

By the Committees on Appropriations; and Transportation; and
Senator Brandes

576-04638-13

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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. 110.205, F.S.;
4 providing that certain positions in the department are
5 exempt from career service; amending s. 207.002, F.S.,
6 relating to the Florida Diesel Fuel and Motor Fuel Use
7 Tax Act of 1981; deleting definitions of the terms
8 "apportioned motor vehicle" and "apportionable
9 vehicle"; providing legislative intent relating to
10 road rage and traffic congestion; amending s. 316.003,
11 F.S.; defining the term "road rage"; amending s.
12 316.066, F.S.; authorizing the Department of
13 Transportation to immediately receive a crash report;
14 amending s. 316.083, F.S.; requiring that an operator
15 of a motor vehicle yield the furthestmost left-hand
16 lane when being overtaken on a multilane highway;
17 providing exceptions; reenacting s. 316.1923, F.S.,
18 relating to aggressive careless driving, to
19 incorporate the amendments made to s. 316.083, F.S.,
20 in a reference thereto; requiring that the Department
21 of Highway Safety and Motor Vehicles provide
22 information about the act in driver license
23 educational materials that are newly published on or
24 after a specified date; amending s. 316.1937, F.S.;
25 revising operational specifications for ignition
26 interlock devices; amending s. 316.2015, F.S.;
27 prohibiting the operator of a pickup truck or flatbed
28 truck from permitting a child who is younger than 6
29 years of age from riding within the open body of the

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30 truck under certain circumstances; amending s.
31 316.302, F.S.; revising provisions for certain
32 commercial motor vehicles and transporters and
33 shippers of hazardous materials; providing for
34 application of specified federal regulations; removing
35 a provision for application of specified provisions
36 and federal regulations to transporting liquefied
37 petroleum gas; amending s. 316.3025, F.S.; providing
38 penalties for violation of specified federal
39 regulations relating to medical and physical
40 requirements for commercial drivers while driving a
41 commercial motor vehicle; revising provisions for
42 seizure of a motor vehicle for refusal to pay penalty;
43 amending s. 316.515, F.S.; providing that a straight
44 truck may attach a forklift to the rear of the cargo
45 bed if it does not exceed a specific length; amending
46 s. 316.545, F.S.; revising language relating to
47 certain commercial motor vehicles not properly
48 licensed and registered; amending s. 316.646, F.S.;
49 authorizing the use of an electronic device to provide
50 proof of insurance under the section; providing that
51 displaying such information on an electronic device
52 does not constitute consent for a law enforcement
53 officer to access other information stored on the
54 device; providing that the person displaying the
55 device assumes the liability for any resulting damage
56 to the device; requiring the department to adopt
57 rules; amending s. 317.0016, F.S., relating to
58 expedited services; removing a requirement that the

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

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88 provisions for transfer of ownership by operation of
89 law when a motor vehicle or mobile home is
90 repossessed; removing provisions for a certificate of
91 repossession; amending s. 319.323, F.S., relating to
92 expedited services of the department; removing
93 certificates of repossession; amending s. 320.01,
94 F.S.; removing the definition of the term "apportioned
95 motor vehicle"; revising the definition of the term
96 "apportionable motor vehicle"; amending s. 320.02,
97 F.S.; revising requirements for application for motor
98 vehicle registration; amending s. 320.03, F.S.;
99 revising a provision for registration under the
100 International Registration Plan; amending s. 320.071,
101 F.S.; revising a provision for advance renewal of
102 registration under the International Registration
103 Plan; amending s. 320.0715, F.S.; revising provisions
104 for vehicles required to be registered under the
105 International Registration Plan; amending s. 320.18,
106 F.S.; providing for withholding of motor vehicle or
107 mobile home registration when a coowner has failed to
108 register the motor vehicle or mobile home during a
109 previous period when such registration was required;
110 providing for cancelling a vehicle or vessel
111 registration, driver license, identification card, or
112 fuel-use tax decal if the coowner pays certain fees
113 and other liabilities with a dishonored check;
114 amending s. 320.27, F.S., relating to motor vehicle
115 dealers; providing for extended periods for dealer
116 licenses and supplemental licenses; providing fees;

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117 amending s. 320.62, F.S., relating to manufacturers,
118 distributors, and importers of motor vehicles;
119 providing for extended licensure periods; providing
120 fees; amending s. 320.77, F.S., relating to mobile
121 home dealers; providing for extended licensure
122 periods; providing fees; amending s. 320.771, F.S.,
123 relating to recreational vehicle dealers; providing
124 for extended licensure periods; providing fees;
125 amending s. 320.8225, F.S., relating to mobile home
126 and recreational vehicle manufacturers, distributors,
127 and importers; providing for extended licensure
128 periods; providing fees; amending s. 322.095, F.S.;
129 requiring an applicant for a driver license to
130 complete a traffic law and substance abuse education
131 course; providing exceptions; revising procedures for
132 evaluation and approval of such courses; revising
133 criteria for such courses and the schools conducting
134 the courses; providing for collection and disposition
135 of certain fees; requiring providers to maintain
136 records; directing the department to conduct
137 effectiveness studies; requiring a provider to cease
138 offering a course that fails the study; requiring
139 courses to be updated at the request of the
140 department; providing a timeframe for course length;
141 prohibiting a provider from charging for a completion
142 certificate; requiring providers to disclose certain
143 information; requiring providers to submit course
144 completion information to the department within a
145 certain time period; prohibiting certain acts;

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146 providing that the department shall not accept
147 certification from certain students; prohibiting a
148 person convicted of certain crimes from conducting
149 courses; directing the department to suspend course
150 approval for certain purposes; providing for the
151 department to deny, suspend, or revoke course approval
152 for certain acts; providing for administrative hearing
153 before final action denying, suspending, or revoking
154 course approval; providing penalties for violations;
155 amending s. 322.125, F.S.; revising criteria for
156 members of the Medical Advisory Board; amending s.
157 322.135, F.S.; removing a provision that authorizes a
158 tax collector to direct certain licensees to the
159 department for examination or reexamination; creating
160 s. 322.143, F.S.; defining terms; prohibiting a
161 private entity from swiping an individual's driver
162 license or identification card except for certain
163 specified purposes; providing that a private entity
164 that swipes an individual's driver license or
165 identification card may not store, sell, or share
166 personal information collected from swiping the driver
167 license or identification card; providing that a
168 private entity may store or share personal information
169 collected from swiping an individual's driver license
170 or identification card for the purpose of preventing
171 fraud or other criminal activity against the private
172 entity; providing that the private entity may manually
173 collect personal information; prohibiting a private
174 entity from withholding the provision of goods or

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175 services solely as a result of the individual
176 requesting the collection of the data through manual
177 means; providing remedies; amending s. 322.18, F.S.;
178 revising provisions for a vision test required for
179 driver license renewal for certain drivers; amending
180 s. 322.21, F.S.; making grammatical changes; amending
181 s. 322.212, F.S.; providing penalties for certain
182 violations involving application and testing for a
183 commercial driver license or a commercial learner's
184 permit; amending s. 322.22, F.S.; authorizing the
185 department to withhold issuance or renewal of a driver
186 license, identification card, vehicle or vessel
187 registration, or fuel-use decal under certain
188 circumstances; amending s. 322.245, F.S.; requiring a
189 depository or clerk of court to electronically notify
190 the department of a person's failure to pay support or
191 comply with directives of the court; amending s.
192 322.25, F.S.; removing a provision for a court order
193 to reinstate a person's driving privilege on a
194 temporary basis when the person's license and driving
195 privilege have been revoked under certain
196 circumstances; amending s. 322.2615, F.S., relating to
197 review of a license suspension when the driver had
198 blood or breath alcohol at a certain level or the
199 driver refused a test of his or her blood or breath to
200 determine the alcohol level; providing procedures for
201 a driver to be issued a restricted license under
202 certain circumstances; revising provisions for
203 informal and formal reviews; providing for the hearing

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204 officer to be designated by the department;
205 authorizing the hearing officer to conduct hearings
206 using telecommunications technology; revising
207 procedures for enforcement of subpoenas; amending s.
208 322.2616, F.S., relating to review of a license
209 suspension when the driver is under 21 years of age
210 and had blood or breath alcohol at a certain level;
211 revising provisions for informal and formal reviews;
212 providing for the hearing officer to be designated by
213 the department; authorizing the hearing officer to
214 conduct hearings using telecommunications technology;
215 revising procedures for enforcement of subpoenas;
216 amending s. 322.271, F.S.; correcting cross-references
217 and conforming provisions to changes made by the act;
218 providing procedures for certain persons who have no
219 previous convictions for certain alcohol-related
220 driving offenses to be issued a driver license for
221 business purposes only; amending s. 322.2715, F.S.;
222 providing requirements for issuance of a restricted
223 license for a person convicted of a DUI offense if a
224 medical waiver of placement of an ignition interlock
225 device was given to such person; amending s. 322.28,
226 F.S., relating to revocation of driver license for
227 convictions of DUI offenses; providing that
228 convictions occurring on the same date for offenses
229 occurring on separate dates are considered separate
230 convictions; removing a provision relating to a court
231 order for reinstatement of a revoked license;
232 repealing s. 322.331, F.S., relating to habitual

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233 traffic offenders; amending s. 322.61, F.S.; revising
234 provisions for disqualification from operating a
235 commercial motor vehicle; providing for application of
236 such provisions to persons holding a commercial
237 learner's permit; revising the offenses for which
238 certain disqualifications apply; amending s. 322.64,
239 F.S., relating to driving with unlawful blood-alcohol
240 level or refusal to submit to breath, urine, or blood
241 test by a commercial driver license holder or person
242 driving a commercial motor vehicle; providing that a
243 disqualification from driving a commercial motor
244 vehicle is considered a conviction for certain
245 purposes; revising the time period a person is
246 disqualified from driving for alcohol-related
247 violations; revising requirements for notice of the
248 disqualification; providing that under the review of a
249 disqualification the hearing officer shall consider
250 the crash report; revising provisions for informal and
251 formal reviews; providing for the hearing officer to
252 be designated by the department; authorizing the
253 hearing officer to conduct hearings using
254 telecommunications technology; revising procedures for
255 enforcement of subpoenas; directing the department to
256 issue a temporary driving permit or invalidate the
257 suspension under certain circumstances; providing for
258 construction of specified provisions; amending s.
259 323.002, F.S.; revising the definition of a wrecker
260 operator system; providing that an unauthorized
261 wrecker, tow truck, or other motor vehicle used during

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262 certain offenses may be immediately removed and
263 impounded; requiring that an unauthorized wrecker
264 operator disclose in writing to the owner or operator
265 of a disabled motor vehicle certain information;
266 requiring that the unauthorized wrecker operator
267 provide such disclosure to the owner or operator of
268 the disabled vehicle in the presence of a law
269 enforcement officer if one is present at the scene of
270 a motor vehicle accident; authorizing a law
271 enforcement officer from a local governmental agency
272 or state law enforcement agency to remove and impound
273 an unauthorized wrecker, tow truck, or other motor
274 vehicle from the scene of a disabled vehicle or wreck;
275 authorizing the authority that caused the removal and
276 impoundment to assess a cost-recovery fine; requiring
277 a release form; requiring that the wrecker, tow truck,
278 or other motor vehicle remain impounded until the fine
279 has been paid; providing for public sale of an
280 impounded vehicle; providing fines for violations;
281 requiring that the unauthorized wrecker operator pay
282 the fees associated with the removal and storage of
283 the wrecker, tow truck, or other motor vehicle;
284 amending s. 324.0221, F.S.; revising the actions which
285 must be reported to the department by an insurer that
286 has issued a policy providing personal injury
287 protection coverage or property damage liability
288 coverage; revising time allowed for submitting the
289 report; amending s. 324.031, F.S.; revising the
290 methods a vehicle owner or operator may use to prove

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291 financial responsibility; removing a provision for
292 posting a bond with the department; amending s.
293 324.091, F.S.; revising provisions requiring motor
294 vehicle owners and operators to provide evidence to
295 the department of liability insurance coverage under
296 certain circumstances; revising provisions for
297 verification by insurers of such evidence; amending s.
298 324.161, F.S.; providing requirements for issuance of
299 a certificate of insurance; requiring proof of a
300 certificate of deposit of a certain amount of money in
301 a financial institution; providing for power of
302 attorney to be issued to the department for execution
303 under certain circumstances; amending s. 328.01, F.S.,
304 relating to vessel titles; revising identification
305 requirements for applications for a certificate of
306 title; amending s. 328.48, F.S., relating to vessel
307 registration; revising identification requirements for
308 applications for vessel registration; amending s.
309 328.76, F.S., relating to vessel registration funds;
310 revising provisions for funds to be deposited into the
311 Highway Safety Operating Trust Fund; amending s.
312 713.585, F.S.; requiring that a lienholder check the
313 National Motor Vehicle Title Information System or the
314 records of any corresponding agency of any other state
315 before enforcing a lien by selling the motor vehicle;
316 requiring the lienholder to notify the local law
317 enforcement agency in writing by certified mail
318 informing the law enforcement agency that the
319 lienholder has made a good faith effort to locate the

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

337

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

339

340 Section 1. Paragraph (m) of subsection (2) of section
341 110.205, Florida Statutes, is amended to read:

342 110.205 Career service; exemptions.—

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

345 (m) All assistant division director, deputy division
346 director, and bureau chief positions in any department, and
347 those positions determined by the department to have managerial
348 responsibilities comparable to such positions, which include,

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349 but are not limited to:

350 1. Positions in the Department of Health and the Department
351 of Children and Family Services that are assigned primary duties
352 of serving as the superintendent or assistant superintendent of
353 an institution.

354 2. Positions in the Department of Corrections that are
355 assigned primary duties of serving as the warden, assistant
356 warden, colonel, or major of an institution or that are assigned
357 primary duties of serving as the circuit administrator or deputy
358 circuit administrator.

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

362 4. Positions in the Department of Environmental Protection
363 that are assigned the duty of an Environmental Administrator or
364 program administrator.

365 5. Positions in the Department of Health that are assigned
366 the duties of Environmental Administrator, Assistant County
367 Health Department Director, and County Health Department
368 Financial Administrator.

369 6. Positions in the Department of Highway Safety and Motor
370 Vehicles that are assigned primary duties of serving as captains
371 in the Florida Highway Patrol.

372
373 Unless otherwise fixed by law, the department shall set the
374 salary and benefits of the positions listed in this paragraph in
375 accordance with the rules established for the Selected Exempt
376 Service.

377 Section 2. Section 207.002, Florida Statutes, is reordered

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378 and amended to read:

379 207.002 Definitions.—As used in this chapter, the term:

380 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
381 ~~which is required to be registered under the International~~
382 ~~Registration Plan.~~

383 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not
384 owned or operated by a governmental entity which uses diesel
385 fuel or motor fuel on the public highways; and which has a gross
386 vehicle weight in excess of 26,000 pounds, or has three or more
387 axles regardless of weight, or is used in combination when the
388 weight of such combination exceeds 26,000 pounds gross vehicle
389 weight. The term excludes any vehicle owned or operated by a
390 community transportation coordinator as defined in s. 427.011 or
391 by a private operator that provides public transit services
392 under contract with such a provider.

393 (2)~~(3)~~ "Department" means the Department of Highway Safety
394 and Motor Vehicles.

395 (7)~~(4)~~ "Motor carrier" means any person owning,
396 controlling, operating, or managing any motor vehicle used to
397 transport persons or property over any public highway.

398 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
399 as gasoline and fuels containing a mixture of gasoline and other
400 products.

401 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
402 means and includes the utilization in any form of any commercial
403 motor vehicle, whether loaded or empty, whether utilized for
404 compensation or not for compensation, and whether owned by or
405 leased to the motor carrier who uses it or causes it to be used.

406 (10)~~(7)~~ "Person" means and includes natural persons,

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407 corporations, copartnerships, firms, companies, agencies, or
408 associations, singular or plural.

409 (11)~~(8)~~ "Public highway" means any public street, road, or
410 highway in this state.

411 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
412 product or combination thereof, including, but not limited to,
413 all forms of fuel known or sold as diesel fuel, kerosene, butane
414 gas, or propane gas and all other forms of liquefied petroleum
415 gases, except those defined as "motor fuel," used to propel a
416 motor vehicle.

417 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
418 diesel fuel or motor fuel in a commercial motor vehicle for the
419 propulsion thereof.

420 (4)~~(11)~~ "International Registration Plan" means a
421 registration reciprocity agreement among states of the United
422 States and provinces of Canada providing for payment of license
423 fees or license taxes on the basis of fleet miles operated in
424 various jurisdictions.

425 ~~(12) "Apportionable vehicle" means any vehicle, except a
426 recreational vehicle, a vehicle displaying restricted plates, a
427 municipal pickup and delivery vehicle, a bus used in
428 transportation of chartered parties, and a government-owned
429 vehicle, which is used or intended for use in two or more states
430 of the United States or provinces of Canada that allocate or
431 proportionally register vehicles and which is used for the
432 transportation of persons for hire or is designed, used, or
433 maintained primarily for the transportation of property and:~~

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

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

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

440 ~~(5) (13)~~ "Interstate" means vehicle movement between or
441 through two or more states.

442 ~~(6) (14)~~ "Intrastate" means vehicle movement from one point
443 within a state to another point within the same state.

444 ~~(12) (15)~~ "Registrant" means a person in whose name or names
445 a vehicle is properly registered.

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

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

453 316.003 Definitions.—The following words and phrases, when
454 used in this chapter, shall have the meanings respectively
455 ascribed to them in this section, except where the context
456 otherwise requires:

457 (91) ROAD RAGE.—The act of a driver or passenger to
458 intentionally or unintentionally, due to a loss of emotional
459 control, injure or kill another driver, passenger, bicyclist, or
460 pedestrian, or to attempt or threaten to injure or kill another
461 driver, passenger, bicyclist, or pedestrian.

462 Section 5. Paragraph (b) of subsection (2) of section
463 316.066, Florida Statutes, is amended to read:

464 316.066 Written reports of crashes.—

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465 (2)

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

487 Section 6. Present subsection (3) of section 316.083,
488 Florida Statutes, is redesignated as subsection (4), and a new
489 subsection (3) is added to that section, to read:

490 316.083 Overtaking and passing a vehicle.—The following
491 rules shall govern the overtaking and passing of vehicles
492 proceeding in the same direction, subject to those limitations,
493 exceptions, and special rules hereinafter stated:

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

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

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

506 2. Conditions preclude the driver from moving to the
507 adjacent right-hand lane;

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

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

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

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

516 Section 7. For the purpose of incorporating the amendment
517 made by this act to section 316.083, Florida Statutes, in a
518 reference thereto, section 316.1923, Florida Statutes, is
519 reenacted to read:

520 316.1923 Aggressive careless driving.—“Aggressive careless
521 driving” means committing two or more of the following acts
522 simultaneously or in succession:

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

524 322.27(3)(d)5.b.

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

526 316.085.

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

528 316.0895(1).

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

530 316.079, s. 316.0815, or s. 316.123.

531 (5) Improperly passing as defined in s. 316.083, s.

532 316.084, or s. 316.085.

533 (6) Violating traffic control and signal devices as defined

534 in ss. 316.074 and 316.075.

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

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

541 316.1937 Ignition interlock devices, requiring; unlawful
542 acts.—

543 (1) In addition to any other authorized penalties, the
544 court may require that any person who is convicted of driving
545 under the influence in violation of s. 316.193 shall not operate
546 a motor vehicle unless that vehicle is equipped with a
547 functioning ignition interlock device certified by the
548 department as provided in s. 316.1938, and installed in such a
549 manner that the vehicle will not start if the operator's blood
550 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
551 specified by the court. The court may require the use of an

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552 approved ignition interlock device for a period of at least ~~not~~
553 ~~less than~~ 6 continuous months, if the person is permitted to
554 operate a motor vehicle, whether or not the privilege to operate
555 a motor vehicle is restricted, as determined by the court. The
556 court, however, shall order placement of an ignition interlock
557 device in those circumstances required by s. 316.193.

558 Section 10. Section 316.2015, Florida Statutes, is amended
559 to read:

560 316.2015 Unlawful for person to ride on exterior of
561 vehicle.—

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

569 (2) (a) No person shall ride on any vehicle upon any portion
570 thereof not designed or intended for the use of passengers. This
571 paragraph does not apply to an employee of a fire department, an
572 employee of a governmentally operated solid waste disposal
573 department or a waste disposal service operating pursuant to a
574 contract with a governmental entity, or to a volunteer
575 firefighter when the employee or firefighter is engaged in the
576 necessary discharge of a duty, and does not apply to a person
577 who is being transported in response to an emergency by a public
578 agency or pursuant to the direction or authority of a public
579 agency. This paragraph does not apply to an employee engaged in
580 the necessary discharge of a duty or to a person or persons

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581 riding within truck bodies in space intended for merchandise.

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

595 (c) It is unlawful for the operator of a pickup truck or
596 flatbed truck to permit a minor child who has not attained 6
597 years of age to ride within the open body of a pickup truck or
598 flatbed truck unless the minor is restrained within the open
599 body in the back of a truck that has been modified to include
600 secure seating and safety restraints to prevent the minor from
601 being thrown, falling, or jumping from the truck. This paragraph
602 does not apply in a medical emergency if the child is
603 accompanied within the truck by an adult, upon an unpaved road,
604 or upon a street or highway with a posted speed limit of less
605 than 55 miles per hour which is maintained by the state, county,
606 or municipality. A county is exempt from this paragraph if the
607 governing body of the county, by majority vote, following a
608 noticed public hearing, votes to exempt the county from this
609 paragraph. An operator of a pickup truck is exempt from this

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610 paragraph if the pickup truck is the only vehicle owned by the
611 operator of his or her immediate family.

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

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

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

622 316.302 Commercial motor vehicles; safety regulations;
623 transporters and shippers of hazardous materials; enforcement.-

624 (1)

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

632 (4) (a) Except as provided in this subsection, all
633 commercial motor vehicles transporting any hazardous material on
634 any road, street, or highway open to the public, whether engaged
635 in interstate or intrastate commerce, and any person who offers
636 hazardous materials for such transportation, are subject to the
637 regulations contained in 49 C.F.R. part 107, subparts F and
638 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.

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639 Effective July 1, 1997, the exceptions for intrastate motor
640 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
641 adopted.

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

650 ~~(b)~~ This section does not apply to any nonpublic sector
651 bus.

652 Section 12. Paragraph (b) of subsection (3) and subsection
653 (5) of section 316.3025, Florida Statutes, are amended to read:
654 316.3025 Penalties.—

655 (3)

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

657 1. Each violation of the North American Uniform Driver Out-
658 of-Service Criteria;

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

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

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

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

665 (5) Whenever any person or motor carrier as defined in
666 chapter 320 violates the provisions of this section and becomes
667 indebted to the state because of such violation and refuses to

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668 pay the appropriate penalty, in addition to the provisions of s.
669 316.3026, such penalty becomes a lien upon the property
670 including the motor vehicles of such person or motor carrier and
671 may be seized and foreclosed by the state in a civil action in
672 any court of this state. It shall be presumed that the owner of
673 the motor vehicle is liable for the sum, and the vehicle may be
674 detained or impounded until the penalty is paid.

675 Section 13. Paragraph (a) of subsection (3) of section
676 316.515, Florida Statutes, is amended to read

677 316.515 Maximum width, height, length.—

678 (3) LENGTH LIMITATION.—Except as otherwise provided in this
679 section, length limitations apply solely to a semitrailer or
680 trailer, and not to a truck tractor or to the overall length of
681 a combination of vehicles. No combination of commercial motor
682 vehicles coupled together and operating on the public roads may
683 consist of more than one truck tractor and two trailing units.
684 Unless otherwise specifically provided for in this section, a
685 combination of vehicles not qualifying as commercial motor
686 vehicles may consist of no more than two units coupled together;
687 such nonqualifying combination of vehicles may not exceed a
688 total length of 65 feet, inclusive of the load carried thereon,
689 but exclusive of safety and energy conservation devices approved
690 by the department for use on vehicles using public roads.
691 Notwithstanding any other provision of this section, a truck
692 tractor-semitrailer combination engaged in the transportation of
693 automobiles or boats may transport motor vehicles or boats on
694 part of the power unit; and, except as may otherwise be mandated
695 under federal law, an automobile or boat transporter semitrailer
696 may not exceed 50 feet in length, exclusive of the load;

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697 however, the load may extend up to an additional 6 feet beyond
698 the rear of the trailer. The 50-foot length limitation does not
699 apply to non-stinger-steered automobile or boat transporters
700 that are 65 feet or less in overall length, exclusive of the
701 load carried thereon, or to stinger-steered automobile or boat
702 transporters that are 75 feet or less in overall length,
703 exclusive of the load carried thereon. For purposes of this
704 subsection, a "stinger-steered automobile or boat transporter"
705 is an automobile or boat transporter configured as a semitrailer
706 combination wherein the fifth wheel is located on a drop frame
707 located behind and below the rearmost axle of the power unit.
708 Notwithstanding paragraphs (a) and (b), any straight truck or
709 truck tractor-semitrailer combination engaged in the
710 transportation of horticultural trees may allow the load to
711 extend up to an additional 10 feet beyond the rear of the
712 vehicle, provided said trees are resting against a retaining bar
713 mounted above the truck bed so that the root balls of the trees
714 rest on the floor and to the front of the truck bed and the tops
715 of the trees extend up over and to the rear of the truck bed,
716 and provided the overhanging portion of the load is covered with
717 protective fabric.

718 (a) *Straight trucks.*—A straight truck may not exceed a
719 length of 40 feet in extreme overall dimension, exclusive of
720 safety and energy conservation devices approved by the
721 department for use on vehicles using public roads. A straight
722 truck may attach a forklift to the rear of the cargo bed,
723 provided the overall combined length of the vehicle and the
724 forklift does not exceed 50 feet. A straight truck may tow no
725 more than one trailer, and the overall length of the truck-

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726 trailer combination may not exceed 68 feet, including the load
727 thereon. Notwithstanding any other provisions of this section, a
728 truck-trailer combination engaged in the transportation of
729 boats, or boat trailers whose design dictates a front-to-rear
730 stacking method may not exceed the length limitations of this
731 paragraph exclusive of the load; however, the load may extend up
732 to an additional 6 feet beyond the rear of the trailer.

733 Section 14. Subsection (3) of section 316.545, Florida
734 Statutes, is amended to read:

735 316.545 Weight and load unlawful; special fuel and motor
736 fuel tax enforcement; inspection; penalty; review.—

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

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

743 (b) Five cents per pound for each pound of weight in excess
744 of the maximum herein provided when the excess weight exceeds
745 200 pounds. However, whenever the gross weight of the vehicle or
746 combination of vehicles does not exceed the maximum allowable
747 gross weight, the maximum fine for the first 600 pounds of
748 unlawful axle weight shall be \$10;

749 (c) For a vehicle equipped with fully functional idle-
750 reduction technology, any penalty shall be calculated by
751 reducing the actual gross vehicle weight or the internal bridge
752 weight by the certified weight of the idle-reduction technology
753 or by 400 pounds, whichever is less. The vehicle operator must
754 present written certification of the weight of the idle-

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755 reduction technology and must demonstrate or certify that the
756 idle-reduction technology is fully functional at all times. This
757 calculation is not allowed for vehicles described in s.
758 316.535(6);

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

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

767 Section 15. Subsection (1) of section 316.646, Florida
768 Statutes, is amended, and subsection (5) is added to that
769 section, to read:

770 316.646 Security required; proof of security and display
771 thereof; dismissal of cases.—

772 (1) Any person required by s. 324.022 to maintain property
773 damage liability security, required by s. 324.023 to maintain
774 liability security for bodily injury or death, or required by s.
775 627.733 to maintain personal injury protection security on a
776 motor vehicle shall have in his or her immediate possession at
777 all times while operating such motor vehicle proper proof of
778 maintenance of the required security.

779 (a) Such proof shall be in a uniform paper or electronic
780 format, as ~~proof of insurance card in a form~~ prescribed by the
781 department, a valid insurance policy, an insurance policy
782 binder, a certificate of insurance, or such other proof as may
783 be prescribed by the department.

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784 (b)1. The act of presenting to a law enforcement officer an
785 electronic device displaying proof of insurance in an electronic
786 format does not constitute consent for the officer to access any
787 information on the device other than the displayed proof of
788 insurance.

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

791 (5) The department shall adopt rules to administer this
792 section.

793 Section 16. Section 317.0016, Florida Statutes, is amended
794 to read:

795 317.0016 Expedited service; applications; fees.—The
796 department shall provide, through its agents and for use by the
797 public, expedited service on title transfers, title issuances,
798 duplicate titles, and recordation of liens,~~and certificates of~~
799 ~~repossession~~. A fee of \$7 shall be charged for this service,
800 which is in addition to the fees imposed by ss. 317.0007 and
801 317.0008, and \$3.50 of this fee shall be retained by the
802 processing agency. All remaining fees shall be deposited in the
803 Incidental Trust Fund of the Florida Forest Service of the
804 Department of Agriculture and Consumer Services. Application for
805 expedited service may be made by mail or in person. The
806 department shall issue each title applied for pursuant to this
807 section within 5 working days after receipt of the application
808 except for an application for a duplicate title certificate
809 covered by s. 317.0008(3), in which case the title must be
810 issued within 5 working days after compliance with the
811 department's verification requirements.

812 Section 17. Subsections (9) and (10) of section 318.14,

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813 Florida Statutes, are amended to read:

814 318.14 Noncriminal traffic infractions; exception;
815 procedures.—

816 (9) Any person who does not hold a commercial driver
817 license or commercial learner's permit and who is cited while
818 driving a noncommercial motor vehicle for an infraction under
819 this section other than a violation of s. 316.183(2), s.
820 316.187, or s. 316.189 when the driver exceeds the posted limit
821 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
822 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
823 lieu of a court appearance, elect to attend in the location of
824 his or her choice within this state a basic driver improvement
825 course approved by the Department of Highway Safety and Motor
826 Vehicles. In such a case, adjudication must be withheld and
827 points, as provided by s. 322.27, may not be assessed. However,
828 a person may not make an election under this subsection if the
829 person has made an election under this subsection in the
830 preceding 12 months. A person may not make more than five
831 elections within his or her lifetime under this subsection. The
832 requirement for community service under s. 318.18(8) is not
833 waived by a plea of nolo contendere or by the withholding of
834 adjudication of guilt by a court. If a person makes an election
835 to attend a basic driver improvement course under this
836 subsection, 18 percent of the civil penalty imposed under s.
837 318.18(3) shall be deposited in the State Courts Revenue Trust
838 Fund; however, that portion is not revenue for purposes of s.
839 28.36 and may not be used in establishing the budget of the
840 clerk of the court under that section or s. 28.35.

