477 recycler for purposes of the processing of such motor vehicles,
1478 recreational vehicles, mobile homes, or derelict motor vehicles,
1479 the purchaser shall record the date of purchase and the name,

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1480 address, and personal identification card number of the person
1481 selling such items and shall obtain the following documentation
1482 from the seller with respect to each item purchased:

1483 (I) A valid certificate of title issued in the name of the
1484 seller or properly endorsed, as required in s. 319.22, over to
1485 the seller;

1486 (II) A valid salvage certificate of title issued in the
1487 name of the seller or properly endorsed, as required in s.
1488 319.22, over to the seller;

1489 (III) A valid certificate of destruction issued in the name
1490 of the seller or properly endorsed over to the seller; or

1491 (IV) A valid derelict motor vehicle certificate obtained
1492 from the department by a licensed salvage motor vehicle dealer
1493 and properly reassigned to the secondary metals recycler.

1494 b. If a valid certificate of title, salvage certificate of
1495 title, certificate of destruction, or derelict motor vehicle
1496 certificate is not available and the motor vehicle or mobile
1497 home is a derelict motor vehicle, a derelict motor vehicle
1498 certificate application shall be completed by the seller or
1499 owner of the motor vehicle or mobile home, the seller's or
1500 owner's authorized transporter, and the registered secondary
1501 metals recycler at the time of sale, transport, or delivery to
1502 the registered secondary metals recycler to obtain a derelict
1503 motor vehicle certificate from the department. The derelict
1504 motor vehicle certificate application must be accompanied by a
1505 legible copy of the seller's or owner's valid Florida driver's
1506 license or Florida identification card, or a valid driver's
1507 license or identification card from another state. If the seller
1508 is not the owner of record of the vehicle being sold, the

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1509 recycler shall, at the time of sale, ensure that a smudge-free
1510 right thumbprint, or other digit if the seller has no right
1511 thumb, of the seller is imprinted upon the derelict motor
1512 vehicle certificate application and that the legible copy of the
1513 seller's driver's license or identification card is affixed to
1514 the application and transmitted to the department. The derelict
1515 motor vehicle certificate shall be used by the owner, the
1516 owner's authorized transporter, and the registered secondary
1517 metals recycler. The registered secondary metals recycler shall
1518 secure the derelict motor vehicle for 3 full business days,
1519 excluding weekends and holidays, if there is no active lien or a
1520 lien of 3 years or more on the department's records before
1521 destroying or dismantling the derelict motor vehicle and shall
1522 follow all reporting procedures established by the department,
1523 including electronic notification to the department or delivery
1524 of the original derelict motor vehicle certificate application
1525 to an agent of the department within 24 hours after receiving
1526 the derelict motor vehicle. If there is an active lien of less
1527 than 3 years on the derelict motor vehicle, the registered
1528 secondary metals recycler shall secure the derelict motor
1529 vehicle for 10 days. The department shall notify the lienholder
1530 of the application for a derelict motor vehicle certificate and
1531 shall notify the lienholder of its intention to remove the lien.
1532 Ten days after receipt of the motor vehicle derelict
1533 application, the department may remove the lien from its records
1534 if a written statement protesting removal of the lien is not
1535 received by the department from the lienholder within the 10-day
1536 period. However, if the lienholder files with the department and
1537 the registered secondary metals recycler within the 10-day

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1538 period a written statement that the lien is still outstanding,
1539 the department shall not remove the lien and shall place an
1540 administrative hold on the record for 30 days to allow the
1541 lienholder to apply for title to the vehicle or a repossession
1542 certificate under s. 319.28. The registered secondary metals
1543 recycler must secure the derelict motor vehicle until the
1544 department's administrative stop is removed, the lienholder
1545 submits a lien satisfaction, or the lienholder takes possession
1546 of the vehicle. The registered secondary metals recycler may
1547 require the lienholder to reimburse him or her only for the
1548 recycler's purchase price of derelict vehicle and shall not
1549 include any towing cost, storage fees, administrative fees, or
1550 other costs.

1551 c. Any person who knowingly violates this subparagraph by
1552 selling, transporting, delivering, purchasing, or receiving a
1553 motor vehicle, recreational motor vehicle, mobile home, or
1554 derelict motor vehicle without obtaining a certificate of title,
1555 salvage certificate of title, certificate of destruction, or
1556 derelict motor vehicle certificate; enters false or fictitious
1557 information on a derelict motor vehicle certificate application;
1558 does not complete the derelict motor vehicle certificate
1559 application as required or does not make the required
1560 notification to the department; does not obtain a legible copy
1561 of the seller's or owner's driver's license or identification
1562 card when required; or destroys or dismantles a derelict motor
1563 vehicle without waiting the required time as set forth in sub-
1564 subparagraph b. commits a felony of the third degree, punishable
1565 as provided in s. 775.082, s. 775.083, or s. 775.084.

1566 5. Major parts from other than a secondary metals recycler

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1567 for purposes of the processing of such major parts, the
1568 purchaser shall record the seller's name, address, date of
1569 purchase, and the personal identification card number of the
1570 person delivering such items, as well as the vehicle
1571 identification number, if available, of each major part
1572 purchased.

1573 (b) Any person who violates this subsection commits a
1574 felony of the third degree, punishable as provided in s.
1575 775.082, s. 775.083, or s. 775.084.

1576 (8) (a) Secondary metals recyclers and salvage motor vehicle
1577 dealers shall return to the department on a monthly basis all
1578 certificates of title and salvage certificates of title that are
1579 required by this section to be obtained. Secondary metals
1580 recyclers and salvage motor vehicle dealers may elect to notify
1581 the department electronically through procedures established by
1582 the department when they receive each motor vehicle or mobile
1583 home, salvage motor vehicle or mobile home, or derelict motor
1584 vehicle with a certificate of title or salvage certificate of
1585 title through procedures established by the department. The
1586 department may adopt rules and establish fees as it deems
1587 necessary or proper for the administration of the electronic
1588 notification service.

1589 (b) Secondary metals recyclers and salvage motor vehicle
1590 dealers shall keep originals, or a copy in the event the
1591 original was returned to the department, of all certificates of
1592 title, salvage certificates of title, certificates of
1593 destruction, derelict motor vehicle certificates, proof of
1594 reporting to the National Motor Vehicle Title Information
1595 System, and all other information required by this section to be

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1596 recorded or obtained, on file in the offices of such secondary
1597 metals recyclers or salvage motor vehicle dealers for a period
1598 of 3 years after the date of purchase of the items reflected in
1599 such certificates of title, salvage certificates of title,
1600 certificates of destruction, or derelict motor vehicle
1601 certificates. These records shall be maintained in chronological
1602 order.

1603 (c) Secondary metals recyclers and salvage motor vehicle
1604 dealers shall on a monthly basis make the required notifications
1605 on all junk, derelict motor vehicles, or salvage motor vehicles
1606 that were obtained in whole or part to the National Motor
1607 Vehicle Title Information System as required in 28 C.F.R. part
1608 25.

1609 (d)~~(e)~~ For the purpose of enforcement of this section, the
1610 department or its agents and employees have the same right of
1611 inspection as law enforcement officers as provided in s.
1612 812.055.

1613 (e)~~(d)~~ Whenever the department, its agent or employee, or
1614 any law enforcement officer has reason to believe that a stolen
1615 or fraudulently titled motor vehicle, mobile home, recreational
1616 vehicle, salvage motor vehicle, or derelict motor vehicle is in
1617 the possession of a salvage motor vehicle dealer or secondary
1618 metals recycler, the department, its agent or employee, or the
1619 law enforcement officer may issue an extended hold notice, not
1620 to exceed 5 additional business days, excluding weekends and
1621 holidays, to the salvage motor vehicle dealer or registered
1622 secondary metals recycler.

1623 (f)~~(e)~~ Whenever a salvage motor vehicle dealer or
1624 registered secondary metals recycler is notified by the

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1625 department, its agent or employee, or any law enforcement
1626 officer to hold a motor vehicle, mobile home, recreational
1627 vehicle, salvage motor vehicle, or derelict motor vehicle that
1628 is believed to be stolen or fraudulently titled, the salvage
1629 motor vehicle dealer or registered secondary metals recycler
1630 shall hold the motor vehicle, mobile home, recreational vehicle,
1631 salvage motor vehicle, or derelict motor vehicle and may not
1632 dismantle or destroy the motor vehicle, mobile home,
1633 recreational vehicle, salvage motor vehicle, or derelict motor
1634 vehicle until it is recovered by a law enforcement officer, the
1635 hold is released by the department or the law enforcement
1636 officer placing the hold, or the 5 additional business days have
1637 passed since being notified of the hold.

1638 (g)~~(f)~~ This section does not authorize any person who is
1639 engaged in the business of recovering, towing, or storing
1640 vehicles pursuant to s. 713.78, and who is claiming a lien for
1641 performing labor or services on a motor vehicle or mobile home
1642 pursuant to s. 713.58, or is claiming that a motor vehicle or
1643 mobile home has remained on any premises after tenancy has
1644 terminated pursuant to s. 715.104, to use a derelict motor
1645 vehicle certificate application for the purpose of transporting,
1646 selling, disposing of, or delivering a motor vehicle to a
1647 salvage motor vehicle dealer or secondary metals recycler
1648 without obtaining the title or certificate of destruction
1649 required under s. 713.58, s. 713.78, or s. 715.104.

1650 (h)~~(g)~~ The department shall accept all properly endorsed
1651 and completed derelict motor vehicle certificate applications
1652 and shall issue a derelict motor vehicle certificate having an
1653 effective date that authorizes when a derelict motor vehicle is

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1654 eligible for dismantling or destruction. The electronic
1655 information obtained from the derelict motor vehicle certificate
1656 application shall be stored electronically and shall be made
1657 available to authorized persons after issuance of the derelict
1658 motor vehicle certificate in the Florida Real Time Vehicle
1659 Information System.

1660 (i)~~(h)~~ The department is authorized to adopt rules pursuant
1661 to ss. 120.536(1) and 120.54 establishing policies and
1662 procedures to administer and enforce this section.

1663 (j)~~(i)~~ The department shall charge a fee of \$3 for each
1664 derelict motor vehicle certificate delivered to the department
1665 or one of its agents for processing and shall mark the title
1666 record canceled. A service charge may be collected under s.
1667 320.04.

1668 (k)~~(j)~~ The licensed salvage motor vehicle dealer or
1669 registered secondary metals recycler shall make all payments for
1670 the purchase of any derelict motor vehicle that is sold by a
1671 seller who is not the owner of record on file with the
1672 department by check or money order made payable to the seller
1673 and may not make payment to the authorized transporter. The
1674 licensed salvage motor vehicle dealer or registered secondary
1675 metals recycler may not cash the check that such dealer or
1676 recycler issued to the seller.

1677 (9) (a) An insurance company may notify an independent
1678 entity that obtains possession of a damaged or dismantled motor
1679 vehicle to release the vehicle to the owner. The insurance
1680 company shall provide the independent entity a release statement
1681 on a form prescribed by the department authorizing the
1682 independent entity to release the vehicle to the owner. The form

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1683 shall, at a minimum, contain the following:

- 1684 1. The policy and claim number.
- 1685 2. The name and address of the insured.
- 1686 3. The vehicle identification number.
- 1687 4. The signature of an authorized representative of the
- 1688 insurance company.

1689 (b) The independent entity in possession of a motor vehicle
1690 must send a notice to the owner that the vehicle is available
1691 for pick up when it receives a release statement from the
1692 insurance company. The notice shall be sent by certified mail to
1693 the owner at the owner's address reflected in the department's
1694 records. The notice must inform the owner that the owner has 30
1695 days after receipt of the notice to pick up the vehicle from the
1696 independent entity. If the motor vehicle is not claimed within
1697 30 days after the owner receives the notice, the independent
1698 entity may apply for a certificate of destruction or a
1699 certificate of title.

1700 (c) The independent entity shall make the required
1701 notification to the National Motor Vehicle Title Information
1702 System before releasing any damaged or dismantled motor vehicle
1703 to the owner or before applying for a certificate of destruction
1704 or salvage certificate of title.

1705 (d) ~~(e)~~ Upon applying for a certificate of destruction or
1706 salvage certificate of title, the independent entity shall
1707 provide a copy of the release statement from the insurance
1708 company to the independent entity, proof of providing the 30-day
1709 notice to the owner, proof of notification to the National Motor
1710 Vehicle Title Information System, and applicable fees.

1711 (e) ~~(d)~~ The independent entity may not charge an owner of

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1712 the vehicle storage fees or apply for a title under s. 713.585
1713 or s. 713.78.

1714 (11) All salvage motor vehicle dealers, secondary metals
1715 recyclers, auctions, independent entities, or self-insured
1716 entities that deal in salvage motor vehicles must be registered
1717 with the National Motor Vehicle Title Information System and
1718 shall be required to provide their registration number before
1719 being licensed by the department or before processing any
1720 certificate of title, salvage certificate of title, certificate
1721 of destruction, or derelict certificate by the department.

1722 (12)~~(11)~~ Except as otherwise provided in this section, any
1723 person who violates this section commits a felony of the third
1724 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1725 775.084.

1726 Section 20. Section 319.323, Florida Statutes, is amended
1727 to read:

1728 319.323 Expedited service; applications; fees.—The
1729 department shall establish a separate title office which may be
1730 used by private citizens and licensed motor vehicle dealers to
1731 receive expedited service on title transfers, title issuances,
1732 duplicate titles, and recordation of liens, ~~and certificates of~~
1733 ~~repossession~~. A fee of \$10 shall be charged for this service,
1734 which fee is in addition to the fees imposed by s. 319.32. The
1735 fee, after deducting the amount referenced by s. 319.324 and
1736 \$3.50 to be retained by the processing agency, shall be
1737 deposited into the General Revenue Fund. Application for
1738 expedited service may be made by mail or in person. The
1739 department shall issue each title applied for under this section
1740 within 5 working days after receipt of the application except

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1741 for an application for a duplicate title certificate covered by
1742 s. 319.23(4), in which case the title must be issued within 5
1743 working days after compliance with the department's verification
1744 requirements.

1745 Section 21. Subsections (24) through (46) of section
1746 320.01, Florida Statutes, are renumbered as subsections (23)
1747 through (45), respectively, and present subsections (23) and
1748 (25) of that section are amended, to read:

1749 320.01 Definitions, general.—As used in the Florida
1750 Statutes, except as otherwise provided, the term:

1751 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1752 ~~which is required to be registered, or with respect to which an~~
1753 ~~election has been made to register it, under the International~~
1754 ~~Registration Plan.~~

1755 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
1756 recreational vehicles, vehicles displaying restricted plates,
1757 city pickup and delivery vehicles, buses used in transportation
1758 of chartered parties, and government-owned vehicles, which is
1759 used or intended for use in two or more member jurisdictions
1760 that allocate or proportionally register vehicles and which is
1761 used for the transportation of persons for hire or is designed,
1762 used, or maintained primarily for the transportation of property
1763 and:

1764 (a) Is a power unit having a gross vehicle weight in excess
1765 of 26,000 ~~26,001~~ pounds;

1766 (b) Is a power unit having three or more axles, regardless
1767 of weight; or

1768 (c) Is used in combination, when the weight of such
1769 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

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1770
1771 Vehicles, or combinations thereof, having a gross vehicle weight
1772 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1773 proportionally registered.

1774 Section 22. Paragraph (a) of subsection (2) of section
1775 320.02, Florida Statutes, is amended to read:

1776 320.02 Registration required; application for registration;
1777 forms.-

1778 (2) (a) The application for registration shall include the
1779 street address of the owner's permanent residence or the address
1780 of his or her permanent place of business and shall be
1781 accompanied by personal or business identification information.
1782 An individual applicant must provide ~~which may include, but need~~
1783 ~~not be limited to,~~ a valid driver license or number, Florida
1784 identification card issued by this state or another state or a
1785 valid passport. A business applicant must provide a number, or
1786 federal employer identification number, if applicable, or
1787 verification that the business is authorized to conduct business
1788 in the state, or a Florida city or county business license or
1789 number.

1790 1. If the owner does not have a permanent residence or
1791 permanent place of business or if the owner's permanent
1792 residence or permanent place of business cannot be identified by
1793 a street address, the application shall include:

1794 a.1- If the vehicle is registered to a business, the name
1795 and street address of the permanent residence of an owner of the
1796 business, an officer of the corporation, or an employee who is
1797 in a supervisory position.

1798 b.2- If the vehicle is registered to an individual, the

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1799 name and street address of the permanent residence of a close
1800 relative or friend who is a resident of this state.

1801 2. If the vehicle is registered to an active duty member of
1802 the Armed Forces of the United States who is a Florida resident,
1803 the active duty member is exempt from the requirement to provide
1804 the street address of a permanent residence.

1805 Section 23. Subsection (7) of section 320.03, Florida
1806 Statutes, is amended to read:

1807 320.03 Registration; duties of tax collectors;
1808 International Registration Plan.—

1809 (7) The Department of Highway Safety and Motor Vehicles
1810 shall register apportionable ~~apportioned motor~~ vehicles under
1811 the ~~provisions of the~~ International Registration Plan. The
1812 department may adopt rules to implement and enforce the
1813 provisions of the plan.

1814 Section 24. Section 320.05, Florida Statutes, is amended to
1815 read:

1816 320.05 Records of the department; inspection procedure;
1817 lists and searches; fees.—

1818 (1) Except as provided in chapter 119 and s. 320.025(3),
1819 the department may release records as provided in this section.

1820 (2) Upon receipt of an application for the registration of
1821 a motor vehicle, vessel, or mobile home, as herein provided for,
1822 the department shall register the motor vehicle, vessel, or
1823 mobile home under the distinctive number assigned to such motor
1824 vehicle, vessel, or mobile home by the department. ~~Electronic~~
1825 ~~registration records shall be open to the inspection of the~~
1826 ~~public during business hours.~~

1827 (3) Information on a motor vehicle, ~~or~~ vessel, mobile home,

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1828 driver license, or crash record ~~registration~~ may not be made
 1829 available to a person unless the person requesting the
 1830 information furnishes ~~positive proof of~~ identification. The
 1831 agency ~~that furnishes a motor vehicle or vessel registration~~
 1832 ~~record~~ shall record the name and address of any person other
 1833 than a representative of a law enforcement agency who requests
 1834 and receives information from a motor vehicle ~~or~~ vessel, mobile
 1835 home, driver license, or crash registration record and shall
 1836 also record the name and address of the person who is the
 1837 subject of the inquiry or other information identifying the
 1838 entity about which information is requested. A record of each
 1839 ~~such~~ inquiry must be maintained for a period of 6 months from
 1840 the date upon which the information was released to the
 1841 inquirer. ~~Nothing in this section shall prohibit any financial~~
 1842 ~~institution, insurance company, motor vehicle dealer, licensee~~
 1843 ~~under chapter 493, attorney, or other agency which the~~
 1844 ~~department determines has the right to know from obtaining, for~~
 1845 ~~professional or business use only, information in such records~~
 1846 ~~from the department through any means of telecommunication~~
 1847 ~~pursuant to a code developed by the department providing all~~
 1848 ~~fees specified in subsection (3) have been paid.~~ The department
 1849 shall disclose records or information to the child support
 1850 enforcement agency to assist in the location of individuals who
 1851 owe or potentially owe support, as defined in s. 409.2554, or to
 1852 whom such an obligation is owed pursuant to Title IV-D of the
 1853 Social Security Act.

1854 (4) ~~(3)~~ (a) The department is authorized, upon application of
 1855 any person and payment of the proper fees, to prepare and
 1856 furnish lists containing motor vehicle, ~~or~~ vessel, mobile home,

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1857 driver license, or crash record information in such form as the
1858 department may authorize, to search the records of the
1859 department and make reports thereof, and to make photographic
1860 copies of the department records and attestations thereof.

1861 (b) The department shall charge fees for services and
1862 documents ~~therefor shall be charged and collected~~ as follows:

1863 1. For providing lists of motor vehicle, or vessel, mobile
1864 home, driver license, or crash records for the entire state, or
1865 any part ~~or parts~~ thereof, ~~divided according to counties,~~ a sum
1866 computed at a rate of not less than 1 cent nor more than 5 cents
1867 per item.

1868 2. For providing ~~noncertified photographic copies of~~ motor
1869 vehicle, or vessel, mobile home, or driver license supporting
1870 documents or verification letters, \$1 per page.

1871 ~~3. For providing noncertified photographic copies of~~
1872 ~~micrographic records, \$1 per page.~~

1873 ~~3.4. For certifying records purchased under subparagraph 2.~~
1874 ~~providing certified copies of motor vehicle or vessel records,~~
1875 \$3 per record.

1876 ~~5. For providing noncertified computer-generated printouts~~
1877 ~~of motor vehicle or vessel records, 50 cents per record.~~

1878 ~~6. For providing certified computer-generated printouts of~~
1879 ~~motor vehicle or vessel records, \$3 per record.~~

1880 ~~4.7.~~ For providing electronic access to motor vehicle,
1881 vessel, and mobile home registration data requested by tag,
1882 vehicle identification number, title number, or decal number, 50
1883 cents per item.

1884 ~~5.8.~~ For providing electronic access to driver ~~driver's~~
1885 license status report by name, sex, and date of birth or by

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1886 driver license number, 50 cents per item.

1887 ~~6.9.~~ For providing lists of licensed mobile home dealers
1888 and manufacturers and recreational vehicle dealers and
1889 manufacturers, \$15 per list.

1890 ~~7.10.~~ For providing lists of licensed motor vehicle
1891 dealers, \$25 per list.

1892 ~~11. For each copy of a videotape record, \$15 per tape.~~

1893 ~~12. For each copy of the Division of Motorist Services~~
1894 ~~Procedures Manual, \$25.~~

1895 (c) Fees collected pursuant to paragraph (b) shall be
1896 deposited into the Highway Safety Operating Trust Fund.

1897 (d) The department shall furnish such information without
1898 charge to any court or governmental entity.

1899 (e) When motor vehicle, vessel, or mobile home registration
1900 data is provided by electronic access through a tax collector's
1901 office, the applicable fee as provided in paragraph (b) must be
1902 collected and deposited pursuant to paragraph (c). However, when
1903 such registration data is obtained through an electronic system
1904 described in s. 320.03(10), s. 320.0609, or s. 320.131 and
1905 results in the issuance of a title certificate or the
1906 registration credential, such fee shall not apply.

1907 ~~(5)-(4)~~ The department is authorized to reproduce such
1908 documents, records, and reports as required to meet the
1909 requirements of the law and the needs of the public, either by
1910 photographing, microphotographing, or reproducing on film the
1911 document, record, or report, or by using an electronic
1912 digitizing process capable of reproducing a true and correct
1913 image of the original source document. The photographs,
1914 microphotographs, or electronic digitized copy of any records

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1915 made in compliance with the provisions of this section shall
1916 have the same force and effect as the originals thereof and
1917 shall be treated as originals for the purpose of their
1918 admissibility into evidence. Duly certified or authenticated
1919 reproductions of such photographs, microphotographs, or
1920 electronically digitized records shall be admitted into evidence
1921 equally with the original photographs, microphotographs, or
1922 electronically digitized records.

1923 (6) ~~(5)~~ The creation and maintenance of records by the
1924 Division of Motorist Services pursuant to this chapter shall not
1925 be regarded as law enforcement functions of agency
1926 recordkeeping.

1927 Section 25. Paragraph (b) of subsection (1) of section
1928 320.071, Florida Statutes, is amended to read:

1929 320.071 Advance registration renewal; procedures.—

1930 (1)

1931 (b) The owner of any apportionable ~~apportioned~~ motor
1932 vehicle currently registered in this state under the
1933 International Registration Plan may file an application for
1934 renewal of registration with the department any time during the
1935 3 months preceding the date of expiration of the registration
1936 period.

1937 Section 26. Subsections (1) and (3) of section 320.0715,
1938 Florida Statutes, are amended to read:

1939 320.0715 International Registration Plan; motor carrier
1940 services; permits; retention of records.—

1941 (1) All apportionable ~~commercial~~ motor vehicles domiciled
1942 in this state ~~and engaged in interstate commerce~~ shall be
1943 registered in accordance with ~~the provisions of the~~

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1944 International Registration Plan and shall display ~~apportioned~~
1945 license plates.

1946 (3) (a) If the department is unable to immediately issue the
1947 apportioned license plate to an applicant currently registered
1948 in this state under the International Registration Plan or to a
1949 vehicle currently titled in this state, the department or its
1950 designated agent may ~~is authorized to~~ issue a 60-day temporary
1951 operational permit. The department or agent of the department
1952 shall charge a \$3 fee and the service charge authorized by s.
1953 320.04 for each temporary operational permit it issues.

