



1 A bill to be entitled

2 An act relating to the Department of Highway Safety  
3 and Motor Vehicles; amending s. 110.205, F.S.;  
4 providing that certain positions in the department are  
5 exempt from career service; amending s. 207.002, F.S.,  
6 relating to the Florida Diesel Fuel and Motor Fuel Use  
7 Tax Act of 1981; deleting definitions of the terms  
8 "apportioned motor vehicle" and "apportionable  
9 vehicle"; amending s. 316.0083, F.S.; revising  
10 provisions for enforcement of specified provisions  
11 using a traffic infraction detector; prohibiting a  
12 notice of violation or a traffic citation for a right  
13 on red violation under specified provisions; amending  
14 s. 316.066, F.S.; authorizing the Department of  
15 Transportation to immediately receive a crash report;  
16 amending s. 316.0776, F.S.; removing a requirement  
17 that the department, a county, or a municipality  
18 notify the public of enforcement of violations  
19 concerning right turns via a traffic infraction  
20 detector; amending s. 316.081, F.S.; prohibiting a  
21 driver from driving at less than the posted speed in  
22 the furthestmost left-hand lane of a road, street, or  
23 highway having two or more lanes if being overtaken by  
24 a motor vehicle; providing exceptions; providing  
25 penalties; amending s. 316.1937, F.S.; revising  
26 operational specifications for ignition interlock  
27 devices; amending s. 316.2397, F.S.; exempting  
28 specified municipal officials from a prohibition



29 | against showing or displaying blue lights on a motor  
30 | vehicle under certain conditions; amending s. 316.302,  
31 | F.S.; revising provisions for certain commercial motor  
32 | vehicles and transporters and shippers of hazardous  
33 | materials; providing for application of specified  
34 | federal regulations; removing a provision for  
35 | application of specified provisions and federal  
36 | regulations to transporting liquefied petroleum gas;  
37 | amending s. 316.3025, F.S.; providing penalties for  
38 | violation of specified federal regulations relating to  
39 | medical and physical requirements for commercial  
40 | drivers while driving a commercial motor vehicle;  
41 | revising provisions for seizure of motor vehicle for  
42 | refusal to pay penalty; providing penalties for  
43 | violation of specified federal regulations relating to  
44 | commercial drivers and the use of mobile telephones  
45 | and texting while driving a commercial motor vehicle;  
46 | providing exemptions; amending s. 316.515, F.S.;  
47 | revising provisions for exceptions to width, height,  
48 | and length limitations; amending s. 316.545, F.S.;  
49 | revising language relating to certain commercial motor  
50 | vehicles not properly licensed and registered;  
51 | amending s. 316.646, F.S., relating to proof of  
52 | property damage liability security and display  
53 | thereof; providing for proof of insurance in an  
54 | electronic format and on an electronic device;  
55 | providing conditions relating to the use of such  
56 | electronic device; requiring the department to adopt



57 | rules; amending s. 317.0016, F.S., relating to  
58 | expedited services; removing a requirement that the  
59 | department provide such service for certain  
60 | certificates; amending s. 318.14, F.S., relating to  
61 | disposition of traffic citations; providing that  
62 | certain alternative procedures for certain traffic  
63 | offenses are not available to a person who holds a  
64 | commercial learner's permit; amending s. 318.1451,  
65 | F.S.; revising provisions relating to driver  
66 | improvement schools; removing a provision for a chief  
67 | judge to establish requirements for the location of  
68 | schools within a judicial circuit; removing a  
69 | provision that authorizes a person to operate a driver  
70 | improvement school; revising provisions for persons  
71 | taking unapproved course; providing criteria for  
72 | initial approval of courses; revising requirements for  
73 | courses, course certificates, and course providers;  
74 | directing the department to adopt rules; creating s.  
75 | 319.141, F.S.; directing the department to conduct a  
76 | pilot program to evaluate rebuilt vehicle inspection  
77 | services performed by the private sector; providing  
78 | definitions; providing for the department to enter  
79 | into a memorandum of understanding with the private  
80 | provider; providing minimum criteria and certain  
81 | requirements; requiring the department to provide a  
82 | report to the Legislature; providing for future  
83 | expiration; amending s. 319.225, F.S.; revising  
84 | provisions for certificates of title, reassignment of



85 | title, and forms; revising procedures for transfer of  
86 | title; amending s. 319.23, F.S.; revising requirements  
87 | for content of certificates of title and applications  
88 | for title; amending s. 319.28, F.S.; revising  
89 | provisions for transfer of ownership by operation of  
90 | law when a motor vehicle or mobile home is  
91 | repossessed; removing provisions for a certificate of  
92 | repossession; amending s. 319.30, F.S., relating to  
93 | disposition of derelict motor vehicles; defining the  
94 | term "National Motor Vehicle Title Information  
95 | System"; requiring salvage motor vehicle dealers,  
96 | insurance companies, and other persons to notify the  
97 | system when receiving or disposing of such a vehicle;  
98 | requiring proof of such notification when applying for  
99 | a certificate of destruction or salvage certificate of  
100 | title; providing penalties; amending s. 319.323, F.S.,  
101 | relating to expedited services of the department;  
102 | removing certificates of repossession; amending s.  
103 | 320.01, F.S.; removing the definition of the term  
104 | "apportioned motor vehicle"; revising the definition  
105 | of the term "apportionable vehicle"; amending s.  
106 | 320.02, F.S.; revising requirements for application  
107 | for motor vehicle registration; providing for insurers  
108 | to furnish proof-of-purchase cards in a paper or an  
109 | electronic format; requiring the application form for  
110 | motor vehicle registration and renewal of registration  
111 | to include language permitting the applicant to make a  
112 | voluntary contribution to the Auto Club Group Traffic



113 Safety Foundation, Inc.; amending s. 320.03, F.S.;

114 revising a provision for registration under the

115 International Registration Plan; amending s. 320.071,

116 F.S.; revising a provision for advance renewal of

117 registration under the International Registration

118 Plan; amending s. 320.0715, F.S.; revising provisions

119 for vehicles required to be registered under the

120 International Registration Plan; amending s.

121 320.08058, F.S.; revising the prescribed use of

122 proceeds from the sale of Hispanic Achievers license

123 plates; amending s. 320.089, F.S.; creating a special

124 use license plate for current or former members of the

125 United States Armed Forces who participated in

126 Operation Desert Storm or Operation Desert Shield;

127 amending s. 320.18, F.S.; providing for withholding of

128 motor vehicle or mobile home registration when a

129 coowner has failed to register the motor vehicle or

130 mobile home during a previous period when such

131 registration was required; providing for cancelling a

132 vehicle or vessel registration, driver license,

133 identification card, or fuel-use tax decal if the

134 coowner pays certain fees and other liabilities with a

135 dishonored check; amending s. 320.27, F.S., relating

136 to motor vehicle dealers; providing for extended

137 periods for dealer licenses and supplemental licenses;

138 providing fees; amending s. 320.62, F.S., relating to

139 manufacturers, distributors, and importers of motor

140 vehicles; providing for extended licensure periods;



141 providing fees; amending s. 320.77, F.S., relating to  
142 mobile home dealers; providing for extended licensure  
143 periods; providing fees; amending s. 320.771, F.S.,  
144 relating to recreational vehicle dealers; providing  
145 for extended licensure periods; providing fees;  
146 amending s. 320.8225, F.S., relating to mobile home  
147 and recreational vehicle manufacturers, distributors,  
148 and importers; providing for extended licensure  
149 periods; providing fees; amending s. 322.08, F.S.;  
150 requiring the application form for an original,  
151 renewal, or replacement driver license or  
152 identification card to include language permitting the  
153 applicant to make a voluntary contribution to the Auto  
154 Club Group Traffic Safety Foundation, Inc.; amending  
155 s. 322.095, F.S.; requiring an applicant for a driver  
156 license to complete a traffic law and substance abuse  
157 education course; providing exceptions; revising  
158 procedures for evaluation and approval of such  
159 courses; revising criteria for such courses and the  
160 schools conducting the courses; providing for  
161 collection and disposition of certain fees; requiring  
162 providers to maintain records; directing the  
163 department to conduct effectiveness studies; requiring  
164 a provider to cease offering a course that fails the  
165 study; requiring courses to be updated at the request  
166 of the department; requiring providers to disclose  
167 certain information; requiring providers to submit  
168 course completion information to the department within



169 a certain time period; prohibiting certain acts;  
170 providing that the department shall not accept  
171 certification from students; prohibiting a person  
172 convicted of certain crimes from conducting courses;  
173 directing the department to suspend course approval  
174 for certain purposes; providing for the department to  
175 deny, suspend, or revoke course approval for certain  
176 acts; providing for administrative hearing before  
177 final action denying, suspending, or revoking course  
178 approval; providing penalties for violations; amending  
179 s. 322.125, F.S.; revising criteria for members of the  
180 Medical Advisory Board; amending s. 322.135, F.S.;  
181 removing a provision that authorizes a tax collector  
182 to direct certain licensees to the department for  
183 examination or reexamination; creating s. 322.143,  
184 F.S.; defining terms; prohibiting a private entity  
185 from swiping an individual's driver license or  
186 identification card except for certain specified  
187 purposes; providing that a private entity that swipes  
188 an individual's driver license or identification card  
189 may not store, sell, or share personal information  
190 collected from swiping the driver license or  
191 identification card; providing exceptions; providing  
192 that the private entity may manually collect personal  
193 information; prohibiting a private entity from  
194 withholding the provision of goods or services solely  
195 as a result of the individual requesting the  
196 collection of the data through manual means; providing



197 remedies; amending s. 322.212, F.S.; providing  
198 penalties for certain violations involving application  
199 and testing for a commercial driver license or a  
200 commercial learner's permit; amending s. 322.22, F.S.;  
201 authorizing the department to withhold issuance or  
202 renewal of a driver license, identification card,  
203 vehicle or vessel registration, or fuel-use decal  
204 under certain circumstances; amending s. 322.245,  
205 F.S.; requiring a depository or clerk of court to  
206 electronically notify the department of a person's  
207 failure to pay support or comply with directives of  
208 the court; amending s. 322.25, F.S.; removing a  
209 provision for a court order to reinstate a person's  
210 driving privilege on a temporary basis when the  
211 person's license and driving privilege have been  
212 revoked under certain circumstances; amending ss.  
213 322.2615 and 322.2616, F.S., relating to review of a  
214 license suspension when the driver had blood or breath  
215 alcohol at a certain level or the driver refused a  
216 test of his or her blood or breath to determine the  
217 alcohol level; authorizing the driver to request a  
218 review of eligibility for a restricted driving  
219 privilege; revising provisions for informal and formal  
220 reviews; providing for the hearing officer to be  
221 designated by the department; authorizing the hearing  
222 officer to conduct hearings using telecommunications  
223 technology; revising procedures for enforcement of  
224 subpoenas; directing the department to issue a





225 | temporary driving permit or invalidate the suspension  
226 | under certain circumstances; providing for  
227 | construction of specified provisions; amending s.  
228 | 322.271, F.S.; providing conditions under which a  
229 | person whose driver license is suspended for a DUI-  
230 | related offense may be eligible to receive a  
231 | restricted driving privilege; amending s. 322.2715,  
232 | F.S.; providing requirements for issuance of a  
233 | restricted driver license for a person convicted of a  
234 | DUI offense if a medical waiver of placement of an  
235 | ignition interlock device was given to such person;  
236 | amending s. 322.28, F.S., relating to revocation of  
237 | driver license for convictions of DUI offenses;  
238 | providing that convictions occurring on the same date  
239 | for offenses occurring on separate dates are  
240 | considered separate convictions; removing a provision  
241 | relating to a court order for reinstatement of a  
242 | revoked driver license; repealing s. 322.331, F.S.,  
243 | relating to habitual traffic offenders; amending s.  
244 | 322.61, F.S.; revising provisions for disqualification  
245 | from operating a commercial motor vehicle; providing  
246 | for application of such provisions to persons holding  
247 | a commercial learner's permit; revising the offenses  
248 | for which certain disqualifications apply; amending s.  
249 | 322.64, F.S., relating to driving with unlawful blood-  
250 | alcohol level or refusal to submit to breath, urine,  
251 | or blood test by a commercial driver license holder or  
252 | person driving a commercial motor vehicle; providing



253 | that a disqualification from driving a commercial  
254 | motor vehicle is considered a conviction for certain  
255 | purposes; revising the time period a person is  
256 | disqualified from driving for alcohol-related  
257 | violations; revising requirements for notice of the  
258 | disqualification; providing that under the review of a  
259 | disqualification the hearing officer shall consider  
260 | the crash report; revising provisions for informal and  
261 | formal reviews; providing for the hearing officer to  
262 | be designated by the department; authorizing the  
263 | hearing officer to conduct hearings using  
264 | telecommunications technology; revising procedures for  
265 | enforcement of subpoenas; directing the department to  
266 | issue a temporary driving permit or invalidate the  
267 | suspension under certain circumstances; providing for  
268 | construction of specified provisions; amending s.  
269 | 323.002, F.S.; providing that an unauthorized wrecker  
270 | operator's wrecker, tow truck, or other motor vehicle  
271 | used during certain offenses may be removed and  
272 | impounded; requiring an unauthorized wrecker operator  
273 | to disclose certain information in writing to the  
274 | owner or operator of a motor vehicle and provide a  
275 | copy of the disclosure to the owner or operator in the  
276 | presence of a law enforcement officer if an officer is  
277 | present; authorizing state and local government law  
278 | enforcement officers to cause to be removed and  
279 | impounded any wrecker, tow truck, or other motor  
280 | vehicle used in violation of specified provisions;



281 | authorizing the authority that caused the removal and  
282 | impoundment to assess a cost recovery fine; providing  
283 | procedures and requirements for release of the  
284 | vehicle; providing penalties; requiring that the  
285 | unauthorized wrecker operator pay the fees associated  
286 | with the removal and storage of the vehicle; amending  
287 | s. 324.0221, F.S.; revising the actions which must be  
288 | reported to the department by an insurer that has  
289 | issued a policy providing personal injury protection  
290 | coverage or property damage liability coverage;  
291 | revising time allowed for submitting the report;  
292 | amending s. 324.031, F.S.; revising the methods a  
293 | vehicle owner or operator may use to prove financial  
294 | responsibility; removing a provision for posting a  
295 | bond with the department; amending s. 324.091, F.S.;  
296 | revising provisions requiring motor vehicle owners and  
297 | operators to provide evidence to the department of  
298 | liability insurance coverage under certain  
299 | circumstances; revising provisions for verification by  
300 | insurers of such evidence; amending s. 324.161, F.S.;  
301 | providing requirements for issuance of a certificate  
302 | of insurance; requiring proof of a certificate of  
303 | deposit of a certain amount of money in a financial  
304 | institution; providing for power of attorney to be  
305 | issued to the department for execution under certain  
306 | circumstances; amending s. 328.01, F.S., relating to  
307 | vessel titles; revising identification requirements  
308 | for applications for a certificate of title; amending



309 s. 328.48, F.S., relating to vessel registration;  
310 revising identification requirements for applications  
311 for vessel registration; amending s. 328.76, F.S.,  
312 relating to vessel registration funds; revising  
313 provisions for funds to be deposited into the Highway  
314 Safety Operating Trust Fund; providing for certain  
315 funds to be used for aquaculture development;  
316 providing appropriations; amending s. 713.585, F.S.;  
317 revising procedures and requirements for enforcement  
318 of lien by sale of motor vehicle when ownership is not  
319 established; revising provisions for establishing a  
320 good faith effort to locate the owner or lienholder;  
321 requiring the lienholder to make certain records  
322 checks, including records of the department and the  
323 National Motor Vehicle Title Information System and  
324 any state disclosed by the check of that system;  
325 revising requirements for notification to the local  
326 law enforcement agency; revising requirements for  
327 notification of the sale of the vehicle; revising  
328 documents and proofs the lienholder is required to  
329 furnish with a certificate of compliance filed with  
330 the clerk of the circuit court; requiring the  
331 lienholder to provide the department proof of checking  
332 the National Motor Vehicle Title Information System  
333 for application for transfer of title; amending s.  
334 713.78, F.S.; revising provisions for enforcement of  
335 liens for recovering, towing, or storing a vehicle or  
336 vessel; providing a definition; providing for a lien



337 | on a vehicle or vessel when a landlord or the  
338 | landlord's designee authorized removal after tenancy  
339 | is terminated and specified conditions are met;  
340 | revising provisions requiring notice to the owner,  
341 | insurance company, and lienholders; revising  
342 | procedures and requirements when ownership is not  
343 | established; revising provisions for establishing a  
344 | good faith effort to locate the owner or lienholder;  
345 | requiring certain records checks, including records of  
346 | the department and the National Motor Vehicle Title  
347 | Information System and any state disclosed by the  
348 | check of that system; revising provisions for notice  
349 | of sale; requiring that insurance company  
350 | representatives shall be allowed to inspect the  
351 | vehicle or vessel; providing that when the vehicle is  
352 | to be sold for purposes of being dismantled,  
353 | destroyed, or changed in such manner that it is not  
354 | the motor vehicle or vessel described in the  
355 | certificate of title, it must be reported to the  
356 | National Motor Vehicle Title Information System and  
357 | application made to the department for a certificate  
358 | of destruction; authorizing the governing body of a  
359 | county to create a yellow dot critical motorist  
360 | medical information program for certain purposes;  
361 | authorizing a county to solicit sponsorships for the  
362 | medical information program and enter into an  
363 | interlocal agreement with another county to solicit  
364 | such sponsorships; authorizing the Department of



365 Highway Safety and Motor Vehicles and the Department  
366 of Transportation to provide education and training  
367 and publicize the program; requiring the program to be  
368 free to participants; providing for applications to  
369 participate; providing for a yellow dot decal and a  
370 yellow dot folder to be issued to participants and a  
371 form containing specified information about the  
372 participant; providing procedures for use of the  
373 decal, folder, and form; providing for limited use of  
374 information on the forms by emergency medical  
375 responders; limiting liability of emergency medical  
376 responders; requiring the governing body of a  
377 participating county to adopt guidelines and  
378 procedures to ensure that confidential information is  
379 not made public; providing for contingent effect;  
380 amending ss. 212.08, 261.03, 316.2122, 316.2124,  
381 316.21265, 316.3026, 316.550, 317.0003, 320.08,  
382 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191,  
383 627.733, and 627.7415, F.S.; correcting cross-  
384 references and conforming provisions to changes made  
385 by the act; providing effective dates.

386  
387 Be It Enacted by the Legislature of the State of Florida:

388  
389 Section 1. Paragraph (m) of subsection (2) of section  
390 110.205, Florida Statutes, is amended to read:  
391 110.205 Career service; exemptions.—



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

394 (m) All assistant division director, deputy division  
395 director, and bureau chief positions in any department, and  
396 those positions determined by the department to have managerial  
397 responsibilities comparable to such positions, which include,  
398 but are not limited to:

399 1. Positions in the Department of Health and the  
400 Department of Children and Family Services that are assigned  
401 primary duties of serving as the superintendent or assistant  
402 superintendent of an institution.

403 2. Positions in the Department of Corrections that are  
404 assigned primary duties of serving as the warden, assistant  
405 warden, colonel, or major of an institution or that are assigned  
406 primary duties of serving as the circuit administrator or deputy  
407 circuit administrator.

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

411 4. Positions in the Department of Environmental Protection  
412 that are assigned the duty of an Environmental Administrator or  
413 program administrator.

414 5. Positions in the Department of Health that are assigned  
415 the duties of Environmental Administrator, Assistant County  
416 Health Department Director, and County Health Department  
417 Financial Administrator.



418           6. Positions in the Department of Highway Safety and Motor  
419 Vehicles that are assigned primary duties of serving as captains  
420 in the Florida Highway Patrol.

421  
422 Unless otherwise fixed by law, the department shall set the  
423 salary and benefits of the positions listed in this paragraph in  
424 accordance with the rules established for the Selected Exempt  
425 Service.

426           Section 2. Section 207.002, Florida Statutes, is amended  
427 to read:

428           207.002 Definitions.—As used in this chapter, the term:

429           ~~(1) "Apportioned motor vehicle" means any motor vehicle~~  
430 ~~which is required to be registered under the International~~  
431 ~~Registration Plan.~~

432           (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not  
433 owned or operated by a governmental entity which uses diesel  
434 fuel or motor fuel on the public highways; and which has a gross  
435 vehicle weight in excess of 26,000 pounds, or has three or more  
436 axles regardless of weight, or is used in combination when the  
437 weight of such combination exceeds 26,000 pounds gross vehicle  
438 weight. The term excludes any vehicle owned or operated by a  
439 community transportation coordinator as defined in s. 427.011 or  
440 by a private operator that provides public transit services  
441 under contract with such a provider.

442           (2)~~(3)~~ "Department" means the Department of Highway Safety  
443 and Motor Vehicles.

444           (3)~~(9)~~ "Diesel fuel" means any liquid product or gas  
445 product or combination thereof, including, but not limited to,





446 all forms of fuel known or sold as diesel fuel, kerosene, butane  
447 gas, or propane gas and all other forms of liquefied petroleum  
448 gases, except those defined as "motor fuel," used to propel a  
449 motor vehicle.

450 (4)~~(11)~~ "International Registration Plan" means a  
451 registration reciprocity agreement among states of the United  
452 States and provinces of Canada providing for payment of license  
453 fees or license taxes on the basis of fleet miles operated in  
454 various jurisdictions.

455 (5)~~(13)~~ "Interstate" means vehicle movement between or  
456 through two or more states.

457 (6)~~(14)~~ "Intrastate" means vehicle movement from one point  
458 within a state to another point within the same state.

459 (7)~~(4)~~ "Motor carrier" means any person owning,  
460 controlling, operating, or managing any motor vehicle used to  
461 transport persons or property over any public highway.

462 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold  
463 as gasoline and fuels containing a mixture of gasoline and other  
464 products.

465 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"  
466 means and includes the utilization in any form of any commercial  
467 motor vehicle, whether loaded or empty, whether utilized for  
468 compensation or not for compensation, and whether owned by or  
469 leased to the motor carrier who uses it or causes it to be used.

470 (10)~~(7)~~ "Person" means and includes natural persons,  
471 corporations, copartnerships, firms, companies, agencies, or  
472 associations, singular or plural.



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473 |       (11)~~(8)~~ "Public highway" means any public street, road, or  
474 | highway in this state.

475 |       (12)~~(15)~~ "Registrant" means a person in whose name or  
476 | names a vehicle is properly registered.

477 |       (13)~~(10)~~ "Use," "uses," or "used" means the consumption of  
478 | diesel fuel or motor fuel in a commercial motor vehicle for the  
479 | propulsion thereof.

480 |       ~~(12) "Apportionable vehicle" means any vehicle, except a~~  
481 | ~~recreational vehicle, a vehicle displaying restricted plates, a~~  
482 | ~~municipal pickup and delivery vehicle, a bus used in~~  
483 | ~~transportation of chartered parties, and a government-owned~~  
484 | ~~vehicle, which is used or intended for use in two or more states~~  
485 | ~~of the United States or provinces of Canada that allocate or~~  
486 | ~~proportionally register vehicles and which is used for the~~  
487 | ~~transportation of persons for hire or is designed, used, or~~  
488 | ~~maintained primarily for the transportation of property and:~~

489 |       ~~(a) Is a power unit having a gross vehicle weight in~~  
490 | ~~excess of 26,000 pounds;~~

491 |       ~~(b) Is a power unit having three or more axles, regardless~~  
492 | ~~of weight; or~~

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

495 |       Section 3. Effective July 1, 2014, paragraph (a) of  
496 | subsection (1) and subsection (2) of section 316.0083, Florida  
497 | Statutes, are amended to read:

498 |       316.0083 Mark Wandall Traffic Safety Program;  
499 | administration; report.—

500 |       (1) (a) For purposes of administering this section, the



501 department, a county, or a municipality may authorize a traffic  
502 infraction enforcement officer under s. 316.640 to issue a  
503 traffic citation for a violation of s. 316.074(1) or s.  
504 316.075(1)(c)1. Neither a notice of violation nor ~~and~~ a traffic  
505 citation may ~~not~~ be issued under this section for a right on red  
506 violation for failure to stop at a red light if the driver is  
507 ~~making a right-hand turn in a careful and prudent manner at an~~  
508 ~~intersection where right-hand turns are permissible.~~ This  
509 paragraph does not prohibit a review of information from a  
510 traffic infraction detector by an authorized employee or agent  
511 of the department, a county, or a municipality before issuance  
512 of the traffic citation by the traffic infraction enforcement  
513 officer. This paragraph does not prohibit the department, a  
514 county, or a municipality from issuing notification as provided  
515 in paragraph (b) to the registered owner of the motor vehicle  
516 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

517 (2) Neither a notice of violation nor ~~and~~ a traffic  
518 citation may ~~not~~ be issued under this section for a right on red  
519 violation for failure to stop at a red light if the driver is  
520 ~~making a right-hand turn in a careful and prudent manner at an~~  
521 ~~intersection where right-hand turns are permissible.~~

522 Section 4. Paragraph (b) of subsection (2) of section  
523 316.066, Florida Statutes, is amended to read:

524 316.066 Written reports of crashes.—

525 (2)

526 (b) Crash reports held by an agency under paragraph (a)  
527 may be made immediately available to the parties involved in the  
528 crash, their legal representatives, their licensed insurance



529 agents, their insurers or insurers to which they have applied  
530 for coverage, persons under contract with such insurers to  
531 provide claims or underwriting information, prosecutorial  
532 authorities, law enforcement agencies, the Department of  
533 Transportation, county traffic operations, victim services  
534 programs, radio and television stations licensed by the Federal  
535 Communications Commission, newspapers qualified to publish legal  
536 notices under ss. 50.011 and 50.031, and free newspapers of  
537 general circulation, published once a week or more often,  
538 available and of interest to the public generally for the  
539 dissemination of news. For the purposes of this section, the  
540 following products or publications are not newspapers as  
541 referred to in this section: those intended primarily for  
542 members of a particular profession or occupational group; those  
543 with the primary purpose of distributing advertising; and those  
544 with the primary purpose of publishing names and other personal  
545 identifying information concerning parties to motor vehicle  
546 crashes.

547 Section 5. Effective July 1, 2014, paragraph (a) of  
548 subsection (2) of section 316.0776, Florida Statutes, is amended  
549 to read:

550 316.0776 Traffic infraction detectors; placement and  
551 installation.—

552 (2) (a) If the department, county, or municipality installs  
553 a traffic infraction detector at an intersection, the  
554 department, county, or municipality shall notify the public that  
555 a traffic infraction device may be in use at that intersection  
556 ~~and must specifically include notification of camera enforcement~~



557 ~~of violations concerning right turns.~~ Such signage used to  
558 notify the public must meet the specifications for uniform  
559 signals and devices adopted by the Department of Transportation  
560 pursuant to s. 316.0745.

561 Section 6. Subsections (3) and (4) of section 316.081,  
562 Florida Statutes, are renumbered as subsections (4) and (5),  
563 respectively, and a new subsection (3) is added to that section  
564 to read:

565 316.081 Driving on right side of roadway; exceptions.—

566 (3) On a road, street, or highway having two or more lanes  
567 that allow movement in the same direction, a driver may not  
568 continue to operate a motor vehicle at less than the posted  
569 speed limit in the furthestmost left-hand lane if the driver  
570 knows or reasonably should know that he or she is being  
571 overtaken in that lane from the rear by a motor vehicle  
572 traveling at a higher rate of speed, except when overtaking and  
573 passing another vehicle proceeding in the same direction, when  
574 preparing for a left turn at an intersection or into a private  
575 road or driveway, or when the driver is traveling at a speed  
576 that is under the posted speed limit by 15 miles per hour or  
577 less.

578 ~~(4)(3)~~ Upon any roadway having four or more lanes for  
579 moving traffic and providing for two-way movement of traffic, no  
580 vehicle shall be driven to the left of the centerline of the  
581 roadway, except when authorized by official traffic control  
582 devices designating certain lanes to the left side of the center  
583 of the roadway for use by traffic not otherwise permitted to use  
584 such lanes, or except as permitted under paragraph (1)(b).



585 However, this subsection shall not be construed as prohibiting  
 586 the crossing of the centerline in making a left turn into or  
 587 from an alley, private road, or driveway.

588 (5)~~(4)~~ A violation of this section is a noncriminal  
 589 traffic infraction, punishable as a moving violation as provided  
 590 in chapter 318.

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

593 316.1937 Ignition interlock devices, requiring; unlawful  
 594 acts.—

595 (1) In addition to any other authorized penalties, the  
 596 court may require that any person who is convicted of driving  
 597 under the influence in violation of s. 316.193 shall not operate  
 598 a motor vehicle unless that vehicle is equipped with a  
 599 functioning ignition interlock device certified by the  
 600 department as provided in s. 316.1938, and installed in such a  
 601 manner that the vehicle will not start if the operator's blood  
 602 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
 603 specified by the court. The court may require the use of an  
 604 approved ignition interlock device for a period of at least ~~not~~  
 605 ~~less than~~ 6 continuous months, if the person is permitted to  
 606 operate a motor vehicle, whether or not the privilege to operate  
 607 a motor vehicle is restricted, as determined by the court. The  
 608 court, however, shall order placement of an ignition interlock  
 609 device in those circumstances required by s. 316.193.

610 Section 8. Subsection (2) of section 316.2397, Florida  
 611 Statutes, is amended to read:

612 316.2397 Certain lights prohibited; exceptions.—



613 (2) It is expressly prohibited for any vehicle or  
614 equipment, except police vehicles, to show or display blue  
615 lights. However, vehicles owned, operated, or leased by the  
616 Department of Corrections or any county correctional agency may  
617 show or display blue lights when responding to emergencies. With  
618 written approval of the city's police chief or county sheriff, a  
619 city mayor who is the head of a city government and the head law  
620 enforcement official of the municipality are exempt from the  
621 prohibition under this subsection.

622 Section 9. Paragraph (b) of subsection (1), paragraph (a)  
623 of subsection (4), and subsection (9) of section 316.302,  
624 Florida Statutes, are amended to read:

625 316.302 Commercial motor vehicles; safety regulations;  
626 transporters and shippers of hazardous materials; enforcement.-

627 (1)

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

635 (4) (a) Except as provided in this subsection, all  
636 commercial motor vehicles transporting any hazardous material on  
637 any road, street, or highway open to the public, whether engaged  
638 in interstate or intrastate commerce, and any person who offers  
639 hazardous materials for such transportation, are subject to the  
640 regulations contained in 49 C.F.R. part 107, subparts F and



641 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.  
 642 Effective July 1, 1997, the exceptions for intrastate motor  
 643 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby  
 644 adopted.

645 ~~(9)(a) This section is not applicable to the transporting~~  
 646 ~~of liquefied petroleum gas. The rules and regulations applicable~~  
 647 ~~to the transporting of liquefied petroleum gas on the highways,~~  
 648 ~~roads, or streets of this state shall be only those adopted by~~  
 649 ~~the Department of Agriculture and Consumer Services under~~  
 650 ~~chapter 527. However, transporters of liquefied petroleum gas~~  
 651 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~  
 652 ~~396.9.~~

653 ~~(b)~~ This section does not apply to any nonpublic sector  
 654 bus.

655 Section 10. Paragraph (b) of subsection (3) and subsection  
 656 (5) of section 316.3025, Florida Statutes, are amended,  
 657 subsections (6) and (7) are renumbered as subsections (7) and  
 658 (8), respectively, and a new subsection (6) is added to that  
 659 section, to read:

660 316.3025 Penalties.—

661 (3)

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

663 1. Each violation of the North American Uniform Driver  
 664 Out-of-Service Criteria;

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

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





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

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

671 (5) Whenever any person or motor carrier as defined in  
672 chapter 320 violates the provisions of this section and becomes  
673 indebted to the state because of such violation and refuses to  
674 pay the appropriate penalty, in addition to the provisions of s.  
675 316.3026, such penalty becomes a lien upon the property  
676 including the motor vehicles of such person or motor carrier and  
677 may be seized and foreclosed by the state in a civil action in  
678 any court of this state. It shall be presumed that the owner of  
679 the motor vehicle is liable for the sum, and the vehicle may be  
680 detained or impounded until the penalty is paid.

681 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which  
682 prohibits texting while operating a commercial motor vehicle, or  
683 49 C.F.R. s. 392.82, which prohibits using a handheld mobile  
684 telephone while operating a commercial motor vehicle, may be  
685 assessed a civil penalty and commercial driver license  
686 disqualification as follows:

687 1. First violation: \$500.

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

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

693 (b) A company requiring or allowing a driver to violate 49  
694 C.F.R. s. 392.80, which prohibits texting while operating a



695 commercial motor vehicle, or 49 C.F.R. s. 392.82, which  
696 prohibits using a handheld mobile telephone while operating a  
697 commercial motor vehicle, may, in addition to any other penalty  
698 assessed, be assessed the following civil penalty. The driver  
699 shall not be charged with an offense for the first violation  
700 under this paragraph by the company.

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

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

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

704 (c) The emergency exceptions provided by 49 C.F.R. s.  
705 392.82 also apply to communications between utility drivers and  
706 utility contractor drivers during a Level 1 activation of the  
707 State Emergency Operations Center, as provided in the Florida  
708 Comprehensive Emergency Management plan, or during a state of  
709 emergency declared by executive order or proclamation of the  
710 Governor.

711 Section 11. Paragraph (a) of subsection (3) and paragraph  
712 (c) of subsection (5) of section 316.515, Florida Statutes, are  
713 amended to read:

714 316.515 Maximum width, height, length.—

715 (3) LENGTH LIMITATION.—Except as otherwise provided in  
716 this section, length limitations apply solely to a semitrailer  
717 or trailer, and not to a truck tractor or to the overall length  
718 of a combination of vehicles. No combination of commercial motor  
719 vehicles coupled together and operating on the public roads may  
720 consist of more than one truck tractor and two trailing units.  
721 Unless otherwise specifically provided for in this section, a  
722 combination of vehicles not qualifying as commercial motor



723 | vehicles may consist of no more than two units coupled together;  
724 | such nonqualifying combination of vehicles may not exceed a  
725 | total length of 65 feet, inclusive of the load carried thereon,  
726 | but exclusive of safety and energy conservation devices approved  
727 | by the department for use on vehicles using public roads.  
728 | Notwithstanding any other provision of this section, a truck  
729 | tractor-semitrailer combination engaged in the transportation of  
730 | automobiles or boats may transport motor vehicles or boats on  
731 | part of the power unit; and, except as may otherwise be mandated  
732 | under federal law, an automobile or boat transporter semitrailer  
733 | may not exceed 50 feet in length, exclusive of the load;  
734 | however, the load may extend up to an additional 6 feet beyond  
735 | the rear of the trailer. The 50-foot length limitation does not  
736 | apply to non-stinger-steered automobile or boat transporters  
737 | that are 65 feet or less in overall length, exclusive of the  
738 | load carried thereon, or to stinger-steered automobile or boat  
739 | transporters that are 75 feet or less in overall length,  
740 | exclusive of the load carried thereon. For purposes of this  
741 | subsection, a "stinger-steered automobile or boat transporter"  
742 | is an automobile or boat transporter configured as a semitrailer  
743 | combination wherein the fifth wheel is located on a drop frame  
744 | located behind and below the rearmost axle of the power unit.  
745 | Notwithstanding paragraphs (a) and (b), any straight truck or  
746 | truck tractor-semitrailer combination engaged in the  
747 | transportation of horticultural trees may allow the load to  
748 | extend up to an additional 10 feet beyond the rear of the  
749 | vehicle, provided said trees are resting against a retaining bar  
750 | mounted above the truck bed so that the root balls of the trees



751 rest on the floor and to the front of the truck bed and the tops  
752 of the trees extend up over and to the rear of the truck bed,  
753 and provided the overhanging portion of the load is covered with  
754 protective fabric.

755 (a) Straight trucks.—A straight truck may not exceed a  
756 length of 40 feet in extreme overall dimension, exclusive of  
757 safety and energy conservation devices approved by the  
758 department for use on vehicles using public roads. A straight  
759 truck may attach a forklift to the rear of the cargo bed,  
760 provided the overall combined length of the vehicle and the  
761 forklift does not exceed 50 feet. A straight truck may tow no  
762 more than one trailer, and the overall length of the truck-  
763 trailer combination may not exceed 68 feet, including the load  
764 thereon. Notwithstanding any other provisions of this section, a  
765 truck-trailer combination engaged in the transportation of  
766 boats, or boat trailers whose design dictates a front-to-rear  
767 stacking method may not exceed the length limitations of this  
768 paragraph exclusive of the load; however, the load may extend up  
769 to an additional 6 feet beyond the rear of the trailer.

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

772 (c) The width and height limitations of this section do  
773 not apply to farming or agricultural equipment, whether self-  
774 propelled, pulled, or hauled, when temporarily operated during  
775 daylight hours upon a public road that is not a limited access  
776 facility as defined in s. 334.03(12), and the width and height  
777 limitations may be exceeded by such equipment without a permit.  
778 To be eligible for this exemption, the equipment shall be



779 operated within a radius of 50 miles of the real property owned,  
780 rented, managed, harvested, or leased by the equipment owner.  
781 However, equipment being delivered by a dealer to a purchaser is  
782 not subject to the 50-mile limitation. Farming or agricultural  
783 equipment greater than 174 inches in width must have one warning  
784 lamp mounted on each side of the equipment to denote the width  
785 and must have a slow-moving vehicle sign. Warning lamps required  
786 by this paragraph must be visible from the front and rear of the  
787 vehicle and must be visible from a distance of at least 1,000  
788 feet.

789 Section 12. Paragraph (d) of subsection (3) of section  
790 316.545, Florida Statutes, is amended to read:

791 316.545 Weight and load unlawful; special fuel and motor  
792 fuel tax enforcement; inspection; penalty; review.—

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

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

801 Section 13. Subsection (1) of section 316.646, Florida  
802 Statutes, is amended, and subsection (5) is added to that  
803 section, to read:

804 316.646 Security required; proof of security and display  
805 thereof; dismissal of cases.—



806 (1) Any person required by s. 324.022 to maintain property  
807 damage liability security, required by s. 324.023 to maintain  
808 liability security for bodily injury or death, or required by s.  
809 627.733 to maintain personal injury protection security on a  
810 motor vehicle shall have in his or her immediate possession at  
811 all times while operating such motor vehicle proper proof of  
812 maintenance of the required security. Such proof shall be a  
813 uniform proof-of-insurance card in a paper or an electronic  
814 format in a form prescribed by the department, a valid insurance  
815 policy, an insurance policy binder, a certificate of insurance,  
816 or such other proof as may be prescribed by the department. If a  
817 person presents to a law enforcement officer an electronic  
818 device displaying a proof-of-insurance card in an electronic  
819 format, such person:

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

823 (b) Assumes liability for any damage to the electronic  
824 device.