841 (10) (a) Any person who does not hold a commercial driver

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842 license or commercial learner's permit and who is cited while
843 driving a noncommercial motor vehicle for an offense listed
844 under this subsection may, in lieu of payment of fine or court
845 appearance, elect to enter a plea of nolo contendere and provide
846 proof of compliance to the clerk of the court, designated
847 official, or authorized operator of a traffic violations bureau.
848 In such case, adjudication shall be withheld; however, a person
849 may not make an election under this subsection if the person has
850 made an election under this subsection in the preceding 12
851 months. A person may not make more than three elections under
852 this subsection. This subsection applies to the following
853 offenses:

854 1. Operating a motor vehicle without a valid driver license
855 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
856 operating a motor vehicle with a license that has been suspended
857 for failure to appear, failure to pay civil penalty, or failure
858 to attend a driver improvement course pursuant to s. 322.291.

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

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

862 4. Operating a motor vehicle with a license that has been
863 suspended under s. 61.13016 or s. 322.245 for failure to pay
864 child support or for failure to pay any other financial
865 obligation as provided in s. 322.245; however, this subparagraph
866 does not apply if the license has been suspended pursuant to s.
867 322.245(1).

868 5. Operating a motor vehicle with a license that has been
869 suspended under s. 322.091 for failure to meet school attendance
870 requirements.

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871 (b) Any person cited for an offense listed in this
872 subsection shall present proof of compliance before the
873 scheduled court appearance date. For the purposes of this
874 subsection, proof of compliance shall consist of a valid,
875 renewed, or reinstated driver license or registration
876 certificate and proper proof of maintenance of security as
877 required by s. 316.646. Notwithstanding waiver of fine, any
878 person establishing proof of compliance shall be assessed court
879 costs of \$25, except that a person charged with violation of s.
880 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
881 such costs shall be remitted to the Department of Revenue for
882 deposit into the Child Welfare Training Trust Fund of the
883 Department of Children and Family Services. One dollar of such
884 costs shall be distributed to the Department of Juvenile Justice
885 for deposit into the Juvenile Justice Training Trust Fund.
886 Fourteen dollars of such costs shall be distributed to the
887 municipality and \$9 shall be deposited by the clerk of the court
888 into the fine and forfeiture fund established pursuant to s.
889 142.01, if the offense was committed within the municipality. If
890 the offense was committed in an unincorporated area of a county
891 or if the citation was for a violation of s. 316.646(1)-(3), the
892 entire amount shall be deposited by the clerk of the court into
893 the fine and forfeiture fund established pursuant to s. 142.01,
894 except for the moneys to be deposited into the Child Welfare
895 Training Trust Fund and the Juvenile Justice Training Trust
896 Fund. This subsection does not authorize the operation of a
897 vehicle without a valid driver license, without a valid vehicle
898 tag and registration, or without the maintenance of required
899 security.

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900 Section 18. Section 318.1451, Florida Statutes, is amended
901 to read:

902 318.1451 Driver improvement schools.—

903 ~~(1)(a) The department of Highway Safety and Motor Vehicles~~
904 ~~shall approve and regulate the courses of all driver improvement~~
905 ~~schools, as the courses relate to ss. 318.14(9), 322.0261, and~~
906 ~~322.291, including courses that use technology as a delivery~~
907 ~~method. The chief judge of the applicable judicial circuit may~~
908 ~~establish requirements regarding the location of schools within~~
909 ~~the judicial circuit. A person may engage in the business of~~
910 ~~operating a driver improvement school that offers department-~~
911 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
912 ~~322.291.~~

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

917 (2) (a) In determining whether to approve the courses
918 referenced in this section, the department shall consider course
919 content designed to promote safety, driver awareness, crash
920 avoidance techniques, and other factors or criteria to improve
921 driver performance from a safety viewpoint, including promoting
922 motorcyclist, bicyclist, and pedestrian safety and risk factors
923 resulting from driver attitude and irresponsible driver
924 behaviors, such as speeding, running red lights and stop signs,
925 and using electronic devices while driving. Initial approval of
926 the courses shall also be based on the department's review of
927 all course materials, course presentation to the department by
928 the provider, and the provider's plan for effective oversight of

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929 the course by those who deliver the course in the state. New
930 courses shall be provisionally approved and limited to the
931 judicial circuit originally approved for pilot testing until the
932 course is fully approved by the department for statewide
933 delivery.

934 (b) In determining whether to approve courses of driver
935 improvement schools that use technology as the delivery method
936 as the courses relate to ss. 318.14(9) and 322.0261, the
937 department shall consider only those courses submitted by a
938 person, business, or entity which have approval for statewide
939 delivery.

940 (3) The department ~~of Highway Safety and Motor Vehicles~~
941 shall not accept ~~suspend accepting~~ proof of attendance of
942 courses from persons who attend those schools that do not teach
943 an approved course. ~~In those circumstances, a person who has~~
944 ~~elected to take courses from such a school shall receive a~~
945 ~~refund from the school, and the person shall have the~~
946 ~~opportunity to take the course at another school.~~

947 (4) In addition to a regular course fee, an assessment fee
948 in the amount of \$2.50 shall be collected by the school from
949 each person who elects to attend a course, as it relates to ss.
950 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
951 must remit the \$2.50 assessment fee to the department for
952 deposit into, ~~which shall be remitted to the Department of~~
953 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~
954 Safety Operating Trust Fund in order to receive unique course
955 completion certificate numbers for course participants. The
956 assessment fee will be used to administer this program and to
957 fund the general operations of the department.

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958 (5) (a) The department is authorized to maintain the
959 information and records necessary to administer its duties and
960 responsibilities for driver improvement courses. Course
961 providers are required to maintain all records related to the
962 conduct of their approved courses for 5 years and allow the
963 department to inspect course records as necessary. Records may
964 be maintained in an electronic format. If ~~where~~ such information
965 is a public record as defined in chapter 119, it shall be made
966 available to the public upon request pursuant to s. 119.07(1).

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

972 (6) The department shall adopt rules establishing and
973 maintaining policies and procedures to implement the
974 requirements of this section. These policies and procedures may
975 include, but shall not be limited to, the following:

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

981 (b) Required updates.—The department may require that
982 courses approved under this section be updated at the
983 department's request. Failure of a course provider to update the
984 course under this section shall result in the suspension of the
985 course approval until the course is updated and approved by the
986 department.

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987 (c) Course conduct.—The department shall require that the
988 approved course providers ensure their driver improvement
989 schools are conducting the approved course fully and to the
990 required time limit and content requirements.

991 (d) Course content.—The department shall set and modify
992 course content requirements to keep current with laws and safety
993 information. Course content includes all items used in the
994 conduct of the course.

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

997 (f) Submission of records.—The department shall require
998 that all course providers submit course completion information
999 to the department through the department's Driver Improvement
1000 Certificate Issuance System within 5 days.

1001 (g) Sanctions.—The department shall develop the criteria to
1002 sanction the course approval of a course provider for any
1003 violation of this section or any other law that pertains to the
1004 approval and use of driver improvement courses.

1005 (h) Miscellaneous requirements.—The department shall
1006 require that all course providers:

1007 1. Disclose all fees associated with courses offered by the
1008 provider and associated driver improvement schools and not
1009 charge any fees that are not disclosed during registration.

1010 2. Provide proof of ownership, copyright, or written
1011 permission from the course owner to use the course in this
1012 state.

1013 3. Ensure that any course that is offered in a classroom
1014 setting, by the provider or a school authorized by the provider
1015 to teach the course, is offered the course at locations that are

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1016 free from distractions and reasonably accessible to most
1017 applicants.

1018 4. Issue a certificate to persons who successfully complete
1019 the course.

1020 Section 19. Section 319.141, Florida Statutes, is created
1021 to read:

1022 319.141 Pilot rebuilt motor vehicle inspection program.—

1023 (1) As used in this section, the term:

1024 (a) "Facility" means a rebuilt motor vehicle inspection
1025 facility authorized and operating under this section.

1026 (b) "Rebuilt inspection" means an examination of a rebuilt
1027 vehicle and a properly endorsed certificate of title, salvage
1028 certificate of title, or manufacturer's statement of origin and
1029 an application for a rebuilt certificate of title, a rebuilder's
1030 affidavit, a photograph of the junk or salvage vehicle taken
1031 before repairs began, receipts or invoices for all major
1032 component parts, as defined in s. 319.30, which were changed,
1033 and proof that notice of rebuilding of the vehicle has been
1034 reported to the National Motor Vehicle Title Information System.

1035 (2) By October 1, 2013, the department shall implement a
1036 pilot program in Miami-Dade and Hillsborough Counties to
1037 evaluate alternatives for rebuilt inspection services to be
1038 offered by the private sector, including the feasibility of
1039 using private facilities, the cost impact to consumers, and the
1040 potential savings to the department.

1041 (3) The department shall establish a memorandum of
1042 understanding that allows private parties participating in the
1043 pilot program to conduct rebuilt motor vehicle inspections and
1044 specifies requirements for oversight, bonding and insurance,

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1045 procedures, and forms and requires the electronic transmission
1046 of documents.

1047 (4) Before an applicant is approved, the department shall
1048 ensure that the applicant meets basic criteria designed to
1049 protect the public. At a minimum, the applicant shall:

1050 (a) Have and maintain a surety bond or irrevocable letter
1051 of credit in the amount of \$50,000 executed by the applicant.

1052 (b) Have and maintain garage liability and other insurance
1053 required by the department.

1054 (c) Have completed criminal background checks of the
1055 owners, partners, and corporate officers and the inspectors
1056 employed by the facility.

1057 (d) Meet any additional criteria the department determines
1058 necessary to conduct proper inspections.

1059 (5) A participant in the program shall access vehicle and
1060 title information and enter inspection results through an
1061 electronic filing system authorized by the department.

1062 (6) The department shall submit a report to the President
1063 of the Senate and the Speaker of the House of Representatives
1064 providing the results of the pilot program by February 1, 2015.

1065 (7) This section shall stand repealed on July 1, 2015,
1066 unless saved from repeal through reenactment by the Legislature.

1067 Section 20. Section 319.225, Florida Statutes, is amended
1068 to read:

1069 319.225 Transfer and reassignment forms; odometer
1070 disclosure statements.—

1071 (1) Every certificate of title issued by the department
1072 must contain the following statement on its reverse side:

1073 "Federal and state law require the completion of the odometer

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1074 statement set out below. Failure to complete or providing false
1075 information may result in fines, imprisonment, or both.”

1076 (2) Each certificate of title issued by the department must
1077 contain on its front ~~reverse~~ side a form for transfer of title
1078 by the titleholder of record, which form must contain an
1079 odometer disclosure statement in the form required by 49 C.F.R.
1080 s. 580.5.

1081 (3) Each certificate of title issued by the department must
1082 contain on its reverse side as many forms as space allows for
1083 reassignment of title by a licensed dealer as permitted by s.
1084 319.21(3), which form or forms shall contain an odometer
1085 disclosure statement in the form required by 49 C.F.R. s. 580.5.
1086 When all dealer reassignment forms provided on the back of the
1087 title certificate have been filled in, a dealer may reassign the
1088 title certificate by using a separate dealer reassignment form
1089 issued by the department in compliance with 49 C.F.R. ss. 580.4
1090 and 580.5, which form shall contain an original that ~~two carbon~~
1091 ~~copies one of which~~ shall be submitted ~~directly~~ to the
1092 department by the dealer ~~within 5 business days after the~~
1093 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
1094 dealer in his or her records for 5 years. The provisions of this
1095 subsection shall also apply to vehicles not previously titled in
1096 this state and vehicles whose title certificates do not contain
1097 the forms required by this section.

1098 (4) Upon transfer or reassignment of a certificate of title
1099 to a used motor vehicle, the transferor shall complete the
1100 odometer disclosure statement provided for by this section and
1101 the transferee shall acknowledge the disclosure by signing and
1102 printing his or her name in the spaces provided. This subsection

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1103 does not apply to a vehicle that has a gross vehicle rating of
1104 more than 16,000 pounds, a vehicle that is not self-propelled,
1105 or a vehicle that is 10 years old or older. A lessor who
1106 transfers title to his or her vehicle without obtaining
1107 possession of the vehicle shall make odometer disclosure as
1108 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1109 or acknowledge a disclosure statement as required by this
1110 subsection is guilty of a misdemeanor of the second degree,
1111 punishable as provided in s. 775.082 or s. 775.083. The
1112 department may not issue a certificate of title unless this
1113 subsection has been complied with.

1114 (5) The same person may not sign a disclosure statement as
1115 both the transferor and the transferee in the same transaction
1116 except as provided in subsection (6).

1117 (6) (a) If the certificate of title is physically held by a
1118 lienholder, the transferor may give a power of attorney to his
1119 or her transferee for the purpose of odometer disclosure. The
1120 power of attorney must be on a form issued or authorized by the
1121 department, which form must be in compliance with 49 C.F.R. ss.
1122 580.4 and 580.13. The department shall not require the signature
1123 of the transferor to be notarized on the form; however, in lieu
1124 of notarization, the form shall include an affidavit with the
1125 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1126 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1127 ARE TRUE. The transferee shall sign the power of attorney form,
1128 print his or her name, and return a copy of the power of
1129 attorney form to the transferor. Upon receipt of a title
1130 certificate, the transferee shall complete the space for mileage
1131 disclosure on the title certificate exactly as the mileage was

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1132 disclosed by the transferor on the power of attorney form. If
1133 the transferee is a licensed motor vehicle dealer who is
1134 transferring the vehicle to a retail purchaser, the dealer shall
1135 make application on behalf of the retail purchaser as provided
1136 in s. 319.23(6) and shall submit the original power of attorney
1137 form to the department with the application for title and the
1138 transferor's title certificate; otherwise, a dealer may reassign
1139 the title certificate by using the dealer reassignment form in
1140 the manner prescribed in subsection (3), and, at the time of
1141 physical transfer of the vehicle, the original power of attorney
1142 shall be delivered to the person designated as the transferee of
1143 the dealer on the dealer reassignment form. ~~A copy of the~~
1144 ~~executed power of attorney shall be submitted to the department~~
1145 ~~with a copy of the executed dealer reassignment form within 5~~
1146 ~~business days after the certificate of title and dealer~~
1147 ~~reassignment form are delivered by the dealer to its transferee.~~

1148 (b) If the certificate of title is lost or otherwise
1149 unavailable, the transferor may give a power of attorney to his
1150 or her transferee for the purpose of odometer disclosure. The
1151 power of attorney must be on a form issued or authorized by the
1152 department, which form must be in compliance with 49 C.F.R. ss.
1153 580.4 and 580.13. The department shall not require the signature
1154 of the transferor to be notarized on the form; however, in lieu
1155 of notarization, the form shall include an affidavit with the
1156 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1157 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1158 ARE TRUE. The transferee shall sign the power of attorney form,
1159 print his or her name, and return a copy of the power of
1160 attorney form to the transferor. Upon receipt of the title

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1161 certificate or a duplicate title certificate, the transferee
1162 shall complete the space for mileage disclosure on the title
1163 certificate exactly as the mileage was disclosed by the
1164 transferor on the power of attorney form. If the transferee is a
1165 licensed motor vehicle dealer who is transferring the vehicle to
1166 a retail purchaser, the dealer shall make application on behalf
1167 of the retail purchaser as provided in s. 319.23(6) and shall
1168 submit the original power of attorney form to the department
1169 with the application for title and the transferor's title
1170 certificate or duplicate title certificate; otherwise, a dealer
1171 may reassign the title certificate by using the dealer
1172 reassignment form in the manner prescribed in subsection (3),
1173 and, at the time of physical transfer of the vehicle, the
1174 original power of attorney shall be delivered to the person
1175 designated as the transferee of the dealer on the dealer
1176 reassignment form. If the dealer sells the vehicle to an out-of-
1177 state resident or an out-of-state dealer and the power of
1178 attorney form is applicable to the transaction, the dealer must
1179 photocopy the completed original of the form and mail it
1180 directly to the department within 5 business days after the
1181 certificate of title and dealer reassignment form are delivered
1182 by the dealer to its purchaser. A copy of the executed power of
1183 attorney shall be submitted to the department with a copy of the
1184 executed dealer reassignment form within 5 business days after
1185 the duplicate certificate of title and dealer reassignment form
1186 are delivered by the dealer to its transferee.

1187 (c) If the mechanics of the transfer of title to a motor
1188 vehicle in accordance with the provisions of paragraph (a) or
1189 paragraph (b) are determined to be incompatible with and

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1190 unlawful under the provisions of 49 C.F.R. part 580, the
1191 transfer of title to a motor vehicle by operation of this
1192 subsection can be effected in any manner not inconsistent with
1193 49 C.F.R. part 580 and Florida law; provided, any power of
1194 attorney form issued or authorized by the department under this
1195 subsection shall contain an original that ~~two carbon copies, one~~
1196 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1197 dealer ~~within 5 business days of use by the dealer~~ to effect
1198 transfer of a title certificate as provided in paragraphs (a)
1199 and (b) and a copy that ~~one of which~~ shall be retained by the
1200 dealer in its records for 5 years.

1201 (d) Any person who fails to complete the information
1202 required by this subsection or to file with the department the
1203 forms required by this subsection is guilty of a misdemeanor of
1204 the second degree, punishable as provided in s. 775.082 or s.
1205 775.083. The department shall not issue a certificate of title
1206 unless this subsection has been complied with.

1207 (7) If a title is held electronically and the transferee
1208 agrees to maintain the title electronically, the transferor and
1209 transferee shall complete a secure reassignment document that
1210 discloses the odometer reading and is signed by both the
1211 transferor and transferee at the tax collector office or license
1212 plate agency. Each certificate of title issued by the department
1213 must contain on its reverse side a minimum of three ~~four~~ spaces
1214 for notation of the name and license number of any auction
1215 through which the vehicle is sold and the date the vehicle was
1216 auctioned. Each separate dealer reassignment form issued by the
1217 department must also have the space referred to in this section.
1218 When a transfer of title is made at a motor vehicle auction, the

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1219 reassignment must note the name and address of the auction, but
1220 the auction shall not thereby be deemed to be the owner, seller,
1221 transferor, or assignor of title. A motor vehicle auction is
1222 required to execute a dealer reassignment only when it is the
1223 owner of a vehicle being sold.

1224 (8) Upon transfer or reassignment of a used motor vehicle
1225 through the services of an auction, the auction shall complete
1226 the information in the space provided for by subsection (7). Any
1227 person who fails to complete the information as required by this
1228 subsection is guilty of a misdemeanor of the second degree,
1229 punishable as provided in s. 775.082 or s. 775.083. The
1230 department shall not issue a certificate of title unless this
1231 subsection has been complied with.

1232 (9) This section shall be construed to conform to 49 C.F.R.
1233 part 580.

1234 Section 21. Subsection (9) of section 319.23, Florida
1235 Statutes, is amended to read:

1236 319.23 Application for, and issuance of, certificate of
1237 title.—

1238 (9) The title certificate or application for title must
1239 contain the applicant's full first name, middle initial, last
1240 name, date of birth, sex, and the license plate number. An
1241 individual applicant must provide ~~personal or business~~
1242 ~~identification, which may include, but need not be limited to, a~~
1243 valid driver ~~driver's~~ license or identification card issued by
1244 ~~number,~~ Florida or another state, or a valid passport. A
1245 business applicant must provide a ~~identification card number, or~~
1246 federal employer identification number, if applicable,
1247 verification that the business is authorized to conduct business

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1248 in the state, or a Florida city or county business license or
1249 number. In lieu of ~~and~~ the license plate number the individual
1250 or business applicant must provide ~~or, in lieu thereof,~~ an
1251 affidavit certifying that the motor vehicle to be titled will
1252 not be operated upon the public highways of this state.

1253 Section 22. Paragraph (b) of subsection (2) of section
1254 319.28, Florida Statutes, is amended to read:

1255 319.28 Transfer of ownership by operation of law.—

1256 (2)

1257 (b) In case of repossession of a motor vehicle or mobile
1258 home pursuant to the terms of a security agreement or similar
1259 instrument, an affidavit by the party to whom possession has
1260 passed stating that the vehicle or mobile home was repossessed
1261 upon default in the terms of the security agreement or other
1262 instrument shall be considered satisfactory proof of ownership
1263 and right of possession. At least 5 days prior to selling the
1264 repossessed vehicle, any subsequent lienholder named in the last
1265 issued certificate of title shall be sent notice of the
1266 repossession by certified mail, on a form prescribed by the
1267 department. If such notice is given and no written protest to
1268 the department is presented by a subsequent lienholder within 15
1269 days after ~~from~~ the date on which the notice was mailed, the
1270 certificate of title ~~or the certificate of repossession~~ shall be
1271 issued showing no liens. If the former owner or any subsequent
1272 lienholder files a written protest under oath within such 15-day
1273 period, the department shall not issue the certificate of title
1274 ~~or certificate of repossession~~ for 10 days thereafter. If within
1275 the 10-day period no injunction or other order of a court of
1276 competent jurisdiction has been served on the department

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1277 commanding it not to deliver the certificate of title ~~or~~
 1278 ~~certificate of repossession~~, the department shall deliver the
 1279 certificate of title ~~or repossession~~ to the applicant or as may
 1280 otherwise be directed in the application showing no other liens
 1281 than those shown in the application. Any lienholder who has
 1282 repossessed a vehicle in this state in compliance with the
 1283 provisions of this section must apply to a tax collector's
 1284 office in this state or to the department for a ~~certificate of~~
 1285 ~~repossession or to the department for a~~ certificate of title
 1286 pursuant to s. 319.323. Proof of the required notice to
 1287 subsequent lienholders shall be submitted together with regular
 1288 title fees. ~~A lienholder to whom a certificate of repossession~~
 1289 ~~has been issued may assign the certificate of title to the~~
 1290 ~~subsequent owner.~~ Any person found guilty of violating any
 1291 requirements of this paragraph shall be guilty of a felony of
 1292 the third degree, punishable as provided in s. 775.082, s.
 1293 775.083, or s. 775.084.

1294 Section 23. Section 319.323, Florida Statutes, is amended
 1295 to read:

1296 319.323 Expedited service; applications; fees.—The
 1297 department shall establish a separate title office which may be
 1298 used by private citizens and licensed motor vehicle dealers to
 1299 receive expedited service on title transfers, title issuances,
 1300 duplicate titles, and recordation of liens, ~~and certificates of~~
 1301 ~~repossession.~~ A fee of \$10 shall be charged for this service,
 1302 which fee is in addition to the fees imposed by s. 319.32. The
 1303 fee, after deducting the amount referenced by s. 319.324 and
 1304 \$3.50 to be retained by the processing agency, shall be
 1305 deposited into the General Revenue Fund. Application for

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1306 expedited service may be made by mail or in person. The
1307 department shall issue each title applied for under this section
1308 within 5 working days after receipt of the application except
1309 for an application for a duplicate title certificate covered by
1310 s. 319.23(4), in which case the title must be issued within 5
1311 working days after compliance with the department's verification
1312 requirements.

1313 Section 24. Subsections (24) through (46) of section
1314 320.01, Florida Statutes, are renumbered as subsections (23)
1315 through (45), respectively, and present subsections (23) and
1316 (25) of that section are amended, to read:

1317 320.01 Definitions, general.—As used in the Florida
1318 Statutes, except as otherwise provided, the term:

1319 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1320 ~~which is required to be registered, or with respect to which an~~
1321 ~~election has been made to register it, under the International~~
1322 ~~Registration Plan.~~

1323 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
1324 recreational vehicles, vehicles displaying restricted plates,
1325 city pickup and delivery vehicles, buses used in transportation
1326 of chartered parties, and government-owned vehicles, which is
1327 used or intended for use in two or more member jurisdictions
1328 that allocate or proportionally register vehicles and which is
1329 used for the transportation of persons for hire or is designed,
1330 used, or maintained primarily for the transportation of property
1331 and:

1332 (a) Is a power unit having a gross vehicle weight in excess
1333 of 26,000 ~~26,001~~ pounds;

1334 (b) Is a power unit having three or more axles, regardless

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1335 of weight; or

1336 (c) Is used in combination, when the weight of such
1337 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1338
1339 Vehicles, or combinations thereof, having a gross vehicle weight
1340 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1341 proportionally registered.

1342 Section 25. Paragraph (a) of subsection (2) of section
1343 320.02, Florida Statutes, is amended to read:

1344 320.02 Registration required; application for registration;
1345 forms.—

1346 (2) (a) The application for registration shall include the
1347 street address of the owner's permanent residence or the address
1348 of his or her permanent place of business and shall be
1349 accompanied by personal or business identification information.
1350 An individual applicant must provide ~~which may include, but need~~
1351 ~~not be limited to,~~ a valid driver license or number, Florida
1352 identification card issued by this state or another state or a
1353 valid passport. A business applicant must provide a number, or
1354 federal employer identification number, if applicable, or
1355 verification that the business is authorized to conduct business
1356 in the state, or a Florida city or county business license or
1357 number.

1358 1. If the owner does not have a permanent residence or
1359 permanent place of business or if the owner's permanent
1360 residence or permanent place of business cannot be identified by
1361 a street address, the application shall include:

1362 a.1. If the vehicle is registered to a business, the name
1363 and street address of the permanent residence of an owner of the

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1364 business, an officer of the corporation, or an employee who is
1365 in a supervisory position.

1366 ~~b.2.~~ If the vehicle is registered to an individual, the
1367 name and street address of the permanent residence of a close
1368 relative or friend who is a resident of this state.

1369 2. If the vehicle is registered to an active duty member of
1370 the Armed Forces of the United States who is a Florida resident,
1371 the active duty member is exempt from the requirement to provide
1372 the street address of a permanent residence.

1373 Section 26. Subsection (7) of section 320.03, Florida
1374 Statutes, is amended to read:

1375 320.03 Registration; duties of tax collectors;
1376 International Registration Plan.—

1377 (7) The Department of Highway Safety and Motor Vehicles
1378 shall register apportionable ~~apportioned motor~~ vehicles under
1379 the ~~provisions of the~~ International Registration Plan. The
1380 department may adopt rules to implement and enforce the
1381 provisions of the plan.

1382 Section 27. Paragraph (b) of subsection (1) of section
1383 320.071, Florida Statutes, is amended to read:

1384 320.071 Advance registration renewal; procedures.—

1385 (1)

1386 (b) The owner of any apportionable ~~apportioned motor~~
1387 vehicle currently registered in this state under the
1388 International Registration Plan may file an application for
1389 renewal of registration with the department any time during the
1390 3 months preceding the date of expiration of the registration
1391 period.

1392 Section 28. Subsections (1) and (3) of section 320.0715,

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1393 Florida Statutes, are amended to read:

1394 320.0715 International Registration Plan; motor carrier
1395 services; permits; retention of records.-

1396 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1397 in this state ~~and engaged in interstate commerce~~ shall be
1398 registered in accordance with ~~the provisions of the~~
1399 International Registration Plan and shall display ~~apportioned~~
1400 license plates.

1401 (3) (a) If the department is unable to immediately issue the
1402 apportioned license plate to an applicant currently registered
1403 in this state under the International Registration Plan or to a
1404 vehicle currently titled in this state, the department or its
1405 designated agent may ~~is authorized to~~ issue a 60-day temporary
1406 operational permit. The department or agent of the department
1407 shall charge a \$3 fee and the service charge authorized by s.
1408 320.04 for each temporary operational permit it issues.

1409 (b) The department may not ~~shall in no event~~ issue a
1410 temporary operational permit for any apportionable ~~commercial~~
1411 ~~motor~~ vehicle to any applicant until the applicant has shown
1412 that:

1413 1. All sales or use taxes due on the registration of the
1414 vehicle are paid; and

1415 2. Insurance requirements have been met in accordance with
1416 ss. 320.02(5) and 627.7415.

1417 (c) Issuance of a temporary operational permit provides
1418 ~~commercial motor vehicle~~ registration privileges in each
1419 International Registration Plan member jurisdiction designated
1420 on said permit and therefore requires payment of all applicable
1421 registration fees and taxes due for that period of registration.

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1422 (d) Application for permanent registration must be made to
1423 the department within 10 days from issuance of a temporary
1424 operational permit. Failure to file an application within this
1425 10-day period may result in cancellation of the temporary
1426 operational permit.

1427 Section 29. Subsection (1) of section 320.18, Florida
1428 Statutes, is amended to read:

1429 320.18 Withholding registration.-

1430 (1) The department may withhold the registration of any
1431 motor vehicle or mobile home the owner or coowner of which has
1432 failed to register it under the provisions of law for any
1433 previous period or periods for which it appears registration
1434 should have been made in this state, ~~until the tax for such~~
1435 period or periods is paid. The department may cancel any vehicle
1436 or vessel registration, driver ~~driver's~~ license, identification
1437 card, or fuel-use tax decal if the owner or coowner pays for any
1438 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
1439 identification card, or fuel-use tax decal; pays any
1440 administrative, delinquency, or reinstatement fee; or pays any
1441 tax liability, penalty, or interest specified in chapter 207 by
1442 a dishonored check, or if the vehicle owner or motor carrier has
1443 failed to pay a penalty for a weight or safety violation issued
1444 by the Department of Transportation or the Department of Highway
1445 Safety and Motor Vehicles. The Department of Transportation and
1446 the Department of Highway Safety and Motor Vehicles may impound
1447 any commercial motor vehicle that has a canceled license plate
1448 or fuel-use tax decal until the tax liability, penalty, and
1449 interest specified in chapter 207, the license tax, or the fuel-
1450 use decal fee, and applicable administrative fees have been paid

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1451 for by certified funds.

