

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. 322.0602, F.S.; conforming provisions  
112 to changes made by the act; amending s. 322.08, F.S.;  
113 revising purposes for which the department may collect  
114 and use e-mail addresses; amending s. 322.091, F.S.;  
115 requiring the department to report certain information  
116 regarding suspension of driver licenses to a school  
117 district upon request; amending s. 322.17, F.S.;  
118 providing for replacement of a stolen identification  
119 card under certain circumstances; amending s. 322.212,  
120 F.S.; prohibiting the provision of an altered or  
121 counterfeit document or participation in a dishonest  
122 or deceptive action in making application for a driver  
123 license or identification card; providing penalties;  
124 providing for suspension of driving privilege under  
125 certain circumstances; amending s. 322.36, F.S.;

126 conforming provisions to changes made by the act;  
127 amending s. 322.61, F.S.; providing additional  
128 violations for which a person shall be disqualified  
129 from operating a commercial motor vehicle; creating s.  
130 322.71, F.S.; authorizing the department to conduct  
131 investigations and examinations relating to certain  
132 violations; granting the department subpoena and other  
133 powers for purposes of such investigations or  
134 examinations; providing for petition of a court order  
135 to obey a subpoena if a person fails to do so;  
136 providing exceptions; providing for the payment of  
137 costs to obtain such order; authorizing the department  
138 to designate agents to carry out subpoena and other  
139 powers; providing for witness fees under certain  
140 circumstances; authorizing the department to adopt  
141 rules; amending ss. 323.001, 323.002, 324.011,  
142 324.022, 324.023, 324.051, and 324.242, F.S.;

143 conforming provisions to changes made by the act;  
144 amending s. 328.30, F.S.; revising provisions under  
145 which the department may accept applications by  
146 electronic or telephonic means; revising purposes for  
147 which the department may collect and use e-mail  
148 addresses; amending s. 328.40, F.S.; providing that  
149 certain department records are subject to inspection  
150 and copying; amending s. 328.80, F.S.; revising

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

161

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

163

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

166 117.10 Law enforcement and correctional officers;  
 167 administration of oaths.—

168 (2) Law enforcement officers, correctional officers, and  
 169 correctional probation officers, as defined in s. 943.10, and  
 170 traffic crash ~~accident~~ investigation officers and traffic  
 171 infraction enforcement officers, as described in s. 316.640, are  
 172 authorized to administer oaths by reliable electronic means or  
 173 in the physical presence of an affiant when engaged in the  
 174 performance of official duties. Sections 117.01, 117.04,  
 175 117.045, 117.05, and 117.103 do not apply to this section. An

176 officer may not notarize his or her own signature.

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

182 316.003 Definitions.—The following words and phrases, when  
183 used in this chapter, shall have the meanings respectively  
184 ascribed to them in this section, except where the context  
185 otherwise requires:

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

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

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



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

211  
212 The term "crash" also does not include the death or suffering of  
213 a medical episode by the operator or an occupant of a motor  
214 vehicle or moped if operation of the motor vehicle or moped did  
215 not result in such death or medical episode and does not result  
216 in property damage or death, bodily injury, or complaint of  
217 bodily injury to any other person.

218 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
219 provided in paragraph (83) (b) ~~(81) (b)~~, any privately owned way  
220 or place used for vehicular travel by the owner and those having  
221 express or implied permission from the owner, but not by other  
222 persons.

223 (75) SERIOUS BODILY INJURY.—An injury to any person which  
224 consists of a physical condition that creates a substantial risk  
225 of death, serious personal disfigurement, or protracted loss or

226 impairment of the function of any bodily member or organ.

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

229 316.027 Crash involving death or personal injuries.—

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

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

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

237 (a)1. A pedestrian, including a person actually engaged in  
238 work upon a highway, or in work upon utility facilities along a  
239 highway, or engaged in the provision of emergency services  
240 within the right-of-way;

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

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

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

246 1.a. A farm tractor or similar vehicle designed primarily  
247 for farm use;

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

249 3.c. A horse-drawn carriage;

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

251 ~~5.e.~~ A wheelchair.

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

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

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

273 2. Participate in a victim's impact panel session in a  
274 judicial circuit if such a panel exists, or if such a panel does  
275 not exist, attend a department-approved driver improvement

276 course relating to the rights of vulnerable road users relative  
277 to vehicles on the roadway as provided in s. 322.0261(2).

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

280 316.0271 Yellow dot critical motorist medical information  
281 program; yellow dot decal, folder, and information form.—

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

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

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

297 316.061 Crashes involving damage to vehicle or property.—

298 (3) Employees or authorized agents of the Department of  
299 Transportation, law enforcement with proper jurisdiction, or an  
300 expressway authority created pursuant to chapter 348, in the

301 exercise, management, control, and maintenance of its highway  
 302 system, may undertake the removal from the main traveled way of  
 303 roads on its highway system of all vehicles incapacitated as a  
 304 result of a motor vehicle crash and of debris caused thereby.  
 305 Such removal is applicable when such a motor vehicle crash  
 306 results only in damage to a vehicle or other property, and when  
 307 such removal can be accomplished safely and will result in the  
 308 improved safety or convenience of travel upon the road. The  
 309 driver or any other person who has removed a motor vehicle from  
 310 the main traveled way of the road as provided in this section  
 311 shall not be considered liable or at fault regarding the cause  
 312 of the crash ~~accident~~ solely by reason of moving the vehicle.

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

316 316.066 Written reports of crashes.—

317 (2) (a) Crash reports that reveal the identity, home or  
 318 employment telephone number or home or employment address of, or  
 319 other personal information, including information outlined in  
 320 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.  
 321 ss. 2721 et seq., concerning the parties involved in the crash  
 322 and that are held by any agency that regularly receives or  
 323 prepares information from or concerning the parties to motor  
 324 vehicle crashes are confidential and exempt from s. 119.07(1)  
 325 and s. 24(a), Art. I of the State Constitution for a period of

326 60 days after the date the report is filed.

327 (b) Crash reports held by an agency under paragraph (a)  
328 may be made immediately available to the parties involved in the  
329 crash, their legal representatives, their licensed insurance  
330 agents, their insurers or insurers to which they have applied  
331 for coverage, persons under contract with such insurers to  
332 provide claims or underwriting information, prosecutorial  
333 authorities, law enforcement agencies, the Department of  
334 Transportation, the Department of Health, county and municipal  
335 traffic operations, victim services programs, radio and  
336 television stations licensed by the Federal Communications  
337 Commission, newspapers qualified to publish legal notices under  
338 ss. 50.011 and 50.031, and, in accordance with paragraph (f),  
339 free newspapers of general circulation, published once a week or  
340 more often, of which at least 7,500 copies are distributed by  
341 mail or by carrier as verified by a postal statement or by a  
342 notarized printer's statement of press run, which are intended  
343 to be generally distributed and circulated, and which contain  
344 news of general interest with at least 10 pages per publication,  
345 available and of interest to the public generally for the  
346 dissemination of news. For the purposes of this section, the  
347 following products or publications are not newspapers as  
348 referred to in this section: those intended primarily for  
349 members of a particular profession or occupational group; those  
350 with the primary purpose of distributing advertising; and those

351 with the primary purpose of publishing names and other personal  
352 identifying information concerning parties to motor vehicle  
353 crashes.

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

376 purpose of such solicitation, ~~during the period of time that the~~  
377 ~~information remains confidential and exempt,~~ and only when a  
378 copy of such contract is furnished to the agency as proof of the  
379 vendor's claimed status.

