

1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 117.10, F.S.;
4 conforming provisions to changes made by the act;
5 amending s. 316.003, F.S.; defining the terms "crash"
6 and "serious bodily injury"; amending ss. 316.027,
7 316.0271, and 316.061, F.S.; conforming provisions to
8 changes made by the act; amending s. 316.066, F.S.;
9 specifying additional private information included in
10 an existing public records exemption; authorizing
11 crash reports to be made immediately available to the
12 Department of Health and municipal traffic operations;
13 revising requirements for accessing such reports and
14 for providing such reports to third-party vendors;
15 revising requirements for certain newspapers to
16 acquire certain information about parties involved in
17 a crash; providing construction; amending s. 316.192,
18 F.S.; conforming provisions to changes made by the
19 act; amending s. 316.193, F.S.; including causing
20 serious bodily injury to oneself in penalty provisions
21 for driving under the influence; amending s. 316.1933,
22 F.S.; authorizing a law enforcement officer to require
23 the person driving or in actual physical control of a
24 motor vehicle to submit to a blood test when such
25 person has incurred a serious bodily injury;

26 conforming provisions to changes made by the act;
27 amending s. 316.194, F.S.; conforming provisions to
28 changes made by the act; amending s. 316.251, F.S.;
29 conforming a cross-reference; amending s. 316.302,
30 F.S.; revising regulations to which owners and drivers
31 of commercial motor vehicles are subject; removing the
32 cap on a civil penalty for falsification of time
33 records; deleting a requirement for documentation of a
34 driver's driving times; exempting commercial motor
35 vehicles with certain weight ratings from certain
36 regulations; removing such exemption for a person
37 transporting petroleum products; removing an exemption
38 from certain regulations relating to diabetes;
39 amending ss. 316.622, 316.640, and 316.655, F.S.;
40 conforming provisions to changes made by the act;
41 amending s. 316.70, F.S.; providing that all owners
42 and drivers of nonpublic sector buses are subject to
43 certain federal regulations; authorizing the
44 Department of Highway Safety and Motor Vehicles,
45 rather than the Department of Transportation, to
46 conduct compliance investigations; providing a civil
47 penalty for violating a rule or order of the
48 Department of Highway Safety and Motor Vehicles;
49 removing provisions relating to subsequent compliance
50 reviews; authorizing motor carriers to be enjoined

51 pursuant to certain provisions for violations
52 identified during a compliance investigation;
53 authorizing certain officers or agents to stop and
54 inspect commercial motor vehicles or drivers' records;
55 authorizing an officer or agent to require removal of
56 the motor vehicle or driver from service under certain
57 circumstances; amending s. 318.19, F.S.; requiring
58 appearance at a mandatory hearing by a person who is
59 cited for a certain infraction and incurs a serious
60 bodily injury as a result of such infraction; amending
61 s. 319.001, F.S.; providing definitions; creating s.
62 319.002, F.S.; providing rulemaking authority;
63 amending s. 319.141, F.S.; creating a private rebuilt
64 motor vehicle inspection program; providing the
65 purpose of the program; authorizing the department to
66 monitor and investigate providers and services and to
67 examine records; prohibiting the provision of private
68 rebuilt inspection services without department
69 authorization; providing requirements for the
70 provision of rebuilt courier services; providing
71 requirements for authorization as a private rebuilt
72 inspection provider; authorizing operation of
73 additional locations under certain circumstances;
74 requiring the department to enter into a contract with
75 a private rebuilt inspection provider; providing

76 contract requirements; providing requirements for
77 access of information and maintenance of records;
78 authorizing the department to terminate a contract
79 under certain circumstances; providing requirements
80 for change of ownership of a private rebuilt
81 inspection provider; requiring certain annual
82 attestations; authorizing private rebuilt inspection
83 providers to charge service fees; creating s.
84 319.1411, F.S.; authorizing the department to monitor
85 private rebuilt inspection providers for certain
86 purposes; creating s. 319.1412, F.S.; providing
87 grounds for termination of a contract between the
88 department and a private rebuilt inspection provider;
89 creating s. 319.1414, F.S.; authorizing the department
90 to conduct investigations and examinations for certain
91 purposes; granting the department subpoena and other
92 powers for purposes of such investigations or
93 examinations; providing for petition of a court order
94 to obey a subpoena if a person fails to do so;
95 providing exceptions; providing for the payment of
96 costs to obtain such order; authorizing the department
97 to designate agents to carry out subpoena and other
98 powers; providing for witness fees under certain
99 circumstances; authorizing the department to adopt
100 rules; amending s. 319.25, F.S.; authorizing the

101 department to conduct investigations and examinations
102 relating to certain violations; granting the
103 department subpoena and other powers for purposes of
104 such investigations or examinations; providing for
105 petition of a court order to obey a subpoena if a
106 person fails to do so; providing exceptions; providing
107 for the payment of costs to obtain such order;
108 authorizing the department to designate agents to
109 carry out subpoena and other powers; providing for
110 witness fees under certain circumstances; authorizing
111 the department to adopt rules; amending s. 319.40,
112 F.S.; revising purposes for which the department may
113 collect and use e-mail addresses; amending s. 320.01,
114 F.S.; revising the definition of the term
115 "apportionable vehicle"; amending s. 320.06, F.S.;
116 revising requirements for issuance of license plates,
117 cab cards, and validation stickers for apportionable
118 vehicles registered in accordance with the
119 International Registration Plan upon implementation of
120 a new registration operating system; specifying the
121 registration period; providing for replacement of
122 damaged or worn license plates free of charge;
123 amending s. 320.0607, F.S.; revising fee requirements
124 upon implementation of a new registration operating
125 system; amending s. 320.27, F.S.; defining the term

126 "control person"; revising requirements for denial,
127 suspension, or revocation of a motor vehicle dealer
128 license or license application; authorizing a court,
129 under certain circumstances, to bar a person who has
130 violated certain laws from acting as a motor vehicle
131 dealer; amending s. 320.861, F.S.; authorizing the
132 department to conduct investigations and examinations
133 relating to certain violations; granting the
134 department subpoena and other powers for purposes of
135 such investigations or examinations; providing for
136 petition of a court order to obey a subpoena if a
137 person fails to do so; providing exceptions; providing
138 for the payment of costs to obtain such order;
139 authorizing the department to designate agents to
140 carry out subpoena and other powers; providing for
141 witness fees under certain circumstances; authorizing
142 the department to adopt rules; amending s. 320.95,
143 F.S.; revising purposes for which the department may
144 collect and use e-mail addresses; amending ss. 321.05,
145 321.065, and 321.23, F.S.; conforming provisions to
146 changes made by the act; amending s. 322.051, F.S.;
147 revising the time period after which an application
148 for a renewed identification card is considered an
149 application for an original identification card;
150 amending s. 322.0602, F.S.; conforming provisions to

151 changes made by the act; amending s. 322.08, F.S.;

152 revising purposes for which the department may collect

153 and use e-mail addresses; amending s. 322.091, F.S.;

154 requiring the department to report certain information

155 regarding suspension of driver licenses to a school

156 district upon request; amending s. 322.17, F.S.;

157 providing for replacement of a stolen identification

158 card under certain circumstances; amending s. 322.21,

159 F.S.; providing for an expedited shipping option for a

160 renewal or replacement driver license or

161 identification card; providing for a fee and the

162 disposition thereof; amending s. 322.212, F.S.;

163 prohibiting the provision of an altered or counterfeit

164 document or participation in a dishonest or deceptive

165 action in making application for a driver license or

166 identification card; providing penalties; providing

167 for suspension of driving privilege under certain

168 circumstances; amending s. 322.36, F.S.; conforming

169 provisions to changes made by the act; amending s.

170 322.61, F.S.; providing additional violations for

171 which a person shall be disqualified from operating a

172 commercial motor vehicle; creating s. 322.71, F.S.;

173 authorizing the department to conduct investigations

174 and examinations relating to certain violations;

175 granting the department subpoena and other powers for

176 purposes of such investigations or examinations;
177 providing for petition of a court order to obey a
178 subpoena if a person fails to do so; providing
179 exceptions; providing for the payment of costs to
180 obtain such order; authorizing the department to
181 designate agents to carry out subpoena and other
182 powers; providing for witness fees under certain
183 circumstances; authorizing the department to adopt
184 rules; amending ss. 323.001, 323.002, 324.011,
185 324.022, 324.023, 324.051, and 324.242, F.S.;
186 conforming provisions to changes made by the act;
187 amending s. 328.30, F.S.; revising provisions under
188 which the department may accept applications by
189 electronic or telephonic means; revising purposes for
190 which the department may collect and use e-mail
191 addresses; amending s. 328.40, F.S.; providing that
192 certain department records are subject to inspection
193 and copying; amending s. 328.80, F.S.; revising
194 provisions under which the department may accept
195 applications by electronic or telephonic means;
196 authorizing the department to collect and use e-mail
197 addresses for certain purposes; amending s. 501.976,
198 F.S.; conforming a cross-reference; amending s.
199 627.7415, F.S.; revising federal insurance regulations
200 to which commercial motor vehicles are subject;

201 amending ss. 655.960 and 856.015, F.S.; conforming
202 cross-references; amending s. 784.07, F.S.; conforming
203 provisions to changes made by the act; providing an
204 effective date.

205

206 Be It Enacted by the Legislature of the State of Florida:

207

208 Section 1. Subsection (2) of section 117.10, Florida
209 Statutes, is amended to read:

210 117.10 Law enforcement and correctional officers;
211 administration of oaths.—

212 (2) Law enforcement officers, correctional officers, and
213 correctional probation officers, as defined in s. 943.10, and
214 traffic crash ~~accident~~ investigation officers and traffic
215 infraction enforcement officers, as described in s. 316.640, are
216 authorized to administer oaths by reliable electronic means or
217 in the physical presence of an affiant when engaged in the
218 performance of official duties. Sections 117.01, 117.04,
219 117.045, 117.05, and 117.103 do not apply to this section. An
220 officer may not notarize his or her own signature.

221 Section 2. Subsections (16) through (73) and (74) through
222 (101) of section 316.003, Florida Statutes, are renumbered as
223 subsections (17) through (74) and (76) through (103),
224 respectively, present subsection (59) is amended, and new
225 subsections (16) and (75) are added to that section, to read:

226 316.003 Definitions.—The following words and phrases, when
 227 used in this chapter, shall have the meanings respectively
 228 ascribed to them in this section, except where the context
 229 otherwise requires:

230 (16) CRASH.—The operation of a motor vehicle, motorized
 231 scooter, or moped which results in property damage or death,
 232 bodily injury, or complaint of bodily injury to any person. The
 233 term "crash" includes separation of the operator or an occupant
 234 from a motor vehicle, motorized scooter, or moped, or trailer
 235 being drawn by a motor vehicle, while in motion, which results
 236 in property damage or death, bodily injury, or complaint of
 237 bodily injury to any person. The term "crash" does not include
 238 such operation:

239 (a) On private property, if such operation does not result
 240 in death or serious bodily injury, unless the operator is
 241 suspected of violating s. 316.193;

242 (b) On a closed course used for commercial or recreational
 243 purposes, such as a commercial driving school or racetrack,
 244 unless the operator is suspected of violating s. 316.193; or

245 (c) If such property damage or death, bodily injury, or
 246 complaint of bodily injury to any person results from an
 247 intentional act of a law enforcement officer to force a motor
 248 vehicle or moped to stop or reduce speed, such as use of a
 249 pursuit termination device or the precision immobilization
 250 technique, except that the term "crash" includes such operation

251 that results in death, bodily injury, or complaint of bodily
 252 injury to, or damage to property of, anyone other than the
 253 operator or an occupant being forced to stop or reduce speed or
 254 the law enforcement officer.

255
 256 The term "crash" also does not include the death or suffering of
 257 a medical episode by the operator or an occupant of a motor
 258 vehicle or moped if operation of the motor vehicle or moped did
 259 not result in such death or medical episode and does not result
 260 in property damage or death, bodily injury, or complaint of
 261 bodily injury to any other person.

262 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 263 provided in paragraph (83)(b) ~~(81)(b)~~, any privately owned way
 264 or place used for vehicular travel by the owner and those having
 265 express or implied permission from the owner, but not by other
 266 persons.

267 (75) SERIOUS BODILY INJURY.—An injury to any person which
 268 consists of a physical condition that creates a substantial risk
 269 of death, serious personal disfigurement, or protracted loss or
 270 impairment of the function of any bodily member or organ.

271 Section 3. Subsections (1) and (4) of section 316.027,
 272 Florida Statutes, are amended to read:

273 316.027 Crash involving death or personal injuries.—

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

275 ~~(a) "Serious bodily injury" means an injury to a person,~~

276 ~~including the driver, which consists of a physical condition~~
277 ~~that creates a substantial risk of death, serious personal~~
278 ~~disfigurement, or protracted loss or impairment of the function~~
279 ~~of a bodily member or organ.~~

280 ~~(b)~~ "vulnerable road user" means:

281 (a)1. A pedestrian, including a person actually engaged in
282 work upon a highway, or in work upon utility facilities along a
283 highway, or engaged in the provision of emergency services
284 within the right-of-way;

285 (b)2. A person operating a bicycle, motorcycle, scooter,
286 or moped lawfully on the roadway;

287 (c)3. A person riding an animal; or

288 (d)4. A person lawfully operating on a public right-of-
289 way, crosswalk, or shoulder of the roadway:

290 1.a. A farm tractor or similar vehicle designed primarily
291 for farm use;

292 2.b. A skateboard, roller skates, or in-line skates;

293 3.e. A horse-drawn carriage;

294 4.d. An electric personal assistive mobility device; or

295 5.e. A wheelchair.

