

By Senator Gainer

2-00853-17

2017784__

1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.302, F.S.;
4 revising provisions relating to federal regulations to
5 which owners and drivers of commercial motor vehicles
6 are subject; terminating the maximum amount of a civil
7 penalty for falsification of information on certain
8 time records; deleting the requirement that a motor
9 carrier must maintain documentation of a driver's
10 driving times throughout a duty period if the driver
11 is not released from duty within a specified period;
12 providing an exemption for a person who operates a
13 commercial motor vehicle having a declared gross
14 vehicle weight, gross vehicle weight rating, or gross
15 combined weight rating of less than a specified amount
16 under certain circumstances; amending s. 316.3025,
17 F.S.; conforming provisions to changes made by the
18 act; amending s. 320.01, F.S.; revising the definition
19 of the term "apportionable vehicle"; amending s.
20 320.06, F.S.; providing for future repeal of issuance
21 of a certain annual license plate and cab card to a
22 vehicle that has an apportioned registration;
23 providing requirements, beginning on a specified date,
24 for license plates, cab cards, and validation stickers
25 for vehicles registered in accordance with the
26 International Registration Plan; allowing a worn or
27 damaged license plate to be replaced at no charge
28 under certain circumstances; amending s. 320.0607,
29 F.S.; providing an exemption, beginning on a specified
30 date, of a certain fee for vehicles registered under
31 the International Registration Plan; amending s.
32 320.133, F.S.; defining the term "transporter license

2-00853-17

2017784__

33 plate eligible business"; providing that a person is
34 not eligible to purchase or renew a transporter
35 license plate unless he or she provides certain proof
36 that his or her business is a transporter license
37 plate eligible business; providing application and
38 insurance requirements for qualification as a
39 transporter license plate eligible business;
40 authorizing the department to issue a transporter
41 license plate to an applicant who is not a licensed
42 dealer and is qualified as a transporter license plate
43 eligible business upon certain requirements being met;
44 providing that a transporter license plate is only
45 valid for use on an unregistered motor vehicle in the
46 possession of the transporter, subject to certain
47 requirements; providing a criminal penalty for a
48 person who sells or unlawfully possesses, distributes,
49 or brokers a transporter license plate to be attached
50 to any vehicle; providing that transporter license
51 plates are subject to cancellation by the department;
52 providing a criminal penalty and disqualification from
53 transporter license plate usage for a person who
54 knowingly and willfully sells or unlawfully possesses,
55 distributes, or brokers a transporter license plate to
56 avoid registering a vehicle requiring registration,
57 subject to certain requirements; providing
58 recordkeeping requirements for a transporter license
59 plate eligible business; providing a criminal penalty,
60 cancellation of transporter license plates, and
61 disqualification from future issuance of the plates

2-00853-17

2017784__

62 for a violation of such recordkeeping requirements;
63 requiring a transporter license plate issued under
64 this section to be accompanied by registration and
65 proof of insurance when attached to a motor vehicle;
66 providing a criminal penalty and removal of the
67 license plate for a person who fails to provide such
68 documentation; providing an exemption to persons who
69 contract with dealers and auctions to transport motor
70 vehicles; conforming provisions to changes made by the
71 act; providing that an initial registration or renewal
72 issued under this section is valid for a specified
73 period; requiring a license plate attached to a motor
74 vehicle in violation of specified provision to be
75 removed by law enforcement and surrendered to the
76 department by the law enforcement agency for
77 cancellation; amending s. 321.25, F.S.; providing for
78 reimbursement to the department of tuition and other
79 course expenses for certain training under certain
80 circumstances; defining the term "other course
81 expenses"; authorizing the department to institute a
82 civil action under certain circumstances; authorizing
83 the department to waive a person's requirement of
84 reimbursement when the person terminates employment
85 due to hardship or extenuating circumstances; amending
86 s. 322.091, F.S.; requiring the department to make
87 available, upon request, a report to each school
88 district of certain information of each student whose
89 driving privileges have been suspended under this
90 section; amending s. 322.12, F.S.; requiring the tax

