

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 providing construction; amending s. 316.192, F.S.;
16 conforming provisions to changes made by the act;
17 amending s. 316.193, F.S.; including causing serious
18 bodily injury to oneself in penalty provisions for
19 driving under the influence; amending s. 316.1933,
20 F.S.; authorizing a law enforcement officer to require
21 the person driving or in actual physical control of a
22 motor vehicle to submit to a blood test when such
23 person has incurred a serious bodily injury;
24 conforming provisions to changes made by the act;
25 amending s. 316.194, F.S.; conforming provisions to

26 | changes made by the act; amending s. 316.302, F.S.;

27 | revising regulations to which owners and drivers of

28 | commercial motor vehicles are subject; removing the

29 | cap on a civil penalty for falsification of time

30 | records; deleting a requirement for documentation of a

31 | driver's driving times; exempting commercial motor

32 | vehicles with certain weight ratings from certain

33 | regulations; removing such exemption for a person

34 | transporting petroleum products; removing an exemption

35 | from certain regulations relating to diabetes;

36 | amending ss. 316.622, 316.640, and 316.655, F.S.;

37 | conforming provisions to changes made by the act;

38 | amending s. 316.70, F.S.; providing that all owners

39 | and drivers of nonpublic sector buses are subject to

40 | certain federal regulations; authorizing the

41 | Department of Highway Safety and Motor Vehicles,

42 | rather than the Department of Transportation, to

43 | conduct compliance investigations; providing a civil

44 | penalty for violating a rule or order of the

45 | Department of Highway Safety and Motor Vehicles;

46 | removing provisions relating to subsequent compliance

47 | reviews; authorizing motor carriers to be enjoined

48 | pursuant to certain provisions for violations

49 | identified during a compliance investigation;

50 | authorizing certain officers or agents to stop and

51 inspect commercial motor vehicles or drivers' records;
52 authorizing an officer or agent to require removal of
53 the motor vehicle or driver from service under certain
54 circumstances; amending s. 318.19, F.S.; requiring
55 appearance at a mandatory hearing by a person who is
56 cited for a certain infraction and incurs a serious
57 bodily injury as a result of such infraction; creating
58 s. 319.002, F.S.; providing rulemaking authority;
59 amending s. 319.25, F.S.; authorizing the department
60 to conduct investigations and examinations relating to
61 certain violations; granting the department subpoena
62 and other powers for purposes of such investigations
63 or examinations; providing for petition of a court
64 order to obey a subpoena if a person fails to do so;
65 providing exceptions; providing for the payment of
66 costs to obtain such order; authorizing the department
67 to designate agents to carry out subpoena and other
68 powers; providing for witness fees under certain
69 circumstances; authorizing the department to adopt
70 rules; amending s. 319.40, F.S.; revising purposes for
71 which the department may collect and use e-mail
72 addresses; amending s. 320.01, F.S.; revising the
73 definition of the term "apportionable vehicle";
74 amending s. 320.06, F.S.; revising requirements for
75 issuance of license plates, cab cards, and validation

76 stickers for apportionable vehicles registered in
77 accordance with the International Registration Plan
78 upon implementation of a new registration operating
79 system; specifying the registration period; providing
80 for replacement of damaged or worn license plates free
81 of charge; amending s. 320.0607, F.S.; revising fee
82 requirements upon implementation of a new registration
83 operating system; amending s. 320.0807, F.S.;
84 repealing provisions relating to special license
85 plates for certain federal and state legislators;
86 amending s. 320.27, F.S.; defining the term "control
87 person"; revising requirements for denial, suspension,
88 or revocation of a motor vehicle dealer license or
89 license application; authorizing a court, under
90 certain circumstances, to bar a person who has
91 violated certain laws from acting as a motor vehicle
92 dealer; amending s. 320.822, F.S.; revising the
93 definition of the term "code"; amending s. 320.8232,
94 F.S.; specifying uniform standards for repair and
95 remodeling of mobile homes; amending s. 320.861, F.S.;
96 authorizing the department to conduct investigations
97 and examinations relating to certain violations;
98 granting the department subpoena and other powers for
99 purposes of such investigations or examinations;
100 providing for petition of a court order to obey a

101 subpoena if a person fails to do so; providing
102 exceptions; providing for the payment of costs to
103 obtain such order; authorizing the department to
104 designate agents to carry out subpoena and other
105 powers; providing for witness fees under certain
106 circumstances; authorizing the department to adopt
107 rules; amending s. 320.95, F.S.; revising purposes for
108 which the department may collect and use e-mail
109 addresses; amending ss. 321.05, 321.065, and 321.23,
110 F.S.; conforming provisions to changes made by the
111 act; amending s. 322.051, F.S.; revising the time
112 period after which an application for a renewed
113 identification card is considered an application for
114 an original identification card; amending s. 322.0602,
115 F.S.; conforming provisions to changes made by the
116 act; amending s. 322.08, F.S.; revising purposes for
117 which the department may collect and use e-mail
118 addresses; amending s. 322.091, F.S.; requiring the
119 department to report certain information regarding
120 suspension of driver licenses to a school district
121 upon request; amending s. 322.17, F.S.; providing for
122 replacement of a stolen identification card under
123 certain circumstances; amending s. 322.212, F.S.;
124 prohibiting the provision of an altered or counterfeit
125 document or participation in a dishonest or deceptive

126 | action in making application for a driver license or
127 | identification card; providing penalties; providing
128 | for suspension of driving privilege under certain
129 | circumstances; amending s. 322.36, F.S.; conforming
130 | provisions to changes made by the act; amending s.
131 | 322.61, F.S.; providing additional violations for
132 | which a person shall be disqualified from operating a
133 | commercial motor vehicle; creating s. 322.71, F.S.;
134 | authorizing the department to conduct investigations
135 | and examinations relating to certain violations;
136 | granting the department subpoena and other powers for
137 | purposes of such investigations or examinations;
138 | providing for petition of a court order to obey a
139 | subpoena if a person fails to do so; providing
140 | exceptions; providing for the payment of costs to
141 | obtain such order; authorizing the department to
142 | designate agents to carry out subpoena and other
143 | powers; providing for witness fees under certain
144 | circumstances; authorizing the department to adopt
145 | rules; amending ss. 323.001, 323.002, 324.011,
146 | 324.022, 324.023, 324.051, and 324.242, F.S.;
147 | conforming provisions to changes made by the act;
148 | amending s. 328.30, F.S.; revising provisions under
149 | which the department may accept applications by
150 | electronic or telephonic means; revising purposes for

151 which the department may collect and use e-mail
 152 addresses; amending s. 328.40, F.S.; providing that
 153 certain department records are subject to inspection
 154 and copying; amending s. 328.80, F.S.; revising
 155 provisions under which the department may accept
 156 applications by electronic or telephonic means;
 157 authorizing the department to collect and use e-mail
 158 addresses for certain purposes; amending s. 627.7415,
 159 F.S.; revising federal insurance regulations to which
 160 commercial motor vehicles are subject; amending ss.
 161 655.960 and 856.015, F.S.; conforming cross-
 162 references; amending s. 784.07, F.S.; conforming
 163 provisions to changes made by the act; providing an
 164 effective date.

165

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

167

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

170 117.10 Law enforcement and correctional officers;
 171 administration of oaths.—

172 (2) Law enforcement officers, correctional officers, and
 173 correctional probation officers, as defined in s. 943.10, and
 174 traffic crash ~~accident~~ investigation officers and traffic
 175 infraction enforcement officers, as described in s. 316.640, are

176 authorized to administer oaths by reliable electronic means or
177 in the physical presence of an affiant when engaged in the
178 performance of official duties. Sections 117.01, 117.04,
179 117.045, 117.05, and 117.103 do not apply to this section. An
180 officer may not notarize his or her own signature.

181 Section 2. Subsections (16) through (73) and (74) through
182 (101) of section 316.003, Florida Statutes, are renumbered as
183 subsections (17) through (74) and (76) through (103),
184 respectively, present subsection (59) is amended, and new
185 subsections (16) and (75) are added to that section, to read:

186 316.003 Definitions.—The following words and phrases, when
187 used in this chapter, shall have the meanings respectively
188 ascribed to them in this section, except where the context
189 otherwise requires:

190 (16) CRASH.—The operation of a motor vehicle, motorized
191 scooter, or moped which results in property damage or death,
192 bodily injury, or complaint of bodily injury to any person. The
193 term "crash" includes separation of the operator or an occupant
194 from a motor vehicle, motorized scooter, or moped, or trailer
195 being drawn by a motor vehicle, while in motion, which results
196 in property damage or death, bodily injury, or complaint of
197 bodily injury to any person. The term "crash" does not include
198 such operation:

199 (a) On private property, if such operation does not result
200 in death or serious bodily injury, unless the operator is

201 suspected of violating s. 316.193;

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

205 (c) If such property damage or death, bodily injury, or
 206 complaint of bodily injury to any person results from an
 207 intentional act of a law enforcement officer to force a motor
 208 vehicle or moped to stop or reduce speed, such as use of a
 209 pursuit termination device or the precision immobilization
 210 technique, except that the term "crash" includes such operation
 211 that results in death, bodily injury, or complaint of bodily
 212 injury to, or damage to property of, anyone other than the
 213 operator or an occupant being forced to stop or reduce speed or
 214 the law enforcement officer.

215
 216 The term "crash" also does not include the death or suffering of
 217 a medical episode by the operator or an occupant of a motor
 218 vehicle or moped if operation of the motor vehicle or moped did
 219 not result in such death or medical episode and does not result
 220 in property damage or death, bodily injury, or complaint of
 221 bodily injury to any other person.

222 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 223 provided in paragraph (83)(b) ~~(81)(b)~~, any privately owned way
 224 or place used for vehicular travel by the owner and those having
 225 express or implied permission from the owner, but not by other

226 persons.

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

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

233 316.027 Crash involving death or personal injuries.—

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

235 ~~(a) "Serious bodily injury" means an injury to a person,~~
 236 ~~including the driver, which consists of a physical condition~~
 237 ~~that creates a substantial risk of death, serious personal~~
 238 ~~disfigurement, or protracted loss or impairment of the function~~
 239 ~~of a bodily member or organ.~~

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

241 (a)1. A pedestrian, including a person actually engaged in
 242 work upon a highway, or in work upon utility facilities along a
 243 highway, or engaged in the provision of emergency services
 244 within the right-of-way;

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

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

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

250 1.a. A farm tractor or similar vehicle designed primarily

251 for farm use;

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

253 ~~3.e.~~ A horse-drawn carriage;

254 ~~4.d.~~ An electric personal assistive mobility device; or

255 ~~5.e.~~ A wheelchair.