296 (4) (a) In addition to any other civil, criminal, or
297 administrative penalty imposed, a person whose commission of a
298 noncriminal traffic infraction or a violation of this chapter or
299 s. 1006.66 causes or results in the death of another person may
300 be required by the court to serve 120 community service hours in

301 a trauma center or hospital that regularly receives victims of
302 vehicle crashes ~~accidents~~, under the supervision of a registered
303 nurse, an emergency room physician, or an emergency medical
304 technician pursuant to a voluntary community service program
305 operated by the trauma center or hospital.

306 (b) Notwithstanding paragraph (a), in addition to any
307 other civil, criminal, or administrative penalty imposed, a
308 person whose commission of a violation of s. 316.172(1)(a) or
309 (b) causes or results in serious bodily injury to or death of
310 another person shall be required by the court to:

311 1. Serve 120 community service hours in a trauma center or
312 hospital that regularly receives victims of vehicle crashes
313 ~~accidents~~, under the supervision of a registered nurse, an
314 emergency room physician, or an emergency medical technician
315 pursuant to a voluntary community service program operated by
316 the trauma center or hospital.

317 2. Participate in a victim's impact panel session in a
318 judicial circuit if such a panel exists, or if such a panel does
319 not exist, attend a department-approved driver improvement
320 course relating to the rights of vulnerable road users relative
321 to vehicles on the roadway as provided in s. 322.0261(2).

322 Section 4. Subsection (1) and paragraph (a) of subsection
323 (5) of section 316.0271, Florida Statutes, are amended to read:

324 316.0271 Yellow dot critical motorist medical information
325 program; yellow dot decal, folder, and information form.—

326 (1) The governing body of a county may create a yellow dot
327 critical motorist medical information program to facilitate the
328 provision of emergency medical care to program participants by
329 emergency medical responders by making critical medical
330 information readily available to responders in the event of a
331 motor vehicle crash ~~accident~~ or a medical emergency involving a
332 participant's vehicle.

333 (5) (a) If the driver or a passenger of a motor vehicle is
334 involved in a motor vehicle crash ~~accident~~ or emergency
335 situation and a yellow dot decal is affixed to the vehicle, an
336 emergency medical responder at the scene may search the glove
337 compartment of the vehicle for the corresponding yellow dot
338 folder.

339 Section 5. Subsection (3) of section 316.061, Florida
340 Statutes, is amended to read:

341 316.061 Crashes involving damage to vehicle or property.—

342 (3) Employees or authorized agents of the Department of
343 Transportation, law enforcement with proper jurisdiction, or an
344 expressway authority created pursuant to chapter 348, in the
345 exercise, management, control, and maintenance of its highway
346 system, may undertake the removal from the main traveled way of
347 roads on its highway system of all vehicles incapacitated as a
348 result of a motor vehicle crash and of debris caused thereby.
349 Such removal is applicable when such a motor vehicle crash
350 results only in damage to a vehicle or other property, and when

351 such removal can be accomplished safely and will result in the
352 improved safety or convenience of travel upon the road. The
353 driver or any other person who has removed a motor vehicle from
354 the main traveled way of the road as provided in this section
355 shall not be considered liable or at fault regarding the cause
356 of the crash ~~accident~~ solely by reason of moving the vehicle.

357 Section 6. Subsection (2) of section 316.066, Florida
358 Statutes, is amended to read:

359 316.066 Written reports of crashes.—

360 (2) (a) Crash reports that reveal the identity, home or
361 employment telephone number or home or employment address of, or
362 other personal information, including information outlined in
363 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
364 ss. 2721 et seq., concerning the parties involved in the crash
365 and that are held by any agency that regularly receives or
366 prepares information from or concerning the parties to motor
367 vehicle crashes are confidential and exempt from s. 119.07(1)
368 and s. 24(a), Art. I of the State Constitution for a period of
369 60 days after the date the report is filed.

370 (b) Crash reports held by an agency under paragraph (a)
371 may be made immediately available to the parties involved in the
372 crash, their legal representatives, their licensed insurance
373 agents, their insurers or insurers to which they have applied
374 for coverage, persons under contract with such insurers to
375 provide claims or underwriting information, prosecutorial

376 | authorities, law enforcement agencies, the Department of
377 | Transportation, the Department of Health, county and municipal
378 | traffic operations, victim services programs, radio and
379 | television stations licensed by the Federal Communications
380 | Commission, newspapers qualified to publish legal notices under
381 | ss. 50.011 and 50.031, and, in accordance with paragraph (f),
382 | free newspapers of general circulation, published once a week or
383 | more often, of which at least 7,500 copies are distributed by
384 | mail or by carrier as verified by a postal statement or by a
385 | notarized printer's statement of press run, which are intended
386 | to be generally distributed and circulated, and which contain
387 | news of general interest with at least 10 pages per publication,
388 | available and of interest to the public generally for the
389 | dissemination of news. For the purposes of this section, the
390 | following products or publications are not newspapers as
391 | referred to in this section: those intended primarily for
392 | members of a particular profession or occupational group; those
393 | with the primary purpose of distributing advertising; and those
394 | with the primary purpose of publishing names and other personal
395 | identifying information concerning parties to motor vehicle
396 | crashes.

397 | (c) Any local, state, or federal agency that is authorized
398 | to have access to crash reports by any provision of law shall be
399 | granted such access in the furtherance of the agency's statutory
400 | duties.

401 (d) As a condition precedent to accessing a crash report
402 ~~within 60 days after the date the report is filed,~~ a person must
403 ~~present a valid driver license or other photographic~~
404 ~~identification, proof of status, or identification that~~
405 ~~demonstrates~~ his or her qualifications to access that
406 information and file a written sworn statement with the state or
407 local agency in possession of the information stating that
408 information from a crash report made confidential and exempt by
409 this section will not be used for any commercial solicitation of
410 crash ~~accident~~ victims, or knowingly disclosed to any third
411 party for the purpose of such solicitation, ~~during the period of~~
412 ~~time that the information remains confidential and exempt.~~ Such
413 written sworn statement must be completed and sworn to by the
414 requesting party for each individual crash report that is being
415 requested ~~within 60 days after the report is filed.~~ In lieu of
416 requiring the written sworn statement, an agency may provide
417 crash reports by electronic means to third-party vendors under
418 contract with one or more insurers, but only when such contract
419 states that information from a crash report made confidential
420 and exempt by this section will not be used for any commercial
421 solicitation of crash ~~accident~~ victims by the vendors, or
422 knowingly disclosed by the vendors to any third party for the
423 purpose of such solicitation, ~~during the period of time that the~~
424 ~~information remains confidential and exempt,~~ and only when a
425 copy of such contract is furnished to the agency as proof of the

426 vendor's claimed status.

427 (e) This subsection does not prevent the dissemination or
428 publication of news to the general public by any legitimate
429 media entitled to access confidential and exempt information
430 pursuant to this section.

431 (f) Free newspapers of general circulation published once
432 a week or more often, of which at least 7,500 copies are
433 distributed by mail or by carrier as verified by a postal
434 statement or by a notarized printer's statement of press run,
435 which are intended to be generally distributed and circulated,
436 which contain news of general interest with at least 10 pages
437 per publication, available and of interest to the public
438 generally for the dissemination of news, and which request 10 or
439 more crash reports within a 24-hour period ~~before 60 days have~~
440 ~~elapsed~~ after the report is filed may not have access to the
441 home, cellular, employment, or other telephone number or the
442 home or employment address of any of the parties involved in the
443 crash. This paragraph is subject to the Open Government Sunset
444 Review Act in accordance with s. 119.15 and shall stand repealed
445 on October 2, 2019, unless reviewed and saved from repeal
446 through reenactment by the Legislature.

447 (g) This subsection does not prohibit the department from
448 providing extracts of bulk crash data, which includes requests
449 for 25 or more records, with all personal identifying
450 information removed, or from providing such extracts with

451 personal information included to any individual or entity that
 452 meets the requirements of paragraph (b) for the records
 453 requested.

454 Section 7. Paragraph (c) of subsection (3) of section
 455 316.192, Florida Statutes, is amended to read:

456 316.192 Reckless driving.—

457 (3) Any person:

458 (c) Who, by reason of such operation, causes:

459 1. Damage to the property or person of another commits a
 460 misdemeanor of the first degree, punishable as provided in s.
 461 775.082 or s. 775.083.

462 2. Serious bodily injury to another commits a felony of
 463 the third degree, punishable as provided in s. 775.082, s.
 464 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~
 465 ~~an injury to another person, which consists of a physical~~
 466 ~~condition that creates a substantial risk of death, serious~~
 467 ~~personal disfigurement, or protracted loss or impairment of the~~
 468 ~~function of any bodily member or organ.~~

469 Section 8. Paragraph (c) of subsection (3) of section
 470 316.193, Florida Statutes, is amended to read:

471 316.193 Driving under the influence; penalties.—

472 (3) Any person:

473 (c) Who, by reason of such operation, causes or
 474 contributes to causing:

475 1. Damage to the property or person of another commits a

476 | misdemeanor of the first degree, punishable as provided in s.
 477 | 775.082 or s. 775.083.

478 | 2. Serious bodily injury, as defined in s. 316.003, to
 479 | himself or herself or another, ~~as defined in s. 316.1933,~~
 480 | commits a felony of the third degree, punishable as provided in
 481 | s. 775.082, s. 775.083, or s. 775.084.

482 | 3. The death of any human being or unborn child commits
 483 | DUI manslaughter, and commits:

484 | a. A felony of the second degree, punishable as provided
 485 | in s. 775.082, s. 775.083, or s. 775.084.

486 | b. A felony of the first degree, punishable as provided in
 487 | s. 775.082, s. 775.083, or s. 775.084, if:

488 | (I) At the time of the crash, the person knew, or should
 489 | have known, that the crash occurred; and

490 | (II) The person failed to give information and render aid
 491 | as required by s. 316.062.

492 |
 493 | For purposes of this subsection, the term "unborn child" has the
 494 | same meaning as provided in s. 775.021(5). A person who is
 495 | convicted of DUI manslaughter shall be sentenced to a mandatory
 496 | minimum term of imprisonment of 4 years.

497 | Section 9. Subsection (1) of section 316.1933, Florida
 498 | Statutes, is amended to read:

499 | 316.1933 Blood test for impairment or intoxication in
 500 | cases of death or serious bodily injury; right to use reasonable

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501 force.—

502 (1)~~(a)~~ If a law enforcement officer has probable cause to
503 believe that a motor vehicle driven by or in the actual physical
504 control of a person under the influence of alcoholic beverages,
505 any chemical substances, or any controlled substances has caused
506 the death or serious bodily injury of a human being, including
507 the person himself or herself, a law enforcement officer shall
508 require the person driving or in actual physical control of the
509 motor vehicle to submit to a test of the person's blood for the
510 purpose of determining the alcoholic content thereof or the
511 presence of chemical substances as set forth in s. 877.111 or
512 any substance controlled under chapter 893. The law enforcement
513 officer may use reasonable force if necessary to require such
514 person to submit to the administration of the blood test. The
515 blood test shall be performed in a reasonable manner.

516 Notwithstanding s. 316.1932, the testing required by this
517 subsection ~~paragraph~~ need not be incidental to a lawful arrest
518 of the person.

519 ~~(b) The term "serious bodily injury" means an injury to~~
520 ~~any person, including the driver, which consists of a physical~~
521 ~~condition that creates a substantial risk of death, serious~~
522 ~~personal disfigurement, or protracted loss or impairment of the~~
523 ~~function of any bodily member or organ.~~

524 Section 10. Paragraphs (a) and (b) of subsection (3) of
525 section 316.194, Florida Statutes, are amended to read:

526 316.194 Stopping, standing or parking outside of
527 municipalities.—

528 (3) (a) When a ~~Whenever any~~ police officer or traffic crash
529 ~~accident~~ investigation officer finds a vehicle standing upon a
530 highway in violation of any of the foregoing provisions of this
531 section, the officer may ~~is authorized to~~ move the vehicle, or
532 require the driver or other persons in charge of the vehicle to
533 move the vehicle, to a position off the paved or main-traveled
534 part of the highway.

535 (b) Officers and traffic crash ~~accident~~ investigation
536 officers may provide for the removal of an ~~any~~ abandoned vehicle
537 to the nearest garage or other place of safety, the cost of such
538 removal to be a lien against motor vehicle, when an abandoned
539 vehicle is found unattended upon a bridge or causeway or in any
540 tunnel, or on any public highway in the following instances:

541 1. Where such vehicle constitutes an obstruction of
542 traffic;

543 2. Where such vehicle has been parked or stored on the
544 public right-of-way for more than ~~a period exceeding~~ 48 hours,
545 in other than designated parking areas, and is within 30 feet of
546 the pavement edge; and

547 3. Where an operative vehicle has been parked or stored on
548 the public right-of-way for more than ~~a period exceeding~~ 10
549 days, in other than designated parking areas, and is more than
550 30 feet from the pavement edge. However, the agency removing

551 such vehicle shall be required to report the removal ~~same~~ to the
552 Department of Highway Safety and Motor Vehicles within 24 hours
553 after ~~of~~ such removal.

554 Section 11. Subsection (2) of section 316.251, Florida
555 Statutes, is amended to read:

556 316.251 Maximum bumper heights.—

557 (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~
558 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,
559 "horseless carriages" as defined in s. 320.086, and "street
560 rods" as defined in s. 320.0863 shall be excluded from the
561 requirements of this section.

562 Section 12. Subsections (1) and (2) of section 316.302,
563 Florida Statutes, are amended to read:

564 316.302 Commercial motor vehicles; safety regulations;
565 transporters and shippers of hazardous materials; enforcement.—

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

567 (a) All owners and drivers of commercial motor vehicles
568 that are operated on the public highways of this state while
569 engaged in interstate commerce are subject to the rules and
570 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
571 390-397.

572 (b) Except as otherwise provided in this section, all
573 owners or drivers of commercial motor vehicles that are engaged
574 in intrastate commerce are subject to the rules and regulations
575 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397.

576 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
577 ~~definition of bus,~~ as such rules and regulations existed on
578 December 31, 2018 ~~2012~~.