825 (5) The department shall adopt rules to implement this  
826 section.

827 Section 14. Section 317.0016, Florida Statutes, is amended  
828 to read:

829 317.0016 Expedited service; applications; fees.—The  
830 department shall provide, through its agents and for use by the  
831 public, expedited service on title transfers, title issuances,  
832 duplicate titles, and recordation of liens, ~~and certificates of~~  
833 ~~repossession~~. A fee of \$7 shall be charged for this service,



834 | which is in addition to the fees imposed by ss. 317.0007 and  
835 | 317.0008, and \$3.50 of this fee shall be retained by the  
836 | processing agency. All remaining fees shall be deposited in the  
837 | Incidental Trust Fund of the Florida Forest Service of the  
838 | Department of Agriculture and Consumer Services. Application for  
839 | expedited service may be made by mail or in person. The  
840 | department shall issue each title applied for pursuant to this  
841 | section within 5 working days after receipt of the application  
842 | except for an application for a duplicate title certificate  
843 | covered by s. 317.0008(3), in which case the title must be  
844 | issued within 5 working days after compliance with the  
845 | department's verification requirements.

846 |       Section 15. Paragraph (a) of subsection (4) and  
847 | subsections (9) and (10) of section 318.14, Florida Statutes,  
848 | are amended to read:

849 |       318.14 Noncriminal traffic infractions; exception;  
850 | procedures.—

851 |       (4) (a) Except as provided in subsection (12), any person  
852 | charged with a noncriminal infraction under this section who  
853 | does not elect to appear shall, within 30 days after the date of  
854 | issuance of the citation:

855 |       1. Pay the civil penalty and delinquent fee, if  
856 | applicable, either by mail or in person; or

857 |       2. Enter into a payment plan in accordance with s. 28.246  
858 | with the clerk of the court to pay the civil penalty and  
859 | delinquent fee, if applicable.

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



862 driving a noncommercial motor vehicle for an infraction under  
863 this section other than a violation of s. 316.183(2), s.  
864 316.187, or s. 316.189 when the driver exceeds the posted limit  
865 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or  
866 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in  
867 lieu of a court appearance, elect to attend in the location of  
868 his or her choice within this state a basic driver improvement  
869 course approved by the Department of Highway Safety and Motor  
870 Vehicles. In such a case, adjudication must be withheld and  
871 points, as provided by s. 322.27, may not be assessed. However,  
872 a person may not make an election under this subsection if the  
873 person has made an election under this subsection in the  
874 preceding 12 months. A person may not make more than five  
875 elections within his or her lifetime under this subsection. The  
876 requirement for community service under s. 318.18(8) is not  
877 waived by a plea of nolo contendere or by the withholding of  
878 adjudication of guilt by a court. If a person makes an election  
879 to attend a basic driver improvement course under this  
880 subsection, 18 percent of the civil penalty imposed under s.  
881 318.18(3) shall be deposited in the State Courts Revenue Trust  
882 Fund; however, that portion is not revenue for purposes of s.  
883 28.36 and may not be used in establishing the budget of the  
884 clerk of the court under that section or s. 28.35.

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





890 proof of compliance to the clerk of the court, designated  
891 official, or authorized operator of a traffic violations bureau.  
892 In such case, adjudication shall be withheld; however, a person  
893 may not make an election under this subsection if the person has  
894 made an election under this subsection in the preceding 12  
895 months. A person may not make more than three elections under  
896 this subsection. This subsection applies to the following  
897 offenses:

898 1. Operating a motor vehicle without a valid driver  
899 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),  
900 or operating a motor vehicle with a license that has been  
901 suspended for failure to appear, failure to pay civil penalty,  
902 or failure to attend a driver improvement course pursuant to s.  
903 322.291.

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

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

907 4. Operating a motor vehicle with a license that has been  
908 suspended under s. 61.13016 or s. 322.245 for failure to pay  
909 child support or for failure to pay any other financial  
910 obligation as provided in s. 322.245; however, this subparagraph  
911 does not apply if the license has been suspended pursuant to s.  
912 322.245(1).

913 5. Operating a motor vehicle with a license that has been  
914 suspended under s. 322.091 for failure to meet school attendance  
915 requirements.

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



918 | scheduled court appearance date. For the purposes of this  
919 | subsection, proof of compliance shall consist of a valid,  
920 | renewed, or reinstated driver license or registration  
921 | certificate and proper proof of maintenance of security as  
922 | required by s. 316.646. Notwithstanding waiver of fine, any  
923 | person establishing proof of compliance shall be assessed court  
924 | costs of \$25, except that a person charged with violation of s.  
925 | 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
926 | such costs shall be remitted to the Department of Revenue for  
927 | deposit into the Child Welfare Training Trust Fund of the  
928 | Department of Children and Family Services. One dollar of such  
929 | costs shall be distributed to the Department of Juvenile Justice  
930 | for deposit into the Juvenile Justice Training Trust Fund.  
931 | Fourteen dollars of such costs shall be distributed to the  
932 | municipality and \$9 shall be deposited by the clerk of the court  
933 | into the fine and forfeiture fund established pursuant to s.  
934 | 142.01, if the offense was committed within the municipality. If  
935 | the offense was committed in an unincorporated area of a county  
936 | or if the citation was for a violation of s. 316.646(1)-(3), the  
937 | entire amount shall be deposited by the clerk of the court into  
938 | the fine and forfeiture fund established pursuant to s. 142.01,  
939 | except for the moneys to be deposited into the Child Welfare  
940 | Training Trust Fund and the Juvenile Justice Training Trust  
941 | Fund. This subsection does not authorize the operation of a  
942 | vehicle without a valid driver license, without a valid vehicle  
943 | tag and registration, or without the maintenance of required  
944 | security.



945 Section 16. Section 318.1451, Florida Statutes, is amended  
946 to read:

947 318.1451 Driver improvement schools.—

948 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~  
949 shall approve and regulate the courses of all driver improvement  
950 schools, as the courses relate to ss. 318.14(9), 322.0261, and  
951 322.291, including courses that use technology as a delivery  
952 method. ~~The chief judge of the applicable judicial circuit may~~  
953 ~~establish requirements regarding the location of schools within~~  
954 ~~the judicial circuit. A person may engage in the business of~~  
955 ~~operating a driver improvement school that offers department-~~  
956 ~~approved courses related to ss. 318.14(9), 322.0261, and~~  
957 ~~322.291.~~

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

962 (2)(a) In determining whether to approve the courses  
963 referenced in this section, the department shall consider course  
964 content designed to promote safety, driver awareness, crash  
965 avoidance techniques, and other factors or criteria to improve  
966 driver performance from a safety viewpoint, including promoting  
967 motorcyclist, bicyclist, and pedestrian safety and risk factors  
968 resulting from driver attitude and irresponsible driver  
969 behaviors, such as speeding, running red lights and stop signs,  
970 and using electronic devices while driving. Initial approval of  
971 the courses shall also be based on the department's review of  
972 all course materials, course presentation to the department by



973 the provider, and the provider's plan for effective oversight of  
974 the course by those who deliver the course in the state. New  
975 courses shall be provisionally approved and limited to the  
976 judicial circuit originally approved for pilot testing until the  
977 course is fully approved by the department for statewide  
978 delivery.

979 (b) In determining whether to approve courses of driver  
980 improvement schools that use technology as the delivery method  
981 as the courses relate to ss. 318.14(9) and 322.0261, the  
982 department shall consider only those courses submitted by a  
983 person, business, or entity which have approval for statewide  
984 delivery.

985 (3) ~~The department of Highway Safety and Motor Vehicles~~  
986 ~~shall not accept ~~suspend accepting~~ proof of attendance of~~  
987 ~~courses from persons who attend those schools that do not teach~~  
988 ~~an approved course. In those circumstances, a person who has~~  
989 ~~elected to take courses from such a school shall receive a~~  
990 ~~refund from the school, and the person shall have the~~  
991 ~~opportunity to take the course at another school.~~

992 (4) In addition to a regular course fee, an assessment fee  
993 in the amount of \$2.50 shall be collected by the school from  
994 each person who elects to attend a course, as it relates to ss.  
995 318.14(9), 322.0261, 322.291, and 627.06501. The course provider  
996 must remit the \$2.50 assessment fee to the department for  
997 deposit into, which shall be remitted to the Department of  
998 Highway Safety and Motor Vehicles and deposited in the Highway  
999 Safety Operating Trust Fund in order to receive unique course  
1000 completion certificate numbers for course participants. The



1001 assessment fee will be used to administer this program and to  
 1002 fund the general operations of the department.

1003 (5) (a) The department is authorized to maintain the  
 1004 information and records necessary to administer its duties and  
 1005 responsibilities for driver improvement courses. Course  
 1006 providers are required to maintain all records related to the  
 1007 conduct of their approved courses for 5 years and allow the  
 1008 department to inspect course records as necessary. Records may  
 1009 be maintained in an electronic format. If ~~Where~~ such information  
 1010 is a public record as defined in chapter 119, it shall be made  
 1011 available to the public upon request pursuant to s. 119.07(1).

1012 (b) The department or court may prepare a traffic school  
 1013 reference guide which lists the benefits of attending a driver  
 1014 improvement school and contains the names of the fully approved  
 1015 course providers with a single telephone number for each  
 1016 provider as furnished by the provider.

1017 (6) The department shall adopt rules establishing and  
 1018 maintaining policies and procedures to implement the  
 1019 requirements of this section. These policies and procedures may  
 1020 include, but shall not be limited to, the following:

1021 (a) Effectiveness studies.—The department shall conduct  
 1022 effectiveness studies on each type of driver improvement course  
 1023 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a  
 1024 recurring 5-year basis, including in the study process the  
 1025 consequence of failed studies.

1026 (b) Required updates.—The department may require that  
 1027 courses approved under this section be updated at the  
 1028 department's request. Failure of a course provider to update the



1029 course under this section shall result in the suspension of the  
1030 course approval until the course is updated and approved by the  
1031 department.

1032 (c) Course conduct.—The department shall require that the  
1033 approved course providers ensure their driver improvement  
1034 schools are conducting the approved course fully and to the  
1035 required time limit and content requirements.

1036 (d) Course content.—The department shall set and modify  
1037 course content requirements to keep current with laws and safety  
1038 information. Course content includes all items used in the  
1039 conduct of the course.

1040 (e) Course duration.—The department shall set the duration  
1041 of all course types.

1042 (f) Submission of records.—The department shall require  
1043 that all course providers submit course completion information  
1044 to the department through the department's Driver Improvement  
1045 Certificate Issuance System within 5 days.

1046 (g) Sanctions.—The department shall develop the criteria  
1047 to sanction the course approval of a course provider for any  
1048 violation of this section or any other law that pertains to the  
1049 approval and use of driver improvement courses.

1050 (h) Miscellaneous requirements.—The department shall  
1051 require that all course providers:

1052 1. Disclose all fees associated with courses offered by  
1053 the provider and associated driver improvement schools and not  
1054 charge any fees that are not disclosed during registration.



1055 2. Provide proof of ownership, copyright, or written  
1056 permission from the course owner to use the course in this  
1057 state.

1058 3. Ensure that any course that is offered in a classroom  
1059 setting, by the provider or a school authorized by the provider  
1060 to teach the course, is offered at locations that are free from  
1061 distractions and reasonably accessible to most applicants.

1062 4. Issue a certificate to persons who successfully  
1063 complete the course.

1064 Section 17. Section 319.141, Florida Statutes, is created  
1065 to read:

1066 319.141 Pilot program for private sector rebuilt vehicle  
1067 inspections.-

1068 (1) Effective October 1, 2013, the department shall  
1069 conduct a pilot program to evaluate alternatives for rebuilt  
1070 vehicle inspection services to be offered by the private sector.  
1071 The purpose of the pilot program is for the department to  
1072 investigate the feasibility of private rebuilt vehicle  
1073 inspection facilities, the cost to the consumer, and the  
1074 potential savings to the department. The pilot program shall be  
1075 limited to Miami-Dade and Hillsborough Counties and will allow  
1076 participating private parties to conduct rebuilt vehicle  
1077 inspections.

1078 (2) For the purpose of this pilot program, the term  
1079 "rebuilt inspection facility" means a privately owned and  
1080 operated entity authorized by the department to inspect rebuilt  
1081 vehicles for the department, and the term "rebuilt inspection"  
1082 means an inspection of a rebuilt vehicle and its properly



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1083 endorsed certificate of title, salvage certificate of title, or  
1084 manufacturer's statement of origin submitted to the department,  
1085 together with an application for a rebuilt certificate of title,  
1086 a rebuilder's affidavit, a photo of the junk or salvage vehicle  
1087 taken before any repairs began, receipts or invoices for all  
1088 major component parts, as defined in s. 319.30(1), that were  
1089 changed, and proof of reporting of the rebuilding of the vehicle  
1090 to the National Motor Vehicle Title Information System.

1091 (3) The department shall establish a memorandum of  
1092 understanding with each participant in the pilot program  
1093 covering oversight requirements, providing bonding and insurance  
1094 requirements, establishing procedures and forms, and requiring  
1095 the electronic transmission of rebuilt documents.

1096 (4) Before any person or company can be approved by the  
1097 department as a rebuilt inspection facility, the department  
1098 shall ensure that the entity meets basic criteria designed to  
1099 protect the public, which includes the following minimum  
1100 criteria in addition to other such criteria that the department  
1101 finds necessary to conduct proper inspections. At a minimum, the  
1102 applicant must:

1103 (a) Have and maintain a surety bond or irrevocable letter  
1104 of credit, executed by the applicant, in the sum of \$50,000.

1105 (b) Have and maintain garage liability insurance for the  
1106 rebuilt inspection facility.

1107 (c) Have completed criminal background checks of all  
1108 owners, partners, corporate officers, and rebuilt inspectors  
1109 employed by the applicant's company.





1110       (5) Pilot program participants are required to access  
1111 vehicle and titling information and input inspection results  
1112 through an authorized electronic filing system.

1113       (6) The department shall provide a report to the President  
1114 of the Senate and the Speaker of the House of Representatives  
1115 regarding results of the pilot program by February 1, 2015. This  
1116 section expires July 1, 2015, unless otherwise extended by an  
1117 act of the Legislature.

1118       Section 18. Section 319.225, Florida Statutes, is amended  
1119 to read:

1120       319.225 Transfer and reassignment forms; odometer  
1121 disclosure statements.—

1122       (1) Every certificate of title issued by the department  
1123 must contain the following statement on its reverse side:  
1124 "Federal and state law require the completion of the odometer  
1125 statement set out below. Failure to complete or providing false  
1126 information may result in fines, imprisonment, or both."

1127       (2) Each certificate of title issued by the department  
1128 must contain on its front ~~reverse~~ side a form for transfer of  
1129 title by the titleholder of record, which form must contain an  
1130 odometer disclosure statement in the form required by 49 C.F.R.  
1131 s. 580.5.

1132       (3) Each certificate of title issued by the department  
1133 must contain on its reverse side as many forms as space allows  
1134 for reassignment of title by a licensed dealer as permitted by  
1135 s. 319.21(3), which form or forms shall contain an odometer  
1136 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
1137 When all dealer reassignment forms provided on the back of the



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1138 title certificate have been filled in, a dealer may reassign the  
1139 title certificate by using a separate dealer reassignment form  
1140 issued by the department in compliance with 49 C.F.R. ss. 580.4  
1141 and 580.5, which form shall contain an original that ~~two carbon~~  
1142 ~~copies one of which~~ shall be submitted ~~directly~~ to the  
1143 department by the dealer ~~within 5 business days after the~~  
1144 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
1145 dealer in his or her records for 5 years. The provisions of this  
1146 subsection shall also apply to vehicles not previously titled in  
1147 this state and vehicles whose title certificates do not contain  
1148 the forms required by this section.

1149 (4) Upon transfer or reassignment of a certificate of  
1150 title to a used motor vehicle, the transferor shall complete the  
1151 odometer disclosure statement provided for by this section and  
1152 the transferee shall acknowledge the disclosure by signing and  
1153 printing his or her name in the spaces provided. This subsection  
1154 does not apply to a vehicle that has a gross vehicle rating of  
1155 more than 16,000 pounds, a vehicle that is not self-propelled,  
1156 or a vehicle that is 10 years old or older. A lessor who  
1157 transfers title to his or her vehicle without obtaining  
1158 possession of the vehicle shall make odometer disclosure as  
1159 provided by 49 C.F.R. s. 580.7. Any person who fails to complete  
1160 or acknowledge a disclosure statement as required by this  
1161 subsection is guilty of a misdemeanor of the second degree,  
1162 punishable as provided in s. 775.082 or s. 775.083. The  
1163 department may not issue a certificate of title unless this  
1164 subsection has been complied with.



1165 (5) The same person may not sign a disclosure statement as  
1166 both the transferor and the transferee in the same transaction  
1167 except as provided in subsection (6).

1168 (6) (a) If the certificate of title is physically held by a  
1169 lienholder, the transferor may give a power of attorney to his  
1170 or her transferee for the purpose of odometer disclosure. The  
1171 power of attorney must be on a form issued or authorized by the  
1172 department, which form must be in compliance with 49 C.F.R. ss.  
1173 580.4 and 580.13. The department shall not require the signature  
1174 of the transferor to be notarized on the form; however, in lieu  
1175 of notarization, the form shall include an affidavit with the  
1176 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
1177 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
1178 ARE TRUE. The transferee shall sign the power of attorney form,  
1179 print his or her name, and return a copy of the power of  
1180 attorney form to the transferor. Upon receipt of a title  
1181 certificate, the transferee shall complete the space for mileage  
1182 disclosure on the title certificate exactly as the mileage was  
1183 disclosed by the transferor on the power of attorney form. If  
1184 the transferee is a licensed motor vehicle dealer who is  
1185 transferring the vehicle to a retail purchaser, the dealer shall  
1186 make application on behalf of the retail purchaser as provided  
1187 in s. 319.23(6) and shall submit the original power of attorney  
1188 form to the department with the application for title and the  
1189 transferor's title certificate; otherwise, a dealer may reassign  
1190 the title certificate by using the dealer reassignment form in  
1191 the manner prescribed in subsection (3), and, at the time of  
1192 physical transfer of the vehicle, the original power of attorney



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1193 shall be delivered to the person designated as the transferee of  
1194 the dealer on the dealer reassignment form. ~~A copy of the~~  
1195 ~~executed power of attorney shall be submitted to the department~~  
1196 ~~with a copy of the executed dealer reassignment form within 5~~  
1197 ~~business days after the certificate of title and dealer~~  
1198 ~~reassignment form are delivered by the dealer to its transferee.~~

1199 (b) If the certificate of title is lost or otherwise  
1200 unavailable, the transferor may give a power of attorney to his  
1201 or her transferee for the purpose of odometer disclosure. The  
1202 power of attorney must be on a form issued or authorized by the  
1203 department, which form must be in compliance with 49 C.F.R. ss.  
1204 580.4 and 580.13. The department shall not require the signature  
1205 of the transferor to be notarized on the form; however, in lieu  
1206 of notarization, the form shall include an affidavit with the  
1207 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
1208 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
1209 ARE TRUE. The transferee shall sign the power of attorney form,  
1210 print his or her name, and return a copy of the power of  
1211 attorney form to the transferor. Upon receipt of the title  
1212 certificate or a duplicate title certificate, the transferee  
1213 shall complete the space for mileage disclosure on the title  
1214 certificate exactly as the mileage was disclosed by the  
1215 transferor on the power of attorney form. If the transferee is a  
1216 licensed motor vehicle dealer who is transferring the vehicle to  
1217 a retail purchaser, the dealer shall make application on behalf  
1218 of the retail purchaser as provided in s. 319.23(6) and shall  
1219 submit the original power of attorney form to the department  
1220 with the application for title and the transferor's title



1221 certificate or duplicate title certificate; otherwise, a dealer  
 1222 may reassign the title certificate by using the dealer  
 1223 reassignment form in the manner prescribed in subsection (3),  
 1224 and, at the time of physical transfer of the vehicle, the  
 1225 original power of attorney shall be delivered to the person  
 1226 designated as the transferee of the dealer on the dealer  
 1227 reassignment form. If the dealer sells the vehicle to an out-of-  
 1228 state resident or an out-of-state dealer and the power of  
 1229 attorney form is applicable to the transaction, the dealer must  
 1230 photocopy the completed original of the form and mail directly  
 1231 to the department within 5 business days after the certificate  
 1232 of title and dealer reassignment form are delivered by the  
 1233 dealer to its purchaser. A copy of the executed power of  
 1234 attorney shall be submitted to the department with a copy of the  
 1235 executed dealer reassignment form within 5 business days after  
 1236 the duplicate certificate of title and dealer reassignment form  
 1237 are delivered by the dealer to its transferee.

1238 (c) If the mechanics of the transfer of title to a motor  
 1239 vehicle in accordance with the provisions of paragraph (a) or  
 1240 paragraph (b) are determined to be incompatible with and  
 1241 unlawful under the provisions of 49 C.F.R. part 580, the  
 1242 transfer of title to a motor vehicle by operation of this  
 1243 subsection can be effected in any manner not inconsistent with  
 1244 49 C.F.R. part 580 and Florida law; provided, any power of  
 1245 attorney form issued or authorized by the department under this  
 1246 subsection shall contain an original that ~~two carbon copies, one~~  
 1247 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
 1248 dealer ~~within 5 business days of use by the dealer to effect~~



1249 transfer of a title certificate as provided in paragraphs (a)  
1250 and (b) and a copy that ~~one of which~~ shall be retained by the  
1251 dealer in its records for 5 years.

1252 (d) Any person who fails to complete the information  
1253 required by this subsection or to file with the department the  
1254 forms required by this subsection is guilty of a misdemeanor of  
1255 the second degree, punishable as provided in s. 775.082 or s.  
1256 775.083. The department shall not issue a certificate of title  
1257 unless this subsection has been complied with.

1258 (7) If a title is held electronically and the transferee  
1259 agrees to maintain the title electronically, the transferor and  
1260 transferee shall complete a secure reassignment document which  
1261 discloses the odometer reading and is signed by both the  
1262 transferor and transferee at the tax collector office or license  
1263 plate agency. Each certificate of title issued by the department  
1264 must contain on its reverse side a minimum of three ~~four~~ spaces  
1265 for notation of the name and license number of any auction  
1266 through which the vehicle is sold and the date the vehicle was  
1267 auctioned. Each separate dealer reassignment form issued by the  
1268 department must also have the space referred to in this section.  
1269 When a transfer of title is made at a motor vehicle auction, the  
1270 reassignment must note the name and address of the auction, but  
1271 the auction shall not thereby be deemed to be the owner, seller,  
1272 transferor, or assignor of title. A motor vehicle auction is  
1273 required to execute a dealer reassignment only when it is the  
1274 owner of a vehicle being sold.

1275 (8) Upon transfer or reassignment of a used motor vehicle  
1276 through the services of an auction, the auction shall complete



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1277 the information in the space provided for by subsection (7). Any  
1278 person who fails to complete the information as required by this  
1279 subsection is guilty of a misdemeanor of the second degree,  
1280 punishable as provided in s. 775.082 or s. 775.083. The  
1281 department shall not issue a certificate of title unless this  
1282 subsection has been complied with.

1283 (9) This section shall be construed to conform to 49  
1284 C.F.R. part 580.

1285 Section 19. Subsection (9) of section 319.23, Florida  
1286 Statutes, is amended to read:

1287 319.23 Application for, and issuance of, certificate of  
1288 title.—

1289 (9) The title certificate or application for title must  
1290 contain the applicant's full first name, middle initial, last  
1291 name, date of birth, sex, and the license plate number. An  
1292 individual applicant must provide ~~personal or business~~  
1293 ~~identification, which may include, but need not be limited to,~~ a  
1294 valid driver ~~driver's~~ license or identification card issued by  
1295 ~~number,~~ Florida or another state, or a valid passport. A  
1296 business applicant must provide a identification card number, or  
1297 federal employer identification number, if applicable,  
1298 verification that the business is authorized to conduct business  
1299 in the state, or a Florida city or county business license or  
1300 number. In lieu of ~~and~~ the license plate number, the individual  
1301 or business applicant must provide ~~or, in lieu thereof,~~ an  
1302 affidavit certifying that the motor vehicle to be titled will  
1303 not be operated upon the public highways of this state.



1304 Section 20. Paragraph (b) of subsection (2) of section  
1305 319.28, Florida Statutes, is amended to read:  
1306 319.28 Transfer of ownership by operation of law.—  
1307 (2)  
1308 (b) In case of repossession of a motor vehicle or mobile  
1309 home pursuant to the terms of a security agreement or similar  
1310 instrument, an affidavit by the party to whom possession has  
1311 passed stating that the vehicle or mobile home was repossessed  
1312 upon default in the terms of the security agreement or other  
1313 instrument shall be considered satisfactory proof of ownership  
1314 and right of possession. At least 5 days before ~~prior to~~ selling  
1315 the repossessed vehicle, any subsequent lienholder named in the  
1316 last issued certificate of title shall be sent notice of the  
1317 repossession by certified mail, on a form prescribed by the  
1318 department. If such notice is given and no written protest to  
1319 the department is presented by a subsequent lienholder within 15  
1320 days after ~~from~~ the date on which the notice was mailed, the  
1321 certificate of title ~~or the certificate of repossession~~ shall be  
1322 issued showing no liens. If the former owner or any subsequent  
1323 lienholder files a written protest under oath within such 15-day  
1324 period, the department shall not issue the certificate of title  
1325 ~~or certificate of repossession~~ for 10 days thereafter. If within  
1326 the 10-day period no injunction or other order of a court of  
1327 competent jurisdiction has been served on the department  
1328 commanding it not to deliver the certificate of title ~~or~~  
1329 ~~certificate of repossession~~, the department shall deliver the  
1330 certificate of title ~~or repossession~~ to the applicant or as may  
1331 otherwise be directed in the application showing no other liens





1332 than those shown in the application. Any lienholder who has  
1333 repossessed a vehicle in this state in compliance with the  
1334 provisions of this section must apply to a tax collector's  
1335 office in this state or to the department for a ~~certificate of~~  
1336 ~~repossession or to the department for a~~ certificate of title  
1337 pursuant to s. 319.323. Proof of the required notice to  
1338 subsequent lienholders shall be submitted together with regular  
1339 title fees. ~~A lienholder to whom a certificate of repossession~~  
1340 ~~has been issued may assign the certificate of title to the~~  
1341 ~~subsequent owner.~~ Any person found guilty of violating any  
1342 requirements of this paragraph shall be guilty of a felony of  
1343 the third degree, punishable as provided in s. 775.082, s.  
1344 775.083, or s. 775.084.

1345 Section 21. Section 319.30, Florida Statutes, is amended  
1346 to read:

1347 319.30 Definitions; dismantling, destruction, change of  
1348 identity of motor vehicle or mobile home; salvage.—

1349 (1) As used in this section, the term:

1350 (a) "Certificate of destruction" means the certificate  
1351 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

1352 (b) "Certificate of registration number" means the  
1353 certificate of registration number issued by the Department of  
1354 Revenue of the State of Florida pursuant to s. 538.25.

1355 (c) "Certificate of title" means a record that serves as  
1356 evidence of ownership of a vehicle, whether such record is a  
1357 paper certificate authorized by the department or by a motor  
1358 vehicle department authorized to issue titles in another state  
1359 or a certificate consisting of information stored in electronic



1360 form in the department's database.

1361 (d) "Derelict" means any material which is or may have  
1362 been a motor vehicle or mobile home, which is not a major part  
1363 or major component part, which is inoperable, and which is in  
1364 such condition that its highest or primary value is in its sale  
1365 or transfer as scrap metal.

1366 (e) "Derelict motor vehicle" means:

1367 1. Any motor vehicle as defined in s. 320.01(1) or mobile  
1368 home as defined in s. 320.01(2), with or without all parts,  
1369 major parts, or major component parts, which is valued under  
1370 \$1,000, is at least 10 model years old, beginning with the model  
1371 year of the vehicle as year one, and is in such condition that  
1372 its highest or primary value is for sale, transport, or delivery  
1373 to a licensed salvage motor vehicle dealer or registered  
1374 secondary metals recycler for dismantling its component parts or  
1375 conversion to scrap metal; or

1376 2. Any trailer as defined in s. 320.01(1), with or without  
1377 all parts, major parts, or major component parts, which is  
1378 valued under \$5,000, is at least 10 model years old, beginning  
1379 with the model year of the vehicle as year one, and is in such  
1380 condition that its highest or primary value is for sale,  
1381 transport, or delivery to a licensed salvage motor vehicle  
1382 dealer or registered secondary metals recycler for conversion to  
1383 scrap metal.

1384 (f) "Derelict motor vehicle certificate" means a  
1385 certificate issued by the department which serves as evidence  
1386 that a derelict motor vehicle will be dismantled or converted to  
1387 scrap metal. This certificate may be obtained by completing a



1388 derelict motor vehicle certificate application authorized by the  
1389 department. A derelict motor vehicle certificate may be  
1390 reassigned only one time if the derelict motor vehicle  
1391 certificate was completed by a licensed salvage motor vehicle  
1392 dealer and the derelict motor vehicle was sold to another  
1393 licensed salvage motor vehicle dealer or a secondary metals  
1394 recycler.

1395 (g) "Independent entity" means a business or entity that  
1396 may temporarily store damaged or dismantled motor vehicles  
1397 pursuant to an agreement with an insurance company and is  
1398 engaged in the sale or resale of damaged or dismantled motor  
1399 vehicles. The term does not include a wrecker operator, a towing  
1400 company, or a repair facility.

1401 (h) "Junk" means any material which is or may have been a  
1402 motor vehicle or mobile home, with or without all component  
1403 parts, which is inoperable and which material is in such  
1404 condition that its highest or primary value is either in its  
1405 sale or transfer as scrap metal or for its component parts, or a  
1406 combination of the two, except when sold or delivered to or when  
1407 purchased, possessed, or received by a secondary metals recycler  
1408 or salvage motor vehicle dealer.

1409 (i) "Major component parts" means:

1410 1. For motor vehicles other than motorcycles, any fender,  
1411 hood, bumper, cowl assembly, rear quarter panel, trunk lid,  
1412 door, decklid, floor pan, engine, frame, transmission, catalytic  
1413 converter, or airbag.

1414 2. For trucks, in addition to those parts listed in  
1415 subparagraph 1., any truck bed, including dump, wrecker, crane,



1416 mixer, cargo box, or any bed which mounts to a truck frame.

1417 3. For motorcycles, the body assembly, frame, fenders, gas  
 1418 tanks, engine, cylinder block, heads, engine case, crank case,  
 1419 transmission, drive train, front fork assembly, and wheels.

1420 4. For mobile homes, the frame.

1421 (j) "Major part" means the front-end assembly, cowl  
 1422 assembly, or rear body section.

1423 (k) "Materials" means motor vehicles, derelicts, and major  
 1424 parts that are not prepared materials.

1425 (l) "Mobile home" means mobile home as defined in s.  
 1426 320.01(2).

1427 (m) "Motor vehicle" means motor vehicle as defined in s.  
 1428 320.01(1).

1429 (n) "National Motor Vehicle Title Information System"  
 1430 means the national mandated vehicle history database maintained  
 1431 by the United States Department of Justice to link the states'  
 1432 motor vehicle title records, including Florida's Department of  
 1433 Highway Safety and Motor Vehicles' title records, and ensure  
 1434 that states, law enforcement agencies, and consumers have access  
 1435 to vehicle titling, branding, and other information that enables  
 1436 them to verify the accuracy and legality of a motor vehicle  
 1437 title before purchase or title transfer of the vehicle occurs.

1438 (o)~~(n)~~ "Parts" means parts of motor vehicles or  
 1439 combinations thereof that do not constitute materials or  
 1440 prepared materials.

1441 (p)~~(o)~~ "Prepared materials" means motor vehicles, mobile  
 1442 homes, derelict motor vehicles, major parts, or parts that have  
 1443 been processed by mechanically flattening or crushing, or



1444 otherwise processed such that they are not the motor vehicle or  
1445 mobile home described in the certificate of title, or their only  
1446 value is as scrap metal.

1447 (q)~~(p)~~ "Processing" means the business of performing the  
1448 manufacturing process by which ferrous metals or nonferrous  
1449 metals are converted into raw material products consisting of  
1450 prepared grades and having an existing or potential economic  
1451 value, or the purchase of materials, prepared materials, or  
1452 parts therefor.

1453 (r)~~(q)~~ "Recreational vehicle" means a motor vehicle as  
1454 defined in s. 320.01(1).

1455 (s)~~(r)~~ "Salvage" means a motor vehicle or mobile home  
1456 which is a total loss as defined in paragraph (3)(a).

1457 (t)~~(s)~~ "Salvage certificate of title" means a salvage  
1458 certificate of title issued by the department or by another  
1459 motor vehicle department authorized to issue titles in another  
1460 state.

1461 (u)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor  
1462 vehicle dealer as defined in s. 320.27(1)(c)5.

1463 (v)~~(u)~~ "Secondary metals recycler" means secondary metals  
1464 recycler as defined in s. 538.18.

1465 (w)~~(v)~~ "Seller" means the owner of record or a person who  
1466 has physical possession and responsibility for a derelict motor  
1467 vehicle and attests that possession of the vehicle was obtained  
1468 through lawful means along with all ownership rights. A seller  
1469 does not include a towing company, repair shop, or landlord  
1470 unless the towing company, repair shop, or landlord has obtained  
1471 title, salvage title, or a certificate of destruction in the



1472 name of the towing company, repair shop, or landlord.

1473 (2) (a) Each person mentioned as owner in the last issued  
1474 certificate of title, when such motor vehicle or mobile home is  
1475 dismantled, destroyed, or changed in such manner that it is not  
1476 the motor vehicle or mobile home described in the certificate of  
1477 title, shall surrender his or her certificate of title to the  
1478 department, and thereupon the department shall, with the consent  
1479 of any lienholders noted thereon, enter a cancellation upon its  
1480 records. Upon cancellation of a certificate of title in the  
1481 manner prescribed by this section, the department may cancel and  
1482 destroy all certificates in that chain of title. Any person who  
1483 knowingly violates this paragraph commits a misdemeanor of the  
1484 second degree, punishable as provided in s. 775.082 or s.  
1485 775.083.

1486 (b)1. When a motor vehicle, recreational vehicle, or  
1487 mobile home is sold, transported, delivered to, or received by a  
1488 salvage motor vehicle dealer, the purchaser shall make the  
1489 required notification to the National Motor Vehicle Title  
1490 Information System and it shall be accompanied by:

1491 a. A valid certificate of title issued in the name of the  
1492 seller or properly endorsed, as required in s. 319.22, over to  
1493 the seller;

1494 b. A valid salvage certificate of title issued in the name  
1495 of the seller or properly endorsed, as required in s. 319.22,  
1496 over to the seller; or

1497 c. A valid certificate of destruction issued in the name  
1498 of the seller or properly endorsed over to the seller.

1499 2. Any person who knowingly violates this paragraph by



1500 selling, transporting, delivering, purchasing, or receiving a  
 1501 motor vehicle, recreational vehicle, or mobile home without  
 1502 obtaining a properly endorsed certificate of title, salvage  
 1503 certificate of title, or certificate of destruction from the  
 1504 owner or does not make the required notification to the National  
 1505 Motor Vehicle Title Information System commits a felony of the  
 1506 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1507 or s. 775.084.

1508 (c)1. When a derelict motor vehicle is sold, transported,  
 1509 or delivered to a licensed salvage motor vehicle dealer, the  
 1510 purchaser shall make the required notification of the derelict  
 1511 motor vehicle to the National Motor Vehicle Title Information  
 1512 System and record the date of purchase and the name, address,  
 1513 and valid Florida driver ~~driver's~~ license number or valid  
 1514 Florida identification card number, or a valid driver ~~driver's~~  
 1515 license number or identification card number issued by another  
 1516 state, of the person selling the derelict motor vehicle, and it  
 1517 shall be accompanied by:

1518 a. A valid certificate of title issued in the name of the  
 1519 seller or properly endorsed over to the seller;

1520 b. A valid salvage certificate of title issued in the name  
 1521 of the seller or properly endorsed over to the seller; or

1522 c. A valid certificate of destruction issued in the name  
 1523 of the seller or properly endorsed over to the seller.

1524 2. If a valid certificate of title, salvage certificate of  
 1525 title, or certificate of destruction is not available, a  
 1526 derelict motor vehicle certificate application shall be  
 1527 completed by the seller or owner of the motor vehicle or mobile



1528 | home, the seller's or owner's authorized transporter, and the  
1529 | licensed salvage motor vehicle dealer at the time of sale,  
1530 | transport, or delivery to the licensed salvage motor vehicle  
1531 | dealer. The derelict motor vehicle certificate application shall  
1532 | be used by the seller or owner, the seller's or owner's  
1533 | authorized transporter, and the licensed salvage motor vehicle  
1534 | dealer to obtain a derelict motor vehicle certificate from the  
1535 | department. The derelict motor vehicle certificate application  
1536 | must be accompanied by a legible copy of the seller's or owner's  
1537 | valid Florida driver ~~driver's~~ license or Florida identification  
1538 | card, or a valid driver ~~driver's~~ license or identification card  
1539 | issued by another state. If the seller is not the owner of  
1540 | record of the vehicle being sold, the dealer shall, at the time  
1541 | of sale, ensure that a smudge-free right thumbprint, or other  
1542 | digit if the seller has no right thumb, of the seller is  
1543 | imprinted upon the derelict motor vehicle certificate  
1544 | application and that a legible copy of the seller's driver  
1545 | ~~driver's~~ license or identification card is affixed to the  
1546 | application and transmitted to the department. The licensed  
1547 | salvage motor vehicle dealer shall make the required  
1548 | notification of the derelict motor vehicle to the National Motor  
1549 | Vehicle Title Information System and secure the derelict motor  
1550 | vehicle for 3 full business days, excluding weekends and  
1551 | holidays, if there is no active lien or a lien of 3 years or  
1552 | more on the department's records before destroying or  
1553 | dismantling the derelict motor vehicle and shall follow all  
1554 | reporting procedures established by the department, including  
1555 | electronic notification to the department or delivery of the





1556 original derelict motor vehicle certificate application to an  
1557 agent of the department within 24 hours after receiving the  
1558 derelict motor vehicle. If there is an active lien of less than  
1559 3 years on the derelict motor vehicle, the licensed salvage  
1560 motor vehicle dealer shall secure the derelict motor vehicle for  
1561 10 days. The department shall notify the lienholder that a  
1562 derelict motor vehicle certificate has been issued and shall  
1563 notify the lienholder of its intention to remove the lien. Ten  
1564 days after receipt of the motor vehicle derelict certificate  
1565 application, the department may remove the lien from its records  
1566 if a written statement protesting removal of the lien is not  
1567 received by the department from the lienholder within the 10-day  
1568 period. However, if the lienholder files with the department and  
1569 the licensed salvage motor vehicle dealer within the 10-day  
1570 period a written statement that the lien is still outstanding,  
1571 the department shall not remove the lien and shall place an  
1572 administrative hold on the record for 30 days to allow the  
1573 lienholder to apply for title to the vehicle or a repossession  
1574 certificate under s. 319.28. The licensed salvage motor vehicle  
1575 dealer must secure the derelict motor vehicle until the  
1576 department's administrative stop is removed, the lienholder  
1577 submits a lien satisfaction, or the lienholder takes possession  
1578 of the vehicle.