1452 Section 30. Subsection (3), paragraph (a) of subsection
1453 (4), and subsection (5) of section 320.27, Florida Statutes, are
1454 amended to read:

1455 320.27 Motor vehicle dealers.—

1456 (3) APPLICATION AND FEE.—The application for the license
1457 shall be in such form as may be prescribed by the department and
1458 shall be subject to such rules with respect thereto as may be so
1459 prescribed by it. Such application shall be verified by oath or
1460 affirmation and shall contain a full statement of the name and
1461 birth date of the person or persons applying therefor; the name
1462 of the firm or copartnership, with the names and places of
1463 residence of all members thereof, if such applicant is a firm or
1464 copartnership; the names and places of residence of the
1465 principal officers, if the applicant is a body corporate or
1466 other artificial body; the name of the state under whose laws
1467 the corporation is organized; the present and former place or
1468 places of residence of the applicant; and prior business in
1469 which the applicant has been engaged and the location thereof.
1470 Such application shall describe the exact location of the place
1471 of business and shall state whether the place of business is
1472 owned by the applicant and when acquired, or, if leased, a true
1473 copy of the lease shall be attached to the application. The
1474 applicant shall certify that the location provides an adequately
1475 equipped office and is not a residence; that the location
1476 affords sufficient unoccupied space upon and within which
1477 adequately to store all motor vehicles offered and displayed for
1478 sale; and that the location is a suitable place where the
1479 applicant can in good faith carry on such business and keep and

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1480 maintain books, records, and files necessary to conduct such
1481 business, which shall be available at all reasonable hours to
1482 inspection by the department or any of its inspectors or other
1483 employees. The applicant shall certify that the business of a
1484 motor vehicle dealer is the principal business which shall be
1485 conducted at that location. The application shall contain a
1486 statement that the applicant is either franchised by a
1487 manufacturer of motor vehicles, in which case the name of each
1488 motor vehicle that the applicant is franchised to sell shall be
1489 included, or an independent (nonfranchised) motor vehicle
1490 dealer. The application shall contain other relevant information
1491 as may be required by the department, including evidence that
1492 the applicant is insured under a garage liability insurance
1493 policy or a general liability insurance policy coupled with a
1494 business automobile policy, which shall include, at a minimum,
1495 \$25,000 combined single-limit liability coverage including
1496 bodily injury and property damage protection and \$10,000
1497 personal injury protection. However, a salvage motor vehicle
1498 dealer as defined in subparagraph (1)(c)5. is exempt from the
1499 requirements for garage liability insurance and personal injury
1500 protection insurance on those vehicles that cannot be legally
1501 operated on roads, highways, or streets in this state. Franchise
1502 dealers must submit a garage liability insurance policy, and all
1503 other dealers must submit a garage liability insurance policy or
1504 a general liability insurance policy coupled with a business
1505 automobile policy. Such policy shall be for the license period,
1506 and evidence of a new or continued policy shall be delivered to
1507 the department at the beginning of each license period. Upon
1508 making initial application, the applicant shall pay to the

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1509 department a fee of \$300 in addition to any other fees ~~now~~
1510 required by law. Applicants may choose to extend the licensure
1511 period for 1 additional year for a total of 2 years. An initial
1512 applicant shall pay to the department a fee of \$300 for the
1513 first year and \$75 for the second year, in addition to any other
1514 fees required by law. An applicant for renewal shall pay to the
1515 department \$75 for a 1-year renewal or \$150 for a 2-year
1516 renewal, in addition to any other fees required by law ~~Upon~~
1517 ~~making a subsequent renewal application, the applicant shall pay~~
1518 ~~to the department a fee of \$75 in addition to any other fees now~~
1519 ~~required by law.~~ Upon making an application for a change of
1520 location, the person shall pay a fee of \$50 in addition to any
1521 other fees now required by law. The department shall, in the
1522 case of every application for initial licensure, verify whether
1523 certain facts set forth in the application are true. Each
1524 applicant, general partner in the case of a partnership, or
1525 corporate officer and director in the case of a corporate
1526 applicant, must file a set of fingerprints with the department
1527 for the purpose of determining any prior criminal record or any
1528 outstanding warrants. The department shall submit the
1529 fingerprints to the Department of Law Enforcement for state
1530 processing and forwarding to the Federal Bureau of Investigation
1531 for federal processing. The actual cost of state and federal
1532 processing shall be borne by the applicant and is in addition to
1533 the fee for licensure. The department may issue a license to an
1534 applicant pending the results of the fingerprint investigation,
1535 which license is fully revocable if the department subsequently
1536 determines that any facts set forth in the application are not
1537 true or correctly represented.

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1538 (4) LICENSE CERTIFICATE.—

1539 (a) A license certificate shall be issued by the department
1540 in accordance with such application when the application is
1541 regular in form and in compliance with the provisions of this
1542 section. The license certificate may be in the form of a
1543 document or a computerized card as determined by the department.
1544 The actual cost of each original, additional, or replacement
1545 computerized card shall be borne by the licensee and is in
1546 addition to the fee for licensure. Such license, when so issued,
1547 entitles the licensee to carry on and conduct the business of a
1548 motor vehicle dealer. Each license issued to a franchise motor
1549 vehicle dealer expires ~~annually~~ on December 31 of the year of
1550 its expiration unless revoked or suspended prior to that date.
1551 Each license issued to an independent or wholesale dealer or
1552 auction expires ~~annually~~ on April 30 of the year of its
1553 expiration unless revoked or suspended prior to that date. At
1554 least ~~Not less than~~ 60 days before ~~prior to~~ the license
1555 expiration date, the department shall deliver or mail to each
1556 licensee the necessary renewal forms. Each independent dealer
1557 shall certify that the dealer (owner, partner, officer, or
1558 director of the licensee, or a full-time employee of the
1559 licensee that holds a responsible management-level position) has
1560 completed 8 hours of continuing education prior to filing the
1561 renewal forms with the department. Such certification shall be
1562 filed once every 2 years. The continuing education shall include
1563 at least 2 hours of legal or legislative issues, 1 hour of
1564 department issues, and 5 hours of relevant motor vehicle
1565 industry topics. Continuing education shall be provided by
1566 dealer schools licensed under paragraph (b) either in a

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1567 classroom setting or by correspondence. Such schools shall
1568 provide certificates of completion to the department and the
1569 customer which shall be filed with the license renewal form, and
1570 such schools may charge a fee for providing continuing
1571 education. Any licensee who does not file his or her application
1572 and fees and any other requisite documents, as required by law,
1573 with the department at least 30 days prior to the license
1574 expiration date shall cease to engage in business as a motor
1575 vehicle dealer on the license expiration date. A renewal filed
1576 with the department within 45 days after the expiration date
1577 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1578 new application is required, accompanied by the initial license
1579 fee. A license certificate duly issued by the department may be
1580 modified by endorsement to show a change in the name of the
1581 licensee, provided, as shown by affidavit of the licensee, the
1582 majority ownership interest of the licensee has not changed or
1583 the name of the person appearing as franchisee on the sales and
1584 service agreement has not changed. Modification of a license
1585 certificate to show any name change as herein provided shall not
1586 require initial licensure or reissuance of dealer tags; however,
1587 any dealer obtaining a name change shall transact all business
1588 in and be properly identified by that name. All documents
1589 relative to licensure shall reflect the new name. In the case of
1590 a franchise dealer, the name change shall be approved by the
1591 manufacturer, distributor, or importer. A licensee applying for
1592 a name change endorsement shall pay a fee of \$25 which fee shall
1593 apply to the change in the name of a main location and all
1594 additional locations licensed under the provisions of subsection
1595 (5). Each initial license application received by the department

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1596 shall be accompanied by verification that, within the preceding
1597 6 months, the applicant, or one or more of his or her designated
1598 employees, has attended a training and information seminar
1599 conducted by a licensed motor vehicle dealer training school.
1600 Any applicant for a new franchised motor vehicle dealer license
1601 who has held a valid franchised motor vehicle dealer license
1602 continuously for the past 2 years and who remains in good
1603 standing with the department is exempt from the prelicensing
1604 training requirement. Such seminar shall include, but is not
1605 limited to, statutory dealer requirements, which requirements
1606 include required bookkeeping and recordkeeping procedures,
1607 requirements for the collection of sales and use taxes, and such
1608 other information that in the opinion of the department will
1609 promote good business practices. No seminar may exceed 8 hours
1610 in length.

1611 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
1612 section hereunder shall obtain a supplemental license for each
1613 permanent additional place or places of business not contiguous
1614 to the premises for which the original license is issued, on a
1615 form to be furnished by the department, and upon payment of a
1616 fee of \$50 for each such additional location. Applicants may
1617 choose to extend the licensure period for 1 additional year for
1618 a total of 2 years. The applicant shall pay to the department a
1619 fee of \$50 for the first year and \$50 for the second year for
1620 each such additional location. Thereafter, the applicant shall
1621 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for
1622 each such additional location ~~Upon making renewal applications~~
1623 ~~for such supplemental licenses, such applicant shall pay \$50 for~~
1624 ~~each additional location.~~ A supplemental license authorizing

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1625 off-premises sales shall be issued, at no charge to the dealer,
1626 for a period not to exceed 10 consecutive calendar days. To
1627 obtain such a temporary supplemental license for off-premises
1628 sales, the applicant must be a licensed dealer; must notify the
1629 applicable local department office of the specific dates and
1630 location for which such license is requested, display a sign at
1631 the licensed location clearly identifying the dealer, and
1632 provide staff to work at the temporary location for the duration
1633 of the off-premises sale; must meet any local government
1634 permitting requirements; and must have permission of the
1635 property owner to sell at that location. In the case of an off-
1636 premises sale by a motor vehicle dealer licensed under
1637 subparagraph (1)(c)1. for the sale of new motor vehicles, the
1638 applicant must also include documentation notifying the
1639 applicable licensee licensed under s. 320.61 of the intent to
1640 engage in an off-premises sale 5 working days prior to the date
1641 of the off-premises sale. The licensee shall either approve or
1642 disapprove of the off-premises sale within 2 working days after
1643 receiving notice; otherwise, it will be deemed approved. This
1644 section does not apply to a nonselling motor vehicle show or
1645 public display of new motor vehicles.

1646 Section 31. Section 320.62, Florida Statutes, is amended to
1647 read:

1648 320.62 Licenses; amount; disposition of proceeds.—The
1649 initial license for each manufacturer, distributor, or importer
1650 shall be \$300 and shall be in addition to all other licenses or
1651 taxes ~~now or hereafter~~ levied, assessed, or required of the
1652 applicant or licensee. Applicants may choose to extend the
1653 licensure period for 1 additional year for a total of 2 years.

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1654 An initial applicant shall pay to the department a fee of \$300
1655 for the first year and \$100 for the second year. An applicant
1656 for a renewal license shall pay \$100 to the department for a 1-
1657 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~
1658 ~~license fee shall be \$100.~~ The proceeds from all licenses under
1659 ss. 320.60-320.70 shall be paid into the State Treasury to the
1660 credit of the General Revenue Fund. All licenses shall be
1661 payable on or before October 1 of the each year and shall
1662 expire, unless sooner revoked or suspended, on ~~the following~~
1663 September 30 of the year of its expiration.

1664 Section 32. Subsections (4) and (6) of section 320.77,
1665 Florida Statutes, are amended to read:

1666 320.77 License required of mobile home dealers.-

1667 (4) FEES.-Upon making initial application, the applicant
1668 shall pay to the department a fee of \$300 in addition to any
1669 other fees ~~now~~ required by law. Applicants may choose to extend
1670 the licensure period for 1 additional year for a total of 2
1671 years. An initial applicant shall pay to the department a fee of
1672 \$300 for the first year and \$100 for the second year in addition
1673 to any other fees required by law. An applicant for a renewal
1674 license shall pay to the department \$100 for a 1-year renewal or
1675 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
1676 ~~be \$100.~~ The fee for application for change of location shall be
1677 \$25. Any applicant for renewal who has failed to submit his or
1678 her renewal application by October 1 of the year of its current
1679 license expiration shall pay a renewal application fee equal to
1680 the original application fee. No fee is refundable. All fees
1681 shall be deposited into the General Revenue Fund.

1682 (6) LICENSE CERTIFICATE.-A license certificate shall be

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1683 issued by the department in accordance with the application when
1684 the same is regular in form and in compliance with the
1685 provisions of this section. The license certificate may be in
1686 the form of a document or a computerized card as determined by
1687 the department. The cost of each original, additional, or
1688 replacement computerized card shall be borne by the licensee and
1689 is in addition to the fee for licensure. The fees charged
1690 applicants for both the required background investigation and
1691 the computerized card as provided in this section shall be
1692 deposited into the Highway Safety Operating Trust Fund. The
1693 license, when so issued, shall entitle the licensee to carry on
1694 and conduct the business of a mobile home dealer at the location
1695 set forth in the license for a period of 1 or 2 years beginning
1696 ~~year from~~ October 1 preceding the date of issuance. Each initial
1697 application received by the department shall be accompanied by
1698 verification that, within the preceding 6 months, the applicant
1699 or one or more of his or her designated employees has attended a
1700 training and information seminar conducted by the department or
1701 by a public or private provider approved by the department. Such
1702 seminar shall include, but not be limited to, statutory dealer
1703 requirements, which requirements include required bookkeeping
1704 and recording procedures, requirements for the collection of
1705 sales and use taxes, and such other information that in the
1706 opinion of the department will promote good business practices.

1707 Section 33. Subsections (4) and (6) of section 320.771,
1708 Florida Statutes, are amended to read:

1709 320.771 License required of recreational vehicle dealers.—

1710 (4) FEES.—Upon making initial application, the applicant
1711 shall pay to the department a fee of \$300 in addition to any

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1712 other fees ~~now~~ required by law. Applicants may choose to extend
1713 the licensure period for 1 additional year for a total of 2
1714 years. An initial applicant shall pay to the department a fee of
1715 \$300 for the first year and \$100 for the second year in addition
1716 to any other fees required by law. An applicant for a renewal
1717 license shall pay to the department \$100 for a 1-year renewal or
1718 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
1719 ~~be \$100.~~ The fee for application for change of location shall be
1720 \$25. Any applicant for renewal who has failed to submit his or
1721 her renewal application by October 1 of the year of its current
1722 license expiration shall pay a renewal application fee equal to
1723 the original application fee. No fee is refundable. All fees
1724 shall be deposited into the General Revenue Fund.

1725 (6) LICENSE CERTIFICATE.—A license certificate shall be
1726 issued by the department in accordance with the application when
1727 the same is regular in form and in compliance with the
1728 provisions of this section. The license certificate may be in
1729 the form of a document or a computerized card as determined by
1730 the department. The cost of each original, additional, or
1731 replacement computerized card shall be borne by the licensee and
1732 is in addition to the fee for licensure. The fees charged
1733 applicants for both the required background investigation and
1734 the computerized card as provided in this section shall be
1735 deposited into the Highway Safety Operating Trust Fund. The
1736 license, when so issued, shall entitle the licensee to carry on
1737 and conduct the business of a recreational vehicle dealer at the
1738 location set forth in the license for a period of 1 or 2 years
1739 ~~year~~ from October 1 preceding the date of issuance. Each initial
1740 application received by the department shall be accompanied by

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1741 verification that, within the preceding 6 months, the applicant
1742 or one or more of his or her designated employees has attended a
1743 training and information seminar conducted by the department or
1744 by a public or private provider approved by the department. Such
1745 seminar shall include, but not be limited to, statutory dealer
1746 requirements, which requirements include required bookkeeping
1747 and recording procedures, requirements for the collection of
1748 sales and use taxes, and such other information that in the
1749 opinion of the department will promote good business practices.

1750 Section 34. Subsections (3) and (6) of section 320.8225,
1751 Florida Statutes, are amended to read:

1752 320.8225 Mobile home and recreational vehicle manufacturer,
1753 distributor, and importer license.—

1754 (3) FEES.—Upon submitting an initial application, the
1755 applicant shall pay to the department a fee of \$300. Applicants
1756 may choose to extend the licensure period for 1 additional year
1757 for a total of 2 years. An initial applicant shall pay to the
1758 department a fee of \$300 for the first year and \$100 for the
1759 second year. An applicant for a renewal license shall pay to the
1760 department \$100 for a 1-year renewal or \$200 for a 2-year
1761 renewal ~~Upon submitting a renewal application, the applicant~~
1762 ~~shall pay to the department a fee of \$100.~~ Any applicant for
1763 renewal who fails to submit his or her renewal application by
1764 October 1 of the year of its current license expiration shall
1765 pay a renewal application fee equal to the original application
1766 fee. No fee is refundable. All fees must be deposited into the
1767 General Revenue Fund.

1768 (6) LICENSE PERIOD YEAR.—A license issued to a mobile home
1769 manufacturer or a recreational vehicle manufacturer,

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1770 distributor, or importer entitles the licensee to conduct
1771 business for a period of 1 or 2 years beginning year from
1772 October 1 preceding the date of issuance.

1773 Section 35. Section 322.095, Florida Statutes, is amended
1774 to read:

1775 322.095 Traffic law and substance abuse education program
1776 for driver ~~driver's~~ license applicants.—

1777 (1) Each applicant for a driver license must complete a
1778 traffic law and substance abuse education course, unless the
1779 applicant has been licensed in another jurisdiction or has
1780 satisfactorily completed a Department of Education driver
1781 education course offered pursuant to s. 1003.48.

1782 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles
1783 must approve traffic law and substance abuse education courses,
1784 including courses that use communications technology as the
1785 delivery method.

1786 (a) In addition to the course approval criteria provided in
1787 this section, initial approval of traffic law and substance
1788 abuse education courses shall be based on the department's
1789 review of all course materials which must be designed to promote
1790 safety, education, and driver awareness; course presentation to
1791 the department by the provider; and the provider's plan for
1792 effective oversight of the course by those who deliver the
1793 course in the state.

1794 (b) Each course provider seeking approval of a traffic law
1795 and substance abuse education course must submit:

1796 1. Proof of ownership, copyright, or written permission
1797 from the course owner to use the course in the state ~~that must~~
1798 be completed by applicants for a Florida driver's license.

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1799 2. The curriculum ~~curricula~~ for the courses which must
1800 promote motorcyclist, bicyclist, and pedestrian safety and
1801 provide instruction on the physiological and psychological
1802 consequences of the abuse of alcohol and other drugs;~~;~~ the
1803 societal and economic costs of alcohol and drug abuse;~~;~~ the
1804 effects of alcohol and drug abuse on the driver of a motor
1805 vehicle;~~;~~ and the laws of this state relating to the operation
1806 of a motor vehicle; the risk factors involved in driver attitude
1807 and irresponsible driver behaviors, such as speeding, reckless
1808 driving, and running red lights and stop signs; and the results
1809 of the use of electronic devices while driving. All instructors
1810 teaching the courses shall be certified by the department.

1811 ~~(3)(2) The department shall contract for an independent~~
1812 ~~evaluation of the courses. Local DUI programs authorized under~~
1813 ~~s. 316.193(5) and certified by the department or a driver~~
1814 ~~improvement school may offer a traffic law and substance abuse~~
1815 ~~education course. However,~~ Prior to offering the course, the
1816 course provider must obtain certification from the department
1817 that the course complies with the requirements of this section.
1818 If the course is offered in a classroom setting, the course
1819 provider and any schools authorized by the provider to teach the
1820 course must offer the approved course at locations that are free
1821 from distractions and reasonably accessible to most applicants
1822 and must issue a certificate to those persons successfully
1823 completing the course.

1824 ~~(3) The completion of a course does not qualify a person~~
1825 ~~for the reinstatement of a driver's license which has been~~
1826 ~~suspended or revoked.~~

1827 ~~(4) The fee charged by the course provider must bear a~~

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1828 ~~reasonable relationship to the cost of the course. The~~
1829 ~~department must conduct financial audits of course providers~~
1830 ~~conducting the education courses required under this section or~~
1831 ~~require that financial audits of providers be performed, at the~~
1832 ~~expense of the provider, by a certified public accountant.~~

1833 ~~(5) The provisions of this section do not apply to any~~
1834 ~~person who has been licensed in any other jurisdiction or who~~
1835 ~~has satisfactorily completed a Department of Education driver's~~
1836 ~~education course offered pursuant to s. 1003.48.~~

1837 (4) (6) In addition to a regular course fee, an assessment
1838 fee in the amount of \$3 shall be collected by the school from
1839 each person who attends a course. The course provider must remit
1840 the \$3 assessment fee to the department for deposit into the
1841 Highway Safety Operating Trust Fund in order to receive a unique
1842 course completion certificate number for the student. Each
1843 ~~course provider must collect a \$3 assessment fee in addition to~~
1844 ~~the enrollment fee charged to participants of the traffic law~~
1845 ~~and substance abuse course required under this section. The \$3~~
1846 ~~assessment fee collected by the course provider must be~~
1847 ~~forwarded to the department within 30 days after receipt of the~~
1848 ~~assessment.~~

1849 (5) (7) The department may is authorized to maintain the
1850 information and records necessary to administer its duties and
1851 responsibilities for the program. Course providers are required
1852 to maintain all records pertinent to the conduct of their
1853 approved courses for 5 years and allow the department to inspect
1854 such records as necessary. Records may be maintained in an
1855 electronic format. If ~~Where~~ such information is a public record
1856 as defined in chapter 119, it shall be made available to the

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1857 public upon request pursuant to s. 119.07(1). ~~The department~~
1858 ~~shall approve and regulate courses that use technology as the~~
1859 ~~delivery method of all traffic law and substance abuse education~~
1860 ~~courses as the courses relate to this section.~~

1861 (6) The department shall design, develop, implement, and
1862 conduct effectiveness studies on each delivery method of all
1863 courses approved pursuant to this section on a recurring 3-year
1864 basis. At a minimum, studies shall be conducted on the
1865 effectiveness of each course in reducing DUI citations and
1866 decreasing moving traffic violations or collision recidivism.
1867 Upon notification that a course has failed an effectiveness
1868 study, the course provider shall immediately cease offering the
1869 course in the state.

1870 (7) Courses approved under this section must be updated at
1871 the department's request. Failure of a course provider to update
1872 the course within 90 days after the department's request shall
1873 result in the suspension of the course approval until such time
1874 that the updates are submitted and approved by the department.

1875 (8) Each course provider shall ensure that its driver
1876 improvement schools are conducting the approved courses fully,
1877 to the required time limits, and with the content requirements
1878 specified by the department. The course provider shall ensure
1879 that only department-approved instructional materials are used
1880 in the presentation of the course, and that all driver
1881 improvement schools conducting the course do so in a manner that
1882 maximizes its impact and effectiveness. The course provider
1883 shall ensure that any student who is unable to attend or
1884 complete a course due to action, error, or omission on the part
1885 of the course provider or driver improvement school conducting

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1886 the course shall be accommodated to permit completion of the
1887 course at no additional cost.

1888 (9) Traffic law and substance abuse education courses shall
1889 be conducted with a minimum of 4 hours devoted to course content
1890 minus a maximum of 30 minutes allotted for breaks.

1891 (10) A course provider may not require any student to
1892 purchase a course completion certificate. Course providers
1893 offering paper or electronic certificates for purchase must
1894 clearly convey to the student that this purchase is optional,
1895 that the only valid course completion certificate is the
1896 electronic one that is entered into the department's Driver
1897 Improvement Certificate Issuance System, and that paper
1898 certificates are not acceptable for any licensing purpose.

1899 (11) Course providers and all associated driver improvement
1900 schools that offer approved courses shall disclose all fees
1901 associated with the course and shall not charge any fees that
1902 are not clearly listed during the registration process.

1903 (12) Course providers shall submit course completion
1904 information to the department through the department's Driver
1905 Improvement Certificate Issuance System within 5 days. The
1906 submission shall be free of charge to the student.

1907 (13) The department may deny, suspend, or revoke course
1908 approval upon proof that the course provider:

1909 (a) Violated this section.

1910 (b) Has been convicted of a crime involving any drug-
1911 related or DUI-related offense, a felony, fraud, or a crime
1912 directly related to the personal safety of a student.

1913 (c) Failed to satisfy the effectiveness criteria as
1914 outlined in subsection (6).

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1915 (d) Obtained course approval by fraud or misrepresentation.

1916 (e) Obtained or assisted a person in obtaining any driver
1917 license by fraud or misrepresentation.

1918 (f) Conducted a traffic law and substance abuse education
1919 course in the state while approval of such course was under
1920 suspension or revocation.

1921 (g) Failed to provide effective oversight of those who
1922 deliver the course in the state.

1923 (14) The department shall not accept certificates from
1924 students who take a course after the course has been suspended
1925 or revoked.

1926 (15) A person who has been convicted of a crime involving
1927 any drug-related or DUI-related offense in the past 5 years, a
1928 felony, fraud, or a crime directly related to the personal
1929 safety of a student shall not be allowed to conduct traffic law
1930 and substance abuse education courses.

1931 (16) The department shall summarily suspend approval of any
1932 course without preliminary hearing for the purpose of protecting
1933 the public safety and enforcing any provision of law governing
1934 traffic law and substance abuse education courses.

1935 (17) Except as otherwise provided in this section, before
1936 final department action denying, suspending, or revoking
1937 approval of a course, the course provider shall have the
1938 opportunity to request either a formal or informal
1939 administrative hearing to show cause why the action should not
1940 be taken.

1941 (18) The department may levy and collect a civil fine of at
1942 least \$1,000 but not more than \$5,000 for each violation of this
1943 section. Proceeds from fines collected shall be deposited into

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1944 the Highway Safety Operating Trust Fund and used to cover the
1945 cost of administering this section or promoting highway safety
1946 initiatives.

1947 Section 36. Subsection (1) of section 322.125, Florida
1948 Statutes, is amended to read:

1949 322.125 Medical Advisory Board.—

1950 (1) There shall be a Medical Advisory Board composed of not
1951 fewer than 12 or more than 25 members, at least one of whom must
1952 be 60 years of age or older and all but one of whose medical and
1953 other specialties must relate to driving abilities, which number
1954 must include a doctor of medicine who is employed by the
1955 Department of Highway Safety and Motor Vehicles in Tallahassee,
1956 who shall serve as administrative officer for the board. The
1957 executive director of the Department of Highway Safety and Motor
1958 Vehicles shall recommend persons to serve as board members.
1959 Every member but two must be a doctor of medicine licensed to
1960 practice medicine in this or any other state ~~and must be a~~
1961 ~~member in good standing of the Florida Medical Association or~~
1962 ~~the Florida Osteopathic Association.~~ One member must be an
1963 optometrist licensed to practice optometry in this state ~~and~~
1964 ~~must be a member in good standing of the Florida Optometric~~
1965 ~~Association.~~ One member must be a chiropractic physician
1966 licensed to practice chiropractic medicine in this state.
1967 Members shall be approved by the Cabinet and shall serve 4-year
1968 staggered terms. The board membership must, to the maximum
1969 extent possible, consist of equal representation of the
1970 disciplines of the medical community treating the mental or
1971 physical disabilities that could affect the safe operation of
1972 motor vehicles.

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1973 Section 37. Subsection (4) of section 322.135, Florida
1974 Statutes, is amended to read:

1975 322.135 Driver ~~Driver's~~ license agents.—

1976 (4) A tax collector may not issue or renew a driver
1977 ~~driver's~~ license if he or she has any reason to believe that the
1978 licensee or prospective licensee is physically or mentally
1979 unqualified to operate a motor vehicle. ~~The tax collector may~~
1980 ~~direct any such licensee to the department for examination or~~
1981 ~~reexamination under s. 322.221.~~

1982 Section 38. Section 322.143, Florida Statutes, is created
1983 to read:

1984 322.143 Use of a driver license or identification card.—

1985 (1) As used in this section, the term:

1986 (a) "Personal information" means an individual's name,
1987 address, date of birth, driver license number, or identification
1988 card number.

1989 (b) "Private entity" means any nongovernmental entity, such
1990 as a corporation, partnership, company or nonprofit
1991 organization, any other legal entity, or any natural person.

1992 (c) "Swipe" means the act of passing a driver license or
1993 identification card through a device that is capable of
1994 deciphering, in an electronically readable format, the
1995 information electronically encoded in a magnetic strip or bar
1996 code on the driver license or identification card.

1997 (2) Except as provided in subsection (6), a private entity
1998 may not swipe an individual's driver license or identification
1999 card, except for the following purposes:

2000 (a) To verify the authenticity of a driver license or
2001 identification card or to verify the identity of the individual

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2002 if the individual pays for a good or service with a method other
2003 than cash, returns an item, or requests a refund.

2004 (b) To verify the individual's age when providing an age-
2005 restricted good or service to a person about whom there is any
2006 reasonable doubt of the person's having reached 21 years of age.

2007 (c) To prevent fraud or other criminal activity if an
2008 individual returns an item or requests a refund and the private
2009 entity uses a fraud prevention service company or system.

2010 (d) To transmit information to a check services company for
2011 the purpose of approving negotiable instruments, electronic
2012 funds transfers, or similar methods of payment.

2013 (3) A private entity that swipes an individual's driver
2014 license or identification card under paragraph (2) (a) or
2015 paragraph (2) (b) may not store, sell, or share personal
2016 information collected from swiping the driver license or
2017 identification card.

2018 (4) A private entity that swipes an individual's driver
2019 license or identification card under paragraph (2) (c) or
2020 paragraph (2) (d) may store or share personal information
2021 collected from swiping an individual's driver license or
2022 identification card for the purpose of preventing fraud or other
2023 criminal activity against the private entity.

2024 (5) (a) A person other than an entity regulated by the
2025 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
2026 receives personal information from a private entity under
2027 subsection (4) may use the personal information received only to
2028 prevent fraud or other criminal activity against the private
2029 entity that provided the personal information.

2030 (b) A person who is regulated by the federal Fair Credit

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2031 Reporting Act and who receives personal information from a
2032 private entity under subsection (4) may use or provide the
2033 personal information received only to effect, administer, or
2034 enforce a transaction or prevent fraud or other criminal
2035 activity, if the person provides or receives personal
2036 information under contract from the private entity.