579 (c) The emergency exceptions provided by 49 C.F.R. s.
580 392.82 also apply to communications by utility drivers and
581 utility contractor drivers during a Level 1 activation of the
582 State Emergency Operations Center, as provided in the Florida
583 Comprehensive Emergency Management plan, or during a state of
584 emergency declared by executive order or proclamation of the
585 Governor.

586 (d) Except as provided in ~~s. 316.215(5), and except as~~
587 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
588 requirements for intrastate operations, the requirements of this
589 section supersede all other safety requirements of this chapter
590 for commercial motor vehicles.

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

596 (b) Except as provided in 49 C.F.R. s. 395.1, a person who
597 operates a commercial motor vehicle solely in intrastate
598 commerce not transporting any hazardous material in amounts that
599 require placarding pursuant to 49 C.F.R. part 172 may not drive:

600 1. More than 12 hours following 10 consecutive hours off

601 duty; or

602 2. For any period after the end of the 16th hour after
603 coming on duty following 10 consecutive hours off duty.

604
605 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of
606 utility service vehicles as defined in 49 C.F.R. s. 395.2.

607 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
608 operates a commercial motor vehicle solely in intrastate
609 commerce not transporting any hazardous material in amounts that
610 require placarding pursuant to 49 C.F.R. part 172 may not drive
611 after having been on duty more than 70 hours in any period of 7
612 consecutive days or more than 80 hours in any period of 8
613 consecutive days if the motor carrier operates every day of the
614 week. Thirty-four consecutive hours off duty shall constitute
615 the end of any such period of 7 or 8 consecutive days. This
616 weekly limit does not apply to a person who operates a
617 commercial motor vehicle solely within this state while
618 transporting, during harvest periods, any unprocessed
619 agricultural products or unprocessed food or fiber that is
620 subject to seasonal harvesting from place of harvest to the
621 first place of processing or storage or from place of harvest
622 directly to market or while transporting livestock, livestock
623 feed, or farm supplies directly related to growing or harvesting
624 agricultural products. Upon request of the Department of Highway
625 Safety and Motor Vehicles, motor carriers shall furnish time

626 records or other written verification to that department so that
627 the Department of Highway Safety and Motor Vehicles can
628 determine compliance with this subsection. These time records
629 must be furnished to the Department of Highway Safety and Motor
630 Vehicles within 2 days after receipt of that department's
631 request. Falsification of such information is subject to a civil
632 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
633 does ~~de~~ not apply to operators of farm labor vehicles operated
634 during a state of emergency declared by the Governor or operated
635 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
636 utility service vehicles as defined in 49 C.F.R. s. 395.2.

637 (d) A person who operates a commercial motor vehicle
638 solely in intrastate commerce not transporting any hazardous
639 material in amounts that require placarding pursuant to 49
640 C.F.R. part 172 within a 150 air-mile radius of the location
641 where the vehicle is based need not comply with 49 C.F.R. s.
642 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
643 (iii), s. 395.1(e)(1)(iii) and (v) are met. ~~If a driver is not~~
644 ~~released from duty within 12 hours after the driver arrives for~~
645 ~~duty, the motor carrier must maintain documentation of the~~
646 ~~driver's driving times throughout the duty period.~~

647 (e) A person who operates a commercial motor vehicle
648 solely in intrastate commerce is exempt from subsection (1)
649 while transporting agricultural products, including
650 horticultural or forestry products, from farm or harvest place

651 to the first place of processing or storage, or from farm or
652 harvest place directly to market. However, such person must
653 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
654 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
655 vehicles operated pursuant to this paragraph having a gross
656 vehicle weight of 26,001 pounds or more or having three or more
657 axles on the power unit, regardless of weight, must display the
658 name of the vehicle owner or motor carrier and the municipality
659 or town where the vehicle is based on each side of the power
660 unit in letters that contrast with the background and that are
661 readable from a distance of 50 feet. A person who violates this
662 vehicle identification requirement may be assessed a penalty as
663 provided in s. 316.3025(3)(a).

664 (f) A person who operates a commercial motor vehicle
665 having a ~~declared~~ gross vehicle weight, gross vehicle weight
666 rating, or gross combined weight rating of less than 26,001
667 pounds solely in intrastate commerce and who is not transporting
668 hazardous materials in amounts that require placarding pursuant
669 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
670 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
671 However, such person must comply with 49 C.F.R. parts 382, 392,
672 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

673 (g) A person whose driving record shows no convictions for
674 the preceding 3 years and who, as of October 1, 1988, is
675 employed as a driver-salesperson, as defined in 49 C.F.R. s.

676 395.2, and who operates solely in intrastate commerce, is exempt
677 from 49 C.F.R. part 391.

678 (h) A person who is an employee of an electric utility, as
679 defined in s. 361.11, or a telephone company, as defined in s.
680 364.02, and who operates a commercial motor vehicle solely in
681 intrastate commerce and within a 200 air-mile radius of the
682 location where the vehicle is based, is exempt from 49 C.F.R.
683 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

684 (i) A person whose driving record shows no traffic
685 convictions, pursuant to s. 322.61, during the 2-year period
686 immediately preceding the application for the commercial driver
687 license, who is otherwise qualified as a driver under 49 C.F.R.
688 part 391, and who operates a commercial vehicle in intrastate
689 commerce only shall be exempt from the requirements of 49 C.F.R.
690 part 391, subpart E, s. 391.41(b)(10). However, such operators
691 are still subject to the requirements of ss. 322.12 and 322.121.
692 As proof of eligibility, such driver shall have in his or her
693 possession a physical examination form dated within the past 24
694 months.

695 ~~(j) A person who is otherwise qualified as a driver under~~
696 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
697 ~~intrastate commerce only, and who does not transport hazardous~~
698 ~~materials in amounts that require placarding pursuant to 49~~
699 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
700 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~

701 ~~diabetes.~~

702 (j)~~(k)~~ A person holding a commercial driver license who is
 703 a regularly employed driver of a commercial motor vehicle and is
 704 subject to an alcohol and controlled substance testing program
 705 related to that employment shall not be required to be part of a
 706 separate testing program for operating any bus owned and
 707 operated by a church when the driver does not receive any form
 708 of compensation for operating the bus and when the bus is used
 709 to transport people to or from church-related activities at no
 710 charge. The provisions of this paragraph may not be implemented
 711 if the Federal Government notifies the department that
 712 implementation will adversely affect the allocation of federal
 713 funds to the state.

714 Section 13. Subsection (8) of section 316.622, Florida
 715 Statutes, is amended to read:

716 316.622 Farm labor vehicles.—

717 (8) The department shall provide to the Department of
 718 Business and Professional Regulation each quarter a copy of each
 719 crash ~~accident~~ report involving a farm labor vehicle.

720 Section 14. Paragraph (a) of subsection (1) of section
 721 316.640, Florida Statutes, is amended to read:

722 316.640 Enforcement.—The enforcement of the traffic laws
 723 of this state is vested as follows:

724 (1) STATE.—

725 (a)1.a. The Division of Florida Highway Patrol of the

726 Department of Highway Safety and Motor Vehicles; the Division of
727 Law Enforcement of the Fish and Wildlife Conservation
728 Commission; and the agents, inspectors, and officers of the
729 Department of Law Enforcement each have authority to enforce all
730 of the traffic laws of this state on all the streets and
731 highways thereof and elsewhere throughout the state wherever the
732 public has a right to travel by motor vehicle.

733 b. University police officers may enforce all of the
734 traffic laws of this state when violations occur on or within
735 1,000 feet of any property or facilities that are under the
736 guidance, supervision, regulation, or control of a state
737 university, a direct-support organization of such state
738 university, or any other organization controlled by the state
739 university or a direct-support organization of the state
740 university, or when such violations occur within a specified
741 jurisdictional area as agreed upon in a mutual aid agreement
742 entered into with a law enforcement agency pursuant to s.
743 23.1225(1). Traffic laws may also be enforced off-campus when
744 hot pursuit originates on or within 1,000 feet of any such
745 property or facilities, or as agreed upon in accordance with the
746 mutual aid agreement.

747 c. Florida College System institution police officers may
748 enforce all the traffic laws of this state only when such
749 violations occur on or within 1,000 feet of any property or
750 facilities that are under the guidance, supervision, regulation,

751 or control of the Florida College System institution, or when
752 such violations occur within a specified jurisdictional area as
753 agreed upon in a mutual aid agreement entered into with a law
754 enforcement agency pursuant to s. 23.1225. Traffic laws may also
755 be enforced off-campus when hot pursuit originates on or within
756 1,000 feet of any such property or facilities, or as agreed upon
757 in accordance with the mutual aid agreement.

758 d. Police officers employed by an airport authority may
759 enforce all of the traffic laws of this state only when such
760 violations occur on any property or facilities that are owned or
761 operated by an airport authority.

762 (I) An airport authority may employ as a parking
763 enforcement specialist any individual who successfully completes
764 a training program established and approved by the Criminal
765 Justice Standards and Training Commission for parking
766 enforcement specialists but who does not otherwise meet the
767 uniform minimum standards established by the commission for law
768 enforcement officers or auxiliary or part-time officers under s.
769 943.12. This sub-sub-subparagraph may not be construed to permit
770 the carrying of firearms or other weapons, nor shall such
771 parking enforcement specialist have arrest authority.

772 (II) A parking enforcement specialist employed by an
773 airport authority may enforce all state, county, and municipal
774 laws and ordinances governing parking only when such violations
775 are on property or facilities owned or operated by the airport

776 authority employing the specialist, by appropriate state,
 777 county, or municipal traffic citation.

778 e. The Office of Agricultural Law Enforcement of the
 779 Department of Agriculture and Consumer Services may enforce
 780 traffic laws of this state.

781 f. School safety officers may enforce all of the traffic
 782 laws of this state when such violations occur on or about any
 783 property or facilities that are under the guidance, supervision,
 784 regulation, or control of the district school board.

785 2. Any disciplinary action taken or performance evaluation
 786 conducted by an agency of the state as described in subparagraph
 787 1. of a law enforcement officer's traffic enforcement activity
 788 must be in accordance with written work-performance standards.
 789 Such standards must be approved by the agency and any collective
 790 bargaining unit representing such law enforcement officer. A
 791 violation of this subparagraph is not subject to the penalties
 792 provided in chapter 318.

793 3. The Division of the Florida Highway Patrol may employ
 794 as a traffic crash ~~accident~~ investigation officer any individual
 795 who successfully completes instruction in traffic crash ~~accident~~
 796 investigation and court presentation through the Selective
 797 Traffic Enforcement Program as approved by the Criminal Justice
 798 Standards and Training Commission and funded through the
 799 National Highway Traffic Safety Administration or a similar
 800 program approved by the commission, but who does not necessarily

801 meet the uniform minimum standards established by the commission
802 for law enforcement officers or auxiliary law enforcement
803 officers under chapter 943. Any such traffic crash ~~accident~~
804 investigation officer who makes an investigation at the scene of
805 a traffic crash ~~accident~~ may issue traffic citations, based upon
806 personal investigation, when he or she has reasonable and
807 probable grounds to believe that a person who was involved in
808 the crash ~~accident~~ committed an offense under this chapter,
809 chapter 319, chapter 320, or chapter 322 in connection with the
810 crash ~~accident~~. This subparagraph does not permit the officer to
811 carry firearms or other weapons, and such an officer does not
812 have authority to make arrests.

813 Section 15. Subsection (2) of section 316.655, Florida
814 Statutes, is amended to read:

815 316.655 Penalties.—

816 (2) A driver convicted of a violation of any offense
817 prohibited by this chapter or any other law of this state
818 regulating motor vehicles, which resulted in a crash ~~an~~
819 ~~accident~~, may have his or her driving privileges revoked or
820 suspended by the court if the court finds such revocation or
821 suspension warranted by the totality of the circumstances
822 resulting in the conviction and the need to provide for the
823 maximum safety for all persons who travel on or who are
824 otherwise affected by the use of the highways of the state. In
825 determining whether suspension or revocation is appropriate, the

826 court shall consider all pertinent factors, including, but not
827 limited to, such factors as the extent and nature of the
828 driver's violation of this chapter, the number of persons killed
829 or injured as the result of the driver's violation of this
830 chapter, and the extent of any property damage resulting from
831 the driver's violation of this chapter.

832 Section 16. Section 316.70, Florida Statutes, is amended
833 to read:

834 316.70 Nonpublic sector buses; safety rules.—

835 (1) All owners and drivers ~~The Department of~~
836 ~~Transportation shall establish and revise standards to ensure~~
837 ~~the safe operation of nonpublic sector buses~~ operated on the
838 public highways of this state are subject to the rules and
839 regulations, ~~which standards shall be those contained in 49~~
840 ~~C.F.R. parts 382, 383, 385, 386, 387, and 390-397 and which~~
841 ~~shall be directed toward~~ ensuring that:

842 (a) Nonpublic sector buses are safely maintained,
843 equipped, and operated.

844 ~~(b) Nonpublic sector buses are carrying the insurance~~
845 ~~required by law and carrying liability insurance on the checked~~
846 ~~baggage of passengers not to exceed the standard adopted by the~~
847 ~~United States Department of Transportation.~~

848 (b)(e) Florida license tags are purchased for nonpublic
849 sector buses pursuant to s. 320.38.