256 (4) (a) In addition to any other civil, criminal, or
 257 administrative penalty imposed, a person whose commission of a
 258 noncriminal traffic infraction or a violation of this chapter or
 259 s. 1006.66 causes or results in the death of another person may
 260 be required by the court to serve 120 community service hours in
 261 a trauma center or hospital that regularly receives victims of
 262 vehicle crashes ~~accidents~~, under the supervision of a registered
 263 nurse, an emergency room physician, or an emergency medical
 264 technician pursuant to a voluntary community service program
 265 operated by the trauma center or hospital.

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

271 1. Serve 120 community service hours in a trauma center or
 272 hospital that regularly receives victims of vehicle crashes
 273 ~~accidents~~, under the supervision of a registered nurse, an
 274 emergency room physician, or an emergency medical technician
 275 pursuant to a voluntary community service program operated by

276 the trauma center or hospital.

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

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

284 316.0271 Yellow dot critical motorist medical information
285 program; yellow dot decal, folder, and information form.—

286 (1) The governing body of a county may create a yellow dot
287 critical motorist medical information program to facilitate the
288 provision of emergency medical care to program participants by
289 emergency medical responders by making critical medical
290 information readily available to responders in the event of a
291 motor vehicle crash ~~accident~~ or a medical emergency involving a
292 participant's vehicle.

293 (5) (a) If the driver or a passenger of a motor vehicle is
294 involved in a motor vehicle crash ~~accident~~ or emergency
295 situation and a yellow dot decal is affixed to the vehicle, an
296 emergency medical responder at the scene may search the glove
297 compartment of the vehicle for the corresponding yellow dot
298 folder.

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

301 316.061 Crashes involving damage to vehicle or property.—

302 (3) Employees or authorized agents of the Department of
 303 Transportation, law enforcement with proper jurisdiction, or an
 304 expressway authority created pursuant to chapter 348, in the
 305 exercise, management, control, and maintenance of its highway
 306 system, may undertake the removal from the main traveled way of
 307 roads on its highway system of all vehicles incapacitated as a
 308 result of a motor vehicle crash and of debris caused thereby.
 309 Such removal is applicable when such a motor vehicle crash
 310 results only in damage to a vehicle or other property, and when
 311 such removal can be accomplished safely and will result in the
 312 improved safety or convenience of travel upon the road. The
 313 driver or any other person who has removed a motor vehicle from
 314 the main traveled way of the road as provided in this section
 315 shall not be considered liable or at fault regarding the cause
 316 of the crash ~~accident~~ solely by reason of moving the vehicle.

317 Section 6. Paragraphs (a), (b), and (d) of subsection (2)
 318 of section 316.066, Florida Statutes, are amended, and paragraph
 319 (g) is added to that subsection, to read:

320 316.066 Written reports of crashes.—

321 (2) (a) Crash reports that reveal the identity, home or
 322 employment telephone number or home or employment address of, or
 323 other personal information, including information outlined in
 324 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
 325 ss. 2721 et seq., concerning the parties involved in the crash

326 and that are held by any agency that regularly receives or
327 prepares information from or concerning the parties to motor
328 vehicle crashes are confidential and exempt from s. 119.07(1)
329 and s. 24(a), Art. I of the State Constitution for a period of
330 60 days after the date the report is filed.

331 (b) Crash reports held by an agency under paragraph (a)
332 may be made immediately available to the parties involved in the
333 crash, their legal representatives, their licensed insurance
334 agents, their insurers or insurers to which they have applied
335 for coverage, persons under contract with such insurers to
336 provide claims or underwriting information, prosecutorial
337 authorities, law enforcement agencies, the Department of
338 Transportation, the Department of Health, county and municipal
339 traffic operations, victim services programs, radio and
340 television stations licensed by the Federal Communications
341 Commission, newspapers qualified to publish legal notices under
342 ss. 50.011 and 50.031, and, in accordance with paragraph (f),
343 free newspapers of general circulation, published once a week or
344 more often, of which at least 7,500 copies are distributed by
345 mail or by carrier as verified by a postal statement or by a
346 notarized printer's statement of press run, which are intended
347 to be generally distributed and circulated, and which contain
348 news of general interest with at least 10 pages per publication,
349 available and of interest to the public generally for the
350 dissemination of news. For the purposes of this section, the

351 following products or publications are not newspapers as
352 referred to in this section: those intended primarily for
353 members of a particular profession or occupational group; those
354 with the primary purpose of distributing advertising; and those
355 with the primary purpose of publishing names and other personal
356 identifying information concerning parties to motor vehicle
357 crashes.

358 (d) As a condition precedent to accessing a crash report
359 ~~within 60 days after the date the report is filed~~, a person must
360 ~~present a valid driver license or other photographic~~
361 ~~identification, proof of status, or identification that~~
362 ~~demonstrates~~ his or her qualifications to access that
363 information and file a written sworn statement with the state or
364 local agency in possession of the information stating that
365 information from a crash report made confidential and exempt by
366 this section will not be used for any commercial solicitation of
367 crash accident victims, or knowingly disclosed to any third
368 party for the purpose of such solicitation, ~~during the period of~~
369 ~~time that the information remains confidential and exempt~~. Such
370 written sworn statement must be completed and sworn to by the
371 requesting party for each individual crash report that is being
372 requested ~~within 60 days after the report is filed~~. In lieu of
373 requiring the written sworn statement, an agency may provide
374 crash reports by electronic means to third-party vendors under
375 contract with one or more insurers, but only when such contract

376 states that information from a crash report made confidential
377 and exempt by this section will not be used for any commercial
378 solicitation of crash ~~accident~~ victims by the vendors, or
379 knowingly disclosed by the vendors to any third party for the
380 purpose of such solicitation, ~~during the period of time that the~~
381 ~~information remains confidential and exempt,~~ and only when a
382 copy of such contract is furnished to the agency as proof of the
383 vendor's claimed status.

384 (g) This subsection does not prohibit the department from
385 providing extracts of bulk crash data, which includes requests
386 for 25 or more records, with all personal identifying
387 information removed, or from providing such extracts with
388 personal information included to any individual or entity that
389 meets the requirements of paragraph (b) for the records
390 requested.

391 Section 7. Paragraph (c) of subsection (3) of section
392 316.192, Florida Statutes, is amended to read:

393 316.192 Reckless driving.—

394 (3) Any person:

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

396 1. Damage to the property or person of another commits a
397 misdemeanor of the first degree, punishable as provided in s.
398 775.082 or s. 775.083.

399 2. Serious bodily injury to another commits a felony of
400 the third degree, punishable as provided in s. 775.082, s.

401 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~
402 ~~an injury to another person, which consists of a physical~~
403 ~~condition that creates a substantial risk of death, serious~~
404 ~~personal disfigurement, or protracted loss or impairment of the~~
405 ~~function of any bodily member or organ.~~

406 Section 8. Paragraph (c) of subsection (3) of section
407 316.193, Florida Statutes, is amended to read:

408 316.193 Driving under the influence; penalties.—

409 (3) Any person:

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

412 1. Damage to the property or person of another commits a
413 misdemeanor of the first degree, punishable as provided in s.
414 775.082 or s. 775.083.

415 2. Serious bodily injury, as defined in s. 316.003, to
416 himself or herself or another, ~~as defined in s. 316.1933,~~
417 commits a felony of the third degree, punishable as provided in
418 s. 775.082, s. 775.083, or s. 775.084.

419 3. The death of any human being or unborn child commits
420 DUI manslaughter, and commits:

421 a. A felony of the second degree, punishable as provided
422 in s. 775.082, s. 775.083, or s. 775.084.

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

425 (I) At the time of the crash, the person knew, or should

426 have known, that the crash occurred; and

427 (II) The person failed to give information and render aid
428 as required by s. 316.062.

429

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

434 Section 9. Subsection (1) of section 316.1933, Florida
435 Statutes, is amended to read:

436 316.1933 Blood test for impairment or intoxication in
437 cases of death or serious bodily injury; right to use reasonable
438 force.—

439 (1)~~(a)~~ If a law enforcement officer has probable cause to
440 believe that a motor vehicle driven by or in the actual physical
441 control of a person under the influence of alcoholic beverages,
442 any chemical substances, or any controlled substances has caused
443 the death or serious bodily injury of a human being, including
444 the person himself or herself, a law enforcement officer shall
445 require the person driving or in actual physical control of the
446 motor vehicle to submit to a test of the person's blood for the
447 purpose of determining the alcoholic content thereof or the
448 presence of chemical substances as set forth in s. 877.111 or
449 any substance controlled under chapter 893. The law enforcement
450 officer may use reasonable force if necessary to require such

451 person to submit to the administration of the blood test. The
452 blood test shall be performed in a reasonable manner.
453 Notwithstanding s. 316.1932, the testing required by this
454 subsection ~~paragraph~~ need not be incidental to a lawful arrest
455 of the person.

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

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

463 316.194 Stopping, standing or parking outside of
464 municipalities.—

465 (3) (a) When a ~~Whenever any~~ police officer or traffic crash
466 ~~accident~~ investigation officer finds a vehicle standing upon a
467 highway in violation of any of the foregoing provisions of this
468 section, the officer may ~~is authorized to~~ move the vehicle, or
469 require the driver or other persons in charge of the vehicle to
470 move the vehicle, to a position off the paved or main-traveled
471 part of the highway.

472 (b) Officers and traffic crash ~~accident~~ investigation
473 officers may provide for the removal of an ~~any~~ abandoned vehicle
474 to the nearest garage or other place of safety, the cost of such
475 removal to be a lien against motor vehicle, when an abandoned

476 vehicle is found unattended upon a bridge or causeway or in any
477 tunnel, or on any public highway in the following instances:

478 1. Where such vehicle constitutes an obstruction of
479 traffic;

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

484 3. Where an operative vehicle has been parked or stored on
485 the public right-of-way for more than ~~a period exceeding~~ 10
486 days, in other than designated parking areas, and is more than
487 30 feet from the pavement edge. However, the agency removing
488 such vehicle shall be required to report the removal ~~same~~ to the
489 Department of Highway Safety and Motor Vehicles within 24 hours
490 after ~~of~~ such removal.

491 Section 11. Subsections (1) and (2) of section 316.302,
492 Florida Statutes, are amended to read:

493 316.302 Commercial motor vehicles; safety regulations;
494 transporters and shippers of hazardous materials; enforcement.-

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

496 (a) All owners and drivers of commercial motor vehicles
497 that are operated on the public highways of this state while
498 engaged in interstate commerce are subject to the rules and
499 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
500 390-397.

501 (b) Except as otherwise provided in this section, all
502 owners or drivers of commercial motor vehicles that are engaged
503 in intrastate commerce are subject to the rules and regulations
504 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
505 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
506 ~~definition of bus~~, as such rules and regulations existed on
507 December 31, 2018 ~~2012~~.

508 (c) The emergency exceptions provided by 49 C.F.R. s.
509 392.82 also apply to communications by utility drivers and
510 utility contractor drivers during a Level 1 activation of the
511 State Emergency Operations Center, as provided in the Florida
512 Comprehensive Emergency Management plan, or during a state of
513 emergency declared by executive order or proclamation of the
514 Governor.

