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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/RE/2R	.	
05/02/2013 01:39 AM	.	
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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

110.205 Career service; exemptions.—

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

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



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14 but are not limited to:

15 1. Positions in the Department of Health and the Department  
16 of Children and Family Services that are assigned primary duties  
17 of serving as the superintendent or assistant superintendent of  
18 an institution.

19 2. Positions in the Department of Corrections that are  
20 assigned primary duties of serving as the warden, assistant  
21 warden, colonel, or major of an institution or that are assigned  
22 primary duties of serving as the circuit administrator or deputy  
23 circuit administrator.

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

27 4. Positions in the Department of Environmental Protection  
28 that are assigned the duty of an Environmental Administrator or  
29 program administrator.

30 5. Positions in the Department of Health that are assigned  
31 the duties of Environmental Administrator, Assistant County  
32 Health Department Director, and County Health Department  
33 Financial Administrator.

34 6. Positions in the Department of Highway Safety and Motor  
35 Vehicles that are assigned primary duties of serving as captains  
36 in the Florida Highway Patrol.

37  
38 Unless otherwise fixed by law, the department shall set the  
39 salary and benefits of the positions listed in this paragraph in  
40 accordance with the rules established for the Selected Exempt  
41 Service.

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



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43 and amended to read:

44 207.002 Definitions.—As used in this chapter, the term:

45 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~  
46 ~~which is required to be registered under the International~~  
47 ~~Registration Plan.~~

48 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not  
49 owned or operated by a governmental entity which uses diesel  
50 fuel or motor fuel on the public highways; and which has a gross  
51 vehicle weight in excess of 26,000 pounds, or has three or more  
52 axles regardless of weight, or is used in combination when the  
53 weight of such combination exceeds 26,000 pounds gross vehicle  
54 weight. The term excludes any vehicle owned or operated by a  
55 community transportation coordinator as defined in s. 427.011 or  
56 by a private operator that provides public transit services  
57 under contract with such a provider.

58 (2)~~(3)~~ "Department" means the Department of Highway Safety  
59 and Motor Vehicles.

60 (7)~~(4)~~ "Motor carrier" means any person owning,  
61 controlling, operating, or managing any motor vehicle used to  
62 transport persons or property over any public highway.

63 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold  
64 as gasoline and fuels containing a mixture of gasoline and other  
65 products.

66 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"  
67 means and includes the utilization in any form of any commercial  
68 motor vehicle, whether loaded or empty, whether utilized for  
69 compensation or not for compensation, and whether owned by or  
70 leased to the motor carrier who uses it or causes it to be used.

71 (10)~~(7)~~ "Person" means and includes natural persons,



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72 corporations, copartnerships, firms, companies, agencies, or  
73 associations, singular or plural.

74 (11)~~(8)~~ "Public highway" means any public street, road, or  
75 highway in this state.

76 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas  
77 product or combination thereof, including, but not limited to,  
78 all forms of fuel known or sold as diesel fuel, kerosene, butane  
79 gas, or propane gas and all other forms of liquefied petroleum  
80 gases, except those defined as "motor fuel," used to propel a  
81 motor vehicle.

82 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of  
83 diesel fuel or motor fuel in a commercial motor vehicle for the  
84 propulsion thereof.

85 (4)~~(11)~~ "International Registration Plan" means a  
86 registration reciprocity agreement among states of the United  
87 States and provinces of Canada providing for payment of license  
88 fees or license taxes on the basis of fleet miles operated in  
89 various jurisdictions.

90 ~~(12) "Apportionable vehicle" means any vehicle, except a~~  
91 ~~recreational vehicle, a vehicle displaying restricted plates, a~~  
92 ~~municipal pickup and delivery vehicle, a bus used in~~  
93 ~~transportation of chartered parties, and a government-owned~~  
94 ~~vehicle, which is used or intended for use in two or more states~~  
95 ~~of the United States or provinces of Canada that allocate or~~  
96 ~~proportionally register vehicles and which is used for the~~  
97 ~~transportation of persons for hire or is designed, used, or~~  
98 ~~maintained primarily for the transportation of property and:~~

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



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

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

105       ~~(5)-(13)~~ "Interstate" means vehicle movement between or  
106 through two or more states.

107       ~~(6)-(14)~~ "Intrastate" means vehicle movement from one point  
108 within a state to another point within the same state.

109       ~~(12)-(15)~~ "Registrant" means a person in whose name or names  
110 a vehicle is properly registered.

111       Section 3. The intent of the Legislature is to reduce road  
112 rage and traffic congestion by reducing the incidence of crashes  
113 and drivers' interferences with the movement of traffic and by  
114 promoting the orderly, free flow of traffic on the roads and  
115 highways of the state.

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

118       316.003 Definitions.—The following words and phrases, when  
119 used in this chapter, shall have the meanings respectively  
120 ascribed to them in this section, except where the context  
121 otherwise requires:

122       ~~(91)~~ ROAD RAGE.—The act of a driver or passenger to  
123 intentionally or unintentionally, due to a loss of emotional  
124 control, injure or kill another driver, passenger, bicyclist, or  
125 pedestrian, or to attempt or threaten to injure or kill another  
126 driver, passenger, bicyclist, or pedestrian.

127       Section 5. Paragraph (b) of subsection (2) of section  
128 316.066, Florida Statutes, is amended to read:

129       316.066 Written reports of crashes.—



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130 (2)  
131 (b) Crash reports held by an agency under paragraph (a) may  
132 be made immediately available to the parties involved in the  
133 crash, their legal representatives, their licensed insurance  
134 agents, their insurers or insurers to which they have applied  
135 for coverage, persons under contract with such insurers to  
136 provide claims or underwriting information, prosecutorial  
137 authorities, law enforcement agencies, the Department of  
138 Transportation, county traffic operations, victim services  
139 programs, radio and television stations licensed by the Federal  
140 Communications Commission, newspapers qualified to publish legal  
141 notices under ss. 50.011 and 50.031, and free newspapers of  
142 general circulation, published once a week or more often,  
143 available and of interest to the public generally for the  
144 dissemination of news. For the purposes of this section, the  
145 following products or publications are not newspapers as  
146 referred to in this section: those intended primarily for  
147 members of a particular profession or occupational group; those  
148 with the primary purpose of distributing advertising; and those  
149 with the primary purpose of publishing names and other personal  
150 identifying information concerning parties to motor vehicle  
151 crashes.

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

155 316.083 Overtaking and passing a vehicle.—The following  
156 rules shall govern the overtaking and passing of vehicles  
157 proceeding in the same direction, subject to those limitations,  
158 exceptions, and special rules hereinafter stated:



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

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

167           1. The driver is in the process of overtaking a slower  
168 motor vehicle in the adjacent right-hand lane for the purpose of  
169 passing the slower vehicle before moving to the adjacent right-  
170 hand lane;

171           2. Conditions preclude the driver from moving to the  
172 adjacent right-hand lane;

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

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

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

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

181           Section 7. For the purpose of incorporating the amendment  
182 made by this act to section 316.083, Florida Statutes, in a  
183 reference thereto, section 316.1923, Florida Statutes, is  
184 reenacted to read:

185           316.1923 Aggressive careless driving.—“Aggressive careless  
186 driving” means committing two or more of the following acts  
187 simultaneously or in succession:



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188           (1) Exceeding the posted speed as defined in s.  
189 322.27(3) (d) 5.b.  
190           (2) Unsafely or improperly changing lanes as defined in s.  
191 316.085.  
192           (3) Following another vehicle too closely as defined in s.  
193 316.0895(1).  
194           (4) Failing to yield the right-of-way as defined in s.  
195 316.079, s. 316.0815, or s. 316.123.  
196           (5) Improperly passing as defined in s. 316.083, s.  
197 316.084, or s. 316.085.  
198           (6) Violating traffic control and signal devices as defined  
199 in ss. 316.074 and 316.075.  
200           Section 8. The Department of Highway Safety and Motor  
201 Vehicles shall provide information about the Florida Highway  
202 Safety Act in all driver license educational materials printed  
203 on or after October 1, 2013.  
204           Section 9. Subsection (1) of section 316.1937, Florida  
205 Statutes, is amended to read:  
206           316.1937 Ignition interlock devices, requiring; unlawful  
207 acts.—  
208           (1) In addition to any other authorized penalties, the  
209 court may require that any person who is convicted of driving  
210 under the influence in violation of s. 316.193 shall not operate  
211 a motor vehicle unless that vehicle is equipped with a  
212 functioning ignition interlock device certified by the  
213 department as provided in s. 316.1938, and installed in such a  
214 manner that the vehicle will not start if the operator's blood  
215 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
216 specified by the court. The court may require the use of an





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

223 Section 10. Section 316.2015, Florida Statutes, is amended  
224 to read:

225 316.2015 Unlawful for person to ride on exterior of  
226 vehicle.-

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

234 (2) (a) No person shall ride on any vehicle upon any portion  
235 thereof not designed or intended for the use of passengers. This  
236 paragraph does not apply to an employee of a fire department, an  
237 employee of a governmentally operated solid waste disposal  
238 department or a waste disposal service operating pursuant to a  
239 contract with a governmental entity, or to a volunteer  
240 firefighter when the employee or firefighter is engaged in the  
241 necessary discharge of a duty, and does not apply to a person  
242 who is being transported in response to an emergency by a public  
243 agency or pursuant to the direction or authority of a public  
244 agency. This paragraph does not apply to an employee engaged in  
245 the necessary discharge of a duty or to a person or persons



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246 riding within truck bodies in space intended for merchandise.

247 (b) It is unlawful for any operator of a pickup truck or  
248 flatbed truck to permit a minor child who has not attained 18  
249 years of age to ride upon limited access facilities of the state  
250 within the open body of a pickup truck or flatbed truck unless  
251 the minor is restrained within the open body in the back of a  
252 truck that has been modified to include secure seating and  
253 safety restraints to prevent the passenger from being thrown,  
254 falling, or jumping from the truck. This paragraph does not  
255 apply in a medical emergency if the child is accompanied within  
256 the truck by an adult. A county is exempt from this paragraph if  
257 the governing body of the county, by majority vote, following a  
258 noticed public hearing, votes to exempt the county from this  
259 paragraph.

260 (c) It is unlawful for the operator of a pickup truck or  
261 flatbed truck to permit a minor child who has not attained 6  
262 years of age to ride within the open body of a pickup truck or  
263 flatbed truck unless the minor is restrained within the open  
264 body in the back of a truck that has been modified to include  
265 secure seating and safety restraints to prevent the minor from  
266 being thrown, falling, or jumping from the truck. This paragraph  
267 does not apply in a medical emergency if the child is  
268 accompanied within the truck by an adult, upon an unpaved road,  
269 or upon a street or highway with a posted speed limit of less  
270 than 55 miles per hour which is maintained by the state, county,  
271 or municipality. A county is exempt from this paragraph if the  
272 governing body of the county, by majority vote, following a  
273 noticed public hearing, votes to exempt the county from this  
274 paragraph. An operator of a pickup truck is exempt from this



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

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

280 (3) This section does ~~shall~~ not apply to a performer  
281 engaged in a professional exhibition or person participating in  
282 an exhibition or parade, or any such person preparing to  
283 participate in such exhibitions or parades.

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

287 316.302 Commercial motor vehicles; safety regulations;  
288 transporters and shippers of hazardous materials; enforcement.-

289 (1)

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

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



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

307 ~~(9)(a) This section is not applicable to the transporting~~  
308 ~~of liquefied petroleum gas. The rules and regulations applicable~~  
309 ~~to the transporting of liquefied petroleum gas on the highways,~~  
310 ~~roads, or streets of this state shall be only those adopted by~~  
311 ~~the Department of Agriculture and Consumer Services under~~  
312 ~~chapter 527. However, transporters of liquefied petroleum gas~~  
313 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~  
314 ~~396.9.~~

315 ~~(b)~~ This section does not apply to any nonpublic sector  
316 bus.

317 Section 12. Paragraph (b) of subsection (3) and subsection  
318 (5) of section 316.3025, Florida Statutes, are amended to read:  
319 316.3025 Penalties.—

320 (3)

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

322 1. Each violation of the North American Uniform Driver Out-  
323 of-Service Criteria;

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

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

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

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

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



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333 pay the appropriate penalty, in addition to the provisions of s.  
334 316.3026, such penalty becomes a lien upon the property  
335 including the motor vehicles of such person or motor carrier and  
336 may be seized and foreclosed by the state in a civil action in  
337 any court of this state. It shall be presumed that the owner of  
338 the motor vehicle is liable for the sum, and the vehicle may be  
339 detained or impounded until the penalty is paid.

340 Section 13. Paragraph (a) of subsection (3) of section  
341 316.515, Florida Statutes, is amended to read

342 316.515 Maximum width, height, length.—

343 (3) LENGTH LIMITATION.—Except as otherwise provided in this  
344 section, length limitations apply solely to a semitrailer or  
345 trailer, and not to a truck tractor or to the overall length of  
346 a combination of vehicles. No combination of commercial motor  
347 vehicles coupled together and operating on the public roads may  
348 consist of more than one truck tractor and two trailing units.  
349 Unless otherwise specifically provided for in this section, a  
350 combination of vehicles not qualifying as commercial motor  
351 vehicles may consist of no more than two units coupled together;  
352 such nonqualifying combination of vehicles may not exceed a  
353 total length of 65 feet, inclusive of the load carried thereon,  
354 but exclusive of safety and energy conservation devices approved  
355 by the department for use on vehicles using public roads.  
356 Notwithstanding any other provision of this section, a truck  
357 tractor-semitrailer combination engaged in the transportation of  
358 automobiles or boats may transport motor vehicles or boats on  
359 part of the power unit; and, except as may otherwise be mandated  
360 under federal law, an automobile or boat transporter semitrailer  
361 may not exceed 50 feet in length, exclusive of the load;



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362 however, the load may extend up to an additional 6 feet beyond  
363 the rear of the trailer. The 50-foot length limitation does not  
364 apply to non-stinger-steered automobile or boat transporters  
365 that are 65 feet or less in overall length, exclusive of the  
366 load carried thereon, or to stinger-steered automobile or boat  
367 transporters that are 75 feet or less in overall length,  
368 exclusive of the load carried thereon. For purposes of this  
369 subsection, a "stinger-steered automobile or boat transporter"  
370 is an automobile or boat transporter configured as a semitrailer  
371 combination wherein the fifth wheel is located on a drop frame  
372 located behind and below the rearmost axle of the power unit.  
373 Notwithstanding paragraphs (a) and (b), any straight truck or  
374 truck tractor-semitrailer combination engaged in the  
375 transportation of horticultural trees may allow the load to  
376 extend up to an additional 10 feet beyond the rear of the  
377 vehicle, provided said trees are resting against a retaining bar  
378 mounted above the truck bed so that the root balls of the trees  
379 rest on the floor and to the front of the truck bed and the tops  
380 of the trees extend up over and to the rear of the truck bed,  
381 and provided the overhanging portion of the load is covered with  
382 protective fabric.

383 (a) *Straight trucks.*—A straight truck may not exceed a  
384 length of 40 feet in extreme overall dimension, exclusive of  
385 safety and energy conservation devices approved by the  
386 department for use on vehicles using public roads. A straight  
387 truck may attach a forklift to the rear of the cargo bed,  
388 provided the overall combined length of the vehicle and the  
389 forklift does not exceed 50 feet. A straight truck may tow no  
390 more than one trailer, and the overall length of the truck-



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391 trailer combination may not exceed 68 feet, including the load  
392 thereon. Notwithstanding any other provisions of this section, a  
393 truck-trailer combination engaged in the transportation of  
394 boats, or boat trailers whose design dictates a front-to-rear  
395 stacking method may not exceed the length limitations of this  
396 paragraph exclusive of the load; however, the load may extend up  
397 to an additional 6 feet beyond the rear of the trailer.

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

400 316.545 Weight and load unlawful; special fuel and motor  
401 fuel tax enforcement; inspection; penalty; review.—

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

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

408 (b) Five cents per pound for each pound of weight in excess  
409 of the maximum herein provided when the excess weight exceeds  
410 200 pounds. However, whenever the gross weight of the vehicle or  
411 combination of vehicles does not exceed the maximum allowable  
412 gross weight, the maximum fine for the first 600 pounds of  
413 unlawful axle weight shall be \$10;

414 (c) For a vehicle equipped with fully functional idle-  
415 reduction technology, any penalty shall be calculated by  
416 reducing the actual gross vehicle weight or the internal bridge  
417 weight by the certified weight of the idle-reduction technology  
418 or by 400 pounds, whichever is less. The vehicle operator must  
419 present written certification of the weight of the idle-



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420 reduction technology and must demonstrate or certify that the  
421 idle-reduction technology is fully functional at all times. This  
422 calculation is not allowed for vehicles described in s.  
423 316.535(6);

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

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

432 Section 15. Subsection (1) of section 316.646, Florida  
433 Statutes, is amended, and subsection (5) is added to that  
434 section, to read:

435 316.646 Security required; proof of security and display  
436 thereof; dismissal of cases.-

437 (1) Any person required by s. 324.022 to maintain property  
438 damage liability security, required by s. 324.023 to maintain  
439 liability security for bodily injury or death, or required by s.  
440 627.733 to maintain personal injury protection security on a  
441 motor vehicle shall have in his or her immediate possession at  
442 all times while operating such motor vehicle proper proof of  
443 maintenance of the required security.

444 (a) Such proof shall be in a uniform paper or electronic  
445 format, as ~~proof of insurance card in a form~~ prescribed by the  
446 department, a valid insurance policy, an insurance policy  
447 binder, a certificate of insurance, or such other proof as may  
448 be prescribed by the department.





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449       (b)1. The act of presenting to a law enforcement officer an  
450 electronic device displaying proof of insurance in an electronic  
451 format does not constitute consent for the officer to access any  
452 information on the device other than the displayed proof of  
453 insurance.

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

456       (5) The department shall adopt rules to administer this  
457 section.

458       Section 16. Section 317.0016, Florida Statutes, is amended  
459 to read:

460       317.0016 Expedited service; applications; fees.—The  
461 department shall provide, through its agents and for use by the  
462 public, expedited service on title transfers, title issuances,  
463 duplicate titles, and recordation of liens, ~~and certificates of~~  
464 ~~repossession~~. A fee of \$7 shall be charged for this service,  
465 which is in addition to the fees imposed by ss. 317.0007 and  
466 317.0008, and \$3.50 of this fee shall be retained by the  
467 processing agency. All remaining fees shall be deposited in the  
468 Incidental Trust Fund of the Florida Forest Service of the  
469 Department of Agriculture and Consumer Services. Application for  
470 expedited service may be made by mail or in person. The  
471 department shall issue each title applied for pursuant to this  
472 section within 5 working days after receipt of the application  
473 except for an application for a duplicate title certificate  
474 covered by s. 317.0008(3), in which case the title must be  
475 issued within 5 working days after compliance with the  
476 department's verification requirements.

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



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478 Florida Statutes, are amended to read:

479 318.14 Noncriminal traffic infractions; exception;  
480 procedures.—

481 (9) Any person who does not hold a commercial driver  
482 license or commercial learner's permit and who is cited while  
483 driving a noncommercial motor vehicle for an infraction under  
484 this section other than a violation of s. 316.183(2), s.  
485 316.187, or s. 316.189 when the driver exceeds the posted limit  
486 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or  
487 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in  
488 lieu of a court appearance, elect to attend in the location of  
489 his or her choice within this state a basic driver improvement  
490 course approved by the Department of Highway Safety and Motor  
491 Vehicles. In such a case, adjudication must be withheld and  
492 points, as provided by s. 322.27, may not be assessed. However,  
493 a person may not make an election under this subsection if the  
494 person has made an election under this subsection in the  
495 preceding 12 months. A person may not make more than five  
496 elections within his or her lifetime under this subsection. The  
497 requirement for community service under s. 318.18(8) is not  
498 waived by a plea of nolo contendere or by the withholding of  
499 adjudication of guilt by a court. If a person makes an election  
500 to attend a basic driver improvement course under this  
501 subsection, 18 percent of the civil penalty imposed under s.  
502 318.18(3) shall be deposited in the State Courts Revenue Trust  
503 Fund; however, that portion is not revenue for purposes of s.  
504 28.36 and may not be used in establishing the budget of the  
505 clerk of the court under that section or s. 28.35.

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



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507 license or commercial learner's permit and who is cited while  
508 driving a noncommercial motor vehicle for an offense listed  
509 under this subsection may, in lieu of payment of fine or court  
510 appearance, elect to enter a plea of nolo contendere and provide  
511 proof of compliance to the clerk of the court, designated  
512 official, or authorized operator of a traffic violations bureau.  
513 In such case, adjudication shall be withheld; however, a person  
514 may not make an election under this subsection if the person has  
515 made an election under this subsection in the preceding 12  
516 months. A person may not make more than three elections under  
517 this subsection. This subsection applies to the following  
518 offenses:

519 1. Operating a motor vehicle without a valid driver license  
520 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
521 operating a motor vehicle with a license that has been suspended  
522 for failure to appear, failure to pay civil penalty, or failure  
523 to attend a driver improvement course pursuant to s. 322.291.

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

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

527 4. Operating a motor vehicle with a license that has been  
528 suspended under s. 61.13016 or s. 322.245 for failure to pay  
529 child support or for failure to pay any other financial  
530 obligation as provided in s. 322.245; however, this subparagraph  
531 does not apply if the license has been suspended pursuant to s.  
532 322.245(1).

533 5. Operating a motor vehicle with a license that has been  
534 suspended under s. 322.091 for failure to meet school attendance  
535 requirements.



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536 (b) Any person cited for an offense listed in this  
537 subsection shall present proof of compliance before the  
538 scheduled court appearance date. For the purposes of this  
539 subsection, proof of compliance shall consist of a valid,  
540 renewed, or reinstated driver license or registration  
541 certificate and proper proof of maintenance of security as  
542 required by s. 316.646. Notwithstanding waiver of fine, any  
543 person establishing proof of compliance shall be assessed court  
544 costs of \$25, except that a person charged with violation of s.  
545 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
546 such costs shall be remitted to the Department of Revenue for  
547 deposit into the Child Welfare Training Trust Fund of the  
548 Department of Children and Family Services. One dollar of such  
549 costs shall be distributed to the Department of Juvenile Justice  
550 for deposit into the Juvenile Justice Training Trust Fund.  
551 Fourteen dollars of such costs shall be distributed to the  
552 municipality and \$9 shall be deposited by the clerk of the court  
553 into the fine and forfeiture fund established pursuant to s.  
554 142.01, if the offense was committed within the municipality. If  
555 the offense was committed in an unincorporated area of a county  
556 or if the citation was for a violation of s. 316.646(1)-(3), the  
557 entire amount shall be deposited by the clerk of the court into  
558 the fine and forfeiture fund established pursuant to s. 142.01,  
559 except for the moneys to be deposited into the Child Welfare  
560 Training Trust Fund and the Juvenile Justice Training Trust  
561 Fund. This subsection does not authorize the operation of a  
562 vehicle without a valid driver license, without a valid vehicle  
563 tag and registration, or without the maintenance of required  
564 security.



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565 Section 18. Section 318.1451, Florida Statutes, is amended  
566 to read:

567 318.1451 Driver improvement schools.—

568 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~  
569 shall approve and regulate the courses of all driver improvement  
570 schools, as the courses relate to ss. 318.14(9), 322.0261, and  
571 322.291, including courses that use technology as a delivery  
572 method. ~~The chief judge of the applicable judicial circuit may~~  
573 ~~establish requirements regarding the location of schools within~~  
574 ~~the judicial circuit. A person may engage in the business of~~  
575 ~~operating a driver improvement school that offers department-~~  
576 ~~approved courses related to ss. 318.14(9), 322.0261, and~~  
577 ~~322.291.~~

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

582 (2) (a) In determining whether to approve the courses  
583 referenced in this section, the department shall consider course  
584 content designed to promote safety, driver awareness, crash  
585 avoidance techniques, and other factors or criteria to improve  
586 driver performance from a safety viewpoint, including promoting  
587 motorcyclist, bicyclist, and pedestrian safety and risk factors  
588 resulting from driver attitude and irresponsible driver  
589 behaviors, such as speeding, running red lights and stop signs,  
590 and using electronic devices while driving. Initial approval of  
591 the courses shall also be based on the department's review of  
592 all course materials, course presentation to the department by  
593 the provider, and the provider's plan for effective oversight of



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594 the course by those who deliver the course in the state. New  
595 courses shall be provisionally approved and limited to the  
596 judicial circuit originally approved for pilot testing until the  
597 course is fully approved by the department for statewide  
598 delivery.

599 (b) In determining whether to approve courses of driver  
600 improvement schools that use technology as the delivery method  
601 as the courses relate to ss. 318.14(9) and 322.0261, the  
602 department shall consider only those courses submitted by a  
603 person, business, or entity which have approval for statewide  
604 delivery.

605 (3) ~~The department of Highway Safety and Motor Vehicles~~  
606 ~~shall not accept suspend accepting~~ proof of attendance of  
607 courses from persons who attend those schools that do not teach  
608 an approved course. ~~In those circumstances, a person who has~~  
609 ~~elected to take courses from such a school shall receive a~~  
610 ~~refund from the school, and the person shall have the~~  
611 ~~opportunity to take the course at another school.~~

612 (4) In addition to a regular course fee, an assessment fee  
613 in the amount of \$2.50 shall be collected by the school from  
614 each person who elects to attend a course, as it relates to ss.  
615 318.14(9), 322.0261, 322.291, and 627.06501. The course provider  
616 must remit the \$2.50 assessment fee to the department for  
617 deposit into, which shall be remitted to the Department of  
618 Highway Safety and Motor Vehicles and deposited in the Highway  
619 Safety Operating Trust Fund in order to receive unique course  
620 completion certificate numbers for course participants. The  
621 assessment fee will be used to administer this program and to  
622 fund the general operations of the department.



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623           (5) (a) The department is authorized to maintain the  
624 information and records necessary to administer its duties and  
625 responsibilities for driver improvement courses. Course  
626 providers are required to maintain all records related to the  
627 conduct of their approved courses for 5 years and allow the  
628 department to inspect course records as necessary. Records may  
629 be maintained in an electronic format. If ~~Where~~ such information  
630 is a public record as defined in chapter 119, it shall be made  
631 available to the public upon request pursuant to s. 119.07(1).

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

637           (6) The department shall adopt rules establishing and  
638 maintaining policies and procedures to implement the  
639 requirements of this section. These policies and procedures may  
640 include, but shall not be limited to, the following:

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

646           (b) Required updates.—The department may require that  
647 courses approved under this section be updated at the  
648 department's request. Failure of a course provider to update the  
649 course under this section shall result in the suspension of the  
650 course approval until the course is updated and approved by the  
651 department.



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652           (c) Course conduct.—The department shall require that the  
653 approved course providers ensure their driver improvement  
654 schools are conducting the approved course fully and to the  
655 required time limit and content requirements.

656           (d) Course content.—The department shall set and modify  
657 course content requirements to keep current with laws and safety  
658 information. Course content includes all items used in the  
659 conduct of the course.

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

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

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

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

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

675           2. Provide proof of ownership, copyright, or written  
676 permission from the course owner to use the course in this  
677 state.

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





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681 free from distractions and reasonably accessible to most  
682 applicants.

683 4. Issue a certificate to persons who successfully complete  
684 the course.

685 Section 19. Section 319.141, Florida Statutes, is created  
686 to read:

687 319.141 Pilot rebuilt motor vehicle inspection program.—

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

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

691 (b) "Rebuilt inspection" means an examination of a rebuilt  
692 vehicle and a properly endorsed certificate of title, salvage  
693 certificate of title, or manufacturer's statement of origin and  
694 an application for a rebuilt certificate of title, a rebuilder's  
695 affidavit, a photograph of the junk or salvage vehicle taken  
696 before repairs began, receipts or invoices for all major  
697 component parts, as defined in s. 319.30, which were changed,  
698 and proof that notice of rebuilding of the vehicle has been  
699 reported to the National Motor Vehicle Title Information System.

700 (2) By October 1, 2013, the department shall implement a  
701 pilot program in Miami-Dade and Hillsborough Counties to  
702 evaluate alternatives for rebuilt inspection services to be  
703 offered by the private sector, including the feasibility of  
704 using private facilities, the cost impact to consumers, and the  
705 potential savings to the department.

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



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710 procedures, and forms and requires the electronic transmission  
711 of documents.

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

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

717 (b) Have and maintain garage liability and other insurance  
718 required by the department.

719 (c) Have completed criminal background checks of the  
720 owners, partners, and corporate officers and the inspectors  
721 employed by the facility.

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

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

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

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

732 Section 20. Section 319.225, Florida Statutes, is amended  
733 to read:

734 319.225 Transfer and reassignment forms; odometer  
735 disclosure statements.—

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

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



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

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

746 (3) Each certificate of title issued by the department must  
747 contain on its reverse side as many forms as space allows for  
748 reassignment of title by a licensed dealer as permitted by s.  
749 319.21(3), which form or forms shall contain an odometer  
750 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
751 When all dealer reassignment forms provided on the back of the  
752 title certificate have been filled in, a dealer may reassign the  
753 title certificate by using a separate dealer reassignment form  
754 issued by the department in compliance with 49 C.F.R. ss. 580.4  
755 and 580.5, which form shall contain an original that ~~two carbon~~  
756 ~~copies one of which~~ shall be submitted ~~directly~~ to the  
757 department by the dealer ~~within 5 business days after the~~  
758 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
759 dealer in his or her records for 5 years. The provisions of this  
760 subsection shall also apply to vehicles not previously titled in  
761 this state and vehicles whose title certificates do not contain  
762 the forms required by this section.

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



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768 does not apply to a vehicle that has a gross vehicle rating of  
769 more than 16,000 pounds, a vehicle that is not self-propelled,  
770 or a vehicle that is 10 years old or older. A lessor who  
771 transfers title to his or her vehicle without obtaining  
772 possession of the vehicle shall make odometer disclosure as  
773 provided by 49 C.F.R. s. 580.7. Any person who fails to complete  
774 or acknowledge a disclosure statement as required by this  
775 subsection is guilty of a misdemeanor of the second degree,  
776 punishable as provided in s. 775.082 or s. 775.083. The  
777 department may not issue a certificate of title unless this  
778 subsection has been complied with.