2-00853-17

2017784__

91 collector to retain specified fees if a subsequent
92 knowledge or skills test is administered by the tax
93 collector; amending s. 322.17, F.S.; providing for
94 replacement of a stolen identification card at no
95 charge, subject to certain requirements; amending s.
96 322.21, F.S.; deleting obsolete provisions; deleting a
97 fee for certain specialty driver licenses or
98 identification cards; providing disposition of
99 specified fees for reinstatement of a driver license
100 following a suspension, revocation, or
101 disqualification when the reinstatement is processed
102 by the department or the tax collector; requiring an
103 applicant who submits an application for a renewal or
104 replacement driver license or identification card to
105 the department using a convenience service to be
106 provided with an option for expedited shipping,
107 subject to certain requirements; requiring a fee to be
108 charged for the expedited shipping option, subject to
109 certain requirements; providing for disposition of
110 such fee; amending s. 322.61, F.S.; adding violations
111 for texting or using a handheld mobile telephone while
112 driving a commercial motor vehicle pursuant to
113 specified provisions which result in disqualification
114 from operating a commercial motor vehicle for a
115 specified period under certain circumstances;
116 providing an effective date.

117
118 Be It Enacted by the Legislature of the State of Florida:
119

2-00853-17

2017784__

120 Section 1. Subsection (1) and paragraphs (a), (c), (d), and
121 (f) of subsection (2) of section 316.302, Florida Statutes, are
122 amended to read:

123 316.302 Commercial motor vehicles; safety regulations;
124 transporters and shippers of hazardous materials; enforcement.-

125 (1) Except as otherwise provided in subsection (3):

126 (a) All owners and drivers of commercial motor vehicles
127 that are operated on the public highways of this state while
128 engaged in interstate commerce are subject to the rules and
129 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

130 (b) Except as otherwise provided in this section, all
131 owners or drivers of commercial motor vehicles that are engaged
132 in intrastate commerce are subject to the rules and regulations
133 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
134 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
135 ~~definition of bus,~~ as such rules and regulations existed on
136 December 31, 2016 ~~2012~~.

137 (c) The emergency exceptions provided by 49 C.F.R. s.
138 392.82 also apply to communications by utility drivers and
139 utility contractor drivers during a Level 1 activation of the
140 State Emergency Operations Center, as provided in the Florida
141 Comprehensive Emergency Management plan, or during a state of
142 emergency declared by executive order or proclamation of the
143 Governor.

144 (d) Except as provided in ~~s. 316.215(5), and except as~~
145 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
146 requirements for intrastate operations, the requirements of this
147 section supersede all other safety requirements of this chapter
148 for commercial motor vehicles.

2-00853-17

2017784__

149 (2) (a) A person who operates a commercial motor vehicle
150 solely in intrastate commerce not transporting any hazardous
151 material in amounts that require placarding pursuant to 49
152 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
153 and 395.3 ~~395.3(a) and (b)~~.

154 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
155 operates a commercial motor vehicle solely in intrastate
156 commerce not transporting any hazardous material in amounts that
157 require placarding pursuant to 49 C.F.R. part 172 may not drive
158 after having been on duty more than 70 hours in any period of 7
159 consecutive days or more than 80 hours in any period of 8
160 consecutive days if the motor carrier operates every day of the
161 week. Thirty-four consecutive hours off duty shall constitute
162 the end of any such period of 7 or 8 consecutive days. This
163 weekly limit does not apply to a person who operates a
164 commercial motor vehicle solely within this state while
165 transporting, during harvest periods, any unprocessed
166 agricultural products or unprocessed food or fiber that is
167 subject to seasonal harvesting from place of harvest to the
168 first place of processing or storage or from place of harvest
169 directly to market or while transporting livestock, livestock
170 feed, or farm supplies directly related to growing or harvesting
171 agricultural products. Upon request of the Department of Highway
172 Safety and Motor Vehicles, motor carriers shall furnish time
173 records or other written verification to that department so that
174 the Department of Highway Safety and Motor Vehicles can
175 determine compliance with this subsection. These time records
176 must be furnished to the Department of Highway Safety and Motor
177 Vehicles within 2 days after receipt of that department's

2-00853-17

2017784__

178 request. Falsification of such information is subject to a civil
179 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
180 does ~~de~~ not apply to operators of farm labor vehicles operated
181 during a state of emergency declared by the Governor or operated
182 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
183 utility service vehicles as defined in 49 C.F.R. s. 395.2.