515 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
516 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
517 requirements for intrastate operations, the requirements of this
518 section supersede all other safety requirements of this chapter
519 for commercial motor vehicles.

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

525 (b) Except as provided in 49 C.F.R. s. 395.1, a person who

526 operates a commercial motor vehicle solely in intrastate
527 commerce not transporting any hazardous material in amounts that
528 require placarding pursuant to 49 C.F.R. part 172 may not drive:

529 1. More than 12 hours following 10 consecutive hours off
530 duty; or

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

533

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

536 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
537 operates a commercial motor vehicle solely in intrastate
538 commerce not transporting any hazardous material in amounts that
539 require placarding pursuant to 49 C.F.R. part 172 may not drive
540 after having been on duty more than 70 hours in any period of 7
541 consecutive days or more than 80 hours in any period of 8
542 consecutive days if the motor carrier operates every day of the
543 week. Thirty-four consecutive hours off duty shall constitute
544 the end of any such period of 7 or 8 consecutive days. This
545 weekly limit does not apply to a person who operates a
546 commercial motor vehicle solely within this state while
547 transporting, during harvest periods, any unprocessed
548 agricultural products or unprocessed food or fiber that is
549 subject to seasonal harvesting from place of harvest to the
550 first place of processing or storage or from place of harvest

551 directly to market or while transporting livestock, livestock
552 feed, or farm supplies directly related to growing or harvesting
553 agricultural products. Upon request of the Department of Highway
554 Safety and Motor Vehicles, motor carriers shall furnish time
555 records or other written verification to that department so that
556 the Department of Highway Safety and Motor Vehicles can
557 determine compliance with this subsection. These time records
558 must be furnished to the Department of Highway Safety and Motor
559 Vehicles within 2 days after receipt of that department's
560 request. Falsification of such information is subject to a civil
561 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
562 does ~~de~~ not apply to operators of farm labor vehicles operated
563 during a state of emergency declared by the Governor or operated
564 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
565 utility service vehicles as defined in 49 C.F.R. s. 395.2.

566 (d) A person who operates a commercial motor vehicle
567 solely in intrastate commerce not transporting any hazardous
568 material in amounts that require placarding pursuant to 49
569 C.F.R. part 172 within a 150 air-mile radius of the location
570 where the vehicle is based need not comply with 49 C.F.R. s.
571 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
572 (iii), ~~s. 395.1(e)(1)(iii)~~ and (v) are met. ~~If a driver is not~~
573 ~~released from duty within 12 hours after the driver arrives for~~
574 ~~duty, the motor carrier must maintain documentation of the~~
575 ~~driver's driving times throughout the duty period.~~

576 (e) A person who operates a commercial motor vehicle
577 solely in intrastate commerce is exempt from subsection (1)
578 while transporting agricultural products, including
579 horticultural or forestry products, from farm or harvest place
580 to the first place of processing or storage, or from farm or
581 harvest place directly to market. However, such person must
582 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
583 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
584 vehicles operated pursuant to this paragraph having a gross
585 vehicle weight of 26,001 pounds or more or having three or more
586 axles on the power unit, regardless of weight, must display the
587 name of the vehicle owner or motor carrier and the municipality
588 or town where the vehicle is based on each side of the power
589 unit in letters that contrast with the background and that are
590 readable from a distance of 50 feet. A person who violates this
591 vehicle identification requirement may be assessed a penalty as
592 provided in s. 316.3025(3)(a).

593 (f) A person who operates a commercial motor vehicle
594 having a ~~declared~~ gross vehicle weight, gross vehicle weight
595 rating, or gross combined weight rating of less than 26,001
596 pounds solely in intrastate commerce and who is not transporting
597 hazardous materials in amounts that require placarding pursuant
598 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
599 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
600 However, such person must comply with 49 C.F.R. parts 382, 392,

601 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

602 (g) A person whose driving record shows no convictions for
603 the preceding 3 years and who, as of October 1, 1988, is
604 employed as a driver-salesperson, as defined in 49 C.F.R. s.
605 395.2, and who operates solely in intrastate commerce, is exempt
606 from 49 C.F.R. part 391.

607 (h) A person who is an employee of an electric utility, as
608 defined in s. 361.11, or a telephone company, as defined in s.
609 364.02, and who operates a commercial motor vehicle solely in
610 intrastate commerce and within a 200 air-mile radius of the
611 location where the vehicle is based, is exempt from 49 C.F.R.
612 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

613 (i) A person whose driving record shows no traffic
614 convictions, pursuant to s. 322.61, during the 2-year period
615 immediately preceding the application for the commercial driver
616 license, who is otherwise qualified as a driver under 49 C.F.R.
617 part 391, and who operates a commercial vehicle in intrastate
618 commerce only shall be exempt from the requirements of 49 C.F.R.
619 part 391, subpart E, s. 391.41(b)(10). However, such operators
620 are still subject to the requirements of ss. 322.12 and 322.121.
621 As proof of eligibility, such driver shall have in his or her
622 possession a physical examination form dated within the past 24
623 months.

624 ~~(j) A person who is otherwise qualified as a driver under~~
625 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~

626 ~~intrastate commerce only, and who does not transport hazardous~~
627 ~~materials in amounts that require placarding pursuant to 49~~
628 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
629 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
630 ~~diabetes.~~

631 (j) ~~(k)~~ A person holding a commercial driver license who is
632 a regularly employed driver of a commercial motor vehicle and is
633 subject to an alcohol and controlled substance testing program
634 related to that employment shall not be required to be part of a
635 separate testing program for operating any bus owned and
636 operated by a church when the driver does not receive any form
637 of compensation for operating the bus and when the bus is used
638 to transport people to or from church-related activities at no
639 charge. The provisions of this paragraph may not be implemented
640 if the Federal Government notifies the department that
641 implementation will adversely affect the allocation of federal
642 funds to the state.

643 Section 12. Subsection (8) of section 316.622, Florida
644 Statutes, is amended to read:

645 316.622 Farm labor vehicles.—

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

649 Section 13. Paragraph (a) of subsection (1) of section
650 316.640, Florida Statutes, is amended to read:

651 316.640 Enforcement.—The enforcement of the traffic laws
652 of this state is vested as follows:

653 (1) STATE.—

654 (a)1.a. The Division of Florida Highway Patrol of the
655 Department of Highway Safety and Motor Vehicles; the Division of
656 Law Enforcement of the Fish and Wildlife Conservation
657 Commission; and the agents, inspectors, and officers of the
658 Department of Law Enforcement each have authority to enforce all
659 of the traffic laws of this state on all the streets and
660 highways thereof and elsewhere throughout the state wherever the
661 public has a right to travel by motor vehicle.

662 b. University police officers may enforce all of the
663 traffic laws of this state when violations occur on or within
664 1,000 feet of any property or facilities that are under the
665 guidance, supervision, regulation, or control of a state
666 university, a direct-support organization of such state
667 university, or any other organization controlled by the state
668 university or a direct-support organization of the state
669 university, or when such violations occur within a specified
670 jurisdictional area as agreed upon in a mutual aid agreement
671 entered into with a law enforcement agency pursuant to s.
672 23.1225(1). Traffic laws may also be enforced off-campus when
673 hot pursuit originates on or within 1,000 feet of any such
674 property or facilities, or as agreed upon in accordance with the
675 mutual aid agreement.

676 c. Florida College System institution police officers may
677 enforce all the traffic laws of this state only when such
678 violations occur on or within 1,000 feet of any property or
679 facilities that are under the guidance, supervision, regulation,
680 or control of the Florida College System institution, or when
681 such violations occur within a specified jurisdictional area as
682 agreed upon in a mutual aid agreement entered into with a law
683 enforcement agency pursuant to s. 23.1225. Traffic laws may also
684 be enforced off-campus when hot pursuit originates on or within
685 1,000 feet of any such property or facilities, or as agreed upon
686 in accordance with the mutual aid agreement.

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

691 (I) An airport authority may employ as a parking
692 enforcement specialist any individual who successfully completes
693 a training program established and approved by the Criminal
694 Justice Standards and Training Commission for parking
695 enforcement specialists but who does not otherwise meet the
696 uniform minimum standards established by the commission for law
697 enforcement officers or auxiliary or part-time officers under s.
698 943.12. This sub-sub-subparagraph may not be construed to permit
699 the carrying of firearms or other weapons, nor shall such
700 parking enforcement specialist have arrest authority.

701 (II) A parking enforcement specialist employed by an
702 airport authority may enforce all state, county, and municipal
703 laws and ordinances governing parking only when such violations
704 are on property or facilities owned or operated by the airport
705 authority employing the specialist, by appropriate state,
706 county, or municipal traffic citation.

707 e. The Office of Agricultural Law Enforcement of the
708 Department of Agriculture and Consumer Services may enforce
709 traffic laws of this state.

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

714 2. Any disciplinary action taken or performance evaluation
715 conducted by an agency of the state as described in subparagraph
716 1. of a law enforcement officer's traffic enforcement activity
717 must be in accordance with written work-performance standards.
718 Such standards must be approved by the agency and any collective
719 bargaining unit representing such law enforcement officer. A
720 violation of this subparagraph is not subject to the penalties
721 provided in chapter 318.

722 3. The Division of the Florida Highway Patrol may employ
723 as a traffic crash ~~accident~~ investigation officer any individual
724 who successfully completes instruction in traffic crash ~~accident~~
725 investigation and court presentation through the Selective

726 Traffic Enforcement Program as approved by the Criminal Justice
727 Standards and Training Commission and funded through the
728 National Highway Traffic Safety Administration or a similar
729 program approved by the commission, but who does not necessarily
730 meet the uniform minimum standards established by the commission
731 for law enforcement officers or auxiliary law enforcement
732 officers under chapter 943. Any such traffic crash ~~accident~~
733 investigation officer who makes an investigation at the scene of
734 a traffic crash ~~accident~~ may issue traffic citations, based upon
735 personal investigation, when he or she has reasonable and
736 probable grounds to believe that a person who was involved in
737 the crash ~~accident~~ committed an offense under this chapter,
738 chapter 319, chapter 320, or chapter 322 in connection with the
739 crash ~~accident~~. This subparagraph does not permit the officer to
740 carry firearms or other weapons, and such an officer does not
741 have authority to make arrests.

742 Section 14. Subsection (2) of section 316.655, Florida
743 Statutes, is amended to read:

744 316.655 Penalties.—

745 (2) A driver convicted of a violation of any offense
746 prohibited by this chapter or any other law of this state
747 regulating motor vehicles, which resulted in a crash ~~an~~
748 ~~accident~~, may have his or her driving privileges revoked or
749 suspended by the court if the court finds such revocation or
750 suspension warranted by the totality of the circumstances

751 resulting in the conviction and the need to provide for the
752 maximum safety for all persons who travel on or who are
753 otherwise affected by the use of the highways of the state. In
754 determining whether suspension or revocation is appropriate, the
755 court shall consider all pertinent factors, including, but not
756 limited to, such factors as the extent and nature of the
757 driver's violation of this chapter, the number of persons killed
758 or injured as the result of the driver's violation of this
759 chapter, and the extent of any property damage resulting from
760 the driver's violation of this chapter.