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

387 Section 7. Paragraph (c) of subsection (3) of section  
388 316.192, Florida Statutes, is amended to read:

389 316.192 Reckless driving.—

390 (3) Any person:

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

392 1. Damage to the property or person of another commits a  
393 misdemeanor of the first degree, punishable as provided in s.  
394 775.082 or s. 775.083.

395 2. Serious bodily injury to another commits a felony of  
396 the third degree, punishable as provided in s. 775.082, s.  
397 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~  
398 ~~an injury to another person, which consists of a physical~~  
399 ~~condition that creates a substantial risk of death, serious~~  
400 ~~personal disfigurement, or protracted loss or impairment of the~~



401 ~~function of any bodily member or organ.~~

402 Section 8. Paragraph (c) of subsection (3) of section  
403 316.193, Florida Statutes, is amended to read:

404 316.193 Driving under the influence; penalties.—

405 (3) Any person:

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

408 1. Damage to the property or person of another commits a  
409 misdemeanor of the first degree, punishable as provided in s.  
410 775.082 or s. 775.083.

411 2. Serious bodily injury, as defined in s. 316.003, to  
412 himself or herself or another,~~as defined in s. 316.1933,~~  
413 commits a felony of the third degree, punishable as provided in  
414 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

421 (I) At the time of the crash, the person knew, or should  
422 have known, that the crash occurred; and

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

425

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

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

432 316.1933 Blood test for impairment or intoxication in  
433 cases of death or serious bodily injury; right to use reasonable  
434 force.—

435 (1)~~(a)~~ If a law enforcement officer has probable cause to  
436 believe that a motor vehicle driven by or in the actual physical  
437 control of a person under the influence of alcoholic beverages,  
438 any chemical substances, or any controlled substances has caused  
439 the death or serious bodily injury of a human being, including  
440 the person himself or herself, a law enforcement officer shall  
441 require the person driving or in actual physical control of the  
442 motor vehicle to submit to a test of the person's blood for the  
443 purpose of determining the alcoholic content thereof or the  
444 presence of chemical substances as set forth in s. 877.111 or  
445 any substance controlled under chapter 893. The law enforcement  
446 officer may use reasonable force if necessary to require such  
447 person to submit to the administration of the blood test. The  
448 blood test shall be performed in a reasonable manner.  
449 Notwithstanding s. 316.1932, the testing required by this  
450 subsection ~~paragraph~~ need not be incidental to a lawful arrest

451 of the person.

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

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

459 316.194 Stopping, standing or parking outside of  
460 municipalities.—

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

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

474 1. Where such vehicle constitutes an obstruction of  
475 traffic;

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

480           3. Where an operative vehicle has been parked or stored on  
481 the public right-of-way for more than ~~a period exceeding~~ 10  
482 days, in other than designated parking areas, and is more than  
483 30 feet from the pavement edge. However, the agency removing  
484 such vehicle shall be required to report the removal ~~same~~ to the  
485 Department of Highway Safety and Motor Vehicles within 24 hours  
486 after ~~of~~ such removal.

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

489           316.302 Commercial motor vehicles; safety regulations;  
490 transporters and shippers of hazardous materials; enforcement.-

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

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

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

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

504 (c) The emergency exceptions provided by 49 C.F.R. s.  
505 392.82 also apply to communications by utility drivers and  
506 utility contractor drivers during a Level 1 activation of the  
507 State Emergency Operations Center, as provided in the Florida  
508 Comprehensive Emergency Management plan, or during a state of  
509 emergency declared by executive order or proclamation of the  
510 Governor.

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

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

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

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

526 duty; or

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

529  
530 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of  
531 utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

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

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

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

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

589 (f) A person who operates a commercial motor vehicle  
590 having a ~~declared~~ gross vehicle weight, gross vehicle weight  
591 rating, or gross combined weight rating of less than 26,001  
592 pounds solely in intrastate commerce and who is not transporting  
593 hazardous materials in amounts that require placarding pursuant  
594 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
595 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
596 However, such person must comply with 49 C.F.R. parts 382, 392,  
597 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

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



601 395.2, and who operates solely in intrastate commerce, is exempt  
602 from 49 C.F.R. part 391.

603 (h) A person who is an employee of an electric utility, as  
604 defined in s. 361.11, or a telephone company, as defined in s.  
605 364.02, and who operates a commercial motor vehicle solely in  
606 intrastate commerce and within a 200 air-mile radius of the  
607 location where the vehicle is based, is exempt from 49 C.F.R.  
608 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

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

620 ~~(j) A person who is otherwise qualified as a driver under~~  
621 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~  
622 ~~intrastate commerce only, and who does not transport hazardous~~  
623 ~~materials in amounts that require placarding pursuant to 49~~  
624 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~  
625 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~

626 ~~diabetes.~~

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

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

641       316.622 Farm labor vehicles.—

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

645       Section 13. Paragraph (a) of subsection (1) of section  
 646 316.640, Florida Statutes, is amended to read:

647       316.640 Enforcement.—The enforcement of the traffic laws  
 648 of this state is vested as follows:

649       (1) STATE.—

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

651 Department of Highway Safety and Motor Vehicles; the Division of  
652 Law Enforcement of the Fish and Wildlife Conservation  
653 Commission; and the agents, inspectors, and officers of the  
654 Department of Law Enforcement each have authority to enforce all  
655 of the traffic laws of this state on all the streets and  
656 highways thereof and elsewhere throughout the state wherever the  
657 public has a right to travel by motor vehicle.

658       b. University police officers may enforce all of the  
659 traffic laws of this state when violations occur on or within  
660 1,000 feet of any property or facilities that are under the  
661 guidance, supervision, regulation, or control of a state  
662 university, a direct-support organization of such state  
663 university, or any other organization controlled by the state  
664 university or a direct-support organization of the state  
665 university, or when such violations occur within a specified  
666 jurisdictional area as agreed upon in a mutual aid agreement  
667 entered into with a law enforcement agency pursuant to s.  
668 23.1225(1). Traffic laws may also be enforced off-campus when  
669 hot pursuit originates on or within 1,000 feet of any such  
670 property or facilities, or as agreed upon in accordance with the  
671 mutual aid agreement.

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

676 or control of the Florida College System institution, or when  
677 such violations occur within a specified jurisdictional area as  
678 agreed upon in a mutual aid agreement entered into with a law  
679 enforcement agency pursuant to s. 23.1225. Traffic laws may also  
680 be enforced off-campus when hot pursuit originates on or within  
681 1,000 feet of any such property or facilities, or as agreed upon  
682 in accordance with the mutual aid agreement.

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

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

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

701 authority employing the specialist, by appropriate state,  
702 county, or municipal traffic citation.

703 e. The Office of Agricultural Law Enforcement of the  
704 Department of Agriculture and Consumer Services may enforce  
705 traffic laws of this state.

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

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

718 3. The Division of the Florida Highway Patrol may employ  
719 as a traffic crash ~~accident~~ investigation officer any individual  
720 who successfully completes instruction in traffic crash ~~accident~~  
721 investigation and court presentation through the Selective  
722 Traffic Enforcement Program as approved by the Criminal Justice  
723 Standards and Training Commission and funded through the  
724 National Highway Traffic Safety Administration or a similar  
725 program approved by the commission, but who does not necessarily

726 meet the uniform minimum standards established by the commission  
727 for law enforcement officers or auxiliary law enforcement  
728 officers under chapter 943. Any such traffic crash ~~accident~~  
729 investigation officer who makes an investigation at the scene of  
730 a traffic crash ~~accident~~ may issue traffic citations, based upon  
731 personal investigation, when he or she has reasonable and  
732 probable grounds to believe that a person who was involved in  
733 the crash ~~accident~~ committed an offense under this chapter,  
734 chapter 319, chapter 320, or chapter 322 in connection with the  
735 crash ~~accident~~. This subparagraph does not permit the officer to  
736 carry firearms or other weapons, and such an officer does not  
737 have authority to make arrests.