1954 (b) The department may not ~~shall in no event~~ issue a
1955 temporary operational permit for any apportionable ~~commercial~~
1956 ~~motor~~ vehicle to any applicant until the applicant has shown
1957 that:

1958 1. All sales or use taxes due on the registration of the
1959 vehicle are paid; and

1960 2. Insurance requirements have been met in accordance with
1961 ss. 320.02(5) and 627.7415.

1962 (c) Issuance of a temporary operational permit provides
1963 ~~commercial motor vehicle~~ registration privileges in each
1964 International Registration Plan member jurisdiction designated
1965 on said permit and therefore requires payment of all applicable
1966 registration fees and taxes due for that period of registration.

1967 (d) Application for permanent registration must be made to
1968 the department within 10 days from issuance of a temporary
1969 operational permit. Failure to file an application within this
1970 10-day period may result in cancellation of the temporary
1971 operational permit.

1972 Section 27. Subsection (1) of section 320.18, Florida

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1973 Statutes, is amended to read:

1974 320.18 Withholding registration.—

1975 (1) The department may withhold the registration of any
1976 motor vehicle or mobile home the owner or coowner of which has
1977 failed to register it under the provisions of law for any
1978 previous period or periods for which it appears registration
1979 should have been made in this state, until the tax for such
1980 period or periods is paid. The department may cancel any vehicle
1981 or vessel registration, driver ~~driver's~~ license, identification
1982 card, or fuel-use tax decal if the owner or coowner pays for any
1983 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
1984 identification card, or fuel-use tax decal; pays any
1985 administrative, delinquency, or reinstatement fee; or pays any
1986 tax liability, penalty, or interest specified in chapter 207 by
1987 a dishonored check, or if the vehicle owner or motor carrier has
1988 failed to pay a penalty for a weight or safety violation issued
1989 by the Department of Transportation or the Department of Highway
1990 Safety and Motor Vehicles. The Department of Transportation and
1991 the Department of Highway Safety and Motor Vehicles may impound
1992 any commercial motor vehicle that has a canceled license plate
1993 or fuel-use tax decal until the tax liability, penalty, and
1994 interest specified in chapter 207, the license tax, or the fuel-
1995 use decal fee, and applicable administrative fees have been paid
1996 for by certified funds.

1997 Section 28. Subsection (3), paragraph (a) of subsection
1998 (4), and subsection (5) of section 320.27, Florida Statutes, are
1999 amended to read:

2000 320.27 Motor vehicle dealers.—

2001 (3) APPLICATION AND FEE.—The application for the license

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2002 shall be in such form as may be prescribed by the department and
2003 shall be subject to such rules with respect thereto as may be so
2004 prescribed by it. Such application shall be verified by oath or
2005 affirmation and shall contain a full statement of the name and
2006 birth date of the person or persons applying therefor; the name
2007 of the firm or copartnership, with the names and places of
2008 residence of all members thereof, if such applicant is a firm or
2009 copartnership; the names and places of residence of the
2010 principal officers, if the applicant is a body corporate or
2011 other artificial body; the name of the state under whose laws
2012 the corporation is organized; the present and former place or
2013 places of residence of the applicant; and prior business in
2014 which the applicant has been engaged and the location thereof.
2015 Such application shall describe the exact location of the place
2016 of business and shall state whether the place of business is
2017 owned by the applicant and when acquired, or, if leased, a true
2018 copy of the lease shall be attached to the application. The
2019 applicant shall certify that the location provides an adequately
2020 equipped office and is not a residence; that the location
2021 affords sufficient unoccupied space upon and within which
2022 adequately to store all motor vehicles offered and displayed for
2023 sale; and that the location is a suitable place where the
2024 applicant can in good faith carry on such business and keep and
2025 maintain books, records, and files necessary to conduct such
2026 business, which shall be available at all reasonable hours to
2027 inspection by the department or any of its inspectors or other
2028 employees. The applicant shall certify that the business of a
2029 motor vehicle dealer is the principal business which shall be
2030 conducted at that location. The application shall contain a

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2031 statement that the applicant is either franchised by a
2032 manufacturer of motor vehicles, in which case the name of each
2033 motor vehicle that the applicant is franchised to sell shall be
2034 included, or an independent (nonfranchised) motor vehicle
2035 dealer. The application shall contain other relevant information
2036 as may be required by the department, including evidence that
2037 the applicant is insured under a garage liability insurance
2038 policy or a general liability insurance policy coupled with a
2039 business automobile policy, which shall include, at a minimum,
2040 \$25,000 combined single-limit liability coverage including
2041 bodily injury and property damage protection and \$10,000
2042 personal injury protection. However, a salvage motor vehicle
2043 dealer as defined in subparagraph (1)(c)5. is exempt from the
2044 requirements for garage liability insurance and personal injury
2045 protection insurance on those vehicles that cannot be legally
2046 operated on roads, highways, or streets in this state. Franchise
2047 dealers must submit a garage liability insurance policy, and all
2048 other dealers must submit a garage liability insurance policy or
2049 a general liability insurance policy coupled with a business
2050 automobile policy. Such policy shall be for the license period,
2051 and evidence of a new or continued policy shall be delivered to
2052 the department at the beginning of each license period. Upon
2053 making initial application, the applicant shall pay to the
2054 department a fee of \$300 in addition to any other fees ~~now~~
2055 required by law. Applicants may choose to extend the licensure
2056 period for 1 additional year for a total of 2 years. An initial
2057 applicant shall pay to the department a fee of \$300 for the
2058 first year and \$75 for the second year, in addition to any other
2059 fees required by law. An applicant for renewal shall pay to the

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2060 department \$75 for a 1-year renewal or \$150 for a 2-year
2061 renewal, in addition to any other fees required by law ~~Upon~~
2062 ~~making a subsequent renewal application, the applicant shall pay~~
2063 ~~to the department a fee of \$75 in addition to any other fees now~~
2064 ~~required by law.~~ Upon making an application for a change of
2065 location, the person shall pay a fee of \$50 in addition to any
2066 other fees now required by law. The department shall, in the
2067 case of every application for initial licensure, verify whether
2068 certain facts set forth in the application are true. Each
2069 applicant, general partner in the case of a partnership, or
2070 corporate officer and director in the case of a corporate
2071 applicant, must file a set of fingerprints with the department
2072 for the purpose of determining any prior criminal record or any
2073 outstanding warrants. The department shall submit the
2074 fingerprints to the Department of Law Enforcement for state
2075 processing and forwarding to the Federal Bureau of Investigation
2076 for federal processing. The actual cost of state and federal
2077 processing shall be borne by the applicant and is in addition to
2078 the fee for licensure. The department may issue a license to an
2079 applicant pending the results of the fingerprint investigation,
2080 which license is fully revocable if the department subsequently
2081 determines that any facts set forth in the application are not
2082 true or correctly represented.

2083 (4) LICENSE CERTIFICATE.—

2084 (a) A license certificate shall be issued by the department
2085 in accordance with such application when the application is
2086 regular in form and in compliance with the provisions of this
2087 section. The license certificate may be in the form of a
2088 document or a computerized card as determined by the department.

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2089 The actual cost of each original, additional, or replacement
2090 computerized card shall be borne by the licensee and is in
2091 addition to the fee for licensure. Such license, when so issued,
2092 entitles the licensee to carry on and conduct the business of a
2093 motor vehicle dealer. Each license issued to a franchise motor
2094 vehicle dealer expires ~~annually~~ on December 31 of the year of
2095 its expiration unless revoked or suspended prior to that date.
2096 Each license issued to an independent or wholesale dealer or
2097 auction expires ~~annually~~ on April 30 of the year of its
2098 expiration unless revoked or suspended prior to that date. At
2099 least ~~Not less than~~ 60 days before ~~prior to~~ the license
2100 expiration date, the department shall deliver or mail to each
2101 licensee the necessary renewal forms. Each independent dealer
2102 shall certify that the dealer (owner, partner, officer, or
2103 director of the licensee, or a full-time employee of the
2104 licensee that holds a responsible management-level position) has
2105 completed 8 hours of continuing education prior to filing the
2106 renewal forms with the department. Such certification shall be
2107 filed once every 2 years. The continuing education shall include
2108 at least 2 hours of legal or legislative issues, 1 hour of
2109 department issues, and 5 hours of relevant motor vehicle
2110 industry topics. Continuing education shall be provided by
2111 dealer schools licensed under paragraph (b) either in a
2112 classroom setting or by correspondence. Such schools shall
2113 provide certificates of completion to the department and the
2114 customer which shall be filed with the license renewal form, and
2115 such schools may charge a fee for providing continuing
2116 education. Any licensee who does not file his or her application
2117 and fees and any other requisite documents, as required by law,

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2118 with the department at least 30 days prior to the license
2119 expiration date shall cease to engage in business as a motor
2120 vehicle dealer on the license expiration date. A renewal filed
2121 with the department within 45 days after the expiration date
2122 shall be accompanied by a delinquent fee of \$100. Thereafter, a
2123 new application is required, accompanied by the initial license
2124 fee. A license certificate duly issued by the department may be
2125 modified by endorsement to show a change in the name of the
2126 licensee, provided, as shown by affidavit of the licensee, the
2127 majority ownership interest of the licensee has not changed or
2128 the name of the person appearing as franchisee on the sales and
2129 service agreement has not changed. Modification of a license
2130 certificate to show any name change as herein provided shall not
2131 require initial licensure or reissuance of dealer tags; however,
2132 any dealer obtaining a name change shall transact all business
2133 in and be properly identified by that name. All documents
2134 relative to licensure shall reflect the new name. In the case of
2135 a franchise dealer, the name change shall be approved by the
2136 manufacturer, distributor, or importer. A licensee applying for
2137 a name change endorsement shall pay a fee of \$25 which fee shall
2138 apply to the change in the name of a main location and all
2139 additional locations licensed under the provisions of subsection
2140 (5). Each initial license application received by the department
2141 shall be accompanied by verification that, within the preceding
2142 6 months, the applicant, or one or more of his or her designated
2143 employees, has attended a training and information seminar
2144 conducted by a licensed motor vehicle dealer training school.
2145 Any applicant for a new franchised motor vehicle dealer license
2146 who has held a valid franchised motor vehicle dealer license

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2147 continuously for the past 2 years and who remains in good
2148 standing with the department is exempt from the prelicensing
2149 training requirement. Such seminar shall include, but is not
2150 limited to, statutory dealer requirements, which requirements
2151 include required bookkeeping and recordkeeping procedures,
2152 requirements for the collection of sales and use taxes, and such
2153 other information that in the opinion of the department will
2154 promote good business practices. No seminar may exceed 8 hours
2155 in length.

2156 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
2157 section hereunder shall obtain a supplemental license for each
2158 permanent additional place or places of business not contiguous
2159 to the premises for which the original license is issued, on a
2160 form to be furnished by the department, and upon payment of a
2161 fee of \$50 for each such additional location. Applicants may
2162 choose to extend the licensure period for 1 additional year for
2163 a total of 2 years. The applicant shall pay to the department a
2164 fee of \$50 for the first year and \$50 for the second year for
2165 each such additional location. Thereafter, the applicant shall
2166 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for
2167 each such additional location ~~Upon making renewal applications~~
2168 ~~for such supplemental licenses, such applicant shall pay \$50 for~~
2169 ~~each additional location.~~ A supplemental license authorizing
2170 off-premises sales shall be issued, at no charge to the dealer,
2171 for a period not to exceed 10 consecutive calendar days. To
2172 obtain such a temporary supplemental license for off-premises
2173 sales, the applicant must be a licensed dealer; must notify the
2174 applicable local department office of the specific dates and
2175 location for which such license is requested, display a sign at

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2176 the licensed location clearly identifying the dealer, and
2177 provide staff to work at the temporary location for the duration
2178 of the off-premises sale; must meet any local government
2179 permitting requirements; and must have permission of the
2180 property owner to sell at that location. In the case of an off-
2181 premises sale by a motor vehicle dealer licensed under
2182 subparagraph (1)(c)1. for the sale of new motor vehicles, the
2183 applicant must also include documentation notifying the
2184 applicable licensee licensed under s. 320.61 of the intent to
2185 engage in an off-premises sale 5 working days prior to the date
2186 of the off-premises sale. The licensee shall either approve or
2187 disapprove of the off-premises sale within 2 working days after
2188 receiving notice; otherwise, it will be deemed approved. This
2189 section does not apply to a nonselling motor vehicle show or
2190 public display of new motor vehicles.

2191 Section 29. Section 320.62, Florida Statutes, is amended to
2192 read:

2193 320.62 Licenses; amount; disposition of proceeds.—The
2194 initial license for each manufacturer, distributor, or importer
2195 shall be \$300 and shall be in addition to all other licenses or
2196 taxes ~~now or hereafter~~ levied, assessed, or required of the
2197 applicant or licensee. Applicants may choose to extend the
2198 licensure period for 1 additional year for a total of 2 years.
2199 An initial applicant shall pay to the department a fee of \$300
2200 for the first year and \$100 for the second year. An applicant
2201 for a renewal license shall pay \$100 to the department for a 1-
2202 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~
2203 ~~license fee shall be \$100.~~ The proceeds from all licenses under
2204 ss. 320.60-320.70 shall be paid into the State Treasury to the

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2205 credit of the General Revenue Fund. All licenses shall be
2206 payable on or before October 1 of the ~~each~~ year and shall
2207 expire, unless sooner revoked or suspended, on ~~the following~~
2208 September 30 of the year of its expiration.

2209 Section 30. Subsections (4) and (6) of section 320.77,
2210 Florida Statutes, are amended to read:

2211 320.77 License required of mobile home dealers.—

2212 (4) FEES.—Upon making initial application, the applicant
2213 shall pay to the department a fee of \$300 in addition to any
2214 other fees ~~now~~ required by law. Applicants may choose to extend
2215 the licensure period for 1 additional year for a total of 2
2216 years. An initial applicant shall pay to the department a fee of
2217 \$300 for the first year and \$100 for the second year in addition
2218 to any other fees required by law. An applicant for a renewal
2219 license shall pay to the department \$100 for a 1-year renewal or
2220 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
2221 ~~be \$100.~~ The fee for application for change of location shall be
2222 \$25. Any applicant for renewal who has failed to submit his or
2223 her renewal application by October 1 of the year of its current
2224 license expiration shall pay a renewal application fee equal to
2225 the original application fee. No fee is refundable. All fees
2226 shall be deposited into the General Revenue Fund.

2227 (6) LICENSE CERTIFICATE.—A license certificate shall be
2228 issued by the department in accordance with the application when
2229 the same is regular in form and in compliance with the
2230 provisions of this section. The license certificate may be in
2231 the form of a document or a computerized card as determined by
2232 the department. The cost of each original, additional, or
2233 replacement computerized card shall be borne by the licensee and

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2234 is in addition to the fee for licensure. The fees charged
2235 applicants for both the required background investigation and
2236 the computerized card as provided in this section shall be
2237 deposited into the Highway Safety Operating Trust Fund. The
2238 license, when so issued, shall entitle the licensee to carry on
2239 and conduct the business of a mobile home dealer at the location
2240 set forth in the license for a period of 1 or 2 years beginning
2241 ~~year from~~ October 1 preceding the date of issuance. Each initial
2242 application received by the department shall be accompanied by
2243 verification that, within the preceding 6 months, the applicant
2244 or one or more of his or her designated employees has attended a
2245 training and information seminar conducted by the department or
2246 by a public or private provider approved by the department. Such
2247 seminar shall include, but not be limited to, statutory dealer
2248 requirements, which requirements include required bookkeeping
2249 and recording procedures, requirements for the collection of
2250 sales and use taxes, and such other information that in the
2251 opinion of the department will promote good business practices.

2252 Section 31. Subsections (4) and (6) of section 320.771,
2253 Florida Statutes, are amended to read:

2254 320.771 License required of recreational vehicle dealers.-

2255 (4) FEES.-Upon making initial application, the applicant
2256 shall pay to the department a fee of \$300 in addition to any
2257 other fees ~~now~~ required by law. Applicants may choose to extend
2258 the licensure period for 1 additional year for a total of 2
2259 years. An initial applicant shall pay to the department a fee of
2260 \$300 for the first year and \$100 for the second year in addition
2261 to any other fees required by law. An applicant for a renewal
2262 license shall pay to the department \$100 for a 1-year renewal or

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2263 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
2264 ~~be \$100.~~ The fee for application for change of location shall be
2265 \$25. Any applicant for renewal who has failed to submit his or
2266 her renewal application by October 1 of the year of its current
2267 license expiration shall pay a renewal application fee equal to
2268 the original application fee. No fee is refundable. All fees
2269 shall be deposited into the General Revenue Fund.

2270 (6) LICENSE CERTIFICATE.—A license certificate shall be
2271 issued by the department in accordance with the application when
2272 the same is regular in form and in compliance with the
2273 provisions of this section. The license certificate may be in
2274 the form of a document or a computerized card as determined by
2275 the department. The cost of each original, additional, or
2276 replacement computerized card shall be borne by the licensee and
2277 is in addition to the fee for licensure. The fees charged
2278 applicants for both the required background investigation and
2279 the computerized card as provided in this section shall be
2280 deposited into the Highway Safety Operating Trust Fund. The
2281 license, when so issued, shall entitle the licensee to carry on
2282 and conduct the business of a recreational vehicle dealer at the
2283 location set forth in the license for a period of 1 or 2 years
2284 ~~year~~ from October 1 preceding the date of issuance. Each initial
2285 application received by the department shall be accompanied by
2286 verification that, within the preceding 6 months, the applicant
2287 or one or more of his or her designated employees has attended a
2288 training and information seminar conducted by the department or
2289 by a public or private provider approved by the department. Such
2290 seminar shall include, but not be limited to, statutory dealer
2291 requirements, which requirements include required bookkeeping

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2292 and recording procedures, requirements for the collection of
2293 sales and use taxes, and such other information that in the
2294 opinion of the department will promote good business practices.

2295 Section 32. Subsections (3) and (6) of section 320.8225,
2296 Florida Statutes, are amended to read:

2297 320.8225 Mobile home and recreational vehicle manufacturer,
2298 distributor, and importer license.—

2299 (3) FEES.—Upon submitting an initial application, the
2300 applicant shall pay to the department a fee of \$300. Applicants
2301 may choose to extend the licensure period for 1 additional year
2302 for a total of 2 years. An initial applicant shall pay to the
2303 department a fee of \$300 for the first year and \$100 for the
2304 second year. An applicant for a renewal license shall pay to the
2305 department \$100 for a 1-year renewal or \$200 for a 2-year
2306 renewal ~~Upon submitting a renewal application, the applicant~~
2307 ~~shall pay to the department a fee of \$100.~~ Any applicant for
2308 renewal who fails to submit his or her renewal application by
2309 October 1 of the year of its current license expiration shall
2310 pay a renewal application fee equal to the original application
2311 fee. No fee is refundable. All fees must be deposited into the
2312 General Revenue Fund.

2313 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
2314 manufacturer or a recreational vehicle manufacturer,
2315 distributor, or importer entitles the licensee to conduct
2316 business for a period of 1 or 2 years beginning year from
2317 October 1 preceding the date of issuance.

2318 Section 33. Section 322.095, Florida Statutes, is amended
2319 to read:

2320 322.095 Traffic law and substance abuse education program

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2321 for driver ~~driver's~~ license applicants.-

2322 (1) Each applicant for a driver license must complete a
 2323 traffic law and substance abuse education course, unless the
 2324 applicant has been licensed in another jurisdiction or has
 2325 satisfactorily completed a Department of Education driver
 2326 education course offered pursuant to s. 1003.48.

2327 (2)~~(1)~~ The Department of Highway Safety and Motor Vehicles
 2328 must approve traffic law and substance abuse education courses,
 2329 including courses that use communications technology as the
 2330 delivery method.

2331 (a) In addition to the course approval criteria provided in
 2332 this section, initial approval of traffic law and substance
 2333 abuse education courses shall be based on the department's
 2334 review of all course materials which must be designed to promote
 2335 safety, education, and driver awareness; course presentation to
 2336 the department by the provider; and the provider's plan for
 2337 effective oversight of the course by those who deliver the
 2338 course in the state.

2339 (b) Each course provider seeking approval of a traffic law
 2340 and substance abuse education course must submit:

2341 1. Proof of ownership, copyright, or written permission
 2342 from the course owner to use the course in the state ~~that must~~
 2343 ~~be completed by applicants for a Florida driver's license.~~

2344 2. The curriculum ~~curricula~~ for the courses which must
 2345 promote motorcyclist, bicyclist, and pedestrian safety and
 2346 provide instruction on the physiological and psychological
 2347 consequences of the abuse of alcohol and other drugs;~~τ~~ the
 2348 societal and economic costs of alcohol and drug abuse;~~τ~~ the
 2349 effects of alcohol and drug abuse on the driver of a motor

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2350 vehicle; ~~and the laws of this state relating to the operation~~
2351 of a motor vehicle; the risk factors involved in driver attitude
2352 and irresponsible driver behaviors, such as speeding, reckless
2353 driving, and running red lights and stop signs; and the results
2354 of the use of electronic devices while driving. All instructors
2355 teaching the courses shall be certified by the department.

2356 ~~(3)(2) The department shall contract for an independent~~
2357 ~~evaluation of the courses. Local DUI programs authorized under~~
2358 ~~s. 316.193(5) and certified by the department or a driver~~
2359 ~~improvement school may offer a traffic law and substance abuse~~
2360 ~~education course. However, Prior to offering the course, the~~
2361 ~~course provider must obtain certification from the department~~
2362 ~~that the course complies with the requirements of this section.~~
2363 If the course is offered in a classroom setting, the course
2364 provider and any schools authorized by the provider to teach the
2365 course must offer the approved course at locations that are free
2366 from distractions and reasonably accessible to most applicants
2367 and must issue a certificate to those persons successfully
2368 completing the course.

2369 ~~(3) The completion of a course does not qualify a person~~
2370 ~~for the reinstatement of a driver's license which has been~~
2371 ~~suspended or revoked.~~

2372 ~~(4) The fee charged by the course provider must bear a~~
2373 ~~reasonable relationship to the cost of the course. The~~
2374 ~~department must conduct financial audits of course providers~~
2375 ~~conducting the education courses required under this section or~~
2376 ~~require that financial audits of providers be performed, at the~~
2377 ~~expense of the provider, by a certified public accountant.~~

2378 ~~(5) The provisions of this section do not apply to any~~

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2379 ~~person who has been licensed in any other jurisdiction or who~~
2380 ~~has satisfactorily completed a Department of Education driver's~~
2381 ~~education course offered pursuant to s. 1003.48.~~

2382 (4) (6) In addition to a regular course fee, an assessment
2383 fee in the amount of \$3 shall be collected by the school from
2384 each person who attends a course. The course provider must remit
2385 the \$3 assessment fee to the department for deposit into the
2386 Highway Safety Operating Trust Fund in order to receive a unique
2387 course completion certificate number for the student. Each
2388 ~~course provider must collect a \$3 assessment fee in addition to~~
2389 ~~the enrollment fee charged to participants of the traffic law~~
2390 ~~and substance abuse course required under this section. The \$3~~
2391 ~~assessment fee collected by the course provider must be~~
2392 ~~forwarded to the department within 30 days after receipt of the~~
2393 ~~assessment.~~

2394 (5) (7) The department may is authorized to maintain the
2395 information and records necessary to administer its duties and
2396 responsibilities for the program. Course providers are required
2397 to maintain all records pertinent to the conduct of their
2398 approved courses for 5 years and allow the department to inspect
2399 such records as necessary. Records may be maintained in an
2400 electronic format. If ~~where~~ such information is a public record
2401 as defined in chapter 119, it shall be made available to the
2402 public upon request pursuant to s. 119.07(1). ~~The department~~
2403 ~~shall approve and regulate courses that use technology as the~~
2404 ~~delivery method of all traffic law and substance abuse education~~
2405 ~~courses as the courses relate to this section.~~

2406 (6) The department shall design, develop, implement, and
2407 conduct effectiveness studies on each delivery method of all

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2408 courses approved pursuant to this section on a recurring 3-year
2409 basis. At a minimum, studies shall be conducted on the
2410 effectiveness of each course in reducing DUI citations and
2411 decreasing moving traffic violations or collision recidivism.
2412 Upon notification that a course has failed an effectiveness
2413 study, the course provider shall immediately cease offering the
2414 course in the state.