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

782 (6) (a) If the certificate of title is physically held by a  
783 lienholder, the transferor may give a power of attorney to his  
784 or her transferee for the purpose of odometer disclosure. The  
785 power of attorney must be on a form issued or authorized by the  
786 department, which form must be in compliance with 49 C.F.R. ss.  
787 580.4 and 580.13. The department shall not require the signature  
788 of the transferor to be notarized on the form; however, in lieu  
789 of notarization, the form shall include an affidavit with the  
790 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
791 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
792 ARE TRUE. The transferee shall sign the power of attorney form,  
793 print his or her name, and return a copy of the power of  
794 attorney form to the transferor. Upon receipt of a title  
795 certificate, the transferee shall complete the space for mileage  
796 disclosure on the title certificate exactly as the mileage was



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797 disclosed by the transferor on the power of attorney form. If  
798 the transferee is a licensed motor vehicle dealer who is  
799 transferring the vehicle to a retail purchaser, the dealer shall  
800 make application on behalf of the retail purchaser as provided  
801 in s. 319.23(6) and shall submit the original power of attorney  
802 form to the department with the application for title and the  
803 transferor's title certificate; otherwise, a dealer may reassign  
804 the title certificate by using the dealer reassignment form in  
805 the manner prescribed in subsection (3), and, at the time of  
806 physical transfer of the vehicle, the original power of attorney  
807 shall be delivered to the person designated as the transferee of  
808 the dealer on the dealer reassignment form. ~~A copy of the~~  
809 ~~executed power of attorney shall be submitted to the department~~  
810 ~~with a copy of the executed dealer reassignment form within 5~~  
811 ~~business days after the certificate of title and dealer~~  
812 ~~reassignment form are delivered by the dealer to its transferee.~~

813 (b) If the certificate of title is lost or otherwise  
814 unavailable, the transferor may give a power of attorney to his  
815 or her transferee for the purpose of odometer disclosure. The  
816 power of attorney must be on a form issued or authorized by the  
817 department, which form must be in compliance with 49 C.F.R. ss.  
818 580.4 and 580.13. The department shall not require the signature  
819 of the transferor to be notarized on the form; however, in lieu  
820 of notarization, the form shall include an affidavit with the  
821 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
822 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
823 ARE TRUE. The transferee shall sign the power of attorney form,  
824 print his or her name, and return a copy of the power of  
825 attorney form to the transferor. Upon receipt of the title



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826 certificate or a duplicate title certificate, the transferee  
827 shall complete the space for mileage disclosure on the title  
828 certificate exactly as the mileage was disclosed by the  
829 transferor on the power of attorney form. If the transferee is a  
830 licensed motor vehicle dealer who is transferring the vehicle to  
831 a retail purchaser, the dealer shall make application on behalf  
832 of the retail purchaser as provided in s. 319.23(6) and shall  
833 submit the original power of attorney form to the department  
834 with the application for title and the transferor's title  
835 certificate or duplicate title certificate; otherwise, a dealer  
836 may reassign the title certificate by using the dealer  
837 reassignment form in the manner prescribed in subsection (3),  
838 and, at the time of physical transfer of the vehicle, the  
839 original power of attorney shall be delivered to the person  
840 designated as the transferee of the dealer on the dealer  
841 reassignment form. If the dealer sells the vehicle to an out-of-  
842 state resident or an out-of-state dealer and the power of  
843 attorney form is applicable to the transaction, the dealer must  
844 photocopy the completed original of the form and mail it  
845 directly to the department within 5 business days after the  
846 certificate of title and dealer reassignment form are delivered  
847 by the dealer to its purchaser. A copy of the executed power of  
848 attorney shall be submitted to the department with a copy of the  
849 executed dealer reassignment form within 5 business days after  
850 the duplicate certificate of title and dealer reassignment form  
851 are delivered by the dealer to its transferee.

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



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855 unlawful under the provisions of 49 C.F.R. part 580, the  
856 transfer of title to a motor vehicle by operation of this  
857 subsection can be effected in any manner not inconsistent with  
858 49 C.F.R. part 580 and Florida law; provided, any power of  
859 attorney form issued or authorized by the department under this  
860 subsection shall contain an original that ~~two carbon copies, one~~  
861 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
862 dealer ~~within 5 business days of use by the dealer~~ to effect  
863 transfer of a title certificate as provided in paragraphs (a)  
864 and (b) and a copy that ~~one of which~~ shall be retained by the  
865 dealer in its records for 5 years.

866 (d) Any person who fails to complete the information  
867 required by this subsection or to file with the department the  
868 forms required by this subsection is guilty of a misdemeanor of  
869 the second degree, punishable as provided in s. 775.082 or s.  
870 775.083. The department shall not issue a certificate of title  
871 unless this subsection has been complied with.

872 (7) If a title is held electronically and the transferee  
873 agrees to maintain the title electronically, the transferor and  
874 transferee shall complete a secure reassignment document that  
875 discloses the odometer reading and is signed by both the  
876 transferor and transferee at the tax collector office or license  
877 plate agency. Each certificate of title issued by the department  
878 must contain on its reverse side a minimum of three ~~four~~ spaces  
879 for notation of the name and license number of any auction  
880 through which the vehicle is sold and the date the vehicle was  
881 auctioned. Each separate dealer reassignment form issued by the  
882 department must also have the space referred to in this section.  
883 When a transfer of title is made at a motor vehicle auction, the



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884 reassignment must note the name and address of the auction, but  
885 the auction shall not thereby be deemed to be the owner, seller,  
886 transferor, or assignor of title. A motor vehicle auction is  
887 required to execute a dealer reassignment only when it is the  
888 owner of a vehicle being sold.

889 (8) Upon transfer or reassignment of a used motor vehicle  
890 through the services of an auction, the auction shall complete  
891 the information in the space provided for by subsection (7). Any  
892 person who fails to complete the information as required by this  
893 subsection is guilty of a misdemeanor of the second degree,  
894 punishable as provided in s. 775.082 or s. 775.083. The  
895 department shall not issue a certificate of title unless this  
896 subsection has been complied with.

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

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

901 319.23 Application for, and issuance of, certificate of  
902 title.-

903 (9) The title certificate or application for title must  
904 contain the applicant's full first name, middle initial, last  
905 name, date of birth, sex, and the license plate number. An  
906 individual applicant must provide ~~personal or business~~  
907 ~~identification, which may include, but need not be limited to,~~ a  
908 valid driver ~~driver's~~ license or identification card issued by  
909 ~~number,~~ Florida or another state, or a valid passport. A  
910 business applicant must provide a ~~identification card number, or~~  
911 federal employer identification number, if applicable,  
912 verification that the business is authorized to conduct business





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

918 Section 22. Paragraph (b) of subsection (2) of section  
919 319.28, Florida Statutes, is amended to read:

920 319.28 Transfer of ownership by operation of law.—

921 (2)

922 (b) In case of repossession of a motor vehicle or mobile  
923 home pursuant to the terms of a security agreement or similar  
924 instrument, an affidavit by the party to whom possession has  
925 passed stating that the vehicle or mobile home was repossessed  
926 upon default in the terms of the security agreement or other  
927 instrument shall be considered satisfactory proof of ownership  
928 and right of possession. At least 5 days prior to selling the  
929 repossessed vehicle, any subsequent lienholder named in the last  
930 issued certificate of title shall be sent notice of the  
931 repossession by certified mail, on a form prescribed by the  
932 department. If such notice is given and no written protest to  
933 the department is presented by a subsequent lienholder within 15  
934 days after ~~from~~ the date on which the notice was mailed, the  
935 certificate of title ~~or the certificate of repossession~~ shall be  
936 issued showing no liens. If the former owner or any subsequent  
937 lienholder files a written protest under oath within such 15-day  
938 period, the department shall not issue the certificate of title  
939 ~~or certificate of repossession~~ for 10 days thereafter. If within  
940 the 10-day period no injunction or other order of a court of  
941 competent jurisdiction has been served on the department



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942 commanding it not to deliver the certificate of title ~~or~~  
943 ~~certificate of repossession~~, the department shall deliver the  
944 certificate of title ~~or repossession~~ to the applicant or as may  
945 otherwise be directed in the application showing no other liens  
946 than those shown in the application. Any lienholder who has  
947 repossessed a vehicle in this state in compliance with the  
948 provisions of this section must apply to a tax collector's  
949 office in this state or to the department for a ~~certificate of~~  
950 ~~repossession or to the department for a~~ certificate of title  
951 pursuant to s. 319.323. Proof of the required notice to  
952 subsequent lienholders shall be submitted together with regular  
953 title fees. ~~A lienholder to whom a certificate of repossession~~  
954 ~~has been issued may assign the certificate of title to the~~  
955 ~~subsequent owner.~~ Any person found guilty of violating any  
956 requirements of this paragraph shall be guilty of a felony of  
957 the third degree, punishable as provided in s. 775.082, s.  
958 775.083, or s. 775.084.

959 Section 23. Section 319.323, Florida Statutes, is amended  
960 to read:

961 319.323 Expedited service; applications; fees.—The  
962 department shall establish a separate title office which may be  
963 used by private citizens and licensed motor vehicle dealers to  
964 receive expedited service on title transfers, title issuances,  
965 duplicate titles, and recordation of liens, ~~and certificates of~~  
966 ~~repossession~~. A fee of \$10 shall be charged for this service,  
967 which fee is in addition to the fees imposed by s. 319.32. The  
968 fee, after deducting the amount referenced by s. 319.324 and  
969 \$3.50 to be retained by the processing agency, shall be  
970 deposited into the General Revenue Fund. Application for



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971 expedited service may be made by mail or in person. The  
972 department shall issue each title applied for under this section  
973 within 5 working days after receipt of the application except  
974 for an application for a duplicate title certificate covered by  
975 s. 319.23(4), in which case the title must be issued within 5  
976 working days after compliance with the department's verification  
977 requirements.

978 Section 24. Subsections (24) through (46) of section  
979 320.01, Florida Statutes, are renumbered as subsections (23)  
980 through (45), respectively, and present subsections (23) and  
981 (25) of that section are amended, to read:

982 320.01 Definitions, general.—As used in the Florida  
983 Statutes, except as otherwise provided, the term:

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

988 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except  
989 recreational vehicles, vehicles displaying restricted plates,  
990 city pickup and delivery vehicles, buses used in transportation  
991 of chartered parties, and government-owned vehicles, which is  
992 used or intended for use in two or more member jurisdictions  
993 that allocate or proportionally register vehicles and which is  
994 used for the transportation of persons for hire or is designed,  
995 used, or maintained primarily for the transportation of property  
996 and:

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

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



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1000 of weight; or  
1001 (c) Is used in combination, when the weight of such  
1002 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1003  
1004 Vehicles, or combinations thereof, having a gross vehicle weight  
1005 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
1006 proportionally registered.

1007 Section 25. Paragraph (a) of subsection (2) of section  
1008 320.02, Florida Statutes, is amended to read:

1009 320.02 Registration required; application for registration;  
1010 forms.-

1011 (2) (a) The application for registration shall include the  
1012 street address of the owner's permanent residence or the address  
1013 of his or her permanent place of business and shall be  
1014 accompanied by personal or business identification information.  
1015 An individual applicant must provide ~~which may include, but need~~  
1016 ~~not be limited to,~~ a valid driver license or number, Florida  
1017 identification card issued by this state or another state or a  
1018 valid passport. A business applicant must provide a number, or  
1019 federal employer identification number, if applicable, or  
1020 verification that the business is authorized to conduct business  
1021 in the state, or a Florida city or county business license or  
1022 number.

1023 1. If the owner does not have a permanent residence or  
1024 permanent place of business or if the owner's permanent  
1025 residence or permanent place of business cannot be identified by  
1026 a street address, the application shall include:

1027 ~~a.1.~~ If the vehicle is registered to a business, the name  
1028 and street address of the permanent residence of an owner of the



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1029 business, an officer of the corporation, or an employee who is  
1030 in a supervisory position.

1031 ~~b.2.~~ If the vehicle is registered to an individual, the  
1032 name and street address of the permanent residence of a close  
1033 relative or friend who is a resident of this state.

1034 2. If the vehicle is registered to an active duty member of  
1035 the Armed Forces of the United States who is a Florida resident,  
1036 the active duty member is exempt from the requirement to provide  
1037 the street address of a permanent residence.

1038 Section 26. Subsection (7) of section 320.03, Florida  
1039 Statutes, is amended to read:

1040 320.03 Registration; duties of tax collectors;  
1041 International Registration Plan.—

1042 (7) The Department of Highway Safety and Motor Vehicles  
1043 shall register apportionable ~~apportioned motor~~ vehicles under  
1044 the ~~provisions of the~~ International Registration Plan. The  
1045 department may adopt rules to implement and enforce the  
1046 provisions of the plan.

1047 Section 27. Paragraph (b) of subsection (1) of section  
1048 320.071, Florida Statutes, is amended to read:

1049 320.071 Advance registration renewal; procedures.—

1050 (1)

1051 (b) The owner of any apportionable ~~apportioned motor~~  
1052 vehicle currently registered in this state under the  
1053 International Registration Plan may file an application for  
1054 renewal of registration with the department any time during the  
1055 3 months preceding the date of expiration of the registration  
1056 period.

1057 Section 28. Subsections (1) and (3) of section 320.0715,



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1058 Florida Statutes, are amended to read:

1059 320.0715 International Registration Plan; motor carrier  
1060 services; permits; retention of records.—

1061 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
1062 in this state ~~and engaged in interstate commerce~~ shall be  
1063 registered in accordance with ~~the provisions of the~~  
1064 International Registration Plan and shall display ~~apportioned~~  
1065 license plates.

1066 (3) (a) If the department is unable to immediately issue the  
1067 apportioned license plate to an applicant currently registered  
1068 in this state under the International Registration Plan or to a  
1069 vehicle currently titled in this state, the department or its  
1070 designated agent may ~~is authorized to~~ issue a 60-day temporary  
1071 operational permit. The department or agent of the department  
1072 shall charge a \$3 fee and the service charge authorized by s.  
1073 320.04 for each temporary operational permit it issues.

1074 (b) The department may not ~~shall in no event~~ issue a  
1075 temporary operational permit for any apportionable ~~commercial~~  
1076 ~~motor~~ vehicle to any applicant until the applicant has shown  
1077 that:

1078 1. All sales or use taxes due on the registration of the  
1079 vehicle are paid; and

1080 2. Insurance requirements have been met in accordance with  
1081 ss. 320.02(5) and 627.7415.

1082 (c) Issuance of a temporary operational permit provides  
1083 ~~commercial motor vehicle~~ registration privileges in each  
1084 International Registration Plan member jurisdiction designated  
1085 on said permit and therefore requires payment of all applicable  
1086 registration fees and taxes due for that period of registration.



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1087 (d) Application for permanent registration must be made to  
1088 the department within 10 days from issuance of a temporary  
1089 operational permit. Failure to file an application within this  
1090 10-day period may result in cancellation of the temporary  
1091 operational permit.

1092 Section 29. Subsection (1) of section 320.18, Florida  
1093 Statutes, is amended to read:

1094 320.18 Withholding registration.—

1095 (1) The department may withhold the registration of any  
1096 motor vehicle or mobile home the owner or coowner of which has  
1097 failed to register it under the provisions of law for any  
1098 previous period or periods for which it appears registration  
1099 should have been made in this state, until the tax for such  
1100 period or periods is paid. The department may cancel any vehicle  
1101 or vessel registration, driver ~~driver's~~ license, identification  
1102 card, or fuel-use tax decal if the owner or coowner pays for any  
1103 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,  
1104 identification card, or fuel-use tax decal; pays any  
1105 administrative, delinquency, or reinstatement fee; or pays any  
1106 tax liability, penalty, or interest specified in chapter 207 by  
1107 a dishonored check, or if the vehicle owner or motor carrier has  
1108 failed to pay a penalty for a weight or safety violation issued  
1109 by the Department of Transportation or the Department of Highway  
1110 Safety and Motor Vehicles. The Department of Transportation and  
1111 the Department of Highway Safety and Motor Vehicles may impound  
1112 any commercial motor vehicle that has a canceled license plate  
1113 or fuel-use tax decal until the tax liability, penalty, and  
1114 interest specified in chapter 207, the license tax, or the fuel-  
1115 use decal fee, and applicable administrative fees have been paid



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1116 for by certified funds.

1117 Section 30. Subsection (3), paragraph (a) of subsection  
1118 (4), and subsection (5) of section 320.27, Florida Statutes, are  
1119 amended to read:

1120 320.27 Motor vehicle dealers.—

1121 (3) APPLICATION AND FEE.—The application for the license  
1122 shall be in such form as may be prescribed by the department and  
1123 shall be subject to such rules with respect thereto as may be so  
1124 prescribed by it. Such application shall be verified by oath or  
1125 affirmation and shall contain a full statement of the name and  
1126 birth date of the person or persons applying therefor; the name  
1127 of the firm or copartnership, with the names and places of  
1128 residence of all members thereof, if such applicant is a firm or  
1129 copartnership; the names and places of residence of the  
1130 principal officers, if the applicant is a body corporate or  
1131 other artificial body; the name of the state under whose laws  
1132 the corporation is organized; the present and former place or  
1133 places of residence of the applicant; and prior business in  
1134 which the applicant has been engaged and the location thereof.  
1135 Such application shall describe the exact location of the place  
1136 of business and shall state whether the place of business is  
1137 owned by the applicant and when acquired, or, if leased, a true  
1138 copy of the lease shall be attached to the application. The  
1139 applicant shall certify that the location provides an adequately  
1140 equipped office and is not a residence; that the location  
1141 affords sufficient unoccupied space upon and within which  
1142 adequately to store all motor vehicles offered and displayed for  
1143 sale; and that the location is a suitable place where the  
1144 applicant can in good faith carry on such business and keep and





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1145 maintain books, records, and files necessary to conduct such  
1146 business, which shall be available at all reasonable hours to  
1147 inspection by the department or any of its inspectors or other  
1148 employees. The applicant shall certify that the business of a  
1149 motor vehicle dealer is the principal business which shall be  
1150 conducted at that location. The application shall contain a  
1151 statement that the applicant is either franchised by a  
1152 manufacturer of motor vehicles, in which case the name of each  
1153 motor vehicle that the applicant is franchised to sell shall be  
1154 included, or an independent (nonfranchised) motor vehicle  
1155 dealer. The application shall contain other relevant information  
1156 as may be required by the department, including evidence that  
1157 the applicant is insured under a garage liability insurance  
1158 policy or a general liability insurance policy coupled with a  
1159 business automobile policy, which shall include, at a minimum,  
1160 \$25,000 combined single-limit liability coverage including  
1161 bodily injury and property damage protection and \$10,000  
1162 personal injury protection. However, a salvage motor vehicle  
1163 dealer as defined in subparagraph (1)(c)5. is exempt from the  
1164 requirements for garage liability insurance and personal injury  
1165 protection insurance on those vehicles that cannot be legally  
1166 operated on roads, highways, or streets in this state. Franchise  
1167 dealers must submit a garage liability insurance policy, and all  
1168 other dealers must submit a garage liability insurance policy or  
1169 a general liability insurance policy coupled with a business  
1170 automobile policy. Such policy shall be for the license period,  
1171 and evidence of a new or continued policy shall be delivered to  
1172 the department at the beginning of each license period. Upon  
1173 making initial application, the applicant shall pay to the



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1174 department a fee of \$300 in addition to any other fees ~~now~~  
1175 required by law. Applicants may choose to extend the licensure  
1176 period for 1 additional year for a total of 2 years. An initial  
1177 applicant shall pay to the department a fee of \$300 for the  
1178 first year and \$75 for the second year, in addition to any other  
1179 fees required by law. An applicant for renewal shall pay to the  
1180 department \$75 for a 1-year renewal or \$150 for a 2-year  
1181 renewal, in addition to any other fees required by law ~~Upon~~  
1182 ~~making a subsequent renewal application, the applicant shall pay~~  
1183 ~~to the department a fee of \$75 in addition to any other fees now~~  
1184 ~~required by law.~~ Upon making an application for a change of  
1185 location, the person shall pay a fee of \$50 in addition to any  
1186 other fees now required by law. The department shall, in the  
1187 case of every application for initial licensure, verify whether  
1188 certain facts set forth in the application are true. Each  
1189 applicant, general partner in the case of a partnership, or  
1190 corporate officer and director in the case of a corporate  
1191 applicant, must file a set of fingerprints with the department  
1192 for the purpose of determining any prior criminal record or any  
1193 outstanding warrants. The department shall submit the  
1194 fingerprints to the Department of Law Enforcement for state  
1195 processing and forwarding to the Federal Bureau of Investigation  
1196 for federal processing. The actual cost of state and federal  
1197 processing shall be borne by the applicant and is in addition to  
1198 the fee for licensure. The department may issue a license to an  
1199 applicant pending the results of the fingerprint investigation,  
1200 which license is fully revocable if the department subsequently  
1201 determines that any facts set forth in the application are not  
1202 true or correctly represented.



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1203 (4) LICENSE CERTIFICATE.—  
1204 (a) A license certificate shall be issued by the department  
1205 in accordance with such application when the application is  
1206 regular in form and in compliance with the provisions of this  
1207 section. The license certificate may be in the form of a  
1208 document or a computerized card as determined by the department.  
1209 The actual cost of each original, additional, or replacement  
1210 computerized card shall be borne by the licensee and is in  
1211 addition to the fee for licensure. Such license, when so issued,  
1212 entitles the licensee to carry on and conduct the business of a  
1213 motor vehicle dealer. Each license issued to a franchise motor  
1214 vehicle dealer expires ~~annually~~ on December 31 of the year of  
1215 its expiration unless revoked or suspended prior to that date.  
1216 Each license issued to an independent or wholesale dealer or  
1217 auction expires ~~annually~~ on April 30 of the year of its  
1218 expiration unless revoked or suspended prior to that date. At  
1219 least ~~Not less than~~ 60 days before ~~prior to~~ the license  
1220 expiration date, the department shall deliver or mail to each  
1221 licensee the necessary renewal forms. Each independent dealer  
1222 shall certify that the dealer (owner, partner, officer, or  
1223 director of the licensee, or a full-time employee of the  
1224 licensee that holds a responsible management-level position) has  
1225 completed 8 hours of continuing education prior to filing the  
1226 renewal forms with the department. Such certification shall be  
1227 filed once every 2 years. The continuing education shall include  
1228 at least 2 hours of legal or legislative issues, 1 hour of  
1229 department issues, and 5 hours of relevant motor vehicle  
1230 industry topics. Continuing education shall be provided by  
1231 dealer schools licensed under paragraph (b) either in a



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1232 classroom setting or by correspondence. Such schools shall  
1233 provide certificates of completion to the department and the  
1234 customer which shall be filed with the license renewal form, and  
1235 such schools may charge a fee for providing continuing  
1236 education. Any licensee who does not file his or her application  
1237 and fees and any other requisite documents, as required by law,  
1238 with the department at least 30 days prior to the license  
1239 expiration date shall cease to engage in business as a motor  
1240 vehicle dealer on the license expiration date. A renewal filed  
1241 with the department within 45 days after the expiration date  
1242 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
1243 new application is required, accompanied by the initial license  
1244 fee. A license certificate duly issued by the department may be  
1245 modified by endorsement to show a change in the name of the  
1246 licensee, provided, as shown by affidavit of the licensee, the  
1247 majority ownership interest of the licensee has not changed or  
1248 the name of the person appearing as franchisee on the sales and  
1249 service agreement has not changed. Modification of a license  
1250 certificate to show any name change as herein provided shall not  
1251 require initial licensure or reissuance of dealer tags; however,  
1252 any dealer obtaining a name change shall transact all business  
1253 in and be properly identified by that name. All documents  
1254 relative to licensure shall reflect the new name. In the case of  
1255 a franchise dealer, the name change shall be approved by the  
1256 manufacturer, distributor, or importer. A licensee applying for  
1257 a name change endorsement shall pay a fee of \$25 which fee shall  
1258 apply to the change in the name of a main location and all  
1259 additional locations licensed under the provisions of subsection  
1260 (5). Each initial license application received by the department



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1261 shall be accompanied by verification that, within the preceding  
1262 6 months, the applicant, or one or more of his or her designated  
1263 employees, has attended a training and information seminar  
1264 conducted by a licensed motor vehicle dealer training school.  
1265 Any applicant for a new franchised motor vehicle dealer license  
1266 who has held a valid franchised motor vehicle dealer license  
1267 continuously for the past 2 years and who remains in good  
1268 standing with the department is exempt from the prelicensing  
1269 training requirement. Such seminar shall include, but is not  
1270 limited to, statutory dealer requirements, which requirements  
1271 include required bookkeeping and recordkeeping procedures,  
1272 requirements for the collection of sales and use taxes, and such  
1273 other information that in the opinion of the department will  
1274 promote good business practices. No seminar may exceed 8 hours  
1275 in length.

1276 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this  
1277 section hereunder shall obtain a supplemental license for each  
1278 permanent additional place or places of business not contiguous  
1279 to the premises for which the original license is issued, on a  
1280 form to be furnished by the department, and upon payment of a  
1281 fee of \$50 for each such additional location. Applicants may  
1282 choose to extend the licensure period for 1 additional year for  
1283 a total of 2 years. The applicant shall pay to the department a  
1284 fee of \$50 for the first year and \$50 for the second year for  
1285 each such additional location. Thereafter, the applicant shall  
1286 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for  
1287 each such additional location ~~Upon making renewal applications~~  
1288 ~~for such supplemental licenses, such applicant shall pay \$50 for~~  
1289 ~~each additional location.~~ A supplemental license authorizing



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1290 off-premises sales shall be issued, at no charge to the dealer,  
1291 for a period not to exceed 10 consecutive calendar days. To  
1292 obtain such a temporary supplemental license for off-premises  
1293 sales, the applicant must be a licensed dealer; must notify the  
1294 applicable local department office of the specific dates and  
1295 location for which such license is requested, display a sign at  
1296 the licensed location clearly identifying the dealer, and  
1297 provide staff to work at the temporary location for the duration  
1298 of the off-premises sale; must meet any local government  
1299 permitting requirements; and must have permission of the  
1300 property owner to sell at that location. In the case of an off-  
1301 premises sale by a motor vehicle dealer licensed under  
1302 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
1303 applicant must also include documentation notifying the  
1304 applicable licensee licensed under s. 320.61 of the intent to  
1305 engage in an off-premises sale 5 working days prior to the date  
1306 of the off-premises sale. The licensee shall either approve or  
1307 disapprove of the off-premises sale within 2 working days after  
1308 receiving notice; otherwise, it will be deemed approved. This  
1309 section does not apply to a nonselling motor vehicle show or  
1310 public display of new motor vehicles.

1311 Section 31. Section 320.62, Florida Statutes, is amended to  
1312 read:

1313 320.62 Licenses; amount; disposition of proceeds.—The  
1314 initial license for each manufacturer, distributor, or importer  
1315 shall be \$300 and shall be in addition to all other licenses or  
1316 taxes ~~now or hereafter~~ levied, assessed, or required of the  
1317 applicant or licensee. Applicants may choose to extend the  
1318 licensure period for 1 additional year for a total of 2 years.



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1319 An initial applicant shall pay to the department a fee of \$300  
1320 for the first year and \$100 for the second year. An applicant  
1321 for a renewal license shall pay \$100 to the department for a 1-  
1322 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~  
1323 ~~license fee shall be \$100.~~ The proceeds from all licenses under  
1324 ss. 320.60-320.70 shall be paid into the State Treasury to the  
1325 credit of the General Revenue Fund. All licenses shall be  
1326 payable on or before October 1 of the each year and shall  
1327 expire, unless sooner revoked or suspended, on ~~the following~~  
1328 September 30 of the year of its expiration.

1329 Section 32. Subsections (4) and (6) of section 320.77,  
1330 Florida Statutes, are amended to read:

1331 320.77 License required of mobile home dealers.-

1332 (4) FEES.-Upon making initial application, the applicant  
1333 shall pay to the department a fee of \$300 in addition to any  
1334 other fees ~~now~~ required by law. Applicants may choose to extend  
1335 the licensure period for 1 additional year for a total of 2  
1336 years. An initial applicant shall pay to the department a fee of  
1337 \$300 for the first year and \$100 for the second year in addition  
1338 to any other fees required by law. An applicant for a renewal  
1339 license shall pay to the department \$100 for a 1-year renewal or  
1340 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
1341 ~~be \$100.~~ The fee for application for change of location shall be  
1342 \$25. Any applicant for renewal who has failed to submit his or  
1343 her renewal application by October 1 of the year of its current  
1344 license expiration shall pay a renewal application fee equal to  
1345 the original application fee. No fee is refundable. All fees  
1346 shall be deposited into the General Revenue Fund.

1347 (6) LICENSE CERTIFICATE.-A license certificate shall be



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1348 issued by the department in accordance with the application when  
1349 the same is regular in form and in compliance with the  
1350 provisions of this section. The license certificate may be in  
1351 the form of a document or a computerized card as determined by  
1352 the department. The cost of each original, additional, or  
1353 replacement computerized card shall be borne by the licensee and  
1354 is in addition to the fee for licensure. The fees charged  
1355 applicants for both the required background investigation and  
1356 the computerized card as provided in this section shall be  
1357 deposited into the Highway Safety Operating Trust Fund. The  
1358 license, when so issued, shall entitle the licensee to carry on  
1359 and conduct the business of a mobile home dealer at the location  
1360 set forth in the license for a period of 1 or 2 years beginning  
1361 ~~year from~~ October 1 preceding the date of issuance. Each initial  
1362 application received by the department shall be accompanied by  
1363 verification that, within the preceding 6 months, the applicant  
1364 or one or more of his or her designated employees has attended a  
1365 training and information seminar conducted by the department or  
1366 by a public or private provider approved by the department. Such  
1367 seminar shall include, but not be limited to, statutory dealer  
1368 requirements, which requirements include required bookkeeping  
1369 and recording procedures, requirements for the collection of  
1370 sales and use taxes, and such other information that in the  
1371 opinion of the department will promote good business practices.

1372 Section 33. Subsections (4) and (6) of section 320.771,  
1373 Florida Statutes, are amended to read:

1374 320.771 License required of recreational vehicle dealers.—

1375 (4) FEES.—Upon making initial application, the applicant  
1376 shall pay to the department a fee of \$300 in addition to any





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1377 other fees ~~now~~ required by law. Applicants may choose to extend  
1378 the licensure period for 1 additional year for a total of 2  
1379 years. An initial applicant shall pay to the department a fee of  
1380 \$300 for the first year and \$100 for the second year in addition  
1381 to any other fees required by law. An applicant for a renewal  
1382 license shall pay to the department \$100 for a 1-year renewal or  
1383 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
1384 ~~be \$100.~~ The fee for application for change of location shall be  
1385 \$25. Any applicant for renewal who has failed to submit his or  
1386 her renewal application by October 1 of the year of its current  
1387 license expiration shall pay a renewal application fee equal to  
1388 the original application fee. No fee is refundable. All fees  
1389 shall be deposited into the General Revenue Fund.

1390 (6) LICENSE CERTIFICATE.—A license certificate shall be  
1391 issued by the department in accordance with the application when  
1392 the same is regular in form and in compliance with the  
1393 provisions of this section. The license certificate may be in  
1394 the form of a document or a computerized card as determined by  
1395 the department. The cost of each original, additional, or  
1396 replacement computerized card shall be borne by the licensee and  
1397 is in addition to the fee for licensure. The fees charged  
1398 applicants for both the required background investigation and  
1399 the computerized card as provided in this section shall be  
1400 deposited into the Highway Safety Operating Trust Fund. The  
1401 license, when so issued, shall entitle the licensee to carry on  
1402 and conduct the business of a recreational vehicle dealer at the  
1403 location set forth in the license for a period of 1 or 2 years  
1404 ~~year~~ from October 1 preceding the date of issuance. Each initial  
1405 application received by the department shall be accompanied by



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1406 verification that, within the preceding 6 months, the applicant  
1407 or one or more of his or her designated employees has attended a  
1408 training and information seminar conducted by the department or  
1409 by a public or private provider approved by the department. Such  
1410 seminar shall include, but not be limited to, statutory dealer  
1411 requirements, which requirements include required bookkeeping  
1412 and recording procedures, requirements for the collection of  
1413 sales and use taxes, and such other information that in the  
1414 opinion of the department will promote good business practices.