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

740 316.655 Penalties.—

741 (2) A driver convicted of a violation of any offense  
742 prohibited by this chapter or any other law of this state  
743 regulating motor vehicles, which resulted in a crash ~~an~~  
744 ~~accident~~, may have his or her driving privileges revoked or  
745 suspended by the court if the court finds such revocation or  
746 suspension warranted by the totality of the circumstances  
747 resulting in the conviction and the need to provide for the  
748 maximum safety for all persons who travel on or who are  
749 otherwise affected by the use of the highways of the state. In  
750 determining whether suspension or revocation is appropriate, the

751 court shall consider all pertinent factors, including, but not  
752 limited to, such factors as the extent and nature of the  
753 driver's violation of this chapter, the number of persons killed  
754 or injured as the result of the driver's violation of this  
755 chapter, and the extent of any property damage resulting from  
756 the driver's violation of this chapter.

757 Section 15. Section 316.70, Florida Statutes, is amended  
758 to read:

759 316.70 Nonpublic sector buses; safety rules.—

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

767 (a) Nonpublic sector buses are safely maintained,  
768 equipped, and operated.

769 ~~(b) Nonpublic sector buses are carrying the insurance~~  
770 ~~required by law and carrying liability insurance on the checked~~  
771 ~~baggage of passengers not to exceed the standard adopted by the~~  
772 ~~United States Department of Transportation.~~

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

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

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

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

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



801 Safety Alliance may require the driver of any commercial motor  
802 vehicle operated on the highways of this state to stop and  
803 submit to an inspection of the motor vehicle or the driver's  
804 records. If the motor vehicle or driver is found to be operating  
805 in an unsafe condition, or if any required part or equipment is  
806 not present or is not in proper repair or adjustment, and the  
807 continued operation would present an unduly hazardous operating  
808 condition, the officer or agent may require the motor vehicle or  
809 the driver to be removed from service pursuant to the North  
810 American Standard Out-of-Service Criteria until corrected.  
811 However, if continued operation would not present an unduly  
812 hazardous operating condition, the officer or agent may give  
813 written notice requiring correction of the condition within 14  
814 days.

815 (4)~~(3)~~ School buses subject to ~~the provisions of~~ chapter  
816 1006 or s. 316.615 are exempt from ~~the provisions of~~ this  
817 section.

818 Section 16. Section 318.19, Florida Statutes, is amended  
819 to read:

820 318.19 Infractions requiring a mandatory hearing.—A ~~Any~~  
821 person cited for an infraction ~~the infractions~~ listed in this  
822 section shall not have the provisions of s. 318.14(2), (4), and  
823 (9) available to him or her but must appear before the  
824 designated official at the time and location of the scheduled  
825 hearing:

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

828 (2) Any infraction which results in a crash that causes  
829 "serious bodily injury, as defined in s. 316.003," of another,  
830 including the person cited for the infraction as defined in s.  
831 316.1933(1);

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

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

834 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
835 316.189 of exceeding the speed limit by 30 mph or more.

836 Section 17. Section 319.002, Florida Statutes, is created  
837 to read:

838 319.002 Rulemaking authority.—The department shall  
839 administer and provide for the enforcement of this chapter. The  
840 department may adopt rules to implement the provisions of this  
841 chapter conferring powers or duties upon the department,  
842 including, without limitation, adopting rules and forms  
843 governing reports. The department shall also have the  
844 nonexclusive power to define by rule any term, regardless of  
845 whether used in this chapter, insofar as the definition is not  
846 inconsistent with the provisions of this chapter.

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

849 319.25 Cancellation of certificates; investigations;  
850 subpoenas and other process; oaths; rules.—

851       (3) The department may conduct investigations and  
852 examinations of any person suspected of violating or of having  
853 violated any provision of this chapter or any rule adopted or  
854 order issued under this chapter.

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

863       (5) If a person refuses to testify, produce books, papers,  
864 documents, or records, or otherwise obey the subpoena or  
865 subpoena duces tecum, the department may petition a court of  
866 competent jurisdiction in the county in which the person's  
867 residence or principal place of business is located, whereupon  
868 the court shall issue an order requiring such person to obey the  
869 subpoena or show cause for failing to obey the subpoena. Unless  
870 the person shows sufficient cause for failing to obey the  
871 subpoena, the court shall direct the person to obey the  
872 subpoena. Costs incurred by the department to obtain an order  
873 granting, in whole or in part, its petition shall be paid by the  
874 subpoenaed person, and failure to comply with such order is  
875 contempt of court.

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

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

885        (8) The department may adopt rules to administer this  
 886 section.

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

889        319.40 Transactions by electronic or telephonic means.—

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

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

899        320.01 Definitions, general.—As used in the Florida  
 900 Statutes, except as otherwise provided, the term:

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

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

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

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

916  
 917 Vehicles, or combinations thereof, having a gross vehicle weight  
 918 of 26,000 pounds or less and two-axle vehicles may be  
 919 proportionally registered.

920 Section 21. Paragraph (b) of subsection (1) of section  
 921 320.06, Florida Statutes, is amended to read:

922 320.06 Registration certificates, license plates, and  
 923 validation stickers generally.—

924 (1)

925 (b)1. Registration license plates bearing a graphic symbol

926 and the alphanumeric system of identification shall be issued  
927 for a 10-year period. At the end of the 10-year period, upon  
928 renewal, the plate shall be replaced. The department shall  
929 extend the scheduled license plate replacement date from a 6-  
930 year period to a 10-year period. The fee for such replacement is  
931 \$28, \$2.80 of which shall be paid each year before the plate is  
932 replaced, to be credited toward the next \$28 replacement fee.  
933 The fees shall be deposited into the Highway Safety Operating  
934 Trust Fund. A credit or refund may not be given for any prior  
935 years' payments of the prorated replacement fee if the plate is  
936 replaced or surrendered before the end of the 10-year period,  
937 except that a credit may be given if a registrant is required by  
938 the department to replace a license plate under s.  
939 320.08056(8) (a). With each license plate, a validation sticker  
940 shall be issued showing the owner's birth month, license plate  
941 number, and the year of expiration or the appropriate renewal  
942 period if the owner is not a natural person. The validation  
943 sticker shall be placed on the upper right corner of the license  
944 plate. The license plate and validation sticker shall be issued  
945 based on the applicant's appropriate renewal period. The  
946 registration period is 12 months, the extended registration  
947 period is 24 months, and all expirations occur based on the  
948 applicant's appropriate registration period.

949 2. A vehicle that has an apportioned registration shall be  
950 issued an annual license plate and a cab card that denote the

951 declared gross vehicle weight for each apportioned jurisdiction  
952 in which the vehicle is authorized to operate. This subparagraph  
953 expires October 1, 2019.

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

969 ~~4.2.~~ In order to retain the efficient administration of  
970 the taxes and fees imposed by this chapter, the 80-cent fee  
971 increase in the replacement fee imposed by chapter 2009-71, Laws  
972 of Florida, is negated as provided in s. 320.0804.