850 ~~(d) The driving records of drivers of nonpublic sector~~

851 ~~buses are checked by their employers at least once each year to~~
852 ~~ascertain whether the driver has a suspended or revoked driver~~
853 ~~license.~~

854 (2) Department of Highway Safety and Motor Vehicles
855 ~~Transportation~~ personnel may conduct compliance investigations
856 ~~reviews~~ for the purpose of determining compliance with this
857 section. A civil penalty not to exceed \$5,000 in the aggregate
858 may be assessed against a any person who violates ~~any provision~~
859 ~~of~~ this section or who violates a any rule or order of the
860 Department of Highway Safety and Motor Vehicles Transportation.
861 A civil penalty not to exceed \$25,000 in the aggregate may be
862 assessed for violations found in a followup compliance
863 investigation ~~review conducted within a 24-month period. A civil~~
864 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
865 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
866 ~~violations are found after a second followup compliance review~~
867 ~~within 12 months after the first followup compliance review.~~
868 Motor carriers may be enjoined under s. 316.3026 for violations
869 identified during a compliance investigation or for ~~found to be~~
870 operating without insurance coverage required by s. 627.742 or
871 49 C.F.R. part 387 ~~may be enjoined as provided in s. 316.3026.~~

872 (3) For the purpose of enforcing this section, a law
873 enforcement officer of the Department of Highway Safety and
874 Motor Vehicles or duly appointed agent who holds a current
875 safety inspector certification from the Commercial Vehicle

876 Safety Alliance may require the driver of any commercial motor
877 vehicle operated on the highways of this state to stop and
878 submit to an inspection of the motor vehicle or the driver's
879 records. If the motor vehicle or driver is found to be operating
880 in an unsafe condition, or if any required part or equipment is
881 not present or is not in proper repair or adjustment, and the
882 continued operation would present an unduly hazardous operating
883 condition, the officer or agent may require the motor vehicle or
884 the driver to be removed from service pursuant to the North
885 American Standard Out-of-Service Criteria until corrected.
886 However, if continued operation would not present an unduly
887 hazardous operating condition, the officer or agent may give
888 written notice requiring correction of the condition within 14
889 days.

890 (4)(3) School buses subject to ~~the provisions of~~ chapter
891 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
892 section.

893 Section 17. Section 318.19, Florida Statutes, is amended
894 to read:

895 318.19 Infractions requiring a mandatory hearing.—A Any
896 person cited for an infraction ~~the infractions~~ listed in this
897 section shall not have the provisions of s. 318.14(2), (4), and
898 (9) available to him or her but must appear before the
899 designated official at the time and location of the scheduled
900 hearing:

901 (1) Any infraction which results in a crash that causes
 902 the death of another;

903 (2) Any infraction which results in a crash that causes
 904 "serious bodily injury, as defined in s. 316.003," of another,
 905 including the person cited for the infraction as defined in s.
 906 316.1933(1);

907 (3) Any infraction of s. 316.172(1)(b);

908 (4) Any infraction of s. 316.520(1) or (2); or

909 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 910 316.189 of exceeding the speed limit by 30 mph or more.

911 Section 18. Section 319.001, Florida Statutes, is amended
 912 to read:

913 319.001 Definitions.—As used in this chapter, the term:

914 (1) "Certificate of title" means the record that is
 915 evidence of ownership of a vehicle, whether a paper certificate
 916 authorized by the department or a certificate consisting of
 917 information that is stored in an electronic form in the
 918 department's database.

919 (2) "Conflict" or "conflict of interest" means a situation
 920 in which a private interest could benefit from or interfere with
 921 official duties or a public interest, including, but not limited
 922 to:

923 (a) Having a direct or indirect financial interest in a
 924 vehicle being inspected pursuant to s. 319.141; or

925 (b) Being employed by, or directly or indirectly having an

926 | ownership interest in, an entity that has a financial interest
 927 | in a vehicle being inspected pursuant to s. 319.141.

928 | (3)~~(2)~~ "Department" means the Department of Highway Safety
 929 | and Motor Vehicles.

930 | (4)~~(3)~~ "Front-end assembly" means fenders, hood, grill,
 931 | and bumper.

932 | (5)~~(4)~~ "Licensed dealer," unless otherwise specifically
 933 | provided, means a motor vehicle dealer licensed under s. 320.27,
 934 | a mobile home dealer licensed under s. 320.77, or a recreational
 935 | vehicle dealer licensed under s. 320.771.

936 | (6)~~(5)~~ "Motorcycle body assembly" means frame, fenders,
 937 | and gas tanks.

938 | (7)~~(6)~~ "Motorcycle engine" means cylinder block, heads,
 939 | engine case, and crank case.

940 | (8)~~(7)~~ "Motorcycle transmission" means drive train.

941 | (9)~~(8)~~ "New mobile home" means a mobile home the equitable
 942 | or legal title to which has never been transferred by a
 943 | manufacturer, distributor, importer, or dealer to an ultimate
 944 | purchaser.

945 | (10)~~(9)~~ "New motor vehicle" means a motor vehicle the
 946 | equitable or legal title to which has never been transferred by
 947 | a manufacturer, distributor, importer, or dealer to an ultimate
 948 | purchaser; however, when legal title is not transferred but
 949 | possession of a motor vehicle is transferred pursuant to a
 950 | conditional sales contract or lease and the conditions are not

951 satisfied and the vehicle is returned to the motor vehicle
952 dealer, the motor vehicle may be resold by the motor vehicle
953 dealer as a new motor vehicle, provided the selling motor
954 vehicle dealer gives the following written notice to the
955 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."
956 The purchaser shall sign an acknowledgment, a copy of which is
957 kept in the selling dealer's file.

958 (11) "Private rebuilt inspection provider" means a person
959 or entity physically located in Florida and authorized by the
960 department and operating under this chapter to conduct rebuilt
961 motor vehicle inspections.

962 (12)~~(10)~~ "Rear body section" means both quarter panels,
963 decklid, bumper, and floor pan.

964 (13) "Rebuilt courier service" means an individual or
965 entity that provides services to vehicle owners or motor vehicle
966 dealers who use the inspection services of a private rebuilt
967 inspection provider. These services include, but are not limited
968 to, preparing, compiling, or providing forms, applications,
969 certificates of title, or other documentation required to
970 conduct a rebuilt inspection and engaging in or arranging for
971 the transportation of vehicles for inspection.

972 (14) "Rebuilt inspection" means an examination of a
973 rebuilt vehicle and the required documentation, which includes,
974 but is not limited to, a properly endorsed certificate of title,
975 salvage certificate of title, or manufacturer's statement of

976 origin; an application for a rebuilt branded certificate of
977 title; a rebuilder's affidavit; a photograph taken of the junk
978 or salvage vehicle before repairs began; receipts or invoices
979 for all major component parts as defined in s. 319.30;
980 documentation of repairs conducted; proof that notice of
981 rebuilding of the vehicle has been reported to the National
982 Motor Vehicle Title Information System; and, if an airbag or
983 airbags were deployed, photographs taken before and after such
984 deployment which clearly show the deployed airbags and that the
985 airbags have been replaced.

986 (15)~~(11)~~ "Satisfaction of lien" means full payment of a
987 debt or release of a debtor from a lien by the lienholder.

988 (16)~~(12)~~ "Used motor vehicle" means any motor vehicle that
989 is not a "new motor vehicle" as defined in subsection (10) ~~(9)~~.

990 Section 19. Section 319.002, Florida Statutes, is created
991 to read:

992 319.002 Rulemaking authority.—The department shall
993 administer and provide for the enforcement of this chapter. The
994 department may adopt rules to implement the provisions of this
995 chapter conferring powers or duties upon the department,
996 including, without limitation, adopting rules and forms
997 governing reports. The department shall also have the
998 nonexclusive power to define by rule any term, regardless of
999 whether used in this chapter, insofar as the definition is not
1000 inconsistent with the provisions of this chapter.

1001 Section 20. Section 319.141, Florida Statutes, is amended
1002 to read:

1003 (Substantial rewording of section. See
1004 s. 319.141, F.S., for present text.)

1005 319.141 Private rebuilt motor vehicle inspection program.—
1006 The department may authorize private rebuilt inspection
1007 providers under this section. The purpose of the private rebuilt
1008 motor vehicle inspection program is to prevent the use of stolen
1009 parts in the rebuilding process, identify and recover stolen
1010 motor vehicles, require the installation of non-recalled airbags
1011 in rebuilt motor vehicles, and assist law enforcement with the
1012 investigation of motor vehicle theft and related fraud. The
1013 department may monitor and investigate private rebuilt
1014 inspection providers and rebuilt courier services to ensure
1015 compliance with this chapter. The department may examine all
1016 records pertaining to any inspection or related service
1017 performed under the private rebuilt motor vehicle inspection
1018 program.

1019 (1) A person or entity, other than the department, may not
1020 provide private rebuilt inspection services unless authorized by
1021 the department pursuant to this chapter.

1022 (2) A person or entity may not provide rebuilt courier
1023 services in this state or from locations outside this state
1024 unless it has a valid, nonexclusive contract with each
1025 department-authorized private rebuilt inspection provider with

1026 whom the rebuilt courier service conducts business. Such
1027 contract shall require the rebuilt courier service to comply
1028 with general law and department procedures, provide proof of and
1029 agree to maintain good and sufficient garage liability insurance
1030 in the amount of \$100,000, and comply with any other requirement
1031 established by the department which is designed to protect the
1032 public, the department, or the private rebuilt inspection
1033 provider from illegal or disruptive conduct.

1034 (3) The department shall authorize private rebuilt
1035 inspection providers who meet the requirements of this chapter.

1036 (4) Before authorization is granted to a private rebuilt
1037 inspection provider, the department shall ensure that the
1038 private rebuilt inspection provider has:

1039 (a) Submitted a request for authorization to the
1040 department along with all required documentation.

1041 (b) Passed a physical location inspection conducted by the
1042 department to ensure that the private rebuilt inspection
1043 provider is operating in a location at which no other businesses
1044 are operating, attached, connected, or joined by a common
1045 address, regardless of whether the address is recognized by the
1046 United States Postal Service as a separate address. The location
1047 must have permanent signage with posted business hours, a
1048 rebuilt inspection area that is separate and visually obstructed
1049 from any area accessible to a customer, and surveillance cameras
1050 capable of recording the rebuilt inspection area.

1051 (c) Provided evidence of a good and sufficient surety bond
1052 or irrevocable letter of credit in the amount of \$100,000
1053 executed by the private rebuilt inspection provider covering all
1054 activities under the private rebuilt motor vehicle inspection
1055 program and naming the department as an insured. Such surety
1056 bond or letter of credit shall be executed by a surety company
1057 authorized to do business in the state as surety, and
1058 irrevocable letters of credit shall be issued by a bank
1059 authorized to do business in this state as a bank. Surety bonds
1060 and letters of credit shall be in favor of the department for 1
1061 year.

1062 (d) Identified and provided a lease or proof of ownership
1063 of a proposed location that will be open to the public at a
1064 permanent structure at an address recognized by the United
1065 States Postal Service at which the only services provided are
1066 private rebuilt inspection services. The location shall be large
1067 enough to accommodate all of the motor vehicles being inspected
1068 and shall have sufficient space to maintain physical security of
1069 all required inspection records.

1070 (e) Provided an attestation by each owner, partner, and
1071 corporate officer of the private rebuilt inspection provider
1072 acknowledging that he or she is deemed to be engaging in
1073 activities that are in the public interest and are free of
1074 conflicts of interest.

1075 (f) Provided evidence of good and sufficient garage

1076 liability insurance coverage with a minimum of \$100,000 single
1077 limit liability coverage, including bodily injury and property
1078 damage protection, and \$10,000 personal injury protection.

1079 (g) Performed criminal background checks on all owners,
1080 partners, and corporate officers which demonstrate that they
1081 have not been convicted of a felony, pled guilty to a felony,
1082 pled nolo contendere to a felony, or been incarcerated for a
1083 felony within the preceding 10 years involving fraud, theft, or
1084 dishonest dealing.

1085 (h) Provided evidence of authorization to conduct business
1086 in this state from the Division of Corporations of the
1087 Department of State.

1088 (5) Each authorized private rebuilt inspection provider
1089 may operate additional locations in the state with prior written
1090 approval from the department. In determining whether to approve
1091 a location, the department shall apply the criteria provided in
1092 paragraph (4) (b). A private rebuilt inspection provider may
1093 operate from a mobile inspection unit, with prior written
1094 approval from the department, if the private rebuilt inspection
1095 provider also has a permanent facility that meets the criteria
1096 of paragraph (4) (b) and the operation of such mobile inspection
1097 unit complies with the terms of the contract with the department
1098 as specified in paragraph (6) (1).

1099 (6) The department shall enter into a contract with each
1100 authorized private rebuilt inspection provider. The contract

1101 shall include:

1102 (a) Requirements to maintain connections with and use the
1103 department's motor vehicle database, the National Motor Vehicle
1104 Title Information System, and information from the National
1105 Insurance Crime Bureau.

1106 (b) Requirements to follow department policies and
1107 procedures when conducting rebuilt inspections.

1108 (c) Requirements to maintain the confidentiality of all
1109 information received under the agreement in accordance with
1110 chapter 119 and the federal Driver's Privacy Protection Act of
1111 1994, 18 U.S.C. ss. 2721 et seq.

1112 (d) A provision that the contract is not assignable to a
1113 third party, either in whole or in part, without the prior
1114 written consent of the department.

1115 (e) A provision that the private rebuilt inspection
1116 provider agrees to submit to oversight by the department.

1117 (f) Requirements for maintaining records required by
1118 department policies and procedures, making those records
1119 available to the department for inspection, and complying with
1120 Florida public records laws.

1121 (g) Provisions outlining penalties for noncompliance with
1122 the contract, including termination.

1123 (h) Forms required to be used by the private rebuilt
1124 inspection provider to document completion of the rebuilt
1125 inspection process. These forms shall include, but not be

1126 limited to, a completed and signed application for certificate
1127 of title with or without registration; a completed and signed
1128 statement of builder describing the process and major component
1129 parts used in the rebuilding of the motor vehicle; a completed
1130 and signed power of attorney for a motor vehicle, mobile home,
1131 or vessel, if applicable; and a completed and signed vehicle
1132 identification number and odometer verification.

1133 (i) Requirements to report stolen parts or motor vehicles.

1134 (j) Requirements for maintaining a surety bond and garage
1135 liability insurance.