1415 Section 34. Subsections (3) and (6) of section 320.8225,  
1416 Florida Statutes, are amended to read:

1417 320.8225 Mobile home and recreational vehicle manufacturer,  
1418 distributor, and importer license.—

1419 (3) FEES.—Upon submitting an initial application, the  
1420 applicant shall pay to the department a fee of \$300. Applicants  
1421 may choose to extend the licensure period for 1 additional year  
1422 for a total of 2 years. An initial applicant shall pay to the  
1423 department a fee of \$300 for the first year and \$100 for the  
1424 second year. An applicant for a renewal license shall pay to the  
1425 department \$100 for a 1-year renewal or \$200 for a 2-year  
1426 renewal ~~Upon submitting a renewal application, the applicant~~  
1427 ~~shall pay to the department a fee of \$100.~~ Any applicant for  
1428 renewal who fails to submit his or her renewal application by  
1429 October 1 of the year of its current license expiration shall  
1430 pay a renewal application fee equal to the original application  
1431 fee. No fee is refundable. All fees must be deposited into the  
1432 General Revenue Fund.

1433 (6) LICENSE PERIOD YEAR.—A license issued to a mobile home  
1434 manufacturer or a recreational vehicle manufacturer,



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1435 distributor, or importer entitles the licensee to conduct  
1436 business for a period of 1 or 2 years beginning year from  
1437 October 1 preceding the date of issuance.

1438 Section 35. Section 322.095, Florida Statutes, is amended  
1439 to read:

1440 322.095 Traffic law and substance abuse education program  
1441 for driver ~~driver's~~ license applicants.-

1442 (1) Each applicant for a driver license must complete a  
1443 traffic law and substance abuse education course, unless the  
1444 applicant has been licensed in another jurisdiction or has  
1445 satisfactorily completed a Department of Education driver  
1446 education course offered pursuant to s. 1003.48.

1447 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles  
1448 must approve traffic law and substance abuse education courses,  
1449 including courses that use communications technology as the  
1450 delivery method.

1451 (a) In addition to the course approval criteria provided in  
1452 this section, initial approval of traffic law and substance  
1453 abuse education courses shall be based on the department's  
1454 review of all course materials which must be designed to promote  
1455 safety, education, and driver awareness; course presentation to  
1456 the department by the provider; and the provider's plan for  
1457 effective oversight of the course by those who deliver the  
1458 course in the state.

1459 (b) Each course provider seeking approval of a traffic law  
1460 and substance abuse education course must submit:

1461 1. Proof of ownership, copyright, or written permission  
1462 from the course owner to use the course in the state ~~that must~~  
1463 ~~be completed by applicants for a Florida driver's license.~~



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1464           2. The curriculum ~~curricula~~ for the courses which must  
1465 promote motorcyclist, bicyclist, and pedestrian safety and  
1466 provide instruction on the physiological and psychological  
1467 consequences of the abuse of alcohol and other drugs;~~7~~ the  
1468 societal and economic costs of alcohol and drug abuse;~~7~~ the  
1469 effects of alcohol and drug abuse on the driver of a motor  
1470 vehicle;~~7~~ and the laws of this state relating to the operation  
1471 of a motor vehicle; the risk factors involved in driver attitude  
1472 and irresponsible driver behaviors, such as speeding, reckless  
1473 driving, and running red lights and stop signs; and the results  
1474 of the use of electronic devices while driving. ~~All instructors~~  
1475 ~~teaching the courses shall be certified by the department.~~

1476           ~~(3) (2) The department shall contract for an independent~~  
1477 ~~evaluation of the courses. Local DUI programs authorized under~~  
1478 ~~s. 316.193(5) and certified by the department or a driver~~  
1479 ~~improvement school may offer a traffic law and substance abuse~~  
1480 ~~education course. However,~~ Prior to offering the course, the  
1481 course provider must obtain certification from the department  
1482 that the course complies with the requirements of this section.  
1483 If the course is offered in a classroom setting, the course  
1484 provider and any schools authorized by the provider to teach the  
1485 course must offer the approved course at locations that are free  
1486 from distractions and reasonably accessible to most applicants  
1487 and must issue a certificate to those persons successfully  
1488 completing the course.

1489           ~~(3) The completion of a course does not qualify a person~~  
1490 ~~for the reinstatement of a driver's license which has been~~  
1491 ~~suspended or revoked.~~

1492           ~~(4) The fee charged by the course provider must bear a~~



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1493 ~~reasonable relationship to the cost of the course. The~~  
1494 ~~department must conduct financial audits of course providers~~  
1495 ~~conducting the education courses required under this section or~~  
1496 ~~require that financial audits of providers be performed, at the~~  
1497 ~~expense of the provider, by a certified public accountant.~~

1498 ~~(5) The provisions of this section do not apply to any~~  
1499 ~~person who has been licensed in any other jurisdiction or who~~  
1500 ~~has satisfactorily completed a Department of Education driver's~~  
1501 ~~education course offered pursuant to s. 1003.48.~~

1502 (4)(6) In addition to a regular course fee, an assessment  
1503 fee in the amount of \$3 shall be collected by the school from  
1504 each person who attends a course. The course provider must remit  
1505 the \$3 assessment fee to the department for deposit into the  
1506 Highway Safety Operating Trust Fund in order to receive a unique  
1507 course completion certificate number for the student. Each  
1508 ~~course provider must collect a \$3 assessment fee in addition to~~  
1509 ~~the enrollment fee charged to participants of the traffic law~~  
1510 ~~and substance abuse course required under this section. The \$3~~  
1511 ~~assessment fee collected by the course provider must be~~  
1512 ~~forwarded to the department within 30 days after receipt of the~~  
1513 ~~assessment.~~

1514 (5)(7) The department may is authorized to maintain the  
1515 information and records necessary to administer its duties and  
1516 responsibilities for the program. Course providers are required  
1517 to maintain all records pertinent to the conduct of their  
1518 approved courses for 5 years and allow the department to inspect  
1519 such records as necessary. Records may be maintained in an  
1520 electronic format. If ~~where~~ such information is a public record  
1521 as defined in chapter 119, it shall be made available to the



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1522 public upon request pursuant to s. 119.07(1). ~~The department~~  
1523 ~~shall approve and regulate courses that use technology as the~~  
1524 ~~delivery method of all traffic law and substance abuse education~~  
1525 ~~courses as the courses relate to this section.~~

1526 (6) The department shall design, develop, implement, and  
1527 conduct effectiveness studies on each delivery method of all  
1528 courses approved pursuant to this section on a recurring 3-year  
1529 basis. At a minimum, studies shall be conducted on the  
1530 effectiveness of each course in reducing DUI citations and  
1531 decreasing moving traffic violations or collision recidivism.  
1532 Upon notification that a course has failed an effectiveness  
1533 study, the course provider shall immediately cease offering the  
1534 course in the state.

1535 (7) Courses approved under this section must be updated at  
1536 the department's request. Failure of a course provider to update  
1537 the course within 90 days after the department's request shall  
1538 result in the suspension of the course approval until such time  
1539 that the updates are submitted and approved by the department.

1540 (8) Each course provider shall ensure that its driver  
1541 improvement schools are conducting the approved courses fully,  
1542 to the required time limits, and with the content requirements  
1543 specified by the department. The course provider shall ensure  
1544 that only department-approved instructional materials are used  
1545 in the presentation of the course, and that all driver  
1546 improvement schools conducting the course do so in a manner that  
1547 maximizes its impact and effectiveness. The course provider  
1548 shall ensure that any student who is unable to attend or  
1549 complete a course due to action, error, or omission on the part  
1550 of the course provider or driver improvement school conducting



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1551 the course shall be accommodated to permit completion of the  
1552 course at no additional cost.

1553 (9) Traffic law and substance abuse education courses shall  
1554 be conducted with a minimum of 4 hours devoted to course content  
1555 minus a maximum of 30 minutes allotted for breaks.

1556 (10) A course provider may not require any student to  
1557 purchase a course completion certificate. Course providers  
1558 offering paper or electronic certificates for purchase must  
1559 clearly convey to the student that this purchase is optional,  
1560 that the only valid course completion certificate is the  
1561 electronic one that is entered into the department's Driver  
1562 Improvement Certificate Issuance System, and that paper  
1563 certificates are not acceptable for any licensing purpose.

1564 (11) Course providers and all associated driver improvement  
1565 schools that offer approved courses shall disclose all fees  
1566 associated with the course and shall not charge any fees that  
1567 are not clearly listed during the registration process.

1568 (12) Course providers shall submit course completion  
1569 information to the department through the department's Driver  
1570 Improvement Certificate Issuance System within 5 days. The  
1571 submission shall be free of charge to the student.

1572 (13) The department may deny, suspend, or revoke course  
1573 approval upon proof that the course provider:

1574 (a) Violated this section.

1575 (b) Has been convicted of a crime involving any drug-  
1576 related or DUI-related offense, a felony, fraud, or a crime  
1577 directly related to the personal safety of a student.

1578 (c) Failed to satisfy the effectiveness criteria as  
1579 outlined in subsection (6).



1580 (d) Obtained course approval by fraud or misrepresentation.

1581 (e) Obtained or assisted a person in obtaining any driver  
1582 license by fraud or misrepresentation.

1583 (f) Conducted a traffic law and substance abuse education  
1584 course in the state while approval of such course was under  
1585 suspension or revocation.

1586 (g) Failed to provide effective oversight of those who  
1587 deliver the course in the state.

1588 (14) The department shall not accept certificates from  
1589 students who take a course after the course has been suspended  
1590 or revoked.

1591 (15) A person who has been convicted of a crime involving  
1592 any drug-related or DUI-related offense in the past 5 years, a  
1593 felony, fraud, or a crime directly related to the personal  
1594 safety of a student shall not be allowed to conduct traffic law  
1595 and substance abuse education courses.

1596 (16) The department shall summarily suspend approval of any  
1597 course without preliminary hearing for the purpose of protecting  
1598 the public safety and enforcing any provision of law governing  
1599 traffic law and substance abuse education courses.

1600 (17) Except as otherwise provided in this section, before  
1601 final department action denying, suspending, or revoking  
1602 approval of a course, the course provider shall have the  
1603 opportunity to request either a formal or informal  
1604 administrative hearing to show cause why the action should not  
1605 be taken.

1606 (18) The department may levy and collect a civil fine of at  
1607 least \$1,000 but not more than \$5,000 for each violation of this  
1608 section. Proceeds from fines collected shall be deposited into





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1609 the Highway Safety Operating Trust Fund and used to cover the  
1610 cost of administering this section or promoting highway safety  
1611 initiatives.

1612 Section 36. Subsection (1) of section 322.125, Florida  
1613 Statutes, is amended to read:

1614 322.125 Medical Advisory Board.—

1615 (1) There shall be a Medical Advisory Board composed of not  
1616 fewer than 12 or more than 25 members, at least one of whom must  
1617 be 60 years of age or older and all but one of whose medical and  
1618 other specialties must relate to driving abilities, which number  
1619 must include a doctor of medicine who is employed by the  
1620 Department of Highway Safety and Motor Vehicles in Tallahassee,  
1621 who shall serve as administrative officer for the board. The  
1622 executive director of the Department of Highway Safety and Motor  
1623 Vehicles shall recommend persons to serve as board members.  
1624 Every member but two must be a doctor of medicine licensed to  
1625 practice medicine in this or any other state ~~and must be a~~  
1626 ~~member in good standing of the Florida Medical Association or~~  
1627 ~~the Florida Osteopathic Association.~~ One member must be an  
1628 optometrist licensed to practice optometry in this state ~~and~~  
1629 ~~must be a member in good standing of the Florida Optometric~~  
1630 ~~Association.~~ One member must be a chiropractic physician  
1631 licensed to practice chiropractic medicine in this state.  
1632 Members shall be approved by the Cabinet and shall serve 4-year  
1633 staggered terms. The board membership must, to the maximum  
1634 extent possible, consist of equal representation of the  
1635 disciplines of the medical community treating the mental or  
1636 physical disabilities that could affect the safe operation of  
1637 motor vehicles.



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1638 Section 37. Subsection (4) of section 322.135, Florida  
1639 Statutes, is amended to read:

1640 322.135 Driver ~~Driver's~~ license agents.—

1641 (4) A tax collector may not issue or renew a driver  
1642 ~~driver's~~ license if he or she has any reason to believe that the  
1643 licensee or prospective licensee is physically or mentally  
1644 unqualified to operate a motor vehicle. ~~The tax collector may~~  
1645 ~~direct any such licensee to the department for examination or~~  
1646 ~~reevaluation under s. 322.221.~~

1647 Section 38. Section 322.143, Florida Statutes, is created  
1648 to read:

1649 322.143 Use of a driver license or identification card.—

1650 (1) As used in this section, the term:

1651 (a) "Personal information" means an individual's name,  
1652 address, date of birth, driver license number, or identification  
1653 card number.

1654 (b) "Private entity" means any nongovernmental entity, such  
1655 as a corporation, partnership, company or nonprofit  
1656 organization, any other legal entity, or any natural person.

1657 (c) "Swipe" means the act of passing a driver license or  
1658 identification card through a device that is capable of  
1659 deciphering, in an electronically readable format, the  
1660 information electronically encoded in a magnetic strip or bar  
1661 code on the driver license or identification card.

1662 (2) Except as provided in subsection (6), a private entity  
1663 may not swipe an individual's driver license or identification  
1664 card, except for the following purposes:

1665 (a) To verify the authenticity of a driver license or  
1666 identification card or to verify the identity of the individual



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1667 if the individual pays for a good or service with a method other  
1668 than cash, returns an item, or requests a refund.

1669 (b) To verify the individual's age when providing an age-  
1670 restricted good or service to a person about whom there is any  
1671 reasonable doubt of the person's having reached 21 years of age.

1672 (c) To prevent fraud or other criminal activity if an  
1673 individual returns an item or requests a refund and the private  
1674 entity uses a fraud prevention service company or system.

1675 (d) To transmit information to a check services company for  
1676 the purpose of approving negotiable instruments, electronic  
1677 funds transfers, or similar methods of payment.

1678 (3) A private entity that swipes an individual's driver  
1679 license or identification card under paragraph (2) (a) or  
1680 paragraph (2) (b) may not store, sell, or share personal  
1681 information collected from swiping the driver license or  
1682 identification card.

1683 (4) A private entity that swipes an individual's driver  
1684 license or identification card under paragraph (2) (c) or  
1685 paragraph (2) (d) may store or share personal information  
1686 collected from swiping an individual's driver license or  
1687 identification card for the purpose of preventing fraud or other  
1688 criminal activity against the private entity.

1689 (5) (a) A person other than an entity regulated by the  
1690 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who  
1691 receives personal information from a private entity under  
1692 subsection (4) may use the personal information received only to  
1693 prevent fraud or other criminal activity against the private  
1694 entity that provided the personal information.

1695 (b) A person who is regulated by the federal Fair Credit



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1696 Reporting Act and who receives personal information from a  
1697 private entity under subsection (4) may use or provide the  
1698 personal information received only to effect, administer, or  
1699 enforce a transaction or prevent fraud or other criminal  
1700 activity, if the person provides or receives personal  
1701 information under contract from the private entity.

1702 (6) (a) An individual may consent to allow the private  
1703 entity to swipe the individual's driver license or  
1704 identification card to collect and store personal information.  
1705 However, the individual must be informed what information is  
1706 collected and the purpose or purposes for which it will be used.

1707 (b) If the individual does not want the private entity to  
1708 swipe the individual's driver license or identification card,  
1709 the private entity may manually collect personal information  
1710 from the individual.

1711 (7) The private entity may not withhold the provision of  
1712 goods or services solely as a result of the individual  
1713 requesting the collection of the data in subsection (6) from the  
1714 individual through manual means.

1715 (8) In addition to any other remedy provided by law, an  
1716 individual may bring an action to recover actual damages and to  
1717 obtain equitable relief, if equitable relief is available,  
1718 against an entity that swipes, stores, shares, sells, or  
1719 otherwise uses the individuals personal information in violation  
1720 of this section. If a court finds that a violation of this  
1721 section was willful or knowing, the court may increase the  
1722 amount of the award to no more than three times the amount  
1723 otherwise available.

1724 Section 39. Paragraph (a) of subsection (5) of section



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1725 322.18, Florida Statutes, is amended to read:

1726 322.18 Original applications, licenses, and renewals;  
1727 expiration of licenses; delinquent licenses.—

1728 (5) All renewal driver ~~driver's~~ licenses may be issued  
1729 after the applicant licensee has been determined to be eligible  
1730 by the department.

1731 (a) A licensee who is otherwise eligible for renewal and  
1732 who is at least 80 years of age:

1733 1. Must submit to and pass a vision test administered at  
1734 any driver ~~driver's~~ license office; or

1735 2. If the licensee applies for a renewal using a  
1736 convenience service as provided in subsection (8), he or she  
1737 must submit to a vision test administered by a doctor of  
1738 medicine or a doctor of osteopathy licensed to practice medicine  
1739 in any state or an optometrist licensed to practice optometry in  
1740 any state ~~physician licensed under chapter 458 or chapter 459,~~  
1741 ~~an optometrist licensed under chapter 463, or a licensed~~  
1742 ~~physician at a federally established veterans' hospital;~~ must  
1743 send the results of that test to the department on a form  
1744 obtained from the department and signed by such health care  
1745 practitioner; and must meet vision standards that are equivalent  
1746 to the standards for passing the departmental vision test. The  
1747 physician or optometrist may submit the results of a vision test  
1748 by a department-approved electronic means.

1749 Section 40. Subsection (1) of section 322.21, Florida  
1750 Statutes, is amended to read:

1751 322.21 License fees; procedure for handling and collecting  
1752 fees.—

1753 (1) Except as otherwise provided herein, the fee for:



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1754 (a) An original or renewal commercial driver ~~driver's~~  
1755 license is \$75, which shall include the fee for driver education  
1756 provided by s. 1003.48. However, if an applicant has completed  
1757 training and is applying for employment or is currently employed  
1758 in a public or nonpublic school system that requires the  
1759 commercial license, the fee is the same as for a Class E driver  
1760 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a  
1761 renewal within 12 months after the license expiration date.

1762 (b) An original Class E driver ~~driver's~~ license is \$48,  
1763 which includes the fee for driver ~~driver's~~ education provided by  
1764 s. 1003.48. However, if an applicant has completed training and  
1765 is applying for employment or is currently employed in a public  
1766 or nonpublic school system that requires a commercial driver  
1767 license, the fee is the same as for a Class E license.

1768 (c) The renewal or extension of a Class E driver ~~driver's~~  
1769 license or of a license restricted to motorcycle use only is  
1770 \$48, except that a delinquent fee of \$15 shall be added for a  
1771 renewal or extension made within 12 months after the license  
1772 expiration date. The fee provided in this paragraph includes the  
1773 fee for driver ~~driver's~~ education provided by s. 1003.48.

1774 (d) An original driver ~~driver's~~ license restricted to  
1775 motorcycle use only is \$48, which includes the fee for driver  
1776 ~~driver's~~ education provided by s. 1003.48.

1777 (e) A replacement driver ~~driver's~~ license issued pursuant  
1778 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into  
1779 the Highway Safety Operating Trust Fund and \$18 shall be  
1780 deposited into the General Revenue Fund. Beginning July 1, 2015,  
1781 or upon completion of the transition of driver ~~driver's~~ license  
1782 issuance services, if the replacement driver ~~driver's~~ license is



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1783 issued by the tax collector, the tax collector shall retain the  
1784 \$7 that would otherwise be deposited into the Highway Safety  
1785 Operating Trust Fund and the remaining revenues shall be  
1786 deposited into the General Revenue Fund.

1787 (f) An original, renewal, or replacement identification  
1788 card issued pursuant to s. 322.051 is \$25. Funds collected from  
1789 these fees shall be distributed as follows:

1790 1. For an original identification card issued pursuant to  
1791 s. 322.051 the fee is \$25. This amount shall be deposited into  
1792 the General Revenue Fund.

1793 2. For a renewal identification card issued pursuant to s.  
1794 322.051 the fee is \$25. Of this amount, \$6 shall be deposited  
1795 into the Highway Safety Operating Trust Fund and \$19 shall be  
1796 deposited into the General Revenue Fund.

1797 3. For a replacement identification card issued pursuant to  
1798 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited  
1799 into the Highway Safety Operating Trust Fund and \$16 shall be  
1800 deposited into the General Revenue Fund. Beginning July 1, 2015,  
1801 or upon completion of the transition of the driver ~~driver's~~  
1802 license issuance services, if the replacement identification  
1803 card is issued by the tax collector, the tax collector shall  
1804 retain the \$9 that would otherwise be deposited into the Highway  
1805 Safety Operating Trust Fund and the remaining revenues shall be  
1806 deposited into the General Revenue Fund.

1807 (g) Each endorsement required by s. 322.57 is \$7.

1808 (h) A hazardous-materials endorsement, as required by s.  
1809 322.57(1)(d), shall be set by the department by rule and must  
1810 reflect the cost of the required criminal history check,  
1811 including the cost of the state and federal fingerprint check,



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1812 and the cost to the department of providing and issuing the  
1813 license. The fee shall not exceed \$100. This fee shall be  
1814 deposited in the Highway Safety Operating Trust Fund. The  
1815 department may adopt rules to administer this section.

1816 (i) The specialty driver license or identification card  
1817 issued pursuant to s. 322.1415 is \$25, which is in addition to  
1818 other fees required in this section. The fee shall be  
1819 distributed as follows:

1820 1. Fifty percent shall be distributed as provided in s.  
1821 320.08058 to the appropriate state or independent university,  
1822 professional sports team, or branch of the United States Armed  
1823 Forces.

1824 2. Fifty percent shall be distributed to the department for  
1825 costs directly related to the specialty driver license and  
1826 identification card program and to defray the costs associated  
1827 with production enhancements and distribution.

1828 Section 41. Subsection (7) of section 322.212, Florida  
1829 Statutes, is amended to read:

1830 322.212 Unauthorized possession of, and other unlawful acts  
1831 in relation to, driver ~~driver's~~ license or identification card.—

1832 (7) In addition to any other penalties provided by this  
1833 section, any person who provides false information when applying  
1834 for a commercial driver ~~driver's~~ license or commercial learner's  
1835 permit or is convicted of fraud in connection with testing for a  
1836 commercial driver license or commercial learner's permit shall  
1837 be disqualified from operating a commercial motor vehicle for a  
1838 period of 1 year ~~60 days~~.

1839 Section 42. Subsection (1) of section 322.22, Florida  
1840 Statutes, is amended to read:





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1841           322.22 Authority of department to cancel or refuse to issue  
1842 or renew license.-

1843           (1) The department may ~~is authorized to~~ cancel or withhold  
1844 issuance or renewal of any driver ~~driver's~~ license, upon  
1845 determining that the licensee was not entitled to the issuance  
1846 thereof, or that the licensee failed to give the required or  
1847 correct information in his or her application or committed any  
1848 fraud in making such application, or that the licensee has two  
1849 or more licenses on file with the department, each in a  
1850 different name but bearing the photograph of the licensee,  
1851 unless the licensee has complied with the requirements of this  
1852 chapter in obtaining the licenses. The department may cancel or  
1853 withhold issuance or renewal of any driver ~~driver's~~ license,  
1854 identification card, vehicle or vessel registration, or fuel-use  
1855 decal if the licensee fails to pay the correct fee or pays for  
1856 any driver ~~the driver's~~ license, identification card, vehicle or  
1857 vessel registration, or fuel-use decal; pays any tax liability,  
1858 penalty, or interest specified in chapter 207; or pays any  
1859 administrative, delinquency, or reinstatement fee by a  
1860 dishonored check.

1861           Section 43. Subsection (3) of section 322.245, Florida  
1862 Statutes, is amended to read:

1863           322.245 Suspension of license upon failure of person  
1864 charged with specified offense under chapter 316, chapter 320,  
1865 or this chapter to comply with directives ordered by traffic  
1866 court or upon failure to pay child support in non-IV-D cases as  
1867 provided in chapter 61 or failure to pay any financial  
1868 obligation in any other criminal case.-

1869           (3) If the person fails to comply with the directives of



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1870 the court within the 30-day period, or, in non-IV-D cases, fails  
1871 to comply with the requirements of s. 61.13016 within the period  
1872 specified in that statute, the depository or the clerk of the  
1873 court shall electronically notify the department of such failure  
1874 within 10 days. Upon electronic receipt of the notice, the  
1875 department shall immediately issue an order suspending the  
1876 person's driver ~~driver's~~ license and privilege to drive  
1877 effective 20 days after the date the order of suspension is  
1878 mailed in accordance with s. 322.251(1), (2), and (6).

1879 Section 44. Subsection (7) of section 322.25, Florida  
1880 Statutes, is amended to read:

1881 322.25 When court to forward license to department and  
1882 report convictions; temporary reinstatement of driving  
1883 privileges.-

1884 ~~(7) Any licensed driver convicted of driving, or being in~~  
1885 ~~the actual physical control of, a vehicle within this state~~  
1886 ~~while under the influence of alcoholic beverages, any chemical~~  
1887 ~~substance set forth in s. 877.111, or any substance controlled~~  
1888 ~~under chapter 893, when affected to the extent that his or her~~  
1889 ~~normal faculties are impaired, and whose license and driving~~  
1890 ~~privilege have been revoked as provided in subsection (1) may be~~  
1891 ~~issued a court order for reinstatement of a driving privilege on~~  
1892 ~~a temporary basis; provided that, as a part of the penalty, upon~~  
1893 ~~conviction, the defendant is required to enroll in and complete~~  
1894 ~~a driver improvement course for the rehabilitation of drinking~~  
1895 ~~drivers and the driver is otherwise eligible for reinstatement~~  
1896 ~~of the driving privilege as provided by s. 322.282. The court~~  
1897 ~~order for reinstatement shall be on a form provided by the~~  
1898 ~~department and must be taken by the person convicted to a~~



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1899 ~~Florida driver's license examining office, where a temporary~~  
1900 ~~driving permit may be issued. The period of time for which a~~  
1901 ~~temporary permit issued in accordance with this subsection is~~  
1902 ~~valid shall be deemed to be part of the period of revocation~~  
1903 ~~imposed by the court.~~

1904 Section 45. Section 322.2615, Florida Statutes, is amended  
1905 to read:

1906 322.2615 Suspension of license; right to review.—

1907 (1) (a) A law enforcement officer or correctional officer  
1908 shall, on behalf of the department, suspend the driving  
1909 privilege of a person who is driving or in actual physical  
1910 control of a motor vehicle and who has an unlawful blood-alcohol  
1911 level or breath-alcohol level of 0.08 or higher, or of a person  
1912 who has refused to submit to a urine test or a test of his or  
1913 her breath-alcohol or blood-alcohol level. The officer shall  
1914 take the person's driver ~~driver's~~ license and issue the person a  
1915 10-day temporary permit if the person is otherwise eligible for  
1916 the driving privilege and shall issue the person a notice of  
1917 suspension. If a blood test has been administered, the officer  
1918 or the agency employing the officer shall transmit such results  
1919 to the department within 5 days after receipt of the results. If  
1920 the department then determines that the person had a blood-  
1921 alcohol level or breath-alcohol level of 0.08 or higher, the  
1922 department shall suspend the person's driver ~~driver's~~ license  
1923 pursuant to subsection (3).

1924 (b) The suspension under paragraph (a) shall be pursuant  
1925 to, and the notice of suspension shall inform the driver of, the  
1926 following:

1927 1.a. The driver refused to submit to a lawful breath,



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1928 blood, or urine test and his or her driving privilege is  
1929 suspended for a period of 1 year for a first refusal or for a  
1930 period of 18 months if his or her driving privilege has been  
1931 previously suspended as a result of a refusal to submit to such  
1932 a test; or

1933         b. The driver was driving or in actual physical control of  
1934 a motor vehicle and had an unlawful blood-alcohol level or  
1935 breath-alcohol level of 0.08 or higher and his or her driving  
1936 privilege is suspended for a period of 6 months for a first  
1937 offense or for a period of 1 year if his or her driving  
1938 privilege has been previously suspended under this section.

1939         2. The suspension period shall commence on the date of  
1940 issuance of the notice of suspension.

1941         3. The driver may request a formal or informal review of  
1942 the suspension by the department within 10 days after the date  
1943 of issuance of the notice of suspension or may request a  
1944 restricted license pursuant to s. 322.271(7), if eligible.

1945         4. The temporary permit issued at the time of suspension  
1946 expires at midnight of the 10th day following the date of  
1947 issuance of the notice of suspension.

1948         5. The driver may submit to the department any materials  
1949 relevant to the suspension.

1950         (2) (a) Except as provided in paragraph (1) (a), the law  
1951 enforcement officer shall forward to the department, within 5  
1952 days after issuing the notice of suspension, the driver ~~driver's~~  
1953 license; an affidavit stating the officer's grounds for belief  
1954 that the person was driving or in actual physical control of a  
1955 motor vehicle while under the influence of alcoholic beverages  
1956 or chemical or controlled substances; the results of any breath



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1957 or blood test or an affidavit stating that a breath, blood, or  
1958 urine test was requested by a law enforcement officer or  
1959 correctional officer and that the person refused to submit; the  
1960 officer's description of the person's field sobriety test, if  
1961 any; and the notice of suspension. The failure of the officer to  
1962 submit materials within the 5-day period specified in this  
1963 subsection and in subsection (1) does not affect the  
1964 department's ability to consider any evidence submitted at or  
1965 prior to the hearing.

1966 (b) The officer may also submit a copy of the crash report  
1967 and a copy of a video recording ~~videotape~~ of the field sobriety  
1968 test or the attempt to administer such test. Materials submitted  
1969 to the department by a law enforcement agency or correctional  
1970 agency shall be considered self-authenticating and shall be in  
1971 the record for consideration by the hearing officer.  
1972 Notwithstanding s. 316.066(5), the crash report shall be  
1973 considered by the hearing officer.

1974 (3) If the department determines that the license should be  
1975 suspended pursuant to this section and if the notice of  
1976 suspension has not already been served upon the person by a law  
1977 enforcement officer or correctional officer as provided in  
1978 subsection (1), the department shall issue a notice of  
1979 suspension and, unless the notice is mailed pursuant to s.  
1980 322.251, a temporary permit that expires 10 days after the date  
1981 of issuance if the driver is otherwise eligible.

1982 (4) If the person whose license was suspended requests an  
1983 informal review pursuant to subparagraph (1)(b)3., the  
1984 department shall conduct the informal review by a hearing  
1985 officer designated ~~employed~~ by the department. Such informal



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1986 review hearing shall consist solely of an examination by the  
1987 department of the materials submitted by a law enforcement  
1988 officer or correctional officer and by the person whose license  
1989 was suspended, and the presence of an officer or witness is not  
1990 required.

1991 (5) After completion of the informal review, notice of the  
1992 department's decision sustaining, amending, or invalidating the  
1993 suspension of the driver ~~driver's~~ license of the person whose  
1994 license was suspended must be provided to such person. Such  
1995 notice must be mailed to the person at the last known address  
1996 shown on the department's records, or to the address provided in  
1997 the law enforcement officer's report if such address differs  
1998 from the address of record, within 21 days after the expiration  
1999 of the temporary permit issued pursuant to subsection (1) or  
2000 subsection (3).

2001 (6) (a) If the person whose license was suspended requests a  
2002 formal review, the department must schedule a hearing ~~to be held~~  
2003 within 30 days after such request is received by the department  
2004 and must notify the person of the date, time, and place of the  
2005 hearing.