184 (d) A person who operates a commercial motor vehicle solely
185 in intrastate commerce not transporting any hazardous material
186 in amounts that require placarding pursuant to 49 C.F.R. part
187 172 within a 150 air-mile radius of the location where the
188 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
189 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii),
190 395.1(e)(1)(iii) and (v) are met. ~~If a driver is not released~~
191 ~~from duty within 12 hours after the driver arrives for duty, the~~
192 ~~motor carrier must maintain documentation of the driver's~~
193 ~~driving times throughout the duty period.~~

194 (f) A person who operates a commercial motor vehicle having
195 a ~~declared~~ gross vehicle weight, gross vehicle weight rating, or
196 gross combined weight rating of less than 26,001 pounds solely
197 in intrastate commerce and who is not transporting hazardous
198 materials in amounts that require placarding pursuant to 49
199 C.F.R. part 172~~7~~, ~~or who is transporting petroleum products as~~
200 ~~defined in s. 376.3017~~, is exempt from subsection (1). However,
201 such person must comply with 49 C.F.R. parts 382, 392, and 393~~7~~
202 and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

203 Section 2. Paragraph (a) of subsection (6) of section
204 316.3025, Florida Statutes, is amended to read:

205 316.3025 Penalties.—

206 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which

2-00853-17

2017784__

207 prohibits texting while operating a commercial motor vehicle, or
208 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
209 telephone while operating a commercial motor vehicle, may be
210 assessed a civil penalty ~~and commercial driver license~~
211 ~~disqualification~~ as follows:

212 1. First violation: \$500.

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

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

218 Section 3. Subsection (24) of section 320.01, Florida
219 Statutes, is amended to read:

220 320.01 Definitions, general.—As used in the Florida
221 Statutes, except as otherwise provided, the term:

222 (24) "Apportionable vehicle" means any vehicle, except
223 recreational vehicles, vehicles displaying restricted plates,
224 city pickup and delivery vehicles, ~~buses used in transportation~~
225 ~~of chartered parties,~~ and government-owned vehicles, which is
226 used or intended for use in two or more member jurisdictions
227 that allocate or proportionally register vehicles and which is
228 used for the transportation of persons for hire or is designed,
229 used, or maintained primarily for the transportation of property
230 and:

231 (a) Is a power unit having a gross vehicle weight in excess
232 of 26,000 pounds;

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

235 (c) Is used in combination, when the weight of such

2-00853-17

2017784__

236 combination exceeds 26,000 pounds gross vehicle weight.

237
238 Vehicles, or combinations thereof, having a gross vehicle weight
239 of 26,000 pounds or less and two-axle vehicles may be
240 proportionally registered.

241 Section 4. Paragraph (b) of subsection (1) of section
242 320.06, Florida Statutes, is amended to read:

243 320.06 Registration certificates, license plates, and
244 validation stickers generally.—

245 (1)

246 (b)1. Registration license plates bearing a graphic symbol
247 and the alphanumeric system of identification shall be issued
248 for a 10-year period. At the end of the 10-year period, upon
249 renewal, the plate shall be replaced. The department shall
250 extend the scheduled license plate replacement date from a 6-
251 year period to a 10-year period. The fee for such replacement is
252 \$28, \$2.80 of which shall be paid each year before the plate is
253 replaced, to be credited toward the next \$28 replacement fee.
254 The fees shall be deposited into the Highway Safety Operating
255 Trust Fund. A credit or refund may not be given for any prior
256 years' payments of the prorated replacement fee if the plate is
257 replaced or surrendered before the end of the 10-year period,
258 except that a credit may be given if a registrant is required by
259 the department to replace a license plate under s.