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

975 320.0607 Replacement license plates, validation decal, or

976 mobile home sticker.-

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

983 Section 23. Subsection (8) of section 320.0807, Florida  
 984 Statutes, is renumbered as subsection (6), and present  
 985 subsections (5), (6), and (7) of that section are amended to  
 986 read:

987 320.0807 Special license plates for Governor and federal  
 988 and state legislators.-

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

1000 ~~(6) (a) Upon application by any former member of Congress~~



1001 ~~or former member of the state Legislature, payment of the fees~~  
 1002 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~  
 1003 ~~\$500, the department may issue a former member of Congress,~~  
 1004 ~~state senator, or state representative a license plate stamped~~  
 1005 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~  
 1006 ~~appropriate, for a vehicle owned by the former member.~~

1007 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~  
 1008 ~~Retired House prestige license plate, a former member must have~~  
 1009 ~~served at least 4 years as a member of Congress, state senator,~~  
 1010 ~~or state representative, respectively.~~

1011 ~~(c) Four hundred fifty dollars of the one-time fee~~  
 1012 ~~collected under paragraph (a) shall be distributed to the~~  
 1013 ~~account of the direct support organization established pursuant~~  
 1014 ~~to s. 272.136 and used for the benefit of the Florida Historic~~  
 1015 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~  
 1016 ~~the Highway Safety Operating Trust Fund.~~

1017 ~~(5)-(7)~~ The department may create a unique plate design for  
 1018 plates to be used by members ~~or former members~~ of the  
 1019 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~  
 1020 ~~(2), (5), and (6).~~

1021 Section 24. Paragraph (a) of subsection (9) and subsection  
 1022 (11) of section 320.27, Florida Statutes, are amended, and  
 1023 paragraph (g) is added to subsection (1) of that section, to  
 1024 read:

1025 320.27 Motor vehicle dealers.—

1026 (1) DEFINITIONS.—The following words, terms, and phrases  
1027 when used in this section have the meanings respectively  
1028 ascribed to them in this subsection, except where the context  
1029 clearly indicates a different meaning:

1030 (g) "Control person" means a person who has significant  
1031 power, directly or indirectly, to direct the management or  
1032 policies of a company, whether through ownership, by contract,  
1033 or otherwise. The term includes a person who is an owner,  
1034 director, general partner, officer, manager, or employee  
1035 exercising decisionmaking responsibility or exercising similar  
1036 executive status or functions but does not include an employee  
1037 whose function is only clerical or ministerial or in sales under  
1038 the supervision of an owner or manager or other person  
1039 exercising decisionmaking responsibility.

1040 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1041 (a) The department may deny an initial or renewal  
1042 application or ~~suspend~~ or revoke a ~~any~~ license issued  
1043 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771  
1044 upon proof that an applicant or a licensee has:

1045 1. Committed fraud or willful misrepresentation in  
1046 application for or in obtaining a license.

1047 2. Been convicted of a felony and has either not completed  
1048 the resulting felony sentence or completed the felony sentence  
1049 less than 10 years from the date of licensure application.

1050 3. Failed to honor a bank draft or check given to a motor

1051 vehicle dealer for the purchase of a motor vehicle by another  
1052 motor vehicle dealer within 10 days after notification that the  
1053 bank draft or check has been dishonored. If the transaction is  
1054 disputed, the maker of the bank draft or check shall post a bond  
1055 in accordance with the provisions of s. 559.917, and no  
1056 proceeding for revocation or suspension shall be commenced until  
1057 the dispute is resolved.

1058 4.a. Failed to provide payment within 10 business days to  
1059 the department for a check payable to the department that was  
1060 dishonored due to insufficient funds in the amount due plus any  
1061 statutorily authorized fee for uttering a worthless check. The  
1062 department shall notify an applicant or licensee when the  
1063 applicant or licensee makes payment to the department by a check  
1064 that is subsequently dishonored by the bank due to insufficient  
1065 funds. The applicant or licensee shall, within 10 business days  
1066 after receiving the notice, provide payment to the department in  
1067 the form of cash in the amount due plus any statutorily  
1068 authorized fee. If the applicant or licensee fails to make such  
1069 payment within 10 business days, the department may deny,  
1070 suspend, or revoke the applicant's or licensee's motor vehicle  
1071 dealer license.

1072 b. Stopped payment on a check payable to the department,  
1073 issued a check payable to the department from an account that  
1074 has been closed, or charged back a credit card transaction to  
1075 the department. If an applicant or licensee commits any such

1076 act, the department may deny, suspend, or revoke the applicant's  
1077 or licensee's motor vehicle dealer license.

1078 5. Previously owned a majority interest in, or acted as a  
1079 control person of, a motor vehicle dealer that within the past  
1080 10 years has been the subject of any decision, finding,  
1081 injunction, suspension, revocation, denial, judgment, or  
1082 administrative order by any court of competent jurisdiction,  
1083 administrative law judge, or state agency that resulted in a  
1084 finding of violation of any federal or state law relating to  
1085 unlicensed activity, or fraud in connection with the sale of a  
1086 motor vehicle, or knowingly employs or contracts such a person  
1087 as a control person, or knowingly employs or contracts as a  
1088 control person a person who has been convicted of a felony and  
1089 has either not completed the resulting felony sentence or  
1090 completed the felony sentence less than 10 years from the date  
1091 of licensure application.

1092 (11) INJUNCTION.—

1093 (a) In addition to the remedies provided in this chapter  
1094 and notwithstanding the existence of any adequate remedy at law,  
1095 the department may ~~is authorized to~~ make application to any  
1096 circuit court of the state, and such circuit court shall have  
1097 jurisdiction, upon a hearing and for cause shown, to grant a  
1098 temporary or permanent injunction, or both, restraining any  
1099 person from acting as a motor vehicle dealer under the terms of  
1100 this section without being properly licensed hereunder, from

1101 violating or continuing to violate any of the provisions of  
 1102 chapter 319, this chapter, or ss. 559.901-559.9221, or for  
 1103 failing or refusing to comply with the requirements of chapter  
 1104 319, this chapter, or ss. 559.901-559.9221, or any rule or  
 1105 regulation adopted thereunder, such injunction to be issued  
 1106 without bond. A single act in violation of the provisions of  
 1107 chapter 319, this chapter, or chapter 559 shall be sufficient to  
 1108 authorize the issuance of an injunction.

1109 (b) If the court grants the injunction, the court may bar,  
 1110 permanently or for a specific time period, any person found to  
 1111 have violated any federal or state law relating to unlicensed  
 1112 activity or fraud in connection with the sale of a motor  
 1113 vehicle. If a person is barred, the person may not continue in  
 1114 any capacity within the industry. The person shall have no  
 1115 management, sales, or other role in the operation of a  
 1116 dealership. Further, if permanently barred, the person may not  
 1117 derive income from the dealership beyond reasonable compensation  
 1118 for the sale of his or her ownership interest in the business.