1136 (k) Conditions under which the contract may be terminated
1137 by either party.

1138 (l) Requirements for operating a mobile inspection unit,
1139 including, but not limited to, general liability insurance in
1140 the amount of \$100,000, commercial automobile liability
1141 insurance on each mobile unit in the amount of \$100,000,
1142 physical security for indicia and inspection records,
1143 maintenance of records at a permanent facility, cooperation with
1144 department oversight requirements, weekly schedule of the
1145 rebuilt inspections to be conducted, a camera to document the
1146 inspection, and confidentiality of the rebuilt inspection
1147 process.

1148 (7) Each authorized private rebuilt inspection provider
1149 shall access vehicle and title information and enter inspection
1150 results through an electronic filing system authorized by the

1151 department and shall maintain records of each rebuilt vehicle
1152 inspection processed by the private rebuilt inspection provider
1153 for at least 5 years.

1154 (8) The department may immediately terminate the contract
1155 with any private rebuilt inspection provider who fails to meet
1156 the requirements of this section. Before a change in ownership
1157 of a private rebuilt inspection provider, the current owner must
1158 give the department at least 45 days' written notice of the
1159 intended sale. The prospective owner must meet all the
1160 requirements of this section and execute a new contract with the
1161 department before it begins operating as a private rebuilt
1162 inspection provider.

1163 (9) By July 1 of each year, an authorized private rebuilt
1164 inspection provider must attest that it has complied with this
1165 section, and each owner, partner, and corporate officer must
1166 affirm that he or she is free from conflicts of interest.

1167 (10) Private rebuilt inspection providers may charge a fee
1168 for their services in addition to the fees set forth in s.
1169 319.32. This additional fee shall be clearly disclosed to each
1170 customer on his or her receipt and be conspicuously posted in an
1171 area frequented by customers.

1172 Section 21. Section 319.1411, Florida Statutes, is created
1173 to read:

1174 319.1411 Monitoring of private rebuilt inspection
1175 providers.—The department may monitor and inspect the operations

1176 of private rebuilt inspection providers as it deems necessary to
1177 determine whether the private rebuilt inspection provider is
1178 operating in compliance with this chapter or has engaged in any
1179 of the prohibited business practices as set forth in s.
1180 319.1412.

1181 Section 22. Section 319.1412, Florida Statutes, is created
1182 to read:

1183 319.1412 Rules of conduct; prohibited business practices.-
1184 The following constitute grounds for termination of any and all
1185 contracts entered into with a private rebuilt inspection
1186 provider under this chapter. Written notice of termination shall
1187 be provided before termination.

1188 (1) Engaging in any business transaction or activity that
1189 is in substantial conflict with the proper discharge of the
1190 private rebuilt inspection provider's duties in the public
1191 interest.

1192 (2) Allowing a motor vehicle to pass inspection knowing
1193 there was a material misrepresentation in the required
1194 documentation or that the documentation submitted in support of
1195 the inspection was counterfeit or materially altered.

1196 (3) Failing to report to the department the identification
1197 of a suspected stolen part or stolen motor vehicle during a
1198 private rebuilt inspection.

1199 (4) In connection with providing private rebuilt
1200 inspection services, engaging in any course of conduct that acts

1201 as a fraud or deceit upon the department, a motor vehicle
1202 dealer, or a motor vehicle owner.

1203 (5) Knowingly falsifying department records or knowingly
1204 providing materially false or misleading information to the
1205 department.

1206 (6) Failing to allow an examination or inspection of a
1207 private rebuilt inspection provider facility, including a review
1208 of books and records, by the department or a law enforcement
1209 officer during regular business hours.

1210 (7) Allowing a motor vehicle to pass inspection without
1211 having a reasonable basis to believe that all airbags subject to
1212 a safety recall issued by the National Highway Traffic Safety
1213 Administration were replaced with airbags not subject to a
1214 safety recall issued by the National Highway Traffic Safety
1215 Administration.

1216 (8) Failing to timely respond to a subpoena issued by the
1217 department.

1218 (9) Conducting rebuilt inspection services at a physical
1219 location not approved in writing by the department or from a
1220 mobile unit not approved in writing by the department.

1221 (10) Failing to maintain at all times good and sufficient
1222 garage liability insurance in the amount of \$100,000.

1223 (11) Failing to maintain at all times a good and
1224 sufficient surety bond or irrevocable letter of credit in the
1225 amount of \$100,000 covering all activities under the private

1226 rebuilt motor vehicle inspection program which names the
1227 department as an insured.

1228 (12) Violating any provision of this section or any
1229 provision of the contract between the department and the private
1230 rebuilt inspection provider.

1231 (13) Advertising in a manner that in any way would
1232 reasonably lead the public to believe the private rebuilt
1233 inspection provider was an employee or representative of the
1234 department or using "Department of Highway Safety and Motor
1235 Vehicles," "DMV," "DHSMV," "FLHSMV," "HSMV," or any other words,
1236 acronyms, or logos that are associated with the department in
1237 any part of its name.

1238 Section 23. Section 319.1414, Florida Statutes, is created
1239 to read:

1240 319.1414 Investigations; examinations; subpoenas;
1241 hearings; witnesses.—

1242 (1) The department may conduct investigations and
1243 examinations of department-authorized private rebuilt inspection
1244 providers as it deems necessary:

1245 (a) To determine whether a person has violated or is about
1246 to violate any provision of this chapter or a contract entered
1247 into under this chapter; or

1248 (b) To aid in the enforcement of this chapter.

1249 (2) For purposes of any investigation or examination
1250 conducted under this section, the department may exercise the

1251 power of subpoena and to administer oaths or affirmations,
1252 examine witnesses, require affidavits, take depositions, and
1253 compel the attendance of witnesses and the production of books,
1254 papers, documents, records, and other evidence. Such subpoenas
1255 may be served by an authorized representative of the department.

1256 (3) If a person refuses to testify; produce books, papers,
1257 documents, or records; or otherwise obey the subpoena or
1258 subpoena duces tecum, the department may petition a court of
1259 competent jurisdiction in the county in which the person's
1260 residence or principal place of business is located, whereupon
1261 the court shall issue an order requiring such person to obey the
1262 subpoena or show cause for failing to obey the subpoena. Unless
1263 the person shows sufficient cause for failing to obey the
1264 subpoena, the court shall direct the person to obey the
1265 subpoena. Costs incurred by the department to obtain an order
1266 granting, in whole or in part, its petition shall be paid by the
1267 subpoenaed person, and failure to comply with such order is
1268 contempt of court.

1269 (4) For the purpose of any investigation, examination, or
1270 proceeding initiated by the department under this chapter, the
1271 department may designate agents to serve subpoenas and other
1272 process and administer oaths or affirmations.

1273 (5) A witness subpoenaed under this section is entitled to
1274 witness fees at the same rate established by s. 92.142 for
1275 witnesses in a civil case, except that witness fees are not

1276 payable for appearance at the witness's place of business during
1277 regular business hours or at the witness's residence.

1278 (6) The department may adopt rules to administer this
1279 section.

1280 Section 24. Subsections (3) through (8) are added to
1281 section 319.25, Florida Statutes, to read:

1282 319.25 Cancellation of certificates; investigations;
1283 subpoenas and other process; oaths; rules.-

1284 (3) The department may conduct investigations and
1285 examinations of any person suspected of violating or of having
1286 violated any provision of this chapter or any rule adopted or
1287 order issued under this chapter.

1288 (4) For purposes of any investigation or examination
1289 conducted under this section, the department is granted and
1290 authorized to exercise the power of subpoena and to administer
1291 oaths or affirmations, examine witnesses, require affidavits,
1292 take depositions, and compel the attendance of witnesses and the
1293 production of books, papers, documents, records, and other
1294 evidence. Such subpoenas may be served by an authorized
1295 representative of the department.

1296 (5) If a person refuses to testify, produce books, papers,
1297 documents, or records, or otherwise obey the subpoena or
1298 subpoena duces tecum, the department may petition a court of
1299 competent jurisdiction in the county in which the person's
1300 residence or principal place of business is located, whereupon

1301 the court shall issue an order requiring such person to obey the
 1302 subpoena or show cause for failing to obey the subpoena. Unless
 1303 the person shows sufficient cause for failing to obey the
 1304 subpoena, the court shall direct the person to obey the
 1305 subpoena. Costs incurred by the department to obtain an order
 1306 granting, in whole or in part, its petition shall be paid by the
 1307 subpoenaed person, and failure to comply with such order is
 1308 contempt of court.

1309 (6) For the purpose of any investigation, examination, or
 1310 proceeding initiated by the department under this chapter, the
 1311 department may designate agents to serve subpoenas and other
 1312 process and administer oaths or affirmations.

1313 (7) A witness subpoenaed under this section is entitled to
 1314 witness fees at the same rate established by s. 92.142 for
 1315 witnesses in a civil case, except that witness fees are not
 1316 payable for appearance at the witness's place of business during
 1317 regular business hours or at the witness's residence.

1318 (8) The department may adopt rules to administer this
 1319 section.

1320 Section 25. Subsection (3) of section 319.40, Florida
 1321 Statutes, is amended to read:

1322 319.40 Transactions by electronic or telephonic means.—

1323 (3) The department may collect and use e-mail ~~electronic~~
 1324 ~~mail~~ addresses for purposes of this chapter, including, but not
 1325 limited to, and use of e-mail ~~electronic mail~~ in lieu of the

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1326 United States Postal Service as a method of notification.
1327 However, any notice regarding the potential forfeiture or
1328 foreclosure of an interest in property must be sent via the
1329 United States Postal Service.

1330 Section 26. Subsection (24) of section 320.01, Florida
1331 Statutes, is amended to read:

1332 320.01 Definitions, general.—As used in the Florida
1333 Statutes, except as otherwise provided, the term:

1334 (24) "Apportionable vehicle" means any vehicle, except
1335 recreational vehicles, vehicles displaying restricted plates,
1336 city pickup and delivery vehicles, ~~buses used in transportation~~
1337 ~~of chartered parties,~~ and government-owned vehicles, which is
1338 used or intended for use in two or more member jurisdictions
1339 that allocate or proportionally register vehicles and which is
1340 used for the transportation of persons for hire or is designed,
1341 used, or maintained primarily for the transportation of property
1342 and:

1343 (a) Is a power unit having a gross vehicle weight in
1344 excess of 26,000 pounds;

1345 (b) Is a power unit having three or more axles, regardless
1346 of weight; or

1347 (c) Is used in combination, when the weight of such
1348 combination exceeds 26,000 pounds gross vehicle weight.

1349
1350 Vehicles, or combinations thereof, having a gross vehicle weight

1351 of 26,000 pounds or less and two-axle vehicles may be
 1352 proportionally registered.

1353 Section 27. Paragraph (b) of subsection (1) of section
 1354 320.06, Florida Statutes, is amended to read:

1355 320.06 Registration certificates, license plates, and
 1356 validation stickers generally.—

1357 (1)

1358 (b)1. Registration license plates bearing a graphic symbol
 1359 and the alphanumeric system of identification shall be issued
 1360 for a 10-year period. At the end of the 10-year period, upon
 1361 renewal, the plate shall be replaced. The department shall
 1362 extend the scheduled license plate replacement date from a 6-
 1363 year period to a 10-year period. The fee for such replacement is
 1364 \$28, \$2.80 of which shall be paid each year before the plate is
 1365 replaced, to be credited toward the next \$28 replacement fee.
 1366 The fees shall be deposited into the Highway Safety Operating
 1367 Trust Fund. A credit or refund may not be given for any prior
 1368 years' payments of the prorated replacement fee if the plate is
 1369 replaced or surrendered before the end of the 10-year period,
 1370 except that a credit may be given if a registrant is required by
 1371 the department to replace a license plate under s.

1372 320.08056(8) (a). With each license plate, a validation sticker
 1373 shall be issued showing the owner's birth month, license plate
 1374 number, and the year of expiration or the appropriate renewal
 1375 period if the owner is not a natural person. The validation

1376 sticker shall be placed on the upper right corner of the license
1377 plate. The license plate and validation sticker shall be issued
1378 based on the applicant's appropriate renewal period. The
1379 registration period is 12 months, the extended registration
1380 period is 24 months, and all expirations occur based on the
1381 applicant's appropriate registration period.

1382 2. A vehicle that has an apportioned registration shall be
1383 issued an annual license plate and a cab card that denote the
1384 declared gross vehicle weight for each apportioned jurisdiction
1385 in which the vehicle is authorized to operate. This subparagraph
1386 expires October 1, 2019.

1387 3. Upon implementation of a new operating system for
1388 apportioned vehicle registration, a vehicle registered in
1389 accordance with the International Registration Plan which has an
1390 apportioned registration shall be issued a license plate for a
1391 5-year period, an annual cab card denoting the declared gross
1392 vehicle weight, and an annual validation sticker showing the
1393 month and year of expiration. The validation sticker shall be
1394 placed in the center of the license plate. The license plate and
1395 validation sticker shall be issued based on the applicant's
1396 appropriate renewal period. The registration period is 12
1397 months. The fee for an original and a renewed cab card is \$28.
1398 This fee shall be deposited into the Highway Safety Operating
1399 Trust Fund. If the license plate is damaged or worn, it may be
1400 replaced at no charge by applying to the department and

1401 surrendering the current license plate.

1402 ~~4.2-~~ In order to retain the efficient administration of
1403 the taxes and fees imposed by this chapter, the 80-cent fee
1404 increase in the replacement fee imposed by chapter 2009-71, Laws
1405 of Florida, is negated as provided in s. 320.0804.

1406 Section 28. Subsection (5) of section 320.0607, Florida
1407 Statutes, is amended to read:

1408 320.0607 Replacement license plates, validation decal, or
1409 mobile home sticker.—

1410 (5) Upon the issuance of an original license plate, the
1411 applicant shall pay a fee of \$28 to be deposited in the Highway
1412 Safety Operating Trust Fund. Upon implementation of a new
1413 operating system for apportioned vehicle registration, this
1414 subsection does not apply to a vehicle registered under the
1415 International Registration Plan.