260 320.08056(8)(a). With each license plate, a validation sticker
261 shall be issued showing the owner's birth month, license plate
262 number, and the year of expiration or the appropriate renewal
263 period if the owner is not a natural person. The validation
264 sticker shall be placed on the upper right corner of the license

2-00853-17

2017784__

265 plate. The license plate and validation sticker shall be issued
266 based on the applicant's appropriate renewal period. The
267 registration period is 12 months, the extended registration
268 period is 24 months, and all expirations occur based on the
269 applicant's appropriate registration period.

270 2. A vehicle that has an apportioned registration shall be
271 issued an annual license plate and a cab card that denote the
272 declared gross vehicle weight for each apportioned jurisdiction
273 in which the vehicle is authorized to operate. This subparagraph
274 expires October 1, 2018.

275 3. Beginning October 1, 2018, a vehicle registered in
276 accordance with the International Registration Plan which has an
277 apportioned registration shall be issued a license plate for a
278 5-year period, an annual cab card denoting the declared gross
279 vehicle weight, and an annual validation sticker showing the
280 month and year of expiration. The validation sticker shall be
281 placed in the center of the license plate. The license plate and
282 validation sticker shall be issued based on the applicant's
283 appropriate renewal period. The registration period is 12
284 months. The fee for an original and a renewed cab card is \$28.
285 This fee shall be deposited into the Highway Safety Operating
286 Trust Fund. If the license plate is damaged or worn, it may be
287 replaced at no charge by applying to the department and
288 surrendering the current license plate.

289 ~~4.2.~~ In order to retain the efficient administration of the
290 taxes and fees imposed by this chapter, the 80-cent fee increase
291 in the replacement fee imposed by chapter 2009-71, Laws of
292 Florida, is negated as provided in s. 320.0804.

293 Section 5. Subsection (5) of section 320.0607, Florida

2-00853-17

2017784__

294 Statutes, is amended to read:

295 320.0607 Replacement license plates, validation decal, or
296 mobile home sticker.—

297 (5) Upon the issuance of an original license plate, the
298 applicant shall pay a fee of \$28 to be deposited in the Highway
299 Safety Operating Trust Fund. Beginning October 1, 2018, this
300 subsection does not apply to a vehicle registered under the
301 International Registration Plan.

302 Section 6. Section 320.133, Florida Statutes, is amended to
303 read:

304 320.133 Transporter license plates.—

305 (1) As used in this section, the term “transporter license
306 plate eligible business” means a business engaged in the limited
307 operation of an unregistered motor vehicle or a reposessor who
308 contracts with lending institutions to repossess or recover
309 motor vehicles or mobile homes.

310 (2) A person is not eligible to purchase or renew a
311 transporter license plate unless he or she provides proof
312 satisfactory to the department that his or her business is a
313 transporter license plate eligible business.

314 (3) The application for qualification as a transporter
315 license plate eligible business must be in such form as is
316 prescribed by the department and must contain the legal name of
317 the person or persons applying for the license plate, the name
318 of the business, and the principal or principals of the
319 business. The application must describe the exact physical
320 location of the place of business within the state. This
321 location must be available at all reasonable hours for
322 transporter license plate records inspection by the department

2-00853-17

2017784__

323 or any law enforcement agency. The application must contain
324 proof of a garage liability insurance policy or a business
325 automobile policy in the amount of at least \$100,000, and the
326 certificate of insurance must indicate the number of transporter
327 license plates reported to the insurance company. Such coverage
328 shall be maintained for the entire registration period. Upon
329 seeking initial qualification, the applicant must provide
330 documentation proving that the business is registered with the
331 Division of Corporations of the Department of State to conduct
332 business in the state. The business must indicate how it meets
333 the qualification as a transporter license plate eligible
334 business by describing in detail the business processes that
335 require the use of a transporter license plate.