761 Section 15. Section 316.70, Florida Statutes, is amended
762 to read:

763 316.70 Nonpublic sector buses; safety rules.—

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

771 (a) Nonpublic sector buses are safely maintained,
772 equipped, and operated.

773 ~~(b) Nonpublic sector buses are carrying the insurance~~
774 ~~required by law and carrying liability insurance on the checked~~
775 ~~baggage of passengers not to exceed the standard adopted by the~~

776 ~~United States Department of Transportation.~~

777 (b)~~(e)~~ Florida license tags are purchased for nonpublic
778 sector buses pursuant to s. 320.38.

779 ~~(d) The driving records of drivers of nonpublic sector~~
780 ~~buses are checked by their employers at least once each year to~~
781 ~~ascertain whether the driver has a suspended or revoked driver~~
782 ~~license.~~

783 (2) Department of Highway Safety and Motor Vehicles
784 ~~Transportation~~ personnel may conduct compliance investigations
785 ~~reviews~~ for the purpose of determining compliance with this
786 section. A civil penalty not to exceed \$5,000 in the aggregate
787 may be assessed against a ~~any~~ person who violates ~~any provision~~
788 ~~of~~ this section or who violates a ~~any~~ rule or order of the
789 Department of Highway Safety and Motor Vehicles ~~Transportation~~.
790 A civil penalty not to exceed \$25,000 in the aggregate may be
791 assessed for violations found in a followup compliance
792 investigation ~~review~~ conducted within a ~~24-month~~ period. A civil
793 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
794 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
795 ~~violations are found after a second followup compliance review~~
796 ~~within 12 months after the first followup compliance review.~~
797 Motor carriers may be enjoined under s. 316.3026 for violations
798 identified during a compliance investigation or for ~~found to be~~
799 operating without insurance coverage required by s. 627.742 or
800 49 C.F.R. part 387 ~~may be enjoined as provided in s. 316.3026.~~

801 (3) For the purpose of enforcing this section, a law
802 enforcement officer of the Department of Highway Safety and
803 Motor Vehicles or duly appointed agent who holds a current
804 safety inspector certification from the Commercial Vehicle
805 Safety Alliance may require the driver of any commercial motor
806 vehicle operated on the highways of this state to stop and
807 submit to an inspection of the motor vehicle or the driver's
808 records. If the motor vehicle or driver is found to be operating
809 in an unsafe condition, or if any required part or equipment is
810 not present or is not in proper repair or adjustment, and the
811 continued operation would present an unduly hazardous operating
812 condition, the officer or agent may require the motor vehicle or
813 the driver to be removed from service pursuant to the North
814 American Standard Out-of-Service Criteria until corrected.
815 However, if continued operation would not present an unduly
816 hazardous operating condition, the officer or agent may give
817 written notice requiring correction of the condition within 14
818 days.

819 (4)~~(3)~~ School buses subject to ~~the provisions of~~ chapter
820 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
821 section.

822 Section 16. Section 318.19, Florida Statutes, is amended
823 to read:

824 318.19 Infractions requiring a mandatory hearing.—A ~~Any~~
825 person cited for an infraction ~~the infractions~~ listed in this

826 section shall not have the provisions of s. 318.14(2), (4), and
 827 (9) available to him or her but must appear before the
 828 designated official at the time and location of the scheduled
 829 hearing:

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

832 (2) Any infraction which results in a crash that causes
 833 "serious bodily injury, as defined in s. 316.003," of another,
 834 including the person cited for the infraction ~~as defined in s.~~
 835 ~~316.1933(1);~~

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

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

838 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 839 316.189 of exceeding the speed limit by 30 mph or more.

840 Section 17. Section 319.002, Florida Statutes, is created
 841 to read:

842 319.002 Rulemaking authority.—The department shall
 843 administer and provide for the enforcement of this chapter. The
 844 department may adopt rules to implement the provisions of this
 845 chapter conferring powers or duties upon the department,
 846 including, without limitation, adopting rules and forms
 847 governing reports. The department shall also have the
 848 nonexclusive power to define by rule any term, regardless of
 849 whether used in this chapter, insofar as the definition is not
 850 inconsistent with the provisions of this chapter.

851 Section 18. Subsections (3) through (8) are added to
852 section 319.25, Florida Statutes, to read:

853 319.25 Cancellation of certificates; investigations;
854 subpoenas and other process; oaths; rules.—

855 (3) The department may conduct investigations and
856 examinations of any person suspected of violating or of having
857 violated any provision of this chapter or any rule adopted or
858 order issued under this chapter.

859 (4) For purposes of any investigation or examination
860 conducted under this section, the department is granted and
861 authorized to exercise the power of subpoena and to administer
862 oaths or affirmations, examine witnesses, require affidavits,
863 take depositions, and compel the attendance of witnesses and the
864 production of books, papers, documents, records, and other
865 evidence. Such subpoenas may be served by an authorized
866 representative of the department.

867 (5) If a person refuses to testify, produce books, papers,
868 documents, or records, or otherwise obey the subpoena or
869 subpoena duces tecum, the department may petition a court of
870 competent jurisdiction in the county in which the person's
871 residence or principal place of business is located, whereupon
872 the court shall issue an order requiring such person to obey the
873 subpoena or show cause for failing to obey the subpoena. Unless
874 the person shows sufficient cause for failing to obey the
875 subpoena, the court shall direct the person to obey the

876 subpoena. Costs incurred by the department to obtain an order
877 granting, in whole or in part, its petition shall be paid by the
878 subpoenaed person, and failure to comply with such order is
879 contempt of court.

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

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

889 (8) The department may adopt rules to administer this
890 section.

891 Section 19. Subsection (3) of section 319.40, Florida
892 Statutes, is amended to read:

893 319.40 Transactions by electronic or telephonic means.—

894 (3) The department may collect and use e-mail ~~electronic~~
895 ~~mail~~ addresses for purposes of this chapter, including, but not
896 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
897 United States Postal Service as a method of notification.
898 However, any notice regarding the potential forfeiture or
899 foreclosure of an interest in property must be sent via the
900 United States Postal Service.

901 Section 20. Subsection (24) of section 320.01, Florida
 902 Statutes, is amended to read:

903 320.01 Definitions, general.—As used in the Florida
 904 Statutes, except as otherwise provided, the term:

905 (24) "Apportionable vehicle" means any vehicle, except
 906 recreational vehicles, vehicles displaying restricted plates,
 907 city pickup and delivery vehicles, ~~buses used in transportation~~
 908 ~~of chartered parties,~~ and government-owned vehicles, which is
 909 used or intended for use in two or more member jurisdictions
 910 that allocate or proportionally register vehicles and which is
 911 used for the transportation of persons for hire or is designed,
 912 used, or maintained primarily for the transportation of property
 913 and:

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

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

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

920
 921 Vehicles, or combinations thereof, having a gross vehicle weight
 922 of 26,000 pounds or less and two-axle vehicles may be
 923 proportionally registered.

924 Section 21. Paragraph (b) of subsection (1) of section
 925 320.06, Florida Statutes, is amended to read:

926 320.06 Registration certificates, license plates, and
 927 validation stickers generally.—
 928 (1)
 929 (b)1. Registration license plates bearing a graphic symbol
 930 and the alphanumeric system of identification shall be issued
 931 for a 10-year period. At the end of the 10-year period, upon
 932 renewal, the plate shall be replaced. The department shall
 933 extend the scheduled license plate replacement date from a 6-
 934 year period to a 10-year period. The fee for such replacement is
 935 \$28, \$2.80 of which shall be paid each year before the plate is
 936 replaced, to be credited toward the next \$28 replacement fee.
 937 The fees shall be deposited into the Highway Safety Operating
 938 Trust Fund. A credit or refund may not be given for any prior
 939 years' payments of the prorated replacement fee if the plate is
 940 replaced or surrendered before the end of the 10-year period,
 941 except that a credit may be given if a registrant is required by
 942 the department to replace a license plate under s.
 943 320.08056(8) (a). With each license plate, a validation sticker
 944 shall be issued showing the owner's birth month, license plate
 945 number, and the year of expiration or the appropriate renewal
 946 period if the owner is not a natural person. The validation
 947 sticker shall be placed on the upper right corner of the license
 948 plate. The license plate and validation sticker shall be issued
 949 based on the applicant's appropriate renewal period. The
 950 registration period is 12 months, the extended registration

951 period is 24 months, and all expirations occur based on the
952 applicant's appropriate registration period.

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

958 3. Upon implementation of a new operating system for
959 apportioned vehicle registration, a vehicle registered in
960 accordance with the International Registration Plan which has an
961 apportioned registration shall be issued a license plate for a
962 5-year period, an annual cab card denoting the declared gross
963 vehicle weight, and an annual validation sticker showing the
964 month and year of expiration. The validation sticker shall be
965 placed in the center of the license plate. The license plate and
966 validation sticker shall be issued based on the applicant's
967 appropriate renewal period. The registration period is 12
968 months. The fee for an original and a renewed cab card is \$28.
969 This fee shall be deposited into the Highway Safety Operating
970 Trust Fund. If the license plate is damaged or worn, it may be
971 replaced at no charge by applying to the department and
972 surrendering the current license plate.

973 ~~4.2.~~ In order to retain the efficient administration of
974 the taxes and fees imposed by this chapter, the 80-cent fee
975 increase in the replacement fee imposed by chapter 2009-71, Laws

976 of Florida, is negated as provided in s. 320.0804.