1416 Section 29. Paragraph (a) of subsection (9) and subsection
1417 (11) of section 320.27, Florida Statutes, are amended, and
1418 paragraph (g) is added to subsection (1) of that section, to
1419 read:

1420 320.27 Motor vehicle dealers.—

1421 (1) DEFINITIONS.—The following words, terms, and phrases
1422 when used in this section have the meanings respectively
1423 ascribed to them in this subsection, except where the context
1424 clearly indicates a different meaning:

1425 (g) "Control person" means a person who has significant

1426 power, directly or indirectly, to direct the management or
1427 policies of a company, whether through ownership, by contract,
1428 or otherwise. The term includes a person who is an owner,
1429 director, general partner, officer, manager, or employee
1430 exercising decisionmaking responsibility or exercising similar
1431 executive status or functions but does not include an employee
1432 whose function is only clerical or ministerial or in sales under
1433 the supervision of an owner or manager or other person
1434 exercising decisionmaking responsibility.

1435 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1436 (a) The department may deny an initial or renewal
1437 application or ~~suspend~~ or revoke a ~~any~~ license issued
1438 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771
1439 upon proof that an applicant or a licensee has:

1440 1. Committed fraud or willful misrepresentation in
1441 application for or in obtaining a license.

1442 2. Been convicted of a felony and has either not completed
1443 the resulting felony sentence or completed the felony sentence
1444 less than 10 years after the date of licensure application.

1445 3. Failed to honor a bank draft or check given to a motor
1446 vehicle dealer for the purchase of a motor vehicle by another
1447 motor vehicle dealer within 10 days after notification that the
1448 bank draft or check has been dishonored. If the transaction is
1449 disputed, the maker of the bank draft or check shall post a bond
1450 in accordance with the provisions of s. 559.917, and no

1451 proceeding for revocation or suspension shall be commenced until
1452 the dispute is resolved.

1453 4.a. Failed to provide payment within 10 business days to
1454 the department for a check payable to the department that was
1455 dishonored due to insufficient funds in the amount due plus any
1456 statutorily authorized fee for uttering a worthless check. The
1457 department shall notify an applicant or licensee when the
1458 applicant or licensee makes payment to the department by a check
1459 that is subsequently dishonored by the bank due to insufficient
1460 funds. The applicant or licensee shall, within 10 business days
1461 after receiving the notice, provide payment to the department in
1462 the form of cash in the amount due plus any statutorily
1463 authorized fee. If the applicant or licensee fails to make such
1464 payment within 10 business days, the department may deny,
1465 suspend, or revoke the applicant's or licensee's motor vehicle
1466 dealer license.

1467 b. Stopped payment on a check payable to the department,
1468 issued a check payable to the department from an account that
1469 has been closed, or charged back a credit card transaction to
1470 the department. If an applicant or licensee commits any such
1471 act, the department may deny, suspend, or revoke the applicant's
1472 or licensee's motor vehicle dealer license.

1473 5. Previously owned a majority interest in, or acted as a
1474 control person of, a motor vehicle dealer that within the past
1475 10 years has been the subject of any decision, finding,

1476 injunction, suspension, revocation, denial, judgment, or
1477 administrative order by any court of competent jurisdiction,
1478 administrative law judge, or state agency that resulted in a
1479 finding of violation of any federal or state law relating to
1480 unlicensed activity, or fraud in connection with the sale of a
1481 motor vehicle, or knowingly employs or contracts such person, or
1482 a person who has been convicted of a felony and has either not
1483 completed the resulting felony sentence or completed the felony
1484 sentence less than 10 years from the date of licensure
1485 application as a control person.

1486 (11) INJUNCTION.—

1487 (a) In addition to the remedies provided in this chapter
1488 and notwithstanding the existence of any adequate remedy at law,
1489 the department may ~~is authorized to~~ make application to any
1490 circuit court of the state, and such circuit court shall have
1491 jurisdiction, upon a hearing and for cause shown, to grant a
1492 temporary or permanent injunction, or both, restraining any
1493 person from acting as a motor vehicle dealer under the terms of
1494 this section without being properly licensed hereunder, from
1495 violating or continuing to violate any of the provisions of
1496 chapter 319, this chapter, or ss. 559.901-559.9221, or for
1497 failing or refusing to comply with the requirements of chapter
1498 319, this chapter, or ss. 559.901-559.9221, or any rule or
1499 regulation adopted thereunder, such injunction to be issued
1500 without bond. A single act in violation of the provisions of

1501 chapter 319, this chapter, or chapter 559 shall be sufficient to
 1502 authorize the issuance of an injunction.

1503 (b) If the court grants the injunction, the court may bar,
 1504 permanently or for a specific time period, any person found to
 1505 have violated any federal or state law relating to unlicensed
 1506 activity or fraud in connection with the sale of a motor
 1507 vehicle. If a person is barred, the person may not continue in
 1508 any capacity within the industry. The person shall have no
 1509 management, sales, or other role in the operation of a
 1510 dealership. Further, if permanently barred, the person may not
 1511 derive income from the dealership beyond reasonable compensation
 1512 for the sale of his or her ownership interest in the business.

1513 Section 30. Section 320.861, Florida Statutes, is amended
 1514 to read:

1515 320.861 Investigations; subpoenas and other process;
 1516 oaths; rules ~~inspection of records; production of evidence;~~
 1517 ~~subpoena power.~~—

1518 (1) The department may conduct investigations and
 1519 examinations of any person suspected of violating or of having
 1520 violated any provision of this chapter or any rule adopted or
 1521 order issued under this chapter ~~inspect the pertinent books,~~
 1522 ~~records, letters, and contracts of any licensee, whether dealer~~
 1523 ~~or manufacturer, relating to any written complaint made to it~~
 1524 ~~against such licensee.~~

1525 (2) For purposes of any investigation or examination

1526 conducted under this section, the department is granted and
1527 authorized to exercise the power of subpoena and to administer
1528 oaths or affirmations, examine witnesses, require affidavits,
1529 take depositions, and compel the attendance of witnesses and the
1530 production of books, papers, documents, records, and other
1531 evidence. Such subpoenas may be served by an authorized
1532 representative of the department ~~for the attendance of witnesses~~
1533 ~~and the production of any documentary evidence necessary to the~~
1534 ~~disposition by it of any written complaint against any licensee,~~
1535 ~~whether dealer or manufacturer.~~

1536 (3) If a person refuses to testify; produce books, papers,
1537 documents, or records; or otherwise obey the subpoena or
1538 subpoena duces tecum, the department may petition a court of
1539 competent jurisdiction in the county in which the person's
1540 residence or principal place of business is located, whereupon
1541 the court shall issue an order requiring such person to obey the
1542 subpoena or show cause for failing to obey the subpoena. Unless
1543 the person shows sufficient cause for failing to obey the
1544 subpoena, the court shall direct the person to obey the
1545 subpoena. Costs incurred by the department to obtain an order
1546 granting, in whole or in part, its petition shall be paid by the
1547 subpoenaed person, and failure to comply with such order is
1548 contempt of court.

1549 (4) For the purpose of any investigation, examination, or
1550 proceeding initiated by the department under this chapter, the

1551 department may designate agents to serve subpoenas and other
 1552 process and administer oaths or affirmations. The department
 1553 shall exercise this power on its own initiative in accordance
 1554 with ss. 320.615 and 320.71.

1555 (5) A witness subpoenaed under this section is entitled to
 1556 witness fees at the same rate established by s. 92.142 for
 1557 witnesses in a civil case, except that witness fees are not
 1558 payable for appearance at the witness's place of business during
 1559 regular business hours or at the witness's residence.

1560 (6) The department may adopt rules to administer this
 1561 section.

1562 Section 31. Subsection (2) of section 320.95, Florida
 1563 Statutes, is amended to read:

1564 320.95 Transactions by electronic or telephonic means.—

1565 (2) The department may collect and use e-mail ~~electronic~~
 1566 ~~mail~~ addresses for purposes of this chapter, including, but not
 1567 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1568 United States Postal Service for the purpose of providing
 1569 renewal notices.

1570 Section 32. Subsection (1) of section 321.05, Florida
 1571 Statutes, is amended to read:

1572 321.05 Duties, functions, and powers of patrol officers.—
 1573 The members of the Florida Highway Patrol are hereby declared to
 1574 be conservators of the peace and law enforcement officers of the
 1575 state, with the common-law right to arrest a person who, in the

1576 presence of the arresting officer, commits a felony or commits
1577 an affray or breach of the peace constituting a misdemeanor,
1578 with full power to bear arms; and they shall apprehend, without
1579 warrant, any person in the unlawful commission of any of the
1580 acts over which the members of the Florida Highway Patrol are
1581 given jurisdiction as hereinafter set out and deliver him or her
1582 to the sheriff of the county that further proceedings may be had
1583 against him or her according to law. In the performance of any
1584 of the powers, duties, and functions authorized by law, members
1585 of the Florida Highway Patrol have the same protections and
1586 immunities afforded other peace officers, which shall be
1587 recognized by all courts having jurisdiction over offenses
1588 against the laws of this state, and have authority to apply for,
1589 serve, and execute search warrants, arrest warrants, *capias*, and
1590 other process of the court. The patrol officers under the
1591 direction and supervision of the Department of Highway Safety
1592 and Motor Vehicles shall perform and exercise throughout the
1593 state the following duties, functions, and powers:

1594 (1) To patrol the state highways and regulate, control,
1595 and direct the movement of traffic thereon; to maintain the
1596 public peace by preventing violence on highways; to apprehend
1597 fugitives from justice; to enforce all laws regulating and
1598 governing traffic, travel, and public safety upon the public
1599 highways and providing for the protection of the public highways
1600 and public property thereon, including the security and safety

1601 of this state's transportation infrastructure; to make arrests
1602 without warrant for the violation of any state law committed in
1603 their presence in accordance with state law; providing that no
1604 search may be made unless it is incident to a lawful arrest, to
1605 regulate and direct traffic concentrations and congestions; to
1606 enforce laws governing the operation, licensing, and taxing and
1607 limiting the size, weight, width, length, and speed of vehicles
1608 and licensing and controlling the operations of drivers and
1609 operators of vehicles, including the safety, size, and weight of
1610 commercial motor vehicles; to collect all state fees and
1611 revenues levied as an incident to the use or right to use the
1612 highways for any purpose, including the taxing and registration
1613 of commercial motor vehicles; to require the drivers of vehicles
1614 to stop and exhibit their driver licenses, registration cards,
1615 or documents required by law to be carried by such vehicles; to
1616 investigate traffic crashes ~~accidents~~, secure testimony of
1617 witnesses and of persons involved, and make report thereof with
1618 copy, if requested in writing, to any person in interest or his
1619 or her attorney; to investigate reported thefts of vehicles; and
1620 to seize contraband or stolen property on or being transported
1621 on the highways. Each patrol officer of the Florida Highway
1622 Patrol is subject to and has the same arrest and other authority
1623 provided for law enforcement officers generally in chapter 901
1624 and has statewide jurisdiction. Each officer also has arrest
1625 authority as provided for state law enforcement officers in s.

1626 901.15. This section does not conflict with, but is supplemental
 1627 to, chapter 933.

1628 Section 33. Section 321.065, Florida Statutes, is amended
 1629 to read:

1630 321.065 Traffic crash ~~accident~~ investigation officers;
 1631 employment; standards.—The department may employ traffic crash
 1632 ~~accident~~ investigation officers who must complete any applicable
 1633 standards adopted by the Florida Highway Patrol, including, but
 1634 not limited to: cognitive testing, drug testing, polygraph
 1635 testing, psychological testing, and an extensive background
 1636 check, including a credit check.

1637 Section 34. Paragraph (d) of subsection (2) of section
 1638 321.23, Florida Statutes, is amended to read:

1639 321.23 Public records; fees for copies; destruction of
 1640 obsolete records; photographing records; effect as evidence.—

1641 (2) Fees for copies of public records shall be charged and
 1642 collected as follows:

1643 (d) Photographs (crashes ~~accidents~~, etc.):

1644

	Enlargement Proof	Color	Black & White
1645	1. 5" x 7"	\$1.00	\$0.75
1646	2. 8" x 10"	\$1.50	\$1.00

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- 3. 11" x 14" Not Available \$1.75
- 4. 16" x 20" Not Available \$2.75
- 5. 20" x 24" Not Available \$3.75

The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 35. Paragraph (a) of subsection (2) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2) (a) Every identification card:

1. Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.

2. Issued to a person 15 years of age and older shall expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. An ~~Any~~ application

1669 for renewal received later than 12 months ~~90 days~~ after
1670 expiration of the identification card shall be considered the
1671 same as an application for an original identification card.

1672 Section 36. Paragraphs (a) and (b) of subsection (4) of
1673 section 322.0602, Florida Statutes, are amended to read:

1674 322.0602 Youthful Drunk Driver Visitation Program.—

1675 (4) VISITATION REQUIREMENT.—

1676 (a) To the extent that personnel and facilities are made
1677 available to the court, the court may include a requirement for
1678 supervised visitation by the probationer to all, or any, of the
1679 following:

1680 1. A trauma center, as defined in s. 395.4001, or a
1681 hospital as defined in s. 395.002, which regularly receives
1682 victims of vehicle crashes ~~accidents~~, between the hours of 10
1683 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1684 observe appropriate victims of vehicle crashes ~~accidents~~
1685 involving drinking drivers, under the supervision of any of the
1686 following:

1687 a. A registered nurse trained in providing emergency
1688 trauma care or prehospital advanced life support.

1689 b. An emergency room physician.

1690 c. An emergency medical technician.

