

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Raburn offered the following:

3
 4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
 6 Section 1. Paragraph (m) of subsection (2) of section
 7 110.205, Florida Statutes, is amended to read:

8 110.205 Career service; exemptions.—
 9 (2) EXEMPT POSITIONS.—The exempt positions that are not
 10 covered by this part include the following:

11 (m) All assistant division director, deputy division
 12 director, and bureau chief positions in any department, and
 13 those positions determined by the department to have managerial
 14 responsibilities comparable to such positions, which include,
 15 but are not limited to:

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

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

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

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

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

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

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

43 Section 2. Section 207.002, Florida Statutes, is amended
44 to read:

45 207.002 Definitions.—As used in this chapter, the term:

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

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

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

61 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
62 product or combination thereof, including, but not limited to,
63 all forms of fuel known or sold as diesel fuel, kerosene, butane
64 gas, or propane gas and all other forms of liquefied petroleum
65 gases, except those defined as "motor fuel," used to propel a
66 motor vehicle.

67 (4)~~(11)~~ "International Registration Plan" means a
68 registration reciprocity agreement among states of the United
69 States and provinces of Canada providing for payment of license
70 fees or license taxes on the basis of fleet miles operated in
71 various jurisdictions.

72 (5)~~(13)~~ "Interstate" means vehicle movement between or
73 through two or more states.

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74 ~~(6)-(14)~~ "Intrastate" means vehicle movement from one point
75 within a state to another point within the same state.

76 ~~(7)-(4)~~ "Motor carrier" means any person owning,
77 controlling, operating, or managing any motor vehicle used to
78 transport persons or property over any public highway.

79 ~~(8)-(5)~~ "Motor fuel" means what is commonly known and sold
80 as gasoline and fuels containing a mixture of gasoline and other
81 products.

82 ~~(9)-(6)~~ "Operate," "operated," "operation," or "operating"
83 means and includes the utilization in any form of any commercial
84 motor vehicle, whether loaded or empty, whether utilized for
85 compensation or not for compensation, and whether owned by or
86 leased to the motor carrier who uses it or causes it to be used.

87 ~~(10)-(7)~~ "Person" means and includes natural persons,
88 corporations, copartnerships, firms, companies, agencies, or
89 associations, singular or plural.

90 ~~(11)-(8)~~ "Public highway" means any public street, road, or
91 highway in this state.

92 ~~(12)-(15)~~ "Registrant" means a person in whose name or
93 names a vehicle is properly registered.

94 ~~(13)-(10)~~ "Use," "uses," or "used" means the consumption of
95 diesel fuel or motor fuel in a commercial motor vehicle for the
96 propulsion thereof.

97 ~~(12)~~ ~~"Apportionable vehicle" means any vehicle, except a~~
98 ~~recreational vehicle, a vehicle displaying restricted plates, a~~
99 ~~municipal pickup and delivery vehicle, a bus used in~~
100 ~~transportation of chartered parties, and a government-owned~~
101 ~~vehicle, which is used or intended for use in two or more states~~

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102 ~~of the United States or provinces of Canada that allocate or~~
103 ~~proportionally register vehicles and which is used for the~~
104 ~~transportation of persons for hire or is designed, used, or~~
105 ~~maintained primarily for the transportation of property and:~~

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

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

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

112 Section 3. Paragraph (b) of subsection (2) of section
113 316.066, Florida Statutes, is amended to read:

114 316.066 Written reports of crashes.—

115 (2)

116 (b) Crash reports held by an agency under paragraph (a)
117 may be made immediately available to the parties involved in the
118 crash, their legal representatives, their licensed insurance
119 agents, their insurers or insurers to which they have applied
120 for coverage, persons under contract with such insurers to
121 provide claims or underwriting information, prosecutorial
122 authorities, law enforcement agencies, the Department of
123 Transportation, county traffic operations, victim services
124 programs, radio and television stations licensed by the Federal
125 Communications Commission, newspapers qualified to publish legal
126 notices under ss. 50.011 and 50.031, and free newspapers of
127 general circulation, published once a week or more often,
128 available and of interest to the public generally for the
129 dissemination of news. For the purposes of this section, the

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130 following products or publications are not newspapers as
131 referred to in this section: those intended primarily for
132 members of a particular profession or occupational group; those
133 with the primary purpose of distributing advertising; and those
134 with the primary purpose of publishing names and other personal
135 identifying information concerning parties to motor vehicle
136 crashes.

137 Section 4. Subsections (3) and (4) of section 316.081,
138 Florida Statutes, are renumbered as subsections (4) and (5),
139 respectively, and a new subsection (3) is added to that section
140 to read:

141 316.081 Driving on right side of roadway; exceptions.—

142 (3) On a road, street, or highway having two or more lanes
143 that allow movement in the same direction, a driver may not
144 continue to operate a motor vehicle at less than the posted
145 speed limit in the furthestmost left-hand lane if the driver
146 knows or reasonably should know that he or she is being
147 overtaken in that lane from the rear by a motor vehicle
148 traveling at a higher rate of speed, except when overtaking and
149 passing another vehicle proceeding in the same direction, when
150 preparing for a left turn at an intersection or into a private
151 road or driveway, or when the driver is traveling at a speed
152 that is under the posted speed limit by 15 miles per hour or
153 less.

154 (4)~~(3)~~ Upon any roadway having four or more lanes for
155 moving traffic and providing for two-way movement of traffic, no
156 vehicle shall be driven to the left of the centerline of the
157 roadway, except when authorized by official traffic control

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158 devices designating certain lanes to the left side of the center
159 of the roadway for use by traffic not otherwise permitted to use
160 such lanes, or except as permitted under paragraph (1) (b).
161 However, this subsection shall not be construed as prohibiting
162 the crossing of the centerline in making a left turn into or
163 from an alley, private road, or driveway.

164 ~~(5)~~(4) A violation of this section is a noncriminal
165 traffic infraction, punishable as a moving violation as provided
166 in chapter 318.

167 Section 5. Subsection (1) of section 316.1937, Florida
168 Statutes, is amended to read:

169 316.1937 Ignition interlock devices, requiring; unlawful
170 acts.—

171 (1) In addition to any other authorized penalties, the
172 court may require that any person who is convicted of driving
173 under the influence in violation of s. 316.193 shall not operate
174 a motor vehicle unless that vehicle is equipped with a
175 functioning ignition interlock device certified by the
176 department as provided in s. 316.1938, and installed in such a
177 manner that the vehicle will not start if the operator's blood
178 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
179 specified by the court. The court may require the use of an
180 approved ignition interlock device for a period of at least ~~not~~
181 ~~less than~~ 6 continuous months, if the person is permitted to
182 operate a motor vehicle, whether or not the privilege to operate
183 a motor vehicle is restricted, as determined by the court. The
184 court, however, shall order placement of an ignition interlock
185 device in those circumstances required by s. 316.193.

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186 Section 6. Subsection (2) of section 316.2397, Florida
187 Statutes, is amended to read:

188 316.2397 Certain lights prohibited; exceptions.—

189 (2) It is expressly prohibited for any vehicle or
190 equipment, except police vehicles, to show or display blue
191 lights. However, vehicles owned, operated, or leased by the
192 Department of Corrections or any county correctional agency may
193 show or display blue lights when responding to emergencies. With
194 written approval of the city's police chief or county sheriff, a
195 city mayor who is the head of a city government and the head law
196 enforcement official of the municipality are exempt from the
197 prohibition under this subsection.

198 Section 7. Paragraph (b) of subsection (1), paragraph (a)
199 of subsection (4), and subsection (9) of section 316.302,
200 Florida Statutes, are amended to read:

201 316.302 Commercial motor vehicles; safety regulations;
202 transporters and shippers of hazardous materials; enforcement.—

203 (1)

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

211 (4) (a) Except as provided in this subsection, all
212 commercial motor vehicles transporting any hazardous material on
213 any road, street, or highway open to the public, whether engaged

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214 in interstate or intrastate commerce, and any person who offers
215 hazardous materials for such transportation, are subject to the
216 regulations contained in 49 C.F.R. part 107, subparts F and
217 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
218 Effective July 1, 1997, the exceptions for intrastate motor
219 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
220 adopted.

221 ~~(9) (a) This section is not applicable to the transporting~~
222 ~~of liquefied petroleum gas. The rules and regulations applicable~~
223 ~~to the transporting of liquefied petroleum gas on the highways,~~
224 ~~roads, or streets of this state shall be only those adopted by~~
225 ~~the Department of Agriculture and Consumer Services under~~
226 ~~chapter 527. However, transporters of liquefied petroleum gas~~
227 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
228 ~~396.9.~~

229 ~~(b)~~ This section does not apply to any nonpublic sector
230 bus.

231 Section 8. Paragraph (b) of subsection (3) and subsection
232 (5) of section 316.3025, Florida Statutes, are amended,
233 subsections (6) and (7) are renumbered as subsections (7) and
234 (8), respectively, and a new subsection (6) is added to that
235 section, to read:

236 316.3025 Penalties.—

237 (3)

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

239 1. Each violation of the North American Uniform Driver
240 Out-of-Service Criteria;

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

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

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

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

247 (5) Whenever any person or motor carrier as defined in
248 chapter 320 violates the provisions of this section and becomes
249 indebted to the state because of such violation and refuses to
250 pay the appropriate penalty, in addition to the provisions of s.
251 316.3026, such penalty becomes a lien upon the property
252 including the motor vehicles of such person or motor carrier and
253 may be seized and foreclosed by the state in a civil action in
254 any court of this state. It shall be presumed that the owner of
255 the motor vehicle is liable for the sum, and the vehicle may be
256 detained or impounded until the penalty is paid.

257 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
258 prohibits texting while operating a commercial motor vehicle, or
259 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
260 telephone while operating a commercial motor vehicle, may be
261 assessed a civil penalty and commercial driver license
262 disqualification as follows:

263 1. First violation: \$500.

264 2. Second violation: \$1,000 and a 60-day commercial driver
265 license disqualification pursuant to 49 C.F.R. part 383.

266 3. Third and subsequent violations: \$2,750 and a 120-day
267 commercial driver license disqualification pursuant to 49 C.F.R.
268 part 383.

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269 (b) A company requiring or allowing a driver to violate 49
270 C.F.R. s. 392.80, which prohibits texting while operating a
271 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
272 prohibits using a handheld mobile telephone while operating a
273 commercial motor vehicle, may, in addition to any other penalty
274 assessed, be assessed the following civil penalty. The driver
275 shall not be charged with an offense for the first violation
276 under this paragraph by the company.

- 277 1. First violation: \$2,750.
278 2. Second violation: \$5,000.
279 3. Third and subsequent violations: \$11,000.

280 Section 9. Paragraph (d) of subsection (3) of section
281 316.545, Florida Statutes, is amended to read:

282 316.545 Weight and load unlawful; special fuel and motor
283 fuel tax enforcement; inspection; penalty; review.—

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

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

292 Section 10. Subsection (1) of section 316.646, Florida
293 Statutes, is amended, and subsection (5) is added to that
294 section, to read:

295 316.646 Security required; proof of security and display
296 thereof; dismissal of cases.—

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297 (1) Any person required by s. 324.022 to maintain property
298 damage liability security, required by s. 324.023 to maintain
299 liability security for bodily injury or death, or required by s.
300 627.733 to maintain personal injury protection security on a
301 motor vehicle shall have in his or her immediate possession at
302 all times while operating such motor vehicle proper proof of
303 maintenance of the required security. Such proof shall be a
304 uniform proof-of-insurance card in a paper or an electronic
305 format in a form prescribed by the department, a valid insurance
306 policy, an insurance policy binder, a certificate of insurance,
307 or such other proof as may be prescribed by the department. If a
308 person presents to a law enforcement officer an electronic
309 device displaying a proof-of-insurance card in an electronic
310 format, such person:

311 (a) Is not consenting to access to any information on the
312 electronic device other than the displayed proof-of-insurance
313 card; and

314 (b) Assumes liability for any damage to the electronic
315 device.

316 (5) The department shall adopt rules to implement this
317 section.

318 Section 11. Section 317.0016, Florida Statutes, is amended
319 to read:

320 317.0016 Expedited service; applications; fees.—The
321 department shall provide, through its agents and for use by the
322 public, expedited service on title transfers, title issuances,
323 duplicate titles, and recordation of liens, ~~and certificates of~~
324 ~~repossession~~. A fee of \$7 shall be charged for this service,

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325 which is in addition to the fees imposed by ss. 317.0007 and
326 317.0008, and \$3.50 of this fee shall be retained by the
327 processing agency. All remaining fees shall be deposited in the
328 Incidental Trust Fund of the Florida Forest Service of the
329 Department of Agriculture and Consumer Services. Application for
330 expedited service may be made by mail or in person. The
331 department shall issue each title applied for pursuant to this
332 section within 5 working days after receipt of the application
333 except for an application for a duplicate title certificate
334 covered by s. 317.0008(3), in which case the title must be
335 issued within 5 working days after compliance with the
336 department's verification requirements.

337 Section 12. Paragraph (a) of subsection (4), subsection
338 (9), and subsection (10) of section 318.14, Florida Statutes,
339 are amended to read:

340 318.14 Noncriminal traffic infractions; exception;
341 procedures.—

342 (4) (a) 1. Except as provided in subsection (12), any person
343 charged with a noncriminal infraction under this section who
344 does not elect to appear shall, within 30 days after the date of
345 issuance of the citation:

346 ~~a.1.~~ Pay the civil penalty and delinquent fee, if
347 applicable, either by mail or in person; or

348 ~~b.2.~~ Enter into a payment plan in accordance with s.
349 28.246 with the clerk of the court to pay the civil penalty and
350 delinquent fee, if applicable.

351 (9) Any person who does not hold a commercial driver
352 license or commercial learner's permit and who is cited while

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353 driving a noncommercial motor vehicle for an infraction under
354 this section other than a violation of s. 316.183(2), s.
355 316.187, or s. 316.189 when the driver exceeds the posted limit
356 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
357 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
358 lieu of a court appearance, elect to attend in the location of
359 his or her choice within this state a basic driver improvement
360 course approved by the Department of Highway Safety and Motor
361 Vehicles. In such a case, adjudication must be withheld and
362 points, as provided by s. 322.27, may not be assessed. However,
363 a person may not make an election under this subsection if the
364 person has made an election under this subsection in the
365 preceding 12 months. A person may not make more than five
366 elections within his or her lifetime under this subsection. The
367 requirement for community service under s. 318.18(8) is not
368 waived by a plea of nolo contendere or by the withholding of
369 adjudication of guilt by a court. If a person makes an election
370 to attend a basic driver improvement course under this
371 subsection, 18 percent of the civil penalty imposed under s.
372 318.18(3) shall be deposited in the State Courts Revenue Trust
373 Fund; however, that portion is not revenue for purposes of s.
374 28.36 and may not be used in establishing the budget of the
375 clerk of the court under that section or s. 28.35.

376 (10) (a) Any person who does not hold a commercial driver
377 license or commercial learner's permit and who is cited while
378 driving a noncommercial motor vehicle for an offense listed
379 under this subsection may, in lieu of payment of fine or court
380 appearance, elect to enter a plea of nolo contendere and provide

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381 proof of compliance to the clerk of the court, designated
382 official, or authorized operator of a traffic violations bureau.
383 In such case, adjudication shall be withheld; however, a person
384 may not make an election under this subsection if the person has
385 made an election under this subsection in the preceding 12
386 months. A person may not make more than three elections under
387 this subsection. This subsection applies to the following
388 offenses:

389 1. Operating a motor vehicle without a valid driver
390 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
391 or operating a motor vehicle with a license that has been
392 suspended for failure to appear, failure to pay civil penalty,
393 or failure to attend a driver improvement course pursuant to s.
394 322.291.

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

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

398 4. Operating a motor vehicle with a license that has been
399 suspended under s. 61.13016 or s. 322.245 for failure to pay
400 child support or for failure to pay any other financial
401 obligation as provided in s. 322.245; however, this subparagraph
402 does not apply if the license has been suspended pursuant to s.
403 322.245(1).

404 5. Operating a motor vehicle with a license that has been
405 suspended under s. 322.091 for failure to meet school attendance
406 requirements.

407 (b) Any person cited for an offense listed in this
408 subsection shall present proof of compliance before the

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409 scheduled court appearance date. For the purposes of this
410 subsection, proof of compliance shall consist of a valid,
411 renewed, or reinstated driver license or registration
412 certificate and proper proof of maintenance of security as
413 required by s. 316.646. Notwithstanding waiver of fine, any
414 person establishing proof of compliance shall be assessed court
415 costs of \$25, except that a person charged with violation of s.
416 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
417 such costs shall be remitted to the Department of Revenue for
418 deposit into the Child Welfare Training Trust Fund of the
419 Department of Children and Family Services. One dollar of such
420 costs shall be distributed to the Department of Juvenile Justice
421 for deposit into the Juvenile Justice Training Trust Fund.
422 Fourteen dollars of such costs shall be distributed to the
423 municipality and \$9 shall be deposited by the clerk of the court
424 into the fine and forfeiture fund established pursuant to s.
425 142.01, if the offense was committed within the municipality. If
426 the offense was committed in an unincorporated area of a county
427 or if the citation was for a violation of s. 316.646(1)-(3), the
428 entire amount shall be deposited by the clerk of the court into
429 the fine and forfeiture fund established pursuant to s. 142.01,
430 except for the moneys to be deposited into the Child Welfare
431 Training Trust Fund and the Juvenile Justice Training Trust
432 Fund. This subsection does not authorize the operation of a
433 vehicle without a valid driver license, without a valid vehicle
434 tag and registration, or without the maintenance of required
435 security.

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436 Section 13. Section 318.1451, Florida Statutes, is amended
437 to read:

438 318.1451 Driver improvement schools.-

439 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
440 shall approve and regulate the courses of all driver improvement
441 schools, as the courses relate to ss. 318.14(9), 322.0261, and
442 322.291, including courses that use technology as a delivery
443 method. ~~The chief judge of the applicable judicial circuit may~~
444 ~~establish requirements regarding the location of schools within~~
445 ~~the judicial circuit. A person may engage in the business of~~
446 ~~operating a driver improvement school that offers department-~~
447 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
448 ~~322.291.~~

449 ~~(b) The department of Highway Safety and Motor Vehicles~~
450 ~~shall approve and regulate courses that use technology as the~~
451 ~~delivery method of all driver improvement schools as the courses~~
452 ~~relate to ss. 318.14(9) and 322.0261.~~

453 (2) (a) In determining whether to approve the courses
454 referenced in this section, the department shall consider course
455 content designed to promote safety, driver awareness, crash
456 avoidance techniques, and other factors or criteria to improve
457 driver performance from a safety viewpoint, including promoting
458 motorcyclist, bicyclist, and pedestrian safety and risk factors
459 resulting from driver attitude and irresponsible driver
460 behaviors, such as speeding, running red lights and stop signs,
461 and using electronic devices while driving. Initial approval of
462 the courses shall also be based on the department's review of
463 all course materials, course presentation to the department by

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464 the provider, and the provider's plan for effective oversight of
465 the course by those who deliver the course in the state. New
466 courses shall be provisionally approved and limited to the
467 judicial circuit originally approved for pilot testing until the
468 course is fully approved by the department for statewide
469 delivery.

470 (b) In determining whether to approve courses of driver
471 improvement schools that use technology as the delivery method
472 as the courses relate to ss. 318.14(9) and 322.0261, the
473 department shall consider only those courses submitted by a
474 person, business, or entity which have approval for statewide
475 delivery.

476 (3) ~~The department of Highway Safety and Motor Vehicles~~
477 ~~shall not accept suspend accepting~~ proof of attendance of
478 courses from persons who attend those schools that do not teach
479 an approved course. ~~In those circumstances, a person who has~~
480 ~~elected to take courses from such a school shall receive a~~
481 ~~refund from the school, and the person shall have the~~
482 ~~opportunity to take the course at another school.~~

483 (4) In addition to a regular course fee, an assessment fee
484 in the amount of \$2.50 shall be collected by the school from
485 each person who elects to attend a course, as it relates to ss.
486 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
487 must remit the \$2.50 assessment fee to the department for
488 deposit into, which shall be remitted to the Department of
489 Highway Safety and Motor Vehicles and deposited in the Highway
490 Safety Operating Trust Fund in order to receive unique course
491 completion certificate numbers for course participants. The

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492 assessment fee will be used to administer this program and to
493 fund the general operations of the department.

494 (5) (a) The department is authorized to maintain the
495 information and records necessary to administer its duties and
496 responsibilities for driver improvement courses. Course
497 providers are required to maintain all records related to the
498 conduct of their approved courses for 5 years and allow the
499 department to inspect course records as necessary. Records may
500 be maintained in an electronic format. If ~~Where~~ such information
501 is a public record as defined in chapter 119, it shall be made
502 available to the public upon request pursuant to s. 119.07(1).

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

508 (6) The department shall adopt rules establishing and
509 maintaining policies and procedures to implement the
510 requirements of this section. These policies and procedures may
511 include, but shall not be limited to, the following:

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

517 (b) Required updates.—The department may require that
518 courses approved under this section be updated at the
519 department's request. Failure of a course provider to update the

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520 course under this section shall result in the suspension of the
521 course approval until the course is updated and approved by the
522 department.

523 (c) Course conduct.—The department shall require that the
524 approved course providers ensure their driver improvement
525 schools are conducting the approved course fully and to the
526 required time limit and content requirements.

527 (d) Course content.—The department shall set and modify
528 course content requirements to keep current with laws and safety
529 information. Course content includes all items used in the
530 conduct of the course.

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

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

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

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

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

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546 2. Provide proof of ownership, copyright, or written
547 permission from the course owner to use the course in this
548 state.

549 3. Ensure that any course that is offered in a classroom
550 setting, by the provider or a school authorized by the provider
551 to teach the course, is offered at locations that are free from
552 distractions and reasonably accessible to most applicants.

553 4. Issue a certificate to persons who successfully
554 complete the course.

555 Section 14. Section 319.141, Florida Statutes, is created
556 to read:

557 319.141 Pilot program for private sector rebuilt vehicle
558 inspections.-

559 (1) Effective October 1, 2013, the department shall
560 conduct a pilot program to evaluate alternatives for rebuilt
561 vehicle inspection services to be offered by the private sector.
562 The purpose of the pilot program is for the department to
563 investigate the feasibility of private rebuilt vehicle
564 inspection facilities, the cost to the consumer, and the
565 potential savings to the department. The pilot program shall be
566 limited to Miami-Dade and Hillsborough Counties and will allow
567 participating private parties to conduct rebuilt vehicle
568 inspections.

569 (2) For the purpose of this pilot program, the term
570 "rebuilt inspection facility" means a privately owned and
571 operated entity authorized by the department to inspect rebuilt
572 vehicles for the department, and the term "rebuilt inspection"
573 means an inspection of a rebuilt vehicle and its properly

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574 endorsed certificate of title, salvage certificate of title, or
575 manufacturer's statement of origin submitted to the department,
576 together with an application for a rebuilt certificate of title,
577 a rebuilder's affidavit, a photo of the junk or salvage vehicle
578 taken before any repairs began, receipts or invoices for all
579 major component parts, as defined in s. 319.30(1), that were
580 changed, and proof of reporting of the rebuilding of the vehicle
581 to the National Motor Vehicle Title Information System.

582 (3) The department shall establish a memorandum of
583 understanding with each participant in the pilot program
584 covering oversight requirements, providing bonding and insurance
585 requirements, establishing procedures and forms, and requiring
586 the electronic transmission of rebuilt documents.

587 (4) Before any person or company can be approved by the
588 department as a rebuilt inspection facility, the department
589 shall ensure that the entity meets basic criteria designed to
590 protect the public, which includes the following minimum
591 criteria in addition to other such criteria that the department
592 finds necessary to conduct proper inspections. At a minimum, the
593 applicant must:

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

596 (b) Have and maintain garage liability insurance for the
597 rebuilt inspection facility.

598 (c) Have completed criminal background checks of all
599 owners, partners, corporate officers, and rebuilt inspectors
600 employed by the applicant's company.

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601 (5) Pilot program participants are required to access
602 vehicle and titling information and input inspection results
603 through an authorized electronic filing system.

604 (6) The department shall provide a report to the President
605 of the Senate and the Speaker of the House of Representatives
606 regarding results of the pilot program by February 1, 2015. This
607 section expires July 1, 2015, unless otherwise extended by an
608 act of the Legislature.

609 Section 15. Section 319.225, Florida Statutes, is amended
610 to read:

611 319.225 Transfer and reassignment forms; odometer
612 disclosure statements.—

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

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

623 (3) Each certificate of title issued by the department
624 must contain on its reverse side as many forms as space allows
625 for reassignment of title by a licensed dealer as permitted by
626 s. 319.21(3), which form or forms shall contain an odometer
627 disclosure statement in the form required by 49 C.F.R. s. 580.5.
628 When all dealer reassignment forms provided on the back of the

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629 title certificate have been filled in, a dealer may reassign the
630 title certificate by using a separate dealer reassignment form
631 issued by the department in compliance with 49 C.F.R. ss. 580.4
632 and 580.5, which form shall contain an original that ~~two carbon~~
633 ~~copies one of which~~ shall be submitted ~~directly~~ to the
634 department by the dealer ~~within 5 business days after the~~
635 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
636 dealer in his or her records for 5 years. The provisions of this
637 subsection shall also apply to vehicles not previously titled in
638 this state and vehicles whose title certificates do not contain
639 the forms required by this section.

640 (4) Upon transfer or reassignment of a certificate of
641 title to a used motor vehicle, the transferor shall complete the
642 odometer disclosure statement provided for by this section and
643 the transferee shall acknowledge the disclosure by signing and
644 printing his or her name in the spaces provided. This subsection
645 does not apply to a vehicle that has a gross vehicle rating of
646 more than 16,000 pounds, a vehicle that is not self-propelled,
647 or a vehicle that is 10 years old or older. A lessor who
648 transfers title to his or her vehicle without obtaining
649 possession of the vehicle shall make odometer disclosure as
650 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
651 or acknowledge a disclosure statement as required by this
652 subsection is guilty of a misdemeanor of the second degree,
653 punishable as provided in s. 775.082 or s. 775.083. The
654 department may not issue a certificate of title unless this
655 subsection has been complied with.

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

659 (6) (a) If the certificate of title is physically held by a
660 lienholder, the transferor may give a power of attorney to his
661 or her transferee for the purpose of odometer disclosure. The
662 power of attorney must be on a form issued or authorized by the
663 department, which form must be in compliance with 49 C.F.R. ss.
664 580.4 and 580.13. The department shall not require the signature
665 of the transferor to be notarized on the form; however, in lieu
666 of notarization, the form shall include an affidavit with the
667 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
668 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
669 ARE TRUE. The transferee shall sign the power of attorney form,
670 print his or her name, and return a copy of the power of
671 attorney form to the transferor. Upon receipt of a title
672 certificate, the transferee shall complete the space for mileage
673 disclosure on the title certificate exactly as the mileage was
674 disclosed by the transferor on the power of attorney form. If
675 the transferee is a licensed motor vehicle dealer who is
676 transferring the vehicle to a retail purchaser, the dealer shall
677 make application on behalf of the retail purchaser as provided
678 in s. 319.23(6) and shall submit the original power of attorney
679 form to the department with the application for title and the
680 transferor's title certificate; otherwise, a dealer may reassign
681 the title certificate by using the dealer reassignment form in
682 the manner prescribed in subsection (3), and, at the time of
683 physical transfer of the vehicle, the original power of attorney

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684 shall be delivered to the person designated as the transferee of
685 the dealer on the dealer reassignment form. ~~A copy of the~~
686 ~~executed power of attorney shall be submitted to the department~~
687 ~~with a copy of the executed dealer reassignment form within 5~~
688 ~~business days after the certificate of title and dealer~~
689 ~~reassignment form are delivered by the dealer to its transferee.~~

690 (b) If the certificate of title is lost or otherwise
691 unavailable, the transferor may give a power of attorney to his
692 or her transferee for the purpose of odometer disclosure. The
693 power of attorney must be on a form issued or authorized by the
694 department, which form must be in compliance with 49 C.F.R. ss.
695 580.4 and 580.13. The department shall not require the signature
696 of the transferor to be notarized on the form; however, in lieu
697 of notarization, the form shall include an affidavit with the
698 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
699 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
700 ARE TRUE. The transferee shall sign the power of attorney form,
701 print his or her name, and return a copy of the power of
702 attorney form to the transferor. Upon receipt of the title
703 certificate or a duplicate title certificate, the transferee
704 shall complete the space for mileage disclosure on the title
705 certificate exactly as the mileage was disclosed by the
706 transferor on the power of attorney form. If the transferee is a
707 licensed motor vehicle dealer who is transferring the vehicle to
708 a retail purchaser, the dealer shall make application on behalf
709 of the retail purchaser as provided in s. 319.23(6) and shall
710 submit the original power of attorney form to the department
711 with the application for title and the transferor's title

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712 certificate or duplicate title certificate; otherwise, a dealer
713 may reassign the title certificate by using the dealer
714 reassignment form in the manner prescribed in subsection (3),
715 and, at the time of physical transfer of the vehicle, the
716 original power of attorney shall be delivered to the person
717 designated as the transferee of the dealer on the dealer
718 reassignment form. If the dealer sells the vehicle to an out-of-
719 state resident or an out-of-state dealer and the power of
720 attorney form is applicable to the transaction, the dealer must
721 photocopy the completed original of the form and mail directly
722 to the department within 5 business days after the certificate
723 of title and dealer reassignment form are delivered by the
724 dealer to its purchaser. A copy of the executed power of
725 attorney shall be submitted to the department with a copy of the
726 executed dealer reassignment form within 5 business days after
727 the duplicate certificate of title and dealer reassignment form
728 are delivered by the dealer to its transferee.

729 (c) If the mechanics of the transfer of title to a motor
730 vehicle in accordance with the provisions of paragraph (a) or
731 paragraph (b) are determined to be incompatible with and
732 unlawful under the provisions of 49 C.F.R. part 580, the
733 transfer of title to a motor vehicle by operation of this
734 subsection can be effected in any manner not inconsistent with
735 49 C.F.R. part 580 and Florida law; provided, any power of
736 attorney form issued or authorized by the department under this
737 subsection shall contain an original that ~~two carbon copies, one~~
738 ~~of which~~ shall be submitted ~~directly~~ to the department by the
739 dealer ~~within 5 business days of use by the dealer~~ to effect

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740 transfer of a title certificate as provided in paragraphs (a)
741 and (b) and a copy that ~~one of which~~ shall be retained by the
742 dealer in its records for 5 years.

743 (d) Any person who fails to complete the information
744 required by this subsection or to file with the department the
745 forms required by this subsection is guilty of a misdemeanor of
746 the second degree, punishable as provided in s. 775.082 or s.
747 775.083. The department shall not issue a certificate of title
748 unless this subsection has been complied with.

749 (7) If a title is held electronically and the transferee
750 agrees to maintain the title electronically, the transferor and
751 transferee shall complete a secure reassignment document which
752 discloses the odometer reading and is signed by both the
753 transferor and transferee at the tax collector office or license
754 plate agency. Each certificate of title issued by the department
755 must contain on its reverse side a minimum of three ~~four~~ spaces
756 for notation of the name and license number of any auction
757 through which the vehicle is sold and the date the vehicle was
758 auctioned. Each separate dealer reassignment form issued by the
759 department must also have the space referred to in this section.
760 When a transfer of title is made at a motor vehicle auction, the
761 reassignment must note the name and address of the auction, but
762 the auction shall not thereby be deemed to be the owner, seller,
763 transferor, or assignor of title. A motor vehicle auction is
764 required to execute a dealer reassignment only when it is the
765 owner of a vehicle being sold.

766 (8) Upon transfer or reassignment of a used motor vehicle
767 through the services of an auction, the auction shall complete

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768 the information in the space provided for by subsection (7). Any
769 person who fails to complete the information as required by this
770 subsection is guilty of a misdemeanor of the second degree,
771 punishable as provided in s. 775.082 or s. 775.083. The
772 department shall not issue a certificate of title unless this
773 subsection has been complied with.