2037 (6) (a) An individual may consent to allow the private
2038 entity to swipe the individual's driver license or
2039 identification card to collect and store personal information.
2040 However, the individual must be informed what information is
2041 collected and the purpose or purposes for which it will be used.

2042 (b) If the individual does not want the private entity to
2043 swipe the individual's driver license or identification card,
2044 the private entity may manually collect personal information
2045 from the individual.

2046 (7) The private entity may not withhold the provision of
2047 goods or services solely as a result of the individual
2048 requesting the collection of the data in subsection (6) from the
2049 individual through manual means.

2050 (8) In addition to any other remedy provided by law, an
2051 individual may bring an action to recover actual damages and to
2052 obtain equitable relief, if equitable relief is available,
2053 against an entity that swipes, stores, shares, sells, or
2054 otherwise uses the individuals personal information in violation
2055 of this section. If a court finds that a violation of this
2056 section was willful or knowing, the court may increase the
2057 amount of the award to no more than three times the amount
2058 otherwise available.

2059 Section 39. Paragraph (a) of subsection (5) of section

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2060 322.18, Florida Statutes, is amended to read:

2061 322.18 Original applications, licenses, and renewals;
2062 expiration of licenses; delinquent licenses.—

2063 (5) All renewal driver ~~driver's~~ licenses may be issued
2064 after the applicant licensee has been determined to be eligible
2065 by the department.

2066 (a) A licensee who is otherwise eligible for renewal and
2067 who is at least 80 years of age:

2068 1. Must submit to and pass a vision test administered at
2069 any driver ~~driver's~~ license office; or

2070 2. If the licensee applies for a renewal using a
2071 convenience service as provided in subsection (8), he or she
2072 must submit to a vision test administered by a doctor of
2073 medicine or a doctor of osteopathy licensed to practice medicine
2074 in any state or an optometrist licensed to practice optometry in
2075 any state ~~physician licensed under chapter 458 or chapter 459,~~
2076 ~~an optometrist licensed under chapter 463, or a licensed~~
2077 ~~physician at a federally established veterans' hospital;~~ must
2078 send the results of that test to the department on a form
2079 obtained from the department and signed by such health care
2080 practitioner; and must meet vision standards that are equivalent
2081 to the standards for passing the departmental vision test. The
2082 physician or optometrist may submit the results of a vision test
2083 by a department-approved electronic means.

2084 Section 40. Subsection (1) of section 322.21, Florida
2085 Statutes, is amended to read:

2086 322.21 License fees; procedure for handling and collecting
2087 fees.—

2088 (1) Except as otherwise provided herein, the fee for:

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2089 (a) An original or renewal commercial driver ~~driver's~~
2090 license is \$75, which shall include the fee for driver education
2091 provided by s. 1003.48. However, if an applicant has completed
2092 training and is applying for employment or is currently employed
2093 in a public or nonpublic school system that requires the
2094 commercial license, the fee is the same as for a Class E driver
2095 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a
2096 renewal within 12 months after the license expiration date.

2097 (b) An original Class E driver ~~driver's~~ license is \$48,
2098 which includes the fee for driver ~~driver's~~ education provided by
2099 s. 1003.48. However, if an applicant has completed training and
2100 is applying for employment or is currently employed in a public
2101 or nonpublic school system that requires a commercial driver
2102 license, the fee is the same as for a Class E license.

2103 (c) The renewal or extension of a Class E driver ~~driver's~~
2104 license or of a license restricted to motorcycle use only is
2105 \$48, except that a delinquent fee of \$15 shall be added for a
2106 renewal or extension made within 12 months after the license
2107 expiration date. The fee provided in this paragraph includes the
2108 fee for driver ~~driver's~~ education provided by s. 1003.48.

2109 (d) An original driver ~~driver's~~ license restricted to
2110 motorcycle use only is \$48, which includes the fee for driver
2111 ~~driver's~~ education provided by s. 1003.48.

2112 (e) A replacement driver ~~driver's~~ license issued pursuant
2113 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into
2114 the Highway Safety Operating Trust Fund and \$18 shall be
2115 deposited into the General Revenue Fund. Beginning July 1, 2015,
2116 or upon completion of the transition of driver ~~driver's~~ license
2117 issuance services, if the replacement driver ~~driver's~~ license is

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2118 issued by the tax collector, the tax collector shall retain the
2119 \$7 that would otherwise be deposited into the Highway Safety
2120 Operating Trust Fund and the remaining revenues shall be
2121 deposited into the General Revenue Fund.

2122 (f) An original, renewal, or replacement identification
2123 card issued pursuant to s. 322.051 is \$25. Funds collected from
2124 these fees shall be distributed as follows:

2125 1. For an original identification card issued pursuant to
2126 s. 322.051 the fee is \$25. This amount shall be deposited into
2127 the General Revenue Fund.

2128 2. For a renewal identification card issued pursuant to s.
2129 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
2130 into the Highway Safety Operating Trust Fund and \$19 shall be
2131 deposited into the General Revenue Fund.

2132 3. For a replacement identification card issued pursuant to
2133 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited
2134 into the Highway Safety Operating Trust Fund and \$16 shall be
2135 deposited into the General Revenue Fund. Beginning July 1, 2015,
2136 or upon completion of the transition of the driver ~~driver's~~
2137 license issuance services, if the replacement identification
2138 card is issued by the tax collector, the tax collector shall
2139 retain the \$9 that would otherwise be deposited into the Highway
2140 Safety Operating Trust Fund and the remaining revenues shall be
2141 deposited into the General Revenue Fund.

2142 (g) Each endorsement required by s. 322.57 is \$7.

2143 (h) A hazardous-materials endorsement, as required by s.
2144 322.57(1)(d), shall be set by the department by rule and must
2145 reflect the cost of the required criminal history check,
2146 including the cost of the state and federal fingerprint check,

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2147 and the cost to the department of providing and issuing the
2148 license. The fee shall not exceed \$100. This fee shall be
2149 deposited in the Highway Safety Operating Trust Fund. The
2150 department may adopt rules to administer this section.

2151 (i) The specialty driver license or identification card
2152 issued pursuant to s. 322.1415 is \$25, which is in addition to
2153 other fees required in this section. The fee shall be
2154 distributed as follows:

2155 1. Fifty percent shall be distributed as provided in s.
2156 320.08058 to the appropriate state or independent university,
2157 professional sports team, or branch of the United States Armed
2158 Forces.

2159 2. Fifty percent shall be distributed to the department for
2160 costs directly related to the specialty driver license and
2161 identification card program and to defray the costs associated
2162 with production enhancements and distribution.

2163 Section 41. Subsection (7) of section 322.212, Florida
2164 Statutes, is amended to read:

2165 322.212 Unauthorized possession of, and other unlawful acts
2166 in relation to, driver ~~driver's~~ license or identification card.-

2167 (7) In addition to any other penalties provided by this
2168 section, any person who provides false information when applying
2169 for a commercial driver ~~driver's~~ license or commercial learner's
2170 permit or is convicted of fraud in connection with testing for a
2171 commercial driver license or commercial learner's permit shall
2172 be disqualified from operating a commercial motor vehicle for a
2173 period of 1 year ~~60 days~~.

2174 Section 42. Subsection (1) of section 322.22, Florida
2175 Statutes, is amended to read:

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2176 322.22 Authority of department to cancel or refuse to issue
2177 or renew license.-

2178 (1) The department may ~~is authorized to~~ cancel or withhold
2179 issuance or renewal of any driver ~~driver's~~ license, upon
2180 determining that the licensee was not entitled to the issuance
2181 thereof, or that the licensee failed to give the required or
2182 correct information in his or her application or committed any
2183 fraud in making such application, or that the licensee has two
2184 or more licenses on file with the department, each in a
2185 different name but bearing the photograph of the licensee,
2186 unless the licensee has complied with the requirements of this
2187 chapter in obtaining the licenses. The department may cancel or
2188 withhold issuance or renewal of any driver ~~driver's~~ license,
2189 identification card, vehicle or vessel registration, or fuel-use
2190 decal if the licensee fails to pay the correct fee or pays for
2191 any driver ~~the driver's~~ license, identification card, vehicle or
2192 vessel registration, or fuel-use decal; pays any tax liability,
2193 penalty, or interest specified in chapter 207; or pays any
2194 administrative, delinquency, or reinstatement fee by a
2195 dishonored check.

2196 Section 43. Subsection (3) of section 322.245, Florida
2197 Statutes, is amended to read:

2198 322.245 Suspension of license upon failure of person
2199 charged with specified offense under chapter 316, chapter 320,
2200 or this chapter to comply with directives ordered by traffic
2201 court or upon failure to pay child support in non-IV-D cases as
2202 provided in chapter 61 or failure to pay any financial
2203 obligation in any other criminal case.-

2204 (3) If the person fails to comply with the directives of

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2205 the court within the 30-day period, or, in non-IV-D cases, fails
2206 to comply with the requirements of s. 61.13016 within the period
2207 specified in that statute, the depository or the clerk of the
2208 court shall electronically notify the department of such failure
2209 within 10 days. Upon electronic receipt of the notice, the
2210 department shall immediately issue an order suspending the
2211 person's driver ~~driver's~~ license and privilege to drive
2212 effective 20 days after the date the order of suspension is
2213 mailed in accordance with s. 322.251(1), (2), and (6).

2214 Section 44. Subsection (7) of section 322.25, Florida
2215 Statutes, is amended to read:

2216 322.25 When court to forward license to department and
2217 report convictions; temporary reinstatement of driving
2218 privileges.-

2219 ~~(7) Any licensed driver convicted of driving, or being in
2220 the actual physical control of, a vehicle within this state
2221 while under the influence of alcoholic beverages, any chemical
2222 substance set forth in s. 877.111, or any substance controlled
2223 under chapter 893, when affected to the extent that his or her
2224 normal faculties are impaired, and whose license and driving
2225 privilege have been revoked as provided in subsection (1) may be
2226 issued a court order for reinstatement of a driving privilege on
2227 a temporary basis; provided that, as a part of the penalty, upon
2228 conviction, the defendant is required to enroll in and complete
2229 a driver improvement course for the rehabilitation of drinking
2230 drivers and the driver is otherwise eligible for reinstatement
2231 of the driving privilege as provided by s. 322.282. The court
2232 order for reinstatement shall be on a form provided by the
2233 department and must be taken by the person convicted to a~~

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2234 ~~Florida driver's license examining office, where a temporary~~
2235 ~~driving permit may be issued. The period of time for which a~~
2236 ~~temporary permit issued in accordance with this subsection is~~
2237 ~~valid shall be deemed to be part of the period of revocation~~
2238 ~~imposed by the court.~~

2239 Section 45. Section 322.2615, Florida Statutes, is amended
2240 to read:

2241 322.2615 Suspension of license; right to review.—

2242 (1) (a) A law enforcement officer or correctional officer
2243 shall, on behalf of the department, suspend the driving
2244 privilege of a person who is driving or in actual physical
2245 control of a motor vehicle and who has an unlawful blood-alcohol
2246 level or breath-alcohol level of 0.08 or higher, or of a person
2247 who has refused to submit to a urine test or a test of his or
2248 her breath-alcohol or blood-alcohol level. The officer shall
2249 take the person's driver ~~driver's~~ license and issue the person a
2250 10-day temporary permit if the person is otherwise eligible for
2251 the driving privilege and shall issue the person a notice of
2252 suspension. If a blood test has been administered, the officer
2253 or the agency employing the officer shall transmit such results
2254 to the department within 5 days after receipt of the results. If
2255 the department then determines that the person had a blood-
2256 alcohol level or breath-alcohol level of 0.08 or higher, the
2257 department shall suspend the person's driver ~~driver's~~ license
2258 pursuant to subsection (3).

2259 (b) The suspension under paragraph (a) shall be pursuant
2260 to, and the notice of suspension shall inform the driver of, the
2261 following:

2262 1.a. The driver refused to submit to a lawful breath,

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2263 blood, or urine test and his or her driving privilege is
2264 suspended for a period of 1 year for a first refusal or for a
2265 period of 18 months if his or her driving privilege has been
2266 previously suspended as a result of a refusal to submit to such
2267 a test; or

2268 b. The driver was driving or in actual physical control of
2269 a motor vehicle and had an unlawful blood-alcohol level or
2270 breath-alcohol level of 0.08 or higher and his or her driving
2271 privilege is suspended for a period of 6 months for a first
2272 offense or for a period of 1 year if his or her driving
2273 privilege has been previously suspended under this section.

2274 2. The suspension period shall commence on the date of
2275 issuance of the notice of suspension.

2276 3. The driver may request a formal or informal review of
2277 the suspension by the department within 10 days after the date
2278 of issuance of the notice of suspension or may request a
2279 restricted license pursuant to s. 322.271(7), if eligible.

2280 4. The temporary permit issued at the time of suspension
2281 expires at midnight of the 10th day following the date of
2282 issuance of the notice of suspension.

2283 5. The driver may submit to the department any materials
2284 relevant to the suspension.

2285 (2) (a) Except as provided in paragraph (1) (a), the law
2286 enforcement officer shall forward to the department, within 5
2287 days after issuing the notice of suspension, the driver ~~driver's~~
2288 license; an affidavit stating the officer's grounds for belief
2289 that the person was driving or in actual physical control of a
2290 motor vehicle while under the influence of alcoholic beverages
2291 or chemical or controlled substances; the results of any breath

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2292 or blood test or an affidavit stating that a breath, blood, or
2293 urine test was requested by a law enforcement officer or
2294 correctional officer and that the person refused to submit; the
2295 officer's description of the person's field sobriety test, if
2296 any; and the notice of suspension. The failure of the officer to
2297 submit materials within the 5-day period specified in this
2298 subsection and in subsection (1) does not affect the
2299 department's ability to consider any evidence submitted at or
2300 prior to the hearing.

2301 (b) The officer may also submit a copy of the crash report
2302 and a copy of a video recording ~~videotape~~ of the field sobriety
2303 test or the attempt to administer such test. Materials submitted
2304 to the department by a law enforcement agency or correctional
2305 agency shall be considered self-authenticating and shall be in
2306 the record for consideration by the hearing officer.
2307 Notwithstanding s. 316.066(5), the crash report shall be
2308 considered by the hearing officer.

2309 (3) If the department determines that the license should be
2310 suspended pursuant to this section and if the notice of
2311 suspension has not already been served upon the person by a law
2312 enforcement officer or correctional officer as provided in
2313 subsection (1), the department shall issue a notice of
2314 suspension and, unless the notice is mailed pursuant to s.
2315 322.251, a temporary permit that expires 10 days after the date
2316 of issuance if the driver is otherwise eligible.

2317 (4) If the person whose license was suspended requests an
2318 informal review pursuant to subparagraph (1)(b)3., the
2319 department shall conduct the informal review by a hearing
2320 officer designated ~~employed~~ by the department. Such informal

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2321 review hearing shall consist solely of an examination by the
2322 department of the materials submitted by a law enforcement
2323 officer or correctional officer and by the person whose license
2324 was suspended, and the presence of an officer or witness is not
2325 required.

2326 (5) After completion of the informal review, notice of the
2327 department's decision sustaining, amending, or invalidating the
2328 suspension of the driver ~~driver's~~ license of the person whose
2329 license was suspended must be provided to such person. Such
2330 notice must be mailed to the person at the last known address
2331 shown on the department's records, or to the address provided in
2332 the law enforcement officer's report if such address differs
2333 from the address of record, within 21 days after the expiration
2334 of the temporary permit issued pursuant to subsection (1) or
2335 subsection (3).

2336 (6) (a) If the person whose license was suspended requests a
2337 formal review, the department must schedule a hearing ~~to be held~~
2338 within 30 days after such request is received by the department
2339 and must notify the person of the date, time, and place of the
2340 hearing.

2341 (b) Such formal review hearing shall be held before a
2342 hearing officer designated ~~employed~~ by the department, and the
2343 hearing officer shall be authorized to administer oaths, examine
2344 witnesses and take testimony, receive relevant evidence, issue
2345 subpoenas for the officers and witnesses identified in documents
2346 provided under paragraph (2) (a) in subsection (2), regulate the
2347 course and conduct of the hearing, question witnesses, and make
2348 a ruling on the suspension. The hearing officer may conduct
2349 hearings using communications technology. The party requesting

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2350 the presence of a witness shall be responsible for the payment
2351 of any witness fees and for notifying in writing the state
2352 attorney's office in the appropriate circuit of the issuance of
2353 the subpoena. If the person who requests a formal review hearing
2354 fails to appear and the hearing officer finds such failure to be
2355 without just cause, the right to a formal hearing is waived and
2356 the suspension shall be sustained.

2357 (c) The failure of a subpoenaed witness to appear at the
2358 formal review hearing is not grounds to invalidate the
2359 suspension. If a witness fails to appear, a party may seek
2360 enforcement of a subpoena under paragraph (b) by filing a
2361 petition for enforcement in the circuit court of the judicial
2362 circuit in which the person failing to comply with the subpoena
2363 resides or by filing a motion for enforcement in any criminal
2364 court case resulting from the driving or actual physical control
2365 of a motor vehicle that gave rise to the suspension under this
2366 section. A failure to comply with an order of the court shall
2367 result in a finding of contempt of court. However, a person is
2368 not in contempt while a subpoena is being challenged.

2369 (d) The department must, within 7 working days after a
2370 formal review hearing, send notice to the person of the hearing
2371 officer's decision as to whether sufficient cause exists to
2372 sustain, amend, or invalidate the suspension.

2373 (7) In a formal review hearing under subsection (6) or an
2374 informal review hearing under subsection (4), the hearing
2375 officer shall determine by a preponderance of the evidence
2376 whether sufficient cause exists to sustain, amend, or invalidate
2377 the suspension. The scope of the review shall be limited to the
2378 following issues:

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2379 (a) If the license was suspended for driving with an
2380 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2381 higher:

2382 1. Whether the law enforcement officer had probable cause
2383 to believe that the person whose license was suspended was
2384 driving or in actual physical control of a motor vehicle in this
2385 state while under the influence of alcoholic beverages or
2386 chemical or controlled substances.

2387 2. Whether the person whose license was suspended had an
2388 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2389 higher as provided in s. 316.193.

2390 (b) If the license was suspended for refusal to submit to a
2391 breath, blood, or urine test:

2392 1. Whether the law enforcement officer had probable cause
2393 to believe that the person whose license was suspended was
2394 driving or in actual physical control of a motor vehicle in this
2395 state while under the influence of alcoholic beverages or
2396 chemical or controlled substances.

2397 2. Whether the person whose license was suspended refused
2398 to submit to any such test after being requested to do so by a
2399 law enforcement officer or correctional officer.

2400 3. Whether the person whose license was suspended was told
2401 that if he or she refused to submit to such test his or her
2402 privilege to operate a motor vehicle would be suspended for a
2403 period of 1 year or, in the case of a second or subsequent
2404 refusal, for a period of 18 months.

2405 (8) Based on the determination of the hearing officer
2406 pursuant to subsection (7) for both informal hearings under
2407 subsection (4) and formal hearings under subsection (6), the

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2408 department shall:

2409 (a) Sustain the suspension of the person's driving
2410 privilege for a period of 1 year for a first refusal, or for a
2411 period of 18 months if the driving privilege of such person has
2412 been previously suspended as a result of a refusal to submit to
2413 such tests, if the person refused to submit to a lawful breath,
2414 blood, or urine test. The suspension period commences on the
2415 date of issuance of the notice of suspension.

2416 (b) Sustain the suspension of the person's driving
2417 privilege for a period of 6 months for a blood-alcohol level or
2418 breath-alcohol level of 0.08 or higher, or for a period of 1
2419 year if the driving privilege of such person has been previously
2420 suspended under this section as a result of driving with an
2421 unlawful alcohol level. The suspension period commences on the
2422 date of issuance of the notice of suspension.

2423 (9) A request for a formal review hearing or an informal
2424 review hearing shall not stay the suspension of the person's
2425 driver ~~driver's~~ license. If the department fails to schedule the
2426 formal review hearing ~~to be held~~ within 30 days after receipt of
2427 the request therefor, the department shall invalidate the
2428 suspension. If the scheduled hearing is continued at the
2429 department's initiative or the driver enforces the subpoena as
2430 provided in subsection (6), the department shall issue a
2431 temporary driving permit that shall be valid until the hearing
2432 is conducted if the person is otherwise eligible for the driving
2433 privilege. Such permit may not be issued to a person who sought
2434 and obtained a continuance of the hearing. The permit issued
2435 under this subsection shall authorize driving for business or
2436 employment use only.

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2437 (10) A person whose driver ~~driver's~~ license is suspended
2438 under subsection (1) or subsection (3) may apply for issuance of
2439 a license for business or employment purposes only if the person
2440 is otherwise eligible for the driving privilege pursuant to s.
2441 322.271.

2442 (a) If the suspension of the driver ~~driver's~~ license of the
2443 person for failure to submit to a breath, urine, or blood test
2444 is sustained, the person is not eligible to receive a license
2445 for business or employment purposes only, pursuant to s.
2446 322.271, until 90 days have elapsed after the expiration of the
2447 last temporary permit issued. If the driver is not issued a 10-
2448 day permit pursuant to this section or s. 322.64 because he or
2449 she is ineligible for the permit and the suspension for failure
2450 to submit to a breath, urine, or blood test is not invalidated
2451 by the department, the driver is not eligible to receive a
2452 business or employment license pursuant to s. 322.271 until 90
2453 days have elapsed from the date of the suspension.

2454 (b) If the suspension of the driver ~~driver's~~ license of the
2455 person relating to unlawful blood-alcohol level or breath-
2456 alcohol level of 0.08 or higher is sustained, the person is not
2457 eligible to receive a license for business or employment
2458 purposes only pursuant to s. 322.271 until 30 days have elapsed
2459 after the expiration of the last temporary permit issued. If the
2460 driver is not issued a 10-day permit pursuant to this section or
2461 s. 322.64 because he or she is ineligible for the permit and the
2462 suspension relating to unlawful blood-alcohol level or breath-
2463 alcohol level of 0.08 or higher is not invalidated by the
2464 department, the driver is not eligible to receive a business or
2465 employment license pursuant to s. 322.271 until 30 days have

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2466 elapsed from the date of the suspension.

2467 (11) The formal review hearing may be conducted upon a
2468 review of the reports of a law enforcement officer or a
2469 correctional officer, including documents relating to the
2470 administration of a breath test or blood test or the refusal to
2471 take either test or the refusal to take a urine test. However,
2472 as provided in subsection (6), the driver may subpoena the
2473 officer or any person who administered or analyzed a breath or
2474 blood test. If the arresting officer or the breath technician
2475 fails to appear pursuant to a subpoena as provided in subsection
2476 (6), the department shall invalidate the suspension.

2477 (12) The formal review hearing and the informal review
2478 hearing are exempt from the provisions of chapter 120. The
2479 department may adopt rules for the conduct of reviews under this
2480 section.

2481 (13) A person may appeal any decision of the department
2482 sustaining a suspension of his or her driver ~~driver's~~ license by
2483 a petition for writ of certiorari to the circuit court in the
2484 county wherein such person resides or wherein a formal or
2485 informal review was conducted pursuant to s. 322.31. However, an
2486 appeal shall not stay the suspension. A law enforcement agency
2487 may appeal any decision of the department invalidating a
2488 suspension by a petition for writ of certiorari to the circuit
2489 court in the county wherein a formal or informal review was
2490 conducted. This subsection shall not be construed to provide for
2491 a de novo review ~~appeal~~.

2492 (14) (a) The decision of the department under this section
2493 or any circuit court review thereof may not be considered in any
2494 trial for a violation of s. 316.193, and a written statement

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2495 submitted by a person in his or her request for departmental
2496 review under this section may not be admitted into evidence
2497 against him or her in any such trial.

2498 (b) The disposition of any related criminal proceedings
2499 does not affect a suspension for refusal to submit to a blood,
2500 breath, or urine test imposed under this section.

2501 (15) If the department suspends a person's license under s.
2502 322.2616, it may not also suspend the person's license under
2503 this section for the same episode that was the basis for the
2504 suspension under s. 322.2616.

2505 (16) The department shall invalidate a suspension for
2506 driving with an unlawful blood-alcohol level or breath-alcohol
2507 level imposed under this section if the suspended person is
2508 found not guilty at trial of an underlying violation of s.
2509 316.193.

2510 Section 46. Section 322.2616, Florida Statutes, is amended
2511 to read:

2512 322.2616 Suspension of license; persons under 21 years of
2513 age; right to review.—

2514 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
2515 person under the age of 21 who has a blood-alcohol or breath-
2516 alcohol level of 0.02 or higher to drive or be in actual
2517 physical control of a motor vehicle.

2518 (b) A law enforcement officer who has probable cause to
2519 believe that a motor vehicle is being driven by or is in the
2520 actual physical control of a person who is under the age of 21
2521 while under the influence of alcoholic beverages or who has any
2522 blood-alcohol or breath-alcohol level may lawfully detain such a
2523 person and may request that person to submit to a test to

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2524 determine his or her blood-alcohol or breath-alcohol level.

2525 (2) (a) A law enforcement officer or correctional officer
2526 shall, on behalf of the department, suspend the driving
2527 privilege of such person if the person has a blood-alcohol or
2528 breath-alcohol level of 0.02 or higher. The officer shall also
2529 suspend, on behalf of the department, the driving privilege of a
2530 person who has refused to submit to a test as provided by
2531 paragraph (b). The officer shall take the person's driver
2532 ~~driver's~~ license and issue the person a 10-day temporary driving
2533 permit if the person is otherwise eligible for the driving
2534 privilege and shall issue the person a notice of suspension.

2535 (b) The suspension under paragraph (a) must be pursuant to,
2536 and the notice of suspension must inform the driver of, the
2537 following:

2538 1.a. The driver refused to submit to a lawful breath test
2539 and his or her driving privilege is suspended for a period of 1
2540 year for a first refusal or for a period of 18 months if his or
2541 her driving privilege has been previously suspended as provided
2542 in this section as a result of a refusal to submit to a test; or

2543 b. The driver was under the age of 21 and was driving or in
2544 actual physical control of a motor vehicle while having a blood-
2545 alcohol or breath-alcohol level of 0.02 or higher; and the
2546 person's driving privilege is suspended for a period of 6 months
2547 for a first violation, or for a period of 1 year if his or her
2548 driving privilege has been previously suspended as provided in
2549 this section for driving or being in actual physical control of
2550 a motor vehicle with a blood-alcohol or breath-alcohol level of
2551 0.02 or higher.

2552 2. The suspension period commences on the date of issuance

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2553 of the notice of suspension.

2554 3. The driver may request a formal or informal review of
2555 the suspension by the department within 10 days after the
2556 issuance of the notice of suspension.

2557 4. A temporary permit issued at the time of the issuance of
2558 the notice of suspension shall not become effective until after
2559 12 hours have elapsed and will expire at midnight of the 10th
2560 day following the date of issuance.

2561 5. The driver may submit to the department any materials
2562 relevant to the suspension of his or her license.

2563 (c) When a driver subject to this section has a blood-
2564 alcohol or breath-alcohol level of 0.05 or higher, the
2565 suspension shall remain in effect until such time as the driver
2566 has completed a substance abuse course offered by a DUI program
2567 licensed by the department. The driver shall assume the
2568 reasonable costs for the substance abuse course. As part of the
2569 substance abuse course, the program shall conduct a substance
2570 abuse evaluation of the driver, and notify the parents or legal
2571 guardians of drivers under the age of 19 years of the results of
2572 the evaluation. The term "substance abuse" means the abuse of
2573 alcohol or any substance named or described in Schedules I
2574 through V of s. 893.03. If a driver fails to complete the
2575 substance abuse education course and evaluation, the driver
2576 ~~driver's~~ license shall not be reinstated by the department.

2577 (d) A minor under the age of 18 years proven to be driving
2578 with a blood-alcohol or breath-alcohol level of 0.02 or higher
2579 may be taken by a law enforcement officer to the addictions
2580 receiving facility in the county in which the minor is found to
2581 be so driving, if the county makes the addictions receiving

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2582 facility available for such purpose.

2583 (3) The law enforcement officer shall forward to the
2584 department, within 5 days after the date of the issuance of the
2585 notice of suspension, a copy of the notice of suspension, the
2586 driver ~~driver's~~ license of the person receiving the notice of
2587 suspension, and an affidavit stating the officer's grounds for
2588 belief that the person was under the age of 21 and was driving
2589 or in actual physical control of a motor vehicle with any blood-
2590 alcohol or breath-alcohol level, and the results of any blood or
2591 breath test or an affidavit stating that a breath test was
2592 requested by a law enforcement officer or correctional officer
2593 and that the person refused to submit to such test. The failure
2594 of the officer to submit materials within the 5-day period
2595 specified in this subsection does not bar the department from
2596 considering any materials submitted at or before the hearing.

2597 (4) If the department finds that the license of the person
2598 should be suspended under this section and if the notice of
2599 suspension has not already been served upon the person by a law
2600 enforcement officer or correctional officer as provided in
2601 subsection (2), the department shall issue a notice of
2602 suspension and, unless the notice is mailed under s. 322.251, a
2603 temporary driving permit that expires 10 days after the date of
2604 issuance if the driver is otherwise eligible.

2605 (5) If the person whose license is suspended requests an
2606 informal review under subparagraph (2)(b)3., the department
2607 shall conduct the informal review by a hearing officer
2608 designated ~~employed~~ by the department within 30 days after the
2609 request is received by the department and shall issue such
2610 person a temporary driving permit for business purposes only to

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2611 expire on the date that such review is scheduled to be conducted
2612 if the person is otherwise eligible. The informal review hearing
2613 must consist solely of an examination by the department of the
2614 materials submitted by a law enforcement officer or correctional
2615 officer and by the person whose license is suspended, and the
2616 presence of an officer or witness is not required.

2617 (6) After completion of the informal review, notice of the
2618 department's decision sustaining, amending, or invalidating the
2619 suspension of the driver ~~driver's~~ license must be provided to
2620 the person. The notice must be mailed to the person at the last
2621 known address shown on the department's records, or to the
2622 address provided in the law enforcement officer's report if such
2623 address differs from the address of record, within 7 days after
2624 completing the review.