1119 Section 25. Paragraph (c) of subsection (2) of section  
 1120 320.822, Florida Statutes, is amended to read:

1121 320.822 Definitions; ss. 320.822-320.862.—In construing  
 1122 ss. 320.822-320.862, unless the context otherwise requires, the  
 1123 following words or phrases have the following meanings:

1124 (2) "Code" means the appropriate standards found in:

1125 (c) The Uniform ~~Mobile Home~~ Repair and Remodeling Code for

1126 Mobile Homes and the Used Recreational Vehicle Code.

1127 Section 26. Subsection (2) of section 320.8232, Florida  
 1128 Statutes, is amended to read:

1129 320.8232 Establishment of uniform standards for used  
 1130 recreational vehicles and repair and remodeling code for mobile  
 1131 homes.—

1132 (2) The provisions of the Uniform Repair and Remodeling  
 1133 Code for Mobile Homes shall ensure safe and livable housing and  
 1134 shall not be more stringent than those standards required to be  
 1135 met in the manufacture of mobile homes. Such provisions shall  
 1136 include, ~~but not be limited to,~~ standards for structural  
 1137 adequacy, plumbing, heating, electrical systems, and fire and  
 1138 life safety. All permitting and regulation of the repair and  
 1139 remodeling of mobile homes shall be performed in accordance with  
 1140 this subsection, current department rules, or subsequent rules  
 1141 developed in accordance with chapter 120.

1142 Section 27. Section 320.861, Florida Statutes, is amended  
 1143 to read:

1144 320.861 Investigations; subpoenas and other process;  
 1145 oaths; rules ~~Inspection of records; production of evidence;~~  
 1146 ~~subpoena power.~~—

1147 (1) The department may conduct investigations and  
 1148 examinations of any person suspected of violating or of having  
 1149 violated any provision of this chapter or any rule adopted or  
 1150 order issued under this chapter ~~inspect the pertinent books,~~

1151 ~~records, letters, and contracts of any licensee, whether dealer~~  
1152 ~~or manufacturer, relating to any written complaint made to it~~  
1153 ~~against such licensee.~~

1154       (2) For purposes of any investigation or examination  
1155 conducted under this section, the department is granted and  
1156 authorized to exercise the power of subpoena and to administer  
1157 oaths or affirmations, examine witnesses, require affidavits,  
1158 take depositions, and compel the attendance of witnesses and the  
1159 production of books, papers, documents, records, and other  
1160 evidence. Such subpoenas may be served by an authorized  
1161 representative of the department ~~for the attendance of witnesses~~  
1162 ~~and the production of any documentary evidence necessary to the~~  
1163 ~~disposition by it of any written complaint against any licensee,~~  
1164 ~~whether dealer or manufacturer.~~

1165       (3) If a person refuses to testify; produce books, papers,  
1166 documents, or records; or otherwise obey the subpoena or  
1167 subpoena duces tecum, the department may petition a court of  
1168 competent jurisdiction in the county in which the person's  
1169 residence or principal place of business is located, whereupon  
1170 the court shall issue an order requiring such person to obey the  
1171 subpoena or show cause for failing to obey the subpoena. Unless  
1172 the person shows sufficient cause for failing to obey the  
1173 subpoena, the court shall direct the person to obey the  
1174 subpoena. Costs incurred by the department to obtain an order  
1175 granting, in whole or in part, its petition shall be paid by the

1176 subpoenaed person, and failure to comply with such order is  
 1177 contempt of court.

1178 (4) For the purpose of any investigation, examination, or  
 1179 proceeding initiated by the department under this chapter, the  
 1180 department may designate agents to serve subpoenas and other  
 1181 process and administer oaths or affirmations. The department  
 1182 shall exercise this power on its own initiative in accordance  
 1183 with ss. 320.615 and 320.71.

1184 (5) A witness subpoenaed under this section is entitled to  
 1185 witness fees at the same rate established by s. 92.142 for  
 1186 witnesses in a civil case, except that witness fees are not  
 1187 payable for appearance at the witness's place of business during  
 1188 regular business hours or at the witness's residence.

1189 (6) The department may adopt rules to administer this  
 1190 section.

1191 Section 28. Subsection (2) of section 320.95, Florida  
 1192 Statutes, is amended to read:

1193 320.95 Transactions by electronic or telephonic means.—

1194 (2) The department may collect and use e-mail ~~electronic~~  
 1195 ~~mail~~ addresses for purposes of this chapter, including, but not  
 1196 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
 1197 United States Postal Service for the purpose of providing  
 1198 renewal notices.

1199 Section 29. Subsection (1) of section 321.05, Florida  
 1200 Statutes, is amended to read:



1201           321.05 Duties, functions, and powers of patrol officers.—  
1202 The members of the Florida Highway Patrol are hereby declared to  
1203 be conservators of the peace and law enforcement officers of the  
1204 state, with the common-law right to arrest a person who, in the  
1205 presence of the arresting officer, commits a felony or commits  
1206 an affray or breach of the peace constituting a misdemeanor,  
1207 with full power to bear arms; and they shall apprehend, without  
1208 warrant, any person in the unlawful commission of any of the  
1209 acts over which the members of the Florida Highway Patrol are  
1210 given jurisdiction as hereinafter set out and deliver him or her  
1211 to the sheriff of the county that further proceedings may be had  
1212 against him or her according to law. In the performance of any  
1213 of the powers, duties, and functions authorized by law, members  
1214 of the Florida Highway Patrol have the same protections and  
1215 immunities afforded other peace officers, which shall be  
1216 recognized by all courts having jurisdiction over offenses  
1217 against the laws of this state, and have authority to apply for,  
1218 serve, and execute search warrants, arrest warrants, *capias*, and  
1219 other process of the court. The patrol officers under the  
1220 direction and supervision of the Department of Highway Safety  
1221 and Motor Vehicles shall perform and exercise throughout the  
1222 state the following duties, functions, and powers:  
1223           (1) To patrol the state highways and regulate, control,  
1224 and direct the movement of traffic thereon; to maintain the  
1225 public peace by preventing violence on highways; to apprehend

1226 fugitives from justice; to enforce all laws regulating and  
 1227 governing traffic, travel, and public safety upon the public  
 1228 highways and providing for the protection of the public highways  
 1229 and public property thereon, including the security and safety  
 1230 of this state's transportation infrastructure; to make arrests  
 1231 without warrant for the violation of any state law committed in  
 1232 their presence in accordance with state law; providing that no  
 1233 search may be made unless it is incident to a lawful arrest, to  
 1234 regulate and direct traffic concentrations and congestions; to  
 1235 enforce laws governing the operation, licensing, and taxing and  
 1236 limiting the size, weight, width, length, and speed of vehicles  
 1237 and licensing and controlling the operations of drivers and  
 1238 operators of vehicles, including the safety, size, and weight of  
 1239 commercial motor vehicles; to collect all state fees and  
 1240 revenues levied as an incident to the use or right to use the  
 1241 highways for any purpose, including the taxing and registration  
 1242 of commercial motor vehicles; to require the drivers of vehicles  
 1243 to stop and exhibit their driver licenses, registration cards,  
 1244 or documents required by law to be carried by such vehicles; to  
 1245 investigate traffic crashes ~~accidents~~, secure testimony of  
 1246 witnesses and of persons involved, and make report thereof with  
 1247 copy, if requested in writing, to any person in interest or his  
 1248 or her attorney; to investigate reported thefts of vehicles; and  
 1249 to seize contraband or stolen property on or being transported  
 1250 on the highways. Each patrol officer of the Florida Highway

1251 Patrol is subject to and has the same arrest and other authority  
 1252 provided for law enforcement officers generally in chapter 901  
 1253 and has statewide jurisdiction. Each officer also has arrest  
 1254 authority as provided for state law enforcement officers in s.  
 1255 901.15. This section does not conflict with, but is supplemental  
 1256 to, chapter 933.

