



940416

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: SEN1/C
05/02/2013 07:42 AM	.	05/02/2013 05:38 PM
	.	

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

110.205 Career service; exemptions.—

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

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



940416

14 but are not limited to:

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

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

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

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

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

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

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

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



940416

43 and amended to read:

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

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

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

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

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

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

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

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



940416

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

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

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

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

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

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

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



940416

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

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

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

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

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

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

113 316.066 Written reports of crashes.—

114 (2)

115 (b) Crash reports held by an agency under paragraph (a) may
116 be made immediately available to the parties involved in the
117 crash, their legal representatives, their licensed insurance
118 agents, their insurers or insurers to which they have applied
119 for coverage, persons under contract with such insurers to
120 provide claims or underwriting information, prosecutorial
121 authorities, law enforcement agencies, the Department of
122 Transportation, county traffic operations, victim services
123 programs, radio and television stations licensed by the Federal
124 Communications Commission, newspapers qualified to publish legal
125 notices under ss. 50.011 and 50.031, and free newspapers of
126 general circulation, published once a week or more often,
127 available and of interest to the public generally for the
128 dissemination of news. For the purposes of this section, the
129 following products or publications are not newspapers as



940416

130 referred to in this section: those intended primarily for
131 members of a particular profession or occupational group; those
132 with the primary purpose of distributing advertising; and those
133 with the primary purpose of publishing names and other personal
134 identifying information concerning parties to motor vehicle
135 crashes.

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

138 316.003 Definitions.—The following words and phrases, when
139 used in this chapter, shall have the meanings respectively
140 ascribed to them in this section, except where the context
141 otherwise requires:

142 (91) LOCAL HEARING OFFICER.—The person, designated by a
143 department, county, or municipality that elects to authorize
144 traffic infraction enforcement officers to issue traffic
145 citations under s. 316.0083(1) (a), who is authorized to conduct
146 hearings related to a notice of violation issued pursuant to
147 316.0083. The charter county, noncharter county, or municipality
148 may use its currently appointed code enforcement board or
149 special magistrate to serve as the local hearing officer. The
150 department may enter into an interlocal agreement to use the
151 local hearing officer of a county or municipality.

152 Section 5. Subsection (1) of section 316.0083, Florida
153 Statutes, is amended, and subsection (5) is added to that
154 section, to read:

155 316.0083 Mark Wandall Traffic Safety Program;
156 administration; report.—

157 (1) (a) For purposes of administering this section, the
158 department, a county, or a municipality may authorize a traffic



940416

159 infraction enforcement officer under s. 316.640 to issue a
160 traffic citation for a violation of s. 316.074(1) or s.
161 316.075(1)(c)1. A notice of violation and a traffic citation may
162 not be issued for failure to stop at a red light if the driver
163 is making a right-hand turn in a careful and prudent manner at
164 an intersection where right-hand turns are permissible. A notice
165 of violation and a traffic citation may not be issued under this
166 section if the driver of the vehicle came to a complete stop
167 after crossing the stop line and before turning right if
168 permissible at a red light, but failed to stop before crossing
169 over the stop line or other point at which a stop is required.

170 This paragraph does not prohibit a review of information from a
171 traffic infraction detector by an authorized employee or agent
172 of the department, a county, or a municipality before issuance
173 of the traffic citation by the traffic infraction enforcement
174 officer. This paragraph does not prohibit the department, a
175 county, or a municipality from issuing notification as provided
176 in paragraph (b) to the registered owner of the motor vehicle
177 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

178 (b)1.a. Within 30 days after a violation, notification must
179 be sent to the registered owner of the motor vehicle involved in
180 the violation specifying the remedies available under s. 318.14
181 and that the violator must pay the penalty of \$158 to the
182 department, county, or municipality, or furnish an affidavit in
183 accordance with paragraph (d), or request a hearing within 60 ~~30~~
184 days following the date of the notification in order to avoid
185 court fees, costs, and the issuance of a traffic citation. The
186 notification must shall be sent by first-class mail. The mailing
187 of the notice of violation constitutes notification.



940416

188 b. Included with the notification to the registered owner
189 of the motor vehicle involved in the infraction must be a notice
190 that the owner has the right to review the photographic or
191 electronic images or the streaming video evidence that
192 constitutes a rebuttable presumption against the owner of the
193 vehicle. The notice must state the time and place or Internet
194 location where the evidence may be examined and observed.

195 c. Notwithstanding any other provision of law, a person who
196 receives a notice of violation under this section may request a
197 hearing within 60 days following the notification of violation
198 or pay the penalty pursuant to the notice of violation, but a
199 payment or fee may not be required before the hearing requested
200 by the person. The notice of violation must be accompanied by,
201 or direct the person to a website that provides, information on
202 the person's right to request a hearing and on all court costs
203 related thereto and a form to request a hearing. As used in this
204 sub-subparagraph, the term "person" includes a natural person,
205 registered owner or coowner of a motor vehicle, or person
206 identified on an affidavit as having care, custody, or control
207 of the motor vehicle at the time of the violation.

208 d. If the registered owner or coowner of the motor vehicle,
209 or the person designated as having care, custody, or control of
210 the motor vehicle at the time of the violation, or an authorized
211 representative of the owner, coowner, or designated person,
212 initiates a proceeding to challenge the violation pursuant to
213 this paragraph, such person waives any challenge or dispute as
214 to the delivery of the notice of violation.

215 2. Penalties assessed and collected by the department,
216 county, or municipality authorized to collect the funds provided



940416

217 for in this paragraph, less the amount retained by the county or
218 municipality pursuant to subparagraph 3., shall be paid to the
219 Department of Revenue weekly. Payment by the department, county,
220 or municipality to the state shall be made by means of
221 electronic funds transfers. In addition to the payment, summary
222 detail of the penalties remitted shall be reported to the
223 Department of Revenue.

224 3. Penalties to be assessed and collected by the
225 department, county, or municipality are as follows:

226 a. One hundred fifty-eight dollars for a violation of s.
227 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
228 stop at a traffic signal if enforcement is by the department's
229 traffic infraction enforcement officer. One hundred dollars
230 shall be remitted to the Department of Revenue for deposit into
231 the General Revenue Fund, \$10 shall be remitted to the
232 Department of Revenue for deposit into the Department of Health
233 Emergency Medical Services Trust Fund, \$3 shall be remitted to
234 the Department of Revenue for deposit into the Brain and Spinal
235 Cord Injury Trust Fund, and \$45 shall be distributed to the
236 municipality in which the violation occurred, or, if the
237 violation occurred in an unincorporated area, to the county in
238 which the violation occurred. Funds deposited into the
239 Department of Health Emergency Medical Services Trust Fund under
240 this sub-subparagraph shall be distributed as provided in s.
241 395.4036(1). Proceeds of the infractions in the Brain and Spinal
242 Cord Injury Trust Fund shall be distributed quarterly to the
243 Miami Project to Cure Paralysis and ~~shall be~~ used for brain and
244 spinal cord research.

245 b. One hundred fifty-eight dollars for a violation of s.



940416

246 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
247 stop at a traffic signal if enforcement is by a county or
248 municipal traffic infraction enforcement officer. Seventy
249 dollars shall be remitted by the county or municipality to the
250 Department of Revenue for deposit into the General Revenue Fund,
251 \$10 shall be remitted to the Department of Revenue for deposit
252 into the Department of Health Emergency Medical Services Trust
253 Fund, \$3 shall be remitted to the Department of Revenue for
254 deposit into the Brain and Spinal Cord Injury Trust Fund, and
255 \$75 shall be retained by the county or municipality enforcing
256 the ordinance enacted pursuant to this section. Funds deposited
257 into the Department of Health Emergency Medical Services Trust
258 Fund under this sub-subparagraph shall be distributed as
259 provided in s. 395.4036(1). Proceeds of the infractions in the
260 Brain and Spinal Cord Injury Trust Fund shall be distributed
261 quarterly to the Miami Project to Cure Paralysis and ~~shall be~~
262 used for brain and spinal cord research.

263 4. An individual may not receive a commission from any
264 revenue collected from violations detected through the use of a
265 traffic infraction detector. A manufacturer or vendor may not
266 receive a fee or remuneration based upon the number of
267 violations detected through the use of a traffic infraction
268 detector.

269 (c)1.a. A traffic citation issued under this section shall
270 be issued by mailing the traffic citation by certified mail to
271 the address of the registered owner of the motor vehicle
272 involved in the violation if when payment has not been made
273 within 60 30 days after notification under paragraph (b), if the
274 registered owner has not requested a hearing as authorized under



940416

275 paragraph (b), or if the registered owner has not submitted an
276 affidavit under this section subparagraph (b)1.

277 b. Delivery of the traffic citation constitutes
278 notification under this paragraph. If the registered owner or
279 coowner of the motor vehicle, or the person designated as having
280 care, custody, or control of the motor vehicle at the time of
281 the violation, or a duly authorized representative of the owner,
282 coowner, or designated person, initiates a proceeding to
283 challenge the citation pursuant to this section, such person
284 waives any challenge or dispute as to the delivery of the
285 traffic citation.

286 c. In the case of joint ownership of a motor vehicle, the
287 traffic citation shall be mailed to the first name appearing on
288 the registration, unless the first name appearing on the
289 registration is a business organization, in which case the
290 second name appearing on the registration may be used.

291 ~~d. The traffic citation shall be mailed to the registered~~
292 ~~owner of the motor vehicle involved in the violation no later~~
293 ~~than 60 days after the date of the violation.~~

294 2. Included with the notification to the registered owner
295 of the motor vehicle involved in the infraction shall be a
296 notice that the owner has the right to review, ~~either~~ in person
297 or remotely, the photographic or electronic images or the
298 streaming video evidence that constitutes a rebuttable
299 presumption against the owner of the vehicle. The notice must
300 state the time and place or Internet location where the evidence
301 may be examined and observed.

302 (d)1. The owner of the motor vehicle involved in the
303 violation is responsible and liable for paying the uniform



940416

304 traffic citation issued for a violation of s. 316.074(1) or s.
305 316.075(1)(c)1. when the driver failed to stop at a traffic
306 signal, unless the owner can establish that:

307 a. The motor vehicle passed through the intersection in
308 order to yield right-of-way to an emergency vehicle or as part
309 of a funeral procession;

310 b. The motor vehicle passed through the intersection at the
311 direction of a law enforcement officer;

312 c. The motor vehicle was, at the time of the violation, in
313 the care, custody, or control of another person;

314 d. A uniform traffic citation was issued by a law
315 enforcement officer to the driver of the motor vehicle for the
316 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

317 e. The motor vehicle's owner was deceased on or before the
318 date that the uniform traffic citation was issued, as
319 established by an affidavit submitted by the representative of
320 the motor vehicle owner's estate or other designated person or
321 family member.

322 2. In order to establish such facts, the owner of the motor
323 vehicle shall, within 30 days after the date of issuance of the
324 traffic citation, furnish to the appropriate governmental entity
325 an affidavit setting forth detailed information supporting an
326 exemption as provided in this paragraph.

327 a. An affidavit supporting an exemption under sub-
328 subparagraph 1.c. must include the name, address, date of birth,
329 and, if known, the driver license number of the person who
330 leased, rented, or otherwise had care, custody, or control of
331 the motor vehicle at the time of the alleged violation. If the
332 vehicle was stolen at the time of the alleged offense, the



940416

333 affidavit must include the police report indicating that the
334 vehicle was stolen.

335 b. If a traffic citation for a violation of s. 316.074(1)
336 or s. 316.075(1)(c)1. was issued at the location of the
337 violation by a law enforcement officer, the affidavit must
338 include the serial number of the uniform traffic citation.

339 c. If the motor vehicle's owner to whom a traffic citation
340 has been issued is deceased, the affidavit must include a
341 certified copy of the owner's death certificate showing that the
342 date of death occurred on or before the issuance of the uniform
343 traffic citation and one of the following:

344 (I) A bill of sale or other document showing that the
345 deceased owner's motor vehicle was sold or transferred after his
346 or her death, but on or before the date of the alleged
347 violation.

348 (II) Documentary proof that the registered license plate
349 belonging to the deceased owner's vehicle was returned to the
350 department or any branch office or authorized agent of the
351 department, but on or before the date of the alleged violation.

352 (III) A copy of a police report showing that the deceased
353 owner's registered license plate or motor vehicle was stolen
354 after the owner's death, but on or before the date of the
355 alleged violation.

356
357 Upon receipt of the affidavit and documentation required under
358 this sub-subparagraph, the governmental entity must dismiss the
359 citation and provide proof of such dismissal to the person that
360 submitted the affidavit.

361 3. Upon receipt of an affidavit, the person designated as



940416

362 having care, custody, or ~~and~~ control of the motor vehicle at the
363 time of the violation may be issued a notice of violation
364 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
365 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
366 at a traffic signal. The affidavit is admissible in a proceeding
367 pursuant to this section for the purpose of providing proof that
368 the person identified in the affidavit was in actual care,
369 custody, or control of the motor vehicle. The owner of a leased
370 vehicle for which a traffic citation is issued for a violation
371 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
372 stop at a traffic signal is not responsible for paying the
373 traffic citation and is not required to submit an affidavit as
374 specified in this subsection if the motor vehicle involved in
375 the violation is registered in the name of the lessee of such
376 motor vehicle.

377 4. Paragraphs (b) and (c) apply to the person identified on
378 the affidavit, except that the notification under sub-
379 subparagraph (b)1.a. must be sent to the person identified on
380 the affidavit within 30 days after receipt of an affidavit.

381 5.4. The submission of a false affidavit is a misdemeanor
382 of the second degree, punishable as provided in s. 775.082 or s.
383 775.083.

384 (e) The photographic or electronic images or streaming
385 video attached to or referenced in the traffic citation is
386 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
387 when the driver failed to stop at a traffic signal has occurred
388 and is admissible in any proceeding to enforce this section and
389 raises a rebuttable presumption that the motor vehicle named in
390 the report or shown in the photographic or electronic images or



940416

391 streaming video evidence was used in violation of s. 316.074(1)
392 or s. 316.075(1)(c)1. when the driver failed to stop at a
393 traffic signal.

394 (5) Procedures for a hearing under this section are as
395 follows:

396 (a) The department shall publish and make available
397 electronically to each county and municipality a model Request
398 for Hearing form to assist each local government administering
399 this section.

400 (b) The charter county, noncharter county, or municipality
401 electing to authorize traffic infraction enforcement officers to
402 issue traffic citations under s. 316.0083(1)(a) shall designate
403 by resolution existing staff to serve as the clerk to the local
404 hearing officer.

405 (c) Any person, herein referred to as the "petitioner," who
406 elects to request a hearing under paragraph (1)(b) shall be
407 scheduled for a hearing by the clerk to the local hearing
408 officer to appear before a local hearing officer with notice to
409 be sent by first-class mail. Upon receipt of the notice, the
410 petitioner may reschedule the hearing once by submitting a
411 written request to reschedule to the clerk to the local hearing
412 officer, at least 5 calendar days before the day of the
413 originally scheduled hearing. The petitioner may cancel his or
414 her appearance before the local hearing officer by paying the
415 penalty assessed under paragraph (1)(b), plus \$50 in
416 administrative costs, before the start of the hearing.

417 (d) All testimony at the hearing shall be under oath and
418 shall be recorded. The local hearing officer shall take
419 testimony from a traffic infraction enforcement officer and the



940416

420 petitioner, and may take testimony from others. The local
421 hearing officer shall review the photographic or electronic
422 images or the streaming video made available under sub-
423 subparagraph(1) (b)1.b. Formal rules of evidence do not apply,
424 but due process shall be observed and govern the proceedings.

425 (e) At the conclusion of the hearing, the local hearing
426 officer shall determine whether a violation under this section
427 has occurred, in which case the hearing officer shall uphold or
428 dismiss the violation. The local hearing officer shall issue a
429 final administrative order including the determination and, if
430 the notice of violation is upheld, require the petitioner to pay
431 the penalty previously assessed under paragraph (1) (b), and may
432 also require the petitioner to pay county or municipal costs,
433 not to exceed \$250. The final administrative order shall be
434 mailed to the petitioner by first-class mail.

435 (f) An aggrieved party may appeal a final administrative
436 order consistent with the process provided under s. 162.11.

437 Section 6. Paragraph (c) of subsection (3) of section
438 316.650, Florida Statutes, is amended to read:

439 316.650 Traffic citations.—

440 (3)

441 (c) If a traffic citation is issued under s. 316.0083, the
442 traffic infraction enforcement officer shall provide by
443 electronic transmission a replica of the traffic citation data
444 to the court having jurisdiction over the alleged offense or its
445 traffic violations bureau within 5 days after the date of
446 issuance of the traffic citation to the violator. If a hearing
447 is requested, the traffic infraction enforcement officer shall
448 provide a replica of the traffic notice of violation data to the



940416

449 clerk for the local hearing officer having jurisdiction over the
450 alleged offense within 14 days.

451 Section 7. Section 318.121, Florida Statutes, is amended to
452 read:

453 318.121 Preemption of additional fees, fines, surcharges,
454 and costs.—Notwithstanding any general or special law, or
455 municipal or county ordinance, additional fees, fines,
456 surcharges, or costs other than the court costs and surcharges
457 assessed under s. 318.18(11), (13), (18), ~~and~~ (19), and (22) may
458 not be added to the civil traffic penalties assessed under ~~in~~
459 this chapter.

460 Section 8. Subsection (3) is added to section 318.15,
461 Florida Statutes, to read:

462 318.15 Failure to comply with civil penalty or to appear;
463 penalty.—

464 (3) The clerk shall notify the department of persons who
465 were mailed a notice of violation of s. 316.074(1) or s.
466 316.075(1)(c)1. pursuant to s. 316.0083 and who failed to enter
467 into, or comply with the terms of, a penalty payment plan, or
468 order with the clerk to the local hearing officer or failed to
469 appear at a scheduled hearing within 10 days after such failure,
470 and shall reference the person's driver license number, or in
471 the case of a business entity, vehicle registration number.

472 (a) Upon receipt of such notice, the department, or
473 authorized agent thereof, may not issue a license plate or
474 revalidation sticker for any motor vehicle owned or coowned by
475 that person pursuant to s. 320.03(8) until the amounts assessed
476 have been fully paid.

477 (b) After the issuance of the person's license plate or



940416

478 revalidation sticker is withheld pursuant to paragraph (a), the
479 person may challenge the withholding of the license plate or
480 revalidation sticker only on the basis that the outstanding
481 finances and civil penalties have been paid pursuant to s.
482 320.03(8).

483 Section 9. Paragraph (c) of subsection (15) of section
484 318.18, Florida Statutes, is amended, and subsection (22) is
485 added to that section, to read:

486 318.18 Amount of penalties.—The penalties required for a
487 noncriminal disposition pursuant to s. 318.14 or a criminal
488 offense listed in s. 318.17 are as follows:

489 (15)

490 (c) If a person who is mailed a notice of violation or
491 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
492 enforced by a traffic infraction enforcement officer under s.
493 316.0083, presents documentation from the appropriate
494 governmental entity that the notice of violation or traffic
495 citation was in error, the clerk of court or clerk to the local
496 hearing officer may dismiss the case. The clerk of court or
497 clerk to the local hearing officer may ~~shall~~ not charge for this
498 service.

499 (22) In addition to the penalty prescribed under s.
500 316.0083 for violations enforced under s. 316.0083 which are
501 upheld, the local hearing officer may also order the payment of
502 county or municipal costs, not to exceed \$250.

503 Section 10. Subsection (8) of section 320.03, Florida
504 Statutes, is amended to read:

505 320.03 Registration; duties of tax collectors;
506 International Registration Plan.—



940416

507 (8) If the applicant's name appears on the list referred to
508 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
509 713.78(13), a license plate or revalidation sticker may not be
510 issued until that person's name no longer appears on the list or
511 until the person presents a receipt from the governmental entity
512 or the clerk of court that provided the data showing that the
513 fines outstanding have been paid. This subsection does not apply
514 to the owner of a leased vehicle if the vehicle is registered in
515 the name of the lessee of the vehicle. The tax collector and the
516 clerk of the court are each entitled to receive monthly, as
517 costs for implementing and administering this subsection, 10
518 percent of the civil penalties and fines recovered from such
519 persons. As used in this subsection, the term "civil penalties
520 and fines" does not include a wrecker operator's lien as
521 described in s. 713.78(13). If the tax collector has private tag
522 agents, such tag agents are entitled to receive a pro rata share
523 of the amount paid to the tax collector, based upon the
524 percentage of license plates and revalidation stickers issued by
525 the tag agent compared to the total issued within the county.
526 The authority of any private agent to issue license plates shall
527 be revoked, after notice and a hearing as provided in chapter
528 120, if he or she issues any license plate or revalidation
529 sticker contrary to the provisions of this subsection. This
530 section applies only to the annual renewal in the owner's birth
531 month of a motor vehicle registration and does not apply to the
532 transfer of a registration of a motor vehicle sold by a motor
533 vehicle dealer licensed under this chapter, except for the
534 transfer of registrations which includes the annual renewals.
535 This section does not affect the issuance of the title to a



940416

536 motor vehicle, notwithstanding s. 319.23(8)(b).

537 Section 11. Subsections (3) and (4) of section 316.081,
538 Florida Statutes, are renumbered as subsections (4) and (5),
539 respectively, and a new subsection (3) is added to that section
540 to read:

541 316.081 Driving on right side of roadway; exceptions.—

542 (3) On a road, street, or highway having two or more lanes
543 allowing movement in the same direction, a driver may not
544 continue to operate a motor vehicle at any speed which is more
545 than 10 miles per hour slower than the posted speed limit in the
546 furthermost left-hand lane if the driver knows or reasonably
547 should know that he or she is being overtaken in that lane from
548 the rear by a motor vehicle traveling at a higher rate of speed.
549 This subsection does not apply to drivers operating a vehicle
550 that is overtaking another vehicle proceeding in the same
551 direction, or is preparing for a left turn at an intersection.

552 (4)~~(3)~~ Upon any roadway having four or more lanes for
553 moving traffic and providing for two-way movement of traffic, no
554 vehicle shall be driven to the left of the centerline of the
555 roadway, except when authorized by official traffic control
556 devices designating certain lanes to the left side of the center
557 of the roadway for use by traffic not otherwise permitted to use
558 such lanes, or except as permitted under paragraph (1)(b).
559 However, this subsection shall not be construed as prohibiting
560 the crossing of the centerline in making a left turn into or
561 from an alley, private road, or driveway.

562 (5)~~(4)~~ A violation of this section is a noncriminal traffic
563 infraction, punishable as a moving violation as provided in
564 chapter 318.



940416

565 Section 12. Subsection (1) of section 316.1937, Florida
566 Statutes, is amended to read:

567 316.1937 Ignition interlock devices, requiring; unlawful
568 acts.—

569 (1) In addition to any other authorized penalties, the
570 court may require that any person who is convicted of driving
571 under the influence in violation of s. 316.193 shall not operate
572 a motor vehicle unless that vehicle is equipped with a
573 functioning ignition interlock device certified by the
574 department as provided in s. 316.1938, and installed in such a
575 manner that the vehicle will not start if the operator's blood
576 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
577 specified by the court. The court may require the use of an
578 approved ignition interlock device for a period of at least ~~not~~
579 ~~less than~~ 6 continuous months, if the person is permitted to
580 operate a motor vehicle, whether or not the privilege to operate
581 a motor vehicle is restricted, as determined by the court. The
582 court, however, shall order placement of an ignition interlock
583 device in those circumstances required by s. 316.193.

584 Section 13. Paragraph (b) of subsection (1), paragraph (a)
585 of subsection (4), and subsection (9) of section 316.302,
586 Florida Statutes, are amended, and a new paragraph (c) is added
587 to subsection (1), to read:

588 316.302 Commercial motor vehicles; safety regulations;
589 transporters and shippers of hazardous materials; enforcement.—

590 (1)

591 (b) Except as otherwise provided in this section, all
592 owners or drivers of commercial motor vehicles that are engaged
593 in intrastate commerce are subject to the rules and regulations



940416

594 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
595 the exception of 49 C.F.R. s. 390.5 as it relates to the
596 definition of bus, as such rules and regulations existed on
597 December 31, 2012 ~~October 1, 2011~~.

598 (c) The emergency exceptions provided by 49 C.F.R. s.
599 392.82 also apply to communications by utility drivers and
600 utility contractor drivers during a Level 1 activation of the
601 State Emergency Operations Center, as provided in the Florida
602 Comprehensive Emergency Management plan, or during a state of
603 emergency declared by executive order or proclamation of the
604 Governor.

605 (4) (a) Except as provided in this subsection, all
606 commercial motor vehicles transporting any hazardous material on
607 any road, street, or highway open to the public, whether engaged
608 in interstate or intrastate commerce, and any person who offers
609 hazardous materials for such transportation, are subject to the
610 regulations contained in 49 C.F.R. part 107, subparts F and
611 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
612 Effective July 1, 1997, the exceptions for intrastate motor
613 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
614 adopted.

615 ~~(9) (a) This section is not applicable to the transporting~~
616 ~~of liquefied petroleum gas. The rules and regulations applicable~~
617 ~~to the transporting of liquefied petroleum gas on the highways,~~
618 ~~roads, or streets of this state shall be only those adopted by~~
619 ~~the Department of Agriculture and Consumer Services under~~
620 ~~chapter 527. However, transporters of liquefied petroleum gas~~
621 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
622 ~~396.9.~~



940416

623 ~~(b)~~ This section does not apply to any nonpublic sector
624 bus.

625 Section 14. Paragraph (b) of subsection (3) and subsection
626 (5) of section 316.3025, Florida Statutes, is amended, present
627 subsection (6) of that section is renumbered as subsection (7),
628 and a new subsection (6) is added to that section, to read:

629 316.3025 Penalties.—

630 (3)

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

632 1. Each violation of the North American Uniform Driver Out-
633 of-Service Criteria;

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

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

636 4. A violation of the North American Standard Vehicle Out-
637 of-Service Criteria resulting from an inspection of a commercial
638 motor vehicle involved in a crash; or—

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

640 (5) Whenever any person or motor carrier as defined in
641 chapter 320 violates the provisions of this section and becomes
642 indebted to the state because of such violation and refuses to
643 pay the appropriate penalty, in addition to the provisions of s.
644 316.3026, such penalty becomes a lien upon the property
645 including the motor vehicles of such person or motor carrier and
646 may be seized and foreclosed by the state in a civil action in
647 any court of this state. It shall be presumed that the owner of
648 the motor vehicle is liable for the sum, and the vehicle may be
649 detained or impounded until the penalty is paid.

650 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
651 prohibits texting while operating a commercial motor vehicle, or



940416

652 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
653 telephone while operating a commercial motor vehicle, may be
654 assessed a civil penalty and commercial driver license
655 disqualification as follows:

656 1. First violation: \$500.

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

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

662 (b) A company requiring or allowing a driver to violate 49
663 C.F.R. s. 392.80, which prohibits texting while operating a
664 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
665 prohibits using a handheld mobile telephone while operating a
666 commercial motor vehicle, may, in addition to any other penalty
667 assessed, be assessed the following civil penalty. The driver
668 shall not be charged with an offense for the first violation
669 under this paragraph by the company.

670 1. First violation: \$2,750.

671 2. Second violation: \$5,000.

672 3. Third and subsequent violations: \$11,000.

673 (c) The emergency exceptions provided by 49 C.F.R. s.
674 392.82 also apply to communications between utility drivers and
675 utility contractor drivers during a Level 1 activation of the
676 State Emergency Operations Center, as provided in the Florida
677 Comprehensive Emergency Management plan, or during a state of
678 emergency declared by executive order or proclamation of the
679 Governor.

680 Section 15. Paragraph (a) of subsection (3) and paragraph



940416

681 (c) of subsection (5) of section 316.515, Florida Statutes, is
682 amended to read:

683 316.515 Maximum width, height, length.—

684 (3) LENGTH LIMITATION.—Except as otherwise provided in this
685 section, length limitations apply solely to a semitrailer or
686 trailer, and not to a truck tractor or to the overall length of
687 a combination of vehicles. No combination of commercial motor
688 vehicles coupled together and operating on the public roads may
689 consist of more than one truck tractor and two trailing units.
690 Unless otherwise specifically provided for in this section, a
691 combination of vehicles not qualifying as commercial motor
692 vehicles may consist of no more than two units coupled together;
693 such nonqualifying combination of vehicles may not exceed a
694 total length of 65 feet, inclusive of the load carried thereon,
695 but exclusive of safety and energy conservation devices approved
696 by the department for use on vehicles using public roads.
697 Notwithstanding any other provision of this section, a truck
698 tractor-semitrailer combination engaged in the transportation of
699 automobiles or boats may transport motor vehicles or boats on
700 part of the power unit; and, except as may otherwise be mandated
701 under federal law, an automobile or boat transporter semitrailer
702 may not exceed 50 feet in length, exclusive of the load;
703 however, the load may extend up to an additional 6 feet beyond
704 the rear of the trailer. The 50-foot length limitation does not
705 apply to non-stinger-steered automobile or boat transporters
706 that are 65 feet or less in overall length, exclusive of the
707 load carried thereon, or to stinger-steered automobile or boat
708 transporters that are 75 feet or less in overall length,
709 exclusive of the load carried thereon. For purposes of this



940416

710 subsection, a "stinger-steered automobile or boat transporter"
711 is an automobile or boat transporter configured as a semitrailer
712 combination wherein the fifth wheel is located on a drop frame
713 located behind and below the rearmost axle of the power unit.
714 Notwithstanding paragraphs (a) and (b), any straight truck or
715 truck tractor-semitrailer combination engaged in the
716 transportation of horticultural trees may allow the load to
717 extend up to an additional 10 feet beyond the rear of the
718 vehicle, provided said trees are resting against a retaining bar
719 mounted above the truck bed so that the root balls of the trees
720 rest on the floor and to the front of the truck bed and the tops
721 of the trees extend up over and to the rear of the truck bed,
722 and provided the overhanging portion of the load is covered with
723 protective fabric.

724 (a) *Straight trucks.*—A straight truck may not exceed a
725 length of 40 feet in extreme overall dimension, exclusive of
726 safety and energy conservation devices approved by the
727 department for use on vehicles using public roads. A straight
728 truck may attach a forklift to the rear of the cargo bed,
729 provided the overall combined length of the vehicle and the
730 forklift does not exceed 50 feet. A straight truck may tow no
731 more than one trailer, and the overall length of the truck-
732 trailer combination may not exceed 68 feet, including the load
733 thereon. Notwithstanding any other provisions of this section, a
734 truck-trailer combination engaged in the transportation of
735 boats, or boat trailers whose design dictates a front-to-rear
736 stacking method may not exceed the length limitations of this
737 paragraph exclusive of the load; however, the load may extend up
738 to an additional 6 feet beyond the rear of the trailer.



940416

739 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
740 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

741 (c) The width and height limitations of this section do not
742 apply to farming or agricultural equipment, whether self-
743 propelled, pulled, or hauled, when temporarily operated during
744 daylight hours upon a public road that is not a limited access
745 facility as defined in s. 334.03(12), and the width and height
746 limitations may be exceeded by such equipment without a permit.
747 To be eligible for this exemption, the equipment shall be
748 operated within a radius of 50 miles of the real property owned,
749 rented, managed, harvested, or leased by the equipment owner.
750 However, equipment being delivered by a dealer to a purchaser is
751 not subject to the 50-mile limitation. Farming or agricultural
752 equipment greater than 174 inches in width must have one warning
753 lamp mounted on each side of the equipment to denote the width
754 and must have a slow-moving vehicle sign. Warning lamps required
755 by this paragraph must be visible from the front and rear of the
756 vehicle and must be visible from a distance of at least 1,000
757 feet.

758 Section 16. Subsection (3) of section 316.545, Florida
759 Statutes, is amended to read:

760 316.545 Weight and load unlawful; special fuel and motor
761 fuel tax enforcement; inspection; penalty; review.—

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

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



940416

768 (b) Five cents per pound for each pound of weight in excess
769 of the maximum herein provided when the excess weight exceeds
770 200 pounds. However, whenever the gross weight of the vehicle or
771 combination of vehicles does not exceed the maximum allowable
772 gross weight, the maximum fine for the first 600 pounds of
773 unlawful axle weight shall be \$10;

774 (c) For a vehicle equipped with fully functional idle-
775 reduction technology, any penalty shall be calculated by
776 reducing the actual gross vehicle weight or the internal bridge
777 weight by the certified weight of the idle-reduction technology
778 or by 400 pounds, whichever is less. The vehicle operator must
779 present written certification of the weight of the idle-
780 reduction technology and must demonstrate or certify that the
781 idle-reduction technology is fully functional at all times. This
782 calculation is not allowed for vehicles described in s.
783 316.535(6);

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

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

792 Section 17. Subsection (1) of section 316.646, Florida
793 Statutes, is amended, and subsection (5) is added to that
794 section, to read:

795 316.646 Security required; proof of security and display
796 thereof; dismissal of cases.-



940416

797 (1) Any person required by s. 324.022 to maintain property
798 damage liability security, required by s. 324.023 to maintain
799 liability security for bodily injury or death, or required by s.
800 627.733 to maintain personal injury protection security on a
801 motor vehicle shall have in his or her immediate possession at
802 all times while operating such motor vehicle proper proof of
803 maintenance of the required security.

804 (a) Such proof shall be in a uniform paper or electronic
805 format, as ~~proof of insurance card in a form~~ prescribed by the
806 department, a valid insurance policy, an insurance policy
807 binder, a certificate of insurance, or such other proof as may
808 be prescribed by the department.

809 (b)1. The act of presenting to a law enforcement officer an
810 electronic device displaying proof of insurance in an electronic
811 format does not constitute consent for the officer to access any
812 information on the device other than the displayed proof of
813 insurance.

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

816 (5) The department shall adopt rules to administer this
817 section.

818 Section 18. Section 317.0016, Florida Statutes, is amended
819 to read:

820 317.0016 Expedited service; applications; fees.—The
821 department shall provide, through its agents and for use by the
822 public, expedited service on title transfers, title issuances,
823 duplicate titles, and recordation of liens, ~~and certificates of~~
824 ~~repossession~~. A fee of \$7 shall be charged for this service,
825 which is in addition to the fees imposed by ss. 317.0007 and



940416

826 317.0008, and \$3.50 of this fee shall be retained by the
827 processing agency. All remaining fees shall be deposited in the
828 Incidental Trust Fund of the Florida Forest Service of the
829 Department of Agriculture and Consumer Services. Application for
830 expedited service may be made by mail or in person. The
831 department shall issue each title applied for pursuant to this
832 section within 5 working days after receipt of the application
833 except for an application for a duplicate title certificate
834 covered by s. 317.0008(3), in which case the title must be
835 issued within 5 working days after compliance with the
836 department's verification requirements.

837 Section 19. Subsections (9) and (10) of section 318.14,
838 Florida Statutes, are amended to read:

839 318.14 Noncriminal traffic infractions; exception;
840 procedures.—

841 (9) Any person who does not hold a commercial driver
842 license or commercial learner's permit and who is cited while
843 driving a noncommercial motor vehicle for an infraction under
844 this section other than a violation of s. 316.183(2), s.
845 316.187, or s. 316.189 when the driver exceeds the posted limit
846 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or
847 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
848 lieu of a court appearance, elect to attend in the location of
849 his or her choice within this state a basic driver improvement
850 course approved by the Department of Highway Safety and Motor
851 Vehicles. In such a case, adjudication must be withheld and
852 points, as provided by s. 322.27, may not be assessed. However,
853 a person may not make an election under this subsection if the
854 person has made an election under this subsection in the



940416

855 preceding 12 months. A person may not make more than five
856 elections within his or her lifetime under this subsection. The
857 requirement for community service under s. 318.18(8) is not
858 waived by a plea of nolo contendere or by the withholding of
859 adjudication of guilt by a court. If a person makes an election
860 to attend a basic driver improvement course under this
861 subsection, 18 percent of the civil penalty imposed under s.
862 318.18(3) shall be deposited in the State Courts Revenue Trust
863 Fund; however, that portion is not revenue for purposes of s.
864 28.36 and may not be used in establishing the budget of the
865 clerk of the court under that section or s. 28.35.

866 (10) (a) Any person who does not hold a commercial driver
867 license or commercial learner's permit and who is cited while
868 driving a noncommercial motor vehicle for an offense listed
869 under this subsection may, in lieu of payment of fine or court
870 appearance, elect to enter a plea of nolo contendere and provide
871 proof of compliance to the clerk of the court, designated
872 official, or authorized operator of a traffic violations bureau.
873 In such case, adjudication shall be withheld; however, a person
874 may not make an election under this subsection if the person has
875 made an election under this subsection in the preceding 12
876 months. A person may not make more than three elections under
877 this subsection. This subsection applies to the following
878 offenses:

879 1. Operating a motor vehicle without a valid driver license
880 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
881 operating a motor vehicle with a license that has been suspended
882 for failure to appear, failure to pay civil penalty, or failure
883 to attend a driver improvement course pursuant to s. 322.291.



940416

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

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

887 4. Operating a motor vehicle with a license that has been
888 suspended under s. 61.13016 or s. 322.245 for failure to pay
889 child support or for failure to pay any other financial
890 obligation as provided in s. 322.245; however, this subparagraph
891 does not apply if the license has been suspended pursuant to s.
892 322.245(1).

893 5. Operating a motor vehicle with a license that has been
894 suspended under s. 322.091 for failure to meet school attendance
895 requirements.

896 (b) Any person cited for an offense listed in this
897 subsection shall present proof of compliance before the
898 scheduled court appearance date. For the purposes of this
899 subsection, proof of compliance shall consist of a valid,
900 renewed, or reinstated driver license or registration
901 certificate and proper proof of maintenance of security as
902 required by s. 316.646. Notwithstanding waiver of fine, any
903 person establishing proof of compliance shall be assessed court
904 costs of \$25, except that a person charged with violation of s.
905 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
906 such costs shall be remitted to the Department of Revenue for
907 deposit into the Child Welfare Training Trust Fund of the
908 Department of Children and Family Services. One dollar of such
909 costs shall be distributed to the Department of Juvenile Justice
910 for deposit into the Juvenile Justice Training Trust Fund.
911 Fourteen dollars of such costs shall be distributed to the
912 municipality and \$9 shall be deposited by the clerk of the court



940416

913 into the fine and forfeiture fund established pursuant to s.
914 142.01, if the offense was committed within the municipality. If
915 the offense was committed in an unincorporated area of a county
916 or if the citation was for a violation of s. 316.646(1)-(3), the
917 entire amount shall be deposited by the clerk of the court into
918 the fine and forfeiture fund established pursuant to s. 142.01,
919 except for the moneys to be deposited into the Child Welfare
920 Training Trust Fund and the Juvenile Justice Training Trust
921 Fund. This subsection does not authorize the operation of a
922 vehicle without a valid driver license, without a valid vehicle
923 tag and registration, or without the maintenance of required
924 security.