2415 (7) Courses approved under this section must be updated at
2416 the department's request. Failure of a course provider to update
2417 the course within 90 days after the department's request shall
2418 result in the suspension of the course approval until such time
2419 that the updates are submitted and approved by the department.

2420 (8) Each course provider shall ensure that its driver
2421 improvement schools are conducting the approved courses fully,
2422 to the required time limits, and with the content requirements
2423 specified by the department. The course provider shall ensure
2424 that only department-approved instructional materials are used
2425 in the presentation of the course, and that all driver
2426 improvement schools conducting the course do so in a manner that
2427 maximizes its impact and effectiveness. The course provider
2428 shall ensure that any student who is unable to attend or
2429 complete a course due to action, error, or omission on the part
2430 of the course provider or driver improvement school conducting
2431 the course shall be accommodated to permit completion of the
2432 course at no additional cost.

2433 (9) Traffic law and substance abuse education courses shall
2434 be conducted with a minimum of 4 hours devoted to course content
2435 minus a maximum of 30 minutes allotted for breaks.

2436 (10) A course provider may not require any student to

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2437 purchase a course completion certificate. Course providers
2438 offering paper or electronic certificates for purchase must
2439 clearly convey to the student that this purchase is optional,
2440 that the only valid course completion certificate is the
2441 electronic one that is entered into the department's Driver
2442 Improvement Certificate Issuance System, and that paper
2443 certificates are not acceptable for any licensing purpose.

2444 (11) Course providers and all associated driver improvement
2445 schools that offer approved courses shall disclose all fees
2446 associated with the course and shall not charge any fees that
2447 are not clearly listed during the registration process.

2448 (12) Course providers shall submit course completion
2449 information to the department through the department's Driver
2450 Improvement Certificate Issuance System within 5 days. The
2451 submission shall be free of charge to the student.

2452 (13) The department may deny, suspend, or revoke course
2453 approval upon proof that the course provider:

2454 (a) Violated this section.

2455 (b) Has been convicted of a crime involving any drug-
2456 related or DUI-related offense, a felony, fraud, or a crime
2457 directly related to the personal safety of a student.

2458 (c) Failed to satisfy the effectiveness criteria as
2459 outlined in subsection (6).

2460 (d) Obtained course approval by fraud or misrepresentation.

2461 (e) Obtained or assisted a person in obtaining any driver
2462 license by fraud or misrepresentation.

2463 (f) Conducted a traffic law and substance abuse education
2464 course in the state while approval of such course was under
2465 suspension or revocation.

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2466 (g) Failed to provide effective oversight of those who
2467 deliver the course in the state.

2468 (14) The department shall not accept certificates from
2469 students who take a course after the course has been suspended
2470 or revoked.

2471 (15) A person who has been convicted of a crime involving
2472 any drug-related or DUI-related offense in the past 5 years, a
2473 felony, fraud, or a crime directly related to the personal
2474 safety of a student shall not be allowed to conduct traffic law
2475 and substance abuse education courses.

2476 (16) The department shall summarily suspend approval of any
2477 course without preliminary hearing for the purpose of protecting
2478 the public safety and enforcing any provision of law governing
2479 traffic law and substance abuse education courses.

2480 (17) Except as otherwise provided in this section, before
2481 final department action denying, suspending, or revoking
2482 approval of a course, the course provider shall have the
2483 opportunity to request either a formal or informal
2484 administrative hearing to show cause why the action should not
2485 be taken.

2486 (18) The department may levy and collect a civil fine of at
2487 least \$1,000 but not more than \$5,000 for each violation of this
2488 section. Proceeds from fines collected shall be deposited into
2489 the Highway Safety Operating Trust Fund and used to cover the
2490 cost of administering this section or promoting highway safety
2491 initiatives.

2492 Section 34. Subsection (1) of section 322.125, Florida
2493 Statutes, is amended to read:

2494 322.125 Medical Advisory Board.—

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2495 (1) There shall be a Medical Advisory Board composed of not
2496 fewer than 12 or more than 25 members, at least one of whom must
2497 be 60 years of age or older and all but one of whose medical and
2498 other specialties must relate to driving abilities, which number
2499 must include a doctor of medicine who is employed by the
2500 Department of Highway Safety and Motor Vehicles in Tallahassee,
2501 who shall serve as administrative officer for the board. The
2502 executive director of the Department of Highway Safety and Motor
2503 Vehicles shall recommend persons to serve as board members.
2504 Every member but two must be a doctor of medicine licensed to
2505 practice medicine in this or any other state ~~and must be a~~
2506 ~~member in good standing of the Florida Medical Association or~~
2507 ~~the Florida Osteopathic Association.~~ One member must be an
2508 optometrist licensed to practice optometry in this state ~~and~~
2509 ~~must be a member in good standing of the Florida Optometric~~
2510 ~~Association.~~ One member must be a chiropractic physician
2511 licensed to practice chiropractic medicine in this state.
2512 Members shall be approved by the Cabinet and shall serve 4-year
2513 staggered terms. The board membership must, to the maximum
2514 extent possible, consist of equal representation of the
2515 disciplines of the medical community treating the mental or
2516 physical disabilities that could affect the safe operation of
2517 motor vehicles.

2518 Section 35. Subsection (4) of section 322.135, Florida
2519 Statutes, is amended to read:

2520 322.135 Driver ~~Driver's~~ license agents.—

2521 (4) A tax collector may not issue or renew a driver
2522 ~~driver's~~ license if he or she has any reason to believe that the
2523 licensee or prospective licensee is physically or mentally

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2524 unqualified to operate a motor vehicle. ~~The tax collector may~~
2525 ~~direct any such licensee to the department for examination or~~
2526 ~~reexamination under s. 322.221.~~

2527 Section 36. Paragraph (a) of subsection (5) of section
2528 322.18, Florida Statutes, is amended to read:

2529 322.18 Original applications, licenses, and renewals;
2530 expiration of licenses; delinquent licenses.—

2531 (5) All renewal driver ~~driver's~~ licenses may be issued
2532 after the applicant licensee has been determined to be eligible
2533 by the department.

2534 (a) A licensee who is otherwise eligible for renewal and
2535 who is at least 80 years of age:

2536 1. Must submit to and pass a vision test administered at
2537 any driver ~~driver's~~ license office; or

2538 2. If the licensee applies for a renewal using a
2539 convenience service as provided in subsection (8), he or she
2540 must submit to a vision test administered by a doctor of
2541 medicine or a doctor of osteopathy licensed to practice medicine
2542 in any state or an optometrist licensed to practice optometry in
2543 any state ~~physician licensed under chapter 458 or chapter 459,~~
2544 ~~an optometrist licensed under chapter 463, or a licensed~~
2545 ~~physician at a federally established veterans' hospital;~~ must
2546 send the results of that test to the department on a form
2547 obtained from the department and signed by such health care
2548 practitioner; and must meet vision standards that are equivalent
2549 to the standards for passing the departmental vision test. The
2550 physician or optometrist may submit the results of a vision test
2551 by a department-approved electronic means.

2552 Section 37. Subsection (1) of section 322.21, Florida

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2553 Statutes, is amended to read:

2554 322.21 License fees; procedure for handling and collecting
2555 fees.—

2556 (1) Except as otherwise provided herein, the fee for:

2557 (a) An original or renewal commercial driver ~~driver's~~
2558 license is \$75, which shall include the fee for driver education
2559 provided by s. 1003.48. However, if an applicant has completed
2560 training and is applying for employment or is currently employed
2561 in a public or nonpublic school system that requires the
2562 commercial license, the fee is the same as for a Class E driver
2563 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a
2564 renewal within 12 months after the license expiration date.

2565 (b) An original Class E driver ~~driver's~~ license is \$48,
2566 which includes the fee for driver ~~driver's~~ education provided by
2567 s. 1003.48. However, if an applicant has completed training and
2568 is applying for employment or is currently employed in a public
2569 or nonpublic school system that requires a commercial driver
2570 license, the fee is the same as for a Class E license.

2571 (c) The renewal or extension of a Class E driver ~~driver's~~
2572 license or of a license restricted to motorcycle use only is
2573 \$48, except that a delinquent fee of \$15 shall be added for a
2574 renewal or extension made within 12 months after the license
2575 expiration date. The fee provided in this paragraph includes the
2576 fee for driver ~~driver's~~ education provided by s. 1003.48.

2577 (d) An original driver ~~driver's~~ license restricted to
2578 motorcycle use only is \$48, which includes the fee for driver
2579 ~~driver's~~ education provided by s. 1003.48.

2580 (e) A replacement driver ~~driver's~~ license issued pursuant
2581 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into

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2582 the Highway Safety Operating Trust Fund and \$18 shall be
2583 deposited into the General Revenue Fund. Beginning July 1, 2015,
2584 or upon completion of the transition of driver ~~driver's~~ license
2585 issuance services, if the replacement driver ~~driver's~~ license is
2586 issued by the tax collector, the tax collector shall retain the
2587 \$7 that would otherwise be deposited into the Highway Safety
2588 Operating Trust Fund and the remaining revenues shall be
2589 deposited into the General Revenue Fund.

2590 (f) An original, renewal, or replacement identification
2591 card issued pursuant to s. 322.051 is \$25. Funds collected from
2592 these fees shall be distributed as follows:

2593 1. For an original identification card issued pursuant to
2594 s. 322.051 the fee is \$25. This amount shall be deposited into
2595 the General Revenue Fund.

2596 2. For a renewal identification card issued pursuant to s.
2597 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
2598 into the Highway Safety Operating Trust Fund and \$19 shall be
2599 deposited into the General Revenue Fund.

2600 3. For a replacement identification card issued pursuant to
2601 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited
2602 into the Highway Safety Operating Trust Fund and \$16 shall be
2603 deposited into the General Revenue Fund. Beginning July 1, 2015,
2604 or upon completion of the transition of the driver ~~driver's~~
2605 license issuance services, if the replacement identification
2606 card is issued by the tax collector, the tax collector shall
2607 retain the \$9 that would otherwise be deposited into the Highway
2608 Safety Operating Trust Fund and the remaining revenues shall be
2609 deposited into the General Revenue Fund.

2610 (g) Each endorsement required by s. 322.57 is \$7.

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2611 (h) A hazardous-materials endorsement, as required by s.
2612 322.57(1)(d), shall be set by the department by rule and must
2613 reflect the cost of the required criminal history check,
2614 including the cost of the state and federal fingerprint check,
2615 and the cost to the department of providing and issuing the
2616 license. The fee shall not exceed \$100. This fee shall be
2617 deposited in the Highway Safety Operating Trust Fund. The
2618 department may adopt rules to administer this section.

2619 (i) The specialty driver license or identification card
2620 issued pursuant to s. 322.1415 is \$25, which is in addition to
2621 other fees required in this section. The fee shall be
2622 distributed as follows:

2623 1. Fifty percent shall be distributed as provided in s.
2624 320.08058 to the appropriate state or independent university,
2625 professional sports team, or branch of the United States Armed
2626 Forces.

2627 2. Fifty percent shall be distributed to the department for
2628 costs directly related to the specialty driver license and
2629 identification card program and to defray the costs associated
2630 with production enhancements and distribution.

2631 Section 38. Subsection (7) of section 322.212, Florida
2632 Statutes, is amended to read:

2633 322.212 Unauthorized possession of, and other unlawful acts
2634 in relation to, driver ~~driver's~~ license or identification card.-

2635 (7) In addition to any other penalties provided by this
2636 section, any person who provides false information when applying
2637 for a commercial driver ~~driver's~~ license or commercial learner's
2638 permit or is convicted of fraud in connection with testing for a
2639 commercial driver license or commercial learner's permit shall

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2640 be disqualified from operating a commercial motor vehicle for a
2641 period of 1 year ~~60 days~~.

2642 Section 39. Subsection (1) of section 322.22, Florida
2643 Statutes, is amended to read:

2644 322.22 Authority of department to cancel or refuse to issue
2645 or renew license.—

2646 (1) The department may ~~is authorized to~~ cancel or withhold
2647 issuance or renewal of any driver ~~driver's~~ license, upon
2648 determining that the licensee was not entitled to the issuance
2649 thereof, or that the licensee failed to give the required or
2650 correct information in his or her application or committed any
2651 fraud in making such application, or that the licensee has two
2652 or more licenses on file with the department, each in a
2653 different name but bearing the photograph of the licensee,
2654 unless the licensee has complied with the requirements of this
2655 chapter in obtaining the licenses. The department may cancel or
2656 withhold issuance or renewal of any driver ~~driver's~~ license,
2657 identification card, vehicle or vessel registration, or fuel-use
2658 decal if the licensee fails to pay the correct fee or pays for
2659 any driver ~~the driver's~~ license, identification card, vehicle or
2660 vessel registration, or fuel-use decal; pays any tax liability,
2661 penalty, or interest specified in chapter 207; or pays any
2662 administrative, delinquency, or reinstatement fee by a
2663 dishonored check.

2664 Section 40. Subsection (3) of section 322.245, Florida
2665 Statutes, is amended to read:

2666 322.245 Suspension of license upon failure of person
2667 charged with specified offense under chapter 316, chapter 320,
2668 or this chapter to comply with directives ordered by traffic

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2669 court or upon failure to pay child support in non-IV-D cases as
2670 provided in chapter 61 or failure to pay any financial
2671 obligation in any other criminal case.-

2672 (3) If the person fails to comply with the directives of
2673 the court within the 30-day period, or, in non-IV-D cases, fails
2674 to comply with the requirements of s. 61.13016 within the period
2675 specified in that statute, the depository or the clerk of the
2676 court shall electronically notify the department of such failure
2677 within 10 days. Upon electronic receipt of the notice, the
2678 department shall immediately issue an order suspending the
2679 person's driver ~~driver's~~ license and privilege to drive
2680 effective 20 days after the date the order of suspension is
2681 mailed in accordance with s. 322.251(1), (2), and (6).

2682 Section 41. Subsection (7) of section 322.25, Florida
2683 Statutes, is amended to read:

2684 322.25 When court to forward license to department and
2685 report convictions; temporary reinstatement of driving
2686 privileges.-

2687 ~~(7) Any licensed driver convicted of driving, or being in
2688 the actual physical control of, a vehicle within this state
2689 while under the influence of alcoholic beverages, any chemical
2690 substance set forth in s. 877.111, or any substance controlled
2691 under chapter 893, when affected to the extent that his or her
2692 normal faculties are impaired, and whose license and driving
2693 privilege have been revoked as provided in subsection (1) may be
2694 issued a court order for reinstatement of a driving privilege on
2695 a temporary basis; provided that, as a part of the penalty, upon
2696 conviction, the defendant is required to enroll in and complete
2697 a driver improvement course for the rehabilitation of drinking~~

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2698 ~~drivers and the driver is otherwise eligible for reinstatement~~
2699 ~~of the driving privilege as provided by s. 322.282. The court~~
2700 ~~order for reinstatement shall be on a form provided by the~~
2701 ~~department and must be taken by the person convicted to a~~
2702 ~~Florida driver's license examining office, where a temporary~~
2703 ~~driving permit may be issued. The period of time for which a~~
2704 ~~temporary permit issued in accordance with this subsection is~~
2705 ~~valid shall be deemed to be part of the period of revocation~~
2706 ~~imposed by the court.~~

2707 Section 42. Section 322.2615, Florida Statutes, is amended
2708 to read:

2709 322.2615 Suspension of license; right to review.-

2710 (1) (a) A law enforcement officer or correctional officer
2711 shall, on behalf of the department, suspend the driving
2712 privilege of a person who is driving or in actual physical
2713 control of a motor vehicle and who has an unlawful blood-alcohol
2714 level or breath-alcohol level of 0.08 or higher, or of a person
2715 who has refused to submit to a urine test or a test of his or
2716 her breath-alcohol or blood-alcohol level. The officer shall
2717 take the person's driver ~~driver's~~ license and issue the person a
2718 10-day temporary permit if the person is otherwise eligible for
2719 the driving privilege and shall issue the person a notice of
2720 suspension. If a blood test has been administered, the officer
2721 or the agency employing the officer shall transmit such results
2722 to the department within 5 days after receipt of the results. If
2723 the department then determines that the person had a blood-
2724 alcohol level or breath-alcohol level of 0.08 or higher, the
2725 department shall suspend the person's driver ~~driver's~~ license
2726 pursuant to subsection (3).

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2727 (b) The suspension under paragraph (a) shall be pursuant
2728 to, and the notice of suspension shall inform the driver of, the
2729 following:

2730 1.a. The driver refused to submit to a lawful breath,
2731 blood, or urine test and his or her driving privilege is
2732 suspended for a period of 1 year for a first refusal or for a
2733 period of 18 months if his or her driving privilege has been
2734 previously suspended as a result of a refusal to submit to such
2735 a test; or

2736 b. The driver was driving or in actual physical control of
2737 a motor vehicle and had an unlawful blood-alcohol level or
2738 breath-alcohol level of 0.08 or higher and his or her driving
2739 privilege is suspended for a period of 6 months for a first
2740 offense or for a period of 1 year if his or her driving
2741 privilege has been previously suspended under this section.

2742 2. The suspension period shall commence on the date of
2743 issuance of the notice of suspension.

2744 3. The driver may request a formal or informal review of
2745 the suspension by the department within 10 days after the date
2746 of issuance of the notice of suspension.

2747 4. The temporary permit issued at the time of suspension
2748 expires at midnight of the 10th day following the date of
2749 issuance of the notice of suspension.

2750 5. The driver may submit to the department any materials
2751 relevant to the suspension.

2752 (2) (a) Except as provided in paragraph (1) (a), the law
2753 enforcement officer shall forward to the department, within 5
2754 days after issuing the notice of suspension, the driver ~~driver's~~
2755 license; an affidavit stating the officer's grounds for belief

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2756 that the person was driving or in actual physical control of a
2757 motor vehicle while under the influence of alcoholic beverages
2758 or chemical or controlled substances; the results of any breath
2759 or blood test or an affidavit stating that a breath, blood, or
2760 urine test was requested by a law enforcement officer or
2761 correctional officer and that the person refused to submit; the
2762 officer's description of the person's field sobriety test, if
2763 any; and the notice of suspension. The failure of the officer to
2764 submit materials within the 5-day period specified in this
2765 subsection and in subsection (1) does not affect the
2766 department's ability to consider any evidence submitted at or
2767 prior to the hearing.

2768 (b) The officer may also submit a copy of the crash report
2769 and a copy of a video recording ~~videotape~~ of the field sobriety
2770 test or the attempt to administer such test. Materials submitted
2771 to the department by a law enforcement agency or correctional
2772 agency shall be considered self-authenticating and shall be in
2773 the record for consideration by the hearing officer.
2774 Notwithstanding s. 316.066(5), the crash report shall be
2775 considered by the hearing officer.

2776 (3) If the department determines that the license should be
2777 suspended pursuant to this section and if the notice of
2778 suspension has not already been served upon the person by a law
2779 enforcement officer or correctional officer as provided in
2780 subsection (1), the department shall issue a notice of
2781 suspension and, unless the notice is mailed pursuant to s.
2782 322.251, a temporary permit that expires 10 days after the date
2783 of issuance if the driver is otherwise eligible.

2784 (4) If the person whose license was suspended requests an

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2785 informal review pursuant to subparagraph (1)(b)3., the
2786 department shall conduct the informal review by a hearing
2787 officer designated ~~employed~~ by the department. Such informal
2788 review hearing shall consist solely of an examination by the
2789 department of the materials submitted by a law enforcement
2790 officer or correctional officer and by the person whose license
2791 was suspended, and the presence of an officer or witness is not
2792 required.

2793 (5) After completion of the informal review, notice of the
2794 department's decision sustaining, amending, or invalidating the
2795 suspension of the driver ~~driver's~~ license of the person whose
2796 license was suspended must be provided to such person. Such
2797 notice must be mailed to the person at the last known address
2798 shown on the department's records, or to the address provided in
2799 the law enforcement officer's report if such address differs
2800 from the address of record, within 21 days after the expiration
2801 of the temporary permit issued pursuant to subsection (1) or
2802 subsection (3).

2803 (6) (a) If the person whose license was suspended requests a
2804 formal review, the department must schedule a hearing ~~to be held~~
2805 within 30 days after such request is received by the department
2806 and must notify the person of the date, time, and place of the
2807 hearing.

2808 (b) Such formal review hearing shall be held before a
2809 hearing officer designated ~~employed~~ by the department, and the
2810 hearing officer shall be authorized to administer oaths, examine
2811 witnesses and take testimony, receive relevant evidence, issue
2812 subpoenas for the officers and witnesses identified in documents
2813 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the

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2814 course and conduct of the hearing, question witnesses, and make
2815 a ruling on the suspension. The hearing officer may conduct
2816 hearings using communications technology. The party requesting
2817 the presence of a witness shall be responsible for the payment
2818 of any witness fees and for notifying in writing the state
2819 attorney's office in the appropriate circuit of the issuance of
2820 the subpoena. If the person who requests a formal review hearing
2821 fails to appear and the hearing officer finds such failure to be
2822 without just cause, the right to a formal hearing is waived and
2823 the suspension shall be sustained.

2824 (c) The failure of a subpoenaed witness to appear at the
2825 formal review hearing is not grounds to invalidate the
2826 suspension. If a witness fails to appear, a party may seek
2827 enforcement of a subpoena under paragraph (b) by filing a
2828 petition for enforcement in the circuit court of the judicial
2829 circuit in which the person failing to comply with the subpoena
2830 resides or by filing a motion for enforcement in any criminal
2831 court case resulting from the driving or actual physical control
2832 of a motor vehicle that gave rise to the suspension under this
2833 section. A failure to comply with an order of the court shall
2834 result in a finding of contempt of court. However, a person is
2835 not in contempt while a subpoena is being challenged.

2836 (d) The department must, within 7 working days after a
2837 formal review hearing, send notice to the person of the hearing
2838 officer's decision as to whether sufficient cause exists to
2839 sustain, amend, or invalidate the suspension.

2840 (7) In a formal review hearing under subsection (6) or an
2841 informal review hearing under subsection (4), the hearing
2842 officer shall determine by a preponderance of the evidence

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2843 whether sufficient cause exists to sustain, amend, or invalidate
2844 the suspension. The scope of the review shall be limited to the
2845 following issues:

2846 (a) If the license was suspended for driving with an
2847 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2848 higher:

2849 1. Whether the law enforcement officer had probable cause
2850 to believe that the person whose license was suspended was
2851 driving or in actual physical control of a motor vehicle in this
2852 state while under the influence of alcoholic beverages or
2853 chemical or controlled substances.

2854 2. Whether the person whose license was suspended had an
2855 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2856 higher as provided in s. 316.193.

2857 (b) If the license was suspended for refusal to submit to a
2858 breath, blood, or urine test:

2859 1. Whether the law enforcement officer had probable cause
2860 to believe that the person whose license was suspended was
2861 driving or in actual physical control of a motor vehicle in this
2862 state while under the influence of alcoholic beverages or
2863 chemical or controlled substances.

2864 2. Whether the person whose license was suspended refused
2865 to submit to any such test after being requested to do so by a
2866 law enforcement officer or correctional officer.

2867 3. Whether the person whose license was suspended was told
2868 that if he or she refused to submit to such test his or her
2869 privilege to operate a motor vehicle would be suspended for a
2870 period of 1 year or, in the case of a second or subsequent
2871 refusal, for a period of 18 months.

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2872 (8) Based on the determination of the hearing officer
2873 pursuant to subsection (7) for both informal hearings under
2874 subsection (4) and formal hearings under subsection (6), the
2875 department shall:

2876 (a) Sustain the suspension of the person's driving
2877 privilege for a period of 1 year for a first refusal, or for a
2878 period of 18 months if the driving privilege of such person has
2879 been previously suspended as a result of a refusal to submit to
2880 such tests, if the person refused to submit to a lawful breath,
2881 blood, or urine test. The suspension period commences on the
2882 date of issuance of the notice of suspension.

2883 (b) Sustain the suspension of the person's driving
2884 privilege for a period of 6 months for a blood-alcohol level or
2885 breath-alcohol level of 0.08 or higher, or for a period of 1
2886 year if the driving privilege of such person has been previously
2887 suspended under this section as a result of driving with an
2888 unlawful alcohol level. The suspension period commences on the
2889 date of issuance of the notice of suspension.