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

776 Section 16. Subsection (9) of section 319.23, Florida
777 Statutes, is amended to read:

778 319.23 Application for, and issuance of, certificate of
779 title.—

780 (9) The title certificate or application for title must
781 contain the applicant's full first name, middle initial, last
782 name, date of birth, sex, and the license plate number. An
783 individual applicant must provide ~~personal or business~~
784 identification, which may include, but need not be limited to, a
785 valid driver ~~driver's~~ license or identification card issued by
786 number, Florida or another state, or a valid passport. A
787 business applicant must provide a ~~identification card number, or~~
788 federal employer identification number, if applicable,
789 verification that the business is authorized to conduct business
790 in the state, or a Florida city or county business license or
791 number. In lieu of ~~and~~ the license plate number, the individual
792 or business applicant must provide ~~or, in lieu thereof,~~ an
793 affidavit certifying that the motor vehicle to be titled will
794 not be operated upon the public highways of this state.

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795 Section 17. Paragraph (b) of subsection (2) of section
796 319.28, Florida Statutes, is amended to read:

797 319.28 Transfer of ownership by operation of law.—

798 (2)

799 (b) In case of repossession of a motor vehicle or mobile
800 home pursuant to the terms of a security agreement or similar
801 instrument, an affidavit by the party to whom possession has
802 passed stating that the vehicle or mobile home was repossessed
803 upon default in the terms of the security agreement or other
804 instrument shall be considered satisfactory proof of ownership
805 and right of possession. At least 5 days before ~~prior to~~ selling
806 the repossessed vehicle, any subsequent lienholder named in the
807 last issued certificate of title shall be sent notice of the
808 repossession by certified mail, on a form prescribed by the
809 department. If such notice is given and no written protest to
810 the department is presented by a subsequent lienholder within 15
811 days after ~~from~~ the date on which the notice was mailed, the
812 certificate of title ~~or the certificate of repossession~~ shall be
813 issued showing no liens. If the former owner or any subsequent
814 lienholder files a written protest under oath within such 15-day
815 period, the department shall not issue the certificate of title
816 ~~or certificate of repossession~~ for 10 days thereafter. If within
817 the 10-day period no injunction or other order of a court of
818 competent jurisdiction has been served on the department
819 commanding it not to deliver the certificate of title ~~or~~
820 ~~certificate of repossession~~, the department shall deliver the
821 certificate of title ~~or repossession~~ to the applicant or as may
822 otherwise be directed in the application showing no other liens

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823 than those shown in the application. Any lienholder who has
824 repossessed a vehicle in this state in compliance with the
825 provisions of this section must apply to a tax collector's
826 office in this state or to the department for a ~~certificate of~~
827 ~~repossession or to the department for a~~ certificate of title
828 pursuant to s. 319.323. Proof of the required notice to
829 subsequent lienholders shall be submitted together with regular
830 title fees. ~~A lienholder to whom a certificate of repossession~~
831 ~~has been issued may assign the certificate of title to the~~
832 ~~subsequent owner.~~ Any person found guilty of violating any
833 requirements of this paragraph shall be guilty of a felony of
834 the third degree, punishable as provided in s. 775.082, s.
835 775.083, or s. 775.084.

836 Section 18. Paragraphs (n) through (v) of subsection (1),
837 paragraph (c) of subsection (2), and subsections (3), (7), and
838 (9) of section 319.30, Florida Statutes, are amended, subsection
839 (11) is redesignated as subsection (12), and a new subsection
840 (11) is added to that section, to read:

841 319.30 Definitions; dismantling, destruction, change of
842 identity of motor vehicle or mobile home; salvage.—

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

844 (n) "National Motor Vehicle Title Information System"
845 means the national, mandated vehicle history database required
846 under 28 C.F.R. part 25 and maintained for the United States
847 Department of Justice that links the states' motor vehicle title
848 records, including the department's motor vehicle title records,
849 and requires the reporting of junk and salvage motor vehicles in
850 order to ensure that states, law enforcement agencies, and

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851 consumers have access to vehicle titling, branding, and other
852 information to verify the accuracy and legality of motor vehicle
853 titles before purchase or title transfer of the vehicle occurs.

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

856 1. Has no resale value except as a source of parts or
857 scrap metal or that the owner irreversibly designates as a
858 source of parts or scrap metal or for destruction; or

859 2. Has little or no resale value other than its worth as a
860 source of a vehicle identification number that could be used
861 illegally and:

862 a. Has been substantially stripped as a result of theft;
863 or

864 b. Is missing all of the bolt-on sheet metal body panels,
865 all of the doors and hatches, substantially all of the interior
866 components, and substantially all of the grill and light
867 assemblies; or

868 3. Is a substantially burned vehicle that:

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

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

876 (p) ~~(n)~~ "Parts" means parts of motor vehicles or
877 combinations thereof that do not constitute materials or
878 prepared materials.

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879 ~~(g)~~ "Prepared materials" means motor vehicles, mobile
880 homes, derelict motor vehicles, major parts, or parts that have
881 been processed by mechanically flattening or crushing, or
882 otherwise processed such that they are not the motor vehicle or
883 mobile home described in the certificate of title, or their only
884 value is as scrap metal.

885 ~~(r)~~ "Processing" means the business of performing the
886 manufacturing process by which ferrous metals or nonferrous
887 metals are converted into raw material products consisting of
888 prepared grades and having an existing or potential economic
889 value, or the purchase of materials, prepared materials, or
890 parts therefor.

891 ~~(s)~~ "Recreational vehicle" means a motor vehicle as
892 defined in s. 320.01(1).

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

895 ~~(u)~~ "Salvage certificate of title" means a salvage
896 certificate of title issued by the department or by another
897 motor vehicle department authorized to issue titles in another
898 state.

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

901 ~~(w)~~ "Secondary metals recycler" means secondary metals
902 recycler as defined in s. 538.18.

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

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906 (y)~~(v)~~ "Seller" means the owner of record or a person who
907 has physical possession and responsibility for a derelict motor
908 vehicle and attests that possession of the vehicle was obtained
909 through lawful means along with all ownership rights. A seller
910 does not include a towing company, repair shop, or landlord
911 unless the towing company, repair shop, or landlord has obtained
912 title, salvage title, or a certificate of destruction in the
913 name of the towing company, repair shop, or landlord.

914 (2)

915 (c)1. When a derelict motor vehicle is sold, transported,
916 or delivered to a licensed salvage motor vehicle dealer, the
917 purchaser shall record the date of purchase and the name,
918 address, and valid Florida driver's license number or valid
919 Florida identification card number, or a valid driver's license
920 number or identification card number issued by another state, of
921 the person selling the derelict motor vehicle, and it shall be
922 accompanied by:

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

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

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

929 2. If a valid certificate of title, salvage certificate of
930 title, or certificate of destruction is not available, a
931 derelict motor vehicle certificate application shall be
932 completed by the seller or owner of the motor vehicle or mobile
933 home, the seller's or owner's authorized transporter, and the

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934 licensed salvage motor vehicle dealer at the time of sale,
935 transport, or delivery to the licensed salvage motor vehicle
936 dealer. The derelict motor vehicle certificate application shall
937 be used by the seller or owner, the seller's or owner's
938 authorized transporter, and the licensed salvage motor vehicle
939 dealer to obtain a derelict motor vehicle certificate from the
940 department. The derelict motor vehicle certificate application
941 must be accompanied by a legible copy of the seller's or owner's
942 valid Florida driver's license or Florida identification card,
943 or a valid driver's license or identification card issued by
944 another state. If the seller is not the owner of record of the
945 vehicle being sold, the dealer shall, at the time of sale,
946 ensure that a smudge-free right thumbprint, or other digit if
947 the seller has no right thumb, of the seller is imprinted upon
948 the derelict motor vehicle certificate application and that a
949 legible copy of the seller's driver's license or identification
950 card is affixed to the application and transmitted to the
951 department. The licensed salvage motor vehicle dealer shall
952 secure the derelict motor vehicle for 3 full business days,
953 excluding weekends and holidays, if there is no active lien or a
954 lien of 3 years or more on the department's records before
955 destroying or dismantling the derelict motor vehicle and shall
956 follow all reporting procedures established by the department,
957 including electronic notification to the department or delivery
958 of the original derelict motor vehicle certificate application
959 to an agent of the department within 24 hours after receiving
960 the derelict motor vehicle. If there is an active lien of less
961 than 3 years on the derelict motor vehicle, the licensed salvage

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962 motor vehicle dealer shall secure the derelict motor vehicle for
963 10 days. The department shall notify the lienholder that a
964 derelict motor vehicle certificate has been issued and shall
965 notify the lienholder of its intention to remove the lien. Ten
966 days after receipt of the motor vehicle derelict certificate
967 application, the department may remove the lien from its records
968 if a written statement protesting removal of the lien is not
969 received by the department from the lienholder within the 10-day
970 period. However, if the lienholder files with the department and
971 the licensed salvage motor vehicle dealer within the 10-day
972 period a written statement that the lien is still outstanding,
973 the department shall not remove the lien and shall place an
974 administrative hold on the record for 30 days to allow the
975 lienholder to apply for title to the vehicle or a repossession
976 certificate under s. 319.28. The licensed salvage motor vehicle
977 dealer must secure the derelict motor vehicle until the
978 department's administrative stop is removed, the lienholder
979 submits a lien satisfaction, or the lienholder takes possession
980 of the vehicle. The licensed salvage motor vehicle dealer may
981 require the lienholder to reimburse him or her only for such
982 dealer's purchase price of the derelict vehicle and may not
983 include any towing costs, storage fees, administrative fees, or
984 other costs.

985 3. Any person who knowingly violates this paragraph by
986 selling, transporting, delivering, purchasing, or receiving a
987 derelict motor vehicle without obtaining a certificate of title,
988 salvage certificate of title, certificate of destruction, or
989 derelict motor vehicle certificate application; enters false or

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990 fictitious information on a derelict motor vehicle certificate
991 application; does not complete the derelict motor vehicle
992 certificate application as required; does not obtain a legible
993 copy of the seller's or owner's valid driver's license or
994 identification card when required; does not make the required
995 notification to the department; or destroys or dismantles a
996 derelict motor vehicle without waiting the required time as set
997 forth in subparagraph 2. commits a felony of the third degree,
998 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

999 (3) (a)1. As used in this section, a motor vehicle or
1000 mobile home is a "total loss":

1001 a. When an insurance company pays the vehicle owner to
1002 replace the wrecked or damaged vehicle with one of like kind and
1003 quality or when an insurance company pays the owner upon the
1004 theft of the motor vehicle or mobile home; or

1005 b. When an uninsured or self-insured motor vehicle or
1006 mobile home is wrecked or damaged and the cost, at the time of
1007 loss, of repairing or rebuilding the vehicle is 80 percent or
1008 more of the cost to the owner of replacing the wrecked or
1009 damaged motor vehicle or mobile home with one of like kind and
1010 quality.

1011 2. A motor vehicle or mobile home shall not be considered
1012 a "total loss" if the insurance company and owner of a motor
1013 vehicle or mobile home agree to repair, rather than to replace,
1014 the motor vehicle or mobile home. ~~However, if the actual cost to~~
1015 ~~repair the motor vehicle or mobile home to the insurance company~~
1016 ~~exceeds 100 percent of the cost of replacing the wrecked or~~
1017 ~~damaged motor vehicle or mobile home with one of like kind and~~

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1018 ~~quality, the owner shall forward to the department, within 72~~
1019 ~~hours after the agreement, a request to brand the certificate of~~
1020 ~~title with the words "Total Loss Vehicle." Such a brand shall~~
1021 ~~become a part of the vehicle's title history.~~

1022 (b) The owner, including ~~persons who are~~ self-insured
1023 entities, of any motor vehicle or mobile home which is
1024 considered to be salvage shall, within 72 hours after the motor
1025 vehicle or mobile home becomes salvage, forward the title to the
1026 motor vehicle or mobile home to the department for processing.
1027 However, an insurance company which pays money as compensation
1028 for total loss of a motor vehicle or mobile home shall obtain
1029 the certificate of title for the motor vehicle or mobile home
1030 and, within 72 hours after receiving such certificate of title,
1031 shall forward such title to the department for processing and
1032 make the required notification to the National Motor Vehicle
1033 Title Information System. The owner, ~~or~~ insurance company, or
1034 self-insured entity, as the case may be, may not dispose of a
1035 vehicle or mobile home that is a total loss before it has
1036 obtained a salvage certificate of title or certificate of
1037 destruction from the department. When applying for a salvage
1038 certificate of title or certificate of destruction, the owner,
1039 ~~or~~ insurance company, or self-insured entity must provide the
1040 department with an estimate of the costs of repairing the
1041 physical and mechanical damage suffered by the vehicle for which
1042 a salvage certificate of title or certificate of destruction is
1043 sought. If the motor vehicle is a nonrepairable vehicle
1044 ~~estimated costs of repairing the physical and mechanical damage~~
1045 ~~to the vehicle are equal to 80 percent or more of the current~~

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1046 ~~retail cost of the vehicle, as established in any official used~~
1047 ~~car or used mobile home guide,~~ the department shall declare the
1048 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a
1049 certificate of destruction, which authorizes the dismantling or
1050 destruction of the motor vehicle or mobile home described
1051 therein by a licensed salvage motor vehicle dealer. However, if
1052 the damaged motor vehicle is equipped with custom-lowered floors
1053 for wheelchair access or a wheelchair lift, the insurance
1054 company may, upon determining that the vehicle is repairable to
1055 a condition that is safe for operation on public roads, submit
1056 the certificate of title to the department for reissuance as a
1057 salvage rebuildable title and the addition of a title brand of
1058 "insurance-declared total loss." The certificate of destruction
1059 shall be reassignable a maximum of two times before dismantling
1060 or destruction of the vehicle shall be required, and shall
1061 accompany the motor vehicle or mobile home for which it is
1062 issued, when such motor vehicle or mobile home is sold for such
1063 purposes, in lieu of a certificate of title, and, thereafter,
1064 the department shall refuse issuance of any certificate of title
1065 for that vehicle. Nothing in this subsection shall be applicable
1066 when a vehicle is worth less than \$1,500 retail in undamaged
1067 condition in any official used motor vehicle guide or used
1068 mobile home guide or when a stolen motor vehicle or mobile home
1069 is recovered in substantially intact condition with all major
1070 component parts present and is readily resalable without
1071 extensive repairs ~~to or replacement of the frame or engine~~. Any
1072 person who knowingly violates this paragraph or falsifies any
1073 document to avoid the requirements of this paragraph commits a

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1074 misdemeanor of the first degree, punishable as provided in s.
1075 775.082 or s. 775.083.

1076 (7) (a) In the event of a purchase by a secondary metals
1077 recycler, that has been issued a certificate of registration
1078 number, of:

1079 1. Materials, prepared materials, or parts from any seller
1080 for purposes other than the processing of such materials,
1081 prepared materials, or parts, the purchaser shall obtain such
1082 documentation as may be required by this section and shall
1083 record the seller's name and address, date of purchase, and the
1084 personal identification card number of the person delivering
1085 such items.

1086 2. Parts or prepared materials from any seller for
1087 purposes of the processing of such parts or prepared materials,
1088 the purchaser shall record the seller's name and address and
1089 date of purchase and, in the event of a purchase transaction
1090 consisting primarily of parts or prepared materials, the
1091 personal identification card number of the person delivering
1092 such items.

1093 3. Materials from another secondary metals recycler for
1094 purposes of the processing of such materials, the purchaser
1095 shall record the seller's name and address and date of purchase.

1096 4.a. Motor vehicles, recreational vehicles, mobile homes,
1097 or derelict motor vehicles from other than a secondary metals
1098 recycler for purposes of the processing of such motor vehicles,
1099 recreational vehicles, mobile homes, or derelict motor vehicles,
1100 the purchaser shall record the date of purchase and the name,
1101 address, and personal identification card number of the person

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1102 selling such items and shall obtain the following documentation
1103 from the seller with respect to each item purchased:

1104 (I) A valid certificate of title issued in the name of the
1105 seller or properly endorsed, as required in s. 319.22, over to
1106 the seller;

1107 (II) A valid salvage certificate of title issued in the
1108 name of the seller or properly endorsed, as required in s.
1109 319.22, over to the seller;

1110 (III) A valid certificate of destruction issued in the
1111 name of the seller or properly endorsed over to the seller; or

1112 (IV) A valid derelict motor vehicle certificate obtained
1113 from the department by a licensed salvage motor vehicle dealer
1114 and properly reassigned to the secondary metals recycler.

1115 b. If a valid certificate of title, salvage certificate of
1116 title, certificate of destruction, or derelict motor vehicle
1117 certificate is not available and the motor vehicle or mobile
1118 home is a derelict motor vehicle, a derelict motor vehicle
1119 certificate application shall be completed by the seller or
1120 owner of the motor vehicle or mobile home, the seller's or
1121 owner's authorized transporter, and the registered secondary
1122 metals recycler at the time of sale, transport, or delivery to
1123 the registered secondary metals recycler to obtain a derelict
1124 motor vehicle certificate from the department. The derelict
1125 motor vehicle certificate application must be accompanied by a
1126 legible copy of the seller's or owner's valid Florida driver's
1127 license or Florida identification card, or a valid driver's
1128 license or identification card from another state. If the seller
1129 is not the owner of record of the vehicle being sold, the

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1130 | recycler shall, at the time of sale, ensure that a smudge-free
1131 | right thumbprint, or other digit if the seller has no right
1132 | thumb, of the seller is imprinted upon the derelict motor
1133 | vehicle certificate application and that the legible copy of the
1134 | seller's driver's license or identification card is affixed to
1135 | the application and transmitted to the department. The derelict
1136 | motor vehicle certificate shall be used by the owner, the
1137 | owner's authorized transporter, and the registered secondary
1138 | metals recycler. The registered secondary metals recycler shall
1139 | secure the derelict motor vehicle for 3 full business days,
1140 | excluding weekends and holidays, if there is no active lien or a
1141 | lien of 3 years or more on the department's records before
1142 | destroying or dismantling the derelict motor vehicle and shall
1143 | follow all reporting procedures established by the department,
1144 | including electronic notification to the department or delivery
1145 | of the original derelict motor vehicle certificate application
1146 | to an agent of the department within 24 hours after receiving
1147 | the derelict motor vehicle. If there is an active lien of less
1148 | than 3 years on the derelict motor vehicle, the registered
1149 | secondary metals recycler shall secure the derelict motor
1150 | vehicle for 10 days. The department shall notify the lienholder
1151 | of the application for a derelict motor vehicle certificate and
1152 | shall notify the lienholder of its intention to remove the lien.
1153 | Ten days after receipt of the motor vehicle derelict
1154 | application, the department may remove the lien from its records
1155 | if a written statement protesting removal of the lien is not
1156 | received by the department from the lienholder within the 10-day
1157 | period. However, if the lienholder files with the department and

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1158 the registered secondary metals recycler within the 10-day
1159 period a written statement that the lien is still outstanding,
1160 the department shall not remove the lien and shall place an
1161 administrative hold on the record for 30 days to allow the
1162 lienholder to apply for title to the vehicle or a repossession
1163 certificate under s. 319.28. The registered secondary metals
1164 recycler must secure the derelict motor vehicle until the
1165 department's administrative stop is removed, the lienholder
1166 submits a lien satisfaction, or the lienholder takes possession
1167 of the vehicle. The registered secondary metals recycler may
1168 require the lienholder to reimburse him or her only for the
1169 recycler's purchase price of the derelict vehicle and may not
1170 include any towing costs, storage fees, administrative fees, or
1171 other costs.

1172 c. Any person who knowingly violates this subparagraph by
1173 selling, transporting, delivering, purchasing, or receiving a
1174 motor vehicle, recreational motor vehicle, mobile home, or
1175 derelict motor vehicle without obtaining a certificate of title,
1176 salvage certificate of title, certificate of destruction, or
1177 derelict motor vehicle certificate; enters false or fictitious
1178 information on a derelict motor vehicle certificate application;
1179 does not complete the derelict motor vehicle certificate
1180 application as required or does not make the required
1181 notification to the department; does not obtain a legible copy
1182 of the seller's or owner's driver's license or identification
1183 card when required; or destroys or dismantles a derelict motor
1184 vehicle without waiting the required time as set forth in sub-

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1185 subparagraph b. commits a felony of the third degree, punishable
1186 as provided in s. 775.082, s. 775.083, or s. 775.084.

1187 5. Major parts from other than a secondary metals recycler
1188 for purposes of the processing of such major parts, the
1189 purchaser shall record the seller's name, address, date of
1190 purchase, and the personal identification card number of the
1191 person delivering such items, as well as the vehicle
1192 identification number, if available, of each major part
1193 purchased.

1194 (b) Any person who violates this subsection commits a
1195 felony of the third degree, punishable as provided in s.
1196 775.082, s. 775.083, or s. 775.084.

1197 (8) (a) Secondary metals recyclers and salvage motor
1198 vehicle dealers shall return to the department on a monthly
1199 basis all certificates of title and salvage certificates of
1200 title that are required by this section to be obtained.
1201 Secondary metals recyclers and salvage motor vehicle dealers may
1202 elect to notify the department electronically through procedures
1203 established by the department when they receive each motor
1204 vehicle or mobile home, salvage motor vehicle or mobile home, or
1205 derelict motor vehicle with a certificate of title or salvage
1206 certificate of title through procedures established by the
1207 department. The department may adopt rules and establish fees as
1208 it deems necessary or proper for the administration of the
1209 electronic notification service.

1210 (b) Secondary metals recyclers and salvage motor vehicle
1211 dealers shall keep originals, or a copy in the event the
1212 original was returned to the department, of all certificates of

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1213 title, salvage certificates of title, certificates of
1214 destruction, derelict motor vehicle certificates, proof of
1215 reporting to the National Motor Vehicle Title Information
1216 System, and all other information required by this section to be
1217 recorded or obtained, on file in the offices of such secondary
1218 metals recyclers or salvage motor vehicle dealers for a period
1219 of 3 years after the date of purchase of the items reflected in
1220 such certificates of title, salvage certificates of title,
1221 certificates of destruction, or derelict motor vehicle
1222 certificates. These records shall be maintained in chronological
1223 order.

1224 (c) Secondary metals recyclers and salvage motor vehicle
1225 dealers shall make the required notifications each month to the
1226 National Motor Vehicle Title Information System on all junk,
1227 derelict, or salvage motor vehicles that were obtained in whole
1228 or in part as required in 28 C.F.R. part 25.

1229 (d)-(e) For the purpose of enforcement of this section, the
1230 department or its agents and employees have the same right of
1231 inspection as law enforcement officers as provided in s.
1232 812.055.

1233 (e)-(d) Whenever the department, its agent or employee, or
1234 any law enforcement officer has reason to believe that a stolen
1235 or fraudulently titled motor vehicle, mobile home, recreational
1236 vehicle, salvage motor vehicle, or derelict motor vehicle is in
1237 the possession of a salvage motor vehicle dealer or secondary
1238 metals recycler, the department, its agent or employee, or the
1239 law enforcement officer may issue an extended hold notice, not
1240 to exceed 5 additional business days, excluding weekends and

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1241 holidays, to the salvage motor vehicle dealer or registered
1242 secondary metals recycler.

1243 (f)~~(e)~~ Whenever a salvage motor vehicle dealer or
1244 registered secondary metals recycler is notified by the
1245 department, its agent or employee, or any law enforcement
1246 officer to hold a motor vehicle, mobile home, recreational
1247 vehicle, salvage motor vehicle, or derelict motor vehicle that
1248 is believed to be stolen or fraudulently titled, the salvage
1249 motor vehicle dealer or registered secondary metals recycler
1250 shall hold the motor vehicle, mobile home, recreational vehicle,
1251 salvage motor vehicle, or derelict motor vehicle and may not
1252 dismantle or destroy the motor vehicle, mobile home,
1253 recreational vehicle, salvage motor vehicle, or derelict motor
1254 vehicle until it is recovered by a law enforcement officer, the
1255 hold is released by the department or the law enforcement
1256 officer placing the hold, or the 5 additional business days have
1257 passed since being notified of the hold.

1258 (g)~~(f)~~ This section does not authorize any person who is
1259 engaged in the business of recovering, towing, or storing
1260 vehicles pursuant to s. 713.78, and who is claiming a lien for
1261 performing labor or services on a motor vehicle or mobile home
1262 pursuant to s. 713.58, or is claiming that a motor vehicle or
1263 mobile home has remained on any premises after tenancy has
1264 terminated pursuant to s. 715.104, to use a derelict motor
1265 vehicle certificate application for the purpose of transporting,
1266 selling, disposing of, or delivering a motor vehicle to a
1267 salvage motor vehicle dealer or secondary metals recycler

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1268 without obtaining the title or certificate of destruction
1269 required under s. 713.58, s. 713.78, or s. 715.104.

1270 ~~(g)~~ (h) The department shall accept all properly endorsed
1271 and completed derelict motor vehicle certificate applications
1272 and shall issue a derelict motor vehicle certificate having an
1273 effective date that authorizes when a derelict motor vehicle is
1274 eligible for dismantling or destruction. The electronic
1275 information obtained from the derelict motor vehicle certificate
1276 application shall be stored electronically and shall be made
1277 available to authorized persons after issuance of the derelict
1278 motor vehicle certificate in the Florida Real Time Vehicle
1279 Information System.

1280 ~~(h)~~ (i) The department is authorized to adopt rules
1281 pursuant to ss. 120.536(1) and 120.54 establishing policies and
1282 procedures to administer and enforce this section.

1283 ~~(i)~~ (j) The department shall charge a fee of \$3 for each
1284 derelict motor vehicle certificate delivered to the department
1285 or one of its agents for processing and shall mark the title
1286 record canceled. A service charge may be collected under s.
1287 320.04.

1288 ~~(j)~~ (k) The licensed salvage motor vehicle dealer or
1289 registered secondary metals recycler shall make all payments for
1290 the purchase of any derelict motor vehicle that is sold by a
1291 seller who is not the owner of record on file with the
1292 department by check or money order made payable to the seller
1293 and may not make payment to the authorized transporter. The
1294 licensed salvage motor vehicle dealer or registered secondary

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1295 metals recycler may not cash the check that such dealer or
1296 recycler issued to the seller.

1297 (9) (a) An insurance company may notify an independent
1298 entity that obtains possession of a damaged or dismantled motor
1299 vehicle to release the vehicle to the owner. The insurance
1300 company shall provide the independent entity a release statement
1301 on a form prescribed by the department authorizing the
1302 independent entity to release the vehicle to the owner. The form
1303 shall, at a minimum, contain the following:

- 1304 1. The policy and claim number.
- 1305 2. The name and address of the insured.
- 1306 3. The vehicle identification number.
- 1307 4. The signature of an authorized representative of the
1308 insurance company.

1309 (b) The independent entity in possession of a motor
1310 vehicle must send a notice to the owner that the vehicle is
1311 available for pick up when it receives a release statement from
1312 the insurance company. The notice shall be sent by certified
1313 mail to the owner at the owner's address reflected in the
1314 department's records. The notice must inform the owner that the
1315 owner has 30 days after receipt of the notice to pick up the
1316 vehicle from the independent entity. If the motor vehicle is not
1317 claimed within 30 days after the owner receives the notice, the
1318 independent entity may apply for a certificate of destruction or
1319 a certificate of title.

1320 (c) The independent entity shall make the required
1321 notification to the National Motor Vehicle Title Information
1322 System before releasing any damaged or dismantled motor vehicle

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1323 to the owner or before applying for a certificate of destruction
1324 or salvage certificate of title.

1325 ~~(d)~~ (e) Upon applying for a certificate of destruction or
1326 salvage certificate of title, the independent entity shall
1327 provide a copy of the release statement from the insurance
1328 company to the independent entity, proof of providing the 30-day
1329 notice to the owner, proof of notification to the National Motor
1330 Vehicle Title Information System, and applicable fees.

1331 ~~(e)~~ (d) The independent entity may not charge an owner of
1332 the vehicle storage fees or apply for a title under s. 713.585
1333 or s. 713.78.

1334 (11) A salvage motor vehicle dealer, secondary metals
1335 recycler, auction, independent entity, or self-insured entity
1336 that deals in salvage motor vehicles as defined in this section
1337 must be registered with the National Motor Vehicle Title
1338 Information System and must provide its registration number
1339 before being licensed by the department or before the department
1340 processes any certificate of title, salvage certificate of
1341 title, certificate of destruction, or derelict certificate.

1342 ~~(12)~~ (11) Except as otherwise provided in this section, any
1343 person who violates this section commits a felony of the third
1344 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1345 775.084.

1346 Section 19. Section 319.323, Florida Statutes, is amended
1347 to read:

1348 319.323 Expedited service; applications; fees.—The
1349 department shall establish a separate title office which may be
1350 used by private citizens and licensed motor vehicle dealers to

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1351 receive expedited service on title transfers, title issuances,
1352 duplicate titles, and recordation of liens, ~~and certificates of~~
1353 ~~repossession~~. A fee of \$10 shall be charged for this service,
1354 which fee is in addition to the fees imposed by s. 319.32. The
1355 fee, after deducting the amount referenced by s. 319.324 and
1356 \$3.50 to be retained by the processing agency, shall be
1357 deposited into the General Revenue Fund. Application for
1358 expedited service may be made by mail or in person. The
1359 department shall issue each title applied for under this section
1360 within 5 working days after receipt of the application except
1361 for an application for a duplicate title certificate covered by
1362 s. 319.23(4), in which case the title must be issued within 5
1363 working days after compliance with the department's verification
1364 requirements.

1365 Section 20. Subsections (24) through (46) of section
1366 320.01, Florida Statutes, are renumbered as subsections (23)
1367 through (45), respectively, and present subsections (23) and
1368 (25) of that section are amended to read:

1369 320.01 Definitions, general.—As used in the Florida
1370 Statutes, except as otherwise provided, the term:

1371 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1372 ~~which is required to be registered, or with respect to which an~~
1373 ~~election has been made to register it, under the International~~
1374 ~~Registration Plan.~~

1375 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
1376 recreational vehicles, vehicles displaying restricted plates,
1377 city pickup and delivery vehicles, buses used in transportation
1378 of chartered parties, and government-owned vehicles, which is

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1379 used or intended for use in two or more member jurisdictions
1380 that allocate or proportionally register vehicles and which is
1381 used for the transportation of persons for hire or is designed,
1382 used, or maintained primarily for the transportation of property
1383 and:

1384 (a) Is a power unit having a gross vehicle weight in
1385 excess of 26,000 ~~26,001~~ pounds;

1386 (b) Is a power unit having three or more axles, regardless
1387 of weight; or

1388 (c) Is used in combination, when the weight of such
1389 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1390

1391 Vehicles, or combinations thereof, having a gross vehicle weight
1392 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1393 proportionally registered.

1394 Section 21. Paragraph (a) of subsection (2) and paragraph
1395 (a) of subsection (5) of section 320.02, Florida Statutes, are
1396 amended to read:

1397 320.02 Registration required; application for
1398 registration; forms.—

1399 (2) (a) The application for registration shall include the
1400 street address of the owner's permanent residence or the address
1401 of his or her permanent place of business and shall be
1402 accompanied by personal or business identification information.
1403 An individual applicant must provide ~~which may include, but need~~
1404 ~~not be limited to,~~ a valid driver license or number, Florida
1405 identification card issued by this state or another state or a
1406 valid passport. A business applicant must provide a ~~number, or~~

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1407 federal employer identification number, if applicable, or
1408 verification that the business is authorized to conduct business
1409 in the state, or a Florida city or county business license or
1410 number.

1411 1. If the owner does not have a permanent residence or
1412 permanent place of business or if the owner's permanent
1413 residence or permanent place of business cannot be identified by
1414 a street address, the application shall include:

1415 a.1. If the vehicle is registered to a business, the name
1416 and street address of the permanent residence of an owner of the
1417 business, an officer of the corporation, or an employee who is
1418 in a supervisory position.

1419 b.2. If the vehicle is registered to an individual, the
1420 name and street address of the permanent residence of a close
1421 relative or friend who is a resident of this state.

1422 2. If the vehicle is registered to an active duty member
1423 of the Armed Forces of the United States who is a Florida
1424 resident, the active duty member is exempt from the requirement
1425 to provide the street address of a permanent residence.