925 Section 20. Section 318.1451, Florida Statutes, is amended
926 to read:

927 318.1451 Driver improvement schools.—

928 (1) ~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~
929 shall approve and regulate the courses of all driver improvement
930 schools, as the courses relate to ss. 318.14(9), 322.0261, and
931 322.291, including courses that use technology as a delivery
932 method. ~~The chief judge of the applicable judicial circuit may~~
933 ~~establish requirements regarding the location of schools within~~
934 ~~the judicial circuit. A person may engage in the business of~~
935 ~~operating a driver improvement school that offers department-~~
936 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
937 ~~322.291.~~

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



940416

942 (2) (a) In determining whether to approve the courses
943 referenced in this section, the department shall consider course
944 content designed to promote safety, driver awareness, crash
945 avoidance techniques, and other factors or criteria to improve
946 driver performance from a safety viewpoint, including promoting
947 motorcyclist, bicyclist, and pedestrian safety and risk factors
948 resulting from driver attitude and irresponsible driver
949 behaviors, such as speeding, running red lights and stop signs,
950 and using electronic devices while driving. Initial approval of
951 the courses shall also be based on the department's review of
952 all course materials, course presentation to the department by
953 the provider, and the provider's plan for effective oversight of
954 the course by those who deliver the course in the state. New
955 courses shall be provisionally approved and limited to the
956 judicial circuit originally approved for pilot testing until the
957 course is fully approved by the department for statewide
958 delivery.

959 (b) In determining whether to approve courses of driver
960 improvement schools that use technology as the delivery method
961 as the courses relate to ss. 318.14(9) and 322.0261, the
962 department shall consider only those courses submitted by a
963 person, business, or entity which have approval for statewide
964 delivery.

965 (3) The department ~~of Highway Safety and Motor Vehicles~~
966 shall not accept ~~suspend accepting~~ proof of attendance of
967 courses from persons who attend those schools that do not teach
968 an approved course. ~~In those circumstances, a person who has~~
969 ~~elected to take courses from such a school shall receive a~~
970 ~~refund from the school, and the person shall have the~~



940416

971 ~~opportunity to take the course at another school.~~

972 (4) In addition to a regular course fee, an assessment fee
973 in the amount of \$2.50 shall be collected by the school from
974 each person who elects to attend a course, as it relates to ss.
975 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
976 must remit the \$2.50 assessment fee to the department for
977 deposit into, which shall be remitted to the Department of
978 Highway Safety and Motor Vehicles and deposited in the Highway
979 Safety Operating Trust Fund in order to receive unique course
980 completion certificate numbers for course participants. The
981 assessment fee will be used to administer this program and to
982 fund the general operations of the department.

983 (5) (a) The department is authorized to maintain the
984 information and records necessary to administer its duties and
985 responsibilities for driver improvement courses. Course
986 providers are required to maintain all records related to the
987 conduct of their approved courses for 5 years and allow the
988 department to inspect course records as necessary. Records may
989 be maintained in an electronic format. If ~~where~~ such information
990 is a public record as defined in chapter 119, it shall be made
991 available to the public upon request pursuant to s. 119.07(1).

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

997 (6) The department shall adopt rules establishing and
998 maintaining policies and procedures to implement the
999 requirements of this section. These policies and procedures may



940416

1000 include, but shall not be limited to, the following:

1001 (a) Effectiveness studies.—The department shall conduct
1002 effectiveness studies on each type of driver improvement course
1003 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
1004 recurring 5-year basis, including in the study process the
1005 consequence of failed studies.

1006 (b) Required updates.—The department may require that
1007 courses approved under this section be updated at the
1008 department's request. Failure of a course provider to update the
1009 course under this section shall result in the suspension of the
1010 course approval until the course is updated and approved by the
1011 department.

1012 (c) Course conduct.—The department shall require that the
1013 approved course providers ensure their driver improvement
1014 schools are conducting the approved course fully and to the
1015 required time limit and content requirements.

1016 (d) Course content.—The department shall set and modify
1017 course content requirements to keep current with laws and safety
1018 information. Course content includes all items used in the
1019 conduct of the course.

1020 (e) Course duration.—The department shall set the duration
1021 of all course types.

1022 (f) Submission of records.—The department shall require
1023 that all course providers submit course completion information
1024 to the department through the department's Driver Improvement
1025 Certificate Issuance System within 5 days.

1026 (g) Sanctions.—The department shall develop the criteria to
1027 sanction a course provider for any violation of this section or
1028 any other law that pertains to the approval and use of driver



940416

1029 improvement courses.

1030 (h) Miscellaneous requirements.—The department shall
1031 require that all course providers:

1032 1. Disclose all fees associated with courses offered by the
1033 provider and associated driver improvement schools and not
1034 charge any fees that are not disclosed during registration.

1035 2. Provide proof of ownership, copyright, or written
1036 permission from the course owner to use the course in this
1037 state.

1038 3. Ensure that any course that is offered in a classroom
1039 setting, by the provider or a school authorized by the provider
1040 to teach the course, is offered the course at locations that are
1041 free from distractions and reasonably accessible to most
1042 applicants.

1043 4. Issue a certificate to persons who successfully complete
1044 the course.

1045 Section 21. Section 319.141, Florida Statutes, is created
1046 to read:

1047 319.141 Pilot rebuilt motor vehicle inspection program.—

1048 (1) As used in this section, the term:

1049 (a) "Facility" means a rebuilt motor vehicle inspection
1050 facility authorized and operating under this section.

1051 (b) "Rebuilt inspection" means an examination of a rebuilt
1052 vehicle and a properly endorsed certificate of title, salvage
1053 certificate of title, or manufacturer's statement of origin and
1054 an application for a rebuilt certificate of title, a rebuilder's
1055 affidavit, a photograph of the junk or salvage vehicle taken
1056 before repairs began, receipts or invoices for all major
1057 component parts, as defined in s. 319.30, which were changed,



940416

1058 and proof that notice of rebuilding of the vehicle has been
1059 reported to the National Motor Vehicle Title Information System.

1060 (2) By October 1, 2013, the department shall implement a
1061 pilot program in Miami-Dade and Hillsborough Counties to
1062 evaluate alternatives for rebuilt inspection services to be
1063 offered by the private sector, including the feasibility of
1064 using private facilities, the cost impact to consumers, and the
1065 potential savings to the department.

1066 (3) The department shall establish a memorandum of
1067 understanding that allows private parties participating in the
1068 pilot program to conduct rebuilt motor vehicle inspections and
1069 specifies requirements for oversight, bonding and insurance,
1070 procedures, and forms and requires the electronic transmission
1071 of documents.

1072 (4) Before an applicant is approved, the department shall
1073 ensure that the applicant meets basic criteria designed to
1074 protect the public. At a minimum, the applicant shall:

1075 (a) Have and maintain a surety bond or irrevocable letter
1076 of credit in the amount of \$50,000 executed by the applicant.

1077 (b) Have and maintain garage liability and other insurance
1078 required by the department.

1079 (c) Have completed criminal background checks of the
1080 owners, partners, and corporate officers and the inspectors
1081 employed by the facility.

1082 (d) Meet any additional criteria the department determines
1083 necessary to conduct proper inspections.

1084 (5) A participant in the program shall access vehicle and
1085 title information and enter inspection results through an
1086 electronic filing system authorized by the department.



940416

1087 (6) The department shall submit a report to the President
1088 of the Senate and the Speaker of the House of Representatives
1089 providing the results of the pilot program by February 1, 2015.

1090 (7) This section shall stand repealed on July 1, 2015,
1091 unless saved from repeal through reenactment by the Legislature.

1092 Section 22. Section 319.225, Florida Statutes, is amended
1093 to read:

1094 319.225 Transfer and reassignment forms; odometer
1095 disclosure statements.—

1096 (1) Every certificate of title issued by the department
1097 must contain the following statement on its reverse side:
1098 "Federal and state law require the completion of the odometer
1099 statement set out below. Failure to complete or providing false
1100 information may result in fines, imprisonment, or both."

1101 (2) Each certificate of title issued by the department must
1102 contain on its front ~~reverse~~ side a form for transfer of title
1103 by the titleholder of record, which form must contain an
1104 odometer disclosure statement in the form required by 49 C.F.R.
1105 s. 580.5.

1106 (3) Each certificate of title issued by the department must
1107 contain on its reverse side as many forms as space allows for
1108 reassignment of title by a licensed dealer as permitted by s.
1109 319.21(3), which form or forms shall contain an odometer
1110 disclosure statement in the form required by 49 C.F.R. s. 580.5.
1111 When all dealer reassignment forms provided on the back of the
1112 title certificate have been filled in, a dealer may reassign the
1113 title certificate by using a separate dealer reassignment form
1114 issued by the department in compliance with 49 C.F.R. ss. 580.4
1115 and 580.5, which form shall contain an original that ~~two carbon~~



940416

1116 ~~copies one of which~~ shall be submitted ~~directly~~ to the
1117 department by the dealer ~~within 5 business days after the~~
1118 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
1119 dealer in his or her records for 5 years. The provisions of this
1120 subsection shall also apply to vehicles not previously titled in
1121 this state and vehicles whose title certificates do not contain
1122 the forms required by this section.

1123 (4) Upon transfer or reassignment of a certificate of title
1124 to a used motor vehicle, the transferor shall complete the
1125 odometer disclosure statement provided for by this section and
1126 the transferee shall acknowledge the disclosure by signing and
1127 printing his or her name in the spaces provided. This subsection
1128 does not apply to a vehicle that has a gross vehicle rating of
1129 more than 16,000 pounds, a vehicle that is not self-propelled,
1130 or a vehicle that is 10 years old or older. A lessor who
1131 transfers title to his or her vehicle without obtaining
1132 possession of the vehicle shall make odometer disclosure as
1133 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1134 or acknowledge a disclosure statement as required by this
1135 subsection is guilty of a misdemeanor of the second degree,
1136 punishable as provided in s. 775.082 or s. 775.083. The
1137 department may not issue a certificate of title unless this
1138 subsection has been complied with.

1139 (5) The same person may not sign a disclosure statement as
1140 both the transferor and the transferee in the same transaction
1141 except as provided in subsection (6).

1142 (6) (a) If the certificate of title is physically held by a
1143 lienholder, the transferor may give a power of attorney to his
1144 or her transferee for the purpose of odometer disclosure. The



940416

1145 power of attorney must be on a form issued or authorized by the
1146 department, which form must be in compliance with 49 C.F.R. ss.
1147 580.4 and 580.13. The department shall not require the signature
1148 of the transferor to be notarized on the form; however, in lieu
1149 of notarization, the form shall include an affidavit with the
1150 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1151 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1152 ARE TRUE. The transferee shall sign the power of attorney form,
1153 print his or her name, and return a copy of the power of
1154 attorney form to the transferor. Upon receipt of a title
1155 certificate, the transferee shall complete the space for mileage
1156 disclosure on the title certificate exactly as the mileage was
1157 disclosed by the transferor on the power of attorney form. If
1158 the transferee is a licensed motor vehicle dealer who is
1159 transferring the vehicle to a retail purchaser, the dealer shall
1160 make application on behalf of the retail purchaser as provided
1161 in s. 319.23(6) and shall submit the original power of attorney
1162 form to the department with the application for title and the
1163 transferor's title certificate; otherwise, a dealer may reassign
1164 the title certificate by using the dealer reassignment form in
1165 the manner prescribed in subsection (3), and, at the time of
1166 physical transfer of the vehicle, the original power of attorney
1167 shall be delivered to the person designated as the transferee of
1168 the dealer on the dealer reassignment form. ~~A copy of the~~
1169 ~~executed power of attorney shall be submitted to the department~~
1170 ~~with a copy of the executed dealer reassignment form within 5~~
1171 ~~business days after the certificate of title and dealer~~
1172 ~~reassignment form are delivered by the dealer to its transferee.~~

1173 (b) If the certificate of title is lost or otherwise



940416

1174 unavailable, the transferor may give a power of attorney to his
1175 or her transferee for the purpose of odometer disclosure. The
1176 power of attorney must be on a form issued or authorized by the
1177 department, which form must be in compliance with 49 C.F.R. ss.
1178 580.4 and 580.13. The department shall not require the signature
1179 of the transferor to be notarized on the form; however, in lieu
1180 of notarization, the form shall include an affidavit with the
1181 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1182 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1183 ARE TRUE. The transferee shall sign the power of attorney form,
1184 print his or her name, and return a copy of the power of
1185 attorney form to the transferor. Upon receipt of the title
1186 certificate or a duplicate title certificate, the transferee
1187 shall complete the space for mileage disclosure on the title
1188 certificate exactly as the mileage was disclosed by the
1189 transferor on the power of attorney form. If the transferee is a
1190 licensed motor vehicle dealer who is transferring the vehicle to
1191 a retail purchaser, the dealer shall make application on behalf
1192 of the retail purchaser as provided in s. 319.23(6) and shall
1193 submit the original power of attorney form to the department
1194 with the application for title and the transferor's title
1195 certificate or duplicate title certificate; otherwise, a dealer
1196 may reassign the title certificate by using the dealer
1197 reassignment form in the manner prescribed in subsection (3),
1198 and, at the time of physical transfer of the vehicle, the
1199 original power of attorney shall be delivered to the person
1200 designated as the transferee of the dealer on the dealer
1201 reassignment form. If the dealer sells the vehicle to an out-of-
1202 state resident or an out-of-state dealer and the power of



940416

1203 attorney form is applicable to the transaction, the dealer must
1204 photocopy the completed original of the form and mail it
1205 directly to the department within 5 business days after the
1206 certificate of title and dealer reassignment form are delivered
1207 by the dealer to its purchaser. A copy of the executed power of
1208 attorney shall be submitted to the department with a copy of the
1209 executed dealer reassignment form within 5 business days after
1210 the duplicate certificate of title and dealer reassignment form
1211 are delivered by the dealer to its transferee.

1212 (c) If the mechanics of the transfer of title to a motor
1213 vehicle in accordance with the provisions of paragraph (a) or
1214 paragraph (b) are determined to be incompatible with and
1215 unlawful under the provisions of 49 C.F.R. part 580, the
1216 transfer of title to a motor vehicle by operation of this
1217 subsection can be effected in any manner not inconsistent with
1218 49 C.F.R. part 580 and Florida law; provided, any power of
1219 attorney form issued or authorized by the department under this
1220 subsection shall contain an original that ~~two carbon copies, one~~
1221 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1222 dealer ~~within 5 business days of use by the dealer~~ to effect
1223 transfer of a title certificate as provided in paragraphs (a)
1224 and (b) and a copy that ~~one of which~~ shall be retained by the
1225 dealer in its records for 5 years.

1226 (d) Any person who fails to complete the information
1227 required by this subsection or to file with the department the
1228 forms required by this subsection is guilty of a misdemeanor of
1229 the second degree, punishable as provided in s. 775.082 or s.
1230 775.083. The department shall not issue a certificate of title
1231 unless this subsection has been complied with.



940416

1232 (7) If a title is held electronically and the transferee
1233 agrees to maintain the title electronically, the transferor and
1234 transferee shall complete a secure reassignment document that
1235 discloses the odometer reading and is signed by both the
1236 transferor and transferee at the tax collector office or license
1237 plate agency. Each certificate of title issued by the department
1238 must contain on its reverse side a minimum of three ~~four~~ spaces
1239 for notation of the name and license number of any auction
1240 through which the vehicle is sold and the date the vehicle was
1241 auctioned. Each separate dealer reassignment form issued by the
1242 department must also have the space referred to in this section.
1243 When a transfer of title is made at a motor vehicle auction, the
1244 reassignment must note the name and address of the auction, but
1245 the auction shall not thereby be deemed to be the owner, seller,
1246 transferor, or assignor of title. A motor vehicle auction is
1247 required to execute a dealer reassignment only when it is the
1248 owner of a vehicle being sold.

1249 (8) Upon transfer or reassignment of a used motor vehicle
1250 through the services of an auction, the auction shall complete
1251 the information in the space provided for by subsection (7). Any
1252 person who fails to complete the information as required by this
1253 subsection is guilty of a misdemeanor of the second degree,
1254 punishable as provided in s. 775.082 or s. 775.083. The
1255 department shall not issue a certificate of title unless this
1256 subsection has been complied with.

1257 (9) This section shall be construed to conform to 49 C.F.R.
1258 part 580.

1259 Section 23. Subsection (9) of section 319.23, Florida
1260 Statutes, is amended to read:



940416

1261 319.23 Application for, and issuance of, certificate of
1262 title.-

1263 (9) The title certificate or application for title must
1264 contain the applicant's full first name, middle initial, last
1265 name, date of birth, sex, and the license plate number. An
1266 individual applicant must provide ~~personal or business~~
1267 ~~identification, which may include, but need not be limited to,~~ a
1268 ~~valid driver driver's~~ license or identification card issued by
1269 ~~number,~~ Florida or another state, or a valid passport. A
1270 ~~business applicant must provide a identification card number, or~~
1271 ~~federal employer identification number, if applicable,~~
1272 ~~verification that the business is authorized to conduct business~~
1273 ~~in the state, or a Florida city or county business license or~~
1274 ~~number. In lieu of and the license plate number the individual~~
1275 ~~or business applicant must provide or, in lieu thereof,~~ an
1276 affidavit certifying that the motor vehicle to be titled will
1277 not be operated upon the public highways of this state.

1278 Section 24. Paragraph (b) of subsection (2) of section
1279 319.28, Florida Statutes, is amended to read:

1280 319.28 Transfer of ownership by operation of law.-

1281 (2)

1282 (b) In case of repossession of a motor vehicle or mobile
1283 home pursuant to the terms of a security agreement or similar
1284 instrument, an affidavit by the party to whom possession has
1285 passed stating that the vehicle or mobile home was repossessed
1286 upon default in the terms of the security agreement or other
1287 instrument shall be considered satisfactory proof of ownership
1288 and right of possession. At least 5 days prior to selling the
1289 repossessed vehicle, any subsequent lienholder named in the last



940416

1290 issued certificate of title shall be sent notice of the
1291 repossession by certified mail, on a form prescribed by the
1292 department. If such notice is given and no written protest to
1293 the department is presented by a subsequent lienholder within 15
1294 days after ~~from~~ the date on which the notice was mailed, the
1295 certificate of title ~~or the certificate of repossession~~ shall be
1296 issued showing no liens. If the former owner or any subsequent
1297 lienholder files a written protest under oath within such 15-day
1298 period, the department shall not issue the certificate of title
1299 ~~or certificate of repossession~~ for 10 days thereafter. If within
1300 the 10-day period no injunction or other order of a court of
1301 competent jurisdiction has been served on the department
1302 commanding it not to deliver the certificate of title ~~or~~
1303 ~~certificate of repossession~~, the department shall deliver the
1304 certificate of title ~~or repossession~~ to the applicant or as may
1305 otherwise be directed in the application showing no other liens
1306 than those shown in the application. Any lienholder who has
1307 repossessed a vehicle in this state in compliance with the
1308 provisions of this section must apply to a tax collector's
1309 office in this state or to the department for a ~~certificate of~~
1310 ~~repossession or to the department for a~~ certificate of title
1311 pursuant to s. 319.323. Proof of the required notice to
1312 subsequent lienholders shall be submitted together with regular
1313 title fees. ~~A lienholder to whom a certificate of repossession~~
1314 ~~has been issued may assign the certificate of title to the~~
1315 ~~subsequent owner.~~ Any person found guilty of violating any
1316 requirements of this paragraph shall be guilty of a felony of
1317 the third degree, punishable as provided in s. 775.082, s.
1318 775.083, or s. 775.084.



940416

1319 Section 25. Section 319.30, Florida Statutes, is amended to
1320 read:

1321 319.30 Definitions; dismantling, destruction, change of
1322 identity of motor vehicle or mobile home; salvage.—

1323 (1) As used in this section, the term:

1324 (a) "Certificate of destruction" means the certificate
1325 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

1326 (b) "Certificate of registration number" means the
1327 certificate of registration number issued by the Department of
1328 Revenue of the State of Florida pursuant to s. 538.25.

1329 (c) "Certificate of title" means a record that serves as
1330 evidence of ownership of a vehicle, whether such record is a
1331 paper certificate authorized by the department or by a motor
1332 vehicle department authorized to issue titles in another state
1333 or a certificate consisting of information stored in electronic
1334 form in the department's database.

1335 (d) "Derelict" means any material which is or may have been
1336 a motor vehicle or mobile home, which is not a major part or
1337 major component part, which is inoperable, and which is in such
1338 condition that its highest or primary value is in its sale or
1339 transfer as scrap metal.

1340 (e) "Derelict motor vehicle" means:

1341 1. Any motor vehicle as defined in s. 320.01(1) or mobile
1342 home as defined in s. 320.01(2), with or without all parts,
1343 major parts, or major component parts, which is valued under
1344 \$1,000, is at least 10 model years old, beginning with the model
1345 year of the vehicle as year one, and is in such condition that
1346 its highest or primary value is for sale, transport, or delivery
1347 to a licensed salvage motor vehicle dealer or registered



940416

1348 secondary metals recycler for dismantling its component parts or
1349 conversion to scrap metal; or

1350 2. Any trailer as defined in s. 320.01(1), with or without
1351 all parts, major parts, or major component parts, which is
1352 valued under \$5,000, is at least 10 model years old, beginning
1353 with the model year of the vehicle as year one, and is in such
1354 condition that its highest or primary value is for sale,
1355 transport, or delivery to a licensed salvage motor vehicle
1356 dealer or registered secondary metals recycler for conversion to
1357 scrap metal.

1358 (f) "Derelict motor vehicle certificate" means a
1359 certificate issued by the department which serves as evidence
1360 that a derelict motor vehicle will be dismantled or converted to
1361 scrap metal. This certificate may be obtained by completing a
1362 derelict motor vehicle certificate application authorized by the
1363 department. A derelict motor vehicle certificate may be
1364 reassigned only one time if the derelict motor vehicle
1365 certificate was completed by a licensed salvage motor vehicle
1366 dealer and the derelict motor vehicle was sold to another
1367 licensed salvage motor vehicle dealer or a secondary metals
1368 recycler.

1369 (g) "Independent entity" means a business or entity that
1370 may temporarily store damaged or dismantled motor vehicles
1371 pursuant to an agreement with an insurance company and is
1372 engaged in the sale or resale of damaged or dismantled motor
1373 vehicles. The term does not include a wrecker operator, a towing
1374 company, or a repair facility.

1375 (h) "Junk" means any material which is or may have been a
1376 motor vehicle or mobile home, with or without all component



940416

1377 parts, which is inoperable and which material is in such
1378 condition that its highest or primary value is either in its
1379 sale or transfer as scrap metal or for its component parts, or a
1380 combination of the two, except when sold or delivered to or when
1381 purchased, possessed, or received by a secondary metals recycler
1382 or salvage motor vehicle dealer.

1383 (i) "Major component parts" means:

1384 1. For motor vehicles other than motorcycles, any fender,
1385 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
1386 door, decklid, floor pan, engine, frame, transmission, catalytic
1387 converter, or airbag.

1388 2. For trucks, in addition to those parts listed in
1389 subparagraph 1., any truck bed, including dump, wrecker, crane,
1390 mixer, cargo box, or any bed which mounts to a truck frame.

1391 3. For motorcycles, the body assembly, frame, fenders, gas
1392 tanks, engine, cylinder block, heads, engine case, crank case,
1393 transmission, drive train, front fork assembly, and wheels.

1394 4. For mobile homes, the frame.

1395 (j) "Major part" means the front-end assembly, cowl
1396 assembly, or rear body section.

1397 (k) "Materials" means motor vehicles, derelicts, and major
1398 parts that are not prepared materials.

1399 (l) "Mobile home" means mobile home as defined in s.
1400 320.01(2).

1401 (m) "Motor vehicle" means motor vehicle as defined in s.
1402 320.01(1).

1403 (n) "National Motor Vehicle Title Information System" means
1404 the national mandated vehicle history database maintained by the
1405 United States Department of Justice to link the states' motor



940416

1406 vehicle title records, including Florida's Department of Highway
1407 Safety and Motor Vehicles' title records, and ensure that
1408 states, law enforcement agencies, and consumers have access to
1409 vehicle titling, branding, and other information that enables
1410 them to verify the accuracy and legality of a motor vehicle
1411 title before purchase or title transfer of the vehicle occurs.

1412 (o)~~(n)~~ "Parts" means parts of motor vehicles or
1413 combinations thereof that do not constitute materials or
1414 prepared materials.

1415 (p)~~(e)~~ "Prepared materials" means motor vehicles, mobile
1416 homes, derelict motor vehicles, major parts, or parts that have
1417 been processed by mechanically flattening or crushing, or
1418 otherwise processed such that they are not the motor vehicle or
1419 mobile home described in the certificate of title, or their only
1420 value is as scrap metal.

1421 (q)~~(p)~~ "Processing" means the business of performing the
1422 manufacturing process by which ferrous metals or nonferrous
1423 metals are converted into raw material products consisting of
1424 prepared grades and having an existing or potential economic
1425 value, or the purchase of materials, prepared materials, or
1426 parts therefor.

1427 (r)~~(q)~~ "Recreational vehicle" means a motor vehicle as
1428 defined in s. 320.01(1).

1429 (s)~~(r)~~ "Salvage" means a motor vehicle or mobile home which
1430 is a total loss as defined in paragraph (3)(a).

1431 (t)~~(s)~~ "Salvage certificate of title" means a salvage
1432 certificate of title issued by the department or by another
1433 motor vehicle department authorized to issue titles in another
1434 state.



940416

1435 (u)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
1436 vehicle dealer as defined in s. 320.27(1)(c)5.

1437 (v)~~(u)~~ "Secondary metals recycler" means secondary metals
1438 recycler as defined in s. 538.18.

1439 (w)~~(v)~~ "Seller" means the owner of record or a person who
1440 has physical possession and responsibility for a derelict motor
1441 vehicle and attests that possession of the vehicle was obtained
1442 through lawful means along with all ownership rights. A seller
1443 does not include a towing company, repair shop, or landlord
1444 unless the towing company, repair shop, or landlord has obtained
1445 title, salvage title, or a certificate of destruction in the
1446 name of the towing company, repair shop, or landlord.

1447 (2) (a) Each person mentioned as owner in the last issued
1448 certificate of title, when such motor vehicle or mobile home is
1449 dismantled, destroyed, or changed in such manner that it is not
1450 the motor vehicle or mobile home described in the certificate of
1451 title, shall surrender his or her certificate of title to the
1452 department, and thereupon the department shall, with the consent
1453 of any lienholders noted thereon, enter a cancellation upon its
1454 records. Upon cancellation of a certificate of title in the
1455 manner prescribed by this section, the department may cancel and
1456 destroy all certificates in that chain of title. Any person who
1457 knowingly violates this paragraph commits a misdemeanor of the
1458 second degree, punishable as provided in s. 775.082 or s.
1459 775.083.

1460 (b)1. When a motor vehicle, recreational vehicle, or mobile
1461 home is sold, transported, delivered to, or received by a
1462 salvage motor vehicle dealer, the purchaser shall make the
1463 required notification to the National Motor Vehicle Title



940416

1464 Information System and it shall be accompanied by:

1465 a. A valid certificate of title issued in the name of the
1466 seller or properly endorsed, as required in s. 319.22, over to
1467 the seller;

1468 b. A valid salvage certificate of title issued in the name
1469 of the seller or properly endorsed, as required in s. 319.22,
1470 over to the seller; or

1471 c. A valid certificate of destruction issued in the name of
1472 the seller or properly endorsed over to the seller.

1473 2. Any person who knowingly violates this paragraph by
1474 selling, transporting, delivering, purchasing, or receiving a
1475 motor vehicle, recreational vehicle, or mobile home without
1476 obtaining a properly endorsed certificate of title, salvage
1477 certificate of title, or certificate of destruction from the
1478 owner or does not make the required notification to the National
1479 Motor Vehicle Title Information System commits a felony of the
1480 third degree, punishable as provided in s. 775.082, s. 775.083,
1481 or s. 775.084.

1482 (c)1. When a derelict motor vehicle is sold, transported,
1483 or delivered to a licensed salvage motor vehicle dealer, the
1484 purchaser shall make the required notification of the derelict
1485 motor vehicle to the National Motor Vehicle Title Information
1486 System and record the date of purchase and the name, address,
1487 and valid Florida driver ~~driver's~~ license number or valid
1488 Florida identification card number, or a valid driver ~~driver's~~
1489 license number or identification card number issued by another
1490 state, of the person selling the derelict motor vehicle, and it
1491 shall be accompanied by:

1492 a. A valid certificate of title issued in the name of the



940416

1493 seller or properly endorsed over to the seller;
1494 b. A valid salvage certificate of title issued in the name
1495 of the seller or properly endorsed over to the seller; or
1496 c. A valid certificate of destruction issued in the name of
1497 the seller or properly endorsed over to the seller.
1498 2. If a valid certificate of title, salvage certificate of
1499 title, or certificate of destruction is not available, a
1500 derelict motor vehicle certificate application shall be
1501 completed by the seller or owner of the motor vehicle or mobile
1502 home, the seller's or owner's authorized transporter, and the
1503 licensed salvage motor vehicle dealer at the time of sale,
1504 transport, or delivery to the licensed salvage motor vehicle
1505 dealer. The derelict motor vehicle certificate application shall
1506 be used by the seller or owner, the seller's or owner's
1507 authorized transporter, and the licensed salvage motor vehicle
1508 dealer to obtain a derelict motor vehicle certificate from the
1509 department. The derelict motor vehicle certificate application
1510 must be accompanied by a legible copy of the seller's or owner's
1511 valid Florida driver's license or Florida identification card,
1512 or a valid driver ~~driver's~~ license or identification card issued
1513 by another state. If the seller is not the owner of record of
1514 the vehicle being sold, the dealer shall, at the time of sale,
1515 ensure that a smudge-free right thumbprint, or other digit if
1516 the seller has no right thumb, of the seller is imprinted upon
1517 the derelict motor vehicle certificate application and that a
1518 legible copy of the seller's driver ~~driver's~~ license or
1519 identification card is affixed to the application and
1520 transmitted to the department. The licensed salvage motor
1521 vehicle dealer shall make the required notification of the



940416

1522 derelict motor vehicle to the National Motor Vehicle Title
1523 Information System and secure the derelict motor vehicle for 3
1524 full business days, excluding weekends and holidays, if there is
1525 no active lien or a lien of 3 years or more on the department's
1526 records before destroying or dismantling the derelict motor
1527 vehicle and shall follow all reporting procedures established by
1528 the department, including electronic notification to the
1529 department or delivery of the original derelict motor vehicle
1530 certificate application to an agent of the department within 24
1531 hours after receiving the derelict motor vehicle. If there is an
1532 active lien of less than 3 years on the derelict motor vehicle,
1533 the licensed salvage motor vehicle dealer shall secure the
1534 derelict motor vehicle for 10 days. The department shall notify
1535 the lienholder that a derelict motor vehicle certificate has
1536 been issued and shall notify the lienholder of its intention to
1537 remove the lien. Ten days after receipt of the motor vehicle
1538 derelict certificate application, the department may remove the
1539 lien from its records if a written statement protesting removal
1540 of the lien is not received by the department from the
1541 lienholder within the 10-day period. However, if the lienholder
1542 files with the department and the licensed salvage motor vehicle
1543 dealer within the 10-day period a written statement that the
1544 lien is still outstanding, the department shall not remove the
1545 lien and shall place an administrative hold on the record for 30
1546 days to allow the lienholder to apply for title to the vehicle
1547 or a repossession certificate under s. 319.28. The licensed
1548 salvage motor vehicle dealer must secure the derelict motor
1549 vehicle until the department's administrative stop is removed,
1550 the lienholder submits a lien satisfaction, or the lienholder



940416

1551 takes possession of the vehicle.

1552 3. Any person who knowingly violates this paragraph by
1553 selling, transporting, delivering, purchasing, or receiving a
1554 derelict motor vehicle without obtaining a certificate of title,
1555 salvage certificate of title, certificate of destruction, or
1556 derelict motor vehicle certificate application; enters false or
1557 fictitious information on a derelict motor vehicle certificate
1558 application; does not complete the derelict motor vehicle
1559 certificate application as required; does not obtain a legible
1560 copy of the seller's or owner's valid driver ~~driver's~~ license or
1561 identification card when required; does not make the required
1562 notification to the department; does not make the required
1563 notification to the National Motor Vehicle Title Information
1564 System; or destroys or dismantles a derelict motor vehicle
1565 without waiting the required time as set forth in subparagraph
1566 2. commits a felony of the third degree, punishable as provided
1567 in s. 775.082, s. 775.083, or s. 775.084.

1568 (3) (a) 1. As used in this section, a motor vehicle or mobile
1569 home is a "total loss":

1570 a. When an insurance company pays the vehicle owner to
1571 replace the wrecked or damaged vehicle with one of like kind and
1572 quality or when an insurance company pays the owner upon the
1573 theft of the motor vehicle or mobile home; or

1574 b. When an uninsured motor vehicle or mobile home is
1575 wrecked or damaged and the cost, at the time of loss, of
1576 repairing or rebuilding the vehicle is 80 percent or more of the
1577 cost to the owner of replacing the wrecked or damaged motor
1578 vehicle or mobile home with one of like kind and quality.

1579 2. A motor vehicle or mobile home shall not be considered a



940416

1580 "total loss" if the insurance company and owner of a motor
1581 vehicle or mobile home agree to repair, rather than to replace,
1582 the motor vehicle or mobile home. However, if the actual cost to
1583 repair the motor vehicle or mobile home to the insurance company
1584 exceeds 100 percent of the cost of replacing the wrecked or
1585 damaged motor vehicle or mobile home with one of like kind and
1586 quality, the owner shall forward to the department, within 72
1587 hours after the agreement, a request to brand the certificate of
1588 title with the words "Total Loss Vehicle." Such a brand shall
1589 become a part of the vehicle's title history.

1590 (b) The owner, including persons who are self-insured, of
1591 any motor vehicle or mobile home which is considered to be
1592 salvage shall, within 72 hours after the motor vehicle or mobile
1593 home becomes salvage, forward the title to the motor vehicle or
1594 mobile home to the department for processing. However, an
1595 insurance company which pays money as compensation for total
1596 loss of a motor vehicle or mobile home shall obtain the
1597 certificate of title for the motor vehicle or mobile home, make
1598 the required notification to the National Motor Vehicle Title
1599 Information System, and, within 72 hours after receiving such
1600 certificate of title, shall forward such title to the department
1601 for processing. The owner or insurance company, as the case may
1602 be, may not dispose of a vehicle or mobile home that is a total
1603 loss before it has obtained a salvage certificate of title or
1604 certificate of destruction from the department. When applying
1605 for a salvage certificate of title or certificate of
1606 destruction, the owner or insurance company must provide the
1607 department with an estimate of the costs of repairing the
1608 physical and mechanical damage suffered by the vehicle for which



940416

1609 a salvage certificate of title or certificate of destruction is
1610 sought. If the estimated costs of repairing the physical and
1611 mechanical damage to the vehicle are equal to 80 percent or more
1612 of the current retail cost of the vehicle, as established in any
1613 official used car or used mobile home guide, the department
1614 shall declare the vehicle unrebuildable and print a certificate
1615 of destruction, which authorizes the dismantling or destruction
1616 of the motor vehicle or mobile home described therein. However,
1617 if the damaged motor vehicle is equipped with custom-lowered
1618 floors for wheelchair access or a wheelchair lift, the insurance
1619 company may, upon determining that the vehicle is repairable to
1620 a condition that is safe for operation on public roads, submit
1621 the certificate of title to the department for reissuance as a
1622 salvage rebuildable title and the addition of a title brand of
1623 "insurance-declared total loss." The certificate of destruction
1624 shall be reassignable a maximum of two times before dismantling
1625 or destruction of the vehicle shall be required, and shall
1626 accompany the motor vehicle or mobile home for which it is
1627 issued, when such motor vehicle or mobile home is sold for such
1628 purposes, in lieu of a certificate of title, and, thereafter,
1629 the department shall refuse issuance of any certificate of title
1630 for that vehicle. Nothing in this subsection shall be applicable
1631 when a vehicle is worth less than \$1,500 retail in undamaged
1632 condition in any official used motor vehicle guide or used
1633 mobile home guide or when a stolen motor vehicle or mobile home
1634 is recovered in substantially intact condition and is readily
1635 resalable without extensive repairs to or replacement of the
1636 frame or engine. Any person who knowingly violates this
1637 paragraph or falsifies any document to avoid the requirements of



940416

1638 this paragraph commits a misdemeanor of the first degree,
1639 punishable as provided in s. 775.082 or s. 775.083.

1640 (4) It is unlawful for any person to have in his or her
1641 possession any motor vehicle or mobile home when the
1642 manufacturer's or state-assigned identification number plate or
1643 serial plate has been removed therefrom.

1644 (a) Nothing in this subsection shall be applicable when a
1645 vehicle defined in this section as a derelict or salvage was
1646 purchased or acquired from a foreign state requiring such
1647 vehicle's identification number plate to be surrendered to such
1648 state, provided the person shall have an affidavit from the
1649 seller describing the vehicle by manufacturer's serial number
1650 and the state to which such vehicle's identification number
1651 plate was surrendered.

1652 (b) Nothing in this subsection shall be applicable if a
1653 certificate of destruction has been obtained for the vehicle.

1654 (5) (a) It is unlawful for any person to knowingly possess,
1655 sell, or exchange, offer to sell or exchange, or give away any
1656 certificate of title or manufacturer's or state-assigned
1657 identification number plate or serial plate of any motor
1658 vehicle, mobile home, or derelict that has been sold as salvage
1659 contrary to the provisions of this section, and it is unlawful
1660 for any person to authorize, direct, aid in, or consent to the
1661 possession, sale, or exchange or to offer to sell, exchange, or
1662 give away such certificate of title or manufacturer's or state-
1663 assigned identification number plate or serial plate.

1664 (b) It is unlawful for any person to knowingly possess,
1665 sell, or exchange, offer to sell or exchange, or give away any
1666 manufacturer's or state-assigned identification number plate or



940416

1667 serial plate of any motor vehicle or mobile home that has been
1668 removed from the motor vehicle or mobile home for which it was
1669 manufactured, and it is unlawful for any person to authorize,
1670 direct, aid in, or consent to the possession, sale, or exchange
1671 or to offer to sell, exchange, or give away such manufacturer's
1672 or state-assigned identification number plate or serial plate.

1673 (c) This chapter does not apply to anyone who removes,
1674 possesses, or replaces a manufacturer's or state-assigned
1675 identification number plate, in the course of performing repairs
1676 on a vehicle, that require such removal or replacement. If the
1677 repair requires replacement of a vehicle part that contains the
1678 manufacturer's or state-assigned identification number plate,
1679 the manufacturer's or state-assigned identification number plate
1680 that is assigned to the vehicle being repaired will be installed
1681 on the replacement part. The manufacturer's or state-assigned
1682 identification number plate that was removed from this
1683 replacement part will be installed on the part that was removed
1684 from the vehicle being repaired.

1685 (6) (a) In the event of a purchase by a salvage motor
1686 vehicle dealer of materials or major component parts for any
1687 reason, the purchaser shall:

1688 1. For each item of materials or major component parts
1689 purchased, the salvage motor vehicle dealer shall record the
1690 date of purchase and the name, address, and personal
1691 identification card number of the person selling such items, as
1692 well as the vehicle identification number, if available.

1693 2. With respect to each item of materials or major
1694 component parts purchased, obtain such documentation as may be
1695 required by subsection (2).



940416

1696 (b) Any person who violates this subsection commits a
1697 felony of the third degree, punishable as provided in s.
1698 775.082, s. 775.083, or s. 775.084.

1699 (7) (a) In the event of a purchase by a secondary metals
1700 recycler, that has been issued a certificate of registration
1701 number, of:

1702 1. Materials, prepared materials, or parts from any seller
1703 for purposes other than the processing of such materials,
1704 prepared materials, or parts, the purchaser shall obtain such
1705 documentation as may be required by this section and shall
1706 record the seller's name and address, date of purchase, and the
1707 personal identification card number of the person delivering
1708 such items.