1691 2. A licensed service provider, as defined in s. 397.311,
1692 which cares for substance abuse impaired persons, to observe
1693 persons in the terminal stages of substance abuse impairment,

1694 under the supervision of appropriately licensed medical
1695 personnel. Before ~~Prior to~~ any visitation of such terminally ill
1696 or disabled persons, the persons or their legal representatives
1697 must give their express consent to participate in the visitation
1698 program.

1699 3. If approved by the county coroner, the county coroner's
1700 office or the county morgue to observe appropriate victims of
1701 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1702 supervision of the coroner or a deputy coroner.

1703 (b) As used in this section, the term "appropriate
1704 victims" means victims or their legal representatives, including
1705 the next of kin, who have expressly given their consent to
1706 participate in the visitation program and victims whose
1707 condition is determined by the visitation supervisor to
1708 demonstrate the results of crashes ~~accidents~~ involving drinking
1709 drivers without being excessively gruesome or traumatic to the
1710 probationer.

1711 Section 37. Subsection (10) of section 322.08, Florida
1712 Statutes, is amended to read:

1713 322.08 Application for license; requirements for license
1714 and identification card forms.—

1715 (10) The department may collect and use e-mail ~~electronic~~
1716 ~~mail~~ addresses for purposes of this chapter, including, but not
1717 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1718 United States Postal Service for the purpose of providing

1719 renewal notices.

1720 Section 38. Subsection (5) of section 322.091, Florida
1721 Statutes, is amended to read:

1722 322.091 Attendance requirements.—

1723 (5) REPORTING AND ACCOUNTABILITY.—The department shall
1724 make available, upon request, a report ~~quarterly~~ to each school
1725 district of the legal name, sex, date of birth, and social
1726 security number of each student whose driving privileges have
1727 been suspended under this section.

1728 Section 39. Paragraph (b) of subsection (1) of section
1729 322.17, Florida Statutes, is amended to read:

1730 322.17 Replacement licenses, identification cards, and
1731 permits.—

1732 (1)

1733 (b) In the event that an instruction permit, ~~or~~ driver
1734 license, or identification card issued under ~~the provisions of~~
1735 this chapter is stolen, the person to whom the same was issued
1736 may, at no charge, obtain a replacement upon furnishing proof
1737 satisfactory to the department that such permit, ~~or~~ license, or
1738 identification card was stolen and further furnishing the
1739 person's full name, date of birth, sex, residence and mailing
1740 address, proof of birth satisfactory to the department, and
1741 proof of identity satisfactory to the department.

1742 Section 40. Subsection (10) is added to section 322.21,
1743 Florida Statutes, to read:

1744 322.21 License fees; procedure for handling and collecting
 1745 fees.—

1746 (10) An applicant who submits an application for a renewal
 1747 or replacement driver license or identification card to the
 1748 department using a convenience service shall be provided with an
 1749 option for expedited shipping whereby the department, at the
 1750 applicant's request, shall issue the license or identification
 1751 card within 5 working days after receipt of the application and
 1752 ship the license or card using an expedited mail service. A fee
 1753 shall be charged for the expedited shipping option, not to
 1754 exceed the cost of the expedited mail service, which is in
 1755 addition to fees imposed by s. 322.051 or this section, or for
 1756 the convenience service. Fees collected for the expedited
 1757 shipping option shall be deposited into the Highway Safety
 1758 Operating Trust Fund.

1759 Section 41. Subsection (8) of section 322.212, Florida
 1760 Statutes, is renumbered as subsection (9), paragraph (a) of
 1761 subsection (5) and subsection (6) are amended, and a new
 1762 subsection (8) is added to that section, to read:

1763 322.212 Unauthorized possession of, and other unlawful
 1764 acts in relation to, driver license or identification card.—

1765 (5) (a) A ~~It is unlawful for any person may not~~ ~~to~~ use a
 1766 false or fictitious name in any application for a driver license
 1767 or identification card or knowingly ~~to~~ make a false statement,
 1768 knowingly conceal a material fact, provide an altered or

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1769 counterfeit document, participate in a dishonest or deceptive
1770 action, or otherwise commit a fraud in any such application.

1771 (6) Except as otherwise provided in this subsection, a ~~any~~
1772 person who violates ~~any of the provisions of~~ this section
1773 commits ~~is guilty of~~ a felony of the third degree, punishable as
1774 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person
1775 who violates paragraph (5) (a) by giving a false age in an ~~any~~
1776 application for a driver license or identification card or who
1777 violates paragraph (5) (b) by possessing a driver license,
1778 identification card, or similar ~~any~~ instrument ~~in the similitude~~
1779 ~~thereof,~~ on which the date of birth has been altered commits ~~is~~
1780 ~~guilty of~~ a misdemeanor of the second degree, punishable as
1781 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates
1782 paragraph (1) (d) commits a felony of the third degree,
1783 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1784 (8) In addition to any other penalties provided by this
1785 section, if a person provides false information when applying
1786 for a driver license, identification card, commercial driver
1787 license, or commercial learner's permit or is convicted of fraud
1788 in connection with testing for a driver license, commercial
1789 driver license, or commercial learner's permit, such person's
1790 driving privilege shall be suspended for 1 year.

1791 Section 42. Section 322.36, Florida Statutes, is amended
1792 to read:

1793 322.36 Permitting unauthorized operator to drive.—A person

1794 may not authorize or knowingly permit a motor vehicle owned by
 1795 him or her or under his or her dominion or control to be
 1796 operated upon any highway or public street except by a person
 1797 who is duly authorized to operate a motor vehicle under this
 1798 chapter. A ~~Any~~ person who violates this section commits a
 1799 misdemeanor of the second degree, punishable as provided in s.
 1800 775.082 or s. 775.083. If a person violates this section by
 1801 knowingly loaning a vehicle to a person whose driver license is
 1802 suspended and if that vehicle is involved in a crash ~~an accident~~
 1803 resulting in bodily injury or death, the driver license of the
 1804 person violating this section shall be suspended for 1 year.

1805 Section 43. Paragraphs (g) and (h) of subsection (1) of
 1806 section 322.61, Florida Statutes, are amended, and paragraphs
 1807 (i) and (j) are added to that subsection, to read:

1808 322.61 Disqualification from operating a commercial motor
 1809 vehicle.—

1810 (1) A person who, for offenses occurring within a 3-year
 1811 period, is convicted of two of the following serious traffic
 1812 violations or any combination thereof, arising in separate
 1813 incidents committed in a commercial motor vehicle shall, in
 1814 addition to any other applicable penalties, be disqualified from
 1815 operating a commercial motor vehicle for a period of 60 days. A
 1816 holder of a commercial driver license or commercial learner's
 1817 permit who, for offenses occurring within a 3-year period, is
 1818 convicted of two of the following serious traffic violations, or

1819 any combination thereof, arising in separate incidents committed
 1820 in a noncommercial motor vehicle shall, in addition to any other
 1821 applicable penalties, be disqualified from operating a
 1822 commercial motor vehicle for a period of 60 days if such
 1823 convictions result in the suspension, revocation, or
 1824 cancellation of the licenseholder's driving privilege:

1825 (g) Driving a commercial vehicle without the proper class
 1826 of commercial driver license or commercial learner's permit or
 1827 without the proper endorsement; ~~or~~

1828 (h) Driving a commercial vehicle without a commercial
 1829 driver license or commercial learner's permit in possession, as
 1830 required by s. 322.03;

1831 (i) Texting while driving a commercial motor vehicle as
 1832 prohibited by 49 C.F.R. s. 392.80; or

1833 (j) Using a hand-held mobile telephone while driving a
 1834 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1835 Section 44. Section 322.71, Florida Statutes, is created
 1836 to read:

1837 322.71 Investigations; subpoenas and other process; oaths;
 1838 rules.—

1839 (1) The department may conduct investigations and
 1840 examinations of any person suspected of violating or of having
 1841 violated any provision of this chapter or any rule adopted or
 1842 order issued under this chapter.

1843 (2) For purposes of any investigation or examination

1844 conducted under this section, the department is granted and
1845 authorized to exercise the power of subpoena and to administer
1846 oaths or affirmations, examine witnesses, require affidavits,
1847 take depositions, and compel the attendance of witnesses and the
1848 production of books, papers, documents, records, and other
1849 evidence. Such subpoenas may be served by an authorized
1850 representative of the department.

1851 (3) If a person refuses to testify; produce books, papers,
1852 documents, or records; or otherwise obey the subpoena or
1853 subpoena duces tecum, the department may petition a court of
1854 competent jurisdiction in the county in which the person's
1855 residence or principal place of business is located, whereupon
1856 the court shall issue an order requiring such person to obey the
1857 subpoena or show cause for failing to obey the subpoena. Unless
1858 the person shows sufficient cause for failing to obey the
1859 subpoena, the court shall direct the person to obey the
1860 subpoena. Costs incurred by the department to obtain an order
1861 granting, in whole or in part, its petition shall be paid by the
1862 subpoenaed person, and failure to comply with such order is
1863 contempt of court.

1864 (4) For the purpose of any investigation, examination, or
1865 proceeding initiated by the department under this chapter, the
1866 department may designate agents to serve subpoenas and other
1867 process and administer oaths or affirmations.

1868 (5) A witness subpoenaed under this section is entitled to

1869 witness fees at the same rate established by s. 92.142 for
1870 witnesses in a civil case, except that witness fees are not
1871 payable for appearance at the witness's place of business during
1872 regular business hours or at the witness's residence.

1873 (6) The department may adopt rules to administer this
1874 section.

1875 Section 45. Paragraph (e) of subsection (4) of section
1876 323.001, Florida Statutes, is amended to read:

1877 323.001 Wrecker operator storage facilities; vehicle
1878 holds.—

1879 (4) The requirements for a written hold apply when the
1880 following conditions are present:

1881 (e) The officer has probable cause to believe the vehicle
1882 was involved in a traffic crash ~~accident~~ resulting in death or
1883 personal injury and should be sealed for investigation and
1884 collection of evidence by a vehicular homicide investigator;

1885 Section 46. Paragraph (c) of subsection (1), paragraph (c)
1886 of subsection (2), and subsection (4) of section 323.002,
1887 Florida Statutes, are amended to read:

1888 323.002 County and municipal wrecker operator systems;
1889 penalties for operation outside of system.—

1890 (1) As used in this section, the term:

1891 (c) "Wrecker operator system" means a system for the
1892 towing or removal of wrecked, disabled, or abandoned vehicles,
1893 similar to the Florida Highway Patrol wrecker operator system

1894 described in s. 321.051(2), under which a county or municipality
1895 contracts with one or more wrecker operators for the towing or
1896 removal of wrecked, disabled, or abandoned vehicles from crash
1897 ~~accident~~ scenes, streets, or highways. A wrecker operator system
1898 shall include using a method for apportioning the towing
1899 assignments among the eligible wrecker operators through the
1900 creation of geographic zones, a rotation schedule, or a
1901 combination of these methods.

1902 (2) In any county or municipality that operates a wrecker
1903 operator system:

1904 (c) When an unauthorized wrecker operator drives by the
1905 scene of a wrecked or disabled vehicle and the owner or operator
1906 initiates contact by signaling the wrecker operator to stop and
1907 provide towing services, the unauthorized wrecker operator must
1908 disclose in writing to the owner or operator of the vehicle his
1909 or her full name and driver license number, that he or she is
1910 not the authorized wrecker operator who has been designated as
1911 part of the wrecker operator system, that the motor vehicle is
1912 not being towed for the owner's or operator's insurance company
1913 or lienholder, whether he or she has in effect an insurance
1914 policy providing at least \$300,000 of liability insurance and at
1915 least \$50,000 of on-hook cargo insurance, and the maximum
1916 charges for towing and storage which will apply before the
1917 vehicle is connected to the towing apparatus. The unauthorized
1918 wrecker operator must also provide a copy of the disclosure to

1919 | the owner or operator in the presence of a law enforcement
 1920 | officer if such officer is at the scene of a motor vehicle crash
 1921 | ~~accident~~. A ~~Any~~ person who violates this paragraph commits a
 1922 | misdemeanor of the second degree, punishable as provided in s.
 1923 | 775.082 or s. 775.083, and the person's wrecker, tow truck, or
 1924 | other motor vehicle that was used during the offense may be
 1925 | immediately removed and impounded pursuant to subsection (3).

1926 | (4) This section does not prohibit, or in any way prevent,
 1927 | the owner or operator of a vehicle involved in a crash ~~an~~
 1928 | ~~accident~~ or otherwise disabled from contacting any wrecker
 1929 | operator for the provision of towing services, regardless of
 1930 | whether the wrecker operator is an authorized wrecker operator
 1931 | ~~or not~~.

1932 | Section 47. Section 324.011, Florida Statutes, is amended
 1933 | to read:

1934 | 324.011 Purpose of chapter.—It is the intent of this
 1935 | chapter to recognize the existing privilege to own or operate a
 1936 | motor vehicle on the public streets and highways of this state
 1937 | when such vehicles are used with due consideration for others
 1938 | and their property, and to promote safety and provide financial
 1939 | security requirements for such owners or operators whose
 1940 | responsibility it is to recompense others for injury to person
 1941 | or property caused by the operation of a motor vehicle.

1942 | Therefore, it is required herein that the operator of a motor
 1943 | vehicle involved in a crash or convicted of certain traffic

1944 offenses meeting the operative provisions of s. 324.051(2) shall
1945 respond for such damages and show proof of financial ability to
1946 respond for damages in future crashes ~~accidents~~ as a requisite
1947 to his or her future exercise of such privileges.