1426 (5) (a) Proof that personal injury protection benefits have
1427 been purchased when required under s. 627.733, that property
1428 damage liability coverage has been purchased as required under
1429 s. 324.022, that bodily injury or death coverage has been
1430 purchased if required under s. 324.023, and that combined bodily
1431 liability insurance and property damage liability insurance have
1432 been purchased when required under s. 627.7415 shall be provided
1433 in the manner prescribed by law by the applicant at the time of
1434 application for registration of any motor vehicle that is

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1435 subject to such requirements. The issuing agent shall refuse to
1436 issue registration if such proof of purchase is not provided.
1437 Insurers shall furnish uniform proof-of-purchase cards in a
1438 paper or an electronic format in a form prescribed by the
1439 department and shall include the name of the insured's insurance
1440 company, the coverage identification number, and the make, year,
1441 and vehicle identification number of the vehicle insured. The
1442 card shall contain a statement notifying the applicant of the
1443 penalty specified in s. 316.646(4). The card or insurance
1444 policy, insurance policy binder, or certificate of insurance or
1445 a photocopy of any of these; an affidavit containing the name of
1446 the insured's insurance company, the insured's policy number,
1447 and the make and year of the vehicle insured; or such other
1448 proof as may be prescribed by the department shall constitute
1449 sufficient proof of purchase. If an affidavit is provided as
1450 proof, it shall be in substantially the following form:
1451 Under penalty of perjury, I ...(Name of insured)... do hereby
1452 certify that I have ...(Personal Injury Protection, Property
1453 Damage Liability, and, when required, Bodily Injury
1454 Liability)... Insurance currently in effect with ...(Name of
1455 insurance company)... under ...(policy number)... covering
1456 ...(make, year, and vehicle identification number of
1457 vehicle).... ...(Signature of Insured)..
1458 Such affidavit shall include the following warning:
1459 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
1460 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
1461 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
1462 SUBJECT TO PROSECUTION.

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1463 When an application is made through a licensed motor vehicle
1464 dealer as required in s. 319.23, the original or a photostatic
1465 copy of such card, insurance policy, insurance policy binder, or
1466 certificate of insurance or the original affidavit from the
1467 insured shall be forwarded by the dealer to the tax collector of
1468 the county or the Department of Highway Safety and Motor
1469 Vehicles for processing. By executing the aforesaid affidavit,
1470 no licensed motor vehicle dealer will be liable in damages for
1471 any inadequacy, insufficiency, or falsification of any statement
1472 contained therein. A card shall also indicate the existence of
1473 any bodily injury liability insurance voluntarily purchased.

1474 Section 22. Subsection (7) of section 320.03, Florida
1475 Statutes, is amended to read:

1476 320.03 Registration; duties of tax collectors;
1477 International Registration Plan.—

1478 (7) The Department of Highway Safety and Motor Vehicles
1479 shall register apportionable ~~apportioned motor~~ vehicles under
1480 the ~~provisions of the~~ International Registration Plan. The
1481 department may adopt rules to implement and enforce the
1482 provisions of the plan.

1483 Section 23. Paragraph (b) of subsection (1) of section
1484 320.071, Florida Statutes, is amended to read:

1485 320.071 Advance registration renewal; procedures.—

1486 (1)

1487 (b) The owner of any apportionable ~~apportioned motor~~
1488 vehicle currently registered in this state under the
1489 International Registration Plan may file an application for
1490 renewal of registration with the department any time during the

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1491 3 months preceding the date of expiration of the registration
1492 period.

1493 Section 24. Subsections (1) and (3) of section 320.0715,
1494 Florida Statutes, are amended to read:

1495 320.0715 International Registration Plan; motor carrier
1496 services; permits; retention of records.-

1497 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1498 in this state ~~and engaged in interstate commerce~~ shall be
1499 registered in accordance with ~~the provisions of the~~
1500 International Registration Plan and shall display apportioned
1501 license plates.

1502 (3)(a) If the department is unable to immediately issue
1503 the apportioned license plate to an applicant currently
1504 registered in this state under the International Registration
1505 Plan or to a vehicle currently titled in this state, the
1506 department or its designated agent may ~~is authorized to~~ issue a
1507 60-day temporary operational permit. The department or agent of
1508 the department shall charge a \$3 fee and the service charge
1509 authorized by s. 320.04 for each temporary operational permit it
1510 issues.

1511 (b) The department may not ~~shall in no event~~ issue a
1512 temporary operational permit for any apportionable ~~commercial~~
1513 ~~motor~~ vehicle to any applicant until the applicant has shown
1514 that:

1515 1. All sales or use taxes due on the registration of the
1516 vehicle are paid; and

1517 2. Insurance requirements have been met in accordance with
1518 ss. 320.02(5) and 627.7415.

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1519 (c) Issuance of a temporary operational permit provides
1520 ~~commercial motor vehicle~~ registration privileges in each
1521 International Registration Plan member jurisdiction designated
1522 on said permit and therefore requires payment of all applicable
1523 registration fees and taxes due for that period of registration.

1524 (d) Application for permanent registration must be made to
1525 the department within 10 days from issuance of a temporary
1526 operational permit. Failure to file an application within this
1527 10-day period may result in cancellation of the temporary
1528 operational permit.

1529 Section 25. Subsection (4) of section 320.089, Florida
1530 Statutes, is amended to read:

1531 320.089 Members of National Guard and active United States
1532 Armed Forces reservists; former prisoners of war; survivors of
1533 Pearl Harbor; Purple Heart medal recipients; Operation Desert
1534 Storm Veterans; Operation Desert Shield Veterans; Operation
1535 Iraqi Freedom and Operation Enduring Freedom Veterans; Combat
1536 Infantry Badge or Combat Action Badge recipients; Vietnam War
1537 Veterans; Korean Conflict Veterans; special license plates;
1538 fee.-

1539 (4) The owner or lessee of an automobile or truck for
1540 private use, a truck weighing not more than 7,999 pounds, or a
1541 recreational vehicle as specified in s. 320.08(9)(c) or (d)
1542 which automobile, truck, or recreational vehicle is not used for
1543 hire or commercial use who is a resident of the state and a
1544 current or former member of the United States military who was
1545 deployed and served in Saudi Arabia, Kuwait, or another area of
1546 the Persian Gulf during Operation Desert Storm or Operation

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1547 Desert Shield, in Iraq during Operation Iraqi Freedom, or in
1548 Afghanistan during Operation Enduring Freedom shall, upon
1549 application to the department, accompanied by proof of active
1550 membership or former active duty status during one of these
1551 operations, and upon payment of the license tax for the vehicle
1552 as provided in s. 320.08, be issued a license plate as provided
1553 by s. 320.06 upon which, in lieu of the registration license
1554 number prescribed by s. 320.06, shall be stamped the words
1555 "Operation Desert Storm, "Operation Desert Shield, "Operation
1556 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,
1557 followed by the registration license number of the plate.

1558 Section 26. Subsection (1) of section 320.18, Florida
1559 Statutes, is amended to read:

1560 320.18 Withholding registration.—

1561 (1) The department may withhold the registration of any
1562 motor vehicle or mobile home the owner or coowner of which has
1563 failed to register it under the provisions of law for any
1564 previous period or periods for which it appears registration
1565 should have been made in this state, until the tax for such
1566 period or periods is paid. The department may cancel any vehicle
1567 or vessel registration, driver ~~driver's~~ license, identification
1568 card, or fuel-use tax decal if the owner or coowner pays for any
1569 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
1570 identification card, or fuel-use tax decal; pays any
1571 administrative, delinquency, or reinstatement fee; or pays any
1572 tax liability, penalty, or interest specified in chapter 207 by
1573 a dishonored check, or if the vehicle owner or motor carrier has
1574 failed to pay a penalty for a weight or safety violation issued

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1575 by the Department of Transportation or the Department of Highway
1576 Safety and Motor Vehicles. The Department of Transportation and
1577 the Department of Highway Safety and Motor Vehicles may impound
1578 any commercial motor vehicle that has a canceled license plate
1579 or fuel-use tax decal until the tax liability, penalty, and
1580 interest specified in chapter 207, the license tax, or the fuel-
1581 use decal fee, and applicable administrative fees have been paid
1582 for by certified funds.

1583 Section 27. Subsection (3), paragraph (a) of subsection
1584 (4), and subsection (5) of section 320.27, Florida Statutes, are
1585 amended to read:

1586 320.27 Motor vehicle dealers.—

1587 (3) APPLICATION AND FEE.—The application for the license
1588 shall be in such form as may be prescribed by the department and
1589 shall be subject to such rules with respect thereto as may be so
1590 prescribed by it. Such application shall be verified by oath or
1591 affirmation and shall contain a full statement of the name and
1592 birth date of the person or persons applying therefor; the name
1593 of the firm or copartnership, with the names and places of
1594 residence of all members thereof, if such applicant is a firm or
1595 copartnership; the names and places of residence of the
1596 principal officers, if the applicant is a body corporate or
1597 other artificial body; the name of the state under whose laws
1598 the corporation is organized; the present and former place or
1599 places of residence of the applicant; and prior business in
1600 which the applicant has been engaged and the location thereof.
1601 Such application shall describe the exact location of the place
1602 of business and shall state whether the place of business is

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1603 owned by the applicant and when acquired, or, if leased, a true
1604 copy of the lease shall be attached to the application. The
1605 applicant shall certify that the location provides an adequately
1606 equipped office and is not a residence; that the location
1607 affords sufficient unoccupied space upon and within which
1608 adequately to store all motor vehicles offered and displayed for
1609 sale; and that the location is a suitable place where the
1610 applicant can in good faith carry on such business and keep and
1611 maintain books, records, and files necessary to conduct such
1612 business, which shall be available at all reasonable hours to
1613 inspection by the department or any of its inspectors or other
1614 employees. The applicant shall certify that the business of a
1615 motor vehicle dealer is the principal business which shall be
1616 conducted at that location. The application shall contain a
1617 statement that the applicant is either franchised by a
1618 manufacturer of motor vehicles, in which case the name of each
1619 motor vehicle that the applicant is franchised to sell shall be
1620 included, or an independent (nonfranchised) motor vehicle
1621 dealer. The application shall contain other relevant information
1622 as may be required by the department, including evidence that
1623 the applicant is insured under a garage liability insurance
1624 policy or a general liability insurance policy coupled with a
1625 business automobile policy, which shall include, at a minimum,
1626 \$25,000 combined single-limit liability coverage including
1627 bodily injury and property damage protection and \$10,000
1628 personal injury protection. However, a salvage motor vehicle
1629 dealer as defined in subparagraph (1)(c)5. is exempt from the
1630 requirements for garage liability insurance and personal injury

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1631 protection insurance on those vehicles that cannot be legally
1632 operated on roads, highways, or streets in this state. Franchise
1633 dealers must submit a garage liability insurance policy, and all
1634 other dealers must submit a garage liability insurance policy or
1635 a general liability insurance policy coupled with a business
1636 automobile policy. Such policy shall be for the license period,
1637 and evidence of a new or continued policy shall be delivered to
1638 the department at the beginning of each license period. Upon
1639 making initial application, the applicant shall pay to the
1640 department a fee of \$300 in addition to any other fees ~~now~~
1641 required by law. Applicants may choose to extend the licensure
1642 period for 1 additional year for a total of 2 years. An initial
1643 applicant shall pay to the department a fee of \$300 for the first
1644 year and \$75 for the second year, in addition to any other fees
1645 required by law. An applicant for renewal shall pay to the
1646 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,
1647 in addition to any other fees required by law ~~Upon making a~~
1648 ~~subsequent renewal application, the applicant shall pay to the~~
1649 ~~department a fee of \$75 in addition to any other fees now~~
1650 ~~required by law.~~ Upon making an application for a change of
1651 location, the person shall pay a fee of \$50 in addition to any
1652 other fees now required by law. The department shall, in the
1653 case of every application for initial licensure, verify whether
1654 certain facts set forth in the application are true. Each
1655 applicant, general partner in the case of a partnership, or
1656 corporate officer and director in the case of a corporate
1657 applicant, must file a set of fingerprints with the department
1658 for the purpose of determining any prior criminal record or any

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1659 outstanding warrants. The department shall submit the
1660 fingerprints to the Department of Law Enforcement for state
1661 processing and forwarding to the Federal Bureau of Investigation
1662 for federal processing. The actual cost of state and federal
1663 processing shall be borne by the applicant and is in addition to
1664 the fee for licensure. The department may issue a license to an
1665 applicant pending the results of the fingerprint investigation,
1666 which license is fully revocable if the department subsequently
1667 determines that any facts set forth in the application are not
1668 true or correctly represented.

1669 (4) LICENSE CERTIFICATE.—

1670 (a) A license certificate shall be issued by the
1671 department in accordance with such application when the
1672 application is regular in form and in compliance with the
1673 provisions of this section. The license certificate may be in
1674 the form of a document or a computerized card as determined by
1675 the department. The actual cost of each original, additional, or
1676 replacement computerized card shall be borne by the licensee and
1677 is in addition to the fee for licensure. Such license, when so
1678 issued, entitles the licensee to carry on and conduct the
1679 business of a motor vehicle dealer. Each license issued to a
1680 franchise motor vehicle dealer expires ~~annually~~ on December 31
1681 of the year of its expiration unless revoked or suspended before
1682 ~~prior to~~ that date. Each license issued to an independent or
1683 wholesale dealer or auction expires ~~annually~~ on April 30 of the
1684 year of its expiration unless revoked or suspended before ~~prior~~
1685 ~~to~~ that date. At least ~~Not less than~~ 60 days before ~~prior to~~ the
1686 license expiration date, the department shall deliver or mail to

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1687 each licensee the necessary renewal forms. Each independent
1688 dealer shall certify that the dealer (owner, partner, officer,
1689 or director of the licensee, or a full-time employee of the
1690 licensee that holds a responsible management-level position) has
1691 completed 8 hours of continuing education before ~~prior to~~ filing
1692 the renewal forms with the department. Such certification shall
1693 be filed once every 2 years. The continuing education shall
1694 include at least 2 hours of legal or legislative issues, 1 hour
1695 of department issues, and 5 hours of relevant motor vehicle
1696 industry topics. Continuing education shall be provided by
1697 dealer schools licensed under paragraph (b) either in a
1698 classroom setting or by correspondence. Such schools shall
1699 provide certificates of completion to the department and the
1700 customer which shall be filed with the license renewal form, and
1701 such schools may charge a fee for providing continuing
1702 education. Any licensee who does not file his or her application
1703 and fees and any other requisite documents, as required by law,
1704 with the department at least 30 days before ~~prior to~~ the license
1705 expiration date shall cease to engage in business as a motor
1706 vehicle dealer on the license expiration date. A renewal filed
1707 with the department within 45 days after the expiration date
1708 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1709 new application is required, accompanied by the initial license
1710 fee. A license certificate duly issued by the department may be
1711 modified by endorsement to show a change in the name of the
1712 licensee, provided, as shown by affidavit of the licensee, the
1713 majority ownership interest of the licensee has not changed or
1714 the name of the person appearing as franchisee on the sales and

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1715 service agreement has not changed. Modification of a license
1716 certificate to show any name change as herein provided shall not
1717 require initial licensure or reissuance of dealer tags; however,
1718 any dealer obtaining a name change shall transact all business
1719 in and be properly identified by that name. All documents
1720 relative to licensure shall reflect the new name. In the case of
1721 a franchise dealer, the name change shall be approved by the
1722 manufacturer, distributor, or importer. A licensee applying for
1723 a name change endorsement shall pay a fee of \$25 which fee shall
1724 apply to the change in the name of a main location and all
1725 additional locations licensed under the provisions of subsection
1726 (5). Each initial license application received by the department
1727 shall be accompanied by verification that, within the preceding
1728 6 months, the applicant, or one or more of his or her designated
1729 employees, has attended a training and information seminar
1730 conducted by a licensed motor vehicle dealer training school.
1731 Any applicant for a new franchised motor vehicle dealer license
1732 who has held a valid franchised motor vehicle dealer license
1733 continuously for the past 2 years and who remains in good
1734 standing with the department is exempt from the prelicensing
1735 training requirement. Such seminar shall include, but is not
1736 limited to, statutory dealer requirements, which requirements
1737 include required bookkeeping and recordkeeping procedures,
1738 requirements for the collection of sales and use taxes, and such
1739 other information that in the opinion of the department will
1740 promote good business practices. No seminar may exceed 8 hours
1741 in length.

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1742 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
1743 section hereunder shall obtain a supplemental license for each
1744 permanent additional place or places of business not contiguous
1745 to the premises for which the original license is issued, on a
1746 form to be furnished by the department, and upon payment of a
1747 fee of \$50 for each such additional location. Applicants may
1748 choose to extend the licensure period for 1 additional year for a
1749 total of 2 years. The applicant shall pay to the department a fee
1750 of \$50 for the first year and \$50 for the second year for each
1751 such additional location. Thereafter, the applicant shall pay \$50
1752 for a 1-year renewal or \$100 for a 2-year renewal for each such
1753 additional location. Upon making renewal applications for such
1754 ~~supplemental licenses, such applicant shall pay \$50 for each~~
1755 ~~additional location.~~ A supplemental license authorizing off-
1756 premises sales shall be issued, at no charge to the dealer, for
1757 a period not to exceed 10 consecutive calendar days. To obtain
1758 such a temporary supplemental license for off-premises sales,
1759 the applicant must be a licensed dealer; must notify the
1760 applicable local department office of the specific dates and
1761 location for which such license is requested, display a sign at
1762 the licensed location clearly identifying the dealer, and
1763 provide staff to work at the temporary location for the duration
1764 of the off-premises sale; must meet any local government
1765 permitting requirements; and must have permission of the
1766 property owner to sell at that location. In the case of an off-
1767 premises sale by a motor vehicle dealer licensed under
1768 subparagraph (1)(c)1. for the sale of new motor vehicles, the
1769 applicant must also include documentation notifying the

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1770 applicable licensee licensed under s. 320.61 of the intent to
1771 engage in an off-premises sale 5 working days before ~~prior to~~
1772 the date of the off-premises sale. The licensee shall either
1773 approve or disapprove of the off-premises sale within 2 working
1774 days after receiving notice; otherwise, it will be deemed
1775 approved. This section does not apply to a nonselling motor
1776 vehicle show or public display of new motor vehicles.

1777 Section 28. Section 320.62, Florida Statutes, is amended
1778 to read:

1779 320.62 Licenses; amount; disposition of proceeds.—The
1780 initial license for each manufacturer, distributor, or importer
1781 shall be \$300 and shall be in addition to all other licenses or
1782 taxes ~~now or hereafter~~ levied, assessed, or required of the
1783 applicant or licensee. Applicants may choose to extend the
1784 licensure period for 1 additional year for a total of 2 years. An
1785 initial applicant shall pay to the department a fee of \$300 for
1786 the first year and \$100 for the second year. An applicant for a
1787 renewal license shall pay \$100 to the department for a 1-year
1788 renewal or \$200 for a 2-year renewal. ~~The annual renewal license~~
1789 fee shall be \$100. The proceeds from all licenses under ss.
1790 320.60-320.70 shall be paid into the State Treasury to the
1791 credit of the General Revenue Fund. All licenses shall be
1792 payable on or before October 1 of the each year and shall
1793 expire, unless sooner revoked or suspended, on ~~the following~~
1794 September 30 of the year of its expiration.

1795 Section 29. Subsections (4) and (6) of section 320.77,
1796 Florida Statutes, are amended to read:

1797 320.77 License required of mobile home dealers.—

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1798 (4) FEES.—Upon making initial application, the applicant
1799 shall pay to the department a fee of \$300 in addition to any
1800 other fees ~~now~~ required by law. Applicants may choose to extend
1801 the licensure period for 1 additional year for a total of 2
1802 years. An initial applicant shall pay to the department a fee of
1803 \$300 for the first year and \$100 for the second year in addition
1804 to any other fees required by law. An applicant for a renewal
1805 license shall pay to the department \$100 for a 1-year renewal or
1806 \$200 for a 2-year renewal. The fee for renewal application shall
1807 be \$100. The fee for application for change of location shall be
1808 \$25. Any applicant for renewal who has failed to submit his or
1809 her renewal application by October 1 of the year of its current
1810 license expiration shall pay a renewal application fee equal to
1811 the original application fee. No fee is refundable. All fees
1812 shall be deposited into the General Revenue Fund.

1813 (6) LICENSE CERTIFICATE.—A license certificate shall be
1814 issued by the department in accordance with the application when
1815 the same is regular in form and in compliance with the
1816 provisions of this section. The license certificate may be in
1817 the form of a document or a computerized card as determined by
1818 the department. The cost of each original, additional, or
1819 replacement computerized card shall be borne by the licensee and
1820 is in addition to the fee for licensure. The fees charged
1821 applicants for both the required background investigation and
1822 the computerized card as provided in this section shall be
1823 deposited into the Highway Safety Operating Trust Fund. The
1824 license, when so issued, shall entitle the licensee to carry on
1825 and conduct the business of a mobile home dealer at the location

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1826 set forth in the license for a period of 1 or 2 years beginning
1827 ~~year from~~ October 1 preceding the date of issuance. Each initial
1828 application received by the department shall be accompanied by
1829 verification that, within the preceding 6 months, the applicant
1830 or one or more of his or her designated employees has attended a
1831 training and information seminar conducted by the department or
1832 by a public or private provider approved by the department. Such
1833 seminar shall include, but not be limited to, statutory dealer
1834 requirements, which requirements include required bookkeeping
1835 and recording procedures, requirements for the collection of
1836 sales and use taxes, and such other information that in the
1837 opinion of the department will promote good business practices.

1838 Section 30. Subsections (4) and (6) of section 320.771,
1839 Florida Statutes, are amended to read:

1840 320.771 License required of recreational vehicle dealers.-

1841 (4) FEES.-Upon making initial application, the applicant
1842 shall pay to the department a fee of \$300 in addition to any
1843 other fees ~~now~~ required by law. Applicants may choose to extend
1844 the licensure period for 1 additional year for a total of 2
1845 years. An initial applicant shall pay to the department a fee of
1846 \$300 for the first year and \$100 for the second year in addition
1847 to any other fees required by law. An applicant for a renewal
1848 license shall pay to the department \$100 for a 1-year renewal or
1849 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
1850 ~~be \$100.~~ The fee for application for change of location shall be
1851 \$25. Any applicant for renewal who has failed to submit his or
1852 her renewal application by October 1 of the year of its current
1853 license expiration shall pay a renewal application fee equal to

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1854 the original application fee. No fee is refundable. All fees
1855 shall be deposited into the General Revenue Fund.

1856 (6) LICENSE CERTIFICATE.—A license certificate shall be
1857 issued by the department in accordance with the application when
1858 the same is regular in form and in compliance with the
1859 provisions of this section. The license certificate may be in
1860 the form of a document or a computerized card as determined by
1861 the department. The cost of each original, additional, or
1862 replacement computerized card shall be borne by the licensee and
1863 is in addition to the fee for licensure. The fees charged
1864 applicants for both the required background investigation and
1865 the computerized card as provided in this section shall be
1866 deposited into the Highway Safety Operating Trust Fund. The
1867 license, when so issued, shall entitle the licensee to carry on
1868 and conduct the business of a recreational vehicle dealer at the
1869 location set forth in the license for a period of 1 or 2 years
1870 ~~year~~ from October 1 preceding the date of issuance. Each initial
1871 application received by the department shall be accompanied by
1872 verification that, within the preceding 6 months, the applicant
1873 or one or more of his or her designated employees has attended a
1874 training and information seminar conducted by the department or
1875 by a public or private provider approved by the department. Such
1876 seminar shall include, but not be limited to, statutory dealer
1877 requirements, which requirements include required bookkeeping
1878 and recording procedures, requirements for the collection of
1879 sales and use taxes, and such other information that in the
1880 opinion of the department will promote good business practices.

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1881 Section 31. Subsections (3) and (6) of section 320.8225,
1882 Florida Statutes, are amended to read:

1883 320.8225 Mobile home and recreational vehicle
1884 manufacturer, distributor, and importer license.—

1885 (3) FEES.—Upon submitting an initial application, the
1886 applicant shall pay to the department a fee of \$300. Applicants
1887 may choose to extend the licensure period for 1 additional year
1888 for a total of 2 years. An initial applicant shall pay to the
1889 department a fee of \$300 for the first year and \$100 for the
1890 second year. An applicant for a renewal license shall pay to the
1891 department \$100 for a 1-year renewal or \$200 for a 2-year renewal
1892 ~~Upon submitting a renewal application, the applicant shall pay~~
1893 ~~to the department a fee of \$100.~~ Any applicant for renewal who
1894 fails to submit his or her renewal application by October 1 of
1895 the year of its current license expiration shall pay a renewal
1896 application fee equal to the original application fee. No fee is
1897 refundable. All fees must be deposited into the General Revenue
1898 Fund.

1899 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
1900 manufacturer or a recreational vehicle manufacturer,
1901 distributor, or importer entitles the licensee to conduct
1902 business for a period of 1 or 2 years beginning ~~year from~~
1903 October 1 preceding the date of issuance.

1904 Section 32. Section 322.095, Florida Statutes, is amended
1905 to read:

1906 322.095 Traffic law and substance abuse education program
1907 for driver ~~driver's~~ license applicants.—

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1908 (1) Each applicant for a driver license must complete a
1909 traffic law and substance abuse education course, unless the
1910 applicant has been licensed in another jurisdiction or has
1911 satisfactorily completed a Department of Education driver
1912 education course offered pursuant to s. 1003.48.

1913 (2)-(1) The Department of Highway Safety and Motor Vehicles
1914 must approve traffic law and substance abuse education courses,
1915 including courses that use communications technology as the
1916 delivery method.

1917 (a) In addition to the course approval criteria provided
1918 in this section, initial approval of traffic law and substance
1919 abuse education courses shall be based on the department's review
1920 of all course materials which must be designed to promote safety,
1921 education, and driver awareness; course presentation to the
1922 department by the provider; and the provider's plan for effective
1923 oversight of the course by those who deliver the course in the
1924 state.

1925 (b) Each course provider seeking approval of a traffic law
1926 and substance abuse education course must submit:

1927 1. Proof of ownership, copyright, or written permission
1928 from the course owner to use the course in the state ~~that must be~~
1929 ~~completed by applicants for a Florida driver's license.~~

1930 2. The curriculum ~~curricula~~ for the courses which must
1931 promote motorcyclist, bicyclist, and pedestrian safety and
1932 provide instruction on the physiological and psychological
1933 consequences of the abuse of alcohol and other drugs; ~~the~~
1934 societal and economic costs of alcohol and drug abuse; ~~the~~
1935 effects of alcohol and drug abuse on the driver of a motor

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1936 vehicle; ~~and the laws of this state relating to the operation~~
1937 of a motor vehicle; the risk factors involved in driver attitude
1938 and irresponsible driver behaviors, such as speeding, reckless
1939 driving, and running red lights and stop signs; and the results
1940 of the use of electronic devices while driving. ~~All instructors~~
1941 ~~teaching the courses shall be certified by the department.~~

1942 (3)(2) Before ~~The department shall contract for an~~
1943 ~~independent evaluation of the courses. Local DUI programs~~
1944 ~~authorized under s. 316.193(5) and certified by the department~~
1945 ~~or a driver improvement school may offer a traffic law and~~
1946 ~~substance abuse education course. However, prior to offering the~~
1947 ~~course, the course provider must obtain certification from the~~
1948 ~~department that the course complies with the requirements of~~
1949 ~~this section. If the course is offered in a classroom setting,~~
1950 ~~the course provider and any schools authorized by the provider~~
1951 ~~to teach the course must offer the approved course at locations~~
1952 ~~that are free from distractions and reasonably accessible to~~
1953 ~~most applicants and must issue a certificate to those persons~~
1954 ~~successfully completing the course.~~

1955 ~~(3) The completion of a course does not qualify a person~~
1956 ~~for the reinstatement of a driver's license which has been~~
1957 ~~suspended or revoked.~~

1958 ~~(4) The fee charged by the course provider must bear a~~
1959 ~~reasonable relationship to the cost of the course. The~~
1960 ~~department must conduct financial audits of course providers~~
1961 ~~conducting the education courses required under this section or~~
1962 ~~require that financial audits of providers be performed, at the~~
1963 ~~expense of the provider, by a certified public accountant.~~

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1964 ~~(5) The provisions of this section do not apply to any~~
1965 ~~person who has been licensed in any other jurisdiction or who~~
1966 ~~has satisfactorily completed a Department of Education driver's~~
1967 ~~education course offered pursuant to s. 1003.48.~~

1968 (4)-(6) In addition to a regular course fee, an assessment
1969 fee in the amount of \$3 shall be collected by the school from
1970 each person who attends a course. The course provider must remit
1971 the \$3 assessment fee to the department for deposit into the
1972 Highway Safety Operating Trust Fund in order to receive a unique
1973 course completion certificate number for the student. Each
1974 ~~course provider must collect a \$3 assessment fee in addition to~~
1975 ~~the enrollment fee charged to participants of the traffic law~~
1976 ~~and substance abuse course required under this section. The \$3~~
1977 ~~assessment fee collected by the course provider must be~~
1978 ~~forwarded to the department within 30 days after receipt of the~~
1979 ~~assessment.~~

1980 (5)-(7) The department may is authorized to maintain the
1981 information and records necessary to administer its duties and
1982 responsibilities for the program. Course providers are required
1983 to maintain all records pertinent to the conduct of their
1984 approved courses for 5 years and allow the department to inspect
1985 such records as necessary. Records may be maintained in an
1986 electronic format. If ~~Where~~ such information is a public record
1987 as defined in chapter 119, it shall be made available to the
1988 public upon request pursuant to s. 119.07(1). ~~The department~~
1989 ~~shall approve and regulate courses that use technology as the~~
1990 ~~delivery method of all traffic law and substance abuse education~~
1991 ~~courses as the courses relate to this section.~~

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1992 (6) The department shall design, develop, implement, and
1993 conduct effectiveness studies on each delivery method of all
1994 courses approved pursuant to this section on a recurring 3-year
1995 basis. At a minimum, studies shall be conducted on the
1996 effectiveness of each course in reducing DUI citations and
1997 decreasing moving traffic violations or collision recidivism.
1998 Upon notification that a course has failed an effectiveness
1999 study, the course provider shall immediately cease offering the
2000 course in the state.

2001 (7) Courses approved under this section must be updated at
2002 the department's request. Failure of a course provider to update
2003 the course within 90 days after the department's request shall
2004 result in the suspension of the course approval until such time
2005 that the updates are submitted and approved by the department.

2006 (8) Each course provider shall ensure that its driver
2007 improvement schools are conducting the approved courses fully,
2008 to the required time limits, and with the content requirements
2009 specified by the department. The course provider shall ensure
2010 that only department-approved instructional materials are used
2011 in the presentation of the course, and that all driver
2012 improvement schools conducting the course do so in a manner
2013 that maximizes its impact and effectiveness. The course provider
2014 shall ensure that any student who is unable to attend or
2015 complete a course due to action, error, or omission on the part
2016 of the course provider or driver improvement school conducting
2017 the course shall be accommodated to permit completion of the
2018 course at no additional cost.

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2019 (9) Traffic law and substance abuse education courses
2020 shall be conducted with a minimum of 4 hours devoted to course
2021 content minus a maximum of 30 minutes allotted for breaks.

2022 (10) A course provider may not require any student to
2023 purchase a course completion certificate. Course providers
2024 offering paper or electronic certificates for purchase must
2025 clearly convey to the student that this purchase is optional,
2026 that the only valid course completion certificate is the
2027 electronic one that is entered into the department's Driver
2028 Improvement Certificate Issuance System, and that paper
2029 certificates are not acceptable for any licensing purpose.

2030 (11) Course providers and all associated driver improvement
2031 schools that offer approved courses shall disclose all fees
2032 associated with the course and shall not charge any fees that
2033 are not clearly listed during the registration process.

2034 (12) Course providers shall submit course completion
2035 information to the department through the department's Driver
2036 Improvement Certificate Issuance System within 5 days. The
2037 submission shall be free of charge to the student.

2038 (13) The department may deny, suspend, or revoke course
2039 approval upon proof that the course provider:

2040 (a) Violated this section.

2041 (b) Has been convicted of a crime involving any drug-
2042 related or DUI-related offense, a felony, fraud, or a crime
2043 directly related to the personal safety of a student.