1709 2. Parts or prepared materials from any seller for purposes
1710 of the processing of such parts or prepared materials, the
1711 purchaser shall record the seller's name and address and date of
1712 purchase and, in the event of a purchase transaction consisting
1713 primarily of parts or prepared materials, the personal
1714 identification card number of the person delivering such items.

1715 3. Materials from another secondary metals recycler for
1716 purposes of the processing of such materials, the purchaser
1717 shall record the seller's name and address and date of purchase.

1718 4.a. Motor vehicles, recreational vehicles, mobile homes,
1719 or derelict motor vehicles from other than a secondary metals
1720 recycler for purposes of the processing of such motor vehicles,
1721 recreational vehicles, mobile homes, or derelict motor vehicles,
1722 the purchaser shall make the required notification to the
1723 National Motor Vehicle Title Information record the date of
1724 purchase and the name, address, and personal identification card



940416

1725 number of the person selling such items and shall obtain the
1726 following documentation from the seller with respect to each
1727 item purchased:

1728 (I) A valid certificate of title issued in the name of the
1729 seller or properly endorsed, as required in s. 319.22, over to
1730 the seller;

1731 (II) A valid salvage certificate of title issued in the
1732 name of the seller or properly endorsed, as required in s.
1733 319.22, over to the seller;

1734 (III) A valid certificate of destruction issued in the name
1735 of the seller or properly endorsed over to the seller; or

1736 (IV) A valid derelict motor vehicle certificate obtained
1737 from the department by a licensed salvage motor vehicle dealer
1738 and properly reassigned to the secondary metals recycler.

1739 b. If a valid certificate of title, salvage certificate of
1740 title, certificate of destruction, or derelict motor vehicle
1741 certificate is not available and the motor vehicle or mobile
1742 home is a derelict motor vehicle, a derelict motor vehicle
1743 certificate application shall be completed by the seller or
1744 owner of the motor vehicle or mobile home, the seller's or
1745 owner's authorized transporter, and the registered secondary
1746 metals recycler at the time of sale, transport, or delivery to
1747 the registered secondary metals recycler to obtain a derelict
1748 motor vehicle certificate from the department. The derelict
1749 motor vehicle certificate application must be accompanied by a
1750 legible copy of the seller's or owner's valid Florida driver
1751 ~~driver's~~ license or Florida identification card, or a valid
1752 driver ~~driver's~~ license or identification card from another
1753 state. If the seller is not the owner of record of the vehicle



940416

1754 being sold, the recycler shall, at the time of sale, ensure that
1755 a smudge-free right thumbprint, or other digit if the seller has
1756 no right thumb, of the seller is imprinted upon the derelict
1757 motor vehicle certificate application and that the legible copy
1758 of the seller's driver ~~driver's~~ license or identification card
1759 is affixed to the application and transmitted to the department.
1760 The derelict motor vehicle certificate shall be used by the
1761 owner, the owner's authorized transporter, and the registered
1762 secondary metals recycler. The registered secondary metals
1763 recycler shall make the required notification of the derelict
1764 motor vehicle to the National Motor Vehicle Title Information
1765 System and shall secure the derelict motor vehicle for 3 full
1766 business days, excluding weekends and holidays, if there is no
1767 active lien or a lien of 3 years or more on the department's
1768 records before destroying or dismantling the derelict motor
1769 vehicle and shall follow all reporting procedures established by
1770 the department, including electronic notification to the
1771 department or delivery of the original derelict motor vehicle
1772 certificate application to an agent of the department within 24
1773 hours after receiving the derelict motor vehicle. If there is an
1774 active lien of less than 3 years on the derelict motor vehicle,
1775 the registered secondary metals recycler shall secure the
1776 derelict motor vehicle for 10 days. The department shall notify
1777 the lienholder of the application for a derelict motor vehicle
1778 certificate and shall notify the lienholder of its intention to
1779 remove the lien. Ten days after receipt of the motor vehicle
1780 derelict application, the department may remove the lien from
1781 its records if a written statement protesting removal of the
1782 lien is not received by the department from the lienholder



940416

1783 within the 10-day period. However, if the lienholder files with
1784 the department and the registered secondary metals recycler
1785 within the 10-day period a written statement that the lien is
1786 still outstanding, the department shall not remove the lien and
1787 shall place an administrative hold on the record for 30 days to
1788 allow the lienholder to apply for title to the vehicle or a
1789 repossession certificate under s. 319.28. The registered
1790 secondary metals recycler must secure the derelict motor vehicle
1791 until the department's administrative stop is removed, the
1792 lienholder submits a lien satisfaction, or the lienholder takes
1793 possession of the vehicle.

1794 c. Any person who knowingly violates this subparagraph by
1795 selling, transporting, delivering, purchasing, or receiving a
1796 motor vehicle, recreational motor vehicle, mobile home, or
1797 derelict motor vehicle without obtaining a certificate of title,
1798 salvage certificate of title, certificate of destruction, or
1799 derelict motor vehicle certificate; enters false or fictitious
1800 information on a derelict motor vehicle certificate application;
1801 does not complete the derelict motor vehicle certificate
1802 application as required or does not make the required
1803 notification to the department; does not make the required
1804 notification to the National Motor Vehicle Title Information
1805 System; does not obtain a legible copy of the seller's or
1806 owner's driver ~~driver's~~ license or identification card when
1807 required; or destroys or dismantles a derelict motor vehicle
1808 without waiting the required time as set forth in sub-
1809 subparagraph b. commits a felony of the third degree, punishable
1810 as provided in s. 775.082, s. 775.083, or s. 775.084.

1811 5. Major parts from other than a secondary metals recycler



940416

1812 for purposes of the processing of such major parts, the
1813 purchaser shall record the seller's name, address, date of
1814 purchase, and the personal identification card number of the
1815 person delivering such items, as well as the vehicle
1816 identification number, if available, of each major part
1817 purchased.

1818 (b) Any person who violates this subsection commits a
1819 felony of the third degree, punishable as provided in s.
1820 775.082, s. 775.083, or s. 775.084.

1821 (8) (a) Secondary metals recyclers and salvage motor vehicle
1822 dealers shall return to the department on a monthly basis all
1823 certificates of title and salvage certificates of title that are
1824 required by this section to be obtained. Secondary metals
1825 recyclers and salvage motor vehicle dealers may elect to notify
1826 the department electronically through procedures established by
1827 the department when they receive each motor vehicle or mobile
1828 home, salvage motor vehicle or mobile home, or derelict motor
1829 vehicle with a certificate of title or salvage certificate of
1830 title through procedures established by the department. The
1831 department may adopt rules and establish fees as it deems
1832 necessary or proper for the administration of the electronic
1833 notification service.

1834 (b) Secondary metals recyclers and salvage motor vehicle
1835 dealers shall keep originals, or a copy in the event the
1836 original was returned to the department, of all certificates of
1837 title, salvage certificates of title, certificates of
1838 destruction, derelict motor vehicle certificates, and all other
1839 information required by this section to be recorded or obtained,
1840 on file in the offices of such secondary metals recyclers or



940416

1841 salvage motor vehicle dealers for a period of 3 years after the
1842 date of purchase of the items reflected in such certificates of
1843 title, salvage certificates of title, certificates of
1844 destruction, or derelict motor vehicle certificates. These
1845 records shall be maintained in chronological order.

1846 (c) For the purpose of enforcement of this section, the
1847 department or its agents and employees have the same right of
1848 inspection as law enforcement officers as provided in s.
1849 812.055.

1850 (d) Whenever the department, its agent or employee, or any
1851 law enforcement officer has reason to believe that a stolen or
1852 fraudulently titled motor vehicle, mobile home, recreational
1853 vehicle, salvage motor vehicle, or derelict motor vehicle is in
1854 the possession of a salvage motor vehicle dealer or secondary
1855 metals recycler, the department, its agent or employee, or the
1856 law enforcement officer may issue an extended hold notice, not
1857 to exceed 5 additional business days, excluding weekends and
1858 holidays, to the salvage motor vehicle dealer or registered
1859 secondary metals recycler.

1860 (e) Whenever a salvage motor vehicle dealer or registered
1861 secondary metals recycler is notified by the department, its
1862 agent or employee, or any law enforcement officer to hold a
1863 motor vehicle, mobile home, recreational vehicle, salvage motor
1864 vehicle, or derelict motor vehicle that is believed to be stolen
1865 or fraudulently titled, the salvage motor vehicle dealer or
1866 registered secondary metals recycler shall hold the motor
1867 vehicle, mobile home, recreational vehicle, salvage motor
1868 vehicle, or derelict motor vehicle and may not dismantle or
1869 destroy the motor vehicle, mobile home, recreational vehicle,



940416

1870 salvage motor vehicle, or derelict motor vehicle until it is
1871 recovered by a law enforcement officer, the hold is released by
1872 the department or the law enforcement officer placing the hold,
1873 or the 5 additional business days have passed since being
1874 notified of the hold.

1875 (f) This section does not authorize any person who is
1876 engaged in the business of recovering, towing, or storing
1877 vehicles pursuant to s. 713.78, and who is claiming a lien for
1878 performing labor or services on a motor vehicle or mobile home
1879 pursuant to s. 713.58, or is claiming that a motor vehicle or
1880 mobile home has remained on any premises after tenancy has
1881 terminated pursuant to s. 715.104, to use a derelict motor
1882 vehicle certificate application for the purpose of transporting,
1883 selling, disposing of, or delivering a motor vehicle to a
1884 salvage motor vehicle dealer or secondary metals recycler
1885 without obtaining the title or certificate of destruction
1886 required under s. 713.58, s. 713.78, or s. 715.104.

1887 (g) The department shall accept all properly endorsed and
1888 completed derelict motor vehicle certificate applications and
1889 shall issue a derelict motor vehicle certificate having an
1890 effective date that authorizes when a derelict motor vehicle is
1891 eligible for dismantling or destruction. The electronic
1892 information obtained from the derelict motor vehicle certificate
1893 application shall be stored electronically and shall be made
1894 available to authorized persons after issuance of the derelict
1895 motor vehicle certificate in the Florida Real Time Vehicle
1896 Information System.

1897 (h) The department is authorized to adopt rules pursuant to
1898 ss. 120.536(1) and 120.54 establishing policies and procedures



940416

1899 to administer and enforce this section.

1900 (i) The department shall charge a fee of \$3 for each
1901 derelict motor vehicle certificate delivered to the department
1902 or one of its agents for processing and shall mark the title
1903 record canceled. A service charge may be collected under s.
1904 320.04.

1905 (j) The licensed salvage motor vehicle dealer or registered
1906 secondary metals recycler shall make all payments for the
1907 purchase of any derelict motor vehicle that is sold by a seller
1908 who is not the owner of record on file with the department by
1909 check or money order made payable to the seller and may not make
1910 payment to the authorized transporter. The licensed salvage
1911 motor vehicle dealer or registered secondary metals recycler may
1912 not cash the check that such dealer or recycler issued to the
1913 seller.

1914 (9) (a) An insurance company may notify an independent
1915 entity that obtains possession of a damaged or dismantled motor
1916 vehicle to release the vehicle to the owner. The insurance
1917 company shall provide the independent entity a release statement
1918 on a form prescribed by the department authorizing the
1919 independent entity to release the vehicle to the owner. The form
1920 shall, at a minimum, contain the following:

- 1921 1. The policy and claim number.
- 1922 2. The name and address of the insured.
- 1923 3. The vehicle identification number.
- 1924 4. The signature of an authorized representative of the
1925 insurance company.

1926 (b) The independent entity in possession of a motor vehicle
1927 must send a notice to the owner that the vehicle is available



940416

1928 for pick up when it receives a release statement from the
1929 insurance company. The notice shall be sent by certified mail to
1930 the owner at the owner's address reflected in the department's
1931 records. The notice must inform the owner that the owner has 30
1932 days after receipt of the notice to pick up the vehicle from the
1933 independent entity. If the motor vehicle is not claimed within
1934 30 days after the owner receives the notice, the independent
1935 entity may apply for a certificate of destruction or a
1936 certificate of title.

1937 (c) The independent entity shall make the required
1938 notification to the National Motor Vehicle Title Information
1939 System before releasing any damaged or dismantled motor vehicle
1940 to the owner or before applying for a certificate of destruction
1941 or salvage certificate of title.

1942 (d)~~(e)~~ Upon applying for a certificate of destruction or
1943 salvage certificate of title, the independent entity shall
1944 provide a copy of the release statement from the insurance
1945 company to the independent entity, proof of providing the 30-day
1946 notice to the owner, proof of notification to the National Motor
1947 Vehicle Title Information System, and applicable fees.

1948 (e)~~(d)~~ The independent entity may not charge an owner of
1949 the vehicle storage fees or apply for a title under s. 713.585
1950 or s. 713.78.

1951 (10) The department may adopt rules to implement an
1952 electronic system for issuing salvage certificates of title and
1953 certificates of destruction.

1954 (11) Except as otherwise provided in this section, any
1955 person who violates this section commits a felony of the third
1956 degree, punishable as provided in s. 775.082, s. 775.083, or s.



940416

1957 775.084.

1958 Section 26. Section 319.323, Florida Statutes, is amended
1959 to read:

1960 319.323 Expedited service; applications; fees.—The
1961 department shall establish a separate title office which may be
1962 used by private citizens and licensed motor vehicle dealers to
1963 receive expedited service on title transfers, title issuances,
1964 duplicate titles, and recordation of liens, ~~and certificates of~~
1965 ~~repossession~~. A fee of \$10 shall be charged for this service,
1966 which fee is in addition to the fees imposed by s. 319.32. The
1967 fee, after deducting the amount referenced by s. 319.324 and
1968 \$3.50 to be retained by the processing agency, shall be
1969 deposited into the General Revenue Fund. Application for
1970 expedited service may be made by mail or in person. The
1971 department shall issue each title applied for under this section
1972 within 5 working days after receipt of the application except
1973 for an application for a duplicate title certificate covered by
1974 s. 319.23(4), in which case the title must be issued within 5
1975 working days after compliance with the department's verification
1976 requirements.

1977 Section 27. Subsections (24) through (46) of section
1978 320.01, Florida Statutes, are renumbered as subsections (23)
1979 through (45), respectively, and present subsections (23) and
1980 (25) of that section are amended, to read:

1981 320.01 Definitions, general.—As used in the Florida
1982 Statutes, except as otherwise provided, the term:

1983 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1984 ~~which is required to be registered, or with respect to which an~~
1985 ~~election has been made to register it, under the International~~



940416

1986 ~~Registration Plan.~~

1987 ~~(24)~~(25) "Apportionable vehicle" means any vehicle, except
1988 recreational vehicles, vehicles displaying restricted plates,
1989 city pickup and delivery vehicles, buses used in transportation
1990 of chartered parties, and government-owned vehicles, which is
1991 used or intended for use in two or more member jurisdictions
1992 that allocate or proportionally register vehicles and which is
1993 used for the transportation of persons for hire or is designed,
1994 used, or maintained primarily for the transportation of property
1995 and:

1996 (a) Is a power unit having a gross vehicle weight in excess
1997 of 26,000 ~~26,001~~ pounds;

1998 (b) Is a power unit having three or more axles, regardless
1999 of weight; or

2000 (c) Is used in combination, when the weight of such
2001 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

2002
2003 Vehicles, or combinations thereof, having a gross vehicle weight
2004 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
2005 proportionally registered.

2006 Section 28. Paragraph (a) of subsection (2) and paragraph
2007 (a) of subsection (5) of section 320.02, Florida Statutes, are
2008 amended, and paragraph (s) is added to subsection (15), to read:

2009 320.02 Registration required; application for registration;
2010 forms.-

2011 (2) (a) The application for registration must ~~shall~~ include
2012 the street address of the owner's permanent residence or the
2013 address of his or her permanent place of business and ~~shall~~ be
2014 accompanied by personal or business identification information.



940416

2015 An individual applicant must provide ~~which may include, but need~~
2016 ~~not be limited to,~~ a valid driver license or number, Florida
2017 identification card issued by this state or another state or a
2018 valid passport. A business applicant must provide a number, or
2019 federal employer identification number, if applicable, or
2020 verification that the business is authorized to conduct business
2021 in the state, or a Florida municipal or county business license
2022 or number.

2023 1. If the owner does not have a permanent residence or
2024 permanent place of business or if the owner's permanent
2025 residence or permanent place of business cannot be identified by
2026 a street address, the application must ~~shall~~ include:

2027 a.1. If the vehicle is registered to a business, the name
2028 and street address of the permanent residence of an owner of the
2029 business, an officer of the corporation, or an employee who is
2030 in a supervisory position.

2031 b.2. If the vehicle is registered to an individual, the
2032 name and street address of the permanent residence of a close
2033 relative or friend who is a resident of this state.

2034 2. If the vehicle is registered to an active duty member of
2035 the Armed Forces of the United States who is a Florida resident,
2036 the active duty member is exempt from the requirement to provide
2037 the street address of a permanent residence.

2038 (5) (a) Proof that personal injury protection benefits have
2039 been purchased if ~~when~~ required under s. 627.733, that property
2040 damage liability coverage has been purchased as required under
2041 s. 324.022, that bodily injury or death coverage has been
2042 purchased if required under s. 324.023, and that combined bodily
2043 liability insurance and property damage liability insurance have



940416

2044 been purchased if ~~when~~ required under s. 627.7415 shall be
2045 provided in the manner prescribed by law by the applicant at the
2046 time of application for registration of any motor vehicle that
2047 is subject to such requirements. The issuing agent shall refuse
2048 to issue registration if such proof of purchase is not provided.
2049 Insurers shall furnish uniform proof-of-purchase cards in a
2050 paper or electronic format in a form prescribed by the
2051 department and ~~shall~~ include the name of the insured's insurance
2052 company, the coverage identification number, and the make, year,
2053 and vehicle identification number of the vehicle insured. The
2054 card must ~~shall~~ contain a statement notifying the applicant of
2055 the penalty specified under ~~in~~ s. 316.646(4). The card or
2056 insurance policy, insurance policy binder, or certificate of
2057 insurance or a photocopy of any of these; an affidavit
2058 containing the name of the insured's insurance company, the
2059 insured's policy number, and the make and year of the vehicle
2060 insured; or such other proof as may be prescribed by the
2061 department shall constitute sufficient proof of purchase. If an
2062 affidavit is provided as proof, it must ~~shall~~ be in
2063 substantially the following form:

2064
2065 Under penalty of perjury, I ...(Name of insured)... do hereby
2066 certify that I have ...(Personal Injury Protection, Property
2067 Damage Liability, and, if ~~when~~ required, Bodily Injury
2068 Liability)... Insurance currently in effect with ...(Name of
2069 insurance company)... under ...(policy number)... covering
2070 ...(make, year, and vehicle identification number of
2071 vehicle).... ...(Signature of Insured)...

2072



940416

2073 Such affidavit must ~~shall~~ include the following warning:

2074

2075 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
2076 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
2077 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
2078 SUBJECT TO PROSECUTION.

2079

2080 If ~~When~~ an application is made through a licensed motor vehicle
2081 dealer as required under ~~in~~ s. 319.23, the original or a
2082 photostatic copy of such card, insurance policy, insurance
2083 policy binder, or certificate of insurance or the original
2084 affidavit from the insured shall be forwarded by the dealer to
2085 the tax collector of the county or the Department of Highway
2086 Safety and Motor Vehicles for processing. By executing the
2087 aforesaid affidavit, no licensed motor vehicle dealer will be
2088 liable in damages for any inadequacy, insufficiency, or
2089 falsification of any statement contained therein. A card must
2090 ~~shall~~ also indicate the existence of any bodily injury liability
2091 insurance voluntarily purchased.

2092 (15)

2093 (s) The application form for motor vehicle registration and
2094 renewal registration must include language permitting a
2095 voluntary contribution of \$1 or more per applicant, which shall
2096 be distributed to the Auto Club Group Traffic Safety Foundation,
2097 Inc., a nonprofit organization. Funds received by the foundation
2098 must be used to improve traffic safety culture in communities
2099 through effective outreach, education, and activities in the
2100 state which will save lives, reduce injuries, and prevent
2101 crashes. The foundation must comply with s. 320.023.



940416

2102
2103 For the purpose of applying the service charge provided in s.
2104 215.20, contributions received under this subsection are not
2105 income of a revenue nature.

2106 Section 29. Subsection (7) of section 320.03, Florida
2107 Statutes, is amended to read:

2108 320.03 Registration; duties of tax collectors;
2109 International Registration Plan.—

2110 (7) The Department of Highway Safety and Motor Vehicles
2111 shall register apportionable ~~apportioned motor~~ vehicles under
2112 the ~~provisions of the~~ International Registration Plan. The
2113 department may adopt rules to implement and enforce the
2114 provisions of the plan.

2115 Section 30. Paragraph (b) of subsection (1) of section
2116 320.071, Florida Statutes, is amended to read:

2117 320.071 Advance registration renewal; procedures.—

2118 (1)

2119 (b) The owner of any apportionable ~~apportioned motor~~
2120 vehicle currently registered in this state under the
2121 International Registration Plan may file an application for
2122 renewal of registration with the department any time during the
2123 3 months preceding the date of expiration of the registration
2124 period.

2125 Section 31. Subsections (1) and (3) of section 320.0715,
2126 Florida Statutes, are amended to read:

2127 320.0715 International Registration Plan; motor carrier
2128 services; permits; retention of records.—

2129 (1) All apportionable ~~commercial motor~~ vehicles domiciled
2130 in this state ~~and engaged in interstate commerce~~ shall be



940416

2131 registered in accordance with ~~the provisions of the~~
2132 International Registration Plan and shall display ~~apportioned~~
2133 license plates.

2134 (3) (a) If the department is unable to immediately issue the
2135 apportioned license plate to an applicant currently registered
2136 in this state under the International Registration Plan or to a
2137 vehicle currently titled in this state, the department or its
2138 designated agent may ~~is authorized to~~ issue a 60-day temporary
2139 operational permit. The department or agent of the department
2140 shall charge a \$3 fee and the service charge authorized by s.
2141 320.04 for each temporary operational permit it issues.

2142 (b) The department may not ~~shall in no event~~ issue a
2143 temporary operational permit for any apportionable commercial
2144 ~~motor~~ vehicle to any applicant until the applicant has shown
2145 that:

2146 1. All sales or use taxes due on the registration of the
2147 vehicle are paid; and

2148 2. Insurance requirements have been met in accordance with
2149 ss. 320.02(5) and 627.7415.

2150 (c) Issuance of a temporary operational permit provides
2151 ~~commercial motor vehicle~~ registration privileges in each
2152 International Registration Plan member jurisdiction designated
2153 on said permit and therefore requires payment of all applicable
2154 registration fees and taxes due for that period of registration.

2155 (d) Application for permanent registration must be made to
2156 the department within 10 days from issuance of a temporary
2157 operational permit. Failure to file an application within this
2158 10-day period may result in cancellation of the temporary
2159 operational permit.



940416

2160 Section 32. Subsection (4) of section 320.089, Florida
2161 Statutes, is amended to read:

2162 320.089 Members of National Guard and active United States
2163 Armed Forces reservists; former prisoners of war; survivors of
2164 Pearl Harbor; Purple Heart medal recipients; Operation Desert
2165 Storm Veterans; Operation Desert Shield Veterans; Operation
2166 Iraqi Freedom and Operation Enduring Freedom Veterans; Combat
2167 Infantry Badge or Combat Action Badge recipients; Vietnam War
2168 Veterans; Korean Conflict Veterans; special license plates;
2169 fee.—

2170 (4) The owner or lessee of an automobile or truck for
2171 private use, a truck weighing not more than 7,999 pounds, or a
2172 recreational vehicle as specified in s. 320.08(9)(c) or (d)
2173 which automobile, truck, or recreational vehicle is not used for
2174 hire or commercial use who is a resident of the state and a
2175 current or former member of the United States military who was
2176 deployed and served in Saudi Arabia, Kuwait, or another area of
2177 the Persian Gulf during Operation Desert Storm or Operation
2178 Desert Shield; in Iraq during Operation Iraqi Freedom; or in
2179 Afghanistan during Operation Enduring Freedom shall, upon
2180 application to the department, accompanied by proof of active
2181 membership or former active duty status during one of these
2182 operations, and upon payment of the license tax for the vehicle
2183 as provided in s. 320.08, be issued a license plate as provided
2184 by s. 320.06 upon which, in lieu of the registration license
2185 number prescribed by s. 320.06, shall be stamped the words
2186 "Operation Desert Storm," "Operation Desert Shield," "Operation
2187 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,
2188 followed by the registration license number of the plate.



940416

2189 Section 33. Paragraph (c) of subsection (71) of section
2190 320.08058, Florida Statutes, is amended to read:
2191 320.08058 Specialty license plates.—
2192 (71) HISPANIC ACHIEVERS LICENSE PLATES.—
2193 (c) National Hispanic Corporate Achievers, Inc., may retain
2194 all proceeds from the annual use fee until documented startup
2195 costs for developing and establishing the plate have been
2196 recovered. Thereafter, the proceeds from the annual use fee
2197 shall be used as follows:
2198 1. Up to 5 ~~10~~ percent of the proceeds may be used for the
2199 cost of administration of the Hispanic Achievers License Plate
2200 Fund, the Hispanic Achievers Grant Council, and related matters.
2201 2. Funds may be used as necessary for annual audit or
2202 compliance affidavit costs.
2203 3. Up to 20 percent of the proceeds may be used to market
2204 and promote the Hispanic Achievers license plate.
2205 ~~4.3.~~ Twenty-five percent of the proceeds shall be used by
2206 the Hispanic Corporate Achievers, Inc., located in Seminole
2207 County, for grants.
2208 ~~5.4.~~ The remaining proceeds shall be available to the
2209 Hispanic Achievers Grant Council to award grants for services,
2210 programs, or scholarships for Hispanic and minority individuals
2211 and organizations throughout Florida. All grant recipients must
2212 provide to the Hispanic Achievers Grant Council an annual
2213 program and financial report regarding the use of grant funds.
2214 Such reports must be available to the public.
2215 Section 34. Paragraph (aaaa) is added to subsection (4) of
2216 section 320.08056, Florida Statutes, to read:
2217 320.08056 Specialty license plates.—



940416

2218 (4) The following license plate annual use fees shall be
2219 collected for the appropriate specialty license plates:
2220 (aaaa) American Legion license plate, \$25.
2221 Section 35. Subsection (79) is added to section 320.08058,
2222 Florida Statutes, to read:
2223 320.08058 Specialty license plates.-
2224 (79) AMERICAN LEGION LICENSE PLATES.-
2225 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter
2226 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
2227 223, Laws of Florida, the department shall develop an American
2228 Legion license plate as provided in s. 320.08053(2) and (3) and
2229 this section. The plate must bear the colors and design approved
2230 by the department. The word "Florida" must appear at the top of
2231 the plate, and the words "American Legion" must appear at the
2232 bottom of the plate.
2233 (b) The department shall retain all annual use fees from
2234 the sale of such plates until all startup costs for developing
2235 and issuing the plates have been recovered. Thereafter, the
2236 annual use fees from the sale of the plate shall be distributed
2237 to the American Legion Department of Florida, which may use up
2238 to 10 percent of such fees for administrative costs and
2239 marketing of the plate. The balance of the fees shall be used by
2240 the American Legion Department of Florida to support Florida
2241 American Legion Boys State, the American Legion Auxiliary Girls
2242 State, the American Legion Department of Florida Veteran Affairs
2243 and Rehabilitation program, the Gilchrist Endowment Fund, and
2244 other appropriate activities.
2245 Section 36. Paragraph (aaaa) is added to subsection (4) of
2246 section 320.08056, Florida Statutes, to read:



940416

2247 320.08056 Specialty license plates.-
2248 (4) The following license plate annual use fees shall be
2249 collected for the appropriate specialty license plates:
2250 (aaaa) Lauren's Kids license plate, \$25.
2251 Section 37. Subsection (79) is added to section 320.08058,
2252 Florida Statutes, to read:
2253 320.08058 Specialty license plates.-
2254 (79) LAUREN'S KIDS LICENSE PLATES.-
2255 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter
2256 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
2257 223, Laws of Florida, the department shall develop a Lauren's
2258 Kids, Prevent Child Sexual Abuse license plate as provided in s.
2259 320.08053(2) and (3), and this section. The plate must bear the
2260 colors and design approved by the department. The word "Florida"
2261 must appear at the top of the plate, and the words "Lauren's
2262 Kids" must appear at the bottom of the plate.
2263 (b) The department shall retain all annual use fees from
2264 the sale of the plate until all startup costs for developing and
2265 issuing the plate have been recovered. Thereafter, the annual
2266 use fees from the sale of the plate shall be distributed to
2267 Lauren's Kids, Inc., a Florida nonprofit corporation, which may
2268 use up to 10 percent of such fees for administrative costs and
2269 marketing of the plate. The balance of the fees shall be used by
2270 Lauren's Kids, Inc., to prevent sexual abuse through awareness
2271 and education and to help survivors heal with guidance and
2272 support.
2273 Section 38. Section 320.08062, Florida Statutes, is amended
2274 to read:
2275 320.08062 Audits and attestations required; annual use fees



940416

2276 of specialty license plates.-

2277 (1) (a) All organizations that receive annual use fee
2278 proceeds from the department are responsible for ensuring that
2279 proceeds are used in accordance with ss. 320.08056 and
2280 320.08058.

2281 (b) Any organization not subject to audit pursuant to s.
2282 215.97 shall annually attest, under penalties of perjury, that
2283 such proceeds were used in compliance with ss. 320.08056 and
2284 320.08058. The attestation shall be made annually in a form and
2285 format determined by the department.

2286 (c) Any organization subject to audit pursuant to s. 215.97
2287 shall submit an audit report in accordance with rules
2288 promulgated by the Auditor General. The annual attestation shall
2289 be submitted to the department for review within 9 months after
2290 the end of the organization's fiscal year.

2291 (2) (a) ~~(2)~~ Within 90 days after receiving an organization's
2292 audit or attestation, the department shall determine which
2293 recipients of revenues from specialty license plate annual use
2294 fees have not complied with subsection (1). If the department
2295 determines that an organization has not complied or has failed
2296 to use the revenues in accordance with ss. 320.08056 and
2297 320.08058, the department must discontinue the distribution of
2298 the revenues to the organization until the department determines
2299 that the organization has complied. If an organization fails to
2300 comply within 12 months after the annual use fee proceeds are
2301 withheld by the department, the proceeds shall be deposited into
2302 the Highway Safety Operating Trust Fund to offset department
2303 costs related to the issuance of specialty license plates.

2304 (b) In lieu of discontinuing revenue disbursement pursuant



940416

2305 to this subsection, upon determining that a recipient has not
2306 complied or has failed to use the revenues in accordance with
2307 ss. 320.08056 and 320.08058, F.S., and with the approval of the
2308 Legislative Budget Commission, the department is authorized to
2309 redirect previously-collected and future revenues to an
2310 organization that is able to perform the same or similar
2311 purpose(s) as the original recipient.

2312 (3) The department has the authority to examine all records
2313 pertaining to the use of funds from the sale of specialty
2314 license plates.

2315 Section 39. Paragraph (aaaa) is added to subsection (4) of
2316 section 320.08056, Florida Statutes, to read:

2317 320.08056 Specialty license plates.-

2318 (4) The following license plate annual use fees shall be
2319 collected for the appropriate specialty license plates:

2320 (aaaa) Big Brothers Big Sisters license plate, \$25.

2321 Section 40. Subsection (79) is added to section 320.08058,
2322 Florida Statutes, to read:

2323 320.08058 Specialty license plates.-

2324 (79) BIG BROTHERS BIG SISTERS LICENSE PLATES.-

2325 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter
2326 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
2327 223, Laws of Florida, the department shall develop a Big
2328 Brothers Big Sisters license plate as provided in s.
2329 320.08053(2) and (3), and this section. The plate must bear the
2330 colors and design approved by the department. The word "Florida"
2331 must appear at the top of the plate, and the words "Big Brothers
2332 Big Sisters" must appear at the bottom of the plate.

2333 (b) The department shall retain all annual use fees from



940416

2334 the sale of the plate until all startup costs for developing and
2335 issuing the plate have been recovered. Thereafter, the annual
2336 use fees from the sale of the plate shall be distributed to Big
2337 Brothers Big Sisters Association of Florida, Inc., which may use
2338 up to 10 percent of such fees for administrative costs and
2339 marketing of the plate. The balance of the fees shall be used by
2340 Big Brothers Big Sisters Association of Florida, Inc., to
2341 promote mentoring.

2342 Section 41. Subsection (1) of section 320.18, Florida
2343 Statutes, is amended to read:

2344 320.18 Withholding registration.-

2345 (1) The department may withhold the registration of any
2346 motor vehicle or mobile home the owner or coowner of which has
2347 failed to register it under the provisions of law for any
2348 previous period or periods for which it appears registration
2349 should have been made in this state, until the tax for such
2350 period or periods is paid. The department may cancel any vehicle
2351 or vessel registration, driver ~~driver's~~ license, identification
2352 card, or fuel-use tax decal if the owner or coowner pays for any
2353 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
2354 identification card, or fuel-use tax decal; pays any
2355 administrative, delinquency, or reinstatement fee; or pays any
2356 tax liability, penalty, or interest specified in chapter 207 by
2357 a dishonored check, or if the vehicle owner or motor carrier has
2358 failed to pay a penalty for a weight or safety violation issued
2359 by the Department of Transportation or the Department of Highway
2360 Safety and Motor Vehicles. The Department of Transportation and
2361 the Department of Highway Safety and Motor Vehicles may impound
2362 any commercial motor vehicle that has a canceled license plate



940416

2363 or fuel-use tax decal until the tax liability, penalty, and
2364 interest specified in chapter 207, the license tax, or the fuel-
2365 use decal fee, and applicable administrative fees have been paid
2366 for by certified funds.

2367 Section 42. Subsection (3), paragraph (a) of subsection
2368 (4), and subsection (5) of section 320.27, Florida Statutes, are
2369 amended to read:

2370 320.27 Motor vehicle dealers.—

2371 (3) APPLICATION AND FEE.—The application for the license
2372 shall be in such form as may be prescribed by the department and
2373 shall be subject to such rules with respect thereto as may be so
2374 prescribed by it. Such application shall be verified by oath or
2375 affirmation and shall contain a full statement of the name and
2376 birth date of the person or persons applying therefor; the name
2377 of the firm or copartnership, with the names and places of
2378 residence of all members thereof, if such applicant is a firm or
2379 copartnership; the names and places of residence of the
2380 principal officers, if the applicant is a body corporate or
2381 other artificial body; the name of the state under whose laws
2382 the corporation is organized; the present and former place or
2383 places of residence of the applicant; and prior business in
2384 which the applicant has been engaged and the location thereof.
2385 Such application shall describe the exact location of the place
2386 of business and shall state whether the place of business is
2387 owned by the applicant and when acquired, or, if leased, a true
2388 copy of the lease shall be attached to the application. The
2389 applicant shall certify that the location provides an adequately
2390 equipped office and is not a residence; that the location
2391 affords sufficient unoccupied space upon and within which



940416

2392 adequately to store all motor vehicles offered and displayed for
2393 sale; and that the location is a suitable place where the
2394 applicant can in good faith carry on such business and keep and
2395 maintain books, records, and files necessary to conduct such
2396 business, which shall be available at all reasonable hours to
2397 inspection by the department or any of its inspectors or other
2398 employees. The applicant shall certify that the business of a
2399 motor vehicle dealer is the principal business which shall be
2400 conducted at that location. The application shall contain a
2401 statement that the applicant is either franchised by a
2402 manufacturer of motor vehicles, in which case the name of each
2403 motor vehicle that the applicant is franchised to sell shall be
2404 included, or an independent (nonfranchised) motor vehicle
2405 dealer. The application shall contain other relevant information
2406 as may be required by the department, including evidence that
2407 the applicant is insured under a garage liability insurance
2408 policy or a general liability insurance policy coupled with a
2409 business automobile policy, which shall include, at a minimum,
2410 \$25,000 combined single-limit liability coverage including
2411 bodily injury and property damage protection and \$10,000
2412 personal injury protection. However, a salvage motor vehicle
2413 dealer as defined in subparagraph (1)(c)5. is exempt from the
2414 requirements for garage liability insurance and personal injury
2415 protection insurance on those vehicles that cannot be legally
2416 operated on roads, highways, or streets in this state. Franchise
2417 dealers must submit a garage liability insurance policy, and all
2418 other dealers must submit a garage liability insurance policy or
2419 a general liability insurance policy coupled with a business
2420 automobile policy. Such policy shall be for the license period,



940416

2421 and evidence of a new or continued policy shall be delivered to
2422 the department at the beginning of each license period. Upon
2423 making initial application, the applicant shall pay to the
2424 department a fee of \$300 in addition to any other fees ~~now~~
2425 required by law. Applicants may choose to extend the licensure
2426 period for 1 additional year for a total of 2 years. An initial
2427 applicant shall pay to the department a fee of \$300 for the
2428 first year and \$75 for the second year, in addition to any other
2429 fees required by law. An applicant for renewal shall pay to the
2430 department \$75 for a 1-year renewal or \$150 for a 2-year
2431 renewal, in addition to any other fees required by law ~~Upon~~
2432 ~~making a subsequent renewal application, the applicant shall pay~~
2433 ~~to the department a fee of \$75 in addition to any other fees now~~
2434 ~~required by law.~~ Upon making an application for a change of
2435 location, the person shall pay a fee of \$50 in addition to any
2436 other fees now required by law. The department shall, in the
2437 case of every application for initial licensure, verify whether
2438 certain facts set forth in the application are true. Each
2439 applicant, general partner in the case of a partnership, or
2440 corporate officer and director in the case of a corporate
2441 applicant, must file a set of fingerprints with the department
2442 for the purpose of determining any prior criminal record or any
2443 outstanding warrants. The department shall submit the
2444 fingerprints to the Department of Law Enforcement for state
2445 processing and forwarding to the Federal Bureau of Investigation
2446 for federal processing. The actual cost of state and federal
2447 processing shall be borne by the applicant and is in addition to
2448 the fee for licensure. The department may issue a license to an
2449 applicant pending the results of the fingerprint investigation,



940416

2450 which license is fully revocable if the department subsequently
2451 determines that any facts set forth in the application are not
2452 true or correctly represented.