2006 (b) Such formal review hearing shall be held before a  
2007 hearing officer designated ~~employed~~ by the department, and the  
2008 hearing officer shall be authorized to administer oaths, examine  
2009 witnesses and take testimony, receive relevant evidence, issue  
2010 subpoenas for the officers and witnesses identified in documents  
2011 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the  
2012 course and conduct of the hearing, question witnesses, and make  
2013 a ruling on the suspension. The hearing officer may conduct  
2014 hearings using communications technology. The party requesting



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2015 the presence of a witness shall be responsible for the payment  
2016 of any witness fees and for notifying in writing the state  
2017 attorney's office in the appropriate circuit of the issuance of  
2018 the subpoena. If the person who requests a formal review hearing  
2019 fails to appear and the hearing officer finds such failure to be  
2020 without just cause, the right to a formal hearing is waived and  
2021 the suspension shall be sustained.

2022 (c) The failure of a subpoenaed witness to appear at the  
2023 formal review hearing is not grounds to invalidate the  
2024 suspension. If a witness fails to appear, a party may seek  
2025 enforcement of a subpoena under paragraph (b) by filing a  
2026 petition for enforcement in the circuit court of the judicial  
2027 circuit in which the person failing to comply with the subpoena  
2028 resides or by filing a motion for enforcement in any criminal  
2029 court case resulting from the driving or actual physical control  
2030 of a motor vehicle that gave rise to the suspension under this  
2031 section. A failure to comply with an order of the court shall  
2032 result in a finding of contempt of court. However, a person is  
2033 not in contempt while a subpoena is being challenged.

2034 (d) The department must, within 7 working days after a  
2035 formal review hearing, send notice to the person of the hearing  
2036 officer's decision as to whether sufficient cause exists to  
2037 sustain, amend, or invalidate the suspension.

2038 (7) In a formal review hearing under subsection (6) or an  
2039 informal review hearing under subsection (4), the hearing  
2040 officer shall determine by a preponderance of the evidence  
2041 whether sufficient cause exists to sustain, amend, or invalidate  
2042 the suspension. The scope of the review shall be limited to the  
2043 following issues:



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2044 (a) If the license was suspended for driving with an  
2045 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2046 higher:

2047 1. Whether the law enforcement officer had probable cause  
2048 to believe that the person whose license was suspended was  
2049 driving or in actual physical control of a motor vehicle in this  
2050 state while under the influence of alcoholic beverages or  
2051 chemical or controlled substances.

2052 2. Whether the person whose license was suspended had an  
2053 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2054 higher as provided in s. 316.193.

2055 (b) If the license was suspended for refusal to submit to a  
2056 breath, blood, or urine test:

2057 1. Whether the law enforcement officer had probable cause  
2058 to believe that the person whose license was suspended was  
2059 driving or in actual physical control of a motor vehicle in this  
2060 state while under the influence of alcoholic beverages or  
2061 chemical or controlled substances.

2062 2. Whether the person whose license was suspended refused  
2063 to submit to any such test after being requested to do so by a  
2064 law enforcement officer or correctional officer.

2065 3. Whether the person whose license was suspended was told  
2066 that if he or she refused to submit to such test his or her  
2067 privilege to operate a motor vehicle would be suspended for a  
2068 period of 1 year or, in the case of a second or subsequent  
2069 refusal, for a period of 18 months.

2070 (8) Based on the determination of the hearing officer  
2071 pursuant to subsection (7) for both informal hearings under  
2072 subsection (4) and formal hearings under subsection (6), the





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2073 department shall:

2074 (a) Sustain the suspension of the person's driving  
2075 privilege for a period of 1 year for a first refusal, or for a  
2076 period of 18 months if the driving privilege of such person has  
2077 been previously suspended as a result of a refusal to submit to  
2078 such tests, if the person refused to submit to a lawful breath,  
2079 blood, or urine test. The suspension period commences on the  
2080 date of issuance of the notice of suspension.

2081 (b) Sustain the suspension of the person's driving  
2082 privilege for a period of 6 months for a blood-alcohol level or  
2083 breath-alcohol level of 0.08 or higher, or for a period of 1  
2084 year if the driving privilege of such person has been previously  
2085 suspended under this section as a result of driving with an  
2086 unlawful alcohol level. The suspension period commences on the  
2087 date of issuance of the notice of suspension.

2088 (9) A request for a formal review hearing or an informal  
2089 review hearing shall not stay the suspension of the person's  
2090 driver ~~driver's~~ license. If the department fails to schedule the  
2091 formal review hearing ~~to be held~~ within 30 days after receipt of  
2092 the request therefor, the department shall invalidate the  
2093 suspension. If the scheduled hearing is continued at the  
2094 department's initiative or the driver enforces the subpoena as  
2095 provided in subsection (6), the department shall issue a  
2096 temporary driving permit that shall be valid until the hearing  
2097 is conducted if the person is otherwise eligible for the driving  
2098 privilege. Such permit may not be issued to a person who sought  
2099 and obtained a continuance of the hearing. The permit issued  
2100 under this subsection shall authorize driving for business or  
2101 employment use only.



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2102           (10) A person whose driver ~~driver's~~ license is suspended  
2103 under subsection (1) or subsection (3) may apply for issuance of  
2104 a license for business or employment purposes only if the person  
2105 is otherwise eligible for the driving privilege pursuant to s.  
2106 322.271.

2107           (a) If the suspension of the driver ~~driver's~~ license of the  
2108 person for failure to submit to a breath, urine, or blood test  
2109 is sustained, the person is not eligible to receive a license  
2110 for business or employment purposes only, pursuant to s.  
2111 322.271, until 90 days have elapsed after the expiration of the  
2112 last temporary permit issued. If the driver is not issued a 10-  
2113 day permit pursuant to this section or s. 322.64 because he or  
2114 she is ineligible for the permit and the suspension for failure  
2115 to submit to a breath, urine, or blood test is not invalidated  
2116 by the department, the driver is not eligible to receive a  
2117 business or employment license pursuant to s. 322.271 until 90  
2118 days have elapsed from the date of the suspension.

2119           (b) If the suspension of the driver ~~driver's~~ license of the  
2120 person relating to unlawful blood-alcohol level or breath-  
2121 alcohol level of 0.08 or higher is sustained, the person is not  
2122 eligible to receive a license for business or employment  
2123 purposes only pursuant to s. 322.271 until 30 days have elapsed  
2124 after the expiration of the last temporary permit issued. If the  
2125 driver is not issued a 10-day permit pursuant to this section or  
2126 s. 322.64 because he or she is ineligible for the permit and the  
2127 suspension relating to unlawful blood-alcohol level or breath-  
2128 alcohol level of 0.08 or higher is not invalidated by the  
2129 department, the driver is not eligible to receive a business or  
2130 employment license pursuant to s. 322.271 until 30 days have



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2131 elapsed from the date of the suspension.

2132 (11) The formal review hearing may be conducted upon a  
2133 review of the reports of a law enforcement officer or a  
2134 correctional officer, including documents relating to the  
2135 administration of a breath test or blood test or the refusal to  
2136 take either test or the refusal to take a urine test. However,  
2137 as provided in subsection (6), the driver may subpoena the  
2138 officer or any person who administered or analyzed a breath or  
2139 blood test. If the arresting officer or the breath technician  
2140 fails to appear pursuant to a subpoena as provided in subsection  
2141 (6), the department shall invalidate the suspension.

2142 (12) The formal review hearing and the informal review  
2143 hearing are exempt from the provisions of chapter 120. The  
2144 department may adopt rules for the conduct of reviews under this  
2145 section.

2146 (13) A person may appeal any decision of the department  
2147 sustaining a suspension of his or her driver ~~driver's~~ license by  
2148 a petition for writ of certiorari to the circuit court in the  
2149 county wherein such person resides or wherein a formal or  
2150 informal review was conducted pursuant to s. 322.31. However, an  
2151 appeal shall not stay the suspension. A law enforcement agency  
2152 may appeal any decision of the department invalidating a  
2153 suspension by a petition for writ of certiorari to the circuit  
2154 court in the county wherein a formal or informal review was  
2155 conducted. This subsection shall not be construed to provide for  
2156 a de novo review ~~appeal~~.

2157 (14) (a) The decision of the department under this section  
2158 or any circuit court review thereof may not be considered in any  
2159 trial for a violation of s. 316.193, and a written statement



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2160 submitted by a person in his or her request for departmental  
2161 review under this section may not be admitted into evidence  
2162 against him or her in any such trial.

2163 (b) The disposition of any related criminal proceedings  
2164 does not affect a suspension for refusal to submit to a blood,  
2165 breath, or urine test imposed under this section.

2166 (15) If the department suspends a person's license under s.  
2167 322.2616, it may not also suspend the person's license under  
2168 this section for the same episode that was the basis for the  
2169 suspension under s. 322.2616.

2170 (16) The department shall invalidate a suspension for  
2171 driving with an unlawful blood-alcohol level or breath-alcohol  
2172 level imposed under this section if the suspended person is  
2173 found not guilty at trial of an underlying violation of s.  
2174 316.193.

2175 Section 46. Section 322.2616, Florida Statutes, is amended  
2176 to read:

2177 322.2616 Suspension of license; persons under 21 years of  
2178 age; right to review.-

2179 (1) (a) Notwithstanding s. 316.193, it is unlawful for a  
2180 person under the age of 21 who has a blood-alcohol or breath-  
2181 alcohol level of 0.02 or higher to drive or be in actual  
2182 physical control of a motor vehicle.

2183 (b) A law enforcement officer who has probable cause to  
2184 believe that a motor vehicle is being driven by or is in the  
2185 actual physical control of a person who is under the age of 21  
2186 while under the influence of alcoholic beverages or who has any  
2187 blood-alcohol or breath-alcohol level may lawfully detain such a  
2188 person and may request that person to submit to a test to



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2189 determine his or her blood-alcohol or breath-alcohol level.

2190 (2) (a) A law enforcement officer or correctional officer  
2191 shall, on behalf of the department, suspend the driving  
2192 privilege of such person if the person has a blood-alcohol or  
2193 breath-alcohol level of 0.02 or higher. The officer shall also  
2194 suspend, on behalf of the department, the driving privilege of a  
2195 person who has refused to submit to a test as provided by  
2196 paragraph (b). The officer shall take the person's driver  
2197 ~~driver's~~ license and issue the person a 10-day temporary driving  
2198 permit if the person is otherwise eligible for the driving  
2199 privilege and shall issue the person a notice of suspension.

2200 (b) The suspension under paragraph (a) must be pursuant to,  
2201 and the notice of suspension must inform the driver of, the  
2202 following:

2203 1.a. The driver refused to submit to a lawful breath test  
2204 and his or her driving privilege is suspended for a period of 1  
2205 year for a first refusal or for a period of 18 months if his or  
2206 her driving privilege has been previously suspended as provided  
2207 in this section as a result of a refusal to submit to a test; or

2208 b. The driver was under the age of 21 and was driving or in  
2209 actual physical control of a motor vehicle while having a blood-  
2210 alcohol or breath-alcohol level of 0.02 or higher; and the  
2211 person's driving privilege is suspended for a period of 6 months  
2212 for a first violation, or for a period of 1 year if his or her  
2213 driving privilege has been previously suspended as provided in  
2214 this section for driving or being in actual physical control of  
2215 a motor vehicle with a blood-alcohol or breath-alcohol level of  
2216 0.02 or higher.

2217 2. The suspension period commences on the date of issuance



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2218 of the notice of suspension.

2219 3. The driver may request a formal or informal review of  
2220 the suspension by the department within 10 days after the  
2221 issuance of the notice of suspension.

2222 4. A temporary permit issued at the time of the issuance of  
2223 the notice of suspension shall not become effective until after  
2224 12 hours have elapsed and will expire at midnight of the 10th  
2225 day following the date of issuance.

2226 5. The driver may submit to the department any materials  
2227 relevant to the suspension of his or her license.

2228 (c) When a driver subject to this section has a blood-  
2229 alcohol or breath-alcohol level of 0.05 or higher, the  
2230 suspension shall remain in effect until such time as the driver  
2231 has completed a substance abuse course offered by a DUI program  
2232 licensed by the department. The driver shall assume the  
2233 reasonable costs for the substance abuse course. As part of the  
2234 substance abuse course, the program shall conduct a substance  
2235 abuse evaluation of the driver, and notify the parents or legal  
2236 guardians of drivers under the age of 19 years of the results of  
2237 the evaluation. The term "substance abuse" means the abuse of  
2238 alcohol or any substance named or described in Schedules I  
2239 through V of s. 893.03. If a driver fails to complete the  
2240 substance abuse education course and evaluation, the driver  
2241 ~~driver's~~ license shall not be reinstated by the department.

2242 (d) A minor under the age of 18 years proven to be driving  
2243 with a blood-alcohol or breath-alcohol level of 0.02 or higher  
2244 may be taken by a law enforcement officer to the addictions  
2245 receiving facility in the county in which the minor is found to  
2246 be so driving, if the county makes the addictions receiving



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2247 facility available for such purpose.

2248 (3) The law enforcement officer shall forward to the  
2249 department, within 5 days after the date of the issuance of the  
2250 notice of suspension, a copy of the notice of suspension, the  
2251 driver ~~driver's~~ license of the person receiving the notice of  
2252 suspension, and an affidavit stating the officer's grounds for  
2253 belief that the person was under the age of 21 and was driving  
2254 or in actual physical control of a motor vehicle with any blood-  
2255 alcohol or breath-alcohol level, and the results of any blood or  
2256 breath test or an affidavit stating that a breath test was  
2257 requested by a law enforcement officer or correctional officer  
2258 and that the person refused to submit to such test. The failure  
2259 of the officer to submit materials within the 5-day period  
2260 specified in this subsection does not bar the department from  
2261 considering any materials submitted at or before the hearing.

2262 (4) If the department finds that the license of the person  
2263 should be suspended under this section and if the notice of  
2264 suspension has not already been served upon the person by a law  
2265 enforcement officer or correctional officer as provided in  
2266 subsection (2), the department shall issue a notice of  
2267 suspension and, unless the notice is mailed under s. 322.251, a  
2268 temporary driving permit that expires 10 days after the date of  
2269 issuance if the driver is otherwise eligible.

2270 (5) If the person whose license is suspended requests an  
2271 informal review under subparagraph (2)(b)3., the department  
2272 shall conduct the informal review by a hearing officer  
2273 designated ~~employed~~ by the department within 30 days after the  
2274 request is received by the department and shall issue such  
2275 person a temporary driving permit for business purposes only to



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2276 expire on the date that such review is scheduled to be conducted  
2277 if the person is otherwise eligible. The informal review hearing  
2278 must consist solely of an examination by the department of the  
2279 materials submitted by a law enforcement officer or correctional  
2280 officer and by the person whose license is suspended, and the  
2281 presence of an officer or witness is not required.

2282 (6) After completion of the informal review, notice of the  
2283 department's decision sustaining, amending, or invalidating the  
2284 suspension of the driver ~~driver's~~ license must be provided to  
2285 the person. The notice must be mailed to the person at the last  
2286 known address shown on the department's records, or to the  
2287 address provided in the law enforcement officer's report if such  
2288 address differs from the address of record, within 7 days after  
2289 completing the review.

2290 (7) (a) If the person whose license is suspended requests a  
2291 formal review, the department must schedule a hearing to be held  
2292 within 30 days after the request is received by the department  
2293 and must notify the person of the date, time, and place of the  
2294 hearing and shall issue such person a temporary driving permit  
2295 for business purposes only to expire on the date that such  
2296 review is scheduled to be conducted if the person is otherwise  
2297 eligible.

2298 (b) The formal review hearing must be held before a hearing  
2299 officer designated ~~employed~~ by the department, and the hearing  
2300 officer may administer oaths, examine witnesses and take  
2301 testimony, receive relevant evidence, issue subpoenas, regulate  
2302 the course and conduct of the hearing, and make a ruling on the  
2303 suspension. The hearing officer may conduct hearings using  
2304 communications technology. The department and the person whose





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2305 license was suspended may subpoena witnesses, and the party  
2306 requesting the presence of a witness is responsible for paying  
2307 any witness fees and for notifying in writing the state  
2308 attorney's office in the appropriate circuit of the issuance of  
2309 the subpoena. If the person who requests a formal review hearing  
2310 fails to appear and the hearing officer finds the failure to be  
2311 without just cause, the right to a formal hearing is waived and  
2312 the suspension is sustained.

2313 (c) The failure of a subpoenaed witness to appear at the  
2314 formal review hearing shall not be grounds to invalidate the  
2315 suspension. If a witness fails to appear, a party may seek  
2316 enforcement of a subpoena under paragraph (b) by filing a  
2317 petition for enforcement in the circuit court of the judicial  
2318 circuit in which the person failing to comply with the subpoena  
2319 resides. A failure to comply with an order of the court  
2320 constitutes contempt of court. However, a person may not be held  
2321 in contempt while a subpoena is being challenged.

2322 (d) The department must, within 7 working days after a  
2323 formal review hearing, send notice to the person of the hearing  
2324 officer's decision as to whether sufficient cause exists to  
2325 sustain, amend, or invalidate the suspension.

2326 (8) In a formal review hearing under subsection (7) or an  
2327 informal review hearing under subsection (5), the hearing  
2328 officer shall determine by a preponderance of the evidence  
2329 whether sufficient cause exists to sustain, amend, or invalidate  
2330 the suspension. The scope of the review is limited to the  
2331 following issues:

2332 (a) If the license was suspended because the individual,  
2333 then under the age of 21, drove with a blood-alcohol or breath-



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2334 alcohol level of 0.02 or higher:

2335 1. Whether the law enforcement officer had probable cause  
2336 to believe that the person was under the age of 21 and was  
2337 driving or in actual physical control of a motor vehicle in this  
2338 state with any blood-alcohol or breath-alcohol level or while  
2339 under the influence of alcoholic beverages.

2340 2. Whether the person was under the age of 21.

2341 3. Whether the person had a blood-alcohol or breath-alcohol  
2342 level of 0.02 or higher.

2343 (b) If the license was suspended because of the  
2344 individual's refusal to submit to a breath test:

2345 1. Whether the law enforcement officer had probable cause  
2346 to believe that the person was under the age of 21 and was  
2347 driving or in actual physical control of a motor vehicle in this  
2348 state with any blood-alcohol or breath-alcohol level or while  
2349 under the influence of alcoholic beverages.

2350 2. Whether the person was under the age of 21.

2351 3. Whether the person refused to submit to a breath test  
2352 after being requested to do so by a law enforcement officer or  
2353 correctional officer.

2354 4. Whether the person was told that if he or she refused to  
2355 submit to a breath test his or her privilege to operate a motor  
2356 vehicle would be suspended for a period of 1 year or, in the  
2357 case of a second or subsequent refusal, for a period of 18  
2358 months.

2359 (9) Based on the determination of the hearing officer under  
2360 subsection (8) for both informal hearings under subsection (5)  
2361 and formal hearings under subsection (7), the department shall:

2362 (a) Sustain the suspension of the person's driving



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2363 privilege for a period of 1 year for a first refusal, or for a  
2364 period of 18 months if the driving privilege of the person has  
2365 been previously suspended, as provided in this section, as a  
2366 result of a refusal to submit to a test. The suspension period  
2367 commences on the date of the issuance of the notice of  
2368 suspension.

2369 (b) Sustain the suspension of the person's driving  
2370 privilege for a period of 6 months for driving or being in  
2371 actual physical control of a motor vehicle while under the age  
2372 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or  
2373 higher, or for a period of 1 year if the driving privilege of  
2374 such person has been previously suspended under this section.  
2375 The suspension period commences on the date of the issuance of  
2376 the notice of suspension.

2377 (10) A request for a formal review hearing or an informal  
2378 review hearing shall not stay the suspension of the person's  
2379 driver ~~driver's~~ license. If the department fails to schedule the  
2380 formal review hearing ~~to be held~~ within 30 days after receipt of  
2381 the request therefor, the department shall invalidate the  
2382 suspension. If the scheduled hearing is continued at the  
2383 department's initiative or the driver enforces the subpoena as  
2384 provided in subsection (7), the department shall issue a  
2385 temporary driving permit that is valid until the hearing is  
2386 conducted if the person is otherwise eligible for the driving  
2387 privilege. The permit shall not be issued to a person who  
2388 requested a continuance of the hearing. The permit issued under  
2389 this subsection authorizes driving for business or employment  
2390 use only.

2391 (11) A person whose driver ~~driver's~~ license is suspended



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2392 under subsection (2) or subsection (4) may apply for issuance of  
2393 a license for business or employment purposes only, pursuant to  
2394 s. 322.271, if the person is otherwise eligible for the driving  
2395 privilege. However, such a license may not be issued until 30  
2396 days have elapsed after the expiration of the last temporary  
2397 driving permit issued under this section.

2398 (12) The formal review hearing may be conducted upon a  
2399 review of the reports of a law enforcement officer or  
2400 correctional officer, including documents relating to the  
2401 administration of a breath test or the refusal to take a test.  
2402 However, as provided in subsection (7), the driver may subpoena  
2403 the officer or any person who administered a breath or blood  
2404 test. If the officer who suspended the driving privilege fails  
2405 to appear pursuant to a subpoena as provided in subsection (7),  
2406 the department shall invalidate the suspension.

2407 (13) The formal review hearing and the informal review  
2408 hearing are exempt from chapter 120. The department may adopt  
2409 rules for conducting reviews under this section.

2410 (14) A person may appeal any decision of the department  
2411 sustaining a suspension of his or her driver ~~driver's~~ license by  
2412 a petition for writ of certiorari to the circuit court in the  
2413 county wherein such person resides or wherein a formal or  
2414 informal review was conducted under s. 322.31. However, an  
2415 appeal does not stay the suspension. This subsection does not  
2416 provide for a de novo review ~~appeal~~.

2417 (15) The decision of the department under this section  
2418 shall not be considered in any trial for a violation of s.  
2419 316.193, nor shall any written statement submitted by a person  
2420 in his or her request for departmental review under this section



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2421 be admissible into evidence against him or her in any such  
2422 trial. The disposition of any related criminal proceedings shall  
2423 not affect a suspension imposed under this section.

2424 (16) By applying for and accepting and using a driver  
2425 ~~driver's~~ license, a person under the age of 21 years who holds  
2426 the driver ~~driver's~~ license is deemed to have expressed his or  
2427 her consent to the provisions of this section.

2428 (17) A breath test to determine breath-alcohol level  
2429 pursuant to this section may be conducted as authorized by s.  
2430 316.1932 or by a breath-alcohol test device listed in the United  
2431 States Department of Transportation's conforming-product list of  
2432 evidential breath-measurement devices. The reading from such a  
2433 device is presumed accurate and is admissible in evidence in any  
2434 administrative hearing conducted under this section.

2435 (18) The result of a blood test obtained during an  
2436 investigation conducted under s. 316.1932 or s. 316.1933 may be  
2437 used to suspend the driving privilege of a person under this  
2438 section.

2439 (19) A violation of this section is neither a traffic  
2440 infraction nor a criminal offense, nor does being detained  
2441 pursuant to this section constitute an arrest. A violation of  
2442 this section is subject to the administrative action provisions  
2443 of this section, which are administered by the department  
2444 through its administrative processes. Administrative actions  
2445 taken pursuant to this section shall be recorded in the motor  
2446 vehicle records maintained by the department. This section does  
2447 not bar prosecution under s. 316.193. However, if the department  
2448 suspends a person's license under s. 322.2615 for a violation of  
2449 s. 316.193, it may not also suspend the person's license under



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2450 this section for the same episode that was the basis for the  
2451 suspension under s. 322.2615.

2452 Section 47. Subsections (4) and (5) of section 322.271,  
2453 Florida Statutes, are amended, and subsection (7) is added to  
2454 that section, to read:

2455 322.271 Authority to modify revocation, cancellation, or  
2456 suspension order.—

2457 (4) Notwithstanding the provisions of s. 322.28(2)(d)  
2458 ~~322.28(2)(e)~~, a person whose driving privilege has been  
2459 permanently revoked because he or she has been convicted of DUI  
2460 manslaughter in violation of s. 316.193 and has no prior  
2461 convictions for DUI-related offenses may, upon the expiration of  
2462 5 years after the date of such revocation or the expiration of 5  
2463 years after the termination of any term of incarceration under  
2464 s. 316.193 or former s. 316.1931, whichever date is later,  
2465 petition the department for reinstatement of his or her driving  
2466 privilege.

2467 (a) Within 30 days after the receipt of such a petition,  
2468 the department shall afford the petitioner an opportunity for a  
2469 hearing. At the hearing, the petitioner must demonstrate to the  
2470 department that he or she:

2471 1. Has not been arrested for a drug-related offense during  
2472 the 5 years preceding the filing of the petition;

2473 2. Has not driven a motor vehicle without a license for at  
2474 least 5 years prior to the hearing;

2475 3. Has been drug-free for at least 5 years prior to the  
2476 hearing; and

2477 4. Has completed a DUI program licensed by the department.

2478 (b) At such hearing, the department shall determine the



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2479 petitioner's qualification, fitness, and need to drive. Upon  
2480 such determination, the department may, in its discretion,  
2481 reinstate the driver ~~driver's~~ license of the petitioner. Such  
2482 reinstatement must be made subject to the following  
2483 qualifications:

2484 1. The license must be restricted for employment purposes  
2485 for at least ~~not less than~~ 1 year; and

2486 2. Such person must be supervised by a DUI program licensed  
2487 by the department and report to the program for such supervision  
2488 and education at least four times a year or additionally as  
2489 required by the program for the remainder of the revocation  
2490 period. Such supervision shall include evaluation, education,  
2491 referral into treatment, and other activities required by the  
2492 department.

2493 (c) Such person must assume the reasonable costs of  
2494 supervision. If such person fails to comply with the required  
2495 supervision, the program shall report the failure to the  
2496 department, and the department shall cancel such person's  
2497 driving privilege.

2498 (d) If, after reinstatement, such person is convicted of an  
2499 offense for which mandatory revocation of his or her license is  
2500 required, the department shall revoke his or her driving  
2501 privilege.

2502 (e) The department shall adopt rules regulating the  
2503 providing of services by DUI programs pursuant to this section.

2504 (5) Notwithstanding the provisions of s. 322.28(2)(d)  
2505 ~~322.28(2)(e)~~, a person whose driving privilege has been  
2506 permanently revoked because he or she has been convicted four or  
2507 more times of violating s. 316.193 or former s. 316.1931 may,



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2508 upon the expiration of 5 years after the date of the last  
2509 conviction or the expiration of 5 years after the termination of  
2510 any incarceration under s. 316.193 or former s. 316.1931,  
2511 whichever is later, petition the department for reinstatement of  
2512 his or her driving privilege.

2513 (a) Within 30 days after receipt of a petition, the  
2514 department shall provide for a hearing, at which the petitioner  
2515 must demonstrate that he or she:

2516 1. Has not been arrested for a drug-related offense for at  
2517 least 5 years prior to filing the petition;

2518 2. Has not driven a motor vehicle without a license for at  
2519 least 5 years prior to the hearing;

2520 3. Has been drug-free for at least 5 years prior to the  
2521 hearing; and

2522 4. Has completed a DUI program licensed by the department.

2523 (b) At the hearing, the department shall determine the  
2524 petitioner's qualification, fitness, and need to drive, and may,  
2525 after such determination, reinstate the petitioner's driver  
2526 ~~driver's~~ license. The reinstatement shall be subject to the  
2527 following qualifications:

2528 1. The petitioner's license must be restricted for  
2529 employment purposes for at least ~~not less than~~ 1 year; and

2530 2. The petitioner must be supervised by a DUI program  
2531 licensed by the department and must report to the program for  
2532 supervision and education at least four times a year or more, as  
2533 required by the program, for the remainder of the revocation  
2534 period. The supervision shall include evaluation, education,  
2535 referral into treatment, and other activities required by the  
2536 department.





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2537 (c) The petitioner must assume the reasonable costs of  
2538 supervision. If the petitioner does not comply with the required  
2539 supervision, the program shall report the failure to the  
2540 department, and the department shall cancel such person's  
2541 driving privilege.

2542 (d) If, after reinstatement, the petitioner is convicted of  
2543 an offense for which mandatory license revocation is required,  
2544 the department shall revoke his or her driving privilege.

2545 (e) The department shall adopt rules regulating the  
2546 services provided by DUI programs pursuant to this section.

2547 (7) A person who has never had a driver license suspended  
2548 under s. 322.2615, has never been disqualified under s. 322.64,  
2549 has never been convicted of a violation of s. 316.193, has never  
2550 applied for a business purposes only license, as defined in this  
2551 section, whose driving privilege has been suspended pursuant to  
2552 this section may apply for a business purposes only driver  
2553 license without a hearing if the person meets the requirements  
2554 of this section and s. 322.291, and is otherwise eligible for a  
2555 driver license.

2556 (a) For purposes of this subsection, a previous conviction  
2557 outside of this state for driving under the influence, driving  
2558 while intoxicated, driving with an unlawful blood-alcohol level,  
2559 or any other alcohol-related or drug-related traffic offense  
2560 similar to the offense of driving under the influence as  
2561 provided in s. 316.193 will be considered a previous conviction  
2562 for a violation of s. 316.193, and a conviction for violation of  
2563 former s. 316.028, former s. 316.1931, or former s. 860.01 is  
2564 considered a conviction for a violation of s. 316.193.

2565 (b) The reinstatement shall be restricted to business



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2566 purposes only for the duration of the suspension imposed under  
2567 s. 322.2615.

2568 (c) Acceptance of the reinstated driving privilege as  
2569 provided in this subsection is deemed a waiver of the right to  
2570 formal and informal review under s. 322.2615. The waiver may not  
2571 be used as evidence in any other proceeding.

2572 Section 48. Section 322.2715, Florida Statutes, is amended  
2573 to read:

2574 322.2715 Ignition interlock device.—

2575 (1) Before issuing a permanent or restricted driver  
2576 ~~driver's~~ license under this chapter, the department shall  
2577 require the placement of a department-approved ignition  
2578 interlock device for any person convicted of committing an  
2579 offense of driving under the influence as specified in  
2580 subsection (3), except that consideration may be given to those  
2581 individuals having a documented medical condition that would  
2582 prohibit the device from functioning normally. If a medical  
2583 waiver has been granted for a convicted person seeking a  
2584 restricted license, the convicted person shall not be entitled  
2585 to a restricted license until the required ignition interlock  
2586 device installation period under subsection (3) expires, in  
2587 addition to the time requirements under s. 322.271. If a medical  
2588 waiver has been approved for a convicted person seeking  
2589 permanent reinstatement of the driver license, the convicted  
2590 person must be restricted to an employment-purposes-only license  
2591 and be supervised by a licensed DUI program until the required  
2592 ignition interlock device installation period under subsection  
2593 (3) expires. An interlock device shall be placed on all vehicles  
2594 that are individually or jointly leased or owned and routinely



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2595 operated by the convicted person.

2596 (2) For purposes of this section, any conviction for a  
2597 violation of s. 316.193, a previous conviction for a violation  
2598 of former s. 316.1931, or a conviction outside this state for  
2599 driving under the influence, driving while intoxicated, driving  
2600 with an unlawful blood-alcohol level, or any other similar  
2601 alcohol-related or drug-related traffic offense is a conviction  
2602 of driving under the influence.