2625 (7) (a) If the person whose license is suspended requests a
2626 formal review, the department must schedule a hearing to be held
2627 within 30 days after the request is received by the department
2628 and must notify the person of the date, time, and place of the
2629 hearing and shall issue such person a temporary driving permit
2630 for business purposes only to expire on the date that such
2631 review is scheduled to be conducted if the person is otherwise
2632 eligible.

2633 (b) The formal review hearing must be held before a hearing
2634 officer designated ~~employed~~ by the department, and the hearing
2635 officer may administer oaths, examine witnesses and take
2636 testimony, receive relevant evidence, issue subpoenas, regulate
2637 the course and conduct of the hearing, and make a ruling on the
2638 suspension. The hearing officer may conduct hearings using
2639 communications technology. The department and the person whose

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2640 license was suspended may subpoena witnesses, and the party
2641 requesting the presence of a witness is responsible for paying
2642 any witness fees and for notifying in writing the state
2643 attorney's office in the appropriate circuit of the issuance of
2644 the subpoena. If the person who requests a formal review hearing
2645 fails to appear and the hearing officer finds the failure to be
2646 without just cause, the right to a formal hearing is waived and
2647 the suspension is sustained.

2648 (c) The failure of a subpoenaed witness to appear at the
2649 formal review hearing shall not be grounds to invalidate the
2650 suspension. If a witness fails to appear, a party may seek
2651 enforcement of a subpoena under paragraph (b) by filing a
2652 petition for enforcement in the circuit court of the judicial
2653 circuit in which the person failing to comply with the subpoena
2654 resides. A failure to comply with an order of the court
2655 constitutes contempt of court. However, a person may not be held
2656 in contempt while a subpoena is being challenged.

2657 (d) The department must, within 7 working days after a
2658 formal review hearing, send notice to the person of the hearing
2659 officer's decision as to whether sufficient cause exists to
2660 sustain, amend, or invalidate the suspension.

2661 (8) In a formal review hearing under subsection (7) or an
2662 informal review hearing under subsection (5), the hearing
2663 officer shall determine by a preponderance of the evidence
2664 whether sufficient cause exists to sustain, amend, or invalidate
2665 the suspension. The scope of the review is limited to the
2666 following issues:

2667 (a) If the license was suspended because the individual,
2668 then under the age of 21, drove with a blood-alcohol or breath-

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2669 alcohol level of 0.02 or higher:

2670 1. Whether the law enforcement officer had probable cause
2671 to believe that the person was under the age of 21 and was
2672 driving or in actual physical control of a motor vehicle in this
2673 state with any blood-alcohol or breath-alcohol level or while
2674 under the influence of alcoholic beverages.

2675 2. Whether the person was under the age of 21.

2676 3. Whether the person had a blood-alcohol or breath-alcohol
2677 level of 0.02 or higher.

2678 (b) If the license was suspended because of the
2679 individual's refusal to submit to a breath test:

2680 1. Whether the law enforcement officer had probable cause
2681 to believe that the person was under the age of 21 and was
2682 driving or in actual physical control of a motor vehicle in this
2683 state with any blood-alcohol or breath-alcohol level or while
2684 under the influence of alcoholic beverages.

2685 2. Whether the person was under the age of 21.

2686 3. Whether the person refused to submit to a breath test
2687 after being requested to do so by a law enforcement officer or
2688 correctional officer.

2689 4. Whether the person was told that if he or she refused to
2690 submit to a breath test his or her privilege to operate a motor
2691 vehicle would be suspended for a period of 1 year or, in the
2692 case of a second or subsequent refusal, for a period of 18
2693 months.

2694 (9) Based on the determination of the hearing officer under
2695 subsection (8) for both informal hearings under subsection (5)
2696 and formal hearings under subsection (7), the department shall:

2697 (a) Sustain the suspension of the person's driving

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2698 privilege for a period of 1 year for a first refusal, or for a
2699 period of 18 months if the driving privilege of the person has
2700 been previously suspended, as provided in this section, as a
2701 result of a refusal to submit to a test. The suspension period
2702 commences on the date of the issuance of the notice of
2703 suspension.

2704 (b) Sustain the suspension of the person's driving
2705 privilege for a period of 6 months for driving or being in
2706 actual physical control of a motor vehicle while under the age
2707 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
2708 higher, or for a period of 1 year if the driving privilege of
2709 such person has been previously suspended under this section.
2710 The suspension period commences on the date of the issuance of
2711 the notice of suspension.

2712 (10) A request for a formal review hearing or an informal
2713 review hearing shall not stay the suspension of the person's
2714 driver ~~driver's~~ license. If the department fails to schedule the
2715 formal review hearing ~~to be held~~ within 30 days after receipt of
2716 the request therefor, the department shall invalidate the
2717 suspension. If the scheduled hearing is continued at the
2718 department's initiative or the driver enforces the subpoena as
2719 provided in subsection (7), the department shall issue a
2720 temporary driving permit that is valid until the hearing is
2721 conducted if the person is otherwise eligible for the driving
2722 privilege. The permit shall not be issued to a person who
2723 requested a continuance of the hearing. The permit issued under
2724 this subsection authorizes driving for business or employment
2725 use only.

2726 (11) A person whose driver ~~driver's~~ license is suspended

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2727 under subsection (2) or subsection (4) may apply for issuance of
2728 a license for business or employment purposes only, pursuant to
2729 s. 322.271, if the person is otherwise eligible for the driving
2730 privilege. However, such a license may not be issued until 30
2731 days have elapsed after the expiration of the last temporary
2732 driving permit issued under this section.

2733 (12) The formal review hearing may be conducted upon a
2734 review of the reports of a law enforcement officer or
2735 correctional officer, including documents relating to the
2736 administration of a breath test or the refusal to take a test.
2737 However, as provided in subsection (7), the driver may subpoena
2738 the officer or any person who administered a breath or blood
2739 test. If the officer who suspended the driving privilege fails
2740 to appear pursuant to a subpoena as provided in subsection (7),
2741 the department shall invalidate the suspension.

2742 (13) The formal review hearing and the informal review
2743 hearing are exempt from chapter 120. The department may adopt
2744 rules for conducting reviews under this section.

2745 (14) A person may appeal any decision of the department
2746 sustaining a suspension of his or her driver ~~driver's~~ license by
2747 a petition for writ of certiorari to the circuit court in the
2748 county wherein such person resides or wherein a formal or
2749 informal review was conducted under s. 322.31. However, an
2750 appeal does not stay the suspension. This subsection does not
2751 provide for a de novo review ~~appeal~~.

2752 (15) The decision of the department under this section
2753 shall not be considered in any trial for a violation of s.
2754 316.193, nor shall any written statement submitted by a person
2755 in his or her request for departmental review under this section

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2756 be admissible into evidence against him or her in any such
2757 trial. The disposition of any related criminal proceedings shall
2758 not affect a suspension imposed under this section.

2759 (16) By applying for and accepting and using a driver
2760 ~~driver's~~ license, a person under the age of 21 years who holds
2761 the driver ~~driver's~~ license is deemed to have expressed his or
2762 her consent to the provisions of this section.

2763 (17) A breath test to determine breath-alcohol level
2764 pursuant to this section may be conducted as authorized by s.
2765 316.1932 or by a breath-alcohol test device listed in the United
2766 States Department of Transportation's conforming-product list of
2767 evidential breath-measurement devices. The reading from such a
2768 device is presumed accurate and is admissible in evidence in any
2769 administrative hearing conducted under this section.

2770 (18) The result of a blood test obtained during an
2771 investigation conducted under s. 316.1932 or s. 316.1933 may be
2772 used to suspend the driving privilege of a person under this
2773 section.

2774 (19) A violation of this section is neither a traffic
2775 infraction nor a criminal offense, nor does being detained
2776 pursuant to this section constitute an arrest. A violation of
2777 this section is subject to the administrative action provisions
2778 of this section, which are administered by the department
2779 through its administrative processes. Administrative actions
2780 taken pursuant to this section shall be recorded in the motor
2781 vehicle records maintained by the department. This section does
2782 not bar prosecution under s. 316.193. However, if the department
2783 suspends a person's license under s. 322.2615 for a violation of
2784 s. 316.193, it may not also suspend the person's license under

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2785 this section for the same episode that was the basis for the
2786 suspension under s. 322.2615.

2787 Section 47. Subsections (4) and (5) of section 322.271,
2788 Florida Statutes, are amended, and subsection (7) is added to
2789 that section, to read:

2790 322.271 Authority to modify revocation, cancellation, or
2791 suspension order.—

2792 (4) Notwithstanding the provisions of s. 322.28(2)(d)
2793 ~~322.28(2)(e)~~, a person whose driving privilege has been
2794 permanently revoked because he or she has been convicted of DUI
2795 manslaughter in violation of s. 316.193 and has no prior
2796 convictions for DUI-related offenses may, upon the expiration of
2797 5 years after the date of such revocation or the expiration of 5
2798 years after the termination of any term of incarceration under
2799 s. 316.193 or former s. 316.1931, whichever date is later,
2800 petition the department for reinstatement of his or her driving
2801 privilege.

2802 (a) Within 30 days after the receipt of such a petition,
2803 the department shall afford the petitioner an opportunity for a
2804 hearing. At the hearing, the petitioner must demonstrate to the
2805 department that he or she:

2806 1. Has not been arrested for a drug-related offense during
2807 the 5 years preceding the filing of the petition;

2808 2. Has not driven a motor vehicle without a license for at
2809 least 5 years prior to the hearing;

2810 3. Has been drug-free for at least 5 years prior to the
2811 hearing; and

2812 4. Has completed a DUI program licensed by the department.

2813 (b) At such hearing, the department shall determine the

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2814 petitioner's qualification, fitness, and need to drive. Upon
2815 such determination, the department may, in its discretion,
2816 reinstate the driver ~~driver's~~ license of the petitioner. Such
2817 reinstatement must be made subject to the following
2818 qualifications:

2819 1. The license must be restricted for employment purposes
2820 for at least ~~not less than~~ 1 year; and

2821 2. Such person must be supervised by a DUI program licensed
2822 by the department and report to the program for such supervision
2823 and education at least four times a year or additionally as
2824 required by the program for the remainder of the revocation
2825 period. Such supervision shall include evaluation, education,
2826 referral into treatment, and other activities required by the
2827 department.

2828 (c) Such person must assume the reasonable costs of
2829 supervision. If such person fails to comply with the required
2830 supervision, the program shall report the failure to the
2831 department, and the department shall cancel such person's
2832 driving privilege.

2833 (d) If, after reinstatement, such person is convicted of an
2834 offense for which mandatory revocation of his or her license is
2835 required, the department shall revoke his or her driving
2836 privilege.

2837 (e) The department shall adopt rules regulating the
2838 providing of services by DUI programs pursuant to this section.

2839 (5) Notwithstanding the provisions of s. 322.28(2)(d)
2840 ~~322.28(2)(e)~~, a person whose driving privilege has been
2841 permanently revoked because he or she has been convicted four or
2842 more times of violating s. 316.193 or former s. 316.1931 may,

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2843 upon the expiration of 5 years after the date of the last
2844 conviction or the expiration of 5 years after the termination of
2845 any incarceration under s. 316.193 or former s. 316.1931,
2846 whichever is later, petition the department for reinstatement of
2847 his or her driving privilege.

2848 (a) Within 30 days after receipt of a petition, the
2849 department shall provide for a hearing, at which the petitioner
2850 must demonstrate that he or she:

2851 1. Has not been arrested for a drug-related offense for at
2852 least 5 years prior to filing the petition;

2853 2. Has not driven a motor vehicle without a license for at
2854 least 5 years prior to the hearing;

2855 3. Has been drug-free for at least 5 years prior to the
2856 hearing; and

2857 4. Has completed a DUI program licensed by the department.

2858 (b) At the hearing, the department shall determine the
2859 petitioner's qualification, fitness, and need to drive, and may,
2860 after such determination, reinstate the petitioner's driver
2861 ~~driver's~~ license. The reinstatement shall be subject to the
2862 following qualifications:

2863 1. The petitioner's license must be restricted for
2864 employment purposes for at least ~~not less than~~ 1 year; and

2865 2. The petitioner must be supervised by a DUI program
2866 licensed by the department and must report to the program for
2867 supervision and education at least four times a year or more, as
2868 required by the program, for the remainder of the revocation
2869 period. The supervision shall include evaluation, education,
2870 referral into treatment, and other activities required by the
2871 department.

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2872 (c) The petitioner must assume the reasonable costs of
2873 supervision. If the petitioner does not comply with the required
2874 supervision, the program shall report the failure to the
2875 department, and the department shall cancel such person's
2876 driving privilege.

2877 (d) If, after reinstatement, the petitioner is convicted of
2878 an offense for which mandatory license revocation is required,
2879 the department shall revoke his or her driving privilege.

2880 (e) The department shall adopt rules regulating the
2881 services provided by DUI programs pursuant to this section.

2882 (7) A person who has never had a driver license suspended
2883 under s. 322.2615, has never been disqualified under s. 322.64,
2884 has never been convicted of a violation of s. 316.193, has never
2885 applied for a business purposes only license, as defined in this
2886 section, whose driving privilege has been suspended pursuant to
2887 this section may apply for a business purposes only driver
2888 license without a hearing if the person meets the requirements
2889 of this section and s. 322.291, and is otherwise eligible for a
2890 driver license.

2891 (a) For purposes of this subsection, a previous conviction
2892 outside of this state for driving under the influence, driving
2893 while intoxicated, driving with an unlawful blood-alcohol level,
2894 or any other alcohol-related or drug-related traffic offense
2895 similar to the offense of driving under the influence as
2896 provided in s. 316.193 will be considered a previous conviction
2897 for a violation of s. 316.193, and a conviction for violation of
2898 former s. 316.028, former s. 316.1931, or former s. 860.01 is
2899 considered a conviction for a violation of s. 316.193.

2900 (b) The reinstatement shall be restricted to business

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2901 purposes only for the duration of the suspension imposed under
2902 s. 322.2615.

2903 (c) Acceptance of the reinstated driving privilege as
2904 provided in this subsection is deemed a waiver of the right to
2905 formal and informal review under s. 322.2615. The waiver may not
2906 be used as evidence in any other proceeding.

2907 Section 48. Section 322.2715, Florida Statutes, is amended
2908 to read:

2909 322.2715 Ignition interlock device.—

2910 (1) Before issuing a permanent or restricted driver
2911 ~~driver's~~ license under this chapter, the department shall
2912 require the placement of a department-approved ignition
2913 interlock device for any person convicted of committing an
2914 offense of driving under the influence as specified in
2915 subsection (3), except that consideration may be given to those
2916 individuals having a documented medical condition that would
2917 prohibit the device from functioning normally. If a medical
2918 waiver has been granted for a convicted person seeking a
2919 restricted license, the convicted person shall not be entitled
2920 to a restricted license until the required ignition interlock
2921 device installation period under subsection (3) expires, in
2922 addition to the time requirements under s. 322.271. If a medical
2923 waiver has been approved for a convicted person seeking
2924 permanent reinstatement of the driver license, the convicted
2925 person must be restricted to an employment-purposes-only license
2926 and be supervised by a licensed DUI program until the required
2927 ignition interlock device installation period under subsection
2928 (3) expires. An interlock device shall be placed on all vehicles
2929 that are individually or jointly leased or owned and routinely

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2930 operated by the convicted person.

2931 (2) For purposes of this section, any conviction for a
2932 violation of s. 316.193, a previous conviction for a violation
2933 of former s. 316.1931, or a conviction outside this state for
2934 driving under the influence, driving while intoxicated, driving
2935 with an unlawful blood-alcohol level, or any other similar
2936 alcohol-related or drug-related traffic offense is a conviction
2937 of driving under the influence.

2938 (3) If the person is convicted of:

2939 (a) A first offense of driving under the influence under s.
2940 316.193 and has an unlawful blood-alcohol level or breath-
2941 alcohol level as specified in s. 316.193(4), or if a person is
2942 convicted of a violation of s. 316.193 and was at the time of
2943 the offense accompanied in the vehicle by a person younger than
2944 18 years of age, the person shall have the ignition interlock
2945 device installed for at least ~~not less than~~ 6 continuous months
2946 for the first offense and for at least ~~not less than~~ 2
2947 continuous years for a second offense.

2948 (b) A second offense of driving under the influence, the
2949 ignition interlock device shall be installed for a period of at
2950 least ~~not less than~~ 1 continuous year.

2951 (c) A third offense of driving under the influence which
2952 occurs within 10 years after a prior conviction for a violation
2953 of s. 316.193, the ignition interlock device shall be installed
2954 for a period of at least ~~not less than~~ 2 continuous years.

2955 (d) A third offense of driving under the influence which
2956 occurs more than 10 years after the date of a prior conviction,
2957 the ignition interlock device shall be installed for a period of
2958 at least ~~not less than~~ 2 continuous years.

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2959 (e) A fourth or subsequent offense of driving under the
2960 influence, the ignition interlock device shall be installed for
2961 a period of at least ~~not less than~~ 5 years.

2962 (4) If the court fails to order the mandatory placement of
2963 the ignition interlock device or fails to order for the
2964 applicable period the mandatory placement of an ignition
2965 interlock device under s. 316.193 or s. 316.1937 at the time of
2966 imposing sentence or within 30 days thereafter, the department
2967 shall immediately require that the ignition interlock device be
2968 installed as provided in this section, except that consideration
2969 may be given to those individuals having a documented medical
2970 condition that would prohibit the device from functioning
2971 normally. This subsection applies to the reinstatement of the
2972 driving privilege following a revocation, suspension, or
2973 cancellation that is based upon a conviction for the offense of
2974 driving under the influence which occurs on or after July 1,
2975 2005.

2976 (5) In addition to any fees authorized by rule for the
2977 installation and maintenance of the ignition interlock device,
2978 the authorized installer of the device shall collect and remit
2979 \$12 for each installation to the department, which shall be
2980 deposited into the Highway Safety Operating Trust Fund to be
2981 used for the operation of the Ignition Interlock Device Program.

2982 Section 49. Section 322.28, Florida Statutes, is amended to
2983 read:

2984 322.28 Period of suspension or revocation.—

2985 (1) Unless otherwise provided by this section, the
2986 department shall not suspend a license for a period of more than
2987 1 year and, upon revoking a license, in any case except in a

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2988 prosecution for the offense of driving a motor vehicle while
2989 under the influence of alcoholic beverages, chemical substances
2990 as set forth in s. 877.111, or controlled substances, shall not
2991 in any event grant a new license until the expiration of 1 year
2992 after such revocation.

2993 (2) In a prosecution for a violation of s. 316.193 or
2994 former s. 316.1931, the following provisions apply:

2995 (a) Upon conviction of the driver, the court, along with
2996 imposing sentence, shall revoke the driver ~~driver's~~ license or
2997 driving privilege of the person so convicted, effective on the
2998 date of conviction, and shall prescribe the period of such
2999 revocation in accordance with the following provisions:

3000 1. Upon a first conviction for a violation of the
3001 provisions of s. 316.193, except a violation resulting in death,
3002 the driver ~~driver's~~ license or driving privilege shall be
3003 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
3004 1 year.

3005 2. Upon a second conviction for an offense that occurs
3006 within a period of 5 years after the date of a prior conviction
3007 for a violation of the provisions of s. 316.193 or former s.
3008 316.1931 or a combination of such sections, the driver ~~driver's~~
3009 license or driving privilege shall be revoked for at least ~~not~~
3010 ~~less than~~ 5 years.

3011 3. Upon a third conviction for an offense that occurs
3012 within a period of 10 years after the date of a prior conviction
3013 for the violation of the provisions of s. 316.193 or former s.
3014 316.1931 or a combination of such sections, the driver ~~driver's~~
3015 license or driving privilege shall be revoked for at least ~~not~~
3016 ~~less than~~ 10 years.

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3017

3018 For the purposes of this paragraph, a previous conviction
3019 outside this state for driving under the influence, driving
3020 while intoxicated, driving with an unlawful blood-alcohol level,
3021 or any other alcohol-related or drug-related traffic offense
3022 similar to the offense of driving under the influence as
3023 proscribed by s. 316.193 will be considered a previous
3024 conviction for violation of s. 316.193, and a conviction for
3025 violation of former s. 316.028, former s. 316.1931, or former s.
3026 860.01 is considered a conviction for violation of s. 316.193.

3027 (b) If the period of revocation was not specified by the
3028 court at the time of imposing sentence or within 30 days
3029 thereafter, and is not otherwise specified by law, the
3030 department shall forthwith revoke the driver ~~driver's~~ license or
3031 driving privilege for the maximum period applicable under
3032 paragraph (a) for a first conviction and for the minimum period
3033 applicable under paragraph (a) for any subsequent convictions.
3034 The driver may, within 30 days after such revocation by the
3035 department, petition the court for further hearing on the period
3036 of revocation, and the court may reopen the case and determine
3037 the period of revocation within the limits specified in
3038 paragraph (a).

3039 (c) The forfeiture of bail bond, not vacated within 20
3040 days, in any prosecution for the offense of driving while under
3041 the influence of alcoholic beverages, chemical substances, or
3042 controlled substances to the extent of depriving the defendant
3043 of his or her normal faculties shall be deemed equivalent to a
3044 conviction for the purposes of this paragraph, and the
3045 department shall forthwith revoke the defendant's driver

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3046 ~~driver's~~ license or driving privilege for the maximum period
3047 applicable under paragraph (a) for a first conviction and for
3048 the minimum period applicable under paragraph (a) for a second
3049 or subsequent conviction; however, if the defendant is later
3050 convicted of the charge, the period of revocation imposed by the
3051 department for such conviction shall not exceed the difference
3052 between the applicable maximum for a first conviction or minimum
3053 for a second or subsequent conviction and the revocation period
3054 under this subsection that has actually elapsed; upon conviction
3055 of such charge, the court may impose revocation for a period of
3056 time as specified in paragraph (a). This paragraph does not
3057 apply if an appropriate motion contesting the forfeiture is
3058 filed within the 20-day period.

3059 ~~(d) When any driver's license or driving privilege has been~~
3060 ~~revoked pursuant to the provisions of this section, the~~
3061 ~~department shall not grant a new license, except upon~~
3062 ~~reexamination of the licensee after the expiration of the period~~
3063 ~~of revocation so prescribed. However, the court may, in its~~
3064 ~~sound discretion, issue an order of reinstatement on a form~~
3065 ~~furnished by the department which the person may take to any~~
3066 ~~driver's license examining office for reinstatement by the~~
3067 ~~department pursuant to s. 322.282.~~

3068 ~~(d)~~ (e) The court shall permanently revoke the driver
3069 ~~driver's~~ license or driving privilege of a person who has been
3070 convicted four times for violation of s. 316.193 or former s.
3071 316.1931 or a combination of such sections. The court shall
3072 permanently revoke the driver ~~driver's~~ license or driving
3073 privilege of any person who has been convicted of DUI
3074 manslaughter in violation of s. 316.193. If the court has not

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3075 permanently revoked such driver ~~driver's~~ license or driving
3076 privilege within 30 days after imposing sentence, the department
3077 shall permanently revoke the driver ~~driver's~~ license or driving
3078 privilege pursuant to this paragraph. No driver ~~driver's~~ license
3079 or driving privilege may be issued or granted to any such
3080 person. This paragraph applies only if at least one of the
3081 convictions for violation of s. 316.193 or former s. 316.1931
3082 was for a violation that occurred after July 1, 1982. For the
3083 purposes of this paragraph, a conviction for violation of former
3084 s. 316.028, former s. 316.1931, or former s. 860.01 is also
3085 considered a conviction for violation of s. 316.193. Also, a
3086 conviction of driving under the influence, driving while
3087 intoxicated, driving with an unlawful blood-alcohol level, or
3088 any other similar alcohol-related or drug-related traffic
3089 offense outside this state is considered a conviction for the
3090 purposes of this paragraph.

3091 (e) Convictions that occur on the same date resulting from
3092 separate offense dates shall be treated as separate convictions,
3093 and the offense that occurred earlier will be deemed a prior
3094 conviction for the purposes of this section.

3095 (3) The court shall permanently revoke the driver ~~driver's~~
3096 license or driving privilege of a person who has been convicted
3097 of murder resulting from the operation of a motor vehicle. No
3098 driver ~~driver's~~ license or driving privilege may be issued or
3099 granted to any such person.

3100 (4) (a) Upon a conviction for a violation of s.
3101 316.193(3)(c)2., involving serious bodily injury, a conviction
3102 of manslaughter resulting from the operation of a motor vehicle,
3103 or a conviction of vehicular homicide, the court shall revoke

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3104 the driver ~~driver's~~ license of the person convicted for a
3105 minimum period of 3 years. If a conviction under s.
3106 316.193(3)(c)2., involving serious bodily injury, is also a
3107 subsequent conviction as described under paragraph (2)(a), the
3108 court shall revoke the driver ~~driver's~~ license or driving
3109 privilege of the person convicted for the period applicable as
3110 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3111 (b) If the period of revocation was not specified by the
3112 court at the time of imposing sentence or within 30 days
3113 thereafter, the department shall revoke the driver ~~driver's~~
3114 license for the minimum period applicable under paragraph (a)
3115 or, for a subsequent conviction, for the minimum period
3116 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3117 (5) A court may not stay the administrative suspension of a
3118 driving privilege under s. 322.2615 or s. 322.2616 during
3119 judicial review of the departmental order that resulted in such
3120 suspension, and a suspension or revocation of a driving
3121 privilege may not be stayed upon an appeal of the conviction or
3122 order that resulted in the suspension or revocation.

3123 (6) In a prosecution for a violation of s. 316.172(1), and
3124 upon a showing of the department's records that the licensee has
3125 received a second conviction within 5 years following the date
3126 of a prior conviction of s. 316.172(1), the department shall,
3127 upon direction of the court, suspend the driver ~~driver's~~ license
3128 of the person convicted for a period of at least ~~not less than~~
3129 90 days but not ~~or~~ more than 6 months.

3130 (7) Following a second or subsequent violation of s.
3131 796.07(2)(f) which involves a motor vehicle and which results in
3132 any judicial disposition other than acquittal or dismissal, in

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3133 addition to any other sentence imposed, the court shall revoke
3134 the person's driver ~~driver's~~ license or driving privilege,
3135 effective upon the date of the disposition, for a period of at
3136 least ~~not less than~~ 1 year. A person sentenced under this
3137 subsection may request a hearing under s. 322.271.

3138 Section 50. Section 322.331, Florida Statutes, is repealed.

3139 Section 51. Section 322.61, Florida Statutes, is amended to
3140 read:

3141 322.61 Disqualification from operating a commercial motor
3142 vehicle.—

3143 (1) A person who, for offenses occurring within a 3-year
3144 period, is convicted of two of the following serious traffic
3145 violations or any combination thereof, arising in separate
3146 incidents committed in a commercial motor vehicle shall, in
3147 addition to any other applicable penalties, be disqualified from
3148 operating a commercial motor vehicle for a period of 60 days. A
3149 holder of a commercial driver ~~driver's~~ license or commercial
3150 learner's permit who, for offenses occurring within a 3-year
3151 period, is convicted of two of the following serious traffic
3152 violations, or any combination thereof, arising in separate
3153 incidents committed in a noncommercial motor vehicle shall, in
3154 addition to any other applicable penalties, be disqualified from
3155 operating a commercial motor vehicle for a period of 60 days if
3156 such convictions result in the suspension, revocation, or
3157 cancellation of the licenseholder's driving privilege:

3158 (a) A violation of any state or local law relating to motor
3159 vehicle traffic control, other than a parking violation, ~~a~~
3160 ~~weight violation, or a vehicle equipment violation,~~ arising in
3161 connection with a crash resulting in death ~~or personal injury to~~

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3162 any person;

3163 (b) Reckless driving, as defined in s. 316.192;

3164 ~~(c) Careless driving, as defined in s. 316.1925;~~

3165 ~~(d) Fleeing or attempting to elude a law enforcement~~

3166 ~~officer, as defined in s. 316.1935;~~

3167 (c) ~~(e)~~ Unlawful speed of 15 miles per hour or more above

3168 the posted speed limit;

3169 ~~(f) Driving a commercial motor vehicle, owned by such~~

3170 ~~person, which is not properly insured;~~

3171 (d) ~~(g)~~ Improper lane change, as defined in s. 316.085;

3172 (e) ~~(h)~~ Following too closely, as defined in s. 316.0895;

3173 (f) ~~(i)~~ Driving a commercial vehicle without obtaining a

3174 commercial driver ~~driver's~~ license;

3175 (g) ~~(j)~~ Driving a commercial vehicle without the proper

3176 class of commercial driver ~~driver's~~ license or commercial

3177 learner's permit or without the proper endorsement; or

3178 (h) ~~(k)~~ Driving a commercial vehicle without a commercial

3179 driver ~~driver's~~ license or commercial learner's permit in

3180 possession, as required by s. 322.03. ~~Any individual who~~

3181 ~~provides proof to the clerk of the court or designated official~~

3182 ~~in the jurisdiction where the citation was issued, by the date~~

3183 ~~the individual must appear in court or pay any fine for such a~~

3184 ~~violation, that the individual held a valid commercial driver's~~

3185 ~~license on the date the citation was issued is not guilty of~~

3186 ~~this offense.~~

3187 (2) (a) Any person who, for offenses occurring within a 3-

3188 year period, is convicted of three serious traffic violations

3189 specified in subsection (1) or any combination thereof, arising

3190 in separate incidents committed in a commercial motor vehicle

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3191 shall, in addition to any other applicable penalties, including
3192 but not limited to the penalty provided in subsection (1), be
3193 disqualified from operating a commercial motor vehicle for a
3194 period of 120 days.

3195 (b) A holder of a commercial driver ~~driver's~~ license or
3196 commercial learner's permit who, for offenses occurring within a
3197 3-year period, is convicted of three serious traffic violations
3198 specified in subsection (1) or any combination thereof arising
3199 in separate incidents committed in a noncommercial motor vehicle
3200 shall, in addition to any other applicable penalties, including,
3201 but not limited to, the penalty provided in subsection (1), be
3202 disqualified from operating a commercial motor vehicle for a
3203 period of 120 days if such convictions result in the suspension,
3204 revocation, or cancellation of the licenseholder's driving
3205 privilege.