2453 (4) LICENSE CERTIFICATE.—

2454 (a) A license certificate shall be issued by the department
2455 in accordance with such application when the application is
2456 regular in form and in compliance with the provisions of this
2457 section. The license certificate may be in the form of a
2458 document or a computerized card as determined by the department.
2459 The actual cost of each original, additional, or replacement
2460 computerized card shall be borne by the licensee and is in
2461 addition to the fee for licensure. Such license, when so issued,
2462 entitles the licensee to carry on and conduct the business of a
2463 motor vehicle dealer. Each license issued to a franchise motor
2464 vehicle dealer expires ~~annually~~ on December 31 of the year of
2465 its expiration unless revoked or suspended prior to that date.
2466 Each license issued to an independent or wholesale dealer or
2467 auction expires ~~annually~~ on April 30 of the year of its
2468 expiration unless revoked or suspended prior to that date. At
2469 least ~~Not less than~~ 60 days before ~~prior to~~ the license
2470 expiration date, the department shall deliver or mail to each
2471 licensee the necessary renewal forms. Each independent dealer
2472 shall certify that the dealer (owner, partner, officer, or
2473 director of the licensee, or a full-time employee of the
2474 licensee that holds a responsible management-level position) has
2475 completed 8 hours of continuing education prior to filing the
2476 renewal forms with the department. Such certification shall be
2477 filed once every 2 years. The continuing education shall include
2478 at least 2 hours of legal or legislative issues, 1 hour of



940416

2479 department issues, and 5 hours of relevant motor vehicle
2480 industry topics. Continuing education shall be provided by
2481 dealer schools licensed under paragraph (b) either in a
2482 classroom setting or by correspondence. Such schools shall
2483 provide certificates of completion to the department and the
2484 customer which shall be filed with the license renewal form, and
2485 such schools may charge a fee for providing continuing
2486 education. Any licensee who does not file his or her application
2487 and fees and any other requisite documents, as required by law,
2488 with the department at least 30 days prior to the license
2489 expiration date shall cease to engage in business as a motor
2490 vehicle dealer on the license expiration date. A renewal filed
2491 with the department within 45 days after the expiration date
2492 shall be accompanied by a delinquent fee of \$100. Thereafter, a
2493 new application is required, accompanied by the initial license
2494 fee. A license certificate duly issued by the department may be
2495 modified by endorsement to show a change in the name of the
2496 licensee, provided, as shown by affidavit of the licensee, the
2497 majority ownership interest of the licensee has not changed or
2498 the name of the person appearing as franchisee on the sales and
2499 service agreement has not changed. Modification of a license
2500 certificate to show any name change as herein provided shall not
2501 require initial licensure or reissuance of dealer tags; however,
2502 any dealer obtaining a name change shall transact all business
2503 in and be properly identified by that name. All documents
2504 relative to licensure shall reflect the new name. In the case of
2505 a franchise dealer, the name change shall be approved by the
2506 manufacturer, distributor, or importer. A licensee applying for
2507 a name change endorsement shall pay a fee of \$25 which fee shall



940416

2508 apply to the change in the name of a main location and all
2509 additional locations licensed under the provisions of subsection
2510 (5). Each initial license application received by the department
2511 shall be accompanied by verification that, within the preceding
2512 6 months, the applicant, or one or more of his or her designated
2513 employees, has attended a training and information seminar
2514 conducted by a licensed motor vehicle dealer training school.
2515 Any applicant for a new franchised motor vehicle dealer license
2516 who has held a valid franchised motor vehicle dealer license
2517 continuously for the past 2 years and who remains in good
2518 standing with the department is exempt from the prelicensing
2519 training requirement. Such seminar shall include, but is not
2520 limited to, statutory dealer requirements, which requirements
2521 include required bookkeeping and recordkeeping procedures,
2522 requirements for the collection of sales and use taxes, and such
2523 other information that in the opinion of the department will
2524 promote good business practices. No seminar may exceed 8 hours
2525 in length.

2526 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
2527 section hereunder shall obtain a supplemental license for each
2528 permanent additional place or places of business not contiguous
2529 to the premises for which the original license is issued, on a
2530 form to be furnished by the department, and upon payment of a
2531 fee of \$50 for each such additional location. Applicants may
2532 choose to extend the licensure period for 1 additional year for
2533 a total of 2 years. The applicant shall pay to the department a
2534 fee of \$50 for the first year and \$50 for the second year for
2535 each such additional location. Thereafter, the applicant shall
2536 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for



940416

2537 each such additional location ~~Upon making renewal applications~~
2538 ~~for such supplemental licenses, such applicant shall pay \$50 for~~
2539 ~~each additional location.~~ A supplemental license authorizing
2540 off-premises sales shall be issued, at no charge to the dealer,
2541 for a period not to exceed 10 consecutive calendar days. To
2542 obtain such a temporary supplemental license for off-premises
2543 sales, the applicant must be a licensed dealer; must notify the
2544 applicable local department office of the specific dates and
2545 location for which such license is requested, display a sign at
2546 the licensed location clearly identifying the dealer, and
2547 provide staff to work at the temporary location for the duration
2548 of the off-premises sale; must meet any local government
2549 permitting requirements; and must have permission of the
2550 property owner to sell at that location. In the case of an off-
2551 premises sale by a motor vehicle dealer licensed under
2552 subparagraph (1)(c)1. for the sale of new motor vehicles, the
2553 applicant must also include documentation notifying the
2554 applicable licensee licensed under s. 320.61 of the intent to
2555 engage in an off-premises sale 5 working days prior to the date
2556 of the off-premises sale. The licensee shall either approve or
2557 disapprove of the off-premises sale within 2 working days after
2558 receiving notice; otherwise, it will be deemed approved. This
2559 section does not apply to a nonselling motor vehicle show or
2560 public display of new motor vehicles.

2561 Section 43. Section 320.62, Florida Statutes, is amended to
2562 read:

2563 320.62 Licenses; amount; disposition of proceeds.—The
2564 initial license for each manufacturer, distributor, or importer
2565 shall be \$300 and shall be in addition to all other licenses or



940416

2566 taxes ~~now or hereafter~~ levied, assessed, or required of the
2567 applicant or licensee. Applicants may choose to extend the
2568 licensure period for 1 additional year for a total of 2 years.
2569 An initial applicant shall pay to the department a fee of \$300
2570 for the first year and \$100 for the second year. An applicant
2571 for a renewal license shall pay \$100 to the department for a 1-
2572 year renewal or \$200 for a 2-year renewal ~~The annual renewal~~
2573 ~~license fee shall be \$100.~~ The proceeds from all licenses under
2574 ss. 320.60-320.70 shall be paid into the State Treasury to the
2575 credit of the General Revenue Fund. All licenses shall be
2576 payable on or before October 1 of the each year and shall
2577 expire, unless sooner revoked or suspended, on ~~the following~~
2578 September 30 of the year of its expiration.

2579 Section 44. Subsections (4) and (6) of section 320.77,
2580 Florida Statutes, are amended to read:

2581 320.77 License required of mobile home dealers.-

2582 (4) FEES.-Upon making initial application, the applicant
2583 shall pay to the department a fee of \$300 in addition to any
2584 other fees ~~now~~ required by law. Applicants may choose to extend
2585 the licensure period for 1 additional year for a total of 2
2586 years. An initial applicant shall pay to the department a fee of
2587 \$300 for the first year and \$100 for the second year in addition
2588 to any other fees required by law. An applicant for a renewal
2589 license shall pay to the department \$100 for a 1-year renewal or
2590 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
2591 ~~be \$100.~~ The fee for application for change of location shall be
2592 \$25. Any applicant for renewal who has failed to submit his or
2593 her renewal application by October 1 of the year of its current
2594 license expiration shall pay a renewal application fee equal to



940416

2595 the original application fee. No fee is refundable. All fees
2596 shall be deposited into the General Revenue Fund.

2597 (6) LICENSE CERTIFICATE.—A license certificate shall be
2598 issued by the department in accordance with the application when
2599 the same is regular in form and in compliance with the
2600 provisions of this section. The license certificate may be in
2601 the form of a document or a computerized card as determined by
2602 the department. The cost of each original, additional, or
2603 replacement computerized card shall be borne by the licensee and
2604 is in addition to the fee for licensure. The fees charged
2605 applicants for both the required background investigation and
2606 the computerized card as provided in this section shall be
2607 deposited into the Highway Safety Operating Trust Fund. The
2608 license, when so issued, shall entitle the licensee to carry on
2609 and conduct the business of a mobile home dealer at the location
2610 set forth in the license for a period of 1 or 2 years beginning
2611 ~~year from~~ October 1 preceding the date of issuance. Each initial
2612 application received by the department shall be accompanied by
2613 verification that, within the preceding 6 months, the applicant
2614 or one or more of his or her designated employees has attended a
2615 training and information seminar conducted by the department or
2616 by a public or private provider approved by the department. Such
2617 seminar shall include, but not be limited to, statutory dealer
2618 requirements, which requirements include required bookkeeping
2619 and recording procedures, requirements for the collection of
2620 sales and use taxes, and such other information that in the
2621 opinion of the department will promote good business practices.

2622 Section 45. Subsections (4) and (6) of section 320.771,
2623 Florida Statutes, are amended to read:



940416

2624 320.771 License required of recreational vehicle dealers.-
2625 (4) FEES.—Upon making initial application, the applicant
2626 shall pay to the department a fee of \$300 in addition to any
2627 other fees ~~now~~ required by law. Applicants may choose to extend
2628 the licensure period for 1 additional year for a total of 2
2629 years. An initial applicant shall pay to the department a fee of
2630 \$300 for the first year and \$100 for the second year in addition
2631 to any other fees required by law. An applicant for a renewal
2632 license shall pay to the department \$100 for a 1-year renewal or
2633 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
2634 ~~be \$100.~~ The fee for application for change of location shall be
2635 \$25. Any applicant for renewal who has failed to submit his or
2636 her renewal application by October 1 of the year of its current
2637 license expiration shall pay a renewal application fee equal to
2638 the original application fee. No fee is refundable. All fees
2639 shall be deposited into the General Revenue Fund.

2640 (6) LICENSE CERTIFICATE.—A license certificate shall be
2641 issued by the department in accordance with the application when
2642 the same is regular in form and in compliance with the
2643 provisions of this section. The license certificate may be in
2644 the form of a document or a computerized card as determined by
2645 the department. The cost of each original, additional, or
2646 replacement computerized card shall be borne by the licensee and
2647 is in addition to the fee for licensure. The fees charged
2648 applicants for both the required background investigation and
2649 the computerized card as provided in this section shall be
2650 deposited into the Highway Safety Operating Trust Fund. The
2651 license, when so issued, shall entitle the licensee to carry on
2652 and conduct the business of a recreational vehicle dealer at the



940416

2653 location set forth in the license for a period of 1 or 2 years
2654 ~~year~~ from October 1 preceding the date of issuance. Each initial
2655 application received by the department shall be accompanied by
2656 verification that, within the preceding 6 months, the applicant
2657 or one or more of his or her designated employees has attended a
2658 training and information seminar conducted by the department or
2659 by a public or private provider approved by the department. Such
2660 seminar shall include, but not be limited to, statutory dealer
2661 requirements, which requirements include required bookkeeping
2662 and recording procedures, requirements for the collection of
2663 sales and use taxes, and such other information that in the
2664 opinion of the department will promote good business practices.

2665 Section 46. Subsections (3) and (6) of section 320.8225,
2666 Florida Statutes, are amended to read:

2667 320.8225 Mobile home and recreational vehicle manufacturer,
2668 distributor, and importer license.—

2669 (3) FEES.—Upon submitting an initial application, the
2670 applicant shall pay to the department a fee of \$300. Applicants
2671 may choose to extend the licensure period for 1 additional year
2672 for a total of 2 years. An initial applicant shall pay to the
2673 department a fee of \$300 for the first year and \$100 for the
2674 second year. An applicant for a renewal license shall pay to the
2675 department \$100 for a 1-year renewal or \$200 for a 2-year
2676 renewal ~~Upon submitting a renewal application, the applicant~~
2677 ~~shall pay to the department a fee of \$100.~~ Any applicant for
2678 renewal who fails to submit his or her renewal application by
2679 October 1 of the year of its current license expiration shall
2680 pay a renewal application fee equal to the original application
2681 fee. No fee is refundable. All fees must be deposited into the



940416

2682 General Revenue Fund.

2683 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
2684 manufacturer or a recreational vehicle manufacturer,
2685 distributor, or importer entitles the licensee to conduct
2686 business for a period of 1 or 2 years beginning ~~year from~~
2687 October 1 preceding the date of issuance.

2688 Section 47. Subsection (7) of section 322.08, Florida
2689 Statutes, is amended to read:

2690 322.08 Application for license; requirements for license
2691 and identification card forms.—

2692 (7) The application form for an original, renewal, or
2693 replacement driver license or identification card must ~~shall~~
2694 include language permitting the following:

2695 (a) A voluntary contribution of \$1 per applicant, which
2696 contribution shall be deposited into the Health Care Trust Fund
2697 for organ and tissue donor education and for maintaining the
2698 organ and tissue donor registry.

2699 (b) A voluntary contribution of \$1 per applicant, which
2700 ~~contribution~~ shall be distributed to the Florida Council of the
2701 Blind.

2702 (c) A voluntary contribution of \$2 per applicant, which
2703 shall be distributed to the Hearing Research Institute,
2704 Incorporated.

2705 (d) A voluntary contribution of \$1 per applicant, which
2706 shall be distributed to the Juvenile Diabetes Foundation
2707 International.

2708 (e) A voluntary contribution of \$1 per applicant, which
2709 shall be distributed to the Children's Hearing Help Fund.

2710 (f) A voluntary contribution of \$1 per applicant, which



940416

2711 shall be distributed to Family First, a nonprofit organization.

2712 (g) A voluntary contribution of \$1 per applicant to Stop
2713 Heart Disease, which shall be distributed to the Florida Heart
2714 Research Institute, a nonprofit organization.

2715 (h) A voluntary contribution of \$1 per applicant to Senior
2716 Vision Services, which shall be distributed to the Florida
2717 Association of Agencies Serving the Blind, Inc., a not-for-
2718 profit organization.

2719 (i) A voluntary contribution of \$1 per applicant for
2720 services for persons with developmental disabilities, which
2721 shall be distributed to The Arc of Florida.

2722 (j) A voluntary contribution of \$1 to the Ronald McDonald
2723 House, which shall be distributed each month to Ronald McDonald
2724 House Charities of Tampa Bay, Inc.

2725 (k) Notwithstanding s. 322.081, a voluntary contribution of
2726 \$1 per applicant, which shall be distributed to the League
2727 Against Cancer/La Liga Contra el Cancer, a not-for-profit
2728 organization.

2729 (l) A voluntary contribution of \$1 per applicant to Prevent
2730 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
2731 Inc., a nonprofit organization.

2732 (m) A voluntary contribution of \$1 per applicant, which
2733 shall be distributed to Prevent Blindness Florida, a not-for-
2734 profit organization, to prevent blindness and preserve the sight
2735 of the residents of this state.

2736 (n) Notwithstanding s. 322.081, a voluntary contribution of
2737 \$1 per applicant to the state homes for veterans, to be
2738 distributed on a quarterly basis by the department to the State
2739 Homes for Veterans Trust Fund, which is administered by the



940416

2740 Department of Veterans' Affairs.

2741 (o) A voluntary contribution of \$1 per applicant to the
2742 Disabled American Veterans, Department of Florida, which shall
2743 be distributed quarterly to Disabled American Veterans,
2744 Department of Florida, a nonprofit organization.

2745 (p) A voluntary contribution of \$1 per applicant for Autism
2746 Services and Supports, which shall be distributed to Achievement
2747 and Rehabilitation Centers, Inc., Autism Services Fund.

2748 (q) A voluntary contribution of \$1 per applicant to Support
2749 Our Troops, which shall be distributed to Support Our Troops,
2750 Inc., a Florida not-for-profit organization.

2751 (r) A voluntary contribution of \$1 or more per applicant,
2752 which shall be distributed to the Auto Club Group Traffic Safety
2753 Foundation, Inc., a not-for-profit organization.

2754
2755 A statement providing an explanation of the purpose of the trust
2756 funds shall also be included. For the purpose of applying the
2757 service charge provided under ~~in~~ s. 215.20, contributions
2758 received under paragraphs (b)-(r) ~~(b)-(e)~~ are not income of a
2759 revenue nature.

2760 Section 48. Section 322.095, Florida Statutes, is amended
2761 to read:

2762 322.095 Traffic law and substance abuse education program
2763 for driver ~~driver's~~ license applicants.—

2764 (1) Each applicant for a driver license must complete a
2765 traffic law and substance abuse education course, unless the
2766 applicant has been licensed in another jurisdiction or has
2767 satisfactorily completed a Department of Education driver
2768 education course offered pursuant to s. 1003.48.



940416

2769 (2)~~(1)~~ The Department of Highway Safety and Motor Vehicles
2770 must approve traffic law and substance abuse education courses,
2771 including courses that use communications technology as the
2772 delivery method.

2773 (a) In addition to the course approval criteria provided in
2774 this section, initial approval of traffic law and substance
2775 abuse education courses shall be based on the department's
2776 review of all course materials which must be designed to promote
2777 safety, education, and driver awareness; course presentation to
2778 the department by the provider; and the provider's plan for
2779 effective oversight of the course by those who deliver the
2780 course in the state.

2781 (b) Each course provider seeking approval of a traffic law
2782 and substance abuse education course must submit:

2783 1. Proof of ownership, copyright, or written permission
2784 from the course owner to use the course in the state ~~that must~~
2785 be completed by applicants for a Florida driver's license.

2786 2. The curriculum ~~curricula~~ for the courses which must
2787 promote motorcyclist, bicyclist, and pedestrian safety and
2788 provide instruction on the physiological and psychological
2789 consequences of the abuse of alcohol and other drugs; ~~7~~ the
2790 societal and economic costs of alcohol and drug abuse; ~~7~~ the
2791 effects of alcohol and drug abuse on the driver of a motor
2792 vehicle; ~~7~~ and the laws of this state relating to the operation
2793 of a motor vehicle; the risk factors involved in driver attitude
2794 and irresponsible driver behaviors, such as speeding, reckless
2795 driving, and running red lights and stop signs; and the results
2796 of the use of electronic devices while driving. ~~All instructors~~
2797 teaching the courses shall be certified by the department.



940416

2798 ~~(3)(2) The department shall contract for an independent~~
2799 ~~evaluation of the courses. Local DUI programs authorized under~~
2800 ~~s. 316.193(5) and certified by the department or a driver~~
2801 ~~improvement school may offer a traffic law and substance abuse~~
2802 ~~education course. However,~~ Prior to offering the course, the
2803 course provider must obtain certification from the department
2804 that the course complies with the requirements of this section.
2805 If the course is offered in a classroom setting, the course
2806 provider and any schools authorized by the provider to teach the
2807 course must offer the approved course at locations that are free
2808 from distractions and reasonably accessible to most applicants
2809 and must issue a certificate to those persons successfully
2810 completing the course.

2811 ~~(3) The completion of a course does not qualify a person~~
2812 ~~for the reinstatement of a driver's license which has been~~
2813 ~~suspended or revoked.~~

2814 ~~(4) The fee charged by the course provider must bear a~~
2815 ~~reasonable relationship to the cost of the course. The~~
2816 ~~department must conduct financial audits of course providers~~
2817 ~~conducting the education courses required under this section or~~
2818 ~~require that financial audits of providers be performed, at the~~
2819 ~~expense of the provider, by a certified public accountant.~~

2820 ~~(5) The provisions of this section do not apply to any~~
2821 ~~person who has been licensed in any other jurisdiction or who~~
2822 ~~has satisfactorily completed a Department of Education driver's~~
2823 ~~education course offered pursuant to s. 1003.48.~~

2824 ~~(4)(6)~~ In addition to a regular course fee, an assessment
2825 fee in the amount of \$3 shall be collected by the school from
2826 each person who attends a course. The course provider must remit



940416

2827 the \$3 assessment fee to the department for deposit into the
2828 Highway Safety Operating Trust Fund in order to receive a unique
2829 course completion certificate number for the student. Each
2830 ~~course provider must collect a \$3 assessment fee in addition to~~
2831 ~~the enrollment fee charged to participants of the traffic law~~
2832 ~~and substance abuse course required under this section. The \$3~~
2833 ~~assessment fee collected by the course provider must be~~
2834 ~~forwarded to the department within 30 days after receipt of the~~
2835 ~~assessment.~~

2836 (5)(7) The department may is authorized to maintain the
2837 information and records necessary to administer its duties and
2838 responsibilities for the program. Course providers are required
2839 to maintain all records pertinent to the conduct of their
2840 approved courses for 5 years and allow the department to inspect
2841 such records as necessary. Records may be maintained in an
2842 electronic format. If ~~where~~ such information is a public record
2843 as defined in chapter 119, it shall be made available to the
2844 public upon request pursuant to s. 119.07(1). ~~The department~~
2845 ~~shall approve and regulate courses that use technology as the~~
2846 ~~delivery method of all traffic law and substance abuse education~~
2847 ~~courses as the courses relate to this section.~~

2848 (6) The department shall design, develop, implement, and
2849 conduct effectiveness studies on each delivery method of all
2850 courses approved pursuant to this section on a recurring 5-year
2851 basis. At a minimum, studies shall be conducted on the
2852 effectiveness of each course in reducing DUI citations and
2853 decreasing moving traffic violations or collision recidivism.
2854 Upon notification that a course has failed an effectiveness
2855 study, the course provider shall immediately cease offering the



940416

2856 course in the state.

2857 (7) Courses approved under this section must be updated at
2858 the department's request. Failure of a course provider to update
2859 the course within 90 days after the department's request shall
2860 result in the suspension of the course approval until such time
2861 that the updates are submitted and approved by the department.

2862 (8) Each course provider shall ensure that its driver
2863 improvement schools are conducting the approved courses fully,
2864 to the required time limits, and with the content requirements
2865 specified by the department. The course provider shall ensure
2866 that only department-approved instructional materials are used
2867 in the presentation of the course, and that all driver
2868 improvement schools conducting the course do so in a manner that
2869 maximizes its impact and effectiveness. The course provider
2870 shall ensure that any student who is unable to attend or
2871 complete a course due to action, error, or omission on the part
2872 of the course provider or driver improvement school conducting
2873 the course shall be accommodated to permit completion of the
2874 course at no additional cost.

2875 (9) Traffic law and substance abuse education courses shall
2876 be conducted with a minimum of 4 hours devoted to course content
2877 minus a maximum of 30 minutes allotted for breaks.

2878 (10) A course provider may not require any student to
2879 purchase a course completion certificate. Course providers
2880 offering paper or electronic certificates for purchase must
2881 clearly convey to the student that this purchase is optional,
2882 that the only valid course completion certificate is the
2883 electronic one that is entered into the department's Driver
2884 Improvement Certificate Issuance System, and that paper



940416

2885 certificates are not acceptable for any licensing purpose.
2886 (11) Course providers and all associated driver improvement
2887 schools that offer approved courses shall disclose all fees
2888 associated with the course and shall not charge any fees that
2889 are not clearly listed during the registration process.
2890 (12) Course providers shall submit course completion
2891 information to the department through the department's Driver
2892 Improvement Certificate Issuance System within 5 days. The
2893 submission shall be free of charge to the student.
2894 (13) The department may deny, suspend, or revoke course
2895 approval upon proof that the course provider:
2896 (a) Violated this section.
2897 (b) Has been convicted of a crime involving any drug-
2898 related or DUI-related offense, a felony, fraud, or a crime
2899 directly related to the personal safety of a student.
2900 (c) Failed to satisfy the effectiveness criteria as
2901 outlined in subsection (6).
2902 (d) Obtained course approval by fraud or misrepresentation.
2903 (e) Obtained or assisted a person in obtaining any driver
2904 license by fraud or misrepresentation.
2905 (f) Conducted a traffic law and substance abuse education
2906 course in the state while approval of such course was under
2907 suspension or revocation.
2908 (g) Failed to provide effective oversight of those who
2909 deliver the course in the state.
2910 (14) The department shall not accept certificates from
2911 students who take a course after the course has been suspended
2912 or revoked.
2913 (15) A person who has been convicted of a crime involving



940416

2914 any drug-related or DUI-related offense in the past 5 years, a
2915 felony, fraud, or a crime directly related to the personal
2916 safety of a student shall not be allowed to conduct traffic law
2917 and substance abuse education courses.

2918 (16) The department shall summarily suspend approval of any
2919 course without preliminary hearing for the purpose of protecting
2920 the public safety and enforcing any provision of law governing
2921 traffic law and substance abuse education courses.

2922 (17) Except as otherwise provided in this section, before
2923 final department action denying, suspending, or revoking
2924 approval of a course, the course provider shall have the
2925 opportunity to request either a formal or informal
2926 administrative hearing to show cause why the action should not
2927 be taken.

2928 (18) The department may levy and collect a civil fine of at
2929 least \$1,000 but not more than \$5,000 for each violation of this
2930 section. Proceeds from fines collected shall be deposited into
2931 the Highway Safety Operating Trust Fund and used to cover the
2932 cost of administering this section or promoting highway safety
2933 initiatives.

2934 Section 49. Subsection (1) of section 322.125, Florida
2935 Statutes, is amended to read:

2936 322.125 Medical Advisory Board.—

2937 (1) There shall be a Medical Advisory Board composed of not
2938 fewer than 12 or more than 25 members, at least one of whom must
2939 be 60 years of age or older and all but one of whose medical and
2940 other specialties must relate to driving abilities, which number
2941 must include a doctor of medicine who is employed by the
2942 Department of Highway Safety and Motor Vehicles in Tallahassee,



940416

2943 who shall serve as administrative officer for the board. The
2944 executive director of the Department of Highway Safety and Motor
2945 Vehicles shall recommend persons to serve as board members.
2946 Every member but two must be a doctor of medicine licensed to
2947 practice medicine in this or any other state ~~and must be a~~
2948 ~~member in good standing of the Florida Medical Association or~~
2949 ~~the Florida Osteopathic Association.~~ One member must be an
2950 optometrist licensed to practice optometry in this state ~~and~~
2951 ~~must be a member in good standing of the Florida Optometric~~
2952 ~~Association.~~ One member must be a chiropractic physician
2953 licensed to practice chiropractic medicine in this state.
2954 Members shall be approved by the Cabinet and shall serve 4-year
2955 staggered terms. The board membership must, to the maximum
2956 extent possible, consist of equal representation of the
2957 disciplines of the medical community treating the mental or
2958 physical disabilities that could affect the safe operation of
2959 motor vehicles.

2960 Section 50. Subsection (4) of section 322.135, Florida
2961 Statutes, is amended to read:

2962 322.135 Driver ~~Driver's~~ license agents.—

2963 (4) A tax collector may not issue or renew a driver
2964 ~~driver's~~ license if he or she has any reason to believe that the
2965 licensee or prospective licensee is physically or mentally
2966 unqualified to operate a motor vehicle. ~~The tax collector may~~
2967 ~~direct any such licensee to the department for examination or~~
2968 ~~reevaluation under s. 322.221.~~

2969 Section 51. Section 322.143, Florida Statutes, is created
2970 to read:

2971 322.143 Use of a driver license or identification card.—



940416

- 2972 (1) As used in this section, the term:
- 2973 (a) "Personal information" means an individual's name,
2974 address, date of birth, driver license number, or identification
2975 card number.
- 2976 (b) "Private entity" means any nongovernmental entity, such
2977 as a corporation, partnership, company or nonprofit
2978 organization, any other legal entity, or any natural person.
- 2979 (c) "Swipe" means the act of passing a driver license or
2980 identification card through a device that is capable of
2981 deciphering, in an electronically readable format, the
2982 information electronically encoded in a magnetic strip or bar
2983 code on the driver license or identification card.
- 2984 (2) Except as provided in subsection (6), a private entity
2985 may not swipe an individual's driver license or identification
2986 card, except for the following purposes:
- 2987 (a) To verify the authenticity of a driver license or
2988 identification card or to verify the identity of the individual
2989 if the individual pays for a good or service with a method other
2990 than cash, returns an item, or requests a refund.
- 2991 (b) To verify the individual's age when providing an age-
2992 restricted good or service.
- 2993 (c) To prevent fraud or other criminal activity if an
2994 individual returns an item or requests a refund and the private
2995 entity uses a fraud prevention service company or system.
- 2996 (d) To transmit information to a check services company for
2997 the purpose of approving negotiable instruments, electronic
2998 funds transfers, or similar methods of payment.
- 2999 (e) To comply with a legal requirement to record, retain,
3000 or transmit the driver license information.



940416

3001 (3) A private entity that swipes an individual's driver
3002 license or identification card under paragraph (2) (a) or
3003 paragraph (2) (b) may not store, sell, or share personal
3004 information collected from swiping the driver license or
3005 identification card.

3006 (4) A private entity that swipes an individual's driver
3007 license or identification card under paragraph (2) (c) or
3008 paragraph (2) (d) may store or share personal information
3009 collected from swiping an individual's driver license or
3010 identification card for the purpose of preventing fraud or other
3011 criminal activity against the private entity.

3012 (5) (a) A person other than an entity regulated by the
3013 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
3014 receives personal information from a private entity under
3015 subsection (4) may use the personal information received only to
3016 prevent fraud or other criminal activity against the private
3017 entity that provided the personal information.

3018 (b) A person who is regulated by the federal Fair Credit
3019 Reporting Act and who receives personal information from a
3020 private entity under subsection (4) may use or provide the
3021 personal information received only to effect, administer, or
3022 enforce a transaction or prevent fraud or other criminal
3023 activity, if the person provides or receives personal
3024 information under contract from the private entity.

3025 (6) (a) An individual may consent to allow the private
3026 entity to swipe the individual's driver license or
3027 identification card to collect and store personal information.
3028 However, the individual must be informed what information is
3029 collected and the purpose or purposes for which it will be used.



940416

3030 (b) If the individual does not want the private entity to
3031 swipe the individual's driver license or identification card,
3032 the private entity may manually collect personal information
3033 from the individual.

3034 (7) The private entity may not withhold the provision of
3035 goods or services solely as a result of the individual
3036 requesting the collection of the data in subsection (6) from the
3037 individual through manual means.

3038 (8) A private entity that violates this section may be
3039 subject to a civil penalty not to exceed \$5,000 per occurrence.

3040 (9) This section does not apply to a financial institution
3041 as defined in s. 655.005(i).

3042 Section 52. Subsection (1) of section 322.21, Florida
3043 Statutes, is amended to read:

3044 322.21 License fees; procedure for handling and collecting
3045 fees.—

3046 (1) Except as otherwise provided herein, the fee for:

3047 (a) An original or renewal commercial driver ~~driver's~~
3048 license is \$75, which shall include the fee for driver education
3049 provided by s. 1003.48. However, if an applicant has completed
3050 training and is applying for employment or is currently employed
3051 in a public or nonpublic school system that requires the
3052 commercial license, the fee is the same as for a Class E driver
3053 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a
3054 renewal within 12 months after the license expiration date.

3055 (b) An original Class E driver ~~driver's~~ license is \$48,
3056 which includes the fee for driver ~~driver's~~ education provided by
3057 s. 1003.48. However, if an applicant has completed training and
3058 is applying for employment or is currently employed in a public



940416

3059 or nonpublic school system that requires a commercial driver
3060 license, the fee is the same as for a Class E license.

3061 (c) The renewal or extension of a Class E driver ~~driver's~~
3062 license or of a license restricted to motorcycle use only is
3063 \$48, except that a delinquent fee of \$15 shall be added for a
3064 renewal or extension made within 12 months after the license
3065 expiration date. The fee provided in this paragraph includes the
3066 fee for driver ~~driver's~~ education provided by s. 1003.48.

3067 (d) An original driver ~~driver's~~ license restricted to
3068 motorcycle use only is \$48, which includes the fee for driver
3069 ~~driver's~~ education provided by s. 1003.48.

3070 (e) A replacement driver ~~driver's~~ license issued pursuant
3071 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into
3072 the Highway Safety Operating Trust Fund and \$18 shall be
3073 deposited into the General Revenue Fund. Beginning July 1, 2015,
3074 or upon completion of the transition of driver ~~driver's~~ license
3075 issuance services, if the replacement driver ~~driver's~~ license is
3076 issued by the tax collector, the tax collector shall retain the
3077 \$7 that would otherwise be deposited into the Highway Safety
3078 Operating Trust Fund and the remaining revenues shall be
3079 deposited into the General Revenue Fund.

3080 (f) An original, renewal, or replacement identification
3081 card issued pursuant to s. 322.051 is \$25. Funds collected from
3082 these fees shall be distributed as follows:

3083 1. For an original identification card issued pursuant to
3084 s. 322.051 the fee is \$25. This amount shall be deposited into
3085 the General Revenue Fund.

3086 2. For a renewal identification card issued pursuant to s.
3087 322.051 the fee is \$25. Of this amount, \$6 shall be deposited



940416

3088 into the Highway Safety Operating Trust Fund and \$19 shall be
3089 deposited into the General Revenue Fund.

3090 3. For a replacement identification card issued pursuant to
3091 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited
3092 into the Highway Safety Operating Trust Fund and \$16 shall be
3093 deposited into the General Revenue Fund. Beginning July 1, 2015,
3094 or upon completion of the transition of the driver ~~driver's~~
3095 license issuance services, if the replacement identification
3096 card is issued by the tax collector, the tax collector shall
3097 retain the \$9 that would otherwise be deposited into the Highway
3098 Safety Operating Trust Fund and the remaining revenues shall be
3099 deposited into the General Revenue Fund.

3100 (g) Each endorsement required by s. 322.57 is \$7.

3101 (h) A hazardous-materials endorsement, as required by s.
3102 322.57(1)(d), shall be set by the department by rule and must
3103 reflect the cost of the required criminal history check,
3104 including the cost of the state and federal fingerprint check,
3105 and the cost to the department of providing and issuing the
3106 license. The fee shall not exceed \$100. This fee shall be
3107 deposited in the Highway Safety Operating Trust Fund. The
3108 department may adopt rules to administer this section.

3109 (i) The specialty driver license or identification card
3110 issued pursuant to s. 322.1415 is \$25, which is in addition to
3111 other fees required in this section. The fee shall be
3112 distributed as follows:

3113 1. Fifty percent shall be distributed as provided in s.
3114 320.08058 to the appropriate state or independent university,
3115 professional sports team, or branch of the United States Armed
3116 Forces.



940416

3117 2. Fifty percent shall be distributed to the department for
3118 costs directly related to the specialty driver license and
3119 identification card program and to defray the costs associated
3120 with production enhancements and distribution.

3121 Section 53. Subsection (7) of section 322.212, Florida
3122 Statutes, is amended to read:

3123 322.212 Unauthorized possession of, and other unlawful acts
3124 in relation to, driver ~~driver's~~ license or identification card.-

3125 (7) In addition to any other penalties provided by this
3126 section, any person who provides false information when applying
3127 for a commercial driver ~~driver's~~ license or commercial learner's
3128 permit or is convicted of fraud in connection with testing for a
3129 commercial driver license or commercial learner's permit shall
3130 be disqualified from operating a commercial motor vehicle for a
3131 period of 1 year ~~60 days~~.

3132 Section 54. Subsection (1) of section 322.22, Florida
3133 Statutes, is amended to read:

3134 322.22 Authority of department to cancel or refuse to issue
3135 or renew license.-

3136 (1) The department may ~~is authorized to~~ cancel or withhold
3137 issuance or renewal of any driver ~~driver's~~ license, upon
3138 determining that the licensee was not entitled to the issuance
3139 thereof, or that the licensee failed to give the required or
3140 correct information in his or her application or committed any
3141 fraud in making such application, or that the licensee has two
3142 or more licenses on file with the department, each in a
3143 different name but bearing the photograph of the licensee,
3144 unless the licensee has complied with the requirements of this
3145 chapter in obtaining the licenses. The department may cancel or



940416

3146 withhold issuance or renewal of any driver ~~driver's~~ license,
3147 identification card, vehicle or vessel registration, or fuel-use
3148 decal if the licensee fails to pay the correct fee or pays for
3149 any driver ~~the driver's~~ license, identification card, vehicle or
3150 vessel registration, or fuel-use decal; pays any tax liability,
3151 penalty, or interest specified in chapter 207; or pays any
3152 administrative, delinquency, or reinstatement fee by a
3153 dishonored check.

3154 Section 55. Subsection (3) of section 322.245, Florida
3155 Statutes, is amended to read:

3156 322.245 Suspension of license upon failure of person
3157 charged with specified offense under chapter 316, chapter 320,
3158 or this chapter to comply with directives ordered by traffic
3159 court or upon failure to pay child support in non-IV-D cases as
3160 provided in chapter 61 or failure to pay any financial
3161 obligation in any other criminal case.-

3162 (3) If the person fails to comply with the directives of
3163 the court within the 30-day period, or, in non-IV-D cases, fails
3164 to comply with the requirements of s. 61.13016 within the period
3165 specified in that statute, the depository or the clerk of the
3166 court shall electronically notify the department of such failure
3167 within 10 days. Upon electronic receipt of the notice, the
3168 department shall immediately issue an order suspending the
3169 person's driver ~~driver's~~ license and privilege to drive
3170 effective 20 days after the date the order of suspension is
3171 mailed in accordance with s. 322.251(1), (2), and (6).

3172 Section 56. Subsection (7) of section 322.25, Florida
3173 Statutes, is amended to read:

3174 322.25 When court to forward license to department and



940416

3175 report convictions; temporary reinstatement of driving
3176 privileges.-

3177 ~~(7) Any licensed driver convicted of driving, or being in~~
3178 ~~the actual physical control of, a vehicle within this state~~
3179 ~~while under the influence of alcoholic beverages, any chemical~~
3180 ~~substance set forth in s. 877.111, or any substance controlled~~
3181 ~~under chapter 893, when affected to the extent that his or her~~
3182 ~~normal faculties are impaired, and whose license and driving~~
3183 ~~privilege have been revoked as provided in subsection (1) may be~~
3184 ~~issued a court order for reinstatement of a driving privilege on~~
3185 ~~a temporary basis; provided that, as a part of the penalty, upon~~
3186 ~~conviction, the defendant is required to enroll in and complete~~
3187 ~~a driver improvement course for the rehabilitation of drinking~~
3188 ~~drivers and the driver is otherwise eligible for reinstatement~~
3189 ~~of the driving privilege as provided by s. 322.282. The court~~
3190 ~~order for reinstatement shall be on a form provided by the~~
3191 ~~department and must be taken by the person convicted to a~~
3192 ~~Florida driver's license examining office, where a temporary~~
3193 ~~driving permit may be issued. The period of time for which a~~
3194 ~~temporary permit issued in accordance with this subsection is~~
3195 ~~valid shall be deemed to be part of the period of revocation~~
3196 ~~imposed by the court.~~

3197 Section 57. Section 322.2615, Florida Statutes, is amended
3198 to read:

3199 322.2615 Suspension of license; right to review.-

3200 (1) (a) A law enforcement officer or correctional officer
3201 shall, on behalf of the department, suspend the driving
3202 privilege of a person who is driving or in actual physical
3203 control of a motor vehicle and who has an unlawful blood-alcohol



940416

3204 level or breath-alcohol level of 0.08 or higher, or of a person
3205 who has refused to submit to a urine test or a test of his or
3206 her breath-alcohol or blood-alcohol level. The officer shall
3207 take the person's driver ~~driver's~~ license and issue the person a
3208 10-day temporary permit if the person is otherwise eligible for
3209 the driving privilege and shall issue the person a notice of
3210 suspension. If a blood test has been administered, the officer
3211 or the agency employing the officer shall transmit such results
3212 to the department within 5 days after receipt of the results. If
3213 the department then determines that the person had a blood-
3214 alcohol level or breath-alcohol level of 0.08 or higher, the
3215 department shall suspend the person's driver ~~driver's~~ license
3216 pursuant to subsection (3).

3217 (b) The suspension under paragraph (a) shall be pursuant
3218 to, and the notice of suspension shall inform the driver of, the
3219 following:

3220 1.a. The driver refused to submit to a lawful breath,
3221 blood, or urine test and his or her driving privilege is
3222 suspended for a period of 1 year for a first refusal or for a
3223 period of 18 months if his or her driving privilege has been
3224 previously suspended as a result of a refusal to submit to such
3225 a test; or

3226 b. The driver was driving or in actual physical control of
3227 a motor vehicle and had an unlawful blood-alcohol level or
3228 breath-alcohol level of 0.08 or higher and his or her driving
3229 privilege is suspended for a period of 6 months for a first
3230 offense or for a period of 1 year if his or her driving
3231 privilege has been previously suspended under this section.

3232 2. The suspension period shall commence on the date of



940416

3233 issuance of the notice of suspension.

3234 3. The driver may request a formal or informal review of
3235 the suspension by the department within 10 days after the date
3236 of issuance of the notice of suspension or may request a review
3237 of eligibility for a restricted driving privilege under s.
3238 322.271(7).