2603 (3) If the person is convicted of:

2604 (a) A first offense of driving under the influence under s.  
2605 316.193 and has an unlawful blood-alcohol level or breath-  
2606 alcohol level as specified in s. 316.193(4), or if a person is  
2607 convicted of a violation of s. 316.193 and was at the time of  
2608 the offense accompanied in the vehicle by a person younger than  
2609 18 years of age, the person shall have the ignition interlock  
2610 device installed for at least ~~not less than~~ 6 continuous months  
2611 for the first offense and for at least ~~not less than~~ 2  
2612 continuous years for a second offense.

2613 (b) A second offense of driving under the influence, the  
2614 ignition interlock device shall be installed for a period of at  
2615 least ~~not less than~~ 1 continuous year.

2616 (c) A third offense of driving under the influence which  
2617 occurs within 10 years after a prior conviction for a violation  
2618 of s. 316.193, the ignition interlock device shall be installed  
2619 for a period of at least ~~not less than~~ 2 continuous years.

2620 (d) A third offense of driving under the influence which  
2621 occurs more than 10 years after the date of a prior conviction,  
2622 the ignition interlock device shall be installed for a period of  
2623 at least ~~not less than~~ 2 continuous years.



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2624 (e) A fourth or subsequent offense of driving under the  
2625 influence, the ignition interlock device shall be installed for  
2626 a period of at least ~~not less than~~ 5 years.

2627 (4) If the court fails to order the mandatory placement of  
2628 the ignition interlock device or fails to order for the  
2629 applicable period the mandatory placement of an ignition  
2630 interlock device under s. 316.193 or s. 316.1937 at the time of  
2631 imposing sentence or within 30 days thereafter, the department  
2632 shall immediately require that the ignition interlock device be  
2633 installed as provided in this section, except that consideration  
2634 may be given to those individuals having a documented medical  
2635 condition that would prohibit the device from functioning  
2636 normally. This subsection applies to the reinstatement of the  
2637 driving privilege following a revocation, suspension, or  
2638 cancellation that is based upon a conviction for the offense of  
2639 driving under the influence which occurs on or after July 1,  
2640 2005.

2641 (5) In addition to any fees authorized by rule for the  
2642 installation and maintenance of the ignition interlock device,  
2643 the authorized installer of the device shall collect and remit  
2644 \$12 for each installation to the department, which shall be  
2645 deposited into the Highway Safety Operating Trust Fund to be  
2646 used for the operation of the Ignition Interlock Device Program.

2647 Section 49. Section 322.28, Florida Statutes, is amended to  
2648 read:

2649 322.28 Period of suspension or revocation.—

2650 (1) Unless otherwise provided by this section, the  
2651 department shall not suspend a license for a period of more than  
2652 1 year and, upon revoking a license, in any case except in a



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2653 prosecution for the offense of driving a motor vehicle while  
2654 under the influence of alcoholic beverages, chemical substances  
2655 as set forth in s. 877.111, or controlled substances, shall not  
2656 in any event grant a new license until the expiration of 1 year  
2657 after such revocation.

2658 (2) In a prosecution for a violation of s. 316.193 or  
2659 former s. 316.1931, the following provisions apply:

2660 (a) Upon conviction of the driver, the court, along with  
2661 imposing sentence, shall revoke the driver ~~driver's~~ license or  
2662 driving privilege of the person so convicted, effective on the  
2663 date of conviction, and shall prescribe the period of such  
2664 revocation in accordance with the following provisions:

2665 1. Upon a first conviction for a violation of the  
2666 provisions of s. 316.193, except a violation resulting in death,  
2667 the driver ~~driver's~~ license or driving privilege shall be  
2668 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
2669 1 year.

2670 2. Upon a second conviction for an offense that occurs  
2671 within a period of 5 years after the date of a prior conviction  
2672 for a violation of the provisions of s. 316.193 or former s.  
2673 316.1931 or a combination of such sections, the driver ~~driver's~~  
2674 license or driving privilege shall be revoked for at least ~~not~~  
2675 ~~less than~~ 5 years.

2676 3. Upon a third conviction for an offense that occurs  
2677 within a period of 10 years after the date of a prior conviction  
2678 for the violation of the provisions of s. 316.193 or former s.  
2679 316.1931 or a combination of such sections, the driver ~~driver's~~  
2680 license or driving privilege shall be revoked for at least ~~not~~  
2681 ~~less than~~ 10 years.



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2682  
2683 For the purposes of this paragraph, a previous conviction  
2684 outside this state for driving under the influence, driving  
2685 while intoxicated, driving with an unlawful blood-alcohol level,  
2686 or any other alcohol-related or drug-related traffic offense  
2687 similar to the offense of driving under the influence as  
2688 proscribed by s. 316.193 will be considered a previous  
2689 conviction for violation of s. 316.193, and a conviction for  
2690 violation of former s. 316.028, former s. 316.1931, or former s.  
2691 860.01 is considered a conviction for violation of s. 316.193.

2692 (b) If the period of revocation was not specified by the  
2693 court at the time of imposing sentence or within 30 days  
2694 thereafter, and is not otherwise specified by law, the  
2695 department shall forthwith revoke the driver ~~driver's~~ license or  
2696 driving privilege for the maximum period applicable under  
2697 paragraph (a) for a first conviction and for the minimum period  
2698 applicable under paragraph (a) for any subsequent convictions.  
2699 The driver may, within 30 days after such revocation by the  
2700 department, petition the court for further hearing on the period  
2701 of revocation, and the court may reopen the case and determine  
2702 the period of revocation within the limits specified in  
2703 paragraph (a).

2704 (c) The forfeiture of bail bond, not vacated within 20  
2705 days, in any prosecution for the offense of driving while under  
2706 the influence of alcoholic beverages, chemical substances, or  
2707 controlled substances to the extent of depriving the defendant  
2708 of his or her normal faculties shall be deemed equivalent to a  
2709 conviction for the purposes of this paragraph, and the  
2710 department shall forthwith revoke the defendant's driver



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2711 ~~driver's~~ license or driving privilege for the maximum period  
2712 applicable under paragraph (a) for a first conviction and for  
2713 the minimum period applicable under paragraph (a) for a second  
2714 or subsequent conviction; however, if the defendant is later  
2715 convicted of the charge, the period of revocation imposed by the  
2716 department for such conviction shall not exceed the difference  
2717 between the applicable maximum for a first conviction or minimum  
2718 for a second or subsequent conviction and the revocation period  
2719 under this subsection that has actually elapsed; upon conviction  
2720 of such charge, the court may impose revocation for a period of  
2721 time as specified in paragraph (a). This paragraph does not  
2722 apply if an appropriate motion contesting the forfeiture is  
2723 filed within the 20-day period.

2724 ~~(d) When any driver's license or driving privilege has been~~  
2725 ~~revoked pursuant to the provisions of this section, the~~  
2726 ~~department shall not grant a new license, except upon~~  
2727 ~~reexamination of the licensee after the expiration of the period~~  
2728 ~~of revocation so prescribed. However, the court may, in its~~  
2729 ~~sound discretion, issue an order of reinstatement on a form~~  
2730 ~~furnished by the department which the person may take to any~~  
2731 ~~driver's license examining office for reinstatement by the~~  
2732 ~~department pursuant to s. 322.282.~~

2733 (d) ~~(e)~~ The court shall permanently revoke the driver  
2734 ~~driver's~~ license or driving privilege of a person who has been  
2735 convicted four times for violation of s. 316.193 or former s.  
2736 316.1931 or a combination of such sections. The court shall  
2737 permanently revoke the driver ~~driver's~~ license or driving  
2738 privilege of any person who has been convicted of DUI  
2739 manslaughter in violation of s. 316.193. If the court has not



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2740 permanently revoked such driver ~~driver's~~ license or driving  
2741 privilege within 30 days after imposing sentence, the department  
2742 shall permanently revoke the driver ~~driver's~~ license or driving  
2743 privilege pursuant to this paragraph. No driver ~~driver's~~ license  
2744 or driving privilege may be issued or granted to any such  
2745 person. This paragraph applies only if at least one of the  
2746 convictions for violation of s. 316.193 or former s. 316.1931  
2747 was for a violation that occurred after July 1, 1982. For the  
2748 purposes of this paragraph, a conviction for violation of former  
2749 s. 316.028, former s. 316.1931, or former s. 860.01 is also  
2750 considered a conviction for violation of s. 316.193. Also, a  
2751 conviction of driving under the influence, driving while  
2752 intoxicated, driving with an unlawful blood-alcohol level, or  
2753 any other similar alcohol-related or drug-related traffic  
2754 offense outside this state is considered a conviction for the  
2755 purposes of this paragraph.

2756 (e) Convictions that occur on the same date resulting from  
2757 separate offense dates shall be treated as separate convictions,  
2758 and the offense that occurred earlier will be deemed a prior  
2759 conviction for the purposes of this section.

2760 (3) The court shall permanently revoke the driver ~~driver's~~  
2761 license or driving privilege of a person who has been convicted  
2762 of murder resulting from the operation of a motor vehicle. No  
2763 driver ~~driver's~~ license or driving privilege may be issued or  
2764 granted to any such person.

2765 (4) (a) Upon a conviction for a violation of s.  
2766 316.193(3)(c)2., involving serious bodily injury, a conviction  
2767 of manslaughter resulting from the operation of a motor vehicle,  
2768 or a conviction of vehicular homicide, the court shall revoke





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2769 the driver ~~driver's~~ license of the person convicted for a  
2770 minimum period of 3 years. If a conviction under s.  
2771 316.193(3)(c)2., involving serious bodily injury, is also a  
2772 subsequent conviction as described under paragraph (2)(a), the  
2773 court shall revoke the driver ~~driver's~~ license or driving  
2774 privilege of the person convicted for the period applicable as  
2775 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

2776 (b) If the period of revocation was not specified by the  
2777 court at the time of imposing sentence or within 30 days  
2778 thereafter, the department shall revoke the driver ~~driver's~~  
2779 license for the minimum period applicable under paragraph (a)  
2780 or, for a subsequent conviction, for the minimum period  
2781 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

2782 (5) A court may not stay the administrative suspension of a  
2783 driving privilege under s. 322.2615 or s. 322.2616 during  
2784 judicial review of the departmental order that resulted in such  
2785 suspension, and a suspension or revocation of a driving  
2786 privilege may not be stayed upon an appeal of the conviction or  
2787 order that resulted in the suspension or revocation.

2788 (6) In a prosecution for a violation of s. 316.172(1), and  
2789 upon a showing of the department's records that the licensee has  
2790 received a second conviction within 5 years following the date  
2791 of a prior conviction of s. 316.172(1), the department shall,  
2792 upon direction of the court, suspend the driver ~~driver's~~ license  
2793 of the person convicted for a period of at least ~~not less than~~  
2794 90 days but not ~~or~~ more than 6 months.

2795 (7) Following a second or subsequent violation of s.  
2796 796.07(2)(f) which involves a motor vehicle and which results in  
2797 any judicial disposition other than acquittal or dismissal, in



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2798 addition to any other sentence imposed, the court shall revoke  
2799 the person's driver ~~driver's~~ license or driving privilege,  
2800 effective upon the date of the disposition, for a period of at  
2801 least ~~not less than~~ 1 year. A person sentenced under this  
2802 subsection may request a hearing under s. 322.271.

2803 Section 50. Section 322.331, Florida Statutes, is repealed.

2804 Section 51. Section 322.61, Florida Statutes, is amended to  
2805 read:

2806 322.61 Disqualification from operating a commercial motor  
2807 vehicle.-

2808 (1) A person who, for offenses occurring within a 3-year  
2809 period, is convicted of two of the following serious traffic  
2810 violations or any combination thereof, arising in separate  
2811 incidents committed in a commercial motor vehicle shall, in  
2812 addition to any other applicable penalties, be disqualified from  
2813 operating a commercial motor vehicle for a period of 60 days. A  
2814 holder of a commercial driver ~~driver's~~ license or commercial  
2815 learner's permit who, for offenses occurring within a 3-year  
2816 period, is convicted of two of the following serious traffic  
2817 violations, or any combination thereof, arising in separate  
2818 incidents committed in a noncommercial motor vehicle shall, in  
2819 addition to any other applicable penalties, be disqualified from  
2820 operating a commercial motor vehicle for a period of 60 days if  
2821 such convictions result in the suspension, revocation, or  
2822 cancellation of the licenseholder's driving privilege:

2823 (a) A violation of any state or local law relating to motor  
2824 vehicle traffic control, other than a parking violation, a  
2825 ~~weight violation, or a vehicle equipment violation,~~ arising in  
2826 connection with a crash resulting in death ~~or personal injury to~~



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2827 ~~any person;~~  
2828 (b) Reckless driving, as defined in s. 316.192;  
2829 ~~(c) Careless driving, as defined in s. 316.1925;~~  
2830 ~~(d) Fleeing or attempting to elude a law enforcement~~  
2831 ~~officer, as defined in s. 316.1935;~~  
2832 (c)~~(e)~~ Unlawful speed of 15 miles per hour or more above  
2833 the posted speed limit;  
2834 ~~(f) Driving a commercial motor vehicle, owned by such~~  
2835 ~~person, which is not properly insured;~~  
2836 (d)~~(g)~~ Improper lane change, as defined in s. 316.085;  
2837 (e)~~(h)~~ Following too closely, as defined in s. 316.0895;  
2838 (f)~~(i)~~ Driving a commercial vehicle without obtaining a  
2839 commercial driver ~~driver's~~ license;  
2840 (g)~~(j)~~ Driving a commercial vehicle without the proper  
2841 class of commercial driver ~~driver's~~ license or commercial  
2842 learner's permit or without the proper endorsement; or  
2843 (h)~~(k)~~ Driving a commercial vehicle without a commercial  
2844 driver ~~driver's~~ license or commercial learner's permit in  
2845 possession, as required by s. 322.03. ~~Any individual who~~  
2846 ~~provides proof to the clerk of the court or designated official~~  
2847 ~~in the jurisdiction where the citation was issued, by the date~~  
2848 ~~the individual must appear in court or pay any fine for such a~~  
2849 ~~violation, that the individual held a valid commercial driver's~~  
2850 ~~license on the date the citation was issued is not guilty of~~  
2851 ~~this offense.~~  
2852 (2) (a) Any person who, for offenses occurring within a 3-  
2853 year period, is convicted of three serious traffic violations  
2854 specified in subsection (1) or any combination thereof, arising  
2855 in separate incidents committed in a commercial motor vehicle



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2856 shall, in addition to any other applicable penalties, including  
2857 but not limited to the penalty provided in subsection (1), be  
2858 disqualified from operating a commercial motor vehicle for a  
2859 period of 120 days.

2860 (b) A holder of a commercial driver ~~driver's~~ license or  
2861 commercial learner's permit who, for offenses occurring within a  
2862 3-year period, is convicted of three serious traffic violations  
2863 specified in subsection (1) or any combination thereof arising  
2864 in separate incidents committed in a noncommercial motor vehicle  
2865 shall, in addition to any other applicable penalties, including,  
2866 but not limited to, the penalty provided in subsection (1), be  
2867 disqualified from operating a commercial motor vehicle for a  
2868 period of 120 days if such convictions result in the suspension,  
2869 revocation, or cancellation of the licenseholder's driving  
2870 privilege.

2871 (3) (a) Except as provided in subsection (4), any person who  
2872 is convicted of one of the offenses listed in paragraph (b)  
2873 while operating a commercial motor vehicle shall, in addition to  
2874 any other applicable penalties, be disqualified from operating a  
2875 commercial motor vehicle for a period of 1 year.

2876 (b) Except as provided in subsection (4), any holder of a  
2877 commercial driver license or commercial learner's permit who is  
2878 convicted of one of the offenses listed in this paragraph while  
2879 operating a noncommercial motor vehicle shall, in addition to  
2880 any other applicable penalties, be disqualified from operating a  
2881 commercial motor vehicle for a period of 1 year:

2882 1. Driving a motor vehicle while he or she is under the  
2883 influence of alcohol or a controlled substance;

2884 2. Driving a commercial motor vehicle while the alcohol



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2885 concentration of his or her blood, breath, or urine is .04  
2886 percent or higher;

2887 3. Leaving the scene of a crash involving a motor vehicle  
2888 driven by such person;

2889 4. Using a motor vehicle in the commission of a felony;

2890 ~~5. Driving a commercial motor vehicle while in possession  
2891 of a controlled substance;~~

2892 ~~5.6.~~ Refusing to submit to a test to determine his or her  
2893 alcohol concentration while driving a motor vehicle;

2894 6. Driving a commercial motor vehicle when, as a result of  
2895 prior violations committed operating a commercial motor vehicle,  
2896 his or her commercial driver license or commercial learner's  
2897 permit is revoked, suspended, or canceled, or he or she is  
2898 disqualified from operating a commercial motor vehicle; or

2899 ~~7. Driving a commercial vehicle while the licenseholder's~~  
2900 ~~commercial driver license is suspended, revoked, or canceled or~~  
2901 ~~while the licenseholder is disqualified from driving a~~  
2902 ~~commercial vehicle; or~~

2903 ~~7.8.~~ Causing a fatality through the negligent operation of  
2904 a commercial motor vehicle.

2905 (4) Any person who is transporting hazardous materials as  
2906 defined in s. 322.01(24) shall, upon conviction of an offense  
2907 specified in subsection (3), be disqualified from operating a  
2908 commercial motor vehicle for a period of 3 years. The penalty  
2909 provided in this subsection shall be in addition to any other  
2910 applicable penalty.

2911 (5) A person who is convicted of two violations specified  
2912 in subsection (3) which were committed while operating a  
2913 commercial motor vehicle, or any combination thereof, arising in



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2914 separate incidents shall be permanently disqualified from  
2915 operating a commercial motor vehicle. A holder of a commercial  
2916 driver license or commercial learner's permit who is convicted  
2917 of two violations specified in subsection (3) which were  
2918 committed while operating any motor vehicle arising in separate  
2919 incidents shall be permanently disqualified from operating a  
2920 commercial motor vehicle. The penalty provided in this  
2921 subsection is in addition to any other applicable penalty.

2922 (6) Notwithstanding subsections (3), (4), and (5), any  
2923 person who uses a commercial motor vehicle in the commission of  
2924 any felony involving the manufacture, distribution, or  
2925 dispensing of a controlled substance, including possession with  
2926 intent to manufacture, distribute, or dispense a controlled  
2927 substance, shall, upon conviction of such felony, be permanently  
2928 disqualified from operating a commercial motor vehicle.

2929 Notwithstanding subsections (3), (4), and (5), any holder of a  
2930 commercial driver ~~driver's~~ license or commercial learner's  
2931 permit who uses a noncommercial motor vehicle in the commission  
2932 of any felony involving the manufacture, distribution, or  
2933 dispensing of a controlled substance, including possession with  
2934 intent to manufacture, distribute, or dispense a controlled  
2935 substance, shall, upon conviction of such felony, be permanently  
2936 disqualified from operating a commercial motor vehicle. The  
2937 penalty provided in this subsection is in addition to any other  
2938 applicable penalty.

2939 (7) A person whose privilege to operate a commercial motor  
2940 vehicle is disqualified under this section may, if otherwise  
2941 qualified, be issued a Class E driver ~~driver's~~ license, pursuant  
2942 to s. 322.251.



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2943 (8) A driver who is convicted of or otherwise found to have  
2944 committed a violation of an out-of-service order while driving a  
2945 commercial motor vehicle is disqualified as follows:

2946 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1  
2947 year if the driver is convicted of or otherwise found to have  
2948 committed a first violation of an out-of-service order.

2949 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5  
2950 years if, for offenses occurring during any 10-year period, the  
2951 driver is convicted of or otherwise found to have committed two  
2952 violations of out-of-service orders in separate incidents.

2953 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5  
2954 years if, for offenses occurring during any 10-year period, the  
2955 driver is convicted of or otherwise found to have committed  
2956 three or more violations of out-of-service orders in separate  
2957 incidents.

2958 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2  
2959 years if the driver is convicted of or otherwise found to have  
2960 committed a first violation of an out-of-service order while  
2961 transporting hazardous materials required to be placarded under  
2962 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101  
2963 et seq., or while operating motor vehicles designed to transport  
2964 more than 15 passengers, including the driver. A driver is  
2965 disqualified for a period of at least ~~not less than~~ 3 years but  
2966 not ~~nor~~ more than 5 years if, for offenses occurring during any  
2967 10-year period, the driver is convicted of or otherwise found to  
2968 have committed any subsequent violations of out-of-service  
2969 orders, in separate incidents, while transporting hazardous  
2970 materials required to be placarded under the Hazardous Materials  
2971 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while



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2972 operating motor vehicles designed to transport more than 15  
2973 passengers, including the driver.

2974 (9) A driver who is convicted of or otherwise found to have  
2975 committed an offense of operating a commercial motor vehicle in  
2976 violation of federal, state, or local law or regulation  
2977 pertaining to one of the following six offenses at a railroad-  
2978 highway grade crossing must be disqualified for the period of  
2979 time specified in subsection (10):

2980 (a) For drivers who are not always required to stop,  
2981 failing to slow down and check that the tracks are clear of  
2982 approaching trains.

2983 (b) For drivers who are not always required to stop,  
2984 failing to stop before reaching the crossing if the tracks are  
2985 not clear.

2986 (c) For drivers who are always required to stop, failing to  
2987 stop before driving onto the crossing.

2988 (d) For all drivers, failing to have sufficient space to  
2989 drive completely through the crossing without stopping.

2990 (e) For all drivers, failing to obey a traffic control  
2991 device or all directions of an enforcement official at the  
2992 crossing.

2993 (f) For all drivers, failing to negotiate a crossing  
2994 because of insufficient undercarriage clearance.

2995 (10) (a) A driver must be disqualified for at least ~~not less~~  
2996 ~~than~~ 60 days if the driver is convicted of or otherwise found to  
2997 have committed a first violation of a railroad-highway grade  
2998 crossing violation.

2999 (b) A driver must be disqualified for at least ~~not less~~  
3000 ~~than~~ 120 days if, for offenses occurring during any 3-year





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3001 period, the driver is convicted of or otherwise found to have  
3002 committed a second railroad-highway grade crossing violation in  
3003 separate incidents.

3004 (c) A driver must be disqualified for at least ~~not less~~  
3005 ~~than~~ 1 year if, for offenses occurring during any 3-year period,  
3006 the driver is convicted of or otherwise found to have committed  
3007 a third or subsequent railroad-highway grade crossing violation  
3008 in separate incidents.

3009 Section 52. Section 322.64, Florida Statutes, is amended to  
3010 read:

3011 322.64 Holder of commercial driver ~~driver's~~ license;  
3012 persons operating a commercial motor vehicle; driving with  
3013 unlawful blood-alcohol level; refusal to submit to breath,  
3014 urine, or blood test.-

3015 (1) (a) A law enforcement officer or correctional officer  
3016 shall, on behalf of the department, disqualify from operating  
3017 any commercial motor vehicle a person who while operating or in  
3018 actual physical control of a commercial motor vehicle is  
3019 arrested for a violation of s. 316.193, relating to unlawful  
3020 blood-alcohol level or breath-alcohol level, or a person who has  
3021 refused to submit to a breath, urine, or blood test authorized  
3022 by s. 322.63 or s. 316.1932 arising out of the operation or  
3023 actual physical control of a commercial motor vehicle. A law  
3024 enforcement officer or correctional officer shall, on behalf of  
3025 the department, disqualify the holder of a commercial driver  
3026 ~~driver's~~ license from operating any commercial motor vehicle if  
3027 the licenseholder, while operating or in actual physical control  
3028 of a motor vehicle, is arrested for a violation of s. 316.193,  
3029 relating to unlawful blood-alcohol level or breath-alcohol



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3030 level, or refused to submit to a breath, urine, or blood test  
3031 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
3032 the person, the officer shall take the person's driver ~~driver's~~  
3033 license and issue the person a 10-day temporary permit for the  
3034 operation of noncommercial vehicles only if the person is  
3035 otherwise eligible for the driving privilege and shall issue the  
3036 person a notice of disqualification. If the person has been  
3037 given a blood, breath, or urine test, the results of which are  
3038 not available to the officer at the time of the arrest, the  
3039 agency employing the officer shall transmit such results to the  
3040 department within 5 days after receipt of the results. If the  
3041 department then determines that the person had a blood-alcohol  
3042 level or breath-alcohol level of 0.08 or higher, the department  
3043 shall disqualify the person from operating a commercial motor  
3044 vehicle pursuant to subsection (3).

3045 (b) For purposes of determining the period of  
3046 disqualification described in 49 C.F.R. s. 383.51, a  
3047 disqualification under paragraph (a) shall be considered a  
3048 conviction.

3049 (c) ~~(b)~~ The disqualification under paragraph (a) shall be  
3050 pursuant to, and the notice of disqualification shall inform the  
3051 driver of, the following:

3052 1.a. The driver refused to submit to a lawful breath,  
3053 blood, or urine test and he or she is disqualified from  
3054 operating a commercial motor vehicle for the time period  
3055 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~  
3056 ~~first refusal, or permanently, if he or she has previously been~~  
3057 ~~disqualified under this section; or~~

3058 b. The driver had an unlawful blood-alcohol level of 0.08



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3059 or higher while ~~was~~ driving or in actual physical control of a  
3060 commercial motor vehicle, or any motor vehicle if the driver  
3061 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~  
3062 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~  
3063 and his or her driving privilege is ~~shall be~~ disqualified for  
3064 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~  
3065 ~~year for a first offense or permanently disqualified if his or~~  
3066 ~~her driving privilege has been previously disqualified under~~  
3067 ~~this section.~~

3068         2. The disqualification period for operating commercial  
3069 vehicles shall commence on the date of issuance of the notice of  
3070 disqualification.

3071         3. The driver may request a formal or informal review of  
3072 the disqualification by the department within 10 days after the  
3073 date of issuance of the notice of disqualification.

3074         4. The temporary permit issued at the time of  
3075 disqualification expires at midnight of the 10th day following  
3076 the date of disqualification.

3077         5. The driver may submit to the department any materials  
3078 relevant to the disqualification.

3079         (2) (a) Except as provided in paragraph (1) (a), the law  
3080 enforcement officer shall forward to the department, within 5  
3081 days after the date of the issuance of the notice of  
3082 disqualification, a copy of the notice of disqualification, the  
3083 driver ~~driver's~~ license of the person disqualified, and an  
3084 affidavit stating the officer's grounds for belief that the  
3085 person disqualified was operating or in actual physical control  
3086 of a commercial motor vehicle, or holds a commercial driver  
3087 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-



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3088 alcohol level; the results of any breath or blood or urine test  
3089 or an affidavit stating that a breath, blood, or urine test was  
3090 requested by a law enforcement officer or correctional officer  
3091 and that the person arrested refused to submit; a copy of the  
3092 notice of disqualification issued to the person; and the  
3093 officer's description of the person's field sobriety test, if  
3094 any. The failure of the officer to submit materials within the  
3095 5-day period specified in this subsection or subsection (1) does  
3096 not affect the department's ability to consider any evidence  
3097 submitted at or prior to the hearing.

3098 (b) The officer may also submit a copy of a video recording  
3099 ~~videotape~~ of the field sobriety test or the attempt to  
3100 administer such test and a copy of the crash report, ~~if any.~~  
3101 Notwithstanding s. 316.066, the crash report shall be considered  
3102 by the hearing officer.

3103 (3) If the department determines that the person arrested  
3104 should be disqualified from operating a commercial motor vehicle  
3105 pursuant to this section and if the notice of disqualification  
3106 has not already been served upon the person by a law enforcement  
3107 officer or correctional officer as provided in subsection (1),  
3108 the department shall issue a notice of disqualification and,  
3109 unless the notice is mailed pursuant to s. 322.251, a temporary  
3110 permit which expires 10 days after the date of issuance if the  
3111 driver is otherwise eligible.

3112 (4) If the person disqualified requests an informal review  
3113 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall  
3114 conduct the informal review by a hearing officer designated  
3115 ~~employed~~ by the department. Such informal review hearing shall  
3116 consist solely of an examination by the department of the



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3117 materials submitted by a law enforcement officer or correctional  
3118 officer and by the person disqualified, and the presence of an  
3119 officer or witness is not required.

3120 (5) After completion of the informal review, notice of the  
3121 department's decision sustaining, amending, or invalidating the  
3122 disqualification must be provided to the person. Such notice  
3123 must be mailed to the person at the last known address shown on  
3124 the department's records, and to the address provided in the law  
3125 enforcement officer's report if such address differs from the  
3126 address of record, within 21 days after the expiration of the  
3127 temporary permit issued pursuant to subsection (1) or subsection  
3128 (3).

3129 (6) (a) If the person disqualified requests a formal review,  
3130 the department must schedule a hearing to be held within 30 days  
3131 after such request is received by the department and must notify  
3132 the person of the date, time, and place of the hearing.

3133 (b) Such formal review hearing shall be held before a  
3134 hearing officer designated ~~employed~~ by the department, and the  
3135 hearing officer shall be authorized to administer oaths, examine  
3136 witnesses and take testimony, receive relevant evidence, issue  
3137 subpoenas for the officers and witnesses identified in documents  
3138 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,  
3139 regulate the course and conduct of the hearing, and make a  
3140 ruling on the disqualification. The hearing officer may conduct  
3141 hearings using communications technology. The department and the  
3142 person disqualified may subpoena witnesses, and the party  
3143 requesting the presence of a witness shall be responsible for  
3144 the payment of any witness fees. If the person who requests a  
3145 formal review hearing fails to appear and the hearing officer



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3146 finds such failure to be without just cause, the right to a  
3147 formal hearing is waived.

3148       (c) The failure of a subpoenaed witness to appear at the  
3149 formal review hearing shall not be grounds to invalidate the  
3150 disqualification. If a witness fails to appear, a party may seek  
3151 enforcement of a subpoena under paragraph (b) by filing a  
3152 petition for enforcement in the circuit court of the judicial  
3153 circuit in which the person failing to comply with the subpoena  
3154 resides or by filing a motion for enforcement in any criminal  
3155 court case resulting from the driving or actual physical control  
3156 of a motor vehicle or commercial motor vehicle that gave rise to  
3157 the disqualification under this section. A failure to comply  
3158 with an order of the court shall result in a finding of contempt  
3159 of court. However, a person shall not be in contempt while a  
3160 subpoena is being challenged.

3161       (d) The department must, within 7 working days after a  
3162 formal review hearing, send notice to the person of the hearing  
3163 officer's decision as to whether sufficient cause exists to  
3164 sustain, amend, or invalidate the disqualification.

3165       (7) In a formal review hearing under subsection (6) or an  
3166 informal review hearing under subsection (4), the hearing  
3167 officer shall determine by a preponderance of the evidence  
3168 whether sufficient cause exists to sustain, amend, or invalidate  
3169 the disqualification. The scope of the review shall be limited  
3170 to the following issues:

3171       (a) If the person was disqualified from operating a  
3172 commercial motor vehicle for driving with an unlawful blood-  
3173 alcohol level:

3174       1. Whether the ~~arresting~~ law enforcement officer had



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3175 probable cause to believe that the person was driving or in  
3176 actual physical control of a commercial motor vehicle, or any  
3177 motor vehicle if the driver holds a commercial driver ~~driver's~~  
3178 license, in this state while he or she had any alcohol, chemical  
3179 substances, or controlled substances in his or her body.

3180 2. Whether the person had an unlawful blood-alcohol level  
3181 or breath-alcohol level of 0.08 or higher.