1579 3. Any person who knowingly violates this paragraph by  
1580 selling, transporting, delivering, purchasing, or receiving a  
1581 derelict motor vehicle without obtaining a certificate of title,  
1582 salvage certificate of title, certificate of destruction, or  
1583 derelict motor vehicle certificate application; enters false or



1584 fictitious information on a derelict motor vehicle certificate  
1585 application; does not complete the derelict motor vehicle  
1586 certificate application as required; does not obtain a legible  
1587 copy of the seller's or owner's valid driver ~~driver's~~ license or  
1588 identification card when required; does not make the required  
1589 notification to the department; does not make the required  
1590 notification to the National Motor Vehicle Title Information  
1591 System; or destroys or dismantles a derelict motor vehicle  
1592 without waiting the required time as set forth in subparagraph  
1593 2. commits a felony of the third degree, punishable as provided  
1594 in s. 775.082, s. 775.083, or s. 775.084.

1595 (3) (a) 1. As used in this section, a motor vehicle or  
1596 mobile home is a "total loss":

1597 a. When an insurance company pays the vehicle owner to  
1598 replace the wrecked or damaged vehicle with one of like kind and  
1599 quality or when an insurance company pays the owner upon the  
1600 theft of the motor vehicle or mobile home; or

1601 b. When an uninsured motor vehicle or mobile home is  
1602 wrecked or damaged and the cost, at the time of loss, of  
1603 repairing or rebuilding the vehicle is 80 percent or more of the  
1604 cost to the owner of replacing the wrecked or damaged motor  
1605 vehicle or mobile home with one of like kind and quality.

1606 2. A motor vehicle or mobile home shall not be considered  
1607 a "total loss" if the insurance company and owner of a motor  
1608 vehicle or mobile home agree to repair, rather than to replace,  
1609 the motor vehicle or mobile home. However, if the actual cost to  
1610 repair the motor vehicle or mobile home to the insurance company  
1611 exceeds 100 percent of the cost of replacing the wrecked or



1612 | damaged motor vehicle or mobile home with one of like kind and  
1613 | quality, the owner shall forward to the department, within 72  
1614 | hours after the agreement, a request to brand the certificate of  
1615 | title with the words "Total Loss Vehicle." Such a brand shall  
1616 | become a part of the vehicle's title history.

1617 |       (b) The owner, including persons who are self-insured, of  
1618 | any motor vehicle or mobile home which is considered to be  
1619 | salvage shall, within 72 hours after the motor vehicle or mobile  
1620 | home becomes salvage, forward the title to the motor vehicle or  
1621 | mobile home to the department for processing. However, an  
1622 | insurance company which pays money as compensation for total  
1623 | loss of a motor vehicle or mobile home shall obtain the  
1624 | certificate of title for the motor vehicle or mobile home, make  
1625 | the required notification to the National Motor Vehicle Title  
1626 | Information System, and, within 72 hours after receiving such  
1627 | certificate of title, shall forward such title to the department  
1628 | for processing. The owner or insurance company, as the case may  
1629 | be, may not dispose of a vehicle or mobile home that is a total  
1630 | loss before it has obtained a salvage certificate of title or  
1631 | certificate of destruction from the department. When applying  
1632 | for a salvage certificate of title or certificate of  
1633 | destruction, the owner or insurance company must provide the  
1634 | department with an estimate of the costs of repairing the  
1635 | physical and mechanical damage suffered by the vehicle for which  
1636 | a salvage certificate of title or certificate of destruction is  
1637 | sought. If the estimated costs of repairing the physical and  
1638 | mechanical damage to the vehicle are equal to 80 percent or more  
1639 | of the current retail cost of the vehicle, as established in any



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1640 official used car or used mobile home guide, the department  
1641 shall declare the vehicle unrebildable and print a certificate  
1642 of destruction, which authorizes the dismantling or destruction  
1643 of the motor vehicle or mobile home described therein. However,  
1644 if the damaged motor vehicle is equipped with custom-lowered  
1645 floors for wheelchair access or a wheelchair lift, the insurance  
1646 company may, upon determining that the vehicle is repairable to  
1647 a condition that is safe for operation on public roads, submit  
1648 the certificate of title to the department for reissuance as a  
1649 salvage rebildable title and the addition of a title brand of  
1650 "insurance-declared total loss." The certificate of destruction  
1651 shall be reassignable a maximum of two times before dismantling  
1652 or destruction of the vehicle shall be required, and shall  
1653 accompany the motor vehicle or mobile home for which it is  
1654 issued, when such motor vehicle or mobile home is sold for such  
1655 purposes, in lieu of a certificate of title, and, thereafter,  
1656 the department shall refuse issuance of any certificate of title  
1657 for that vehicle. Nothing in this subsection shall be applicable  
1658 when a vehicle is worth less than \$1,500 retail in undamaged  
1659 condition in any official used motor vehicle guide or used  
1660 mobile home guide or when a stolen motor vehicle or mobile home  
1661 is recovered in substantially intact condition and is readily  
1662 resalable without extensive repairs to or replacement of the  
1663 frame or engine. Any person who knowingly violates this  
1664 paragraph or falsifies any document to avoid the requirements of  
1665 this paragraph commits a misdemeanor of the first degree,  
1666 punishable as provided in s. 775.082 or s. 775.083.

1667 (4) It is unlawful for any person to have in his or her



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1668 possession any motor vehicle or mobile home when the  
1669 manufacturer's or state-assigned identification number plate or  
1670 serial plate has been removed therefrom.

1671 (a) Nothing in this subsection shall be applicable when a  
1672 vehicle defined in this section as a derelict or salvage was  
1673 purchased or acquired from a foreign state requiring such  
1674 vehicle's identification number plate to be surrendered to such  
1675 state, provided the person shall have an affidavit from the  
1676 seller describing the vehicle by manufacturer's serial number  
1677 and the state to which such vehicle's identification number  
1678 plate was surrendered.

1679 (b) Nothing in this subsection shall be applicable if a  
1680 certificate of destruction has been obtained for the vehicle.

1681 (5) (a) It is unlawful for any person to knowingly possess,  
1682 sell, or exchange, offer to sell or exchange, or give away any  
1683 certificate of title or manufacturer's or state-assigned  
1684 identification number plate or serial plate of any motor  
1685 vehicle, mobile home, or derelict that has been sold as salvage  
1686 contrary to the provisions of this section, and it is unlawful  
1687 for any person to authorize, direct, aid in, or consent to the  
1688 possession, sale, or exchange or to offer to sell, exchange, or  
1689 give away such certificate of title or manufacturer's or state-  
1690 assigned identification number plate or serial plate.

1691 (b) It is unlawful for any person to knowingly possess,  
1692 sell, or exchange, offer to sell or exchange, or give away any  
1693 manufacturer's or state-assigned identification number plate or  
1694 serial plate of any motor vehicle or mobile home that has been  
1695 removed from the motor vehicle or mobile home for which it was



1696 manufactured, and it is unlawful for any person to authorize,  
1697 direct, aid in, or consent to the possession, sale, or exchange  
1698 or to offer to sell, exchange, or give away such manufacturer's  
1699 or state-assigned identification number plate or serial plate.

1700 (c) This chapter does not apply to anyone who removes,  
1701 possesses, or replaces a manufacturer's or state-assigned  
1702 identification number plate, in the course of performing repairs  
1703 on a vehicle, that require such removal or replacement. If the  
1704 repair requires replacement of a vehicle part that contains the  
1705 manufacturer's or state-assigned identification number plate,  
1706 the manufacturer's or state-assigned identification number plate  
1707 that is assigned to the vehicle being repaired will be installed  
1708 on the replacement part. The manufacturer's or state-assigned  
1709 identification number plate that was removed from this  
1710 replacement part will be installed on the part that was removed  
1711 from the vehicle being repaired.

1712 (6) (a) In the event of a purchase by a salvage motor  
1713 vehicle dealer of materials or major component parts for any  
1714 reason, the purchaser shall:

1715 1. For each item of materials or major component parts  
1716 purchased, the salvage motor vehicle dealer shall record the  
1717 date of purchase and the name, address, and personal  
1718 identification card number of the person selling such items, as  
1719 well as the vehicle identification number, if available.

1720 2. With respect to each item of materials or major  
1721 component parts purchased, obtain such documentation as may be  
1722 required by subsection (2).

1723 (b) Any person who violates this subsection commits a



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1724 felony of the third degree, punishable as provided in s.  
1725 775.082, s. 775.083, or s. 775.084.

1726 (7) (a) In the event of a purchase by a secondary metals  
1727 recycler, that has been issued a certificate of registration  
1728 number, of:

1729 1. Materials, prepared materials, or parts from any seller  
1730 for purposes other than the processing of such materials,  
1731 prepared materials, or parts, the purchaser shall obtain such  
1732 documentation as may be required by this section and shall  
1733 record the seller's name and address, date of purchase, and the  
1734 personal identification card number of the person delivering  
1735 such items.

1736 2. Parts or prepared materials from any seller for  
1737 purposes of the processing of such parts or prepared materials,  
1738 the purchaser shall record the seller's name and address and  
1739 date of purchase and, in the event of a purchase transaction  
1740 consisting primarily of parts or prepared materials, the  
1741 personal identification card number of the person delivering  
1742 such items.

1743 3. Materials from another secondary metals recycler for  
1744 purposes of the processing of such materials, the purchaser  
1745 shall record the seller's name and address and date of purchase.

1746 4.a. Motor vehicles, recreational vehicles, mobile homes,  
1747 or derelict motor vehicles from other than a secondary metals  
1748 recycler for purposes of the processing of such motor vehicles,  
1749 recreational vehicles, mobile homes, or derelict motor vehicles,  
1750 the purchaser shall make the required notification to the  
1751 National Motor Vehicle Title Information System and record the



1752 date of purchase and the name, address, and personal  
1753 identification card number of the person selling such items and  
1754 shall obtain the following documentation from the seller with  
1755 respect to each item purchased:

1756 (I) A valid certificate of title issued in the name of the  
1757 seller or properly endorsed, as required in s. 319.22, over to  
1758 the seller;

1759 (II) A valid salvage certificate of title issued in the  
1760 name of the seller or properly endorsed, as required in s.  
1761 319.22, over to the seller;

1762 (III) A valid certificate of destruction issued in the  
1763 name of the seller or properly endorsed over to the seller; or

1764 (IV) A valid derelict motor vehicle certificate obtained  
1765 from the department by a licensed salvage motor vehicle dealer  
1766 and properly reassigned to the secondary metals recycler.

1767 b. If a valid certificate of title, salvage certificate of  
1768 title, certificate of destruction, or derelict motor vehicle  
1769 certificate is not available and the motor vehicle or mobile  
1770 home is a derelict motor vehicle, a derelict motor vehicle  
1771 certificate application shall be completed by the seller or  
1772 owner of the motor vehicle or mobile home, the seller's or  
1773 owner's authorized transporter, and the registered secondary  
1774 metals recycler at the time of sale, transport, or delivery to  
1775 the registered secondary metals recycler to obtain a derelict  
1776 motor vehicle certificate from the department. The derelict  
1777 motor vehicle certificate application must be accompanied by a  
1778 legible copy of the seller's or owner's valid Florida driver  
1779 ~~driver's~~ license or Florida identification card, or a valid





1780 driver ~~driver's~~ license or identification card from another  
1781 state. If the seller is not the owner of record of the vehicle  
1782 being sold, the recycler shall, at the time of sale, ensure that  
1783 a smudge-free right thumbprint, or other digit if the seller has  
1784 no right thumb, of the seller is imprinted upon the derelict  
1785 motor vehicle certificate application and that the legible copy  
1786 of the seller's driver ~~driver's~~ license or identification card  
1787 is affixed to the application and transmitted to the department.  
1788 The derelict motor vehicle certificate shall be used by the  
1789 owner, the owner's authorized transporter, and the registered  
1790 secondary metals recycler. The registered secondary metals  
1791 recycler shall make the required notification of the derelict  
1792 motor vehicle to the National Motor Vehicle Title Information  
1793 System and shall secure the derelict motor vehicle for 3 full  
1794 business days, excluding weekends and holidays, if there is no  
1795 active lien or a lien of 3 years or more on the department's  
1796 records before destroying or dismantling the derelict motor  
1797 vehicle and shall follow all reporting procedures established by  
1798 the department, including electronic notification to the  
1799 department or delivery of the original derelict motor vehicle  
1800 certificate application to an agent of the department within 24  
1801 hours after receiving the derelict motor vehicle. If there is an  
1802 active lien of less than 3 years on the derelict motor vehicle,  
1803 the registered secondary metals recycler shall secure the  
1804 derelict motor vehicle for 10 days. The department shall notify  
1805 the lienholder of the application for a derelict motor vehicle  
1806 certificate and shall notify the lienholder of its intention to  
1807 remove the lien. Ten days after receipt of the motor vehicle



1808 derelict application, the department may remove the lien from  
1809 its records if a written statement protesting removal of the  
1810 lien is not received by the department from the lienholder  
1811 within the 10-day period. However, if the lienholder files with  
1812 the department and the registered secondary metals recycler  
1813 within the 10-day period a written statement that the lien is  
1814 still outstanding, the department shall not remove the lien and  
1815 shall place an administrative hold on the record for 30 days to  
1816 allow the lienholder to apply for title to the vehicle or a  
1817 repossession certificate under s. 319.28. The registered  
1818 secondary metals recycler must secure the derelict motor vehicle  
1819 until the department's administrative stop is removed, the  
1820 lienholder submits a lien satisfaction, or the lienholder takes  
1821 possession of the vehicle.

1822 c. Any person who knowingly violates this subparagraph by  
1823 selling, transporting, delivering, purchasing, or receiving a  
1824 motor vehicle, recreational motor vehicle, mobile home, or  
1825 derelict motor vehicle without obtaining a certificate of title,  
1826 salvage certificate of title, certificate of destruction, or  
1827 derelict motor vehicle certificate; enters false or fictitious  
1828 information on a derelict motor vehicle certificate application;  
1829 does not complete the derelict motor vehicle certificate  
1830 application as required or does not make the required  
1831 notification to the department; does not make the required  
1832 notification to the National Motor Vehicle Title Information  
1833 System; does not obtain a legible copy of the seller's or  
1834 owner's driver ~~driver's~~ license or identification card when  
1835 required; or destroys or dismantles a derelict motor vehicle



1836 without waiting the required time as set forth in sub-  
 1837 subparagraph b. commits a felony of the third degree, punishable  
 1838 as provided in s. 775.082, s. 775.083, or s. 775.084.

1839 5. Major parts from other than a secondary metals recycler  
 1840 for purposes of the processing of such major parts, the  
 1841 purchaser shall record the seller's name, address, date of  
 1842 purchase, and the personal identification card number of the  
 1843 person delivering such items, as well as the vehicle  
 1844 identification number, if available, of each major part  
 1845 purchased.

1846 (b) Any person who violates this subsection commits a  
 1847 felony of the third degree, punishable as provided in s.  
 1848 775.082, s. 775.083, or s. 775.084.

1849 (8) (a) Secondary metals recyclers and salvage motor  
 1850 vehicle dealers shall return to the department on a monthly  
 1851 basis all certificates of title and salvage certificates of  
 1852 title that are required by this section to be obtained.  
 1853 Secondary metals recyclers and salvage motor vehicle dealers may  
 1854 elect to notify the department electronically through procedures  
 1855 established by the department when they receive each motor  
 1856 vehicle or mobile home, salvage motor vehicle or mobile home, or  
 1857 derelict motor vehicle with a certificate of title or salvage  
 1858 certificate of title through procedures established by the  
 1859 department. The department may adopt rules and establish fees as  
 1860 it deems necessary or proper for the administration of the  
 1861 electronic notification service.

1862 (b) Secondary metals recyclers and salvage motor vehicle  
 1863 dealers shall keep originals, or a copy in the event the



1864 original was returned to the department, of all certificates of  
1865 title, salvage certificates of title, certificates of  
1866 destruction, derelict motor vehicle certificates, and all other  
1867 information required by this section to be recorded or obtained,  
1868 on file in the offices of such secondary metals recyclers or  
1869 salvage motor vehicle dealers for a period of 3 years after the  
1870 date of purchase of the items reflected in such certificates of  
1871 title, salvage certificates of title, certificates of  
1872 destruction, or derelict motor vehicle certificates. These  
1873 records shall be maintained in chronological order.

1874 (c) For the purpose of enforcement of this section, the  
1875 department or its agents and employees have the same right of  
1876 inspection as law enforcement officers as provided in s.  
1877 812.055.

1878 (d) Whenever the department, its agent or employee, or any  
1879 law enforcement officer has reason to believe that a stolen or  
1880 fraudulently titled motor vehicle, mobile home, recreational  
1881 vehicle, salvage motor vehicle, or derelict motor vehicle is in  
1882 the possession of a salvage motor vehicle dealer or secondary  
1883 metals recycler, the department, its agent or employee, or the  
1884 law enforcement officer may issue an extended hold notice, not  
1885 to exceed 5 additional business days, excluding weekends and  
1886 holidays, to the salvage motor vehicle dealer or registered  
1887 secondary metals recycler.

1888 (e) Whenever a salvage motor vehicle dealer or registered  
1889 secondary metals recycler is notified by the department, its  
1890 agent or employee, or any law enforcement officer to hold a  
1891 motor vehicle, mobile home, recreational vehicle, salvage motor



1892 vehicle, or derelict motor vehicle that is believed to be stolen  
1893 or fraudulently titled, the salvage motor vehicle dealer or  
1894 registered secondary metals recycler shall hold the motor  
1895 vehicle, mobile home, recreational vehicle, salvage motor  
1896 vehicle, or derelict motor vehicle and may not dismantle or  
1897 destroy the motor vehicle, mobile home, recreational vehicle,  
1898 salvage motor vehicle, or derelict motor vehicle until it is  
1899 recovered by a law enforcement officer, the hold is released by  
1900 the department or the law enforcement officer placing the hold,  
1901 or the 5 additional business days have passed since being  
1902 notified of the hold.

1903 (f) This section does not authorize any person who is  
1904 engaged in the business of recovering, towing, or storing  
1905 vehicles pursuant to s. 713.78, and who is claiming a lien for  
1906 performing labor or services on a motor vehicle or mobile home  
1907 pursuant to s. 713.58, or is claiming that a motor vehicle or  
1908 mobile home has remained on any premises after tenancy has  
1909 terminated pursuant to s. 715.104, to use a derelict motor  
1910 vehicle certificate application for the purpose of transporting,  
1911 selling, disposing of, or delivering a motor vehicle to a  
1912 salvage motor vehicle dealer or secondary metals recycler  
1913 without obtaining the title or certificate of destruction  
1914 required under s. 713.58, s. 713.78, or s. 715.104.

1915 (g) The department shall accept all properly endorsed and  
1916 completed derelict motor vehicle certificate applications and  
1917 shall issue a derelict motor vehicle certificate having an  
1918 effective date that authorizes when a derelict motor vehicle is  
1919 eligible for dismantling or destruction. The electronic



1920 information obtained from the derelict motor vehicle certificate  
1921 application shall be stored electronically and shall be made  
1922 available to authorized persons after issuance of the derelict  
1923 motor vehicle certificate in the Florida Real Time Vehicle  
1924 Information System.

1925 (h) The department is authorized to adopt rules pursuant  
1926 to ss. 120.536(1) and 120.54 establishing policies and  
1927 procedures to administer and enforce this section.

1928 (i) The department shall charge a fee of \$3 for each  
1929 derelict motor vehicle certificate delivered to the department  
1930 or one of its agents for processing and shall mark the title  
1931 record canceled. A service charge may be collected under s.  
1932 320.04.

1933 (j) The licensed salvage motor vehicle dealer or  
1934 registered secondary metals recycler shall make all payments for  
1935 the purchase of any derelict motor vehicle that is sold by a  
1936 seller who is not the owner of record on file with the  
1937 department by check or money order made payable to the seller  
1938 and may not make payment to the authorized transporter. The  
1939 licensed salvage motor vehicle dealer or registered secondary  
1940 metals recycler may not cash the check that such dealer or  
1941 recycler issued to the seller.

1942 (9) (a) An insurance company may notify an independent  
1943 entity that obtains possession of a damaged or dismantled motor  
1944 vehicle to release the vehicle to the owner. The insurance  
1945 company shall provide the independent entity a release statement  
1946 on a form prescribed by the department authorizing the  
1947 independent entity to release the vehicle to the owner. The form



1948 shall, at a minimum, contain the following:

- 1949 1. The policy and claim number.  
1950 2. The name and address of the insured.  
1951 3. The vehicle identification number.  
1952 4. The signature of an authorized representative of the  
1953 insurance company.

1954 (b) The independent entity in possession of a motor  
1955 vehicle must send a notice to the owner that the vehicle is  
1956 available for pick up when it receives a release statement from  
1957 the insurance company. The notice shall be sent by certified  
1958 mail to the owner at the owner's address reflected in the  
1959 department's records. The notice must inform the owner that the  
1960 owner has 30 days after receipt of the notice to pick up the  
1961 vehicle from the independent entity. If the motor vehicle is not  
1962 claimed within 30 days after the owner receives the notice, the  
1963 independent entity may apply for a certificate of destruction or  
1964 a certificate of title.

1965 (c) The independent entity shall make the required  
1966 notification to the National Motor Vehicle Title Information  
1967 System before releasing any damaged or dismantled motor vehicle  
1968 to the owner or before applying for a certificate of destruction  
1969 or salvage certificate of title.

1970 (d)(e) Upon applying for a certificate of destruction or  
1971 salvage certificate of title, the independent entity shall  
1972 provide a copy of the release statement from the insurance  
1973 company to the independent entity, proof of providing the 30-day  
1974 notice to the owner, proof of notification to the National Motor  
1975 Vehicle Title Information System, and applicable fees.



1976            (e)~~(d)~~ The independent entity may not charge an owner of  
 1977 the vehicle storage fees or apply for a title under s. 713.585  
 1978 or s. 713.78.

1979            (10) The department may adopt rules to implement an  
 1980 electronic system for issuing salvage certificates of title and  
 1981 certificates of destruction.

1982            (11) Except as otherwise provided in this section, any  
 1983 person who violates this section commits a felony of the third  
 1984 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1985 775.084.

1986            Section 22. Section 319.323, Florida Statutes, is amended  
 1987 to read:

1988            319.323 Expedited service; applications; fees.—The  
 1989 department shall establish a separate title office which may be  
 1990 used by private citizens and licensed motor vehicle dealers to  
 1991 receive expedited service on title transfers, title issuances,  
 1992 duplicate titles, and recordation of liens,~~and certificates of~~  
 1993 ~~repossession~~. A fee of \$10 shall be charged for this service,  
 1994 which fee is in addition to the fees imposed by s. 319.32. The  
 1995 fee, after deducting the amount referenced by s. 319.324 and  
 1996 \$3.50 to be retained by the processing agency, shall be  
 1997 deposited into the General Revenue Fund. Application for  
 1998 expedited service may be made by mail or in person. The  
 1999 department shall issue each title applied for under this section  
 2000 within 5 working days after receipt of the application except  
 2001 for an application for a duplicate title certificate covered by  
 2002 s. 319.23(4), in which case the title must be issued within 5





2003 working days after compliance with the department's verification  
 2004 requirements.

2005 Section 23. Subsections (24) through (46) of section  
 2006 320.01, Florida Statutes, are renumbered as subsections (23)  
 2007 through (45), respectively, and present subsections (23) and  
 2008 (25) of that section are amended to read:

2009 320.01 Definitions, general.—As used in the Florida  
 2010 Statutes, except as otherwise provided, the term:

2011 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~  
 2012 ~~which is required to be registered, or with respect to which an~~  
 2013 ~~election has been made to register it, under the International~~  
 2014 ~~Registration Plan.~~

2015 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except  
 2016 recreational vehicles, vehicles displaying restricted plates,  
 2017 city pickup and delivery vehicles, buses used in transportation  
 2018 of chartered parties, and government-owned vehicles, which is  
 2019 used or intended for use in two or more member jurisdictions  
 2020 that allocate or proportionally register vehicles and which is  
 2021 used for the transportation of persons for hire or is designed,  
 2022 used, or maintained primarily for the transportation of property  
 2023 and:

2024 (a) Is a power unit having a gross vehicle weight in  
 2025 excess of 26,000 ~~26,001~~ pounds;

2026 (b) Is a power unit having three or more axles, regardless  
 2027 of weight; or

2028 (c) Is used in combination, when the weight of such  
 2029 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

2030



2031 Vehicles, or combinations thereof, having a gross vehicle weight  
 2032 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
 2033 proportionally registered.

2034 Section 24. Paragraph (a) of subsection (2) and paragraph  
 2035 (a) of subsection (5) of section 320.02, Florida Statutes, are  
 2036 amended, and paragraph (s) is added to subsection (15) of that  
 2037 section, to read:

2038 320.02 Registration required; application for  
 2039 registration; forms.—

2040 (2) (a) The application for registration shall include the  
 2041 street address of the owner's permanent residence or the address  
 2042 of his or her permanent place of business and shall be  
 2043 accompanied by personal or business identification information.  
 2044 An individual applicant must provide ~~which may include, but need~~  
 2045 ~~not be limited to,~~ a valid driver license or number, Florida  
 2046 identification card issued by this state or another state or a  
 2047 valid passport. A business applicant must provide a ~~number, or~~  
 2048 federal employer identification number, if applicable, or  
 2049 verification that the business is authorized to conduct business  
 2050 in the state, or a Florida city or county business license or  
 2051 number.

2052 1. If the owner does not have a permanent residence or  
 2053 permanent place of business or if the owner's permanent  
 2054 residence or permanent place of business cannot be identified by  
 2055 a street address, the application shall include:

2056 a.1. If the vehicle is registered to a business, the name  
 2057 and street address of the permanent residence of an owner of the



2058 business, an officer of the corporation, or an employee who is  
2059 in a supervisory position.

2060 ~~b.2.~~ If the vehicle is registered to an individual, the  
2061 name and street address of the permanent residence of a close  
2062 relative or friend who is a resident of this state.

2063 2. If the vehicle is registered to an active duty member  
2064 of the Armed Forces of the United States who is a Florida  
2065 resident, the active duty member is exempt from the requirement  
2066 to provide the street address of a permanent residence.

2067 (5) (a) Proof that personal injury protection benefits have  
2068 been purchased when required under s. 627.733, that property  
2069 damage liability coverage has been purchased as required under  
2070 s. 324.022, that bodily injury or death coverage has been  
2071 purchased if required under s. 324.023, and that combined bodily  
2072 liability insurance and property damage liability insurance have  
2073 been purchased when required under s. 627.7415 shall be provided  
2074 in the manner prescribed by law by the applicant at the time of  
2075 application for registration of any motor vehicle that is  
2076 subject to such requirements. The issuing agent shall refuse to  
2077 issue registration if such proof of purchase is not provided.  
2078 Insurers shall furnish uniform proof-of-purchase cards in a  
2079 paper or an electronic format in a form prescribed by the  
2080 department and shall include the name of the insured's insurance  
2081 company, the coverage identification number, and the make, year,  
2082 and vehicle identification number of the vehicle insured. The  
2083 card shall contain a statement notifying the applicant of the  
2084 penalty specified in s. 316.646(4). The card or insurance  
2085 policy, insurance policy binder, or certificate of insurance or



2086 a photocopy of any of these; an affidavit containing the name of  
 2087 the insured's insurance company, the insured's policy number,  
 2088 and the make and year of the vehicle insured; or such other  
 2089 proof as may be prescribed by the department shall constitute  
 2090 sufficient proof of purchase. If an affidavit is provided as  
 2091 proof, it shall be in substantially the following form:  
 2092 Under penalty of perjury, I ...(Name of insured)... do hereby  
 2093 certify that I have ...(Personal Injury Protection, Property  
 2094 Damage Liability, and, when required, Bodily Injury  
 2095 Liability)... Insurance currently in effect with ...(Name of  
 2096 insurance company)... under ...(policy number)... covering  
 2097 ...(make, year, and vehicle identification number of  
 2098 vehicle).... ...(Signature of Insured)...

2099 Such affidavit shall include the following warning:  
 2100 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 2101 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 2102 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 2103 SUBJECT TO PROSECUTION.

2104 When an application is made through a licensed motor vehicle  
 2105 dealer as required in s. 319.23, the original or a photostatic  
 2106 copy of such card, insurance policy, insurance policy binder, or  
 2107 certificate of insurance or the original affidavit from the  
 2108 insured shall be forwarded by the dealer to the tax collector of  
 2109 the county or the Department of Highway Safety and Motor  
 2110 Vehicles for processing. By executing the aforesaid affidavit,  
 2111 no licensed motor vehicle dealer will be liable in damages for  
 2112 any inadequacy, insufficiency, or falsification of any statement



2113 contained therein. A card shall also indicate the existence of  
 2114 any bodily injury liability insurance voluntarily purchased.

2115 (15)

2116 (s) The application form for motor vehicle registration  
 2117 and renewal registration must include language permitting a  
 2118 voluntary contribution of \$1 or more per applicant, which  
 2119 contribution must be distributed to Auto Club Group Traffic  
 2120 Safety Foundation, Inc., a nonprofit organization. Funds  
 2121 received by the foundation must be used to improve traffic  
 2122 safety culture in communities through effective outreach,  
 2123 education, and activities in the state that will save lives,  
 2124 reduce injuries, and prevent crashes. The foundation must comply  
 2125 with s. 320.023.

2126  
 2127 For the purpose of applying the service charge provided in s.  
 2128 215.20, contributions received under this subsection are not  
 2129 income of a revenue nature.

2130 Section 25. Subsection (7) of section 320.03, Florida  
 2131 Statutes, is amended to read:

2132 320.03 Registration; duties of tax collectors;  
 2133 International Registration Plan.—

2134 (7) The Department of Highway Safety and Motor Vehicles  
 2135 shall register apportionable ~~apportioned motor~~ vehicles under  
 2136 the ~~provisions of the~~ International Registration Plan. The  
 2137 department may adopt rules to implement and enforce the  
 2138 provisions of the plan.

2139 Section 26. Paragraph (b) of subsection (1) of section  
 2140 320.071, Florida Statutes, is amended to read:



2141 320.071 Advance registration renewal; procedures.—  
 2142 (1)  
 2143 (b) The owner of any apportionable ~~apportioned motor~~  
 2144 vehicle currently registered in this state under the  
 2145 International Registration Plan may file an application for  
 2146 renewal of registration with the department any time during the  
 2147 3 months preceding the date of expiration of the registration  
 2148 period.

2149 Section 27. Subsections (1) and (3) of section 320.0715,  
 2150 Florida Statutes, are amended to read:

2151 320.0715 International Registration Plan; motor carrier  
 2152 services; permits; retention of records.—

2153 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
 2154 in this state ~~and engaged in interstate commerce~~ shall be  
 2155 registered in accordance with ~~the provisions of the~~  
 2156 International Registration Plan and shall display apportioned  
 2157 license plates.

2158 (3)(a) If the department is unable to immediately issue  
 2159 the apportioned license plate to an applicant currently  
 2160 registered in this state under the International Registration  
 2161 Plan or to a vehicle currently titled in this state, the  
 2162 department or its designated agent may ~~is authorized to~~ issue a  
 2163 60-day temporary operational permit. The department or agent of  
 2164 the department shall charge a \$3 fee and the service charge  
 2165 authorized by s. 320.04 for each temporary operational permit it  
 2166 issues.

2167 (b) The department may not ~~shall in no event~~ issue a  
 2168 temporary operational permit for any apportionable ~~commercial~~



2169 ~~motor~~ vehicle to any applicant until the applicant has shown  
 2170 that:

2171 1. All sales or use taxes due on the registration of the  
 2172 vehicle are paid; and

2173 2. Insurance requirements have been met in accordance with  
 2174 ss. 320.02(5) and 627.7415.

2175 (c) Issuance of a temporary operational permit provides  
 2176 ~~commercial motor vehicle~~ registration privileges in each  
 2177 International Registration Plan member jurisdiction designated  
 2178 on said permit and therefore requires payment of all applicable  
 2179 registration fees and taxes due for that period of registration.

2180 (d) Application for permanent registration must be made to  
 2181 the department within 10 days from issuance of a temporary  
 2182 operational permit. Failure to file an application within this  
 2183 10-day period may result in cancellation of the temporary  
 2184 operational permit.

2185 Section 28. Subsection (71) of section 320.08058, Florida  
 2186 Statutes, is amended to read:

2187 320.08058 Specialty license plates.—

2188 (71) HISPANIC ACHIEVERS LICENSE PLATES.—

2189 (a) Notwithstanding the requirements of s. 320.08053, the  
 2190 department shall develop a Hispanic Achievers license plate as  
 2191 provided in this section. The plate must bear the colors and  
 2192 design approved by the department. The word "Florida" must  
 2193 appear at the top of the plate, and the words "Hispanic  
 2194 Achievers" must appear at the bottom of the plate.

2195 (b) The proceeds from the license plate annual use fee  
 2196 shall be distributed to National Hispanic Corporate Achievers,



2197 Inc., a nonprofit corporation under s. 501(c)(3) of the Internal  
2198 Revenue Code, to fund grants to nonprofit organizations to  
2199 operate programs and provide scholarships and for marketing the  
2200 Hispanic Achievers license plate. National Hispanic Corporate  
2201 Achievers, Inc., shall establish a Hispanic Achievers Grant  
2202 Council that shall provide recommendations for statewide grants  
2203 from available Hispanic Achievers license plate proceeds to  
2204 nonprofit organizations for programs and scholarships for  
2205 Hispanic and minority Floridians. National Hispanic Corporate  
2206 Achievers, Inc., shall also establish a Hispanic Achievers  
2207 License Plate Fund. Moneys in the fund shall be used by the  
2208 grant council as provided in this paragraph. All funds received  
2209 under this subsection must be used in this state.

2210 (c) National Hispanic Corporate Achievers, Inc., may  
2211 retain all proceeds from the annual use fee until documented  
2212 startup costs for developing and establishing the plate have  
2213 been recovered. Thereafter, the proceeds from the annual use fee  
2214 shall be used as follows:

2215 1. Up to 5 ~~10~~ percent of the proceeds may be used for the  
2216 cost of administration of the Hispanic Achievers License Plate  
2217 Fund, the Hispanic Achievers Grant Council, and related matters.

2218 2. Funds may be used as necessary for annual audit or  
2219 compliance affidavit costs.

2220 3. Up to 20 percent of the proceeds may be used to market  
2221 and promote the Hispanic Achievers license plate.

2222 ~~4.3.~~ Twenty-five percent of the proceeds shall be used by  
2223 the Hispanic Corporate Achievers, Inc., located in Seminole  
2224 County, for grants.





2225 |       ~~5.4.~~ The remaining proceeds shall be available to the  
2226 | Hispanic Achievers Grant Council to award grants for services,  
2227 | programs, or scholarships for Hispanic and minority individuals  
2228 | and organizations throughout Florida. All grant recipients must  
2229 | provide to the Hispanic Achievers Grant Council an annual  
2230 | program and financial report regarding the use of grant funds.  
2231 | Such reports must be available to the public.

2232 |       Section 29. Subsection (4) of section 320.089, Florida  
2233 | Statutes, is amended to read:

2234 |       320.089 Members of National Guard and active United States  
2235 | Armed Forces reservists; former prisoners of war; survivors of  
2236 | Pearl Harbor; Purple Heart medal recipients; Operation Desert  
2237 | Storm Veterans; Operation Desert Shield Veterans; Operation  
2238 | Iraqi Freedom and Operation Enduring Freedom Veterans; Combat  
2239 | Infantry Badge or Combat Action Badge recipients; Vietnam War  
2240 | Veterans; Korean Conflict Veterans; special license plates;  
2241 | fee.—

2242 |       (4) The owner or lessee of an automobile or truck for  
2243 | private use, a truck weighing not more than 7,999 pounds, or a  
2244 | recreational vehicle as specified in s. 320.08(9)(c) or (d)  
2245 | which automobile, truck, or recreational vehicle is not used for  
2246 | hire or commercial use who is a resident of the state and a  
2247 | current or former member of the United States military who was  
2248 | deployed and served in Saudi Arabia, Kuwait, or another area of  
2249 | the Persian Gulf during Operation Desert Storm or Operation  
2250 | Desert Shield, in Iraq during Operation Iraqi Freedom, or in  
2251 | Afghanistan during Operation Enduring Freedom shall, upon  
2252 | application to the department, accompanied by proof of active



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2253 membership or former active duty status during one of these  
2254 operations, and upon payment of the license tax for the vehicle  
2255 as provided in s. 320.08, be issued a license plate as provided  
2256 by s. 320.06 upon which, in lieu of the registration license  
2257 number prescribed by s. 320.06, shall be stamped the words  
2258 "Operation Desert Storm," "Operation Desert Shield," "Operation  
2259 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,  
2260 followed by the registration license number of the plate.

2261 Section 30. Subsection (1) of section 320.18, Florida  
2262 Statutes, is amended to read:

2263 320.18 Withholding registration.—

2264 (1) The department may withhold the registration of any  
2265 motor vehicle or mobile home the owner or coowner of which has  
2266 failed to register it under the provisions of law for any  
2267 previous period or periods for which it appears registration  
2268 should have been made in this state, until the tax for such  
2269 period or periods is paid. The department may cancel any vehicle  
2270 or vessel registration, driver ~~driver's~~ license, identification  
2271 card, or fuel-use tax decal if the owner or coowner pays for any  
2272 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,  
2273 identification card, or fuel-use tax decal; pays any  
2274 administrative, delinquency, or reinstatement fee; or pays any  
2275 tax liability, penalty, or interest specified in chapter 207 by  
2276 a dishonored check, or if the vehicle owner or motor carrier has  
2277 failed to pay a penalty for a weight or safety violation issued  
2278 by the Department of Transportation or the Department of Highway  
2279 Safety and Motor Vehicles. The Department of Transportation and  
2280 the Department of Highway Safety and Motor Vehicles may impound



2281 any commercial motor vehicle that has a canceled license plate  
2282 or fuel-use tax decal until the tax liability, penalty, and  
2283 interest specified in chapter 207, the license tax, or the fuel-  
2284 use decal fee, and applicable administrative fees have been paid  
2285 for by certified funds.