3239 4. The temporary permit issued at the time of suspension
3240 expires at midnight of the 10th day following the date of
3241 issuance of the notice of suspension.

3242 5. The driver may submit to the department any materials
3243 relevant to the suspension.

3244 (2) (a) Except as provided in paragraph (1) (a), the law
3245 enforcement officer shall forward to the department, within 5
3246 days after issuing the notice of suspension, the driver ~~driver's~~
3247 license; an affidavit stating the officer's grounds for belief
3248 that the person was driving or in actual physical control of a
3249 motor vehicle while under the influence of alcoholic beverages
3250 or chemical or controlled substances; the results of any breath
3251 or blood test or an affidavit stating that a breath, blood, or
3252 urine test was requested by a law enforcement officer or
3253 correctional officer and that the person refused to submit; the
3254 officer's description of the person's field sobriety test, if
3255 any; and the notice of suspension. The failure of the officer to
3256 submit materials within the 5-day period specified in this
3257 subsection and in subsection (1) does not affect the
3258 department's ability to consider any evidence submitted at or
3259 prior to the hearing.

3260 (b) The officer may also submit a copy of the crash report
3261 and a copy of a video recording ~~videotape~~ of the field sobriety



940416

3262 test or the attempt to administer such test. Materials submitted
3263 to the department by a law enforcement agency or correctional
3264 agency shall be considered self-authenticating and shall be in
3265 the record for consideration by the hearing officer.
3266 Notwithstanding s. 316.066(5), the crash report shall be
3267 considered by the hearing officer.

3268 (3) If the department determines that the license should be
3269 suspended pursuant to this section and if the notice of
3270 suspension has not already been served upon the person by a law
3271 enforcement officer or correctional officer as provided in
3272 subsection (1), the department shall issue a notice of
3273 suspension and, unless the notice is mailed pursuant to s.
3274 322.251, a temporary permit that expires 10 days after the date
3275 of issuance if the driver is otherwise eligible.

3276 (4) If the person whose license was suspended requests an
3277 informal review pursuant to subparagraph (1)(b)3., the
3278 department shall conduct the informal review by a hearing
3279 officer designated ~~employed~~ by the department. Such informal
3280 review hearing shall consist solely of an examination by the
3281 department of the materials submitted by a law enforcement
3282 officer or correctional officer and by the person whose license
3283 was suspended, and the presence of an officer or witness is not
3284 required.

3285 (5) After completion of the informal review, notice of the
3286 department's decision sustaining, amending, or invalidating the
3287 suspension of the driver ~~driver's~~ license of the person whose
3288 license was suspended must be provided to such person. Such
3289 notice must be mailed to the person at the last known address
3290 shown on the department's records, or to the address provided in



940416

3291 the law enforcement officer's report if such address differs
3292 from the address of record, within 21 days after the expiration
3293 of the temporary permit issued pursuant to subsection (1) or
3294 subsection (3).

3295 (6) (a) If the person whose license was suspended requests a
3296 formal review, the department must schedule a hearing ~~to be held~~
3297 within 30 days after such request is received by the department
3298 and must notify the person of the date, time, and place of the
3299 hearing.

3300 (b) Such formal review hearing shall be held before a
3301 hearing officer designated ~~employed~~ by the department, and the
3302 hearing officer shall be authorized to administer oaths, examine
3303 witnesses and take testimony, receive relevant evidence, issue
3304 subpoenas for the officers and witnesses identified in documents
3305 provided under paragraph (2) (a) in subsection (2), regulate the
3306 course and conduct of the hearing, question witnesses, and make
3307 a ruling on the suspension. The hearing officer may conduct
3308 hearings using communications technology. The party requesting
3309 the presence of a witness shall be responsible for the payment
3310 of any witness fees and for notifying in writing the state
3311 attorney's office in the appropriate circuit of the issuance of
3312 the subpoena. If the person who requests a formal review hearing
3313 fails to appear and the hearing officer finds such failure to be
3314 without just cause, the right to a formal hearing is waived and
3315 the suspension shall be sustained.

3316 (c) The failure of a subpoenaed witness to appear at the
3317 formal review hearing is not grounds to invalidate the
3318 suspension. If a witness fails to appear, a party may seek
3319 enforcement of a subpoena under paragraph (b) by filing a



940416

3320 petition for enforcement in the circuit court of the judicial
3321 circuit in which the person failing to comply with the subpoena
3322 resides or by filing a motion for enforcement in any criminal
3323 court case resulting from the driving or actual physical control
3324 of a motor vehicle that gave rise to the suspension under this
3325 section. A failure to comply with an order of the court shall
3326 result in a finding of contempt of court. However, a person is
3327 not in contempt while a subpoena is being challenged.

3328 (d) The department must, within 7 working days after a
3329 formal review hearing, send notice to the person of the hearing
3330 officer's decision as to whether sufficient cause exists to
3331 sustain, amend, or invalidate the suspension.

3332 (7) In a formal review hearing under subsection (6) or an
3333 informal review hearing under subsection (4), the hearing
3334 officer shall determine by a preponderance of the evidence
3335 whether sufficient cause exists to sustain, amend, or invalidate
3336 the suspension. The scope of the review shall be limited to the
3337 following issues:

3338 (a) If the license was suspended for driving with an
3339 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
3340 higher:

3341 1. Whether the law enforcement officer had probable cause
3342 to believe that the person whose license was suspended was
3343 driving or in actual physical control of a motor vehicle in this
3344 state while under the influence of alcoholic beverages or
3345 chemical or controlled substances.

3346 2. Whether the person whose license was suspended had an
3347 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
3348 higher as provided in s. 316.193.



940416

3349 (b) If the license was suspended for refusal to submit to a
3350 breath, blood, or urine test:

3351 1. Whether the law enforcement officer had probable cause
3352 to believe that the person whose license was suspended was
3353 driving or in actual physical control of a motor vehicle in this
3354 state while under the influence of alcoholic beverages or
3355 chemical or controlled substances.

3356 2. Whether the person whose license was suspended refused
3357 to submit to any such test after being requested to do so by a
3358 law enforcement officer or correctional officer.

3359 3. Whether the person whose license was suspended was told
3360 that if he or she refused to submit to such test his or her
3361 privilege to operate a motor vehicle would be suspended for a
3362 period of 1 year or, in the case of a second or subsequent
3363 refusal, for a period of 18 months.

3364 (8) Based on the determination of the hearing officer
3365 pursuant to subsection (7) for both informal hearings under
3366 subsection (4) and formal hearings under subsection (6), the
3367 department shall:

3368 (a) Sustain the suspension of the person's driving
3369 privilege for a period of 1 year for a first refusal, or for a
3370 period of 18 months if the driving privilege of such person has
3371 been previously suspended as a result of a refusal to submit to
3372 such tests, if the person refused to submit to a lawful breath,
3373 blood, or urine test. The suspension period commences on the
3374 date of issuance of the notice of suspension.

3375 (b) Sustain the suspension of the person's driving
3376 privilege for a period of 6 months for a blood-alcohol level or
3377 breath-alcohol level of 0.08 or higher, or for a period of 1



940416

3378 year if the driving privilege of such person has been previously
3379 suspended under this section as a result of driving with an
3380 unlawful alcohol level. The suspension period commences on the
3381 date of issuance of the notice of suspension.

3382 (9) A request for a formal review hearing or an informal
3383 review hearing shall not stay the suspension of the person's
3384 driver ~~driver's~~ license. If the department fails to schedule the
3385 formal review hearing ~~to be held~~ within 30 days after receipt of
3386 the request therefor, the department shall invalidate the
3387 suspension. If the scheduled hearing is continued at the
3388 department's initiative or the driver enforces the subpoena as
3389 provided in subsection (6), the department shall issue a
3390 temporary driving permit that shall be valid until the hearing
3391 is conducted if the person is otherwise eligible for the driving
3392 privilege. Such permit may not be issued to a person who sought
3393 and obtained a continuance of the hearing. The permit issued
3394 under this subsection shall authorize driving for business or
3395 employment use only.

3396 (10) A person whose driver ~~driver's~~ license is suspended
3397 under subsection (1) or subsection (3) may apply for issuance of
3398 a license for business or employment purposes only if the person
3399 is otherwise eligible for the driving privilege pursuant to s.
3400 322.271.

3401 (a) If the suspension of the driver ~~driver's~~ license of the
3402 person for failure to submit to a breath, urine, or blood test
3403 is sustained, the person is not eligible to receive a license
3404 for business or employment purposes only, pursuant to s.
3405 322.271, until 90 days have elapsed after the expiration of the
3406 last temporary permit issued. If the driver is not issued a 10-



940416

3407 day permit pursuant to this section or s. 322.64 because he or
3408 she is ineligible for the permit and the suspension for failure
3409 to submit to a breath, urine, or blood test is not invalidated
3410 by the department, the driver is not eligible to receive a
3411 business or employment license pursuant to s. 322.271 until 90
3412 days have elapsed from the date of the suspension.

3413 (b) If the suspension of the driver ~~driver's~~ license of the
3414 person relating to unlawful blood-alcohol level or breath-
3415 alcohol level of 0.08 or higher is sustained, the person is not
3416 eligible to receive a license for business or employment
3417 purposes only pursuant to s. 322.271 until 30 days have elapsed
3418 after the expiration of the last temporary permit issued. If the
3419 driver is not issued a 10-day permit pursuant to this section or
3420 s. 322.64 because he or she is ineligible for the permit and the
3421 suspension relating to unlawful blood-alcohol level or breath-
3422 alcohol level of 0.08 or higher is not invalidated by the
3423 department, the driver is not eligible to receive a business or
3424 employment license pursuant to s. 322.271 until 30 days have
3425 elapsed from the date of the suspension.

3426 (11) The formal review hearing may be conducted upon a
3427 review of the reports of a law enforcement officer or a
3428 correctional officer, including documents relating to the
3429 administration of a breath test or blood test or the refusal to
3430 take either test or the refusal to take a urine test. However,
3431 as provided in subsection (6), the driver may subpoena the
3432 officer or any person who administered or analyzed a breath or
3433 blood test. If the arresting officer or the breath technician
3434 fails to appear pursuant to a subpoena as provided in subsection
3435 (6), the department shall invalidate the suspension.



940416

3436 (12) The formal review hearing and the informal review
3437 hearing are exempt from the provisions of chapter 120. The
3438 department may adopt rules for the conduct of reviews under this
3439 section.

3440 (13) A person may appeal any decision of the department
3441 sustaining a suspension of his or her driver ~~driver's~~ license by
3442 a petition for writ of certiorari to the circuit court in the
3443 county wherein such person resides or wherein a formal or
3444 informal review was conducted pursuant to s. 322.31. However, an
3445 appeal shall not stay the suspension. A law enforcement agency
3446 may appeal any decision of the department invalidating a
3447 suspension by a petition for writ of certiorari to the circuit
3448 court in the county wherein a formal or informal review was
3449 conducted. This subsection shall not be construed to provide for
3450 a de novo review ~~appeal~~.

3451 (14) (a) The decision of the department under this section
3452 or any circuit court review thereof may not be considered in any
3453 trial for a violation of s. 316.193, and a written statement
3454 submitted by a person in his or her request for departmental
3455 review under this section may not be admitted into evidence
3456 against him or her in any such trial.

3457 (b) The disposition of any related criminal proceedings
3458 does not affect a suspension for refusal to submit to a blood,
3459 breath, or urine test imposed under this section.

3460 (15) If the department suspends a person's license under s.
3461 322.2616, it may not also suspend the person's license under
3462 this section for the same episode that was the basis for the
3463 suspension under s. 322.2616.

3464 (16) The department shall invalidate a suspension for



940416

3465 driving with an unlawful blood-alcohol level or breath-alcohol
3466 level imposed under this section if the suspended person is
3467 found not guilty at trial of an underlying violation of s.
3468 316.193.

3469 Section 58. Section 322.2616, Florida Statutes, is amended
3470 to read:

3471 322.2616 Suspension of license; persons under 21 years of
3472 age; right to review.—

3473 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
3474 person under the age of 21 who has a blood-alcohol or breath-
3475 alcohol level of 0.02 or higher to drive or be in actual
3476 physical control of a motor vehicle.

3477 (b) A law enforcement officer who has probable cause to
3478 believe that a motor vehicle is being driven by or is in the
3479 actual physical control of a person who is under the age of 21
3480 while under the influence of alcoholic beverages or who has any
3481 blood-alcohol or breath-alcohol level may lawfully detain such a
3482 person and may request that person to submit to a test to
3483 determine his or her blood-alcohol or breath-alcohol level.

3484 (2) (a) A law enforcement officer or correctional officer
3485 shall, on behalf of the department, suspend the driving
3486 privilege of such person if the person has a blood-alcohol or
3487 breath-alcohol level of 0.02 or higher. The officer shall also
3488 suspend, on behalf of the department, the driving privilege of a
3489 person who has refused to submit to a test as provided by
3490 paragraph (b). The officer shall take the person's driver
3491 ~~driver's~~ license and issue the person a 10-day temporary driving
3492 permit if the person is otherwise eligible for the driving
3493 privilege and shall issue the person a notice of suspension.



940416

3494 (b) The suspension under paragraph (a) must be pursuant to,
3495 and the notice of suspension must inform the driver of, the
3496 following:

3497 1.a. The driver refused to submit to a lawful breath test
3498 and his or her driving privilege is suspended for a period of 1
3499 year for a first refusal or for a period of 18 months if his or
3500 her driving privilege has been previously suspended as provided
3501 in this section as a result of a refusal to submit to a test; or

3502 b. The driver was under the age of 21 and was driving or in
3503 actual physical control of a motor vehicle while having a blood-
3504 alcohol or breath-alcohol level of 0.02 or higher; and the
3505 person's driving privilege is suspended for a period of 6 months
3506 for a first violation, or for a period of 1 year if his or her
3507 driving privilege has been previously suspended as provided in
3508 this section for driving or being in actual physical control of
3509 a motor vehicle with a blood-alcohol or breath-alcohol level of
3510 0.02 or higher.

3511 2. The suspension period commences on the date of issuance
3512 of the notice of suspension.

3513 3. The driver may request a formal or informal review of
3514 the suspension by the department within 10 days after the
3515 issuance of the notice of suspension.

3516 4. A temporary permit issued at the time of the issuance of
3517 the notice of suspension shall not become effective until after
3518 12 hours have elapsed and will expire at midnight of the 10th
3519 day following the date of issuance.

3520 5. The driver may submit to the department any materials
3521 relevant to the suspension of his or her license.

3522 (c) When a driver subject to this section has a blood-



940416

3523 alcohol or breath-alcohol level of 0.05 or higher, the
3524 suspension shall remain in effect until such time as the driver
3525 has completed a substance abuse course offered by a DUI program
3526 licensed by the department. The driver shall assume the
3527 reasonable costs for the substance abuse course. As part of the
3528 substance abuse course, the program shall conduct a substance
3529 abuse evaluation of the driver, and notify the parents or legal
3530 guardians of drivers under the age of 19 years of the results of
3531 the evaluation. The term "substance abuse" means the abuse of
3532 alcohol or any substance named or described in Schedules I
3533 through V of s. 893.03. If a driver fails to complete the
3534 substance abuse education course and evaluation, the driver
3535 ~~driver's~~ license shall not be reinstated by the department.

3536 (d) A minor under the age of 18 years proven to be driving
3537 with a blood-alcohol or breath-alcohol level of 0.02 or higher
3538 may be taken by a law enforcement officer to the addictions
3539 receiving facility in the county in which the minor is found to
3540 be so driving, if the county makes the addictions receiving
3541 facility available for such purpose.

3542 (3) The law enforcement officer shall forward to the
3543 department, within 5 days after the date of the issuance of the
3544 notice of suspension, a copy of the notice of suspension, the
3545 driver ~~driver's~~ license of the person receiving the notice of
3546 suspension, and an affidavit stating the officer's grounds for
3547 belief that the person was under the age of 21 and was driving
3548 or in actual physical control of a motor vehicle with any blood-
3549 alcohol or breath-alcohol level, and the results of any blood or
3550 breath test or an affidavit stating that a breath test was
3551 requested by a law enforcement officer or correctional officer



940416

3552 and that the person refused to submit to such test. The failure
3553 of the officer to submit materials within the 5-day period
3554 specified in this subsection does not bar the department from
3555 considering any materials submitted at or before the hearing.

3556 (4) If the department finds that the license of the person
3557 should be suspended under this section and if the notice of
3558 suspension has not already been served upon the person by a law
3559 enforcement officer or correctional officer as provided in
3560 subsection (2), the department shall issue a notice of
3561 suspension and, unless the notice is mailed under s. 322.251, a
3562 temporary driving permit that expires 10 days after the date of
3563 issuance if the driver is otherwise eligible.

3564 (5) If the person whose license is suspended requests an
3565 informal review under subparagraph (2)(b)3., the department
3566 shall conduct the informal review by a hearing officer
3567 designated ~~employed~~ by the department within 30 days after the
3568 request is received by the department and shall issue such
3569 person a temporary driving permit for business purposes only to
3570 expire on the date that such review is scheduled to be conducted
3571 if the person is otherwise eligible. The informal review hearing
3572 must consist solely of an examination by the department of the
3573 materials submitted by a law enforcement officer or correctional
3574 officer and by the person whose license is suspended, and the
3575 presence of an officer or witness is not required.

3576 (6) After completion of the informal review, notice of the
3577 department's decision sustaining, amending, or invalidating the
3578 suspension of the driver ~~driver's~~ license must be provided to
3579 the person. The notice must be mailed to the person at the last
3580 known address shown on the department's records, or to the



940416

3581 address provided in the law enforcement officer's report if such
3582 address differs from the address of record, within 7 days after
3583 completing the review.

3584 (7) (a) If the person whose license is suspended requests a
3585 formal review, the department must schedule a hearing to be held
3586 within 30 days after the request is received by the department
3587 and must notify the person of the date, time, and place of the
3588 hearing and shall issue such person a temporary driving permit
3589 for business purposes only to expire on the date that such
3590 review is scheduled to be conducted if the person is otherwise
3591 eligible.

3592 (b) The formal review hearing must be held before a hearing
3593 officer designated ~~employed~~ by the department, and the hearing
3594 officer may administer oaths, examine witnesses and take
3595 testimony, receive relevant evidence, issue subpoenas, regulate
3596 the course and conduct of the hearing, and make a ruling on the
3597 suspension. The hearing officer may conduct hearings using
3598 communications technology. The department and the person whose
3599 license was suspended may subpoena witnesses, and the party
3600 requesting the presence of a witness is responsible for paying
3601 any witness fees and for notifying in writing the state
3602 attorney's office in the appropriate circuit of the issuance of
3603 the subpoena. If the person who requests a formal review hearing
3604 fails to appear and the hearing officer finds the failure to be
3605 without just cause, the right to a formal hearing is waived and
3606 the suspension is sustained.

3607 (c) The failure of a subpoenaed witness to appear at the
3608 formal review hearing shall not be grounds to invalidate the
3609 suspension. If a witness fails to appear, a party may seek



940416

3610 enforcement of a subpoena under paragraph (b) by filing a
3611 petition for enforcement in the circuit court of the judicial
3612 circuit in which the person failing to comply with the subpoena
3613 resides. A failure to comply with an order of the court
3614 constitutes contempt of court. However, a person may not be held
3615 in contempt while a subpoena is being challenged.

3616 (d) The department must, within 7 working days after a
3617 formal review hearing, send notice to the person of the hearing
3618 officer's decision as to whether sufficient cause exists to
3619 sustain, amend, or invalidate the suspension.

3620 (8) In a formal review hearing under subsection (7) or an
3621 informal review hearing under subsection (5), the hearing
3622 officer shall determine by a preponderance of the evidence
3623 whether sufficient cause exists to sustain, amend, or invalidate
3624 the suspension. The scope of the review is limited to the
3625 following issues:

3626 (a) If the license was suspended because the individual,
3627 then under the age of 21, drove with a blood-alcohol or breath-
3628 alcohol level of 0.02 or higher:

3629 1. Whether the law enforcement officer had probable cause
3630 to believe that the person was under the age of 21 and was
3631 driving or in actual physical control of a motor vehicle in this
3632 state with any blood-alcohol or breath-alcohol level or while
3633 under the influence of alcoholic beverages.

3634 2. Whether the person was under the age of 21.

3635 3. Whether the person had a blood-alcohol or breath-alcohol
3636 level of 0.02 or higher.

3637 (b) If the license was suspended because of the
3638 individual's refusal to submit to a breath test:



940416

3639 1. Whether the law enforcement officer had probable cause
3640 to believe that the person was under the age of 21 and was
3641 driving or in actual physical control of a motor vehicle in this
3642 state with any blood-alcohol or breath-alcohol level or while
3643 under the influence of alcoholic beverages.

3644 2. Whether the person was under the age of 21.

3645 3. Whether the person refused to submit to a breath test
3646 after being requested to do so by a law enforcement officer or
3647 correctional officer.

3648 4. Whether the person was told that if he or she refused to
3649 submit to a breath test his or her privilege to operate a motor
3650 vehicle would be suspended for a period of 1 year or, in the
3651 case of a second or subsequent refusal, for a period of 18
3652 months.

3653 (9) Based on the determination of the hearing officer under
3654 subsection (8) for both informal hearings under subsection (5)
3655 and formal hearings under subsection (7), the department shall:

3656 (a) Sustain the suspension of the person's driving
3657 privilege for a period of 1 year for a first refusal, or for a
3658 period of 18 months if the driving privilege of the person has
3659 been previously suspended, as provided in this section, as a
3660 result of a refusal to submit to a test. The suspension period
3661 commences on the date of the issuance of the notice of
3662 suspension.

3663 (b) Sustain the suspension of the person's driving
3664 privilege for a period of 6 months for driving or being in
3665 actual physical control of a motor vehicle while under the age
3666 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
3667 higher, or for a period of 1 year if the driving privilege of



940416

3668 such person has been previously suspended under this section.
3669 The suspension period commences on the date of the issuance of
3670 the notice of suspension.

3671 (10) A request for a formal review hearing or an informal
3672 review hearing shall not stay the suspension of the person's
3673 driver ~~driver's~~ license. If the department fails to schedule the
3674 formal review hearing ~~to be held~~ within 30 days after receipt of
3675 the request therefor, the department shall invalidate the
3676 suspension. If the scheduled hearing is continued at the
3677 department's initiative or the driver enforces the subpoena as
3678 provided in subsection (7), the department shall issue a
3679 temporary driving permit that is valid until the hearing is
3680 conducted if the person is otherwise eligible for the driving
3681 privilege. The permit shall not be issued to a person who
3682 requested a continuance of the hearing. The permit issued under
3683 this subsection authorizes driving for business or employment
3684 use only.

3685 (11) A person whose driver ~~driver's~~ license is suspended
3686 under subsection (2) or subsection (4) may apply for issuance of
3687 a license for business or employment purposes only, pursuant to
3688 s. 322.271, if the person is otherwise eligible for the driving
3689 privilege. However, such a license may not be issued until 30
3690 days have elapsed after the expiration of the last temporary
3691 driving permit issued under this section.

3692 (12) The formal review hearing may be conducted upon a
3693 review of the reports of a law enforcement officer or
3694 correctional officer, including documents relating to the
3695 administration of a breath test or the refusal to take a test.
3696 However, as provided in subsection (7), the driver may subpoena



940416

3697 the officer or any person who administered a breath or blood
3698 test. If the officer who suspended the driving privilege fails
3699 to appear pursuant to a subpoena as provided in subsection (7),
3700 the department shall invalidate the suspension.

3701 (13) The formal review hearing and the informal review
3702 hearing are exempt from chapter 120. The department may adopt
3703 rules for conducting reviews under this section.

3704 (14) A person may appeal any decision of the department
3705 sustaining a suspension of his or her driver ~~driver's~~ license by
3706 a petition for writ of certiorari to the circuit court in the
3707 county wherein such person resides or wherein a formal or
3708 informal review was conducted under s. 322.31. However, an
3709 appeal does not stay the suspension. This subsection does not
3710 provide for a de novo review ~~appeal~~.

3711 (15) The decision of the department under this section
3712 shall not be considered in any trial for a violation of s.
3713 316.193, nor shall any written statement submitted by a person
3714 in his or her request for departmental review under this section
3715 be admissible into evidence against him or her in any such
3716 trial. The disposition of any related criminal proceedings shall
3717 not affect a suspension imposed under this section.

3718 (16) By applying for and accepting and using a driver
3719 ~~driver's~~ license, a person under the age of 21 years who holds
3720 the driver ~~driver's~~ license is deemed to have expressed his or
3721 her consent to the provisions of this section.

3722 (17) A breath test to determine breath-alcohol level
3723 pursuant to this section may be conducted as authorized by s.
3724 316.1932 or by a breath-alcohol test device listed in the United
3725 States Department of Transportation's conforming-product list of



940416

3726 evidential breath-measurement devices. The reading from such a
3727 device is presumed accurate and is admissible in evidence in any
3728 administrative hearing conducted under this section.

3729 (18) The result of a blood test obtained during an
3730 investigation conducted under s. 316.1932 or s. 316.1933 may be
3731 used to suspend the driving privilege of a person under this
3732 section.

3733 (19) A violation of this section is neither a traffic
3734 infraction nor a criminal offense, nor does being detained
3735 pursuant to this section constitute an arrest. A violation of
3736 this section is subject to the administrative action provisions
3737 of this section, which are administered by the department
3738 through its administrative processes. Administrative actions
3739 taken pursuant to this section shall be recorded in the motor
3740 vehicle records maintained by the department. This section does
3741 not bar prosecution under s. 316.193. However, if the department
3742 suspends a person's license under s. 322.2615 for a violation of
3743 s. 316.193, it may not also suspend the person's license under
3744 this section for the same episode that was the basis for the
3745 suspension under s. 322.2615.

3746 Section 59. Subsections (4) and (5) of section 322.271,
3747 Florida Statutes, are amended, and subsection (7) is added to
3748 that section, to read:

3749 322.271 Authority to modify revocation, cancellation, or
3750 suspension order.—

3751 (4) Notwithstanding the provisions of s. 322.28(2)(d)
3752 ~~322.28(2)(e)~~, a person whose driving privilege has been
3753 permanently revoked because he or she has been convicted of DUI
3754 manslaughter in violation of s. 316.193 and has no prior



940416

3755 convictions for DUI-related offenses may, upon the expiration of
3756 5 years after the date of such revocation or the expiration of 5
3757 years after the termination of any term of incarceration under
3758 s. 316.193 or former s. 316.1931, whichever date is later,
3759 petition the department for reinstatement of his or her driving
3760 privilege.

3761 (a) Within 30 days after the receipt of such a petition,
3762 the department shall afford the petitioner an opportunity for a
3763 hearing. At the hearing, the petitioner must demonstrate to the
3764 department that he or she:

3765 1. Has not been arrested for a drug-related offense during
3766 the 5 years preceding the filing of the petition;

3767 2. Has not driven a motor vehicle without a license for at
3768 least 5 years prior to the hearing;

3769 3. Has been drug-free for at least 5 years prior to the
3770 hearing; and

3771 4. Has completed a DUI program licensed by the department.

3772 (b) At such hearing, the department shall determine the
3773 petitioner's qualification, fitness, and need to drive. Upon
3774 such determination, the department may, in its discretion,
3775 reinstate the driver ~~driver's~~ license of the petitioner. Such
3776 reinstatement must be made subject to the following
3777 qualifications:

3778 1. The license must be restricted for employment purposes
3779 for at least ~~not less than~~ 1 year; and

3780 2. Such person must be supervised by a DUI program licensed
3781 by the department and report to the program for such supervision
3782 and education at least four times a year or additionally as
3783 required by the program for the remainder of the revocation



940416

3784 period. Such supervision shall include evaluation, education,
3785 referral into treatment, and other activities required by the
3786 department.

3787 (c) Such person must assume the reasonable costs of
3788 supervision. If such person fails to comply with the required
3789 supervision, the program shall report the failure to the
3790 department, and the department shall cancel such person's
3791 driving privilege.

3792 (d) If, after reinstatement, such person is convicted of an
3793 offense for which mandatory revocation of his or her license is
3794 required, the department shall revoke his or her driving
3795 privilege.

3796 (e) The department shall adopt rules regulating the
3797 providing of services by DUI programs pursuant to this section.

3798 (5) Notwithstanding the provisions of s. 322.28(2)(d)
3799 ~~322.28(2)(e)~~, a person whose driving privilege has been
3800 permanently revoked because he or she has been convicted four or
3801 more times of violating s. 316.193 or former s. 316.1931 may,
3802 upon the expiration of 5 years after the date of the last
3803 conviction or the expiration of 5 years after the termination of
3804 any incarceration under s. 316.193 or former s. 316.1931,
3805 whichever is later, petition the department for reinstatement of
3806 his or her driving privilege.

3807 (a) Within 30 days after receipt of a petition, the
3808 department shall provide for a hearing, at which the petitioner
3809 must demonstrate that he or she:

3810 1. Has not been arrested for a drug-related offense for at
3811 least 5 years prior to filing the petition;

3812 2. Has not driven a motor vehicle without a license for at



940416

3813 least 5 years prior to the hearing;

3814 3. Has been drug-free for at least 5 years prior to the
3815 hearing; and

3816 4. Has completed a DUI program licensed by the department.

3817 (b) At the hearing, the department shall determine the
3818 petitioner's qualification, fitness, and need to drive, and may,
3819 after such determination, reinstate the petitioner's driver
3820 ~~driver's~~ license. The reinstatement shall be subject to the
3821 following qualifications:

3822 1. The petitioner's license must be restricted for
3823 employment purposes for at least ~~not less than~~ 1 year; and

3824 2. The petitioner must be supervised by a DUI program
3825 licensed by the department and must report to the program for
3826 supervision and education at least four times a year or more, as
3827 required by the program, for the remainder of the revocation
3828 period. The supervision shall include evaluation, education,
3829 referral into treatment, and other activities required by the
3830 department.

3831 (c) The petitioner must assume the reasonable costs of
3832 supervision. If the petitioner does not comply with the required
3833 supervision, the program shall report the failure to the
3834 department, and the department shall cancel such person's
3835 driving privilege.

3836 (d) If, after reinstatement, the petitioner is convicted of
3837 an offense for which mandatory license revocation is required,
3838 the department shall revoke his or her driving privilege.

3839 (e) The department shall adopt rules regulating the
3840 services provided by DUI programs pursuant to this section.

3841 (7) Notwithstanding the provisions of s. 322.2615(10) (a)



940416

3842 and (b), a person who has never previously had a driver license
3843 suspended under s. 322.2615, has never been disqualified under
3844 section s. 322.64, has never been convicted of a violation of s.
3845 316.193, and whose driving privilege is now suspended under
3846 section s. 322.2615 is eligible for a restricted driving
3847 privilege pursuant to a hearing under section (2).

3848 (a) For purposes of this subsection, a previous conviction
3849 outside of this state for driving under the influence, driving
3850 while intoxicated, driving with an unlawful blood-alcohol level,
3851 or any other alcohol-related or drug-related traffic offense
3852 similar to the offense of driving under the influence as
3853 provided in s. 316.193 will be considered a previous conviction
3854 for a violation of s. 316.193, and a conviction for violation of
3855 former s. 316.028, former s. 316.1931, or former s. 860.01 is
3856 considered a conviction for a violation of s. 316.193.

3857 (b) The reinstatement shall be restricted to business
3858 purposes only, as defined in this section, for the duration of
3859 the suspension imposed under s. 322.2615.

3860 (c) Acceptance of the reinstated driving privilege as
3861 provided in this subsection is deemed a waiver of the right to
3862 formal and informal review under s. 322.2615. The waiver may not
3863 be used as evidence in any other proceeding.

3864 Section 60. Section 322.2715, Florida Statutes, is amended
3865 to read:

3866 322.2715 Ignition interlock device.—

3867 (1) Before issuing a permanent or restricted driver
3868 ~~driver's~~ license under this chapter, the department shall
3869 require the placement of a department-approved ignition
3870 interlock device for any person convicted of committing an



940416

3871 offense of driving under the influence as specified in
3872 subsection (3), except that consideration may be given to those
3873 individuals having a documented medical condition that would
3874 prohibit the device from functioning normally. If a medical
3875 waiver has been granted for a convicted person seeking a
3876 restricted license, the convicted person shall not be entitled
3877 to a restricted license until the required ignition interlock
3878 device installation period under subsection (3) expires, in
3879 addition to the time requirements under s. 322.271. If a medical
3880 waiver has been approved for a convicted person seeking
3881 permanent reinstatement of the driver license, the convicted
3882 person must be restricted to an employment-purposes-only license
3883 and be supervised by a licensed DUI program until the required
3884 ignition interlock device installation period under subsection
3885 (3) expires. An interlock device shall be placed on all vehicles
3886 that are individually or jointly leased or owned and routinely
3887 operated by the convicted person.

3888 (2) For purposes of this section, any conviction for a
3889 violation of s. 316.193, a previous conviction for a violation
3890 of former s. 316.1931, or a conviction outside this state for
3891 driving under the influence, driving while intoxicated, driving
3892 with an unlawful blood-alcohol level, or any other similar
3893 alcohol-related or drug-related traffic offense is a conviction
3894 of driving under the influence.

3895 (3) If the person is convicted of:

3896 (a) A first offense of driving under the influence under s.
3897 316.193 and has an unlawful blood-alcohol level or breath-
3898 alcohol level as specified in s. 316.193(4), or if a person is
3899 convicted of a violation of s. 316.193 and was at the time of



940416

3900 the offense accompanied in the vehicle by a person younger than
3901 18 years of age, the person shall have the ignition interlock
3902 device installed for at least ~~not less than~~ 6 continuous months
3903 for the first offense and for at least ~~not less than~~ 2
3904 continuous years for a second offense.

3905 (b) A second offense of driving under the influence, the
3906 ignition interlock device shall be installed for a period of at
3907 least ~~not less than~~ 1 continuous year.

3908 (c) A third offense of driving under the influence which
3909 occurs within 10 years after a prior conviction for a violation
3910 of s. 316.193, the ignition interlock device shall be installed
3911 for a period of at least ~~not less than~~ 2 continuous years.

3912 (d) A third offense of driving under the influence which
3913 occurs more than 10 years after the date of a prior conviction,
3914 the ignition interlock device shall be installed for a period of
3915 at least ~~not less than~~ 2 continuous years.

3916 (e) A fourth or subsequent offense of driving under the
3917 influence, the ignition interlock device shall be installed for
3918 a period of at least ~~not less than~~ 5 years.

3919 (4) If the court fails to order the mandatory placement of
3920 the ignition interlock device or fails to order for the
3921 applicable period the mandatory placement of an ignition
3922 interlock device under s. 316.193 or s. 316.1937 at the time of
3923 imposing sentence or within 30 days thereafter, the department
3924 shall immediately require that the ignition interlock device be
3925 installed as provided in this section, except that consideration
3926 may be given to those individuals having a documented medical
3927 condition that would prohibit the device from functioning
3928 normally. This subsection applies to the reinstatement of the



940416

3929 driving privilege following a revocation, suspension, or
3930 cancellation that is based upon a conviction for the offense of
3931 driving under the influence which occurs on or after July 1,
3932 2005.

3933 (5) In addition to any fees authorized by rule for the
3934 installation and maintenance of the ignition interlock device,
3935 the authorized installer of the device shall collect and remit
3936 \$12 for each installation to the department, which shall be
3937 deposited into the Highway Safety Operating Trust Fund to be
3938 used for the operation of the Ignition Interlock Device Program.

3939 Section 61. Section 322.28, Florida Statutes, is amended to
3940 read:

3941 322.28 Period of suspension or revocation.—

3942 (1) Unless otherwise provided by this section, the
3943 department shall not suspend a license for a period of more than
3944 1 year and, upon revoking a license, in any case except in a
3945 prosecution for the offense of driving a motor vehicle while
3946 under the influence of alcoholic beverages, chemical substances
3947 as set forth in s. 877.111, or controlled substances, shall not
3948 in any event grant a new license until the expiration of 1 year
3949 after such revocation.

3950 (2) In a prosecution for a violation of s. 316.193 or
3951 former s. 316.1931, the following provisions apply:

3952 (a) Upon conviction of the driver, the court, along with
3953 imposing sentence, shall revoke the driver ~~driver's~~ license or
3954 driving privilege of the person so convicted, effective on the
3955 date of conviction, and shall prescribe the period of such
3956 revocation in accordance with the following provisions:

3957 1. Upon a first conviction for a violation of the



940416

3958 provisions of s. 316.193, except a violation resulting in death,
3959 the driver ~~driver's~~ license or driving privilege shall be
3960 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
3961 1 year.

3962 2. Upon a second conviction for an offense that occurs
3963 within a period of 5 years after the date of a prior conviction
3964 for a violation of the provisions of s. 316.193 or former s.
3965 316.1931 or a combination of such sections, the driver ~~driver's~~
3966 license or driving privilege shall be revoked for at least ~~not~~
3967 ~~less than~~ 5 years.

3968 3. Upon a third conviction for an offense that occurs
3969 within a period of 10 years after the date of a prior conviction
3970 for the violation of the provisions of s. 316.193 or former s.
3971 316.1931 or a combination of such sections, the driver ~~driver's~~
3972 license or driving privilege shall be revoked for at least ~~not~~
3973 ~~less than~~ 10 years.

3974
3975 For the purposes of this paragraph, a previous conviction
3976 outside this state for driving under the influence, driving
3977 while intoxicated, driving with an unlawful blood-alcohol level,
3978 or any other alcohol-related or drug-related traffic offense
3979 similar to the offense of driving under the influence as
3980 proscribed by s. 316.193 will be considered a previous
3981 conviction for violation of s. 316.193, and a conviction for
3982 violation of former s. 316.028, former s. 316.1931, or former s.
3983 860.01 is considered a conviction for violation of s. 316.193.

3984 (b) If the period of revocation was not specified by the
3985 court at the time of imposing sentence or within 30 days
3986 thereafter, and is not otherwise specified by law, the



940416

3987 department shall forthwith revoke the driver ~~driver's~~ license or
3988 driving privilege for the maximum period applicable under
3989 paragraph (a) for a first conviction and for the minimum period
3990 applicable under paragraph (a) for any subsequent convictions.
3991 The driver may, within 30 days after such revocation by the
3992 department, petition the court for further hearing on the period
3993 of revocation, and the court may reopen the case and determine
3994 the period of revocation within the limits specified in
3995 paragraph (a).

3996 (c) The forfeiture of bail bond, not vacated within 20
3997 days, in any prosecution for the offense of driving while under
3998 the influence of alcoholic beverages, chemical substances, or
3999 controlled substances to the extent of depriving the defendant
4000 of his or her normal faculties shall be deemed equivalent to a
4001 conviction for the purposes of this paragraph, and the
4002 department shall forthwith revoke the defendant's driver
4003 ~~driver's~~ license or driving privilege for the maximum period
4004 applicable under paragraph (a) for a first conviction and for
4005 the minimum period applicable under paragraph (a) for a second
4006 or subsequent conviction; however, if the defendant is later
4007 convicted of the charge, the period of revocation imposed by the
4008 department for such conviction shall not exceed the difference
4009 between the applicable maximum for a first conviction or minimum
4010 for a second or subsequent conviction and the revocation period
4011 under this subsection that has actually elapsed; upon conviction
4012 of such charge, the court may impose revocation for a period of
4013 time as specified in paragraph (a). This paragraph does not
4014 apply if an appropriate motion contesting the forfeiture is
4015 filed within the 20-day period.