977 Section 22. Subsection (5) of section 320.0607, Florida
978 Statutes, is amended to read:

979 320.0607 Replacement license plates, validation decal, or
980 mobile home sticker.—

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

987 Section 23. Subsection (8) of section 320.0807, Florida
988 Statutes, is renumbered as subsection (6), and present
989 subsections (5), (6), and (7) of that section are amended to
990 read:

991 320.0807 Special license plates for Governor and federal
992 and state legislators.—

993 ~~(5) Upon application by any current or former President of~~
994 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~
995 ~~the department may issue a license plate stamped "Senate~~
996 ~~President" followed by the number assigned by the department or~~
997 ~~chosen by the applicant if it is not already in use. Upon~~
998 ~~application by any current or former Speaker of the House of~~
999 ~~Representatives and payment of the fees prescribed by s.~~
1000 ~~320.0805, the department may issue a license plate stamped~~

1001 ~~"House Speaker" followed by the number assigned by the~~
1002 ~~department or chosen by the applicant if it is not already in~~
1003 ~~use.~~

1004 ~~(6) (a) Upon application by any former member of Congress~~
1005 ~~or former member of the state Legislature, payment of the fees~~
1006 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~
1007 ~~\$500, the department may issue a former member of Congress,~~
1008 ~~state senator, or state representative a license plate stamped~~
1009 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~
1010 ~~appropriate, for a vehicle owned by the former member.~~

1011 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~
1012 ~~Retired House prestige license plate, a former member must have~~
1013 ~~served at least 4 years as a member of Congress, state senator,~~
1014 ~~or state representative, respectively.~~

1015 ~~(c) Four hundred fifty dollars of the one-time fee~~
1016 ~~collected under paragraph (a) shall be distributed to the~~
1017 ~~account of the direct-support organization established pursuant~~
1018 ~~to s. 272.136 and used for the benefit of the Florida Historic~~
1019 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~
1020 ~~the Highway Safety Operating Trust Fund.~~

1021 ~~(5) (7)~~ The department may create a unique plate design for
1022 plates to be used by members ~~or former members~~ of the
1023 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~
1024 ~~(2), (5), and (6).~~

1025 Section 24. Paragraph (a) of subsection (9) and subsection

1026 (11) of section 320.27, Florida Statutes, are amended, and
 1027 paragraph (g) is added to subsection (1) of that section, to
 1028 read:

1029 320.27 Motor vehicle dealers.—

1030 (1) DEFINITIONS.—The following words, terms, and phrases
 1031 when used in this section have the meanings respectively
 1032 ascribed to them in this subsection, except where the context
 1033 clearly indicates a different meaning:

1034 (g) "Control person" means a person who has significant
 1035 power, directly or indirectly, to direct the management or
 1036 policies of a company, whether through ownership, by contract,
 1037 or otherwise. The term includes a person who is an owner,
 1038 director, general partner, officer, manager, or employee
 1039 exercising decisionmaking responsibility or exercising similar
 1040 executive status or functions but does not include an employee
 1041 whose function is only clerical or ministerial or in sales under
 1042 the supervision of an owner or manager or other person
 1043 exercising decisionmaking responsibility.

1044 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1045 (a) The department may deny an initial or renewal
 1046 application or ~~suspend~~ or revoke a ~~any~~ license issued
 1047 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771
 1048 upon proof that an applicant or a licensee has:

1049 1. Committed fraud or willful misrepresentation in
 1050 application for or in obtaining a license.

1051 2. Been convicted of a felony and has either not completed
1052 the resulting felony sentence or completed the felony sentence
1053 less than 10 years from the date of licensure application.

1054 3. Failed to honor a bank draft or check given to a motor
1055 vehicle dealer for the purchase of a motor vehicle by another
1056 motor vehicle dealer within 10 days after notification that the
1057 bank draft or check has been dishonored. If the transaction is
1058 disputed, the maker of the bank draft or check shall post a bond
1059 in accordance with the provisions of s. 559.917, and no
1060 proceeding for revocation or suspension shall be commenced until
1061 the dispute is resolved.

1062 4.a. Failed to provide payment within 10 business days to
1063 the department for a check payable to the department that was
1064 dishonored due to insufficient funds in the amount due plus any
1065 statutorily authorized fee for uttering a worthless check. The
1066 department shall notify an applicant or licensee when the
1067 applicant or licensee makes payment to the department by a check
1068 that is subsequently dishonored by the bank due to insufficient
1069 funds. The applicant or licensee shall, within 10 business days
1070 after receiving the notice, provide payment to the department in
1071 the form of cash in the amount due plus any statutorily
1072 authorized fee. If the applicant or licensee fails to make such
1073 payment within 10 business days, the department may deny,
1074 suspend, or revoke the applicant's or licensee's motor vehicle
1075 dealer license.

1076 b. Stopped payment on a check payable to the department,
 1077 issued a check payable to the department from an account that
 1078 has been closed, or charged back a credit card transaction to
 1079 the department. If an applicant or licensee commits any such
 1080 act, the department may deny, suspend, or revoke the applicant's
 1081 or licensee's motor vehicle dealer license.

1082 5. Previously owned a majority interest in, or acted as a
 1083 control person of, a motor vehicle dealer that within the past
 1084 10 years has been the subject of any decision, finding,
 1085 injunction, suspension, revocation, denial, judgment, or
 1086 administrative order by any court of competent jurisdiction,
 1087 administrative law judge, or state agency that resulted in a
 1088 finding of violation of any federal or state law relating to
 1089 unlicensed activity, or fraud in connection with the sale of a
 1090 motor vehicle, or knowingly employs or contracts such a person
 1091 as a control person, or knowingly employs or contracts as a
 1092 control person a person who has been convicted of a felony and
 1093 has either not completed the resulting felony sentence or
 1094 completed the felony sentence less than 10 years from the date
 1095 of licensure application.

1096 (11) INJUNCTION.—

1097 (a) In addition to the remedies provided in this chapter
 1098 and notwithstanding the existence of any adequate remedy at law,
 1099 the department may ~~is authorized to~~ make application to any
 1100 circuit court of the state, and such circuit court shall have

1101 jurisdiction, upon a hearing and for cause shown, to grant a
1102 temporary or permanent injunction, or both, restraining any
1103 person from acting as a motor vehicle dealer under the terms of
1104 this section without being properly licensed hereunder, from
1105 violating or continuing to violate any of the provisions of
1106 chapter 319, this chapter, or ss. 559.901-559.9221, or for
1107 failing or refusing to comply with the requirements of chapter
1108 319, this chapter, or ss. 559.901-559.9221, or any rule or
1109 regulation adopted thereunder, such injunction to be issued
1110 without bond. A single act in violation of the provisions of
1111 chapter 319, this chapter, or chapter 559 shall be sufficient to
1112 authorize the issuance of an injunction.

1113 (b) If the court grants the injunction, the court may bar,
1114 permanently or for a specific time period, any person found to
1115 have violated any federal or state law relating to unlicensed
1116 activity or fraud in connection with the sale of a motor
1117 vehicle. If a person is barred, the person may not continue in
1118 any capacity within the industry. The person shall have no
1119 management, sales, or other role in the operation of a
1120 dealership. Further, if permanently barred, the person may not
1121 derive income from the dealership beyond reasonable compensation
1122 for the sale of his or her ownership interest in the business.

1123 Section 25. Paragraph (c) of subsection (2) of section
1124 320.822, Florida Statutes, is amended to read:

1125 320.822 Definitions; ss. 320.822-320.862.—In construing

1126 ss. 320.822-320.862, unless the context otherwise requires, the
 1127 following words or phrases have the following meanings:

1128 (2) "Code" means the appropriate standards found in:

1129 (c) The Uniform Mobile Home Repair and Remodeling Code for
 1130 Mobile Homes and the Used Recreational Vehicle Code.

1131 Section 26. Subsection (2) of section 320.8232, Florida
 1132 Statutes, is amended to read:

1133 320.8232 Establishment of uniform standards for used
 1134 recreational vehicles and repair and remodeling code for mobile
 1135 homes.—

1136 (2) The provisions of the Uniform Repair and Remodeling
 1137 Code for Mobile Homes shall ensure safe and livable housing and
 1138 shall not be more stringent than those standards required to be
 1139 met in the manufacture of mobile homes. Such provisions shall
 1140 include, ~~but not be limited to,~~ standards for structural
 1141 adequacy, plumbing, heating, electrical systems, and fire and
 1142 life safety. All permitting and regulation of the repair and
 1143 remodeling of mobile homes shall be performed in accordance with
 1144 this subsection, current department rules, or subsequent rules
 1145 developed in accordance with chapter 120.

1146 Section 27. Section 320.861, Florida Statutes, is amended
 1147 to read:

1148 320.861 Investigations; subpoenas and other process;
 1149 oaths; rules ~~Inspection of records; production of evidence;~~
 1150 ~~subpoena power.~~—

1151 (1) The department may conduct investigations and
1152 examinations of any person suspected of violating or of having
1153 violated any provision of this chapter or any rule adopted or
1154 order issued under this chapter ~~inspect the pertinent books,~~
1155 ~~records, letters, and contracts of any licensee, whether dealer~~
1156 ~~or manufacturer, relating to any written complaint made to it~~
1157 ~~against such licensee.~~

1158 (2) For purposes of any investigation or examination
1159 conducted under this section, the department is granted and
1160 authorized to exercise the power of subpoena and to administer
1161 oaths or affirmations, examine witnesses, require affidavits,
1162 take depositions, and compel the attendance of witnesses and the
1163 production of books, papers, documents, records, and other
1164 evidence. Such subpoenas may be served by an authorized
1165 representative of the department ~~for the attendance of witnesses~~
1166 ~~and the production of any documentary evidence necessary to the~~
1167 ~~disposition by it of any written complaint against any licensee,~~
1168 ~~whether dealer or manufacturer.~~

1169 (3) If a person refuses to testify; produce books, papers,
1170 documents, or records; or otherwise obey the subpoena or
1171 subpoena duces tecum, the department may petition a court of
1172 competent jurisdiction in the county in which the person's
1173 residence or principal place of business is located, whereupon
1174 the court shall issue an order requiring such person to obey the
1175 subpoena or show cause for failing to obey the subpoena. Unless

1176 the person shows sufficient cause for failing to obey the
 1177 subpoena, the court shall direct the person to obey the
 1178 subpoena. Costs incurred by the department to obtain an order
 1179 granting, in whole or in part, its petition shall be paid by the
 1180 subpoenaed person, and failure to comply with such order is
 1181 contempt of court.

1182 (4) For the purpose of any investigation, examination, or
 1183 proceeding initiated by the department under this chapter, the
 1184 department may designate agents to serve subpoenas and other
 1185 process and administer oaths or affirmations. The department
 1186 shall exercise this power on its own initiative in accordance
 1187 with ss. 320.615 and 320.71.

1188 (5) A witness subpoenaed under this section is entitled to
 1189 witness fees at the same rate established by s. 92.142 for
 1190 witnesses in a civil case, except that witness fees are not
 1191 payable for appearance at the witness's place of business during
 1192 regular business hours or at the witness's residence.

1193 (6) The department may adopt rules to administer this
 1194 section.