2286 Section 31. Subsection (3), paragraph (a) of subsection  
2287 (4), and subsection (5) of section 320.27, Florida Statutes, are  
2288 amended to read:

2289 320.27 Motor vehicle dealers.—

2290 (3) APPLICATION AND FEE.—The application for the license  
2291 shall be in such form as may be prescribed by the department and  
2292 shall be subject to such rules with respect thereto as may be so  
2293 prescribed by it. Such application shall be verified by oath or  
2294 affirmation and shall contain a full statement of the name and  
2295 birth date of the person or persons applying therefor; the name  
2296 of the firm or copartnership, with the names and places of  
2297 residence of all members thereof, if such applicant is a firm or  
2298 copartnership; the names and places of residence of the  
2299 principal officers, if the applicant is a body corporate or  
2300 other artificial body; the name of the state under whose laws  
2301 the corporation is organized; the present and former place or  
2302 places of residence of the applicant; and prior business in  
2303 which the applicant has been engaged and the location thereof.  
2304 Such application shall describe the exact location of the place  
2305 of business and shall state whether the place of business is  
2306 owned by the applicant and when acquired, or, if leased, a true  
2307 copy of the lease shall be attached to the application. The  
2308 applicant shall certify that the location provides an adequately



2309 equipped office and is not a residence; that the location  
2310 affords sufficient unoccupied space upon and within which  
2311 adequately to store all motor vehicles offered and displayed for  
2312 sale; and that the location is a suitable place where the  
2313 applicant can in good faith carry on such business and keep and  
2314 maintain books, records, and files necessary to conduct such  
2315 business, which shall be available at all reasonable hours to  
2316 inspection by the department or any of its inspectors or other  
2317 employees. The applicant shall certify that the business of a  
2318 motor vehicle dealer is the principal business which shall be  
2319 conducted at that location. The application shall contain a  
2320 statement that the applicant is either franchised by a  
2321 manufacturer of motor vehicles, in which case the name of each  
2322 motor vehicle that the applicant is franchised to sell shall be  
2323 included, or an independent (nonfranchised) motor vehicle  
2324 dealer. The application shall contain other relevant information  
2325 as may be required by the department, including evidence that  
2326 the applicant is insured under a garage liability insurance  
2327 policy or a general liability insurance policy coupled with a  
2328 business automobile policy, which shall include, at a minimum,  
2329 \$25,000 combined single-limit liability coverage including  
2330 bodily injury and property damage protection and \$10,000  
2331 personal injury protection. However, a salvage motor vehicle  
2332 dealer as defined in subparagraph (1)(c)5. is exempt from the  
2333 requirements for garage liability insurance and personal injury  
2334 protection insurance on those vehicles that cannot be legally  
2335 operated on roads, highways, or streets in this state. Franchise  
2336 dealers must submit a garage liability insurance policy, and all



2337 other dealers must submit a garage liability insurance policy or  
2338 a general liability insurance policy coupled with a business  
2339 automobile policy. Such policy shall be for the license period,  
2340 and evidence of a new or continued policy shall be delivered to  
2341 the department at the beginning of each license period. Upon  
2342 making initial application, the applicant shall pay to the  
2343 department a fee of \$300 in addition to any other fees ~~now~~  
2344 required by law. Applicants may choose to extend the licensure  
2345 period for 1 additional year for a total of 2 years. An initial  
2346 applicant shall pay to the department a fee of \$300 for the first  
2347 year and \$75 for the second year, in addition to any other fees  
2348 required by law. An applicant for renewal shall pay to the  
2349 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,  
2350 in addition to any other fees required by law ~~Upon making a~~  
2351 ~~subsequent renewal application, the applicant shall pay to the~~  
2352 ~~department a fee of \$75 in addition to any other fees now~~  
2353 ~~required by law.~~ Upon making an application for a change of  
2354 location, the person shall pay a fee of \$50 in addition to any  
2355 other fees now required by law. The department shall, in the  
2356 case of every application for initial licensure, verify whether  
2357 certain facts set forth in the application are true. Each  
2358 applicant, general partner in the case of a partnership, or  
2359 corporate officer and director in the case of a corporate  
2360 applicant, must file a set of fingerprints with the department  
2361 for the purpose of determining any prior criminal record or any  
2362 outstanding warrants. The department shall submit the  
2363 fingerprints to the Department of Law Enforcement for state  
2364 processing and forwarding to the Federal Bureau of Investigation



2365 | for federal processing. The actual cost of state and federal  
2366 | processing shall be borne by the applicant and is in addition to  
2367 | the fee for licensure. The department may issue a license to an  
2368 | applicant pending the results of the fingerprint investigation,  
2369 | which license is fully revocable if the department subsequently  
2370 | determines that any facts set forth in the application are not  
2371 | true or correctly represented.

2372 | (4) LICENSE CERTIFICATE.—

2373 | (a) A license certificate shall be issued by the  
2374 | department in accordance with such application when the  
2375 | application is regular in form and in compliance with the  
2376 | provisions of this section. The license certificate may be in  
2377 | the form of a document or a computerized card as determined by  
2378 | the department. The actual cost of each original, additional, or  
2379 | replacement computerized card shall be borne by the licensee and  
2380 | is in addition to the fee for licensure. Such license, when so  
2381 | issued, entitles the licensee to carry on and conduct the  
2382 | business of a motor vehicle dealer. Each license issued to a  
2383 | franchise motor vehicle dealer expires ~~annually~~ on December 31  
2384 | of the year of its expiration unless revoked or suspended before  
2385 | ~~prior to~~ that date. Each license issued to an independent or  
2386 | wholesale dealer or auction expires ~~annually~~ on April 30 of the  
2387 | year of its expiration unless revoked or suspended before ~~prior~~  
2388 | ~~to~~ that date. At least ~~Not less than~~ 60 days before ~~prior to~~ the  
2389 | license expiration date, the department shall deliver or mail to  
2390 | each licensee the necessary renewal forms. Each independent  
2391 | dealer shall certify that the dealer (owner, partner, officer,  
2392 | or director of the licensee, or a full-time employee of the



2393 licensee that holds a responsible management-level position) has  
2394 completed 8 hours of continuing education before ~~prior to~~ filing  
2395 the renewal forms with the department. Such certification shall  
2396 be filed once every 2 years. The continuing education shall  
2397 include at least 2 hours of legal or legislative issues, 1 hour  
2398 of department issues, and 5 hours of relevant motor vehicle  
2399 industry topics. Continuing education shall be provided by  
2400 dealer schools licensed under paragraph (b) either in a  
2401 classroom setting or by correspondence. Such schools shall  
2402 provide certificates of completion to the department and the  
2403 customer which shall be filed with the license renewal form, and  
2404 such schools may charge a fee for providing continuing  
2405 education. Any licensee who does not file his or her application  
2406 and fees and any other requisite documents, as required by law,  
2407 with the department at least 30 days before ~~prior to~~ the license  
2408 expiration date shall cease to engage in business as a motor  
2409 vehicle dealer on the license expiration date. A renewal filed  
2410 with the department within 45 days after the expiration date  
2411 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
2412 new application is required, accompanied by the initial license  
2413 fee. A license certificate duly issued by the department may be  
2414 modified by endorsement to show a change in the name of the  
2415 licensee, provided, as shown by affidavit of the licensee, the  
2416 majority ownership interest of the licensee has not changed or  
2417 the name of the person appearing as franchisee on the sales and  
2418 service agreement has not changed. Modification of a license  
2419 certificate to show any name change as herein provided shall not  
2420 require initial licensure or reissuance of dealer tags; however,



2421 any dealer obtaining a name change shall transact all business  
2422 in and be properly identified by that name. All documents  
2423 relative to licensure shall reflect the new name. In the case of  
2424 a franchise dealer, the name change shall be approved by the  
2425 manufacturer, distributor, or importer. A licensee applying for  
2426 a name change endorsement shall pay a fee of \$25 which fee shall  
2427 apply to the change in the name of a main location and all  
2428 additional locations licensed under the provisions of subsection  
2429 (5). Each initial license application received by the department  
2430 shall be accompanied by verification that, within the preceding  
2431 6 months, the applicant, or one or more of his or her designated  
2432 employees, has attended a training and information seminar  
2433 conducted by a licensed motor vehicle dealer training school.  
2434 Any applicant for a new franchised motor vehicle dealer license  
2435 who has held a valid franchised motor vehicle dealer license  
2436 continuously for the past 2 years and who remains in good  
2437 standing with the department is exempt from the prelicensing  
2438 training requirement. Such seminar shall include, but is not  
2439 limited to, statutory dealer requirements, which requirements  
2440 include required bookkeeping and recordkeeping procedures,  
2441 requirements for the collection of sales and use taxes, and such  
2442 other information that in the opinion of the department will  
2443 promote good business practices. No seminar may exceed 8 hours  
2444 in length.

2445 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this  
2446 section hereunder shall obtain a supplemental license for each  
2447 permanent additional place or places of business not contiguous  
2448 to the premises for which the original license is issued, on a





2449 form to be furnished by the department, and upon payment of a  
2450 fee of \$50 for each such additional location. Applicants may  
2451 choose to extend the licensure period for 1 additional year for a  
2452 total of 2 years. The applicant shall pay to the department a fee  
2453 of \$50 for the first year and \$50 for the second year for each  
2454 such additional location. Thereafter, the applicant shall pay \$50  
2455 for a 1-year renewal or \$100 for a 2-year renewal for each such  
2456 additional location. ~~Upon making renewal applications for such~~  
2457 ~~supplemental licenses, such applicant shall pay \$50 for each~~  
2458 ~~additional location.~~ A supplemental license authorizing off-  
2459 premises sales shall be issued, at no charge to the dealer, for  
2460 a period not to exceed 10 consecutive calendar days. To obtain  
2461 such a temporary supplemental license for off-premises sales,  
2462 the applicant must be a licensed dealer; must notify the  
2463 applicable local department office of the specific dates and  
2464 location for which such license is requested, display a sign at  
2465 the licensed location clearly identifying the dealer, and  
2466 provide staff to work at the temporary location for the duration  
2467 of the off-premises sale; must meet any local government  
2468 permitting requirements; and must have permission of the  
2469 property owner to sell at that location. In the case of an off-  
2470 premises sale by a motor vehicle dealer licensed under  
2471 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
2472 applicant must also include documentation notifying the  
2473 applicable licensee licensed under s. 320.61 of the intent to  
2474 engage in an off-premises sale 5 working days before ~~prior to~~  
2475 the date of the off-premises sale. The licensee shall either  
2476 approve or disapprove of the off-premises sale within 2 working



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2477 days after receiving notice; otherwise, it will be deemed  
2478 approved. This section does not apply to a nonselling motor  
2479 vehicle show or public display of new motor vehicles.

2480 Section 32. Section 320.62, Florida Statutes, is amended  
2481 to read:

2482 320.62 Licenses; amount; disposition of proceeds.—The  
2483 initial license for each manufacturer, distributor, or importer  
2484 shall be \$300 and shall be in addition to all other licenses or  
2485 taxes ~~now or hereafter~~ levied, assessed, or required of the  
2486 applicant or licensee. Applicants may choose to extend the  
2487 licensure period for 1 additional year for a total of 2 years. An  
2488 initial applicant shall pay to the department a fee of \$300 for  
2489 the first year and \$100 for the second year. An applicant for a  
2490 renewal license shall pay \$100 to the department for a 1-year  
2491 renewal or \$200 for a 2-year renewal. The annual renewal license  
2492 fee shall be \$100. The proceeds from all licenses under ss.  
2493 320.60–320.70 shall be paid into the State Treasury to the  
2494 credit of the General Revenue Fund. All licenses shall be  
2495 payable on or before October 1 of the each year and shall  
2496 expire, unless sooner revoked or suspended, on ~~the following~~  
2497 September 30 of the year of its expiration.

2498 Section 33. Subsections (4) and (6) of section 320.77,  
2499 Florida Statutes, are amended to read:

2500 320.77 License required of mobile home dealers.—

2501 (4) FEES.—Upon making initial application, the applicant  
2502 shall pay to the department a fee of \$300 in addition to any  
2503 other fees ~~now~~ required by law. Applicants may choose to extend  
2504 the licensure period for 1 additional year for a total of 2



2505 years. An initial applicant shall pay to the department a fee of  
2506 \$300 for the first year and \$100 for the second year in addition  
2507 to any other fees required by law. An applicant for a renewal  
2508 license shall pay to the department \$100 for a 1-year renewal or  
2509 \$200 for a 2-year renewal. ~~The fee for renewal application shall~~  
2510 ~~be \$100.~~ The fee for application for change of location shall be  
2511 \$25. Any applicant for renewal who has failed to submit his or  
2512 her renewal application by October 1 of the year of its current  
2513 license expiration shall pay a renewal application fee equal to  
2514 the original application fee. No fee is refundable. All fees  
2515 shall be deposited into the General Revenue Fund.

2516 (6) LICENSE CERTIFICATE.—A license certificate shall be  
2517 issued by the department in accordance with the application when  
2518 the same is regular in form and in compliance with the  
2519 provisions of this section. The license certificate may be in  
2520 the form of a document or a computerized card as determined by  
2521 the department. The cost of each original, additional, or  
2522 replacement computerized card shall be borne by the licensee and  
2523 is in addition to the fee for licensure. The fees charged  
2524 applicants for both the required background investigation and  
2525 the computerized card as provided in this section shall be  
2526 deposited into the Highway Safety Operating Trust Fund. The  
2527 license, when so issued, shall entitle the licensee to carry on  
2528 and conduct the business of a mobile home dealer at the location  
2529 set forth in the license for a period of 1 or 2 years beginning  
2530 year from October 1 preceding the date of issuance. Each initial  
2531 application received by the department shall be accompanied by  
2532 verification that, within the preceding 6 months, the applicant



2533 or one or more of his or her designated employees has attended a  
 2534 training and information seminar conducted by the department or  
 2535 by a public or private provider approved by the department. Such  
 2536 seminar shall include, but not be limited to, statutory dealer  
 2537 requirements, which requirements include required bookkeeping  
 2538 and recording procedures, requirements for the collection of  
 2539 sales and use taxes, and such other information that in the  
 2540 opinion of the department will promote good business practices.

2541 Section 34. Subsections (4) and (6) of section 320.771,  
 2542 Florida Statutes, are amended to read:

2543 320.771 License required of recreational vehicle dealers.—

2544 (4) FEES.—Upon making initial application, the applicant  
 2545 shall pay to the department a fee of \$300 in addition to any  
 2546 other fees ~~now~~ required by law. Applicants may choose to extend  
 2547 the licensure period for 1 additional year for a total of 2  
 2548 years. An initial applicant shall pay to the department a fee of  
 2549 \$300 for the first year and \$100 for the second year in addition  
 2550 to any other fees required by law. An applicant for a renewal  
 2551 license shall pay to the department \$100 for a 1-year renewal or  
 2552 \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
 2553 ~~be \$100.~~ The fee for application for change of location shall be  
 2554 \$25. Any applicant for renewal who has failed to submit his or  
 2555 her renewal application by October 1 of the year of its current  
 2556 license expiration shall pay a renewal application fee equal to  
 2557 the original application fee. No fee is refundable. All fees  
 2558 shall be deposited into the General Revenue Fund.

2559 (6) LICENSE CERTIFICATE.—A license certificate shall be  
 2560 issued by the department in accordance with the application when



2561 the same is regular in form and in compliance with the  
2562 provisions of this section. The license certificate may be in  
2563 the form of a document or a computerized card as determined by  
2564 the department. The cost of each original, additional, or  
2565 replacement computerized card shall be borne by the licensee and  
2566 is in addition to the fee for licensure. The fees charged  
2567 applicants for both the required background investigation and  
2568 the computerized card as provided in this section shall be  
2569 deposited into the Highway Safety Operating Trust Fund. The  
2570 license, when so issued, shall entitle the licensee to carry on  
2571 and conduct the business of a recreational vehicle dealer at the  
2572 location set forth in the license for a period of 1 or 2 years  
2573 ~~year~~ from October 1 preceding the date of issuance. Each initial  
2574 application received by the department shall be accompanied by  
2575 verification that, within the preceding 6 months, the applicant  
2576 or one or more of his or her designated employees has attended a  
2577 training and information seminar conducted by the department or  
2578 by a public or private provider approved by the department. Such  
2579 seminar shall include, but not be limited to, statutory dealer  
2580 requirements, which requirements include required bookkeeping  
2581 and recording procedures, requirements for the collection of  
2582 sales and use taxes, and such other information that in the  
2583 opinion of the department will promote good business practices.

2584 Section 35. Subsections (3) and (6) of section 320.8225,  
2585 Florida Statutes, are amended to read:

2586 320.8225 Mobile home and recreational vehicle  
2587 manufacturer, distributor, and importer license.—



2588 (3) FEES.—Upon submitting an initial application, the  
 2589 applicant shall pay to the department a fee of \$300. Applicants  
 2590 may choose to extend the licensure period for 1 additional year  
 2591 for a total of 2 years. An initial applicant shall pay to the  
 2592 department a fee of \$300 for the first year and \$100 for the  
 2593 second year. An applicant for a renewal license shall pay to the  
 2594 department \$100 for a 1-year renewal or \$200 for a 2-year renewal  
 2595 ~~Upon submitting a renewal application, the applicant shall pay~~  
 2596 ~~to the department a fee of \$100.~~ Any applicant for renewal who  
 2597 fails to submit his or her renewal application by October 1 of  
 2598 the year of its current license expiration shall pay a renewal  
 2599 application fee equal to the original application fee. No fee is  
 2600 refundable. All fees must be deposited into the General Revenue  
 2601 Fund.

2602 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home  
 2603 manufacturer or a recreational vehicle manufacturer,  
 2604 distributor, or importer entitles the licensee to conduct  
 2605 business for a period of 1 or 2 years beginning ~~year from~~  
 2606 October 1 preceding the date of issuance.

2607 Section 36. Subsection (7) of section 322.08, Florida  
 2608 Statutes, is amended to read:

2609 322.08 Application for license; requirements for license  
 2610 and identification card forms.—

2611 (7) The application form for an original, renewal, or  
 2612 replacement driver license or identification card shall include  
 2613 language permitting the following:

2614 (a) A voluntary contribution of \$1 per applicant, which  
 2615 contribution shall be deposited into the Health Care Trust Fund



2616 | for organ and tissue donor education and for maintaining the  
2617 | organ and tissue donor registry.

2618 |       (b) A voluntary contribution of \$1 per applicant, which  
2619 | contribution shall be distributed to the Florida Council of the  
2620 | Blind.

2621 |       (c) A voluntary contribution of \$2 per applicant, which  
2622 | shall be distributed to the Hearing Research Institute,  
2623 | Incorporated.

2624 |       (d) A voluntary contribution of \$1 per applicant, which  
2625 | shall be distributed to the Juvenile Diabetes Foundation  
2626 | International.

2627 |       (e) A voluntary contribution of \$1 per applicant, which  
2628 | shall be distributed to the Children's Hearing Help Fund.

2629 |       (f) A voluntary contribution of \$1 per applicant, which  
2630 | shall be distributed to Family First, a nonprofit organization.

2631 |       (g) A voluntary contribution of \$1 per applicant to Stop  
2632 | Heart Disease, which shall be distributed to the Florida Heart  
2633 | Research Institute, a nonprofit organization.

2634 |       (h) A voluntary contribution of \$1 per applicant to Senior  
2635 | Vision Services, which shall be distributed to the Florida  
2636 | Association of Agencies Serving the Blind, Inc., a not-for-  
2637 | profit organization.

2638 |       (i) A voluntary contribution of \$1 per applicant for  
2639 | services for persons with developmental disabilities, which  
2640 | shall be distributed to The Arc of Florida.

2641 |       (j) A voluntary contribution of \$1 to the Ronald McDonald  
2642 | House, which shall be distributed each month to Ronald McDonald  
2643 | House Charities of Tampa Bay, Inc.



2644 (k) Notwithstanding s. 322.081, a voluntary contribution  
2645 of \$1 per applicant, which shall be distributed to the League  
2646 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
2647 organization.

2648 (l) A voluntary contribution of \$1 per applicant to  
2649 Prevent Child Sexual Abuse, which shall be distributed to  
2650 Lauren's Kids, Inc., a nonprofit organization.

2651 (m) A voluntary contribution of \$1 per applicant, which  
2652 shall be distributed to Prevent Blindness Florida, a not-for-  
2653 profit organization, to prevent blindness and preserve the sight  
2654 of the residents of this state.

2655 (n) Notwithstanding s. 322.081, a voluntary contribution  
2656 of \$1 per applicant to the state homes for veterans, to be  
2657 distributed on a quarterly basis by the department to the State  
2658 Homes for Veterans Trust Fund, which is administered by the  
2659 Department of Veterans' Affairs.

2660 (o) A voluntary contribution of \$1 per applicant to the  
2661 Disabled American Veterans, Department of Florida, which shall  
2662 be distributed quarterly to Disabled American Veterans,  
2663 Department of Florida, a nonprofit organization.

2664 (p) A voluntary contribution of \$1 per applicant for  
2665 Autism Services and Supports, which shall be distributed to  
2666 Achievement and Rehabilitation Centers, Inc., Autism Services  
2667 Fund.

2668 (q) A voluntary contribution of \$1 per applicant to  
2669 Support Our Troops, which shall be distributed to Support Our  
2670 Troops, Inc., a Florida not-for-profit organization.





2671 (r) A voluntary contribution of \$1 or more per applicant  
2672 to Auto Club Group Traffic Safety Foundation, Inc., a nonprofit  
2673 organization. Funds received by the foundation must be used to  
2674 improve traffic safety culture in communities through effective  
2675 outreach, education, and activities in the state that will save  
2676 lives, reduce injuries, and prevent crashes. The foundation must  
2677 comply with s. 322.081.

2678

2679 A statement providing an explanation of the purpose of the trust  
2680 funds shall also be included. For the purpose of applying the  
2681 service charge provided in s. 215.20, contributions received  
2682 under paragraphs (b)-(r) ~~(b)-(e)~~ are not income of a revenue  
2683 nature.

2684 Section 37. Section 322.095, Florida Statutes, is amended  
2685 to read:

2686 322.095 Traffic law and substance abuse education program  
2687 for driver ~~driver's~~ license applicants.—

2688 (1) Each applicant for a driver license must complete a  
2689 traffic law and substance abuse education course, unless the  
2690 applicant has been licensed in another jurisdiction or has  
2691 satisfactorily completed a Department of Education driver  
2692 education course offered pursuant to s. 1003.48.

2693 (2)~~(1)~~ The Department of Highway Safety and Motor Vehicles  
2694 must approve traffic law and substance abuse education courses,  
2695 including courses that use communications technology as the  
2696 delivery method.

2697 (a) In addition to the course approval criteria provided  
2698 in this section, initial approval of traffic law and substance



2699 abuse education courses shall be based on the department's review  
 2700 of all course materials which must be designed to promote safety,  
 2701 education, and driver awareness; course presentation to the  
 2702 department by the provider; and the provider's plan for effective  
 2703 oversight of the course by those who deliver the course in the  
 2704 state.

2705 (b) Each course provider seeking approval of a traffic law  
 2706 and substance abuse education course must submit:

2707 1. Proof of ownership, copyright, or written permission  
 2708 from the course owner to use the course in the state ~~that must be~~  
 2709 ~~completed by applicants for a Florida driver's license.~~

2710 2. The curriculum ~~curricula~~ for the courses which must  
 2711 promote motorcyclist, bicyclist, and pedestrian safety and  
 2712 provide instruction on the physiological and psychological  
 2713 consequences of the abuse of alcohol and other drugs; ~~the~~  
 2714 societal and economic costs of alcohol and drug abuse; ~~the~~  
 2715 effects of alcohol and drug abuse on the driver of a motor  
 2716 vehicle; ~~and the laws of this state relating to the operation~~  
 2717 of a motor vehicle; the risk factors involved in driver attitude  
 2718 and irresponsible driver behaviors, such as speeding, reckless  
 2719 driving, and running red lights and stop signs; and the results  
 2720 of the use of electronic devices while driving. All instructors  
 2721 ~~teaching the courses shall be certified by the department.~~

2722 (3) (2) Before ~~The department shall contract for an~~  
 2723 ~~independent evaluation of the courses. Local DUI programs~~  
 2724 ~~authorized under s. 316.193(5) and certified by the department~~  
 2725 ~~or a driver improvement school may offer a traffic law and~~  
 2726 ~~substance abuse education course. However, prior to offering the~~



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2727 course, the course provider must obtain certification from the  
2728 department that the course complies with the requirements of  
2729 this section. If the course is offered in a classroom setting,  
2730 the course provider and any schools authorized by the provider  
2731 to teach the course must offer the approved course at locations  
2732 that are free from distractions and reasonably accessible to  
2733 most applicants and must issue a certificate to those persons  
2734 successfully completing the course.

2735 ~~(3) The completion of a course does not qualify a person~~  
2736 ~~for the reinstatement of a driver's license which has been~~  
2737 ~~suspended or revoked.~~

2738 ~~(4) The fee charged by the course provider must bear a~~  
2739 ~~reasonable relationship to the cost of the course. The~~  
2740 ~~department must conduct financial audits of course providers~~  
2741 ~~conducting the education courses required under this section or~~  
2742 ~~require that financial audits of providers be performed, at the~~  
2743 ~~expense of the provider, by a certified public accountant.~~

2744 ~~(5) The provisions of this section do not apply to any~~  
2745 ~~person who has been licensed in any other jurisdiction or who~~  
2746 ~~has satisfactorily completed a Department of Education driver's~~  
2747 ~~education course offered pursuant to s. 1003.48.~~

2748 (4)(6) In addition to a regular course fee, an assessment  
2749 fee in the amount of \$3 shall be collected by the school from  
2750 each person who attends a course. The course provider must remit  
2751 the \$3 assessment fee to the department for deposit into the  
2752 Highway Safety Operating Trust Fund in order to receive a unique  
2753 course completion certificate number for the student. Each  
2754 ~~course provider must collect a \$3 assessment fee in addition to~~



2755 ~~the enrollment fee charged to participants of the traffic law~~  
2756 ~~and substance abuse course required under this section. The \$3~~  
2757 ~~assessment fee collected by the course provider must be~~  
2758 ~~forwarded to the department within 30 days after receipt of the~~  
2759 ~~assessment.~~

2760 (5) ~~(7)~~ The department may ~~is authorized to~~ maintain the  
2761 information and records necessary to administer its duties and  
2762 responsibilities for the program. Course providers are required  
2763 to maintain all records pertinent to the conduct of their  
2764 approved courses for 5 years and allow the department to inspect  
2765 such records as necessary. Records may be maintained in an  
2766 electronic format. If ~~Where~~ such information is a public record  
2767 as defined in chapter 119, it shall be made available to the  
2768 public upon request pursuant to s. 119.07(1). ~~The department~~  
2769 ~~shall approve and regulate courses that use technology as the~~  
2770 ~~delivery method of all traffic law and substance abuse education~~  
2771 ~~courses as the courses relate to this section.~~

2772 (6) The department shall design, develop, implement, and  
2773 conduct effectiveness studies on each delivery method of all  
2774 courses approved pursuant to this section on a recurring 3-year  
2775 basis. At a minimum, studies shall be conducted on the  
2776 effectiveness of each course in reducing DUI citations and  
2777 decreasing moving traffic violations or collision recidivism.  
2778 Upon notification that a course has failed an effectiveness  
2779 study, the course provider shall immediately cease offering the  
2780 course in the state.

2781 (7) Courses approved under this section must be updated at  
2782 the department's request. Failure of a course provider to update



2783 the course within 90 days after the department's request shall  
2784 result in the suspension of the course approval until such time  
2785 that the updates are submitted and approved by the department.

2786 (8) Each course provider shall ensure that its driver  
2787 improvement schools are conducting the approved courses fully,  
2788 to the required time limits, and with the content requirements  
2789 specified by the department. The course provider shall ensure  
2790 that only department-approved instructional materials are used  
2791 in the presentation of the course, and that all driver  
2792 improvement schools conducting the course do so in a manner  
2793 that maximizes its impact and effectiveness. The course provider  
2794 shall ensure that any student who is unable to attend or  
2795 complete a course due to action, error, or omission on the part  
2796 of the course provider or driver improvement school conducting  
2797 the course shall be accommodated to permit completion of the  
2798 course at no additional cost.

2799 (9) Traffic law and substance abuse education courses  
2800 shall be conducted with a minimum of 4 hours devoted to course  
2801 content minus a maximum of 30 minutes allotted for breaks.

2802 (10) A course provider may not require any student to  
2803 purchase a course completion certificate. Course providers  
2804 offering paper or electronic certificates for purchase must  
2805 clearly convey to the student that this purchase is optional,  
2806 that the only valid course completion certificate is the  
2807 electronic one that is entered into the department's Driver  
2808 Improvement Certificate Issuance System, and that paper  
2809 certificates are not acceptable for any licensing purpose.



2810       (11) Course providers and all associated driver improvement  
2811 schools that offer approved courses shall disclose all fees  
2812 associated with the course and shall not charge any fees that  
2813 are not clearly listed during the registration process.

2814       (12) Course providers shall submit course completion  
2815 information to the department through the department's Driver  
2816 Improvement Certificate Issuance System within 5 days. The  
2817 submission shall be free of charge to the student.

2818       (13) The department may deny, suspend, or revoke course  
2819 approval upon proof that the course provider:

2820       (a) Violated this section.

2821       (b) Has been convicted of a crime involving any drug-  
2822 related or DUI-related offense, a felony, fraud, or a crime  
2823 directly related to the personal safety of a student.

2824       (c) Failed to satisfy the effectiveness criteria as  
2825 outlined in subsection (6).

2826       (d) Obtained course approval by fraud or misrepresentation.

2827       (e) Obtained or assisted a person in obtaining any driver  
2828 license by fraud or misrepresentation.

2829       (f) Conducted a traffic law and substance abuse education  
2830 course in the state while approval of such course was under  
2831 suspension or revocation.

2832       (g) Failed to provide effective oversight of those who  
2833 deliver the course in the state.

2834       (14) The department shall not accept certificates from  
2835 students who take a course after the course has been suspended  
2836 or revoked.



2837        (15) A person who has been convicted of a crime involving  
2838 any drug-related or DUI-related offense in the past 5 years, a  
2839 felony, fraud, or a crime directly related to the personal  
2840 safety of a student shall not be allowed to conduct traffic  
2841 law and substance abuse education courses.

2842        (16) The department shall summarily suspend approval of  
2843 any course without preliminary hearing for the purpose of  
2844 protecting the public safety and enforcing any provision of law  
2845 governing traffic law and substance abuse education courses.

2846        (17) Except as otherwise provided in this section,  
2847 before final department action denying, suspending, or revoking  
2848 approval of a course, the course provider shall have the  
2849 opportunity to request either a formal or informal  
2850 administrative hearing to show cause why the action should not  
2851 be taken.

2852        (18) The department may levy and collect a civil fine of at  
2853 least \$1,000 but not more than \$5,000 for each violation of this  
2854 section. Proceeds from fines collected shall be deposited into  
2855 the Highway Safety Operating Trust Fund and used to cover the  
2856 cost of administering this section or promoting highway safety  
2857 initiatives.

2858        Section 38. Subsection (1) of section 322.125, Florida  
2859 Statutes, is amended to read:

2860        322.125 Medical Advisory Board.—

2861        (1) There shall be a Medical Advisory Board composed of  
2862 not fewer than 12 or more than 25 members, at least one of whom  
2863 must be 60 years of age or older and all but one of whose  
2864 medical and other specialties must relate to driving abilities,



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2865 | which number must include a doctor of medicine who is employed  
2866 | by the Department of Highway Safety and Motor Vehicles in  
2867 | Tallahassee, who shall serve as administrative officer for the  
2868 | board. The executive director of the Department of Highway  
2869 | Safety and Motor Vehicles shall recommend persons to serve as  
2870 | board members. Every member but two must be a doctor of medicine  
2871 | licensed to practice medicine in this or any other state ~~and~~  
2872 | ~~must be a member in good standing of the Florida Medical~~  
2873 | ~~Association or the Florida Osteopathic Association.~~ One member  
2874 | must be an optometrist licensed to practice optometry in this  
2875 | state ~~and must be a member in good standing of the Florida~~  
2876 | ~~Optometric Association.~~ One member must be a chiropractic  
2877 | physician licensed to practice chiropractic medicine in this  
2878 | state. Members shall be approved by the Cabinet and shall serve  
2879 | 4-year staggered terms. The board membership must, to the  
2880 | maximum extent possible, consist of equal representation of the  
2881 | disciplines of the medical community treating the mental or  
2882 | physical disabilities that could affect the safe operation of  
2883 | motor vehicles.

2884 |       Section 39. Subsection (4) of section 322.135, Florida  
2885 | Statutes, is amended to read:

2886 |       322.135 Driver ~~Driver's~~ license agents.—

2887 |       (4) A tax collector may not issue or renew a driver  
2888 | ~~driver's~~ license if he or she has any reason to believe that the  
2889 | licensee or prospective licensee is physically or mentally  
2890 | unqualified to operate a motor vehicle. ~~The tax collector may~~  
2891 | ~~direct any such licensee to the department for examination or~~  
2892 | ~~reexamination under s. 322.221.~~





2893 Section 40. Section 322.143, Florida Statutes, is created  
 2894 to read:

2895 322.143 Use of a driver license or identification card.-

2896 (1) As used in this section, the term:

2897 (a) "Personal information" means an individual's name,  
 2898 address, date of birth, driver license number, or identification  
 2899 card number.

2900 (b) "Private entity" means any nongovernmental entity,  
 2901 such as a corporation, partnership, company, nonprofit  
 2902 organization, any other legal entity, or any natural person.

2903 (c) "Swipe" means the act of passing a driver license or  
 2904 identification card through a device that is capable of  
 2905 deciphering, in an electronically readable format, the  
 2906 information electronically encoded in a magnetic strip or bar  
 2907 code on the driver license or identification card.

2908 (2) A private entity may not swipe an individual's driver  
 2909 license or identification card, except as provided in subsection  
 2910 (6) and except for the following purposes:

2911 (a) To verify the authenticity of a driver license or  
 2912 identification card or to verify the identity of the individual  
 2913 if the individual pays for a good or service with a method other  
 2914 than cash, returns an item, or requests a refund.

2915 (b) To verify the individual's age when providing an age-  
 2916 restricted good or service.

2917 (c) To prevent fraud or other criminal activity if an  
 2918 individual returns an item or requests a refund and the private  
 2919 entity uses a fraud prevention service company or system.



2920        (d) To transmit information to a check services company  
2921 for the purpose of approving negotiable instruments, electronic  
2922 funds transfers, or similar methods of payment.

2923        (e) To comply with a legal requirement to record, retain,  
2924 or transmit the driver license information.

2925        (3) A private entity that swipes an individual's driver  
2926 license or identification card under paragraph (2) (a) or  
2927 paragraph (2) (b) may not store, sell, or share personal  
2928 information collected from swiping the driver license or  
2929 identification card.

2930        (4) A private entity that swipes an individual's driver  
2931 license or identification card under paragraph (2) (c) or  
2932 paragraph (2) (d) may store or share personal information  
2933 collected from swiping an individual's driver license or  
2934 identification card for the purpose of preventing fraud or other  
2935 criminal activity against the private entity.

2936        (5) (a) A person other than an entity regulated by the  
2937 federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.,  
2938 who receives personal information from a private entity under  
2939 subsection (4) may use the personal information received only to  
2940 prevent fraud or other criminal activity against the private  
2941 entity that provided the personal information.

2942        (b) A person who is regulated by the federal Fair Credit  
2943 Reporting Act and who receives personal information from a  
2944 private entity under subsection (4) may use or provide the  
2945 personal information received only to effect, administer, or  
2946 enforce a transaction or prevent fraud or other criminal



2947 activity, if the person provides or receives personal  
2948 information under contract from the private entity.

2949 (6) (a) An individual may consent to allow the private  
2950 entity to swipe the individual's driver license or  
2951 identification card to collect and store personal information.  
2952 However, the individual must be informed what information is  
2953 collected and the purpose or purposes for which it will be used.

2954 (b) If the individual does not want the private entity to  
2955 swipe the individual's driver license or identification card,  
2956 the private entity may manually collect personal information  
2957 from the individual.

2958 (7) The private entity may not withhold the provision of  
2959 goods or services solely as a result of the individual  
2960 requesting the collection of the data in subsection (6) from the  
2961 individual through manual means.

2962 (8) In addition to any other remedy provided by law, an  
2963 individual may bring an action to recover actual damages and to  
2964 obtain equitable relief, if equitable relief is available,  
2965 against an entity that swipes, stores, shares, sells, or  
2966 otherwise uses the individual's personal information in  
2967 violation of this section. If a court finds that a violation of  
2968 this section was willful or knowing, the court may increase the  
2969 amount of the award to no more than three times the amount  
2970 otherwise available.

2971 Section 41. Subsection (7) of section 322.212, Florida  
2972 Statutes, is amended to read:



2973 |           322.212 Unauthorized possession of, and other unlawful  
 2974 | acts in relation to, driver ~~driver's~~ license or identification  
 2975 | card.—

2976 |           (7) In addition to any other penalties provided by this  
 2977 | section, any person who provides false information when applying  
 2978 | for a commercial driver ~~driver's~~ license or commercial learner's  
 2979 | permit or is convicted of fraud in connection with testing for a  
 2980 | commercial driver license or commercial learner's permit shall be  
 2981 | disqualified from operating a commercial motor vehicle for a  
 2982 | period of 1 year ~~60 days~~.

2983 |           Section 42. Subsection (1) of section 322.22, Florida  
 2984 | Statutes, is amended to read:

2985 |           322.22 Authority of department to cancel or refuse to  
 2986 | issue or renew license.—

2987 |           (1) The department may ~~is authorized to~~ cancel or withhold  
 2988 | issuance or renewal of any driver ~~driver's~~ license, upon  
 2989 | determining that the licensee was not entitled to the issuance  
 2990 | thereof, or that the licensee failed to give the required or  
 2991 | correct information in his or her application or committed any  
 2992 | fraud in making such application, or that the licensee has two  
 2993 | or more licenses on file with the department, each in a  
 2994 | different name but bearing the photograph of the licensee,  
 2995 | unless the licensee has complied with the requirements of this  
 2996 | chapter in obtaining the licenses. The department may cancel or  
 2997 | withhold issuance or renewal of any driver ~~driver's~~ license,  
 2998 | identification card, vehicle or vessel registration, or fuel-use  
 2999 | decal if the licensee fails to pay the correct fee or pays for  
 3000 | any driver ~~the driver's~~ license, identification card, vehicle or



3001 vessel registration, or fuel-use decal; pays any tax liability,  
 3002 penalty, or interest specified in chapter 207; or pays any  
 3003 administrative, delinquency, or reinstatement fee by a  
 3004 dishonored check.