2890 (9) A request for a formal review hearing or an informal
2891 review hearing shall not stay the suspension of the person's
2892 driver ~~driver's~~ license. If the department fails to schedule the
2893 formal review hearing ~~to be held~~ within 30 days after receipt of
2894 the request therefor, the department shall invalidate the
2895 suspension. If the scheduled hearing is continued at the
2896 department's initiative or the driver enforces the subpoena as
2897 provided in subsection (6), the department shall issue a
2898 temporary driving permit that shall be valid until the hearing
2899 is conducted if the person is otherwise eligible for the driving
2900 privilege. Such permit may not be issued to a person who sought

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2901 and obtained a continuance of the hearing. The permit issued
2902 under this subsection shall authorize driving for business or
2903 employment use only.

2904 (10) A person whose driver ~~driver's~~ license is suspended
2905 under subsection (1) or subsection (3) may apply for issuance of
2906 a license for business or employment purposes only if the person
2907 is otherwise eligible for the driving privilege pursuant to s.
2908 322.271.

2909 (a) If the suspension of the driver ~~driver's~~ license of the
2910 person for failure to submit to a breath, urine, or blood test
2911 is sustained, the person is not eligible to receive a license
2912 for business or employment purposes only, pursuant to s.
2913 322.271, until 90 days have elapsed after the expiration of the
2914 last temporary permit issued. If the driver is not issued a 10-
2915 day permit pursuant to this section or s. 322.64 because he or
2916 she is ineligible for the permit and the suspension for failure
2917 to submit to a breath, urine, or blood test is not invalidated
2918 by the department, the driver is not eligible to receive a
2919 business or employment license pursuant to s. 322.271 until 90
2920 days have elapsed from the date of the suspension.

2921 (b) If the suspension of the driver ~~driver's~~ license of the
2922 person relating to unlawful blood-alcohol level or breath-
2923 alcohol level of 0.08 or higher is sustained, the person is not
2924 eligible to receive a license for business or employment
2925 purposes only pursuant to s. 322.271 until 30 days have elapsed
2926 after the expiration of the last temporary permit issued. If the
2927 driver is not issued a 10-day permit pursuant to this section or
2928 s. 322.64 because he or she is ineligible for the permit and the
2929 suspension relating to unlawful blood-alcohol level or breath-

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2930 alcohol level of 0.08 or higher is not invalidated by the
2931 department, the driver is not eligible to receive a business or
2932 employment license pursuant to s. 322.271 until 30 days have
2933 elapsed from the date of the suspension.

2934 (11) The formal review hearing may be conducted upon a
2935 review of the reports of a law enforcement officer or a
2936 correctional officer, including documents relating to the
2937 administration of a breath test or blood test or the refusal to
2938 take either test or the refusal to take a urine test. However,
2939 as provided in subsection (6), the driver may subpoena the
2940 officer or any person who administered or analyzed a breath or
2941 blood test. If the arresting officer or the breath technician
2942 fails to appear pursuant to a subpoena as provided in subsection
2943 (6), the department shall invalidate the suspension.

2944 (12) The formal review hearing and the informal review
2945 hearing are exempt from the provisions of chapter 120. The
2946 department may adopt rules for the conduct of reviews under this
2947 section.

2948 (13) A person may appeal any decision of the department
2949 sustaining a suspension of his or her driver ~~driver's~~ license by
2950 a petition for writ of certiorari to the circuit court in the
2951 county wherein such person resides or wherein a formal or
2952 informal review was conducted pursuant to s. 322.31. However, an
2953 appeal shall not stay the suspension. A law enforcement agency
2954 may appeal any decision of the department invalidating a
2955 suspension by a petition for writ of certiorari to the circuit
2956 court in the county wherein a formal or informal review was
2957 conducted. This subsection shall not be construed to provide for
2958 a de novo review ~~appeal~~.

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2959 (14) (a) The decision of the department under this section
2960 or any circuit court review thereof may not be considered in any
2961 trial for a violation of s. 316.193, and a written statement
2962 submitted by a person in his or her request for departmental
2963 review under this section may not be admitted into evidence
2964 against him or her in any such trial.

2965 (b) The disposition of any related criminal proceedings
2966 does not affect a suspension for refusal to submit to a blood,
2967 breath, or urine test imposed under this section.

2968 (15) If the department suspends a person's license under s.
2969 322.2616, it may not also suspend the person's license under
2970 this section for the same episode that was the basis for the
2971 suspension under s. 322.2616.

2972 (16) The department shall invalidate a suspension for
2973 driving with an unlawful blood-alcohol level or breath-alcohol
2974 level imposed under this section if the suspended person is
2975 found not guilty at trial of an underlying violation of s.
2976 316.193.

2977 Section 43. Section 322.2616, Florida Statutes, is amended
2978 to read:

2979 322.2616 Suspension of license; persons under 21 years of
2980 age; right to review.—

2981 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
2982 person under the age of 21 who has a blood-alcohol or breath-
2983 alcohol level of 0.02 or higher to drive or be in actual
2984 physical control of a motor vehicle.

2985 (b) A law enforcement officer who has probable cause to
2986 believe that a motor vehicle is being driven by or is in the
2987 actual physical control of a person who is under the age of 21

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2988 while under the influence of alcoholic beverages or who has any
2989 blood-alcohol or breath-alcohol level may lawfully detain such a
2990 person and may request that person to submit to a test to
2991 determine his or her blood-alcohol or breath-alcohol level.

2992 (2) (a) A law enforcement officer or correctional officer
2993 shall, on behalf of the department, suspend the driving
2994 privilege of such person if the person has a blood-alcohol or
2995 breath-alcohol level of 0.02 or higher. The officer shall also
2996 suspend, on behalf of the department, the driving privilege of a
2997 person who has refused to submit to a test as provided by
2998 paragraph (b). The officer shall take the person's driver
2999 ~~driver's~~ license and issue the person a 10-day temporary driving
3000 permit if the person is otherwise eligible for the driving
3001 privilege and shall issue the person a notice of suspension.

3002 (b) The suspension under paragraph (a) must be pursuant to,
3003 and the notice of suspension must inform the driver of, the
3004 following:

3005 1.a. The driver refused to submit to a lawful breath test
3006 and his or her driving privilege is suspended for a period of 1
3007 year for a first refusal or for a period of 18 months if his or
3008 her driving privilege has been previously suspended as provided
3009 in this section as a result of a refusal to submit to a test; or

3010 b. The driver was under the age of 21 and was driving or in
3011 actual physical control of a motor vehicle while having a blood-
3012 alcohol or breath-alcohol level of 0.02 or higher; and the
3013 person's driving privilege is suspended for a period of 6 months
3014 for a first violation, or for a period of 1 year if his or her
3015 driving privilege has been previously suspended as provided in
3016 this section for driving or being in actual physical control of

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3017 a motor vehicle with a blood-alcohol or breath-alcohol level of
3018 0.02 or higher.

3019 2. The suspension period commences on the date of issuance
3020 of the notice of suspension.

3021 3. The driver may request a formal or informal review of
3022 the suspension by the department within 10 days after the
3023 issuance of the notice of suspension.

3024 4. A temporary permit issued at the time of the issuance of
3025 the notice of suspension shall not become effective until after
3026 12 hours have elapsed and will expire at midnight of the 10th
3027 day following the date of issuance.

3028 5. The driver may submit to the department any materials
3029 relevant to the suspension of his or her license.

3030 (c) When a driver subject to this section has a blood-
3031 alcohol or breath-alcohol level of 0.05 or higher, the
3032 suspension shall remain in effect until such time as the driver
3033 has completed a substance abuse course offered by a DUI program
3034 licensed by the department. The driver shall assume the
3035 reasonable costs for the substance abuse course. As part of the
3036 substance abuse course, the program shall conduct a substance
3037 abuse evaluation of the driver, and notify the parents or legal
3038 guardians of drivers under the age of 19 years of the results of
3039 the evaluation. The term "substance abuse" means the abuse of
3040 alcohol or any substance named or described in Schedules I
3041 through V of s. 893.03. If a driver fails to complete the
3042 substance abuse education course and evaluation, the driver
3043 ~~driver's~~ license shall not be reinstated by the department.

3044 (d) A minor under the age of 18 years proven to be driving
3045 with a blood-alcohol or breath-alcohol level of 0.02 or higher

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3046 may be taken by a law enforcement officer to the addictions
3047 receiving facility in the county in which the minor is found to
3048 be so driving, if the county makes the addictions receiving
3049 facility available for such purpose.

3050 (3) The law enforcement officer shall forward to the
3051 department, within 5 days after the date of the issuance of the
3052 notice of suspension, a copy of the notice of suspension, the
3053 driver ~~driver's~~ license of the person receiving the notice of
3054 suspension, and an affidavit stating the officer's grounds for
3055 belief that the person was under the age of 21 and was driving
3056 or in actual physical control of a motor vehicle with any blood-
3057 alcohol or breath-alcohol level, and the results of any blood or
3058 breath test or an affidavit stating that a breath test was
3059 requested by a law enforcement officer or correctional officer
3060 and that the person refused to submit to such test. The failure
3061 of the officer to submit materials within the 5-day period
3062 specified in this subsection does not bar the department from
3063 considering any materials submitted at or before the hearing.

3064 (4) If the department finds that the license of the person
3065 should be suspended under this section and if the notice of
3066 suspension has not already been served upon the person by a law
3067 enforcement officer or correctional officer as provided in
3068 subsection (2), the department shall issue a notice of
3069 suspension and, unless the notice is mailed under s. 322.251, a
3070 temporary driving permit that expires 10 days after the date of
3071 issuance if the driver is otherwise eligible.

3072 (5) If the person whose license is suspended requests an
3073 informal review under subparagraph (2)(b)3., the department
3074 shall conduct the informal review by a hearing officer

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3075 designated ~~employed~~ by the department within 30 days after the
3076 request is received by the department and shall issue such
3077 person a temporary driving permit for business purposes only to
3078 expire on the date that such review is scheduled to be conducted
3079 if the person is otherwise eligible. The informal review hearing
3080 must consist solely of an examination by the department of the
3081 materials submitted by a law enforcement officer or correctional
3082 officer and by the person whose license is suspended, and the
3083 presence of an officer or witness is not required.

3084 (6) After completion of the informal review, notice of the
3085 department's decision sustaining, amending, or invalidating the
3086 suspension of the driver ~~driver's~~ license must be provided to
3087 the person. The notice must be mailed to the person at the last
3088 known address shown on the department's records, or to the
3089 address provided in the law enforcement officer's report if such
3090 address differs from the address of record, within 7 days after
3091 completing the review.

3092 (7) (a) If the person whose license is suspended requests a
3093 formal review, the department must schedule a hearing to be held
3094 within 30 days after the request is received by the department
3095 and must notify the person of the date, time, and place of the
3096 hearing and shall issue such person a temporary driving permit
3097 for business purposes only to expire on the date that such
3098 review is scheduled to be conducted if the person is otherwise
3099 eligible.

3100 (b) The formal review hearing must be held before a hearing
3101 officer designated ~~employed~~ by the department, and the hearing
3102 officer may administer oaths, examine witnesses and take
3103 testimony, receive relevant evidence, issue subpoenas, regulate

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3104 the course and conduct of the hearing, and make a ruling on the
3105 suspension. The hearing officer may conduct hearings using
3106 communications technology. The department and the person whose
3107 license was suspended may subpoena witnesses, and the party
3108 requesting the presence of a witness is responsible for paying
3109 any witness fees and for notifying in writing the state
3110 attorney's office in the appropriate circuit of the issuance of
3111 the subpoena. If the person who requests a formal review hearing
3112 fails to appear and the hearing officer finds the failure to be
3113 without just cause, the right to a formal hearing is waived and
3114 the suspension is sustained.

3115 (c) The failure of a subpoenaed witness to appear at the
3116 formal review hearing shall not be grounds to invalidate the
3117 suspension. If a witness fails to appear, a party may seek
3118 enforcement of a subpoena under paragraph (b) by filing a
3119 petition for enforcement in the circuit court of the judicial
3120 circuit in which the person failing to comply with the subpoena
3121 resides. A failure to comply with an order of the court
3122 constitutes contempt of court. However, a person may not be held
3123 in contempt while a subpoena is being challenged.

3124 (d) The department must, within 7 working days after a
3125 formal review hearing, send notice to the person of the hearing
3126 officer's decision as to whether sufficient cause exists to
3127 sustain, amend, or invalidate the suspension.

3128 (8) In a formal review hearing under subsection (7) or an
3129 informal review hearing under subsection (5), the hearing
3130 officer shall determine by a preponderance of the evidence
3131 whether sufficient cause exists to sustain, amend, or invalidate
3132 the suspension. The scope of the review is limited to the

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3133 following issues:

3134 (a) If the license was suspended because the individual,
3135 then under the age of 21, drove with a blood-alcohol or breath-
3136 alcohol level of 0.02 or higher:

3137 1. Whether the law enforcement officer had probable cause
3138 to believe that the person was under the age of 21 and was
3139 driving or in actual physical control of a motor vehicle in this
3140 state with any blood-alcohol or breath-alcohol level or while
3141 under the influence of alcoholic beverages.

3142 2. Whether the person was under the age of 21.

3143 3. Whether the person had a blood-alcohol or breath-alcohol
3144 level of 0.02 or higher.

3145 (b) If the license was suspended because of the
3146 individual's refusal to submit to a breath test:

3147 1. Whether the law enforcement officer had probable cause
3148 to believe that the person was under the age of 21 and was
3149 driving or in actual physical control of a motor vehicle in this
3150 state with any blood-alcohol or breath-alcohol level or while
3151 under the influence of alcoholic beverages.

3152 2. Whether the person was under the age of 21.

3153 3. Whether the person refused to submit to a breath test
3154 after being requested to do so by a law enforcement officer or
3155 correctional officer.

3156 4. Whether the person was told that if he or she refused to
3157 submit to a breath test his or her privilege to operate a motor
3158 vehicle would be suspended for a period of 1 year or, in the
3159 case of a second or subsequent refusal, for a period of 18
3160 months.

3161 (9) Based on the determination of the hearing officer under

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3162 subsection (8) for both informal hearings under subsection (5)
3163 and formal hearings under subsection (7), the department shall:

3164 (a) Sustain the suspension of the person's driving
3165 privilege for a period of 1 year for a first refusal, or for a
3166 period of 18 months if the driving privilege of the person has
3167 been previously suspended, as provided in this section, as a
3168 result of a refusal to submit to a test. The suspension period
3169 commences on the date of the issuance of the notice of
3170 suspension.

3171 (b) Sustain the suspension of the person's driving
3172 privilege for a period of 6 months for driving or being in
3173 actual physical control of a motor vehicle while under the age
3174 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
3175 higher, or for a period of 1 year if the driving privilege of
3176 such person has been previously suspended under this section.
3177 The suspension period commences on the date of the issuance of
3178 the notice of suspension.

3179 (10) A request for a formal review hearing or an informal
3180 review hearing shall not stay the suspension of the person's
3181 driver ~~driver's~~ license. If the department fails to schedule the
3182 formal review hearing ~~to be held~~ within 30 days after receipt of
3183 the request therefor, the department shall invalidate the
3184 suspension. If the scheduled hearing is continued at the
3185 department's initiative or the driver enforces the subpoena as
3186 provided in subsection (7), the department shall issue a
3187 temporary driving permit that is valid until the hearing is
3188 conducted if the person is otherwise eligible for the driving
3189 privilege. The permit shall not be issued to a person who
3190 requested a continuance of the hearing. The permit issued under

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3191 this subsection authorizes driving for business or employment
3192 use only.

3193 (11) A person whose driver ~~driver's~~ license is suspended
3194 under subsection (2) or subsection (4) may apply for issuance of
3195 a license for business or employment purposes only, pursuant to
3196 s. 322.271, if the person is otherwise eligible for the driving
3197 privilege. However, such a license may not be issued until 30
3198 days have elapsed after the expiration of the last temporary
3199 driving permit issued under this section.

3200 (12) The formal review hearing may be conducted upon a
3201 review of the reports of a law enforcement officer or
3202 correctional officer, including documents relating to the
3203 administration of a breath test or the refusal to take a test.
3204 However, as provided in subsection (7), the driver may subpoena
3205 the officer or any person who administered a breath or blood
3206 test. If the officer who suspended the driving privilege fails
3207 to appear pursuant to a subpoena as provided in subsection (7),
3208 the department shall invalidate the suspension.

3209 (13) The formal review hearing and the informal review
3210 hearing are exempt from chapter 120. The department may adopt
3211 rules for conducting reviews under this section.

3212 (14) A person may appeal any decision of the department
3213 sustaining a suspension of his or her driver ~~driver's~~ license by
3214 a petition for writ of certiorari to the circuit court in the
3215 county wherein such person resides or wherein a formal or
3216 informal review was conducted under s. 322.31. However, an
3217 appeal does not stay the suspension. This subsection does not
3218 provide for a de novo review ~~appeal~~.

3219 (15) The decision of the department under this section

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3220 shall not be considered in any trial for a violation of s.
3221 316.193, nor shall any written statement submitted by a person
3222 in his or her request for departmental review under this section
3223 be admissible into evidence against him or her in any such
3224 trial. The disposition of any related criminal proceedings shall
3225 not affect a suspension imposed under this section.

3226 (16) By applying for and accepting and using a driver
3227 ~~driver's~~ license, a person under the age of 21 years who holds
3228 the driver ~~driver's~~ license is deemed to have expressed his or
3229 her consent to the provisions of this section.

3230 (17) A breath test to determine breath-alcohol level
3231 pursuant to this section may be conducted as authorized by s.
3232 316.1932 or by a breath-alcohol test device listed in the United
3233 States Department of Transportation's conforming-product list of
3234 evidential breath-measurement devices. The reading from such a
3235 device is presumed accurate and is admissible in evidence in any
3236 administrative hearing conducted under this section.

3237 (18) The result of a blood test obtained during an
3238 investigation conducted under s. 316.1932 or s. 316.1933 may be
3239 used to suspend the driving privilege of a person under this
3240 section.

3241 (19) A violation of this section is neither a traffic
3242 infraction nor a criminal offense, nor does being detained
3243 pursuant to this section constitute an arrest. A violation of
3244 this section is subject to the administrative action provisions
3245 of this section, which are administered by the department
3246 through its administrative processes. Administrative actions
3247 taken pursuant to this section shall be recorded in the motor
3248 vehicle records maintained by the department. This section does

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3249 not bar prosecution under s. 316.193. However, if the department
3250 suspends a person's license under s. 322.2615 for a violation of
3251 s. 316.193, it may not also suspend the person's license under
3252 this section for the same episode that was the basis for the
3253 suspension under s. 322.2615.

3254 Section 44. Section 322.64, Florida Statutes, is amended to
3255 read:

3256 322.64 Holder of commercial driver ~~driver's~~ license;
3257 persons operating a commercial motor vehicle; driving with
3258 unlawful blood-alcohol level; refusal to submit to breath,
3259 urine, or blood test.-

3260 (1) (a) A law enforcement officer or correctional officer
3261 shall, on behalf of the department, disqualify from operating
3262 any commercial motor vehicle a person who while operating or in
3263 actual physical control of a commercial motor vehicle is
3264 arrested for a violation of s. 316.193, relating to unlawful
3265 blood-alcohol level or breath-alcohol level, or a person who has
3266 refused to submit to a breath, urine, or blood test authorized
3267 by s. 322.63 or s. 316.1932 arising out of the operation or
3268 actual physical control of a commercial motor vehicle. A law
3269 enforcement officer or correctional officer shall, on behalf of
3270 the department, disqualify the holder of a commercial driver
3271 ~~driver's~~ license from operating any commercial motor vehicle if
3272 the licenseholder, while operating or in actual physical control
3273 of a motor vehicle, is arrested for a violation of s. 316.193,
3274 relating to unlawful blood-alcohol level or breath-alcohol
3275 level, or refused to submit to a breath, urine, or blood test
3276 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3277 the person, the officer shall take the person's driver ~~driver's~~

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3278 license and issue the person a 10-day temporary permit for the
3279 operation of noncommercial vehicles only if the person is
3280 otherwise eligible for the driving privilege and shall issue the
3281 person a notice of disqualification. If the person has been
3282 given a blood, breath, or urine test, the results of which are
3283 not available to the officer at the time of the arrest, the
3284 agency employing the officer shall transmit such results to the
3285 department within 5 days after receipt of the results. If the
3286 department then determines that the person had a blood-alcohol
3287 level or breath-alcohol level of 0.08 or higher, the department
3288 shall disqualify the person from operating a commercial motor
3289 vehicle pursuant to subsection (3).

3290 (b) For purposes of determining the period of
3291 disqualification described in 49 C.F.R. s. 383.51, a
3292 disqualification under paragraph (a) shall be considered a
3293 conviction.

3294 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
3295 pursuant to, and the notice of disqualification shall inform the
3296 driver of, the following:

3297 1.a. The driver refused to submit to a lawful breath,
3298 blood, or urine test and he or she is disqualified from
3299 operating a commercial motor vehicle for the time period
3300 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
3301 ~~first refusal, or permanently, if he or she has previously been~~
3302 ~~disqualified under this section; or~~

3303 b. The driver had an unlawful blood-alcohol level of 0.08
3304 or higher while ~~was~~ driving or in actual physical control of a
3305 commercial motor vehicle, or any motor vehicle if the driver
3306 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~

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3307 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
3308 and his or her driving privilege is ~~shall be~~ disqualified for
3309 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
3310 ~~year for a first offense or permanently disqualified if his or~~
3311 ~~her driving privilege has been previously disqualified under~~
3312 ~~this section.~~

3313 2. The disqualification period for operating commercial
3314 vehicles shall commence on the date of issuance of the notice of
3315 disqualification.

3316 3. The driver may request a formal or informal review of
3317 the disqualification by the department within 10 days after the
3318 date of issuance of the notice of disqualification.

3319 4. The temporary permit issued at the time of
3320 disqualification expires at midnight of the 10th day following
3321 the date of disqualification.

3322 5. The driver may submit to the department any materials
3323 relevant to the disqualification.

3324 (2) (a) Except as provided in paragraph (1) (a), the law
3325 enforcement officer shall forward to the department, within 5
3326 days after the date of the issuance of the notice of
3327 disqualification, a copy of the notice of disqualification, the
3328 driver ~~driver's~~ license of the person disqualified, and an
3329 affidavit stating the officer's grounds for belief that the
3330 person disqualified was operating or in actual physical control
3331 of a commercial motor vehicle, or holds a commercial driver
3332 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
3333 alcohol level; the results of any breath or blood or urine test
3334 or an affidavit stating that a breath, blood, or urine test was
3335 requested by a law enforcement officer or correctional officer

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3336 and that the person arrested refused to submit; a copy of the
3337 notice of disqualification issued to the person; and the
3338 officer's description of the person's field sobriety test, if
3339 any. The failure of the officer to submit materials within the
3340 5-day period specified in this subsection or subsection (1) does
3341 not affect the department's ability to consider any evidence
3342 submitted at or prior to the hearing.

3343 (b) The officer may also submit a copy of a video recording
3344 ~~videotape~~ of the field sobriety test or the attempt to
3345 administer such test and a copy of the crash report, ~~if any~~.
3346 Notwithstanding s. 316.066, the crash report shall be considered
3347 by the hearing officer.

3348 (3) If the department determines that the person arrested
3349 should be disqualified from operating a commercial motor vehicle
3350 pursuant to this section and if the notice of disqualification
3351 has not already been served upon the person by a law enforcement
3352 officer or correctional officer as provided in subsection (1),
3353 the department shall issue a notice of disqualification and,
3354 unless the notice is mailed pursuant to s. 322.251, a temporary
3355 permit which expires 10 days after the date of issuance if the
3356 driver is otherwise eligible.

3357 (4) If the person disqualified requests an informal review
3358 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
3359 conduct the informal review by a hearing officer designated
3360 ~~employed~~ by the department. Such informal review hearing shall
3361 consist solely of an examination by the department of the
3362 materials submitted by a law enforcement officer or correctional
3363 officer and by the person disqualified, and the presence of an
3364 officer or witness is not required.

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3365 (5) After completion of the informal review, notice of the
3366 department's decision sustaining, amending, or invalidating the
3367 disqualification must be provided to the person. Such notice
3368 must be mailed to the person at the last known address shown on
3369 the department's records, and to the address provided in the law
3370 enforcement officer's report if such address differs from the
3371 address of record, within 21 days after the expiration of the
3372 temporary permit issued pursuant to subsection (1) or subsection
3373 (3).

3374 (6) (a) If the person disqualified requests a formal review,
3375 the department must schedule a hearing to be held within 30 days
3376 after such request is received by the department and must notify
3377 the person of the date, time, and place of the hearing.