1257 Section 30. Section 321.065, Florida Statutes, is amended  
 1258 to read:

1259 321.065 Traffic crash ~~accident~~ investigation officers;  
 1260 employment; standards.—The department may employ traffic crash  
 1261 ~~accident~~ investigation officers who must complete any applicable  
 1262 standards adopted by the Florida Highway Patrol, including, but  
 1263 not limited to: cognitive testing, drug testing, polygraph  
 1264 testing, psychological testing, and an extensive background  
 1265 check, including a credit check.

1266 Section 31. Paragraph (d) of subsection (2) of section  
 1267 321.23, Florida Statutes, is amended to read:

1268 321.23 Public records; fees for copies; destruction of  
 1269 obsolete records; photographing records; effect as evidence.—

1270 (2) Fees for copies of public records shall be charged and  
 1271 collected as follows:

1272 (d) Photographs (crashes ~~accidents~~, etc.):

1273

Enlargement	Color	Black &
Proof		White

1274  
1275  
1276  
1277  
1278  
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1282  
1283  
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1.	5" x 7"	\$1.00	\$0.75
2.	8" x 10"	\$1.50	\$1.00
3.	11" x 14"	Not Available	\$1.75
4.	16" x 20"	Not Available	\$2.75
5.	20" x 24"	Not Available	\$3.75

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

Section 32. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

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

1. A trauma center, as defined in s. 395.4001, or a

1294 hospital as defined in s. 395.002, which regularly receives  
1295 victims of vehicle crashes ~~accidents~~, between the hours of 10  
1296 p.m. and 2 a.m. on a Friday or Saturday night, in order to  
1297 observe appropriate victims of vehicle crashes ~~accidents~~  
1298 involving drinking drivers, under the supervision of any of the  
1299 following:

1300 a. A registered nurse trained in providing emergency  
1301 trauma care or prehospital advanced life support.

1302 b. An emergency room physician.

1303 c. An emergency medical technician.

1304 2. A licensed service provider, as defined in s. 397.311,  
1305 which cares for substance abuse impaired persons, to observe  
1306 persons in the terminal stages of substance abuse impairment,  
1307 under the supervision of appropriately licensed medical  
1308 personnel. Before ~~Prior to~~ any visitation of such terminally ill  
1309 or disabled persons, the persons or their legal representatives  
1310 must give their express consent to participate in the visitation  
1311 program.

1312 3. If approved by the county coroner, the county coroner's  
1313 office or the county morgue to observe appropriate victims of  
1314 vehicle crashes ~~accidents~~ involving drinking drivers, under the  
1315 supervision of the coroner or a deputy coroner.

1316 (b) As used in this section, the term "appropriate  
1317 victims" means victims or their legal representatives, including  
1318 the next of kin, who have expressly given their consent to

1319 | participate in the visitation program and victims whose  
 1320 | condition is determined by the visitation supervisor to  
 1321 | demonstrate the results of crashes ~~accidents~~ involving drinking  
 1322 | drivers without being excessively gruesome or traumatic to the  
 1323 | probationer.

1324 |         Section 33. Subsection (10) of section 322.08, Florida  
 1325 | Statutes, is amended to read:

1326 |             322.08 Application for license; requirements for license  
 1327 | and identification card forms.—

1328 |             (10) The department may collect and use e-mail ~~electronic~~  
 1329 | ~~mail~~ addresses for purposes of this chapter, including, but not  
 1330 | limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
 1331 | United States Postal Service for the purpose of providing  
 1332 | renewal notices.

1333 |         Section 34. Subsection (5) of section 322.091, Florida  
 1334 | Statutes, is amended to read:

1335 |             322.091 Attendance requirements.—

1336 |             (5) REPORTING AND ACCOUNTABILITY.—The department shall  
 1337 | make available, upon request, a report ~~quarterly~~ to each school  
 1338 | district of the legal name, sex, date of birth, and social  
 1339 | security number of each student whose driving privileges have  
 1340 | been suspended under this section.

1341 |         Section 35. Paragraph (b) of subsection (1) of section  
 1342 | 322.17, Florida Statutes, is amended to read:

1343 |             322.17 Replacement licenses, identification cards, and

1344 permits.-

1345 (1)

1346 (b) In the event that an instruction permit, ~~or~~ driver  
 1347 license, or identification card issued under ~~the provisions of~~  
 1348 this chapter is stolen, the person to whom the same was issued  
 1349 may, at no charge, obtain a replacement upon furnishing proof  
 1350 satisfactory to the department that such permit, ~~or~~ license, or  
 1351 identification card was stolen and further furnishing the  
 1352 person's full name, date of birth, sex, residence and mailing  
 1353 address, proof of birth satisfactory to the department, and  
 1354 proof of identity satisfactory to the department.

1355 Section 36. Subsection (8) of section 322.212, Florida  
 1356 Statutes, is renumbered as subsection (9), paragraph (a) of  
 1357 subsection (5) and subsection (6) are amended, and a new  
 1358 subsection (8) is added to that section, to read:

1359 322.212 Unauthorized possession of, and other unlawful  
 1360 acts in relation to, driver license or identification card.-

1361 (5) (a) A ~~It is unlawful for any person may not to~~ use a  
 1362 false or fictitious name in any application for a driver license  
 1363 or identification card or knowingly ~~to~~ make a false statement,  
 1364 knowingly conceal a material fact, provide an altered or  
 1365 counterfeit document, participate in a dishonest or deceptive  
 1366 action, or otherwise commit a fraud in any such application.

1367 (6) Except as otherwise provided in this subsection, a ~~any~~  
 1368 person who violates ~~any of the provisions of~~ this section

1369 commits ~~is guilty of~~ a felony of the third degree, punishable as  
 1370 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person  
 1371 who violates paragraph (5) (a) by giving a false age in an ~~any~~  
 1372 application for a driver license or identification card or who  
 1373 violates paragraph (5) (b) by possessing a driver license,  
 1374 identification card, or similar ~~any~~ instrument ~~in the similitude~~  
 1375 ~~thereof,~~ on which the date of birth has been altered commits ~~is~~  
 1376 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
 1377 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates  
 1378 paragraph (1) (d) commits a felony of the third degree,  
 1379 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1380 (8) In addition to any other penalties provided by this  
 1381 section, if a person provides false information when applying  
 1382 for a driver license, identification card, commercial driver  
 1383 license, or commercial learner's permit or is convicted of fraud  
 1384 in connection with testing for a driver license, commercial  
 1385 driver license, or commercial learner's permit, such person's  
 1386 driving privilege shall be suspended for 1 year.

1387 Section 37. Section 322.36, Florida Statutes, is amended  
 1388 to read:

1389 322.36 Permitting unauthorized operator to drive.—A person  
 1390 may not authorize or knowingly permit a motor vehicle owned by  
 1391 him or her or under his or her dominion or control to be  
 1392 operated upon any highway or public street except by a person  
 1393 who is duly authorized to operate a motor vehicle under this



1394 chapter. A ~~Any~~ person who violates this section commits a  
1395 misdemeanor of the second degree, punishable as provided in s.  
1396 775.082 or s. 775.083. If a person violates this section by  
1397 knowingly loaning a vehicle to a person whose driver license is  
1398 suspended and if that vehicle is involved in a crash ~~an accident~~  
1399 resulting in bodily injury or death, the driver license of the  
1400 person violating this section shall be suspended for 1 year.