3182 (b) If the person was disqualified from operating a  
3183 commercial motor vehicle for refusal to submit to a breath,  
3184 blood, or urine test:

3185 1. Whether the law enforcement officer had probable cause  
3186 to believe that the person was driving or in actual physical  
3187 control of a commercial motor vehicle, or any motor vehicle if  
3188 the driver holds a commercial driver ~~driver's~~ license, in this  
3189 state while he or she had any alcohol, chemical substances, or  
3190 controlled substances in his or her body.

3191 2. Whether the person refused to submit to the test after  
3192 being requested to do so by a law enforcement officer or  
3193 correctional officer.

3194 3. Whether the person was told that if he or she refused to  
3195 submit to such test he or she would be disqualified from  
3196 operating a commercial motor vehicle for a period of 1 year or,  
3197 if previously disqualified under this section, permanently.

3198 (8) Based on the determination of the hearing officer  
3199 pursuant to subsection (7) for both informal hearings under  
3200 subsection (4) and formal hearings under subsection (6), the  
3201 department shall:

3202 ~~(a)~~ sustain the disqualification for the time period  
3203 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~



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3204 ~~refusal, or permanently if such person has been previously~~  
3205 ~~disqualified from operating a commercial motor vehicle under~~  
3206 ~~this section. The disqualification period commences on the date~~  
3207 ~~of the issuance of the notice of disqualification.~~

3208 ~~(b) Sustain the disqualification:~~

3209 ~~1. For a period of 1 year if the person was driving or in~~  
3210 ~~actual physical control of a commercial motor vehicle, or any~~  
3211 ~~motor vehicle if the driver holds a commercial driver's license,~~  
3212 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~  
3213 ~~of 0.08 or higher; or~~

3214 ~~2. Permanently if the person has been previously~~  
3215 ~~disqualified from operating a commercial motor vehicle under~~  
3216 ~~this section or his or her driving privilege has been previously~~  
3217 ~~suspended for driving or being in actual physical control of a~~  
3218 ~~commercial motor vehicle, or any motor vehicle if the driver~~  
3219 ~~holds a commercial driver's license, and had an unlawful blood-~~  
3220 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3221  
3222 ~~The disqualification period commences on the date of the~~  
3223 ~~issuance of the notice of disqualification.~~

3224 (9) A request for a formal review hearing or an informal  
3225 review hearing shall not stay the disqualification. If the  
3226 department fails to schedule the formal review hearing ~~to be~~  
3227 ~~held~~ within 30 days after receipt of the request therefor, the  
3228 department shall invalidate the disqualification. If the  
3229 scheduled hearing is continued at the department's initiative or  
3230 the driver enforces the subpoena as provided in subsection (6),  
3231 the department shall issue a temporary driving permit limited to  
3232 noncommercial vehicles which is valid until the hearing is





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3233 conducted if the person is otherwise eligible for the driving  
3234 privilege. Such permit shall not be issued to a person who  
3235 sought and obtained a continuance of the hearing. The permit  
3236 issued under this subsection shall authorize driving for  
3237 business purposes only.

3238 (10) A person who is disqualified from operating a  
3239 commercial motor vehicle under subsection (1) or subsection (3)  
3240 is eligible for issuance of a license for business or employment  
3241 purposes only under s. 322.271 if the person is otherwise  
3242 eligible for the driving privilege. However, such business or  
3243 employment purposes license shall not authorize the driver to  
3244 operate a commercial motor vehicle.

3245 (11) The formal review hearing may be conducted upon a  
3246 review of the reports of a law enforcement officer or a  
3247 correctional officer, including documents relating to the  
3248 administration of a breath test or blood test or the refusal to  
3249 take either test. However, as provided in subsection (6), the  
3250 driver may subpoena the officer or any person who administered  
3251 or analyzed a breath or blood test. If the arresting officer or  
3252 the breath technician fails to appear pursuant to a subpoena as  
3253 provided in subsection (6), the department shall invalidate the  
3254 disqualification.

3255 (12) The formal review hearing and the informal review  
3256 hearing are exempt from the provisions of chapter 120. The  
3257 department may ~~is authorized to~~ adopt rules for the conduct of  
3258 reviews under this section.

3259 (13) A person may appeal any decision of the department  
3260 sustaining the disqualification from operating a commercial  
3261 motor vehicle by a petition for writ of certiorari to the



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3262 circuit court in the county wherein such person resides or  
3263 wherein a formal or informal review was conducted pursuant to s.  
3264 322.31. However, an appeal shall not stay the disqualification.  
3265 This subsection shall not be construed to provide for a de novo  
3266 review ~~appeal~~.

3267 (14) The decision of the department under this section  
3268 shall not be considered in any trial for a violation of s.  
3269 316.193, s. 322.61, or s. 322.62, nor shall any written  
3270 statement submitted by a person in his or her request for  
3271 departmental review under this section be admissible into  
3272 evidence against him or her in any such trial. The disposition  
3273 of any related criminal proceedings shall not affect a  
3274 disqualification imposed pursuant to this section.

3275 (15) This section does not preclude the suspension of the  
3276 driving privilege pursuant to s. 322.2615. The driving privilege  
3277 of a person who has been disqualified from operating a  
3278 commercial motor vehicle also may be suspended for a violation  
3279 of s. 316.193.

3280 Section 53. Section 323.002, Florida Statutes, is amended  
3281 to read:

3282 323.002 County and municipal wrecker operator systems;  
3283 penalties for operation outside of system.-

3284 (1) As used in this section, the term:

3285 (a) "Authorized wrecker operator" means any wrecker  
3286 operator who has been designated as part of the wrecker operator  
3287 system established by the governmental unit having jurisdiction  
3288 over the scene of a wrecked or disabled vehicle.

3289 (b) "Unauthorized wrecker operator" means any wrecker  
3290 operator who has not been designated as part of the wrecker



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3291 operator system established by the governmental unit having  
3292 jurisdiction over the scene of a wrecked or disabled vehicle.

3293 (c) "Wrecker operator system" means a system for the towing  
3294 or removal of wrecked, disabled, or abandoned vehicles, similar  
3295 to the Florida Highway Patrol wrecker operator system described  
3296 in s. 321.051(2), under which a county or municipality contracts  
3297 with one or more wrecker operators for the towing or removal of  
3298 wrecked, disabled, or abandoned vehicles from accident scenes,  
3299 streets, or highways. A wrecker operator system must include a  
3300 requirement that authorized wrecker operators must maintain  
3301 liability insurance of at least \$300,000, and on-hook cargo  
3302 insurance of at least \$50,000. A wrecker operator system must  
3303 ~~shall~~ include using a method for apportioning the towing  
3304 assignments among the eligible wrecker operators through the  
3305 creation of geographic zones, a rotation schedule, or a  
3306 combination of these methods.

3307 (2) In any county or municipality that operates a wrecker  
3308 operator system:

3309 (a) It is unlawful for an unauthorized wrecker operator or  
3310 its employees or agents to monitor police radio for  
3311 communications between patrol field units and the dispatcher in  
3312 order to determine the location of a wrecked or disabled vehicle  
3313 for the purpose of driving by the scene of such vehicle in a  
3314 manner described in paragraph (b) or paragraph (c). Any person  
3315 who violates this paragraph commits is guilty of a noncriminal  
3316 violation, punishable as provided in s. 775.083, and a wrecker,  
3317 tow truck, or other motor vehicle used during the violation may  
3318 be immediately removed and impounded pursuant to subsection (3).

3319 (b) It is unlawful for an unauthorized wrecker operator to



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3320 drive by the scene of a wrecked or disabled vehicle before the  
3321 arrival of an authorized wrecker operator, initiate contact with  
3322 the owner or operator of such vehicle by soliciting or offering  
3323 towing services, and tow such vehicle. Any person who violates  
3324 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
3325 degree, punishable as provided in s. 775.082 or s. 775.083, and  
3326 a wrecker, tow truck, or other motor vehicle used during the  
3327 violation may be immediately removed and impounded pursuant to  
3328 subsection (3).

3329 (c) If ~~when~~ an unauthorized wrecker operator drives by the  
3330 scene of a wrecked or disabled vehicle and the owner or operator  
3331 initiates contact by signaling the wrecker operator to stop and  
3332 provide towing services, the unauthorized wrecker operator must  
3333 disclose in writing to the owner or operator of the disabled  
3334 vehicle his or her full name, driver license number, that he or  
3335 she is not the authorized wrecker operator who has been  
3336 designated as part of the wrecker operator system, that the  
3337 motor vehicle is not being towed for the owner's or operator's  
3338 insurance company or lienholder, and the maximum ~~must disclose,~~  
3339 ~~in writing, a fee schedule that includes what~~ charges for towing  
3340 and storage which will apply before the vehicle is connected to  
3341 ~~or disconnected from~~ the towing apparatus. If a law enforcement  
3342 officer is present at the scene of a motor vehicle accident, the  
3343 unauthorized wrecker operator must provide such disclosures to  
3344 the owner or operator of the disabled vehicle in the presence of  
3345 the law enforcement officer ~~The fee charged per mile to and from~~  
3346 ~~the storage facility, the fee charged per 24 hours of storage,~~  
3347 ~~and, prominently displayed, the consumer hotline for the~~  
3348 ~~Department of Agriculture and Consumer Services.~~ Any person who



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3349 violates this paragraph commits ~~is guilty of~~ a misdemeanor of  
3350 the second degree, punishable as provided in s. 775.082 or s.  
3351 775.083, and a wrecker, tow truck, or other motor vehicle used  
3352 during the violation may be immediately removed and impounded  
3353 pursuant to subsection (3).

3354 (d) At the scene of a wrecked or disabled vehicle, it is  
3355 unlawful for a wrecker operator to falsely identify himself or  
3356 herself as being part of the wrecker operator system. Any person  
3357 who violates this paragraph commits ~~is guilty of~~ a misdemeanor  
3358 of the first degree, punishable as provided in s. 775.082 or s.  
3359 775.083, and a wrecker, tow truck, or other motor vehicle used  
3360 during the violation may be immediately removed and impounded  
3361 pursuant to subsection (3).

3362 (3) (a) A law enforcement officer from a local governmental  
3363 agency or a state law enforcement agency may cause a wrecker,  
3364 tow truck, or other motor vehicle that is used in violation of  
3365 subsection (2) to be immediately removed and impounded from the  
3366 scene of a wreck or disabled vehicle at the unauthorized wrecker  
3367 operator's expense. The unauthorized wrecker operator shall be  
3368 assessed a cost-recovery fine as provided in paragraph (b) by  
3369 the authority that ordered the immediate removal and impoundment  
3370 of the wrecker, tow truck, or other motor vehicle. A wrecker,  
3371 tow truck, or other motor vehicle that is removed and impounded  
3372 pursuant to this section may not be released from an impound or  
3373 towing and storage facility until a release form has been  
3374 completed by the authority that ordered the immediate removal  
3375 and impoundment of the wrecker, tow truck, or other motor  
3376 vehicle under this section. The release form must verify that  
3377 the cost-recovery fine as provided in paragraph (b) has been



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3378 paid to such authority. The vehicle must remain impounded until  
3379 the cost-recovery fine has been paid or until the vehicle is  
3380 sold at public sale pursuant to s. 713.78.

3381 (b) Notwithstanding any other provision of law to the  
3382 contrary, an unauthorized wrecker operator, upon retrieval of a  
3383 wrecker, tow truck, or other motor vehicle removed or impounded  
3384 pursuant to this section, in addition to any other penalties  
3385 that may be imposed for noncriminal violations, shall pay a  
3386 cost-recovery fine of \$500 for a first-time violation of  
3387 subsection (2), or a fine of \$1,000 for each subsequent  
3388 violation, to the authority that ordered the immediate removal  
3389 and impoundment of the wrecker, tow truck, or other motor  
3390 vehicle under this section. Cost-recovery funds collected  
3391 pursuant to this subsection shall be retained by the authority  
3392 that ordered the removal and impoundment of the wrecker, tow  
3393 truck, or other motor vehicle and may be used only for  
3394 enforcement, investigation, prosecution, and training related to  
3395 towing violations and crimes involving motor vehicles.

3396 (c) Notwithstanding any other provision of law to the  
3397 contrary and in addition to the cost-recovery fine required by  
3398 this subsection, a person who violates any provision of  
3399 subsection (2) shall pay the fees associated with the removal  
3400 and storage of an unauthorized wrecker, tow truck, or other  
3401 motor vehicle.

3402 (4) ~~(3)~~ This section does not prohibit, or in any way  
3403 prevent, the owner or operator of a vehicle involved in an  
3404 accident or otherwise disabled from contacting any wrecker  
3405 operator for the provision of towing services, whether the  
3406 wrecker operator is an authorized wrecker operator or not.



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3407 Section 54. Paragraph (a) of subsection (1) of section  
3408 324.0221, Florida Statutes, is amended to read:

3409 324.0221 Reports by insurers to the department; suspension  
3410 of driver ~~driver's~~ license and vehicle registrations;  
3411 reinstatement.-

3412 (1) (a) Each insurer that has issued a policy providing  
3413 personal injury protection coverage or property damage liability  
3414 coverage shall report the ~~renewal~~, cancellation, or nonrenewal  
3415 thereof to the department within 10 ~~45~~ days after the processing  
3416 ~~effective~~ date of each ~~renewal~~, cancellation, or nonrenewal.

3417 Upon the issuance of a policy providing personal injury  
3418 protection coverage or property damage liability coverage to a  
3419 named insured not previously insured by the insurer during that  
3420 calendar year, the insurer shall report the issuance of the new  
3421 policy to the department within 10 ~~30~~ days. The report shall be  
3422 in the form and format and contain any information required by  
3423 the department and must be provided in a format that is  
3424 compatible with the data processing capabilities of the  
3425 department. The department may adopt rules regarding the form  
3426 and documentation required. Failure by an insurer to file proper  
3427 reports with the department as required by this subsection or  
3428 rules adopted with respect to the requirements of this  
3429 subsection constitutes a violation of the Florida Insurance  
3430 Code. These records shall be used by the department only for  
3431 enforcement and regulatory purposes, including the generation by  
3432 the department of data regarding compliance by owners of motor  
3433 vehicles with the requirements for financial responsibility  
3434 coverage.

3435 Section 55. Section 324.031, Florida Statutes, is amended



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3436 to read:

3437 324.031 Manner of proving financial responsibility.—The  
3438 owner or operator of a taxicab, limousine, jitney, or any other  
3439 for-hire passenger transportation vehicle may prove financial  
3440 responsibility by providing satisfactory evidence of holding a  
3441 motor vehicle liability policy as defined in s. 324.021(8) or s.  
3442 324.151, which policy is issued by an insurance carrier which is  
3443 a member of the Florida Insurance Guaranty Association. The  
3444 operator or owner of any other vehicle may prove his or her  
3445 financial responsibility by:

3446 (1) Furnishing satisfactory evidence of holding a motor  
3447 vehicle liability policy as defined in ss. 324.021(8) and  
3448 324.151;

3449 ~~(2) Posting with the department a satisfactory bond of a~~  
3450 ~~surety company authorized to do business in this state,~~  
3451 ~~conditioned for payment of the amount specified in s.~~  
3452 ~~324.021(7);~~

3453 ~~(2)~~~~(3)~~ Furnishing a certificate of self-insurance ~~the~~  
3454 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance  
3455 with s. 324.161; or

3456 ~~(3)~~~~(4)~~ Furnishing a certificate of self-insurance issued by  
3457 the department in accordance with s. 324.171.

3458  
3459 Any person, including any firm, partnership, association,  
3460 corporation, or other person, other than a natural person,  
3461 electing to use the method of proof specified in subsection (2)  
3462 ~~or subsection (3)~~ shall furnish a certificate of post a bond or  
3463 ~~deposit~~ equal to the number of vehicles owned times \$30,000, to  
3464 a maximum of \$120,000; in addition, any such person, other than





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3465 a natural person, shall maintain insurance providing coverage in  
3466 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined  
3467 single limits, and such excess insurance shall provide minimum  
3468 limits of \$125,000/250,000/50,000 or \$300,000 combined single  
3469 limits. These increased limits shall not affect the requirements  
3470 for proving financial responsibility under s. 324.032(1).

3471 Section 56. Subsection (1) of section 324.091, Florida  
3472 Statutes, is amended to read:

3473 324.091 Notice to department; notice to insurer.—

3474 (1) Each owner and operator involved in a crash or  
3475 conviction case within the purview of this chapter shall furnish  
3476 evidence of automobile liability insurance or, motor vehicle  
3477 liability insurance, ~~or a surety bond~~ within 14 days after the  
3478 date of the mailing of notice of crash by the department in the  
3479 form and manner as it may designate. Upon receipt of evidence  
3480 that an automobile liability policy or, motor vehicle liability  
3481 policy, ~~or surety bond~~ was in effect at the time of the crash or  
3482 conviction case, the department shall forward ~~by United States~~  
3483 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy  
3484 ~~of~~ such information for verification in a method as determined  
3485 by the department. ~~and shall assume that the policy or bond was~~  
3486 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~  
3487 ~~notifies~~ the department ~~otherwise~~ within 20 days after the  
3488 ~~mailing of~~ the notice whether or not such information is valid  
3489 ~~to the insurer or surety insurer.~~ ~~However,~~ If the department  
3490 ~~later~~ determines that an automobile liability policy or, motor  
3491 vehicle liability policy, ~~or surety bond~~ was not in effect and  
3492 did not provide coverage for both the owner and the operator, it  
3493 shall take action as it is ~~otherwise~~ authorized to do under this



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3494 chapter. ~~Proof of mailing to the insurer or surety insurer may~~  
3495 ~~be made by the department by naming the insurer or surety~~  
3496 ~~insurer to whom the mailing was made and by specifying the time,~~  
3497 ~~place, and manner of mailing.~~

3498 Section 57. Section 324.161, Florida Statutes, is amended  
3499 to read:

3500 324.161 Proof of financial responsibility; ~~surety bond or~~  
3501 ~~deposit.~~ Annually, before any certificate of insurance may be  
3502 issued to a person, including any firm, partnership,  
3503 association, corporation, or other person, other than a natural  
3504 person, proof of a certificate of deposit of \$30,000 issued and  
3505 held by a financial institution must be submitted to the  
3506 department. A power of attorney will be issued to and held by  
3507 the department and may be executed upon ~~The certificate of the~~  
3508 ~~department of a deposit may be obtained by depositing with it~~  
3509 ~~\$30,000 cash or securities such as may be legally purchased by~~  
3510 ~~savings banks or for trust funds, of a market value of \$30,000~~  
3511 ~~and which deposit shall be held by the department to satisfy, in~~  
3512 ~~accordance with the provisions of this chapter, any execution on~~  
3513 a judgment issued against such person making the deposit, for  
3514 damages because of bodily injury to or death of any person or  
3515 for damages because of injury to or destruction of property  
3516 resulting from the use or operation of any motor vehicle  
3517 occurring after such deposit was made. Money ~~or securities~~ so  
3518 deposited shall not be subject to attachment or execution unless  
3519 such attachment or execution shall arise out of a suit for  
3520 damages as aforesaid.

3521 Section 58. Paragraph (a) of subsection (1) of section  
3522 328.01, Florida Statutes, is amended to read:



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3523           328.01 Application for certificate of title.-  
3524           (1) (a) The owner of a vessel which is required to be titled  
3525 shall apply to the county tax collector for a certificate of  
3526 title. The application shall include the true name of the owner,  
3527 the residence or business address of the owner, and the complete  
3528 description of the vessel, including the hull identification  
3529 number, except that an application for a certificate of title  
3530 for a homemade vessel shall state all the foregoing information  
3531 except the hull identification number. The application shall be  
3532 signed by the owner and shall be accompanied by personal or  
3533 business identification and the prescribed fee. An individual  
3534 applicant must provide a valid driver license or identification  
3535 card issued by this state or another state or a valid passport.  
3536 A business applicant must provide a federal employer  
3537 identification number, if applicable, verification that the  
3538 business is authorized to conduct business in the state, or a  
3539 Florida city or county business license or number, which may  
3540 include, but need not be limited to, a driver's license number,  
3541 Florida identification card number, or federal employer  
3542 identification number, and the prescribed fee.  
3543           Section 59. Paragraph (a) of subsection (1) of section  
3544 328.48, Florida Statutes, is amended to read:  
3545           328.48 Vessel registration, application, certificate,  
3546 number, decal, duplicate certificate.-  
3547           (1) (a) The owner of each vessel required by this law to pay  
3548 a registration fee and secure an identification number shall  
3549 file an application with the county tax collector. The  
3550 application shall provide the owner's name and address;  
3551 residency status; personal or business identification, ~~which may~~



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3552 ~~include, but need not be limited to, a driver's license number,~~  
3553 ~~Florida identification card number, or federal employer~~  
3554 ~~identification number;~~ and a complete description of the vessel,  
3555 and shall be accompanied by payment of the applicable fee  
3556 required in s. 328.72. An individual applicant must provide a  
3557 valid driver license or identification card issued by this state  
3558 or another state or a valid passport. A business applicant must  
3559 provide a federal employer identification number, if applicable,  
3560 verification that the business is authorized to conduct business  
3561 in the state, or a Florida city or county business license or  
3562 number. Registration is not required for any vessel that is not  
3563 used on the waters of this state.

3564 Section 60. Subsection (1) of section 328.76, Florida  
3565 Statutes, is amended to read:

3566 328.76 Marine Resources Conservation Trust Fund; vessel  
3567 registration funds; appropriation and distribution.—

3568 (1) Except as otherwise specified in this subsection and  
3569 ~~less the amount equal to \$1.4 million for~~ any administrative  
3570 costs which shall be deposited in the Highway Safety Operating  
3571 Trust Fund, in each fiscal year beginning on or after July 1,  
3572 2001, all funds collected from the registration of vessels  
3573 through the Department of Highway Safety and Motor Vehicles and  
3574 the tax collectors of the state, except for those funds  
3575 designated as the county portion pursuant to s. 328.72(1), shall  
3576 be deposited in the Marine Resources Conservation Trust Fund for  
3577 recreational channel marking; public launching facilities; law  
3578 enforcement and quality control programs; aquatic weed control;  
3579 manatee protection, recovery, rescue, rehabilitation, and  
3580 release; and marine mammal protection and recovery. The funds



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3581 collected pursuant to s. 328.72(1) shall be transferred as  
3582 follows:

3583 (a) In each fiscal year, an amount equal to \$1.50 for each  
3584 commercial and recreational vessel registered in this state  
3585 shall be transferred by the Department of Highway Safety and  
3586 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
3587 used only for the purposes specified in s. 379.2431(4).

3588 (b) An amount equal to \$2 from each recreational vessel  
3589 registration fee, except that for class A-1 vessels, shall be  
3590 transferred by the Department of Highway Safety and Motor  
3591 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
3592 and Wildlife Conservation Commission for aquatic weed research  
3593 and control.

3594 (c) An amount equal to 40 percent of the registration fees  
3595 from commercial vessels shall be transferred by the Department  
3596 of Highway Safety and Motor Vehicles to the Invasive Plant  
3597 Control Trust Fund in the Fish and Wildlife Conservation  
3598 Commission for aquatic plant research and control.

3599 (d) An amount equal to 40 percent of the registration fees  
3600 from commercial vessels shall be transferred by the Department  
3601 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
3602 General Inspection Trust Fund of the Department of Agriculture  
3603 and Consumer Services. These funds shall be used for shellfish  
3604 and aquaculture law enforcement and quality control programs.

3605 Section 61. Subsections (1), (2), (3), (4), (9), and (13)  
3606 of section 713.585, Florida Statutes, are amended to read:

3607 713.585 Enforcement of lien by sale of motor vehicle.—A  
3608 person claiming a lien under s. 713.58 for performing labor or  
3609 services on a motor vehicle may enforce such lien by sale of the



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3610 vehicle in accordance with the following procedures:

3611 (1) The lienor must give notice, by certified mail, return  
3612 receipt requested, within 15 business days, excluding Saturday  
3613 and Sunday, from the beginning date of the assessment of storage  
3614 charges on said motor vehicle, to the registered owner of the  
3615 vehicle, to the customer as indicated on the order for repair,  
3616 and to all other persons claiming an interest in or lien  
3617 thereon, as disclosed by the records of the Department of  
3618 Highway Safety and Motor Vehicles or as disclosed by the records  
3619 of any ~~of a~~ corresponding agency of any other state in which the  
3620 vehicle is identified through a records check of the National  
3621 Motor Vehicle Title Information System as being the current  
3622 state where the vehicle is titled ~~appears registered~~. Such  
3623 notice must contain:

3624 (a) A description of the vehicle (year, make, vehicle  
3625 identification number) and its location.

3626 (b) The name and address of the owner of the vehicle, the  
3627 customer as indicated on the order for repair, and any person  
3628 claiming an interest in or lien thereon.

3629 (c) The name, address, and telephone number of the lienor.

3630 (d) Notice that the lienor claims a lien on the vehicle for  
3631 labor and services performed and storage charges, if any, and  
3632 the cash sum which, if paid to the lienor, would be sufficient  
3633 to redeem the vehicle from the lien claimed by the lienor.

3634 (e) Notice that the lien claimed by the lienor is subject  
3635 to enforcement pursuant to this section and that the vehicle may  
3636 be sold to satisfy the lien.

3637 (f) If known, the date, time, and location of any proposed  
3638 or scheduled sale of the vehicle. No vehicle may be sold earlier



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3639 than 60 days after completion of the repair work.

3640 (g) Notice that the owner of the vehicle or any person  
3641 claiming an interest in or lien thereon has a right to a hearing  
3642 at any time prior to the scheduled date of sale by filing a  
3643 demand for hearing with the clerk of the circuit court in the  
3644 county in which the vehicle is held and mailing copies of the  
3645 demand for hearing to all other owners and lienors as reflected  
3646 on the notice.

3647 (h) Notice that the owner of the vehicle has a right to  
3648 recover possession of the vehicle without instituting judicial  
3649 proceedings by posting bond in accordance with the provisions of  
3650 s. 559.917.

3651 (i) Notice that any proceeds from the sale of the vehicle  
3652 remaining after payment of the amount claimed to be due and  
3653 owing to the lienor will be deposited with the clerk of the  
3654 circuit court for disposition upon court order pursuant to  
3655 subsection (8).

3656 (2) If attempts to locate the owner or lienholder are  
3657 unsuccessful after a check of the records of the Department of  
3658 Highway Safety and Motor Vehicles and any state disclosed by the  
3659 check of the National Motor Vehicle Title Information System,  
3660 the lienor must notify the local law enforcement agency in  
3661 writing by certified mail or acknowledged hand delivery that the  
3662 lienor has been unable to locate the owner or lienholder, that a  
3663 physical search of the vehicle has disclosed no ownership  
3664 information, and that a good faith effort, including records  
3665 checks of the Department of Highway Safety and Motor Vehicles  
3666 database and the National Motor Vehicle Title Information  
3667 System, has been made. A description of the motor vehicle which



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3668 includes the year, make, and identification number must be given  
3669 on the notice. This notification must take place within 15  
3670 business days, excluding Saturday and Sunday, from the beginning  
3671 date of the assessment of storage charges on said motor vehicle.

3672 For purposes of this paragraph, the term "good faith effort"  
3673 means that the following checks have been performed by the  
3674 company to establish the prior state of registration and title:

3675 (a) A check of the Department of Highway Safety and Motor  
3676 Vehicles database for the owner and any lienholder.

3677 (b) A check of the federally mandated electronic National  
3678 Motor Vehicle Title Information System to determine the state of  
3679 registration when there is not a current title or registration  
3680 record for the vehicle on file with the Department of Highway  
3681 Safety and Motor Vehicles.

3682 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,  
3683 temporary tag, or regular tag;

3684 (d) ~~(b)~~ A check of vehicle for inspection sticker or other  
3685 stickers and decals that could indicate the state of possible  
3686 registration; and

3687 (e) ~~(c)~~ A check of the interior of the vehicle for any  
3688 papers that could be in the glove box, trunk, or other areas for  
3689 the state of registration.

3690 (3) If the date of the sale was not included in the notice  
3691 required in subsection (1), notice of the sale must be sent by  
3692 certified mail, return receipt requested, not less than 15 days  
3693 before the date of sale, to the customer as indicated on the  
3694 order for repair, and to all other persons claiming an interest  
3695 in or lien on the motor vehicle, as disclosed by the records of  
3696 the Department of Highway Safety and Motor Vehicles or of a





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3697 corresponding agency of any other state in which the vehicle  
3698 appears to have been registered after completion of a check of  
3699 the National Motor Vehicle Title Information System. ~~After~~  
3700 ~~diligent search and inquiry, if the name and address of the~~  
3701 ~~registered owner or the owner of the recorded lien cannot be~~  
3702 ~~ascertained, the requirements for this notice may be~~  
3703 ~~disregarded.~~

3704 (4) The lienor, at least 15 days before the proposed or  
3705 scheduled date of sale of the vehicle, shall publish the notice  
3706 required by this section once in a newspaper circulated in the  
3707 county where the vehicle is held. A certificate of compliance  
3708 with the notification provisions of this section, verified by  
3709 the lienor, together with a copy of the notice and return  
3710 receipt for mailing of the notice required by this section, ~~and~~  
3711 proof of publication, and checks of the Department of Highway  
3712 Safety and Motor Vehicles and the National Motor Vehicle Title  
3713 Information System, must be duly and expeditiously filed with  
3714 the clerk of the circuit court in the county where the vehicle  
3715 is held. The lienor, at the time of filing the certificate of  
3716 compliance, must pay to the clerk of that court a service charge  
3717 of \$10 for indexing and recording the certificate.

3718 (9) A copy of the certificate of compliance and the report  
3719 of sale, certified by the clerk of the court, and proof of the  
3720 required check of the National Motor Vehicle Title Information  
3721 System shall constitute satisfactory proof for application to  
3722 the Department of Highway Safety and Motor Vehicles for transfer  
3723 of title, together with any other proof required by any rules  
3724 and regulations of the department.

3725 (13) A failure to make good faith efforts as defined in



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3726 subsection (2) precludes the imposition of any storage charges  
3727 against the vehicle. If a lienor fails to provide notice to any  
3728 person claiming a lien on a vehicle under subsection (1) within  
3729 15 business days after the assessment of storage charges have  
3730 begun, then the lienor is precluded from charging for more than  
3731 15 days of storage, but failure to provide timely notice does  
3732 not affect charges made for repairs, adjustments, or  
3733 modifications to the vehicle or the priority of liens on the  
3734 vehicle.

3735 Section 62. Section 713.78, Florida Statutes, is amended to  
3736 read:

3737 713.78 Liens for recovering, towing, or storing vehicles  
3738 and vessels.—

3739 (1) For the purposes of this section, the term:

3740 (a) "Vehicle" means any mobile item, whether motorized or  
3741 not, which is mounted on wheels.

3742 (b) "Vessel" means every description of watercraft, barge,  
3743 and airboat used or capable of being used as a means of  
3744 transportation on water, other than a seaplane or a "documented  
3745 vessel" as defined in s. 327.02(9).

3746 (c) "Wrecker" means any truck or other vehicle which is  
3747 used to tow, carry, or otherwise transport motor vehicles or  
3748 vessels upon the streets and highways of this state and which is  
3749 equipped for that purpose with a boom, winch, car carrier, or  
3750 other similar equipment.

3751 (d) "National Motor Vehicle Title Information System" means  
3752 the federally authorized electronic National Motor Vehicle Title  
3753 Information System.