3378 (b) Such formal review hearing shall be held before a
3379 hearing officer designated ~~employed~~ by the department, and the
3380 hearing officer shall be authorized to administer oaths, examine
3381 witnesses and take testimony, receive relevant evidence, issue
3382 subpoenas for the officers and witnesses identified in documents
3383 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
3384 regulate the course and conduct of the hearing, and make a
3385 ruling on the disqualification. The hearing officer may conduct
3386 hearings using communications technology. The department and the
3387 person disqualified may subpoena witnesses, and the party
3388 requesting the presence of a witness shall be responsible for
3389 the payment of any witness fees. If the person who requests a
3390 formal review hearing fails to appear and the hearing officer
3391 finds such failure to be without just cause, the right to a
3392 formal hearing is waived.

3393 (c) The failure of a subpoenaed witness to appear at the

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3394 formal review hearing shall not be grounds to invalidate the
3395 disqualification. If a witness fails to appear, a party may seek
3396 enforcement of a subpoena under paragraph (b) by filing a
3397 petition for enforcement in the circuit court of the judicial
3398 circuit in which the person failing to comply with the subpoena
3399 resides or by filing a motion for enforcement in any criminal
3400 court case resulting from the driving or actual physical control
3401 of a motor vehicle or commercial motor vehicle that gave rise to
3402 the disqualification under this section. A failure to comply
3403 with an order of the court shall result in a finding of contempt
3404 of court. However, a person shall not be in contempt while a
3405 subpoena is being challenged.

3406 (d) The department must, within 7 working days after a
3407 formal review hearing, send notice to the person of the hearing
3408 officer's decision as to whether sufficient cause exists to
3409 sustain, amend, or invalidate the disqualification.

3410 (7) In a formal review hearing under subsection (6) or an
3411 informal review hearing under subsection (4), the hearing
3412 officer shall determine by a preponderance of the evidence
3413 whether sufficient cause exists to sustain, amend, or invalidate
3414 the disqualification. The scope of the review shall be limited
3415 to the following issues:

3416 (a) If the person was disqualified from operating a
3417 commercial motor vehicle for driving with an unlawful blood-
3418 alcohol level:

3419 1. Whether the ~~arresting~~ law enforcement officer had
3420 probable cause to believe that the person was driving or in
3421 actual physical control of a commercial motor vehicle, or any
3422 motor vehicle if the driver holds a commercial driver ~~driver's~~

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3423 license, in this state while he or she had any alcohol, chemical
3424 substances, or controlled substances in his or her body.

3425 2. Whether the person had an unlawful blood-alcohol level
3426 or breath-alcohol level of 0.08 or higher.

3427 (b) If the person was disqualified from operating a
3428 commercial motor vehicle for refusal to submit to a breath,
3429 blood, or urine test:

3430 1. Whether the law enforcement officer had probable cause
3431 to believe that the person was driving or in actual physical
3432 control of a commercial motor vehicle, or any motor vehicle if
3433 the driver holds a commercial driver ~~driver's~~ license, in this
3434 state while he or she had any alcohol, chemical substances, or
3435 controlled substances in his or her body.

3436 2. Whether the person refused to submit to the test after
3437 being requested to do so by a law enforcement officer or
3438 correctional officer.

3439 3. Whether the person was told that if he or she refused to
3440 submit to such test he or she would be disqualified from
3441 operating a commercial motor vehicle for a period of 1 year or,
3442 if previously disqualified under this section, permanently.

3443 (8) Based on the determination of the hearing officer
3444 pursuant to subsection (7) for both informal hearings under
3445 subsection (4) and formal hearings under subsection (6), the
3446 department shall:

3447 ~~(a) sustain the disqualification for the time period~~
3448 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
3449 ~~refusal, or permanently if such person has been previously~~
3450 ~~disqualified from operating a commercial motor vehicle under~~
3451 ~~this section.~~ The disqualification period commences on the date

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3452 of the issuance of the notice of disqualification.

3453 ~~(b) Sustain the disqualification:~~

3454 ~~1. For a period of 1 year if the person was driving or in~~
3455 ~~actual physical control of a commercial motor vehicle, or any~~
3456 ~~motor vehicle if the driver holds a commercial driver's license,~~
3457 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
3458 ~~of 0.08 or higher; or~~

3459 ~~2. Permanently if the person has been previously~~
3460 ~~disqualified from operating a commercial motor vehicle under~~
3461 ~~this section or his or her driving privilege has been previously~~
3462 ~~suspended for driving or being in actual physical control of a~~
3463 ~~commercial motor vehicle, or any motor vehicle if the driver~~
3464 ~~holds a commercial driver's license, and had an unlawful blood-~~
3465 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3466
3467 ~~The disqualification period commences on the date of the~~
3468 ~~issuance of the notice of disqualification.~~

3469 (9) A request for a formal review hearing or an informal
3470 review hearing shall not stay the disqualification. If the
3471 department fails to schedule the formal review hearing ~~to be~~
3472 ~~held~~ within 30 days after receipt of the request therefor, the
3473 department shall invalidate the disqualification. If the
3474 scheduled hearing is continued at the department's initiative or
3475 the driver enforces the subpoena as provided in subsection (6),
3476 the department shall issue a temporary driving permit limited to
3477 noncommercial vehicles which is valid until the hearing is
3478 conducted if the person is otherwise eligible for the driving
3479 privilege. Such permit shall not be issued to a person who
3480 sought and obtained a continuance of the hearing. The permit

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3481 issued under this subsection shall authorize driving for
3482 business purposes only.

3483 (10) A person who is disqualified from operating a
3484 commercial motor vehicle under subsection (1) or subsection (3)
3485 is eligible for issuance of a license for business or employment
3486 purposes only under s. 322.271 if the person is otherwise
3487 eligible for the driving privilege. However, such business or
3488 employment purposes license shall not authorize the driver to
3489 operate a commercial motor vehicle.

3490 (11) The formal review hearing may be conducted upon a
3491 review of the reports of a law enforcement officer or a
3492 correctional officer, including documents relating to the
3493 administration of a breath test or blood test or the refusal to
3494 take either test. However, as provided in subsection (6), the
3495 driver may subpoena the officer or any person who administered
3496 or analyzed a breath or blood test. If the arresting officer or
3497 the breath technician fails to appear pursuant to a subpoena as
3498 provided in subsection (6), the department shall invalidate the
3499 disqualification.

3500 (12) The formal review hearing and the informal review
3501 hearing are exempt from the provisions of chapter 120. The
3502 department may ~~is authorized to~~ adopt rules for the conduct of
3503 reviews under this section.

3504 (13) A person may appeal any decision of the department
3505 sustaining the disqualification from operating a commercial
3506 motor vehicle by a petition for writ of certiorari to the
3507 circuit court in the county wherein such person resides or
3508 wherein a formal or informal review was conducted pursuant to s.
3509 322.31. However, an appeal shall not stay the disqualification.

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3510 This subsection shall not be construed to provide for a de novo
3511 review ~~appeal~~.

3512 (14) The decision of the department under this section
3513 shall not be considered in any trial for a violation of s.
3514 316.193, s. 322.61, or s. 322.62, nor shall any written
3515 statement submitted by a person in his or her request for
3516 departmental review under this section be admissible into
3517 evidence against him or her in any such trial. The disposition
3518 of any related criminal proceedings shall not affect a
3519 disqualification imposed pursuant to this section.

3520 (15) This section does not preclude the suspension of the
3521 driving privilege pursuant to s. 322.2615. The driving privilege
3522 of a person who has been disqualified from operating a
3523 commercial motor vehicle also may be suspended for a violation
3524 of s. 316.193.

3525 Section 45. Section 322.2715, Florida Statutes, is amended
3526 to read:

3527 322.2715 Ignition interlock device.—

3528 (1) Before issuing a permanent or restricted driver
3529 ~~driver's~~ license under this chapter, the department shall
3530 require the placement of a department-approved ignition
3531 interlock device for any person convicted of committing an
3532 offense of driving under the influence as specified in
3533 subsection (3), except that consideration may be given to those
3534 individuals having a documented medical condition that would
3535 prohibit the device from functioning normally. If a medical
3536 waiver has been granted for a convicted person seeking a
3537 restricted license, the convicted person shall not be entitled
3538 to a restricted license until the required ignition interlock

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3539 device installation period under subsection (3) expires, in
3540 addition to the time requirements under s. 322.271. If a medical
3541 waiver has been approved for a convicted person seeking
3542 permanent reinstatement of the driver license, the convicted
3543 person must be restricted to an employment-purposes-only license
3544 and be supervised by a licensed DUI program until the required
3545 ignition interlock device installation period under subsection
3546 (3) expires. An interlock device shall be placed on all vehicles
3547 that are individually or jointly leased or owned and routinely
3548 operated by the convicted person.

3549 (2) For purposes of this section, any conviction for a
3550 violation of s. 316.193, a previous conviction for a violation
3551 of former s. 316.1931, or a conviction outside this state for
3552 driving under the influence, driving while intoxicated, driving
3553 with an unlawful blood-alcohol level, or any other similar
3554 alcohol-related or drug-related traffic offense is a conviction
3555 of driving under the influence.

3556 (3) If the person is convicted of:

3557 (a) A first offense of driving under the influence under s.
3558 316.193 and has an unlawful blood-alcohol level or breath-
3559 alcohol level as specified in s. 316.193(4), or if a person is
3560 convicted of a violation of s. 316.193 and was at the time of
3561 the offense accompanied in the vehicle by a person younger than
3562 18 years of age, the person shall have the ignition interlock
3563 device installed for at least ~~not less than~~ 6 continuous months
3564 for the first offense and for at least ~~not less than~~ 2
3565 continuous years for a second offense.

3566 (b) A second offense of driving under the influence, the
3567 ignition interlock device shall be installed for a period of at

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3568 least ~~not less than~~ 1 continuous year.

3569 (c) A third offense of driving under the influence which
3570 occurs within 10 years after a prior conviction for a violation
3571 of s. 316.193, the ignition interlock device shall be installed
3572 for a period of at least ~~not less than~~ 2 continuous years.

3573 (d) A third offense of driving under the influence which
3574 occurs more than 10 years after the date of a prior conviction,
3575 the ignition interlock device shall be installed for a period of
3576 at least ~~not less than~~ 2 continuous years.

3577 (e) A fourth or subsequent offense of driving under the
3578 influence, the ignition interlock device shall be installed for
3579 a period of at least ~~not less than~~ 5 years.

3580 (4) If the court fails to order the mandatory placement of
3581 the ignition interlock device or fails to order for the
3582 applicable period the mandatory placement of an ignition
3583 interlock device under s. 316.193 or s. 316.1937 at the time of
3584 imposing sentence or within 30 days thereafter, the department
3585 shall immediately require that the ignition interlock device be
3586 installed as provided in this section, except that consideration
3587 may be given to those individuals having a documented medical
3588 condition that would prohibit the device from functioning
3589 normally. This subsection applies to the reinstatement of the
3590 driving privilege following a revocation, suspension, or
3591 cancellation that is based upon a conviction for the offense of
3592 driving under the influence which occurs on or after July 1,
3593 2005.

3594 (5) In addition to any fees authorized by rule for the
3595 installation and maintenance of the ignition interlock device,
3596 the authorized installer of the device shall collect and remit

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3597 \$12 for each installation to the department, which shall be
3598 deposited into the Highway Safety Operating Trust Fund to be
3599 used for the operation of the Ignition Interlock Device Program.

3600 Section 46. Section 322.28, Florida Statutes, is amended to
3601 read:

3602 322.28 Period of suspension or revocation.—

3603 (1) Unless otherwise provided by this section, the
3604 department shall not suspend a license for a period of more than
3605 1 year and, upon revoking a license, in any case except in a
3606 prosecution for the offense of driving a motor vehicle while
3607 under the influence of alcoholic beverages, chemical substances
3608 as set forth in s. 877.111, or controlled substances, shall not
3609 in any event grant a new license until the expiration of 1 year
3610 after such revocation.

3611 (2) In a prosecution for a violation of s. 316.193 or
3612 former s. 316.1931, the following provisions apply:

3613 (a) Upon conviction of the driver, the court, along with
3614 imposing sentence, shall revoke the driver ~~driver's~~ license or
3615 driving privilege of the person so convicted, effective on the
3616 date of conviction, and shall prescribe the period of such
3617 revocation in accordance with the following provisions:

3618 1. Upon a first conviction for a violation of the
3619 provisions of s. 316.193, except a violation resulting in death,
3620 the driver ~~driver's~~ license or driving privilege shall be
3621 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
3622 1 year.

3623 2. Upon a second conviction for an offense that occurs
3624 within a period of 5 years after the date of a prior conviction
3625 for a violation of the provisions of s. 316.193 or former s.

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3626 316.1931 or a combination of such sections, the driver ~~driver's~~
3627 license or driving privilege shall be revoked for at least ~~not~~
3628 ~~less than~~ 5 years.

3629 3. Upon a third conviction for an offense that occurs
3630 within a period of 10 years after the date of a prior conviction
3631 for the violation of the provisions of s. 316.193 or former s.
3632 316.1931 or a combination of such sections, the driver ~~driver's~~
3633 license or driving privilege shall be revoked for at least ~~not~~
3634 ~~less than~~ 10 years.

3635

3636 For the purposes of this paragraph, a previous conviction
3637 outside this state for driving under the influence, driving
3638 while intoxicated, driving with an unlawful blood-alcohol level,
3639 or any other alcohol-related or drug-related traffic offense
3640 similar to the offense of driving under the influence as
3641 proscribed by s. 316.193 will be considered a previous
3642 conviction for violation of s. 316.193, and a conviction for
3643 violation of former s. 316.028, former s. 316.1931, or former s.
3644 860.01 is considered a conviction for violation of s. 316.193.

3645 (b) If the period of revocation was not specified by the
3646 court at the time of imposing sentence or within 30 days
3647 thereafter, and is not otherwise specified by law, the
3648 department shall forthwith revoke the driver ~~driver's~~ license or
3649 driving privilege for the maximum period applicable under
3650 paragraph (a) for a first conviction and for the minimum period
3651 applicable under paragraph (a) for any subsequent convictions.
3652 The driver may, within 30 days after such revocation by the
3653 department, petition the court for further hearing on the period
3654 of revocation, and the court may reopen the case and determine

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3655 the period of revocation within the limits specified in
3656 paragraph (a).

3657 (c) The forfeiture of bail bond, not vacated within 20
3658 days, in any prosecution for the offense of driving while under
3659 the influence of alcoholic beverages, chemical substances, or
3660 controlled substances to the extent of depriving the defendant
3661 of his or her normal faculties shall be deemed equivalent to a
3662 conviction for the purposes of this paragraph, and the
3663 department shall forthwith revoke the defendant's driver
3664 ~~driver's~~ license or driving privilege for the maximum period
3665 applicable under paragraph (a) for a first conviction and for
3666 the minimum period applicable under paragraph (a) for a second
3667 or subsequent conviction; however, if the defendant is later
3668 convicted of the charge, the period of revocation imposed by the
3669 department for such conviction shall not exceed the difference
3670 between the applicable maximum for a first conviction or minimum
3671 for a second or subsequent conviction and the revocation period
3672 under this subsection that has actually elapsed; upon conviction
3673 of such charge, the court may impose revocation for a period of
3674 time as specified in paragraph (a). This paragraph does not
3675 apply if an appropriate motion contesting the forfeiture is
3676 filed within the 20-day period.

3677 ~~(d) When any driver's license or driving privilege has been~~
3678 ~~revoked pursuant to the provisions of this section, the~~
3679 ~~department shall not grant a new license, except upon~~
3680 ~~reexamination of the licensee after the expiration of the period~~
3681 ~~of revocation so prescribed. However, the court may, in its~~
3682 ~~sound discretion, issue an order of reinstatement on a form~~
3683 ~~furnished by the department which the person may take to any~~

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3684 ~~driver's license examining office for reinstatement by the~~
3685 ~~department pursuant to s. 322.282.~~

3686 (d) ~~(e)~~ The court shall permanently revoke the driver
3687 ~~driver's~~ license or driving privilege of a person who has been
3688 convicted four times for violation of s. 316.193 or former s.
3689 316.1931 or a combination of such sections. The court shall
3690 permanently revoke the driver ~~driver's~~ license or driving
3691 privilege of any person who has been convicted of DUI
3692 manslaughter in violation of s. 316.193. If the court has not
3693 permanently revoked such driver ~~driver's~~ license or driving
3694 privilege within 30 days after imposing sentence, the department
3695 shall permanently revoke the driver ~~driver's~~ license or driving
3696 privilege pursuant to this paragraph. No driver ~~driver's~~ license
3697 or driving privilege may be issued or granted to any such
3698 person. This paragraph applies only if at least one of the
3699 convictions for violation of s. 316.193 or former s. 316.1931
3700 was for a violation that occurred after July 1, 1982. For the
3701 purposes of this paragraph, a conviction for violation of former
3702 s. 316.028, former s. 316.1931, or former s. 860.01 is also
3703 considered a conviction for violation of s. 316.193. Also, a
3704 conviction of driving under the influence, driving while
3705 intoxicated, driving with an unlawful blood-alcohol level, or
3706 any other similar alcohol-related or drug-related traffic
3707 offense outside this state is considered a conviction for the
3708 purposes of this paragraph.

3709 (e) Convictions that occur on the same date resulting from
3710 separate offense dates shall be treated as separate convictions,
3711 and the offense that occurred earlier will be deemed a prior
3712 conviction for the purposes of this section.

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3713 (3) The court shall permanently revoke the driver ~~driver's~~
3714 license or driving privilege of a person who has been convicted
3715 of murder resulting from the operation of a motor vehicle. No
3716 driver ~~driver's~~ license or driving privilege may be issued or
3717 granted to any such person.

3718 (4) (a) Upon a conviction for a violation of s.
3719 316.193(3)(c)2., involving serious bodily injury, a conviction
3720 of manslaughter resulting from the operation of a motor vehicle,
3721 or a conviction of vehicular homicide, the court shall revoke
3722 the driver ~~driver's~~ license of the person convicted for a
3723 minimum period of 3 years. If a conviction under s.
3724 316.193(3)(c)2., involving serious bodily injury, is also a
3725 subsequent conviction as described under paragraph (2)(a), the
3726 court shall revoke the driver ~~driver's~~ license or driving
3727 privilege of the person convicted for the period applicable as
3728 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3729 (b) If the period of revocation was not specified by the
3730 court at the time of imposing sentence or within 30 days
3731 thereafter, the department shall revoke the driver ~~driver's~~
3732 license for the minimum period applicable under paragraph (a)
3733 or, for a subsequent conviction, for the minimum period
3734 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3735 (5) A court may not stay the administrative suspension of a
3736 driving privilege under s. 322.2615 or s. 322.2616 during
3737 judicial review of the departmental order that resulted in such
3738 suspension, and a suspension or revocation of a driving
3739 privilege may not be stayed upon an appeal of the conviction or
3740 order that resulted in the suspension or revocation.

3741 (6) In a prosecution for a violation of s. 316.172(1), and

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3742 upon a showing of the department's records that the licensee has
3743 received a second conviction within 5 years following the date
3744 of a prior conviction of s. 316.172(1), the department shall,
3745 upon direction of the court, suspend the driver ~~driver's~~ license
3746 of the person convicted for a period of at least ~~not less than~~
3747 90 days but not ~~or~~ more than 6 months.

3748 (7) Following a second or subsequent violation of s.
3749 796.07(2)(f) which involves a motor vehicle and which results in
3750 any judicial disposition other than acquittal or dismissal, in
3751 addition to any other sentence imposed, the court shall revoke
3752 the person's driver ~~driver's~~ license or driving privilege,
3753 effective upon the date of the disposition, for a period of at
3754 least ~~not less than~~ 1 year. A person sentenced under this
3755 subsection may request a hearing under s. 322.271.

3756 Section 47. Section 322.331, Florida Statutes, is repealed.

3757 Section 48. Section 322.61, Florida Statutes, is amended to
3758 read:

3759 322.61 Disqualification from operating a commercial motor
3760 vehicle.—

3761 (1) A person who, for offenses occurring within a 3-year
3762 period, is convicted of two of the following serious traffic
3763 violations or any combination thereof, arising in separate
3764 incidents committed in a commercial motor vehicle shall, in
3765 addition to any other applicable penalties, be disqualified from
3766 operating a commercial motor vehicle for a period of 60 days. A
3767 holder of a commercial driver ~~driver's~~ license or commercial
3768 learner's permit who, for offenses occurring within a 3-year
3769 period, is convicted of two of the following serious traffic
3770 violations, or any combination thereof, arising in separate

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3771 incidents committed in a noncommercial motor vehicle shall, in
 3772 addition to any other applicable penalties, be disqualified from
 3773 operating a commercial motor vehicle for a period of 60 days if
 3774 such convictions result in the suspension, revocation, or
 3775 cancellation of the licenseholder's driving privilege:

3776 (a) A violation of any state or local law relating to motor
 3777 vehicle traffic control, other than a parking violation, ~~a~~
 3778 ~~weight violation, or a vehicle equipment violation,~~ arising in
 3779 connection with a crash resulting in death ~~or personal injury to~~
 3780 ~~any person;~~

3781 (b) Reckless driving, as defined in s. 316.192;

3782 ~~(c) Careless driving, as defined in s. 316.1925;~~

3783 ~~(d) Fleeing or attempting to elude a law enforcement~~
 3784 ~~officer, as defined in s. 316.1935;~~

3785 (c) ~~(e)~~ Unlawful speed of 15 miles per hour or more above
 3786 the posted speed limit;

3787 ~~(f) Driving a commercial motor vehicle, owned by such~~
 3788 ~~person, which is not properly insured;~~

3789 (d) ~~(g)~~ Improper lane change, as defined in s. 316.085;

3790 (e) ~~(h)~~ Following too closely, as defined in s. 316.0895;

3791 (f) ~~(i)~~ Driving a commercial vehicle without obtaining a
 3792 commercial driver ~~driver's~~ license;

3793 (g) ~~(j)~~ Driving a commercial vehicle without the proper
 3794 class of commercial driver ~~driver's~~ license or commercial
 3795 learner's permit or without the proper endorsement; or

3796 (h) ~~(k)~~ Driving a commercial vehicle without a commercial
 3797 driver ~~driver's~~ license or commercial learner's permit in
 3798 possession, as required by s. 322.03. ~~Any individual who~~
 3799 ~~provides proof to the clerk of the court or designated official~~

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3800 ~~in the jurisdiction where the citation was issued, by the date~~
3801 ~~the individual must appear in court or pay any fine for such a~~
3802 ~~violation, that the individual held a valid commercial driver's~~
3803 ~~license on the date the citation was issued is not guilty of~~
3804 ~~this offense.~~

3805 (2) (a) Any person who, for offenses occurring within a 3-
3806 year period, is convicted of three serious traffic violations
3807 specified in subsection (1) or any combination thereof, arising
3808 in separate incidents committed in a commercial motor vehicle
3809 shall, in addition to any other applicable penalties, including
3810 but not limited to the penalty provided in subsection (1), be
3811 disqualified from operating a commercial motor vehicle for a
3812 period of 120 days.

3813 (b) A holder of a commercial driver ~~driver's~~ license or
3814 commercial learner's permit who, for offenses occurring within a
3815 3-year period, is convicted of three serious traffic violations
3816 specified in subsection (1) or any combination thereof arising
3817 in separate incidents committed in a noncommercial motor vehicle
3818 shall, in addition to any other applicable penalties, including,
3819 but not limited to, the penalty provided in subsection (1), be
3820 disqualified from operating a commercial motor vehicle for a
3821 period of 120 days if such convictions result in the suspension,
3822 revocation, or cancellation of the licenseholder's driving
3823 privilege.

3824 (3) (a) Except as provided in subsection (4), any person who
3825 is convicted of one of the offenses listed in paragraph (b)
3826 while operating a commercial motor vehicle shall, in addition to
3827 any other applicable penalties, be disqualified from operating a
3828 commercial motor vehicle for a period of 1 year.