3005 Section 43. Subsection (3) of section 322.245, Florida  
 3006 Statutes, is amended to read:

3007 322.245 Suspension of license upon failure of person  
 3008 charged with specified offense under chapter 316, chapter 320,  
 3009 or this chapter to comply with directives ordered by traffic  
 3010 court or upon failure to pay child support in non-IV-D cases as  
 3011 provided in chapter 61 or failure to pay any financial  
 3012 obligation in any other criminal case.—

3013 (3) If the person fails to comply with the directives of  
 3014 the court within the 30-day period, or, in non-IV-D cases, fails  
 3015 to comply with the requirements of s. 61.13016 within the period  
 3016 specified in that statute, the depository or the clerk of the  
 3017 court shall electronically notify the department of such failure  
 3018 within 10 days. Upon electronic receipt of the notice, the  
 3019 department shall immediately issue an order suspending the  
 3020 person's driver ~~driver's~~ license and privilege to drive  
 3021 effective 20 days after the date the order of suspension is  
 3022 mailed in accordance with s. 322.251(1), (2), and (6).

3023 Section 44. Subsection (7) of section 322.25, Florida  
 3024 Statutes, is amended to read:

3025 322.25 When court to forward license to department and  
 3026 report convictions; temporary reinstatement of driving  
 3027 privileges.—



3028           ~~(7) Any licensed driver convicted of driving, or being in~~  
3029 ~~the actual physical control of, a vehicle within this state~~  
3030 ~~while under the influence of alcoholic beverages, any chemical~~  
3031 ~~substance set forth in s. 877.111, or any substance controlled~~  
3032 ~~under chapter 893, when affected to the extent that his or her~~  
3033 ~~normal faculties are impaired, and whose license and driving~~  
3034 ~~privilege have been revoked as provided in subsection (1) may be~~  
3035 ~~issued a court order for reinstatement of a driving privilege on~~  
3036 ~~a temporary basis; provided that, as a part of the penalty, upon~~  
3037 ~~conviction, the defendant is required to enroll in and complete~~  
3038 ~~a driver improvement course for the rehabilitation of drinking~~  
3039 ~~drivers and the driver is otherwise eligible for reinstatement~~  
3040 ~~of the driving privilege as provided by s. 322.282. The court~~  
3041 ~~order for reinstatement shall be on a form provided by the~~  
3042 ~~department and must be taken by the person convicted to a~~  
3043 ~~Florida driver's license examining office, where a temporary~~  
3044 ~~driving permit may be issued. The period of time for which a~~  
3045 ~~temporary permit issued in accordance with this subsection is~~  
3046 ~~valid shall be deemed to be part of the period of revocation~~  
3047 ~~imposed by the court.~~

3048           Section 45. Section 322.2615, Florida Statutes, is amended  
3049 to read:

3050           322.2615 Suspension of license; right to review.—

3051           (1) (a) A law enforcement officer or correctional officer  
3052 shall, on behalf of the department, suspend the driving  
3053 privilege of a person who is driving or in actual physical  
3054 control of a motor vehicle and who has an unlawful blood-alcohol  
3055 level or breath-alcohol level of 0.08 or higher, or of a person



3056 | who has refused to submit to a urine test or a test of his or  
3057 | her breath-alcohol or blood-alcohol level. The officer shall  
3058 | take the person's driver ~~driver's~~ license and issue the person a  
3059 | 10-day temporary permit if the person is otherwise eligible for  
3060 | the driving privilege and shall issue the person a notice of  
3061 | suspension. If a blood test has been administered, the officer  
3062 | or the agency employing the officer shall transmit such results  
3063 | to the department within 5 days after receipt of the results. If  
3064 | the department then determines that the person had a blood-  
3065 | alcohol level or breath-alcohol level of 0.08 or higher, the  
3066 | department shall suspend the person's driver ~~driver's~~ license  
3067 | pursuant to subsection (3).

3068 |       (b) The suspension under paragraph (a) shall be pursuant  
3069 | to, and the notice of suspension shall inform the driver of, the  
3070 | following:

3071 |       1.a. The driver refused to submit to a lawful breath,  
3072 | blood, or urine test and his or her driving privilege is  
3073 | suspended for a period of 1 year for a first refusal or for a  
3074 | period of 18 months if his or her driving privilege has been  
3075 | previously suspended as a result of a refusal to submit to such  
3076 | a test; or

3077 |       b. The driver was driving or in actual physical control of  
3078 | a motor vehicle and had an unlawful blood-alcohol level or  
3079 | breath-alcohol level of 0.08 or higher and his or her driving  
3080 | privilege is suspended for a period of 6 months for a first  
3081 | offense or for a period of 1 year if his or her driving  
3082 | privilege has been previously suspended under this section.



3083 | 2. The suspension period shall commence on the date of  
3084 | issuance of the notice of suspension.

3085 | 3. The driver may request a formal or informal review of  
3086 | the suspension by the department within 10 days after the date  
3087 | of issuance of the notice of suspension, or may request a review  
3088 | of eligibility for a restricted driving privilege under s.  
3089 | 322.271(7).

3090 | 4. The temporary permit issued at the time of suspension  
3091 | expires at midnight of the 10th day following the date of  
3092 | issuance of the notice of suspension.

3093 | 5. The driver may submit to the department any materials  
3094 | relevant to the suspension.

3095 | (2) (a) Except as provided in paragraph (1) (a), the law  
3096 | enforcement officer shall forward to the department, within 5  
3097 | days after issuing the notice of suspension, the driver ~~driver's~~  
3098 | license; an affidavit stating the officer's grounds for belief  
3099 | that the person was driving or in actual physical control of a  
3100 | motor vehicle while under the influence of alcoholic beverages  
3101 | or chemical or controlled substances; the results of any breath  
3102 | or blood test or an affidavit stating that a breath, blood, or  
3103 | urine test was requested by a law enforcement officer or  
3104 | correctional officer and that the person refused to submit; the  
3105 | officer's description of the person's field sobriety test, if  
3106 | any; and the notice of suspension. The failure of the officer to  
3107 | submit materials within the 5-day period specified in this  
3108 | subsection and in subsection (1) does not affect the  
3109 | department's ability to consider any evidence submitted at or  
3110 | before ~~prior to~~ the hearing.





3111           **(b)** The officer may also submit a copy of the crash report  
3112 and a copy of a video recording ~~videotape~~ of the field sobriety  
3113 test or the attempt to administer such test. Materials submitted  
3114 to the department by a law enforcement agency or correctional  
3115 agency shall be considered self-authenticating and shall be in  
3116 the record for consideration by the hearing officer.  
3117 Notwithstanding s. 316.066(5), the crash report shall be  
3118 considered by the hearing officer.

3119           (3) If the department determines that the license should  
3120 be suspended pursuant to this section and if the notice of  
3121 suspension has not already been served upon the person by a law  
3122 enforcement officer or correctional officer as provided in  
3123 subsection (1), the department shall issue a notice of  
3124 suspension and, unless the notice is mailed pursuant to s.  
3125 322.251, a temporary permit that expires 10 days after the date  
3126 of issuance if the driver is otherwise eligible.

3127           (4) If the person whose license was suspended requests an  
3128 informal review pursuant to subparagraph (1)(b)3., the  
3129 department shall conduct the informal review by a hearing  
3130 officer designated ~~employed~~ by the department. Such informal  
3131 review hearing shall consist solely of an examination by the  
3132 department of the materials submitted by a law enforcement  
3133 officer or correctional officer and by the person whose license  
3134 was suspended, and the presence of an officer or witness is not  
3135 required.

3136           (5) After completion of the informal review, notice of the  
3137 department's decision sustaining, amending, or invalidating the  
3138 suspension of the driver ~~driver's~~ license of the person whose



3139 license was suspended must be provided to such person. Such  
3140 notice must be mailed to the person at the last known address  
3141 shown on the department's records, or to the address provided in  
3142 the law enforcement officer's report if such address differs  
3143 from the address of record, within 21 days after the expiration  
3144 of the temporary permit issued pursuant to subsection (1) or  
3145 subsection (3).

3146 (6) (a) If the person whose license was suspended requests  
3147 a formal review, the department must schedule a hearing ~~to be~~  
3148 ~~held~~ within 30 days after such request is received by the  
3149 department and must notify the person of the date, time, and  
3150 place of the hearing.

3151 (b) Such formal review hearing shall be held before a  
3152 hearing officer designated ~~employed~~ by the department, and the  
3153 hearing officer shall be authorized to administer oaths, examine  
3154 witnesses and take testimony, receive relevant evidence, issue  
3155 subpoenas for the officers and witnesses identified in documents  
3156 provided under paragraph (2) (a) in subsection (2), regulate the  
3157 course and conduct of the hearing, question witnesses, and make  
3158 a ruling on the suspension. The hearing officer may conduct  
3159 hearings using communications technology. The party requesting  
3160 the presence of a witness shall be responsible for the payment  
3161 of any witness fees and for notifying in writing the state  
3162 attorney's office in the appropriate circuit of the issuance of  
3163 the subpoena. If the person who requests a formal review hearing  
3164 fails to appear and the hearing officer finds such failure to be  
3165 without just cause, the right to a formal hearing is waived and  
3166 the suspension shall be sustained.



3167           (c) The failure of a subpoenaed witness to appear at the  
3168 formal review hearing is not grounds to invalidate the  
3169 suspension. If a witness fails to appear, a party may seek  
3170 enforcement of a subpoena under paragraph (b) by filing a  
3171 petition for enforcement in the circuit court of the judicial  
3172 circuit in which the person failing to comply with the subpoena  
3173 resides or by filing a motion for enforcement in any criminal  
3174 court case resulting from the driving or actual physical control  
3175 of a motor vehicle that gave rise to the suspension under this  
3176 section. A failure to comply with an order of the court shall  
3177 result in a finding of contempt of court. However, a person is  
3178 not in contempt while a subpoena is being challenged.

3179           (d) The department must, within 7 working days after a  
3180 formal review hearing, send notice to the person of the hearing  
3181 officer's decision as to whether sufficient cause exists to  
3182 sustain, amend, or invalidate the suspension.

3183           (7) In a formal review hearing under subsection (6) or an  
3184 informal review hearing under subsection (4), the hearing  
3185 officer shall determine by a preponderance of the evidence  
3186 whether sufficient cause exists to sustain, amend, or invalidate  
3187 the suspension. The scope of the review shall be limited to the  
3188 following issues:

3189           (a) If the license was suspended for driving with an  
3190 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
3191 higher:

3192           1. Whether the law enforcement officer had probable cause  
3193 to believe that the person whose license was suspended was  
3194 driving or in actual physical control of a motor vehicle in this



3195 | state while under the influence of alcoholic beverages or  
 3196 | chemical or controlled substances.

3197 |         2. Whether the person whose license was suspended had an  
 3198 | unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 3199 | higher as provided in s. 316.193.

3200 |         (b) If the license was suspended for refusal to submit to  
 3201 | a breath, blood, or urine test:

3202 |             1. Whether the law enforcement officer had probable cause  
 3203 | to believe that the person whose license was suspended was  
 3204 | driving or in actual physical control of a motor vehicle in this  
 3205 | state while under the influence of alcoholic beverages or  
 3206 | chemical or controlled substances.

3207 |             2. Whether the person whose license was suspended refused  
 3208 | to submit to any such test after being requested to do so by a  
 3209 | law enforcement officer or correctional officer.

3210 |             3. Whether the person whose license was suspended was told  
 3211 | that if he or she refused to submit to such test his or her  
 3212 | privilege to operate a motor vehicle would be suspended for a  
 3213 | period of 1 year or, in the case of a second or subsequent  
 3214 | refusal, for a period of 18 months.

3215 |         (8) Based on the determination of the hearing officer  
 3216 | pursuant to subsection (7) for both informal hearings under  
 3217 | subsection (4) and formal hearings under subsection (6), the  
 3218 | department shall:

3219 |             (a) Sustain the suspension of the person's driving  
 3220 | privilege for a period of 1 year for a first refusal, or for a  
 3221 | period of 18 months if the driving privilege of such person has  
 3222 | been previously suspended as a result of a refusal to submit to



3223 such tests, if the person refused to submit to a lawful breath,  
3224 blood, or urine test. The suspension period commences on the  
3225 date of issuance of the notice of suspension.

3226 (b) Sustain the suspension of the person's driving  
3227 privilege for a period of 6 months for a blood-alcohol level or  
3228 breath-alcohol level of 0.08 or higher, or for a period of 1  
3229 year if the driving privilege of such person has been previously  
3230 suspended under this section as a result of driving with an  
3231 unlawful alcohol level. The suspension period commences on the  
3232 date of issuance of the notice of suspension.

3233 (9) A request for a formal review hearing or an informal  
3234 review hearing shall not stay the suspension of the person's  
3235 driver ~~driver's~~ license. If the department fails to schedule the  
3236 formal review hearing ~~to be held~~ within 30 days after receipt of  
3237 the request therefor, the department shall invalidate the  
3238 suspension. If the scheduled hearing is continued at the  
3239 department's initiative or the driver enforces the subpoena as  
3240 provided in subsection (6), the department shall issue a  
3241 temporary driving permit that shall be valid until the hearing  
3242 is conducted if the person is otherwise eligible for the driving  
3243 privilege. Such permit may not be issued to a person who sought  
3244 and obtained a continuance of the hearing. The permit issued  
3245 under this subsection shall authorize driving for business or  
3246 employment use only.

3247 (10) A person whose driver ~~driver's~~ license is suspended  
3248 under subsection (1) or subsection (3) may apply for issuance of  
3249 a license for business or employment purposes only if the person



3250 is otherwise eligible for the driving privilege pursuant to s.  
3251 322.271.

3252 (a) If the suspension of the driver ~~driver's~~ license of  
3253 the person for failure to submit to a breath, urine, or blood  
3254 test is sustained, the person is not eligible to receive a  
3255 license for business or employment purposes only, pursuant to s.  
3256 322.271, until 90 days have elapsed after the expiration of the  
3257 last temporary permit issued. If the driver is not issued a 10-  
3258 day permit pursuant to this section or s. 322.64 because he or  
3259 she is ineligible for the permit and the suspension for failure  
3260 to submit to a breath, urine, or blood test is not invalidated  
3261 by the department, the driver is not eligible to receive a  
3262 business or employment license pursuant to s. 322.271 until 90  
3263 days have elapsed from the date of the suspension.

3264 (b) If the suspension of the driver ~~driver's~~ license of  
3265 the person relating to unlawful blood-alcohol level or breath-  
3266 alcohol level of 0.08 or higher is sustained, the person is not  
3267 eligible to receive a license for business or employment  
3268 purposes only pursuant to s. 322.271 until 30 days have elapsed  
3269 after the expiration of the last temporary permit issued. If the  
3270 driver is not issued a 10-day permit pursuant to this section or  
3271 s. 322.64 because he or she is ineligible for the permit and the  
3272 suspension relating to unlawful blood-alcohol level or breath-  
3273 alcohol level of 0.08 or higher is not invalidated by the  
3274 department, the driver is not eligible to receive a business or  
3275 employment license pursuant to s. 322.271 until 30 days have  
3276 elapsed from the date of the suspension.



3277 (11) The formal review hearing may be conducted upon a  
3278 review of the reports of a law enforcement officer or a  
3279 correctional officer, including documents relating to the  
3280 administration of a breath test or blood test or the refusal to  
3281 take either test or the refusal to take a urine test. However,  
3282 as provided in subsection (6), the driver may subpoena the  
3283 officer or any person who administered or analyzed a breath or  
3284 blood test. If the arresting officer or the breath technician  
3285 fails to appear pursuant to a subpoena as provided in subsection  
3286 (6), the department shall invalidate the suspension.

3287 (12) The formal review hearing and the informal review  
3288 hearing are exempt from the provisions of chapter 120. The  
3289 department may adopt rules for the conduct of reviews under this  
3290 section.

3291 (13) A person may appeal any decision of the department  
3292 sustaining a suspension of his or her driver ~~driver's~~ license by  
3293 a petition for writ of certiorari to the circuit court in the  
3294 county wherein such person resides or wherein a formal or  
3295 informal review was conducted pursuant to s. 322.31. However, an  
3296 appeal shall not stay the suspension. A law enforcement agency  
3297 may appeal any decision of the department invalidating a  
3298 suspension by a petition for writ of certiorari to the circuit  
3299 court in the county wherein a formal or informal review was  
3300 conducted. This subsection shall not be construed to provide for  
3301 a de novo review ~~appeal~~.

3302 (14) (a) The decision of the department under this section  
3303 or any circuit court review thereof may not be considered in any  
3304 trial for a violation of s. 316.193, and a written statement



3305 submitted by a person in his or her request for departmental  
3306 review under this section may not be admitted into evidence  
3307 against him or her in any such trial.

3308 (b) The disposition of any related criminal proceedings  
3309 does not affect a suspension for refusal to submit to a blood,  
3310 breath, or urine test imposed under this section.

3311 (15) If the department suspends a person's license under  
3312 s. 322.2616, it may not also suspend the person's license under  
3313 this section for the same episode that was the basis for the  
3314 suspension under s. 322.2616.

3315 (16) The department shall invalidate a suspension for  
3316 driving with an unlawful blood-alcohol level or breath-alcohol  
3317 level imposed under this section if the suspended person is  
3318 found not guilty at trial of an underlying violation of s.  
3319 316.193.

3320 Section 46. Section 322.2616, Florida Statutes, is amended  
3321 to read:

3322 322.2616 Suspension of license; persons under 21 years of  
3323 age; right to review.—

3324 (1) (a) Notwithstanding s. 316.193, it is unlawful for a  
3325 person under the age of 21 who has a blood-alcohol or breath-  
3326 alcohol level of 0.02 or higher to drive or be in actual  
3327 physical control of a motor vehicle.

3328 (b) A law enforcement officer who has probable cause to  
3329 believe that a motor vehicle is being driven by or is in the  
3330 actual physical control of a person who is under the age of 21  
3331 while under the influence of alcoholic beverages or who has any  
3332 blood-alcohol or breath-alcohol level may lawfully detain such a





3333 person and may request that person to submit to a test to  
3334 determine his or her blood-alcohol or breath-alcohol level.

3335 (2) (a) A law enforcement officer or correctional officer  
3336 shall, on behalf of the department, suspend the driving  
3337 privilege of such person if the person has a blood-alcohol or  
3338 breath-alcohol level of 0.02 or higher. The officer shall also  
3339 suspend, on behalf of the department, the driving privilege of a  
3340 person who has refused to submit to a test as provided by  
3341 paragraph (b). The officer shall take the person's driver  
3342 ~~driver's~~ license and issue the person a 10-day temporary driving  
3343 permit if the person is otherwise eligible for the driving  
3344 privilege and shall issue the person a notice of suspension.

3345 (b) The suspension under paragraph (a) must be pursuant  
3346 to, and the notice of suspension must inform the driver of, the  
3347 following:

3348 1.a. The driver refused to submit to a lawful breath test  
3349 and his or her driving privilege is suspended for a period of 1  
3350 year for a first refusal or for a period of 18 months if his or  
3351 her driving privilege has been previously suspended as provided  
3352 in this section as a result of a refusal to submit to a test; or

3353 b. The driver was under the age of 21 and was driving or  
3354 in actual physical control of a motor vehicle while having a  
3355 blood-alcohol or breath-alcohol level of 0.02 or higher; and the  
3356 person's driving privilege is suspended for a period of 6 months  
3357 for a first violation, or for a period of 1 year if his or her  
3358 driving privilege has been previously suspended as provided in  
3359 this section for driving or being in actual physical control of



3360 a motor vehicle with a blood-alcohol or breath-alcohol level of  
3361 0.02 or higher.

3362 2. The suspension period commences on the date of issuance  
3363 of the notice of suspension.

3364 3. The driver may request a formal or informal review of  
3365 the suspension by the department within 10 days after the  
3366 issuance of the notice of suspension.

3367 4. A temporary permit issued at the time of the issuance  
3368 of the notice of suspension shall not become effective until  
3369 after 12 hours have elapsed and will expire at midnight of the  
3370 10th day following the date of issuance.

3371 5. The driver may submit to the department any materials  
3372 relevant to the suspension of his or her license.

3373 (c) When a driver subject to this section has a blood-  
3374 alcohol or breath-alcohol level of 0.05 or higher, the  
3375 suspension shall remain in effect until such time as the driver  
3376 has completed a substance abuse course offered by a DUI program  
3377 licensed by the department. The driver shall assume the  
3378 reasonable costs for the substance abuse course. As part of the  
3379 substance abuse course, the program shall conduct a substance  
3380 abuse evaluation of the driver, and notify the parents or legal  
3381 guardians of drivers under the age of 19 years of the results of  
3382 the evaluation. The term "substance abuse" means the abuse of  
3383 alcohol or any substance named or described in Schedules I  
3384 through V of s. 893.03. If a driver fails to complete the  
3385 substance abuse education course and evaluation, the driver  
3386 ~~driver's~~ license shall not be reinstated by the department.



3387 (d) A minor under the age of 18 years proven to be driving  
3388 with a blood-alcohol or breath-alcohol level of 0.02 or higher  
3389 may be taken by a law enforcement officer to the addictions  
3390 receiving facility in the county in which the minor is found to  
3391 be so driving, if the county makes the addictions receiving  
3392 facility available for such purpose.

3393 (3) The law enforcement officer shall forward to the  
3394 department, within 5 days after the date of the issuance of the  
3395 notice of suspension, a copy of the notice of suspension, the  
3396 driver ~~driver's~~ license of the person receiving the notice of  
3397 suspension, and an affidavit stating the officer's grounds for  
3398 belief that the person was under the age of 21 and was driving  
3399 or in actual physical control of a motor vehicle with any blood-  
3400 alcohol or breath-alcohol level, and the results of any blood or  
3401 breath test or an affidavit stating that a breath test was  
3402 requested by a law enforcement officer or correctional officer  
3403 and that the person refused to submit to such test. The failure  
3404 of the officer to submit materials within the 5-day period  
3405 specified in this subsection does not bar the department from  
3406 considering any materials submitted at or before the hearing.

3407 (4) If the department finds that the license of the person  
3408 should be suspended under this section and if the notice of  
3409 suspension has not already been served upon the person by a law  
3410 enforcement officer or correctional officer as provided in  
3411 subsection (2), the department shall issue a notice of  
3412 suspension and, unless the notice is mailed under s. 322.251, a  
3413 temporary driving permit that expires 10 days after the date of  
3414 issuance if the driver is otherwise eligible.



3415 (5) If the person whose license is suspended requests an  
3416 informal review under subparagraph (2)(b)3., the department  
3417 shall conduct the informal review by a hearing officer  
3418 designated ~~employed~~ by the department within 30 days after the  
3419 request is received by the department and shall issue such  
3420 person a temporary driving permit for business purposes only to  
3421 expire on the date that such review is scheduled to be conducted  
3422 if the person is otherwise eligible. The informal review hearing  
3423 must consist solely of an examination by the department of the  
3424 materials submitted by a law enforcement officer or correctional  
3425 officer and by the person whose license is suspended, and the  
3426 presence of an officer or witness is not required.

3427 (6) After completion of the informal review, notice of the  
3428 department's decision sustaining, amending, or invalidating the  
3429 suspension of the driver ~~driver's~~ license must be provided to  
3430 the person. The notice must be mailed to the person at the last  
3431 known address shown on the department's records, or to the  
3432 address provided in the law enforcement officer's report if such  
3433 address differs from the address of record, within 7 days after  
3434 completing the review.

3435 (7)(a) If the person whose license is suspended requests a  
3436 formal review, the department must schedule a hearing to be held  
3437 within 30 days after the request is received by the department  
3438 and must notify the person of the date, time, and place of the  
3439 hearing and shall issue such person a temporary driving permit  
3440 for business purposes only to expire on the date that such  
3441 review is scheduled to be conducted if the person is otherwise  
3442 eligible.



3443 (b) The formal review hearing must be held before a  
3444 hearing officer designated ~~employed~~ by the department, and the  
3445 hearing officer may administer oaths, examine witnesses and take  
3446 testimony, receive relevant evidence, issue subpoenas, regulate  
3447 the course and conduct of the hearing, and make a ruling on the  
3448 suspension. The hearing officer may conduct hearings using  
3449 communications technology. The department and the person whose  
3450 license was suspended may subpoena witnesses, and the party  
3451 requesting the presence of a witness is responsible for paying  
3452 any witness fees and for notifying in writing the state  
3453 attorney's office in the appropriate circuit of the issuance of  
3454 the subpoena. If the person who requests a formal review hearing  
3455 fails to appear and the hearing officer finds the failure to be  
3456 without just cause, the right to a formal hearing is waived and  
3457 the suspension is sustained.

3458 (c) The failure of a subpoenaed witness to appear at the  
3459 formal review hearing shall not be grounds to invalidate the  
3460 suspension. If a witness fails to appear, a party may seek  
3461 enforcement of a subpoena under paragraph (b) by filing a  
3462 petition for enforcement in the circuit court of the judicial  
3463 circuit in which the person failing to comply with the subpoena  
3464 resides. A failure to comply with an order of the court  
3465 constitutes contempt of court. However, a person may not be held  
3466 in contempt while a subpoena is being challenged.

3467 (d) The department must, within 7 working days after a  
3468 formal review hearing, send notice to the person of the hearing  
3469 officer's decision as to whether sufficient cause exists to  
3470 sustain, amend, or invalidate the suspension.



3471 (8) In a formal review hearing under subsection (7) or an  
3472 informal review hearing under subsection (5), the hearing  
3473 officer shall determine by a preponderance of the evidence  
3474 whether sufficient cause exists to sustain, amend, or invalidate  
3475 the suspension. The scope of the review is limited to the  
3476 following issues:

3477 (a) If the license was suspended because the individual,  
3478 then under the age of 21, drove with a blood-alcohol or breath-  
3479 alcohol level of 0.02 or higher:

3480 1. Whether the law enforcement officer had probable cause  
3481 to believe that the person was under the age of 21 and was  
3482 driving or in actual physical control of a motor vehicle in this  
3483 state with any blood-alcohol or breath-alcohol level or while  
3484 under the influence of alcoholic beverages.

3485 2. Whether the person was under the age of 21.

3486 3. Whether the person had a blood-alcohol or breath-  
3487 alcohol level of 0.02 or higher.

3488 (b) If the license was suspended because of the  
3489 individual's refusal to submit to a breath test:

3490 1. Whether the law enforcement officer had probable cause  
3491 to believe that the person was under the age of 21 and was  
3492 driving or in actual physical control of a motor vehicle in this  
3493 state with any blood-alcohol or breath-alcohol level or while  
3494 under the influence of alcoholic beverages.

3495 2. Whether the person was under the age of 21.

3496 3. Whether the person refused to submit to a breath test  
3497 after being requested to do so by a law enforcement officer or  
3498 correctional officer.



3499 4. Whether the person was told that if he or she refused  
 3500 to submit to a breath test his or her privilege to operate a  
 3501 motor vehicle would be suspended for a period of 1 year or, in  
 3502 the case of a second or subsequent refusal, for a period of 18  
 3503 months.

3504 (9) Based on the determination of the hearing officer  
 3505 under subsection (8) for both informal hearings under subsection  
 3506 (5) and formal hearings under subsection (7), the department  
 3507 shall:

3508 (a) Sustain the suspension of the person's driving  
 3509 privilege for a period of 1 year for a first refusal, or for a  
 3510 period of 18 months if the driving privilege of the person has  
 3511 been previously suspended, as provided in this section, as a  
 3512 result of a refusal to submit to a test. The suspension period  
 3513 commences on the date of the issuance of the notice of  
 3514 suspension.

3515 (b) Sustain the suspension of the person's driving  
 3516 privilege for a period of 6 months for driving or being in  
 3517 actual physical control of a motor vehicle while under the age  
 3518 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or  
 3519 higher, or for a period of 1 year if the driving privilege of  
 3520 such person has been previously suspended under this section.  
 3521 The suspension period commences on the date of the issuance of  
 3522 the notice of suspension.

3523 (10) A request for a formal review hearing or an informal  
 3524 review hearing shall not stay the suspension of the person's  
 3525 driver ~~driver's~~ license. If the department fails to schedule the  
 3526 formal review hearing ~~to be held~~ within 30 days after receipt of



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3527 the request therefor, the department shall invalidate the  
3528 suspension. If the scheduled hearing is continued at the  
3529 department's initiative or the driver enforces the subpoena as  
3530 provided in subsection (7), the department shall issue a  
3531 temporary driving permit that is valid until the hearing is  
3532 conducted if the person is otherwise eligible for the driving  
3533 privilege. The permit shall not be issued to a person who  
3534 requested a continuance of the hearing. The permit issued under  
3535 this subsection authorizes driving for business or employment  
3536 use only.

3537 (11) A person whose driver ~~driver's~~ license is suspended  
3538 under subsection (2) or subsection (4) may apply for issuance of  
3539 a license for business or employment purposes only, pursuant to  
3540 s. 322.271, if the person is otherwise eligible for the driving  
3541 privilege. However, such a license may not be issued until 30  
3542 days have elapsed after the expiration of the last temporary  
3543 driving permit issued under this section.

3544 (12) The formal review hearing may be conducted upon a  
3545 review of the reports of a law enforcement officer or  
3546 correctional officer, including documents relating to the  
3547 administration of a breath test or the refusal to take a test.  
3548 However, as provided in subsection (7), the driver may subpoena  
3549 the officer or any person who administered a breath or blood  
3550 test. If the officer who suspended the driving privilege fails  
3551 to appear pursuant to a subpoena as provided in subsection (7),  
3552 the department shall invalidate the suspension.





3553 (13) The formal review hearing and the informal review  
3554 hearing are exempt from chapter 120. The department may adopt  
3555 rules for conducting reviews under this section.

3556 (14) A person may appeal any decision of the department  
3557 sustaining a suspension of his or her driver ~~driver's~~ license by  
3558 a petition for writ of certiorari to the circuit court in the  
3559 county wherein such person resides or wherein a formal or  
3560 informal review was conducted under s. 322.31. However, an  
3561 appeal does not stay the suspension. This subsection does not  
3562 provide for a de novo review ~~appeal~~.

3563 (15) The decision of the department under this section  
3564 shall not be considered in any trial for a violation of s.  
3565 316.193, nor shall any written statement submitted by a person  
3566 in his or her request for departmental review under this section  
3567 be admissible into evidence against him or her in any such  
3568 trial. The disposition of any related criminal proceedings shall  
3569 not affect a suspension imposed under this section.

3570 (16) By applying for and accepting and using a driver  
3571 ~~driver's~~ license, a person under the age of 21 years who holds  
3572 the driver ~~driver's~~ license is deemed to have expressed his or  
3573 her consent to the provisions of this section.

3574 (17) A breath test to determine breath-alcohol level  
3575 pursuant to this section may be conducted as authorized by s.  
3576 316.1932 or by a breath-alcohol test device listed in the United  
3577 States Department of Transportation's conforming-product list of  
3578 evidential breath-measurement devices. The reading from such a  
3579 device is presumed accurate and is admissible in evidence in any  
3580 administrative hearing conducted under this section.



3581 (18) The result of a blood test obtained during an  
3582 investigation conducted under s. 316.1932 or s. 316.1933 may be  
3583 used to suspend the driving privilege of a person under this  
3584 section.

3585 (19) A violation of this section is neither a traffic  
3586 infraction nor a criminal offense, nor does being detained  
3587 pursuant to this section constitute an arrest. A violation of  
3588 this section is subject to the administrative action provisions  
3589 of this section, which are administered by the department  
3590 through its administrative processes. Administrative actions  
3591 taken pursuant to this section shall be recorded in the motor  
3592 vehicle records maintained by the department. This section does  
3593 not bar prosecution under s. 316.193. However, if the department  
3594 suspends a person's license under s. 322.2615 for a violation of  
3595 s. 316.193, it may not also suspend the person's license under  
3596 this section for the same episode that was the basis for the  
3597 suspension under s. 322.2615.

3598 Section 47. Subsection (7) is added to section 322.271,  
3599 Florida Statutes, to read:

3600 322.271 Authority to modify revocation, cancellation, or  
3601 suspension order.—

3602 (7) Notwithstanding s. 322.2615(10)(a) and (b), a person  
3603 who has not previously had a driver license suspended under s.  
3604 322.2615, who has not been disqualified under s. 322.64, who has  
3605 not been convicted of a violation of s. 316.193, and whose  
3606 driving privilege is suspended under s. 322.2615 is eligible for  
3607 a restricted driving privilege pursuant to a hearing under  
3608 subsection (2).



3609           (a) For purposes of this subsection, a previous conviction  
 3610 outside of this state for driving under the influence, driving  
 3611 while intoxicated, driving with an unlawful blood-alcohol level,  
 3612 or any other alcohol-related or drug-related traffic offense  
 3613 similar to the offense of driving under the influence as  
 3614 provided in s. 316.193 is considered a previous conviction for a  
 3615 violation of s. 316.193, and a conviction for a violation of  
 3616 former s. 316.028, former s. 316.1931, or former s. 860.01 is  
 3617 also considered a conviction for a violation of s. 316.193.

3618           (b) The reinstatement of driving privileges as provided in  
 3619 this subsection shall be restricted to business purposes only,  
 3620 as defined in this section, for the duration of the suspension  
 3621 imposed under s. 322.2615.

3622           (c) Acceptance of the reinstated driving privilege as  
 3623 provided in this subsection is deemed a waiver of the right to  
 3624 formal and informal review under s. 322.2615. The waiver may not  
 3625 be used as evidence in any other proceeding.

3626           Section 48. Section 322.2715, Florida Statutes, is amended  
 3627 to read:

3628           322.2715 Ignition interlock device.—

3629           (1) Before issuing a permanent or restricted driver  
 3630 ~~driver's~~ license under this chapter, the department shall  
 3631 require the placement of a department-approved ignition  
 3632 interlock device for any person convicted of committing an  
 3633 offense of driving under the influence as specified in  
 3634 subsection (3), except that consideration may be given to those  
 3635 individuals having a documented medical condition that would  
 3636 prohibit the device from functioning normally. If a medical



3637 waiver has been granted for a convicted person seeking a  
3638 restricted license, the convicted person shall not be entitled  
3639 to a restricted license until the required ignition interlock  
3640 device installation period under subsection (3) expires, in  
3641 addition to the time requirements under s. 322.271. If a  
3642 medical waiver has been approved for a convicted person  
3643 seeking permanent reinstatement of the driver license, the  
3644 convicted person must be restricted to an employment-purposes-  
3645 only license and be supervised by a licensed DUI program until  
3646 the required ignition interlock device installation period under  
3647 subsection (3) expires. An interlock device shall be placed on  
3648 all vehicles that are individually or jointly leased or owned  
3649 and routinely operated by the convicted person.

3650 (2) For purposes of this section, any conviction for a  
3651 violation of s. 316.193, a previous conviction for a violation  
3652 of former s. 316.1931, or a conviction outside this state for  
3653 driving under the influence, driving while intoxicated, driving  
3654 with an unlawful blood-alcohol level, or any other similar  
3655 alcohol-related or drug-related traffic offense is a conviction  
3656 of driving under the influence.

3657 (3) If the person is convicted of:

3658 (a) A first offense of driving under the influence under  
3659 s. 316.193 and has an unlawful blood-alcohol level or breath-  
3660 alcohol level as specified in s. 316.193(4), or if a person is  
3661 convicted of a violation of s. 316.193 and was at the time of  
3662 the offense accompanied in the vehicle by a person younger than  
3663 18 years of age, the person shall have the ignition interlock  
3664 device installed for at least ~~not less than~~ 6 continuous months



3665 for the first offense and for at least ~~not less than~~ 2  
3666 continuous years for a second offense.

3667 (b) A second offense of driving under the influence, the  
3668 ignition interlock device shall be installed for a period of at  
3669 least ~~not less than~~ 1 continuous year.

3670 (c) A third offense of driving under the influence which  
3671 occurs within 10 years after a prior conviction for a violation  
3672 of s. 316.193, the ignition interlock device shall be installed  
3673 for a period of at least ~~not less than~~ 2 continuous years.

3674 (d) A third offense of driving under the influence which  
3675 occurs more than 10 years after the date of a prior conviction,  
3676 the ignition interlock device shall be installed for a period of  
3677 at least ~~not less than~~ 2 continuous years.

3678 (e) A fourth or subsequent offense of driving under the  
3679 influence, the ignition interlock device shall be installed for  
3680 a period of at least ~~not less than~~ 5 years.

3681 (4) If the court fails to order the mandatory placement of  
3682 the ignition interlock device or fails to order for the  
3683 applicable period the mandatory placement of an ignition  
3684 interlock device under s. 316.193 or s. 316.1937 at the time of  
3685 imposing sentence or within 30 days thereafter, the department  
3686 shall immediately require that the ignition interlock device be  
3687 installed as provided in this section, except that consideration  
3688 may be given to those individuals having a documented medical  
3689 condition that would prohibit the device from functioning  
3690 normally. This subsection applies to the reinstatement of the  
3691 driving privilege following a revocation, suspension, or  
3692 cancellation that is based upon a conviction for the offense of



3693 driving under the influence which occurs on or after July 1,  
 3694 2005.

3695 (5) In addition to any fees authorized by rule for the  
 3696 installation and maintenance of the ignition interlock device,  
 3697 the authorized installer of the device shall collect and remit  
 3698 \$12 for each installation to the department, which shall be  
 3699 deposited into the Highway Safety Operating Trust Fund to be  
 3700 used for the operation of the Ignition Interlock Device Program.

3701 Section 49. Section 322.28, Florida Statutes, is amended  
 3702 to read:

3703 322.28 Period of suspension or revocation.—

3704 (1) Unless otherwise provided by this section, the  
 3705 department shall not suspend a license for a period of more than  
 3706 1 year and, upon revoking a license, in any case except in a  
 3707 prosecution for the offense of driving a motor vehicle while  
 3708 under the influence of alcoholic beverages, chemical substances  
 3709 as set forth in s. 877.111, or controlled substances, shall not  
 3710 in any event grant a new license until the expiration of 1 year  
 3711 after such revocation.

3712 (2) In a prosecution for a violation of s. 316.193 or  
 3713 former s. 316.1931, the following provisions apply:

3714 (a) Upon conviction of the driver, the court, along with  
 3715 imposing sentence, shall revoke the driver ~~driver's~~ license or  
 3716 driving privilege of the person so convicted, effective on the  
 3717 date of conviction, and shall prescribe the period of such  
 3718 revocation in accordance with the following provisions:

3719 1. Upon a first conviction for a violation of the  
 3720 provisions of s. 316.193, except a violation resulting in death,



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3721 the driver ~~driver's~~ license or driving privilege shall be  
3722 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
3723 1 year.