1195 Section 28. Subsection (2) of section 320.95, Florida
 1196 Statutes, is amended to read:

1197 320.95 Transactions by electronic or telephonic means.—

1198 (2) The department may collect and use e-mail electronic
 1199 mail addresses for purposes of this chapter, including, but not
 1200 limited to, and use of e-mail electronic mail in lieu of the

1201 United States Postal Service for the purpose of providing
 1202 renewal notices.

1203 Section 29. Subsection (1) of section 321.05, Florida
 1204 Statutes, is amended to read:

1205 321.05 Duties, functions, and powers of patrol officers.-
 1206 The members of the Florida Highway Patrol are hereby declared to
 1207 be conservators of the peace and law enforcement officers of the
 1208 state, with the common-law right to arrest a person who, in the
 1209 presence of the arresting officer, commits a felony or commits
 1210 an affray or breach of the peace constituting a misdemeanor,
 1211 with full power to bear arms; and they shall apprehend, without
 1212 warrant, any person in the unlawful commission of any of the
 1213 acts over which the members of the Florida Highway Patrol are
 1214 given jurisdiction as hereinafter set out and deliver him or her
 1215 to the sheriff of the county that further proceedings may be had
 1216 against him or her according to law. In the performance of any
 1217 of the powers, duties, and functions authorized by law, members
 1218 of the Florida Highway Patrol have the same protections and
 1219 immunities afforded other peace officers, which shall be
 1220 recognized by all courts having jurisdiction over offenses
 1221 against the laws of this state, and have authority to apply for,
 1222 serve, and execute search warrants, arrest warrants, capias, and
 1223 other process of the court. The patrol officers under the
 1224 direction and supervision of the Department of Highway Safety
 1225 and Motor Vehicles shall perform and exercise throughout the

1226 | state the following duties, functions, and powers:
 1227 | (1) To patrol the state highways and regulate, control,
 1228 | and direct the movement of traffic thereon; to maintain the
 1229 | public peace by preventing violence on highways; to apprehend
 1230 | fugitives from justice; to enforce all laws regulating and
 1231 | governing traffic, travel, and public safety upon the public
 1232 | highways and providing for the protection of the public highways
 1233 | and public property thereon, including the security and safety
 1234 | of this state's transportation infrastructure; to make arrests
 1235 | without warrant for the violation of any state law committed in
 1236 | their presence in accordance with state law; providing that no
 1237 | search may be made unless it is incident to a lawful arrest, to
 1238 | regulate and direct traffic concentrations and congestions; to
 1239 | enforce laws governing the operation, licensing, and taxing and
 1240 | limiting the size, weight, width, length, and speed of vehicles
 1241 | and licensing and controlling the operations of drivers and
 1242 | operators of vehicles, including the safety, size, and weight of
 1243 | commercial motor vehicles; to collect all state fees and
 1244 | revenues levied as an incident to the use or right to use the
 1245 | highways for any purpose, including the taxing and registration
 1246 | of commercial motor vehicles; to require the drivers of vehicles
 1247 | to stop and exhibit their driver licenses, registration cards,
 1248 | or documents required by law to be carried by such vehicles; to
 1249 | investigate traffic crashes ~~accidents~~, secure testimony of
 1250 | witnesses and of persons involved, and make report thereof with

1251 copy, if requested in writing, to any person in interest or his
1252 or her attorney; to investigate reported thefts of vehicles; and
1253 to seize contraband or stolen property on or being transported
1254 on the highways. Each patrol officer of the Florida Highway
1255 Patrol is subject to and has the same arrest and other authority
1256 provided for law enforcement officers generally in chapter 901
1257 and has statewide jurisdiction. Each officer also has arrest
1258 authority as provided for state law enforcement officers in s.
1259 901.15. This section does not conflict with, but is supplemental
1260 to, chapter 933.

1261 Section 30. Section 321.065, Florida Statutes, is amended
1262 to read:

1263 321.065 Traffic crash ~~accident~~ investigation officers;
1264 employment; standards.—The department may employ traffic crash
1265 ~~accident~~ investigation officers who must complete any applicable
1266 standards adopted by the Florida Highway Patrol, including, but
1267 not limited to: cognitive testing, drug testing, polygraph
1268 testing, psychological testing, and an extensive background
1269 check, including a credit check.

1270 Section 31. Paragraph (d) of subsection (2) of section
1271 321.23, Florida Statutes, is amended to read:

1272 321.23 Public records; fees for copies; destruction of
1273 obsolete records; photographing records; effect as evidence.—

1274 (2) Fees for copies of public records shall be charged and
1275 collected as follows:

1276 (d) Photographs (crashes ~~accidents~~, etc.):

1277

	Enlargement	Color	Black &
	Proof		White

1278

1.	5" x 7"	\$1.00	\$0.75
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1279

2.	8" x 10"	\$1.50	\$1.00
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1280

3.	11" x 14"	Not Available	\$1.75
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1281

4.	16" x 20"	Not Available	\$2.75
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1282

5.	20" x 24"	Not Available	\$3.75
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1283

1284

1285 The department shall furnish such information without charge to
 1286 any local, state, or federal law enforcement agency upon proof
 1287 satisfactory to the department as to the purpose of the
 1288 investigation.

1289

Section 32. Paragraph (a) of subsection (2) of section
 322.051, Florida Statutes, is amended to read:

1290

322.051 Identification cards.—

1291

(2) (a) Every identification card:

1292

1. Issued to a person 5 years of age to 14 years of age

1293

1294 shall expire, unless canceled earlier, on the fourth birthday of
 1295 the applicant following the date of original issue.

1296 2. Issued to a person 15 years of age and older shall
 1297 expire, unless canceled earlier, on the eighth birthday of the
 1298 applicant following the date of original issue.

1299
 1300 Renewal of an identification card shall be made for the
 1301 applicable term enumerated in this paragraph. An ~~Any~~ application
 1302 for renewal received later than 12 months ~~90 days~~ after
 1303 expiration of the identification card shall be considered the
 1304 same as an application for an original identification card.

1305 Section 33. Paragraphs (a) and (b) of subsection (4) of
 1306 section 322.0602, Florida Statutes, are amended to read:

1307 322.0602 Youthful Drunk Driver Visitation Program.—

1308 (4) VISITATION REQUIREMENT.—

1309 (a) To the extent that personnel and facilities are made
 1310 available to the court, the court may include a requirement for
 1311 supervised visitation by the probationer to all, or any, of the
 1312 following:

1313 1. A trauma center, as defined in s. 395.4001, or a
 1314 hospital as defined in s. 395.002, which regularly receives
 1315 victims of vehicle crashes ~~accidents~~, between the hours of 10
 1316 p.m. and 2 a.m. on a Friday or Saturday night, in order to
 1317 observe appropriate victims of vehicle crashes ~~accidents~~
 1318 involving drinking drivers, under the supervision of any of the

1319 following:

1320 a. A registered nurse trained in providing emergency
1321 trauma care or prehospital advanced life support.

1322 b. An emergency room physician.

1323 c. An emergency medical technician.

1324 2. A licensed service provider, as defined in s. 397.311,
1325 which cares for substance abuse impaired persons, to observe
1326 persons in the terminal stages of substance abuse impairment,
1327 under the supervision of appropriately licensed medical
1328 personnel. Before ~~Prior to~~ any visitation of such terminally ill
1329 or disabled persons, the persons or their legal representatives
1330 must give their express consent to participate in the visitation
1331 program.

1332 3. If approved by the county coroner, the county coroner's
1333 office or the county morgue to observe appropriate victims of
1334 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1335 supervision of the coroner or a deputy coroner.

1336 (b) As used in this section, the term "appropriate
1337 victims" means victims or their legal representatives, including
1338 the next of kin, who have expressly given their consent to
1339 participate in the visitation program and victims whose
1340 condition is determined by the visitation supervisor to
1341 demonstrate the results of crashes ~~accidents~~ involving drinking
1342 drivers without being excessively gruesome or traumatic to the
1343 probationer.

1344 Section 34. Subsection (10) of section 322.08, Florida
 1345 Statutes, is amended to read:

1346 322.08 Application for license; requirements for license
 1347 and identification card forms.—

1348 (10) The department may collect and use e-mail ~~electronic~~
 1349 ~~mail~~ addresses for purposes of this chapter, including, but not
 1350 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1351 United States Postal Service for the purpose of providing
 1352 renewal notices.

1353 Section 35. Subsection (5) of section 322.091, Florida
 1354 Statutes, is amended to read:

1355 322.091 Attendance requirements.—

1356 (5) REPORTING AND ACCOUNTABILITY.—The department shall
 1357 make available, upon request, a report ~~quarterly~~ to each school
 1358 district of the legal name, sex, date of birth, and social
 1359 security number of each student whose driving privileges have
 1360 been suspended under this section.

1361 Section 36. Paragraph (b) of subsection (1) of section
 1362 322.17, Florida Statutes, is amended to read:

1363 322.17 Replacement licenses, identification cards, and
 1364 permits.—

1365 (1)

1366 (b) In the event that an instruction permit, ~~or~~ driver
 1367 license, or identification card issued under ~~the provisions of~~
 1368 this chapter is stolen, the person to whom the same was issued

1369 may, at no charge, obtain a replacement upon furnishing proof
1370 satisfactory to the department that such permit, ~~or~~ license, or
1371 identification card was stolen and further furnishing the
1372 person's full name, date of birth, sex, residence and mailing
1373 address, proof of birth satisfactory to the department, and
1374 proof of identity satisfactory to the department.

1375 Section 37. Subsection (8) of section 322.212, Florida
1376 Statutes, is renumbered as subsection (9), paragraph (a) of
1377 subsection (5) and subsection (6) are amended, and a new
1378 subsection (8) is added to that section, to read:

1379 322.212 Unauthorized possession of, and other unlawful
1380 acts in relation to, driver license or identification card.—

1381 (5) (a) A ~~It is unlawful for any person~~ may not ~~to~~ use a
1382 false or fictitious name in any application for a driver license
1383 or identification card or knowingly ~~to~~ make a false statement,
1384 knowingly conceal a material fact, provide an altered or
1385 counterfeit document, participate in a dishonest or deceptive
1386 action, or otherwise commit a fraud in any such application.

1387 (6) Except as otherwise provided in this subsection, a ~~any~~
1388 person who violates ~~any of the provisions of~~ this section
1389 commits is guilty of a felony of the third degree, punishable as
1390 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person
1391 who violates paragraph (5) (a) by giving a false age in an ~~any~~
1392 application for a driver license or identification card or who
1393 violates paragraph (5) (b) by possessing a driver license,

1394 identification card, or similar ~~any~~ instrument ~~in the similitude~~
1395 ~~thereof~~, on which the date of birth has been altered commits is
1396 ~~guilty of~~ a misdemeanor of the second degree, punishable as
1397 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates
1398 paragraph (1)(d) commits a felony of the third degree,
1399 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1400 (8) In addition to any other penalties provided by this
1401 section, if a person provides false information when applying
1402 for a driver license, identification card, commercial driver
1403 license, or commercial learner's permit or is convicted of fraud
1404 in connection with testing for a driver license, commercial
1405 driver license, or commercial learner's permit, such person's
1406 driving privilege shall be suspended for 1 year.

1407 Section 38. Section 322.36, Florida Statutes, is amended
1408 to read:

1409 322.36 Permitting unauthorized operator to drive.—A person
1410 may not authorize or knowingly permit a motor vehicle owned by
1411 him or her or under his or her dominion or control to be
1412 operated upon any highway or public street except by a person
1413 who is duly authorized to operate a motor vehicle under this
1414 chapter. A ~~Any~~ person who violates this section commits a
1415 misdemeanor of the second degree, punishable as provided in s.
1416 775.082 or s. 775.083. If a person violates this section by
1417 knowingly loaning a vehicle to a person whose driver license is
1418 suspended and if that vehicle is involved in a crash ~~an accident~~

1419 | resulting in bodily injury or death, the driver license of the
 1420 | person violating this section shall be suspended for 1 year.