336 (4) (a) ~~(1)~~ The department may ~~is~~ authorized to issue a
337 transporter license plate to ~~an any~~ applicant who ~~is not a~~
338 licensed dealer and is qualified as a transporter license plate
339 eligible business, ~~incidental to the conduct of his or her~~
340 ~~business, engages in the transporting of motor vehicles which~~
341 ~~are not currently registered to any owner and which do not have~~
342 ~~license plates, upon payment of the license tax imposed by s.~~
343 320.08(15) for each transporter ~~such~~ license plate and upon
344 proof of ~~liability~~ insurance as described in subsection (3)
345 ~~coverage in the amount of \$100,000 or more. The proof of~~
346 insurance must indicate the number of transporter license plates
347 reported to the insurance company, which shall be the maximum
348 number of transporter license plates issued to the applicant.
349 ~~Such~~ A transporter license plate is only valid for use on an
350 unregistered ~~any~~ motor vehicle in the possession of the
351 transporter while the motor vehicle is being transported in the

2-00853-17

2017784__

352 course of the transporter's business and must not be attached to
353 any vehicle owned by the transporter or his or her business for
354 which registration would otherwise be required. A person who
355 sells or unlawfully possesses, distributes, or brokers a
356 transporter license plate to be attached to any vehicle commits
357 a misdemeanor of the second degree, punishable as provided in s.
358 775.082 or s. 775.083. Any and all transporter license plates
359 issued are subject to cancellation by the department.

360 (b) A person who knowingly and willfully sells or
361 unlawfully possesses, distributes, or brokers a transporter
362 license plate to avoid registering a vehicle requiring
363 registration pursuant to this chapter or chapter 319 commits a
364 misdemeanor of the first degree, punishable as provided in s.
365 775.082 or s. 775.083, and is disqualified from transporter
366 license plate usage. All transporter license plates issued to
367 the person's business shall be canceled and must be returned to
368 the department immediately upon disqualification. The
369 transporter license plate is subject to removal as provided in
370 subsection (9), and any and all transporter plates issued are
371 subject to cancellation by the department.

372 (5) A transporter license plate eligible business issued a
373 transporter license plate must maintain for 2 years, at its
374 location, records of each use of each transporter license plate
375 and evidence that the plate was used as required by this
376 chapter. Such records must be open to inspection by the
377 department or its agents or any law enforcement officer during
378 reasonable business hours. A person who fails to maintain true
379 and accurate records of any transporter license plate usage or
380 comply with this subsection commits a misdemeanor of the second

2-00853-17

2017784__

381 degree, punishable as provided in s. 775.082 or s. 775.083, may
382 be subject to cancellation of any and all transporter license
383 plates issued, and is automatically disqualified from future
384 transporter license plate issuance.

385 (6) When attached to a motor vehicle, a transporter license
386 plate issued under this section must be accompanied by the
387 registration issued for the license plate by the department and
388 proof of insurance as described in subsection (3). A person who
389 operates a motor vehicle with a transporter license plate
390 attached who fails to provide the documentation listed in this
391 subsection commits a misdemeanor of the second degree,
392 punishable as provided in s. 775.082 or s. 775.083, and the
393 license plate is subject to removal as provided in subsection
394 (9). This subsection does not apply to a person who contracts
395 with dealers and auctions to transport motor vehicles.

396 (7)~~(2)~~ A license plate issued pursuant to subsection (4)
397 ~~(1)~~ must be in a distinctive color approved by the department,
398 and the word "transporter" must appear on the face of the
399 license plate in place of the county name.

400 (8)~~(3)~~ An initial registration or renewal ~~A license plate~~
401 ~~issued under this section is valid for a period of 12 months,~~
402 ~~beginning January 1 and ending December 31. A~~ Ne refund of the
403 license tax imposed may not be provided for any unexpired
404 portion of a license period.

405 (9) A license plate attached to a motor vehicle in
406 violation of subsection (4) or subsection (6) must be
407 immediately removed by law enforcement from the motor vehicle to
408 which it was attached and surrendered to the department by the
409 law enforcement agency for cancellation.