2044 (c) Failed to satisfy the effectiveness criteria as
2045 outlined in subsection (6).

2046 (d) Obtained course approval by fraud or misrepresentation.

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2047 (e) Obtained or assisted a person in obtaining any driver
2048 license by fraud or misrepresentation.

2049 (f) Conducted a traffic law and substance abuse education
2050 course in the state while approval of such course was under
2051 suspension or revocation.

2052 (g) Failed to provide effective oversight of those who
2053 deliver the course in the state.

2054 (14) The department shall not accept certificates from
2055 students who take a course after the course has been suspended
2056 or revoked.

2057 (15) A person who has been convicted of a crime involving
2058 any drug-related or DUI-related offense in the past 5 years, a
2059 felony, fraud, or a crime directly related to the personal
2060 safety of a student shall not be allowed to conduct traffic
2061 law and substance abuse education courses.

2062 (16) The department shall summarily suspend approval of
2063 any course without preliminary hearing for the purpose of
2064 protecting the public safety and enforcing any provision of law
2065 governing traffic law and substance abuse education courses.

2066 (17) Except as otherwise provided in this section,
2067 before final department action denying, suspending, or revoking
2068 approval of a course, the course provider shall have the
2069 opportunity to request either a formal or informal
2070 administrative hearing to show cause why the action should not
2071 be taken.

2072 (18) The department may levy and collect a civil fine of at
2073 least \$1,000 but not more than \$5,000 for each violation of this
2074 section. Proceeds from fines collected shall be deposited into

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2075 the Highway Safety Operating Trust Fund and used to cover the
2076 cost of administering this section or promoting highway safety
2077 initiatives.

2078 Section 33. Subsection (1) of section 322.125, Florida
2079 Statutes, is amended to read:

2080 322.125 Medical Advisory Board.—

2081 (1) There shall be a Medical Advisory Board composed of
2082 not fewer than 12 or more than 25 members, at least one of whom
2083 must be 60 years of age or older and all but one of whose
2084 medical and other specialties must relate to driving abilities,
2085 which number must include a doctor of medicine who is employed
2086 by the Department of Highway Safety and Motor Vehicles in
2087 Tallahassee, who shall serve as administrative officer for the
2088 board. The executive director of the Department of Highway
2089 Safety and Motor Vehicles shall recommend persons to serve as
2090 board members. Every member but two must be a doctor of medicine
2091 licensed to practice medicine in this or any other state ~~and~~
2092 ~~must be a member in good standing of the Florida Medical~~
2093 ~~Association or the Florida Osteopathic Association.~~ One member
2094 must be an optometrist licensed to practice optometry in this
2095 state ~~and must be a member in good standing of the Florida~~
2096 ~~Optometric Association.~~ One member must be a chiropractic
2097 physician licensed to practice chiropractic medicine in this
2098 state. Members shall be approved by the Cabinet and shall serve
2099 4-year staggered terms. The board membership must, to the
2100 maximum extent possible, consist of equal representation of the
2101 disciplines of the medical community treating the mental or

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2102 physical disabilities that could affect the safe operation of
2103 motor vehicles.

2104 Section 34. Subsection (4) of section 322.135, Florida
2105 Statutes, is amended to read:

2106 322.135 Driver ~~Driver's~~ license agents.-

2107 (4) A tax collector may not issue or renew a driver
2108 ~~driver's~~ license if he or she has any reason to believe that the
2109 licensee or prospective licensee is physically or mentally
2110 unqualified to operate a motor vehicle. ~~The tax collector may~~
2111 ~~direct any such licensee to the department for examination or~~
2112 ~~reevaluation under s. 322.221.~~

2113 Section 35. Subsection (7) of section 322.212, Florida
2114 Statutes, is amended to read:

2115 322.212 Unauthorized possession of, and other unlawful
2116 acts in relation to, driver ~~driver's~~ license or identification
2117 card.-

2118 (7) In addition to any other penalties provided by this
2119 section, any person who provides false information when applying
2120 for a commercial driver ~~driver's~~ license or commercial learner's
2121 permit or is convicted of fraud in connection with testing for a
2122 commercial driver license or commercial learner's permit shall be
2123 disqualified from operating a commercial motor vehicle for a
2124 period of 1 year ~~60 days~~.

2125 Section 36. Subsection (1) of section 322.22, Florida
2126 Statutes, is amended to read:

2127 322.22 Authority of department to cancel or refuse to
2128 issue or renew license.-

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2129 (1) The department may ~~is authorized to~~ cancel or withhold
2130 issuance or renewal of any driver ~~driver's~~ license, upon
2131 determining that the licensee was not entitled to the issuance
2132 thereof, or that the licensee failed to give the required or
2133 correct information in his or her application or committed any
2134 fraud in making such application, or that the licensee has two
2135 or more licenses on file with the department, each in a
2136 different name but bearing the photograph of the licensee,
2137 unless the licensee has complied with the requirements of this
2138 chapter in obtaining the licenses. The department may cancel or
2139 withhold issuance or renewal of any driver ~~driver's~~ license,
2140 identification card, vehicle or vessel registration, or fuel-use
2141 decal if the licensee fails to pay the correct fee or pays for
2142 any driver ~~the driver's~~ license, identification card, vehicle or
2143 vessel registration, or fuel-use decal; pays any tax liability,
2144 penalty, or interest specified in chapter 207; or pays any
2145 administrative, delinquency, or reinstatement fee by a
2146 dishonored check.

2147 Section 37. Subsection (3) of section 322.245, Florida
2148 Statutes, is amended to read:

2149 322.245 Suspension of license upon failure of person
2150 charged with specified offense under chapter 316, chapter 320,
2151 or this chapter to comply with directives ordered by traffic
2152 court or upon failure to pay child support in non-IV-D cases as
2153 provided in chapter 61 or failure to pay any financial
2154 obligation in any other criminal case.-

2155 (3) If the person fails to comply with the directives of
2156 the court within the 30-day period, or, in non-IV-D cases, fails

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2157 to comply with the requirements of s. 61.13016 within the period
2158 specified in that statute, the depository or the clerk of the
2159 court shall electronically notify the department of such failure
2160 within 10 days. Upon electronic receipt of the notice, the
2161 department shall immediately issue an order suspending the
2162 person's driver ~~driver's~~ license and privilege to drive
2163 effective 20 days after the date the order of suspension is
2164 mailed in accordance with s. 322.251(1), (2), and (6).

2165 Section 38. Subsection (7) of section 322.25, Florida
2166 Statutes, is amended to read:

2167 322.25 When court to forward license to department and
2168 report convictions; temporary reinstatement of driving
2169 privileges.-

2170 ~~(7) Any licensed driver convicted of driving, or being in~~
2171 ~~the actual physical control of, a vehicle within this state~~
2172 ~~while under the influence of alcoholic beverages, any chemical~~
2173 ~~substance set forth in s. 877.111, or any substance controlled~~
2174 ~~under chapter 893, when affected to the extent that his or her~~
2175 ~~normal faculties are impaired, and whose license and driving~~
2176 ~~privilege have been revoked as provided in subsection (1) may be~~
2177 ~~issued a court order for reinstatement of a driving privilege on~~
2178 ~~a temporary basis; provided that, as a part of the penalty, upon~~
2179 ~~conviction, the defendant is required to enroll in and complete~~
2180 ~~a driver improvement course for the rehabilitation of drinking~~
2181 ~~drivers and the driver is otherwise eligible for reinstatement~~
2182 ~~of the driving privilege as provided by s. 322.282. The court~~
2183 ~~order for reinstatement shall be on a form provided by the~~
2184 ~~department and must be taken by the person convicted to a~~

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2185 ~~Florida driver's license examining office, where a temporary~~
2186 ~~driving permit may be issued. The period of time for which a~~
2187 ~~temporary permit issued in accordance with this subsection is~~
2188 ~~valid shall be deemed to be part of the period of revocation~~
2189 ~~imposed by the court.~~

2190 Section 39. Section 322.2615, Florida Statutes, is amended
2191 to read:

2192 322.2615 Suspension of license; right to review.—

2193 (1) (a) A law enforcement officer or correctional officer
2194 shall, on behalf of the department, suspend the driving
2195 privilege of a person who is driving or in actual physical
2196 control of a motor vehicle and who has an unlawful blood-alcohol
2197 level or breath-alcohol level of 0.08 or higher, or of a person
2198 who has refused to submit to a urine test or a test of his or
2199 her breath-alcohol or blood-alcohol level. The officer shall
2200 take the person's driver ~~driver's~~ license and issue the person a
2201 10-day temporary permit if the person is otherwise eligible for
2202 the driving privilege and shall issue the person a notice of
2203 suspension. If a blood test has been administered, the officer
2204 or the agency employing the officer shall transmit such results
2205 to the department within 5 days after receipt of the results. If
2206 the department then determines that the person had a blood-
2207 alcohol level or breath-alcohol level of 0.08 or higher, the
2208 department shall suspend the person's driver ~~driver's~~ license
2209 pursuant to subsection (3).

2210 (b) The suspension under paragraph (a) shall be pursuant
2211 to, and the notice of suspension shall inform the driver of, the
2212 following:

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2213 1.a. The driver refused to submit to a lawful breath,
2214 blood, or urine test and his or her driving privilege is
2215 suspended for a period of 1 year for a first refusal or for a
2216 period of 18 months if his or her driving privilege has been
2217 previously suspended as a result of a refusal to submit to such
2218 a test; or

2219 b. The driver was driving or in actual physical control of
2220 a motor vehicle and had an unlawful blood-alcohol level or
2221 breath-alcohol level of 0.08 or higher and his or her driving
2222 privilege is suspended for a period of 6 months for a first
2223 offense or for a period of 1 year if his or her driving
2224 privilege has been previously suspended under this section.

2225 2. The suspension period shall commence on the date of
2226 issuance of the notice of suspension.

2227 3. The driver may request a formal or informal review of
2228 the suspension by the department within 10 days after the date
2229 of issuance of the notice of suspension.

2230 4. The temporary permit issued at the time of suspension
2231 expires at midnight of the 10th day following the date of
2232 issuance of the notice of suspension.

2233 5. The driver may submit to the department any materials
2234 relevant to the suspension.

2235 (2) (a) Except as provided in paragraph (1) (a), the law
2236 enforcement officer shall forward to the department, within 5
2237 days after issuing the notice of suspension, the driver ~~driver's~~
2238 license; an affidavit stating the officer's grounds for belief
2239 that the person was driving or in actual physical control of a
2240 motor vehicle while under the influence of alcoholic beverages

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2241 or chemical or controlled substances; the results of any breath
2242 or blood test or an affidavit stating that a breath, blood, or
2243 urine test was requested by a law enforcement officer or
2244 correctional officer and that the person refused to submit; the
2245 officer's description of the person's field sobriety test, if
2246 any; and the notice of suspension. The failure of the officer to
2247 submit materials within the 5-day period specified in this
2248 subsection and in subsection (1) does not affect the
2249 department's ability to consider any evidence submitted at or
2250 before ~~prior to~~ the hearing.

2251 (b) The officer may also submit a copy of the crash report
2252 and a copy of a video recording ~~videotape~~ of the field sobriety
2253 test or the attempt to administer such test. Materials submitted
2254 to the department by a law enforcement agency or correctional
2255 agency shall be considered self-authenticating and shall be in
2256 the record for consideration by the hearing officer.
2257 Notwithstanding s. 316.066(5), the crash report shall be
2258 considered by the hearing officer.

2259 (3) If the department determines that the license should
2260 be suspended pursuant to this section and if the notice of
2261 suspension has not already been served upon the person by a law
2262 enforcement officer or correctional officer as provided in
2263 subsection (1), the department shall issue a notice of
2264 suspension and, unless the notice is mailed pursuant to s.
2265 322.251, a temporary permit that expires 10 days after the date
2266 of issuance if the driver is otherwise eligible.

2267 (4) If the person whose license was suspended requests an
2268 informal review pursuant to subparagraph (1)(b)3., the

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2269 department shall conduct the informal review by a hearing
2270 officer designated ~~employed~~ by the department. Such informal
2271 review hearing shall consist solely of an examination by the
2272 department of the materials submitted by a law enforcement
2273 officer or correctional officer and by the person whose license
2274 was suspended, and the presence of an officer or witness is not
2275 required.

2276 (5) After completion of the informal review, notice of the
2277 department's decision sustaining, amending, or invalidating the
2278 suspension of the driver ~~driver's~~ license of the person whose
2279 license was suspended must be provided to such person. Such
2280 notice must be mailed to the person at the last known address
2281 shown on the department's records, or to the address provided in
2282 the law enforcement officer's report if such address differs
2283 from the address of record, within 21 days after the expiration
2284 of the temporary permit issued pursuant to subsection (1) or
2285 subsection (3).

2286 (6) (a) If the person whose license was suspended requests
2287 a formal review, the department must schedule a hearing ~~to be~~
2288 ~~held~~ within 30 days after such request is received by the
2289 department and must notify the person of the date, time, and
2290 place of the hearing.

2291 (b) Such formal review hearing shall be held before a
2292 hearing officer designated ~~employed~~ by the department, and the
2293 hearing officer shall be authorized to administer oaths, examine
2294 witnesses and take testimony, receive relevant evidence, issue
2295 subpoenas for the officers and witnesses identified in documents
2296 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the

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2297 course and conduct of the hearing, question witnesses, and make
2298 a ruling on the suspension. The hearing officer may conduct
2299 hearings using communications technology. The party requesting
2300 the presence of a witness shall be responsible for the payment
2301 of any witness fees and for notifying in writing the state
2302 attorney's office in the appropriate circuit of the issuance of
2303 the subpoena. If the person who requests a formal review hearing
2304 fails to appear and the hearing officer finds such failure to be
2305 without just cause, the right to a formal hearing is waived and
2306 the suspension shall be sustained.

2307 (c) The failure of a subpoenaed witness to appear at the
2308 formal review hearing is not grounds to invalidate the
2309 suspension. If a witness fails to appear, a party may seek
2310 enforcement of a subpoena under paragraph (b) by filing a
2311 petition for enforcement in the circuit court of the judicial
2312 circuit in which the person failing to comply with the subpoena
2313 resides or by filing a motion for enforcement in any criminal
2314 court case resulting from the driving or actual physical control
2315 of a motor vehicle that gave rise to the suspension under this
2316 section. A failure to comply with an order of the court shall
2317 result in a finding of contempt of court. However, a person is
2318 not in contempt while a subpoena is being challenged.

2319 (d) The department must, within 7 working days after a
2320 formal review hearing, send notice to the person of the hearing
2321 officer's decision as to whether sufficient cause exists to
2322 sustain, amend, or invalidate the suspension.

2323 (7) In a formal review hearing under subsection (6) or an
2324 informal review hearing under subsection (4), the hearing

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2325 officer shall determine by a preponderance of the evidence
2326 whether sufficient cause exists to sustain, amend, or invalidate
2327 the suspension. The scope of the review shall be limited to the
2328 following issues:

2329 (a) If the license was suspended for driving with an
2330 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2331 higher:

2332 1. Whether the law enforcement officer had probable cause
2333 to believe that the person whose license was suspended was
2334 driving or in actual physical control of a motor vehicle in this
2335 state while under the influence of alcoholic beverages or
2336 chemical or controlled substances.

2337 2. Whether the person whose license was suspended had an
2338 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2339 higher as provided in s. 316.193.

2340 (b) If the license was suspended for refusal to submit to
2341 a breath, blood, or urine test:

2342 1. Whether the law enforcement officer had probable cause
2343 to believe that the person whose license was suspended was
2344 driving or in actual physical control of a motor vehicle in this
2345 state while under the influence of alcoholic beverages or
2346 chemical or controlled substances.

2347 2. Whether the person whose license was suspended refused
2348 to submit to any such test after being requested to do so by a
2349 law enforcement officer or correctional officer.

2350 3. Whether the person whose license was suspended was told
2351 that if he or she refused to submit to such test his or her
2352 privilege to operate a motor vehicle would be suspended for a

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2353 period of 1 year or, in the case of a second or subsequent
2354 refusal, for a period of 18 months.

2355 (8) Based on the determination of the hearing officer
2356 pursuant to subsection (7) for both informal hearings under
2357 subsection (4) and formal hearings under subsection (6), the
2358 department shall:

2359 (a) Sustain the suspension of the person's driving
2360 privilege for a period of 1 year for a first refusal, or for a
2361 period of 18 months if the driving privilege of such person has
2362 been previously suspended as a result of a refusal to submit to
2363 such tests, if the person refused to submit to a lawful breath,
2364 blood, or urine test. The suspension period commences on the
2365 date of issuance of the notice of suspension.

2366 (b) Sustain the suspension of the person's driving
2367 privilege for a period of 6 months for a blood-alcohol level or
2368 breath-alcohol level of 0.08 or higher, or for a period of 1
2369 year if the driving privilege of such person has been previously
2370 suspended under this section as a result of driving with an
2371 unlawful alcohol level. The suspension period commences on the
2372 date of issuance of the notice of suspension.

2373 (9) A request for a formal review hearing or an informal
2374 review hearing shall not stay the suspension of the person's
2375 driver ~~driver's~~ license. If the department fails to schedule the
2376 formal review hearing ~~to be held~~ within 30 days after receipt of
2377 the request therefor, the department shall invalidate the
2378 suspension. If the scheduled hearing is continued at the
2379 department's initiative or the driver enforces the subpoena as
2380 provided in subsection (6), the department shall issue a

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2381 temporary driving permit that shall be valid until the hearing
2382 is conducted if the person is otherwise eligible for the driving
2383 privilege. Such permit may not be issued to a person who sought
2384 and obtained a continuance of the hearing. The permit issued
2385 under this subsection shall authorize driving for business or
2386 employment use only.

2387 (10) A person whose driver ~~driver's~~ license is suspended
2388 under subsection (1) or subsection (3) may apply for issuance of
2389 a license for business or employment purposes only if the person
2390 is otherwise eligible for the driving privilege pursuant to s.
2391 322.271.

2392 (a) If the suspension of the driver ~~driver's~~ license of
2393 the person for failure to submit to a breath, urine, or blood
2394 test is sustained, the person is not eligible to receive a
2395 license for business or employment purposes only, pursuant to s.
2396 322.271, until 90 days have elapsed after the expiration of the
2397 last temporary permit issued. If the driver is not issued a 10-
2398 day permit pursuant to this section or s. 322.64 because he or
2399 she is ineligible for the permit and the suspension for failure
2400 to submit to a breath, urine, or blood test is not invalidated
2401 by the department, the driver is not eligible to receive a
2402 business or employment license pursuant to s. 322.271 until 90
2403 days have elapsed from the date of the suspension.

2404 (b) If the suspension of the driver ~~driver's~~ license of
2405 the person relating to unlawful blood-alcohol level or breath-
2406 alcohol level of 0.08 or higher is sustained, the person is not
2407 eligible to receive a license for business or employment
2408 purposes only pursuant to s. 322.271 until 30 days have elapsed

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2409 after the expiration of the last temporary permit issued. If the
2410 driver is not issued a 10-day permit pursuant to this section or
2411 s. 322.64 because he or she is ineligible for the permit and the
2412 suspension relating to unlawful blood-alcohol level or breath-
2413 alcohol level of 0.08 or higher is not invalidated by the
2414 department, the driver is not eligible to receive a business or
2415 employment license pursuant to s. 322.271 until 30 days have
2416 elapsed from the date of the suspension.

2417 (11) The formal review hearing may be conducted upon a
2418 review of the reports of a law enforcement officer or a
2419 correctional officer, including documents relating to the
2420 administration of a breath test or blood test or the refusal to
2421 take either test or the refusal to take a urine test. However,
2422 as provided in subsection (6), the driver may subpoena the
2423 officer or any person who administered or analyzed a breath or
2424 blood test. If the arresting officer or the breath technician
2425 fails to appear pursuant to a subpoena as provided in subsection
2426 (6), the department shall invalidate the suspension.

2427 (12) The formal review hearing and the informal review
2428 hearing are exempt from the provisions of chapter 120. The
2429 department may adopt rules for the conduct of reviews under this
2430 section.

2431 (13) A person may appeal any decision of the department
2432 sustaining a suspension of his or her driver ~~driver's~~ license by
2433 a petition for writ of certiorari to the circuit court in the
2434 county wherein such person resides or wherein a formal or
2435 informal review was conducted pursuant to s. 322.31. However, an
2436 appeal shall not stay the suspension. A law enforcement agency

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2437 may appeal any decision of the department invalidating a
2438 suspension by a petition for writ of certiorari to the circuit
2439 court in the county wherein a formal or informal review was
2440 conducted. This subsection shall not be construed to provide for
2441 a de novo review ~~appeal~~.

2442 (14) (a) The decision of the department under this section
2443 or any circuit court review thereof may not be considered in any
2444 trial for a violation of s. 316.193, and a written statement
2445 submitted by a person in his or her request for departmental
2446 review under this section may not be admitted into evidence
2447 against him or her in any such trial.

2448 (b) The disposition of any related criminal proceedings
2449 does not affect a suspension for refusal to submit to a blood,
2450 breath, or urine test imposed under this section.

2451 (15) If the department suspends a person's license under
2452 s. 322.2616, it may not also suspend the person's license under
2453 this section for the same episode that was the basis for the
2454 suspension under s. 322.2616.

2455 (16) The department shall invalidate a suspension for
2456 driving with an unlawful blood-alcohol level or breath-alcohol
2457 level imposed under this section if the suspended person is
2458 found not guilty at trial of an underlying violation of s.
2459 316.193.

2460 Section 40. Section 322.2616, Florida Statutes, is amended
2461 to read:

2462 322.2616 Suspension of license; persons under 21 years of
2463 age; right to review.—

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2464 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
2465 person under the age of 21 who has a blood-alcohol or breath-
2466 alcohol level of 0.02 or higher to drive or be in actual
2467 physical control of a motor vehicle.

2468 (b) A law enforcement officer who has probable cause to
2469 believe that a motor vehicle is being driven by or is in the
2470 actual physical control of a person who is under the age of 21
2471 while under the influence of alcoholic beverages or who has any
2472 blood-alcohol or breath-alcohol level may lawfully detain such a
2473 person and may request that person to submit to a test to
2474 determine his or her blood-alcohol or breath-alcohol level.

2475 (2) (a) A law enforcement officer or correctional officer
2476 shall, on behalf of the department, suspend the driving
2477 privilege of such person if the person has a blood-alcohol or
2478 breath-alcohol level of 0.02 or higher. The officer shall also
2479 suspend, on behalf of the department, the driving privilege of a
2480 person who has refused to submit to a test as provided by
2481 paragraph (b). The officer shall take the person's driver
2482 ~~driver's~~ license and issue the person a 10-day temporary driving
2483 permit if the person is otherwise eligible for the driving
2484 privilege and shall issue the person a notice of suspension.

2485 (b) The suspension under paragraph (a) must be pursuant
2486 to, and the notice of suspension must inform the driver of, the
2487 following:

2488 1.a. The driver refused to submit to a lawful breath test
2489 and his or her driving privilege is suspended for a period of 1
2490 year for a first refusal or for a period of 18 months if his or

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2491 her driving privilege has been previously suspended as provided
2492 in this section as a result of a refusal to submit to a test; or

2493 b. The driver was under the age of 21 and was driving or
2494 in actual physical control of a motor vehicle while having a
2495 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
2496 person's driving privilege is suspended for a period of 6 months
2497 for a first violation, or for a period of 1 year if his or her
2498 driving privilege has been previously suspended as provided in
2499 this section for driving or being in actual physical control of
2500 a motor vehicle with a blood-alcohol or breath-alcohol level of
2501 0.02 or higher.

2502 2. The suspension period commences on the date of issuance
2503 of the notice of suspension.

2504 3. The driver may request a formal or informal review of
2505 the suspension by the department within 10 days after the
2506 issuance of the notice of suspension.

2507 4. A temporary permit issued at the time of the issuance
2508 of the notice of suspension shall not become effective until
2509 after 12 hours have elapsed and will expire at midnight of the
2510 10th day following the date of issuance.

2511 5. The driver may submit to the department any materials
2512 relevant to the suspension of his or her license.

2513 (c) When a driver subject to this section has a blood-
2514 alcohol or breath-alcohol level of 0.05 or higher, the
2515 suspension shall remain in effect until such time as the driver
2516 has completed a substance abuse course offered by a DUI program
2517 licensed by the department. The driver shall assume the
2518 reasonable costs for the substance abuse course. As part of the

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2519 substance abuse course, the program shall conduct a substance
2520 abuse evaluation of the driver, and notify the parents or legal
2521 guardians of drivers under the age of 19 years of the results of
2522 the evaluation. The term "substance abuse" means the abuse of
2523 alcohol or any substance named or described in Schedules I
2524 through V of s. 893.03. If a driver fails to complete the
2525 substance abuse education course and evaluation, the driver
2526 ~~driver's~~ license shall not be reinstated by the department.

2527 (d) A minor under the age of 18 years proven to be driving
2528 with a blood-alcohol or breath-alcohol level of 0.02 or higher
2529 may be taken by a law enforcement officer to the addictions
2530 receiving facility in the county in which the minor is found to
2531 be so driving, if the county makes the addictions receiving
2532 facility available for such purpose.

2533 (3) The law enforcement officer shall forward to the
2534 department, within 5 days after the date of the issuance of the
2535 notice of suspension, a copy of the notice of suspension, the
2536 driver ~~driver's~~ license of the person receiving the notice of
2537 suspension, and an affidavit stating the officer's grounds for
2538 belief that the person was under the age of 21 and was driving
2539 or in actual physical control of a motor vehicle with any blood-
2540 alcohol or breath-alcohol level, and the results of any blood or
2541 breath test or an affidavit stating that a breath test was
2542 requested by a law enforcement officer or correctional officer
2543 and that the person refused to submit to such test. The failure
2544 of the officer to submit materials within the 5-day period
2545 specified in this subsection does not bar the department from
2546 considering any materials submitted at or before the hearing.

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2547 (4) If the department finds that the license of the person
2548 should be suspended under this section and if the notice of
2549 suspension has not already been served upon the person by a law
2550 enforcement officer or correctional officer as provided in
2551 subsection (2), the department shall issue a notice of
2552 suspension and, unless the notice is mailed under s. 322.251, a
2553 temporary driving permit that expires 10 days after the date of
2554 issuance if the driver is otherwise eligible.

2555 (5) If the person whose license is suspended requests an
2556 informal review under subparagraph (2)(b)3., the department
2557 shall conduct the informal review by a hearing officer
2558 designated ~~employed~~ by the department within 30 days after the
2559 request is received by the department and shall issue such
2560 person a temporary driving permit for business purposes only to
2561 expire on the date that such review is scheduled to be conducted
2562 if the person is otherwise eligible. The informal review hearing
2563 must consist solely of an examination by the department of the
2564 materials submitted by a law enforcement officer or correctional
2565 officer and by the person whose license is suspended, and the
2566 presence of an officer or witness is not required.

2567 (6) After completion of the informal review, notice of the
2568 department's decision sustaining, amending, or invalidating the
2569 suspension of the driver ~~driver's~~ license must be provided to
2570 the person. The notice must be mailed to the person at the last
2571 known address shown on the department's records, or to the
2572 address provided in the law enforcement officer's report if such
2573 address differs from the address of record, within 7 days after
2574 completing the review.

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2575 (7) (a) If the person whose license is suspended requests a
2576 formal review, the department must schedule a hearing to be held
2577 within 30 days after the request is received by the department
2578 and must notify the person of the date, time, and place of the
2579 hearing and shall issue such person a temporary driving permit
2580 for business purposes only to expire on the date that such
2581 review is scheduled to be conducted if the person is otherwise
2582 eligible.

2583 (b) The formal review hearing must be held before a
2584 hearing officer designated ~~employed~~ by the department, and the
2585 hearing officer may administer oaths, examine witnesses and take
2586 testimony, receive relevant evidence, issue subpoenas, regulate
2587 the course and conduct of the hearing, and make a ruling on the
2588 suspension. The hearing officer may conduct hearings using
2589 communications technology. The department and the person whose
2590 license was suspended may subpoena witnesses, and the party
2591 requesting the presence of a witness is responsible for paying
2592 any witness fees and for notifying in writing the state
2593 attorney's office in the appropriate circuit of the issuance of
2594 the subpoena. If the person who requests a formal review hearing
2595 fails to appear and the hearing officer finds the failure to be
2596 without just cause, the right to a formal hearing is waived and
2597 the suspension is sustained.

2598 (c) The failure of a subpoenaed witness to appear at the
2599 formal review hearing shall not be grounds to invalidate the
2600 suspension. If a witness fails to appear, a party may seek
2601 enforcement of a subpoena under paragraph (b) by filing a
2602 petition for enforcement in the circuit court of the judicial

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2603 circuit in which the person failing to comply with the subpoena
2604 resides. A failure to comply with an order of the court
2605 constitutes contempt of court. However, a person may not be held
2606 in contempt while a subpoena is being challenged.

2607 (d) The department must, within 7 working days after a
2608 formal review hearing, send notice to the person of the hearing
2609 officer's decision as to whether sufficient cause exists to
2610 sustain, amend, or invalidate the suspension.

2611 (8) In a formal review hearing under subsection (7) or an
2612 informal review hearing under subsection (5), the hearing
2613 officer shall determine by a preponderance of the evidence
2614 whether sufficient cause exists to sustain, amend, or invalidate
2615 the suspension. The scope of the review is limited to the
2616 following issues:

2617 (a) If the license was suspended because the individual,
2618 then under the age of 21, drove with a blood-alcohol or breath-
2619 alcohol level of 0.02 or higher:

2620 1. Whether the law enforcement officer had probable cause
2621 to believe that the person was under the age of 21 and was
2622 driving or in actual physical control of a motor vehicle in this
2623 state with any blood-alcohol or breath-alcohol level or while
2624 under the influence of alcoholic beverages.

2625 2. Whether the person was under the age of 21.

2626 3. Whether the person had a blood-alcohol or breath-
2627 alcohol level of 0.02 or higher.

2628 (b) If the license was suspended because of the
2629 individual's refusal to submit to a breath test:

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2630 1. Whether the law enforcement officer had probable cause
2631 to believe that the person was under the age of 21 and was
2632 driving or in actual physical control of a motor vehicle in this
2633 state with any blood-alcohol or breath-alcohol level or while
2634 under the influence of alcoholic beverages.

2635 2. Whether the person was under the age of 21.

2636 3. Whether the person refused to submit to a breath test
2637 after being requested to do so by a law enforcement officer or
2638 correctional officer.

2639 4. Whether the person was told that if he or she refused
2640 to submit to a breath test his or her privilege to operate a
2641 motor vehicle would be suspended for a period of 1 year or, in
2642 the case of a second or subsequent refusal, for a period of 18
2643 months.

2644 (9) Based on the determination of the hearing officer
2645 under subsection (8) for both informal hearings under subsection
2646 (5) and formal hearings under subsection (7), the department
2647 shall:

2648 (a) Sustain the suspension of the person's driving
2649 privilege for a period of 1 year for a first refusal, or for a
2650 period of 18 months if the driving privilege of the person has
2651 been previously suspended, as provided in this section, as a
2652 result of a refusal to submit to a test. The suspension period
2653 commences on the date of the issuance of the notice of
2654 suspension.

2655 (b) Sustain the suspension of the person's driving
2656 privilege for a period of 6 months for driving or being in
2657 actual physical control of a motor vehicle while under the age

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2658 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
2659 higher, or for a period of 1 year if the driving privilege of
2660 such person has been previously suspended under this section.
2661 The suspension period commences on the date of the issuance of
2662 the notice of suspension.

2663 (10) A request for a formal review hearing or an informal
2664 review hearing shall not stay the suspension of the person's
2665 driver ~~driver's~~ license. If the department fails to schedule the
2666 formal review hearing ~~to be held~~ within 30 days after receipt of
2667 the request therefor, the department shall invalidate the
2668 suspension. If the scheduled hearing is continued at the
2669 department's initiative or the driver enforces the subpoena as
2670 provided in subsection (7), the department shall issue a
2671 temporary driving permit that is valid until the hearing is
2672 conducted if the person is otherwise eligible for the driving
2673 privilege. The permit shall not be issued to a person who
2674 requested a continuance of the hearing. The permit issued under
2675 this subsection authorizes driving for business or employment
2676 use only.