1948 Section 48. Subsection (1) of section 324.022, Florida
1949 Statutes, is amended to read:

1950 324.022 Financial responsibility for property damage.—

1951 (1) Every owner or operator of a motor vehicle required to
1952 be registered in this state shall establish and maintain the
1953 ability to respond in damages for liability on account of
1954 crashes ~~accidents~~ arising out of the use of the motor vehicle in
1955 the amount of \$10,000 because of damage to, or destruction of,
1956 property of others in any one crash. The requirements of this
1957 section may be met by one of the methods established in s.
1958 324.031; by self-insuring as authorized by s. 768.28(16); or by
1959 maintaining an insurance policy providing coverage for property
1960 damage liability in the amount of at least \$10,000 because of
1961 damage to, or destruction of, property of others in any one
1962 crash ~~accident~~ arising out of the use of the motor vehicle. The
1963 requirements of this section may also be met by having a policy
1964 which provides coverage in the amount of at least \$30,000 for
1965 combined property damage liability and bodily injury liability
1966 for any one crash arising out of the use of the motor vehicle.
1967 The policy, with respect to coverage for property damage
1968 liability, must meet the applicable requirements of s. 324.151,

1969 subject to the usual policy exclusions that have been approved
 1970 in policy forms by the Office of Insurance Regulation. An ~~No~~
 1971 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered
 1972 claims irrespective of their joinder with covered claims.

1973 Section 49. Section 324.023, Florida Statutes, is amended
 1974 to read:

1975 324.023 Financial responsibility for bodily injury or
 1976 death.—In addition to any other financial responsibility
 1977 required by law, every owner or operator of a motor vehicle that
 1978 is required to be registered in this state, or that is located
 1979 within this state, and who, regardless of adjudication of guilt,
 1980 has been found guilty of or entered a plea of guilty or nolo
 1981 contendere to a charge of driving under the influence under s.
 1982 316.193 after October 1, 2007, shall, by one of the methods
 1983 established in s. 324.031(1) or (2), establish and maintain the
 1984 ability to respond in damages for liability on account of
 1985 crashes ~~accidents~~ arising out of the use of a motor vehicle in
 1986 the amount of \$100,000 because of bodily injury to, or death of,
 1987 one person in any one crash and, subject to such limits for one
 1988 person, in the amount of \$300,000 because of bodily injury to,
 1989 or death of, two or more persons in any one crash and in the
 1990 amount of \$50,000 because of property damage in any one crash.
 1991 If the owner or operator chooses to establish and maintain such
 1992 ability by furnishing a certificate of deposit pursuant to s.
 1993 324.031(2), such certificate of deposit must be at least

1994 \$350,000. Such higher limits must be carried for a minimum
 1995 period of 3 years. If the owner or operator has not been
 1996 convicted of driving under the influence or a felony traffic
 1997 offense for a period of 3 years from the date of reinstatement
 1998 of driving privileges for a violation of s. 316.193, the owner
 1999 or operator shall be exempt from this section.

2000 Section 50. Paragraph (b) of subsection (1) and subsection
 2001 (2) of section 324.051, Florida Statutes, are amended to read:

2002 324.051 Reports of crashes; suspensions of licenses and
 2003 registrations.—

2004 (1)

2005 (b) The department is ~~hereby~~ further authorized to require
 2006 reports of crashes from individual owners or operators whenever
 2007 it deems it necessary for the proper administration of this
 2008 chapter, and these reports shall be made without prejudice
 2009 except as specified in this subsection. ~~No~~ Such a report may not
 2010 ~~shall~~ be used as evidence in any trial arising out of a crash.
 2011 However, subject to the applicable rules of evidence, a law
 2012 enforcement officer at a criminal trial may testify as to any
 2013 statement made to the officer by the person involved in the
 2014 crash ~~accident~~ if that person's privilege against self-
 2015 incrimination is not violated.

2016 (2) (a) Thirty days after receipt of notice of a crash ~~any~~
 2017 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
 2018 within this state, the department shall suspend, after due

2019 notice and opportunity to be heard, the license of each operator
 2020 and all registrations of the owner of the vehicles operated by
 2021 such operator whether or not involved in such crash and, in the
 2022 case of a nonresident owner or operator, shall suspend such
 2023 nonresident's operating privilege in this state, unless such
 2024 operator or owner ~~shall, before~~ prior to the expiration of such
 2025 30 days, ~~is~~ be found by the department to be exempt from the
 2026 operation of this chapter, based upon evidence satisfactory to
 2027 the department that:

2028 1. The motor vehicle was legally parked at the time of
 2029 such crash.

2030 2. The motor vehicle was owned by the United States
 2031 Government, this state, or any political subdivision of this
 2032 state or any municipality therein.

2033 3. Such operator or owner has secured a duly acknowledged
 2034 written agreement providing for release from liability by all
 2035 parties injured as the result of such ~~said~~ crash and has
 2036 complied with one of the provisions of s. 324.031.

2037 4. Such operator or owner has deposited with the
 2038 department security to conform with s. 324.061 when applicable
 2039 and has complied with one of the provisions of s. 324.031.

2040 5. One year has elapsed since such owner or operator was
 2041 suspended pursuant to subsection (3), the owner or operator has
 2042 complied with one of the provisions of s. 324.031, and no bill
 2043 of complaint of which the department has notice has been filed

2044 in a court of competent jurisdiction.

2045 (b) This subsection does ~~shall~~ not apply:

2046 1. To such operator or owner if such operator or owner had
2047 in effect at the time of such crash or traffic conviction an
2048 automobile liability policy with respect to all of the
2049 registered motor vehicles owned by such operator or owner.

2050 2. To such operator, if not the owner of such motor
2051 vehicle, if there was in effect at the time of such crash or
2052 traffic conviction an automobile liability policy or bond with
2053 respect to his or her operation of motor vehicles not owned by
2054 him or her.

2055 3. To such operator or owner if the liability of such
2056 operator or owner for damages resulting from such crash is, in
2057 the judgment of the department, covered by any other form of
2058 liability insurance or bond.

2059 4. To a ~~any~~ person who has obtained from the department a
2060 certificate of self-insurance, in accordance with s. 324.171, or
2061 to a ~~any~~ person operating a motor vehicle for such self-insurer.

2062
2063 No such policy or bond shall be effective under this paragraph
2064 ~~subsection~~ unless it contains limits of not less than those
2065 specified in s. 324.021(7).

2066 Section 51. Subsections (2), (3), and (4) of section
2067 324.242, Florida Statutes, are amended to read:

2068 324.242 Personal injury protection and property damage

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2069 liability insurance policies; public records exemption.—

2070 (2) Upon receipt of a request and proof of a crash report
2071 as required under s. 316.065, s. 316.066, or s. 316.068, or a
2072 crash report created pursuant to the laws of another state, the
2073 department shall release the policy number for a policy covering
2074 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2075 (a) Any person involved in such crash ~~accident~~;

2076 (b) The attorney of any person involved in such crash
2077 ~~accident~~; or

2078 (c) A representative of the insurer of any person involved
2079 in such crash ~~accident~~.

2080 (3) The department shall provide personal injury
2081 protection and property damage liability insurance policy
2082 numbers to department-approved third parties that provide data
2083 collection services to an insurer of any person involved in such
2084 crash ~~accident~~.

2085 (4) Before the department's release of a policy number in
2086 accordance with subsection (2) or subsection (3), an insurer's
2087 representative, a contracted third party, or an attorney for a
2088 person involved in a crash ~~an accident~~ must provide the
2089 department with documentation confirming proof of
2090 representation.

2091 Section 52. Section 328.30, Florida Statutes, is amended
2092 to read:

2093 328.30 Transactions by electronic or telephonic means.—

2094 (1) The Department of Highway Safety and Motor Vehicles
 2095 may accept any application provided for under this part ~~chapter~~
 2096 by electronic or telephonic means.

2097 (2) The department may issue an electronic certificate of
 2098 title in lieu of printing a paper title.

2099 (3) The department may collect and use e-mail ~~electronic~~
 2100 ~~mail~~ addresses for purposes of this part, including, but not
 2101 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 2102 United States Postal Service for the purpose of providing
 2103 renewal notices.

2104 Section 53. Subsection (3) of section 328.40, Florida
 2105 Statutes, is amended to read:

2106 328.40 Administration of vessel registration and titling
 2107 laws; records.—

2108 (3) All records made or kept by the Department of Highway
 2109 Safety and Motor Vehicles under this part are subject to
 2110 inspection and copying as provided in chapter 119 ~~law are public~~
 2111 ~~records except for confidential reports.~~

2112 Section 54. Section 328.80, Florida Statutes, is amended
 2113 to read:

2114 328.80 Transactions by electronic or telephonic means.—

2115 (1) The Department of Highway Safety and Motor Vehicles
 2116 may ~~commission is authorized to~~ accept any application provided
 2117 for under this part ~~chapter~~ by electronic or telephonic means.

2118 (2) The department may collect and use e-mail addresses

2119 for purposes of this part, including, but not limited to, use of
 2120 e-mail in lieu of the United States Postal Service for the
 2121 purpose of providing renewal notices.

2122 Section 55. Subsection (19) of section 501.976, Florida
 2123 Statutes, is amended to read:

2124 501.976 Actionable, unfair, or deceptive acts or
 2125 practices.—It is an unfair or deceptive act or practice,
 2126 actionable under the Florida Deceptive and Unfair Trade
 2127 Practices Act, for a dealer to:

2128 (19) Fail to disclose damage to a new motor vehicle, as
 2129 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had
 2130 actual knowledge, if the dealer's actual cost of repairs exceeds
 2131 the threshold amount, excluding replacement items.

2132
 2133 In any civil litigation resulting from a violation of this
 2134 section, when evaluating the reasonableness of an award of
 2135 attorney's fees to a private person, the trial court shall
 2136 consider the amount of actual damages in relation to the time
 2137 spent.

2138 Section 56. Subsection (4) of section 627.7415, Florida
 2139 Statutes, is amended to read:

2140 627.7415 Commercial motor vehicles; additional liability
 2141 insurance coverage.—Commercial motor vehicles, as defined in s.
 2142 207.002 or s. 320.01, operated upon the roads and highways of
 2143 this state shall be insured with the following minimum levels of

2144 combined bodily liability insurance and property damage
 2145 liability insurance in addition to any other insurance
 2146 requirements:

2147 (4) All commercial motor vehicles subject to regulations
 2148 of the United States Department of Transportation, 49 C.F.R.
 2149 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
 2150 amended, shall be insured in an amount equivalent to the minimum
 2151 levels of financial responsibility as set forth in such
 2152 regulations.

2153
 2154 A violation of this section is a noncriminal traffic infraction,
 2155 punishable as a nonmoving violation as provided in chapter 318.

2156 Section 57. Subsection (1) of section 655.960, Florida
 2157 Statutes, is amended to read:

2158 655.960 Definitions; ss. 655.960-655.965.—As used in this
 2159 section and ss. 655.961-655.965, unless the context otherwise
 2160 requires:

2161 (1) "Access area" means any paved walkway or sidewalk
 2162 which is within 50 feet of any automated teller machine. The
 2163 term does not include any street or highway open to the use of
 2164 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or
 2165 (b), including any adjacent sidewalk, as defined in s. 316.003.

2166 Section 58. Subsection (2) of section 784.07, Florida
 2167 Statutes, is amended to read:

2168 784.07 Assault or battery of law enforcement officers,

2169 firefighters, emergency medical care providers, public transit
2170 employees or agents, or other specified officers;
2171 reclassification of offenses; minimum sentences.-

2172 (2) When a ~~Whenever any~~ person is charged with knowingly
2173 committing an assault or battery upon a law enforcement officer,
2174 a firefighter, an emergency medical care provider, a railroad
2175 special officer, a traffic crash ~~accident~~ investigation officer
2176 as described in s. 316.640, a nonsworn law enforcement agency
2177 employee who is certified as an agency inspector, a blood
2178 alcohol analyst, or a breath test operator while such employee
2179 is in uniform and engaged in processing, testing, evaluating,
2180 analyzing, or transporting a person who is detained or under
2181 arrest for DUI, a law enforcement explorer, a traffic infraction
2182 enforcement officer as described in s. 316.640, a parking
2183 enforcement specialist as defined in s. 316.640, a person
2184 licensed as a security officer as defined in s. 493.6101 and
2185 wearing a uniform that bears at least one patch or emblem that
2186 is visible at all times that clearly identifies the employing
2187 agency and that clearly identifies the person as a licensed
2188 security officer, or a security officer employed by the board of
2189 trustees of a community college, while the officer, firefighter,
2190 emergency medical care provider, railroad special officer,
2191 traffic crash ~~accident~~ investigation officer, traffic infraction
2192 enforcement officer, inspector, analyst, operator, law
2193 enforcement explorer, parking enforcement specialist, public

2194 transit employee or agent, or security officer is engaged in the
 2195 lawful performance of his or her duties, the offense for which
 2196 the person is charged shall be reclassified as follows:

2197 (a) In the case of assault, from a misdemeanor of the
 2198 second degree to a misdemeanor of the first degree.

2199 (b) In the case of battery, from a misdemeanor of the
 2200 first degree to a felony of the third degree.

2201 (c) In the case of aggravated assault, from a felony of
 2202 the third degree to a felony of the second degree.

2203 Notwithstanding any other provision of law, a ~~any~~ person
 2204 convicted of aggravated assault upon a law enforcement officer
 2205 shall be sentenced to a minimum term of imprisonment of 3 years.

2206 (d) In the case of aggravated battery, from a felony of
 2207 the second degree to a felony of the first degree.

2208 Notwithstanding any other provision of law, a ~~any~~ person
 2209 convicted of aggravated battery of a law enforcement officer
 2210 shall be sentenced to a minimum term of imprisonment of 5 years.

2211 Section 59. Subsection (5) of section 856.015, Florida
 2212 Statutes, is amended to read:

2213 856.015 Open house parties.—

2214 (5) If a violation of subsection (2) causes or contributes
 2215 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~
 2216 ~~316.1933~~, or death to the minor, or if the minor causes or
 2217 contributes to causing serious bodily injury or death to another
 2218 as a result of the minor's consumption of alcohol or drugs at

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2219 | the open house party, the violation is a misdemeanor of the
2220 | first degree, punishable as provided in s. 775.082 or s.
2221 | 775.083.

2222 | Section 60. This act shall take effect July 1, 2019.