940416

4016 ~~(d) When any driver's license or driving privilege has been~~
4017 ~~revoked pursuant to the provisions of this section, the~~
4018 ~~department shall not grant a new license, except upon~~
4019 ~~reexamination of the licensee after the expiration of the period~~
4020 ~~of revocation so prescribed. However, the court may, in its~~
4021 ~~sound discretion, issue an order of reinstatement on a form~~
4022 ~~furnished by the department which the person may take to any~~
4023 ~~driver's license examining office for reinstatement by the~~
4024 ~~department pursuant to s. 322.282.~~

4025 (d)(e) The court shall permanently revoke the driver
4026 ~~driver's~~ license or driving privilege of a person who has been
4027 convicted four times for violation of s. 316.193 or former s.
4028 316.1931 or a combination of such sections. The court shall
4029 permanently revoke the driver ~~driver's~~ license or driving
4030 privilege of any person who has been convicted of DUI
4031 manslaughter in violation of s. 316.193. If the court has not
4032 permanently revoked such driver ~~driver's~~ license or driving
4033 privilege within 30 days after imposing sentence, the department
4034 shall permanently revoke the driver ~~driver's~~ license or driving
4035 privilege pursuant to this paragraph. No driver ~~driver's~~ license
4036 or driving privilege may be issued or granted to any such
4037 person. This paragraph applies only if at least one of the
4038 convictions for violation of s. 316.193 or former s. 316.1931
4039 was for a violation that occurred after July 1, 1982. For the
4040 purposes of this paragraph, a conviction for violation of former
4041 s. 316.028, former s. 316.1931, or former s. 860.01 is also
4042 considered a conviction for violation of s. 316.193. Also, a
4043 conviction of driving under the influence, driving while
4044 intoxicated, driving with an unlawful blood-alcohol level, or



940416

4045 any other similar alcohol-related or drug-related traffic
4046 offense outside this state is considered a conviction for the
4047 purposes of this paragraph.

4048 (e) Convictions that occur on the same date resulting from
4049 separate offense dates shall be treated as separate convictions,
4050 and the offense that occurred earlier will be deemed a prior
4051 conviction for the purposes of this section.

4052 (3) The court shall permanently revoke the driver ~~driver's~~
4053 license or driving privilege of a person who has been convicted
4054 of murder resulting from the operation of a motor vehicle. No
4055 driver ~~driver's~~ license or driving privilege may be issued or
4056 granted to any such person.

4057 (4) (a) Upon a conviction for a violation of s.
4058 316.193(3)(c)2., involving serious bodily injury, a conviction
4059 of manslaughter resulting from the operation of a motor vehicle,
4060 or a conviction of vehicular homicide, the court shall revoke
4061 the driver ~~driver's~~ license of the person convicted for a
4062 minimum period of 3 years. If a conviction under s.
4063 316.193(3)(c)2., involving serious bodily injury, is also a
4064 subsequent conviction as described under paragraph (2)(a), the
4065 court shall revoke the driver ~~driver's~~ license or driving
4066 privilege of the person convicted for the period applicable as
4067 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

4068 (b) If the period of revocation was not specified by the
4069 court at the time of imposing sentence or within 30 days
4070 thereafter, the department shall revoke the driver ~~driver's~~
4071 license for the minimum period applicable under paragraph (a)
4072 or, for a subsequent conviction, for the minimum period
4073 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.



940416

4074 (5) A court may not stay the administrative suspension of a
4075 driving privilege under s. 322.2615 or s. 322.2616 during
4076 judicial review of the departmental order that resulted in such
4077 suspension, and a suspension or revocation of a driving
4078 privilege may not be stayed upon an appeal of the conviction or
4079 order that resulted in the suspension or revocation.

4080 (6) In a prosecution for a violation of s. 316.172(1), and
4081 upon a showing of the department's records that the licensee has
4082 received a second conviction within 5 years following the date
4083 of a prior conviction of s. 316.172(1), the department shall,
4084 upon direction of the court, suspend the driver ~~driver's~~ license
4085 of the person convicted for a period of at least ~~not less than~~
4086 90 days but not ~~or~~ more than 6 months.

4087 (7) Following a second or subsequent violation of s.
4088 796.07(2)(f) which involves a motor vehicle and which results in
4089 any judicial disposition other than acquittal or dismissal, in
4090 addition to any other sentence imposed, the court shall revoke
4091 the person's driver ~~driver's~~ license or driving privilege,
4092 effective upon the date of the disposition, for a period of at
4093 least ~~not less than~~ 1 year. A person sentenced under this
4094 subsection may request a hearing under s. 322.271.

4095 Section 62. Section 322.331, Florida Statutes, is repealed.

4096 Section 63. Section 322.61, Florida Statutes, is amended to
4097 read:

4098 322.61 Disqualification from operating a commercial motor
4099 vehicle.—

4100 (1) A person who, for offenses occurring within a 3-year
4101 period, is convicted of two of the following serious traffic
4102 violations or any combination thereof, arising in separate



940416

4103 incidents committed in a commercial motor vehicle shall, in
4104 addition to any other applicable penalties, be disqualified from
4105 operating a commercial motor vehicle for a period of 60 days. A
4106 holder of a commercial driver ~~driver's~~ license or commercial
4107 learner's permit who, for offenses occurring within a 3-year
4108 period, is convicted of two of the following serious traffic
4109 violations, or any combination thereof, arising in separate
4110 incidents committed in a noncommercial motor vehicle shall, in
4111 addition to any other applicable penalties, be disqualified from
4112 operating a commercial motor vehicle for a period of 60 days if
4113 such convictions result in the suspension, revocation, or
4114 cancellation of the licenseholder's driving privilege:

4115 (a) A violation of any state or local law relating to motor
4116 vehicle traffic control, other than a parking violation, ~~a~~
4117 ~~weight violation, or a vehicle equipment violation,~~ arising in
4118 connection with a crash resulting in death ~~or personal injury to~~
4119 ~~any person;~~

4120 (b) Reckless driving, as defined in s. 316.192;

4121 ~~(c) Careless driving, as defined in s. 316.1925;~~

4122 ~~(d) Fleeing or attempting to elude a law enforcement~~
4123 ~~officer, as defined in s. 316.1935;~~

4124 ~~(c)~~ ~~(e)~~ Unlawful speed of 15 miles per hour or more above
4125 the posted speed limit;

4126 ~~(f) Driving a commercial motor vehicle, owned by such~~
4127 ~~person, which is not properly insured;~~

4128 ~~(d)~~ ~~(g)~~ Improper lane change, as defined in s. 316.085;

4129 ~~(e)~~ ~~(h)~~ Following too closely, as defined in s. 316.0895;

4130 ~~(f)~~ ~~(i)~~ Driving a commercial vehicle without obtaining a
4131 commercial driver ~~driver's~~ license;



940416

4132 ~~(g)-(j)~~ Driving a commercial vehicle without the proper
4133 class of commercial driver ~~driver's~~ license or commercial
4134 learner's permit or without the proper endorsement; or

4135 ~~(h)-(k)~~ Driving a commercial vehicle without a commercial
4136 driver ~~driver's~~ license or commercial learner's permit in
4137 possession, as required by s. 322.03. ~~Any individual who~~
4138 ~~provides proof to the clerk of the court or designated official~~
4139 ~~in the jurisdiction where the citation was issued, by the date~~
4140 ~~the individual must appear in court or pay any fine for such a~~
4141 ~~violation, that the individual held a valid commercial driver's~~
4142 ~~license on the date the citation was issued is not guilty of~~
4143 ~~this offense.~~

4144 (2) (a) Any person who, for offenses occurring within a 3-
4145 year period, is convicted of three serious traffic violations
4146 specified in subsection (1) or any combination thereof, arising
4147 in separate incidents committed in a commercial motor vehicle
4148 shall, in addition to any other applicable penalties, including
4149 but not limited to the penalty provided in subsection (1), be
4150 disqualified from operating a commercial motor vehicle for a
4151 period of 120 days.

4152 (b) A holder of a commercial driver ~~driver's~~ license or
4153 commercial learner's permit who, for offenses occurring within a
4154 3-year period, is convicted of three serious traffic violations
4155 specified in subsection (1) or any combination thereof arising
4156 in separate incidents committed in a noncommercial motor vehicle
4157 shall, in addition to any other applicable penalties, including,
4158 but not limited to, the penalty provided in subsection (1), be
4159 disqualified from operating a commercial motor vehicle for a
4160 period of 120 days if such convictions result in the suspension,



940416

4161 revocation, or cancellation of the licenseholder's driving
4162 privilege.

4163 (3) (a) Except as provided in subsection (4), any person who
4164 is convicted of one of the offenses listed in paragraph (b)
4165 while operating a commercial motor vehicle shall, in addition to
4166 any other applicable penalties, be disqualified from operating a
4167 commercial motor vehicle for a period of 1 year.

4168 (b) Except as provided in subsection (4), any holder of a
4169 commercial driver license or commercial learner's permit who is
4170 convicted of one of the offenses listed in this paragraph while
4171 operating a noncommercial motor vehicle shall, in addition to
4172 any other applicable penalties, be disqualified from operating a
4173 commercial motor vehicle for a period of 1 year:

4174 1. Driving a motor vehicle while he or she is under the
4175 influence of alcohol or a controlled substance;

4176 2. Driving a commercial motor vehicle while the alcohol
4177 concentration of his or her blood, breath, or urine is .04
4178 percent or higher;

4179 3. Leaving the scene of a crash involving a motor vehicle
4180 driven by such person;

4181 4. Using a motor vehicle in the commission of a felony;

4182 ~~5. Driving a commercial motor vehicle while in possession~~
4183 ~~of a controlled substance;~~

4184 ~~5.6.~~ Refusing to submit to a test to determine his or her
4185 alcohol concentration while driving a motor vehicle;

4186 6. Driving a commercial motor vehicle when, as a result of
4187 prior violations committed operating a commercial motor vehicle,
4188 his or her commercial driver license or commercial learner's
4189 permit is revoked, suspended, or canceled, or he or she is



940416

4190 disqualified from operating a commercial motor vehicle; or
4191 ~~7. Driving a commercial vehicle while the licenseholder's~~
4192 ~~commercial driver license is suspended, revoked, or canceled or~~
4193 ~~while the licenseholder is disqualified from driving a~~
4194 ~~commercial vehicle; or~~

4195 7.8. Causing a fatality through the negligent operation of
4196 a commercial motor vehicle.

4197 (4) Any person who is transporting hazardous materials as
4198 defined in s. 322.01(24) shall, upon conviction of an offense
4199 specified in subsection (3), be disqualified from operating a
4200 commercial motor vehicle for a period of 3 years. The penalty
4201 provided in this subsection shall be in addition to any other
4202 applicable penalty.

4203 (5) A person who is convicted of two violations specified
4204 in subsection (3) which were committed while operating a
4205 commercial motor vehicle, or any combination thereof, arising in
4206 separate incidents shall be permanently disqualified from
4207 operating a commercial motor vehicle. A holder of a commercial
4208 driver license or commercial learner's permit who is convicted
4209 of two violations specified in subsection (3) which were
4210 committed while operating any motor vehicle arising in separate
4211 incidents shall be permanently disqualified from operating a
4212 commercial motor vehicle. The penalty provided in this
4213 subsection is in addition to any other applicable penalty.

4214 (6) Notwithstanding subsections (3), (4), and (5), any
4215 person who uses a commercial motor vehicle in the commission of
4216 any felony involving the manufacture, distribution, or
4217 dispensing of a controlled substance, including possession with
4218 intent to manufacture, distribute, or dispense a controlled



940416

4219 substance, shall, upon conviction of such felony, be permanently
4220 disqualified from operating a commercial motor vehicle.
4221 Notwithstanding subsections (3), (4), and (5), any holder of a
4222 commercial driver ~~driver's~~ license or commercial learner's
4223 permit who uses a noncommercial motor vehicle in the commission
4224 of any felony involving the manufacture, distribution, or
4225 dispensing of a controlled substance, including possession with
4226 intent to manufacture, distribute, or dispense a controlled
4227 substance, shall, upon conviction of such felony, be permanently
4228 disqualified from operating a commercial motor vehicle. The
4229 penalty provided in this subsection is in addition to any other
4230 applicable penalty.

4231 (7) A person whose privilege to operate a commercial motor
4232 vehicle is disqualified under this section may, if otherwise
4233 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
4234 to s. 322.251.

4235 (8) A driver who is convicted of or otherwise found to have
4236 committed a violation of an out-of-service order while driving a
4237 commercial motor vehicle is disqualified as follows:

4238 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1
4239 year if the driver is convicted of or otherwise found to have
4240 committed a first violation of an out-of-service order.

4241 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
4242 years if, for offenses occurring during any 10-year period, the
4243 driver is convicted of or otherwise found to have committed two
4244 violations of out-of-service orders in separate incidents.

4245 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
4246 years if, for offenses occurring during any 10-year period, the
4247 driver is convicted of or otherwise found to have committed



940416

4248 three or more violations of out-of-service orders in separate
4249 incidents.

4250 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 2
4251 years if the driver is convicted of or otherwise found to have
4252 committed a first violation of an out-of-service order while
4253 transporting hazardous materials required to be placarded under
4254 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
4255 et seq., or while operating motor vehicles designed to transport
4256 more than 15 passengers, including the driver. A driver is
4257 disqualified for a period of at least ~~not less than~~ 3 years but
4258 not ~~nor~~ more than 5 years if, for offenses occurring during any
4259 10-year period, the driver is convicted of or otherwise found to
4260 have committed any subsequent violations of out-of-service
4261 orders, in separate incidents, while transporting hazardous
4262 materials required to be placarded under the Hazardous Materials
4263 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
4264 operating motor vehicles designed to transport more than 15
4265 passengers, including the driver.

4266 (9) A driver who is convicted of or otherwise found to have
4267 committed an offense of operating a commercial motor vehicle in
4268 violation of federal, state, or local law or regulation
4269 pertaining to one of the following six offenses at a railroad-
4270 highway grade crossing must be disqualified for the period of
4271 time specified in subsection (10):

4272 (a) For drivers who are not always required to stop,
4273 failing to slow down and check that the tracks are clear of
4274 approaching trains.

4275 (b) For drivers who are not always required to stop,
4276 failing to stop before reaching the crossing if the tracks are



940416

4277 not clear.

4278 (c) For drivers who are always required to stop, failing to
4279 stop before driving onto the crossing.

4280 (d) For all drivers, failing to have sufficient space to
4281 drive completely through the crossing without stopping.

4282 (e) For all drivers, failing to obey a traffic control
4283 device or all directions of an enforcement official at the
4284 crossing.

4285 (f) For all drivers, failing to negotiate a crossing
4286 because of insufficient undercarriage clearance.

4287 (10) (a) A driver must be disqualified for at least ~~not less~~
4288 ~~than~~ 60 days if the driver is convicted of or otherwise found to
4289 have committed a first violation of a railroad-highway grade
4290 crossing violation.

4291 (b) A driver must be disqualified for at least ~~not less~~
4292 ~~than~~ 120 days if, for offenses occurring during any 3-year
4293 period, the driver is convicted of or otherwise found to have
4294 committed a second railroad-highway grade crossing violation in
4295 separate incidents.

4296 (c) A driver must be disqualified for at least ~~not less~~
4297 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
4298 the driver is convicted of or otherwise found to have committed
4299 a third or subsequent railroad-highway grade crossing violation
4300 in separate incidents.

4301 Section 64. Section 322.64, Florida Statutes, is amended to
4302 read:

4303 322.64 Holder of commercial driver ~~driver's~~ license;
4304 persons operating a commercial motor vehicle; driving with
4305 unlawful blood-alcohol level; refusal to submit to breath,



940416

4306 urine, or blood test.-

4307 (1) (a) A law enforcement officer or correctional officer
4308 shall, on behalf of the department, disqualify from operating
4309 any commercial motor vehicle a person who while operating or in
4310 actual physical control of a commercial motor vehicle is
4311 arrested for a violation of s. 316.193, relating to unlawful
4312 blood-alcohol level or breath-alcohol level, or a person who has
4313 refused to submit to a breath, urine, or blood test authorized
4314 by s. 322.63 or s. 316.1932 arising out of the operation or
4315 actual physical control of a commercial motor vehicle. A law
4316 enforcement officer or correctional officer shall, on behalf of
4317 the department, disqualify the holder of a commercial driver
4318 ~~driver's~~ license from operating any commercial motor vehicle if
4319 the licenseholder, while operating or in actual physical control
4320 of a motor vehicle, is arrested for a violation of s. 316.193,
4321 relating to unlawful blood-alcohol level or breath-alcohol
4322 level, or refused to submit to a breath, urine, or blood test
4323 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
4324 the person, the officer shall take the person's driver ~~driver's~~
4325 license and issue the person a 10-day temporary permit for the
4326 operation of noncommercial vehicles only if the person is
4327 otherwise eligible for the driving privilege and shall issue the
4328 person a notice of disqualification. If the person has been
4329 given a blood, breath, or urine test, the results of which are
4330 not available to the officer at the time of the arrest, the
4331 agency employing the officer shall transmit such results to the
4332 department within 5 days after receipt of the results. If the
4333 department then determines that the person had a blood-alcohol
4334 level or breath-alcohol level of 0.08 or higher, the department



940416

4335 shall disqualify the person from operating a commercial motor
4336 vehicle pursuant to subsection (3).

4337 (b) For purposes of determining the period of
4338 disqualification described in 49 C.F.R. s. 383.51, a
4339 disqualification under paragraph (a) shall be considered a
4340 conviction.

4341 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
4342 pursuant to, and the notice of disqualification shall inform the
4343 driver of, the following:

4344 1.a. The driver refused to submit to a lawful breath,
4345 blood, or urine test and he or she is disqualified from
4346 operating a commercial motor vehicle for the time period
4347 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
4348 ~~first refusal, or permanently, if he or she has previously been~~
4349 ~~disqualified under this section; or~~

4350 b. The driver had an unlawful blood-alcohol level of 0.08
4351 or higher while was driving or in actual physical control of a
4352 commercial motor vehicle, or any motor vehicle if the driver
4353 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
4354 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
4355 and his or her driving privilege is ~~shall be~~ disqualified for
4356 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
4357 ~~year for a first offense or permanently disqualified if his or~~
4358 ~~her driving privilege has been previously disqualified under~~
4359 ~~this section.~~

4360 2. The disqualification period for operating commercial
4361 vehicles shall commence on the date of issuance of the notice of
4362 disqualification.

4363 3. The driver may request a formal or informal review of



940416

4364 the disqualification by the department within 10 days after the
4365 date of issuance of the notice of disqualification.

4366 4. The temporary permit issued at the time of
4367 disqualification expires at midnight of the 10th day following
4368 the date of disqualification.

4369 5. The driver may submit to the department any materials
4370 relevant to the disqualification.

4371 (2) (a) Except as provided in paragraph (1) (a), the law
4372 enforcement officer shall forward to the department, within 5
4373 days after the date of the issuance of the notice of
4374 disqualification, a copy of the notice of disqualification, the
4375 driver ~~driver's~~ license of the person disqualified, and an
4376 affidavit stating the officer's grounds for belief that the
4377 person disqualified was operating or in actual physical control
4378 of a commercial motor vehicle, or holds a commercial driver
4379 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
4380 alcohol level; the results of any breath or blood or urine test
4381 or an affidavit stating that a breath, blood, or urine test was
4382 requested by a law enforcement officer or correctional officer
4383 and that the person arrested refused to submit; a copy of the
4384 notice of disqualification issued to the person; and the
4385 officer's description of the person's field sobriety test, if
4386 any. The failure of the officer to submit materials within the
4387 5-day period specified in this subsection or subsection (1) does
4388 not affect the department's ability to consider any evidence
4389 submitted at or prior to the hearing.

4390 (b) The officer may also submit a copy of a video recording
4391 ~~videotape~~ of the field sobriety test or the attempt to
4392 administer such test and a copy of the crash report, ~~if any.~~



940416

4393 Notwithstanding s. 316.066, the crash report shall be considered
4394 by the hearing officer.

4395 (3) If the department determines that the person arrested
4396 should be disqualified from operating a commercial motor vehicle
4397 pursuant to this section and if the notice of disqualification
4398 has not already been served upon the person by a law enforcement
4399 officer or correctional officer as provided in subsection (1),
4400 the department shall issue a notice of disqualification and,
4401 unless the notice is mailed pursuant to s. 322.251, a temporary
4402 permit which expires 10 days after the date of issuance if the
4403 driver is otherwise eligible.

4404 (4) If the person disqualified requests an informal review
4405 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
4406 conduct the informal review by a hearing officer designated
4407 ~~employed~~ by the department. Such informal review hearing shall
4408 consist solely of an examination by the department of the
4409 materials submitted by a law enforcement officer or correctional
4410 officer and by the person disqualified, and the presence of an
4411 officer or witness is not required.

4412 (5) After completion of the informal review, notice of the
4413 department's decision sustaining, amending, or invalidating the
4414 disqualification must be provided to the person. Such notice
4415 must be mailed to the person at the last known address shown on
4416 the department's records, and to the address provided in the law
4417 enforcement officer's report if such address differs from the
4418 address of record, within 21 days after the expiration of the
4419 temporary permit issued pursuant to subsection (1) or subsection
4420 (3).

4421 (6) (a) If the person disqualified requests a formal review,



940416

4422 the department must schedule a hearing to be held within 30 days
4423 after such request is received by the department and must notify
4424 the person of the date, time, and place of the hearing.

4425 (b) Such formal review hearing shall be held before a
4426 hearing officer designated ~~employed~~ by the department, and the
4427 hearing officer shall be authorized to administer oaths, examine
4428 witnesses and take testimony, receive relevant evidence, issue
4429 subpoenas for the officers and witnesses identified in documents
4430 provided under paragraph (2) (a) as provided in subsection (2),
4431 regulate the course and conduct of the hearing, and make a
4432 ruling on the disqualification. The hearing officer may conduct
4433 hearings using communications technology. The department and the
4434 person disqualified may subpoena witnesses, and the party
4435 requesting the presence of a witness shall be responsible for
4436 the payment of any witness fees. If the person who requests a
4437 formal review hearing fails to appear and the hearing officer
4438 finds such failure to be without just cause, the right to a
4439 formal hearing is waived.

4440 (c) The failure of a subpoenaed witness to appear at the
4441 formal review hearing shall not be grounds to invalidate the
4442 disqualification. If a witness fails to appear, a party may seek
4443 enforcement of a subpoena under paragraph (b) by filing a
4444 petition for enforcement in the circuit court of the judicial
4445 circuit in which the person failing to comply with the subpoena
4446 resides or by filing a motion for enforcement in any criminal
4447 court case resulting from the driving or actual physical control
4448 of a motor vehicle or commercial motor vehicle that gave rise to
4449 the disqualification under this section. A failure to comply
4450 with an order of the court shall result in a finding of contempt



940416

4451 of court. However, a person shall not be in contempt while a
4452 subpoena is being challenged.

4453 (d) The department must, within 7 working days after a
4454 formal review hearing, send notice to the person of the hearing
4455 officer's decision as to whether sufficient cause exists to
4456 sustain, amend, or invalidate the disqualification.

4457 (7) In a formal review hearing under subsection (6) or an
4458 informal review hearing under subsection (4), the hearing
4459 officer shall determine by a preponderance of the evidence
4460 whether sufficient cause exists to sustain, amend, or invalidate
4461 the disqualification. The scope of the review shall be limited
4462 to the following issues:

4463 (a) If the person was disqualified from operating a
4464 commercial motor vehicle for driving with an unlawful blood-
4465 alcohol level:

4466 1. Whether the ~~arresting~~ law enforcement officer had
4467 probable cause to believe that the person was driving or in
4468 actual physical control of a commercial motor vehicle, or any
4469 motor vehicle if the driver holds a commercial driver ~~driver's~~
4470 license, in this state while he or she had any alcohol, chemical
4471 substances, or controlled substances in his or her body.

4472 2. Whether the person had an unlawful blood-alcohol level
4473 or breath-alcohol level of 0.08 or higher.

4474 (b) If the person was disqualified from operating a
4475 commercial motor vehicle for refusal to submit to a breath,
4476 blood, or urine test:

4477 1. Whether the law enforcement officer had probable cause
4478 to believe that the person was driving or in actual physical
4479 control of a commercial motor vehicle, or any motor vehicle if



940416

4480 the driver holds a commercial driver ~~driver's~~ license, in this
4481 state while he or she had any alcohol, chemical substances, or
4482 controlled substances in his or her body.

4483 2. Whether the person refused to submit to the test after
4484 being requested to do so by a law enforcement officer or
4485 correctional officer.

4486 3. Whether the person was told that if he or she refused to
4487 submit to such test he or she would be disqualified from
4488 operating a commercial motor vehicle for a period of 1 year or,
4489 if previously disqualified under this section, permanently.

4490 (8) Based on the determination of the hearing officer
4491 pursuant to subsection (7) for both informal hearings under
4492 subsection (4) and formal hearings under subsection (6), the
4493 department shall:

4494 ~~(a) sustain the disqualification for the time period~~
4495 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
4496 ~~refusal, or permanently if such person has been previously~~
4497 ~~disqualified from operating a commercial motor vehicle under~~
4498 ~~this section.~~ The disqualification period commences on the date
4499 of the issuance of the notice of disqualification.

4500 ~~(b) Sustain the disqualification:~~

4501 ~~1. For a period of 1 year if the person was driving or in~~
4502 ~~actual physical control of a commercial motor vehicle, or any~~
4503 ~~motor vehicle if the driver holds a commercial driver's license,~~
4504 ~~and had an unlawful blood alcohol level or breath alcohol level~~
4505 ~~of 0.08 or higher; or~~

4506 ~~2. Permanently if the person has been previously~~
4507 ~~disqualified from operating a commercial motor vehicle under~~
4508 ~~this section or his or her driving privilege has been previously~~



940416

4509 ~~suspended for driving or being in actual physical control of a~~
4510 ~~commercial motor vehicle, or any motor vehicle if the driver~~
4511 ~~holds a commercial driver's license, and had an unlawful blood-~~
4512 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

4513

4514 ~~The disqualification period commences on the date of the~~
4515 ~~issuance of the notice of disqualification.~~

4516 (9) A request for a formal review hearing or an informal
4517 review hearing shall not stay the disqualification. If the
4518 department fails to schedule the formal review hearing ~~to be~~
4519 ~~held~~ within 30 days after receipt of the request therefor, the
4520 department shall invalidate the disqualification. If the
4521 scheduled hearing is continued at the department's initiative or
4522 the driver enforces the subpoena as provided in subsection (6),
4523 the department shall issue a temporary driving permit limited to
4524 noncommercial vehicles which is valid until the hearing is
4525 conducted if the person is otherwise eligible for the driving
4526 privilege. Such permit shall not be issued to a person who
4527 sought and obtained a continuance of the hearing. The permit
4528 issued under this subsection shall authorize driving for
4529 business purposes only.

4530 (10) A person who is disqualified from operating a
4531 commercial motor vehicle under subsection (1) or subsection (3)
4532 is eligible for issuance of a license for business or employment
4533 purposes only under s. 322.271 if the person is otherwise
4534 eligible for the driving privilege. However, such business or
4535 employment purposes license shall not authorize the driver to
4536 operate a commercial motor vehicle.

4537 (11) The formal review hearing may be conducted upon a



940416

4538 review of the reports of a law enforcement officer or a
4539 correctional officer, including documents relating to the
4540 administration of a breath test or blood test or the refusal to
4541 take either test. However, as provided in subsection (6), the
4542 driver may subpoena the officer or any person who administered
4543 or analyzed a breath or blood test. If the arresting officer or
4544 the breath technician fails to appear pursuant to a subpoena as
4545 provided in subsection (6), the department shall invalidate the
4546 disqualification.

4547 (12) The formal review hearing and the informal review
4548 hearing are exempt from the provisions of chapter 120. The
4549 department may ~~is authorized to~~ adopt rules for the conduct of
4550 reviews under this section.

4551 (13) A person may appeal any decision of the department
4552 sustaining the disqualification from operating a commercial
4553 motor vehicle by a petition for writ of certiorari to the
4554 circuit court in the county wherein such person resides or
4555 wherein a formal or informal review was conducted pursuant to s.
4556 322.31. However, an appeal shall not stay the disqualification.
4557 This subsection shall not be construed to provide for a de novo
4558 review ~~appeal~~.

4559 (14) The decision of the department under this section
4560 shall not be considered in any trial for a violation of s.
4561 316.193, s. 322.61, or s. 322.62, nor shall any written
4562 statement submitted by a person in his or her request for
4563 departmental review under this section be admissible into
4564 evidence against him or her in any such trial. The disposition
4565 of any related criminal proceedings shall not affect a
4566 disqualification imposed pursuant to this section.



940416

4567 (15) This section does not preclude the suspension of the
4568 driving privilege pursuant to s. 322.2615. The driving privilege
4569 of a person who has been disqualified from operating a
4570 commercial motor vehicle also may be suspended for a violation
4571 of s. 316.193.

4572 Section 65. Subsection (2) of section 323.002, Florida
4573 Statutes, is amended to read:

4574 323.002 County and municipal wrecker operator systems;
4575 penalties for operation outside of system.—

4576 (2) In any county or municipality that operates a wrecker
4577 operator system:

4578 (a) It is unlawful for an unauthorized wrecker operator or
4579 its employees or agents to monitor police radio for
4580 communications between patrol field units and the dispatcher in
4581 order to determine the location of a wrecked or disabled vehicle
4582 for the purpose of driving by the scene of such vehicle in a
4583 manner described in paragraph (b) or paragraph (c). Any person
4584 who violates this paragraph commits ~~is guilty of~~ a noncriminal
4585 violation, punishable as provided in s. 775.083.

4586 (b) It is unlawful for an unauthorized wrecker operator to
4587 drive by the scene of a wrecked or disabled vehicle before the
4588 arrival of an authorized wrecker operator, initiate contact with
4589 the owner or operator of such vehicle by soliciting or offering
4590 towing services, and tow such vehicle. Any person who violates
4591 this paragraph commits ~~is guilty of~~ a misdemeanor of the second
4592 degree, punishable as provided in s. 775.082 or s. 775.083.

4593 (c) When an unauthorized wrecker operator drives by the
4594 scene of a wrecked or disabled vehicle and the owner or operator
4595 initiates contact by signaling the wrecker operator to stop and



940416

4596 provide towing services, the unauthorized wrecker operator must
4597 disclose in writing to the owner or operator of the vehicle his
4598 or her full name and driver license number, that he or she is
4599 not the authorized wrecker operator who has been designated as
4600 part of the wrecker operator system, that the motor vehicle is
4601 not being towed for the owner's or operator's insurance company
4602 or lienholder, whether he or she has in effect an insurance
4603 policy providing at least \$300,000 of liability insurance and at
4604 least \$50,000 of on-hook cargo insurance, and the maximum ~~must~~
4605 ~~disclose, in writing, a fee schedule that includes what charges~~
4606 for towing and storage which will apply before the vehicle is
4607 connected to ~~or disconnected from~~ the towing apparatus, ~~the fee~~
4608 ~~charged per mile to and from the storage facility, the fee~~
4609 ~~charged per 24 hours of storage, and, prominently displayed, the~~
4610 ~~consumer hotline for the Department of Agriculture and Consumer~~
4611 ~~Services.~~ Any person who violates this paragraph commits is
4612 ~~guilty of~~ a misdemeanor of the second degree, punishable as
4613 provided in s. 775.082 or s. 775.083.

4614 Section 66. Paragraph (a) of subsection (1) of section
4615 324.0221, Florida Statutes, is amended to read:

4616 324.0221 Reports by insurers to the department; suspension
4617 of driver ~~driver's~~ license and vehicle registrations;
4618 reinstatement.—

4619 (1) (a) Each insurer that has issued a policy providing
4620 personal injury protection coverage or property damage liability
4621 coverage shall report the ~~renewal,~~ cancellation, or nonrenewal
4622 thereof to the department within 10 ~~45~~ days after the processing
4623 date or effective date of each ~~renewal,~~ cancellation, or
4624 nonrenewal. Upon the issuance of a policy providing personal



940416

4625 injury protection coverage or property damage liability coverage
4626 to a named insured not previously insured by the insurer during
4627 that calendar year, the insurer shall report the issuance of the
4628 new policy to the department within 10 ~~30~~ days. The report shall
4629 be in the form and format and contain any information required
4630 by the department and must be provided in a format that is
4631 compatible with the data processing capabilities of the
4632 department. The department may adopt rules regarding the form
4633 and documentation required. Failure by an insurer to file proper
4634 reports with the department as required by this subsection or
4635 rules adopted with respect to the requirements of this
4636 subsection constitutes a violation of the Florida Insurance
4637 Code. These records shall be used by the department only for
4638 enforcement and regulatory purposes, including the generation by
4639 the department of data regarding compliance by owners of motor
4640 vehicles with the requirements for financial responsibility
4641 coverage.

4642 Section 67. Section 324.031, Florida Statutes, is amended
4643 to read:

4644 324.031 Manner of proving financial responsibility.—The
4645 owner or operator of a taxicab, limousine, jitney, or any other
4646 for-hire passenger transportation vehicle may prove financial
4647 responsibility by providing satisfactory evidence of holding a
4648 motor vehicle liability policy as defined in s. 324.021(8) or s.
4649 324.151, which policy is issued by an insurance carrier which is
4650 a member of the Florida Insurance Guaranty Association. The
4651 operator or owner of any other vehicle may prove his or her
4652 financial responsibility by:

4653 (1) Furnishing satisfactory evidence of holding a motor



940416

4654 vehicle liability policy as defined in ss. 324.021(8) and
4655 324.151;

4656 ~~(2) Posting with the department a satisfactory bond of a~~
4657 ~~surety company authorized to do business in this state,~~
4658 ~~conditioned for payment of the amount specified in s.~~
4659 ~~324.021(7);~~

4660 ~~(2)~~⁽³⁾ Furnishing a certificate of self-insurance ~~the~~
4661 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
4662 with s. 324.161; or

4663 ~~(3)~~⁽⁴⁾ Furnishing a certificate of self-insurance issued by
4664 the department in accordance with s. 324.171.

4665
4666 Any person, including any firm, partnership, association,
4667 corporation, or other person, other than a natural person,
4668 electing to use the method of proof specified in subsection (2)
4669 ~~or subsection (3)~~ shall furnish a certificate of post a bond or
4670 deposit equal to the number of vehicles owned times \$30,000, to
4671 a maximum of \$120,000; in addition, any such person, other than
4672 a natural person, shall maintain insurance providing coverage in
4673 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
4674 single limits, and such excess insurance shall provide minimum
4675 limits of \$125,000/250,000/50,000 or \$300,000 combined single
4676 limits. These increased limits shall not affect the requirements
4677 for proving financial responsibility under s. 324.032(1).

4678 Section 68. Subsection (1) of section 324.091, Florida
4679 Statutes, is amended to read:

4680 324.091 Notice to department; notice to insurer.—

4681 (1) Each owner and operator involved in a crash or
4682 conviction case within the purview of this chapter shall furnish



940416

4683 evidence of automobile liability insurance or, motor vehicle
4684 liability insurance, ~~or a surety bond~~ within 14 days after the
4685 date of the mailing of notice of crash by the department in the
4686 form and manner as it may designate. Upon receipt of evidence
4687 that an automobile liability policy or, motor vehicle liability
4688 policy, ~~or surety bond~~ was in effect at the time of the crash or
4689 conviction case, the department shall forward ~~by United States~~
4690 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy
4691 ~~of~~ such information for verification in a method as determined
4692 by the department. ~~and shall assume that the policy or bond was~~
4693 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
4694 ~~notifies~~ the department ~~otherwise~~ within 20 days after the
4695 ~~mailing of~~ the notice whether or not such information is valid
4696 ~~to the insurer or surety insurer.~~ However, If the department
4697 ~~later~~ determines that an automobile liability policy or, motor
4698 vehicle liability policy, ~~or surety bond~~ was not in effect and
4699 did not provide coverage for both the owner and the operator, it
4700 shall take action as it is ~~otherwise~~ authorized to do under this
4701 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
4702 ~~be made by the department by naming the insurer or surety~~
4703 ~~insurer to whom the mailing was made and by specifying the time,~~
4704 ~~place, and manner of mailing.~~

4705 Section 69. Section 324.161, Florida Statutes, is amended
4706 to read:

4707 324.161 Proof of financial responsibility; ~~surety bond or~~
4708 ~~deposit.~~ Annually, before any certificate of insurance may be
4709 issued to a person, including any firm, partnership,
4710 association, corporation, or other person, other than a natural
4711 person, proof of a certificate of deposit of \$30,000 issued and



940416

4712 held by a financial institution must be submitted to the
4713 department. A power of attorney will be issued to and held by
4714 the department and may be executed upon ~~The certificate of the~~
4715 ~~department of a deposit may be obtained by depositing with it~~
4716 ~~\$30,000 cash or securities such as may be legally purchased by~~
4717 ~~savings banks or for trust funds, of a market value of \$30,000~~
4718 ~~and which deposit shall be held by the department to satisfy, in~~
4719 ~~accordance with the provisions of this chapter, any execution on~~
4720 a judgment issued against such person making the deposit, for
4721 damages because of bodily injury to or death of any person or
4722 for damages because of injury to or destruction of property
4723 resulting from the use or operation of any motor vehicle
4724 occurring after such deposit was made. Money ~~or securities~~ so
4725 deposited shall not be subject to attachment or execution unless
4726 such attachment or execution shall arise out of a suit for
4727 damages as aforesaid.

4728 Section 70. Paragraph (a) of subsection (1) of section
4729 328.01, Florida Statutes, is amended to read:

4730 328.01 Application for certificate of title.—

4731 (1) (a) The owner of a vessel which is required to be titled
4732 shall apply to the county tax collector for a certificate of
4733 title. The application shall include the true name of the owner,
4734 the residence or business address of the owner, and the complete
4735 description of the vessel, including the hull identification
4736 number, except that an application for a certificate of title
4737 for a homemade vessel shall state all the foregoing information
4738 except the hull identification number. The application shall be
4739 signed by the owner and shall be accompanied by personal or
4740 business identification and the prescribed fee. An individual



940416

4741 applicant must provide a valid driver license or identification
4742 card issued by this state or another state or a valid passport.
4743 A business applicant must provide a federal employer
4744 identification number, if applicable, verification that the
4745 business is authorized to conduct business in the state, or a
4746 Florida city or county business license or number, ~~which may~~
4747 ~~include, but need not be limited to, a driver's license number,~~
4748 ~~Florida identification card number, or federal employer~~
4749 ~~identification number, and the prescribed fee.~~

4750 Section 71. Paragraph (a) of subsection (1) of section
4751 328.48, Florida Statutes, is amended to read:

4752 328.48 Vessel registration, application, certificate,
4753 number, decal, duplicate certificate.-

4754 (1) (a) The owner of each vessel required by this law to pay
4755 a registration fee and secure an identification number shall
4756 file an application with the county tax collector. The
4757 application shall provide the owner's name and address;
4758 residency status; personal or business identification, ~~which may~~
4759 ~~include, but need not be limited to, a driver's license number,~~
4760 ~~Florida identification card number, or federal employer~~
4761 ~~identification number;~~ and a complete description of the vessel,
4762 and shall be accompanied by payment of the applicable fee
4763 required in s. 328.72. An individual applicant must provide a
4764 valid driver license or identification card issued by this state
4765 or another state or a valid passport. A business applicant must
4766 provide a federal employer identification number, if applicable,
4767 verification that the business is authorized to conduct business
4768 in the state, or a Florida city or county business license or
4769 number. Registration is not required for any vessel that is not



940416

4770 used on the waters of this state.

