

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending
3 s. 316.003, F.S.; deleting the term "driver-assistive
4 truck platooning technology"; defining the term
5 "platoon"; repealing s. 316.0896, F.S., relating to
6 the assistive truck platooning technology pilot
7 project; creating s. 316.0897, F.S.; exempting the
8 operator of a non-lead vehicle in a platoon from a
9 specified provision; authorizing a platoon to be
10 operated on a roadway in this state after an operator
11 provides notification to the Department of
12 Transportation and the Department of Highway Safety
13 and Motor Vehicles; amending s. 316.302, F.S.;
14 revising regulations to which owners and drivers of
15 commercial motor vehicles are subject; delaying the
16 requirement for electronic logging devices and support
17 documents for certain intrastate motor carriers;
18 deleting a limitation on a civil penalty for
19 falsification of certain time records; deleting a
20 requirement that a motor carrier maintain certain
21 documentation of driving times; providing an exemption
22 from specified provisions for a person who operates a
23 commercial motor vehicle with a certain gross vehicle
24 weight, gross vehicle weight rating, and gross
25 combined weight rating; deleting the exemption from
26 such provisions for a person transporting petroleum
27 products; amending s. 316.303, F.S.; conforming a
28 provision to changes made by the act; amending s.
29 320.01, F.S.; revising the definition of the term

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30 "apportionable vehicle"; amending s. 320.06, F.S.;

31 requiring a vehicle that has an apportioned

32 registration to be issued, before a specified date, an

33 annual license plate and a cab card denoting the

34 declared gross vehicle weight; providing requirements,

35 beginning on a specified date, for license plates, cab

36 cards, and validation stickers for vehicles registered

37 in accordance with the International Registration

38 Plan; providing a specified fee for initial and

39 renewed validation stickers; requiring the fee to be

40 deposited into the Highway Safety Operating Trust

41 Fund; authorizing a damaged or worn license plate to

42 be replaced at no charge under certain circumstances;

43 providing an exception to the design of dealer license

44 plates for specialty license plates; amending s.

45 320.0607, F.S.; providing an exemption, beginning on a

46 specified date, from a certain fee for vehicles

47 registered under the International Registration Plan;

48 amending s. 320.0657, F.S.; providing an exception to

49 the design of fleet license plates for specialty

50 license plates; authorizing fleet companies to

51 purchase specialty license plates in lieu of the

52 standard fleet license plates for additional specified

53 fees; requiring fleet companies to be responsible for

54 all costs associated with the specialty license plate;

55 amending s. 320.08, F.S.; authorizing dealers to

56 purchase specialty license plates in lieu of the

57 standard graphic dealer license plates for additional

58 specified fees; requiring dealers to be responsible

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59 for all costs associated with the specialty license
60 plate; amending s. 320.08056, F.S.; allowing the
61 Department of Highway Safety and Motor Vehicles to
62 authorize dealer and fleet specialty license plates;
63 authorizing a dealer or fleet company to purchase
64 specialty license plates to be used on dealer and
65 fleet vehicles with the permission of the sponsoring
66 specialty license plate organization; requiring a
67 dealer or fleet specialty license plate to include
68 specified letters on the right side of the license
69 plate; requiring dealer and fleet specialty license
70 plates to be ordered directly through the department;
71 amending s. 320.131, F.S.; authorizing, beginning on a
72 specified date, the department to partner with a
73 county tax collector to conduct a Fleet Vehicle
74 Temporary Tag pilot program, subject to certain
75 requirements; providing for future repeal; amending s.
76 812.014, F.S.; providing a criminal penalty for an
77 offender committing grand theft who uses a device to
78 interfere with a global positioning or similar system;
79 providing an effective date.

80
81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Present subsection (20) is amended, present
84 subsections (21) through (52) of section 316.003, Florida
85 Statutes, are renumbered as subsections (20) through (51),
86 respectively, and a new subsection (52) is added to that
87 section, to read:

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88 316.003 Definitions.—The following words and phrases, when
89 used in this chapter, shall have the meanings respectively
90 ascribed to them in this section, except where the context
91 otherwise requires:

92 ~~(20) DRIVER ASSISTIVE TRUCK PLATOONING TECHNOLOGY. Vehicle~~
93 ~~automation and safety technology that integrates sensor array,~~
94 ~~wireless vehicle-to-vehicle communications, active safety~~
95 ~~systems, and specialized software to link safety systems and~~
96 ~~synchronize acceleration and braking between two vehicles while~~
97 ~~leaving each vehicle's steering control and systems command in~~
98 ~~the control of the vehicle's driver in compliance with the~~
99 ~~National Highway Traffic Safety Administration rules regarding~~
100 ~~vehicle-to-vehicle communications.~~

101 (52) PLATOON.—A group of individual motor vehicles
102 traveling in a unified manner at electronically coordinated
103 speeds at following distances that are closer than defined under
104 s. 316.0895(2).