1401 Section 38. Paragraphs (g) and (h) of subsection (1) of  
1402 section 322.61, Florida Statutes, are amended, and paragraphs  
1403 (i) and (j) are added to that subsection, to read:

1404 322.61 Disqualification from operating a commercial motor  
1405 vehicle.—

1406 (1) A person who, for offenses occurring within a 3-year  
1407 period, is convicted of two of the following serious traffic  
1408 violations or any combination thereof, arising in separate  
1409 incidents committed in a commercial motor vehicle shall, in  
1410 addition to any other applicable penalties, be disqualified from  
1411 operating a commercial motor vehicle for a period of 60 days. A  
1412 holder of a commercial driver license or commercial learner's  
1413 permit who, for offenses occurring within a 3-year period, is  
1414 convicted of two of the following serious traffic violations, or  
1415 any combination thereof, arising in separate incidents committed  
1416 in a noncommercial motor vehicle shall, in addition to any other  
1417 applicable penalties, be disqualified from operating a  
1418 commercial motor vehicle for a period of 60 days if such

1419 convictions result in the suspension, revocation, or  
 1420 cancellation of the licenseholder's driving privilege:

1421 (g) Driving a commercial vehicle without the proper class  
 1422 of commercial driver license or commercial learner's permit or  
 1423 without the proper endorsement; ~~or~~

1424 (h) Driving a commercial vehicle without a commercial  
 1425 driver license or commercial learner's permit in possession, as  
 1426 required by s. 322.03;

1427 (i) Texting while driving a commercial motor vehicle as  
 1428 prohibited by 49 C.F.R. s. 392.80; or

1429 (j) Using a hand-held mobile telephone while driving a  
 1430 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1431 Section 39. Section 322.71, Florida Statutes, is created  
 1432 to read:

1433 322.71 Investigations; subpoenas and other process; oaths;  
 1434 rules.—

1435 (1) The department may conduct investigations and  
 1436 examinations of any person suspected of violating or of having  
 1437 violated any provision of this chapter or any rule adopted or  
 1438 order issued under this chapter.

1439 (2) For purposes of any investigation or examination  
 1440 conducted under this section, the department is granted and  
 1441 authorized to exercise the power of subpoena and to administer  
 1442 oaths or affirmations, examine witnesses, require affidavits,  
 1443 take depositions, and compel the attendance of witnesses and the

1444 production of books, papers, documents, records, and other  
1445 evidence. Such subpoenas may be served by an authorized  
1446 representative of the department.

1447 (3) If a person refuses to testify; produce books, papers,  
1448 documents, or records; or otherwise obey the subpoena or  
1449 subpoena duces tecum, the department may petition a court of  
1450 competent jurisdiction in the county in which the person's  
1451 residence or principal place of business is located, whereupon  
1452 the court shall issue an order requiring such person to obey the  
1453 subpoena or show cause for failing to obey the subpoena. Unless  
1454 the person shows sufficient cause for failing to obey the  
1455 subpoena, the court shall direct the person to obey the  
1456 subpoena. Costs incurred by the department to obtain an order  
1457 granting, in whole or in part, its petition shall be paid by the  
1458 subpoenaed person, and failure to comply with such order is  
1459 contempt of court.

1460 (4) For the purpose of any investigation, examination, or  
1461 proceeding initiated by the department under this chapter, the  
1462 department may designate agents to serve subpoenas and other  
1463 process and administer oaths or affirmations.

1464 (5) A witness subpoenaed under this section is entitled to  
1465 witness fees at the same rate established by s. 92.142 for  
1466 witnesses in a civil case, except that witness fees are not  
1467 payable for appearance at the witness's place of business during  
1468 regular business hours or at the witness's residence.

1469           (6) The department may adopt rules to administer this  
1470 section.

1471           Section 40. Paragraph (e) of subsection (4) of section  
1472 323.001, Florida Statutes, is amended to read:

1473           323.001 Wrecker operator storage facilities; vehicle  
1474 holds.—

1475           (4) The requirements for a written hold apply when the  
1476 following conditions are present:

1477           (e) The officer has probable cause to believe the vehicle  
1478 was involved in a traffic crash ~~accident~~ resulting in death or  
1479 personal injury and should be sealed for investigation and  
1480 collection of evidence by a vehicular homicide investigator;

1481           Section 41. Paragraph (c) of subsection (1), paragraph (c)  
1482 of subsection (2), and subsection (4) of section 323.002,  
1483 Florida Statutes, are amended to read:

1484           323.002 County and municipal wrecker operator systems;  
1485 penalties for operation outside of system.—

1486           (1) As used in this section, the term:

1487           (c) "Wrecker operator system" means a system for the  
1488 towing or removal of wrecked, disabled, or abandoned vehicles,  
1489 similar to the Florida Highway Patrol wrecker operator system  
1490 described in s. 321.051(2), under which a county or municipality  
1491 contracts with one or more wrecker operators for the towing or  
1492 removal of wrecked, disabled, or abandoned vehicles from crash  
1493 ~~accident~~ scenes, streets, or highways. A wrecker operator system

1494 shall include using a method for apportioning the towing  
 1495 assignments among the eligible wrecker operators through the  
 1496 creation of geographic zones, a rotation schedule, or a  
 1497 combination of these methods.

1498 (2) In any county or municipality that operates a wrecker  
 1499 operator system:

1500 (c) When an unauthorized wrecker operator drives by the  
 1501 scene of a wrecked or disabled vehicle and the owner or operator  
 1502 initiates contact by signaling the wrecker operator to stop and  
 1503 provide towing services, the unauthorized wrecker operator must  
 1504 disclose in writing to the owner or operator of the vehicle his  
 1505 or her full name and driver license number, that he or she is  
 1506 not the authorized wrecker operator who has been designated as  
 1507 part of the wrecker operator system, that the motor vehicle is  
 1508 not being towed for the owner's or operator's insurance company  
 1509 or lienholder, whether he or she has in effect an insurance  
 1510 policy providing at least \$300,000 of liability insurance and at  
 1511 least \$50,000 of on-hook cargo insurance, and the maximum  
 1512 charges for towing and storage which will apply before the  
 1513 vehicle is connected to the towing apparatus. The unauthorized  
 1514 wrecker operator must also provide a copy of the disclosure to  
 1515 the owner or operator in the presence of a law enforcement  
 1516 officer if such officer is at the scene of a motor vehicle crash  
 1517 ~~accident~~. A ~~Any~~ person who violates this paragraph commits a  
 1518 misdemeanor of the second degree, punishable as provided in s.

1519 775.082 or s. 775.083, and the person's wrecker, tow truck, or  
 1520 other motor vehicle that was used during the offense may be  
 1521 immediately removed and impounded pursuant to subsection (3).

1522 (4) This section does not prohibit, or in any way prevent,  
 1523 the owner or operator of a vehicle involved in a crash ~~an~~  
 1524 ~~accident~~ or otherwise disabled from contacting any wrecker  
 1525 operator for the provision of towing services, regardless of  
 1526 whether the wrecker operator is an authorized wrecker operator  
 1527 ~~or not~~.

1528 Section 42. Section 324.011, Florida Statutes, is amended  
 1529 to read:

1530 324.011 Purpose of chapter.—It is the intent of this  
 1531 chapter to recognize the existing privilege to own or operate a  
 1532 motor vehicle on the public streets and highways of this state  
 1533 when such vehicles are used with due consideration for others  
 1534 and their property, and to promote safety and provide financial  
 1535 security requirements for such owners or operators whose  
 1536 responsibility it is to recompense others for injury to person  
 1537 or property caused by the operation of a motor vehicle.  
 1538 Therefore, it is required herein that the operator of a motor  
 1539 vehicle involved in a crash or convicted of certain traffic  
 1540 offenses meeting the operative provisions of s. 324.051(2) shall  
 1541 respond for such damages and show proof of financial ability to  
 1542 respond for damages in future crashes ~~accidents~~ as a requisite  
 1543 to his or her future exercise of such privileges.