2-00853-17

2017784__

410 Section 7. Section 321.25, Florida Statutes, is amended to
411 read:

412 321.25 Training provided at patrol schools; reimbursement
413 of tuition and other course expenses.-

414 (1) The Department of Highway Safety and Motor Vehicles may
415 ~~is authorized to~~ provide for the training of law enforcement
416 officials and individuals in matters relating to the duties,
417 functions, and powers of the Florida Highway Patrol in the
418 schools established by the department for the training of
419 highway patrol candidates and officers. The Department of
420 Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a
421 fee for providing the training authorized by this section. The
422 fee shall be charged to persons attending the training. The fee
423 shall be based on the Department of Highway Safety and Motor
424 Vehicles' costs for providing the training, and such costs may
425 include, but are not limited to, tuition, lodging, and meals.
426 Revenues from the fees shall be used to offset the Department of
427 Highway Safety and Motor Vehicles' costs for providing the
428 training. The cost of training local enforcement officers shall
429 be paid for by their respective offices, counties, or
430 municipalities, as the case may be. Such cost shall be deemed a
431 proper county or municipal expense or a proper expenditure of
432 the office of sheriff.

433 (2) Notwithstanding s. 943.16, a person who attends
434 training under subsection (1) at the expense of the Department
435 of Highway Safety and Motor Vehicles must remain in the
436 employment or appointment of the Florida Highway Patrol for at
437 least 3 years. Once employed, if the person fails to remain
438 employed by the Florida Highway Patrol for at least 3 years from

2-00853-17

2017784__

439 the first date of employment, the person must pay the cost of
440 tuition and other course expenses to the Department of Highway
441 Safety and Motor Vehicles. For purposes of this section, the
442 term "other course expenses" may include the cost of meals and
443 lodging.

444 (3) The Department of Highway Safety and Motor Vehicles may
445 institute a civil action to collect the cost of tuition and
446 other course expenses if it is not reimbursed pursuant to
447 subsection (2), provided that the Florida Highway Patrol gave
448 written notification to the person of the 3-year employment
449 commitment during the employment screening process and the
450 person returned signed acknowledgment of receipt of such
451 notification.

452 (4) Notwithstanding any other provision of this section,
453 the Department of Highway Safety and Motor Vehicles may waive a
454 person's requirement of reimbursement in part or in full when
455 the person terminates employment due to hardship or extenuating
456 circumstances.

457 Section 8. Subsection (5) of section 322.091, Florida
458 Statutes, is amended to read:

459 322.091 Attendance requirements.—

460 (5) REPORTING AND ACCOUNTABILITY.—The department shall make
461 available, upon request, a report ~~quarterly~~ to each school
462 district of the legal name, sex, date of birth, and social
463 security number of each student whose driving privileges have
464 been suspended under this section.

465 Section 9. Subsection (1) of section 322.12, Florida
466 Statutes, is amended to read:

467 322.12 Examination of applicants.—

2-00853-17

2017784__

468 (1) It is the intent of the Legislature that every
469 applicant for an original driver license in this state be
470 required to pass an examination pursuant to this section.
471 However, the department may waive the knowledge, endorsement,
472 and skills tests for an applicant who is otherwise qualified and
473 who surrenders a valid driver license from another state or a
474 province of Canada, or a valid driver license issued by the
475 United States Armed Forces, if the driver applies for a Florida
476 license of an equal or lesser classification. An ~~Any~~ applicant
477 who fails to pass the initial knowledge test incurs a \$10 fee
478 for each subsequent test, to be deposited into the Highway
479 Safety Operating Trust Fund, except that if a subsequent test is
480 administered by the tax collector, the tax collector shall
481 retain such \$10 fee. An ~~Any~~ applicant who fails to pass the
482 initial skills test incurs a \$20 fee for each subsequent test,
483 to be deposited into the Highway Safety Operating Trust Fund,
484 except that if a subsequent test is administered by the tax
485 collector, the tax collector shall retain such \$20 fee. A person
486 who seeks to retain a hazardous-materials endorsement, pursuant
487 to s. 322.57(1)(e), must pass the hazardous-materials test, upon
488 surrendering his or her commercial driver license, if the person
489 has not taken and passed the hazardous-materials test within 2
490 years before applying for a commercial driver license in this
491 state.