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3829 (b) Except as provided in subsection (4), any holder of a
3830 commercial driver license or commercial learner's permit who is
3831 convicted of one of the offenses listed in this paragraph while
3832 operating a noncommercial motor vehicle shall, in addition to
3833 any other applicable penalties, be disqualified from operating a
3834 commercial motor vehicle for a period of 1 year:

3835 1. Driving a motor vehicle while he or she is under the
3836 influence of alcohol or a controlled substance;

3837 2. Driving a commercial motor vehicle while the alcohol
3838 concentration of his or her blood, breath, or urine is .04
3839 percent or higher;

3840 3. Leaving the scene of a crash involving a motor vehicle
3841 driven by such person;

3842 4. Using a motor vehicle in the commission of a felony;

3843 ~~5. Driving a commercial motor vehicle while in possession~~
3844 ~~of a controlled substance;~~

3845 ~~5.6.~~ Refusing to submit to a test to determine his or her
3846 alcohol concentration while driving a motor vehicle;

3847 6. Driving a commercial motor vehicle when, as a result of
3848 prior violations committed operating a commercial motor vehicle,
3849 his or her commercial driver license or commercial learner's
3850 permit is revoked, suspended, or canceled, or he or she is
3851 disqualified from operating a commercial motor vehicle; or

3852 ~~7. Driving a commercial vehicle while the licenseholder's~~
3853 ~~commercial driver license is suspended, revoked, or canceled or~~
3854 ~~while the licenseholder is disqualified from driving a~~
3855 ~~commercial vehicle; or~~

3856 7.8. Causing a fatality through the negligent operation of
3857 a commercial motor vehicle.

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3858 (4) Any person who is transporting hazardous materials as
3859 defined in s. 322.01(24) shall, upon conviction of an offense
3860 specified in subsection (3), be disqualified from operating a
3861 commercial motor vehicle for a period of 3 years. The penalty
3862 provided in this subsection shall be in addition to any other
3863 applicable penalty.

3864 (5) A person who is convicted of two violations specified
3865 in subsection (3) which were committed while operating a
3866 commercial motor vehicle, or any combination thereof, arising in
3867 separate incidents shall be permanently disqualified from
3868 operating a commercial motor vehicle. A holder of a commercial
3869 driver license or commercial learner's permit who is convicted
3870 of two violations specified in subsection (3) which were
3871 committed while operating any motor vehicle arising in separate
3872 incidents shall be permanently disqualified from operating a
3873 commercial motor vehicle. The penalty provided in this
3874 subsection is in addition to any other applicable penalty.

3875 (6) Notwithstanding subsections (3), (4), and (5), any
3876 person who uses a commercial motor vehicle in the commission of
3877 any felony involving the manufacture, distribution, or
3878 dispensing of a controlled substance, including possession with
3879 intent to manufacture, distribute, or dispense a controlled
3880 substance, shall, upon conviction of such felony, be permanently
3881 disqualified from operating a commercial motor vehicle.

3882 Notwithstanding subsections (3), (4), and (5), any holder of a
3883 commercial driver ~~driver's~~ license or commercial learner's
3884 permit who uses a noncommercial motor vehicle in the commission
3885 of any felony involving the manufacture, distribution, or
3886 dispensing of a controlled substance, including possession with

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3887 intent to manufacture, distribute, or dispense a controlled
3888 substance, shall, upon conviction of such felony, be permanently
3889 disqualified from operating a commercial motor vehicle. The
3890 penalty provided in this subsection is in addition to any other
3891 applicable penalty.

3892 (7) A person whose privilege to operate a commercial motor
3893 vehicle is disqualified under this section may, if otherwise
3894 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3895 to s. 322.251.

3896 (8) A driver who is convicted of or otherwise found to have
3897 committed a violation of an out-of-service order while driving a
3898 commercial motor vehicle is disqualified as follows:

3899 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1
3900 year if the driver is convicted of or otherwise found to have
3901 committed a first violation of an out-of-service order.

3902 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3903 years if, for offenses occurring during any 10-year period, the
3904 driver is convicted of or otherwise found to have committed two
3905 violations of out-of-service orders in separate incidents.

3906 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3907 years if, for offenses occurring during any 10-year period, the
3908 driver is convicted of or otherwise found to have committed
3909 three or more violations of out-of-service orders in separate
3910 incidents.

3911 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2
3912 years if the driver is convicted of or otherwise found to have
3913 committed a first violation of an out-of-service order while
3914 transporting hazardous materials required to be placarded under
3915 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101

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3916 et seq., or while operating motor vehicles designed to transport
3917 more than 15 passengers, including the driver. A driver is
3918 disqualified for a period of at least ~~not less than~~ 3 years but
3919 not ~~not~~ more than 5 years if, for offenses occurring during any
3920 10-year period, the driver is convicted of or otherwise found to
3921 have committed any subsequent violations of out-of-service
3922 orders, in separate incidents, while transporting hazardous
3923 materials required to be placarded under the Hazardous Materials
3924 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
3925 operating motor vehicles designed to transport more than 15
3926 passengers, including the driver.

3927 (9) A driver who is convicted of or otherwise found to have
3928 committed an offense of operating a commercial motor vehicle in
3929 violation of federal, state, or local law or regulation
3930 pertaining to one of the following six offenses at a railroad-
3931 highway grade crossing must be disqualified for the period of
3932 time specified in subsection (10):

3933 (a) For drivers who are not always required to stop,
3934 failing to slow down and check that the tracks are clear of
3935 approaching trains.

3936 (b) For drivers who are not always required to stop,
3937 failing to stop before reaching the crossing if the tracks are
3938 not clear.

3939 (c) For drivers who are always required to stop, failing to
3940 stop before driving onto the crossing.

3941 (d) For all drivers, failing to have sufficient space to
3942 drive completely through the crossing without stopping.

3943 (e) For all drivers, failing to obey a traffic control
3944 device or all directions of an enforcement official at the

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3945 crossing.

3946 (f) For all drivers, failing to negotiate a crossing
3947 because of insufficient undercarriage clearance.

3948 (10)(a) A driver must be disqualified for at least ~~not less~~
3949 ~~than~~ 60 days if the driver is convicted of or otherwise found to
3950 have committed a first violation of a railroad-highway grade
3951 crossing violation.

3952 (b) A driver must be disqualified for at least ~~not less~~
3953 ~~than~~ 120 days if, for offenses occurring during any 3-year
3954 period, the driver is convicted of or otherwise found to have
3955 committed a second railroad-highway grade crossing violation in
3956 separate incidents.

3957 (c) A driver must be disqualified for at least ~~not less~~
3958 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
3959 the driver is convicted of or otherwise found to have committed
3960 a third or subsequent railroad-highway grade crossing violation
3961 in separate incidents.

3962 Section 49. Paragraph (a) of subsection (1) of section
3963 324.0221, Florida Statutes, is amended to read:

3964 324.0221 Reports by insurers to the department; suspension
3965 of driver ~~driver's~~ license and vehicle registrations;
3966 reinstatement.—

3967 (1)(a) Each insurer that has issued a policy providing
3968 personal injury protection coverage or property damage liability
3969 coverage shall report the ~~renewal,~~ cancellation, or nonrenewal
3970 thereof to the department within 10 ~~45~~ days after the processing
3971 ~~effective~~ date of each ~~renewal,~~ cancellation, or nonrenewal.
3972 Upon the issuance of a policy providing personal injury
3973 protection coverage or property damage liability coverage to a

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3974 named insured not previously insured by the insurer during that
3975 calendar year, the insurer shall report the issuance of the new
3976 policy to the department within 10 ~~30~~ days. The report shall be
3977 in the form and format and contain any information required by
3978 the department and must be provided in a format that is
3979 compatible with the data processing capabilities of the
3980 department. The department may adopt rules regarding the form
3981 and documentation required. Failure by an insurer to file proper
3982 reports with the department as required by this subsection or
3983 rules adopted with respect to the requirements of this
3984 subsection constitutes a violation of the Florida Insurance
3985 Code. These records shall be used by the department only for
3986 enforcement and regulatory purposes, including the generation by
3987 the department of data regarding compliance by owners of motor
3988 vehicles with the requirements for financial responsibility
3989 coverage.

3990 Section 50. Section 324.031, Florida Statutes, is amended
3991 to read:

3992 324.031 Manner of proving financial responsibility.—The
3993 owner or operator of a taxicab, limousine, jitney, or any other
3994 for-hire passenger transportation vehicle may prove financial
3995 responsibility by providing satisfactory evidence of holding a
3996 motor vehicle liability policy as defined in s. 324.021(8) or s.
3997 324.151, which policy is issued by an insurance carrier which is
3998 a member of the Florida Insurance Guaranty Association. The
3999 operator or owner of any other vehicle may prove his or her
4000 financial responsibility by:

4001 (1) Furnishing satisfactory evidence of holding a motor
4002 vehicle liability policy as defined in ss. 324.021(8) and

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4003 324.151;

4004 ~~(2) Posting with the department a satisfactory bond of a~~
 4005 ~~surety company authorized to do business in this state,~~
 4006 ~~conditioned for payment of the amount specified in s.~~
 4007 ~~324.021(7);~~

4008 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
 4009 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
 4010 with s. 324.161; or

4011 (3)~~(4)~~ Furnishing a certificate of self-insurance issued by
 4012 the department in accordance with s. 324.171.

4013
 4014 Any person, including any firm, partnership, association,
 4015 corporation, or other person, other than a natural person,
 4016 electing to use the method of proof specified in subsection (2)
 4017 ~~or subsection (3)~~ shall furnish a certificate of post a bond or
 4018 deposit equal to the number of vehicles owned times \$30,000, to
 4019 a maximum of \$120,000; in addition, any such person, other than
 4020 a natural person, shall maintain insurance providing coverage in
 4021 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 4022 single limits, and such excess insurance shall provide minimum
 4023 limits of \$125,000/250,000/50,000 or \$300,000 combined single
 4024 limits. These increased limits shall not affect the requirements
 4025 for proving financial responsibility under s. 324.032(1).

4026 Section 51. Subsection (1) of section 324.091, Florida
 4027 Statutes, is amended to read:

4028 324.091 Notice to department; notice to insurer.—

4029 (1) Each owner and operator involved in a crash or
 4030 conviction case within the purview of this chapter shall furnish
 4031 evidence of automobile liability insurance or motor vehicle

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4032 liability insurance, ~~or a surety bond~~ within 14 days after the
4033 date of the mailing of notice of crash by the department in the
4034 form and manner as it may designate. Upon receipt of evidence
4035 that an automobile liability policy or, motor vehicle liability
4036 policy, ~~or surety bond~~ was in effect at the time of the crash or
4037 conviction case, the department shall forward ~~by United States~~
4038 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy
4039 ~~of~~ such information for verification in a method as determined
4040 by the department. ~~and shall assume that the policy or bond was~~
4041 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
4042 ~~notifies~~ the department ~~otherwise~~ within 20 days after the
4043 ~~mailing of the notice~~ whether or not such information is valid
4044 ~~to the insurer or surety insurer.~~ However, If the department
4045 ~~later~~ determines that an automobile liability policy or, motor
4046 vehicle liability policy, ~~or surety bond~~ was not in effect and
4047 did not provide coverage for both the owner and the operator, it
4048 shall take action as it is ~~otherwise~~ authorized to do under this
4049 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
4050 ~~be made by the department by naming the insurer or surety~~
4051 ~~insurer to whom the mailing was made and by specifying the time,~~
4052 ~~place, and manner of mailing.~~

4053 Section 52. Section 324.161, Florida Statutes, is amended
4054 to read:

4055 324.161 Proof of financial responsibility; ~~surety bond or~~
4056 ~~deposit.~~ Annually, before any certificate of insurance may be
4057 issued to a person, including any firm, partnership,
4058 association, corporation, or other person, other than a natural
4059 person, proof of a certificate of deposit of \$30,000 issued and
4060 held by a financial institution must be submitted to the

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4061 department. A power of attorney will be issued to and held by
4062 the department and may be executed upon ~~The certificate of the~~
4063 ~~department of a deposit may be obtained by depositing with it~~
4064 ~~\$30,000 cash or securities such as may be legally purchased by~~
4065 ~~savings banks or for trust funds, of a market value of \$30,000~~
4066 ~~and which deposit shall be held by the department to satisfy, in~~
4067 ~~accordance with the provisions of this chapter, any execution on~~
4068 a judgment issued against such person making the deposit, for
4069 damages because of bodily injury to or death of any person or
4070 for damages because of injury to or destruction of property
4071 resulting from the use or operation of any motor vehicle
4072 occurring after such deposit was made. Money ~~or securities~~ so
4073 deposited shall not be subject to attachment or execution unless
4074 such attachment or execution shall arise out of a suit for
4075 damages as aforesaid.

4076 Section 53. Paragraph (a) of subsection (1) of section
4077 328.01, Florida Statutes, is amended to read:

4078 328.01 Application for certificate of title.—

4079 (1) (a) The owner of a vessel which is required to be titled
4080 shall apply to the county tax collector for a certificate of
4081 title. The application shall include the true name of the owner,
4082 the residence or business address of the owner, and the complete
4083 description of the vessel, including the hull identification
4084 number, except that an application for a certificate of title
4085 for a homemade vessel shall state all the foregoing information
4086 except the hull identification number. The application shall be
4087 signed by the owner and shall be accompanied by personal or
4088 business identification and the prescribed fee. An individual
4089 applicant must provide a valid driver license or identification

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4090 card issued by this state or another state or a valid passport.
4091 A business applicant must provide a federal employer
4092 identification number, if applicable, verification that the
4093 business is authorized to conduct business in the state, or a
4094 Florida city or county business license or number, which may
4095 include, but need not be limited to, a driver's license number,
4096 Florida identification card number, or federal employer
4097 identification number, and the prescribed fee.

4098 Section 54. Paragraph (a) of subsection (1) of section
4099 328.48, Florida Statutes, is amended to read:

4100 328.48 Vessel registration, application, certificate,
4101 number, decal, duplicate certificate.-

4102 (1) (a) The owner of each vessel required by this law to pay
4103 a registration fee and secure an identification number shall
4104 file an application with the county tax collector. The
4105 application shall provide the owner's name and address;
4106 residency status; personal or business identification, ~~which may~~
4107 ~~include, but need not be limited to, a driver's license number,~~
4108 ~~Florida identification card number, or federal employer~~
4109 ~~identification number~~; and a complete description of the vessel,
4110 and shall be accompanied by payment of the applicable fee
4111 required in s. 328.72. An individual applicant must provide a
4112 valid driver license or identification card issued by this state
4113 or another state or a valid passport. A business applicant must
4114 provide a federal employer identification number, if applicable,
4115 verification that the business is authorized to conduct business
4116 in the state, or a Florida city or county business license or
4117 number. Registration is not required for any vessel that is not
4118 used on the waters of this state.

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4119 Section 55. Subsection (1) of section 328.76, Florida
4120 Statutes, is amended to read:

4121 328.76 Marine Resources Conservation Trust Fund; vessel
4122 registration funds; appropriation and distribution.—

4123 (1) Except as otherwise specified in this subsection and
4124 less the amount equal to ~~\$1.4 million for~~ any administrative
4125 costs which shall be deposited in the Highway Safety Operating
4126 Trust Fund, in each fiscal year beginning on or after July 1,
4127 2001, all funds collected from the registration of vessels
4128 through the Department of Highway Safety and Motor Vehicles and
4129 the tax collectors of the state, except for those funds
4130 designated as the county portion pursuant to s. 328.72(1), shall
4131 be deposited in the Marine Resources Conservation Trust Fund for
4132 recreational channel marking; public launching facilities; law
4133 enforcement and quality control programs; aquatic weed control;
4134 manatee protection, recovery, rescue, rehabilitation, and
4135 release; and marine mammal protection and recovery. The funds
4136 collected pursuant to s. 328.72(1) shall be transferred as
4137 follows:

4138 (a) In each fiscal year, an amount equal to \$1.50 for each
4139 commercial and recreational vessel registered in this state
4140 shall be transferred by the Department of Highway Safety and
4141 Motor Vehicles to the Save the Manatee Trust Fund and shall be
4142 used only for the purposes specified in s. 379.2431(4).

4143 (b) An amount equal to \$2 from each recreational vessel
4144 registration fee, except that for class A-1 vessels, shall be
4145 transferred by the Department of Highway Safety and Motor
4146 Vehicles to the Invasive Plant Control Trust Fund in the Fish
4147 and Wildlife Conservation Commission for aquatic weed research

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4148 and control.

4149 (c) An amount equal to 40 percent of the registration fees
4150 from commercial vessels shall be transferred by the Department
4151 of Highway Safety and Motor Vehicles to the Invasive Plant
4152 Control Trust Fund in the Fish and Wildlife Conservation
4153 Commission for aquatic plant research and control.

4154 (d) An amount equal to 40 percent of the registration fees
4155 from commercial vessels shall be transferred by the Department
4156 of Highway Safety and Motor Vehicles, on a monthly basis, to the
4157 General Inspection Trust Fund of the Department of Agriculture
4158 and Consumer Services. These funds shall be used for shellfish
4159 and aquaculture law enforcement and quality control programs.

4160 Section 56. Subsections (1), (2), (3), (4), (9), and (13)
4161 of section 713.585, Florida Statutes, are amended to read:

4162 713.585 Enforcement of lien by sale of motor vehicle.—A
4163 person claiming a lien under s. 713.58 for performing labor or
4164 services on a motor vehicle may enforce such lien by sale of the
4165 vehicle in accordance with the following procedures:

4166 (1) The lienor must give notice, by certified mail, return
4167 receipt requested, within 15 business days, excluding Saturday
4168 and Sunday, from the beginning date of the assessment of storage
4169 charges on said motor vehicle, to the registered owner of the
4170 vehicle, to the customer as indicated on the order for repair,
4171 and to all other persons claiming an interest in or lien
4172 thereon, as disclosed by the records of the Department of
4173 Highway Safety and Motor Vehicles or as disclosed by the records
4174 of any ~~of a~~ corresponding agency of any other state in which the
4175 vehicle is identified through a records check of the National
4176 Motor Vehicle Title Information System as being the current

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4177 state where the vehicle is titled ~~appears registered~~. Such
4178 notice must contain:

4179 (a) A description of the vehicle (year, make, vehicle
4180 identification number) and its location.

4181 (b) The name and address of the owner of the vehicle, the
4182 customer as indicated on the order for repair, and any person
4183 claiming an interest in or lien thereon.

4184 (c) The name, address, and telephone number of the lienor.

4185 (d) Notice that the lienor claims a lien on the vehicle for
4186 labor and services performed and storage charges, if any, and
4187 the cash sum which, if paid to the lienor, would be sufficient
4188 to redeem the vehicle from the lien claimed by the lienor.

4189 (e) Notice that the lien claimed by the lienor is subject
4190 to enforcement pursuant to this section and that the vehicle may
4191 be sold to satisfy the lien.

4192 (f) If known, the date, time, and location of any proposed
4193 or scheduled sale of the vehicle. No vehicle may be sold earlier
4194 than 60 days after completion of the repair work.

4195 (g) Notice that the owner of the vehicle or any person
4196 claiming an interest in or lien thereon has a right to a hearing
4197 at any time prior to the scheduled date of sale by filing a
4198 demand for hearing with the clerk of the circuit court in the
4199 county in which the vehicle is held and mailing copies of the
4200 demand for hearing to all other owners and lienors as reflected
4201 on the notice.

4202 (h) Notice that the owner of the vehicle has a right to
4203 recover possession of the vehicle without instituting judicial
4204 proceedings by posting bond in accordance with the provisions of
4205 s. 559.917.

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4206 (i) Notice that any proceeds from the sale of the vehicle
4207 remaining after payment of the amount claimed to be due and
4208 owing to the lienor will be deposited with the clerk of the
4209 circuit court for disposition upon court order pursuant to
4210 subsection (8).

4211 (2) If attempts to locate the owner or lienholder are
4212 unsuccessful after a check of the records of the Department of
4213 Highway Safety and Motor Vehicles and any state disclosed by the
4214 check of the National Motor Vehicle Title Information System,
4215 the lienor must notify the local law enforcement agency in
4216 writing by certified mail or acknowledged hand delivery that the
4217 lienor has been unable to locate the owner or lienholder, that a
4218 physical search of the vehicle has disclosed no ownership
4219 information, and that a good faith effort, including records
4220 checks of the Department of Highway Safety and Motor Vehicles
4221 database and the National Motor Vehicle Title Information
4222 System, has been made. A description of the motor vehicle which
4223 includes the year, make, and identification number must be given
4224 on the notice. This notification must take place within 15
4225 business days, excluding Saturday and Sunday, from the beginning
4226 date of the assessment of storage charges on said motor vehicle.
4227 For purposes of this paragraph, the term "good faith effort"
4228 means that the following checks have been performed by the
4229 company to establish the prior state of registration and title:

4230 (a) A check of the Department of Highway Safety and Motor
4231 Vehicles database for the owner and any lienholder.

4232 (b) A check of the federally mandated electronic National
4233 Motor Vehicle Title Information System to determine the state of
4234 registration when there is not a current title or registration

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4235 record for the vehicle on file with the Department of Highway
4236 Safety and Motor Vehicles.

4237 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4238 temporary tag, or regular tag;

4239 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
4240 stickers and decals that could indicate the state of possible
4241 registration; and

4242 (e) ~~(e)~~ A check of the interior of the vehicle for any
4243 papers that could be in the glove box, trunk, or other areas for
4244 the state of registration.

4245 (3) If the date of the sale was not included in the notice
4246 required in subsection (1), notice of the sale must be sent by
4247 certified mail, return receipt requested, not less than 15 days
4248 before the date of sale, to the customer as indicated on the
4249 order for repair, and to all other persons claiming an interest
4250 in or lien on the motor vehicle, as disclosed by the records of
4251 the Department of Highway Safety and Motor Vehicles or of a
4252 corresponding agency of any other state in which the vehicle
4253 appears to have been registered after completion of a check of
4254 the National Motor Vehicle Title Information System. ~~After~~
4255 ~~diligent search and inquiry, if the name and address of the~~
4256 ~~registered owner or the owner of the recorded lien cannot be~~
4257 ~~ascertained, the requirements for this notice may be~~
4258 ~~disregarded.~~

4259 (4) The lienor, at least 15 days before the proposed or
4260 scheduled date of sale of the vehicle, shall publish the notice
4261 required by this section once in a newspaper circulated in the
4262 county where the vehicle is held. A certificate of compliance
4263 with the notification provisions of this section, verified by

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4264 the lienor, together with a copy of the notice and return
4265 receipt for mailing of the notice required by this section, ~~and~~
4266 proof of publication, and checks of the Department of Highway
4267 Safety and Motor Vehicles and the National Motor Vehicle Title
4268 Information System, must be duly and expeditiously filed with
4269 the clerk of the circuit court in the county where the vehicle
4270 is held. The lienor, at the time of filing the certificate of
4271 compliance, must pay to the clerk of that court a service charge
4272 of \$10 for indexing and recording the certificate.

4273 (9) A copy of the certificate of compliance and the report
4274 of sale, certified by the clerk of the court, and proof of the
4275 required check of the National Motor Vehicle Title Information
4276 System shall constitute satisfactory proof for application to
4277 the Department of Highway Safety and Motor Vehicles for transfer
4278 of title, together with any other proof required by any rules
4279 and regulations of the department.

4280 (13) A failure to make good faith efforts as defined in
4281 subsection (2) precludes the imposition of any storage charges
4282 against the vehicle. If a lienor fails to provide notice to any
4283 person claiming a lien on a vehicle under subsection (1) within
4284 15 business days after the assessment of storage charges have
4285 begun, then the lienor is precluded from charging for more than
4286 15 days of storage, but failure to provide timely notice does
4287 not affect charges made for repairs, adjustments, or
4288 modifications to the vehicle or the priority of liens on the
4289 vehicle.

4290 Section 57. Section 713.78, Florida Statutes, is amended to
4291 read:

4292 713.78 Liens for recovering, towing, or storing vehicles

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4293 and vessels.—

4294 (1) For the purposes of this section, the term:

4295 (a) "Vehicle" means any mobile item, whether motorized or
4296 not, which is mounted on wheels.

4297 (b) "Vessel" means every description of watercraft, barge,
4298 and airboat used or capable of being used as a means of
4299 transportation on water, other than a seaplane or a "documented
4300 vessel" as defined in s. 327.02(9).

4301 (c) "Wrecker" means any truck or other vehicle which is
4302 used to tow, carry, or otherwise transport motor vehicles or
4303 vessels upon the streets and highways of this state and which is
4304 equipped for that purpose with a boom, winch, car carrier, or
4305 other similar equipment.

4306 (d) "National Motor Vehicle Title Information System" means
4307 the federally authorized electronic National Motor Vehicle Title
4308 Information System.