1421 | Section 39. Paragraphs (g) and (h) of subsection (1) of
 1422 | section 322.61, Florida Statutes, are amended, and paragraphs
 1423 | (i) and (j) are added to that subsection, to read:

1424 | 322.61 Disqualification from operating a commercial motor
 1425 | vehicle.—

1426 | (1) A person who, for offenses occurring within a 3-year
 1427 | period, is convicted of two of the following serious traffic
 1428 | violations or any combination thereof, arising in separate
 1429 | incidents committed in a commercial motor vehicle shall, in
 1430 | addition to any other applicable penalties, be disqualified from
 1431 | operating a commercial motor vehicle for a period of 60 days. A
 1432 | holder of a commercial driver license or commercial learner's
 1433 | permit who, for offenses occurring within a 3-year period, is
 1434 | convicted of two of the following serious traffic violations, or
 1435 | any combination thereof, arising in separate incidents committed
 1436 | in a noncommercial motor vehicle shall, in addition to any other
 1437 | applicable penalties, be disqualified from operating a
 1438 | commercial motor vehicle for a period of 60 days if such
 1439 | convictions result in the suspension, revocation, or
 1440 | cancellation of the licenseholder's driving privilege:

1441 | (g) Driving a commercial vehicle without the proper class
 1442 | of commercial driver license or commercial learner's permit or
 1443 | without the proper endorsement; ~~or~~

1444 (h) Driving a commercial vehicle without a commercial
 1445 driver license or commercial learner's permit in possession, as
 1446 required by s. 322.03;

1447 (i) Texting while driving a commercial motor vehicle as
 1448 prohibited by 49 C.F.R. s. 392.80; or

1449 (j) Using a hand-held mobile telephone while driving a
 1450 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1451 Section 40. Section 322.71, Florida Statutes, is created
 1452 to read:

1453 322.71 Investigations; subpoenas and other process; oaths;
 1454 rules.-

1455 (1) The department may conduct investigations and
 1456 examinations of any person suspected of violating or of having
 1457 violated any provision of this chapter or any rule adopted or
 1458 order issued under this chapter.

1459 (2) For purposes of any investigation or examination
 1460 conducted under this section, the department is granted and
 1461 authorized to exercise the power of subpoena and to administer
 1462 oaths or affirmations, examine witnesses, require affidavits,
 1463 take depositions, and compel the attendance of witnesses and the
 1464 production of books, papers, documents, records, and other
 1465 evidence. Such subpoenas may be served by an authorized
 1466 representative of the department.

1467 (3) If a person refuses to testify; produce books, papers,
 1468 documents, or records; or otherwise obey the subpoena or

1469 subpoena duces tecum, the department may petition a court of
1470 competent jurisdiction in the county in which the person's
1471 residence or principal place of business is located, whereupon
1472 the court shall issue an order requiring such person to obey the
1473 subpoena or show cause for failing to obey the subpoena. Unless
1474 the person shows sufficient cause for failing to obey the
1475 subpoena, the court shall direct the person to obey the
1476 subpoena. Costs incurred by the department to obtain an order
1477 granting, in whole or in part, its petition shall be paid by the
1478 subpoenaed person, and failure to comply with such order is
1479 contempt of court.

1480 (4) For the purpose of any investigation, examination, or
1481 proceeding initiated by the department under this chapter, the
1482 department may designate agents to serve subpoenas and other
1483 process and administer oaths or affirmations.

1484 (5) A witness subpoenaed under this section is entitled to
1485 witness fees at the same rate established by s. 92.142 for
1486 witnesses in a civil case, except that witness fees are not
1487 payable for appearance at the witness's place of business during
1488 regular business hours or at the witness's residence.

1489 (6) The department may adopt rules to administer this
1490 section.

1491 Section 41. Paragraph (e) of subsection (4) of section
1492 323.001, Florida Statutes, is amended to read:

1493 323.001 Wrecker operator storage facilities; vehicle

1494 holds.—

1495 (4) The requirements for a written hold apply when the
 1496 following conditions are present:

1497 (e) The officer has probable cause to believe the vehicle
 1498 was involved in a traffic crash ~~accident~~ resulting in death or
 1499 personal injury and should be sealed for investigation and
 1500 collection of evidence by a vehicular homicide investigator;

1501 Section 42. Paragraph (c) of subsection (1), paragraph (c)
 1502 of subsection (2), and subsection (4) of section 323.002,
 1503 Florida Statutes, are amended to read:

1504 323.002 County and municipal wrecker operator systems;
 1505 penalties for operation outside of system.—

1506 (1) As used in this section, the term:

1507 (c) "Wrecker operator system" means a system for the
 1508 towing or removal of wrecked, disabled, or abandoned vehicles,
 1509 similar to the Florida Highway Patrol wrecker operator system
 1510 described in s. 321.051(2), under which a county or municipality
 1511 contracts with one or more wrecker operators for the towing or
 1512 removal of wrecked, disabled, or abandoned vehicles from crash
 1513 ~~accident~~ scenes, streets, or highways. A wrecker operator system
 1514 shall include using a method for apportioning the towing
 1515 assignments among the eligible wrecker operators through the
 1516 creation of geographic zones, a rotation schedule, or a
 1517 combination of these methods.

1518 (2) In any county or municipality that operates a wrecker

1519 operator system:

1520 (c) When an unauthorized wrecker operator drives by the
 1521 scene of a wrecked or disabled vehicle and the owner or operator
 1522 initiates contact by signaling the wrecker operator to stop and
 1523 provide towing services, the unauthorized wrecker operator must
 1524 disclose in writing to the owner or operator of the vehicle his
 1525 or her full name and driver license number, that he or she is
 1526 not the authorized wrecker operator who has been designated as
 1527 part of the wrecker operator system, that the motor vehicle is
 1528 not being towed for the owner's or operator's insurance company
 1529 or lienholder, whether he or she has in effect an insurance
 1530 policy providing at least \$300,000 of liability insurance and at
 1531 least \$50,000 of on-hook cargo insurance, and the maximum
 1532 charges for towing and storage which will apply before the
 1533 vehicle is connected to the towing apparatus. The unauthorized
 1534 wrecker operator must also provide a copy of the disclosure to
 1535 the owner or operator in the presence of a law enforcement
 1536 officer if such officer is at the scene of a motor vehicle crash
 1537 ~~accident~~. A ~~Any~~ person who violates this paragraph commits a
 1538 misdemeanor of the second degree, punishable as provided in s.
 1539 775.082 or s. 775.083, and the person's wrecker, tow truck, or
 1540 other motor vehicle that was used during the offense may be
 1541 immediately removed and impounded pursuant to subsection (3).

1542 (4) This section does not prohibit, or in any way prevent,
 1543 the owner or operator of a vehicle involved in a crash ~~an~~

1544 ~~accident~~ or otherwise disabled from contacting any wrecker
1545 operator for the provision of towing services, regardless of
1546 whether the wrecker operator is an authorized wrecker operator
1547 ~~or not~~.

1548 Section 43. Section 324.011, Florida Statutes, is amended
1549 to read:

1550 324.011 Purpose of chapter.—It is the intent of this
1551 chapter to recognize the existing privilege to own or operate a
1552 motor vehicle on the public streets and highways of this state
1553 when such vehicles are used with due consideration for others
1554 and their property, and to promote safety and provide financial
1555 security requirements for such owners or operators whose
1556 responsibility it is to recompense others for injury to person
1557 or property caused by the operation of a motor vehicle.
1558 Therefore, it is required herein that the operator of a motor
1559 vehicle involved in a crash or convicted of certain traffic
1560 offenses meeting the operative provisions of s. 324.051(2) shall
1561 respond for such damages and show proof of financial ability to
1562 respond for damages in future crashes ~~accidents~~ as a requisite
1563 to his or her future exercise of such privileges.

1564 Section 44. Subsection (1) of section 324.022, Florida
1565 Statutes, is amended to read:

1566 324.022 Financial responsibility for property damage.—

1567 (1) Every owner or operator of a motor vehicle required to
1568 be registered in this state shall establish and maintain the

1569 ability to respond in damages for liability on account of
1570 crashes ~~accidents~~ arising out of the use of the motor vehicle in
1571 the amount of \$10,000 because of damage to, or destruction of,
1572 property of others in any one crash. The requirements of this
1573 section may be met by one of the methods established in s.
1574 324.031; by self-insuring as authorized by s. 768.28(16); or by
1575 maintaining an insurance policy providing coverage for property
1576 damage liability in the amount of at least \$10,000 because of
1577 damage to, or destruction of, property of others in any one
1578 crash ~~accident~~ arising out of the use of the motor vehicle. The
1579 requirements of this section may also be met by having a policy
1580 which provides coverage in the amount of at least \$30,000 for
1581 combined property damage liability and bodily injury liability
1582 for any one crash arising out of the use of the motor vehicle.
1583 The policy, with respect to coverage for property damage
1584 liability, must meet the applicable requirements of s. 324.151,
1585 subject to the usual policy exclusions that have been approved
1586 in policy forms by the Office of Insurance Regulation. An ~~No~~
1587 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered
1588 claims irrespective of their joinder with covered claims.

1589 Section 45. Section 324.023, Florida Statutes, is amended
1590 to read:

1591 324.023 Financial responsibility for bodily injury or
1592 death.—In addition to any other financial responsibility
1593 required by law, every owner or operator of a motor vehicle that

1594 is required to be registered in this state, or that is located
1595 within this state, and who, regardless of adjudication of guilt,
1596 has been found guilty of or entered a plea of guilty or nolo
1597 contendere to a charge of driving under the influence under s.
1598 316.193 after October 1, 2007, shall, by one of the methods
1599 established in s. 324.031(1) or (2), establish and maintain the
1600 ability to respond in damages for liability on account of
1601 crashes ~~accidents~~ arising out of the use of a motor vehicle in
1602 the amount of \$100,000 because of bodily injury to, or death of,
1603 one person in any one crash and, subject to such limits for one
1604 person, in the amount of \$300,000 because of bodily injury to,
1605 or death of, two or more persons in any one crash and in the
1606 amount of \$50,000 because of property damage in any one crash.
1607 If the owner or operator chooses to establish and maintain such
1608 ability by furnishing a certificate of deposit pursuant to s.
1609 324.031(2), such certificate of deposit must be at least
1610 \$350,000. Such higher limits must be carried for a minimum
1611 period of 3 years. If the owner or operator has not been
1612 convicted of driving under the influence or a felony traffic
1613 offense for a period of 3 years from the date of reinstatement
1614 of driving privileges for a violation of s. 316.193, the owner
1615 or operator shall be exempt from this section.