4771 Section 72. Subsection (1) of section 328.76, Florida
4772 Statutes, is amended to read:

4773 328.76 Marine Resources Conservation Trust Fund; vessel
4774 registration funds; appropriation and distribution.—

4775 (1) Except as otherwise specified in this subsection and
4776 less the amount equal to \$1.4 million ~~for~~ any administrative
4777 costs which shall be deposited in the Highway Safety Operating
4778 Trust Fund, in each fiscal year beginning on or after July 1,
4779 2001, all funds collected from the registration of vessels
4780 through the Department of Highway Safety and Motor Vehicles and
4781 the tax collectors of the state, except for those funds
4782 designated as the county portion pursuant to s. 328.72(1), shall
4783 be deposited in the Marine Resources Conservation Trust Fund for
4784 recreational channel marking; public launching facilities; law
4785 enforcement and quality control programs; aquatic weed control;
4786 manatee protection, recovery, rescue, rehabilitation, and
4787 release; and marine mammal protection and recovery. The funds
4788 collected pursuant to s. 328.72(1) shall be transferred as
4789 follows:

4790 (a) In each fiscal year, an amount equal to \$1.50 for each
4791 commercial and recreational vessel registered in this state
4792 shall be transferred by the Department of Highway Safety and
4793 Motor Vehicles to the Save the Manatee Trust Fund and shall be
4794 used only for the purposes specified in s. 379.2431(4).

4795 (b) An amount equal to \$2 from each recreational vessel
4796 registration fee, except that for class A-1 vessels, shall be
4797 transferred by the Department of Highway Safety and Motor
4798 Vehicles to the Invasive Plant Control Trust Fund in the Fish



940416

4799 and Wildlife Conservation Commission for aquatic weed research
4800 and control.

4801 (c) An amount equal to 40 percent of the registration fees
4802 from commercial vessels shall be transferred by the Department
4803 of Highway Safety and Motor Vehicles to the Invasive Plant
4804 Control Trust Fund in the Fish and Wildlife Conservation
4805 Commission for aquatic plant research and control.

4806 (d) An amount equal to 40 percent of the registration fees
4807 from commercial vessels shall be transferred by the Department
4808 of Highway Safety and Motor Vehicles, on a monthly basis, to the
4809 General Inspection Trust Fund of the Department of Agriculture
4810 and Consumer Services. These funds shall be used for shellfish
4811 and aquaculture development ~~law enforcement~~ and quality control
4812 programs.

4813 (e) After all administrative costs are funded and the
4814 distributions in paragraphs (a)-(d) have been made, up to
4815 \$400,000 shall be transferred by the Department of Highway
4816 Safety and Motor Vehicles to the General Inspection Trust Fund
4817 of the Department of Agriculture and Consumer Services to fund
4818 activities relating to the protection, restoration, and research
4819 of the natural oyster reefs and beds of the state. This
4820 paragraph expires July 1, 2017.

4821 (f) After all administrative costs are funded and the
4822 distributions in paragraphs (a)-(d) have been made, up to
4823 \$300,000 may be used by the Fish and Wildlife Conservation
4824 Commission for boating safety education. This paragraph expires
4825 July 1, 2017.

4826 Section 73. Section 339.0801, Florida Statutes, is amended
4827 to read:



940416

4828 339.0801 Allocation of increased revenues derived from
4829 amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result
4830 from increased revenues to the State Transportation Trust Fund
4831 derived from the amendments to s. 319.32(5) (a) made by this act
4832 must be used annually, first as set forth in subsection (1) and
4833 then as set forth in subsections (2)-(5), as follows,
4834 notwithstanding any other provision of law:

4835 (1) (a) ~~In the 2012-2013 fiscal year, \$200 million, or~~
4836 ~~actual receipts up to \$200 million, shall be transferred to the~~
4837 ~~General Revenue Fund.~~

4838 ~~(b) The Department of Transportation shall transfer the~~
4839 ~~actual receipts monthly to the General Revenue Fund. These~~
4840 ~~transfers shall be made in the month following the deposit of~~
4841 ~~those receipts into the State Transportation Trust Fund.~~

4842 ~~(2) Beginning in the 2013-2014 fiscal year and annually for~~
4843 ~~up to 30 years thereafter, \$10 million shall be for the purpose~~
4844 ~~of funding any seaport project identified in the adopted work~~
4845 ~~program of the Department of Transportation, to be known as the~~
4846 ~~Seaport Investment Program.~~

4847 (b) The revenues may be assigned, pledged, or set aside as
4848 a trust for the payment of principal or interest on revenue
4849 bonds, ~~tax anticipation certificates,~~ or other forms of
4850 indebtedness issued by an individual port or appropriate local
4851 government having jurisdiction thereof, or collectively by
4852 interlocal agreement among any of the ports, or used to purchase
4853 credit support to permit such borrowings. Alternatively, revenue
4854 bonds shall be issued by the Division of Bond Finance at the
4855 request of the Department of Transportation under the State Bond
4856 Act and shall be secured by such revenues as are provided in



940416

4857 this subsection.

4858 (c) ~~However, the debt is~~ Revenue bonds or other
4859 indebtedness issued hereunder are not a general obligation of
4860 the state and are secured solely by a first lien on the revenues
4861 distributed under this subsection.

4862 (d) The state covenants with holders of the revenue bonds
4863 or other instruments of indebtedness issued pursuant to this
4864 subsection that it will not repeal ~~or impair or amend~~ this
4865 subsection; nor take any other action, including but not limited
4866 to amending this subsection, in any manner that will materially
4867 and ~~or~~ adversely affect the rights of such holders so long as
4868 revenue bonds or other indebtedness authorized by this
4869 subsection are outstanding.

4870 (e) The proceeds of any revenue bonds or other indebtedness
4871 secured by a pledge of the funding, after payment of costs of
4872 issuance and establishment of any required reserves, shall be
4873 invested in projects approved by the Department of
4874 Transportation and included in the department's adopted work
4875 program, by amendment if necessary. As required under s. 11(f),
4876 Art. VII of the State Constitution, the Legislature approves
4877 projects included in the department's adopted work program,
4878 including any projects added to the work program by amendment
4879 under s. 339.135(7).

4880 (f) Any revenues that are not used for pledged to the
4881 payment ~~repayment~~ of bonds as authorized by this subsection
4882 section may be used for purposes authorized under the Florida
4883 Seaport Transportation and Economic Development Program. This
4884 revenue source is in addition to any amounts provided for and
4885 appropriated in accordance with ss. 311.07 and 320.20(3) and



940416

4886 ~~(4). Revenue bonds shall be issued by the Division of Bond~~
4887 ~~Finance at the request of the Department of Transportation~~
4888 ~~pursuant to the State Bond Act.~~

4889 ~~(2)~~⁽³⁾ Beginning in the 2013-2014 fiscal year and annually
4890 for up to 30 years thereafter, \$35 million shall be transferred
4891 to Florida's Turnpike Enterprise, to be used in accordance with
4892 Florida Turnpike Enterprise Law, to the maximum extent feasible
4893 for feeder roads, structures, interchanges, appurtenances, and
4894 other rights to create or facilitate access to the existing
4895 turnpike system.

4896 ~~(3)~~⁽⁴⁾ Beginning in the 2013-2014 fiscal year and annually
4897 thereafter, \$10 million shall be transferred to the
4898 Transportation Disadvantaged Trust Fund, to be used as specified
4899 in s. 427.0159.

4900 ~~(4)~~⁽⁵⁾ Beginning in the 2013-2014 fiscal year and annually
4901 thereafter, \$10 million shall be allocated to the Small County
4902 Outreach Program, to be used as specified in s. 339.2818. These
4903 funds are in addition to the funds provided in s.
4904 201.15(1)(c)1.b.

4905 ~~(5)~~⁽⁶⁾ After the distributions required pursuant to
4906 subsections (1)-~~(4)~~⁽⁵⁾, the remaining funds shall be used
4907 annually for transportation projects within this state for
4908 existing or planned strategic transportation projects which
4909 connect major markets within this state or between this state
4910 and other states, which focus on job creation, and which
4911 increase this state's viability in the national and global
4912 markets.

4913 ~~(6)~~⁽⁷⁾ Pursuant to s. 339.135(7), the department shall
4914 amend the work program to add the projects provided for in this



940416

4915 section.

4916 Section 74. Subsections (1), (2), (3), (4), (9), and (13)
4917 of section 713.585, Florida Statutes, are amended to read:

4918 713.585 Enforcement of lien by sale of motor vehicle.—A
4919 person claiming a lien under s. 713.58 for performing labor or
4920 services on a motor vehicle may enforce such lien by sale of the
4921 vehicle in accordance with the following procedures:

4922 (1) The lienor must give notice, by certified mail, return
4923 receipt requested, within 15 business days, excluding Saturday
4924 and Sunday, from the beginning date of the assessment of storage
4925 charges on said motor vehicle, to the registered owner of the
4926 vehicle, to the customer as indicated on the order for repair,
4927 and to all other persons claiming an interest in or lien
4928 thereon, as disclosed by the records of the Department of
4929 Highway Safety and Motor Vehicles or as disclosed by the records
4930 of any ~~of a~~ corresponding agency of any other state in which the
4931 vehicle is identified through a records check of the National
4932 Motor Vehicle Title Information System or an equivalent
4933 commercially available system as being the current state where
4934 the vehicle is titled ~~appears registered~~. Such notice must
4935 contain:

4936 (a) A description of the vehicle (year, make, vehicle
4937 identification number) and its location.

4938 (b) The name and address of the owner of the vehicle, the
4939 customer as indicated on the order for repair, and any person
4940 claiming an interest in or lien thereon.

4941 (c) The name, address, and telephone number of the lienor.

4942 (d) Notice that the lienor claims a lien on the vehicle for
4943 labor and services performed and storage charges, if any, and



940416

4944 the cash sum which, if paid to the lienor, would be sufficient
4945 to redeem the vehicle from the lien claimed by the lienor.

4946 (e) Notice that the lien claimed by the lienor is subject
4947 to enforcement pursuant to this section and that the vehicle may
4948 be sold to satisfy the lien.

4949 (f) If known, the date, time, and location of any proposed
4950 or scheduled sale of the vehicle. No vehicle may be sold earlier
4951 than 60 days after completion of the repair work.

4952 (g) Notice that the owner of the vehicle or any person
4953 claiming an interest in or lien thereon has a right to a hearing
4954 at any time prior to the scheduled date of sale by filing a
4955 demand for hearing with the clerk of the circuit court in the
4956 county in which the vehicle is held and mailing copies of the
4957 demand for hearing to all other owners and lienors as reflected
4958 on the notice.

4959 (h) Notice that the owner of the vehicle has a right to
4960 recover possession of the vehicle without instituting judicial
4961 proceedings by posting bond in accordance with the provisions of
4962 s. 559.917.

4963 (i) Notice that any proceeds from the sale of the vehicle
4964 remaining after payment of the amount claimed to be due and
4965 owing to the lienor will be deposited with the clerk of the
4966 circuit court for disposition upon court order pursuant to
4967 subsection (8).

4968 (2) If attempts to locate the owner or lienholder are
4969 unsuccessful after a check of the records of the Department of
4970 Highway Safety and Motor Vehicles and any state disclosed by the
4971 check of the National Motor Vehicle Title Information System or
4972 an equivalent commercially available system, the lienor must



940416

4973 notify the local law enforcement agency in writing by certified
4974 mail or acknowledged hand delivery that the lienor has been
4975 unable to locate the owner or lienholder, that a physical search
4976 of the vehicle has disclosed no ownership information, and that
4977 a good faith effort, including records checks of the Department
4978 of Highway Safety and Motor Vehicles database and the National
4979 Motor Vehicle Title Information System or an equivalent
4980 commercially available system, has been made. A description of
4981 the motor vehicle which includes the year, make, and
4982 identification number must be given on the notice. This
4983 notification must take place within 15 business days, excluding
4984 Saturday and Sunday, from the beginning date of the assessment
4985 of storage charges on said motor vehicle. For purposes of this
4986 paragraph, the term "good faith effort" means that the following
4987 checks have been performed by the company to establish the prior
4988 state of registration and title:

4989 (a) A check of the Department of Highway Safety and Motor
4990 Vehicles database for the owner and any lienholder;

4991 (b) A check of the federally mandated electronic National
4992 Motor Vehicle Title Information System or an equivalent
4993 commercially available system to determine the state of
4994 registration when there is not a current title or registration
4995 record for the vehicle on file with the Department of Highway
4996 Safety and Motor Vehicles;

4997 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4998 temporary tag, or regular tag;

4999 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
5000 stickers and decals that could indicate the state of possible
5001 registration; and



940416

5002 ~~(e)~~ (e) A check of the interior of the vehicle for any
5003 papers that could be in the glove box, trunk, or other areas for
5004 the state of registration.

5005 (3) If the date of the sale was not included in the notice
5006 required in subsection (1), notice of the sale must be sent by
5007 certified mail, return receipt requested, not less than 15 days
5008 before the date of sale, to the customer as indicated on the
5009 order for repair, and to all other persons claiming an interest
5010 in or lien on the motor vehicle, as disclosed by the records of
5011 the Department of Highway Safety and Motor Vehicles or of a
5012 corresponding agency of any other state in which the vehicle
5013 appears to have been registered after completion of a check of
5014 the National Motor Vehicle Title Information System or an
5015 equivalent commercially available system. ~~After diligent search~~
5016 ~~and inquiry, if the name and address of the registered owner or~~
5017 ~~the owner of the recorded lien cannot be ascertained, the~~
5018 ~~requirements for this notice may be disregarded.~~

5019 (4) The lienor, at least 15 days before the proposed or
5020 scheduled date of sale of the vehicle, shall publish the notice
5021 required by this section once in a newspaper circulated in the
5022 county where the vehicle is held. A certificate of compliance
5023 with the notification provisions of this section, verified by
5024 the lienor, together with a copy of the notice and return
5025 receipt for mailing of the notice required by this section, ~~and~~
5026 proof of publication, and checks of the Department of Highway
5027 Safety and Motor Vehicles and the National Motor Vehicle Title
5028 Information System or an equivalent commercially available
5029 system, must be duly and expeditiously filed with the clerk of
5030 the circuit court in the county where the vehicle is held. The



940416

5031 lienor, at the time of filing the certificate of compliance,
5032 must pay to the clerk of that court a service charge of \$10 for
5033 indexing and recording the certificate.

5034 (9) A copy of the certificate of compliance and the report
5035 of sale, certified by the clerk of the court, and proof of the
5036 required check of the National Motor Vehicle Title Information
5037 System or an equivalent commercially available system shall
5038 constitute satisfactory proof for application to the Department
5039 of Highway Safety and Motor Vehicles for transfer of title,
5040 together with any other proof required by any rules and
5041 regulations of the department.

5042 (13) A failure to make good faith efforts as defined in
5043 subsection (2) precludes the imposition of any storage charges
5044 against the vehicle. If a lienor fails to provide notice to any
5045 person claiming a lien on a vehicle under subsection (1) within
5046 15 business days after the assessment of storage charges have
5047 begun, then the lienor is precluded from charging for more than
5048 15 days of storage, but failure to provide timely notice does
5049 not affect charges made for repairs, adjustments, or
5050 modifications to the vehicle or the priority of liens on the
5051 vehicle.

5052 Section 75. Section 713.78, Florida Statutes, is amended to
5053 read:

5054 713.78 Liens for recovering, towing, or storing vehicles
5055 and vessels.—

5056 (1) For the purposes of this section, the term:

5057 (a) "Vehicle" means any mobile item, whether motorized or
5058 not, which is mounted on wheels.

5059 (b) "Vessel" means every description of watercraft, barge,



940416

5060 and airboat used or capable of being used as a means of
5061 transportation on water, other than a seaplane or a "documented
5062 vessel" as defined in s. 327.02(9).

5063 (c) "Wrecker" means any truck or other vehicle which is
5064 used to tow, carry, or otherwise transport motor vehicles or
5065 vessels upon the streets and highways of this state and which is
5066 equipped for that purpose with a boom, winch, car carrier, or
5067 other similar equipment.

5068 (d) "National Motor Vehicle Title Information System" means
5069 the federally authorized electronic National Motor Vehicle Title
5070 Information System.

5071 (e) "Equivalent commercially available system" means a
5072 service that charges a fee to provide vehicle information and
5073 that at a minimum maintains records from those states
5074 participating in data sharing with the National Motor Vehicle
5075 Title Information System.

5076 (2) Whenever a person regularly engaged in the business of
5077 transporting vehicles or vessels by wrecker, tow truck, or car
5078 carrier recovers, removes, or stores a vehicle or vessel upon
5079 instructions from:

5080 (a) The owner thereof;

5081 (b) The owner or lessor, or a person authorized by the
5082 owner or lessor, of property on which such vehicle or vessel is
5083 wrongfully parked, and the removal is done in compliance with s.
5084 715.07; ~~or~~

5085 (c) The landlord or a person authorized by the landlord,
5086 when such motor vehicle or vessel remained on the premises after
5087 the tenancy terminated and the removal is done in compliance
5088 with s. 715.104; or



940416

5089 (d)~~(e)~~ Any law enforcement agency,
5090
5091 she or he shall have a lien on the vehicle or vessel for a
5092 reasonable towing fee and for a reasonable storage fee; except
5093 that no storage fee shall be charged if the vehicle is stored
5094 for less than 6 hours.
5095 (3) This section does not authorize any person to claim a
5096 lien on a vehicle for fees or charges connected with the
5097 immobilization of such vehicle using a vehicle boot or other
5098 similar device pursuant to s. 715.07.
5099 (4) (a) Any person regularly engaged in the business of
5100 recovering, towing, or storing vehicles or vessels who comes
5101 into possession of a vehicle or vessel pursuant to subsection
5102 (2), and who claims a lien for recovery, towing, or storage
5103 services, shall give notice to the registered owner, the
5104 insurance company insuring the vehicle notwithstanding the
5105 provisions of s. 627.736, and to all persons claiming a lien
5106 thereon, as disclosed by the records in the Department of
5107 Highway Safety and Motor Vehicles or as disclosed by the records
5108 of any ~~of a~~ corresponding agency in any other state in which the
5109 vehicle is identified through a records check of the National
5110 Motor Vehicle Title Information System or an equivalent
5111 commercially available system as being titled or registered.
5112 (b) Whenever any law enforcement agency authorizes the
5113 removal of a vehicle or vessel or whenever any towing service,
5114 garage, repair shop, or automotive service, storage, or parking
5115 place notifies the law enforcement agency of possession of a
5116 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
5117 enforcement agency of the jurisdiction where the vehicle or



940416

5118 vessel is stored shall contact the Department of Highway Safety
5119 and Motor Vehicles, or the appropriate agency of the state of
5120 registration, if known, within 24 hours through the medium of
5121 electronic communications, giving the full description of the
5122 vehicle or vessel. Upon receipt of the full description of the
5123 vehicle or vessel, the department shall search its files to
5124 determine the owner's name, the insurance company insuring the
5125 vehicle or vessel, and whether any person has filed a lien upon
5126 the vehicle or vessel as provided in s. 319.27(2) and (3) and
5127 notify the applicable law enforcement agency within 72 hours.
5128 The person in charge of the towing service, garage, repair shop,
5129 or automotive service, storage, or parking place shall obtain
5130 such information from the applicable law enforcement agency
5131 within 5 days after the date of storage and shall give notice
5132 pursuant to paragraph (a). The department may release the
5133 insurance company information to the requestor notwithstanding
5134 the provisions of s. 627.736.

5135 (c) Notice by certified mail shall be sent within 7
5136 business days after the date of storage of the vehicle or vessel
5137 to the registered owner, the insurance company insuring the
5138 vehicle notwithstanding the provisions of s. 627.736, and all
5139 persons of record claiming a lien against the vehicle or vessel.
5140 It shall state the fact of possession of the vehicle or vessel,
5141 that a lien as provided in subsection (2) is claimed, that
5142 charges have accrued and the amount thereof, that the lien is
5143 subject to enforcement pursuant to law, and that the owner or
5144 lienholder, if any, has the right to a hearing as set forth in
5145 subsection (5), and that any vehicle or vessel which remains
5146 unclaimed, or for which the charges for recovery, towing, or



940416

5147 storage services remain unpaid, may be sold free of all prior
5148 liens after 35 days if the vehicle or vessel is more than 3
5149 years of age or after 50 days if the vehicle or vessel is 3
5150 years of age or less.

5151 (d) If attempts to locate the name and address of the owner
5152 or lienholder prove unsuccessful, the towing-storage operator
5153 shall, after 7 working days, excluding Saturday and Sunday, of
5154 the initial tow or storage, notify the public agency of
5155 jurisdiction where the vehicle or vessel is stored in writing by
5156 certified mail or acknowledged hand delivery that the towing-
5157 storage company has been unable to locate the name and address
5158 of the owner or lienholder and a physical search of the vehicle
5159 or vessel has disclosed no ownership information and a good
5160 faith effort has been made, including records checks of the
5161 Department of Highway Safety and Motor Vehicles and the National
5162 Motor Vehicle Title Information System or an equivalent
5163 commercially available system databases. For purposes of this
5164 paragraph and subsection (9), "good faith effort" means that the
5165 following checks have been performed by the company to establish
5166 prior state of registration and for title:

5167 1. Check of the Department of Highway Safety and Motor
5168 Vehicles database for the owner and any lienholder.

5169 2. Check of the electronic National Motor Vehicle Title
5170 Information System or an equivalent commercially available
5171 system to determine the state of registration when there is not
5172 a current registration record for the vehicle on file with the
5173 Department of Highway Safety and Motor Vehicles.

5174 3.1. Check of vehicle or vessel for any type of tag, tag
5175 record, temporary tag, or regular tag.



940416

5176 ~~4.2.~~ Check of law enforcement report for tag number or
5177 other information identifying the vehicle or vessel, if the
5178 vehicle or vessel was towed at the request of a law enforcement
5179 officer.

5180 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
5181 operator to see if a tag was on vehicle or vessel at beginning
5182 of tow, if private tow.

5183 ~~6.4.~~ If there is no address of the owner on the impound
5184 report, check of law enforcement report to see if an out-of-
5185 state address is indicated from driver license information.

5186 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
5187 other stickers and decals that may indicate a state of possible
5188 registration.

5189 ~~8.6.~~ Check of the interior of the vehicle or vessel for any
5190 papers that may be in the glove box, trunk, or other areas for a
5191 state of registration.

5192 ~~9.7.~~ Check of vehicle for vehicle identification number.

5193 ~~10.8.~~ Check of vessel for vessel registration number.

5194 ~~11.9.~~ Check of vessel hull for a hull identification number
5195 which should be carved, burned, stamped, embossed, or otherwise
5196 permanently affixed to the outboard side of the transom or, if
5197 there is no transom, to the outmost seaboard side at the end of
5198 the hull that bears the rudder or other steering mechanism.

5199 (5) (a) The owner of a vehicle or vessel removed pursuant to
5200 the provisions of subsection (2), or any person claiming a lien,
5201 other than the towing-storage operator, within 10 days after the
5202 time she or he has knowledge of the location of the vehicle or
5203 vessel, may file a complaint in the county court of the county
5204 in which the vehicle or vessel is stored to determine if her or



940416

5205 his property was wrongfully taken or withheld from her or him.

5206 (b) Upon filing of a complaint, an owner or lienholder may
5207 have her or his vehicle or vessel released upon posting with the
5208 court a cash or surety bond or other adequate security equal to
5209 the amount of the charges for towing or storage and lot rental
5210 amount to ensure the payment of such charges in the event she or
5211 he does not prevail. Upon the posting of the bond and the
5212 payment of the applicable fee set forth in s. 28.24, the clerk
5213 of the court shall issue a certificate notifying the lienor of
5214 the posting of the bond and directing the lienor to release the
5215 vehicle or vessel. At the time of such release, after reasonable
5216 inspection, she or he shall give a receipt to the towing-storage
5217 company reciting any claims she or he has for loss or damage to
5218 the vehicle or vessel or the contents thereof.

5219 (c) Upon determining the respective rights of the parties,
5220 the court may award damages, attorney's fees, and costs in favor
5221 of the prevailing party. In any event, the final order shall
5222 provide for immediate payment in full of recovery, towing, and
5223 storage fees by the vehicle or vessel owner or lienholder; or
5224 the agency ordering the tow; or the owner, lessee, or agent
5225 thereof of the property from which the vehicle or vessel was
5226 removed.

5227 (6) Any vehicle or vessel which is stored pursuant to
5228 subsection (2) and which remains unclaimed, or for which
5229 reasonable charges for recovery, towing, or storing remain
5230 unpaid, and any contents not released pursuant to subsection
5231 (10), may be sold by the owner or operator of the storage space
5232 for such towing or storage charge after 35 days from the time
5233 the vehicle or vessel is stored therein if the vehicle or vessel



940416

5234 is more than 3 years of age or after 50 days following the time
5235 the vehicle or vessel is stored therein if the vehicle or vessel
5236 is 3 years of age or less. The sale shall be at public sale for
5237 cash. If the date of the sale was not included in the notice
5238 required in subsection (4), notice of the sale shall be given to
5239 the person in whose name the vehicle or vessel is registered and
5240 to all persons claiming a lien on the vehicle or vessel as shown
5241 on the records of the Department of Highway Safety and Motor
5242 Vehicles or of any ~~the~~ corresponding agency in any other state
5243 in which the vehicle is identified through a records check of
5244 the National Motor Vehicle Title Information System or an
5245 equivalent commercially available system as being titled. Notice
5246 shall be sent by certified mail to the owner of the vehicle or
5247 vessel and the person having the recorded lien on the vehicle or
5248 vessel at the address shown on the records of the registering
5249 agency and shall be mailed not less than 15 days before the date
5250 of the sale. After diligent search and inquiry, if the name and
5251 address of the registered owner or the owner of the recorded
5252 lien cannot be ascertained, the requirements of notice by mail
5253 may be dispensed with. In addition to the notice by mail, public
5254 notice of the time and place of sale shall be made by publishing
5255 a notice thereof one time, at least 10 days prior to the date of
5256 the sale, in a newspaper of general circulation in the county in
5257 which the sale is to be held. The proceeds of the sale, after
5258 payment of reasonable towing and storage charges, and costs of
5259 the sale, in that order of priority, shall be deposited with the
5260 clerk of the circuit court for the county if the owner or
5261 lienholder is absent, and the clerk shall hold such proceeds
5262 subject to the claim of the owner or lienholder legally entitled



940416

5263 thereto. The clerk shall be entitled to receive 5 percent of
5264 such proceeds for the care and disbursement thereof. The
5265 certificate of title issued under this law shall be discharged
5266 of all liens unless otherwise provided by court order. The owner
5267 or lienholder may file a complaint after the vehicle or vessel
5268 has been sold in the county court of the county in which it is
5269 stored. Upon determining the respective rights of the parties,
5270 the court may award damages, attorney's fees, and costs in favor
5271 of the prevailing party.

5272 (7) (a) A wrecker operator recovering, towing, or storing
5273 vehicles or vessels is not liable for damages connected with
5274 such services, theft of such vehicles or vessels, or theft of
5275 personal property contained in such vehicles or vessels,
5276 provided that such services have been performed with reasonable
5277 care and provided, further, that, in the case of removal of a
5278 vehicle or vessel upon the request of a person purporting, and
5279 reasonably appearing, to be the owner or lessee, or a person
5280 authorized by the owner or lessee, of the property from which
5281 such vehicle or vessel is removed, such removal has been done in
5282 compliance with s. 715.07. Further, a wrecker operator is not
5283 liable for damage to a vehicle, vessel, or cargo that obstructs
5284 the normal movement of traffic or creates a hazard to traffic
5285 and is removed in compliance with the request of a law
5286 enforcement officer.

5287 (b) For the purposes of this subsection, a wrecker operator
5288 is presumed to use reasonable care to prevent the theft of a
5289 vehicle or vessel or of any personal property contained in such
5290 vehicle stored in the wrecker operator's storage facility if all
5291 of the following apply:



940416

5292 1. The wrecker operator surrounds the storage facility with
5293 a chain-link or solid-wall type fence at least 6 feet in height;

5294 2. The wrecker operator has illuminated the storage
5295 facility with lighting of sufficient intensity to reveal persons
5296 and vehicles at a distance of at least 150 feet during
5297 nighttime; and

5298 3. The wrecker operator uses one or more of the following
5299 security methods to discourage theft of vehicles or vessels or
5300 of any personal property contained in such vehicles or vessels
5301 stored in the wrecker operator's storage facility:

5302 a. A night dispatcher or watchman remains on duty at the
5303 storage facility from sunset to sunrise;

5304 b. A security dog remains at the storage facility from
5305 sunset to sunrise;

5306 c. Security cameras or other similar surveillance devices
5307 monitor the storage facility; or

5308 d. A security guard service examines the storage facility
5309 at least once each hour from sunset to sunrise.

5310 (c) Any law enforcement agency requesting that a motor
5311 vehicle be removed from an accident scene, street, or highway
5312 must conduct an inventory and prepare a written record of all
5313 personal property found in the vehicle before the vehicle is
5314 removed by a wrecker operator. However, if the owner or driver
5315 of the motor vehicle is present and accompanies the vehicle, no
5316 inventory by law enforcement is required. A wrecker operator is
5317 not liable for the loss of personal property alleged to be
5318 contained in such a vehicle when such personal property was not
5319 identified on the inventory record prepared by the law
5320 enforcement agency requesting the removal of the vehicle.



940416

5321 (8) A person regularly engaged in the business of
5322 recovering, towing, or storing vehicles or vessels, except a
5323 person licensed under chapter 493 while engaged in
5324 "repossession" activities as defined in s. 493.6101, may not
5325 operate a wrecker, tow truck, or car carrier unless the name,
5326 address, and telephone number of the company performing the
5327 service is clearly printed in contrasting colors on the driver
5328 and passenger sides of its vehicle. The name must be in at least
5329 3-inch permanently affixed letters, and the address and
5330 telephone number must be in at least 1-inch permanently affixed
5331 letters.

5332 (9) Failure to make good faith best efforts to comply with
5333 the notice requirements of this section shall preclude the
5334 imposition of any storage charges against such vehicle or
5335 vessel.

5336 (10) Persons who provide services pursuant to this section
5337 shall permit vehicle or vessel owners, lienholders, insurance
5338 company representatives, or their agents, which agency is
5339 evidenced by an original writing acknowledged by the owner
5340 before a notary public or other person empowered by law to
5341 administer oaths, to inspect the towed vehicle or vessel and
5342 shall release to the owner, lienholder, or agent the vehicle,
5343 vessel, or all personal property not affixed to the vehicle or
5344 vessel which was in the vehicle or vessel at the time the
5345 vehicle or vessel came into the custody of the person providing
5346 such services.

5347 (11) (a) Any person regularly engaged in the business of
5348 recovering, towing, or storing vehicles or vessels who comes
5349 into possession of a vehicle or vessel pursuant to subsection



940416

5350 (2) and who has complied with the provisions of subsections (3)
5351 and (6), when such vehicle or vessel is to be sold for purposes
5352 of being dismantled, destroyed, or changed in such manner that
5353 it is not the motor vehicle or vessel described in the
5354 certificate of title, shall report the vehicle to the National
5355 Motor Vehicle Title Information System and apply to the
5356 Department of Highway Safety and Motor Vehicles ~~county tax~~
5357 ~~collector~~ for a certificate of destruction. A certificate of
5358 destruction, which authorizes the dismantling or destruction of
5359 the vehicle or vessel described therein, shall be reassignable a
5360 maximum of two times before dismantling or destruction of the
5361 vehicle shall be required, and shall accompany the vehicle or
5362 vessel for which it is issued, when such vehicle or vessel is
5363 sold for such purposes, in lieu of a certificate of title. The
5364 application for a certificate of destruction must include proof
5365 of reporting to the National Motor Vehicle Title Information
5366 System and an affidavit from the applicant that it has complied
5367 with all applicable requirements of this section and, if the
5368 vehicle or vessel is not registered in this state or any other
5369 state, by a statement from a law enforcement officer that the
5370 vehicle or vessel is not reported stolen, and shall be
5371 accompanied by such documentation as may be required by the
5372 department.

5373 (b) The Department of Highway Safety and Motor Vehicles
5374 shall charge a fee of \$3 for each certificate of destruction. A
5375 service charge of \$4.25 shall be collected and retained by the
5376 tax collector who processes the application.

5377 (c) The Department of Highway Safety and Motor Vehicles may
5378 adopt such rules as it deems necessary or proper for the



940416

5379 administration of this subsection.

5380 (12) (a) Any person who violates any provision of subsection
5381 (1), subsection (2), subsection (4), subsection (5), subsection
5382 (6), or subsection (7) is guilty of a misdemeanor of the first
5383 degree, punishable as provided in s. 775.082 or s. 775.083.

5384 (b) Any person who violates the provisions of subsections
5385 (8) through (11) is guilty of a felony of the third degree,
5386 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5387 (c) Any person who uses a false or fictitious name, gives a
5388 false or fictitious address, or makes any false statement in any
5389 application or affidavit required under the provisions of this
5390 section is guilty of a felony of the third degree, punishable as
5391 provided in s. 775.082, s. 775.083, or s. 775.084.

5392 (d) Employees of the Department of Highway Safety and Motor
5393 Vehicles and law enforcement officers are authorized to inspect
5394 the records of any person regularly engaged in the business of
5395 recovering, towing, or storing vehicles or vessels or
5396 transporting vehicles or vessels by wrecker, tow truck, or car
5397 carrier, to ensure compliance with the requirements of this
5398 section. Any person who fails to maintain records, or fails to
5399 produce records when required in a reasonable manner and at a
5400 reasonable time, commits a misdemeanor of the first degree,
5401 punishable as provided in s. 775.082 or s. 775.083.

5402 (13) (a) Upon receipt by the Department of Highway Safety
5403 and Motor Vehicles of written notice from a wrecker operator who
5404 claims a wrecker operator's lien under paragraph (2) (c) or
5405 paragraph (2) (d) for recovery, towing, or storage of an
5406 abandoned vehicle or vessel upon instructions from any law
5407 enforcement agency, for which a certificate of destruction has



940416

5408 been issued under subsection (11) and the vehicle has been
5409 reported to the National Motor Vehicle Title Information System,
5410 the department shall place the name of the registered owner of
5411 that vehicle or vessel on the list of those persons who may not
5412 be issued a license plate or revalidation sticker for any motor
5413 vehicle under s. 320.03(8). If the vehicle or vessel is owned
5414 jointly by more than one person, the name of each registered
5415 owner shall be placed on the list. The notice of wrecker
5416 operator's lien shall be submitted on forms provided by the
5417 department, which must include:

5418 1. The name, address, and telephone number of the wrecker
5419 operator.

5420 2. The name of the registered owner of the vehicle or
5421 vessel and the address to which the wrecker operator provided
5422 notice of the lien to the registered owner under subsection (4).

5423 3. A general description of the vehicle or vessel,
5424 including its color, make, model, body style, and year.

5425 4. The vehicle identification number (VIN); registration
5426 license plate number, state, and year; validation decal number,
5427 state, and year; vessel registration number; hull identification
5428 number; or other identification number, as applicable.

5429 5. The name of the person or the corresponding law
5430 enforcement agency that requested that the vehicle or vessel be
5431 recovered, towed, or stored.

5432 6. The amount of the wrecker operator's lien, not to exceed
5433 the amount allowed by paragraph (b).

5434 (b) For purposes of this subsection only, the amount of the
5435 wrecker operator's lien for which the department will prevent
5436 issuance of a license plate or revalidation sticker may not



940416

5437 exceed the amount of the charges for recovery, towing, and
5438 storage of the vehicle or vessel for 7 days. These charges may
5439 not exceed the maximum rates imposed by the ordinances of the
5440 respective county or municipality under ss. 125.0103(1)(c) and
5441 166.043(1)(c). This paragraph does not limit the amount of a
5442 wrecker operator's lien claimed under subsection (2) or prevent
5443 a wrecker operator from seeking civil remedies for enforcement
5444 of the entire amount of the lien, but limits only that portion
5445 of the lien for which the department will prevent issuance of a
5446 license plate or revalidation sticker.

5447 (c)1. The registered owner of a vehicle or vessel may
5448 dispute a wrecker operator's lien, by notifying the department
5449 of the dispute in writing on forms provided by the department,
5450 if at least one of the following applies:

5451 a. The registered owner presents a notarized bill of sale
5452 proving that the vehicle or vessel was sold in a private or
5453 casual sale before the vehicle or vessel was recovered, towed,
5454 or stored.

5455 b. The registered owner presents proof that the Florida
5456 certificate of title of the vehicle or vessel was sold to a
5457 licensed dealer as defined in s. 319.001 before the vehicle or
5458 vessel was recovered, towed, or stored.

5459 c. The records of the department were marked "sold" prior
5460 to the date of the tow.

5461
5462 If the registered owner's dispute of a wrecker operator's lien
5463 complies with one of these criteria, the department shall
5464 immediately remove the registered owner's name from the list of
5465 those persons who may not be issued a license plate or



940416

5466 revalidation sticker for any motor vehicle under s. 320.03(8),
5467 thereby allowing issuance of a license plate or revalidation
5468 sticker. If the vehicle or vessel is owned jointly by more than
5469 one person, each registered owner must dispute the wrecker
5470 operator's lien in order to be removed from the list. However,
5471 the department shall deny any dispute and maintain the
5472 registered owner's name on the list of those persons who may not
5473 be issued a license plate or revalidation sticker for any motor
5474 vehicle under s. 320.03(8) if the wrecker operator has provided
5475 the department with a certified copy of the judgment of a court
5476 which orders the registered owner to pay the wrecker operator's
5477 lien claimed under this section. In such a case, the amount of
5478 the wrecker operator's lien allowed by paragraph (b) may be
5479 increased to include no more than \$500 of the reasonable costs
5480 and attorney's fees incurred in obtaining the judgment. The
5481 department's action under this subparagraph is ministerial in
5482 nature, shall not be considered final agency action, and is
5483 appealable only to the county court for the county in which the
5484 vehicle or vessel was ordered removed.

5485 2. A person against whom a wrecker operator's lien has been
5486 imposed may alternatively obtain a discharge of the lien by
5487 filing a complaint, challenging the validity of the lien or the
5488 amount thereof, in the county court of the county in which the
5489 vehicle or vessel was ordered removed. Upon filing of the
5490 complaint, the person may have her or his name removed from the
5491 list of those persons who may not be issued a license plate or
5492 revalidation sticker for any motor vehicle under s. 320.03(8),
5493 thereby allowing issuance of a license plate or revalidation
5494 sticker, upon posting with the court a cash or surety bond or



940416

5495 other adequate security equal to the amount of the wrecker
5496 operator's lien to ensure the payment of such lien in the event
5497 she or he does not prevail. Upon the posting of the bond and the
5498 payment of the applicable fee set forth in s. 28.24, the clerk
5499 of the court shall issue a certificate notifying the department
5500 of the posting of the bond and directing the department to
5501 release the wrecker operator's lien. Upon determining the
5502 respective rights of the parties, the court may award damages
5503 and costs in favor of the prevailing party.