3206 (3) (a) Except as provided in subsection (4), any person who
3207 is convicted of one of the offenses listed in paragraph (b)
3208 while operating a commercial motor vehicle shall, in addition to
3209 any other applicable penalties, be disqualified from operating a
3210 commercial motor vehicle for a period of 1 year.

3211 (b) Except as provided in subsection (4), any holder of a
3212 commercial driver license or commercial learner's permit who is
3213 convicted of one of the offenses listed in this paragraph while
3214 operating a noncommercial motor vehicle shall, in addition to
3215 any other applicable penalties, be disqualified from operating a
3216 commercial motor vehicle for a period of 1 year:

- 3217 1. Driving a motor vehicle while he or she is under the
3218 influence of alcohol or a controlled substance;
3219 2. Driving a commercial motor vehicle while the alcohol

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3220 concentration of his or her blood, breath, or urine is .04
3221 percent or higher;

3222 3. Leaving the scene of a crash involving a motor vehicle
3223 driven by such person;

3224 4. Using a motor vehicle in the commission of a felony;

3225 ~~5. Driving a commercial motor vehicle while in possession~~
3226 ~~of a controlled substance;~~

3227 ~~5.6.~~ Refusing to submit to a test to determine his or her
3228 alcohol concentration while driving a motor vehicle;

3229 6. Driving a commercial motor vehicle when, as a result of
3230 prior violations committed operating a commercial motor vehicle,
3231 his or her commercial driver license or commercial learner's
3232 permit is revoked, suspended, or canceled, or he or she is
3233 disqualified from operating a commercial motor vehicle; or

3234 ~~7. Driving a commercial vehicle while the licenseholder's~~
3235 ~~commercial driver license is suspended, revoked, or canceled or~~
3236 ~~while the licenseholder is disqualified from driving a~~
3237 ~~commercial vehicle; or~~

3238 ~~7.8.~~ Causing a fatality through the negligent operation of
3239 a commercial motor vehicle.

3240 (4) Any person who is transporting hazardous materials as
3241 defined in s. 322.01(24) shall, upon conviction of an offense
3242 specified in subsection (3), be disqualified from operating a
3243 commercial motor vehicle for a period of 3 years. The penalty
3244 provided in this subsection shall be in addition to any other
3245 applicable penalty.

3246 (5) A person who is convicted of two violations specified
3247 in subsection (3) which were committed while operating a
3248 commercial motor vehicle, or any combination thereof, arising in

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3249 separate incidents shall be permanently disqualified from
3250 operating a commercial motor vehicle. A holder of a commercial
3251 driver license or commercial learner's permit who is convicted
3252 of two violations specified in subsection (3) which were
3253 committed while operating any motor vehicle arising in separate
3254 incidents shall be permanently disqualified from operating a
3255 commercial motor vehicle. The penalty provided in this
3256 subsection is in addition to any other applicable penalty.

3257 (6) Notwithstanding subsections (3), (4), and (5), any
3258 person who uses a commercial motor vehicle in the commission of
3259 any felony involving the manufacture, distribution, or
3260 dispensing of a controlled substance, including possession with
3261 intent to manufacture, distribute, or dispense a controlled
3262 substance, shall, upon conviction of such felony, be permanently
3263 disqualified from operating a commercial motor vehicle.

3264 Notwithstanding subsections (3), (4), and (5), any holder of a
3265 commercial driver ~~driver's~~ license or commercial learner's
3266 permit who uses a noncommercial motor vehicle in the commission
3267 of any felony involving the manufacture, distribution, or
3268 dispensing of a controlled substance, including possession with
3269 intent to manufacture, distribute, or dispense a controlled
3270 substance, shall, upon conviction of such felony, be permanently
3271 disqualified from operating a commercial motor vehicle. The
3272 penalty provided in this subsection is in addition to any other
3273 applicable penalty.

3274 (7) A person whose privilege to operate a commercial motor
3275 vehicle is disqualified under this section may, if otherwise
3276 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3277 to s. 322.251.

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3278 (8) A driver who is convicted of or otherwise found to have
3279 committed a violation of an out-of-service order while driving a
3280 commercial motor vehicle is disqualified as follows:

3281 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1
3282 year if the driver is convicted of or otherwise found to have
3283 committed a first violation of an out-of-service order.

3284 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3285 years if, for offenses occurring during any 10-year period, the
3286 driver is convicted of or otherwise found to have committed two
3287 violations of out-of-service orders in separate incidents.

3288 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3289 years if, for offenses occurring during any 10-year period, the
3290 driver is convicted of or otherwise found to have committed
3291 three or more violations of out-of-service orders in separate
3292 incidents.

3293 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2
3294 years if the driver is convicted of or otherwise found to have
3295 committed a first violation of an out-of-service order while
3296 transporting hazardous materials required to be placarded under
3297 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
3298 et seq., or while operating motor vehicles designed to transport
3299 more than 15 passengers, including the driver. A driver is
3300 disqualified for a period of at least ~~not less than~~ 3 years but
3301 not ~~nor~~ more than 5 years if, for offenses occurring during any
3302 10-year period, the driver is convicted of or otherwise found to
3303 have committed any subsequent violations of out-of-service
3304 orders, in separate incidents, while transporting hazardous
3305 materials required to be placarded under the Hazardous Materials
3306 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while

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3307 operating motor vehicles designed to transport more than 15
3308 passengers, including the driver.

3309 (9) A driver who is convicted of or otherwise found to have
3310 committed an offense of operating a commercial motor vehicle in
3311 violation of federal, state, or local law or regulation
3312 pertaining to one of the following six offenses at a railroad-
3313 highway grade crossing must be disqualified for the period of
3314 time specified in subsection (10):

3315 (a) For drivers who are not always required to stop,
3316 failing to slow down and check that the tracks are clear of
3317 approaching trains.

3318 (b) For drivers who are not always required to stop,
3319 failing to stop before reaching the crossing if the tracks are
3320 not clear.

3321 (c) For drivers who are always required to stop, failing to
3322 stop before driving onto the crossing.

3323 (d) For all drivers, failing to have sufficient space to
3324 drive completely through the crossing without stopping.

3325 (e) For all drivers, failing to obey a traffic control
3326 device or all directions of an enforcement official at the
3327 crossing.

3328 (f) For all drivers, failing to negotiate a crossing
3329 because of insufficient undercarriage clearance.

3330 (10) (a) A driver must be disqualified for at least ~~not less~~
3331 ~~than~~ 60 days if the driver is convicted of or otherwise found to
3332 have committed a first violation of a railroad-highway grade
3333 crossing violation.

3334 (b) A driver must be disqualified for at least ~~not less~~
3335 ~~than~~ 120 days if, for offenses occurring during any 3-year

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3336 period, the driver is convicted of or otherwise found to have
3337 committed a second railroad-highway grade crossing violation in
3338 separate incidents.

3339 (c) A driver must be disqualified for at least ~~not less~~
3340 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
3341 the driver is convicted of or otherwise found to have committed
3342 a third or subsequent railroad-highway grade crossing violation
3343 in separate incidents.

3344 Section 52. Section 322.64, Florida Statutes, is amended to
3345 read:

3346 322.64 Holder of commercial driver ~~driver's~~ license;
3347 persons operating a commercial motor vehicle; driving with
3348 unlawful blood-alcohol level; refusal to submit to breath,
3349 urine, or blood test.-

3350 (1) (a) A law enforcement officer or correctional officer
3351 shall, on behalf of the department, disqualify from operating
3352 any commercial motor vehicle a person who while operating or in
3353 actual physical control of a commercial motor vehicle is
3354 arrested for a violation of s. 316.193, relating to unlawful
3355 blood-alcohol level or breath-alcohol level, or a person who has
3356 refused to submit to a breath, urine, or blood test authorized
3357 by s. 322.63 or s. 316.1932 arising out of the operation or
3358 actual physical control of a commercial motor vehicle. A law
3359 enforcement officer or correctional officer shall, on behalf of
3360 the department, disqualify the holder of a commercial driver
3361 ~~driver's~~ license from operating any commercial motor vehicle if
3362 the licenseholder, while operating or in actual physical control
3363 of a motor vehicle, is arrested for a violation of s. 316.193,
3364 relating to unlawful blood-alcohol level or breath-alcohol

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3365 level, or refused to submit to a breath, urine, or blood test
3366 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3367 the person, the officer shall take the person's driver ~~driver's~~
3368 license and issue the person a 10-day temporary permit for the
3369 operation of noncommercial vehicles only if the person is
3370 otherwise eligible for the driving privilege and shall issue the
3371 person a notice of disqualification. If the person has been
3372 given a blood, breath, or urine test, the results of which are
3373 not available to the officer at the time of the arrest, the
3374 agency employing the officer shall transmit such results to the
3375 department within 5 days after receipt of the results. If the
3376 department then determines that the person had a blood-alcohol
3377 level or breath-alcohol level of 0.08 or higher, the department
3378 shall disqualify the person from operating a commercial motor
3379 vehicle pursuant to subsection (3).

3380 (b) For purposes of determining the period of
3381 disqualification described in 49 C.F.R. s. 383.51, a
3382 disqualification under paragraph (a) shall be considered a
3383 conviction.

3384 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
3385 pursuant to, and the notice of disqualification shall inform the
3386 driver of, the following:

3387 1.a. The driver refused to submit to a lawful breath,
3388 blood, or urine test and he or she is disqualified from
3389 operating a commercial motor vehicle for the time period
3390 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
3391 ~~first refusal, or permanently, if he or she has previously been~~
3392 ~~disqualified under this section; or~~

3393 b. The driver had an unlawful blood-alcohol level of 0.08

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3394 or higher while ~~was~~ driving or in actual physical control of a
3395 commercial motor vehicle, or any motor vehicle if the driver
3396 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
3397 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
3398 and his or her driving privilege is ~~shall be~~ disqualified for
3399 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
3400 ~~year for a first offense or permanently disqualified if his or~~
3401 ~~her driving privilege has been previously disqualified under~~
3402 ~~this section.~~

3403 2. The disqualification period for operating commercial
3404 vehicles shall commence on the date of issuance of the notice of
3405 disqualification.

3406 3. The driver may request a formal or informal review of
3407 the disqualification by the department within 10 days after the
3408 date of issuance of the notice of disqualification.

3409 4. The temporary permit issued at the time of
3410 disqualification expires at midnight of the 10th day following
3411 the date of disqualification.

3412 5. The driver may submit to the department any materials
3413 relevant to the disqualification.

3414 (2) (a) Except as provided in paragraph (1) (a), the law
3415 enforcement officer shall forward to the department, within 5
3416 days after the date of the issuance of the notice of
3417 disqualification, a copy of the notice of disqualification, the
3418 driver ~~driver's~~ license of the person disqualified, and an
3419 affidavit stating the officer's grounds for belief that the
3420 person disqualified was operating or in actual physical control
3421 of a commercial motor vehicle, or holds a commercial driver
3422 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-

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3423 alcohol level; the results of any breath or blood or urine test
3424 or an affidavit stating that a breath, blood, or urine test was
3425 requested by a law enforcement officer or correctional officer
3426 and that the person arrested refused to submit; a copy of the
3427 notice of disqualification issued to the person; and the
3428 officer's description of the person's field sobriety test, if
3429 any. The failure of the officer to submit materials within the
3430 5-day period specified in this subsection or subsection (1) does
3431 not affect the department's ability to consider any evidence
3432 submitted at or prior to the hearing.

3433 (b) The officer may also submit a copy of a video recording
3434 ~~videotape~~ of the field sobriety test or the attempt to
3435 administer such test and a copy of the crash report, ~~if any~~.
3436 Notwithstanding s. 316.066, the crash report shall be considered
3437 by the hearing officer.

3438 (3) If the department determines that the person arrested
3439 should be disqualified from operating a commercial motor vehicle
3440 pursuant to this section and if the notice of disqualification
3441 has not already been served upon the person by a law enforcement
3442 officer or correctional officer as provided in subsection (1),
3443 the department shall issue a notice of disqualification and,
3444 unless the notice is mailed pursuant to s. 322.251, a temporary
3445 permit which expires 10 days after the date of issuance if the
3446 driver is otherwise eligible.

3447 (4) If the person disqualified requests an informal review
3448 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
3449 conduct the informal review by a hearing officer designated
3450 ~~employed~~ by the department. Such informal review hearing shall
3451 consist solely of an examination by the department of the

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3452 materials submitted by a law enforcement officer or correctional
3453 officer and by the person disqualified, and the presence of an
3454 officer or witness is not required.

3455 (5) After completion of the informal review, notice of the
3456 department's decision sustaining, amending, or invalidating the
3457 disqualification must be provided to the person. Such notice
3458 must be mailed to the person at the last known address shown on
3459 the department's records, and to the address provided in the law
3460 enforcement officer's report if such address differs from the
3461 address of record, within 21 days after the expiration of the
3462 temporary permit issued pursuant to subsection (1) or subsection
3463 (3).

3464 (6) (a) If the person disqualified requests a formal review,
3465 the department must schedule a hearing to be held within 30 days
3466 after such request is received by the department and must notify
3467 the person of the date, time, and place of the hearing.

3468 (b) Such formal review hearing shall be held before a
3469 hearing officer designated ~~employed~~ by the department, and the
3470 hearing officer shall be authorized to administer oaths, examine
3471 witnesses and take testimony, receive relevant evidence, issue
3472 subpoenas for the officers and witnesses identified in documents
3473 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
3474 regulate the course and conduct of the hearing, and make a
3475 ruling on the disqualification. The hearing officer may conduct
3476 hearings using communications technology. The department and the
3477 person disqualified may subpoena witnesses, and the party
3478 requesting the presence of a witness shall be responsible for
3479 the payment of any witness fees. If the person who requests a
3480 formal review hearing fails to appear and the hearing officer

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3481 finds such failure to be without just cause, the right to a
3482 formal hearing is waived.

3483 (c) The failure of a subpoenaed witness to appear at the
3484 formal review hearing shall not be grounds to invalidate the
3485 disqualification. If a witness fails to appear, a party may seek
3486 enforcement of a subpoena under paragraph (b) by filing a
3487 petition for enforcement in the circuit court of the judicial
3488 circuit in which the person failing to comply with the subpoena
3489 resides or by filing a motion for enforcement in any criminal
3490 court case resulting from the driving or actual physical control
3491 of a motor vehicle or commercial motor vehicle that gave rise to
3492 the disqualification under this section. A failure to comply
3493 with an order of the court shall result in a finding of contempt
3494 of court. However, a person shall not be in contempt while a
3495 subpoena is being challenged.

3496 (d) The department must, within 7 working days after a
3497 formal review hearing, send notice to the person of the hearing
3498 officer's decision as to whether sufficient cause exists to
3499 sustain, amend, or invalidate the disqualification.

3500 (7) In a formal review hearing under subsection (6) or an
3501 informal review hearing under subsection (4), the hearing
3502 officer shall determine by a preponderance of the evidence
3503 whether sufficient cause exists to sustain, amend, or invalidate
3504 the disqualification. The scope of the review shall be limited
3505 to the following issues:

3506 (a) If the person was disqualified from operating a
3507 commercial motor vehicle for driving with an unlawful blood-
3508 alcohol level:

3509 1. Whether the ~~arresting~~ law enforcement officer had

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3510 probable cause to believe that the person was driving or in
3511 actual physical control of a commercial motor vehicle, or any
3512 motor vehicle if the driver holds a commercial driver ~~driver's~~
3513 license, in this state while he or she had any alcohol, chemical
3514 substances, or controlled substances in his or her body.

3515 2. Whether the person had an unlawful blood-alcohol level
3516 or breath-alcohol level of 0.08 or higher.

3517 (b) If the person was disqualified from operating a
3518 commercial motor vehicle for refusal to submit to a breath,
3519 blood, or urine test:

3520 1. Whether the law enforcement officer had probable cause
3521 to believe that the person was driving or in actual physical
3522 control of a commercial motor vehicle, or any motor vehicle if
3523 the driver holds a commercial driver ~~driver's~~ license, in this
3524 state while he or she had any alcohol, chemical substances, or
3525 controlled substances in his or her body.

3526 2. Whether the person refused to submit to the test after
3527 being requested to do so by a law enforcement officer or
3528 correctional officer.

3529 3. Whether the person was told that if he or she refused to
3530 submit to such test he or she would be disqualified from
3531 operating a commercial motor vehicle for a period of 1 year or,
3532 if previously disqualified under this section, permanently.

3533 (8) Based on the determination of the hearing officer
3534 pursuant to subsection (7) for both informal hearings under
3535 subsection (4) and formal hearings under subsection (6), the
3536 department shall÷

3537 ~~(a)~~ sustain the disqualification for the time period
3538 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~

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3539 ~~refusal, or permanently if such person has been previously~~
3540 ~~disqualified from operating a commercial motor vehicle under~~
3541 ~~this section.~~ The disqualification period commences on the date
3542 of the issuance of the notice of disqualification.

3543 ~~(b) Sustain the disqualification:~~

3544 ~~1. For a period of 1 year if the person was driving or in~~
3545 ~~actual physical control of a commercial motor vehicle, or any~~
3546 ~~motor vehicle if the driver holds a commercial driver's license,~~
3547 ~~and had an unlawful blood alcohol level or breath alcohol level~~
3548 ~~of 0.08 or higher; or~~

3549 ~~2. Permanently if the person has been previously~~
3550 ~~disqualified from operating a commercial motor vehicle under~~
3551 ~~this section or his or her driving privilege has been previously~~
3552 ~~suspended for driving or being in actual physical control of a~~
3553 ~~commercial motor vehicle, or any motor vehicle if the driver~~
3554 ~~holds a commercial driver's license, and had an unlawful blood-~~
3555 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

3556
3557 ~~The disqualification period commences on the date of the~~
3558 ~~issuance of the notice of disqualification.~~

3559 (9) A request for a formal review hearing or an informal
3560 review hearing shall not stay the disqualification. If the
3561 department fails to schedule the formal review hearing ~~to be~~
3562 ~~held~~ within 30 days after receipt of the request therefor, the
3563 department shall invalidate the disqualification. If the
3564 scheduled hearing is continued at the department's initiative or
3565 the driver enforces the subpoena as provided in subsection (6),
3566 the department shall issue a temporary driving permit limited to
3567 noncommercial vehicles which is valid until the hearing is

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3568 conducted if the person is otherwise eligible for the driving
3569 privilege. Such permit shall not be issued to a person who
3570 sought and obtained a continuance of the hearing. The permit
3571 issued under this subsection shall authorize driving for
3572 business purposes only.

3573 (10) A person who is disqualified from operating a
3574 commercial motor vehicle under subsection (1) or subsection (3)
3575 is eligible for issuance of a license for business or employment
3576 purposes only under s. 322.271 if the person is otherwise
3577 eligible for the driving privilege. However, such business or
3578 employment purposes license shall not authorize the driver to
3579 operate a commercial motor vehicle.

3580 (11) The formal review hearing may be conducted upon a
3581 review of the reports of a law enforcement officer or a
3582 correctional officer, including documents relating to the
3583 administration of a breath test or blood test or the refusal to
3584 take either test. However, as provided in subsection (6), the
3585 driver may subpoena the officer or any person who administered
3586 or analyzed a breath or blood test. If the arresting officer or
3587 the breath technician fails to appear pursuant to a subpoena as
3588 provided in subsection (6), the department shall invalidate the
3589 disqualification.

3590 (12) The formal review hearing and the informal review
3591 hearing are exempt from the provisions of chapter 120. The
3592 department may ~~is authorized to~~ adopt rules for the conduct of
3593 reviews under this section.

3594 (13) A person may appeal any decision of the department
3595 sustaining the disqualification from operating a commercial
3596 motor vehicle by a petition for writ of certiorari to the

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3597 circuit court in the county wherein such person resides or
3598 wherein a formal or informal review was conducted pursuant to s.
3599 322.31. However, an appeal shall not stay the disqualification.
3600 This subsection shall not be construed to provide for a de novo
3601 review ~~appeal~~.

3602 (14) The decision of the department under this section
3603 shall not be considered in any trial for a violation of s.
3604 316.193, s. 322.61, or s. 322.62, nor shall any written
3605 statement submitted by a person in his or her request for
3606 departmental review under this section be admissible into
3607 evidence against him or her in any such trial. The disposition
3608 of any related criminal proceedings shall not affect a
3609 disqualification imposed pursuant to this section.

3610 (15) This section does not preclude the suspension of the
3611 driving privilege pursuant to s. 322.2615. The driving privilege
3612 of a person who has been disqualified from operating a
3613 commercial motor vehicle also may be suspended for a violation
3614 of s. 316.193.

3615 Section 53. Section 323.002, Florida Statutes, is amended
3616 to read:

3617 323.002 County and municipal wrecker operator systems;
3618 penalties for operation outside of system.-

3619 (1) As used in this section, the term:

3620 (a) "Authorized wrecker operator" means any wrecker
3621 operator who has been designated as part of the wrecker operator
3622 system established by the governmental unit having jurisdiction
3623 over the scene of a wrecked or disabled vehicle.

3624 (b) "Unauthorized wrecker operator" means any wrecker
3625 operator who has not been designated as part of the wrecker

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3626 operator system established by the governmental unit having
3627 jurisdiction over the scene of a wrecked or disabled vehicle.

3628 (c) "Wrecker operator system" means a system for the towing
3629 or removal of wrecked, disabled, or abandoned vehicles, similar
3630 to the Florida Highway Patrol wrecker operator system described
3631 in s. 321.051(2), under which a county or municipality contracts
3632 with one or more wrecker operators for the towing or removal of
3633 wrecked, disabled, or abandoned vehicles from accident scenes,
3634 streets, or highways. A wrecker operator system must include a
3635 requirement that authorized wrecker operators must maintain
3636 liability insurance of at least \$300,000, and on-hook cargo
3637 insurance of at least \$50,000. A wrecker operator system must
3638 ~~shall~~ include using a method for apportioning the towing
3639 assignments among the eligible wrecker operators through the
3640 creation of geographic zones, a rotation schedule, or a
3641 combination of these methods.

3642 (2) In any county or municipality that operates a wrecker
3643 operator system:

3644 (a) It is unlawful for an unauthorized wrecker operator or
3645 its employees or agents to monitor police radio for
3646 communications between patrol field units and the dispatcher in
3647 order to determine the location of a wrecked or disabled vehicle
3648 for the purpose of driving by the scene of such vehicle in a
3649 manner described in paragraph (b) or paragraph (c). Any person
3650 who violates this paragraph commits ~~is guilty of~~ a noncriminal
3651 violation, punishable as provided in s. 775.083, and a wrecker,
3652 tow truck, or other motor vehicle used during the violation may
3653 be immediately removed and impounded pursuant to subsection (3).

3654 (b) It is unlawful for an unauthorized wrecker operator to

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3655 drive by the scene of a wrecked or disabled vehicle before the
3656 arrival of an authorized wrecker operator, initiate contact with
3657 the owner or operator of such vehicle by soliciting or offering
3658 towing services, and tow such vehicle. Any person who violates
3659 this paragraph commits ~~is guilty of~~ a misdemeanor of the second
3660 degree, punishable as provided in s. 775.082 or s. 775.083, and
3661 a wrecker, tow truck, or other motor vehicle used during the
3662 violation may be immediately removed and impounded pursuant to
3663 subsection (3).

3664 (c) If ~~when~~ an unauthorized wrecker operator drives by the
3665 scene of a wrecked or disabled vehicle and the owner or operator
3666 initiates contact by signaling the wrecker operator to stop and
3667 provide towing services, the unauthorized wrecker operator must
3668 disclose in writing to the owner or operator of the disabled
3669 vehicle his or her full name, driver license number, that he or
3670 she is not the authorized wrecker operator who has been
3671 designated as part of the wrecker operator system, that the
3672 motor vehicle is not being towed for the owner's or operator's
3673 insurance company or lienholder, and the maximum ~~must disclose,~~
3674 ~~in writing,~~ a fee schedule that includes what charges for towing
3675 and storage which will apply before the vehicle is connected to
3676 or disconnected from the towing apparatus. If a law enforcement
3677 officer is present at the scene of a motor vehicle accident, the
3678 unauthorized wrecker operator must provide such disclosures to
3679 the owner or operator of the disabled vehicle in the presence of
3680 the law enforcement officer ~~The fee charged per mile to and from~~
3681 ~~the storage facility, the fee charged per 24 hours of storage,~~
3682 ~~and, prominently displayed, the consumer hotline for the~~
3683 ~~Department of Agriculture and Consumer Services.~~ Any person who

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3684 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
3685 the second degree, punishable as provided in s. 775.082 or s.
3686 775.083, and a wrecker, tow truck, or other motor vehicle used
3687 during the violation may be immediately removed and impounded
3688 pursuant to subsection (3).

3689 (d) At the scene of a wrecked or disabled vehicle, it is
3690 unlawful for a wrecker operator to falsely identify himself or
3691 herself as being part of the wrecker operator system. Any person
3692 who violates this paragraph commits ~~is guilty of~~ a misdemeanor
3693 of the first degree, punishable as provided in s. 775.082 or s.
3694 775.083, and a wrecker, tow truck, or other motor vehicle used
3695 during the violation may be immediately removed and impounded
3696 pursuant to subsection (3).

3697 (3) (a) A law enforcement officer from a local governmental
3698 agency or a state law enforcement agency may cause a wrecker,
3699 tow truck, or other motor vehicle that is used in violation of
3700 subsection (2) to be immediately removed and impounded from the
3701 scene of a wreck or disabled vehicle at the unauthorized wrecker
3702 operator's expense. The unauthorized wrecker operator shall be
3703 assessed a cost-recovery fine as provided in paragraph (b) by
3704 the authority that ordered the immediate removal and impoundment
3705 of the wrecker, tow truck, or other motor vehicle. A wrecker,
3706 tow truck, or other motor vehicle that is removed and impounded
3707 pursuant to this section may not be released from an impound or
3708 towing and storage facility until a release form has been
3709 completed by the authority that ordered the immediate removal
3710 and impoundment of the wrecker, tow truck, or other motor
3711 vehicle under this section. The release form must verify that
3712 the cost-recovery fine as provided in paragraph (b) has been

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3713 paid to such authority. The vehicle must remain impounded until
3714 the cost-recovery fine has been paid or until the vehicle is
3715 sold at public sale pursuant to s. 713.78.

3716 (b) Notwithstanding any other provision of law to the
3717 contrary, an unauthorized wrecker operator, upon retrieval of a
3718 wrecker, tow truck, or other motor vehicle removed or impounded
3719 pursuant to this section, in addition to any other penalties
3720 that may be imposed for noncriminal violations, shall pay a
3721 cost-recovery fine of \$500 for a first-time violation of
3722 subsection (2), or a fine of \$1,000 for each subsequent
3723 violation, to the authority that ordered the immediate removal
3724 and impoundment of the wrecker, tow truck, or other motor
3725 vehicle under this section. Cost-recovery funds collected
3726 pursuant to this subsection shall be retained by the authority
3727 that ordered the removal and impoundment of the wrecker, tow
3728 truck, or other motor vehicle and may be used only for
3729 enforcement, investigation, prosecution, and training related to
3730 towing violations and crimes involving motor vehicles.

3731 (c) Notwithstanding any other provision of law to the
3732 contrary and in addition to the cost-recovery fine required by
3733 this subsection, a person who violates any provision of
3734 subsection (2) shall pay the fees associated with the removal
3735 and storage of an unauthorized wrecker, tow truck, or other
3736 motor vehicle.

3737 (4)~~(3)~~ This section does not prohibit, or in any way
3738 prevent, the owner or operator of a vehicle involved in an
3739 accident or otherwise disabled from contacting any wrecker
3740 operator for the provision of towing services, whether the
3741 wrecker operator is an authorized wrecker operator or not.

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3742 Section 54. Paragraph (a) of subsection (1) of section
3743 324.0221, Florida Statutes, is amended to read:

3744 324.0221 Reports by insurers to the department; suspension
3745 of driver ~~driver's~~ license and vehicle registrations;
3746 reinstatement.-

3747 (1) (a) Each insurer that has issued a policy providing
3748 personal injury protection coverage or property damage liability
3749 coverage shall report the ~~renewal~~, cancellation, or nonrenewal
3750 thereof to the department within 10 ~~45~~ days after the processing
3751 ~~effective~~ date of each ~~renewal~~, cancellation, or nonrenewal.

3752 Upon the issuance of a policy providing personal injury
3753 protection coverage or property damage liability coverage to a
3754 named insured not previously insured by the insurer during that
3755 calendar year, the insurer shall report the issuance of the new
3756 policy to the department within 10 ~~30~~ days. The report shall be
3757 in the form and format and contain any information required by
3758 the department and must be provided in a format that is
3759 compatible with the data processing capabilities of the
3760 department. The department may adopt rules regarding the form
3761 and documentation required. Failure by an insurer to file proper
3762 reports with the department as required by this subsection or
3763 rules adopted with respect to the requirements of this
3764 subsection constitutes a violation of the Florida Insurance
3765 Code. These records shall be used by the department only for
3766 enforcement and regulatory purposes, including the generation by
3767 the department of data regarding compliance by owners of motor
3768 vehicles with the requirements for financial responsibility
3769 coverage.

3770 Section 55. Section 324.031, Florida Statutes, is amended

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3771 to read:

3772 324.031 Manner of proving financial responsibility.—The
3773 owner or operator of a taxicab, limousine, jitney, or any other
3774 for-hire passenger transportation vehicle may prove financial
3775 responsibility by providing satisfactory evidence of holding a
3776 motor vehicle liability policy as defined in s. 324.021(8) or s.
3777 324.151, which policy is issued by an insurance carrier which is
3778 a member of the Florida Insurance Guaranty Association. The
3779 operator or owner of any other vehicle may prove his or her
3780 financial responsibility by:

3781 (1) Furnishing satisfactory evidence of holding a motor
3782 vehicle liability policy as defined in ss. 324.021(8) and
3783 324.151;

3784 ~~(2) Posting with the department a satisfactory bond of a~~
3785 ~~surety company authorized to do business in this state,~~
3786 ~~conditioned for payment of the amount specified in s.~~
3787 ~~324.021(7);~~

3788 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
3789 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
3790 with s. 324.161; or

3791 (3)~~(4)~~ Furnishing a certificate of self-insurance issued by
3792 the department in accordance with s. 324.171.