3754 (2) Whenever a person regularly engaged in the business of



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3755 transporting vehicles or vessels by wrecker, tow truck, or car  
3756 carrier recovers, removes, or stores a vehicle or vessel upon  
3757 instructions from:

3758 (a) The owner thereof;

3759 (b) The owner or lessor, or a person authorized by the  
3760 owner or lessor, of property on which such vehicle or vessel is  
3761 wrongfully parked, and the removal is done in compliance with s.  
3762 715.07; ~~or~~

3763 (c) The landlord or a person authorized by the landlord,  
3764 when such motor vehicle or vessel remained on the premises after  
3765 the tenancy terminated and the removal is done in compliance  
3766 with s. 715.104; or

3767 (d) ~~(e)~~ Any law enforcement agency,

3768  
3769 she or he shall have a lien on the vehicle or vessel for a  
3770 reasonable towing fee and for a reasonable storage fee; except  
3771 that no storage fee shall be charged if the vehicle is stored  
3772 for less than 6 hours.

3773 (3) This section does not authorize any person to claim a  
3774 lien on a vehicle for fees or charges connected with the  
3775 immobilization of such vehicle using a vehicle boot or other  
3776 similar device pursuant to s. 715.07.

3777 (4) (a) Any person regularly engaged in the business of  
3778 recovering, towing, or storing vehicles or vessels who comes  
3779 into possession of a vehicle or vessel pursuant to subsection  
3780 (2), and who claims a lien for recovery, towing, or storage  
3781 services, shall give notice to the registered owner, the  
3782 insurance company insuring the vehicle notwithstanding the  
3783 provisions of s. 627.736, and to all persons claiming a lien



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3784 thereon, as disclosed by the records in the Department of  
3785 Highway Safety and Motor Vehicles or as disclosed by the records  
3786 of any ~~of a~~ corresponding agency in any other state in which the  
3787 vehicle is identified through a records check of the National  
3788 Motor Vehicle Title Information System as being titled or  
3789 registered.

3790 (b) Whenever any law enforcement agency authorizes the  
3791 removal of a vehicle or vessel or whenever any towing service,  
3792 garage, repair shop, or automotive service, storage, or parking  
3793 place notifies the law enforcement agency of possession of a  
3794 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
3795 enforcement agency of the jurisdiction where the vehicle or  
3796 vessel is stored shall contact the Department of Highway Safety  
3797 and Motor Vehicles, or the appropriate agency of the state of  
3798 registration, if known, within 24 hours through the medium of  
3799 electronic communications, giving the full description of the  
3800 vehicle or vessel. Upon receipt of the full description of the  
3801 vehicle or vessel, the department shall search its files to  
3802 determine the owner's name, the insurance company insuring the  
3803 vehicle or vessel, and whether any person has filed a lien upon  
3804 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
3805 notify the applicable law enforcement agency within 72 hours.  
3806 The person in charge of the towing service, garage, repair shop,  
3807 or automotive service, storage, or parking place shall obtain  
3808 such information from the applicable law enforcement agency  
3809 within 5 days after the date of storage and shall give notice  
3810 pursuant to paragraph (a). The department may release the  
3811 insurance company information to the requestor notwithstanding  
3812 the provisions of s. 627.736.



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3813 (c) Notice by certified mail shall be sent within 7  
3814 business days after the date of storage of the vehicle or vessel  
3815 to the registered owner, the insurance company insuring the  
3816 vehicle notwithstanding the provisions of s. 627.736, and all  
3817 persons of record claiming a lien against the vehicle or vessel.  
3818 It shall state the fact of possession of the vehicle or vessel,  
3819 that a lien as provided in subsection (2) is claimed, that  
3820 charges have accrued and the amount thereof, that the lien is  
3821 subject to enforcement pursuant to law, and that the owner or  
3822 lienholder, if any, has the right to a hearing as set forth in  
3823 subsection (5), and that any vehicle or vessel which remains  
3824 unclaimed, or for which the charges for recovery, towing, or  
3825 storage services remain unpaid, may be sold free of all prior  
3826 liens after 35 days if the vehicle or vessel is more than 3  
3827 years of age or after 50 days if the vehicle or vessel is 3  
3828 years of age or less.

3829 (d) If attempts to locate the name and address of the owner  
3830 or lienholder prove unsuccessful, the towing-storage operator  
3831 shall, after 7 working days, excluding Saturday and Sunday, of  
3832 the initial tow or storage, notify the public agency of  
3833 jurisdiction where the vehicle or vessel is stored in writing by  
3834 certified mail or acknowledged hand delivery that the towing-  
3835 storage company has been unable to locate the name and address  
3836 of the owner or lienholder and a physical search of the vehicle  
3837 or vessel has disclosed no ownership information and a good  
3838 faith effort has been made, including records checks of the  
3839 Department of Highway Safety and Motor Vehicles and the National  
3840 Motor Vehicle Title Information System databases. For purposes  
3841 of this paragraph and subsection (9), "good faith effort" means



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3842 that the following checks have been performed by the company to  
3843 establish prior state of registration and for title:

3844 1. Check of the Department of Highway Safety and Motor  
3845 Vehicles database for the owner and any lienholder.

3846 2. Check of the electronic National Motor Vehicle Title  
3847 Information System to determine the state of registration when  
3848 there is not a current registration record for the vehicle on  
3849 file with the Department of Highway Safety and Motor Vehicles.

3850 3.1. Check of vehicle or vessel for any type of tag, tag  
3851 record, temporary tag, or regular tag.

3852 4.2. Check of law enforcement report for tag number or  
3853 other information identifying the vehicle or vessel, if the  
3854 vehicle or vessel was towed at the request of a law enforcement  
3855 officer.

3856 5.3. Check of trip sheet or tow ticket of tow truck  
3857 operator to see if a tag was on vehicle or vessel at beginning  
3858 of tow, if private tow.

3859 6.4. If there is no address of the owner on the impound  
3860 report, check of law enforcement report to see if an out-of-  
3861 state address is indicated from driver license information.

3862 7.5. Check of vehicle or vessel for inspection sticker or  
3863 other stickers and decals that may indicate a state of possible  
3864 registration.

3865 8.6. Check of the interior of the vehicle or vessel for any  
3866 papers that may be in the glove box, trunk, or other areas for a  
3867 state of registration.

3868 9.7. Check of vehicle for vehicle identification number.

3869 10.8. Check of vessel for vessel registration number.

3870 11.9. Check of vessel hull for a hull identification number



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3871 which should be carved, burned, stamped, embossed, or otherwise  
3872 permanently affixed to the outboard side of the transom or, if  
3873 there is no transom, to the outmost seaboard side at the end of  
3874 the hull that bears the rudder or other steering mechanism.

3875 (5) (a) The owner of a vehicle or vessel removed pursuant to  
3876 the provisions of subsection (2), or any person claiming a lien,  
3877 other than the towing-storage operator, within 10 days after the  
3878 time she or he has knowledge of the location of the vehicle or  
3879 vessel, may file a complaint in the county court of the county  
3880 in which the vehicle or vessel is stored to determine if her or  
3881 his property was wrongfully taken or withheld from her or him.

3882 (b) Upon filing of a complaint, an owner or lienholder may  
3883 have her or his vehicle or vessel released upon posting with the  
3884 court a cash or surety bond or other adequate security equal to  
3885 the amount of the charges for towing or storage and lot rental  
3886 amount to ensure the payment of such charges in the event she or  
3887 he does not prevail. Upon the posting of the bond and the  
3888 payment of the applicable fee set forth in s. 28.24, the clerk  
3889 of the court shall issue a certificate notifying the lienor of  
3890 the posting of the bond and directing the lienor to release the  
3891 vehicle or vessel. At the time of such release, after reasonable  
3892 inspection, she or he shall give a receipt to the towing-storage  
3893 company reciting any claims she or he has for loss or damage to  
3894 the vehicle or vessel or the contents thereof.

3895 (c) Upon determining the respective rights of the parties,  
3896 the court may award damages, attorney's fees, and costs in favor  
3897 of the prevailing party. In any event, the final order shall  
3898 provide for immediate payment in full of recovery, towing, and  
3899 storage fees by the vehicle or vessel owner or lienholder; or



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3900 the agency ordering the tow; or the owner, lessee, or agent  
3901 thereof of the property from which the vehicle or vessel was  
3902 removed.

3903 (6) Any vehicle or vessel which is stored pursuant to  
3904 subsection (2) and which remains unclaimed, or for which  
3905 reasonable charges for recovery, towing, or storing remain  
3906 unpaid, and any contents not released pursuant to subsection  
3907 (10), may be sold by the owner or operator of the storage space  
3908 for such towing or storage charge after 35 days from the time  
3909 the vehicle or vessel is stored therein if the vehicle or vessel  
3910 is more than 3 years of age or after 50 days following the time  
3911 the vehicle or vessel is stored therein if the vehicle or vessel  
3912 is 3 years of age or less. The sale shall be at public sale for  
3913 cash. If the date of the sale was not included in the notice  
3914 required in subsection (4), notice of the sale shall be given to  
3915 the person in whose name the vehicle or vessel is registered and  
3916 to all persons claiming a lien on the vehicle or vessel as shown  
3917 on the records of the Department of Highway Safety and Motor  
3918 Vehicles or of any ~~the~~ corresponding agency in any other state  
3919 in which the vehicle is identified through a records check of  
3920 the National Motor Vehicle Title Information System as being  
3921 titled. Notice shall be sent by certified mail to the owner of  
3922 the vehicle or vessel and the person having the recorded lien on  
3923 the vehicle or vessel at the address shown on the records of the  
3924 registering agency and shall be mailed not less than 15 days  
3925 before the date of the sale. After diligent search and inquiry,  
3926 if the name and address of the registered owner or the owner of  
3927 the recorded lien cannot be ascertained, the requirements of  
3928 notice by mail may be dispensed with. In addition to the notice





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3929 by mail, public notice of the time and place of sale shall be  
3930 made by publishing a notice thereof one time, at least 10 days  
3931 prior to the date of the sale, in a newspaper of general  
3932 circulation in the county in which the sale is to be held. The  
3933 proceeds of the sale, after payment of reasonable towing and  
3934 storage charges, and costs of the sale, in that order of  
3935 priority, shall be deposited with the clerk of the circuit court  
3936 for the county if the owner or lienholder is absent, and the  
3937 clerk shall hold such proceeds subject to the claim of the owner  
3938 or lienholder legally entitled thereto. The clerk shall be  
3939 entitled to receive 5 percent of such proceeds for the care and  
3940 disbursement thereof. The certificate of title issued under this  
3941 law shall be discharged of all liens unless otherwise provided  
3942 by court order. The owner or lienholder may file a complaint  
3943 after the vehicle or vessel has been sold in the county court of  
3944 the county in which it is stored. Upon determining the  
3945 respective rights of the parties, the court may award damages,  
3946 attorney's fees, and costs in favor of the prevailing party.

3947 (7) (a) A wrecker operator recovering, towing, or storing  
3948 vehicles or vessels is not liable for damages connected with  
3949 such services, theft of such vehicles or vessels, or theft of  
3950 personal property contained in such vehicles or vessels,  
3951 provided that such services have been performed with reasonable  
3952 care and provided, further, that, in the case of removal of a  
3953 vehicle or vessel upon the request of a person purporting, and  
3954 reasonably appearing, to be the owner or lessee, or a person  
3955 authorized by the owner or lessee, of the property from which  
3956 such vehicle or vessel is removed, such removal has been done in  
3957 compliance with s. 715.07. Further, a wrecker operator is not



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3958 liable for damage to a vehicle, vessel, or cargo that obstructs  
3959 the normal movement of traffic or creates a hazard to traffic  
3960 and is removed in compliance with the request of a law  
3961 enforcement officer.

3962 (b) For the purposes of this subsection, a wrecker operator  
3963 is presumed to use reasonable care to prevent the theft of a  
3964 vehicle or vessel or of any personal property contained in such  
3965 vehicle stored in the wrecker operator's storage facility if all  
3966 of the following apply:

3967 1. The wrecker operator surrounds the storage facility with  
3968 a chain-link or solid-wall type fence at least 6 feet in height;

3969 2. The wrecker operator has illuminated the storage  
3970 facility with lighting of sufficient intensity to reveal persons  
3971 and vehicles at a distance of at least 150 feet during  
3972 nighttime; and

3973 3. The wrecker operator uses one or more of the following  
3974 security methods to discourage theft of vehicles or vessels or  
3975 of any personal property contained in such vehicles or vessels  
3976 stored in the wrecker operator's storage facility:

3977 a. A night dispatcher or watchman remains on duty at the  
3978 storage facility from sunset to sunrise;

3979 b. A security dog remains at the storage facility from  
3980 sunset to sunrise;

3981 c. Security cameras or other similar surveillance devices  
3982 monitor the storage facility; or

3983 d. A security guard service examines the storage facility  
3984 at least once each hour from sunset to sunrise.

3985 (c) Any law enforcement agency requesting that a motor  
3986 vehicle be removed from an accident scene, street, or highway



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3987 must conduct an inventory and prepare a written record of all  
3988 personal property found in the vehicle before the vehicle is  
3989 removed by a wrecker operator. However, if the owner or driver  
3990 of the motor vehicle is present and accompanies the vehicle, no  
3991 inventory by law enforcement is required. A wrecker operator is  
3992 not liable for the loss of personal property alleged to be  
3993 contained in such a vehicle when such personal property was not  
3994 identified on the inventory record prepared by the law  
3995 enforcement agency requesting the removal of the vehicle.

3996 (8) A person regularly engaged in the business of  
3997 recovering, towing, or storing vehicles or vessels, except a  
3998 person licensed under chapter 493 while engaged in  
3999 "repossession" activities as defined in s. 493.6101, may not  
4000 operate a wrecker, tow truck, or car carrier unless the name,  
4001 address, and telephone number of the company performing the  
4002 service is clearly printed in contrasting colors on the driver  
4003 and passenger sides of its vehicle. The name must be in at least  
4004 3-inch permanently affixed letters, and the address and  
4005 telephone number must be in at least 1-inch permanently affixed  
4006 letters.

4007 (9) Failure to make good faith best efforts to comply with  
4008 the notice requirements of this section shall preclude the  
4009 imposition of any storage charges against such vehicle or  
4010 vessel.

4011 (10) Persons who provide services pursuant to this section  
4012 shall permit vehicle or vessel owners, lienholders, insurance  
4013 company representatives, or their agents, which agency is  
4014 evidenced by an original writing acknowledged by the owner  
4015 before a notary public or other person empowered by law to



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4016 administer oaths, to inspect the towed vehicle or vessel and  
4017 shall release to the owner, lienholder, or agent the vehicle,  
4018 vessel, or all personal property not affixed to the vehicle or  
4019 vessel which was in the vehicle or vessel at the time the  
4020 vehicle or vessel came into the custody of the person providing  
4021 such services.

4022 (11) (a) Any person regularly engaged in the business of  
4023 recovering, towing, or storing vehicles or vessels who comes  
4024 into possession of a vehicle or vessel pursuant to subsection  
4025 (2) and who has complied with the provisions of subsections (3)  
4026 and (6), when such vehicle or vessel is to be sold for purposes  
4027 of being dismantled, destroyed, or changed in such manner that  
4028 it is not the motor vehicle or vessel described in the  
4029 certificate of title, shall report the vehicle to the National  
4030 Motor Vehicle Title Information System and apply to the  
4031 Department of Highway Safety and Motor Vehicles ~~county tax~~  
4032 ~~collector~~ for a certificate of destruction. A certificate of  
4033 destruction, which authorizes the dismantling or destruction of  
4034 the vehicle or vessel described therein, shall be reassignable a  
4035 maximum of two times before dismantling or destruction of the  
4036 vehicle shall be required, and shall accompany the vehicle or  
4037 vessel for which it is issued, when such vehicle or vessel is  
4038 sold for such purposes, in lieu of a certificate of title. The  
4039 application for a certificate of destruction must include proof  
4040 of reporting to the National Motor Vehicle Title Information  
4041 System and an affidavit from the applicant that it has complied  
4042 with all applicable requirements of this section and, if the  
4043 vehicle or vessel is not registered in this state or any other  
4044 state, by a statement from a law enforcement officer that the



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4045 vehicle or vessel is not reported stolen, and shall be  
4046 accompanied by such documentation as may be required by the  
4047 department.

4048 (b) The Department of Highway Safety and Motor Vehicles  
4049 shall charge a fee of \$3 for each certificate of destruction. A  
4050 service charge of \$4.25 shall be collected and retained by the  
4051 tax collector who processes the application.

4052 (c) The Department of Highway Safety and Motor Vehicles may  
4053 adopt such rules as it deems necessary or proper for the  
4054 administration of this subsection.

4055 (12) (a) Any person who violates any provision of subsection  
4056 (1), subsection (2), subsection (4), subsection (5), subsection  
4057 (6), or subsection (7) is guilty of a misdemeanor of the first  
4058 degree, punishable as provided in s. 775.082 or s. 775.083.

4059 (b) Any person who violates the provisions of subsections  
4060 (8) through (11) is guilty of a felony of the third degree,  
4061 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4062 (c) Any person who uses a false or fictitious name, gives a  
4063 false or fictitious address, or makes any false statement in any  
4064 application or affidavit required under the provisions of this  
4065 section is guilty of a felony of the third degree, punishable as  
4066 provided in s. 775.082, s. 775.083, or s. 775.084.

4067 (d) Employees of the Department of Highway Safety and Motor  
4068 Vehicles and law enforcement officers are authorized to inspect  
4069 the records of any person regularly engaged in the business of  
4070 recovering, towing, or storing vehicles or vessels or  
4071 transporting vehicles or vessels by wrecker, tow truck, or car  
4072 carrier, to ensure compliance with the requirements of this  
4073 section. Any person who fails to maintain records, or fails to



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4074 produce records when required in a reasonable manner and at a  
4075 reasonable time, commits a misdemeanor of the first degree,  
4076 punishable as provided in s. 775.082 or s. 775.083.

4077 (13) (a) Upon receipt by the Department of Highway Safety  
4078 and Motor Vehicles of written notice from a wrecker operator who  
4079 claims a wrecker operator's lien under paragraph (2) (c) or  
4080 paragraph (2) (d) for recovery, towing, or storage of an  
4081 abandoned vehicle or vessel upon instructions from any law  
4082 enforcement agency, for which a certificate of destruction has  
4083 been issued under subsection (11) and the vehicle has been  
4084 reported to the National Motor Vehicle Title Information System,  
4085 the department shall place the name of the registered owner of  
4086 that vehicle or vessel on the list of those persons who may not  
4087 be issued a license plate or revalidation sticker for any motor  
4088 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
4089 jointly by more than one person, the name of each registered  
4090 owner shall be placed on the list. The notice of wrecker  
4091 operator's lien shall be submitted on forms provided by the  
4092 department, which must include:

4093 1. The name, address, and telephone number of the wrecker  
4094 operator.

4095 2. The name of the registered owner of the vehicle or  
4096 vessel and the address to which the wrecker operator provided  
4097 notice of the lien to the registered owner under subsection (4).

4098 3. A general description of the vehicle or vessel,  
4099 including its color, make, model, body style, and year.

4100 4. The vehicle identification number (VIN); registration  
4101 license plate number, state, and year; validation decal number,  
4102 state, and year; vessel registration number; hull identification



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4103 number; or other identification number, as applicable.

4104         5. The name of the person or the corresponding law  
4105 enforcement agency that requested that the vehicle or vessel be  
4106 recovered, towed, or stored.

4107         6. The amount of the wrecker operator's lien, not to exceed  
4108 the amount allowed by paragraph (b).

4109         (b) For purposes of this subsection only, the amount of the  
4110 wrecker operator's lien for which the department will prevent  
4111 issuance of a license plate or revalidation sticker may not  
4112 exceed the amount of the charges for recovery, towing, and  
4113 storage of the vehicle or vessel for 7 days. These charges may  
4114 not exceed the maximum rates imposed by the ordinances of the  
4115 respective county or municipality under ss. 125.0103(1)(c) and  
4116 166.043(1)(c). This paragraph does not limit the amount of a  
4117 wrecker operator's lien claimed under subsection (2) or prevent  
4118 a wrecker operator from seeking civil remedies for enforcement  
4119 of the entire amount of the lien, but limits only that portion  
4120 of the lien for which the department will prevent issuance of a  
4121 license plate or revalidation sticker.

4122         (c)1. The registered owner of a vehicle or vessel may  
4123 dispute a wrecker operator's lien, by notifying the department  
4124 of the dispute in writing on forms provided by the department,  
4125 if at least one of the following applies:

4126             a. The registered owner presents a notarized bill of sale  
4127 proving that the vehicle or vessel was sold in a private or  
4128 casual sale before the vehicle or vessel was recovered, towed,  
4129 or stored.

4130             b. The registered owner presents proof that the Florida  
4131 certificate of title of the vehicle or vessel was sold to a



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4132 licensed dealer as defined in s. 319.001 before the vehicle or  
4133 vessel was recovered, towed, or stored.

4134 c. The records of the department were marked "sold" prior  
4135 to the date of the tow.

4136

4137 If the registered owner's dispute of a wrecker operator's lien  
4138 complies with one of these criteria, the department shall  
4139 immediately remove the registered owner's name from the list of  
4140 those persons who may not be issued a license plate or  
4141 revalidation sticker for any motor vehicle under s. 320.03(8),  
4142 thereby allowing issuance of a license plate or revalidation  
4143 sticker. If the vehicle or vessel is owned jointly by more than  
4144 one person, each registered owner must dispute the wrecker  
4145 operator's lien in order to be removed from the list. However,  
4146 the department shall deny any dispute and maintain the  
4147 registered owner's name on the list of those persons who may not  
4148 be issued a license plate or revalidation sticker for any motor  
4149 vehicle under s. 320.03(8) if the wrecker operator has provided  
4150 the department with a certified copy of the judgment of a court  
4151 which orders the registered owner to pay the wrecker operator's  
4152 lien claimed under this section. In such a case, the amount of  
4153 the wrecker operator's lien allowed by paragraph (b) may be  
4154 increased to include no more than \$500 of the reasonable costs  
4155 and attorney's fees incurred in obtaining the judgment. The  
4156 department's action under this subparagraph is ministerial in  
4157 nature, shall not be considered final agency action, and is  
4158 appealable only to the county court for the county in which the  
4159 vehicle or vessel was ordered removed.

4160 2. A person against whom a wrecker operator's lien has been





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4161 imposed may alternatively obtain a discharge of the lien by  
4162 filing a complaint, challenging the validity of the lien or the  
4163 amount thereof, in the county court of the county in which the  
4164 vehicle or vessel was ordered removed. Upon filing of the  
4165 complaint, the person may have her or his name removed from the  
4166 list of those persons who may not be issued a license plate or  
4167 revalidation sticker for any motor vehicle under s. 320.03(8),  
4168 thereby allowing issuance of a license plate or revalidation  
4169 sticker, upon posting with the court a cash or surety bond or  
4170 other adequate security equal to the amount of the wrecker  
4171 operator's lien to ensure the payment of such lien in the event  
4172 she or he does not prevail. Upon the posting of the bond and the  
4173 payment of the applicable fee set forth in s. 28.24, the clerk  
4174 of the court shall issue a certificate notifying the department  
4175 of the posting of the bond and directing the department to  
4176 release the wrecker operator's lien. Upon determining the  
4177 respective rights of the parties, the court may award damages  
4178 and costs in favor of the prevailing party.

4179         3. If a person against whom a wrecker operator's lien has  
4180 been imposed does not object to the lien, but cannot discharge  
4181 the lien by payment because the wrecker operator has moved or  
4182 gone out of business, the person may have her or his name  
4183 removed from the list of those persons who may not be issued a  
4184 license plate or revalidation sticker for any motor vehicle  
4185 under s. 320.03(8), thereby allowing issuance of a license plate  
4186 or revalidation sticker, upon posting with the clerk of court in  
4187 the county in which the vehicle or vessel was ordered removed, a  
4188 cash or surety bond or other adequate security equal to the  
4189 amount of the wrecker operator's lien. Upon the posting of the



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4190 bond and the payment of the application fee set forth in s.  
4191 28.24, the clerk of the court shall issue a certificate  
4192 notifying the department of the posting of the bond and  
4193 directing the department to release the wrecker operator's lien.  
4194 The department shall mail to the wrecker operator, at the  
4195 address upon the lien form, notice that the wrecker operator  
4196 must claim the security within 60 days, or the security will be  
4197 released back to the person who posted it. At the conclusion of  
4198 the 60 days, the department shall direct the clerk as to which  
4199 party is entitled to payment of the security, less applicable  
4200 clerk's fees.

4201 4. A wrecker operator's lien expires 5 years after filing.  
4202 (d) Upon discharge of the amount of the wrecker operator's  
4203 lien allowed by paragraph (b), the wrecker operator must issue a  
4204 certificate of discharged wrecker operator's lien on forms  
4205 provided by the department to each registered owner of the  
4206 vehicle or vessel attesting that the amount of the wrecker  
4207 operator's lien allowed by paragraph (b) has been discharged.  
4208 Upon presentation of the certificate of discharged wrecker  
4209 operator's lien by the registered owner, the department shall  
4210 immediately remove the registered owner's name from the list of  
4211 those persons who may not be issued a license plate or  
4212 revalidation sticker for any motor vehicle under s. 320.03(8),  
4213 thereby allowing issuance of a license plate or revalidation  
4214 sticker. Issuance of a certificate of discharged wrecker  
4215 operator's lien under this paragraph does not discharge the  
4216 entire amount of the wrecker operator's lien claimed under  
4217 subsection (2), but only certifies to the department that the  
4218 amount of the wrecker operator's lien allowed by paragraph (b),



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4219 for which the department will prevent issuance of a license  
4220 plate or revalidation sticker, has been discharged.

4221 (e) When a wrecker operator files a notice of wrecker  
4222 operator's lien under this subsection, the department shall  
4223 charge the wrecker operator a fee of \$2, which shall be  
4224 deposited into the General Revenue Fund. A service charge of  
4225 \$2.50 shall be collected and retained by the tax collector who  
4226 processes a notice of wrecker operator's lien.

4227 (f) This subsection applies only to the annual renewal in  
4228 the registered owner's birth month of a motor vehicle  
4229 registration and does not apply to the transfer of a  
4230 registration of a motor vehicle sold by a motor vehicle dealer  
4231 licensed under chapter 320, except for the transfer of  
4232 registrations which includes the annual renewals. This  
4233 subsection does not apply to any vehicle registered in the name  
4234 of the lessor. This subsection does not affect the issuance of  
4235 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4236 (g) The Department of Highway Safety and Motor Vehicles may  
4237 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
4238 this subsection.

4239 Section 63. Paragraph (aa) of subsection (7) of section  
4240 212.08, Florida Statutes, is amended to read:

4241 212.08 Sales, rental, use, consumption, distribution, and  
4242 storage tax; specified exemptions.—The sale at retail, the  
4243 rental, the use, the consumption, the distribution, and the  
4244 storage to be used or consumed in this state of the following  
4245 are hereby specifically exempt from the tax imposed by this  
4246 chapter.

4247 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any



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4248 entity by this chapter do not inure to any transaction that is  
4249 otherwise taxable under this chapter when payment is made by a  
4250 representative or employee of the entity by any means,  
4251 including, but not limited to, cash, check, or credit card, even  
4252 when that representative or employee is subsequently reimbursed  
4253 by the entity. In addition, exemptions provided to any entity by  
4254 this subsection do not inure to any transaction that is  
4255 otherwise taxable under this chapter unless the entity has  
4256 obtained a sales tax exemption certificate from the department  
4257 or the entity obtains or provides other documentation as  
4258 required by the department. Eligible purchases or leases made  
4259 with such a certificate must be in strict compliance with this  
4260 subsection and departmental rules, and any person who makes an  
4261 exempt purchase with a certificate that is not in strict  
4262 compliance with this subsection and the rules is liable for and  
4263 shall pay the tax. The department may adopt rules to administer  
4264 this subsection.

4265 (aa) *Certain commercial vehicles.*—Also exempt is the sale,  
4266 lease, or rental of a commercial motor vehicle as defined in s.  
4267 207.002 ~~207.002(2)~~, when the following conditions are met:

4268 1. The sale, lease, or rental occurs between two commonly  
4269 owned and controlled corporations;

4270 2. Such vehicle was titled and registered in this state at  
4271 the time of the sale, lease, or rental; and

4272 3. Florida sales tax was paid on the acquisition of such  
4273 vehicle by the seller, lessor, or renter.

4274 Section 64. Subsection (8) of section 261.03, Florida  
4275 Statutes, is amended to read:

4276 261.03 Definitions.—As used in this chapter, the term:



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4277 (8) "ROV" means any motorized recreational off-highway  
4278 vehicle 64 inches or less in width, having a dry weight of 2,000  
4279 pounds or less, designed to travel on four or more nonhighway  
4280 tires, having nonstraddle seating and a steering wheel, and  
4281 manufactured for recreational use by one or more persons. The  
4282 term "ROV" does not include a golf cart as defined in ss. 320.01  
4283 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
4284 s. 320.01 ~~320.01(42)~~.

4285 Section 65. Section 316.2122, Florida Statutes, is amended  
4286 to read:

4287 316.2122 Operation of a low-speed vehicle or mini truck on  
4288 certain roadways.—The operation of a low-speed vehicle as  
4289 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
4290 320.01 ~~320.01(45)~~ on any road is authorized with the following  
4291 restrictions:

4292 (1) A low-speed vehicle or mini truck may be operated only  
4293 on streets where the posted speed limit is 35 miles per hour or  
4294 less. This does not prohibit a low-speed vehicle or mini truck  
4295 from crossing a road or street at an intersection where the road  
4296 or street has a posted speed limit of more than 35 miles per  
4297 hour.

4298 (2) A low-speed vehicle must be equipped with headlamps,  
4299 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
4300 parking brakes, rearview mirrors, windshields, seat belts, and  
4301 vehicle identification numbers.

4302 (3) A low-speed vehicle or mini truck must be registered  
4303 and insured in accordance with s. 320.02 and titled pursuant to  
4304 chapter 319.

4305 (4) Any person operating a low-speed vehicle or mini truck



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4306 must have in his or her possession a valid driver ~~driver's~~  
4307 license.

4308 (5) A county or municipality may prohibit the operation of  
4309 low-speed vehicles or mini trucks on any road under its  
4310 jurisdiction if the governing body of the county or municipality  
4311 determines that such prohibition is necessary in the interest of  
4312 safety.

4313 (6) The Department of Transportation may prohibit the  
4314 operation of low-speed vehicles or mini trucks on any road under  
4315 its jurisdiction if it determines that such prohibition is  
4316 necessary in the interest of safety.

4317 Section 66. Section 316.2124, Florida Statutes, is amended  
4318 to read:

4319 316.2124 Motorized disability access vehicles.—The  
4320 Department of Highway Safety and Motor Vehicles is directed to  
4321 provide, by rule, for the regulation of motorized disability  
4322 access vehicles as described in s. 320.01 ~~320.01(34)~~. The  
4323 department shall provide that motorized disability access  
4324 vehicles shall be registered in the same manner as motorcycles  
4325 and shall pay the same registration fee as for a motorcycle.  
4326 There shall also be assessed, in addition to the registration  
4327 fee, a \$2.50 surcharge for motorized disability access vehicles.  
4328 This surcharge shall be paid into the Highway Safety Operating  
4329 Trust Fund. Motorized disability access vehicles shall not be  
4330 required to be titled by the department. The department shall  
4331 require motorized disability access vehicles to be subject to  
4332 the same safety requirements as set forth in this chapter for  
4333 motorcycles.