492 Section 10. Paragraph (b) of subsection (1) of section
493 322.17, Florida Statutes, is amended to read:

494 322.17 Replacement licenses, identification cards, and
495 permits.—

496 (1)

2-00853-17

2017784__

497 (b) In the event that an instruction permit, ~~or~~ driver
 498 license, or identification card issued under ~~the provisions of~~
 499 this chapter is stolen, the person to whom the same was issued
 500 may, at no charge, obtain a replacement upon furnishing proof
 501 satisfactory to the department that such permit, ~~or~~ license, or
 502 identification card was stolen and further furnishing the
 503 person's full name, date of birth, sex, residence and mailing
 504 address, proof of birth satisfactory to the department, and
 505 proof of identity satisfactory to the department.

506 Section 11. Paragraphs (e) and (i) of subsection (1) and
 507 subsection (8) of section 322.21, Florida Statutes, are amended,
 508 and subsection (10) is added to that section, to read:

509 322.21 License fees; procedure for handling and collecting
 510 fees.—

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

512 (e) A replacement driver license issued pursuant to s.
 513 322.17 is \$25. Of this amount, \$7 shall be deposited into the
 514 Highway Safety Operating Trust Fund and \$18 shall be deposited
 515 into the General Revenue Fund. ~~Beginning July 1, 2015, or upon~~
 516 ~~completion of the transition of driver license issuance~~
 517 ~~services,~~ If the replacement driver license is issued by the tax
 518 collector, the tax collector shall retain the \$7 that would
 519 otherwise be deposited into the Highway Safety Operating Trust
 520 Fund and the remaining revenues shall be deposited into the
 521 General Revenue Fund.

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

2-00853-17

2017784__

526 ~~1. Fifty percent shall be distributed as provided in s.~~
527 ~~320.08058 to the appropriate state or independent university,~~
528 ~~professional sports team, or branch of the United States Armed~~
529 ~~Forces.~~

530 ~~2. Fifty percent shall be distributed to the department for~~
531 ~~costs directly related to the specialty driver license and~~
532 ~~identification card program and to defray the costs associated~~
533 ~~with production enhancements and distribution.~~

534 (8) A ~~Any~~ person who applies for reinstatement following
535 the suspension or revocation of the person's driver license must
536 pay a service fee of \$45 following a suspension, and \$75
537 following a revocation, which is in addition to the fee for a
538 license. A ~~Any~~ person who applies for reinstatement of a
539 commercial driver license following the disqualification of the
540 person's privilege to operate a commercial motor vehicle shall
541 pay a service fee of \$75, which is in addition to the fee for a
542 license. The department shall collect all of these fees at the
543 time of reinstatement. The department shall issue proper
544 receipts for such fees and shall promptly transmit all funds
545 received by it as follows:

546 (a) Of the \$45 fee received from a licensee for
547 reinstatement following a suspension:

548 1. If the reinstatement is processed by the department, the
549 department shall deposit \$15 in the General Revenue Fund and \$30
550 in the Highway Safety Operating Trust Fund.

551 2. If the reinstatement is processed by the tax collector,
552 \$15 shall be retained by the tax collector, \$15 shall be
553 deposited into the Highway Safety Operating Trust Fund, and \$15
554 shall be deposited into the General Revenue Fund.

2-00853-17

2017784__

555 (b) Of the \$75 fee received from a licensee for
556 reinstatement following a revocation or disqualification:

557 1. If the reinstatement is processed by the department, the
558 department shall deposit \$35 in the General Revenue Fund and \$40
559 in the Highway Safety Operating Trust Fund.

560 2. If the reinstatement is processed by the tax collector,
561 \$20 shall be retained by the tax collector, \$20 shall be
562 deposited into the Highway Safety Operating Trust Fund, and \$35
563 shall be deposited into the General Revenue Fund.

564

565 If the revocation or suspension of the driver license was for a
566 violation of s. 316.193, or for refusal to submit to a lawful
567 breath, blood, or urine test, an additional fee of \$130 must be
568 charged. However, only one \$130 fee may be collected from one
569 person convicted of violations arising out of the same incident.

570 The department shall collect the \$130 fee and deposit the fee
571 into the Highway Safety Operating Trust Fund at the time of
572 reinstatement of the person's driver license, but the fee may
573 not be collected if the suspension or revocation is overturned.