2677 (11) A person whose driver ~~driver's~~ license is suspended
2678 under subsection (2) or subsection (4) may apply for issuance of
2679 a license for business or employment purposes only, pursuant to
2680 s. 322.271, if the person is otherwise eligible for the driving
2681 privilege. However, such a license may not be issued until 30
2682 days have elapsed after the expiration of the last temporary
2683 driving permit issued under this section.

2684 (12) The formal review hearing may be conducted upon a
2685 review of the reports of a law enforcement officer or

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2686 correctional officer, including documents relating to the
2687 administration of a breath test or the refusal to take a test.
2688 However, as provided in subsection (7), the driver may subpoena
2689 the officer or any person who administered a breath or blood
2690 test. If the officer who suspended the driving privilege fails
2691 to appear pursuant to a subpoena as provided in subsection (7),
2692 the department shall invalidate the suspension.

2693 (13) The formal review hearing and the informal review
2694 hearing are exempt from chapter 120. The department may adopt
2695 rules for conducting reviews under this section.

2696 (14) A person may appeal any decision of the department
2697 sustaining a suspension of his or her driver ~~driver's~~ license by
2698 a petition for writ of certiorari to the circuit court in the
2699 county wherein such person resides or wherein a formal or
2700 informal review was conducted under s. 322.31. However, an
2701 appeal does not stay the suspension. This subsection does not
2702 provide for a de novo review ~~appeal~~.

2703 (15) The decision of the department under this section
2704 shall not be considered in any trial for a violation of s.
2705 316.193, nor shall any written statement submitted by a person
2706 in his or her request for departmental review under this section
2707 be admissible into evidence against him or her in any such
2708 trial. The disposition of any related criminal proceedings shall
2709 not affect a suspension imposed under this section.

2710 (16) By applying for and accepting and using a driver
2711 ~~driver's~~ license, a person under the age of 21 years who holds
2712 the driver ~~driver's~~ license is deemed to have expressed his or
2713 her consent to the provisions of this section.

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2714 (17) A breath test to determine breath-alcohol level
2715 pursuant to this section may be conducted as authorized by s.
2716 316.1932 or by a breath-alcohol test device listed in the United
2717 States Department of Transportation's conforming-product list of
2718 evidential breath-measurement devices. The reading from such a
2719 device is presumed accurate and is admissible in evidence in any
2720 administrative hearing conducted under this section.

2721 (18) The result of a blood test obtained during an
2722 investigation conducted under s. 316.1932 or s. 316.1933 may be
2723 used to suspend the driving privilege of a person under this
2724 section.

2725 (19) A violation of this section is neither a traffic
2726 infraction nor a criminal offense, nor does being detained
2727 pursuant to this section constitute an arrest. A violation of
2728 this section is subject to the administrative action provisions
2729 of this section, which are administered by the department
2730 through its administrative processes. Administrative actions
2731 taken pursuant to this section shall be recorded in the motor
2732 vehicle records maintained by the department. This section does
2733 not bar prosecution under s. 316.193. However, if the department
2734 suspends a person's license under s. 322.2615 for a violation of
2735 s. 316.193, it may not also suspend the person's license under
2736 this section for the same episode that was the basis for the
2737 suspension under s. 322.2615.

2738 Section 41. Section 322.64, Florida Statutes, is amended
2739 to read:

2740 322.64 Holder of commercial driver ~~driver's~~ license;
2741 persons operating a commercial motor vehicle; driving with

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2742 unlawful blood-alcohol level; refusal to submit to breath,
2743 urine, or blood test.-

2744 (1) (a) A law enforcement officer or correctional officer
2745 shall, on behalf of the department, disqualify from operating
2746 any commercial motor vehicle a person who while operating or in
2747 actual physical control of a commercial motor vehicle is
2748 arrested for a violation of s. 316.193, relating to unlawful
2749 blood-alcohol level or breath-alcohol level, or a person who has
2750 refused to submit to a breath, urine, or blood test authorized
2751 by s. 322.63 or s. 316.1932 arising out of the operation or
2752 actual physical control of a commercial motor vehicle. A law
2753 enforcement officer or correctional officer shall, on behalf of
2754 the department, disqualify the holder of a commercial driver
2755 ~~driver's~~ license from operating any commercial motor vehicle if
2756 the licenseholder, while operating or in actual physical control
2757 of a motor vehicle, is arrested for a violation of s. 316.193,
2758 relating to unlawful blood-alcohol level or breath-alcohol
2759 level, or refused to submit to a breath, urine, or blood test
2760 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2761 the person, the officer shall take the person's driver ~~driver's~~
2762 license and issue the person a 10-day temporary permit for the
2763 operation of noncommercial vehicles only if the person is
2764 otherwise eligible for the driving privilege and shall issue the
2765 person a notice of disqualification. If the person has been
2766 given a blood, breath, or urine test, the results of which are
2767 not available to the officer at the time of the arrest, the
2768 agency employing the officer shall transmit such results to the
2769 department within 5 days after receipt of the results. If the

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2770 department then determines that the person had a blood-alcohol
2771 level or breath-alcohol level of 0.08 or higher, the department
2772 shall disqualify the person from operating a commercial motor
2773 vehicle pursuant to subsection (3).

2774 (b) For purposes of determining the period of
2775 disqualification described in 49 C.F.R. s. 383.51, a
2776 disqualification under paragraph (a) shall be considered a
2777 conviction.

2778 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
2779 pursuant to, and the notice of disqualification shall inform the
2780 driver of, the following:

2781 1.a. The driver refused to submit to a lawful breath,
2782 blood, or urine test and he or she is disqualified from
2783 operating a commercial motor vehicle for the time period
2784 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
2785 ~~first refusal, or permanently, if he or she has previously been~~
2786 ~~disqualified under this section; or~~

2787 b. The driver had an unlawful blood-alcohol level of 0.08
2788 or higher while ~~was~~ driving or in actual physical control of a
2789 commercial motor vehicle, or any motor vehicle if the driver
2790 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
2791 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
2792 and his or her driving privilege is ~~shall be~~ disqualified for
2793 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
2794 ~~year for a first offense or permanently disqualified if his or~~
2795 ~~her driving privilege has been previously disqualified under~~
2796 ~~this section.~~

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2797 2. The disqualification period for operating commercial
2798 vehicles shall commence on the date of issuance of the notice of
2799 disqualification.

2800 3. The driver may request a formal or informal review of
2801 the disqualification by the department within 10 days after the
2802 date of issuance of the notice of disqualification.

2803 4. The temporary permit issued at the time of
2804 disqualification expires at midnight of the 10th day following
2805 the date of disqualification.

2806 5. The driver may submit to the department any materials
2807 relevant to the disqualification.

2808 (2) (a) Except as provided in paragraph (1) (a), the law
2809 enforcement officer shall forward to the department, within 5
2810 days after the date of the issuance of the notice of
2811 disqualification, a copy of the notice of disqualification, the
2812 driver ~~driver's~~ license of the person disqualified, and an
2813 affidavit stating the officer's grounds for belief that the
2814 person disqualified was operating or in actual physical control
2815 of a commercial motor vehicle, or holds a commercial driver
2816 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
2817 alcohol level; the results of any breath or blood or urine test
2818 or an affidavit stating that a breath, blood, or urine test was
2819 requested by a law enforcement officer or correctional officer
2820 and that the person arrested refused to submit; a copy of the
2821 notice of disqualification issued to the person; and the
2822 officer's description of the person's field sobriety test, if
2823 any. The failure of the officer to submit materials within the
2824 5-day period specified in this subsection or subsection (1) does

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2825 not affect the department's ability to consider any evidence
2826 submitted at or before ~~prior to~~ the hearing.

2827 (b) The officer may also submit a copy of a video
2828 recording ~~videotape~~ of the field sobriety test or the attempt to
2829 administer such test and a copy of the crash report, ~~if any~~.
2830 Notwithstanding s. 316.066, the crash report shall be considered
2831 by the hearing officer.

2832 (3) If the department determines that the person arrested
2833 should be disqualified from operating a commercial motor vehicle
2834 pursuant to this section and if the notice of disqualification
2835 has not already been served upon the person by a law enforcement
2836 officer or correctional officer as provided in subsection (1),
2837 the department shall issue a notice of disqualification and,
2838 unless the notice is mailed pursuant to s. 322.251, a temporary
2839 permit which expires 10 days after the date of issuance if the
2840 driver is otherwise eligible.

2841 (4) If the person disqualified requests an informal review
2842 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
2843 conduct the informal review by a hearing officer designated
2844 ~~employed~~ by the department. Such informal review hearing shall
2845 consist solely of an examination by the department of the
2846 materials submitted by a law enforcement officer or correctional
2847 officer and by the person disqualified, and the presence of an
2848 officer or witness is not required.

2849 (5) After completion of the informal review, notice of the
2850 department's decision sustaining, amending, or invalidating the
2851 disqualification must be provided to the person. Such notice
2852 must be mailed to the person at the last known address shown on

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2853 the department's records, and to the address provided in the law
2854 enforcement officer's report if such address differs from the
2855 address of record, within 21 days after the expiration of the
2856 temporary permit issued pursuant to subsection (1) or subsection
2857 (3).

2858 (6) (a) If the person disqualified requests a formal
2859 review, the department must schedule a hearing to be held within
2860 30 days after such request is received by the department and
2861 must notify the person of the date, time, and place of the
2862 hearing.

2863 (b) Such formal review hearing shall be held before a
2864 hearing officer designated ~~employed~~ by the department, and the
2865 hearing officer shall be authorized to administer oaths, examine
2866 witnesses and take testimony, receive relevant evidence, issue
2867 subpoenas for the officers and witnesses identified in documents
2868 provided under paragraph (2) (a) as provided in subsection (2),
2869 regulate the course and conduct of the hearing, and make a
2870 ruling on the disqualification. The hearing officer may conduct
2871 hearings using communications technology. The department and the
2872 person disqualified may subpoena witnesses, and the party
2873 requesting the presence of a witness shall be responsible for
2874 the payment of any witness fees. If the person who requests a
2875 formal review hearing fails to appear and the hearing officer
2876 finds such failure to be without just cause, the right to a
2877 formal hearing is waived.

2878 (c) The failure of a subpoenaed witness to appear at the
2879 formal review hearing shall not be grounds to invalidate the
2880 disqualification. If a witness fails to appear, a party may seek

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2881 enforcement of a subpoena under paragraph (b) by filing a
2882 petition for enforcement in the circuit court of the judicial
2883 circuit in which the person failing to comply with the subpoena
2884 resides or by filing a motion for enforcement in any criminal
2885 court case resulting from the driving or actual physical control
2886 of a motor vehicle or commercial motor vehicle that gave rise to
2887 the disqualification under this section. A failure to comply
2888 with an order of the court shall result in a finding of contempt
2889 of court. However, a person shall not be in contempt while a
2890 subpoena is being challenged.

2891 (d) The department must, within 7 working days after a
2892 formal review hearing, send notice to the person of the hearing
2893 officer's decision as to whether sufficient cause exists to
2894 sustain, amend, or invalidate the disqualification.

2895 (7) In a formal review hearing under subsection (6) or an
2896 informal review hearing under subsection (4), the hearing
2897 officer shall determine by a preponderance of the evidence
2898 whether sufficient cause exists to sustain, amend, or invalidate
2899 the disqualification. The scope of the review shall be limited
2900 to the following issues:

2901 (a) If the person was disqualified from operating a
2902 commercial motor vehicle for driving with an unlawful blood-
2903 alcohol level:

2904 1. Whether the ~~arresting~~ law enforcement officer had
2905 probable cause to believe that the person was driving or in
2906 actual physical control of a commercial motor vehicle, or any
2907 motor vehicle if the driver holds a commercial driver ~~driver's~~

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2908 license, in this state while he or she had any alcohol, chemical
2909 substances, or controlled substances in his or her body.

2910 2. Whether the person had an unlawful blood-alcohol level
2911 or breath-alcohol level of 0.08 or higher.

2912 (b) If the person was disqualified from operating a
2913 commercial motor vehicle for refusal to submit to a breath,
2914 blood, or urine test:

2915 1. Whether the law enforcement officer had probable cause
2916 to believe that the person was driving or in actual physical
2917 control of a commercial motor vehicle, or any motor vehicle if
2918 the driver holds a commercial driver ~~driver's~~ license, in this
2919 state while he or she had any alcohol, chemical substances, or
2920 controlled substances in his or her body.

2921 2. Whether the person refused to submit to the test after
2922 being requested to do so by a law enforcement officer or
2923 correctional officer.

2924 3. Whether the person was told that if he or she refused
2925 to submit to such test he or she would be disqualified from
2926 operating a commercial motor vehicle for a period of 1 year or,
2927 if previously disqualified under this section, permanently.

2928 (8) Based on the determination of the hearing officer
2929 pursuant to subsection (7) for both informal hearings under
2930 subsection (4) and formal hearings under subsection (6), the
2931 department shall:

2932 ~~(a) sustain the disqualification for the time period~~
2933 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
2934 ~~refusal, or permanently if such person has been previously~~
2935 ~~disqualified from operating a commercial motor vehicle under~~

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2936 ~~this section.~~ The disqualification period commences on the date
2937 of the issuance of the notice of disqualification.

2938 ~~(b) Sustain the disqualification:~~

2939 ~~1. For a period of 1 year if the person was driving or in~~
2940 ~~actual physical control of a commercial motor vehicle, or any~~
2941 ~~motor vehicle if the driver holds a commercial driver's license,~~
2942 ~~and had an unlawful blood alcohol level or breath alcohol level~~
2943 ~~of 0.08 or higher; or~~

2944 ~~2. Permanently if the person has been previously~~
2945 ~~disqualified from operating a commercial motor vehicle under~~
2946 ~~this section or his or her driving privilege has been previously~~
2947 ~~suspended for driving or being in actual physical control of a~~
2948 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2949 ~~holds a commercial driver's license, and had an unlawful blood-~~
2950 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2951
2952 ~~The disqualification period commences on the date of the~~
2953 ~~issuance of the notice of disqualification.~~

2954 (9) A request for a formal review hearing or an informal
2955 review hearing shall not stay the disqualification. If the
2956 department fails to schedule the formal review hearing ~~to be~~
2957 ~~held~~ within 30 days after receipt of the request therefor, the
2958 department shall invalidate the disqualification. If the
2959 scheduled hearing is continued at the department's initiative or
2960 the driver enforces the subpoena as provided in subsection (6),
2961 the department shall issue a temporary driving permit limited to
2962 noncommercial vehicles which is valid until the hearing is
2963 conducted if the person is otherwise eligible for the driving

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2964 privilege. Such permit shall not be issued to a person who
2965 sought and obtained a continuance of the hearing. The permit
2966 issued under this subsection shall authorize driving for
2967 business purposes only.

2968 (10) A person who is disqualified from operating a
2969 commercial motor vehicle under subsection (1) or subsection (3)
2970 is eligible for issuance of a license for business or employment
2971 purposes only under s. 322.271 if the person is otherwise
2972 eligible for the driving privilege. However, such business or
2973 employment purposes license shall not authorize the driver to
2974 operate a commercial motor vehicle.

2975 (11) The formal review hearing may be conducted upon a
2976 review of the reports of a law enforcement officer or a
2977 correctional officer, including documents relating to the
2978 administration of a breath test or blood test or the refusal to
2979 take either test. However, as provided in subsection (6), the
2980 driver may subpoena the officer or any person who administered
2981 or analyzed a breath or blood test. If the arresting officer or
2982 the breath technician fails to appear pursuant to a subpoena as
2983 provided in subsection (6), the department shall invalidate the
2984 disqualification.

2985 (12) The formal review hearing and the informal review
2986 hearing are exempt from the provisions of chapter 120. The
2987 department may ~~is authorized to~~ adopt rules for the conduct of
2988 reviews under this section.

2989 (13) A person may appeal any decision of the department
2990 sustaining the disqualification from operating a commercial
2991 motor vehicle by a petition for writ of certiorari to the

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2992 circuit court in the county wherein such person resides or
2993 wherein a formal or informal review was conducted pursuant to s.
2994 322.31. However, an appeal shall not stay the disqualification.
2995 This subsection shall not be construed to provide for a de novo
2996 review appeal.

2997 (14) The decision of the department under this section
2998 shall not be considered in any trial for a violation of s.
2999 316.193, s. 322.61, or s. 322.62, nor shall any written
3000 statement submitted by a person in his or her request for
3001 departmental review under this section be admissible into
3002 evidence against him or her in any such trial. The disposition
3003 of any related criminal proceedings shall not affect a
3004 disqualification imposed pursuant to this section.

3005 (15) This section does not preclude the suspension of the
3006 driving privilege pursuant to s. 322.2615. The driving privilege
3007 of a person who has been disqualified from operating a
3008 commercial motor vehicle also may be suspended for a violation
3009 of s. 316.193.

3010 Section 42. Section 322.2715, Florida Statutes, is amended
3011 to read:

3012 322.2715 Ignition interlock device.—

3013 (1) Before issuing a permanent or restricted driver
3014 ~~driver's~~ license under this chapter, the department shall
3015 require the placement of a department-approved ignition
3016 interlock device for any person convicted of committing an
3017 offense of driving under the influence as specified in
3018 subsection (3), except that consideration may be given to those
3019 individuals having a documented medical condition that would

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3020 prohibit the device from functioning normally. If a medical
3021 waiver has been granted for a convicted person seeking a
3022 restricted license, the convicted person shall not be entitled
3023 to a restricted license until the required ignition interlock
3024 device installation period under subsection (3) expires, in
3025 addition to the time requirements under s. 322.271. If a
3026 medical waiver has been approved for a convicted person
3027 seeking permanent reinstatement of the driver license, the
3028 convicted person must be restricted to an employment-purposes-
3029 only license and be supervised by a licensed DUI program until
3030 the required ignition interlock device installation period under
3031 subsection (3) expires. An interlock device shall be placed on
3032 all vehicles that are individually or jointly leased or owned
3033 and routinely operated by the convicted person.

3034 (2) For purposes of this section, any conviction for a
3035 violation of s. 316.193, a previous conviction for a violation
3036 of former s. 316.1931, or a conviction outside this state for
3037 driving under the influence, driving while intoxicated, driving
3038 with an unlawful blood-alcohol level, or any other similar
3039 alcohol-related or drug-related traffic offense is a conviction
3040 of driving under the influence.

3041 (3) If the person is convicted of:

3042 (a) A first offense of driving under the influence under
3043 s. 316.193 and has an unlawful blood-alcohol level or breath-
3044 alcohol level as specified in s. 316.193(4), or if a person is
3045 convicted of a violation of s. 316.193 and was at the time of
3046 the offense accompanied in the vehicle by a person younger than
3047 18 years of age, the person shall have the ignition interlock

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3048 device installed for at least ~~not less than~~ 6 continuous months
3049 for the first offense and for at least ~~not less than~~ 2
3050 continuous years for a second offense.

3051 (b) A second offense of driving under the influence, the
3052 ignition interlock device shall be installed for a period of at
3053 least ~~not less than~~ 1 continuous year.

3054 (c) A third offense of driving under the influence which
3055 occurs within 10 years after a prior conviction for a violation
3056 of s. 316.193, the ignition interlock device shall be installed
3057 for a period of at least ~~not less than~~ 2 continuous years.

3058 (d) A third offense of driving under the influence which
3059 occurs more than 10 years after the date of a prior conviction,
3060 the ignition interlock device shall be installed for a period of
3061 at least ~~not less than~~ 2 continuous years.

3062 (e) A fourth or subsequent offense of driving under the
3063 influence, the ignition interlock device shall be installed for
3064 a period of at least ~~not less than~~ 5 years.

3065 (4) If the court fails to order the mandatory placement of
3066 the ignition interlock device or fails to order for the
3067 applicable period the mandatory placement of an ignition
3068 interlock device under s. 316.193 or s. 316.1937 at the time of
3069 imposing sentence or within 30 days thereafter, the department
3070 shall immediately require that the ignition interlock device be
3071 installed as provided in this section, except that consideration
3072 may be given to those individuals having a documented medical
3073 condition that would prohibit the device from functioning
3074 normally. This subsection applies to the reinstatement of the
3075 driving privilege following a revocation, suspension, or

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3076 cancellation that is based upon a conviction for the offense of
3077 driving under the influence which occurs on or after July 1,
3078 2005.

3079 (5) In addition to any fees authorized by rule for the
3080 installation and maintenance of the ignition interlock device,
3081 the authorized installer of the device shall collect and remit
3082 \$12 for each installation to the department, which shall be
3083 deposited into the Highway Safety Operating Trust Fund to be
3084 used for the operation of the Ignition Interlock Device Program.

3085 Section 43. Section 322.28, Florida Statutes, is amended
3086 to read:

3087 322.28 Period of suspension or revocation.—

3088 (1) Unless otherwise provided by this section, the
3089 department shall not suspend a license for a period of more than
3090 1 year and, upon revoking a license, in any case except in a
3091 prosecution for the offense of driving a motor vehicle while
3092 under the influence of alcoholic beverages, chemical substances
3093 as set forth in s. 877.111, or controlled substances, shall not
3094 in any event grant a new license until the expiration of 1 year
3095 after such revocation.

3096 (2) In a prosecution for a violation of s. 316.193 or
3097 former s. 316.1931, the following provisions apply:

3098 (a) Upon conviction of the driver, the court, along with
3099 imposing sentence, shall revoke the driver ~~driver's~~ license or
3100 driving privilege of the person so convicted, effective on the
3101 date of conviction, and shall prescribe the period of such
3102 revocation in accordance with the following provisions:

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3103 1. Upon a first conviction for a violation of the
3104 provisions of s. 316.193, except a violation resulting in death,
3105 the driver ~~driver's~~ license or driving privilege shall be
3106 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
3107 1 year.

3108 2. Upon a second conviction for an offense that occurs
3109 within a period of 5 years after the date of a prior conviction
3110 for a violation of the provisions of s. 316.193 or former s.
3111 316.1931 or a combination of such sections, the driver ~~driver's~~
3112 license or driving privilege shall be revoked for at least ~~not~~
3113 ~~less than~~ 5 years.

3114 3. Upon a third conviction for an offense that occurs
3115 within a period of 10 years after the date of a prior conviction
3116 for the violation of the provisions of s. 316.193 or former s.
3117 316.1931 or a combination of such sections, the driver ~~driver's~~
3118 license or driving privilege shall be revoked for at least ~~not~~
3119 ~~less than~~ 10 years.

3120
3121 For the purposes of this paragraph, a previous conviction
3122 outside this state for driving under the influence, driving
3123 while intoxicated, driving with an unlawful blood-alcohol level,
3124 or any other alcohol-related or drug-related traffic offense
3125 similar to the offense of driving under the influence as
3126 proscribed by s. 316.193 will be considered a previous
3127 conviction for violation of s. 316.193, and a conviction for
3128 violation of former s. 316.028, former s. 316.1931, or former s.
3129 860.01 is considered a conviction for violation of s. 316.193.

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3130 (b) If the period of revocation was not specified by the
3131 court at the time of imposing sentence or within 30 days
3132 thereafter, and is not otherwise specified by law, the
3133 department shall forthwith revoke the driver ~~driver's~~ license or
3134 driving privilege for the maximum period applicable under
3135 paragraph (a) for a first conviction and for the minimum period
3136 applicable under paragraph (a) for any subsequent convictions.
3137 The driver may, within 30 days after such revocation by the
3138 department, petition the court for further hearing on the period
3139 of revocation, and the court may reopen the case and determine
3140 the period of revocation within the limits specified in
3141 paragraph (a).

3142 (c) The forfeiture of bail bond, not vacated within 20
3143 days, in any prosecution for the offense of driving while under
3144 the influence of alcoholic beverages, chemical substances, or
3145 controlled substances to the extent of depriving the defendant
3146 of his or her normal faculties shall be deemed equivalent to a
3147 conviction for the purposes of this paragraph, and the
3148 department shall forthwith revoke the defendant's driver
3149 ~~driver's~~ license or driving privilege for the maximum period
3150 applicable under paragraph (a) for a first conviction and for
3151 the minimum period applicable under paragraph (a) for a second
3152 or subsequent conviction; however, if the defendant is later
3153 convicted of the charge, the period of revocation imposed by the
3154 department for such conviction shall not exceed the difference
3155 between the applicable maximum for a first conviction or minimum
3156 for a second or subsequent conviction and the revocation period
3157 under this subsection that has actually elapsed; upon conviction

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3158 of such charge, the court may impose revocation for a period of
3159 time as specified in paragraph (a). This paragraph does not
3160 apply if an appropriate motion contesting the forfeiture is
3161 filed within the 20-day period.

3162 ~~(d) When any driver's license or driving privilege has~~
3163 ~~been revoked pursuant to the provisions of this section, the~~
3164 ~~department shall not grant a new license, except upon~~
3165 ~~reexamination of the licensee after the expiration of the period~~
3166 ~~of revocation so prescribed. However, the court may, in its~~
3167 ~~sound discretion, issue an order of reinstatement on a form~~
3168 ~~furnished by the department which the person may take to any~~
3169 ~~driver's license examining office for reinstatement by the~~
3170 ~~department pursuant to s. 322.282.~~

3171 (d)(e) The court shall permanently revoke the driver
3172 ~~driver's~~ license or driving privilege of a person who has been
3173 convicted four times for violation of s. 316.193 or former s.
3174 316.1931 or a combination of such sections. The court shall
3175 permanently revoke the driver ~~driver's~~ license or driving
3176 privilege of any person who has been convicted of DUI
3177 manslaughter in violation of s. 316.193. If the court has not
3178 permanently revoked such driver ~~driver's~~ license or driving
3179 privilege within 30 days after imposing sentence, the department
3180 shall permanently revoke the driver ~~driver's~~ license or driving
3181 privilege pursuant to this paragraph. No driver ~~driver's~~ license
3182 or driving privilege may be issued or granted to any such
3183 person. This paragraph applies only if at least one of the
3184 convictions for violation of s. 316.193 or former s. 316.1931
3185 was for a violation that occurred after July 1, 1982. For the

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3186 purposes of this paragraph, a conviction for violation of former
3187 s. 316.028, former s. 316.1931, or former s. 860.01 is also
3188 considered a conviction for violation of s. 316.193. Also, a
3189 conviction of driving under the influence, driving while
3190 intoxicated, driving with an unlawful blood-alcohol level, or
3191 any other similar alcohol-related or drug-related traffic
3192 offense outside this state is considered a conviction for the
3193 purposes of this paragraph.

3194 (e) Convictions that occur on the same date resulting from
3195 separate offense dates shall be treated as separate convictions,
3196 and the offense that occurred earlier will be deemed a prior
3197 conviction for the purposes of this section.

3198 (3) The court shall permanently revoke the driver ~~driver's~~
3199 license or driving privilege of a person who has been convicted
3200 of murder resulting from the operation of a motor vehicle. No
3201 driver ~~driver's~~ license or driving privilege may be issued or
3202 granted to any such person.

3203 (4) (a) Upon a conviction for a violation of s.
3204 316.193(3)(c)2., involving serious bodily injury, a conviction
3205 of manslaughter resulting from the operation of a motor vehicle,
3206 or a conviction of vehicular homicide, the court shall revoke
3207 the driver ~~driver's~~ license of the person convicted for a
3208 minimum period of 3 years. If a conviction under s.
3209 316.193(3)(c)2., involving serious bodily injury, is also a
3210 subsequent conviction as described under paragraph (2)(a), the
3211 court shall revoke the driver ~~driver's~~ license or driving
3212 privilege of the person convicted for the period applicable as
3213 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

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3214 (b) If the period of revocation was not specified by the
3215 court at the time of imposing sentence or within 30 days
3216 thereafter, the department shall revoke the driver ~~driver's~~
3217 license for the minimum period applicable under paragraph (a)
3218 or, for a subsequent conviction, for the minimum period
3219 applicable under paragraph (2) (a) or paragraph (2) (d) ~~(2) (e)~~.

3220 (5) A court may not stay the administrative suspension of
3221 a driving privilege under s. 322.2615 or s. 322.2616 during
3222 judicial review of the departmental order that resulted in such
3223 suspension, and a suspension or revocation of a driving
3224 privilege may not be stayed upon an appeal of the conviction or
3225 order that resulted in the suspension or revocation.

3226 (6) In a prosecution for a violation of s. 316.172(1), and
3227 upon a showing of the department's records that the licensee has
3228 received a second conviction within 5 years following the date
3229 of a prior conviction of s. 316.172(1), the department shall,
3230 upon direction of the court, suspend the driver ~~driver's~~ license
3231 of the person convicted for a period of at least ~~not less than~~
3232 90 days but not ~~or~~ more than 6 months.

3233 (7) Following a second or subsequent violation of s.
3234 796.07(2) (f) which involves a motor vehicle and which results in
3235 any judicial disposition other than acquittal or dismissal, in
3236 addition to any other sentence imposed, the court shall revoke
3237 the person's driver ~~driver's~~ license or driving privilege,
3238 effective upon the date of the disposition, for a period of at
3239 least ~~not less than~~ 1 year. A person sentenced under this
3240 subsection may request a hearing under s. 322.271.

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3241 Section 44. Section 322.331, Florida Statutes, is
3242 repealed.

3243 Section 45. Section 322.61, Florida Statutes, is amended
3244 to read:

3245 322.61 Disqualification from operating a commercial motor
3246 vehicle.—

3247 (1) A person who, for offenses occurring within a 3-year
3248 period, is convicted of two of the following serious traffic
3249 violations or any combination thereof, arising in separate
3250 incidents committed in a commercial motor vehicle shall, in
3251 addition to any other applicable penalties, be disqualified from
3252 operating a commercial motor vehicle for a period of 60 days. A
3253 holder of a commercial driver ~~driver's~~ license or commercial
3254 learner's permit who, for offenses occurring within a 3-year
3255 period, is convicted of two of the following serious traffic
3256 violations, or any combination thereof, arising in separate
3257 incidents committed in a noncommercial motor vehicle shall, in
3258 addition to any other applicable penalties, be disqualified from
3259 operating a commercial motor vehicle for a period of 60 days if
3260 such convictions result in the suspension, revocation, or
3261 cancellation of the licenseholder's driving privilege:

3262 (a) A violation of any state or local law relating to
3263 motor vehicle traffic control, other than a parking violation, a
3264 ~~weight violation, or a vehicle equipment violation,~~ arising in
3265 connection with a crash resulting in death ~~or personal injury to~~
3266 ~~any person;~~

3267 (b) Reckless driving, as defined in s. 316.192;

3268 ~~(c) Careless driving, as defined in s. 316.1925;~~

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- 3269 ~~(d) Fleeing or attempting to elude a law enforcement~~
3270 ~~officer, as defined in s. 316.1935;~~
- 3271 ~~(c)(e)~~ Unlawful speed of 15 miles per hour or more above
3272 the posted speed limit;
- 3273 ~~(f) Driving a commercial motor vehicle, owned by such~~
3274 ~~person, which is not properly insured;~~
- 3275 ~~(d)(g)~~ Improper lane change, as defined in s. 316.085;
3276 ~~(e)(h)~~ Following too closely, as defined in s. 316.0895;
3277 ~~(f)(i)~~ Driving a commercial vehicle without obtaining a
3278 commercial driver ~~driver's~~ license;
- 3279 ~~(g)(j)~~ Driving a commercial vehicle without the proper
3280 class of commercial driver ~~driver's~~ license or commercial
3281 learner's permit or without the proper endorsement; or
- 3282 ~~(h)(k)~~ Driving a commercial vehicle without a commercial
3283 driver ~~driver's~~ license or commercial learner's permit in
3284 possession, as required by s. 322.03. ~~Any individual who~~
3285 ~~provides proof to the clerk of the court or designated official~~
3286 ~~in the jurisdiction where the citation was issued, by the date~~
3287 ~~the individual must appear in court or pay any fine for such a~~
3288 ~~violation, that the individual held a valid commercial driver's~~
3289 ~~license on the date the citation was issued is not guilty of~~
3290 ~~this offense.~~
- 3291 (2) (a) Any person who, for offenses occurring within a 3-
3292 year period, is convicted of three serious traffic violations
3293 specified in subsection (1) or any combination thereof, arising
3294 in separate incidents committed in a commercial motor vehicle
3295 shall, in addition to any other applicable penalties, including
3296 but not limited to the penalty provided in subsection (1), be

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3297 disqualified from operating a commercial motor vehicle for a
3298 period of 120 days.