105 Section 2. Section 316.0896, Florida Statutes, is repealed.

106 Section 3. Section 316.0897, Florida Statutes, is created
107 to read:

108 316.0897 Platoons.—

109 (1) Section 316.0895 does not apply to the operator of a
110 non-lead vehicle in a platoon, as defined in s. 316.003.

111 (2) A platoon may be operated on a roadway in this state
112 after an operator provides notification to the Department of
113 Transportation and the Department of Highway Safety and Motor
114 Vehicles.

115 Section 4. Subsection (1) and paragraphs (a), (c), (d), and
116 (f) of subsection (2) of section 316.302, Florida Statutes, are

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117 amended to read:

118 316.302 Commercial motor vehicles; safety regulations;
119 transporters and shippers of hazardous materials; enforcement.-

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

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

125 (b) Except as otherwise provided in this section, all
126 owners or drivers of commercial motor vehicles that are engaged
127 in intrastate commerce are subject to the rules and regulations
128 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
129 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
130 ~~definition of bus,~~ as such rules and regulations existed on
131 December 31, 2017 ~~2012~~.

132 (c) The emergency exceptions provided by 49 C.F.R. s.
133 392.82 also apply to communications by utility drivers and
134 utility contractor drivers during a Level 1 activation of the
135 State Emergency Operations Center, as provided in the Florida
136 Comprehensive Emergency Management plan, or during a state of
137 emergency declared by executive order or proclamation of the
138 Governor.

139 (d) Except as provided in ~~s. 316.215(5), and except as~~
140 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
141 requirements for intrastate operations, the requirements of this
142 section supersede all other safety requirements of this chapter
143 for commercial motor vehicles.

144 (e) For motor carriers engaged in intrastate commerce who
145 are not carrying hazardous materials in amounts that require

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146 placards, the requirement for electronic logging devices and
147 hours of service support documents shall take effect December
148 31, 2019.

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

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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
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), ~~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, ~~if the~~
189 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
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,
196 and gross combined weight rating of less than 26,001 pounds
197 solely in intrastate commerce and who is not transporting
198 hazardous materials in amounts that require placarding pursuant
199 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
200 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
201 However, such person must comply with 49 C.F.R. parts 382, 392,
202 and 393, ~~and~~ with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

203 Section 5. Subsection (3) of section 316.303, Florida

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204 Statutes, is amended to read:

205 316.303 Television receivers.—

206 (3) This section does not prohibit the use of an electronic
207 display used in conjunction with a vehicle navigation system; an
208 electronic display used by an operator of a vehicle equipped
209 with autonomous technology, as defined in s. 316.003; or an
210 electronic display used by an operator of a platoon ~~vehicle~~
211 ~~equipped and operating with driver assistive truck platooning~~
212 ~~technology~~, as defined in s. 316.003.

213 Section 6. Subsection (24) of section 320.01, Florida
214 Statutes, is amended to read:

215 320.01 Definitions, general.—As used in the Florida
216 Statutes, except as otherwise provided, the term:

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

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

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

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

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233 Vehicles, or combinations thereof, having a gross vehicle weight
234 of 26,000 pounds or less and two-axle vehicles may be
235 proportionally registered.

236 Section 7. Paragraph (b) of subsection (1) and paragraph
237 (a) of subsection (3) of section 320.06, Florida Statutes, are
238 amended to read:

239 320.06 Registration certificates, license plates, and
240 validation stickers generally.—

241 (1)

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

256 320.08056(8) (a). With each license plate, a validation sticker
257 shall be issued showing the owner's birth month, license plate
258 number, and the year of expiration or the appropriate renewal
259 period if the owner is not a natural person. The validation
260 sticker shall be placed on the upper right corner of the license
261 plate. The license plate and validation sticker shall be issued

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262 based on the applicant's appropriate renewal period. The
263 registration period is 12 months, the extended registration
264 period is 24 months, and all expirations occur based on the
265 applicant's appropriate registration period.