4309 (2) Whenever a person regularly engaged in the business of
4310 transporting vehicles or vessels by wrecker, tow truck, or car
4311 carrier recovers, removes, or stores a vehicle or vessel upon
4312 instructions from:

4313 (a) The owner thereof;

4314 (b) The owner or lessor, or a person authorized by the
4315 owner or lessor, of property on which such vehicle or vessel is
4316 wrongfully parked, and the removal is done in compliance with s.
4317 715.07; ~~or~~

4318 (c) The landlord or a person authorized by the landlord,
4319 when such motor vehicle or vessel remained on the premises after
4320 the tenancy terminated and the removal is done in compliance
4321 with s. 715.104; or

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4322 (d)~~(e)~~ Any law enforcement agency,

4323

4324 she or he shall have a lien on the vehicle or vessel for a
4325 reasonable towing fee and for a reasonable storage fee; except
4326 that no storage fee shall be charged if the vehicle is stored
4327 for less than 6 hours.

4328 (3) This section does not authorize any person to claim a
4329 lien on a vehicle for fees or charges connected with the
4330 immobilization of such vehicle using a vehicle boot or other
4331 similar device pursuant to s. 715.07.

4332 (4) (a) Any person regularly engaged in the business of
4333 recovering, towing, or storing vehicles or vessels who comes
4334 into possession of a vehicle or vessel pursuant to subsection
4335 (2), and who claims a lien for recovery, towing, or storage
4336 services, shall give notice to the registered owner, the
4337 insurance company insuring the vehicle notwithstanding the
4338 provisions of s. 627.736, and to all persons claiming a lien
4339 thereon, as disclosed by the records in the Department of
4340 Highway Safety and Motor Vehicles or as disclosed by the records
4341 of any ~~of a~~ corresponding agency in any other state in which the
4342 vehicle is identified through a records check of the National
4343 Motor Vehicle Title Information System as being titled or
4344 registered.

4345 (b) Whenever any law enforcement agency authorizes the
4346 removal of a vehicle or vessel or whenever any towing service,
4347 garage, repair shop, or automotive service, storage, or parking
4348 place notifies the law enforcement agency of possession of a
4349 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
4350 enforcement agency of the jurisdiction where the vehicle or

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4351 vessel is stored shall contact the Department of Highway Safety
4352 and Motor Vehicles, or the appropriate agency of the state of
4353 registration, if known, within 24 hours through the medium of
4354 electronic communications, giving the full description of the
4355 vehicle or vessel. Upon receipt of the full description of the
4356 vehicle or vessel, the department shall search its files to
4357 determine the owner's name, the insurance company insuring the
4358 vehicle or vessel, and whether any person has filed a lien upon
4359 the vehicle or vessel as provided in s. 319.27(2) and (3) and
4360 notify the applicable law enforcement agency within 72 hours.
4361 The person in charge of the towing service, garage, repair shop,
4362 or automotive service, storage, or parking place shall obtain
4363 such information from the applicable law enforcement agency
4364 within 5 days after the date of storage and shall give notice
4365 pursuant to paragraph (a). The department may release the
4366 insurance company information to the requestor notwithstanding
4367 the provisions of s. 627.736.

4368 (c) Notice by certified mail shall be sent within 7
4369 business days after the date of storage of the vehicle or vessel
4370 to the registered owner, the insurance company insuring the
4371 vehicle notwithstanding the provisions of s. 627.736, and all
4372 persons of record claiming a lien against the vehicle or vessel.
4373 It shall state the fact of possession of the vehicle or vessel,
4374 that a lien as provided in subsection (2) is claimed, that
4375 charges have accrued and the amount thereof, that the lien is
4376 subject to enforcement pursuant to law, and that the owner or
4377 lienholder, if any, has the right to a hearing as set forth in
4378 subsection (5), and that any vehicle or vessel which remains
4379 unclaimed, or for which the charges for recovery, towing, or

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4380 storage services remain unpaid, may be sold free of all prior
4381 liens after 35 days if the vehicle or vessel is more than 3
4382 years of age or after 50 days if the vehicle or vessel is 3
4383 years of age or less.

4384 (d) If attempts to locate the name and address of the owner
4385 or lienholder prove unsuccessful, the towing-storage operator
4386 shall, after 7 working days, excluding Saturday and Sunday, of
4387 the initial tow or storage, notify the public agency of
4388 jurisdiction where the vehicle or vessel is stored in writing by
4389 certified mail or acknowledged hand delivery that the towing-
4390 storage company has been unable to locate the name and address
4391 of the owner or lienholder and a physical search of the vehicle
4392 or vessel has disclosed no ownership information and a good
4393 faith effort has been made, including records checks of the
4394 Department of Highway Safety and Motor Vehicles and the National
4395 Motor Vehicle Title Information System databases. For purposes
4396 of this paragraph and subsection (9), "good faith effort" means
4397 that the following checks have been performed by the company to
4398 establish prior state of registration and for title:

4399 1. Check of the Department of Highway Safety and Motor
4400 Vehicles database for the owner and any lienholder.

4401 2. Check of the electronic National Motor Vehicle Title
4402 Information System to determine the state of registration when
4403 there is not a current registration record for the vehicle on
4404 file with the Department of Highway Safety and Motor Vehicles.

4405 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
4406 record, temporary tag, or regular tag.

4407 ~~4.2.~~ Check of law enforcement report for tag number or
4408 other information identifying the vehicle or vessel, if the

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4409 vehicle or vessel was towed at the request of a law enforcement
4410 officer.

4411 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
4412 operator to see if a tag was on vehicle or vessel at beginning
4413 of tow, if private tow.

4414 ~~6.4.~~ If there is no address of the owner on the impound
4415 report, check of law enforcement report to see if an out-of-
4416 state address is indicated from driver license information.

4417 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
4418 other stickers and decals that may indicate a state of possible
4419 registration.

4420 ~~8.6.~~ Check of the interior of the vehicle or vessel for any
4421 papers that may be in the glove box, trunk, or other areas for a
4422 state of registration.

4423 ~~9.7.~~ Check of vehicle for vehicle identification number.

4424 ~~10.8.~~ Check of vessel for vessel registration number.

4425 ~~11.9.~~ Check of vessel hull for a hull identification number
4426 which should be carved, burned, stamped, embossed, or otherwise
4427 permanently affixed to the outboard side of the transom or, if
4428 there is no transom, to the outmost seaboard side at the end of
4429 the hull that bears the rudder or other steering mechanism.

4430 (5) (a) The owner of a vehicle or vessel removed pursuant to
4431 the provisions of subsection (2), or any person claiming a lien,
4432 other than the towing-storage operator, within 10 days after the
4433 time she or he has knowledge of the location of the vehicle or
4434 vessel, may file a complaint in the county court of the county
4435 in which the vehicle or vessel is stored to determine if her or
4436 his property was wrongfully taken or withheld from her or him.

4437 (b) Upon filing of a complaint, an owner or lienholder may

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4438 have her or his vehicle or vessel released upon posting with the
4439 court a cash or surety bond or other adequate security equal to
4440 the amount of the charges for towing or storage and lot rental
4441 amount to ensure the payment of such charges in the event she or
4442 he does not prevail. Upon the posting of the bond and the
4443 payment of the applicable fee set forth in s. 28.24, the clerk
4444 of the court shall issue a certificate notifying the lienor of
4445 the posting of the bond and directing the lienor to release the
4446 vehicle or vessel. At the time of such release, after reasonable
4447 inspection, she or he shall give a receipt to the towing-storage
4448 company reciting any claims she or he has for loss or damage to
4449 the vehicle or vessel or the contents thereof.

4450 (c) Upon determining the respective rights of the parties,
4451 the court may award damages, attorney's fees, and costs in favor
4452 of the prevailing party. In any event, the final order shall
4453 provide for immediate payment in full of recovery, towing, and
4454 storage fees by the vehicle or vessel owner or lienholder; or
4455 the agency ordering the tow; or the owner, lessee, or agent
4456 thereof of the property from which the vehicle or vessel was
4457 removed.

4458 (6) Any vehicle or vessel which is stored pursuant to
4459 subsection (2) and which remains unclaimed, or for which
4460 reasonable charges for recovery, towing, or storing remain
4461 unpaid, and any contents not released pursuant to subsection
4462 (10), may be sold by the owner or operator of the storage space
4463 for such towing or storage charge after 35 days from the time
4464 the vehicle or vessel is stored therein if the vehicle or vessel
4465 is more than 3 years of age or after 50 days following the time
4466 the vehicle or vessel is stored therein if the vehicle or vessel

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4467 is 3 years of age or less. The sale shall be at public sale for
4468 cash. If the date of the sale was not included in the notice
4469 required in subsection (4), notice of the sale shall be given to
4470 the person in whose name the vehicle or vessel is registered and
4471 to all persons claiming a lien on the vehicle or vessel as shown
4472 on the records of the Department of Highway Safety and Motor
4473 Vehicles or of any ~~the~~ corresponding agency in any other state
4474 in which the vehicle is identified through a records check of
4475 the National Motor Vehicle Title Information System as being
4476 titled. Notice shall be sent by certified mail to the owner of
4477 the vehicle or vessel and the person having the recorded lien on
4478 the vehicle or vessel at the address shown on the records of the
4479 registering agency and shall be mailed not less than 15 days
4480 before the date of the sale. After diligent search and inquiry,
4481 if the name and address of the registered owner or the owner of
4482 the recorded lien cannot be ascertained, the requirements of
4483 notice by mail may be dispensed with. In addition to the notice
4484 by mail, public notice of the time and place of sale shall be
4485 made by publishing a notice thereof one time, at least 10 days
4486 prior to the date of the sale, in a newspaper of general
4487 circulation in the county in which the sale is to be held. The
4488 proceeds of the sale, after payment of reasonable towing and
4489 storage charges, and costs of the sale, in that order of
4490 priority, shall be deposited with the clerk of the circuit court
4491 for the county if the owner or lienholder is absent, and the
4492 clerk shall hold such proceeds subject to the claim of the owner
4493 or lienholder legally entitled thereto. The clerk shall be
4494 entitled to receive 5 percent of such proceeds for the care and
4495 disbursement thereof. The certificate of title issued under this

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4496 law shall be discharged of all liens unless otherwise provided
4497 by court order. The owner or lienholder may file a complaint
4498 after the vehicle or vessel has been sold in the county court of
4499 the county in which it is stored. Upon determining the
4500 respective rights of the parties, the court may award damages,
4501 attorney's fees, and costs in favor of the prevailing party.

4502 (7) (a) A wrecker operator recovering, towing, or storing
4503 vehicles or vessels is not liable for damages connected with
4504 such services, theft of such vehicles or vessels, or theft of
4505 personal property contained in such vehicles or vessels,
4506 provided that such services have been performed with reasonable
4507 care and provided, further, that, in the case of removal of a
4508 vehicle or vessel upon the request of a person purporting, and
4509 reasonably appearing, to be the owner or lessee, or a person
4510 authorized by the owner or lessee, of the property from which
4511 such vehicle or vessel is removed, such removal has been done in
4512 compliance with s. 715.07. Further, a wrecker operator is not
4513 liable for damage to a vehicle, vessel, or cargo that obstructs
4514 the normal movement of traffic or creates a hazard to traffic
4515 and is removed in compliance with the request of a law
4516 enforcement officer.

4517 (b) For the purposes of this subsection, a wrecker operator
4518 is presumed to use reasonable care to prevent the theft of a
4519 vehicle or vessel or of any personal property contained in such
4520 vehicle stored in the wrecker operator's storage facility if all
4521 of the following apply:

- 4522 1. The wrecker operator surrounds the storage facility with
4523 a chain-link or solid-wall type fence at least 6 feet in height;
- 4524 2. The wrecker operator has illuminated the storage

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4525 facility with lighting of sufficient intensity to reveal persons
4526 and vehicles at a distance of at least 150 feet during
4527 nighttime; and

4528 3. The wrecker operator uses one or more of the following
4529 security methods to discourage theft of vehicles or vessels or
4530 of any personal property contained in such vehicles or vessels
4531 stored in the wrecker operator's storage facility:

4532 a. A night dispatcher or watchman remains on duty at the
4533 storage facility from sunset to sunrise;

4534 b. A security dog remains at the storage facility from
4535 sunset to sunrise;

4536 c. Security cameras or other similar surveillance devices
4537 monitor the storage facility; or

4538 d. A security guard service examines the storage facility
4539 at least once each hour from sunset to sunrise.

4540 (c) Any law enforcement agency requesting that a motor
4541 vehicle be removed from an accident scene, street, or highway
4542 must conduct an inventory and prepare a written record of all
4543 personal property found in the vehicle before the vehicle is
4544 removed by a wrecker operator. However, if the owner or driver
4545 of the motor vehicle is present and accompanies the vehicle, no
4546 inventory by law enforcement is required. A wrecker operator is
4547 not liable for the loss of personal property alleged to be
4548 contained in such a vehicle when such personal property was not
4549 identified on the inventory record prepared by the law
4550 enforcement agency requesting the removal of the vehicle.

4551 (8) A person regularly engaged in the business of
4552 recovering, towing, or storing vehicles or vessels, except a
4553 person licensed under chapter 493 while engaged in

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4554 "repossession" activities as defined in s. 493.6101, may not
4555 operate a wrecker, tow truck, or car carrier unless the name,
4556 address, and telephone number of the company performing the
4557 service is clearly printed in contrasting colors on the driver
4558 and passenger sides of its vehicle. The name must be in at least
4559 3-inch permanently affixed letters, and the address and
4560 telephone number must be in at least 1-inch permanently affixed
4561 letters.

4562 (9) Failure to make good faith best efforts to comply with
4563 the notice requirements of this section shall preclude the
4564 imposition of any storage charges against such vehicle or
4565 vessel.

4566 (10) Persons who provide services pursuant to this section
4567 shall permit vehicle or vessel owners, lienholders, insurance
4568 company representatives, or their agents, which agency is
4569 evidenced by an original writing acknowledged by the owner
4570 before a notary public or other person empowered by law to
4571 administer oaths, to inspect the towed vehicle or vessel and
4572 shall release to the owner, lienholder, or agent the vehicle,
4573 vessel, or all personal property not affixed to the vehicle or
4574 vessel which was in the vehicle or vessel at the time the
4575 vehicle or vessel came into the custody of the person providing
4576 such services.

4577 (11) (a) Any person regularly engaged in the business of
4578 recovering, towing, or storing vehicles or vessels who comes
4579 into possession of a vehicle or vessel pursuant to subsection
4580 (2) and who has complied with the provisions of subsections (3)
4581 and (6), when such vehicle or vessel is to be sold for purposes
4582 of being dismantled, destroyed, or changed in such manner that

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4583 it is not the motor vehicle or vessel described in the
4584 certificate of title, shall report the vehicle to the National
4585 Motor Vehicle Title Information System and apply to the
4586 Department of Highway Safety and Motor Vehicles ~~county tax~~
4587 ~~collector~~ for a certificate of destruction. A certificate of
4588 destruction, which authorizes the dismantling or destruction of
4589 the vehicle or vessel described therein, shall be reassignable a
4590 maximum of two times before dismantling or destruction of the
4591 vehicle shall be required, and shall accompany the vehicle or
4592 vessel for which it is issued, when such vehicle or vessel is
4593 sold for such purposes, in lieu of a certificate of title. The
4594 application for a certificate of destruction must include proof
4595 of reporting to the National Motor Vehicle Title Information
4596 System and an affidavit from the applicant that it has complied
4597 with all applicable requirements of this section and, if the
4598 vehicle or vessel is not registered in this state or any other
4599 state, by a statement from a law enforcement officer that the
4600 vehicle or vessel is not reported stolen, and shall be
4601 accompanied by such documentation as may be required by the
4602 department.

4603 (b) The Department of Highway Safety and Motor Vehicles
4604 shall charge a fee of \$3 for each certificate of destruction. A
4605 service charge of \$4.25 shall be collected and retained by the
4606 tax collector who processes the application.

4607 (c) The Department of Highway Safety and Motor Vehicles may
4608 adopt such rules as it deems necessary or proper for the
4609 administration of this subsection.

4610 (12) (a) Any person who violates any provision of subsection
4611 (1), subsection (2), subsection (4), subsection (5), subsection

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4612 (6), or subsection (7) is guilty of a misdemeanor of the first
4613 degree, punishable as provided in s. 775.082 or s. 775.083.

4614 (b) Any person who violates the provisions of subsections
4615 (8) through (11) is guilty of a felony of the third degree,
4616 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4617 (c) Any person who uses a false or fictitious name, gives a
4618 false or fictitious address, or makes any false statement in any
4619 application or affidavit required under the provisions of this
4620 section is guilty of a felony of the third degree, punishable as
4621 provided in s. 775.082, s. 775.083, or s. 775.084.

4622 (d) Employees of the Department of Highway Safety and Motor
4623 Vehicles and law enforcement officers are authorized to inspect
4624 the records of any person regularly engaged in the business of
4625 recovering, towing, or storing vehicles or vessels or
4626 transporting vehicles or vessels by wrecker, tow truck, or car
4627 carrier, to ensure compliance with the requirements of this
4628 section. Any person who fails to maintain records, or fails to
4629 produce records when required in a reasonable manner and at a
4630 reasonable time, commits a misdemeanor of the first degree,
4631 punishable as provided in s. 775.082 or s. 775.083.

4632 (13) (a) Upon receipt by the Department of Highway Safety
4633 and Motor Vehicles of written notice from a wrecker operator who
4634 claims a wrecker operator's lien under paragraph (2) (c) or
4635 paragraph (2) (d) for recovery, towing, or storage of an
4636 abandoned vehicle or vessel upon instructions from any law
4637 enforcement agency, for which a certificate of destruction has
4638 been issued under subsection (11) and the vehicle has been
4639 reported to the National Motor Vehicle Title Information System,
4640 the department shall place the name of the registered owner of

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4641 that vehicle or vessel on the list of those persons who may not
4642 be issued a license plate or revalidation sticker for any motor
4643 vehicle under s. 320.03(8). If the vehicle or vessel is owned
4644 jointly by more than one person, the name of each registered
4645 owner shall be placed on the list. The notice of wrecker
4646 operator's lien shall be submitted on forms provided by the
4647 department, which must include:

4648 1. The name, address, and telephone number of the wrecker
4649 operator.

4650 2. The name of the registered owner of the vehicle or
4651 vessel and the address to which the wrecker operator provided
4652 notice of the lien to the registered owner under subsection (4).

4653 3. A general description of the vehicle or vessel,
4654 including its color, make, model, body style, and year.

4655 4. The vehicle identification number (VIN); registration
4656 license plate number, state, and year; validation decal number,
4657 state, and year; vessel registration number; hull identification
4658 number; or other identification number, as applicable.

4659 5. The name of the person or the corresponding law
4660 enforcement agency that requested that the vehicle or vessel be
4661 recovered, towed, or stored.

4662 6. The amount of the wrecker operator's lien, not to exceed
4663 the amount allowed by paragraph (b).

4664 (b) For purposes of this subsection only, the amount of the
4665 wrecker operator's lien for which the department will prevent
4666 issuance of a license plate or revalidation sticker may not
4667 exceed the amount of the charges for recovery, towing, and
4668 storage of the vehicle or vessel for 7 days. These charges may
4669 not exceed the maximum rates imposed by the ordinances of the

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4670 respective county or municipality under ss. 125.0103(1)(c) and
4671 166.043(1)(c). This paragraph does not limit the amount of a
4672 wrecker operator's lien claimed under subsection (2) or prevent
4673 a wrecker operator from seeking civil remedies for enforcement
4674 of the entire amount of the lien, but limits only that portion
4675 of the lien for which the department will prevent issuance of a
4676 license plate or revalidation sticker.

4677 (c)1. The registered owner of a vehicle or vessel may
4678 dispute a wrecker operator's lien, by notifying the department
4679 of the dispute in writing on forms provided by the department,
4680 if at least one of the following applies:

4681 a. The registered owner presents a notarized bill of sale
4682 proving that the vehicle or vessel was sold in a private or
4683 casual sale before the vehicle or vessel was recovered, towed,
4684 or stored.

4685 b. The registered owner presents proof that the Florida
4686 certificate of title of the vehicle or vessel was sold to a
4687 licensed dealer as defined in s. 319.001 before the vehicle or
4688 vessel was recovered, towed, or stored.

4689 c. The records of the department were marked "sold" prior
4690 to the date of the tow.

4691
4692 If the registered owner's dispute of a wrecker operator's lien
4693 complies with one of these criteria, the department shall
4694 immediately remove the registered owner's name from the list of
4695 those persons who may not be issued a license plate or
4696 revalidation sticker for any motor vehicle under s. 320.03(8),
4697 thereby allowing issuance of a license plate or revalidation
4698 sticker. If the vehicle or vessel is owned jointly by more than

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4699 one person, each registered owner must dispute the wrecker
4700 operator's lien in order to be removed from the list. However,
4701 the department shall deny any dispute and maintain the
4702 registered owner's name on the list of those persons who may not
4703 be issued a license plate or revalidation sticker for any motor
4704 vehicle under s. 320.03(8) if the wrecker operator has provided
4705 the department with a certified copy of the judgment of a court
4706 which orders the registered owner to pay the wrecker operator's
4707 lien claimed under this section. In such a case, the amount of
4708 the wrecker operator's lien allowed by paragraph (b) may be
4709 increased to include no more than \$500 of the reasonable costs
4710 and attorney's fees incurred in obtaining the judgment. The
4711 department's action under this subparagraph is ministerial in
4712 nature, shall not be considered final agency action, and is
4713 appealable only to the county court for the county in which the
4714 vehicle or vessel was ordered removed.

4715 2. A person against whom a wrecker operator's lien has been
4716 imposed may alternatively obtain a discharge of the lien by
4717 filing a complaint, challenging the validity of the lien or the
4718 amount thereof, in the county court of the county in which the
4719 vehicle or vessel was ordered removed. Upon filing of the
4720 complaint, the person may have her or his name removed from the
4721 list of those persons who may not be issued a license plate or
4722 revalidation sticker for any motor vehicle under s. 320.03(8),
4723 thereby allowing issuance of a license plate or revalidation
4724 sticker, upon posting with the court a cash or surety bond or
4725 other adequate security equal to the amount of the wrecker
4726 operator's lien to ensure the payment of such lien in the event
4727 she or he does not prevail. Upon the posting of the bond and the

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4728 payment of the applicable fee set forth in s. 28.24, the clerk
4729 of the court shall issue a certificate notifying the department
4730 of the posting of the bond and directing the department to
4731 release the wrecker operator's lien. Upon determining the
4732 respective rights of the parties, the court may award damages
4733 and costs in favor of the prevailing party.

4734 3. If a person against whom a wrecker operator's lien has
4735 been imposed does not object to the lien, but cannot discharge
4736 the lien by payment because the wrecker operator has moved or
4737 gone out of business, the person may have her or his name
4738 removed from the list of those persons who may not be issued a
4739 license plate or revalidation sticker for any motor vehicle
4740 under s. 320.03(8), thereby allowing issuance of a license plate
4741 or revalidation sticker, upon posting with the clerk of court in
4742 the county in which the vehicle or vessel was ordered removed, a
4743 cash or surety bond or other adequate security equal to the
4744 amount of the wrecker operator's lien. Upon the posting of the
4745 bond and the payment of the application fee set forth in s.
4746 28.24, the clerk of the court shall issue a certificate
4747 notifying the department of the posting of the bond and
4748 directing the department to release the wrecker operator's lien.
4749 The department shall mail to the wrecker operator, at the
4750 address upon the lien form, notice that the wrecker operator
4751 must claim the security within 60 days, or the security will be
4752 released back to the person who posted it. At the conclusion of
4753 the 60 days, the department shall direct the clerk as to which
4754 party is entitled to payment of the security, less applicable
4755 clerk's fees.

4756 4. A wrecker operator's lien expires 5 years after filing.

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4757 (d) Upon discharge of the amount of the wrecker operator's
4758 lien allowed by paragraph (b), the wrecker operator must issue a
4759 certificate of discharged wrecker operator's lien on forms
4760 provided by the department to each registered owner of the
4761 vehicle or vessel attesting that the amount of the wrecker
4762 operator's lien allowed by paragraph (b) has been discharged.
4763 Upon presentation of the certificate of discharged wrecker
4764 operator's lien by the registered owner, the department shall
4765 immediately remove the registered owner's name from the list of
4766 those persons who may not be issued a license plate or
4767 revalidation sticker for any motor vehicle under s. 320.03(8),
4768 thereby allowing issuance of a license plate or revalidation
4769 sticker. Issuance of a certificate of discharged wrecker
4770 operator's lien under this paragraph does not discharge the
4771 entire amount of the wrecker operator's lien claimed under
4772 subsection (2), but only certifies to the department that the
4773 amount of the wrecker operator's lien allowed by paragraph (b),
4774 for which the department will prevent issuance of a license
4775 plate or revalidation sticker, has been discharged.