3299 (b) A holder of a commercial driver ~~driver's~~ license or
3300 commercial learner's permit who, for offenses occurring within a
3301 3-year period, is convicted of three serious traffic violations
3302 specified in subsection (1) or any combination thereof arising
3303 in separate incidents committed in a noncommercial motor vehicle
3304 shall, in addition to any other applicable penalties, including,
3305 but not limited to, the penalty provided in subsection (1), be
3306 disqualified from operating a commercial motor vehicle for a
3307 period of 120 days if such convictions result in the suspension,
3308 revocation, or cancellation of the licenseholder's driving
3309 privilege.

3310 (3) (a) Except as provided in subsection (4), any person
3311 who is convicted of one of the offenses listed in paragraph (b)
3312 while operating a commercial motor vehicle shall, in addition to
3313 any other applicable penalties, be disqualified from operating a
3314 commercial motor vehicle for a period of 1 year.

3315 (b) Except as provided in subsection (4), any holder of a
3316 commercial driver license or commercial learner's permit who is
3317 convicted of one of the offenses listed in this paragraph while
3318 operating a noncommercial motor vehicle shall, in addition to
3319 any other applicable penalties, be disqualified from operating a
3320 commercial motor vehicle for a period of 1 year:

3321 1. Driving a motor vehicle while he or she is under the
3322 influence of alcohol or a controlled substance;

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3323 2. Driving a commercial motor vehicle while the alcohol
3324 concentration of his or her blood, breath, or urine is .04
3325 percent or higher;

3326 3. Leaving the scene of a crash involving a motor vehicle
3327 driven by such person;

3328 4. Using a motor vehicle in the commission of a felony;

3329 ~~5. Driving a commercial motor vehicle while in possession~~
3330 ~~of a controlled substance;~~

3331 ~~5.6.~~ Refusing to submit to a test to determine his or her
3332 alcohol concentration while driving a motor vehicle;

3333 6. Driving a commercial motor vehicle when, as a result of
3334 prior violations committed operating a commercial motor vehicle,
3335 his or her commercial driver license or commercial learner's
3336 permit is revoked, suspended, or canceled, or he or she is
3337 disqualified from operating a commercial motor vehicle; or

3338 ~~7. Driving a commercial vehicle while the licenseholder's~~
3339 ~~commercial driver license is suspended, revoked, or canceled or~~
3340 ~~while the licenseholder is disqualified from driving a~~
3341 ~~commercial vehicle; or~~

3342 ~~7.8.~~ Causing a fatality through the negligent operation of
3343 a commercial motor vehicle.

3344 (4) Any person who is transporting hazardous materials as
3345 defined in s. 322.01(24) shall, upon conviction of an offense
3346 specified in subsection (3), be disqualified from operating a
3347 commercial motor vehicle for a period of 3 years. The penalty
3348 provided in this subsection shall be in addition to any other
3349 applicable penalty.

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3350 (5) A person who is convicted of two violations specified
3351 in subsection (3) which were committed while operating a
3352 commercial motor vehicle, or any combination thereof, arising in
3353 separate incidents shall be permanently disqualified from
3354 operating a commercial motor vehicle. A holder of a commercial
3355 driver license or commercial learner's permit who is convicted
3356 of two violations specified in subsection (3) which were
3357 committed while operating any motor vehicle arising in separate
3358 incidents shall be permanently disqualified from operating a
3359 commercial motor vehicle. The penalty provided in this
3360 subsection is in addition to any other applicable penalty.

3361 (6) Notwithstanding subsections (3), (4), and (5), any
3362 person who uses a commercial motor vehicle in the commission of
3363 any felony involving the manufacture, distribution, or
3364 dispensing of a controlled substance, including possession with
3365 intent to manufacture, distribute, or dispense a controlled
3366 substance, shall, upon conviction of such felony, be permanently
3367 disqualified from operating a commercial motor vehicle.
3368 Notwithstanding subsections (3), (4), and (5), any holder of a
3369 commercial driver ~~driver's~~ license or commercial learner's
3370 permit who uses a noncommercial motor vehicle in the commission
3371 of any felony involving the manufacture, distribution, or
3372 dispensing of a controlled substance, including possession with
3373 intent to manufacture, distribute, or dispense a controlled
3374 substance, shall, upon conviction of such felony, be permanently
3375 disqualified from operating a commercial motor vehicle. The
3376 penalty provided in this subsection is in addition to any other
3377 applicable penalty.

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3378 (7) A person whose privilege to operate a commercial motor
3379 vehicle is disqualified under this section may, if otherwise
3380 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3381 to s. 322.251.

3382 (8) A driver who is convicted of or otherwise found to
3383 have committed a violation of an out-of-service order while
3384 driving a commercial motor vehicle is disqualified as follows:

3385 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3386 1 year if the driver is convicted of or otherwise found to have
3387 committed a first violation of an out-of-service order.

3388 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3389 years if, for offenses occurring during any 10-year period, the
3390 driver is convicted of or otherwise found to have committed two
3391 violations of out-of-service orders in separate incidents.

3392 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3393 years if, for offenses occurring during any 10-year period, the
3394 driver is convicted of or otherwise found to have committed
3395 three or more violations of out-of-service orders in separate
3396 incidents.

3397 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3398 2 years if the driver is convicted of or otherwise found to have
3399 committed a first violation of an out-of-service order while
3400 transporting hazardous materials required to be placarded under
3401 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
3402 et seq., or while operating motor vehicles designed to transport
3403 more than 15 passengers, including the driver. A driver is
3404 disqualified for a period of at least ~~not less than~~ 3 years but
3405 not ~~nor~~ more than 5 years if, for offenses occurring during any

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3406 10-year period, the driver is convicted of or otherwise found to
3407 have committed any subsequent violations of out-of-service
3408 orders, in separate incidents, while transporting hazardous
3409 materials required to be placarded under the Hazardous Materials
3410 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
3411 operating motor vehicles designed to transport more than 15
3412 passengers, including the driver.

3413 (9) A driver who is convicted of or otherwise found to
3414 have committed an offense of operating a commercial motor
3415 vehicle in violation of federal, state, or local law or
3416 regulation pertaining to one of the following six offenses at a
3417 railroad-highway grade crossing must be disqualified for the
3418 period of time specified in subsection (10):

3419 (a) For drivers who are not always required to stop,
3420 failing to slow down and check that the tracks are clear of
3421 approaching trains.

3422 (b) For drivers who are not always required to stop,
3423 failing to stop before reaching the crossing if the tracks are
3424 not clear.

3425 (c) For drivers who are always required to stop, failing
3426 to stop before driving onto the crossing.

3427 (d) For all drivers, failing to have sufficient space to
3428 drive completely through the crossing without stopping.

3429 (e) For all drivers, failing to obey a traffic control
3430 device or all directions of an enforcement official at the
3431 crossing.

3432 (f) For all drivers, failing to negotiate a crossing
3433 because of insufficient undercarriage clearance.

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3434 (10) (a) A driver must be disqualified for at least ~~not~~
3435 ~~less than~~ 60 days if the driver is convicted of or otherwise
3436 found to have committed a first violation of a railroad-highway
3437 grade crossing violation.

3438 (b) A driver must be disqualified for at least ~~not less~~
3439 ~~than~~ 120 days if, for offenses occurring during any 3-year
3440 period, the driver is convicted of or otherwise found to have
3441 committed a second railroad-highway grade crossing violation in
3442 separate incidents.

3443 (c) A driver must be disqualified for at least ~~not less~~
3444 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
3445 the driver is convicted of or otherwise found to have committed
3446 a third or subsequent railroad-highway grade crossing violation
3447 in separate incidents.

3448 Section 46. Subsections (2) and (3) of section 323.002,
3449 Florida Statutes, are amended to read:

3450 323.002 County and municipal wrecker operator systems;
3451 penalties for operation outside of system.-

3452 (2) In any county or municipality that operates a wrecker
3453 operator system:

3454 (a) It is unlawful for an unauthorized wrecker operator or
3455 its employees or agents to monitor police radio for
3456 communications between patrol field units and the dispatcher in
3457 order to determine the location of a wrecked or disabled vehicle
3458 for the purpose of driving by the scene of such vehicle in a
3459 manner described in paragraph (b) or paragraph (c). Any person
3460 who violates this paragraph commits ~~is guilty of~~ a noncriminal
3461 violation, punishable as provided in s. 775.083, and the

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3462 person's wrecker, tow truck, or other motor vehicle that was
3463 used during the offense may be immediately removed and impounded
3464 pursuant to subsection (3).

3465 (b) It is unlawful for an unauthorized wrecker operator
3466 to drive by the scene of a wrecked or disabled vehicle before
3467 the arrival of an authorized wrecker operator, initiate contact
3468 with the owner or operator of such vehicle by soliciting or
3469 offering towing services, and tow such vehicle. Any person who
3470 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
3471 the second degree, punishable as provided in s. 775.082 or s.
3472 775.083, and the person's wrecker, tow truck, or other motor
3473 vehicle that was used during the offense may be immediately
3474 removed and impounded pursuant to subsection (3).

3475 (c) When an unauthorized wrecker operator drives by the
3476 scene of a wrecked or disabled vehicle and the owner or operator
3477 initiates contact by signaling the wrecker operator to stop and
3478 provide towing services, the unauthorized wrecker operator must
3479 disclose in writing to the owner or operator of the vehicle his
3480 or her full name and driver license number, that he or she is
3481 not the authorized wrecker operator who has been designated as
3482 part of the wrecker operator system, that the motor vehicle is
3483 not being towed for the owner's or operator's insurance company
3484 or lienholder, whether the unauthorized wrecker operator has in
3485 effect an insurance policy providing at least \$300,000 of
3486 liability insurance and at least \$50,000 of on-hook cargo
3487 insurance, and the maximum ~~must disclose, in writing, a fee~~
3488 ~~schedule that includes what~~ charges for towing and storage which
3489 will apply before the vehicle is connected to ~~or disconnected~~

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3490 ~~from the towing apparatus. The unauthorized wrecker operator~~
3491 ~~must also provide a copy of the disclosure to the owner or~~
3492 ~~operator in the presence of a law enforcement officer if such~~
3493 ~~officer is at the scene of a motor vehicle accident, the fee~~
3494 ~~charged per mile to and from the storage facility, the fee~~
3495 ~~charged per 24 hours of storage, and, prominently displayed, the~~
3496 ~~consumer hotline for the Department of Agriculture and Consumer~~
3497 ~~Services. Any person who violates this paragraph commits is~~
3498 ~~guilty of a misdemeanor of the second degree, punishable as~~
3499 ~~provided in s. 775.082 or s. 775.083, and the person's wrecker,~~
3500 ~~tow truck, or other motor vehicle that was used during the~~
3501 ~~offense may be immediately removed and impounded pursuant to~~
3502 ~~subsection (3).~~

3503 (d) At the scene of a wrecked or disabled vehicle, it is
3504 unlawful for a wrecker operator to falsely identify himself or
3505 herself as being part of the wrecker operator system. Any person
3506 who violates this paragraph commits is guilty of a misdemeanor
3507 of the first degree, punishable as provided in s. 775.082 or s.
3508 775.083, and the person's wrecker, tow truck, or other motor
3509 vehicle that was used during the offense may be immediately
3510 removed and impounded pursuant to subsection (3).

3511 (3) (a) A law enforcement officer from any local
3512 governmental agency or state law enforcement agency may cause to
3513 be immediately removed and impounded from the scene of a wrecked
3514 or disabled vehicle, at the unauthorized wrecker operator's
3515 expense, any wrecker, tow truck, or other motor vehicle that is
3516 used in violation of subsection (2). The unauthorized wrecker
3517 operator shall be assessed a cost recovery fine as provided in

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3518 paragraph (b) by the authority that ordered the immediate
3519 removal and impoundment of the wrecker, tow truck, or other
3520 motor vehicle. A wrecker, tow truck, or other motor vehicle that
3521 is removed and impounded pursuant to this section may not be
3522 released from an impound or towing and storage facility before a
3523 release form has been completed by the authority that ordered
3524 the immediate removal and impoundment of the vehicle which
3525 verifies that the cost recovery fine has been paid. The vehicle
3526 must remain impounded until the fine has been paid or until the
3527 vehicle is sold at public sale pursuant to s. 713.78.

3528 (b) Notwithstanding any other law to the contrary, the
3529 unauthorized wrecker operator, upon retrieval of the wrecker,
3530 tow truck, or other motor vehicle removed or impounded under
3531 this section and in addition to any other penalties that may be
3532 imposed for noncriminal violations, shall pay a cost-recovery
3533 fine of \$500 for a first violation of subsection (2), or a fine
3534 of \$1,000 for each subsequent violation of subsection (2), to
3535 the authority that ordered the removal and impoundment of the
3536 vehicle. Cost recovery funds collected under this subsection
3537 shall be retained by the authority that ordered the removal and
3538 impoundment of the vehicle and may be used only for enforcement,
3539 investigation, prosecution, and training relating to towing
3540 violations and crimes involving motor vehicles.

3541 (c) Notwithstanding any other law to the contrary and in
3542 addition to the cost-recovery fine required by this subsection,
3543 a person who violates any provision of subsection (2) shall pay
3544 the fees associated with the removal and storage of the wrecker,
3545 tow truck, or other motor vehicle.

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3546 ~~(4)~~~~(3)~~ This section does not prohibit, or in any way
3547 prevent, the owner or operator of a vehicle involved in an
3548 accident or otherwise disabled from contacting any wrecker
3549 operator for the provision of towing services, whether the
3550 wrecker operator is an authorized wrecker operator or not.

3551 Section 47. Paragraph (a) of subsection (1) of section
3552 324.0221, Florida Statutes, is amended to read:

3553 324.0221 Reports by insurers to the department; suspension
3554 of driver ~~driver's~~ license and vehicle registrations;
3555 reinstatement.—

3556 (1) (a) Each insurer that has issued a policy providing
3557 personal injury protection coverage or property damage liability
3558 coverage shall report the ~~renewal~~, cancellation~~7~~ or nonrenewal
3559 thereof to the department within 10 ~~45~~ days after the processing
3560 date or effective date of each ~~renewal~~, cancellation~~7~~ or
3561 nonrenewal. Upon the issuance of a policy providing personal
3562 injury protection coverage or property damage liability coverage
3563 to a named insured not previously insured by the insurer during
3564 that calendar year, the insurer shall report the issuance of the
3565 new policy to the department within 10 ~~30~~ days. The report shall
3566 be in the form and format and contain any information required
3567 by the department and must be provided in a format that is
3568 compatible with the data processing capabilities of the
3569 department. The department may adopt rules regarding the form
3570 and documentation required. Failure by an insurer to file proper
3571 reports with the department as required by this subsection or
3572 rules adopted with respect to the requirements of this
3573 subsection constitutes a violation of the Florida Insurance

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3574 Code. These records shall be used by the department only for
3575 enforcement and regulatory purposes, including the generation by
3576 the department of data regarding compliance by owners of motor
3577 vehicles with the requirements for financial responsibility
3578 coverage.

3579 Section 48. Section 324.031, Florida Statutes, is amended
3580 to read:

3581 324.031 Manner of proving financial responsibility.—The
3582 owner or operator of a taxicab, limousine, jitney, or any other
3583 for-hire passenger transportation vehicle may prove financial
3584 responsibility by providing satisfactory evidence of holding a
3585 motor vehicle liability policy as defined in s. 324.021(8) or s.
3586 324.151, which policy is issued by an insurance carrier which is
3587 a member of the Florida Insurance Guaranty Association. The
3588 operator or owner of any other vehicle may prove his or her
3589 financial responsibility by:

3590 (1) Furnishing satisfactory evidence of holding a motor
3591 vehicle liability policy as defined in ss. 324.021(8) and
3592 324.151;

3593 ~~(2) Posting with the department a satisfactory bond of a~~
3594 ~~surety company authorized to do business in this state,~~
3595 ~~conditioned for payment of the amount specified in s.~~
3596 ~~324.021(7);~~

3597 ~~(2)~~(3) Furnishing a certificate of self-insurance ~~the~~
3598 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
3599 with s. 324.161; or

3600 ~~(3)~~(4) Furnishing a certificate of self-insurance issued
3601 by the department in accordance with s. 324.171.

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3602 Any person, including any firm, partnership, association,
3603 corporation, or other person, other than a natural person,
3604 electing to use the method of proof specified in subsection (2)
3605 ~~or subsection (3)~~ shall furnish a certificate of ~~post a bond or~~
3606 deposit equal to the number of vehicles owned times \$30,000, to
3607 a maximum of \$120,000; in addition, any such person, other than
3608 a natural person, shall maintain insurance providing coverage in
3609 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
3610 single limits, and such excess insurance shall provide minimum
3611 limits of \$125,000/250,000/50,000 or \$300,000 combined single
3612 limits. These increased limits shall not affect the requirements
3613 for proving financial responsibility under s. 324.032(1).

3614 Section 49. Subsection (1) of section 324.091, Florida
3615 Statutes, is amended to read:

3616 324.091 Notice to department; notice to insurer.—

3617 (1) Each owner and operator involved in a crash or
3618 conviction case within the purview of this chapter shall furnish
3619 evidence of automobile liability insurance or ~~motor vehicle~~
3620 liability insurance, ~~or a surety bond~~ within 14 days after the
3621 date of the mailing of notice of crash by the department in the
3622 form and manner as it may designate. Upon receipt of evidence
3623 that an automobile liability policy or ~~motor vehicle liability~~
3624 policy, ~~or surety bond~~ was in effect at the time of the crash or
3625 conviction case, the department shall forward ~~by United States~~
3626 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
3627 ~~of~~ such information for verification in a method as determined
3628 by the department. ~~and shall assume that the policy or bond was~~
3629 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~

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3630 ~~notifies~~ the department ~~otherwise~~ within 20 days after ~~the~~
3631 ~~mailing of~~ the notice whether or not such information is valid
3632 ~~to the insurer or surety insurer. However,~~ If the department
3633 ~~later~~ determines that an automobile liability policy or, motor
3634 vehicle liability policy, ~~or surety bond~~ was not in effect and
3635 did not provide coverage for both the owner and the operator, it
3636 shall take action as it is ~~otherwise~~ authorized to do under this
3637 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
3638 ~~be made by the department by naming the insurer or surety~~
3639 ~~insurer to whom the mailing was made and by specifying the time,~~
3640 ~~place, and manner of mailing.~~

3641 Section 50. Section 324.161, Florida Statutes, is amended
3642 to read:

3643 324.161 Proof of financial responsibility; ~~surety bond or~~
3644 ~~deposit.~~ Annually, before any certificate of insurance may be
3645 issued to a person, including any firm, partnership,
3646 association, corporation, or other person, other than a natural
3647 person, proof of a certificate of deposit of \$30,000 issued and
3648 held by a financial institution must be submitted to the
3649 department. A power of attorney will be issued to and held by the
3650 department and may be executed upon ~~The certificate of the~~
3651 ~~department of a deposit may be obtained by depositing with it~~
3652 ~~\$30,000 cash or securities such as may be legally purchased by~~
3653 ~~savings banks or for trust funds, of a market value of \$30,000~~
3654 ~~and which deposit shall be held by the department to satisfy, in~~
3655 ~~accordance with the provisions of this chapter, any execution on~~
3656 a judgment issued against such person making the deposit, for
3657 damages because of bodily injury to or death of any person or

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3658 for damages because of injury to or destruction of property
3659 resulting from the use or operation of any motor vehicle
3660 occurring after such deposit was made. Money ~~or securities~~ so
3661 deposited shall not be subject to attachment or execution unless
3662 such attachment or execution shall arise out of a suit for
3663 damages as aforesaid.

3664 Section 51. Paragraph (a) of subsection (1) of section
3665 328.01, Florida Statutes, is amended to read:

3666 328.01 Application for certificate of title.—

3667 (1) (a) The owner of a vessel which is required to be
3668 titled shall apply to the county tax collector for a certificate
3669 of title. The application shall include the true name of the
3670 owner, the residence or business address of the owner, and the
3671 complete description of the vessel, including the hull
3672 identification number, except that an application for a
3673 certificate of title for a homemade vessel shall state all the
3674 foregoing information except the hull identification number. The
3675 application shall be signed by the owner and shall be
3676 accompanied by personal or business identification and the
3677 prescribed fee. An individual applicant must provide a valid
3678 driver license or identification card issued by this state or
3679 another state or a valid passport. A business applicant must
3680 provide a federal employer identification number, if applicable,
3681 verification that the business is authorized to conduct business
3682 in the state, or a Florida city or county business license or
3683 number, which may include, but need not be limited to, a
3684 driver's license number, Florida identification card number, or
3685 federal employer identification number, and the prescribed fee.

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3686 Section 52. Paragraph (a) of subsection (1) of section
3687 328.48, Florida Statutes, is amended to read:

3688 328.48 Vessel registration, application, certificate,
3689 number, decal, duplicate certificate.—

3690 (1) (a) The owner of each vessel required by this law to
3691 pay a registration fee and secure an identification number shall
3692 file an application with the county tax collector. The
3693 application shall provide the owner's name and address;
3694 residency status; personal or business identification, ~~which may~~
3695 ~~include, but need not be limited to, a driver's license number,~~
3696 ~~Florida identification card number, or federal employer~~
3697 ~~identification number;~~ and a complete description of the vessel,
3698 and shall be accompanied by payment of the applicable fee
3699 required in s. 328.72. An individual applicant must provide a
3700 valid driver license or identification card issued by this state
3701 or another state or a valid passport. A business applicant must
3702 provide a federal employer identification number, if applicable,
3703 verification that the business is authorized to conduct business
3704 in the state, or a Florida city or county business license or
3705 number. Registration is not required for any vessel that is not
3706 used on the waters of this state.

3707 Section 53. Subsection (1) of section 328.76, Florida
3708 Statutes, is amended to read:

3709 328.76 Marine Resources Conservation Trust Fund; vessel
3710 registration funds; appropriation and distribution.—

3711 (1) Except as otherwise specified in this subsection and
3712 less the amount equal to \$1.4 million for any administrative
3713 costs which shall be deposited in the Highway Safety Operating

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3714 Trust Fund, in each fiscal year beginning on or after July 1,
3715 2001, all funds collected from the registration of vessels
3716 through the Department of Highway Safety and Motor Vehicles and
3717 the tax collectors of the state, except for those funds
3718 designated as the county portion pursuant to s. 328.72(1), shall
3719 be deposited in the Marine Resources Conservation Trust Fund for
3720 recreational channel marking; public launching facilities; law
3721 enforcement and quality control programs; aquatic weed control;
3722 manatee protection, recovery, rescue, rehabilitation, and
3723 release; and marine mammal protection and recovery. The funds
3724 collected pursuant to s. 328.72(1) shall be transferred as
3725 follows:

3726 (a) In each fiscal year, an amount equal to \$1.50 for each
3727 commercial and recreational vessel registered in this state
3728 shall be transferred by the Department of Highway Safety and
3729 Motor Vehicles to the Save the Manatee Trust Fund and shall be
3730 used only for the purposes specified in s. 379.2431(4).

3731 (b) An amount equal to \$2 from each recreational vessel
3732 registration fee, except that for class A-1 vessels, shall be
3733 transferred by the Department of Highway Safety and Motor
3734 Vehicles to the Invasive Plant Control Trust Fund in the Fish
3735 and Wildlife Conservation Commission for aquatic weed research
3736 and control.

3737 (c) An amount equal to 40 percent of the registration fees
3738 from commercial vessels shall be transferred by the Department
3739 of Highway Safety and Motor Vehicles to the Invasive Plant
3740 Control Trust Fund in the Fish and Wildlife Conservation
3741 Commission for aquatic plant research and control.

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3742 (d) An amount equal to 40 percent of the registration fees
3743 from commercial vessels shall be transferred by the Department
3744 of Highway Safety and Motor Vehicles, on a monthly basis, to the
3745 General Inspection Trust Fund of the Department of Agriculture
3746 and Consumer Services. These funds shall be used for shellfish
3747 and aquaculture law enforcement and quality control programs.

3748 Section 54. Subsections (1), (2), (3), (4), (9), and (13)
3749 of section 713.585, Florida Statutes, are amended to read:

3750 713.585 Enforcement of lien by sale of motor vehicle.—A
3751 person claiming a lien under s. 713.58 for performing labor or
3752 services on a motor vehicle may enforce such lien by sale of the
3753 vehicle in accordance with the following procedures:

3754 (1) The lienor must give notice, by certified mail, return
3755 receipt requested, within 15 business days, excluding Saturday
3756 and Sunday, after ~~from~~ the beginning date of the assessment of
3757 storage charges on said motor vehicle, to the registered owner
3758 of the vehicle, to the customer as indicated on the order for
3759 repair, and to all other persons claiming an interest in or lien
3760 thereon, as disclosed by the records of the Department of
3761 Highway Safety and Motor Vehicles or as disclosed by the records
3762 of any of a corresponding agency of any other state in which the
3763 vehicle is identified through a records check of the National
3764 Motor Vehicle Title Information System as being the current
3765 state where the vehicle is titled ~~appears registered~~. Such
3766 notice must contain:

3767 (a) A description of the vehicle (year, make, vehicle
3768 identification number) and its location.

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3769 (b) The name and address of the owner of the vehicle, the
3770 customer as indicated on the order for repair, and any person
3771 claiming an interest in or lien thereon.

3772 (c) The name, address, and telephone number of the lienor.

3773 (d) Notice that the lienor claims a lien on the vehicle
3774 for labor and services performed and storage charges, if any,
3775 and the cash sum which, if paid to the lienor, would be
3776 sufficient to redeem the vehicle from the lien claimed by the
3777 lienor.

3778 (e) Notice that the lien claimed by the lienor is subject
3779 to enforcement pursuant to this section and that the vehicle may
3780 be sold to satisfy the lien.

3781 (f) If known, the date, time, and location of any proposed
3782 or scheduled sale of the vehicle. No vehicle may be sold earlier
3783 than 60 days after completion of the repair work.

3784 (g) Notice that the owner of the vehicle or any person
3785 claiming an interest in or lien thereon has a right to a hearing
3786 at any time before ~~prior to~~ the scheduled date of sale by filing
3787 a demand for hearing with the clerk of the circuit court in the
3788 county in which the vehicle is held and mailing copies of the
3789 demand for hearing to all other owners and lienors as reflected
3790 on the notice.

3791 (h) Notice that the owner of the vehicle has a right to
3792 recover possession of the vehicle without instituting judicial
3793 proceedings by posting bond in accordance with the provisions of
3794 s. 559.917.

3795 (i) Notice that any proceeds from the sale of the vehicle
3796 remaining after payment of the amount claimed to be due and

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3797 owing to the lienor will be deposited with the clerk of the
3798 circuit court for disposition upon court order pursuant to
3799 subsection (8).

3800 (2) If attempts to locate the owner or lienholder are
3801 unsuccessful after a check of the records of the Department of
3802 Highway Safety and Motor Vehicles and the records of any state
3803 disclosed by the check of the National Motor Vehicle Title
3804 Information System, the lienor must notify the local law
3805 enforcement agency in writing by certified mail or acknowledged
3806 hand delivery that the lienor has been unable to locate the
3807 owner or lienholder, that a physical search of the vehicle has
3808 disclosed no ownership information, and that a good faith
3809 effort, including records checks of the Department of Highway
3810 Safety and Motor Vehicles database and the National Motor
3811 Vehicle Title Information System have ~~has~~ been made. A
3812 description of the motor vehicle which includes the year, make,
3813 and identification number must be given on the notice. This
3814 notification must take place within 15 business days, excluding
3815 Saturday and Sunday, from the beginning date of the assessment
3816 of storage charges on said motor vehicle. For purposes of this
3817 subsection ~~paragraph~~, the term "good faith effort" means that
3818 the following checks have been performed by the company to
3819 establish the prior state of registration and title:

3820 (a) A check of the Department of Highway Safety and Motor
3821 Vehicles database for the owner and any lienholder.

3822 (b) A check of the federally mandated electronic National
3823 Motor Vehicle Title Information System to determine the state of
3824 registration when there is not a current title or registration

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3825 record for the vehicle on file with the Department of Highway
3826 Safety and Motor Vehicles.

3827 (c)-(a) A check of vehicle for any type of tag, tag record,
3828 temporary tag, or regular tag;

3829 (d)-(b) A check of vehicle for inspection sticker or other
3830 stickers and decals that could indicate the state of possible
3831 registration; and

3832 (e)-(e) A check of the interior of the vehicle for any
3833 papers that could be in the glove box, trunk, or other areas for
3834 the state of registration.

3835 (3) If the date of the sale was not included in the notice
3836 required in subsection (1), notice of the sale must be sent by
3837 certified mail, return receipt requested, at least not less than
3838 15 days before the date of sale, to the customer as indicated on
3839 the order for repair, and to all other persons claiming an
3840 interest in or lien on the motor vehicle, as disclosed by the
3841 records of the Department of Highway Safety and Motor Vehicles
3842 or, after completion of a check of the National Motor Vehicle
3843 Title Information System, the records of a corresponding agency
3844 of any other state in which the vehicle appears to have been
3845 registered. ~~After diligent search and inquiry, if the name and~~
3846 ~~address of the registered owner or the owner of the recorded~~
3847 ~~lien cannot be ascertained, the requirements for this notice may~~
3848 ~~be disregarded.~~

3849 (4) The lienor, at least 15 days before the proposed or
3850 scheduled date of sale of the vehicle, shall publish the notice
3851 required by this section once in a newspaper circulated in the
3852 county where the vehicle is held. A certificate of compliance

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3853 with the notification provisions of this section, verified by
3854 the lienor, together with a copy of the notice and return
3855 receipt for mailing of the notice required by this section, ~~and~~
3856 proof of publication, and checks of the Department of Highway
3857 Safety and Motor Vehicles and the National Motor Vehicle Title
3858 Information System, must be duly and expeditiously filed with
3859 the clerk of the circuit court in the county where the vehicle
3860 is held. The lienor, at the time of filing the certificate of
3861 compliance, must pay to the clerk of that court a service charge
3862 of \$10 for indexing and recording the certificate.

3863 (9) A copy of the certificate of compliance and the report
3864 of sale, certified by the clerk of the court, and proof of the
3865 required check of the National Motor Vehicle Title Information
3866 System shall constitute satisfactory proof for application to
3867 the Department of Highway Safety and Motor Vehicles for transfer
3868 of title, together with any other proof required by any rules
3869 and regulations of the department.

3870 (13) A failure to make good faith efforts as defined in
3871 subsection (2) precludes the imposition of any storage charges
3872 against the vehicle. If a lienor fails to provide notice to any
3873 person claiming a lien on a vehicle under subsection (1) within
3874 15 business days after the assessment of storage charges have
3875 begun, then the lienor may not charge ~~is precluded from charging~~
3876 for more than 15 days of storage, but failure to provide timely
3877 notice does not affect charges made for repairs, adjustments, or
3878 modifications to the vehicle or the priority of liens on the
3879 vehicle.

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3880 Section 55. Section 713.78, Florida Statutes, is amended
3881 to read:

3882 713.78 Liens for recovering, towing, or storing vehicles
3883 and vessels.—

3884 (1) For the purposes of this section, the term:

3885 (a) "Vehicle" means any mobile item, whether motorized or
3886 not, which is mounted on wheels.

3887 (b) "Vessel" means every description of watercraft, barge,
3888 and airboat used or capable of being used as a means of
3889 transportation on water, other than a seaplane or a "documented
3890 vessel" as defined in s. 327.02(9).

3891 (c) "Wrecker" means any truck or other vehicle which is
3892 used to tow, carry, or otherwise transport motor vehicles or
3893 vessels upon the streets and highways of this state and which is
3894 equipped for that purpose with a boom, winch, car carrier, or
3895 other similar equipment.

3896 (d) "National Motor Vehicle Title Information System"
3897 means the federally authorized electronic National Motor Vehicle
3898 Title Information System.