3724 2. Upon a second conviction for an offense that occurs  
3725 within a period of 5 years after the date of a prior conviction  
3726 for a violation of the provisions of s. 316.193 or former s.  
3727 316.1931 or a combination of such sections, the driver ~~driver's~~  
3728 license or driving privilege shall be revoked for at least ~~not~~  
3729 ~~less than~~ 5 years.

3730 3. Upon a third conviction for an offense that occurs  
3731 within a period of 10 years after the date of a prior conviction  
3732 for the violation of the provisions of s. 316.193 or former s.  
3733 316.1931 or a combination of such sections, the driver ~~driver's~~  
3734 license or driving privilege shall be revoked for at least ~~not~~  
3735 ~~less than~~ 10 years.

3736  
3737 For the purposes of this paragraph, a previous conviction  
3738 outside this state for driving under the influence, driving  
3739 while intoxicated, driving with an unlawful blood-alcohol level,  
3740 or any other alcohol-related or drug-related traffic offense  
3741 similar to the offense of driving under the influence as  
3742 proscribed by s. 316.193 will be considered a previous  
3743 conviction for violation of s. 316.193, and a conviction for  
3744 violation of former s. 316.028, former s. 316.1931, or former s.  
3745 860.01 is considered a conviction for violation of s. 316.193.

3746 (b) If the period of revocation was not specified by the  
3747 court at the time of imposing sentence or within 30 days  
3748 thereafter, and is not otherwise specified by law, the



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3749 department shall forthwith revoke the driver ~~driver's~~ license or  
3750 driving privilege for the maximum period applicable under  
3751 paragraph (a) for a first conviction and for the minimum period  
3752 applicable under paragraph (a) for any subsequent convictions.  
3753 The driver may, within 30 days after such revocation by the  
3754 department, petition the court for further hearing on the period  
3755 of revocation, and the court may reopen the case and determine  
3756 the period of revocation within the limits specified in  
3757 paragraph (a).

3758 (c) The forfeiture of bail bond, not vacated within 20  
3759 days, in any prosecution for the offense of driving while under  
3760 the influence of alcoholic beverages, chemical substances, or  
3761 controlled substances to the extent of depriving the defendant  
3762 of his or her normal faculties shall be deemed equivalent to a  
3763 conviction for the purposes of this paragraph, and the  
3764 department shall forthwith revoke the defendant's driver  
3765 ~~driver's~~ license or driving privilege for the maximum period  
3766 applicable under paragraph (a) for a first conviction and for  
3767 the minimum period applicable under paragraph (a) for a second  
3768 or subsequent conviction; however, if the defendant is later  
3769 convicted of the charge, the period of revocation imposed by the  
3770 department for such conviction shall not exceed the difference  
3771 between the applicable maximum for a first conviction or minimum  
3772 for a second or subsequent conviction and the revocation period  
3773 under this subsection that has actually elapsed; upon conviction  
3774 of such charge, the court may impose revocation for a period of  
3775 time as specified in paragraph (a). This paragraph does not





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3776 apply if an appropriate motion contesting the forfeiture is  
3777 filed within the 20-day period.

3778 ~~(d) When any driver's license or driving privilege has~~  
3779 ~~been revoked pursuant to the provisions of this section, the~~  
3780 ~~department shall not grant a new license, except upon~~  
3781 ~~reexamination of the licensee after the expiration of the period~~  
3782 ~~of revocation so prescribed. However, the court may, in its~~  
3783 ~~sound discretion, issue an order of reinstatement on a form~~  
3784 ~~furnished by the department which the person may take to any~~  
3785 ~~driver's license examining office for reinstatement by the~~  
3786 ~~department pursuant to s. 322.282.~~

3787 ~~(d)~~ (e) The court shall permanently revoke the driver  
3788 ~~driver's~~ license or driving privilege of a person who has been  
3789 convicted four times for violation of s. 316.193 or former s.  
3790 316.1931 or a combination of such sections. The court shall  
3791 permanently revoke the driver ~~driver's~~ license or driving  
3792 privilege of any person who has been convicted of DUI  
3793 manslaughter in violation of s. 316.193. If the court has not  
3794 permanently revoked such driver ~~driver's~~ license or driving  
3795 privilege within 30 days after imposing sentence, the department  
3796 shall permanently revoke the driver ~~driver's~~ license or driving  
3797 privilege pursuant to this paragraph. No driver ~~driver's~~ license  
3798 or driving privilege may be issued or granted to any such  
3799 person. This paragraph applies only if at least one of the  
3800 convictions for violation of s. 316.193 or former s. 316.1931  
3801 was for a violation that occurred after July 1, 1982. For the  
3802 purposes of this paragraph, a conviction for violation of former  
3803 s. 316.028, former s. 316.1931, or former s. 860.01 is also



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3804 considered a conviction for violation of s. 316.193. Also, a  
3805 conviction of driving under the influence, driving while  
3806 intoxicated, driving with an unlawful blood-alcohol level, or  
3807 any other similar alcohol-related or drug-related traffic  
3808 offense outside this state is considered a conviction for the  
3809 purposes of this paragraph.

3810 (e) Convictions that occur on the same date resulting from  
3811 separate offense dates shall be treated as separate convictions,  
3812 and the offense that occurred earlier will be deemed a prior  
3813 conviction for the purposes of this section.

3814 (3) The court shall permanently revoke the driver ~~driver's~~  
3815 license or driving privilege of a person who has been convicted  
3816 of murder resulting from the operation of a motor vehicle. No  
3817 driver ~~driver's~~ license or driving privilege may be issued or  
3818 granted to any such person.

3819 (4) (a) Upon a conviction for a violation of s.  
3820 316.193(3)(c)2., involving serious bodily injury, a conviction  
3821 of manslaughter resulting from the operation of a motor vehicle,  
3822 or a conviction of vehicular homicide, the court shall revoke  
3823 the driver ~~driver's~~ license of the person convicted for a  
3824 minimum period of 3 years. If a conviction under s.  
3825 316.193(3)(c)2., involving serious bodily injury, is also a  
3826 subsequent conviction as described under paragraph (2)(a), the  
3827 court shall revoke the driver ~~driver's~~ license or driving  
3828 privilege of the person convicted for the period applicable as  
3829 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3830 (b) If the period of revocation was not specified by the  
3831 court at the time of imposing sentence or within 30 days



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3832 thereafter, the department shall revoke the driver ~~driver's~~  
3833 license for the minimum period applicable under paragraph (a)  
3834 or, for a subsequent conviction, for the minimum period  
3835 applicable under paragraph (2) (a) or paragraph (2) (d) ~~(2) (e)~~.

3836 (5) A court may not stay the administrative suspension of  
3837 a driving privilege under s. 322.2615 or s. 322.2616 during  
3838 judicial review of the departmental order that resulted in such  
3839 suspension, and a suspension or revocation of a driving  
3840 privilege may not be stayed upon an appeal of the conviction or  
3841 order that resulted in the suspension or revocation.

3842 (6) In a prosecution for a violation of s. 316.172(1), and  
3843 upon a showing of the department's records that the licensee has  
3844 received a second conviction within 5 years following the date  
3845 of a prior conviction of s. 316.172(1), the department shall,  
3846 upon direction of the court, suspend the driver ~~driver's~~ license  
3847 of the person convicted for a period of at least ~~not less than~~  
3848 90 days but not ~~or~~ more than 6 months.

3849 (7) Following a second or subsequent violation of s.  
3850 796.07(2) (f) which involves a motor vehicle and which results in  
3851 any judicial disposition other than acquittal or dismissal, in  
3852 addition to any other sentence imposed, the court shall revoke  
3853 the person's driver ~~driver's~~ license or driving privilege,  
3854 effective upon the date of the disposition, for a period of at  
3855 least ~~not less than~~ 1 year. A person sentenced under this  
3856 subsection may request a hearing under s. 322.271.

3857 Section 50. Section 322.331, Florida Statutes, is  
3858 repealed.



3859 Section 51. Section 322.61, Florida Statutes, is amended  
 3860 to read:

3861 322.61 Disqualification from operating a commercial motor  
 3862 vehicle.—

3863 (1) A person who, for offenses occurring within a 3-year  
 3864 period, is convicted of two of the following serious traffic  
 3865 violations or any combination thereof, arising in separate  
 3866 incidents committed in a commercial motor vehicle shall, in  
 3867 addition to any other applicable penalties, be disqualified from  
 3868 operating a commercial motor vehicle for a period of 60 days. A  
 3869 holder of a commercial driver ~~driver's~~ license or commercial  
 3870 learner's permit who, for offenses occurring within a 3-year  
 3871 period, is convicted of two of the following serious traffic  
 3872 violations, or any combination thereof, arising in separate  
 3873 incidents committed in a noncommercial motor vehicle shall, in  
 3874 addition to any other applicable penalties, be disqualified from  
 3875 operating a commercial motor vehicle for a period of 60 days if  
 3876 such convictions result in the suspension, revocation, or  
 3877 cancellation of the licenseholder's driving privilege:

3878 (a) A violation of any state or local law relating to  
 3879 motor vehicle traffic control, other than a parking violation, ~~a~~  
 3880 ~~weight violation, or a vehicle equipment violation,~~ arising in  
 3881 connection with a crash resulting in death ~~or personal injury to~~  
 3882 ~~any person;~~

3883 (b) Reckless driving, as defined in s. 316.192;

3884 ~~(c) Careless driving, as defined in s. 316.1925;~~

3885 ~~(d) Fleeing or attempting to elude a law enforcement~~  
 3886 ~~officer, as defined in s. 316.1935;~~



3887            ~~(c)(e)~~ Unlawful speed of 15 miles per hour or more above  
 3888 the posted speed limit;

3889            ~~(f)~~ ~~Driving a commercial motor vehicle, owned by such~~  
 3890 ~~person, which is not properly insured;~~

3891            ~~(d)(g)~~ Improper lane change, as defined in s. 316.085;

3892            ~~(e)(h)~~ Following too closely, as defined in s. 316.0895;

3893            ~~(f)(i)~~ Driving a commercial vehicle without obtaining a  
 3894 commercial driver ~~driver's~~ license;

3895            ~~(g)(j)~~ Driving a commercial vehicle without the proper  
 3896 class of commercial driver ~~driver's~~ license or commercial  
 3897 learner's permit or without the proper endorsement; or

3898            ~~(h)(k)~~ Driving a commercial vehicle without a commercial  
 3899 driver ~~driver's~~ license or commercial learner's permit in  
 3900 possession, as required by s. 322.03. ~~Any individual who~~  
 3901 ~~provides proof to the clerk of the court or designated official~~  
 3902 ~~in the jurisdiction where the citation was issued, by the date~~  
 3903 ~~the individual must appear in court or pay any fine for such a~~  
 3904 ~~violation, that the individual held a valid commercial driver's~~  
 3905 ~~license on the date the citation was issued is not guilty of~~  
 3906 ~~this offense.~~

3907            (2) (a) Any person who, for offenses occurring within a 3-  
 3908 year period, is convicted of three serious traffic violations  
 3909 specified in subsection (1) or any combination thereof, arising  
 3910 in separate incidents committed in a commercial motor vehicle  
 3911 shall, in addition to any other applicable penalties, including  
 3912 but not limited to the penalty provided in subsection (1), be  
 3913 disqualified from operating a commercial motor vehicle for a  
 3914 period of 120 days.



3915 | (b) A holder of a commercial driver ~~driver's~~ license or  
3916 | commercial learner's permit who, for offenses occurring within a  
3917 | 3-year period, is convicted of three serious traffic violations  
3918 | specified in subsection (1) or any combination thereof arising  
3919 | in separate incidents committed in a noncommercial motor vehicle  
3920 | shall, in addition to any other applicable penalties, including,  
3921 | but not limited to, the penalty provided in subsection (1), be  
3922 | disqualified from operating a commercial motor vehicle for a  
3923 | period of 120 days if such convictions result in the suspension,  
3924 | revocation, or cancellation of the licenseholder's driving  
3925 | privilege.

3926 | (3) (a) Except as provided in subsection (4), any person  
3927 | who is convicted of one of the offenses listed in paragraph (b)  
3928 | while operating a commercial motor vehicle shall, in addition to  
3929 | any other applicable penalties, be disqualified from operating a  
3930 | commercial motor vehicle for a period of 1 year.

3931 | (b) Except as provided in subsection (4), any holder of a  
3932 | commercial driver license or commercial learner's permit who is  
3933 | convicted of one of the offenses listed in this paragraph while  
3934 | operating a noncommercial motor vehicle shall, in addition to  
3935 | any other applicable penalties, be disqualified from operating a  
3936 | commercial motor vehicle for a period of 1 year:

3937 | 1. Driving a motor vehicle while he or she is under the  
3938 | influence of alcohol or a controlled substance;

3939 | 2. Driving a commercial motor vehicle while the alcohol  
3940 | concentration of his or her blood, breath, or urine is .04  
3941 | percent or higher;



3942 3. Leaving the scene of a crash involving a motor vehicle  
 3943 driven by such person;

3944 4. Using a motor vehicle in the commission of a felony;

3945 ~~5. Driving a commercial motor vehicle while in possession~~  
 3946 ~~of a controlled substance;~~

3947 5.6. Refusing to submit to a test to determine his or her  
 3948 alcohol concentration while driving a motor vehicle;

3949 6. Driving a commercial motor vehicle when, as a result of  
 3950 prior violations committed operating a commercial motor vehicle,  
 3951 his or her commercial driver license or commercial learner's  
 3952 permit is revoked, suspended, or canceled, or he or she is  
 3953 disqualified from operating a commercial motor vehicle; or

3954 ~~7. Driving a commercial vehicle while the licenseholder's~~  
 3955 ~~commercial driver license is suspended, revoked, or canceled or~~  
 3956 ~~while the licenseholder is disqualified from driving a~~  
 3957 ~~commercial vehicle; or~~

3958 7.8. Causing a fatality through the negligent operation of  
 3959 a commercial motor vehicle.

3960 (4) Any person who is transporting hazardous materials as  
 3961 defined in s. 322.01(24) shall, upon conviction of an offense  
 3962 specified in subsection (3), be disqualified from operating a  
 3963 commercial motor vehicle for a period of 3 years. The penalty  
 3964 provided in this subsection shall be in addition to any other  
 3965 applicable penalty.

3966 (5) A person who is convicted of two violations specified  
 3967 in subsection (3) which were committed while operating a  
 3968 commercial motor vehicle, or any combination thereof, arising in  
 3969 separate incidents shall be permanently disqualified from



3970 | operating a commercial motor vehicle. A holder of a commercial  
 3971 | driver license or commercial learner's permit who is convicted  
 3972 | of two violations specified in subsection (3) which were  
 3973 | committed while operating any motor vehicle arising in separate  
 3974 | incidents shall be permanently disqualified from operating a  
 3975 | commercial motor vehicle. The penalty provided in this  
 3976 | subsection is in addition to any other applicable penalty.

3977 |       (6) Notwithstanding subsections (3), (4), and (5), any  
 3978 | person who uses a commercial motor vehicle in the commission of  
 3979 | any felony involving the manufacture, distribution, or  
 3980 | dispensing of a controlled substance, including possession with  
 3981 | intent to manufacture, distribute, or dispense a controlled  
 3982 | substance, shall, upon conviction of such felony, be permanently  
 3983 | disqualified from operating a commercial motor vehicle.

3984 | Notwithstanding subsections (3), (4), and (5), any holder of a  
 3985 | commercial driver ~~driver's~~ license or commercial learner's  
 3986 | permit who uses a noncommercial motor vehicle in the commission  
 3987 | of any felony involving the manufacture, distribution, or  
 3988 | dispensing of a controlled substance, including possession with  
 3989 | intent to manufacture, distribute, or dispense a controlled  
 3990 | substance, shall, upon conviction of such felony, be permanently  
 3991 | disqualified from operating a commercial motor vehicle. The  
 3992 | penalty provided in this subsection is in addition to any other  
 3993 | applicable penalty.

3994 |       (7) A person whose privilege to operate a commercial motor  
 3995 | vehicle is disqualified under this section may, if otherwise  
 3996 | qualified, be issued a Class E driver ~~driver's~~ license, pursuant  
 3997 | to s. 322.251.





3998 (8) A driver who is convicted of or otherwise found to  
 3999 have committed a violation of an out-of-service order while  
 4000 driving a commercial motor vehicle is disqualified as follows:  
 4001 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than  
 4002 1 year if the driver is convicted of or otherwise found to have  
 4003 committed a first violation of an out-of-service order.  
 4004 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5  
 4005 years if, for offenses occurring during any 10-year period, the  
 4006 driver is convicted of or otherwise found to have committed two  
 4007 violations of out-of-service orders in separate incidents.  
 4008 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5  
 4009 years if, for offenses occurring during any 10-year period, the  
 4010 driver is convicted of or otherwise found to have committed  
 4011 three or more violations of out-of-service orders in separate  
 4012 incidents.  
 4013 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than  
 4014 2 years if the driver is convicted of or otherwise found to have  
 4015 committed a first violation of an out-of-service order while  
 4016 transporting hazardous materials required to be placarded under  
 4017 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101  
 4018 et seq., or while operating motor vehicles designed to transport  
 4019 more than 15 passengers, including the driver. A driver is  
 4020 disqualified for a period of at least ~~not less than~~ 3 years but  
 4021 not ~~nor~~ more than 5 years if, for offenses occurring during any  
 4022 10-year period, the driver is convicted of or otherwise found to  
 4023 have committed any subsequent violations of out-of-service  
 4024 orders, in separate incidents, while transporting hazardous  
 4025 materials required to be placarded under the Hazardous Materials



4026 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while  
 4027 operating motor vehicles designed to transport more than 15  
 4028 passengers, including the driver.

4029 (9) A driver who is convicted of or otherwise found to  
 4030 have committed an offense of operating a commercial motor  
 4031 vehicle in violation of federal, state, or local law or  
 4032 regulation pertaining to one of the following six offenses at a  
 4033 railroad-highway grade crossing must be disqualified for the  
 4034 period of time specified in subsection (10):

4035 (a) For drivers who are not always required to stop,  
 4036 failing to slow down and check that the tracks are clear of  
 4037 approaching trains.

4038 (b) For drivers who are not always required to stop,  
 4039 failing to stop before reaching the crossing if the tracks are  
 4040 not clear.

4041 (c) For drivers who are always required to stop, failing  
 4042 to stop before driving onto the crossing.

4043 (d) For all drivers, failing to have sufficient space to  
 4044 drive completely through the crossing without stopping.

4045 (e) For all drivers, failing to obey a traffic control  
 4046 device or all directions of an enforcement official at the  
 4047 crossing.

4048 (f) For all drivers, failing to negotiate a crossing  
 4049 because of insufficient undercarriage clearance.

4050 (10) (a) A driver must be disqualified for at least ~~not~~  
 4051 ~~less than~~ 60 days if the driver is convicted of or otherwise  
 4052 found to have committed a first violation of a railroad-highway  
 4053 grade crossing violation.



4054 (b) A driver must be disqualified for at least ~~not less~~  
 4055 ~~than~~ 120 days if, for offenses occurring during any 3-year  
 4056 period, the driver is convicted of or otherwise found to have  
 4057 committed a second railroad-highway grade crossing violation in  
 4058 separate incidents.

4059 (c) A driver must be disqualified for at least ~~not less~~  
 4060 ~~than~~ 1 year if, for offenses occurring during any 3-year period,  
 4061 the driver is convicted of or otherwise found to have committed  
 4062 a third or subsequent railroad-highway grade crossing violation  
 4063 in separate incidents.

4064 Section 52. Section 322.64, Florida Statutes, is amended  
 4065 to read:

4066 322.64 Holder of commercial driver ~~driver's~~ license;  
 4067 persons operating a commercial motor vehicle; driving with  
 4068 unlawful blood-alcohol level; refusal to submit to breath,  
 4069 urine, or blood test.-

4070 (1)(a) A law enforcement officer or correctional officer  
 4071 shall, on behalf of the department, disqualify from operating  
 4072 any commercial motor vehicle a person who while operating or in  
 4073 actual physical control of a commercial motor vehicle is  
 4074 arrested for a violation of s. 316.193, relating to unlawful  
 4075 blood-alcohol level or breath-alcohol level, or a person who has  
 4076 refused to submit to a breath, urine, or blood test authorized  
 4077 by s. 322.63 or s. 316.1932 arising out of the operation or  
 4078 actual physical control of a commercial motor vehicle. A law  
 4079 enforcement officer or correctional officer shall, on behalf of  
 4080 the department, disqualify the holder of a commercial driver  
 4081 ~~driver's~~ license from operating any commercial motor vehicle if



4082 the licenseholder, while operating or in actual physical control  
4083 of a motor vehicle, is arrested for a violation of s. 316.193,  
4084 relating to unlawful blood-alcohol level or breath-alcohol  
4085 level, or refused to submit to a breath, urine, or blood test  
4086 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
4087 the person, the officer shall take the person's driver ~~driver's~~  
4088 license and issue the person a 10-day temporary permit for the  
4089 operation of noncommercial vehicles only if the person is  
4090 otherwise eligible for the driving privilege and shall issue the  
4091 person a notice of disqualification. If the person has been  
4092 given a blood, breath, or urine test, the results of which are  
4093 not available to the officer at the time of the arrest, the  
4094 agency employing the officer shall transmit such results to the  
4095 department within 5 days after receipt of the results. If the  
4096 department then determines that the person had a blood-alcohol  
4097 level or breath-alcohol level of 0.08 or higher, the department  
4098 shall disqualify the person from operating a commercial motor  
4099 vehicle pursuant to subsection (3).

4100 (b) For purposes of determining the period of  
4101 disqualification described in 49 C.F.R. s. 383.51, a  
4102 disqualification under paragraph (a) shall be considered a  
4103 conviction.

4104 (c) ~~(b)~~ The disqualification under paragraph (a) shall be  
4105 pursuant to, and the notice of disqualification shall inform the  
4106 driver of, the following:

4107 1.a. The driver refused to submit to a lawful breath,  
4108 blood, or urine test and he or she is disqualified from  
4109 operating a commercial motor vehicle for the time period



4110 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~  
4111 ~~first refusal, or permanently, if he or she has previously been~~  
4112 ~~disqualified under this section; or~~

4113       b. The driver had an unlawful blood-alcohol level of 0.08  
4114 or higher while ~~was~~ driving or in actual physical control of a  
4115 commercial motor vehicle, or any motor vehicle if the driver  
4116 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~  
4117 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~  
4118 and his or her driving privilege is ~~shall be~~ disqualified for  
4119 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~  
4120 ~~year for a first offense or permanently disqualified if his or~~  
4121 ~~her driving privilege has been previously disqualified under~~  
4122 ~~this section.~~

4123       2. The disqualification period for operating commercial  
4124 vehicles shall commence on the date of issuance of the notice of  
4125 disqualification.

4126       3. The driver may request a formal or informal review of  
4127 the disqualification by the department within 10 days after the  
4128 date of issuance of the notice of disqualification.

4129       4. The temporary permit issued at the time of  
4130 disqualification expires at midnight of the 10th day following  
4131 the date of disqualification.

4132       5. The driver may submit to the department any materials  
4133 relevant to the disqualification.

4134       (2) (a) Except as provided in paragraph (1) (a), the law  
4135 enforcement officer shall forward to the department, within 5  
4136 days after the date of the issuance of the notice of  
4137 disqualification, a copy of the notice of disqualification, the



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4138 driver ~~driver's~~ license of the person disqualified, and an  
4139 affidavit stating the officer's grounds for belief that the  
4140 person disqualified was operating or in actual physical control  
4141 of a commercial motor vehicle, or holds a commercial driver  
4142 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-  
4143 alcohol level; the results of any breath or blood or urine test  
4144 or an affidavit stating that a breath, blood, or urine test was  
4145 requested by a law enforcement officer or correctional officer  
4146 and that the person arrested refused to submit; a copy of the  
4147 notice of disqualification issued to the person; and the  
4148 officer's description of the person's field sobriety test, if  
4149 any. The failure of the officer to submit materials within the  
4150 5-day period specified in this subsection or subsection (1) does  
4151 not affect the department's ability to consider any evidence  
4152 submitted at or before ~~prior to~~ the hearing.

4153 (b) The officer may also submit a copy of a video  
4154 recording ~~videotape~~ of the field sobriety test or the attempt to  
4155 administer such test and a copy of the crash report, ~~if any~~.  
4156 Notwithstanding s. 316.066, the crash report shall be considered  
4157 by the hearing officer.

4158 (3) If the department determines that the person arrested  
4159 should be disqualified from operating a commercial motor vehicle  
4160 pursuant to this section and if the notice of disqualification  
4161 has not already been served upon the person by a law enforcement  
4162 officer or correctional officer as provided in subsection (1),  
4163 the department shall issue a notice of disqualification and,  
4164 unless the notice is mailed pursuant to s. 322.251, a temporary



4165 permit which expires 10 days after the date of issuance if the  
4166 driver is otherwise eligible.

4167 (4) If the person disqualified requests an informal review  
4168 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall  
4169 conduct the informal review by a hearing officer designated  
4170 ~~employed~~ by the department. Such informal review hearing shall  
4171 consist solely of an examination by the department of the  
4172 materials submitted by a law enforcement officer or correctional  
4173 officer and by the person disqualified, and the presence of an  
4174 officer or witness is not required.

4175 (5) After completion of the informal review, notice of the  
4176 department's decision sustaining, amending, or invalidating the  
4177 disqualification must be provided to the person. Such notice  
4178 must be mailed to the person at the last known address shown on  
4179 the department's records, and to the address provided in the law  
4180 enforcement officer's report if such address differs from the  
4181 address of record, within 21 days after the expiration of the  
4182 temporary permit issued pursuant to subsection (1) or subsection  
4183 (3).

4184 (6)(a) If the person disqualified requests a formal  
4185 review, the department must schedule a hearing to be held within  
4186 30 days after such request is received by the department and  
4187 must notify the person of the date, time, and place of the  
4188 hearing.

4189 (b) Such formal review hearing shall be held before a  
4190 hearing officer designated ~~employed~~ by the department, and the  
4191 hearing officer shall be authorized to administer oaths, examine  
4192 witnesses and take testimony, receive relevant evidence, issue



4193 subpoenas for the officers and witnesses identified in documents  
4194 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,  
4195 regulate the course and conduct of the hearing, and make a  
4196 ruling on the disqualification. The hearing officer may conduct  
4197 hearings using communications technology. The department and the  
4198 person disqualified may subpoena witnesses, and the party  
4199 requesting the presence of a witness shall be responsible for  
4200 the payment of any witness fees. If the person who requests a  
4201 formal review hearing fails to appear and the hearing officer  
4202 finds such failure to be without just cause, the right to a  
4203 formal hearing is waived.

4204 (c) The failure of a subpoenaed witness to appear at the  
4205 formal review hearing shall not be grounds to invalidate the  
4206 disqualification. If a witness fails to appear, a party may seek  
4207 enforcement of a subpoena under paragraph (b) by filing a  
4208 petition for enforcement in the circuit court of the judicial  
4209 circuit in which the person failing to comply with the subpoena  
4210 resides or by filing a motion for enforcement in any criminal  
4211 court case resulting from the driving or actual physical control  
4212 of a motor vehicle or commercial motor vehicle that gave rise to  
4213 the disqualification under this section. A failure to comply  
4214 with an order of the court shall result in a finding of contempt  
4215 of court. However, a person shall not be in contempt while a  
4216 subpoena is being challenged.

4217 (d) The department must, within 7 working days after a  
4218 formal review hearing, send notice to the person of the hearing  
4219 officer's decision as to whether sufficient cause exists to  
4220 sustain, amend, or invalidate the disqualification.





4221 (7) In a formal review hearing under subsection (6) or an  
4222 informal review hearing under subsection (4), the hearing  
4223 officer shall determine by a preponderance of the evidence  
4224 whether sufficient cause exists to sustain, amend, or invalidate  
4225 the disqualification. The scope of the review shall be limited  
4226 to the following issues:

4227 (a) If the person was disqualified from operating a  
4228 commercial motor vehicle for driving with an unlawful blood-  
4229 alcohol level:

4230 1. Whether the ~~arresting~~ law enforcement officer had  
4231 probable cause to believe that the person was driving or in  
4232 actual physical control of a commercial motor vehicle, or any  
4233 motor vehicle if the driver holds a commercial driver ~~driver's~~  
4234 license, in this state while he or she had any alcohol, chemical  
4235 substances, or controlled substances in his or her body.

4236 2. Whether the person had an unlawful blood-alcohol level  
4237 or breath-alcohol level of 0.08 or higher.

4238 (b) If the person was disqualified from operating a  
4239 commercial motor vehicle for refusal to submit to a breath,  
4240 blood, or urine test:

4241 1. Whether the law enforcement officer had probable cause  
4242 to believe that the person was driving or in actual physical  
4243 control of a commercial motor vehicle, or any motor vehicle if  
4244 the driver holds a commercial driver ~~driver's~~ license, in this  
4245 state while he or she had any alcohol, chemical substances, or  
4246 controlled substances in his or her body.



4247 2. Whether the person refused to submit to the test after  
4248 being requested to do so by a law enforcement officer or  
4249 correctional officer.

4250 3. Whether the person was told that if he or she refused  
4251 to submit to such test he or she would be disqualified from  
4252 operating a commercial motor vehicle for a period of 1 year or,  
4253 if previously disqualified under this section, permanently.

4254 (8) Based on the determination of the hearing officer  
4255 pursuant to subsection (7) for both informal hearings under  
4256 subsection (4) and formal hearings under subsection (6), the  
4257 department shall:

4258 ~~(a) sustain the disqualification for the time period~~  
4259 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~  
4260 ~~refusal, or permanently if such person has been previously~~  
4261 ~~disqualified from operating a commercial motor vehicle under~~  
4262 ~~this section. The disqualification period commences on the date~~  
4263 ~~of the issuance of the notice of disqualification.~~

4264 ~~(b) Sustain the disqualification:~~

4265 ~~1. For a period of 1 year if the person was driving or in~~  
4266 ~~actual physical control of a commercial motor vehicle, or any~~  
4267 ~~motor vehicle if the driver holds a commercial driver's license,~~  
4268 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~  
4269 ~~of 0.08 or higher; or~~

4270 ~~2. Permanently if the person has been previously~~  
4271 ~~disqualified from operating a commercial motor vehicle under~~  
4272 ~~this section or his or her driving privilege has been previously~~  
4273 ~~suspended for driving or being in actual physical control of a~~  
4274 ~~commercial motor vehicle, or any motor vehicle if the driver~~



4275 ~~holds a commercial driver's license, and had an unlawful blood-~~  
 4276 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

4277  
 4278 ~~The disqualification period commences on the date of the~~  
 4279 ~~issuance of the notice of disqualification.~~

4280 (9) A request for a formal review hearing or an informal  
 4281 review hearing shall not stay the disqualification. If the  
 4282 department fails to schedule the formal review hearing ~~to be~~  
 4283 ~~held~~ within 30 days after receipt of the request therefor, the  
 4284 department shall invalidate the disqualification. If the  
 4285 scheduled hearing is continued at the department's initiative or  
 4286 the driver enforces the subpoena as provided in subsection (6),  
 4287 the department shall issue a temporary driving permit limited to  
 4288 noncommercial vehicles which is valid until the hearing is  
 4289 conducted if the person is otherwise eligible for the driving  
 4290 privilege. Such permit shall not be issued to a person who  
 4291 sought and obtained a continuance of the hearing. The permit  
 4292 issued under this subsection shall authorize driving for  
 4293 business purposes only.

4294 (10) A person who is disqualified from operating a  
 4295 commercial motor vehicle under subsection (1) or subsection (3)  
 4296 is eligible for issuance of a license for business or employment  
 4297 purposes only under s. 322.271 if the person is otherwise  
 4298 eligible for the driving privilege. However, such business or  
 4299 employment purposes license shall not authorize the driver to  
 4300 operate a commercial motor vehicle.

4301 (11) The formal review hearing may be conducted upon a  
 4302 review of the reports of a law enforcement officer or a



4303 | correctional officer, including documents relating to the  
4304 | administration of a breath test or blood test or the refusal to  
4305 | take either test. However, as provided in subsection (6), the  
4306 | driver may subpoena the officer or any person who administered  
4307 | or analyzed a breath or blood test. If the arresting officer or  
4308 | the breath technician fails to appear pursuant to a subpoena as  
4309 | provided in subsection (6), the department shall invalidate the  
4310 | disqualification.

4311 |         (12) The formal review hearing and the informal review  
4312 | hearing are exempt from the provisions of chapter 120. The  
4313 | department may ~~is authorized to~~ adopt rules for the conduct of  
4314 | reviews under this section.

4315 |         (13) A person may appeal any decision of the department  
4316 | sustaining the disqualification from operating a commercial  
4317 | motor vehicle by a petition for writ of certiorari to the  
4318 | circuit court in the county wherein such person resides or  
4319 | wherein a formal or informal review was conducted pursuant to s.  
4320 | 322.31. However, an appeal shall not stay the disqualification.  
4321 | This subsection shall not be construed to provide for a de novo  
4322 | review ~~appeal~~.

4323 |         (14) The decision of the department under this section  
4324 | shall not be considered in any trial for a violation of s.  
4325 | 316.193, s. 322.61, or s. 322.62, nor shall any written  
4326 | statement submitted by a person in his or her request for  
4327 | departmental review under this section be admissible into  
4328 | evidence against him or her in any such trial. The disposition  
4329 | of any related criminal proceedings shall not affect a  
4330 | disqualification imposed pursuant to this section.



4331 (15) This section does not preclude the suspension of the  
4332 driving privilege pursuant to s. 322.2615. The driving privilege  
4333 of a person who has been disqualified from operating a  
4334 commercial motor vehicle also may be suspended for a violation  
4335 of s. 316.193.

4336 Section 53. Subsections (2) and (3) of section 323.002,  
4337 Florida Statutes, are amended to read:

4338 323.002 County and municipal wrecker operator systems;  
4339 penalties for operation outside of system.-

4340 (2) In any county or municipality that operates a wrecker  
4341 operator system:

4342 (a) It is unlawful for an unauthorized wrecker operator or  
4343 its employees or agents to monitor police radio for  
4344 communications between patrol field units and the dispatcher in  
4345 order to determine the location of a wrecked or disabled vehicle  
4346 for the purpose of driving by the scene of such vehicle in a  
4347 manner described in paragraph (b) or paragraph (c). Any person  
4348 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
4349 violation, punishable as provided in s. 775.083, and the  
4350 person's wrecker, tow truck, or other motor vehicle that was  
4351 used during the offense may be immediately removed and impounded  
4352 pursuant to subsection (3).

4353 (b) It is unlawful for an unauthorized wrecker operator  
4354 to drive by the scene of a wrecked or disabled vehicle before  
4355 the arrival of an authorized wrecker operator, initiate contact  
4356 with the owner or operator of such vehicle by soliciting or  
4357 offering towing services, and tow such vehicle. Any person who  
4358 violates this paragraph commits ~~is guilty of~~ a misdemeanor of



4359 the second degree, punishable as provided in s. 775.082 or s.  
4360 775.083, and the person's wrecker, tow truck, or other motor  
4361 vehicle that was used during the offense may be immediately  
4362 removed and impounded pursuant to subsection (3).

4363 (c) When an unauthorized wrecker operator drives by the  
4364 scene of a wrecked or disabled vehicle and the owner or operator  
4365 initiates contact by signaling the wrecker operator to stop and  
4366 provide towing services, the unauthorized wrecker operator must  
4367 disclose in writing to the owner or operator of the vehicle his  
4368 or her full name and driver license number, that he or she is  
4369 not the authorized wrecker operator who has been designated as  
4370 part of the wrecker operator system, that the motor vehicle is  
4371 not being towed for the owner's or operator's insurance company  
4372 or lienholder, whether he or she has in effect an insurance  
4373 policy providing at least \$300,000 of liability insurance and at  
4374 least \$50,000 of on-hook cargo insurance, and the maximum must  
4375 ~~disclose, in writing, a fee schedule that includes what charges~~  
4376 ~~for towing and storage which will apply before the vehicle is~~  
4377 ~~connected to or disconnected from the towing apparatus. The~~  
4378 unauthorized wrecker operator must also provide a copy of the  
4379 disclosure to the owner or operator in the presence of a law  
4380 enforcement officer if such officer is at the scene of a motor  
4381 vehicle accident, the fee charged per mile to and from the  
4382 ~~storage facility, the fee charged per 24 hours of storage, and,~~  
4383 ~~prominently displayed, the consumer hotline for the Department~~  
4384 ~~of Agriculture and Consumer Services. Any person who violates~~  
4385 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
4386 degree, punishable as provided in s. 775.082 or s. 775.083, and



4387 the person's wrecker, tow truck, or other motor vehicle that was  
4388 used during the offense may be immediately removed and impounded  
4389 pursuant to subsection (3).

4390 (d) At the scene of a wrecked or disabled vehicle, it is  
4391 unlawful for a wrecker operator to falsely identify himself or  
4392 herself as being part of the wrecker operator system. Any person  
4393 who violates this paragraph commits ~~is guilty of~~ a misdemeanor  
4394 of the first degree, punishable as provided in s. 775.082 or s.  
4395 775.083, and the person's wrecker, tow truck, or other motor  
4396 vehicle that was used during the offense may be immediately  
4397 removed and impounded pursuant to subsection (3).

4398 (3) (a) A law enforcement officer from any local  
4399 governmental agency or state law enforcement agency may cause to  
4400 be immediately removed and impounded from the scene of a wrecked  
4401 or disabled vehicle, at the unauthorized wrecker operator's  
4402 expense, any wrecker, tow truck, or other motor vehicle that is  
4403 used in violation of subsection (2). The unauthorized wrecker  
4404 operator shall be assessed a cost recovery fine as provided in  
4405 paragraph (b) by the authority that ordered the immediate  
4406 removal and impoundment of the wrecker, tow truck, or other  
4407 motor vehicle. A wrecker, tow truck, or other motor vehicle that  
4408 is removed and impounded pursuant to this section may not be  
4409 released from an impound or towing and storage facility before a  
4410 release form has been completed by the authority that ordered  
4411 the immediate removal and impoundment of the vehicle which  
4412 verifies that the cost recovery fine has been paid. The vehicle  
4413 must remain impounded until the fine has been paid or until the  
4414 vehicle is sold at public sale pursuant to s. 713.78.