1616 Section 46. Paragraph (b) of subsection (1) and subsection
1617 (2) of section 324.051, Florida Statutes, are amended to read:
1618 324.051 Reports of crashes; suspensions of licenses and

1619 | registrations.—

1620 | (1)

1621 | (b) The department is ~~hereby~~ further authorized to require
 1622 | reports of crashes from individual owners or operators whenever
 1623 | it deems it necessary for the proper administration of this
 1624 | chapter, and these reports shall be made without prejudice
 1625 | except as specified in this subsection. ~~No~~ Such a report may not
 1626 | ~~shall~~ be used as evidence in any trial arising out of a crash.
 1627 | However, subject to the applicable rules of evidence, a law
 1628 | enforcement officer at a criminal trial may testify as to any
 1629 | statement made to the officer by the person involved in the
 1630 | crash ~~accident~~ if that person's privilege against self-
 1631 | incrimination is not violated.

1632 | (2) (a) Thirty days after receipt of notice of a crash ~~any~~
 1633 | ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
 1634 | within this state, the department shall suspend, after due
 1635 | notice and opportunity to be heard, the license of each operator
 1636 | and all registrations of the owner of the vehicles operated by
 1637 | such operator whether or not involved in such crash and, in the
 1638 | case of a nonresident owner or operator, shall suspend such
 1639 | nonresident's operating privilege in this state, unless such
 1640 | operator or owner ~~shall~~, before ~~prior to~~ the expiration of such
 1641 | 30 days, is ~~be~~ found by the department to be exempt from the
 1642 | operation of this chapter, based upon evidence satisfactory to
 1643 | the department that:

1644 1. The motor vehicle was legally parked at the time of
 1645 such crash.

1646 2. The motor vehicle was owned by the United States
 1647 Government, this state, or any political subdivision of this
 1648 state or any municipality therein.

1649 3. Such operator or owner has secured a duly acknowledged
 1650 written agreement providing for release from liability by all
 1651 parties injured as the result of such ~~said~~ crash and has
 1652 complied with one of the provisions of s. 324.031.

1653 4. Such operator or owner has deposited with the
 1654 department security to conform with s. 324.061 when applicable
 1655 and has complied with one of the provisions of s. 324.031.

1656 5. One year has elapsed since such owner or operator was
 1657 suspended pursuant to subsection (3), the owner or operator has
 1658 complied with one of the provisions of s. 324.031, and no bill
 1659 of complaint of which the department has notice has been filed
 1660 in a court of competent jurisdiction.

1661 (b) This subsection does ~~shall~~ not apply:

1662 1. To such operator or owner if such operator or owner had
 1663 in effect at the time of such crash or traffic conviction an
 1664 automobile liability policy with respect to all of the
 1665 registered motor vehicles owned by such operator or owner.

1666 2. To such operator, if not the owner of such motor
 1667 vehicle, if there was in effect at the time of such crash or
 1668 traffic conviction an automobile liability policy or bond with

1669 | respect to his or her operation of motor vehicles not owned by
 1670 | him or her.

1671 | 3. To such operator or owner if the liability of such
 1672 | operator or owner for damages resulting from such crash is, in
 1673 | the judgment of the department, covered by any other form of
 1674 | liability insurance or bond.

1675 | 4. To a ~~any~~ person who has obtained from the department a
 1676 | certificate of self-insurance, in accordance with s. 324.171, or
 1677 | to a ~~any~~ person operating a motor vehicle for such self-insurer.

1678 |
 1679 | No such policy or bond shall be effective under this paragraph
 1680 | ~~subsection~~ unless it contains limits of not less than those
 1681 | specified in s. 324.021(7).

1682 | Section 47. Subsections (2), (3), and (4) of section
 1683 | 324.242, Florida Statutes, are amended to read:

1684 | 324.242 Personal injury protection and property damage
 1685 | liability insurance policies; public records exemption.—

1686 | (2) Upon receipt of a request and proof of a crash report
 1687 | as required under s. 316.065, s. 316.066, or s. 316.068, or a
 1688 | crash report created pursuant to the laws of another state, the
 1689 | department shall release the policy number for a policy covering
 1690 | a vehicle involved in a motor vehicle crash ~~accident~~ to:

1691 | (a) Any person involved in such crash ~~accident~~;

1692 | (b) The attorney of any person involved in such crash
 1693 | ~~accident~~; or

1694 (c) A representative of the insurer of any person involved
 1695 in such crash ~~accident~~.

1696 (3) The department shall provide personal injury
 1697 protection and property damage liability insurance policy
 1698 numbers to department-approved third parties that provide data
 1699 collection services to an insurer of any person involved in such
 1700 crash ~~accident~~.

1701 (4) Before the department's release of a policy number in
 1702 accordance with subsection (2) or subsection (3), an insurer's
 1703 representative, a contracted third party, or an attorney for a
 1704 person involved in a crash ~~an accident~~ must provide the
 1705 department with documentation confirming proof of
 1706 representation.

1707 Section 48. Section 328.30, Florida Statutes, is amended
 1708 to read:

1709 328.30 Transactions by electronic or telephonic means.—

1710 (1) The Department of Highway Safety and Motor Vehicles
 1711 may accept any application provided for under this part ~~chapter~~
 1712 by electronic or telephonic means.

1713 (2) The department may issue an electronic certificate of
 1714 title in lieu of printing a paper title.

1715 (3) The department may collect and use e-mail ~~electronic~~
 1716 ~~mail~~ addresses for purposes of this part, 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 49. Subsection (3) of section 328.40, Florida
 1721 Statutes, is amended to read:

1722 328.40 Administration of vessel registration and titling
 1723 laws; records.—

1724 (3) All records made or kept by the Department of Highway
 1725 Safety and Motor Vehicles under this part are subject to
 1726 inspection and copying as provided in chapter 119 ~~law are public~~
 1727 ~~records except for confidential reports.~~

1728 Section 50. Section 328.80, Florida Statutes, is amended
 1729 to read:

1730 328.80 Transactions by electronic or telephonic means.—

1731 (1) The Department of Highway Safety and Motor Vehicles
 1732 may ~~commission is authorized to~~ accept any application provided
 1733 for under this part ~~chapter~~ by electronic or telephonic means.

1734 (2) The department may collect and use e-mail addresses
 1735 for purposes of this part, including, but not limited to, use of
 1736 e-mail in lieu of the United States Postal Service for the
 1737 purpose of providing renewal notices.

1738 Section 51. Subsection (4) of section 627.7415, Florida
 1739 Statutes, is amended to read:

1740 627.7415 Commercial motor vehicles; additional liability
 1741 insurance coverage.—Commercial motor vehicles, as defined in s.
 1742 207.002 or s. 320.01, operated upon the roads and highways of
 1743 this state shall be insured with the following minimum levels of

1744 combined bodily liability insurance and property damage
 1745 liability insurance in addition to any other insurance
 1746 requirements:

1747 (4) All commercial motor vehicles subject to regulations
 1748 of the United States Department of Transportation, 49 C.F.R.
 1749 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
 1750 amended, shall be insured in an amount equivalent to the minimum
 1751 levels of financial responsibility as set forth in such
 1752 regulations.

1753
 1754 A violation of this section is a noncriminal traffic infraction,
 1755 punishable as a nonmoving violation as provided in chapter 318.

1756 Section 52. Subsection (1) of section 655.960, Florida
 1757 Statutes, is amended to read:

1758 655.960 Definitions; ss. 655.960-655.965.—As used in this
 1759 section and ss. 655.961-655.965, unless the context otherwise
 1760 requires:

1761 (1) "Access area" means any paved walkway or sidewalk
 1762 which is within 50 feet of any automated teller machine. The
 1763 term does not include any street or highway open to the use of
 1764 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or
 1765 (b), including any adjacent sidewalk, as defined in s. 316.003.

1766 Section 53. Subsection (2) of section 784.07, Florida
 1767 Statutes, is amended to read:

1768 784.07 Assault or battery of law enforcement officers,

1769 firefighters, emergency medical care providers, public transit
1770 employees or agents, or other specified officers;
1771 reclassification of offenses; minimum sentences.-

1772 (2) When a ~~Whenever any~~ person is charged with knowingly
1773 committing an assault or battery upon a law enforcement officer,
1774 a firefighter, an emergency medical care provider, a railroad
1775 special officer, a traffic crash ~~accident~~ investigation officer
1776 as described in s. 316.640, a nonsworn law enforcement agency
1777 employee who is certified as an agency inspector, a blood
1778 alcohol analyst, or a breath test operator while such employee
1779 is in uniform and engaged in processing, testing, evaluating,
1780 analyzing, or transporting a person who is detained or under
1781 arrest for DUI, a law enforcement explorer, a traffic infraction
1782 enforcement officer as described in s. 316.640, a parking
1783 enforcement specialist as defined in s. 316.640, a person
1784 licensed as a security officer as defined in s. 493.6101 and
1785 wearing a uniform that bears at least one patch or emblem that
1786 is visible at all times that clearly identifies the employing
1787 agency and that clearly identifies the person as a licensed
1788 security officer, or a security officer employed by the board of
1789 trustees of a community college, while the officer, firefighter,
1790 emergency medical care provider, railroad special officer,
1791 traffic crash ~~accident~~ investigation officer, traffic infraction
1792 enforcement officer, inspector, analyst, operator, law
1793 enforcement explorer, parking enforcement specialist, public

1794 transit employee or agent, or security officer is engaged in the
 1795 lawful performance of his or her duties, the offense for which
 1796 the person is charged shall be reclassified as follows:

1797 (a) In the case of assault, from a misdemeanor of the
 1798 second degree to a misdemeanor of the first degree.

1799 (b) In the case of battery, from a misdemeanor of the
 1800 first degree to a felony of the third degree.

1801 (c) In the case of aggravated assault, from a felony of
 1802 the third degree to a felony of the second degree.

1803 Notwithstanding any other provision of law, a ~~any~~ person
 1804 convicted of aggravated assault upon a law enforcement officer
 1805 shall be sentenced to a minimum term of imprisonment of 3 years.

1806 (d) In the case of aggravated battery, from a felony of
 1807 the second degree to a felony of the first degree.

1808 Notwithstanding any other provision of law, a ~~any~~ person
 1809 convicted of aggravated battery of a law enforcement officer
 1810 shall be sentenced to a minimum term of imprisonment of 5 years.

1811 Section 54. Subsection (5) of section 856.015, Florida
 1812 Statutes, is amended to read:

1813 856.015 Open house parties.—

1814 (5) If a violation of subsection (2) causes or contributes
 1815 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~
 1816 ~~316.1933~~, or death to the minor, or if the minor causes or
 1817 contributes to causing serious bodily injury or death to another
 1818 as a result of the minor's consumption of alcohol or drugs at

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1819 | the open house party, the violation is a misdemeanor of the
1820 | first degree, punishable as provided in s. 775.082 or s.
1821 | 775.083.

1822 | Section 55. This act shall take effect July 1, 2019.