3899 (2) Whenever a person regularly engaged in the business of
3900 transporting vehicles or vessels by wrecker, tow truck, or car
3901 carrier recovers, removes, or stores a vehicle or vessel upon
3902 instructions from:

3903 (a) The owner thereof;

3904 (b) The owner or lessor, or a person authorized by the
3905 owner or lessor, of property on which such vehicle or vessel is
3906 wrongfully parked, and the removal is done in compliance with s.
3907 715.07; ~~or~~

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3908 (c) The landlord or a person authorized by the landlord,
3909 when such motor vehicle or vessel remained on premises after
3910 tenancy terminated and the removal is done in compliance with s.
3911 715.104; or

3912 (d)-(e) Any law enforcement agency,

3913

3914 she or he shall have a lien on the vehicle or vessel for a
3915 reasonable towing fee and for a reasonable storage fee; except
3916 that no storage fee shall be charged if the vehicle is stored
3917 for less than 6 hours.

3918 (3) This section does not authorize any person to claim a
3919 lien on a vehicle for fees or charges connected with the
3920 immobilization of such vehicle using a vehicle boot or other
3921 similar device pursuant to s. 715.07.

3922 (4) (a) Any person regularly engaged in the business of
3923 recovering, towing, or storing vehicles or vessels who comes
3924 into possession of a vehicle or vessel pursuant to subsection
3925 (2), and who claims a lien for recovery, towing, or storage
3926 services, shall give notice to the registered owner, the
3927 insurance company insuring the vehicle notwithstanding the
3928 provisions of s. 627.736, and to all persons claiming a lien
3929 thereon, as disclosed by the records in the Department of
3930 Highway Safety and Motor Vehicles or as disclosed by the records
3931 of any ~~of a~~ corresponding agency in any other state in which the
3932 vehicle is identified through a records check of the National
3933 Motor Vehicle Title Information System, as being titled or
3934 registered.

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3935 (b) Whenever any law enforcement agency authorizes the
3936 removal of a vehicle or vessel or whenever any towing service,
3937 garage, repair shop, or automotive service, storage, or parking
3938 place notifies the law enforcement agency of possession of a
3939 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3940 enforcement agency of the jurisdiction where the vehicle or
3941 vessel is stored shall contact the Department of Highway Safety
3942 and Motor Vehicles, or the appropriate agency of the state of
3943 registration, if known, within 24 hours through the medium of
3944 electronic communications, giving the full description of the
3945 vehicle or vessel. Upon receipt of the full description of the
3946 vehicle or vessel, the department shall search its files to
3947 determine the owner's name, the insurance company insuring the
3948 vehicle or vessel, and whether any person has filed a lien upon
3949 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3950 notify the applicable law enforcement agency within 72 hours.
3951 The person in charge of the towing service, garage, repair shop,
3952 or automotive service, storage, or parking place shall obtain
3953 such information from the applicable law enforcement agency
3954 within 5 days after the date of storage and shall give notice
3955 pursuant to paragraph (a). The department may release the
3956 insurance company information to the requestor notwithstanding
3957 the provisions of s. 627.736.

3958 (c) Notice by certified mail shall be sent within 7
3959 business days after the date of storage of the vehicle or vessel
3960 to the registered owner, the insurance company insuring the
3961 vehicle notwithstanding the provisions of s. 627.736, and all
3962 persons of record claiming a lien against the vehicle or vessel.

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3963 It shall state the fact of possession of the vehicle or vessel,
3964 that a lien as provided in subsection (2) is claimed, that
3965 charges have accrued and the amount thereof, that the lien is
3966 subject to enforcement pursuant to law, and that the owner or
3967 lienholder, if any, has the right to a hearing as set forth in
3968 subsection (5), and that any vehicle or vessel which remains
3969 unclaimed, or for which the charges for recovery, towing, or
3970 storage services remain unpaid, may be sold free of all prior
3971 liens after 35 days if the vehicle or vessel is more than 3
3972 years of age or after 50 days if the vehicle or vessel is 3
3973 years of age or less.

3974 (d) If attempts to locate the name and address of the
3975 owner or lienholder prove unsuccessful, the towing-storage
3976 operator shall, after 7 working days, excluding Saturday and
3977 Sunday, of the initial tow or storage, notify the public agency
3978 of jurisdiction where the vehicle or vessel is stored in writing
3979 by certified mail or acknowledged hand delivery that the towing-
3980 storage company has been unable to locate the name and address
3981 of the owner or lienholder and a physical search of the vehicle
3982 or vessel has disclosed no ownership information and a good
3983 faith effort has been made including records checks of the
3984 Florida Department of Highway Safety and Motor Vehicle and the
3985 National Motor Vehicle Title Information System databases. For
3986 purposes of this paragraph and subsection (9), "good faith
3987 effort" means that the following checks have been performed by
3988 the company to establish prior state of registration and for
3989 title:

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3990 1. A check of the Florida Department of Highway Safety and
3991 Motor Vehicles database for the owner and any lienholder.

3992 2. A check of the electronic National Motor Vehicle Title
3993 Information System to determine the state of registration when
3994 there is not a current registration record for the vehicle on
3995 file with the Florida Department of Highway Safety and Motor
3996 Vehicles.

3997 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
3998 record, temporary tag, or regular tag.

3999 ~~4.2.~~ Check of law enforcement report for tag number or
4000 other information identifying the vehicle or vessel, if the
4001 vehicle or vessel was towed at the request of a law enforcement
4002 officer.

4003 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
4004 operator to see if a tag was on vehicle or vessel at beginning
4005 of tow, if private tow.

4006 ~~6.4.~~ If there is no address of the owner on the impound
4007 report, check of law enforcement report to see if an out-of-
4008 state address is indicated from driver license information.

4009 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
4010 other stickers and decals that may indicate a state of possible
4011 registration.

4012 ~~8.6.~~ Check of the interior of the vehicle or vessel for
4013 any papers that may be in the glove box, trunk, or other areas
4014 for a state of registration.

4015 ~~9.7.~~ Check of vehicle for vehicle identification number.

4016 ~~10.8.~~ Check of vessel for vessel registration number.

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4017 ~~11.9.~~ Check of vessel hull for a hull identification
4018 number which should be carved, burned, stamped, embossed, or
4019 otherwise permanently affixed to the outboard side of the
4020 transom or, if there is no transom, to the outmost seaboard side
4021 at the end of the hull that bears the rudder or other steering
4022 mechanism.

4023 (5) (a) The owner of a vehicle or vessel removed pursuant
4024 to the provisions of subsection (2), or any person claiming a
4025 lien, other than the towing-storage operator, within 10 days
4026 after the time she or he has knowledge of the location of the
4027 vehicle or vessel, may file a complaint in the county court of
4028 the county in which the vehicle or vessel is stored to determine
4029 if her or his property was wrongfully taken or withheld from her
4030 or him.

4031 (b) Upon filing of a complaint, an owner or lienholder may
4032 have her or his vehicle or vessel released upon posting with the
4033 court a cash or surety bond or other adequate security equal to
4034 the amount of the charges for towing or storage and lot rental
4035 amount to ensure the payment of such charges in the event she or
4036 he does not prevail. Upon the posting of the bond and the
4037 payment of the applicable fee set forth in s. 28.24, the clerk
4038 of the court shall issue a certificate notifying the lienor of
4039 the posting of the bond and directing the lienor to release the
4040 vehicle or vessel. At the time of such release, after reasonable
4041 inspection, she or he shall give a receipt to the towing-storage
4042 company reciting any claims she or he has for loss or damage to
4043 the vehicle or vessel or the contents thereof.

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4044 (c) Upon determining the respective rights of the parties,
4045 the court may award damages, attorney's fees, and costs in favor
4046 of the prevailing party. In any event, the final order shall
4047 provide for immediate payment in full of recovery, towing, and
4048 storage fees by the vehicle or vessel owner or lienholder; or
4049 the agency ordering the tow; or the owner, lessee, or agent
4050 thereof of the property from which the vehicle or vessel was
4051 removed.

4052 (6) Any vehicle or vessel which is stored pursuant to
4053 subsection (2) and which remains unclaimed, or for which
4054 reasonable charges for recovery, towing, or storing remain
4055 unpaid, and any contents not released pursuant to subsection
4056 (10), may be sold by the owner or operator of the storage space
4057 for such towing or storage charge after 35 days from the time
4058 the vehicle or vessel is stored therein if the vehicle or vessel
4059 is more than 3 years of age or after 50 days following the time
4060 the vehicle or vessel is stored therein if the vehicle or vessel
4061 is 3 years of age or less. The sale shall be at public sale for
4062 cash. If the date of the sale was not included in the notice
4063 required in subsection (4), notice of the sale shall be given to
4064 the person in whose name the vehicle or vessel is registered and
4065 to all persons claiming a lien on the vehicle or vessel as shown
4066 on the records of the Department of Highway Safety and Motor
4067 Vehicles or of any the corresponding agency in any other state
4068 in which the vehicle is identified through a records check of
4069 the National Motor Vehicle Title Information System, as being
4070 titled. Notice shall be sent by certified mail to the owner of
4071 the vehicle or vessel and the person having the recorded lien on

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4072 the vehicle or vessel at the address shown on the records of the
4073 registering agency and shall be mailed at least ~~not less than~~ 15
4074 days before the date of the sale. After diligent search and
4075 inquiry, if the name and address of the registered owner or the
4076 owner of the recorded lien cannot be ascertained, the
4077 requirements of notice by mail may be dispensed with. In
4078 addition to the notice by mail, public notice of the time and
4079 place of sale shall be made by publishing a notice thereof one
4080 time, at least 10 days before ~~prior to~~ the date of the sale, in
4081 a newspaper of general circulation in the county in which the
4082 sale is to be held. The proceeds of the sale, after payment of
4083 reasonable towing and storage charges, and costs of the sale, in
4084 that order of priority, shall be deposited with the clerk of the
4085 circuit court for the county if the owner or lienholder is
4086 absent, and the clerk shall hold such proceeds subject to the
4087 claim of the owner or lienholder legally entitled thereto. The
4088 clerk shall be entitled to receive 5 percent of such proceeds
4089 for the care and disbursement thereof. The certificate of title
4090 issued under this law shall be discharged of all liens unless
4091 otherwise provided by court order. The owner or lienholder may
4092 file a complaint after the vehicle or vessel has been sold in
4093 the county court of the county in which it is stored. Upon
4094 determining the respective rights of the parties, the court may
4095 award damages, attorney's fees, and costs in favor of the
4096 prevailing party.

4097 (7) (a) A wrecker operator recovering, towing, or storing
4098 vehicles or vessels is not liable for damages connected with
4099 such services, theft of such vehicles or vessels, or theft of

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4100 personal property contained in such vehicles or vessels,
4101 provided that such services have been performed with reasonable
4102 care and provided, further, that, in the case of removal of a
4103 vehicle or vessel upon the request of a person purporting, and
4104 reasonably appearing, to be the owner or lessee, or a person
4105 authorized by the owner or lessee, of the property from which
4106 such vehicle or vessel is removed, such removal has been done in
4107 compliance with s. 715.07. Further, a wrecker operator is not
4108 liable for damage to a vehicle, vessel, or cargo that obstructs
4109 the normal movement of traffic or creates a hazard to traffic
4110 and is removed in compliance with the request of a law
4111 enforcement officer.

4112 (b) For the purposes of this subsection, a wrecker
4113 operator is presumed to use reasonable care to prevent the theft
4114 of a vehicle or vessel or of any personal property contained in
4115 such vehicle stored in the wrecker operator's storage facility
4116 if all of the following apply:

4117 1. The wrecker operator surrounds the storage facility
4118 with a chain-link or solid-wall type fence at least 6 feet in
4119 height;

4120 2. The wrecker operator has illuminated the storage
4121 facility with lighting of sufficient intensity to reveal persons
4122 and vehicles at a distance of at least 150 feet during
4123 nighttime; and

4124 3. The wrecker operator uses one or more of the following
4125 security methods to discourage theft of vehicles or vessels or
4126 of any personal property contained in such vehicles or vessels
4127 stored in the wrecker operator's storage facility:

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4128 a. A night dispatcher or watchman remains on duty at the
4129 storage facility from sunset to sunrise;

4130 b. A security dog remains at the storage facility from
4131 sunset to sunrise;

4132 c. Security cameras or other similar surveillance devices
4133 monitor the storage facility; or

4134 d. A security guard service examines the storage facility
4135 at least once each hour from sunset to sunrise.

4136 (c) Any law enforcement agency requesting that a motor
4137 vehicle be removed from an accident scene, street, or highway
4138 must conduct an inventory and prepare a written record of all
4139 personal property found in the vehicle before the vehicle is
4140 removed by a wrecker operator. However, if the owner or driver
4141 of the motor vehicle is present and accompanies the vehicle, no
4142 inventory by law enforcement is required. A wrecker operator is
4143 not liable for the loss of personal property alleged to be
4144 contained in such a vehicle when such personal property was not
4145 identified on the inventory record prepared by the law
4146 enforcement agency requesting the removal of the vehicle.

4147 (8) A person regularly engaged in the business of
4148 recovering, towing, or storing vehicles or vessels, except a
4149 person licensed under chapter 493 while engaged in
4150 "repossession" activities as defined in s. 493.6101, may not
4151 operate a wrecker, tow truck, or car carrier unless the name,
4152 address, and telephone number of the company performing the
4153 service is clearly printed in contrasting colors on the driver
4154 and passenger sides of its vehicle. The name must be in at least
4155 3-inch permanently affixed letters, and the address and

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4156 telephone number must be in at least 1-inch permanently affixed
4157 letters.

4158 (9) Failure to make good faith best efforts to comply with
4159 the notice requirements of this section shall preclude the
4160 imposition of any storage charges against such vehicle or
4161 vessel.

4162 (10) Persons who provide services pursuant to this section
4163 shall permit vehicle or vessel owners, lienholders, insurance
4164 company representatives, or their agents, which agency is
4165 evidenced by an original writing acknowledged by the owner
4166 before a notary public or other person empowered by law to
4167 administer oaths, to inspect the towed vehicle or vessel and
4168 shall release to the owner, lienholder, or agent the vehicle,
4169 vessel, or all personal property not affixed to the vehicle or
4170 vessel which was in the vehicle or vessel at the time the
4171 vehicle or vessel came into the custody of the person providing
4172 such services.

4173 (11) (a) Any person regularly engaged in the business of
4174 recovering, towing, or storing vehicles or vessels who comes
4175 into possession of a vehicle or vessel pursuant to subsection
4176 (2) and who has complied with the provisions of subsections (3)
4177 and (6), when such vehicle or vessel is to be sold for purposes
4178 of being dismantled, destroyed, or changed in such manner that
4179 it is not the motor vehicle or vessel described in the
4180 certificate of title, shall report the vehicle to the National
4181 Motor Vehicle Title Information System and apply to the
4182 Department of Highway Safety and Motor Vehicles ~~county tax~~
4183 ~~collector~~ for a certificate of destruction. A certificate of

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4184 destruction, which authorizes the dismantling or destruction of
4185 the vehicle or vessel described therein, shall be reassignable a
4186 maximum of two times before dismantling or destruction of the
4187 vehicle shall be required, and shall accompany the vehicle or
4188 vessel for which it is issued, when such vehicle or vessel is
4189 sold for such purposes, in lieu of a certificate of title. The
4190 application for a certificate of destruction must include proof
4191 of reporting to the National Motor Vehicle Information System
4192 and an affidavit from the applicant that it has complied with
4193 all applicable requirements of this section and, if the vehicle
4194 or vessel is not registered in this state or any other state, by
4195 a statement from a law enforcement officer that the vehicle or
4196 vessel is not reported stolen, and shall be accompanied by such
4197 documentation as may be required by the department.

4198 (b) The Department of Highway Safety and Motor Vehicles
4199 shall charge a fee of \$3 for each certificate of destruction. A
4200 service charge of \$4.25 shall be collected and retained by the
4201 tax collector who processes the application.

4202 (c) The Department of Highway Safety and Motor Vehicles
4203 may adopt such rules as it deems necessary or proper for the
4204 administration of this subsection.

4205 (12) (a) Any person who violates any provision of
4206 subsection (1), subsection (2), subsection (4), subsection (5),
4207 subsection (6), or subsection (7) is guilty of a misdemeanor of
4208 the first degree, punishable as provided in s. 775.082 or s.
4209 775.083.

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4210 (b) Any person who violates the provisions of subsections
4211 (8) through (11) is guilty of a felony of the third degree,
4212 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4213 (c) Any person who uses a false or fictitious name, gives
4214 a false or fictitious address, or makes any false statement in
4215 any application or affidavit required under the provisions of
4216 this section is guilty of a felony of the third degree,
4217 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4218 (d) Employees of the Department of Highway Safety and
4219 Motor Vehicles and law enforcement officers are authorized to
4220 inspect the records of any person regularly engaged in the
4221 business of recovering, towing, or storing vehicles or vessels
4222 or transporting vehicles or vessels by wrecker, tow truck, or
4223 car carrier, to ensure compliance with the requirements of this
4224 section. Any person who fails to maintain records, or fails to
4225 produce records when required in a reasonable manner and at a
4226 reasonable time, commits a misdemeanor of the first degree,
4227 punishable as provided in s. 775.082 or s. 775.083.

4228 (13) (a) Upon receipt by the Department of Highway Safety
4229 and Motor Vehicles of written notice from a wrecker operator who
4230 claims a wrecker operator's lien under paragraph (2) (c) or
4231 paragraph (2) (d) for recovery, towing, or storage of an
4232 abandoned vehicle or vessel upon instructions from any law
4233 enforcement agency, for which a certificate of destruction has
4234 been issued under subsection (11) and the vehicle has been
4235 reported to the National Motor Vehicle Title Information System,
4236 the department shall place the name of the registered owner of
4237 that vehicle or vessel on the list of those persons who may not

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4238 be issued a license plate or revalidation sticker for any motor
4239 vehicle under s. 320.03(8). If the vehicle or vessel is owned
4240 jointly by more than one person, the name of each registered
4241 owner shall be placed on the list. The notice of wrecker
4242 operator's lien shall be submitted on forms provided by the
4243 department, which must include:

4244 1. The name, address, and telephone number of the wrecker
4245 operator.

4246 2. The name of the registered owner of the vehicle or
4247 vessel and the address to which the wrecker operator provided
4248 notice of the lien to the registered owner under subsection (4).

4249 3. A general description of the vehicle or vessel,
4250 including its color, make, model, body style, and year.

4251 4. The vehicle identification number (VIN); registration
4252 license plate number, state, and year; validation decal number,
4253 state, and year; vessel registration number; hull identification
4254 number; or other identification number, as applicable.

4255 5. The name of the person or the corresponding law
4256 enforcement agency that requested that the vehicle or vessel be
4257 recovered, towed, or stored.

4258 6. The amount of the wrecker operator's lien, not to
4259 exceed the amount allowed by paragraph (b).

4260 (b) For purposes of this subsection only, the amount of
4261 the wrecker operator's lien for which the department will
4262 prevent issuance of a license plate or revalidation sticker may
4263 not exceed the amount of the charges for recovery, towing, and
4264 storage of the vehicle or vessel for 7 days. These charges may
4265 not exceed the maximum rates imposed by the ordinances of the

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4266 respective county or municipality under ss. 125.0103(1)(c) and
4267 166.043(1)(c). This paragraph does not limit the amount of a
4268 wrecker operator's lien claimed under subsection (2) or prevent
4269 a wrecker operator from seeking civil remedies for enforcement
4270 of the entire amount of the lien, but limits only that portion
4271 of the lien for which the department will prevent issuance of a
4272 license plate or revalidation sticker.

4273 (c)1. The registered owner of a vehicle or vessel may
4274 dispute a wrecker operator's lien, by notifying the department
4275 of the dispute in writing on forms provided by the department,
4276 if at least one of the following applies:

4277 a. The registered owner presents a notarized bill of sale
4278 proving that the vehicle or vessel was sold in a private or
4279 casual sale before the vehicle or vessel was recovered, towed,
4280 or stored.

4281 b. The registered owner presents proof that the Florida
4282 certificate of title of the vehicle or vessel was sold to a
4283 licensed dealer as defined in s. 319.001 before the vehicle or
4284 vessel was recovered, towed, or stored.

4285 c. The records of the department were marked "sold" prior
4286 to the date of the tow.

4287
4288 If the registered owner's dispute of a wrecker operator's lien
4289 complies with one of these criteria, the department shall
4290 immediately remove the registered owner's name from the list of
4291 those persons who may not be issued a license plate or
4292 revalidation sticker for any motor vehicle under s. 320.03(8),
4293 thereby allowing issuance of a license plate or revalidation

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4294 sticker. If the vehicle or vessel is owned jointly by more than
4295 one person, each registered owner must dispute the wrecker
4296 operator's lien in order to be removed from the list. However,
4297 the department shall deny any dispute and maintain the
4298 registered owner's name on the list of those persons who may not
4299 be issued a license plate or revalidation sticker for any motor
4300 vehicle under s. 320.03(8) if the wrecker operator has provided
4301 the department with a certified copy of the judgment of a court
4302 which orders the registered owner to pay the wrecker operator's
4303 lien claimed under this section. In such a case, the amount of
4304 the wrecker operator's lien allowed by paragraph (b) may be
4305 increased to include no more than \$500 of the reasonable costs
4306 and attorney's fees incurred in obtaining the judgment. The
4307 department's action under this subparagraph is ministerial in
4308 nature, shall not be considered final agency action, and is
4309 appealable only to the county court for the county in which the
4310 vehicle or vessel was ordered removed.

4311 2. A person against whom a wrecker operator's lien has
4312 been imposed may alternatively obtain a discharge of the lien by
4313 filing a complaint, challenging the validity of the lien or the
4314 amount thereof, in the county court of the county in which the
4315 vehicle or vessel was ordered removed. Upon filing of the
4316 complaint, the person may have her or his name removed from the
4317 list of those persons who may not be issued a license plate or
4318 revalidation sticker for any motor vehicle under s. 320.03(8),
4319 thereby allowing issuance of a license plate or revalidation
4320 sticker, upon posting with the court a cash or surety bond or
4321 other adequate security equal to the amount of the wrecker

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4322 operator's lien to ensure the payment of such lien in the event
4323 she or he does not prevail. Upon the posting of the bond and the
4324 payment of the applicable fee set forth in s. 28.24, the clerk
4325 of the court shall issue a certificate notifying the department
4326 of the posting of the bond and directing the department to
4327 release the wrecker operator's lien. Upon determining the
4328 respective rights of the parties, the court may award damages
4329 and costs in favor of the prevailing party.

4330 3. If a person against whom a wrecker operator's lien has
4331 been imposed does not object to the lien, but cannot discharge
4332 the lien by payment because the wrecker operator has moved or
4333 gone out of business, the person may have her or his name
4334 removed from the list of those persons who may not be issued a
4335 license plate or revalidation sticker for any motor vehicle
4336 under s. 320.03(8), thereby allowing issuance of a license plate
4337 or revalidation sticker, upon posting with the clerk of court in
4338 the county in which the vehicle or vessel was ordered removed, a
4339 cash or surety bond or other adequate security equal to the
4340 amount of the wrecker operator's lien. Upon the posting of the
4341 bond and the payment of the application fee set forth in s.
4342 28.24, the clerk of the court shall issue a certificate
4343 notifying the department of the posting of the bond and
4344 directing the department to release the wrecker operator's lien.
4345 The department shall mail to the wrecker operator, at the
4346 address upon the lien form, notice that the wrecker operator
4347 must claim the security within 60 days, or the security will be
4348 released back to the person who posted it. At the conclusion of
4349 the 60 days, the department shall direct the clerk as to which

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4350 party is entitled to payment of the security, less applicable
4351 clerk's fees.

4352 4. A wrecker operator's lien expires 5 years after filing.

4353 (d) Upon discharge of the amount of the wrecker operator's
4354 lien allowed by paragraph (b), the wrecker operator must issue a
4355 certificate of discharged wrecker operator's lien on forms
4356 provided by the department to each registered owner of the
4357 vehicle or vessel attesting that the amount of the wrecker
4358 operator's lien allowed by paragraph (b) has been discharged.
4359 Upon presentation of the certificate of discharged wrecker
4360 operator's lien by the registered owner, the department shall
4361 immediately remove the registered owner's name from the list of
4362 those persons who may not be issued a license plate or
4363 revalidation sticker for any motor vehicle under s. 320.03(8),
4364 thereby allowing issuance of a license plate or revalidation
4365 sticker. Issuance of a certificate of discharged wrecker
4366 operator's lien under this paragraph does not discharge the
4367 entire amount of the wrecker operator's lien claimed under
4368 subsection (2), but only certifies to the department that the
4369 amount of the wrecker operator's lien allowed by paragraph (b),
4370 for which the department will prevent issuance of a license
4371 plate or revalidation sticker, has been discharged.

4372 (e) When a wrecker operator files a notice of wrecker
4373 operator's lien under this subsection, the department shall
4374 charge the wrecker operator a fee of \$2, which shall be
4375 deposited into the General Revenue Fund. A service charge of
4376 \$2.50 shall be collected and retained by the tax collector who
4377 processes a notice of wrecker operator's lien.

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4378 (f) This subsection applies only to the annual renewal in
4379 the registered owner's birth month of a motor vehicle
4380 registration and does not apply to the transfer of a
4381 registration of a motor vehicle sold by a motor vehicle dealer
4382 licensed under chapter 320, except for the transfer of
4383 registrations which includes the annual renewals. This
4384 subsection does not apply to any vehicle registered in the name
4385 of the lessor. This subsection does not affect the issuance of
4386 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4387 (g) The Department of Highway Safety and Motor Vehicles
4388 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
4389 implement this subsection.

4390 Section 56. Paragraph (aa) of subsection (7) of section
4391 212.08, Florida Statutes, is amended to read:

4392 212.08 Sales, rental, use, consumption, distribution, and
4393 storage tax; specified exemptions.—The sale at retail, the
4394 rental, the use, the consumption, the distribution, and the
4395 storage to be used or consumed in this state of the following
4396 are hereby specifically exempt from the tax imposed by this
4397 chapter.

4398 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
4399 entity by this chapter do not inure to any transaction that is
4400 otherwise taxable under this chapter when payment is made by a
4401 representative or employee of the entity by any means,
4402 including, but not limited to, cash, check, or credit card, even
4403 when that representative or employee is subsequently reimbursed
4404 by the entity. In addition, exemptions provided to any entity by
4405 this subsection do not inure to any transaction that is

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4406 otherwise taxable under this chapter unless the entity has
4407 obtained a sales tax exemption certificate from the department
4408 or the entity obtains or provides other documentation as
4409 required by the department. Eligible purchases or leases made
4410 with such a certificate must be in strict compliance with this
4411 subsection and departmental rules, and any person who makes an
4412 exempt purchase with a certificate that is not in strict
4413 compliance with this subsection and the rules is liable for and
4414 shall pay the tax. The department may adopt rules to administer
4415 this subsection.

4416 (aa) Certain commercial vehicles.—Also exempt is the sale,
4417 lease, or rental of a commercial motor vehicle as defined in s.
4418 207.002 ~~207.002(2)~~, when the following conditions are met:

4419 1. The sale, lease, or rental occurs between two commonly
4420 owned and controlled corporations;

4421 2. Such vehicle was titled and registered in this state at
4422 the time of the sale, lease, or rental; and

4423 3. Florida sales tax was paid on the acquisition of such
4424 vehicle by the seller, lessor, or renter.

4425 Section 57. Subsection (8) of section 261.03, Florida
4426 Statutes, is amended to read:

4427 261.03 Definitions.—As used in this chapter, the term:

4428 (8) "ROV" means any motorized recreational off-highway
4429 vehicle 64 inches or less in width, having a dry weight of 2,000
4430 pounds or less, designed to travel on four or more nonhighway
4431 tires, having nonstraddle seating and a steering wheel, and
4432 manufactured for recreational use by one or more persons. The
4433 term "ROV" does not include a golf cart as defined in ss. 320.01

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4434 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4435 s. 320.01 ~~320.01(42)~~.

4436 Section 58. Section 316.2122, Florida Statutes, is amended
4437 to read:

4438 316.2122 Operation of a low-speed vehicle or mini truck on
4439 certain roadways.—The operation of a low-speed vehicle as
4440 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4441 320.01 ~~320.01(45)~~ on any road is authorized with the following
4442 restrictions:

4443 (1) A low-speed vehicle or mini truck may be operated only
4444 on streets where the posted speed limit is 35 miles per hour or
4445 less. This does not prohibit a low-speed vehicle or mini truck
4446 from crossing a road or street at an intersection where the road
4447 or street has a posted speed limit of more than 35 miles per
4448 hour.

4449 (2) A low-speed vehicle must be equipped with headlamps,
4450 stop lamps, turn signal lamps, taillamps, reflex reflectors,
4451 parking brakes, rearview mirrors, windshields, seat belts, and
4452 vehicle identification numbers.

4453 (3) A low-speed vehicle or mini truck must be registered
4454 and insured in accordance with s. 320.02 and titled pursuant to
4455 chapter 319.

4456 (4) Any person operating a low-speed vehicle or mini truck
4457 must have in his or her possession a valid driver ~~driver's~~
4458 license.

4459 (5) A county or municipality may prohibit the operation of
4460 low-speed vehicles or mini trucks on any road under its
4461 jurisdiction if the governing body of the county or municipality

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4462 determines that such prohibition is necessary in the interest of
4463 safety.

4464 (6) The Department of Transportation may prohibit the
4465 operation of low-speed vehicles or mini trucks on any road under
4466 its jurisdiction if it determines that such prohibition is
4467 necessary in the interest of safety.

4468 Section 59. Section 316.2124, Florida Statutes, is amended
4469 to read:

4470 316.2124 Motorized disability access vehicles.—The
4471 Department of Highway Safety and Motor Vehicles is directed to
4472 provide, by rule, for the regulation of motorized disability
4473 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
4474 department shall provide that motorized disability access
4475 vehicles shall be registered in the same manner as motorcycles
4476 and shall pay the same registration fee as for a motorcycle.
4477 There shall also be assessed, in addition to the registration
4478 fee, a \$2.50 surcharge for motorized disability access vehicles.
4479 This surcharge shall be paid into the Highway Safety Operating
4480 Trust Fund. Motorized disability access vehicles shall not be
4481 required to be titled by the department. The department shall
4482 require motorized disability access vehicles to be subject to
4483 the same safety requirements as set forth in this chapter for
4484 motorcycles.

4485 Section 60. Subsection (1) of section 316.21265, Florida
4486 Statutes, is amended to read:

4487 316.21265 Use of all-terrain vehicles, golf carts, low-
4488 speed vehicles, or utility vehicles by law enforcement
4489 agencies.—

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4490 (1) Notwithstanding any provision of law to the contrary,
4491 any law enforcement agency in this state may operate all-terrain
4492 vehicles as defined in s. 316.2074, golf carts as defined in s.
4493 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
4494 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
4495 ~~320.01(43)~~ on any street, road, or highway in this state while
4496 carrying out its official duties.

4497 Section 61. Subsection (1) of section 316.3026, Florida
4498 Statutes, is amended to read:

4499 316.3026 Unlawful operation of motor carriers.-

4500 (1) The Office of Commercial Vehicle Enforcement may issue
4501 out-of-service orders to motor carriers, as defined in s. 320.01
4502 ~~320.01(33)~~, who, after proper notice, have failed to pay any
4503 penalty or fine assessed by the department, or its agent,
4504 against any owner or motor carrier for violations of state law,
4505 refused to submit to a compliance review and provide records
4506 pursuant to s. 316.302(5) or s. 316.70, or violated safety
4507 regulations pursuant to s. 316.302 or insurance requirements in
4508 s. 627.7415. Such out-of-service orders have the effect of
4509 prohibiting the operations of any motor vehicles owned, leased,
4510 or otherwise operated by the motor carrier upon the roadways of
4511 this state, until the violations have been corrected or
4512 penalties have been paid. Out-of-service orders must be approved
4513 by the director of the Division of the Florida Highway Patrol or
4514 his or her designee. An administrative hearing pursuant to s.
4515 120.569 shall be afforded to motor carriers subject to such
4516 orders.

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4517 Section 62. Paragraph (a) of subsection (5) and subsection
4518 (10) of section 316.550, Florida Statutes, are amended to read:
4519 316.550 Operations not in conformity with law; special
4520 permits.—

4521 (5) (a) The Department of Transportation may issue a
4522 wrecker special blanket permit to authorize a wrecker as defined
4523 in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as
4524 defined in s. 320.01 ~~320.01(38)~~ where the combination of the
4525 wrecker and the disabled vehicle being towed exceeds the maximum
4526 weight limits as established by s. 316.535.