4415        (b) Notwithstanding any other law to the contrary, the  
4416 unauthorized wrecker operator, upon retrieval of the wrecker,  
4417 tow truck, or other motor vehicle removed or impounded under  
4418 this section and in addition to any other penalties that may be  
4419 imposed for noncriminal violations, shall pay a cost-recovery  
4420 fine of \$500 for a first violation of subsection (2), or a fine  
4421 of \$1,000 for each subsequent violation of subsection (2), to  
4422 the authority that ordered the removal and impoundment of the  
4423 vehicle. Cost recovery funds collected under this subsection  
4424 shall be retained by the authority that ordered the removal and  
4425 impoundment of the vehicle and may be used only for enforcement,  
4426 investigation, prosecution, and training relating to towing  
4427 violations and crimes involving motor vehicles.

4428        (c) Notwithstanding any other law to the contrary and in  
4429 addition to the cost-recovery fine required by this subsection,  
4430 a person who violates any provision of subsection (2) shall pay  
4431 the fees associated with the removal and storage of the wrecker,  
4432 tow truck, or other motor vehicle.

4433        (4)~~(3)~~ This section does not prohibit, or in any way  
4434 prevent, the owner or operator of a vehicle involved in an  
4435 accident or otherwise disabled from contacting any wrecker  
4436 operator for the provision of towing services, whether the  
4437 wrecker operator is an authorized wrecker operator or not.

4438        Section 54. Paragraph (a) of subsection (1) of section  
4439 324.0221, Florida Statutes, is amended to read:

4440        324.0221 Reports by insurers to the department; suspension  
4441 of driver ~~driver's~~ license and vehicle registrations;  
4442 reinstatement.—





4443 (1) (a) Each insurer that has issued a policy providing  
4444 personal injury protection coverage or property damage liability  
4445 coverage shall report the ~~renewal~~, cancellation, or nonrenewal  
4446 thereof to the department within 10 ~~45~~ days after the processing  
4447 date or effective date of each ~~renewal~~, cancellation, or  
4448 nonrenewal. Upon the issuance of a policy providing personal  
4449 injury protection coverage or property damage liability coverage  
4450 to a named insured not previously insured by the insurer during  
4451 that calendar year, the insurer shall report the issuance of the  
4452 new policy to the department within 10 ~~30~~ days. The report shall  
4453 be in the form and format and contain any information required  
4454 by the department and must be provided in a format that is  
4455 compatible with the data processing capabilities of the  
4456 department. The department may adopt rules regarding the form  
4457 and documentation required. Failure by an insurer to file proper  
4458 reports with the department as required by this subsection or  
4459 rules adopted with respect to the requirements of this  
4460 subsection constitutes a violation of the Florida Insurance  
4461 Code. These records shall be used by the department only for  
4462 enforcement and regulatory purposes, including the generation by  
4463 the department of data regarding compliance by owners of motor  
4464 vehicles with the requirements for financial responsibility  
4465 coverage.

4466 Section 55. Section 324.031, Florida Statutes, is amended  
4467 to read:

4468 324.031 Manner of proving financial responsibility.—The  
4469 owner or operator of a taxicab, limousine, jitney, or any other  
4470 for-hire passenger transportation vehicle may prove financial



4471 responsibility by providing satisfactory evidence of holding a  
 4472 motor vehicle liability policy as defined in s. 324.021(8) or s.  
 4473 324.151, which policy is issued by an insurance carrier which is  
 4474 a member of the Florida Insurance Guaranty Association. The  
 4475 operator or owner of any other vehicle may prove his or her  
 4476 financial responsibility by:

4477 (1) Furnishing satisfactory evidence of holding a motor  
 4478 vehicle liability policy as defined in ss. 324.021(8) and  
 4479 324.151;

4480 ~~(2) Posting with the department a satisfactory bond of a~~  
 4481 ~~surety company authorized to do business in this state,~~  
 4482 ~~conditioned for payment of the amount specified in s.~~  
 4483 ~~324.021(7);~~

4484 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~  
 4485 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance  
 4486 with s. 324.161; or

4487 (3)~~(4)~~ Furnishing a certificate of self-insurance issued  
 4488 by the department in accordance with s. 324.171.

4489  
 4490 Any person, including any firm, partnership, association,  
 4491 corporation, or other person, other than a natural person,  
 4492 electing to use the method of proof specified in subsection (2)  
 4493 ~~or subsection (3)~~ shall furnish a certificate of post a bond or  
 4494 deposit equal to the number of vehicles owned times \$30,000, to  
 4495 a maximum of \$120,000; in addition, any such person, other than  
 4496 a natural person, shall maintain insurance providing coverage in  
 4497 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined  
 4498 single limits, and such excess insurance shall provide minimum



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4499 | limits of \$125,000/250,000/50,000 or \$300,000 combined single  
4500 | limits. These increased limits shall not affect the requirements  
4501 | for proving financial responsibility under s. 324.032(1).

4502 | Section 56. Subsection (1) of section 324.091, Florida  
4503 | Statutes, is amended to read:

4504 | 324.091 Notice to department; notice to insurer.—

4505 | (1) Each owner and operator involved in a crash or  
4506 | conviction case within the purview of this chapter shall furnish  
4507 | evidence of automobile liability insurance or, motor vehicle  
4508 | liability insurance, ~~or a surety bond~~ within 14 days after the  
4509 | date of the mailing of notice of crash by the department in the  
4510 | form and manner as it may designate. Upon receipt of evidence  
4511 | that an automobile liability policy or, motor vehicle liability  
4512 | policy, ~~or surety bond~~ was in effect at the time of the crash or  
4513 | conviction case, the department shall forward ~~by United States~~  
4514 | ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy  
4515 | ~~of~~ such information for verification in a method as determined  
4516 | by the department. ~~and shall assume that the policy or bond was~~  
4517 | ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~  
4518 | ~~notifies~~ the department ~~otherwise~~ within 20 days after ~~the~~  
4519 | ~~mailing of~~ the notice whether or not such information is valid  
4520 | ~~to the insurer or surety insurer.~~ ~~However,~~ If the department  
4521 | ~~later~~ determines that an automobile liability policy or, motor  
4522 | vehicle liability policy, ~~or surety bond~~ was not in effect and  
4523 | did not provide coverage for both the owner and the operator, it  
4524 | shall take action as it is ~~otherwise~~ authorized to do under this  
4525 | chapter. ~~Proof of mailing to the insurer or surety insurer may~~  
4526 | ~~be made by the department by naming the insurer or surety~~



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4527 ~~insurer to whom the mailing was made and by specifying the time,~~  
4528 ~~place, and manner of mailing.~~

4529 Section 57. Section 324.161, Florida Statutes, is amended  
4530 to read:

4531 324.161 Proof of financial responsibility; ~~surety bond or~~  
4532 deposit.—Annually, before any certificate of insurance may be  
4533 issued to a person, including any firm, partnership,  
4534 association, corporation, or other person, other than a natural  
4535 person, proof of a certificate of deposit of \$30,000 issued and  
4536 held by a financial institution must be submitted to the  
4537 department. A power of attorney will be issued to and held by the  
4538 department and may be executed upon ~~The certificate of the~~  
4539 ~~department of a deposit may be obtained by depositing with it~~  
4540 ~~\$30,000 cash or securities such as may be legally purchased by~~  
4541 ~~savings banks or for trust funds, of a market value of \$30,000~~  
4542 ~~and which deposit shall be held by the department to satisfy, in~~  
4543 ~~accordance with the provisions of this chapter, any execution on~~  
4544 a judgment issued against such person making the deposit, for  
4545 damages because of bodily injury to or death of any person or  
4546 for damages because of injury to or destruction of property  
4547 resulting from the use or operation of any motor vehicle  
4548 occurring after such deposit was made. Money ~~or securities~~ so  
4549 deposited shall not be subject to attachment or execution unless  
4550 such attachment or execution shall arise out of a suit for  
4551 damages as aforesaid.

4552 Section 58. Paragraph (a) of subsection (1) of section  
4553 328.01, Florida Statutes, is amended to read:

4554 328.01 Application for certificate of title.—



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4555 (1) (a) The owner of a vessel which is required to be  
4556 titled shall apply to the county tax collector for a certificate  
4557 of title. The application shall include the true name of the  
4558 owner, the residence or business address of the owner, and the  
4559 complete description of the vessel, including the hull  
4560 identification number, except that an application for a  
4561 certificate of title for a homemade vessel shall state all the  
4562 foregoing information except the hull identification number. The  
4563 application shall be signed by the owner and shall be  
4564 accompanied by personal or business identification and the  
4565 prescribed fee. An individual applicant must provide a valid  
4566 driver license or identification card issued by this state or  
4567 another state or a valid passport. A business applicant must  
4568 provide a federal employer identification number, if applicable,  
4569 verification that the business is authorized to conduct business  
4570 in the state, or a Florida city or county business license or  
4571 number, which may include, but need not be limited to, a  
4572 driver's license number, Florida identification card number, or  
4573 federal employer identification number, and the prescribed fee.

4574 Section 59. Paragraph (a) of subsection (1) of section  
4575 328.48, Florida Statutes, is amended to read:

4576 328.48 Vessel registration, application, certificate,  
4577 number, decal, duplicate certificate.-

4578 (1) (a) The owner of each vessel required by this law to  
4579 pay a registration fee and secure an identification number shall  
4580 file an application with the county tax collector. The  
4581 application shall provide the owner's name and address;  
4582 residency status; personal or business identification, ~~which may~~



4583 ~~include, but need not be limited to, a driver's license number,~~  
 4584 ~~Florida identification card number, or federal employer~~  
 4585 ~~identification number;~~ and a complete description of the vessel,  
 4586 and shall be accompanied by payment of the applicable fee  
 4587 required in s. 328.72. An individual applicant must provide a  
 4588 valid driver license or identification card issued by this state  
 4589 or another state or a valid passport. A business applicant must  
 4590 provide a federal employer identification number, if applicable,  
 4591 verification that the business is authorized to conduct business  
 4592 in the state, or a Florida city or county business license or  
 4593 number. Registration is not required for any vessel that is not  
 4594 used on the waters of this state.

4595 Section 60. Subsection (1) of section 328.76, Florida  
 4596 Statutes, is amended to read:

4597 328.76 Marine Resources Conservation Trust Fund; vessel  
 4598 registration funds; appropriation and distribution.—

4599 (1) Except as otherwise specified in this subsection and  
 4600 less the amount equal to \$1.4 million ~~for~~ any administrative  
 4601 costs which shall be deposited in the Highway Safety Operating  
 4602 Trust Fund, in each fiscal year beginning on or after July 1,  
 4603 2001, all funds collected from the registration of vessels  
 4604 through the Department of Highway Safety and Motor Vehicles and  
 4605 the tax collectors of the state, except for those funds  
 4606 designated as the county portion pursuant to s. 328.72(1), shall  
 4607 be deposited in the Marine Resources Conservation Trust Fund for  
 4608 recreational channel marking; public launching facilities; law  
 4609 enforcement and quality control programs; aquatic weed control;  
 4610 manatee protection, recovery, rescue, rehabilitation, and



4611 release; and marine mammal protection and recovery. The funds  
4612 collected pursuant to s. 328.72(1) shall be transferred as  
4613 follows:

4614 (a) In each fiscal year, an amount equal to \$1.50 for each  
4615 commercial and recreational vessel registered in this state  
4616 shall be transferred by the Department of Highway Safety and  
4617 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
4618 used only for the purposes specified in s. 379.2431(4).

4619 (b) An amount equal to \$2 from each recreational vessel  
4620 registration fee, except that for class A-1 vessels, shall be  
4621 transferred by the Department of Highway Safety and Motor  
4622 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
4623 and Wildlife Conservation Commission for aquatic weed research  
4624 and control.

4625 (c) An amount equal to 40 percent of the registration fees  
4626 from commercial vessels shall be transferred by the Department  
4627 of Highway Safety and Motor Vehicles to the Invasive Plant  
4628 Control Trust Fund in the Fish and Wildlife Conservation  
4629 Commission for aquatic plant research and control.

4630 (d) An amount equal to 40 percent of the registration fees  
4631 from commercial vessels shall be transferred by the Department  
4632 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
4633 General Inspection Trust Fund of the Department of Agriculture  
4634 and Consumer Services. These funds shall be used for shellfish  
4635 and aquaculture development ~~law enforcement~~ and quality control  
4636 programs.

4637 (e) An amount equal to \$400,000 shall be transferred from  
4638 the Department of Highway Safety and Motor Vehicles to the



4639 General Inspection Trust Fund of the Department of Agriculture  
4640 and Consumer Services for activities relating to the protection,  
4641 restoration and research of the natural oyster reefs and beds of  
4642 the state. This paragraph expires July 1, 2017.

4643 (f) An amount equal to or less than \$300,000 shall be used  
4644 by the Fish and Wildlife Conservation Commission for boating  
4645 safety education. This paragraph expires July 1, 2017.

4646 Section 61. Subsections (1), (2), (3), (4), (9), and (13)  
4647 of section 713.585, Florida Statutes, are amended to read:

4648 713.585 Enforcement of lien by sale of motor vehicle.—A  
4649 person claiming a lien under s. 713.58 for performing labor or  
4650 services on a motor vehicle may enforce such lien by sale of the  
4651 vehicle in accordance with the following procedures:

4652 (1) The lienor must give notice, by certified mail, return  
4653 receipt requested, within 15 business days, excluding Saturday  
4654 and Sunday, after ~~from~~ the beginning date of the assessment of  
4655 storage charges on said motor vehicle, to the registered owner  
4656 of the vehicle, to the customer as indicated on the order for  
4657 repair, and to all other persons claiming an interest in or lien  
4658 thereon, as disclosed by the records of the Department of  
4659 Highway Safety and Motor Vehicles or as disclosed by the records  
4660 of any ~~of a~~ corresponding agency of any other state in which the  
4661 vehicle is identified through a records check of the National  
4662 Motor Vehicle Title Information System as being the current  
4663 state where the vehicle is titled ~~appears registered~~. Such  
4664 notice must contain:

4665 (a) A description of the vehicle (year, make, vehicle  
4666 identification number) and its location.





4667 (b) The name and address of the owner of the vehicle, the  
4668 customer as indicated on the order for repair, and any person  
4669 claiming an interest in or lien thereon.

4670 (c) The name, address, and telephone number of the lienor.

4671 (d) Notice that the lienor claims a lien on the vehicle  
4672 for labor and services performed and storage charges, if any,  
4673 and the cash sum which, if paid to the lienor, would be  
4674 sufficient to redeem the vehicle from the lien claimed by the  
4675 lienor.

4676 (e) Notice that the lien claimed by the lienor is subject  
4677 to enforcement pursuant to this section and that the vehicle may  
4678 be sold to satisfy the lien.

4679 (f) If known, the date, time, and location of any proposed  
4680 or scheduled sale of the vehicle. No vehicle may be sold earlier  
4681 than 60 days after completion of the repair work.

4682 (g) Notice that the owner of the vehicle or any person  
4683 claiming an interest in or lien thereon has a right to a hearing  
4684 at any time before ~~prior to~~ the scheduled date of sale by filing  
4685 a demand for hearing with the clerk of the circuit court in the  
4686 county in which the vehicle is held and mailing copies of the  
4687 demand for hearing to all other owners and lienors as reflected  
4688 on the notice.

4689 (h) Notice that the owner of the vehicle has a right to  
4690 recover possession of the vehicle without instituting judicial  
4691 proceedings by posting bond in accordance with the provisions of  
4692 s. 559.917.

4693 (i) Notice that any proceeds from the sale of the vehicle  
4694 remaining after payment of the amount claimed to be due and



4695 owing to the lienor will be deposited with the clerk of the  
4696 circuit court for disposition upon court order pursuant to  
4697 subsection (8).

4698 (2) If attempts to locate the owner or lienholder are  
4699 unsuccessful after a check of the records of the Department of  
4700 Highway Safety and Motor Vehicles and the records of any state  
4701 disclosed by the check of the National Motor Vehicle Title  
4702 Information System, the lienor must notify the local law  
4703 enforcement agency in writing by certified mail or acknowledged  
4704 hand delivery that the lienor has been unable to locate the  
4705 owner or lienholder, that a physical search of the vehicle has  
4706 disclosed no ownership information, and that a good faith  
4707 effort, including records checks of the Department of Highway  
4708 Safety and Motor Vehicles database and the National Motor  
4709 Vehicle Title Information System have ~~has~~ been made. A  
4710 description of the motor vehicle which includes the year, make,  
4711 and identification number must be given on the notice. This  
4712 notification must take place within 15 business days, excluding  
4713 Saturday and Sunday, from the beginning date of the assessment  
4714 of storage charges on said motor vehicle. For purposes of this  
4715 subsection paragraph, the term "good faith effort" means that  
4716 the following checks have been performed by the company to  
4717 establish the prior state of registration and title:

4718 (a) A check of the Department of Highway Safety and Motor  
4719 Vehicles database for the owner and any lienholder.

4720 (b) A check of the federally mandated electronic National  
4721 Motor Vehicle Title Information System to determine the state of  
4722 registration when there is not a current title or registration



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4723 | record for the vehicle on file with the Department of Highway  
4724 | Safety and Motor Vehicles.

4725 |        ~~(c)(a)~~ A check of vehicle for any type of tag, tag record,  
4726 | temporary tag, or regular tag;

4727 |        ~~(d)(b)~~ A check of vehicle for inspection sticker or other  
4728 | stickers and decals that could indicate the state of possible  
4729 | registration; and

4730 |        ~~(e)(e)~~ A check of the interior of the vehicle for any  
4731 | papers that could be in the glove box, trunk, or other areas for  
4732 | the state of registration.

4733 |        (3) If the date of the sale was not included in the notice  
4734 | required in subsection (1), notice of the sale must be sent by  
4735 | certified mail, return receipt requested, at least not less than  
4736 | 15 days before the date of sale, to the customer as indicated on  
4737 | the order for repair, and to all other persons claiming an  
4738 | interest in or lien on the motor vehicle, as disclosed by the  
4739 | records of the Department of Highway Safety and Motor Vehicles  
4740 | or, after completion of a check of the National Motor Vehicle  
4741 | Title Information System, the records of a corresponding agency  
4742 | of any other state in which the vehicle appears to have been  
4743 | registered. ~~After diligent search and inquiry, if the name and~~  
4744 | ~~address of the registered owner or the owner of the recorded~~  
4745 | ~~lien cannot be ascertained, the requirements for this notice may~~  
4746 | ~~be disregarded.~~

4747 |        (4) The lienor, at least 15 days before the proposed or  
4748 | scheduled date of sale of the vehicle, shall publish the notice  
4749 | required by this section once in a newspaper circulated in the  
4750 | county where the vehicle is held. A certificate of compliance



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4751 with the notification provisions of this section, verified by  
4752 the lienor, together with a copy of the notice and return  
4753 receipt for mailing of the notice required by this section, ~~and~~  
4754 proof of publication, and checks of the Department of Highway  
4755 Safety and Motor Vehicles and the National Motor Vehicle Title  
4756 Information System, must be duly and expeditiously filed with  
4757 the clerk of the circuit court in the county where the vehicle  
4758 is held. The lienor, at the time of filing the certificate of  
4759 compliance, must pay to the clerk of that court a service charge  
4760 of \$10 for indexing and recording the certificate.

4761 (9) A copy of the certificate of compliance and the report  
4762 of sale, certified by the clerk of the court, and proof of the  
4763 required check of the National Motor Vehicle Title Information  
4764 System shall constitute satisfactory proof for application to  
4765 the Department of Highway Safety and Motor Vehicles for transfer  
4766 of title, together with any other proof required by any rules  
4767 and regulations of the department.

4768 (13) A failure to make good faith efforts as defined in  
4769 subsection (2) precludes the imposition of any storage charges  
4770 against the vehicle. If a lienor fails to provide notice to any  
4771 person claiming a lien on a vehicle under subsection (1) within  
4772 15 business days after the assessment of storage charges have  
4773 begun, then the lienor may not charge ~~is precluded from charging~~  
4774 for more than 15 days of storage, but failure to provide timely  
4775 notice does not affect charges made for repairs, adjustments, or  
4776 modifications to the vehicle or the priority of liens on the  
4777 vehicle.



4778 Section 62. Section 713.78, Florida Statutes, is amended  
4779 to read:

4780 713.78 Liens for recovering, towing, or storing vehicles  
4781 and vessels.—

4782 (1) For the purposes of this section, the term:

4783 (a) "Vehicle" means any mobile item, whether motorized or  
4784 not, which is mounted on wheels.

4785 (b) "Vessel" means every description of watercraft, barge,  
4786 and airboat used or capable of being used as a means of  
4787 transportation on water, other than a seaplane or a "documented  
4788 vessel" as defined in s. 327.02(9).

4789 (c) "Wrecker" means any truck or other vehicle which is  
4790 used to tow, carry, or otherwise transport motor vehicles or  
4791 vessels upon the streets and highways of this state and which is  
4792 equipped for that purpose with a boom, winch, car carrier, or  
4793 other similar equipment.

4794 (d) "National Motor Vehicle Title Information System"  
4795 means the federally authorized electronic National Motor Vehicle  
4796 Title Information System.

4797 (2) Whenever a person regularly engaged in the business of  
4798 transporting vehicles or vessels by wrecker, tow truck, or car  
4799 carrier recovers, removes, or stores a vehicle or vessel upon  
4800 instructions from:

4801 (a) The owner thereof;

4802 (b) The owner or lessor, or a person authorized by the  
4803 owner or lessor, of property on which such vehicle or vessel is  
4804 wrongfully parked, and the removal is done in compliance with s.  
4805 715.07; ~~or~~



4806           (c) The landlord or a person authorized by the landlord,  
 4807 when such motor vehicle or vessel remained on premises after  
 4808 tenancy terminated and the removal is done in compliance with s.  
 4809 715.104; or

4810           (d)~~(e)~~ Any law enforcement agency,  
 4811  
 4812 she or he shall have a lien on the vehicle or vessel for a  
 4813 reasonable towing fee and for a reasonable storage fee; except  
 4814 that no storage fee shall be charged if the vehicle is stored  
 4815 for less than 6 hours.

4816           (3) This section does not authorize any person to claim a  
 4817 lien on a vehicle for fees or charges connected with the  
 4818 immobilization of such vehicle using a vehicle boot or other  
 4819 similar device pursuant to s. 715.07.

4820           (4) (a) Any person regularly engaged in the business of  
 4821 recovering, towing, or storing vehicles or vessels who comes  
 4822 into possession of a vehicle or vessel pursuant to subsection  
 4823 (2), and who claims a lien for recovery, towing, or storage  
 4824 services, shall give notice to the registered owner, the  
 4825 insurance company insuring the vehicle notwithstanding the  
 4826 provisions of s. 627.736, and to all persons claiming a lien  
 4827 thereon, as disclosed by the records in the Department of  
 4828 Highway Safety and Motor Vehicles or as disclosed by the records  
 4829 of any ~~of a~~ corresponding agency in any other state in which the  
 4830 vehicle is identified through a records check of the National  
 4831 Motor Vehicle Title Information System, as being titled or  
 4832 registered.



4833 (b) Whenever any law enforcement agency authorizes the  
4834 removal of a vehicle or vessel or whenever any towing service,  
4835 garage, repair shop, or automotive service, storage, or parking  
4836 place notifies the law enforcement agency of possession of a  
4837 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
4838 enforcement agency of the jurisdiction where the vehicle or  
4839 vessel is stored shall contact the Department of Highway Safety  
4840 and Motor Vehicles, or the appropriate agency of the state of  
4841 registration, if known, within 24 hours through the medium of  
4842 electronic communications, giving the full description of the  
4843 vehicle or vessel. Upon receipt of the full description of the  
4844 vehicle or vessel, the department shall search its files to  
4845 determine the owner's name, the insurance company insuring the  
4846 vehicle or vessel, and whether any person has filed a lien upon  
4847 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
4848 notify the applicable law enforcement agency within 72 hours.  
4849 The person in charge of the towing service, garage, repair shop,  
4850 or automotive service, storage, or parking place shall obtain  
4851 such information from the applicable law enforcement agency  
4852 within 5 days after the date of storage and shall give notice  
4853 pursuant to paragraph (a). The department may release the  
4854 insurance company information to the requestor notwithstanding  
4855 the provisions of s. 627.736.

4856 (c) Notice by certified mail shall be sent within 7  
4857 business days after the date of storage of the vehicle or vessel  
4858 to the registered owner, the insurance company insuring the  
4859 vehicle notwithstanding the provisions of s. 627.736, and all  
4860 persons of record claiming a lien against the vehicle or vessel.



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4861 It shall state the fact of possession of the vehicle or vessel,  
4862 that a lien as provided in subsection (2) is claimed, that  
4863 charges have accrued and the amount thereof, that the lien is  
4864 subject to enforcement pursuant to law, and that the owner or  
4865 lienholder, if any, has the right to a hearing as set forth in  
4866 subsection (5), and that any vehicle or vessel which remains  
4867 unclaimed, or for which the charges for recovery, towing, or  
4868 storage services remain unpaid, may be sold free of all prior  
4869 liens after 35 days if the vehicle or vessel is more than 3  
4870 years of age or after 50 days if the vehicle or vessel is 3  
4871 years of age or less.

4872 (d) If attempts to locate the name and address of the  
4873 owner or lienholder prove unsuccessful, the towing-storage  
4874 operator shall, after 7 working days, excluding Saturday and  
4875 Sunday, of the initial tow or storage, notify the public agency  
4876 of jurisdiction where the vehicle or vessel is stored in writing  
4877 by certified mail or acknowledged hand delivery that the towing-  
4878 storage company has been unable to locate the name and address  
4879 of the owner or lienholder and a physical search of the vehicle  
4880 or vessel has disclosed no ownership information and a good  
4881 faith effort has been made including records checks of the  
4882 Florida Department of Highway Safety and Motor Vehicles and the  
4883 National Motor Vehicle Title Information System databases. For  
4884 purposes of this paragraph and subsection (9), "good faith  
4885 effort" means that the following checks have been performed by  
4886 the company to establish prior state of registration and for  
4887 title:





4888 |       1. A check of the Florida Department of Highway Safety and  
4889 | Motor Vehicles database for the owner and any lienholder.

4890 |       2. A check of the electronic National Motor Vehicle Title  
4891 | Information System to determine the state of registration when  
4892 | there is not a current registration record for the vehicle on  
4893 | file with the Florida Department of Highway Safety and Motor  
4894 | Vehicles.

4895 |       ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag  
4896 | record, temporary tag, or regular tag.

4897 |       ~~4.2.~~ Check of law enforcement report for tag number or  
4898 | other information identifying the vehicle or vessel, if the  
4899 | vehicle or vessel was towed at the request of a law enforcement  
4900 | officer.

4901 |       ~~5.3.~~ Check of trip sheet or tow ticket of tow truck  
4902 | operator to see if a tag was on vehicle or vessel at beginning  
4903 | of tow, if private tow.

4904 |       ~~6.4.~~ If there is no address of the owner on the impound  
4905 | report, check of law enforcement report to see if an out-of-  
4906 | state address is indicated from driver license information.

4907 |       ~~7.5.~~ Check of vehicle or vessel for inspection sticker or  
4908 | other stickers and decals that may indicate a state of possible  
4909 | registration.

4910 |       ~~8.6.~~ Check of the interior of the vehicle or vessel for  
4911 | any papers that may be in the glove box, trunk, or other areas  
4912 | for a state of registration.

4913 |       ~~9.7.~~ Check of vehicle for vehicle identification number.

4914 |       ~~10.8.~~ Check of vessel for vessel registration number.



4915 |        ~~11.9.~~ Check of vessel hull for a hull identification  
 4916 | number which should be carved, burned, stamped, embossed, or  
 4917 | otherwise permanently affixed to the outboard side of the  
 4918 | transom or, if there is no transom, to the outmost seaboard side  
 4919 | at the end of the hull that bears the rudder or other steering  
 4920 | mechanism.

4921 |           (5) (a) The owner of a vehicle or vessel removed pursuant  
 4922 | to the provisions of subsection (2), or any person claiming a  
 4923 | lien, other than the towing-storage operator, within 10 days  
 4924 | after the time she or he has knowledge of the location of the  
 4925 | vehicle or vessel, may file a complaint in the county court of  
 4926 | the county in which the vehicle or vessel is stored to determine  
 4927 | if her or his property was wrongfully taken or withheld from her  
 4928 | or him.

4929 |           (b) Upon filing of a complaint, an owner or lienholder may  
 4930 | have her or his vehicle or vessel released upon posting with the  
 4931 | court a cash or surety bond or other adequate security equal to  
 4932 | the amount of the charges for towing or storage and lot rental  
 4933 | amount to ensure the payment of such charges in the event she or  
 4934 | he does not prevail. Upon the posting of the bond and the  
 4935 | payment of the applicable fee set forth in s. 28.24, the clerk  
 4936 | of the court shall issue a certificate notifying the lienor of  
 4937 | the posting of the bond and directing the lienor to release the  
 4938 | vehicle or vessel. At the time of such release, after reasonable  
 4939 | inspection, she or he shall give a receipt to the towing-storage  
 4940 | company reciting any claims she or he has for loss or damage to  
 4941 | the vehicle or vessel or the contents thereof.



4942 (c) Upon determining the respective rights of the parties,  
4943 the court may award damages, attorney's fees, and costs in favor  
4944 of the prevailing party. In any event, the final order shall  
4945 provide for immediate payment in full of recovery, towing, and  
4946 storage fees by the vehicle or vessel owner or lienholder; or  
4947 the agency ordering the tow; or the owner, lessee, or agent  
4948 thereof of the property from which the vehicle or vessel was  
4949 removed.

4950 (6) Any vehicle or vessel which is stored pursuant to  
4951 subsection (2) and which remains unclaimed, or for which  
4952 reasonable charges for recovery, towing, or storing remain  
4953 unpaid, and any contents not released pursuant to subsection  
4954 (10), may be sold by the owner or operator of the storage space  
4955 for such towing or storage charge after 35 days from the time  
4956 the vehicle or vessel is stored therein if the vehicle or vessel  
4957 is more than 3 years of age or after 50 days following the time  
4958 the vehicle or vessel is stored therein if the vehicle or vessel  
4959 is 3 years of age or less. The sale shall be at public sale for  
4960 cash. If the date of the sale was not included in the notice  
4961 required in subsection (4), notice of the sale shall be given to  
4962 the person in whose name the vehicle or vessel is registered and  
4963 to all persons claiming a lien on the vehicle or vessel as shown  
4964 on the records of the Department of Highway Safety and Motor  
4965 Vehicles or of any ~~the~~ corresponding agency in any other state  
4966 in which the vehicle is identified through a records check of  
4967 the National Motor Vehicle Title Information System, as being  
4968 titled. Notice shall be sent by certified mail to the owner of  
4969 the vehicle or vessel and the person having the recorded lien on



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4970 | the vehicle or vessel at the address shown on the records of the  
4971 | registering agency and shall be mailed at least ~~not less than~~ 15  
4972 | days before the date of the sale. After diligent search and  
4973 | inquiry, if the name and address of the registered owner or the  
4974 | owner of the recorded lien cannot be ascertained, the  
4975 | requirements of notice by mail may be dispensed with. In  
4976 | addition to the notice by mail, public notice of the time and  
4977 | place of sale shall be made by publishing a notice thereof one  
4978 | time, at least 10 days before ~~prior to~~ the date of the sale, in  
4979 | a newspaper of general circulation in the county in which the  
4980 | sale is to be held. The proceeds of the sale, after payment of  
4981 | reasonable towing and storage charges, and costs of the sale, in  
4982 | that order of priority, shall be deposited with the clerk of the  
4983 | circuit court for the county if the owner or lienholder is  
4984 | absent, and the clerk shall hold such proceeds subject to the  
4985 | claim of the owner or lienholder legally entitled thereto. The  
4986 | clerk shall be entitled to receive 5 percent of such proceeds  
4987 | for the care and disbursement thereof. The certificate of title  
4988 | issued under this law shall be discharged of all liens unless  
4989 | otherwise provided by court order. The owner or lienholder may  
4990 | file a complaint after the vehicle or vessel has been sold in  
4991 | the county court of the county in which it is stored. Upon  
4992 | determining the respective rights of the parties, the court may  
4993 | award damages, attorney's fees, and costs in favor of the  
4994 | prevailing party.

4995 |       (7) (a) A wrecker operator recovering, towing, or storing  
4996 | vehicles or vessels is not liable for damages connected with  
4997 | such services, theft of such vehicles or vessels, or theft of



4998 | personal property contained in such vehicles or vessels,  
4999 | provided that such services have been performed with reasonable  
5000 | care and provided, further, that, in the case of removal of a  
5001 | vehicle or vessel upon the request of a person purporting, and  
5002 | reasonably appearing, to be the owner or lessee, or a person  
5003 | authorized by the owner or lessee, of the property from which  
5004 | such vehicle or vessel is removed, such removal has been done in  
5005 | compliance with s. 715.07. Further, a wrecker operator is not  
5006 | liable for damage to a vehicle, vessel, or cargo that obstructs  
5007 | the normal movement of traffic or creates a hazard to traffic  
5008 | and is removed in compliance with the request of a law  
5009 | enforcement officer.

5010 |       (b) For the purposes of this subsection, a wrecker  
5011 | operator is presumed to use reasonable care to prevent the theft  
5012 | of a vehicle or vessel or of any personal property contained in  
5013 | such vehicle stored in the wrecker operator's storage facility  
5014 | if all of the following apply:

5015 |       1. The wrecker operator surrounds the storage facility  
5016 | with a chain-link or solid-wall type fence at least 6 feet in  
5017 | height;

5018 |       2. The wrecker operator has illuminated the storage  
5019 | facility with lighting of sufficient intensity to reveal persons  
5020 | and vehicles at a distance of at least 150 feet during  
5021 | nighttime; and

5022 |       3. The wrecker operator uses one or more of the following  
5023 | security methods to discourage theft of vehicles or vessels or  
5024 | of any personal property contained in such vehicles or vessels  
5025 | stored in the wrecker operator's storage facility:



5026 | a. A night dispatcher or watchman remains on duty at the  
5027 | storage facility from sunset to sunrise;

5028 | b. A security dog remains at the storage facility from  
5029 | sunset to sunrise;

5030 | c. Security cameras or other similar surveillance devices  
5031 | monitor the storage facility; or

5032 | d. A security guard service examines the storage facility  
5033 | at least once each hour from sunset to sunrise.

5034 | (c) Any law enforcement agency requesting that a motor  
5035 | vehicle be removed from an accident scene, street, or highway  
5036 | must conduct an inventory and prepare a written record of all  
5037 | personal property found in the vehicle before the vehicle is  
5038 | removed by a wrecker operator. However, if the owner or driver  
5039 | of the motor vehicle is present and accompanies the vehicle, no  
5040 | inventory by law enforcement is required. A wrecker operator is  
5041 | not liable for the loss of personal property alleged to be  
5042 | contained in such a vehicle when such personal property was not  
5043 | identified on the inventory record prepared by the law  
5044 | enforcement agency requesting the removal of the vehicle.

5045 | (8) A person regularly engaged in the business of  
5046 | recovering, towing, or storing vehicles or vessels, except a  
5047 | person licensed under chapter 493 while engaged in  
5048 | "repossession" activities as defined in s. 493.6101, may not  
5049 | operate a wrecker, tow truck, or car carrier unless the name,  
5050 | address, and telephone number of the company performing the  
5051 | service is clearly printed in contrasting colors on the driver  
5052 | and passenger sides of its vehicle. The name must be in at least  
5053 | 3-inch permanently affixed letters, and the address and



5054 | telephone number must be in at least 1-inch permanently affixed  
5055 | letters.

5056 |       (9) Failure to make good faith best efforts to comply with  
5057 | the notice requirements of this section shall preclude the  
5058 | imposition of any storage charges against such vehicle or  
5059 | vessel.

5060 |       (10) Persons who provide services pursuant to this section  
5061 | shall permit vehicle or vessel owners, lienholders, insurance  
5062 | company representatives, or their agents, which agency is  
5063 | evidenced by an original writing acknowledged by the owner  
5064 | before a notary public or other person empowered by law to  
5065 | administer oaths, to inspect the towed vehicle or vessel and  
5066 | shall release to the owner, lienholder, or agent the vehicle,  
5067 | vessel, or all personal property not affixed to the vehicle or  
5068 | vessel which was in the vehicle or vessel at the time the  
5069 | vehicle or vessel came into the custody of the person providing  
5070 | such services.

5071 |       (11) (a) Any person regularly engaged in the business of  
5072 | recovering, towing, or storing vehicles or vessels who comes  
5073 | into possession of a vehicle or vessel pursuant to subsection  
5074 | (2) and who has complied with the provisions of subsections (3)  
5075 | and (6), when such vehicle or vessel is to be sold for purposes  
5076 | of being dismantled, destroyed, or changed in such manner that  
5077 | it is not the motor vehicle or vessel described in the  
5078 | certificate of title, shall report the vehicle to the National  
5079 | Motor Vehicle Title Information System and apply to the  
5080 | Department of Highway Safety and Motor Vehicles ~~county tax~~  
5081 | ~~collector~~ for a certificate of destruction. A certificate of



5082 destruction, which authorizes the dismantling or destruction of  
5083 the vehicle or vessel described therein, shall be reassignable a  
5084 maximum of two times before dismantling or destruction of the  
5085 vehicle shall be required, and shall accompany the vehicle or  
5086 vessel for which it is issued, when such vehicle or vessel is  
5087 sold for such purposes, in lieu of a certificate of title. The  
5088 application for a certificate of destruction must include proof  
5089 of reporting to the National Motor Vehicle Information System  
5090 and an affidavit from the applicant that it has complied with  
5091 all applicable requirements of this section and, if the vehicle  
5092 or vessel is not registered in this state or any other state, by  
5093 a statement from a law enforcement officer that the vehicle or  
5094 vessel is not reported stolen, and shall be accompanied by such  
5095 documentation as may be required by the department.

5096 (b) The Department of Highway Safety and Motor Vehicles  
5097 shall charge a fee of \$3 for each certificate of destruction. A  
5098 service charge of \$4.25 shall be collected and retained by the  
5099 tax collector who processes the application.

5100 (c) The Department of Highway Safety and Motor Vehicles  
5101 may adopt such rules as it deems necessary or proper for the  
5102 administration of this subsection.

5103 (12) (a) Any person who violates any provision of  
5104 subsection (1), subsection (2), subsection (4), subsection (5),  
5105 subsection (6), or subsection (7) is guilty of a misdemeanor of  
5106 the first degree, punishable as provided in s. 775.082 or s.  
5107 775.083.





5108 (b) Any person who violates the provisions of subsections  
5109 (8) through (11) is guilty of a felony of the third degree,  
5110 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5111 (c) Any person who uses a false or fictitious name, gives  
5112 a false or fictitious address, or makes any false statement in  
5113 any application or affidavit required under the provisions of  
5114 this section is guilty of a felony of the third degree,  
5115 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5116 (d) Employees of the Department of Highway Safety and  
5117 Motor Vehicles and law enforcement officers are authorized to  
5118 inspect the records of any person regularly engaged in the  
5119 business of recovering, towing, or storing vehicles or vessels  
5120 or transporting vehicles or vessels by wrecker, tow truck, or  
5121 car carrier, to ensure compliance with the requirements of this  
5122 section. Any person who fails to maintain records, or fails to  
5123 produce records when required in a reasonable manner and at a  
5124 reasonable time, commits a misdemeanor of the first degree,  
5125 punishable as provided in s. 775.082 or s. 775.083.