266 2. Before October 1, 2019, a vehicle that has an
267 apportioned registration shall be issued an annual license plate
268 and a cab card denoting ~~that denote~~ the declared gross vehicle
269 weight ~~for each apportioned jurisdiction in which the vehicle is~~
270 ~~authorized to operate.~~

271 3. Beginning October 1, 2019, a vehicle registered in
272 accordance with the International Registration Plan shall be
273 issued a license plate for a 5-year period, an annual cab card
274 denoting the declared gross vehicle weight, and an annual
275 validation sticker showing the month and year of expiration. The
276 validation sticker shall be placed in the center of the license
277 plate. The license plate and validation sticker shall be issued
278 based on the applicant's appropriate renewal period. The fee for
279 the initial validation sticker and any renewed validation
280 sticker is \$28. This fee shall be deposited into the Highway
281 Safety Operating Trust Fund. A damaged or worn license plate may
282 be replaced at no charge by applying to the department and
283 surrendering the current license plate.

284 4.2. In order to retain the efficient administration of the
285 taxes and fees imposed by this chapter, the 80-cent fee increase
286 in the replacement fee imposed by chapter 2009-71, Laws of
287 Florida, is negated as provided in s. 320.0804.

288 (3) (a) Registration license plates must be made of metal
289 specially treated with a retroreflection material, as specified
290 by the department. The registration license plate is designed to

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291 increase nighttime visibility and legibility and must be at
292 least 6 inches wide and not less than 12 inches in length,
293 unless a plate with reduced dimensions is deemed necessary by
294 the department to accommodate motorcycles, mopeds, or similar
295 smaller vehicles. Validation stickers must also be treated with
296 a retroreflection material, must be of such size as specified by
297 the department, and must adhere to the license plate. The
298 registration license plate must be imprinted with a combination
299 of bold letters and numerals or numerals, not to exceed seven
300 digits, to identify the registration license plate number. The
301 license plate must be imprinted with the word "Florida" at the
302 top and the name of the county in which it is sold, the state
303 motto, or the words "Sunshine State" at the bottom. Apportioned
304 license plates must have the word "Apportioned" at the bottom
305 and license plates issued for vehicles taxed under s.
306 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
307 the word "Restricted" at the bottom. License plates issued for
308 vehicles taxed under s. 320.08(12) must be imprinted with the
309 word "Florida" at the top and the word "Dealer" at the bottom
310 unless the license plate is a specialty license plate as
311 authorized in s. 320.08056. Manufacturer license plates issued
312 for vehicles taxed under s. 320.08(12) must be imprinted with
313 the word "Florida" at the top and the word "Manufacturer" at the
314 bottom. License plates issued for vehicles taxed under s.
315 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
316 the bottom. Any county may, upon majority vote of the county
317 commission, elect to have the county name removed from the
318 license plates sold in that county. The state motto or the words
319 "Sunshine State" shall be printed in lieu thereof. A license

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320 plate issued for a vehicle taxed under s. 320.08(6) may not be
321 assigned a registration license number, or be issued with any
322 other distinctive character or designation, that distinguishes
323 the motor vehicle as a for-hire motor vehicle.

324 Section 8. Subsection (5) of section 320.0607, Florida
325 Statutes, is amended to read:

326 320.0607 Replacement license plates, validation decal, or
327 mobile home sticker.—

328 (5) Upon the issuance of an original license plate, the
329 applicant shall pay a fee of \$28 to be deposited in the Highway
330 Safety Operating Trust Fund. Beginning October 1, 2019, this
331 subsection does not apply to a vehicle registered under the
332 International Registration Plan.

333 Section 9. Paragraph (b) of subsection (2) of section
334 320.0657, Florida Statutes, is amended to read:

335 320.0657 Permanent registration; fleet license plates.—

336 (2)

337 (b) The plates, which shall be of a distinctive color,
338 shall have the word "Fleet" appearing at the bottom and the word
339 "Florida" appearing at the top unless the license plate is a
340 specialty license plate as authorized in s. 320.08056. The
341 plates shall conform in all respects to the provisions of this
342 chapter, except as specified herein. For additional fees as set
343 forth in s. 320.08056, fleet companies may purchase specialty
344 license plates in lieu of the standard fleet license plates.
345 Fleet companies shall be responsible for all costs associated
346 with the specialty license plate, including all annual use fees,
347 processing fees, fees associated with switching license plate
348 types, and any other applicable fees.