4527 (10) Whenever any motor vehicle, or the combination of a
4528 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
4529 vehicle, exceeds any weight or dimensional criteria or special
4530 operational or safety stipulation contained in a special permit
4531 issued under the provisions of this section, the penalty
4532 assessed to the owner or operator shall be as follows:

4533 (a) For violation of weight criteria contained in a
4534 special permit, the penalty per pound or portion thereof
4535 exceeding the permitted weight shall be as provided in s.
4536 316.545.

4537 (b) For each violation of dimensional criteria in a
4538 special permit, the penalty shall be as provided in s. 316.516
4539 and penalties for multiple violations of dimensional criteria
4540 shall be cumulative except that the total penalty for the
4541 vehicle shall not exceed \$1,000.

4542 (c) For each violation of an operational or safety
4543 stipulation in a special permit, the penalty shall be an amount
4544 not to exceed \$1,000 per violation and penalties for multiple

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4545 violations of operational or safety stipulations shall be
4546 cumulative except that the total penalty for the vehicle shall
4547 not exceed \$1,000.

4548 (d) For violation of any special condition that has been
4549 prescribed in the rules of the Department of Transportation and
4550 declared on the permit, the vehicle shall be determined to be
4551 out of conformance with the permit and the permit shall be
4552 declared null and void for the vehicle, and weight and
4553 dimensional limits for the vehicle shall be as established in s.
4554 316.515 or s. 316.535, whichever is applicable, and:

4555 1. For weight violations, a penalty as provided in s.
4556 316.545 shall be assessed for those weights which exceed the
4557 limits thus established for the vehicle; and

4558 2. For dimensional, operational, or safety violations, a
4559 penalty as established in paragraph (c) or s. 316.516, whichever
4560 is applicable, shall be assessed for each nonconforming
4561 dimensional, operational, or safety violation and the penalties
4562 for multiple violations shall be cumulative for the vehicle.

4563 Section 63. Subsection (9) of section 317.0003, Florida
4564 Statutes, is amended to read:

4565 317.0003 Definitions.—As used in this chapter, the term:

4566 (9) "ROV" means any motorized recreational off-highway
4567 vehicle 64 inches or less in width, having a dry weight of 2,000
4568 pounds or less, designed to travel on four or more nonhighway
4569 tires, having nonstraddle seating and a steering wheel, and
4570 manufactured for recreational use by one or more persons. The
4571 term "ROV" does not include a golf cart as defined in ss. 320.01

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4572 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4573 s. 320.01 ~~320.01(42)~~.

4574 Section 64. Paragraph (d) of subsection (5) of section
4575 320.08, Florida Statutes, is amended to read:

4576 320.08 License taxes.—Except as otherwise provided herein,
4577 there are hereby levied and imposed annual license taxes for the
4578 operation of motor vehicles, mopeds, motorized bicycles as
4579 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
4580 and mobile homes, as defined in s. 320.01, which shall be paid
4581 to and collected by the department or its agent upon the
4582 registration or renewal of registration of the following:

4583 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
4584 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4585 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
4586 is used to tow a vessel as defined in s. 327.02(39), a disabled,
4587 abandoned, stolen-recovered, or impounded motor vehicle as
4588 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor
4589 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which
4590 \$11 shall be deposited into the General Revenue Fund.

4591 Section 65. Subsection (1) of section 320.0847, Florida
4592 Statutes, is amended to read:

4593 320.0847 Mini truck and low-speed vehicle license plates.—

4594 (1) The department shall issue a license plate to the
4595 owner or lessee of any vehicle registered as a low-speed vehicle
4596 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
4597 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
4598 taxes and fees prescribed in s. 320.08.

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4599 Section 66. Subsections (4) and (5) of section 322.271,
4600 Florida Statutes, are amended to read:

4601 322.271 Authority to modify revocation, cancellation, or
4602 suspension order.—

4603 (4) Notwithstanding the provisions of s. 322.28(2)(d)
4604 ~~322.28(2)(e)~~, a person whose driving privilege has been
4605 permanently revoked because he or she has been convicted of DUI
4606 manslaughter in violation of s. 316.193 and has no prior
4607 convictions for DUI-related offenses may, upon the expiration of
4608 5 years after the date of such revocation or the expiration of 5
4609 years after the termination of any term of incarceration under
4610 s. 316.193 or former s. 316.1931, whichever date is later,
4611 petition the department for reinstatement of his or her driving
4612 privilege.

4613 (a) Within 30 days after the receipt of such a petition,
4614 the department shall afford the petitioner an opportunity for a
4615 hearing. At the hearing, the petitioner must demonstrate to the
4616 department that he or she:

4617 1. Has not been arrested for a drug-related offense during
4618 the 5 years preceding the filing of the petition;

4619 2. Has not driven a motor vehicle without a license for at
4620 least 5 years before ~~prior to~~ the hearing;

4621 3. Has been drug-free for at least 5 years before ~~prior to~~
4622 the hearing; and

4623 4. Has completed a DUI program licensed by the department.

4624 (b) At such hearing, the department shall determine the
4625 petitioner's qualification, fitness, and need to drive. Upon
4626 such determination, the department may, in its discretion,

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4627 | reinstate the driver ~~driver's~~ license of the petitioner. Such
4628 | reinstatement must be made subject to the following
4629 | qualifications:

4630 | 1. The license must be restricted for employment purposes
4631 | for at least ~~not less than~~ 1 year; and

4632 | 2. Such person must be supervised by a DUI program
4633 | licensed by the department and report to the program for such
4634 | supervision and education at least four times a year or
4635 | additionally as required by the program for the remainder of the
4636 | revocation period. Such supervision shall include evaluation,
4637 | education, referral into treatment, and other activities
4638 | required by the department.

4639 | (c) Such person must assume the reasonable costs of
4640 | supervision. If such person fails to comply with the required
4641 | supervision, the program shall report the failure to the
4642 | department, and the department shall cancel such person's
4643 | driving privilege.

4644 | (d) If, after reinstatement, such person is convicted of
4645 | an offense for which mandatory revocation of his or her license
4646 | is required, the department shall revoke his or her driving
4647 | privilege.

4648 | (e) The department shall adopt rules regulating the
4649 | providing of services by DUI programs pursuant to this section.

4650 | (5) Notwithstanding the provisions of s. 322.28(2)(d)
4651 | ~~322.28(2)(e)~~, a person whose driving privilege has been
4652 | permanently revoked because he or she has been convicted four or
4653 | more times of violating s. 316.193 or former s. 316.1931 may,
4654 | upon the expiration of 5 years after the date of the last

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4655 conviction or the expiration of 5 years after the termination of
4656 any incarceration under s. 316.193 or former s. 316.1931,
4657 whichever is later, petition the department for reinstatement of
4658 his or her driving privilege.

4659 (a) Within 30 days after receipt of a petition, the
4660 department shall provide for a hearing, at which the petitioner
4661 must demonstrate that he or she:

4662 1. Has not been arrested for a drug-related offense for at
4663 least 5 years before ~~prior to~~ filing the petition;

4664 2. Has not driven a motor vehicle without a license for at
4665 least 5 years before ~~prior to~~ the hearing;

4666 3. Has been drug-free for at least 5 years before ~~prior to~~
4667 the hearing; and

4668 4. Has completed a DUI program licensed by the department.

4669 (b) At the hearing, the department shall determine the
4670 petitioner's qualification, fitness, and need to drive, and may,
4671 after such determination, reinstate the petitioner's driver
4672 ~~driver's~~ license. The reinstatement shall be subject to the
4673 following qualifications:

4674 1. The petitioner's license must be restricted for
4675 employment purposes for at least ~~not less than~~ 1 year; and

4676 2. The petitioner must be supervised by a DUI program
4677 licensed by the department and must report to the program for
4678 supervision and education at least four times a year or more, as
4679 required by the program, for the remainder of the revocation
4680 period. The supervision shall include evaluation, education,
4681 referral into treatment, and other activities required by the
4682 department.

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4683 (c) The petitioner must assume the reasonable costs of
4684 supervision. If the petitioner does not comply with the required
4685 supervision, the program shall report the failure to the
4686 department, and the department shall cancel such person's
4687 driving privilege.

4688 (d) If, after reinstatement, the petitioner is convicted
4689 of an offense for which mandatory license revocation is
4690 required, the department shall revoke his or her driving
4691 privilege.

4692 (e) The department shall adopt rules regulating the
4693 services provided by DUI programs pursuant to this section.

4694 Section 67. Section 322.282, Florida Statutes, is amended
4695 to read:

4696 322.282 Procedure when court revokes or suspends license
4697 or driving privilege and orders reinstatement.—When a court
4698 suspends or revokes a person's license or driving privilege and,
4699 in its discretion, orders reinstatement ~~as provided by s.~~
4700 ~~322.28(2)(d) or former s. 322.261(5):~~

4701 (1) The court shall pick up all revoked or suspended
4702 driver ~~driver's~~ licenses from the person and immediately forward
4703 them to the department, together with a record of such
4704 conviction. The clerk of such court shall also maintain a list
4705 of all revocations or suspensions by the court.

4706 (2)(a) The court shall issue an order of reinstatement, on
4707 a form to be furnished by the department, which the person may
4708 take to any driver ~~driver's~~ license examining office. The
4709 department shall issue a temporary driver ~~driver's~~ permit to a
4710 licensee who presents the court's order of reinstatement, proof

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4711 of completion of a department-approved driver training or
4712 substance abuse education course, and a written request for a
4713 hearing under s. 322.271. The permit shall not be issued if a
4714 record check by the department shows that the person has
4715 previously been convicted for a violation of s. 316.193, former
4716 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
4717 conviction outside this state for driving under the influence,
4718 driving while intoxicated, driving with an unlawful blood-
4719 alcohol level, or any similar alcohol-related or drug-related
4720 traffic offense; that the person's driving privilege has been
4721 previously suspended for refusal to submit to a lawful test of
4722 breath, blood, or urine; or that the person is otherwise not
4723 entitled to issuance of a driver ~~driver's~~ license. This
4724 paragraph shall not be construed to prevent the reinstatement of
4725 a license or driving privilege that is presently suspended for
4726 driving with an unlawful blood-alcohol level or a refusal to
4727 submit to a breath, urine, or blood test and is also revoked for
4728 a conviction for a violation of s. 316.193 or former s.
4729 316.1931, if the suspension and revocation arise out of the same
4730 incident.

4731 (b) The temporary driver ~~driver's~~ permit shall be
4732 restricted to either business or employment purposes described
4733 in s. 322.271, as determined by the department, and shall not be
4734 used for pleasure, recreational, or nonessential driving.

4735 (c) If the department determines at a later date from its
4736 records that the applicant has previously been convicted of an
4737 offense referred to in paragraph (a) which would render him or
4738 her ineligible for reinstatement, the department shall cancel

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4739 the temporary driver ~~driver's~~ permit and shall issue a
4740 revocation or suspension order for the minimum period
4741 applicable. A temporary permit issued pursuant to this section
4742 shall be valid for 45 days or until canceled as provided in this
4743 paragraph.

4744 (d) The period of time for which a temporary permit issued
4745 in accordance with paragraph (a) is valid shall be deemed to be
4746 part of the period of revocation imposed by the court.

4747 Section 68. Section 324.023, Florida Statutes, is amended
4748 to read:

4749 324.023 Financial responsibility for bodily injury or
4750 death.—In addition to any other financial responsibility
4751 required by law, every owner or operator of a motor vehicle that
4752 is required to be registered in this state, or that is located
4753 within this state, and who, regardless of adjudication of guilt,
4754 has been found guilty of or entered a plea of guilty or nolo
4755 contendere to a charge of driving under the influence under s.
4756 316.193 after October 1, 2007, shall, by one of the methods
4757 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
4758 maintain the ability to respond in damages for liability on
4759 account of accidents arising out of the use of a motor vehicle
4760 in the amount of \$100,000 because of bodily injury to, or death
4761 of, one person in any one crash and, subject to such limits for
4762 one person, in the amount of \$300,000 because of bodily injury
4763 to, or death of, two or more persons in any one crash and in the
4764 amount of \$50,000 because of property damage in any one crash.
4765 If the owner or operator chooses to establish and maintain such
4766 ability by ~~posting a bond or~~ furnishing a certificate of deposit

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4767 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
4768 deposit must be at least ~~in an amount not less than~~ \$350,000.
4769 Such higher limits must be carried for a minimum period of 3
4770 years. If the owner or operator has not been convicted of
4771 driving under the influence or a felony traffic offense for a
4772 period of 3 years from the date of reinstatement of driving
4773 privileges for a violation of s. 316.193, the owner or operator
4774 shall be exempt from this section.

4775 Section 69. Paragraph (c) of subsection (1) of section
4776 324.171, Florida Statutes, is amended to read:

4777 324.171 Self-insurer.—

4778 (1) Any person may qualify as a self-insurer by obtaining
4779 a certificate of self-insurance from the department which may,
4780 in its discretion and upon application of such a person, issue
4781 said certificate of self-insurance when such person has
4782 satisfied the requirements of this section to qualify as a self-
4783 insurer under this section:

4784 (c) The owner of a commercial motor vehicle, as defined in
4785 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
4786 insurer subject to the standards provided for in subparagraph
4787 (b)2.

4788 Section 70. Section 324.191, Florida Statutes, is amended
4789 to read:

4790 324.191 Consent to cancellation; direction to return money
4791 or securities.—The department shall consent to the cancellation
4792 of any ~~bond or~~ certificate of insurance furnished as proof of
4793 financial responsibility pursuant to s. 324.031, or the
4794 department shall return to the person entitled thereto cash or

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4795 securities deposited as proof of financial responsibility
4796 pursuant to s. 324.031:

4797 (1) Upon substitution and acceptance of other adequate
4798 proof of financial responsibility pursuant to this chapter, or

4799 (2) In the event of the death of the person on whose
4800 behalf the proof was filed, or the permanent incapacity of such
4801 person to operate a motor vehicle, or

4802 (3) In the event the person who has given proof of
4803 financial responsibility surrenders his or her license and all
4804 registrations to the department; providing, however, that no
4805 notice of court action has been filed with the department, a
4806 judgment in which would result in claim on such proof of
4807 financial responsibility.

4808

4809 This section shall not apply to security as specified in s.
4810 324.061 deposited pursuant to s. 324.051(2)(a)4.

4811 Section 71. Paragraph (b) of subsection (3) of section
4812 627.733, Florida Statutes, is amended to read:

4813 627.733 Required security.—

4814 (3) Such security shall be provided:

4815 (b) By any other method authorized by s. 324.031(2) or
4816 (3), ~~or~~ (4) and approved by the Department of Highway Safety and
4817 Motor Vehicles as affording security equivalent to that afforded
4818 by a policy of insurance or by self-insuring as authorized by s.
4819 768.28(16). The person filing such security shall have all of
4820 the obligations and rights of an insurer under ss. 627.730-
4821 627.7405.

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4822 Section 72. Section 627.7415, Florida Statutes, is amended
4823 to read:

4824 627.7415 Commercial motor vehicles; additional liability
4825 insurance coverage.—Commercial motor vehicles, as defined in s.
4826 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
4827 highways of this state shall be insured with the following
4828 minimum levels of combined bodily liability insurance and
4829 property damage liability insurance in addition to any other
4830 insurance requirements:

4831 (1) Fifty thousand dollars per occurrence for a commercial
4832 motor vehicle with a gross vehicle weight of 26,000 pounds or
4833 more, but less than 35,000 pounds.

4834 (2) One hundred thousand dollars per occurrence for a
4835 commercial motor vehicle with a gross vehicle weight of 35,000
4836 pounds or more, but less than 44,000 pounds.

4837 (3) Three hundred thousand dollars per occurrence for a
4838 commercial motor vehicle with a gross vehicle weight of 44,000
4839 pounds or more.

4840 (4) All commercial motor vehicles subject to regulations
4841 of the United States Department of Transportation, Title 49
4842 C.F.R. part 387, subpart A, and as may be hereinafter amended,
4843 shall be insured in an amount equivalent to the minimum levels
4844 of financial responsibility as set forth in such regulations.

4845
4846 A violation of this section is a noncriminal traffic infraction,
4847 punishable as a nonmoving violation as provided in chapter 318.

4848 Section 73. Except as otherwise expressly provided in this
4849 act and except for this section, which shall take effect upon

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4850 this act becoming a law, this act shall take effect July 1,
4851 2013.

4852

4853

4854

4855

T I T L E A M E N D M E N T

4856

Remove everything before the enacting clause and insert:

4857

An act relating to the Department of Highway Safety and

4858

Motor Vehicles; amending s. 110.205, F.S.; providing that

4859

certain positions in the department are exempt from career

4860

service; amending s. 207.002, F.S., relating to the Florida

4861

Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting

4862

definitions of the terms "apportioned motor vehicle" and

4863

"apportionable vehicle"; amending s. 316.066, F.S.;

4864

authorizing the Department of Transportation to immediately

4865

receive a crash report; amending s. 316.081, F.S.;

4866

prohibiting a driver from driving at less than the posted

4867

speed in the furthestmost left-hand lane of a road, street,

4868

or highway having two or more lanes if being overtaken by a

4869

motor vehicle; providing exceptions; providing penalties;

4870

amending s. 316.1937, F.S.; revising operational

4871

specifications for ignition interlock devices; amending s.

4872

316.2397, F.S.; exempting specified municipal officials

4873

from a prohibition against showing or displaying blue

4874

lights on a motor vehicle under certain conditions;

4875

amending s. 316.302, F.S.; revising provisions for certain

4876

commercial motor vehicles and transporters and shippers of

4877

hazardous materials; providing for application of specified

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4878 federal regulations; removing a provision for application
4879 of specified provisions and federal regulations to
4880 transporting liquefied petroleum gas; amending s. 316.3025,
4881 F.S.; providing penalties for violation of specified
4882 federal regulations relating to medical and physical
4883 requirements for commercial drivers while driving a
4884 commercial motor vehicle; revising provisions for seizure
4885 of motor vehicle for refusal to pay penalty; providing
4886 penalties for violation of specified federal regulations
4887 relating to commercial drivers and the use of mobile
4888 telephones and texting while driving a commercial motor
4889 vehicle; amending s. 316.545, F.S.; revising language
4890 relating to certain commercial motor vehicles not properly
4891 licensed and registered; amending s. 316.646, F.S.,
4892 relating to proof of property damage liability security and
4893 display thereof; providing for proof of insurance in an
4894 electronic format and on an electronic device; providing
4895 conditions relating to the use of such electronic device;
4896 authorizing the department to adopt rules; amending s.
4897 317.0016, F.S., relating to expedited services; removing a
4898 requirement that the department provide such service for
4899 certain certificates; amending s. 318.14, F.S.; relating to
4900 disposition of traffic citations; providing that certain
4901 alternative procedures for certain traffic offenses are not
4902 available to a person who holds a commercial learner's
4903 permit; amending s. 318.1451, F.S.; revising provisions
4904 relating to driver improvement schools; removing a
4905 provision for a chief judge to establish requirements for

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4906 the location of schools within a judicial circuit; removing
4907 a provision that authorizes a person to operate a driver
4908 improvement school; revising provisions for persons taking
4909 unapproved course; providing criteria for initial approval
4910 of courses; revising requirements for courses, course
4911 certificates, and course providers; directing the
4912 department to adopt rules; creating s. 319.141, F.S.;

4913 directing the department to conduct a pilot program to
4914 evaluate rebuilt vehicle inspection services performed by
4915 the private sector; providing definitions; providing for
4916 the department to enter into a memorandum of understanding
4917 with the private provider; providing minimum criteria and
4918 certain requirements; requiring the department to provide a
4919 report to the Legislature; providing for future expiration;

4920 amending s. 319.225, F.S.; revising provisions for
4921 certificates of title, reassignment of title, and forms;
4922 revising procedures for transfer of title; amending s.
4923 319.23, F.S.; revising requirements for content of
4924 certificates of title and applications for title; amending
4925 s. 319.28, F.S.; revising provisions for transfer of
4926 ownership by operation of law when a motor vehicle or
4927 mobile home is repossessed; removing provisions for a
4928 certificate of repossession; amending s. 319.30, F.S.;

4929 defining the terms "National Motor Vehicle Title
4930 Information System," "nonrepairable vehicle," and "self-
4931 insured entity" as used in provisions for the dismantling,
4932 destruction, and change of identity of motor vehicles and
4933 mobile homes and salvage thereof; limiting the amount that

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4934 a salvage motor vehicle dealer or a secondary metals
4935 recycler may require a lienholder to pay to recover a
4936 derelict vehicle purchased by the dealer or recycler;
4937 providing circumstances when a self-insured motor vehicle
4938 or mobile home is a total loss; revising procedures for
4939 disposition of salvage motor vehicles and mobile homes;
4940 requiring an insurance company to notify the National Motor
4941 Vehicle Title Information System; providing for the
4942 department to declare certain vehicles as nonrepairable and
4943 print a certificate of destruction; revising requirements
4944 for secondary metals recyclers and salvage motor vehicle
4945 dealers to maintain records; requiring such recyclers and
4946 dealers to make monthly notifications to the National Motor
4947 Vehicle Title Information System; requiring certain
4948 independent entities to notify the National Motor Vehicle
4949 Title Information System before disposition of a damaged or
4950 dismantled motor vehicle; requiring the independent entity
4951 to provide proof to the department of such notification
4952 when applying for a certificate of destruction or salvage
4953 certificate of title; requiring certain entities dealing in
4954 salvage motor vehicles to register with the National Motor
4955 Vehicle Title Information System; amending s. 319.323,
4956 F.S., relating to expedited services of the department;
4957 removing certificates of repossession; amending s. 320.01,
4958 F.S.; removing the definition of the term "apportioned
4959 motor vehicle"; revising the definition of the term
4960 "apportionable motor vehicle"; amending s. 320.02, F.S.;

4961 revising requirements for application for motor vehicle

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4962 registration; providing for insurers to furnish proof-of-
4963 purchase cards in a paper or an electronic format; amending
4964 s. 320.03, F.S.; revising a provision for registration
4965 under the International Registration Plan; amending s.
4966 320.071, F.S.; revising a provision for advance renewal of
4967 registration under the International Registration Plan;
4968 amending s. 320.0715, F.S.; revising provisions for
4969 vehicles required to be registered under the International
4970 Registration Plan; amending s. 320.089, F.S.; creating a
4971 special use license plate for current or former members of
4972 the United States Armed Forces who participated in
4973 Operation Desert Storm or Operation Desert Shield; amending
4974 s. 320.18, F.S.; providing for withholding of motor vehicle
4975 or mobile home registration when a coowner has failed to
4976 register the motor vehicle or mobile home during a previous
4977 period when such registration was required; providing for
4978 cancelling a vehicle or vessel registration, driver
4979 license, identification card, or fuel-use tax decal if the
4980 coowner pays certain fees and other liabilities with a
4981 dishonored check; amending s. 320.27, F.S., relating to
4982 motor vehicle dealers; providing for extended periods for
4983 dealer licenses and supplemental licenses; providing fees;
4984 amending s. 320.62, F.S., relating to manufacturers,
4985 distributors, and importers of motor vehicles; providing
4986 for extended licensure periods; providing fees; amending s.
4987 320.77, F.S., relating to mobile home dealers; providing
4988 for extended licensure periods; providing fees; amending s.
4989 320.771, F.S., relating to recreational vehicle dealers;

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4990 providing for extended licensure periods; providing fees;
4991 amending s. 320.8225, F.S., relating to mobile home and
4992 recreational vehicle manufacturers, distributors, and
4993 importers; providing for extended licensure periods;
4994 providing fees; amending s. 322.095, F.S.; requiring an
4995 applicant for a driver license to complete a traffic law
4996 and substance abuse education course; providing exceptions;
4997 revising procedures for evaluation and approval of such
4998 courses; revising criteria for such courses and the schools
4999 conducting the courses; providing for collection and
5000 disposition of certain fees; requiring providers to
5001 maintain records; directing the department to conduct
5002 effectiveness studies; requiring a provider to cease
5003 offering a course that fails the study; requiring courses
5004 to be updated at the request of the department; requiring
5005 providers to disclose certain information; requiring
5006 providers to submit course completion information to the
5007 department within a certain time period; prohibiting
5008 certain acts; providing that the department shall not
5009 accept certification from students; prohibiting a person
5010 convicted of certain crimes from conducting courses;
5011 directing the department to suspend course approval for
5012 certain purposes; providing for the department to deny,
5013 suspend, or revoke course approval for certain acts;
5014 providing for administrative hearing before final action
5015 denying, suspending, or revoking course approval; providing
5016 penalties for violations; amending s. 322.125, F.S.;

5017 revising criteria for members of the Medical Advisory

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5018 Board; amending s. 322.135, F.S.; removing a provision that
5019 authorizes a tax collector to direct certain licensees to
5020 the department for examination or reexamination; amending
5021 s. 322.212, F.S.; providing penalties for certain
5022 violations involving application and testing for a
5023 commercial driver license or a commercial learner's permit;
5024 amending s. 322.22, F.S.; authorizing the department to
5025 withhold issuance or renewal of a driver license,
5026 identification card, vehicle or vessel registration, or
5027 fuel-use decal under certain circumstances; amending s.
5028 322.245, F.S.; requiring a depository or clerk of court to
5029 electronically notify the department of a person's failure
5030 to pay support or comply with directives of the court;
5031 amending s. 322.25, F.S.; removing a provision for a court
5032 order to reinstate a person's driving privilege on a
5033 temporary basis when the person's license and driving
5034 privilege have been revoked under certain circumstances;
5035 amending ss. 322.2615 and 322.2616, F.S., relating to
5036 review of a license suspension when the driver had blood or
5037 breath alcohol at a certain level or the driver refused a
5038 test of his or her blood or breath to determine the alcohol
5039 level; revising provisions for informal and formal reviews;
5040 providing for the hearing officer to be designated by the
5041 department; authorizing the hearing officer to conduct
5042 hearings using telecommunications technology; revising
5043 procedures for enforcement of subpoenas; directing the
5044 department to issue a temporary driving permit or
5045 invalidate the suspension under certain circumstances;

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5046 providing for construction of specified provisions;
5047 amending s. 322.64, F.S., relating to driving with unlawful
5048 blood-alcohol level or refusal to submit to breath, urine,
5049 or blood test by a commercial driver license holder or
5050 person driving a commercial motor vehicle; providing that a
5051 disqualification from driving a commercial motor vehicle is
5052 considered a conviction for certain purposes; revising the
5053 time period a person is disqualified from driving for
5054 alcohol-related violations; revising requirements for
5055 notice of the disqualification; providing that under the
5056 review of a disqualification the hearing officer shall
5057 consider the crash report; revising provisions for informal
5058 and formal reviews; providing for the hearing officer to be
5059 designated by the department; authorizing the hearing
5060 officer to conduct hearings using telecommunications
5061 technology; revising procedures for enforcement of
5062 subpoenas; directing the department to issue a temporary
5063 driving permit or invalidate the suspension under certain
5064 circumstances; providing for construction of specified
5065 provisions; amending s. 322.2715, F.S.; providing
5066 requirements for issuance of a restricted license for a
5067 person convicted of a DUI offense if a medical waiver of
5068 placement of an ignition interlock device was given to such
5069 person; amending s. 322.28, F.S., relating to revocation of
5070 driver license for convictions of DUI offenses; providing
5071 that convictions occurring on the same date for offenses
5072 occurring on separate dates are considered separate
5073 convictions; removing a provision relating to a court order

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5074 for reinstatement of a revoked license; repealing s.
5075 322.331, F.S., relating to habitual traffic offenders;
5076 amending s. 322.61, F.S., revising provisions for
5077 disqualification from operating a commercial motor vehicle;
5078 providing for application of such provisions to persons
5079 holding a commercial learner's permit; revising the
5080 offenses for which certain disqualifications apply;
5081 amending s. 323.002, F.S.; providing that an unauthorized
5082 wrecker operator's wrecker, tow truck, or other motor
5083 vehicle used during certain offenses may be removed and
5084 impounded; requiring an unauthorized wrecker operator to
5085 disclose certain information in writing to the owner or
5086 operator of a motor vehicle and provide a copy of the
5087 disclosure to the owner or operator in the presence of a
5088 law enforcement officer if an officer is present;
5089 authorizing state and local government law enforcement
5090 officers to cause to be removed and impounded any wrecker,
5091 tow truck, or other motor vehicle used in violation of
5092 specified provisions; authorizing the authority that caused
5093 the removal and impoundment to assess a cost recovery fine;
5094 providing procedures and requirements for release of the
5095 vehicle; providing penalties; requiring that the
5096 unauthorized wrecker operator pay the fees associated with
5097 the removal and storage of the vehicle; amending s.
5098 324.0221, F.S.; revising the actions which must be reported
5099 to the department by an insurer that has issued a policy
5100 providing personal injury protection coverage or property
5101 damage liability coverage; revising time allowed for

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5102 submitting the report; amending s. 324.031, F.S.; revising
5103 the methods a vehicle owner or operator may use to prove
5104 financial responsibility; removing a provision for posting
5105 a bond with the department; amending s. 324.091, F.S.;
5106 revising provisions requiring motor vehicle owners and
5107 operators to provide evidence to the department of
5108 liability insurance coverage under certain circumstances;
5109 revising provisions for verification by insurers of such
5110 evidence; amending s. 324.161, F.S.; providing requirements
5111 for issuance of a certificate of insurance; requiring proof
5112 of a certificate of deposit of a certain amount of money in
5113 a financial institution; providing for power of attorney to
5114 be issued to the department for execution under certain
5115 circumstances; amending s. 328.01, F.S., relating to vessel
5116 titles; revising identification requirements for
5117 applications for a certificate of title; amending s.
5118 328.48, F.S., relating to vessel registration; revising
5119 identification requirements for applications for vessel
5120 registration; amending s. 328.76, F.S., relating to vessel
5121 registration funds; revising provisions for funds to be
5122 deposited into the Highway Safety Operating Trust Fund;
5123 amending s. 713.585, F.S.; revising procedures and
5124 requirements for enforcement of lien by sale of motor
5125 vehicle when ownership is not established; revising
5126 provisions for establishing a good faith effort to locate
5127 the owner or lienholder; requiring the lienholder to make
5128 certain records checks, including records of the department
5129 and the National Motor Vehicle Title Information System and

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5130 any state disclosed by the check of that system; revising
5131 requirements for notification to the local law enforcement
5132 agency; revising requirements for notification of the sale
5133 of the vehicle; revising documents and proofs the
5134 lienholder is required to furnish with a certificate of
5135 compliance filed with the clerk of the circuit court;
5136 requiring the lienholder to provide the department proof of
5137 checking the National Motor Vehicle Title Information
5138 System for application for transfer of title; amending s.
5139 713.78, F.S.; revising provisions for enforcement of liens
5140 for recovering, towing, or storing a vehicle or vessel;
5141 providing a definition; providing for a lien on a vehicle
5142 or vessel when a landlord or the landlord's designee
5143 authorized removal after tenancy is terminated and
5144 specified conditions are met; revising provisions requiring
5145 notice to the owner, insurance company, and lienholders;
5146 revising procedures and requirements when ownership is not
5147 established; revising provisions for establishing a good
5148 faith effort to locate the owner or lienholder; requiring
5149 certain records checks, including records of the department
5150 and the National Motor Vehicle Title Information System and
5151 any state disclosed by the check of that system; revising
5152 provisions for notice of sale; requiring that insurance
5153 company representatives shall be allowed to inspect the
5154 vehicle or vessel; providing that when the vehicle is to be
5155 sold for purposes of being dismantled, destroyed, or
5156 changed in such manner that it is not the motor vehicle or
5157 vessel described in the certificate of title, it must be

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5158 reported to the National Motor Vehicle Title Information
5159 System and application made to the department for a
5160 certificate of destruction; amending ss. 212.08, 261.03,
5161 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003,
5162 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,
5163 324.191, 627.733, and 627.7415, F.S.; correcting cross-
5164 references and conforming provisions to changes made by the
5165 act; providing effective dates.
5166