5126 (13) (a) Upon receipt by the Department of Highway Safety  
5127 and Motor Vehicles of written notice from a wrecker operator who  
5128 claims a wrecker operator's lien under paragraph (2) (c) or  
5129 paragraph (2) (d) for recovery, towing, or storage of an  
5130 abandoned vehicle or vessel upon instructions from any law  
5131 enforcement agency, for which a certificate of destruction has  
5132 been issued under subsection (11) and the vehicle has been  
5133 reported to the National Motor Vehicle Title Information System,  
5134 the department shall place the name of the registered owner of  
5135 that vehicle or vessel on the list of those persons who may not



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5136 be issued a license plate or revalidation sticker for any motor  
5137 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
5138 jointly by more than one person, the name of each registered  
5139 owner shall be placed on the list. The notice of wrecker  
5140 operator's lien shall be submitted on forms provided by the  
5141 department, which must include:

5142 1. The name, address, and telephone number of the wrecker  
5143 operator.

5144 2. The name of the registered owner of the vehicle or  
5145 vessel and the address to which the wrecker operator provided  
5146 notice of the lien to the registered owner under subsection (4).

5147 3. A general description of the vehicle or vessel,  
5148 including its color, make, model, body style, and year.

5149 4. The vehicle identification number (VIN); registration  
5150 license plate number, state, and year; validation decal number,  
5151 state, and year; vessel registration number; hull identification  
5152 number; or other identification number, as applicable.

5153 5. The name of the person or the corresponding law  
5154 enforcement agency that requested that the vehicle or vessel be  
5155 recovered, towed, or stored.

5156 6. The amount of the wrecker operator's lien, not to  
5157 exceed the amount allowed by paragraph (b).

5158 (b) For purposes of this subsection only, the amount of  
5159 the wrecker operator's lien for which the department will  
5160 prevent issuance of a license plate or revalidation sticker may  
5161 not exceed the amount of the charges for recovery, towing, and  
5162 storage of the vehicle or vessel for 7 days. These charges may  
5163 not exceed the maximum rates imposed by the ordinances of the



5164 | respective county or municipality under ss. 125.0103(1)(c) and  
5165 | 166.043(1)(c). This paragraph does not limit the amount of a  
5166 | wrecker operator's lien claimed under subsection (2) or prevent  
5167 | a wrecker operator from seeking civil remedies for enforcement  
5168 | of the entire amount of the lien, but limits only that portion  
5169 | of the lien for which the department will prevent issuance of a  
5170 | license plate or revalidation sticker.

5171 |       (c)1. The registered owner of a vehicle or vessel may  
5172 | dispute a wrecker operator's lien, by notifying the department  
5173 | of the dispute in writing on forms provided by the department,  
5174 | if at least one of the following applies:

5175 |       a. The registered owner presents a notarized bill of sale  
5176 | proving that the vehicle or vessel was sold in a private or  
5177 | casual sale before the vehicle or vessel was recovered, towed,  
5178 | or stored.

5179 |       b. The registered owner presents proof that the Florida  
5180 | certificate of title of the vehicle or vessel was sold to a  
5181 | licensed dealer as defined in s. 319.001 before the vehicle or  
5182 | vessel was recovered, towed, or stored.

5183 |       c. The records of the department were marked "sold" prior  
5184 | to the date of the tow.

5185 |

5186 | If the registered owner's dispute of a wrecker operator's lien  
5187 | complies with one of these criteria, the department shall  
5188 | immediately remove the registered owner's name from the list of  
5189 | those persons who may not be issued a license plate or  
5190 | revalidation sticker for any motor vehicle under s. 320.03(8),  
5191 | thereby allowing issuance of a license plate or revalidation



5192 sticker. If the vehicle or vessel is owned jointly by more than  
5193 one person, each registered owner must dispute the wrecker  
5194 operator's lien in order to be removed from the list. However,  
5195 the department shall deny any dispute and maintain the  
5196 registered owner's name on the list of those persons who may not  
5197 be issued a license plate or revalidation sticker for any motor  
5198 vehicle under s. 320.03(8) if the wrecker operator has provided  
5199 the department with a certified copy of the judgment of a court  
5200 which orders the registered owner to pay the wrecker operator's  
5201 lien claimed under this section. In such a case, the amount of  
5202 the wrecker operator's lien allowed by paragraph (b) may be  
5203 increased to include no more than \$500 of the reasonable costs  
5204 and attorney's fees incurred in obtaining the judgment. The  
5205 department's action under this subparagraph is ministerial in  
5206 nature, shall not be considered final agency action, and is  
5207 appealable only to the county court for the county in which the  
5208 vehicle or vessel was ordered removed.

5209 2. A person against whom a wrecker operator's lien has  
5210 been imposed may alternatively obtain a discharge of the lien by  
5211 filing a complaint, challenging the validity of the lien or the  
5212 amount thereof, in the county court of the county in which the  
5213 vehicle or vessel was ordered removed. Upon filing of the  
5214 complaint, the person may have her or his name removed from the  
5215 list of those persons who may not be issued a license plate or  
5216 revalidation sticker for any motor vehicle under s. 320.03(8),  
5217 thereby allowing issuance of a license plate or revalidation  
5218 sticker, upon posting with the court a cash or surety bond or  
5219 other adequate security equal to the amount of the wrecker



5220 operator's lien to ensure the payment of such lien in the event  
5221 she or he does not prevail. Upon the posting of the bond and the  
5222 payment of the applicable fee set forth in s. 28.24, the clerk  
5223 of the court shall issue a certificate notifying the department  
5224 of the posting of the bond and directing the department to  
5225 release the wrecker operator's lien. Upon determining the  
5226 respective rights of the parties, the court may award damages  
5227 and costs in favor of the prevailing party.

5228         3. If a person against whom a wrecker operator's lien has  
5229 been imposed does not object to the lien, but cannot discharge  
5230 the lien by payment because the wrecker operator has moved or  
5231 gone out of business, the person may have her or his name  
5232 removed from the list of those persons who may not be issued a  
5233 license plate or revalidation sticker for any motor vehicle  
5234 under s. 320.03(8), thereby allowing issuance of a license plate  
5235 or revalidation sticker, upon posting with the clerk of court in  
5236 the county in which the vehicle or vessel was ordered removed, a  
5237 cash or surety bond or other adequate security equal to the  
5238 amount of the wrecker operator's lien. Upon the posting of the  
5239 bond and the payment of the application fee set forth in s.  
5240 28.24, the clerk of the court shall issue a certificate  
5241 notifying the department of the posting of the bond and  
5242 directing the department to release the wrecker operator's lien.  
5243 The department shall mail to the wrecker operator, at the  
5244 address upon the lien form, notice that the wrecker operator  
5245 must claim the security within 60 days, or the security will be  
5246 released back to the person who posted it. At the conclusion of  
5247 the 60 days, the department shall direct the clerk as to which



5248 party is entitled to payment of the security, less applicable  
5249 clerk's fees.

5250 4. A wrecker operator's lien expires 5 years after filing.

5251 (d) Upon discharge of the amount of the wrecker operator's  
5252 lien allowed by paragraph (b), the wrecker operator must issue a  
5253 certificate of discharged wrecker operator's lien on forms  
5254 provided by the department to each registered owner of the  
5255 vehicle or vessel attesting that the amount of the wrecker  
5256 operator's lien allowed by paragraph (b) has been discharged.  
5257 Upon presentation of the certificate of discharged wrecker  
5258 operator's lien by the registered owner, the department shall  
5259 immediately remove the registered owner's name from the list of  
5260 those persons who may not be issued a license plate or  
5261 revalidation sticker for any motor vehicle under s. 320.03(8),  
5262 thereby allowing issuance of a license plate or revalidation  
5263 sticker. Issuance of a certificate of discharged wrecker  
5264 operator's lien under this paragraph does not discharge the  
5265 entire amount of the wrecker operator's lien claimed under  
5266 subsection (2), but only certifies to the department that the  
5267 amount of the wrecker operator's lien allowed by paragraph (b),  
5268 for which the department will prevent issuance of a license  
5269 plate or revalidation sticker, has been discharged.

5270 (e) When a wrecker operator files a notice of wrecker  
5271 operator's lien under this subsection, the department shall  
5272 charge the wrecker operator a fee of \$2, which shall be  
5273 deposited into the General Revenue Fund. A service charge of  
5274 \$2.50 shall be collected and retained by the tax collector who  
5275 processes a notice of wrecker operator's lien.



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5276 (f) This subsection applies only to the annual renewal in  
5277 the registered owner's birth month of a motor vehicle  
5278 registration and does not apply to the transfer of a  
5279 registration of a motor vehicle sold by a motor vehicle dealer  
5280 licensed under chapter 320, except for the transfer of  
5281 registrations which includes the annual renewals. This  
5282 subsection does not apply to any vehicle registered in the name  
5283 of the lessor. This subsection does not affect the issuance of  
5284 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

5285 (g) The Department of Highway Safety and Motor Vehicles  
5286 may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
5287 implement this subsection.

5288 Section 63. Yellow dot critical motorist medical  
5289 information program; yellow dot decal, folder, and information  
5290 form.—

5291 (1) The governing body of a county may create a yellow dot  
5292 critical motorist medical information program to assist  
5293 emergency medical responders and drivers and passengers who  
5294 participate in the program by making critical medical  
5295 information readily available to a responder in the event of a  
5296 motor vehicle accident or a medical emergency involving a  
5297 participant's vehicle.

5298 (2) (a) The governing body of a county may solicit  
5299 sponsorships from interested business entities and not-for-  
5300 profit organizations to cover costs of the program, including  
5301 the cost of the yellow dot decals and folders that shall be  
5302 provided free of charge to participants. Two or more counties  
5303 may enter into an interlocal agreement to solicit such



5304 sponsorships.

5305 (b) The Department of Highway Safety and Motor Vehicles or  
5306 the Department of Transportation may provide education and  
5307 training to encourage emergency medical responders to  
5308 participate in the program and may take reasonable measures to  
5309 publicize the program.

5310 (3) (a) Any owner or lessee of a motor vehicle may  
5311 participate in the program upon submission of an application and  
5312 documentation, in the form and manner prescribed by the  
5313 governing body of the county.

5314 (b) The application form shall include a statement that  
5315 the information submitted will be disclosed only to authorized  
5316 personnel of law enforcement and public safety agencies,  
5317 emergency medical services agencies, and hospitals for the  
5318 purposes authorized in subsection (5).

5319 (c) The application form shall describe the confidential  
5320 nature of the medical information voluntarily provided by the  
5321 participant and shall state that, by providing the medical  
5322 information, the participant has authorized the use and  
5323 disclosure of the medical information to authorized personnel  
5324 solely for the purposes listed in subsection (5). The  
5325 application form shall also require the participant's express  
5326 written consent for such use and disclosure.

5327 (d) The county may not charge any fee to participate in  
5328 the yellow dot program.

5329 (4) A participant shall receive a yellow dot decal, a  
5330 yellow dot folder, and a form with the participant's  
5331 information.





5332        (a) The participant shall affix the decal onto the rear  
5333 window in the left lower corner of a motor vehicle or in a  
5334 clearly visible location on a motorcycle.

5335        (b) A person who rides in a motor vehicle as a passenger  
5336 may also participate in the program but may not be issued a  
5337 decal if a decal is issued to the owner or lessee of the motor  
5338 vehicle in which the person rides.

5339        (c) The yellow dot folder, which shall be stored in the  
5340 glove compartment of the motor vehicle or in a compartment  
5341 attached to a motorcycle, shall contain a form with the  
5342 following information about the participant:

5343            1. The participant's name.

5344            2. The participant's photograph.

5345            3. Emergency contact information of no more than two  
5346 persons for the participant.

5347            4. The participant's medical information, including  
5348 medical conditions, recent surgeries, allergies, and medications  
5349 being taken.

5350            5. The participant's hospital preference.

5351            6. Contact information for no more than two physicians for  
5352 the participant.

5353        (5) (a) If a driver or passenger of a motor vehicle becomes  
5354 involved in a motor vehicle accident or emergency situation, and  
5355 a yellow dot decal is affixed to the vehicle, an emergency  
5356 medical responder at the scene is authorized to search the glove  
5357 compartment of the vehicle for the corresponding yellow dot  
5358 folder.

5359        (b) An emergency medical responder at the scene may use



5360 the information in the yellow dot folder for the following  
5361 purposes only:

5362 1. To positively identify the participant.

5363 2. To ascertain whether the participant has a medical  
5364 condition that might impede communications between the  
5365 participant and the responder.

5366 3. To inform the participant's emergency contacts about  
5367 the location, condition, or death of the participant.

5368 4. To learn the nature of any medical information reported  
5369 by the participant on the form.

5370 5. To ensure that the participant's current medications  
5371 and preexisting medical conditions are considered when emergency  
5372 medical treatment is administered for any injury to or condition  
5373 of the participant.

5374 (6) Except for wanton or willful conduct, an emergency  
5375 medical responder or the employer of a responder does not incur  
5376 any liability if a responder is unable to make contact, in good  
5377 faith, with a participant's emergency contact person, or if a  
5378 responder disseminates or fails to disseminate any information  
5379 from the yellow dot folder to any other emergency medical  
5380 responder, hospital, or healthcare provider who renders  
5381 emergency medical treatment to the participant.

5382 (7) The governing body of a participating county shall  
5383 adopt guidelines and procedures for ensuring that any  
5384 information that is confidential is not made public through the  
5385 program.

5386 (8) This section shall take effect July 1, 2014, or on the  
5387 same date that legislation which exempts the information



5388 required under the yellow dot critical motorist medical  
5389 information program from s. 119.071(1), Florida Statutes, and s.  
5390 24(a), Article I of the State Constitution, takes effect,  
5391 whichever occurs later, if such legislation is adopted in the  
5392 2014 Regular Session of the Legislature or an extension thereof  
5393 and becomes law.

5394 Section 64. Paragraph (aa) of subsection (7) of section  
5395 212.08, Florida Statutes, is amended to read:

5396 212.08 Sales, rental, use, consumption, distribution, and  
5397 storage tax; specified exemptions.—The sale at retail, the  
5398 rental, the use, the consumption, the distribution, and the  
5399 storage to be used or consumed in this state of the following  
5400 are hereby specifically exempt from the tax imposed by this  
5401 chapter.

5402 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
5403 entity by this chapter do not inure to any transaction that is  
5404 otherwise taxable under this chapter when payment is made by a  
5405 representative or employee of the entity by any means,  
5406 including, but not limited to, cash, check, or credit card, even  
5407 when that representative or employee is subsequently reimbursed  
5408 by the entity. In addition, exemptions provided to any entity by  
5409 this subsection do not inure to any transaction that is  
5410 otherwise taxable under this chapter unless the entity has  
5411 obtained a sales tax exemption certificate from the department  
5412 or the entity obtains or provides other documentation as  
5413 required by the department. Eligible purchases or leases made  
5414 with such a certificate must be in strict compliance with this  
5415 subsection and departmental rules, and any person who makes an



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5416 exempt purchase with a certificate that is not in strict  
5417 compliance with this subsection and the rules is liable for and  
5418 shall pay the tax. The department may adopt rules to administer  
5419 this subsection.

5420 (aa) Certain commercial vehicles.—Also exempt is the sale,  
5421 lease, or rental of a commercial motor vehicle as defined in s.  
5422 207.002 ~~207.002(2)~~, when the following conditions are met:

5423 1. The sale, lease, or rental occurs between two commonly  
5424 owned and controlled corporations;

5425 2. Such vehicle was titled and registered in this state at  
5426 the time of the sale, lease, or rental; and

5427 3. Florida sales tax was paid on the acquisition of such  
5428 vehicle by the seller, lessor, or renter.

5429 Section 65. Subsection (8) of section 261.03, Florida  
5430 Statutes, is amended to read:

5431 261.03 Definitions.—As used in this chapter, the term:

5432 (8) "ROV" means any motorized recreational off-highway  
5433 vehicle 64 inches or less in width, having a dry weight of 2,000  
5434 pounds or less, designed to travel on four or more nonhighway  
5435 tires, having nonstraddle seating and a steering wheel, and  
5436 manufactured for recreational use by one or more persons. The  
5437 term "ROV" does not include a golf cart as defined in ss. 320.01  
5438 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
5439 s. 320.01 ~~320.01(42)~~.

5440 Section 66. Section 316.2122, Florida Statutes, is amended  
5441 to read:

5442 316.2122 Operation of a low-speed vehicle or mini truck on  
5443 certain roadways.—The operation of a low-speed vehicle as



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5444 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
5445 320.01 ~~320.01(45)~~ on any road is authorized with the following  
5446 restrictions:

5447 (1) A low-speed vehicle or mini truck may be operated only  
5448 on streets where the posted speed limit is 35 miles per hour or  
5449 less. This does not prohibit a low-speed vehicle or mini truck  
5450 from crossing a road or street at an intersection where the road  
5451 or street has a posted speed limit of more than 35 miles per  
5452 hour.

5453 (2) A low-speed vehicle must be equipped with headlamps,  
5454 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
5455 parking brakes, rearview mirrors, windshields, seat belts, and  
5456 vehicle identification numbers.

5457 (3) A low-speed vehicle or mini truck must be registered  
5458 and insured in accordance with s. 320.02 and titled pursuant to  
5459 chapter 319.

5460 (4) Any person operating a low-speed vehicle or mini truck  
5461 must have in his or her possession a valid driver ~~driver's~~  
5462 license.

5463 (5) A county or municipality may prohibit the operation of  
5464 low-speed vehicles or mini trucks on any road under its  
5465 jurisdiction if the governing body of the county or municipality  
5466 determines that such prohibition is necessary in the interest of  
5467 safety.

5468 (6) The Department of Transportation may prohibit the  
5469 operation of low-speed vehicles or mini trucks on any road under  
5470 its jurisdiction if it determines that such prohibition is  
5471 necessary in the interest of safety.



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5472 Section 67. Section 316.2124, Florida Statutes, is amended  
5473 to read:

5474 316.2124 Motorized disability access vehicles.—The  
5475 Department of Highway Safety and Motor Vehicles is directed to  
5476 provide, by rule, for the regulation of motorized disability  
5477 access vehicles as described in s. 320.01 ~~320.01(34)~~. The  
5478 department shall provide that motorized disability access  
5479 vehicles shall be registered in the same manner as motorcycles  
5480 and shall pay the same registration fee as for a motorcycle.  
5481 There shall also be assessed, in addition to the registration  
5482 fee, a \$2.50 surcharge for motorized disability access vehicles.  
5483 This surcharge shall be paid into the Highway Safety Operating  
5484 Trust Fund. Motorized disability access vehicles shall not be  
5485 required to be titled by the department. The department shall  
5486 require motorized disability access vehicles to be subject to  
5487 the same safety requirements as set forth in this chapter for  
5488 motorcycles.

5489 Section 68. Subsection (1) of section 316.21265, Florida  
5490 Statutes, is amended to read:

5491 316.21265 Use of all-terrain vehicles, golf carts, low-  
5492 speed vehicles, or utility vehicles by law enforcement  
5493 agencies.—

5494 (1) Notwithstanding any provision of law to the contrary,  
5495 any law enforcement agency in this state may operate all-terrain  
5496 vehicles as defined in s. 316.2074, golf carts as defined in s.  
5497 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01  
5498 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01



5499 | ~~320.01(43)~~ on any street, road, or highway in this state while  
 5500 | carrying out its official duties.

5501 | Section 69. Subsection (1) of section 316.3026, Florida  
 5502 | Statutes, is amended to read:

5503 | 316.3026 Unlawful operation of motor carriers.—

5504 | (1) The Office of Commercial Vehicle Enforcement may issue  
 5505 | out-of-service orders to motor carriers, as defined in s. 320.01  
 5506 | ~~320.01(33)~~, who, after proper notice, have failed to pay any  
 5507 | penalty or fine assessed by the department, or its agent,  
 5508 | against any owner or motor carrier for violations of state law,  
 5509 | refused to submit to a compliance review and provide records  
 5510 | pursuant to s. 316.302(5) or s. 316.70, or violated safety  
 5511 | regulations pursuant to s. 316.302 or insurance requirements in  
 5512 | s. 627.7415. Such out-of-service orders have the effect of  
 5513 | prohibiting the operations of any motor vehicles owned, leased,  
 5514 | or otherwise operated by the motor carrier upon the roadways of  
 5515 | this state, until the violations have been corrected or  
 5516 | penalties have been paid. Out-of-service orders must be approved  
 5517 | by the director of the Division of the Florida Highway Patrol or  
 5518 | his or her designee. An administrative hearing pursuant to s.  
 5519 | 120.569 shall be afforded to motor carriers subject to such  
 5520 | orders.

5521 | Section 70. Paragraph (a) of subsection (5) and subsection  
 5522 | (10) of section 316.550, Florida Statutes, are amended to read:

5523 | 316.550 Operations not in conformity with law; special  
 5524 | permits.—

5525 | (5) (a) The Department of Transportation may issue a  
 5526 | wrecker special blanket permit to authorize a wrecker as defined



5527 | in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as  
 5528 | defined in s. 320.01 ~~320.01(38)~~ where the combination of the  
 5529 | wrecker and the disabled vehicle being towed exceeds the maximum  
 5530 | weight limits as established by s. 316.535.

5531 | (10) Whenever any motor vehicle, or the combination of a  
 5532 | wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor  
 5533 | vehicle, exceeds any weight or dimensional criteria or special  
 5534 | operational or safety stipulation contained in a special permit  
 5535 | issued under the provisions of this section, the penalty  
 5536 | assessed to the owner or operator shall be as follows:

5537 | (a) For violation of weight criteria contained in a  
 5538 | special permit, the penalty per pound or portion thereof  
 5539 | exceeding the permitted weight shall be as provided in s.  
 5540 | 316.545.

5541 | (b) For each violation of dimensional criteria in a  
 5542 | special permit, the penalty shall be as provided in s. 316.516  
 5543 | and penalties for multiple violations of dimensional criteria  
 5544 | shall be cumulative except that the total penalty for the  
 5545 | vehicle shall not exceed \$1,000.

5546 | (c) For each violation of an operational or safety  
 5547 | stipulation in a special permit, the penalty shall be an amount  
 5548 | not to exceed \$1,000 per violation and penalties for multiple  
 5549 | violations of operational or safety stipulations shall be  
 5550 | cumulative except that the total penalty for the vehicle shall  
 5551 | not exceed \$1,000.

5552 | (d) For violation of any special condition that has been  
 5553 | prescribed in the rules of the Department of Transportation and  
 5554 | declared on the permit, the vehicle shall be determined to be





5555 out of conformance with the permit and the permit shall be  
 5556 declared null and void for the vehicle, and weight and  
 5557 dimensional limits for the vehicle shall be as established in s.  
 5558 316.515 or s. 316.535, whichever is applicable, and:

5559 1. For weight violations, a penalty as provided in s.  
 5560 316.545 shall be assessed for those weights which exceed the  
 5561 limits thus established for the vehicle; and

5562 2. For dimensional, operational, or safety violations, a  
 5563 penalty as established in paragraph (c) or s. 316.516, whichever  
 5564 is applicable, shall be assessed for each nonconforming  
 5565 dimensional, operational, or safety violation and the penalties  
 5566 for multiple violations shall be cumulative for the vehicle.

5567 Section 71. Subsection (9) of section 317.0003, Florida  
 5568 Statutes, is amended to read:

5569 317.0003 Definitions.—As used in this chapter, the term:

5570 (9) "ROV" means any motorized recreational off-highway  
 5571 vehicle 64 inches or less in width, having a dry weight of 2,000  
 5572 pounds or less, designed to travel on four or more nonhighway  
 5573 tires, having nonstraddle seating and a steering wheel, and  
 5574 manufactured for recreational use by one or more persons. The  
 5575 term "ROV" does not include a golf cart as defined in ss. 320.01  
 5576 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
 5577 s. 320.01 ~~320.01(42)~~.

5578 Section 72. Paragraph (d) of subsection (5) of section  
 5579 320.08, Florida Statutes, is amended to read:

5580 320.08 License taxes.—Except as otherwise provided herein,  
 5581 there are hereby levied and imposed annual license taxes for the  
 5582 operation of motor vehicles, mopeds, motorized bicycles as



5583 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
 5584 and mobile homes, as defined in s. 320.01, which shall be paid  
 5585 to and collected by the department or its agent upon the  
 5586 registration or renewal of registration of the following:

5587 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 5588 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

5589 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which  
 5590 is used to tow a vessel as defined in s. 327.02(39), a disabled,  
 5591 abandoned, stolen-recovered, or impounded motor vehicle as  
 5592 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor  
 5593 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which  
 5594 \$11 shall be deposited into the General Revenue Fund.

5595 Section 73. Subsection (1) of section 320.0847, Florida  
 5596 Statutes, is amended to read:

5597 320.0847 Mini truck and low-speed vehicle license plates.—

5598 (1) The department shall issue a license plate to the  
 5599 owner or lessee of any vehicle registered as a low-speed vehicle  
 5600 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in  
 5601 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license  
 5602 taxes and fees prescribed in s. 320.08.

5603 Section 74. Subsections (4) and (5) of section 322.271,  
 5604 Florida Statutes, are amended to read:

5605 322.271 Authority to modify revocation, cancellation, or  
 5606 suspension order.—

5607 (4) Notwithstanding the provisions of s. 322.28(2)(d)  
 5608 ~~322.28(2)(e)~~, a person whose driving privilege has been  
 5609 permanently revoked because he or she has been convicted of DUI  
 5610 manslaughter in violation of s. 316.193 and has no prior



5611 convictions for DUI-related offenses may, upon the expiration of  
5612 5 years after the date of such revocation or the expiration of 5  
5613 years after the termination of any term of incarceration under  
5614 s. 316.193 or former s. 316.1931, whichever date is later,  
5615 petition the department for reinstatement of his or her driving  
5616 privilege.

5617 (a) Within 30 days after the receipt of such a petition,  
5618 the department shall afford the petitioner an opportunity for a  
5619 hearing. At the hearing, the petitioner must demonstrate to the  
5620 department that he or she:

5621 1. Has not been arrested for a drug-related offense during  
5622 the 5 years preceding the filing of the petition;

5623 2. Has not driven a motor vehicle without a license for at  
5624 least 5 years before ~~prior to~~ the hearing;

5625 3. Has been drug-free for at least 5 years before ~~prior to~~  
5626 the hearing; and

5627 4. Has completed a DUI program licensed by the department.

5628 (b) At such hearing, the department shall determine the  
5629 petitioner's qualification, fitness, and need to drive. Upon  
5630 such determination, the department may, in its discretion,  
5631 reinstate the driver ~~driver's~~ license of the petitioner. Such  
5632 reinstatement must be made subject to the following  
5633 qualifications:

5634 1. The license must be restricted for employment purposes  
5635 for at least ~~not less than~~ 1 year; and

5636 2. Such person must be supervised by a DUI program  
5637 licensed by the department and report to the program for such  
5638 supervision and education at least four times a year or



5639 additionally as required by the program for the remainder of the  
5640 revocation period. Such supervision shall include evaluation,  
5641 education, referral into treatment, and other activities  
5642 required by the department.

5643 (c) Such person must assume the reasonable costs of  
5644 supervision. If such person fails to comply with the required  
5645 supervision, the program shall report the failure to the  
5646 department, and the department shall cancel such person's  
5647 driving privilege.

5648 (d) If, after reinstatement, such person is convicted of  
5649 an offense for which mandatory revocation of his or her license  
5650 is required, the department shall revoke his or her driving  
5651 privilege.

5652 (e) The department shall adopt rules regulating the  
5653 providing of services by DUI programs pursuant to this section.

5654 (5) Notwithstanding the provisions of s. 322.28(2)(d)  
5655 ~~322.28(2)(e)~~, a person whose driving privilege has been  
5656 permanently revoked because he or she has been convicted four or  
5657 more times of violating s. 316.193 or former s. 316.1931 may,  
5658 upon the expiration of 5 years after the date of the last  
5659 conviction or the expiration of 5 years after the termination of  
5660 any incarceration under s. 316.193 or former s. 316.1931,  
5661 whichever is later, petition the department for reinstatement of  
5662 his or her driving privilege.

5663 (a) Within 30 days after receipt of a petition, the  
5664 department shall provide for a hearing, at which the petitioner  
5665 must demonstrate that he or she:



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5666 1. Has not been arrested for a drug-related offense for at  
5667 least 5 years before ~~prior to~~ filing the petition;

5668 2. Has not driven a motor vehicle without a license for at  
5669 least 5 years before ~~prior to~~ the hearing;

5670 3. Has been drug-free for at least 5 years before ~~prior to~~  
5671 the hearing; and

5672 4. Has completed a DUI program licensed by the department.

5673 (b) At the hearing, the department shall determine the  
5674 petitioner's qualification, fitness, and need to drive, and may,  
5675 after such determination, reinstate the petitioner's driver  
5676 ~~driver's~~ license. The reinstatement shall be subject to the  
5677 following qualifications:

5678 1. The petitioner's license must be restricted for  
5679 employment purposes for at least ~~not less than~~ 1 year; and

5680 2. The petitioner must be supervised by a DUI program  
5681 licensed by the department and must report to the program for  
5682 supervision and education at least four times a year or more, as  
5683 required by the program, for the remainder of the revocation  
5684 period. The supervision shall include evaluation, education,  
5685 referral into treatment, and other activities required by the  
5686 department.

5687 (c) The petitioner must assume the reasonable costs of  
5688 supervision. If the petitioner does not comply with the required  
5689 supervision, the program shall report the failure to the  
5690 department, and the department shall cancel such person's  
5691 driving privilege.

5692 (d) If, after reinstatement, the petitioner is convicted  
5693 of an offense for which mandatory license revocation is



5694 required, the department shall revoke his or her driving  
5695 privilege.

5696 (e) The department shall adopt rules regulating the  
5697 services provided by DUI programs pursuant to this section.

5698 Section 75. Section 322.282, Florida Statutes, is amended  
5699 to read:

5700 322.282 Procedure when court revokes or suspends license  
5701 or driving privilege and orders reinstatement.—When a court  
5702 suspends or revokes a person's license or driving privilege and,  
5703 in its discretion, orders reinstatement ~~as provided by s.~~  
5704 ~~322.28(2)(d) or former s. 322.261(5):~~

5705 (1) The court shall pick up all revoked or suspended  
5706 driver ~~driver's~~ licenses from the person and immediately forward  
5707 them to the department, together with a record of such  
5708 conviction. The clerk of such court shall also maintain a list  
5709 of all revocations or suspensions by the court.

5710 (2) (a) The court shall issue an order of reinstatement, on  
5711 a form to be furnished by the department, which the person may  
5712 take to any driver ~~driver's~~ license examining office. The  
5713 department shall issue a temporary driver ~~driver's~~ permit to a  
5714 licensee who presents the court's order of reinstatement, proof  
5715 of completion of a department-approved driver training or  
5716 substance abuse education course, and a written request for a  
5717 hearing under s. 322.271. The permit shall not be issued if a  
5718 record check by the department shows that the person has  
5719 previously been convicted for a violation of s. 316.193, former  
5720 s. 316.1931, former s. 316.028, former s. 860.01, or a previous  
5721 conviction outside this state for driving under the influence,



5722 driving while intoxicated, driving with an unlawful blood-  
5723 alcohol level, or any similar alcohol-related or drug-related  
5724 traffic offense; that the person's driving privilege has been  
5725 previously suspended for refusal to submit to a lawful test of  
5726 breath, blood, or urine; or that the person is otherwise not  
5727 entitled to issuance of a driver ~~driver's~~ license. This  
5728 paragraph shall not be construed to prevent the reinstatement of  
5729 a license or driving privilege that is presently suspended for  
5730 driving with an unlawful blood-alcohol level or a refusal to  
5731 submit to a breath, urine, or blood test and is also revoked for  
5732 a conviction for a violation of s. 316.193 or former s.  
5733 316.1931, if the suspension and revocation arise out of the same  
5734 incident.

5735 (b) The temporary driver ~~driver's~~ permit shall be  
5736 restricted to either business or employment purposes described  
5737 in s. 322.271, as determined by the department, and shall not be  
5738 used for pleasure, recreational, or nonessential driving.

5739 (c) If the department determines at a later date from its  
5740 records that the applicant has previously been convicted of an  
5741 offense referred to in paragraph (a) which would render him or  
5742 her ineligible for reinstatement, the department shall cancel  
5743 the temporary driver ~~driver's~~ permit and shall issue a  
5744 revocation or suspension order for the minimum period  
5745 applicable. A temporary permit issued pursuant to this section  
5746 shall be valid for 45 days or until canceled as provided in this  
5747 paragraph.



5748 (d) The period of time for which a temporary permit issued  
5749 in accordance with paragraph (a) is valid shall be deemed to be  
5750 part of the period of revocation imposed by the court.

5751 Section 76. Section 324.023, Florida Statutes, is amended  
5752 to read:

5753 324.023 Financial responsibility for bodily injury or  
5754 death.—In addition to any other financial responsibility  
5755 required by law, every owner or operator of a motor vehicle that  
5756 is required to be registered in this state, or that is located  
5757 within this state, and who, regardless of adjudication of guilt,  
5758 has been found guilty of or entered a plea of guilty or nolo  
5759 contendere to a charge of driving under the influence under s.  
5760 316.193 after October 1, 2007, shall, by one of the methods  
5761 established in s. 324.031(1) or (2), ~~or (3)~~, establish and  
5762 maintain the ability to respond in damages for liability on  
5763 account of accidents arising out of the use of a motor vehicle  
5764 in the amount of \$100,000 because of bodily injury to, or death  
5765 of, one person in any one crash and, subject to such limits for  
5766 one person, in the amount of \$300,000 because of bodily injury  
5767 to, or death of, two or more persons in any one crash and in the  
5768 amount of \$50,000 because of property damage in any one crash.  
5769 If the owner or operator chooses to establish and maintain such  
5770 ability by ~~posting a bond or~~ furnishing a certificate of deposit  
5771 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of  
5772 deposit must be at least ~~in an amount not less than~~ \$350,000.  
5773 Such higher limits must be carried for a minimum period of 3  
5774 years. If the owner or operator has not been convicted of  
5775 driving under the influence or a felony traffic offense for a





5776 | period of 3 years from the date of reinstatement of driving  
5777 | privileges for a violation of s. 316.193, the owner or operator  
5778 | shall be exempt from this section.

5779 |       Section 77. Paragraph (c) of subsection (1) of section  
5780 | 324.171, Florida Statutes, is amended to read:

5781 |       324.171 Self-insurer.—

5782 |       (1) Any person may qualify as a self-insurer by obtaining  
5783 | a certificate of self-insurance from the department which may,  
5784 | in its discretion and upon application of such a person, issue  
5785 | said certificate of self-insurance when such person has  
5786 | satisfied the requirements of this section to qualify as a self-  
5787 | insurer under this section:

5788 |       (c) The owner of a commercial motor vehicle, as defined in  
5789 | s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-  
5790 | insurer subject to the standards provided for in subparagraph  
5791 | (b)2.

5792 |       Section 78. Section 324.191, Florida Statutes, is amended  
5793 | to read:

5794 |       324.191 Consent to cancellation; direction to return money  
5795 | or securities.—The department shall consent to the cancellation  
5796 | of any ~~bond or~~ certificate of insurance furnished as proof of  
5797 | financial responsibility pursuant to s. 324.031, or the  
5798 | department shall return to the person entitled thereto cash or  
5799 | securities deposited as proof of financial responsibility  
5800 | pursuant to s. 324.031:

5801 |       (1) Upon substitution and acceptance of other adequate  
5802 | proof of financial responsibility pursuant to this chapter, or



5803 (2) In the event of the death of the person on whose  
 5804 behalf the proof was filed, or the permanent incapacity of such  
 5805 person to operate a motor vehicle, or

5806 (3) In the event the person who has given proof of  
 5807 financial responsibility surrenders his or her license and all  
 5808 registrations to the department; providing, however, that no  
 5809 notice of court action has been filed with the department, a  
 5810 judgment in which would result in claim on such proof of  
 5811 financial responsibility.

5812  
 5813 This section shall not apply to security as specified in s.  
 5814 324.061 deposited pursuant to s. 324.051(2)(a)4.

5815 Section 79. Paragraph (b) of subsection (3) of section  
 5816 627.733, Florida Statutes, is amended to read:

5817 627.733 Required security.—

5818 (3) Such security shall be provided:

5819 (b) By any other method authorized by s. 324.031(2) or  
 5820 (3), ~~or~~ (4) and approved by the Department of Highway Safety and  
 5821 Motor Vehicles as affording security equivalent to that afforded  
 5822 by a policy of insurance or by self-insuring as authorized by s.  
 5823 768.28(16). The person filing such security shall have all of  
 5824 the obligations and rights of an insurer under ss. 627.730-  
 5825 627.7405.

5826 Section 80. Section 627.7415, Florida Statutes, is amended  
 5827 to read:

5828 627.7415 Commercial motor vehicles; additional liability  
 5829 insurance coverage.—Commercial motor vehicles, as defined in s.  
 5830 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and



5831 highways of this state shall be insured with the following  
5832 minimum levels of combined bodily liability insurance and  
5833 property damage liability insurance in addition to any other  
5834 insurance requirements:

5835 (1) Fifty thousand dollars per occurrence for a commercial  
5836 motor vehicle with a gross vehicle weight of 26,000 pounds or  
5837 more, but less than 35,000 pounds.

5838 (2) One hundred thousand dollars per occurrence for a  
5839 commercial motor vehicle with a gross vehicle weight of 35,000  
5840 pounds or more, but less than 44,000 pounds.

5841 (3) Three hundred thousand dollars per occurrence for a  
5842 commercial motor vehicle with a gross vehicle weight of 44,000  
5843 pounds or more.

5844 (4) All commercial motor vehicles subject to regulations  
5845 of the United States Department of Transportation, Title 49  
5846 C.F.R. part 387, subpart A, and as may be hereinafter amended,  
5847 shall be insured in an amount equivalent to the minimum levels  
5848 of financial responsibility as set forth in such regulations.

5849  
5850 A violation of this section is a noncriminal traffic infraction,  
5851 punishable as a nonmoving violation as provided in chapter 318.

5852 Section 81. Except as otherwise expressly provided in this  
5853 act and except for this section, which shall take effect upon  
5854 this act becoming a law, this act shall take effect July 1,  
5855 2013.