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349 Section 10. Subsection (12) of section 320.08, Florida
350 Statutes, is amended to read:

351 320.08 License taxes.—Except as otherwise provided herein,
352 there are hereby levied and imposed annual license taxes for the
353 operation of motor vehicles, mopeds, motorized bicycles as
354 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,
355 and mobile homes as defined in s. 320.01, which shall be paid to
356 and collected by the department or its agent upon the
357 registration or renewal of registration of the following:

358 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
359 motor vehicle dealer, independent motor vehicle dealer, marine
360 boat trailer dealer, or mobile home dealer and manufacturer
361 license plate: \$17 flat, of which \$4.50 shall be deposited into
362 the General Revenue Fund. For additional fees as set forth in s.
363 320.08056, dealers may purchase specialty license plates in lieu
364 of the standard graphic dealer license plates. Dealers shall be
365 responsible for all costs associated with the specialty license
366 plate, including all annual use fees, processing fees, fees
367 associated with switching license plate types, and any other
368 applicable fees.

369 Section 11. Subsection (2) of section 320.08056, Florida
370 Statutes, is amended to read:

371 320.08056 Specialty license plates.—

372 (2) (a) The department shall issue a specialty license plate
373 to the owner or lessee of any motor vehicle, except a vehicle
374 registered under the International Registration Plan, a
375 commercial truck required to display two license plates pursuant
376 to s. 320.0706, or a truck tractor, upon request and payment of
377 the appropriate license tax and fees.

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378 (b) The department may authorize dealer and fleet specialty
379 license plates. With the permission of the sponsoring specialty
380 license plate organization, a dealer or fleet company may
381 purchase specialty license plates to be used on dealer and fleet
382 vehicles.

383 (c) Notwithstanding s. 320.08058, a dealer or fleet
384 specialty license plate must include the letters "DLR" or "FLT"
385 on the right side of the license plate. Dealer and fleet
386 specialty license plates must be ordered directly through the
387 department.

388 Section 12. Subsection (10) is added to section 320.131,
389 Florida Statutes, to read:

390 320.131 Temporary tags.—

391 (10) Beginning October 1, 2018, the department may partner
392 with a county tax collector to conduct a Fleet Vehicle Temporary
393 Tag pilot program to provide temporary tags to fleet companies
394 to allow them to operate fleet vehicles awaiting a permanent
395 registration and title.

396 (a) The department shall establish a memorandum of
397 understanding that allows a maximum of three companies to
398 participate in the pilot program and receive multiple temporary
399 tags for company fleet vehicles.

400 (b) To participate in the program a fleet company must have
401 a minimum of 3,500 fleet vehicles registered in this state which
402 qualify to be registered as fleet vehicles pursuant to s.
403 320.0657.

404 (c) The department may issue up to 50 temporary tags at a
405 time to an eligible fleet company, if requested by such company.

406 (d) The temporary tags are for exclusive use on a vehicle

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407 purchased for the company's fleet, and may not be used on any
408 other vehicle.

409 (e) Each temporary plate may be used on only one vehicle
410 and each vehicle may only use one temporary plate.

411 (f) Upon issuance of the vehicle's permanent license plate
412 and registration, the temporary tag becomes invalid and must be
413 removed from the vehicle and destroyed.

414 (g) Upon a finding by the department that a temporary tag
415 has been misused by a fleet company under this program, the
416 department may terminate the memorandum of understanding with
417 the company, invalidate all temporary tags issued to the company
418 under the program, and require such company to return any unused
419 temporary tags.

420 (h) This subsection is repealed on October 1, 2021, unless
421 saved from repeal through reenactment by the Legislature.

422 Section 13. Paragraph (a) of subsection (2) of section
423 812.014, Florida Statutes, is amended to read:

424 812.014 Theft.—

425 (2)(a)1. If the property stolen is valued at \$100,000 or
426 more or is a semitrailer that was deployed by a law enforcement
427 officer; or

428 2. If the property stolen is cargo valued at \$50,000 or
429 more that has entered the stream of interstate or intrastate
430 commerce from the shipper's loading platform to the consignee's
431 receiving dock; or

432 3. If the offender commits any grand theft and:

433 a. In the course of committing the offense the offender
434 uses a motor vehicle as an instrumentality, other than merely as
435 a getaway vehicle, to assist in committing the offense and

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436 thereby damages the real property of another; ~~or~~

437 b. In the course of committing the offense the offender
438 causes damage to the real or personal property of another in
439 excess of \$1,000; or

440 c. In the course of committing the offense the offender
441 uses any type of device to defeat, block, disable, jam, or
442 interfere with a global positioning system or similar system
443 designed to identify the location of the cargo or the vehicle or
444 trailer carrying the cargo,

445
446 the offender commits grand theft in the first degree, punishable
447 as a felony of the first degree, as provided in s. 775.082, s.
448 775.083, or s. 775.084.

449 Section 14. This act shall take effect October 1, 2018.