3793

3794 Any person, including any firm, partnership, association,
3795 corporation, or other person, other than a natural person,
3796 electing to use the method of proof specified in subsection (2)
3797 ~~or subsection (3)~~ shall furnish a certificate of post a bond or
3798 deposit equal to the number of vehicles owned times \$30,000, to
3799 a maximum of \$120,000; in addition, any such person, other than

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3800 a natural person, shall maintain insurance providing coverage in
3801 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
3802 single limits, and such excess insurance shall provide minimum
3803 limits of \$125,000/250,000/50,000 or \$300,000 combined single
3804 limits. These increased limits shall not affect the requirements
3805 for proving financial responsibility under s. 324.032(1).

3806 Section 56. Subsection (1) of section 324.091, Florida
3807 Statutes, is amended to read:

3808 324.091 Notice to department; notice to insurer.—

3809 (1) Each owner and operator involved in a crash or
3810 conviction case within the purview of this chapter shall furnish
3811 evidence of automobile liability insurance or, motor vehicle
3812 liability insurance, ~~or a surety bond~~ within 14 days after the
3813 date of the mailing of notice of crash by the department in the
3814 form and manner as it may designate. Upon receipt of evidence
3815 that an automobile liability policy or, motor vehicle liability
3816 policy, ~~or surety bond~~ was in effect at the time of the crash or
3817 conviction case, the department shall forward ~~by United States~~
3818 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
3819 ~~of~~ such information for verification in a method as determined
3820 by the department. ~~and shall assume that the policy or bond was~~
3821 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
3822 ~~notifies~~ the department ~~otherwise~~ within 20 days after ~~the~~
3823 ~~mailing of~~ the notice whether or not such information is valid
3824 ~~to the insurer or surety insurer.~~ ~~However,~~ If the department
3825 ~~later~~ determines that an automobile liability policy or, motor
3826 vehicle liability policy, ~~or surety bond~~ was not in effect and
3827 did not provide coverage for both the owner and the operator, it
3828 shall take action as it is ~~otherwise~~ authorized to do under this

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3829 ~~chapter. Proof of mailing to the insurer or surety insurer may~~
3830 ~~be made by the department by naming the insurer or surety~~
3831 ~~insurer to whom the mailing was made and by specifying the time,~~
3832 ~~place, and manner of mailing.~~

3833 Section 57. Section 324.161, Florida Statutes, is amended
3834 to read:

3835 324.161 Proof of financial responsibility; surety bond or
3836 deposit.—Annually, before any certificate of insurance may be
3837 issued to a person, including any firm, partnership,
3838 association, corporation, or other person, other than a natural
3839 person, proof of a certificate of deposit of \$30,000 issued and
3840 held by a financial institution must be submitted to the
3841 department. A power of attorney will be issued to and held by
3842 the department and may be executed upon ~~The certificate of the~~
3843 ~~department of a deposit may be obtained by depositing with it~~
3844 ~~\$30,000 cash or securities such as may be legally purchased by~~
3845 ~~savings banks or for trust funds, of a market value of \$30,000~~
3846 ~~and which deposit shall be held by the department to satisfy, in~~
3847 ~~accordance with the provisions of this chapter, any execution on~~
3848 ~~a judgment issued against such person making the deposit, for~~
3849 ~~damages because of bodily injury to or death of any person or~~
3850 ~~for damages because of injury to or destruction of property~~
3851 ~~resulting from the use or operation of any motor vehicle~~
3852 ~~occurring after such deposit was made. Money or securities so~~
3853 ~~deposited shall not be subject to attachment or execution unless~~
3854 ~~such attachment or execution shall arise out of a suit for~~
3855 ~~damages as aforesaid.~~

3856 Section 58. Paragraph (a) of subsection (1) of section
3857 328.01, Florida Statutes, is amended to read:

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3858 328.01 Application for certificate of title.—

3859 (1) (a) The owner of a vessel which is required to be titled
3860 shall apply to the county tax collector for a certificate of
3861 title. The application shall include the true name of the owner,
3862 the residence or business address of the owner, and the complete
3863 description of the vessel, including the hull identification
3864 number, except that an application for a certificate of title
3865 for a homemade vessel shall state all the foregoing information
3866 except the hull identification number. The application shall be
3867 signed by the owner and shall be accompanied by personal or
3868 business identification and the prescribed fee. An individual
3869 applicant must provide a valid driver license or identification
3870 card issued by this state or another state or a valid passport.
3871 A business applicant must provide a federal employer
3872 identification number, if applicable, verification that the
3873 business is authorized to conduct business in the state, or a
3874 Florida city or county business license or number, which may
3875 include, but need not be limited to, a driver's license number,
3876 Florida identification card number, or federal employer
3877 identification number, and the prescribed fee.

3878 Section 59. Paragraph (a) of subsection (1) of section
3879 328.48, Florida Statutes, is amended to read:

3880 328.48 Vessel registration, application, certificate,
3881 number, decal, duplicate certificate.—

3882 (1) (a) The owner of each vessel required by this law to pay
3883 a registration fee and secure an identification number shall
3884 file an application with the county tax collector. The
3885 application shall provide the owner's name and address;
3886 residency status; personal or business identification, ~~which may~~

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3887 ~~include, but need not be limited to, a driver's license number,~~
3888 ~~Florida identification card number, or federal employer~~
3889 ~~identification number;~~ and a complete description of the vessel,
3890 and shall be accompanied by payment of the applicable fee
3891 required in s. 328.72. An individual applicant must provide a
3892 valid driver license or identification card issued by this state
3893 or another state or a valid passport. A business applicant must
3894 provide a federal employer identification number, if applicable,
3895 verification that the business is authorized to conduct business
3896 in the state, or a Florida city or county business license or
3897 number. Registration is not required for any vessel that is not
3898 used on the waters of this state.

3899 Section 60. Subsection (1) of section 328.76, Florida
3900 Statutes, is amended to read:

3901 328.76 Marine Resources Conservation Trust Fund; vessel
3902 registration funds; appropriation and distribution.—

3903 (1) Except as otherwise specified in this subsection and
3904 less the amount equal to \$1.4 million for any administrative
3905 costs which shall be deposited in the Highway Safety Operating
3906 Trust Fund, in each fiscal year beginning on or after July 1,
3907 2001, all funds collected from the registration of vessels
3908 through the Department of Highway Safety and Motor Vehicles and
3909 the tax collectors of the state, except for those funds
3910 designated as the county portion pursuant to s. 328.72(1), shall
3911 be deposited in the Marine Resources Conservation Trust Fund for
3912 recreational channel marking; public launching facilities; law
3913 enforcement and quality control programs; aquatic weed control;
3914 manatee protection, recovery, rescue, rehabilitation, and
3915 release; and marine mammal protection and recovery. The funds

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3916 collected pursuant to s. 328.72(1) shall be transferred as
3917 follows:

3918 (a) In each fiscal year, an amount equal to \$1.50 for each
3919 commercial and recreational vessel registered in this state
3920 shall be transferred by the Department of Highway Safety and
3921 Motor Vehicles to the Save the Manatee Trust Fund and shall be
3922 used only for the purposes specified in s. 379.2431(4).

3923 (b) An amount equal to \$2 from each recreational vessel
3924 registration fee, except that for class A-1 vessels, shall be
3925 transferred by the Department of Highway Safety and Motor
3926 Vehicles to the Invasive Plant Control Trust Fund in the Fish
3927 and Wildlife Conservation Commission for aquatic weed research
3928 and control.

3929 (c) An amount equal to 40 percent of the registration fees
3930 from commercial vessels shall be transferred by the Department
3931 of Highway Safety and Motor Vehicles to the Invasive Plant
3932 Control Trust Fund in the Fish and Wildlife Conservation
3933 Commission for aquatic plant research and control.

3934 (d) An amount equal to 40 percent of the registration fees
3935 from commercial vessels shall be transferred by the Department
3936 of Highway Safety and Motor Vehicles, on a monthly basis, to the
3937 General Inspection Trust Fund of the Department of Agriculture
3938 and Consumer Services. These funds shall be used for shellfish
3939 and aquaculture law enforcement and quality control programs.

3940 Section 61. Subsections (1), (2), (3), (4), (9), and (13)
3941 of section 713.585, Florida Statutes, are amended to read:

3942 713.585 Enforcement of lien by sale of motor vehicle.—A
3943 person claiming a lien under s. 713.58 for performing labor or
3944 services on a motor vehicle may enforce such lien by sale of the

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3945 vehicle in accordance with the following procedures:

3946 (1) The lienor must give notice, by certified mail, return
3947 receipt requested, within 15 business days, excluding Saturday
3948 and Sunday, from the beginning date of the assessment of storage
3949 charges on said motor vehicle, to the registered owner of the
3950 vehicle, to the customer as indicated on the order for repair,
3951 and to all other persons claiming an interest in or lien
3952 thereon, as disclosed by the records of the Department of
3953 Highway Safety and Motor Vehicles or as disclosed by the records
3954 of any ~~of a~~ corresponding agency of any other state in which the
3955 vehicle is identified through a records check of the National
3956 Motor Vehicle Title Information System as being the current
3957 state where the vehicle is titled ~~appears registered~~. Such
3958 notice must contain:

3959 (a) A description of the vehicle (year, make, vehicle
3960 identification number) and its location.

3961 (b) The name and address of the owner of the vehicle, the
3962 customer as indicated on the order for repair, and any person
3963 claiming an interest in or lien thereon.

3964 (c) The name, address, and telephone number of the lienor.

3965 (d) Notice that the lienor claims a lien on the vehicle for
3966 labor and services performed and storage charges, if any, and
3967 the cash sum which, if paid to the lienor, would be sufficient
3968 to redeem the vehicle from the lien claimed by the lienor.

3969 (e) Notice that the lien claimed by the lienor is subject
3970 to enforcement pursuant to this section and that the vehicle may
3971 be sold to satisfy the lien.

3972 (f) If known, the date, time, and location of any proposed
3973 or scheduled sale of the vehicle. No vehicle may be sold earlier

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3974 than 60 days after completion of the repair work.

3975 (g) Notice that the owner of the vehicle or any person
3976 claiming an interest in or lien thereon has a right to a hearing
3977 at any time prior to the scheduled date of sale by filing a
3978 demand for hearing with the clerk of the circuit court in the
3979 county in which the vehicle is held and mailing copies of the
3980 demand for hearing to all other owners and lienors as reflected
3981 on the notice.

3982 (h) Notice that the owner of the vehicle has a right to
3983 recover possession of the vehicle without instituting judicial
3984 proceedings by posting bond in accordance with the provisions of
3985 s. 559.917.

3986 (i) Notice that any proceeds from the sale of the vehicle
3987 remaining after payment of the amount claimed to be due and
3988 owing to the lienor will be deposited with the clerk of the
3989 circuit court for disposition upon court order pursuant to
3990 subsection (8).

3991 (2) If attempts to locate the owner or lienholder are
3992 unsuccessful after a check of the records of the Department of
3993 Highway Safety and Motor Vehicles and any state disclosed by the
3994 check of the National Motor Vehicle Title Information System,
3995 the lienor must notify the local law enforcement agency in
3996 writing by certified mail or acknowledged hand delivery that the
3997 lienor has been unable to locate the owner or lienholder, that a
3998 physical search of the vehicle has disclosed no ownership
3999 information, and that a good faith effort, including records
4000 checks of the Department of Highway Safety and Motor Vehicles
4001 database and the National Motor Vehicle Title Information
4002 System, has been made. A description of the motor vehicle which

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4003 includes the year, make, and identification number must be given
4004 on the notice. This notification must take place within 15
4005 business days, excluding Saturday and Sunday, from the beginning
4006 date of the assessment of storage charges on said motor vehicle.
4007 For purposes of this paragraph, the term "good faith effort"
4008 means that the following checks have been performed by the
4009 company to establish the prior state of registration and title:

4010 (a) A check of the Department of Highway Safety and Motor
4011 Vehicles database for the owner and any lienholder.

4012 (b) A check of the federally mandated electronic National
4013 Motor Vehicle Title Information System to determine the state of
4014 registration when there is not a current title or registration
4015 record for the vehicle on file with the Department of Highway
4016 Safety and Motor Vehicles.

4017 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4018 temporary tag, or regular tag;

4019 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
4020 stickers and decals that could indicate the state of possible
4021 registration; and

4022 (e) ~~(e)~~ A check of the interior of the vehicle for any
4023 papers that could be in the glove box, trunk, or other areas for
4024 the state of registration.

4025 (3) If the date of the sale was not included in the notice
4026 required in subsection (1), notice of the sale must be sent by
4027 certified mail, return receipt requested, not less than 15 days
4028 before the date of sale, to the customer as indicated on the
4029 order for repair, and to all other persons claiming an interest
4030 in or lien on the motor vehicle, as disclosed by the records of
4031 the Department of Highway Safety and Motor Vehicles or of a

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4032 corresponding agency of any other state in which the vehicle
4033 appears to have been registered after completion of a check of
4034 the National Motor Vehicle Title Information System. ~~After~~
4035 ~~diligent search and inquiry, if the name and address of the~~
4036 ~~registered owner or the owner of the recorded lien cannot be~~
4037 ~~ascertained, the requirements for this notice may be~~
4038 ~~disregarded.~~

4039 (4) The lienor, at least 15 days before the proposed or
4040 scheduled date of sale of the vehicle, shall publish the notice
4041 required by this section once in a newspaper circulated in the
4042 county where the vehicle is held. A certificate of compliance
4043 with the notification provisions of this section, verified by
4044 the lienor, together with a copy of the notice and return
4045 receipt for mailing of the notice required by this section, ~~and~~
4046 proof of publication, and checks of the Department of Highway
4047 Safety and Motor Vehicles and the National Motor Vehicle Title
4048 Information System, must be duly and expeditiously filed with
4049 the clerk of the circuit court in the county where the vehicle
4050 is held. The lienor, at the time of filing the certificate of
4051 compliance, must pay to the clerk of that court a service charge
4052 of \$10 for indexing and recording the certificate.

4053 (9) A copy of the certificate of compliance and the report
4054 of sale, certified by the clerk of the court, and proof of the
4055 required check of the National Motor Vehicle Title Information
4056 System shall constitute satisfactory proof for application to
4057 the Department of Highway Safety and Motor Vehicles for transfer
4058 of title, together with any other proof required by any rules
4059 and regulations of the department.

4060 (13) A failure to make good faith efforts as defined in

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4061 subsection (2) precludes the imposition of any storage charges
4062 against the vehicle. If a lienor fails to provide notice to any
4063 person claiming a lien on a vehicle under subsection (1) within
4064 15 business days after the assessment of storage charges have
4065 begun, then the lienor is precluded from charging for more than
4066 15 days of storage, but failure to provide timely notice does
4067 not affect charges made for repairs, adjustments, or
4068 modifications to the vehicle or the priority of liens on the
4069 vehicle.

4070 Section 62. Section 713.78, Florida Statutes, is amended to
4071 read:

4072 713.78 Liens for recovering, towing, or storing vehicles
4073 and vessels.—

4074 (1) For the purposes of this section, the term:

4075 (a) "Vehicle" means any mobile item, whether motorized or
4076 not, which is mounted on wheels.

4077 (b) "Vessel" means every description of watercraft, barge,
4078 and airboat used or capable of being used as a means of
4079 transportation on water, other than a seaplane or a "documented
4080 vessel" as defined in s. 327.02(9).

4081 (c) "Wrecker" means any truck or other vehicle which is
4082 used to tow, carry, or otherwise transport motor vehicles or
4083 vessels upon the streets and highways of this state and which is
4084 equipped for that purpose with a boom, winch, car carrier, or
4085 other similar equipment.

4086 (d) "National Motor Vehicle Title Information System" means
4087 the federally authorized electronic National Motor Vehicle Title
4088 Information System.

4089 (2) Whenever a person regularly engaged in the business of

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4090 transporting vehicles or vessels by wrecker, tow truck, or car
4091 carrier recovers, removes, or stores a vehicle or vessel upon
4092 instructions from:

4093 (a) The owner thereof;

4094 (b) The owner or lessor, or a person authorized by the
4095 owner or lessor, of property on which such vehicle or vessel is
4096 wrongfully parked, and the removal is done in compliance with s.
4097 715.07; ~~or~~

4098 (c) The landlord or a person authorized by the landlord,
4099 when such motor vehicle or vessel remained on the premises after
4100 the tenancy terminated and the removal is done in compliance
4101 with s. 715.104; or

4102 (d) ~~(e)~~ Any law enforcement agency,

4103
4104 she or he shall have a lien on the vehicle or vessel for a
4105 reasonable towing fee and for a reasonable storage fee; except
4106 that no storage fee shall be charged if the vehicle is stored
4107 for less than 6 hours.

4108 (3) This section does not authorize any person to claim a
4109 lien on a vehicle for fees or charges connected with the
4110 immobilization of such vehicle using a vehicle boot or other
4111 similar device pursuant to s. 715.07.

4112 (4) (a) Any person regularly engaged in the business of
4113 recovering, towing, or storing vehicles or vessels who comes
4114 into possession of a vehicle or vessel pursuant to subsection
4115 (2), and who claims a lien for recovery, towing, or storage
4116 services, shall give notice to the registered owner, the
4117 insurance company insuring the vehicle notwithstanding the
4118 provisions of s. 627.736, and to all persons claiming a lien

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4119 thereon, as disclosed by the records in the Department of
4120 Highway Safety and Motor Vehicles or as disclosed by the records
4121 of any ~~of a~~ corresponding agency in any other state in which the
4122 vehicle is identified through a records check of the National
4123 Motor Vehicle Title Information System as being titled or
4124 registered.

4125 (b) Whenever any law enforcement agency authorizes the
4126 removal of a vehicle or vessel or whenever any towing service,
4127 garage, repair shop, or automotive service, storage, or parking
4128 place notifies the law enforcement agency of possession of a
4129 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
4130 enforcement agency of the jurisdiction where the vehicle or
4131 vessel is stored shall contact the Department of Highway Safety
4132 and Motor Vehicles, or the appropriate agency of the state of
4133 registration, if known, within 24 hours through the medium of
4134 electronic communications, giving the full description of the
4135 vehicle or vessel. Upon receipt of the full description of the
4136 vehicle or vessel, the department shall search its files to
4137 determine the owner's name, the insurance company insuring the
4138 vehicle or vessel, and whether any person has filed a lien upon
4139 the vehicle or vessel as provided in s. 319.27(2) and (3) and
4140 notify the applicable law enforcement agency within 72 hours.
4141 The person in charge of the towing service, garage, repair shop,
4142 or automotive service, storage, or parking place shall obtain
4143 such information from the applicable law enforcement agency
4144 within 5 days after the date of storage and shall give notice
4145 pursuant to paragraph (a). The department may release the
4146 insurance company information to the requestor notwithstanding
4147 the provisions of s. 627.736.

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4148 (c) Notice by certified mail shall be sent within 7
4149 business days after the date of storage of the vehicle or vessel
4150 to the registered owner, the insurance company insuring the
4151 vehicle notwithstanding the provisions of s. 627.736, and all
4152 persons of record claiming a lien against the vehicle or vessel.
4153 It shall state the fact of possession of the vehicle or vessel,
4154 that a lien as provided in subsection (2) is claimed, that
4155 charges have accrued and the amount thereof, that the lien is
4156 subject to enforcement pursuant to law, and that the owner or
4157 lienholder, if any, has the right to a hearing as set forth in
4158 subsection (5), and that any vehicle or vessel which remains
4159 unclaimed, or for which the charges for recovery, towing, or
4160 storage services remain unpaid, may be sold free of all prior
4161 liens after 35 days if the vehicle or vessel is more than 3
4162 years of age or after 50 days if the vehicle or vessel is 3
4163 years of age or less.

4164 (d) If attempts to locate the name and address of the owner
4165 or lienholder prove unsuccessful, the towing-storage operator
4166 shall, after 7 working days, excluding Saturday and Sunday, of
4167 the initial tow or storage, notify the public agency of
4168 jurisdiction where the vehicle or vessel is stored in writing by
4169 certified mail or acknowledged hand delivery that the towing-
4170 storage company has been unable to locate the name and address
4171 of the owner or lienholder and a physical search of the vehicle
4172 or vessel has disclosed no ownership information and a good
4173 faith effort has been made, including records checks of the
4174 Department of Highway Safety and Motor Vehicles and the National
4175 Motor Vehicle Title Information System databases. For purposes
4176 of this paragraph and subsection (9), "good faith effort" means

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4177 that the following checks have been performed by the company to
4178 establish prior state of registration and for title:

4179 1. Check of the Department of Highway Safety and Motor
4180 Vehicles database for the owner and any lienholder.

4181 2. Check of the electronic National Motor Vehicle Title
4182 Information System to determine the state of registration when
4183 there is not a current registration record for the vehicle on
4184 file with the Department of Highway Safety and Motor Vehicles.

4185 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
4186 record, temporary tag, or regular tag.

4187 ~~4.2.~~ Check of law enforcement report for tag number or
4188 other information identifying the vehicle or vessel, if the
4189 vehicle or vessel was towed at the request of a law enforcement
4190 officer.

4191 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
4192 operator to see if a tag was on vehicle or vessel at beginning
4193 of tow, if private tow.

4194 ~~6.4.~~ If there is no address of the owner on the impound
4195 report, check of law enforcement report to see if an out-of-
4196 state address is indicated from driver license information.

4197 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
4198 other stickers and decals that may indicate a state of possible
4199 registration.

4200 ~~8.6.~~ Check of the interior of the vehicle or vessel for any
4201 papers that may be in the glove box, trunk, or other areas for a
4202 state of registration.

4203 ~~9.7.~~ Check of vehicle for vehicle identification number.

4204 ~~10.8.~~ Check of vessel for vessel registration number.

4205 ~~11.9.~~ Check of vessel hull for a hull identification number

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4206 which should be carved, burned, stamped, embossed, or otherwise
4207 permanently affixed to the outboard side of the transom or, if
4208 there is no transom, to the outmost seaboard side at the end of
4209 the hull that bears the rudder or other steering mechanism.

4210 (5) (a) The owner of a vehicle or vessel removed pursuant to
4211 the provisions of subsection (2), or any person claiming a lien,
4212 other than the towing-storage operator, within 10 days after the
4213 time she or he has knowledge of the location of the vehicle or
4214 vessel, may file a complaint in the county court of the county
4215 in which the vehicle or vessel is stored to determine if her or
4216 his property was wrongfully taken or withheld from her or him.

4217 (b) Upon filing of a complaint, an owner or lienholder may
4218 have her or his vehicle or vessel released upon posting with the
4219 court a cash or surety bond or other adequate security equal to
4220 the amount of the charges for towing or storage and lot rental
4221 amount to ensure the payment of such charges in the event she or
4222 he does not prevail. Upon the posting of the bond and the
4223 payment of the applicable fee set forth in s. 28.24, the clerk
4224 of the court shall issue a certificate notifying the lienor of
4225 the posting of the bond and directing the lienor to release the
4226 vehicle or vessel. At the time of such release, after reasonable
4227 inspection, she or he shall give a receipt to the towing-storage
4228 company reciting any claims she or he has for loss or damage to
4229 the vehicle or vessel or the contents thereof.

4230 (c) Upon determining the respective rights of the parties,
4231 the court may award damages, attorney's fees, and costs in favor
4232 of the prevailing party. In any event, the final order shall
4233 provide for immediate payment in full of recovery, towing, and
4234 storage fees by the vehicle or vessel owner or lienholder; or

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4235 the agency ordering the tow; or the owner, lessee, or agent
4236 thereof of the property from which the vehicle or vessel was
4237 removed.

4238 (6) Any vehicle or vessel which is stored pursuant to
4239 subsection (2) and which remains unclaimed, or for which
4240 reasonable charges for recovery, towing, or storing remain
4241 unpaid, and any contents not released pursuant to subsection
4242 (10), may be sold by the owner or operator of the storage space
4243 for such towing or storage charge after 35 days from the time
4244 the vehicle or vessel is stored therein if the vehicle or vessel
4245 is more than 3 years of age or after 50 days following the time
4246 the vehicle or vessel is stored therein if the vehicle or vessel
4247 is 3 years of age or less. The sale shall be at public sale for
4248 cash. If the date of the sale was not included in the notice
4249 required in subsection (4), notice of the sale shall be given to
4250 the person in whose name the vehicle or vessel is registered and
4251 to all persons claiming a lien on the vehicle or vessel as shown
4252 on the records of the Department of Highway Safety and Motor
4253 Vehicles or of any ~~the~~ corresponding agency in any other state
4254 in which the vehicle is identified through a records check of
4255 the National Motor Vehicle Title Information System as being
4256 titled. Notice shall be sent by certified mail to the owner of
4257 the vehicle or vessel and the person having the recorded lien on
4258 the vehicle or vessel at the address shown on the records of the
4259 registering agency and shall be mailed not less than 15 days
4260 before the date of the sale. After diligent search and inquiry,
4261 if the name and address of the registered owner or the owner of
4262 the recorded lien cannot be ascertained, the requirements of
4263 notice by mail may be dispensed with. In addition to the notice

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4264 by mail, public notice of the time and place of sale shall be
4265 made by publishing a notice thereof one time, at least 10 days
4266 prior to the date of the sale, in a newspaper of general
4267 circulation in the county in which the sale is to be held. The
4268 proceeds of the sale, after payment of reasonable towing and
4269 storage charges, and costs of the sale, in that order of
4270 priority, shall be deposited with the clerk of the circuit court
4271 for the county if the owner or lienholder is absent, and the
4272 clerk shall hold such proceeds subject to the claim of the owner
4273 or lienholder legally entitled thereto. The clerk shall be
4274 entitled to receive 5 percent of such proceeds for the care and
4275 disbursement thereof. The certificate of title issued under this
4276 law shall be discharged of all liens unless otherwise provided
4277 by court order. The owner or lienholder may file a complaint
4278 after the vehicle or vessel has been sold in the county court of
4279 the county in which it is stored. Upon determining the
4280 respective rights of the parties, the court may award damages,
4281 attorney's fees, and costs in favor of the prevailing party.

4282 (7) (a) A wrecker operator recovering, towing, or storing
4283 vehicles or vessels is not liable for damages connected with
4284 such services, theft of such vehicles or vessels, or theft of
4285 personal property contained in such vehicles or vessels,
4286 provided that such services have been performed with reasonable
4287 care and provided, further, that, in the case of removal of a
4288 vehicle or vessel upon the request of a person purporting, and
4289 reasonably appearing, to be the owner or lessee, or a person
4290 authorized by the owner or lessee, of the property from which
4291 such vehicle or vessel is removed, such removal has been done in
4292 compliance with s. 715.07. Further, a wrecker operator is not

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4293 liable for damage to a vehicle, vessel, or cargo that obstructs
4294 the normal movement of traffic or creates a hazard to traffic
4295 and is removed in compliance with the request of a law
4296 enforcement officer.

4297 (b) For the purposes of this subsection, a wrecker operator
4298 is presumed to use reasonable care to prevent the theft of a
4299 vehicle or vessel or of any personal property contained in such
4300 vehicle stored in the wrecker operator's storage facility if all
4301 of the following apply:

4302 1. The wrecker operator surrounds the storage facility with
4303 a chain-link or solid-wall type fence at least 6 feet in height;

4304 2. The wrecker operator has illuminated the storage
4305 facility with lighting of sufficient intensity to reveal persons
4306 and vehicles at a distance of at least 150 feet during
4307 nighttime; and

4308 3. The wrecker operator uses one or more of the following
4309 security methods to discourage theft of vehicles or vessels or
4310 of any personal property contained in such vehicles or vessels
4311 stored in the wrecker operator's storage facility:

4312 a. A night dispatcher or watchman remains on duty at the
4313 storage facility from sunset to sunrise;

4314 b. A security dog remains at the storage facility from
4315 sunset to sunrise;

4316 c. Security cameras or other similar surveillance devices
4317 monitor the storage facility; or

4318 d. A security guard service examines the storage facility
4319 at least once each hour from sunset to sunrise.

4320 (c) Any law enforcement agency requesting that a motor
4321 vehicle be removed from an accident scene, street, or highway

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4322 must conduct an inventory and prepare a written record of all
4323 personal property found in the vehicle before the vehicle is
4324 removed by a wrecker operator. However, if the owner or driver
4325 of the motor vehicle is present and accompanies the vehicle, no
4326 inventory by law enforcement is required. A wrecker operator is
4327 not liable for the loss of personal property alleged to be
4328 contained in such a vehicle when such personal property was not
4329 identified on the inventory record prepared by the law
4330 enforcement agency requesting the removal of the vehicle.

4331 (8) A person regularly engaged in the business of
4332 recovering, towing, or storing vehicles or vessels, except a
4333 person licensed under chapter 493 while engaged in
4334 "repossession" activities as defined in s. 493.6101, may not
4335 operate a wrecker, tow truck, or car carrier unless the name,
4336 address, and telephone number of the company performing the
4337 service is clearly printed in contrasting colors on the driver
4338 and passenger sides of its vehicle. The name must be in at least
4339 3-inch permanently affixed letters, and the address and
4340 telephone number must be in at least 1-inch permanently affixed
4341 letters.

4342 (9) Failure to make good faith best efforts to comply with
4343 the notice requirements of this section shall preclude the
4344 imposition of any storage charges against such vehicle or
4345 vessel.

4346 (10) Persons who provide services pursuant to this section
4347 shall permit vehicle or vessel owners, lienholders, insurance
4348 company representatives, or their agents, which agency is
4349 evidenced by an original writing acknowledged by the owner
4350 before a notary public or other person empowered by law to

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4351 administer oaths, to inspect the towed vehicle or vessel and
4352 shall release to the owner, lienholder, or agent the vehicle,
4353 vessel, or all personal property not affixed to the vehicle or
4354 vessel which was in the vehicle or vessel at the time the
4355 vehicle or vessel came into the custody of the person providing
4356 such services.