4776 (e) When a wrecker operator files a notice of wrecker
4777 operator's lien under this subsection, the department shall
4778 charge the wrecker operator a fee of \$2, which shall be
4779 deposited into the General Revenue Fund. A service charge of
4780 \$2.50 shall be collected and retained by the tax collector who
4781 processes a notice of wrecker operator's lien.

4782 (f) This subsection applies only to the annual renewal in
4783 the registered owner's birth month of a motor vehicle
4784 registration and does not apply to the transfer of a
4785 registration of a motor vehicle sold by a motor vehicle dealer

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4786 licensed under chapter 320, except for the transfer of
4787 registrations which includes the annual renewals. This
4788 subsection does not apply to any vehicle registered in the name
4789 of the lessor. This subsection does not affect the issuance of
4790 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4791 (g) The Department of Highway Safety and Motor Vehicles may
4792 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
4793 this subsection.

4794 Section 58. Paragraph (aa) of subsection (7) of section
4795 212.08, Florida Statutes, is amended to read:

4796 212.08 Sales, rental, use, consumption, distribution, and
4797 storage tax; specified exemptions.—The sale at retail, the
4798 rental, the use, the consumption, the distribution, and the
4799 storage to be used or consumed in this state of the following
4800 are hereby specifically exempt from the tax imposed by this
4801 chapter.

4802 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
4803 entity by this chapter do not inure to any transaction that is
4804 otherwise taxable under this chapter when payment is made by a
4805 representative or employee of the entity by any means,
4806 including, but not limited to, cash, check, or credit card, even
4807 when that representative or employee is subsequently reimbursed
4808 by the entity. In addition, exemptions provided to any entity by
4809 this subsection do not inure to any transaction that is
4810 otherwise taxable under this chapter unless the entity has
4811 obtained a sales tax exemption certificate from the department
4812 or the entity obtains or provides other documentation as
4813 required by the department. Eligible purchases or leases made
4814 with such a certificate must be in strict compliance with this

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4815 subsection and departmental rules, and any person who makes an
4816 exempt purchase with a certificate that is not in strict
4817 compliance with this subsection and the rules is liable for and
4818 shall pay the tax. The department may adopt rules to administer
4819 this subsection.

4820 (aa) *Certain commercial vehicles.*—Also exempt is the sale,
4821 lease, or rental of a commercial motor vehicle as defined in s.
4822 207.002 ~~207.002(2)~~, when the following conditions are met:

4823 1. The sale, lease, or rental occurs between two commonly
4824 owned and controlled corporations;

4825 2. Such vehicle was titled and registered in this state at
4826 the time of the sale, lease, or rental; and

4827 3. Florida sales tax was paid on the acquisition of such
4828 vehicle by the seller, lessor, or renter.

4829 Section 59. Subsection (8) of section 261.03, Florida
4830 Statutes, is amended to read:

4831 261.03 Definitions.—As used in this chapter, the term:

4832 (8) "ROV" means any motorized recreational off-highway
4833 vehicle 64 inches or less in width, having a dry weight of 2,000
4834 pounds or less, designed to travel on four or more nonhighway
4835 tires, having nonstraddle seating and a steering wheel, and
4836 manufactured for recreational use by one or more persons. The
4837 term "ROV" does not include a golf cart as defined in ss. 320.01
4838 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4839 s. 320.01 ~~320.01(42)~~.

4840 Section 60. Section 316.2122, Florida Statutes, is amended
4841 to read:

4842 316.2122 Operation of a low-speed vehicle or mini truck on
4843 certain roadways.—The operation of a low-speed vehicle as

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4844 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4845 320.01 ~~320.01(45)~~ on any road is authorized with the following
4846 restrictions:

4847 (1) A low-speed vehicle or mini truck may be operated only
4848 on streets where the posted speed limit is 35 miles per hour or
4849 less. This does not prohibit a low-speed vehicle or mini truck
4850 from crossing a road or street at an intersection where the road
4851 or street has a posted speed limit of more than 35 miles per
4852 hour.

4853 (2) A low-speed vehicle must be equipped with headlamps,
4854 stop lamps, turn signal lamps, taillamps, reflex reflectors,
4855 parking brakes, rearview mirrors, windshields, seat belts, and
4856 vehicle identification numbers.

4857 (3) A low-speed vehicle or mini truck must be registered
4858 and insured in accordance with s. 320.02 and titled pursuant to
4859 chapter 319.

4860 (4) Any person operating a low-speed vehicle or mini truck
4861 must have in his or her possession a valid driver ~~driver's~~
4862 license.

4863 (5) A county or municipality may prohibit the operation of
4864 low-speed vehicles or mini trucks on any road under its
4865 jurisdiction if the governing body of the county or municipality
4866 determines that such prohibition is necessary in the interest of
4867 safety.

4868 (6) The Department of Transportation may prohibit the
4869 operation of low-speed vehicles or mini trucks on any road under
4870 its jurisdiction if it determines that such prohibition is
4871 necessary in the interest of safety.

4872 Section 61. Section 316.2124, Florida Statutes, is amended

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4873 to read:

4874 316.2124 Motorized disability access vehicles.—The
4875 Department of Highway Safety and Motor Vehicles is directed to
4876 provide, by rule, for the regulation of motorized disability
4877 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
4878 department shall provide that motorized disability access
4879 vehicles shall be registered in the same manner as motorcycles
4880 and shall pay the same registration fee as for a motorcycle.
4881 There shall also be assessed, in addition to the registration
4882 fee, a \$2.50 surcharge for motorized disability access vehicles.
4883 This surcharge shall be paid into the Highway Safety Operating
4884 Trust Fund. Motorized disability access vehicles shall not be
4885 required to be titled by the department. The department shall
4886 require motorized disability access vehicles to be subject to
4887 the same safety requirements as set forth in this chapter for
4888 motorcycles.

4889 Section 62. Subsection (1) of section 316.21265, Florida
4890 Statutes, is amended to read:

4891 316.21265 Use of all-terrain vehicles, golf carts, low-
4892 speed vehicles, or utility vehicles by law enforcement
4893 agencies.—

4894 (1) Notwithstanding any provision of law to the contrary,
4895 any law enforcement agency in this state may operate all-terrain
4896 vehicles as defined in s. 316.2074, golf carts as defined in s.
4897 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
4898 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
4899 ~~320.01(43)~~ on any street, road, or highway in this state while
4900 carrying out its official duties.

4901 Section 63. Subsection (1) of section 316.3026, Florida

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4902 Statutes, is amended to read:

4903 316.3026 Unlawful operation of motor carriers.—

4904 (1) The Office of Commercial Vehicle Enforcement may issue
4905 out-of-service orders to motor carriers, as defined in s. 320.01
4906 ~~320.01(33)~~, who, after proper notice, have failed to pay any
4907 penalty or fine assessed by the department, or its agent,
4908 against any owner or motor carrier for violations of state law,
4909 refused to submit to a compliance review and provide records
4910 pursuant to s. 316.302(5) or s. 316.70, or violated safety
4911 regulations pursuant to s. 316.302 or insurance requirements in
4912 s. 627.7415. Such out-of-service orders have the effect of
4913 prohibiting the operations of any motor vehicles owned, leased,
4914 or otherwise operated by the motor carrier upon the roadways of
4915 this state, until the violations have been corrected or
4916 penalties have been paid. Out-of-service orders must be approved
4917 by the director of the Division of the Florida Highway Patrol or
4918 his or her designee. An administrative hearing pursuant to s.
4919 120.569 shall be afforded to motor carriers subject to such
4920 orders.

4921 Section 64. Paragraph (a) of subsection (5) and subsection
4922 (10) of section 316.550, Florida Statutes, are amended to read:

4923 316.550 Operations not in conformity with law; special
4924 permits.—

4925 (5) (a) The Department of Transportation may issue a wrecker
4926 special blanket permit to authorize a wrecker as defined in s.
4927 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in
4928 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and
4929 the disabled vehicle being towed exceeds the maximum weight
4930 limits as established by s. 316.535.

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4931 (10) Whenever any motor vehicle, or the combination of a
4932 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
4933 vehicle, exceeds any weight or dimensional criteria or special
4934 operational or safety stipulation contained in a special permit
4935 issued under the provisions of this section, the penalty
4936 assessed to the owner or operator shall be as follows:

4937 (a) For violation of weight criteria contained in a special
4938 permit, the penalty per pound or portion thereof exceeding the
4939 permitted weight shall be as provided in s. 316.545.

4940 (b) For each violation of dimensional criteria in a special
4941 permit, the penalty shall be as provided in s. 316.516 and
4942 penalties for multiple violations of dimensional criteria shall
4943 be cumulative except that the total penalty for the vehicle
4944 shall not exceed \$1,000.

4945 (c) For each violation of an operational or safety
4946 stipulation in a special permit, the penalty shall be an amount
4947 not to exceed \$1,000 per violation and penalties for multiple
4948 violations of operational or safety stipulations shall be
4949 cumulative except that the total penalty for the vehicle shall
4950 not exceed \$1,000.

4951 (d) For violation of any special condition that has been
4952 prescribed in the rules of the Department of Transportation and
4953 declared on the permit, the vehicle shall be determined to be
4954 out of conformance with the permit and the permit shall be
4955 declared null and void for the vehicle, and weight and
4956 dimensional limits for the vehicle shall be as established in s.
4957 316.515 or s. 316.535, whichever is applicable, and:

4958 1. For weight violations, a penalty as provided in s.
4959 316.545 shall be assessed for those weights which exceed the

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4960 limits thus established for the vehicle; and

4961 2. For dimensional, operational, or safety violations, a
4962 penalty as established in paragraph (c) or s. 316.516, whichever
4963 is applicable, shall be assessed for each nonconforming
4964 dimensional, operational, or safety violation and the penalties
4965 for multiple violations shall be cumulative for the vehicle.

4966 Section 65. Subsection (9) of section 317.0003, Florida
4967 Statutes, is amended to read:

4968 317.0003 Definitions.—As used in this chapter, the term:

4969 (9) "ROV" means any motorized recreational off-highway
4970 vehicle 64 inches or less in width, having a dry weight of 2,000
4971 pounds or less, designed to travel on four or more nonhighway
4972 tires, having nonstraddle seating and a steering wheel, and
4973 manufactured for recreational use by one or more persons. The
4974 term "ROV" does not include a golf cart as defined in ss. 320.01
4975 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4976 s. 320.01 ~~320.01(42)~~.

4977 Section 66. Paragraph (d) of subsection (5) of section
4978 320.08, Florida Statutes, is amended to read:

4979 320.08 License taxes.—Except as otherwise provided herein,
4980 there are hereby levied and imposed annual license taxes for the
4981 operation of motor vehicles, mopeds, motorized bicycles as
4982 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
4983 and mobile homes, as defined in s. 320.01, which shall be paid
4984 to and collected by the department or its agent upon the
4985 registration or renewal of registration of the following:

4986 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
4987 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4988 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is

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4989 used to tow a vessel as defined in s. 327.02(39), a disabled,
4990 abandoned, stolen-recovered, or impounded motor vehicle as
4991 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
4992 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall
4993 be deposited into the General Revenue Fund.

4994 Section 67. Subsection (1) of section 320.0847, Florida
4995 Statutes, is amended to read:

4996 320.0847 Mini truck and low-speed vehicle license plates.-

4997 (1) The department shall issue a license plate to the owner
4998 or lessee of any vehicle registered as a low-speed vehicle as
4999 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
5000 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes
5001 and fees prescribed in s. 320.08.

5002 Section 68. Subsections (4) and (5) of section 322.271,
5003 Florida Statutes, are amended to read:

5004 322.271 Authority to modify revocation, cancellation, or
5005 suspension order.-

5006 (4) Notwithstanding the provisions of s. 322.28(2)(d)
5007 ~~322.28(2)(e)~~, a person whose driving privilege has been
5008 permanently revoked because he or she has been convicted of DUI
5009 manslaughter in violation of s. 316.193 and has no prior
5010 convictions for DUI-related offenses may, upon the expiration of
5011 5 years after the date of such revocation or the expiration of 5
5012 years after the termination of any term of incarceration under
5013 s. 316.193 or former s. 316.1931, whichever date is later,
5014 petition the department for reinstatement of his or her driving
5015 privilege.

5016 (a) Within 30 days after the receipt of such a petition,
5017 the department shall afford the petitioner an opportunity for a

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5018 hearing. At the hearing, the petitioner must demonstrate to the
5019 department that he or she:

5020 1. Has not been arrested for a drug-related offense during
5021 the 5 years preceding the filing of the petition;

5022 2. Has not driven a motor vehicle without a license for at
5023 least 5 years prior to the hearing;

5024 3. Has been drug-free for at least 5 years prior to the
5025 hearing; and

5026 4. Has completed a DUI program licensed by the department.

5027 (b) At such hearing, the department shall determine the
5028 petitioner's qualification, fitness, and need to drive. Upon
5029 such determination, the department may, in its discretion,
5030 reinstate the driver ~~driver's~~ license of the petitioner. Such
5031 reinstatement must be made subject to the following
5032 qualifications:

5033 1. The license must be restricted for employment purposes
5034 for at least ~~not less than~~ 1 year; and

5035 2. Such person must be supervised by a DUI program licensed
5036 by the department and report to the program for such supervision
5037 and education at least four times a year or additionally as
5038 required by the program for the remainder of the revocation
5039 period. Such supervision shall include evaluation, education,
5040 referral into treatment, and other activities required by the
5041 department.

5042 (c) Such person must assume the reasonable costs of
5043 supervision. If such person fails to comply with the required
5044 supervision, the program shall report the failure to the
5045 department, and the department shall cancel such person's
5046 driving privilege.

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5047 (d) If, after reinstatement, such person is convicted of an
5048 offense for which mandatory revocation of his or her license is
5049 required, the department shall revoke his or her driving
5050 privilege.

5051 (e) The department shall adopt rules regulating the
5052 providing of services by DUI programs pursuant to this section.

5053 (5) Notwithstanding the provisions of s. 322.28(2)(d)
5054 ~~322.28(2)(e)~~, a person whose driving privilege has been
5055 permanently revoked because he or she has been convicted four or
5056 more times of violating s. 316.193 or former s. 316.1931 may,
5057 upon the expiration of 5 years after the date of the last
5058 conviction or the expiration of 5 years after the termination of
5059 any incarceration under s. 316.193 or former s. 316.1931,
5060 whichever is later, petition the department for reinstatement of
5061 his or her driving privilege.

5062 (a) Within 30 days after receipt of a petition, the
5063 department shall provide for a hearing, at which the petitioner
5064 must demonstrate that he or she:

5065 1. Has not been arrested for a drug-related offense for at
5066 least 5 years prior to filing the petition;

5067 2. Has not driven a motor vehicle without a license for at
5068 least 5 years prior to the hearing;

5069 3. Has been drug-free for at least 5 years prior to the
5070 hearing; and

5071 4. Has completed a DUI program licensed by the department.

5072 (b) At the hearing, the department shall determine the
5073 petitioner's qualification, fitness, and need to drive, and may,
5074 after such determination, reinstate the petitioner's driver
5075 ~~driver's~~ license. The reinstatement shall be subject to the

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5076 following qualifications:

5077 1. The petitioner's license must be restricted for
5078 employment purposes for at least ~~not less than~~ 1 year; and

5079 2. The petitioner must be supervised by a DUI program
5080 licensed by the department and must report to the program for
5081 supervision and education at least four times a year or more, as
5082 required by the program, for the remainder of the revocation
5083 period. The supervision shall include evaluation, education,
5084 referral into treatment, and other activities required by the
5085 department.

5086 (c) The petitioner must assume the reasonable costs of
5087 supervision. If the petitioner does not comply with the required
5088 supervision, the program shall report the failure to the
5089 department, and the department shall cancel such person's
5090 driving privilege.

5091 (d) If, after reinstatement, the petitioner is convicted of
5092 an offense for which mandatory license revocation is required,
5093 the department shall revoke his or her driving privilege.

5094 (e) The department shall adopt rules regulating the
5095 services provided by DUI programs pursuant to this section.

5096 Section 69. Section 322.282, Florida Statutes, is amended
5097 to read:

5098 322.282 Procedure when court revokes or suspends license or
5099 driving privilege and orders reinstatement.—When a court
5100 suspends or revokes a person's license or driving privilege and,
5101 in its discretion, orders reinstatement ~~as provided by s.~~
5102 ~~322.28(2)(d) or former s. 322.261(5):~~

5103 (1) The court shall pick up all revoked or suspended driver
5104 ~~driver's~~ licenses from the person and immediately forward them

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5105 to the department, together with a record of such conviction.
5106 The clerk of such court shall also maintain a list of all
5107 revocations or suspensions by the court.

5108 (2) (a) The court shall issue an order of reinstatement, on
5109 a form to be furnished by the department, which the person may
5110 take to any driver ~~driver's~~ license examining office. The
5111 department shall issue a temporary driver ~~driver's~~ permit to a
5112 licensee who presents the court's order of reinstatement, proof
5113 of completion of a department-approved driver training or
5114 substance abuse education course, and a written request for a
5115 hearing under s. 322.271. The permit shall not be issued if a
5116 record check by the department shows that the person has
5117 previously been convicted for a violation of s. 316.193, former
5118 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
5119 conviction outside this state for driving under the influence,
5120 driving while intoxicated, driving with an unlawful blood-
5121 alcohol level, or any similar alcohol-related or drug-related
5122 traffic offense; that the person's driving privilege has been
5123 previously suspended for refusal to submit to a lawful test of
5124 breath, blood, or urine; or that the person is otherwise not
5125 entitled to issuance of a driver ~~driver's~~ license. This
5126 paragraph shall not be construed to prevent the reinstatement of
5127 a license or driving privilege that is presently suspended for
5128 driving with an unlawful blood-alcohol level or a refusal to
5129 submit to a breath, urine, or blood test and is also revoked for
5130 a conviction for a violation of s. 316.193 or former s.
5131 316.1931, if the suspension and revocation arise out of the same
5132 incident.

5133 (b) The temporary driver ~~driver's~~ permit shall be

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5134 restricted to either business or employment purposes described
5135 in s. 322.271, as determined by the department, and shall not be
5136 used for pleasure, recreational, or nonessential driving.

5137 (c) If the department determines at a later date from its
5138 records that the applicant has previously been convicted of an
5139 offense referred to in paragraph (a) which would render him or
5140 her ineligible for reinstatement, the department shall cancel
5141 the temporary driver ~~driver's~~ permit and shall issue a
5142 revocation or suspension order for the minimum period
5143 applicable. A temporary permit issued pursuant to this section
5144 shall be valid for 45 days or until canceled as provided in this
5145 paragraph.

5146 (d) The period of time for which a temporary permit issued
5147 in accordance with paragraph (a) is valid shall be deemed to be
5148 part of the period of revocation imposed by the court.

5149 Section 70. Section 324.023, Florida Statutes, is amended
5150 to read:

5151 324.023 Financial responsibility for bodily injury or
5152 death.—In addition to any other financial responsibility
5153 required by law, every owner or operator of a motor vehicle that
5154 is required to be registered in this state, or that is located
5155 within this state, and who, regardless of adjudication of guilt,
5156 has been found guilty of or entered a plea of guilty or nolo
5157 contendere to a charge of driving under the influence under s.
5158 316.193 after October 1, 2007, shall, by one of the methods
5159 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
5160 maintain the ability to respond in damages for liability on
5161 account of accidents arising out of the use of a motor vehicle
5162 in the amount of \$100,000 because of bodily injury to, or death

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5163 of, one person in any one crash and, subject to such limits for
5164 one person, in the amount of \$300,000 because of bodily injury
5165 to, or death of, two or more persons in any one crash and in the
5166 amount of \$50,000 because of property damage in any one crash.
5167 If the owner or operator chooses to establish and maintain such
5168 ability by ~~posting a bond or~~ furnishing a certificate of deposit
5169 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
5170 deposit must be at least ~~in an amount not less than~~ \$350,000.
5171 Such higher limits must be carried for a minimum period of 3
5172 years. If the owner or operator has not been convicted of
5173 driving under the influence or a felony traffic offense for a
5174 period of 3 years from the date of reinstatement of driving
5175 privileges for a violation of s. 316.193, the owner or operator
5176 shall be exempt from this section.

5177 Section 71. Paragraph (c) of subsection (1) of section
5178 324.171, Florida Statutes, is amended to read:

5179 324.171 Self-insurer.—

5180 (1) Any person may qualify as a self-insurer by obtaining a
5181 certificate of self-insurance from the department which may, in
5182 its discretion and upon application of such a person, issue said
5183 certificate of self-insurance when such person has satisfied the
5184 requirements of this section to qualify as a self-insurer under
5185 this section:

5186 (c) The owner of a commercial motor vehicle, as defined in
5187 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
5188 insurer subject to the standards provided for in subparagraph
5189 (b)2.

5190 Section 72. Section 324.191, Florida Statutes, is amended
5191 to read:

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5192 324.191 Consent to cancellation; direction to return money
5193 or securities.—The department shall consent to the cancellation
5194 of any ~~bond or~~ certificate of insurance furnished as proof of
5195 financial responsibility pursuant to s. 324.031, or the
5196 department shall return to the person entitled thereto cash or
5197 securities deposited as proof of financial responsibility
5198 pursuant to s. 324.031:

5199 (1) Upon substitution and acceptance of other adequate
5200 proof of financial responsibility pursuant to this chapter, or

5201 (2) In the event of the death of the person on whose behalf
5202 the proof was filed, or the permanent incapacity of such person
5203 to operate a motor vehicle, or

5204 (3) In the event the person who has given proof of
5205 financial responsibility surrenders his or her license and all
5206 registrations to the department; providing, however, that no
5207 notice of court action has been filed with the department, a
5208 judgment in which would result in claim on such proof of
5209 financial responsibility.

5210
5211 This section shall not apply to security as specified in s.
5212 324.061 deposited pursuant to s. 324.051(2)(a)4.

5213 Section 73. Subsection (3) of section 627.733, Florida
5214 Statutes, is amended to read:

5215 627.733 Required security.—

5216 (3) Such security shall be provided:

5217 (a) By an insurance policy delivered or issued for delivery
5218 in this state by an authorized or eligible motor vehicle
5219 liability insurer which provides the benefits and exemptions
5220 contained in ss. 627.730-627.7405. Any policy of insurance

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5221 represented or sold as providing the security required hereunder
5222 shall be deemed to provide insurance for the payment of the
5223 required benefits; or

5224 (b) By any other method authorized by s. 324.031(2) or
5225 (3), ~~or (4)~~ and approved by the Department of Highway Safety and
5226 Motor Vehicles as affording security equivalent to that afforded
5227 by a policy of insurance or by self-insuring as authorized by s.
5228 768.28(16). The person filing such security shall have all of
5229 the obligations and rights of an insurer under ss. 627.730-
5230 627.7405.

5231 Section 74. Section 627.7415, Florida Statutes, is amended
5232 to read:

5233 627.7415 Commercial motor vehicles; additional liability
5234 insurance coverage.—Commercial motor vehicles, as defined in s.
5235 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
5236 highways of this state shall be insured with the following
5237 minimum levels of combined bodily liability insurance and
5238 property damage liability insurance in addition to any other
5239 insurance requirements:

5240 (1) Fifty thousand dollars per occurrence for a commercial
5241 motor vehicle with a gross vehicle weight of 26,000 pounds or
5242 more, but less than 35,000 pounds.

5243 (2) One hundred thousand dollars per occurrence for a
5244 commercial motor vehicle with a gross vehicle weight of 35,000
5245 pounds or more, but less than 44,000 pounds.

5246 (3) Three hundred thousand dollars per occurrence for a
5247 commercial motor vehicle with a gross vehicle weight of 44,000
5248 pounds or more.

5249 (4) All commercial motor vehicles subject to regulations of

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5250 the United States Department of Transportation, Title 49 C.F.R.
5251 part 387, subpart A, and as may be hereinafter amended, shall be
5252 insured in an amount equivalent to the minimum levels of
5253 financial responsibility as set forth in such regulations.

5254

5255 A violation of this section is a noncriminal traffic infraction,
5256 punishable as a nonmoving violation as provided in chapter 318.

5257 Section 75. This act shall take effect July 1, 2013.