4334 Section 67. Subsection (1) of section 316.21265, Florida



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4335 Statutes, is amended to read:

4336       316.21265 Use of all-terrain vehicles, golf carts, low-  
4337 speed vehicles, or utility vehicles by law enforcement  
4338 agencies.—

4339       (1) Notwithstanding any provision of law to the contrary,  
4340 any law enforcement agency in this state may operate all-terrain  
4341 vehicles as defined in s. 316.2074, golf carts as defined in s.  
4342 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01  
4343 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01  
4344 ~~320.01(43)~~ on any street, road, or highway in this state while  
4345 carrying out its official duties.

4346       Section 68. Subsection (1) of section 316.3026, Florida  
4347 Statutes, is amended to read:

4348       316.3026 Unlawful operation of motor carriers.—

4349       (1) The Office of Commercial Vehicle Enforcement may issue  
4350 out-of-service orders to motor carriers, as defined in s. 320.01  
4351 ~~320.01(33)~~, who, after proper notice, have failed to pay any  
4352 penalty or fine assessed by the department, or its agent,  
4353 against any owner or motor carrier for violations of state law,  
4354 refused to submit to a compliance review and provide records  
4355 pursuant to s. 316.302(5) or s. 316.70, or violated safety  
4356 regulations pursuant to s. 316.302 or insurance requirements in  
4357 s. 627.7415. Such out-of-service orders have the effect of  
4358 prohibiting the operations of any motor vehicles owned, leased,  
4359 or otherwise operated by the motor carrier upon the roadways of  
4360 this state, until the violations have been corrected or  
4361 penalties have been paid. Out-of-service orders must be approved  
4362 by the director of the Division of the Florida Highway Patrol or  
4363 his or her designee. An administrative hearing pursuant to s.



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4364 120.569 shall be afforded to motor carriers subject to such  
4365 orders.

4366 Section 69. Paragraph (a) of subsection (5) and subsection  
4367 (10) of section 316.550, Florida Statutes, are amended to read:  
4368 316.550 Operations not in conformity with law; special  
4369 permits.—

4370 (5) (a) The Department of Transportation may issue a wrecker  
4371 special blanket permit to authorize a wrecker as defined in s.  
4372 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in  
4373 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and  
4374 the disabled vehicle being towed exceeds the maximum weight  
4375 limits as established by s. 316.535.

4376 (10) Whenever any motor vehicle, or the combination of a  
4377 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor  
4378 vehicle, exceeds any weight or dimensional criteria or special  
4379 operational or safety stipulation contained in a special permit  
4380 issued under the provisions of this section, the penalty  
4381 assessed to the owner or operator shall be as follows:

4382 (a) For violation of weight criteria contained in a special  
4383 permit, the penalty per pound or portion thereof exceeding the  
4384 permitted weight shall be as provided in s. 316.545.

4385 (b) For each violation of dimensional criteria in a special  
4386 permit, the penalty shall be as provided in s. 316.516 and  
4387 penalties for multiple violations of dimensional criteria shall  
4388 be cumulative except that the total penalty for the vehicle  
4389 shall not exceed \$1,000.

4390 (c) For each violation of an operational or safety  
4391 stipulation in a special permit, the penalty shall be an amount  
4392 not to exceed \$1,000 per violation and penalties for multiple





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4393 violations of operational or safety stipulations shall be  
4394 cumulative except that the total penalty for the vehicle shall  
4395 not exceed \$1,000.

4396 (d) For violation of any special condition that has been  
4397 prescribed in the rules of the Department of Transportation and  
4398 declared on the permit, the vehicle shall be determined to be  
4399 out of conformance with the permit and the permit shall be  
4400 declared null and void for the vehicle, and weight and  
4401 dimensional limits for the vehicle shall be as established in s.  
4402 316.515 or s. 316.535, whichever is applicable, and:

4403 1. For weight violations, a penalty as provided in s.  
4404 316.545 shall be assessed for those weights which exceed the  
4405 limits thus established for the vehicle; and

4406 2. For dimensional, operational, or safety violations, a  
4407 penalty as established in paragraph (c) or s. 316.516, whichever  
4408 is applicable, shall be assessed for each nonconforming  
4409 dimensional, operational, or safety violation and the penalties  
4410 for multiple violations shall be cumulative for the vehicle.

4411 Section 70. Subsection (9) of section 317.0003, Florida  
4412 Statutes, is amended to read:

4413 317.0003 Definitions.—As used in this chapter, the term:

4414 (9) "ROV" means any motorized recreational off-highway  
4415 vehicle 64 inches or less in width, having a dry weight of 2,000  
4416 pounds or less, designed to travel on four or more nonhighway  
4417 tires, having nonstraddle seating and a steering wheel, and  
4418 manufactured for recreational use by one or more persons. The  
4419 term "ROV" does not include a golf cart as defined in ss. 320.01  
4420 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
4421 s. 320.01 ~~320.01(42)~~.



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4422 Section 71. Paragraph (d) of subsection (5) of section  
4423 320.08, Florida Statutes, is amended to read:

4424 320.08 License taxes.—Except as otherwise provided herein,  
4425 there are hereby levied and imposed annual license taxes for the  
4426 operation of motor vehicles, mopeds, motorized bicycles as  
4427 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
4428 and mobile homes, as defined in s. 320.01, which shall be paid  
4429 to and collected by the department or its agent upon the  
4430 registration or renewal of registration of the following:

4431 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
4432 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4433 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is  
4434 used to tow a vessel as defined in s. 327.02(39), a disabled,  
4435 abandoned, stolen-recovered, or impounded motor vehicle as  
4436 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle  
4437 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall  
4438 be deposited into the General Revenue Fund.

4439 Section 72. Subsection (1) of section 320.0847, Florida  
4440 Statutes, is amended to read:

4441 320.0847 Mini truck and low-speed vehicle license plates.—

4442 (1) The department shall issue a license plate to the owner  
4443 or lessee of any vehicle registered as a low-speed vehicle as  
4444 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
4445 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes  
4446 and fees prescribed in s. 320.08.

4447 Section 73. Section 322.282, Florida Statutes, is amended  
4448 to read:

4449 322.282 Procedure when court revokes or suspends license or  
4450 driving privilege and orders reinstatement.—When a court



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4451 suspends or revokes a person's license or driving privilege and,  
4452 in its discretion, orders reinstatement ~~as provided by s.~~  
4453 ~~322.28(2)(d) or former s. 322.261(5):~~

4454 (1) The court shall pick up all revoked or suspended driver  
4455 ~~driver's~~ licenses from the person and immediately forward them  
4456 to the department, together with a record of such conviction.  
4457 The clerk of such court shall also maintain a list of all  
4458 revocations or suspensions by the court.

4459 (2)(a) The court shall issue an order of reinstatement, on  
4460 a form to be furnished by the department, which the person may  
4461 take to any driver ~~driver's~~ license examining office. The  
4462 department shall issue a temporary driver ~~driver's~~ permit to a  
4463 licensee who presents the court's order of reinstatement, proof  
4464 of completion of a department-approved driver training or  
4465 substance abuse education course, and a written request for a  
4466 hearing under s. 322.271. The permit shall not be issued if a  
4467 record check by the department shows that the person has  
4468 previously been convicted for a violation of s. 316.193, former  
4469 s. 316.1931, former s. 316.028, former s. 860.01, or a previous  
4470 conviction outside this state for driving under the influence,  
4471 driving while intoxicated, driving with an unlawful blood-  
4472 alcohol level, or any similar alcohol-related or drug-related  
4473 traffic offense; that the person's driving privilege has been  
4474 previously suspended for refusal to submit to a lawful test of  
4475 breath, blood, or urine; or that the person is otherwise not  
4476 entitled to issuance of a driver ~~driver's~~ license. This  
4477 paragraph shall not be construed to prevent the reinstatement of  
4478 a license or driving privilege that is presently suspended for  
4479 driving with an unlawful blood-alcohol level or a refusal to



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4480 submit to a breath, urine, or blood test and is also revoked for  
4481 a conviction for a violation of s. 316.193 or former s.  
4482 316.1931, if the suspension and revocation arise out of the same  
4483 incident.

4484 (b) The temporary driver ~~driver's~~ permit shall be  
4485 restricted to either business or employment purposes described  
4486 in s. 322.271, as determined by the department, and shall not be  
4487 used for pleasure, recreational, or nonessential driving.

4488 (c) If the department determines at a later date from its  
4489 records that the applicant has previously been convicted of an  
4490 offense referred to in paragraph (a) which would render him or  
4491 her ineligible for reinstatement, the department shall cancel  
4492 the temporary driver ~~driver's~~ permit and shall issue a  
4493 revocation or suspension order for the minimum period  
4494 applicable. A temporary permit issued pursuant to this section  
4495 shall be valid for 45 days or until canceled as provided in this  
4496 paragraph.

4497 (d) The period of time for which a temporary permit issued  
4498 in accordance with paragraph (a) is valid shall be deemed to be  
4499 part of the period of revocation imposed by the court.

4500 Section 74. Section 324.023, Florida Statutes, is amended  
4501 to read:

4502 324.023 Financial responsibility for bodily injury or  
4503 death.—In addition to any other financial responsibility  
4504 required by law, every owner or operator of a motor vehicle that  
4505 is required to be registered in this state, or that is located  
4506 within this state, and who, regardless of adjudication of guilt,  
4507 has been found guilty of or entered a plea of guilty or nolo  
4508 contendere to a charge of driving under the influence under s.



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4509 316.193 after October 1, 2007, shall, by one of the methods  
4510 established in s. 324.031(1) or (2), ~~or (3)~~, establish and  
4511 maintain the ability to respond in damages for liability on  
4512 account of accidents arising out of the use of a motor vehicle  
4513 in the amount of \$100,000 because of bodily injury to, or death  
4514 of, one person in any one crash and, subject to such limits for  
4515 one person, in the amount of \$300,000 because of bodily injury  
4516 to, or death of, two or more persons in any one crash and in the  
4517 amount of \$50,000 because of property damage in any one crash.  
4518 If the owner or operator chooses to establish and maintain such  
4519 ability by ~~posting a bond or~~ furnishing a certificate of deposit  
4520 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of  
4521 deposit must be at least ~~in an amount not less than~~ \$350,000.  
4522 Such higher limits must be carried for a minimum period of 3  
4523 years. If the owner or operator has not been convicted of  
4524 driving under the influence or a felony traffic offense for a  
4525 period of 3 years from the date of reinstatement of driving  
4526 privileges for a violation of s. 316.193, the owner or operator  
4527 shall be exempt from this section.

4528 Section 75. Paragraph (c) of subsection (1) of section  
4529 324.171, Florida Statutes, is amended to read:

4530 324.171 Self-insurer.—

4531 (1) Any person may qualify as a self-insurer by obtaining a  
4532 certificate of self-insurance from the department which may, in  
4533 its discretion and upon application of such a person, issue said  
4534 certificate of self-insurance when such person has satisfied the  
4535 requirements of this section to qualify as a self-insurer under  
4536 this section:

4537 (c) The owner of a commercial motor vehicle, as defined in



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4538 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-  
4539 insurer subject to the standards provided for in subparagraph  
4540 (b)2.

4541 Section 76. Section 324.191, Florida Statutes, is amended  
4542 to read:

4543 324.191 Consent to cancellation; direction to return money  
4544 or securities.—The department shall consent to the cancellation  
4545 of any ~~bond or~~ certificate of insurance furnished as proof of  
4546 financial responsibility pursuant to s. 324.031, or the  
4547 department shall return to the person entitled thereto cash or  
4548 securities deposited as proof of financial responsibility  
4549 pursuant to s. 324.031:

4550 (1) Upon substitution and acceptance of other adequate  
4551 proof of financial responsibility pursuant to this chapter, or

4552 (2) In the event of the death of the person on whose behalf  
4553 the proof was filed, or the permanent incapacity of such person  
4554 to operate a motor vehicle, or

4555 (3) In the event the person who has given proof of  
4556 financial responsibility surrenders his or her license and all  
4557 registrations to the department; providing, however, that no  
4558 notice of court action has been filed with the department, a  
4559 judgment in which would result in claim on such proof of  
4560 financial responsibility.

4561  
4562 This section shall not apply to security as specified in s.  
4563 324.061 deposited pursuant to s. 324.051(2)(a)4.

4564 Section 77. Subsection (3) of section 627.733, Florida  
4565 Statutes, is amended to read:

4566 627.733 Required security.—



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4567           (3) Such security shall be provided:  
4568           (a) By an insurance policy delivered or issued for delivery  
4569 in this state by an authorized or eligible motor vehicle  
4570 liability insurer which provides the benefits and exemptions  
4571 contained in ss. 627.730-627.7405. Any policy of insurance  
4572 represented or sold as providing the security required hereunder  
4573 shall be deemed to provide insurance for the payment of the  
4574 required benefits; or  
4575           (b) By any other method authorized by s. 324.031(2) or  
4576 (3), ~~or (4)~~ and approved by the Department of Highway Safety and  
4577 Motor Vehicles as affording security equivalent to that afforded  
4578 by a policy of insurance or by self-insuring as authorized by s.  
4579 768.28(16). The person filing such security shall have all of  
4580 the obligations and rights of an insurer under ss. 627.730-  
4581 627.7405.  
4582           Section 78. Section 627.7415, Florida Statutes, is amended  
4583 to read:  
4584           627.7415 Commercial motor vehicles; additional liability  
4585 insurance coverage.—Commercial motor vehicles, as defined in s.  
4586 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and  
4587 highways of this state shall be insured with the following  
4588 minimum levels of combined bodily liability insurance and  
4589 property damage liability insurance in addition to any other  
4590 insurance requirements:  
4591           (1) Fifty thousand dollars per occurrence for a commercial  
4592 motor vehicle with a gross vehicle weight of 26,000 pounds or  
4593 more, but less than 35,000 pounds.  
4594           (2) One hundred thousand dollars per occurrence for a  
4595 commercial motor vehicle with a gross vehicle weight of 35,000



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4596 pounds or more, but less than 44,000 pounds.

4597 (3) Three hundred thousand dollars per occurrence for a  
4598 commercial motor vehicle with a gross vehicle weight of 44,000  
4599 pounds or more.

4600 (4) All commercial motor vehicles subject to regulations of  
4601 the United States Department of Transportation, Title 49 C.F.R.  
4602 part 387, subpart A, and as may be hereinafter amended, shall be  
4603 insured in an amount equivalent to the minimum levels of  
4604 financial responsibility as set forth in such regulations.

4605  
4606 A violation of this section is a noncriminal traffic infraction,  
4607 punishable as a nonmoving violation as provided in chapter 318.

4608 Section 79. This act shall take effect July 1, 2013.

4609  
4610 ===== T I T L E A M E N D M E N T =====

4611 And the title is amended as follows:

4612 Delete everything before the enacting clause  
4613 and insert:

4614 A bill to be entitled  
4615 An act relating to the Department of Highway Safety  
4616 and Motor Vehicles; amending s. 110.205, F.S.;  
4617 providing that certain positions in the department are  
4618 exempt from career service; amending s. 207.002, F.S.,  
4619 relating to the Florida Diesel Fuel and Motor Fuel Use  
4620 Tax Act of 1981; deleting definitions of the terms  
4621 "apportioned motor vehicle" and "apportionable  
4622 vehicle"; providing legislative intent relating to  
4623 road rage and traffic congestion; amending s. 316.003,  
4624 F.S.; defining the term "road rage"; amending s.





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4625 316.066, F.S.; authorizing the Department of  
4626 Transportation to immediately receive a crash report;  
4627 amending s. 316.083, F.S.; requiring that an operator  
4628 of a motor vehicle yield the furthestmost left-hand  
4629 lane when being overtaken on a multilane highway;  
4630 providing exceptions; reenacting s. 316.1923, F.S.,  
4631 relating to aggressive careless driving, to  
4632 incorporate the amendments made to s. 316.083, F.S.,  
4633 in a reference thereto; requiring that the Department  
4634 of Highway Safety and Motor Vehicles provide  
4635 information about the act in driver license  
4636 educational materials that are newly published on or  
4637 after a specified date; amending s. 316.1937, F.S.;  
4638 revising operational specifications for ignition  
4639 interlock devices; amending s. 316.2015, F.S.;  
4640 prohibiting the operator of a pickup truck or flatbed  
4641 truck from permitting a child who is younger than 6  
4642 years of age from riding within the open body of the  
4643 truck under certain circumstances; amending s.  
4644 316.302, F.S.; revising provisions for certain  
4645 commercial motor vehicles and transporters and  
4646 shippers of hazardous materials; providing for  
4647 application of specified federal regulations; removing  
4648 a provision for application of specified provisions  
4649 and federal regulations to transporting liquefied  
4650 petroleum gas; amending s. 316.3025, F.S.; providing  
4651 penalties for violation of specified federal  
4652 regulations relating to medical and physical  
4653 requirements for commercial drivers while driving a



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4654 commercial motor vehicle; revising provisions for  
4655 seizure of a motor vehicle for refusal to pay penalty;  
4656 amending s. 316.515, F.S.; providing that a straight  
4657 truck may attach a forklift to the rear of the cargo  
4658 bed if it does not exceed a specific length; amending  
4659 s. 316.545, F.S.; revising language relating to  
4660 certain commercial motor vehicles not properly  
4661 licensed and registered; amending s. 316.646, F.S.;  
4662 authorizing the use of an electronic device to provide  
4663 proof of insurance under the section; providing that  
4664 displaying such information on an electronic device  
4665 does not constitute consent for a law enforcement  
4666 officer to access other information stored on the  
4667 device; providing that the person displaying the  
4668 device assumes the liability for any resulting damage  
4669 to the device; requiring the department to adopt  
4670 rules; amending s. 317.0016, F.S., relating to  
4671 expedited services; removing a requirement that the  
4672 department provide such service for certain  
4673 certificates; amending s. 318.14, F.S., relating to  
4674 disposition of traffic citations; providing that  
4675 certain alternative procedures for certain traffic  
4676 offenses are not available to a person who holds a  
4677 commercial learner's permit; amending s. 318.1451,  
4678 F.S.; revising provisions relating to driver  
4679 improvement schools; removing a provision for a chief  
4680 judge to establish requirements for the location of  
4681 schools within a judicial circuit; removing a  
4682 provision that authorizes a person to operate a driver



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4683 improvement school; revising provisions for persons  
4684 taking an unapproved course; providing criteria for  
4685 initial approval of courses; revising requirements for  
4686 assessment fees, courses, course certificates, and  
4687 course providers; directing the department to adopt  
4688 rules; creating s. 319.141, F.S.; establishing a pilot  
4689 rebuilt motor vehicle inspection program; providing  
4690 definitions; requiring the department to contract with  
4691 private vendors to establish and operate inspection  
4692 facilities in certain counties; providing minimum  
4693 requirements for applicants; requiring the department  
4694 to submit a report to the Legislature; providing for  
4695 future repeal; amending s. 319.225, F.S.; revising  
4696 provisions for certificates of title, reassignment of  
4697 title, and forms; revising procedures for transfer of  
4698 title; amending s. 319.23, F.S.; revising requirements  
4699 for content of certificates of title and applications  
4700 for title; amending s. 319.28, F.S.; revising  
4701 provisions for transfer of ownership by operation of  
4702 law when a motor vehicle or mobile home is  
4703 repossessed; removing provisions for a certificate of  
4704 repossession; amending s. 319.323, F.S., relating to  
4705 expedited services of the department; removing  
4706 certificates of repossession; amending s. 320.01,  
4707 F.S.; removing the definition of the term "apportioned  
4708 motor vehicle"; revising the definition of the term  
4709 "apportionable motor vehicle"; amending s. 320.02,  
4710 F.S.; revising requirements for application for motor  
4711 vehicle registration; amending s. 320.03, F.S.;



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4712 revising a provision for registration under the  
4713 International Registration Plan; amending s. 320.071,  
4714 F.S.; revising a provision for advance renewal of  
4715 registration under the International Registration  
4716 Plan; amending s. 320.0715, F.S.; revising provisions  
4717 for vehicles required to be registered under the  
4718 International Registration Plan; amending s. 320.18,  
4719 F.S.; providing for withholding of motor vehicle or  
4720 mobile home registration when a coowner has failed to  
4721 register the motor vehicle or mobile home during a  
4722 previous period when such registration was required;  
4723 providing for cancelling a vehicle or vessel  
4724 registration, driver license, identification card, or  
4725 fuel-use tax decal if the coowner pays certain fees  
4726 and other liabilities with a dishonored check;  
4727 amending s. 320.27, F.S., relating to motor vehicle  
4728 dealers; providing for extended periods for dealer  
4729 licenses and supplemental licenses; providing fees;  
4730 amending s. 320.62, F.S., relating to manufacturers,  
4731 distributors, and importers of motor vehicles;  
4732 providing for extended licensure periods; providing  
4733 fees; amending s. 320.77, F.S., relating to mobile  
4734 home dealers; providing for extended licensure  
4735 periods; providing fees; amending s. 320.771, F.S.,  
4736 relating to recreational vehicle dealers; providing  
4737 for extended licensure periods; providing fees;  
4738 amending s. 320.8225, F.S., relating to mobile home  
4739 and recreational vehicle manufacturers, distributors,  
4740 and importers; providing for extended licensure



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4741 periods; providing fees; amending s. 322.095, F.S.;

4742 requiring an applicant for a driver license to

4743 complete a traffic law and substance abuse education

4744 course; providing exceptions; revising procedures for

4745 evaluation and approval of such courses; revising

4746 criteria for such courses and the schools conducting

4747 the courses; providing for collection and disposition

4748 of certain fees; requiring providers to maintain

4749 records; directing the department to conduct

4750 effectiveness studies; requiring a provider to cease

4751 offering a course that fails the study; requiring

4752 courses to be updated at the request of the

4753 department; providing a timeframe for course length;

4754 prohibiting a provider from charging for a completion

4755 certificate; requiring providers to disclose certain

4756 information; requiring providers to submit course

4757 completion information to the department within a

4758 certain time period; prohibiting certain acts;

4759 providing that the department shall not accept

4760 certification from certain students; prohibiting a

4761 person convicted of certain crimes from conducting

4762 courses; directing the department to suspend course

4763 approval for certain purposes; providing for the

4764 department to deny, suspend, or revoke course approval

4765 for certain acts; providing for administrative hearing

4766 before final action denying, suspending, or revoking

4767 course approval; providing penalties for violations;

4768 amending s. 322.125, F.S.; revising criteria for

4769 members of the Medical Advisory Board; amending s.



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4770 322.135, F.S.; removing a provision that authorizes a  
4771 tax collector to direct certain licensees to the  
4772 department for examination or reexamination; creating  
4773 s. 322.143, F.S.; defining terms; prohibiting a  
4774 private entity from swiping an individual's driver  
4775 license or identification card except for certain  
4776 specified purposes; providing that a private entity  
4777 that swipes an individual's driver license or  
4778 identification card may not store, sell, or share  
4779 personal information collected from swiping the driver  
4780 license or identification card; providing that a  
4781 private entity may store or share personal information  
4782 collected from swiping an individual's driver license  
4783 or identification card for the purpose of preventing  
4784 fraud or other criminal activity against the private  
4785 entity; providing that the private entity may manually  
4786 collect personal information; prohibiting a private  
4787 entity from withholding the provision of goods or  
4788 services solely as a result of the individual  
4789 requesting the collection of the data through manual  
4790 means; providing remedies; amending s. 322.18, F.S.;  
4791 revising provisions for a vision test required for  
4792 driver license renewal for certain drivers; amending  
4793 s. 322.21, F.S.; making grammatical changes; amending  
4794 s. 322.212, F.S.; providing penalties for certain  
4795 violations involving application and testing for a  
4796 commercial driver license or a commercial learner's  
4797 permit; amending s. 322.22, F.S.; authorizing the  
4798 department to withhold issuance or renewal of a driver



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4799 license, identification card, vehicle or vessel  
4800 registration, or fuel-use decal under certain  
4801 circumstances; amending s. 322.245, F.S.; requiring a  
4802 depository or clerk of court to electronically notify  
4803 the department of a person's failure to pay support or  
4804 comply with directives of the court; amending s.  
4805 322.25, F.S.; removing a provision for a court order  
4806 to reinstate a person's driving privilege on a  
4807 temporary basis when the person's license and driving  
4808 privilege have been revoked under certain  
4809 circumstances; amending s. 322.2615, F.S., relating to  
4810 review of a license suspension when the driver had  
4811 blood or breath alcohol at a certain level or the  
4812 driver refused a test of his or her blood or breath to  
4813 determine the alcohol level; providing procedures for  
4814 a driver to be issued a restricted license under  
4815 certain circumstances; revising provisions for  
4816 informal and formal reviews; providing for the hearing  
4817 officer to be designated by the department;  
4818 authorizing the hearing officer to conduct hearings  
4819 using telecommunications technology; revising  
4820 procedures for enforcement of subpoenas; amending s.  
4821 322.2616, F.S., relating to review of a license  
4822 suspension when the driver is under 21 years of age  
4823 and had blood or breath alcohol at a certain level;  
4824 revising provisions for informal and formal reviews;  
4825 providing for the hearing officer to be designated by  
4826 the department; authorizing the hearing officer to  
4827 conduct hearings using telecommunications technology;



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4828 revising procedures for enforcement of subpoenas;  
4829 amending s. 322.271, F.S.; correcting cross-references  
4830 and conforming provisions to changes made by the act;  
4831 providing procedures for certain persons who have no  
4832 previous convictions for certain alcohol-related  
4833 driving offenses to be issued a driver license for  
4834 business purposes only; amending s. 322.2715, F.S.;  
4835 providing requirements for issuance of a restricted  
4836 license for a person convicted of a DUI offense if a  
4837 medical waiver of placement of an ignition interlock  
4838 device was given to such person; amending s. 322.28,  
4839 F.S., relating to revocation of driver license for  
4840 convictions of DUI offenses; providing that  
4841 convictions occurring on the same date for offenses  
4842 occurring on separate dates are considered separate  
4843 convictions; removing a provision relating to a court  
4844 order for reinstatement of a revoked license;  
4845 repealing s. 322.331, F.S., relating to habitual  
4846 traffic offenders; amending s. 322.61, F.S.; revising  
4847 provisions for disqualification from operating a  
4848 commercial motor vehicle; providing for application of  
4849 such provisions to persons holding a commercial  
4850 learner's permit; revising the offenses for which  
4851 certain disqualifications apply; amending s. 322.64,  
4852 F.S., relating to driving with unlawful blood-alcohol  
4853 level or refusal to submit to breath, urine, or blood  
4854 test by a commercial driver license holder or person  
4855 driving a commercial motor vehicle; providing that a  
4856 disqualification from driving a commercial motor





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4857 vehicle is considered a conviction for certain  
4858 purposes; revising the time period a person is  
4859 disqualified from driving for alcohol-related  
4860 violations; revising requirements for notice of the  
4861 disqualification; providing that under the review of a  
4862 disqualification the hearing officer shall consider  
4863 the crash report; revising provisions for informal and  
4864 formal reviews; providing for the hearing officer to  
4865 be designated by the department; authorizing the  
4866 hearing officer to conduct hearings using  
4867 telecommunications technology; revising procedures for  
4868 enforcement of subpoenas; directing the department to  
4869 issue a temporary driving permit or invalidate the  
4870 suspension under certain circumstances; providing for  
4871 construction of specified provisions; amending s.  
4872 323.002, F.S.; revising the definition of a wrecker  
4873 operator system; providing that an unauthorized  
4874 wrecker, tow truck, or other motor vehicle used during  
4875 certain offenses may be immediately removed and  
4876 impounded; requiring that an unauthorized wrecker  
4877 operator disclose in writing to the owner or operator  
4878 of a disabled motor vehicle certain information;  
4879 requiring that the unauthorized wrecker operator  
4880 provide such disclosure to the owner or operator of  
4881 the disabled vehicle in the presence of a law  
4882 enforcement officer if one is present at the scene of  
4883 a motor vehicle accident; authorizing a law  
4884 enforcement officer from a local governmental agency  
4885 or state law enforcement agency to remove and impound



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4886 an unauthorized wrecker, tow truck, or other motor  
4887 vehicle from the scene of a disabled vehicle or wreck;  
4888 authorizing the authority that caused the removal and  
4889 impoundment to assess a cost-recovery fine; requiring  
4890 a release form; requiring that the wrecker, tow truck,  
4891 or other motor vehicle remain impounded until the fine  
4892 has been paid; providing for public sale of an  
4893 impounded vehicle; providing fines for violations;  
4894 requiring that the unauthorized wrecker operator pay  
4895 the fees associated with the removal and storage of  
4896 the wrecker, tow truck, or other motor vehicle;  
4897 amending s. 324.0221, F.S.; revising the actions which  
4898 must be reported to the department by an insurer that  
4899 has issued a policy providing personal injury  
4900 protection coverage or property damage liability  
4901 coverage; revising time allowed for submitting the  
4902 report; amending s. 324.031, F.S.; revising the  
4903 methods a vehicle owner or operator may use to prove  
4904 financial responsibility; removing a provision for  
4905 posting a bond with the department; amending s.  
4906 324.091, F.S.; revising provisions requiring motor  
4907 vehicle owners and operators to provide evidence to  
4908 the department of liability insurance coverage under  
4909 certain circumstances; revising provisions for  
4910 verification by insurers of such evidence; amending s.  
4911 324.161, F.S.; providing requirements for issuance of  
4912 a certificate of insurance; requiring proof of a  
4913 certificate of deposit of a certain amount of money in  
4914 a financial institution; providing for power of



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4915 attorney to be issued to the department for execution  
4916 under certain circumstances; amending s. 328.01, F.S.,  
4917 relating to vessel titles; revising identification  
4918 requirements for applications for a certificate of  
4919 title; amending s. 328.48, F.S., relating to vessel  
4920 registration; revising identification requirements for  
4921 applications for vessel registration; amending s.  
4922 328.76, F.S., relating to vessel registration funds;  
4923 revising provisions for funds to be deposited into the  
4924 Highway Safety Operating Trust Fund; amending s.  
4925 713.585, F.S.; requiring that a lienholder check the  
4926 National Motor Vehicle Title Information System or the  
4927 records of any corresponding agency of any other state  
4928 before enforcing a lien by selling the motor vehicle;  
4929 requiring the lienholder to notify the local law  
4930 enforcement agency in writing by certified mail  
4931 informing the law enforcement agency that the  
4932 lienholder has made a good faith effort to locate the  
4933 owner or lienholder; specifying that a good faith  
4934 effort includes a check of the Department of Highway  
4935 Safety and Motor Vehicles database records and the  
4936 National Motor Vehicle Title Information System;  
4937 setting requirements for notification of the sale of  
4938 the vehicle as a way to enforce a lien; requiring the  
4939 lienholder to publish notice; requiring the lienholder  
4940 to keep a record of proof of checking the National  
4941 Motor Vehicle Title Information System; amending s.  
4942 713.78, F.S.; revising provisions for enforcement of a  
4943 lien for recovering, towing, or storing a vehicle or



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4944 vessel; amending ss. 212.08, 261.03, 316.2122,  
4945 316.2124, 316.21265, 316.3026, 316.550, 317.0003,  
4946 320.08, 320.0847, 322.282, 324.023, 324.171, 324.191,  
4947 627.733, and 627.7415, F.S.; correcting cross-  
4948 references and conforming provisions to changes made  
4949 by the act; providing an effective date.