4357 (11) (a) Any person regularly engaged in the business of
4358 recovering, towing, or storing vehicles or vessels who comes
4359 into possession of a vehicle or vessel pursuant to subsection
4360 (2) and who has complied with the provisions of subsections (3)
4361 and (6), when such vehicle or vessel is to be sold for purposes
4362 of being dismantled, destroyed, or changed in such manner that
4363 it is not the motor vehicle or vessel described in the
4364 certificate of title, shall report the vehicle to the National
4365 Motor Vehicle Title Information System and apply to the
4366 Department of Highway Safety and Motor Vehicles ~~county tax~~
4367 ~~collector~~ for a certificate of destruction. A certificate of
4368 destruction, which authorizes the dismantling or destruction of
4369 the vehicle or vessel described therein, shall be reassignable a
4370 maximum of two times before dismantling or destruction of the
4371 vehicle shall be required, and shall accompany the vehicle or
4372 vessel for which it is issued, when such vehicle or vessel is
4373 sold for such purposes, in lieu of a certificate of title. The
4374 application for a certificate of destruction must include proof
4375 of reporting to the National Motor Vehicle Title Information
4376 System and an affidavit from the applicant that it has complied
4377 with all applicable requirements of this section and, if the
4378 vehicle or vessel is not registered in this state or any other
4379 state, by a statement from a law enforcement officer that the

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4380 vehicle or vessel is not reported stolen, and shall be
4381 accompanied by such documentation as may be required by the
4382 department.

4383 (b) The Department of Highway Safety and Motor Vehicles
4384 shall charge a fee of \$3 for each certificate of destruction. A
4385 service charge of \$4.25 shall be collected and retained by the
4386 tax collector who processes the application.

4387 (c) The Department of Highway Safety and Motor Vehicles may
4388 adopt such rules as it deems necessary or proper for the
4389 administration of this subsection.

4390 (12) (a) Any person who violates any provision of subsection
4391 (1), subsection (2), subsection (4), subsection (5), subsection
4392 (6), or subsection (7) is guilty of a misdemeanor of the first
4393 degree, punishable as provided in s. 775.082 or s. 775.083.

4394 (b) Any person who violates the provisions of subsections
4395 (8) through (11) is guilty of a felony of the third degree,
4396 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4397 (c) Any person who uses a false or fictitious name, gives a
4398 false or fictitious address, or makes any false statement in any
4399 application or affidavit required under the provisions of this
4400 section is guilty of a felony of the third degree, punishable as
4401 provided in s. 775.082, s. 775.083, or s. 775.084.

4402 (d) Employees of the Department of Highway Safety and Motor
4403 Vehicles and law enforcement officers are authorized to inspect
4404 the records of any person regularly engaged in the business of
4405 recovering, towing, or storing vehicles or vessels or
4406 transporting vehicles or vessels by wrecker, tow truck, or car
4407 carrier, to ensure compliance with the requirements of this
4408 section. Any person who fails to maintain records, or fails to

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4409 produce records when required in a reasonable manner and at a
4410 reasonable time, commits a misdemeanor of the first degree,
4411 punishable as provided in s. 775.082 or s. 775.083.

4412 (13) (a) Upon receipt by the Department of Highway Safety
4413 and Motor Vehicles of written notice from a wrecker operator who
4414 claims a wrecker operator's lien under paragraph (2) (c) or
4415 paragraph (2) (d) for recovery, towing, or storage of an
4416 abandoned vehicle or vessel upon instructions from any law
4417 enforcement agency, for which a certificate of destruction has
4418 been issued under subsection (11) and the vehicle has been
4419 reported to the National Motor Vehicle Title Information System,
4420 the department shall place the name of the registered owner of
4421 that vehicle or vessel on the list of those persons who may not
4422 be issued a license plate or revalidation sticker for any motor
4423 vehicle under s. 320.03(8). If the vehicle or vessel is owned
4424 jointly by more than one person, the name of each registered
4425 owner shall be placed on the list. The notice of wrecker
4426 operator's lien shall be submitted on forms provided by the
4427 department, which must include:

4428 1. The name, address, and telephone number of the wrecker
4429 operator.

4430 2. The name of the registered owner of the vehicle or
4431 vessel and the address to which the wrecker operator provided
4432 notice of the lien to the registered owner under subsection (4).

4433 3. A general description of the vehicle or vessel,
4434 including its color, make, model, body style, and year.

4435 4. The vehicle identification number (VIN); registration
4436 license plate number, state, and year; validation decal number,
4437 state, and year; vessel registration number; hull identification

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4438 number; or other identification number, as applicable.

4439 5. The name of the person or the corresponding law
4440 enforcement agency that requested that the vehicle or vessel be
4441 recovered, towed, or stored.

4442 6. The amount of the wrecker operator's lien, not to exceed
4443 the amount allowed by paragraph (b).

4444 (b) For purposes of this subsection only, the amount of the
4445 wrecker operator's lien for which the department will prevent
4446 issuance of a license plate or revalidation sticker may not
4447 exceed the amount of the charges for recovery, towing, and
4448 storage of the vehicle or vessel for 7 days. These charges may
4449 not exceed the maximum rates imposed by the ordinances of the
4450 respective county or municipality under ss. 125.0103(1)(c) and
4451 166.043(1)(c). This paragraph does not limit the amount of a
4452 wrecker operator's lien claimed under subsection (2) or prevent
4453 a wrecker operator from seeking civil remedies for enforcement
4454 of the entire amount of the lien, but limits only that portion
4455 of the lien for which the department will prevent issuance of a
4456 license plate or revalidation sticker.

4457 (c)1. The registered owner of a vehicle or vessel may
4458 dispute a wrecker operator's lien, by notifying the department
4459 of the dispute in writing on forms provided by the department,
4460 if at least one of the following applies:

4461 a. The registered owner presents a notarized bill of sale
4462 proving that the vehicle or vessel was sold in a private or
4463 casual sale before the vehicle or vessel was recovered, towed,
4464 or stored.

4465 b. The registered owner presents proof that the Florida
4466 certificate of title of the vehicle or vessel was sold to a

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4467 licensed dealer as defined in s. 319.001 before the vehicle or
4468 vessel was recovered, towed, or stored.

4469 c. The records of the department were marked "sold" prior
4470 to the date of the tow.

4471
4472 If the registered owner's dispute of a wrecker operator's lien
4473 complies with one of these criteria, the department shall
4474 immediately remove the registered owner's name from the list of
4475 those persons who may not be issued a license plate or
4476 revalidation sticker for any motor vehicle under s. 320.03(8),
4477 thereby allowing issuance of a license plate or revalidation
4478 sticker. If the vehicle or vessel is owned jointly by more than
4479 one person, each registered owner must dispute the wrecker
4480 operator's lien in order to be removed from the list. However,
4481 the department shall deny any dispute and maintain the
4482 registered owner's name on the list of those persons who may not
4483 be issued a license plate or revalidation sticker for any motor
4484 vehicle under s. 320.03(8) if the wrecker operator has provided
4485 the department with a certified copy of the judgment of a court
4486 which orders the registered owner to pay the wrecker operator's
4487 lien claimed under this section. In such a case, the amount of
4488 the wrecker operator's lien allowed by paragraph (b) may be
4489 increased to include no more than \$500 of the reasonable costs
4490 and attorney's fees incurred in obtaining the judgment. The
4491 department's action under this subparagraph is ministerial in
4492 nature, shall not be considered final agency action, and is
4493 appealable only to the county court for the county in which the
4494 vehicle or vessel was ordered removed.

4495 2. A person against whom a wrecker operator's lien has been

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4496 imposed may alternatively obtain a discharge of the lien by
4497 filing a complaint, challenging the validity of the lien or the
4498 amount thereof, in the county court of the county in which the
4499 vehicle or vessel was ordered removed. Upon filing of the
4500 complaint, the person may have her or his name removed from the
4501 list of those persons who may not be issued a license plate or
4502 revalidation sticker for any motor vehicle under s. 320.03(8),
4503 thereby allowing issuance of a license plate or revalidation
4504 sticker, upon posting with the court a cash or surety bond or
4505 other adequate security equal to the amount of the wrecker
4506 operator's lien to ensure the payment of such lien in the event
4507 she or he does not prevail. Upon the posting of the bond and the
4508 payment of the applicable fee set forth in s. 28.24, the clerk
4509 of the court shall issue a certificate notifying the department
4510 of the posting of the bond and directing the department to
4511 release the wrecker operator's lien. Upon determining the
4512 respective rights of the parties, the court may award damages
4513 and costs in favor of the prevailing party.

4514 3. If a person against whom a wrecker operator's lien has
4515 been imposed does not object to the lien, but cannot discharge
4516 the lien by payment because the wrecker operator has moved or
4517 gone out of business, the person may have her or his name
4518 removed from the list of those persons who may not be issued a
4519 license plate or revalidation sticker for any motor vehicle
4520 under s. 320.03(8), thereby allowing issuance of a license plate
4521 or revalidation sticker, upon posting with the clerk of court in
4522 the county in which the vehicle or vessel was ordered removed, a
4523 cash or surety bond or other adequate security equal to the
4524 amount of the wrecker operator's lien. Upon the posting of the

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4525 bond and the payment of the application fee set forth in s.
4526 28.24, the clerk of the court shall issue a certificate
4527 notifying the department of the posting of the bond and
4528 directing the department to release the wrecker operator's lien.
4529 The department shall mail to the wrecker operator, at the
4530 address upon the lien form, notice that the wrecker operator
4531 must claim the security within 60 days, or the security will be
4532 released back to the person who posted it. At the conclusion of
4533 the 60 days, the department shall direct the clerk as to which
4534 party is entitled to payment of the security, less applicable
4535 clerk's fees.

4536 4. A wrecker operator's lien expires 5 years after filing.
4537 (d) Upon discharge of the amount of the wrecker operator's
4538 lien allowed by paragraph (b), the wrecker operator must issue a
4539 certificate of discharged wrecker operator's lien on forms
4540 provided by the department to each registered owner of the
4541 vehicle or vessel attesting that the amount of the wrecker
4542 operator's lien allowed by paragraph (b) has been discharged.
4543 Upon presentation of the certificate of discharged wrecker
4544 operator's lien by the registered owner, the department shall
4545 immediately remove the registered owner's name from the list of
4546 those persons who may not be issued a license plate or
4547 revalidation sticker for any motor vehicle under s. 320.03(8),
4548 thereby allowing issuance of a license plate or revalidation
4549 sticker. Issuance of a certificate of discharged wrecker
4550 operator's lien under this paragraph does not discharge the
4551 entire amount of the wrecker operator's lien claimed under
4552 subsection (2), but only certifies to the department that the
4553 amount of the wrecker operator's lien allowed by paragraph (b),

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4554 for which the department will prevent issuance of a license
4555 plate or revalidation sticker, has been discharged.

4556 (e) When a wrecker operator files a notice of wrecker
4557 operator's lien under this subsection, the department shall
4558 charge the wrecker operator a fee of \$2, which shall be
4559 deposited into the General Revenue Fund. A service charge of
4560 \$2.50 shall be collected and retained by the tax collector who
4561 processes a notice of wrecker operator's lien.

4562 (f) This subsection applies only to the annual renewal in
4563 the registered owner's birth month of a motor vehicle
4564 registration and does not apply to the transfer of a
4565 registration of a motor vehicle sold by a motor vehicle dealer
4566 licensed under chapter 320, except for the transfer of
4567 registrations which includes the annual renewals. This
4568 subsection does not apply to any vehicle registered in the name
4569 of the lessor. This subsection does not affect the issuance of
4570 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4571 (g) The Department of Highway Safety and Motor Vehicles may
4572 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
4573 this subsection.

4574 Section 63. Paragraph (aa) of subsection (7) of section
4575 212.08, Florida Statutes, is amended to read:

4576 212.08 Sales, rental, use, consumption, distribution, and
4577 storage tax; specified exemptions.—The sale at retail, the
4578 rental, the use, the consumption, the distribution, and the
4579 storage to be used or consumed in this state of the following
4580 are hereby specifically exempt from the tax imposed by this
4581 chapter.

4582 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any

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4583 entity by this chapter do not inure to any transaction that is
4584 otherwise taxable under this chapter when payment is made by a
4585 representative or employee of the entity by any means,
4586 including, but not limited to, cash, check, or credit card, even
4587 when that representative or employee is subsequently reimbursed
4588 by the entity. In addition, exemptions provided to any entity by
4589 this subsection do not inure to any transaction that is
4590 otherwise taxable under this chapter unless the entity has
4591 obtained a sales tax exemption certificate from the department
4592 or the entity obtains or provides other documentation as
4593 required by the department. Eligible purchases or leases made
4594 with such a certificate must be in strict compliance with this
4595 subsection and departmental rules, and any person who makes an
4596 exempt purchase with a certificate that is not in strict
4597 compliance with this subsection and the rules is liable for and
4598 shall pay the tax. The department may adopt rules to administer
4599 this subsection.

4600 (aa) *Certain commercial vehicles.*—Also exempt is the sale,
4601 lease, or rental of a commercial motor vehicle as defined in s.
4602 207.002 ~~207.002(2)~~, when the following conditions are met:

- 4603 1. The sale, lease, or rental occurs between two commonly
4604 owned and controlled corporations;
- 4605 2. Such vehicle was titled and registered in this state at
4606 the time of the sale, lease, or rental; and
- 4607 3. Florida sales tax was paid on the acquisition of such
4608 vehicle by the seller, lessor, or renter.

4609 Section 64. Subsection (8) of section 261.03, Florida
4610 Statutes, is amended to read:

4611 261.03 Definitions.—As used in this chapter, the term:

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4612 (8) "ROV" means any motorized recreational off-highway
4613 vehicle 64 inches or less in width, having a dry weight of 2,000
4614 pounds or less, designed to travel on four or more nonhighway
4615 tires, having nonstraddle seating and a steering wheel, and
4616 manufactured for recreational use by one or more persons. The
4617 term "ROV" does not include a golf cart as defined in ss. 320.01
4618 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4619 s. 320.01 ~~320.01(42)~~.

4620 Section 65. Section 316.2122, Florida Statutes, is amended
4621 to read:

4622 316.2122 Operation of a low-speed vehicle or mini truck on
4623 certain roadways.—The operation of a low-speed vehicle as
4624 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4625 320.01 ~~320.01(45)~~ on any road is authorized with the following
4626 restrictions:

4627 (1) A low-speed vehicle or mini truck may be operated only
4628 on streets where the posted speed limit is 35 miles per hour or
4629 less. This does not prohibit a low-speed vehicle or mini truck
4630 from crossing a road or street at an intersection where the road
4631 or street has a posted speed limit of more than 35 miles per
4632 hour.

4633 (2) A low-speed vehicle must be equipped with headlamps,
4634 stop lamps, turn signal lamps, taillamps, reflex reflectors,
4635 parking brakes, rearview mirrors, windshields, seat belts, and
4636 vehicle identification numbers.

4637 (3) A low-speed vehicle or mini truck must be registered
4638 and insured in accordance with s. 320.02 and titled pursuant to
4639 chapter 319.

4640 (4) Any person operating a low-speed vehicle or mini truck

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4641 must have in his or her possession a valid driver ~~driver's~~
4642 license.

4643 (5) A county or municipality may prohibit the operation of
4644 low-speed vehicles or mini trucks on any road under its
4645 jurisdiction if the governing body of the county or municipality
4646 determines that such prohibition is necessary in the interest of
4647 safety.

4648 (6) The Department of Transportation may prohibit the
4649 operation of low-speed vehicles or mini trucks on any road under
4650 its jurisdiction if it determines that such prohibition is
4651 necessary in the interest of safety.

4652 Section 66. Section 316.2124, Florida Statutes, is amended
4653 to read:

4654 316.2124 Motorized disability access vehicles.—The
4655 Department of Highway Safety and Motor Vehicles is directed to
4656 provide, by rule, for the regulation of motorized disability
4657 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
4658 department shall provide that motorized disability access
4659 vehicles shall be registered in the same manner as motorcycles
4660 and shall pay the same registration fee as for a motorcycle.
4661 There shall also be assessed, in addition to the registration
4662 fee, a \$2.50 surcharge for motorized disability access vehicles.
4663 This surcharge shall be paid into the Highway Safety Operating
4664 Trust Fund. Motorized disability access vehicles shall not be
4665 required to be titled by the department. The department shall
4666 require motorized disability access vehicles to be subject to
4667 the same safety requirements as set forth in this chapter for
4668 motorcycles.

4669 Section 67. Subsection (1) of section 316.21265, Florida

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4670 Statutes, is amended to read:

4671 316.21265 Use of all-terrain vehicles, golf carts, low-
4672 speed vehicles, or utility vehicles by law enforcement
4673 agencies.-

4674 (1) Notwithstanding any provision of law to the contrary,
4675 any law enforcement agency in this state may operate all-terrain
4676 vehicles as defined in s. 316.2074, golf carts as defined in s.
4677 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
4678 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
4679 ~~320.01(43)~~ on any street, road, or highway in this state while
4680 carrying out its official duties.

4681 Section 68. Subsection (1) of section 316.3026, Florida
4682 Statutes, is amended to read:

4683 316.3026 Unlawful operation of motor carriers.-

4684 (1) The Office of Commercial Vehicle Enforcement may issue
4685 out-of-service orders to motor carriers, as defined in s. 320.01
4686 ~~320.01(33)~~, who, after proper notice, have failed to pay any
4687 penalty or fine assessed by the department, or its agent,
4688 against any owner or motor carrier for violations of state law,
4689 refused to submit to a compliance review and provide records
4690 pursuant to s. 316.302(5) or s. 316.70, or violated safety
4691 regulations pursuant to s. 316.302 or insurance requirements in
4692 s. 627.7415. Such out-of-service orders have the effect of
4693 prohibiting the operations of any motor vehicles owned, leased,
4694 or otherwise operated by the motor carrier upon the roadways of
4695 this state, until the violations have been corrected or
4696 penalties have been paid. Out-of-service orders must be approved
4697 by the director of the Division of the Florida Highway Patrol or
4698 his or her designee. An administrative hearing pursuant to s.

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4699 120.569 shall be afforded to motor carriers subject to such
4700 orders.

4701 Section 69. Paragraph (a) of subsection (5) and subsection
4702 (10) of section 316.550, Florida Statutes, are amended to read:
4703 316.550 Operations not in conformity with law; special
4704 permits.—

4705 (5) (a) The Department of Transportation may issue a wrecker
4706 special blanket permit to authorize a wrecker as defined in s.
4707 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in
4708 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and
4709 the disabled vehicle being towed exceeds the maximum weight
4710 limits as established by s. 316.535.

4711 (10) Whenever any motor vehicle, or the combination of a
4712 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
4713 vehicle, exceeds any weight or dimensional criteria or special
4714 operational or safety stipulation contained in a special permit
4715 issued under the provisions of this section, the penalty
4716 assessed to the owner or operator shall be as follows:

4717 (a) For violation of weight criteria contained in a special
4718 permit, the penalty per pound or portion thereof exceeding the
4719 permitted weight shall be as provided in s. 316.545.

4720 (b) For each violation of dimensional criteria in a special
4721 permit, the penalty shall be as provided in s. 316.516 and
4722 penalties for multiple violations of dimensional criteria shall
4723 be cumulative except that the total penalty for the vehicle
4724 shall not exceed \$1,000.

4725 (c) For each violation of an operational or safety
4726 stipulation in a special permit, the penalty shall be an amount
4727 not to exceed \$1,000 per violation and penalties for multiple

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4728 violations of operational or safety stipulations shall be
4729 cumulative except that the total penalty for the vehicle shall
4730 not exceed \$1,000.

4731 (d) For violation of any special condition that has been
4732 prescribed in the rules of the Department of Transportation and
4733 declared on the permit, the vehicle shall be determined to be
4734 out of conformance with the permit and the permit shall be
4735 declared null and void for the vehicle, and weight and
4736 dimensional limits for the vehicle shall be as established in s.
4737 316.515 or s. 316.535, whichever is applicable, and:

4738 1. For weight violations, a penalty as provided in s.
4739 316.545 shall be assessed for those weights which exceed the
4740 limits thus established for the vehicle; and

4741 2. For dimensional, operational, or safety violations, a
4742 penalty as established in paragraph (c) or s. 316.516, whichever
4743 is applicable, shall be assessed for each nonconforming
4744 dimensional, operational, or safety violation and the penalties
4745 for multiple violations shall be cumulative for the vehicle.

4746 Section 70. Subsection (9) of section 317.0003, Florida
4747 Statutes, is amended to read:

4748 317.0003 Definitions.—As used in this chapter, the term:

4749 (9) "ROV" means any motorized recreational off-highway
4750 vehicle 64 inches or less in width, having a dry weight of 2,000
4751 pounds or less, designed to travel on four or more nonhighway
4752 tires, having nonstraddle seating and a steering wheel, and
4753 manufactured for recreational use by one or more persons. The
4754 term "ROV" does not include a golf cart as defined in ss. 320.01
4755 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4756 s. 320.01 ~~320.01(42)~~.

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4757 Section 71. Paragraph (d) of subsection (5) of section
4758 320.08, Florida Statutes, is amended to read:

4759 320.08 License taxes.—Except as otherwise provided herein,
4760 there are hereby levied and imposed annual license taxes for the
4761 operation of motor vehicles, mopeds, motorized bicycles as
4762 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
4763 and mobile homes, as defined in s. 320.01, which shall be paid
4764 to and collected by the department or its agent upon the
4765 registration or renewal of registration of the following:

4766 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
4767 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4768 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is
4769 used to tow a vessel as defined in s. 327.02(39), a disabled,
4770 abandoned, stolen-recovered, or impounded motor vehicle as
4771 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
4772 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall
4773 be deposited into the General Revenue Fund.

4774 Section 72. Subsection (1) of section 320.0847, Florida
4775 Statutes, is amended to read:

4776 320.0847 Mini truck and low-speed vehicle license plates.—

4777 (1) The department shall issue a license plate to the owner
4778 or lessee of any vehicle registered as a low-speed vehicle as
4779 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4780 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes
4781 and fees prescribed in s. 320.08.

4782 Section 73. Section 322.282, Florida Statutes, is amended
4783 to read:

4784 322.282 Procedure when court revokes or suspends license or
4785 driving privilege and orders reinstatement.—When a court

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4786 suspends or revokes a person's license or driving privilege and,
4787 in its discretion, orders reinstatement ~~as provided by s.~~
4788 ~~322.28(2)(d) or former s. 322.261(5):~~

4789 (1) The court shall pick up all revoked or suspended driver
4790 ~~driver's~~ licenses from the person and immediately forward them
4791 to the department, together with a record of such conviction.
4792 The clerk of such court shall also maintain a list of all
4793 revocations or suspensions by the court.

4794 (2) (a) The court shall issue an order of reinstatement, on
4795 a form to be furnished by the department, which the person may
4796 take to any driver ~~driver's~~ license examining office. The
4797 department shall issue a temporary driver ~~driver's~~ permit to a
4798 licensee who presents the court's order of reinstatement, proof
4799 of completion of a department-approved driver training or
4800 substance abuse education course, and a written request for a
4801 hearing under s. 322.271. The permit shall not be issued if a
4802 record check by the department shows that the person has
4803 previously been convicted for a violation of s. 316.193, former
4804 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
4805 conviction outside this state for driving under the influence,
4806 driving while intoxicated, driving with an unlawful blood-
4807 alcohol level, or any similar alcohol-related or drug-related
4808 traffic offense; that the person's driving privilege has been
4809 previously suspended for refusal to submit to a lawful test of
4810 breath, blood, or urine; or that the person is otherwise not
4811 entitled to issuance of a driver ~~driver's~~ license. This
4812 paragraph shall not be construed to prevent the reinstatement of
4813 a license or driving privilege that is presently suspended for
4814 driving with an unlawful blood-alcohol level or a refusal to

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4815 submit to a breath, urine, or blood test and is also revoked for
4816 a conviction for a violation of s. 316.193 or former s.
4817 316.1931, if the suspension and revocation arise out of the same
4818 incident.

4819 (b) The temporary driver ~~driver's~~ permit shall be
4820 restricted to either business or employment purposes described
4821 in s. 322.271, as determined by the department, and shall not be
4822 used for pleasure, recreational, or nonessential driving.

4823 (c) If the department determines at a later date from its
4824 records that the applicant has previously been convicted of an
4825 offense referred to in paragraph (a) which would render him or
4826 her ineligible for reinstatement, the department shall cancel
4827 the temporary driver ~~driver's~~ permit and shall issue a
4828 revocation or suspension order for the minimum period
4829 applicable. A temporary permit issued pursuant to this section
4830 shall be valid for 45 days or until canceled as provided in this
4831 paragraph.

4832 (d) The period of time for which a temporary permit issued
4833 in accordance with paragraph (a) is valid shall be deemed to be
4834 part of the period of revocation imposed by the court.

4835 Section 74. Section 324.023, Florida Statutes, is amended
4836 to read:

4837 324.023 Financial responsibility for bodily injury or
4838 death.—In addition to any other financial responsibility
4839 required by law, every owner or operator of a motor vehicle that
4840 is required to be registered in this state, or that is located
4841 within this state, and who, regardless of adjudication of guilt,
4842 has been found guilty of or entered a plea of guilty or nolo
4843 contendere to a charge of driving under the influence under s.

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4844 316.193 after October 1, 2007, shall, by one of the methods
4845 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
4846 maintain the ability to respond in damages for liability on
4847 account of accidents arising out of the use of a motor vehicle
4848 in the amount of \$100,000 because of bodily injury to, or death
4849 of, one person in any one crash and, subject to such limits for
4850 one person, in the amount of \$300,000 because of bodily injury
4851 to, or death of, two or more persons in any one crash and in the
4852 amount of \$50,000 because of property damage in any one crash.
4853 If the owner or operator chooses to establish and maintain such
4854 ability by ~~posting a bond or~~ furnishing a certificate of deposit
4855 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
4856 deposit must be at least ~~in an amount not less than~~ \$350,000.
4857 Such higher limits must be carried for a minimum period of 3
4858 years. If the owner or operator has not been convicted of
4859 driving under the influence or a felony traffic offense for a
4860 period of 3 years from the date of reinstatement of driving
4861 privileges for a violation of s. 316.193, the owner or operator
4862 shall be exempt from this section.

4863 Section 75. Paragraph (c) of subsection (1) of section
4864 324.171, Florida Statutes, is amended to read:

4865 324.171 Self-insurer.—

4866 (1) Any person may qualify as a self-insurer by obtaining a
4867 certificate of self-insurance from the department which may, in
4868 its discretion and upon application of such a person, issue said
4869 certificate of self-insurance when such person has satisfied the
4870 requirements of this section to qualify as a self-insurer under
4871 this section:

4872 (c) The owner of a commercial motor vehicle, as defined in

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4873 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
4874 insurer subject to the standards provided for in subparagraph
4875 (b)2.

4876 Section 76. Section 324.191, Florida Statutes, is amended
4877 to read:

4878 324.191 Consent to cancellation; direction to return money
4879 or securities.—The department shall consent to the cancellation
4880 of any ~~bond or~~ certificate of insurance furnished as proof of
4881 financial responsibility pursuant to s. 324.031, or the
4882 department shall return to the person entitled thereto cash or
4883 securities deposited as proof of financial responsibility
4884 pursuant to s. 324.031:

4885 (1) Upon substitution and acceptance of other adequate
4886 proof of financial responsibility pursuant to this chapter, or

4887 (2) In the event of the death of the person on whose behalf
4888 the proof was filed, or the permanent incapacity of such person
4889 to operate a motor vehicle, or

4890 (3) In the event the person who has given proof of
4891 financial responsibility surrenders his or her license and all
4892 registrations to the department; providing, however, that no
4893 notice of court action has been filed with the department, a
4894 judgment in which would result in claim on such proof of
4895 financial responsibility.

4896
4897 This section shall not apply to security as specified in s.
4898 324.061 deposited pursuant to s. 324.051(2)(a)4.

4899 Section 77. Subsection (3) of section 627.733, Florida
4900 Statutes, is amended to read:

4901 627.733 Required security.—

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4902 (3) Such security shall be provided:

4903 (a) By an insurance policy delivered or issued for delivery
4904 in this state by an authorized or eligible motor vehicle
4905 liability insurer which provides the benefits and exemptions
4906 contained in ss. 627.730-627.7405. Any policy of insurance
4907 represented or sold as providing the security required hereunder
4908 shall be deemed to provide insurance for the payment of the
4909 required benefits; or

4910 (b) By any other method authorized by s. 324.031(2) or
4911 (3), ~~or (4)~~ and approved by the Department of Highway Safety and
4912 Motor Vehicles as affording security equivalent to that afforded
4913 by a policy of insurance or by self-insuring as authorized by s.
4914 768.28(16). The person filing such security shall have all of
4915 the obligations and rights of an insurer under ss. 627.730-
4916 627.7405.

4917 Section 78. Section 627.7415, Florida Statutes, is amended
4918 to read:

4919 627.7415 Commercial motor vehicles; additional liability
4920 insurance coverage.—Commercial motor vehicles, as defined in s.
4921 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
4922 highways of this state shall be insured with the following
4923 minimum levels of combined bodily liability insurance and
4924 property damage liability insurance in addition to any other
4925 insurance requirements:

4926 (1) Fifty thousand dollars per occurrence for a commercial
4927 motor vehicle with a gross vehicle weight of 26,000 pounds or
4928 more, but less than 35,000 pounds.

4929 (2) One hundred thousand dollars per occurrence for a
4930 commercial motor vehicle with a gross vehicle weight of 35,000

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4931 pounds or more, but less than 44,000 pounds.

4932 (3) Three hundred thousand dollars per occurrence for a
4933 commercial motor vehicle with a gross vehicle weight of 44,000
4934 pounds or more.

4935 (4) All commercial motor vehicles subject to regulations of
4936 the United States Department of Transportation, Title 49 C.F.R.
4937 part 387, subpart A, and as may be hereinafter amended, shall be
4938 insured in an amount equivalent to the minimum levels of
4939 financial responsibility as set forth in such regulations.

4940

4941 A violation of this section is a noncriminal traffic infraction,
4942 punishable as a nonmoving violation as provided in chapter 318.

4943 Section 79. This act shall take effect July 1, 2013.