5504 3. If a person against whom a wrecker operator's lien has
5505 been imposed does not object to the lien, but cannot discharge
5506 the lien by payment because the wrecker operator has moved or
5507 gone out of business, the person may have her or his name
5508 removed from the list of those persons who may not be issued a
5509 license plate or revalidation sticker for any motor vehicle
5510 under s. 320.03(8), thereby allowing issuance of a license plate
5511 or revalidation sticker, upon posting with the clerk of court in
5512 the county in which the vehicle or vessel was ordered removed, a
5513 cash or surety bond or other adequate security equal to the
5514 amount of the wrecker operator's lien. Upon the posting of the
5515 bond and the payment of the application fee set forth in s.
5516 28.24, the clerk of the court shall issue a certificate
5517 notifying the department of the posting of the bond and
5518 directing the department to release the wrecker operator's lien.
5519 The department shall mail to the wrecker operator, at the
5520 address upon the lien form, notice that the wrecker operator
5521 must claim the security within 60 days, or the security will be
5522 released back to the person who posted it. At the conclusion of
5523 the 60 days, the department shall direct the clerk as to which



940416

5524 party is entitled to payment of the security, less applicable
5525 clerk's fees.

5526 4. A wrecker operator's lien expires 5 years after filing.

5527 (d) Upon discharge of the amount of the wrecker operator's
5528 lien allowed by paragraph (b), the wrecker operator must issue a
5529 certificate of discharged wrecker operator's lien on forms
5530 provided by the department to each registered owner of the
5531 vehicle or vessel attesting that the amount of the wrecker
5532 operator's lien allowed by paragraph (b) has been discharged.
5533 Upon presentation of the certificate of discharged wrecker
5534 operator's lien by the registered owner, the department shall
5535 immediately remove the registered owner's name from the list of
5536 those persons who may not be issued a license plate or
5537 revalidation sticker for any motor vehicle under s. 320.03(8),
5538 thereby allowing issuance of a license plate or revalidation
5539 sticker. Issuance of a certificate of discharged wrecker
5540 operator's lien under this paragraph does not discharge the
5541 entire amount of the wrecker operator's lien claimed under
5542 subsection (2), but only certifies to the department that the
5543 amount of the wrecker operator's lien allowed by paragraph (b),
5544 for which the department will prevent issuance of a license
5545 plate or revalidation sticker, has been discharged.

5546 (e) When a wrecker operator files a notice of wrecker
5547 operator's lien under this subsection, the department shall
5548 charge the wrecker operator a fee of \$2, which shall be
5549 deposited into the General Revenue Fund. A service charge of
5550 \$2.50 shall be collected and retained by the tax collector who
5551 processes a notice of wrecker operator's lien.

5552 (f) This subsection applies only to the annual renewal in



940416

5553 the registered owner's birth month of a motor vehicle
5554 registration and does not apply to the transfer of a
5555 registration of a motor vehicle sold by a motor vehicle dealer
5556 licensed under chapter 320, except for the transfer of
5557 registrations which includes the annual renewals. This
5558 subsection does not apply to any vehicle registered in the name
5559 of the lessor. This subsection does not affect the issuance of
5560 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

5561 (g) The Department of Highway Safety and Motor Vehicles may
5562 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
5563 this subsection.

5564 Section 76. Paragraph (aa) of subsection (7) of section
5565 212.08, Florida Statutes, is amended to read:

5566 212.08 Sales, rental, use, consumption, distribution, and
5567 storage tax; specified exemptions.—The sale at retail, the
5568 rental, the use, the consumption, the distribution, and the
5569 storage to be used or consumed in this state of the following
5570 are hereby specifically exempt from the tax imposed by this
5571 chapter.

5572 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
5573 entity by this chapter do not inure to any transaction that is
5574 otherwise taxable under this chapter when payment is made by a
5575 representative or employee of the entity by any means,
5576 including, but not limited to, cash, check, or credit card, even
5577 when that representative or employee is subsequently reimbursed
5578 by the entity. In addition, exemptions provided to any entity by
5579 this subsection do not inure to any transaction that is
5580 otherwise taxable under this chapter unless the entity has
5581 obtained a sales tax exemption certificate from the department



940416

5582 or the entity obtains or provides other documentation as
5583 required by the department. Eligible purchases or leases made
5584 with such a certificate must be in strict compliance with this
5585 subsection and departmental rules, and any person who makes an
5586 exempt purchase with a certificate that is not in strict
5587 compliance with this subsection and the rules is liable for and
5588 shall pay the tax. The department may adopt rules to administer
5589 this subsection.

5590 (aa) *Certain commercial vehicles.*—Also exempt is the sale,
5591 lease, or rental of a commercial motor vehicle as defined in s.
5592 207.002 ~~207.002(2)~~, when the following conditions are met:

5593 1. The sale, lease, or rental occurs between two commonly
5594 owned and controlled corporations;

5595 2. Such vehicle was titled and registered in this state at
5596 the time of the sale, lease, or rental; and

5597 3. Florida sales tax was paid on the acquisition of such
5598 vehicle by the seller, lessor, or renter.

5599 Section 77. Subsection (8) of section 261.03, Florida
5600 Statutes, is amended to read:

5601 261.03 Definitions.—As used in this chapter, the term:

5602 (8) "ROV" means any motorized recreational off-highway
5603 vehicle 64 inches or less in width, having a dry weight of 2,000
5604 pounds or less, designed to travel on four or more nonhighway
5605 tires, having nonstraddle seating and a steering wheel, and
5606 manufactured for recreational use by one or more persons. The
5607 term "ROV" does not include a golf cart as defined in ss. 320.01
5608 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
5609 s. 320.01 ~~320.01(42)~~.

5610 Section 78. Section 316.2122, Florida Statutes, is amended



940416

5611 to read:

5612 316.2122 Operation of a low-speed vehicle or mini truck on
5613 certain roadways.—The operation of a low-speed vehicle as
5614 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
5615 320.01 ~~320.01(45)~~ on any road is authorized with the following
5616 restrictions:

5617 (1) A low-speed vehicle or mini truck may be operated only
5618 on streets where the posted speed limit is 35 miles per hour or
5619 less. This does not prohibit a low-speed vehicle or mini truck
5620 from crossing a road or street at an intersection where the road
5621 or street has a posted speed limit of more than 35 miles per
5622 hour.

5623 (2) A low-speed vehicle must be equipped with headlamps,
5624 stop lamps, turn signal lamps, taillamps, reflex reflectors,
5625 parking brakes, rearview mirrors, windshields, seat belts, and
5626 vehicle identification numbers.

5627 (3) A low-speed vehicle or mini truck must be registered
5628 and insured in accordance with s. 320.02 and titled pursuant to
5629 chapter 319.

5630 (4) Any person operating a low-speed vehicle or mini truck
5631 must have in his or her possession a valid driver ~~driver's~~
5632 license.

5633 (5) A county or municipality may prohibit the operation of
5634 low-speed vehicles or mini trucks on any road under its
5635 jurisdiction if the governing body of the county or municipality
5636 determines that such prohibition is necessary in the interest of
5637 safety.

5638 (6) The Department of Transportation may prohibit the
5639 operation of low-speed vehicles or mini trucks on any road under



940416

5640 its jurisdiction if it determines that such prohibition is
5641 necessary in the interest of safety.

5642 Section 79. Section 316.2124, Florida Statutes, is amended
5643 to read:

5644 316.2124 Motorized disability access vehicles.—The
5645 Department of Highway Safety and Motor Vehicles is directed to
5646 provide, by rule, for the regulation of motorized disability
5647 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
5648 department shall provide that motorized disability access
5649 vehicles shall be registered in the same manner as motorcycles
5650 and shall pay the same registration fee as for a motorcycle.
5651 There shall also be assessed, in addition to the registration
5652 fee, a \$2.50 surcharge for motorized disability access vehicles.
5653 This surcharge shall be paid into the Highway Safety Operating
5654 Trust Fund. Motorized disability access vehicles shall not be
5655 required to be titled by the department. The department shall
5656 require motorized disability access vehicles to be subject to
5657 the same safety requirements as set forth in this chapter for
5658 motorcycles.

5659 Section 80. Subsection (1) of section 316.21265, Florida
5660 Statutes, is amended to read:

5661 316.21265 Use of all-terrain vehicles, golf carts, low-
5662 speed vehicles, or utility vehicles by law enforcement
5663 agencies.—

5664 (1) Notwithstanding any provision of law to the contrary,
5665 any law enforcement agency in this state may operate all-terrain
5666 vehicles as defined in s. 316.2074, golf carts as defined in s.
5667 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
5668 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01



940416

5669 ~~320.01(43)~~ on any street, road, or highway in this state while
5670 carrying out its official duties.

5671 Section 81. Subsection (1) of section 316.3026, Florida
5672 Statutes, is amended to read:

5673 316.3026 Unlawful operation of motor carriers.—

5674 (1) The Office of Commercial Vehicle Enforcement may issue
5675 out-of-service orders to motor carriers, as defined in s. 320.01
5676 ~~320.01(33)~~, who, after proper notice, have failed to pay any
5677 penalty or fine assessed by the department, or its agent,
5678 against any owner or motor carrier for violations of state law,
5679 refused to submit to a compliance review and provide records
5680 pursuant to s. 316.302(5) or s. 316.70, or violated safety
5681 regulations pursuant to s. 316.302 or insurance requirements in
5682 s. 627.7415. Such out-of-service orders have the effect of
5683 prohibiting the operations of any motor vehicles owned, leased,
5684 or otherwise operated by the motor carrier upon the roadways of
5685 this state, until the violations have been corrected or
5686 penalties have been paid. Out-of-service orders must be approved
5687 by the director of the Division of the Florida Highway Patrol or
5688 his or her designee. An administrative hearing pursuant to s.
5689 120.569 shall be afforded to motor carriers subject to such
5690 orders.

5691 Section 82. Paragraph (a) of subsection (5) and subsection
5692 (10) of section 316.550, Florida Statutes, are amended to read:

5693 316.550 Operations not in conformity with law; special
5694 permits.—

5695 (5) (a) The Department of Transportation may issue a wrecker
5696 special blanket permit to authorize a wrecker as defined in s.
5697 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as defined in



940416

5698 s. 320.01 ~~320.01(38)~~ where the combination of the wrecker and
5699 the disabled vehicle being towed exceeds the maximum weight
5700 limits as established by s. 316.535.

5701 (10) Whenever any motor vehicle, or the combination of a
5702 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
5703 vehicle, exceeds any weight or dimensional criteria or special
5704 operational or safety stipulation contained in a special permit
5705 issued under the provisions of this section, the penalty
5706 assessed to the owner or operator shall be as follows:

5707 (a) For violation of weight criteria contained in a special
5708 permit, the penalty per pound or portion thereof exceeding the
5709 permitted weight shall be as provided in s. 316.545.

5710 (b) For each violation of dimensional criteria in a special
5711 permit, the penalty shall be as provided in s. 316.516 and
5712 penalties for multiple violations of dimensional criteria shall
5713 be cumulative except that the total penalty for the vehicle
5714 shall not exceed \$1,000.

5715 (c) For each violation of an operational or safety
5716 stipulation in a special permit, the penalty shall be an amount
5717 not to exceed \$1,000 per violation and penalties for multiple
5718 violations of operational or safety stipulations shall be
5719 cumulative except that the total penalty for the vehicle shall
5720 not exceed \$1,000.

5721 (d) For violation of any special condition that has been
5722 prescribed in the rules of the Department of Transportation and
5723 declared on the permit, the vehicle shall be determined to be
5724 out of conformance with the permit and the permit shall be
5725 declared null and void for the vehicle, and weight and
5726 dimensional limits for the vehicle shall be as established in s.



940416

5727 316.515 or s. 316.535, whichever is applicable, and:

5728 1. For weight violations, a penalty as provided in s.
5729 316.545 shall be assessed for those weights which exceed the
5730 limits thus established for the vehicle; and

5731 2. For dimensional, operational, or safety violations, a
5732 penalty as established in paragraph (c) or s. 316.516, whichever
5733 is applicable, shall be assessed for each nonconforming
5734 dimensional, operational, or safety violation and the penalties
5735 for multiple violations shall be cumulative for the vehicle.

5736 Section 83. Subsection (9) of section 317.0003, Florida
5737 Statutes, is amended to read:

5738 317.0003 Definitions.—As used in this chapter, the term:

5739 (9) "ROV" means any motorized recreational off-highway
5740 vehicle 64 inches or less in width, having a dry weight of 2,000
5741 pounds or less, designed to travel on four or more nonhighway
5742 tires, having nonstraddle seating and a steering wheel, and
5743 manufactured for recreational use by one or more persons. The
5744 term "ROV" does not include a golf cart as defined in ss. 320.01
5745 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
5746 s. 320.01 ~~320.01(42)~~.

5747 Section 84. Paragraph (d) of subsection (5) of section
5748 320.08, Florida Statutes, is amended to read:

5749 320.08 License taxes.—Except as otherwise provided herein,
5750 there are hereby levied and imposed annual license taxes for the
5751 operation of motor vehicles, mopeds, motorized bicycles as
5752 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
5753 and mobile homes, as defined in s. 320.01, which shall be paid
5754 to and collected by the department or its agent upon the
5755 registration or renewal of registration of the following:



940416

5756 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
5757 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

5758 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is
5759 used to tow a vessel as defined in s. 327.02(39), a disabled,
5760 abandoned, stolen-recovered, or impounded motor vehicle as
5761 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
5762 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall
5763 be deposited into the General Revenue Fund.

5764 Section 85. Subsection (1) of section 320.0847, Florida
5765 Statutes, is amended to read:

5766 320.0847 Mini truck and low-speed vehicle license plates.—

5767 (1) The department shall issue a license plate to the owner
5768 or lessee of any vehicle registered as a low-speed vehicle as
5769 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
5770 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes
5771 and fees prescribed in s. 320.08.

5772 Section 86. Section 322.282, Florida Statutes, is amended
5773 to read:

5774 322.282 Procedure when court revokes or suspends license or
5775 driving privilege and orders reinstatement.—When a court
5776 suspends or revokes a person's license or driving privilege and,
5777 in its discretion, orders reinstatement ~~as provided by s.~~
5778 ~~322.28(2)(d) or former s. 322.261(5)~~:

5779 (1) The court shall pick up all revoked or suspended driver
5780 ~~driver's~~ licenses from the person and immediately forward them
5781 to the department, together with a record of such conviction.
5782 The clerk of such court shall also maintain a list of all
5783 revocations or suspensions by the court.

5784 (2) (a) The court shall issue an order of reinstatement, on



940416

5785 a form to be furnished by the department, which the person may
5786 take to any driver ~~driver's~~ license examining office. The
5787 department shall issue a temporary driver ~~driver's~~ permit to a
5788 licensee who presents the court's order of reinstatement, proof
5789 of completion of a department-approved driver training or
5790 substance abuse education course, and a written request for a
5791 hearing under s. 322.271. The permit shall not be issued if a
5792 record check by the department shows that the person has
5793 previously been convicted for a violation of s. 316.193, former
5794 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
5795 conviction outside this state for driving under the influence,
5796 driving while intoxicated, driving with an unlawful blood-
5797 alcohol level, or any similar alcohol-related or drug-related
5798 traffic offense; that the person's driving privilege has been
5799 previously suspended for refusal to submit to a lawful test of
5800 breath, blood, or urine; or that the person is otherwise not
5801 entitled to issuance of a driver ~~driver's~~ license. This
5802 paragraph shall not be construed to prevent the reinstatement of
5803 a license or driving privilege that is presently suspended for
5804 driving with an unlawful blood-alcohol level or a refusal to
5805 submit to a breath, urine, or blood test and is also revoked for
5806 a conviction for a violation of s. 316.193 or former s.
5807 316.1931, if the suspension and revocation arise out of the same
5808 incident.

5809 (b) The temporary driver ~~driver's~~ permit shall be
5810 restricted to either business or employment purposes described
5811 in s. 322.271, as determined by the department, and shall not be
5812 used for pleasure, recreational, or nonessential driving.

5813 (c) If the department determines at a later date from its



940416

5814 records that the applicant has previously been convicted of an
5815 offense referred to in paragraph (a) which would render him or
5816 her ineligible for reinstatement, the department shall cancel
5817 the temporary driver ~~driver's~~ permit and shall issue a
5818 revocation or suspension order for the minimum period
5819 applicable. A temporary permit issued pursuant to this section
5820 shall be valid for 45 days or until canceled as provided in this
5821 paragraph.

5822 (d) The period of time for which a temporary permit issued
5823 in accordance with paragraph (a) is valid shall be deemed to be
5824 part of the period of revocation imposed by the court.

5825 Section 87. Section 324.023, Florida Statutes, is amended
5826 to read:

5827 324.023 Financial responsibility for bodily injury or
5828 death.—In addition to any other financial responsibility
5829 required by law, every owner or operator of a motor vehicle that
5830 is required to be registered in this state, or that is located
5831 within this state, and who, regardless of adjudication of guilt,
5832 has been found guilty of or entered a plea of guilty or nolo
5833 contendere to a charge of driving under the influence under s.
5834 316.193 after October 1, 2007, shall, by one of the methods
5835 established in s. 324.031(1) or, (2), ~~or (3)~~, establish and
5836 maintain the ability to respond in damages for liability on
5837 account of accidents arising out of the use of a motor vehicle
5838 in the amount of \$100,000 because of bodily injury to, or death
5839 of, one person in any one crash and, subject to such limits for
5840 one person, in the amount of \$300,000 because of bodily injury
5841 to, or death of, two or more persons in any one crash and in the
5842 amount of \$50,000 because of property damage in any one crash.



940416

5843 If the owner or operator chooses to establish and maintain such
5844 ability by ~~posting a bond or~~ furnishing a certificate of deposit
5845 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
5846 deposit must be at least ~~in an amount not less than~~ \$350,000.
5847 Such higher limits must be carried for a minimum period of 3
5848 years. If the owner or operator has not been convicted of
5849 driving under the influence or a felony traffic offense for a
5850 period of 3 years from the date of reinstatement of driving
5851 privileges for a violation of s. 316.193, the owner or operator
5852 shall be exempt from this section.

5853 Section 88. Paragraph (c) of subsection (1) of section
5854 324.171, Florida Statutes, is amended to read:

5855 324.171 Self-insurer.—

5856 (1) Any person may qualify as a self-insurer by obtaining a
5857 certificate of self-insurance from the department which may, in
5858 its discretion and upon application of such a person, issue said
5859 certificate of self-insurance when such person has satisfied the
5860 requirements of this section to qualify as a self-insurer under
5861 this section:

5862 (c) The owner of a commercial motor vehicle, as defined in
5863 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
5864 insurer subject to the standards provided for in subparagraph
5865 (b)2.

5866 Section 89. Section 324.191, Florida Statutes, is amended
5867 to read:

5868 324.191 Consent to cancellation; direction to return money
5869 or securities.—The department shall consent to the cancellation
5870 of any ~~bond or~~ certificate of insurance furnished as proof of
5871 financial responsibility pursuant to s. 324.031, or the



940416

5872 department shall return to the person entitled thereto cash or
5873 securities deposited as proof of financial responsibility
5874 pursuant to s. 324.031:

5875 (1) Upon substitution and acceptance of other adequate
5876 proof of financial responsibility pursuant to this chapter, or

5877 (2) In the event of the death of the person on whose behalf
5878 the proof was filed, or the permanent incapacity of such person
5879 to operate a motor vehicle, or

5880 (3) In the event the person who has given proof of
5881 financial responsibility surrenders his or her license and all
5882 registrations to the department; providing, however, that no
5883 notice of court action has been filed with the department, a
5884 judgment in which would result in claim on such proof of
5885 financial responsibility.

5886
5887 This section shall not apply to security as specified in s.
5888 324.061 deposited pursuant to s. 324.051(2)(a)4.

5889 Section 90. Subsection (3) of section 627.733, Florida
5890 Statutes, is amended to read:

5891 627.733 Required security.—

5892 (3) Such security shall be provided:

5893 (a) By an insurance policy delivered or issued for delivery
5894 in this state by an authorized or eligible motor vehicle
5895 liability insurer which provides the benefits and exemptions
5896 contained in ss. 627.730-627.7405. Any policy of insurance
5897 represented or sold as providing the security required hereunder
5898 shall be deemed to provide insurance for the payment of the
5899 required benefits; or

5900 (b) By any other method authorized by s. 324.031(2) or



940416

5901 (3), ~~or (4)~~ and approved by the Department of Highway Safety and
5902 Motor Vehicles as affording security equivalent to that afforded
5903 by a policy of insurance or by self-insuring as authorized by s.
5904 768.28(16). The person filing such security shall have all of
5905 the obligations and rights of an insurer under ss. 627.730-
5906 627.7405.

5907 Section 91. Section 627.7415, Florida Statutes, is amended
5908 to read:

5909 627.7415 Commercial motor vehicles; additional liability
5910 insurance coverage.—Commercial motor vehicles, as defined in s.
5911 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
5912 highways of this state shall be insured with the following
5913 minimum levels of combined bodily liability insurance and
5914 property damage liability insurance in addition to any other
5915 insurance requirements:

5916 (1) Fifty thousand dollars per occurrence for a commercial
5917 motor vehicle with a gross vehicle weight of 26,000 pounds or
5918 more, but less than 35,000 pounds.

5919 (2) One hundred thousand dollars per occurrence for a
5920 commercial motor vehicle with a gross vehicle weight of 35,000
5921 pounds or more, but less than 44,000 pounds.

5922 (3) Three hundred thousand dollars per occurrence for a
5923 commercial motor vehicle with a gross vehicle weight of 44,000
5924 pounds or more.

5925 (4) All commercial motor vehicles subject to regulations of
5926 the United States Department of Transportation, Title 49 C.F.R.
5927 part 387, subpart A, and as may be hereinafter amended, shall be
5928 insured in an amount equivalent to the minimum levels of
5929 financial responsibility as set forth in such regulations.



940416

5930
5931 A violation of this section is a noncriminal traffic infraction,
5932 punishable as a nonmoving violation as provided in chapter 318.

5933 Section 92. For the 2013-2014 fiscal year, the sum of
5934 \$400,000 in recurring funds is appropriated from the General
5935 Inspection Trust Fund in the Department of Agriculture and
5936 Consumer Services to the Department of Agriculture and Consumer
5937 Services' Oyster Planting appropriation category to implement s.
5938 328.76(1)(e), Florida Statutes, as created by this act.

5939 Section 93. For the 2013-2014 fiscal year, the sum of
5940 \$300,000 in recurring funds is appropriated from the Marine
5941 Resources Conservation Trust Fund in the Florida Fish and
5942 Wildlife Conservation Commission to the Florida Fish and
5943 Wildlife Conservation Commission's Boating Safety Education
5944 Program appropriation category to implement s. 328.76(1)(f),
5945 Florida Statutes, as created by this act.

5946 Section 94. This act shall take effect July 1, 2013.

5947
5948 ===== T I T L E A M E N D M E N T =====

5949 And the title is amended as follows:

5950 Delete everything before the enacting clause
5951 and insert:

5952 A bill to be entitled
5953 An act relating to the Department of Highway Safety
5954 and Motor Vehicles; amending s. 110.205, F.S.;
5955 providing that certain positions in the department are
5956 exempt from career service; amending s. 207.002, F.S.,
5957 relating to the Florida Diesel Fuel and Motor Fuel Use
5958 Tax Act of 1981; deleting definitions of the terms



940416

5959 "apportioned motor vehicle" and "apportionable
5960 vehicle"; providing legislative intent relating to
5961 road rage and traffic congestion; amending s. 316.003,
5962 F.S.; defining the term "road rage"; amending s.
5963 316.066, F.S.; authorizing the Department of
5964 Transportation to immediately receive a crash report;
5965 amending s. 316.083, F.S.; requiring that an operator
5966 of a motor vehicle yield the furthestmost left-hand
5967 lane when being overtaken on a multilane highway;
5968 providing exceptions; reenacting s. 316.1923, F.S.,
5969 relating to aggressive careless driving, to
5970 incorporate the amendments made to s. 316.083, F.S.,
5971 in a reference thereto; requiring that the Department
5972 of Highway Safety and Motor Vehicles provide
5973 information about the act in driver license
5974 educational materials that are newly published on or
5975 after a specified date; amending s. 316.1937, F.S.;
5976 revising operational specifications for ignition
5977 interlock devices; amending s. 316.2015, F.S.;
5978 prohibiting the operator of a pickup truck or flatbed
5979 truck from permitting a child who is younger than 6
5980 years of age from riding within the open body of the
5981 truck under certain circumstances; amending s.
5982 316.302, F.S.; revising provisions for certain
5983 commercial motor vehicles and transporters and
5984 shippers of hazardous materials; providing for
5985 application of specified federal regulations; removing
5986 a provision for application of specified provisions
5987 and federal regulations to transporting liquefied



940416

5988 petroleum gas; amending s. 316.3025, F.S.; providing
5989 penalties for violation of specified federal
5990 regulations relating to medical and physical
5991 requirements for commercial drivers while driving a
5992 commercial motor vehicle; revising provisions for
5993 seizure of a motor vehicle for refusal to pay penalty;
5994 amending s. 316.515, F.S.; providing that a straight
5995 truck may attach a forklift to the rear of the cargo
5996 bed if it does not exceed a specific length; amending
5997 s. 316.545, F.S.; revising language relating to
5998 certain commercial motor vehicles not properly
5999 licensed and registered; amending s. 316.646, F.S.;
6000 authorizing the use of an electronic device to provide
6001 proof of insurance under the section; providing that
6002 displaying such information on an electronic device
6003 does not constitute consent for a law enforcement
6004 officer to access other information stored on the
6005 device; providing that the person displaying the
6006 device assumes the liability for any resulting damage
6007 to the device; requiring the department to adopt
6008 rules; amending s. 317.0016, F.S., relating to
6009 expedited services; removing a requirement that the
6010 department provide such service for certain
6011 certificates; amending s. 318.14, F.S., relating to
6012 disposition of traffic citations; providing that
6013 certain alternative procedures for certain traffic
6014 offenses are not available to a person who holds a
6015 commercial learner's permit; amending s. 318.1451,
6016 F.S.; revising provisions relating to driver



940416

6017 improvement schools; removing a provision for a chief
6018 judge to establish requirements for the location of
6019 schools within a judicial circuit; removing a
6020 provision that authorizes a person to operate a driver
6021 improvement school; revising provisions for persons
6022 taking an unapproved course; providing criteria for
6023 initial approval of courses; revising requirements for
6024 assessment fees, courses, course certificates, and
6025 course providers; directing the department to adopt
6026 rules; creating s. 319.141, F.S.; establishing a pilot
6027 rebuilt motor vehicle inspection program; providing
6028 definitions; requiring the department to contract with
6029 private vendors to establish and operate inspection
6030 facilities in certain counties; providing minimum
6031 requirements for applicants; requiring the department
6032 to submit a report to the Legislature; providing for
6033 future repeal; amending s. 319.225, F.S.; revising
6034 provisions for certificates of title, reassignment of
6035 title, and forms; revising procedures for transfer of
6036 title; amending s. 319.23, F.S.; revising requirements
6037 for content of certificates of title and applications
6038 for title; amending s. 319.28, F.S.; revising
6039 provisions for transfer of ownership by operation of
6040 law when a motor vehicle or mobile home is
6041 repossessed; removing provisions for a certificate of
6042 repossession; amending s. 319.30, F.S., relating to
6043 disposition of derelict motor vehicles; defining the
6044 term "National Motor Vehicle Title Information
6045 System"; requiring salvage motor vehicle dealers,



940416

6046 insurance companies, and other persons to notify the
6047 system when receiving or disposing of such a vehicle;
6048 requiring proof of such notification when applying for
6049 a certificate of destruction or salvage certificate of
6050 title; providing penalties; amending s. 319.323, F.S.,
6051 relating to expedited services of the department;
6052 removing certificates of repossession; amending s.
6053 320.01, F.S.; removing the definition of the term
6054 "apportioned motor vehicle"; revising the definition
6055 of the term "apportionable motor vehicle"; amending s.
6056 320.02, F.S.; revising requirements for application
6057 for motor vehicle registration; requiring insurers to
6058 furnish proof-of-purchase cards in a paper or
6059 electronic format; requiring the application form for
6060 motor vehicle registration and renewal registration to
6061 include language permitting the applicant to make a
6062 voluntary contribution to the Auto Club Group Traffic
6063 Safety Foundation, Inc.; amending s. 320.03, F.S.;
6064 revising a provision for registration under the
6065 International Registration Plan; amending s. 320.071,
6066 F.S.; revising a provision for advance renewal of
6067 registration under the International Registration
6068 Plan; amending s. 320.0715, F.S.; revising provisions
6069 for vehicles required to be registered under the
6070 International Registration Plan; amending s. 320.089,
6071 F.S.; creating a special use license plate for current
6072 or former members of the United States Armed Forces
6073 who participated in Operation Desert Storm or
6074 Operation Desert Shield; amending ss. 320.08056 and



940416

6075 320.08058, F.S.; revising the prescribed use of
6076 proceeds from the sale of Hispanic Achievers license
6077 plates; creating an American Legion license plate;
6078 creating a Lauren's Kids license plate; creating a Big
6079 Brothers Big Sisters license plate; establishing an
6080 annual use fee for the plates; providing for the
6081 distribution and use of fees received from the sale of
6082 the plates; amending s. 320.08062, F.S.; redirecting
6083 specialty plate funds; providing approval of the
6084 Legislature; amending s. 320.18, F.S.; providing for
6085 withholding of motor vehicle or mobile home
6086 registration when a coowner has failed to register the
6087 motor vehicle or mobile home during a previous period
6088 when such registration was required; providing for
6089 cancelling a vehicle or vessel registration, driver
6090 license, identification card, or fuel-use tax decal if
6091 the coowner pays certain fees and other liabilities
6092 with a dishonored check; amending s. 320.27, F.S.,
6093 relating to motor vehicle dealers; providing for
6094 extended periods for dealer licenses and supplemental
6095 licenses; providing fees; amending s. 320.62, F.S.,
6096 relating to manufacturers, distributors, and importers
6097 of motor vehicles; providing for extended licensure
6098 periods; providing fees; amending s. 320.77, F.S.,
6099 relating to mobile home dealers; providing for
6100 extended licensure periods; providing fees; amending
6101 s. 320.771, F.S., relating to recreational vehicle
6102 dealers; providing for extended licensure periods;
6103 providing fees; amending s. 320.8225, F.S., relating



940416

6104 to mobile home and recreational vehicle manufacturers,
6105 distributors, and importers; providing for extended
6106 licensure periods; providing fees; amending s. 322.08,
6107 F.S.; requiring the application forms for an original,
6108 renewal, or replacement driver license or
6109 identification card to include language permitting an
6110 applicant to make a voluntary contribution to the Auto
6111 Club Group Traffic Safety Foundation, Inc.; amending
6112 s. 322.095, F.S.; requiring an applicant for a driver
6113 license to complete a traffic law and substance abuse
6114 education course; providing exceptions; revising
6115 procedures for evaluation and approval of such
6116 courses; revising criteria for such courses and the
6117 schools conducting the courses; providing for
6118 collection and disposition of certain fees; requiring
6119 providers to maintain records; directing the
6120 department to conduct effectiveness studies; requiring
6121 a provider to cease offering a course that fails the
6122 study; requiring courses to be updated at the request
6123 of the department; providing a timeframe for course
6124 length; prohibiting a provider from charging for a
6125 completion certificate; requiring providers to
6126 disclose certain information; requiring providers to
6127 submit course completion information to the department
6128 within a certain time period; prohibiting certain
6129 acts; providing that the department shall not accept
6130 certification from certain students; prohibiting a
6131 person convicted of certain crimes from conducting
6132 courses; directing the department to suspend course



940416

6133 approval for certain purposes; providing for the
6134 department to deny, suspend, or revoke course approval
6135 for certain acts; providing for administrative hearing
6136 before final action denying, suspending, or revoking
6137 course approval; providing penalties for violations;
6138 amending s. 322.125, F.S.; revising criteria for
6139 members of the Medical Advisory Board; amending s.
6140 322.135, F.S.; removing a provision that authorizes a
6141 tax collector to direct certain licensees to the
6142 department for examination or reexamination; creating
6143 s. 322.143, F.S.; defining terms; prohibiting a
6144 private entity from swiping an individual's driver
6145 license or identification card except for certain
6146 specified purposes; providing that a private entity
6147 that swipes an individual's driver license or
6148 identification card may not store, sell, or share
6149 personal information collected from swiping the driver
6150 license or identification card; providing that a
6151 private entity may store or share personal information
6152 collected from swiping an individual's driver license
6153 or identification card for the purpose of preventing
6154 fraud or other criminal activity against the private
6155 entity; providing that the private entity may manually
6156 collect personal information; prohibiting a private
6157 entity from withholding the provision of goods or
6158 services solely as a result of the individual
6159 requesting the collection of the data through manual
6160 means; providing that a private entity is subject to a
6161 civil penalty under certain circumstances; amending s.



940416

6162 322.21, F.S.; making grammatical changes; amending s.
6163 322.212, F.S.; providing penalties for certain
6164 violations involving application and testing for a
6165 commercial driver license or a commercial learner's
6166 permit; amending s. 322.22, F.S.; authorizing the
6167 department to withhold issuance or renewal of a driver
6168 license, identification card, vehicle or vessel
6169 registration, or fuel-use decal under certain
6170 circumstances; amending s. 322.245, F.S.; requiring a
6171 depository or clerk of court to electronically notify
6172 the department of a person's failure to pay support or
6173 comply with directives of the court; amending s.
6174 322.25, F.S.; removing a provision for a court order
6175 to reinstate a person's driving privilege on a
6176 temporary basis when the person's license and driving
6177 privilege have been revoked under certain
6178 circumstances; amending s. 322.2615, F.S., relating to
6179 review of a license suspension when the driver had
6180 blood or breath alcohol at a certain level or the
6181 driver refused a test of his or her blood or breath to
6182 determine the alcohol level; providing procedures for
6183 a driver to be issued a restricted license under
6184 certain circumstances; revising provisions for
6185 informal and formal reviews; providing for the hearing
6186 officer to be designated by the department;
6187 authorizing the hearing officer to conduct hearings
6188 using telecommunications technology; revising
6189 procedures for enforcement of subpoenas; amending s.
6190 322.2616, F.S., relating to review of a license



940416

6191 suspension when the driver is under 21 years of age
6192 and had blood or breath alcohol at a certain level;
6193 revising provisions for informal and formal reviews;
6194 providing for the hearing officer to be designated by
6195 the department; authorizing the hearing officer to
6196 conduct hearings using telecommunications technology;
6197 revising procedures for enforcement of subpoenas;
6198 amending s. 322.271, F.S.; correcting cross-references
6199 and conforming provisions to changes made by the act;
6200 providing procedures for certain persons who have no
6201 previous convictions for certain alcohol-related
6202 driving offenses to be issued a driver license for
6203 business purposes only; amending s. 322.2715, F.S.;
6204 providing requirements for issuance of a restricted
6205 license for a person convicted of a DUI offense if a
6206 medical waiver of placement of an ignition interlock
6207 device was given to such person; amending s. 322.28,
6208 F.S., relating to revocation of driver license for
6209 convictions of DUI offenses; providing that
6210 convictions occurring on the same date for offenses
6211 occurring on separate dates are considered separate
6212 convictions; removing a provision relating to a court
6213 order for reinstatement of a revoked license;
6214 repealing s. 322.331, F.S., relating to habitual
6215 traffic offenders; amending s. 322.61, F.S.; revising
6216 provisions for disqualification from operating a
6217 commercial motor vehicle; providing for application of
6218 such provisions to persons holding a commercial
6219 learner's permit; revising the offenses for which



940416

6220 certain disqualifications apply; amending s. 322.64,
6221 F.S., relating to driving with unlawful blood-alcohol
6222 level or refusal to submit to breath, urine, or blood
6223 test by a commercial driver license holder or person
6224 driving a commercial motor vehicle; providing that a
6225 disqualification from driving a commercial motor
6226 vehicle is considered a conviction for certain
6227 purposes; revising the time period a person is
6228 disqualified from driving for alcohol-related
6229 violations; revising requirements for notice of the
6230 disqualification; providing that under the review of a
6231 disqualification the hearing officer shall consider
6232 the crash report; revising provisions for informal and
6233 formal reviews; providing for the hearing officer to
6234 be designated by the department; authorizing the
6235 hearing officer to conduct hearings using
6236 telecommunications technology; revising procedures for
6237 enforcement of subpoenas; directing the department to
6238 issue a temporary driving permit or invalidate the
6239 suspension under certain circumstances; providing for
6240 construction of specified provisions; amending s.
6241 323.002, F.S.; requiring an unauthorized wrecker
6242 operator to disclose in writing to the owner or
6243 operator of a disabled motor vehicle certain
6244 information; amending s. 324.0221, F.S.; revising the
6245 actions which must be reported to the department by an
6246 insurer that has issued a policy providing personal
6247 injury protection coverage or property damage
6248 liability coverage; revising time allowed for



940416

6249 submitting the report; amending s. 324.031, F.S.;

6250 revising the methods a vehicle owner or operator may

6251 use to prove financial responsibility; removing a

6252 provision for posting a bond with the department;

6253 amending s. 324.091, F.S.; revising provisions

6254 requiring motor vehicle owners and operators to

6255 provide evidence to the department of liability

6256 insurance coverage under certain circumstances;

6257 revising provisions for verification by insurers of

6258 such evidence; amending s. 324.161, F.S.; providing

6259 requirements for issuance of a certificate of

6260 insurance; requiring proof of a certificate of deposit

6261 of a certain amount of money in a financial

6262 institution; providing for power of attorney to be

6263 issued to the department for execution under certain

6264 circumstances; amending s. 328.01, F.S., relating to

6265 vessel titles; revising identification requirements

6266 for applications for a certificate of title; amending

6267 s. 328.48, F.S., relating to vessel registration;

6268 revising identification requirements for applications

6269 for vessel registration; amending s. 328.76, F.S.,

6270 relating to vessel registration funds; revising how

6271 such funds are distributed; amending s. 339.0801,

6272 F.S.; requiring the increased revenues derived from

6273 amendments to s. 319.32(5)(a) by ch. 2012-128, Laws of

6274 Florida, to be first annually used beginning in FY

6275 2013-2014 and for 30 years thereafter to fund seaport

6276 projects identified in the department's adopted work

6277 program; removing the authority to assign, pledge, or



940416

6278 set aside revenues for the payment of principal or
6279 interest on tax anticipation certificates; providing
6280 that revenue bonds or other indebtedness are secured
6281 solely by first lien; revising provisions for the
6282 protection of bondholders; amending s. 713.585, F.S.;
6283 requiring that a lienholder check the National Motor
6284 Vehicle Title Information System or an equivalent
6285 commercially available system, or the records of any
6286 corresponding agency of any other state before
6287 enforcing a lien by selling the motor vehicle;
6288 requiring the lienholder to notify the local law
6289 enforcement agency in writing by certified mail
6290 informing the law enforcement agency that the
6291 lienholder has made a good faith effort to locate the
6292 owner or lienholder; specifying that a good faith
6293 effort includes a check of the Department of Highway
6294 Safety and Motor Vehicles database records and the
6295 National Motor Vehicle Title Information System or an
6296 equivalent commercially available system; setting
6297 requirements for notification of the sale of the
6298 vehicle as a way to enforce a lien; requiring the
6299 lienholder to publish notice; requiring the lienholder
6300 to keep a record of proof of checking the National
6301 Motor Vehicle Title Information System or an
6302 equivalent commercially available system; amending s.
6303 713.78, F.S.; providing definitions; revising
6304 provisions for enforcement of a lien for recovering,
6305 towing, or storing a vehicle or vessel; amending ss.
6306 212.08, 261.03, 316.2122, 316.2124, 316.21265,



940416

6307 316.3026, 316.550, 317.0003, 320.08, 320.0847,
6308 322.282, 324.023, 324.171, 324.191, 627.733, and
6309 627.7415, F.S.; correcting cross-references and
6310 conforming provisions to changes made by the act;
6311 providing appropriations; providing an effective date.