574 If the revocation or suspension of the driver license was for a
575 conviction for a violation of s. 817.234(8) or (9) or s.

576 817.505, an additional fee of \$180 is imposed for each offense.

577 The department shall collect and deposit the additional fee into
578 the Highway Safety Operating Trust Fund at the time of
579 reinstatement of the person's driver license.

580 (10) An applicant who submits an application for a renewal
581 or replacement driver license or identification card to the
582 department using a convenience service shall be provided with an
583 option for expedited shipping whereby the department, at the

2-00853-17

2017784__

584 applicant's request, shall issue the license or identification
585 card within 5 working days after receipt of the application and
586 ship the license or card using an expedited mail service. A fee
587 shall be charged for the expedited shipping option, not to
588 exceed the cost of the expedited mail service, which is in
589 addition to fees imposed by s. 322.051 or this section, or for
590 the convenience service. Fees collected for the expedited
591 shipping option shall be deposited into the Highway Safety
592 Operating Trust Fund.

593 Section 12. Subsection (1) of section 322.61, Florida
594 Statutes, is amended, and subsection (2) of that section is
595 reenacted, to read:

596 322.61 Disqualification from operating a commercial motor
597 vehicle.-

598 (1) A person who, for offenses occurring within a 3-year
599 period, is convicted of two of the following serious traffic
600 violations, or any combination thereof, arising in separate
601 incidents committed in a commercial motor vehicle shall, in
602 addition to any other applicable penalties, be disqualified from
603 operating a commercial motor vehicle for a period of 60 days. A
604 holder of a commercial driver license or commercial learner's
605 permit who, for offenses occurring within a 3-year period, is
606 convicted of two of the following serious traffic violations, or
607 any combination thereof, arising in separate incidents committed
608 in a noncommercial motor vehicle shall, in addition to any other
609 applicable penalties, be disqualified from operating a
610 commercial motor vehicle for a period of 60 days if such
611 convictions result in the suspension, revocation, or
612 cancellation of the licenseholder's driving privilege:

2-00853-17

2017784__

613 (a) A violation of any state or local law relating to motor
 614 vehicle traffic control, other than a parking violation, arising
 615 in connection with a crash resulting in death;

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

617 (c) Unlawful speed of 15 miles per hour or more above the
 618 posted speed limit;

619 (d) Improper lane change, as defined in s. 316.085;

620 (e) Following too closely, as defined in s. 316.0895;

621 (f) Texting while driving a commercial motor vehicle, as
 622 prohibited by 49 C.F.R. 392.80;

623 (g) Using a handheld mobile telephone while driving a
 624 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;

625 (h)~~(f)~~ Driving a commercial vehicle without obtaining a
 626 commercial driver license;

627 (i)~~(g)~~ Driving a commercial vehicle without the proper
 628 class of commercial driver license or commercial learner's
 629 permit or without the proper endorsement; or

630 (j)~~(h)~~ Driving a commercial vehicle without a commercial
 631 driver license or commercial learner's permit in possession, as
 632 required by s. 322.03.

633 (2) (a) Any person who, for offenses occurring within a 3-
 634 year period, is convicted of three serious traffic violations
 635 specified in subsection (1) or any combination thereof, arising
 636 in separate incidents committed in a commercial motor vehicle
 637 shall, in addition to any other applicable penalties, including
 638 but not limited to the penalty provided in subsection (1), be
 639 disqualified from operating a commercial motor vehicle for a
 640 period of 120 days.

641 (b) A holder of a commercial driver license or commercial

2-00853-17

2017784__

642 learner's permit who, for offenses occurring within a 3-year
643 period, is convicted of three serious traffic violations
644 specified in subsection (1) or any combination thereof arising
645 in separate incidents committed in a noncommercial motor vehicle
646 shall, in addition to any other applicable penalties, including,
647 but not limited to, the penalty provided in subsection (1), be
648 disqualified from operating a commercial motor vehicle for a
649 period of 120 days if such convictions result in the suspension,
650 revocation, or cancellation of the licenseholder's driving
651 privilege.

652 Section 13. This act shall take effect October 1, 2017.