1544 Section 43. Subsection (1) of section 324.022, Florida  
1545 Statutes, is amended to read:  
1546 324.022 Financial responsibility for property damage.—  
1547 (1) Every owner or operator of a motor vehicle required to  
1548 be registered in this state shall establish and maintain the  
1549 ability to respond in damages for liability on account of  
1550 crashes ~~accidents~~ arising out of the use of the motor vehicle in  
1551 the amount of \$10,000 because of damage to, or destruction of,  
1552 property of others in any one crash. The requirements of this  
1553 section may be met by one of the methods established in s.  
1554 324.031; by self-insuring as authorized by s. 768.28(16); or by  
1555 maintaining an insurance policy providing coverage for property  
1556 damage liability in the amount of at least \$10,000 because of  
1557 damage to, or destruction of, property of others in any one  
1558 crash ~~accident~~ arising out of the use of the motor vehicle. The  
1559 requirements of this section may also be met by having a policy  
1560 which provides coverage in the amount of at least \$30,000 for  
1561 combined property damage liability and bodily injury liability  
1562 for any one crash arising out of the use of the motor vehicle.  
1563 The policy, with respect to coverage for property damage  
1564 liability, must meet the applicable requirements of s. 324.151,  
1565 subject to the usual policy exclusions that have been approved  
1566 in policy forms by the Office of Insurance Regulation. An ~~No~~  
1567 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered  
1568 claims irrespective of their joinder with covered claims.

1569 Section 44. Section 324.023, Florida Statutes, is amended  
1570 to read:

1571 324.023 Financial responsibility for bodily injury or  
1572 death.—In addition to any other financial responsibility  
1573 required by law, every owner or operator of a motor vehicle that  
1574 is required to be registered in this state, or that is located  
1575 within this state, and who, regardless of adjudication of guilt,  
1576 has been found guilty of or entered a plea of guilty or nolo  
1577 contendere to a charge of driving under the influence under s.  
1578 316.193 after October 1, 2007, shall, by one of the methods  
1579 established in s. 324.031(1) or (2), establish and maintain the  
1580 ability to respond in damages for liability on account of  
1581 crashes ~~accidents~~ arising out of the use of a motor vehicle in  
1582 the amount of \$100,000 because of bodily injury to, or death of,  
1583 one person in any one crash and, subject to such limits for one  
1584 person, in the amount of \$300,000 because of bodily injury to,  
1585 or death of, two or more persons in any one crash and in the  
1586 amount of \$50,000 because of property damage in any one crash.  
1587 If the owner or operator chooses to establish and maintain such  
1588 ability by furnishing a certificate of deposit pursuant to s.  
1589 324.031(2), such certificate of deposit must be at least  
1590 \$350,000. Such higher limits must be carried for a minimum  
1591 period of 3 years. If the owner or operator has not been  
1592 convicted of driving under the influence or a felony traffic  
1593 offense for a period of 3 years from the date of reinstatement



1594 of driving privileges for a violation of s. 316.193, the owner  
1595 or operator shall be exempt from this section.

1596 Section 45. Paragraph (b) of subsection (1) and subsection  
1597 (2) of section 324.051, Florida Statutes, are amended to read:

1598 324.051 Reports of crashes; suspensions of licenses and  
1599 registrations.—

1600 (1)

1601 (b) The department is ~~hereby~~ further authorized to require  
1602 reports of crashes from individual owners or operators whenever  
1603 it deems it necessary for the proper administration of this  
1604 chapter, and these reports shall be made without prejudice  
1605 except as specified in this subsection. ~~No~~ Such a report may not  
1606 ~~shall~~ be used as evidence in any trial arising out of a crash.  
1607 However, subject to the applicable rules of evidence, a law  
1608 enforcement officer at a criminal trial may testify as to any  
1609 statement made to the officer by the person involved in the  
1610 crash ~~accident~~ if that person's privilege against self-  
1611 incrimination is not violated.

1612 (2) (a) Thirty days after receipt of notice of a crash ~~any~~  
1613 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle  
1614 within this state, the department shall suspend, after due  
1615 notice and opportunity to be heard, the license of each operator  
1616 and all registrations of the owner of the vehicles operated by  
1617 such operator whether or not involved in such crash and, in the  
1618 case of a nonresident owner or operator, shall suspend such

1619 nonresident's operating privilege in this state, unless such  
1620 operator or owner ~~shall~~, before ~~prior to~~ the expiration of such  
1621 30 days, is ~~be~~ found by the department to be exempt from the  
1622 operation of this chapter, based upon evidence satisfactory to  
1623 the department that:

1624 1. The motor vehicle was legally parked at the time of  
1625 such crash.

1626 2. The motor vehicle was owned by the United States  
1627 Government, this state, or any political subdivision of this  
1628 state or any municipality therein.

1629 3. Such operator or owner has secured a duly acknowledged  
1630 written agreement providing for release from liability by all  
1631 parties injured as the result of such ~~said~~ crash and has  
1632 complied with one of the provisions of s. 324.031.

1633 4. Such operator or owner has deposited with the  
1634 department security to conform with s. 324.061 when applicable  
1635 and has complied with one of the provisions of s. 324.031.

1636 5. One year has elapsed since such owner or operator was  
1637 suspended pursuant to subsection (3), the owner or operator has  
1638 complied with one of the provisions of s. 324.031, and no bill  
1639 of complaint of which the department has notice has been filed  
1640 in a court of competent jurisdiction.

1641 (b) This subsection does ~~shall~~ not apply:

1642 1. To such operator or owner if such operator or owner had  
1643 in effect at the time of such crash or traffic conviction an

1644 automobile liability policy with respect to all of the  
 1645 registered motor vehicles owned by such operator or owner.

1646 2. To such operator, if not the owner of such motor  
 1647 vehicle, if there was in effect at the time of such crash or  
 1648 traffic conviction an automobile liability policy or bond with  
 1649 respect to his or her operation of motor vehicles not owned by  
 1650 him or her.

1651 3. To such operator or owner if the liability of such  
 1652 operator or owner for damages resulting from such crash is, in  
 1653 the judgment of the department, covered by any other form of  
 1654 liability insurance or bond.

1655 4. To a ~~any~~ person who has obtained from the department a  
 1656 certificate of self-insurance, in accordance with s. 324.171, or  
 1657 to a ~~any~~ person operating a motor vehicle for such self-insurer.

1658  
 1659 No such policy or bond shall be effective under this paragraph  
 1660 ~~subsection~~ unless it contains limits of not less than those  
 1661 specified in s. 324.021(7).

1662 Section 46. Subsections (2), (3), and (4) of section  
 1663 324.242, Florida Statutes, are amended to read:

1664 324.242 Personal injury protection and property damage  
 1665 liability insurance policies; public records exemption.—

1666 (2) Upon receipt of a request and proof of a crash report  
 1667 as required under s. 316.065, s. 316.066, or s. 316.068, or a  
 1668 crash report created pursuant to the laws of another state, the

1669 department shall release the policy number for a policy covering  
 1670 a vehicle involved in a motor vehicle crash ~~accident~~ to:

- 1671 (a) Any person involved in such crash ~~accident~~;
- 1672 (b) The attorney of any person involved in such crash  
 1673 ~~accident~~; or
- 1674 (c) A representative of the insurer of any person involved  
 1675 in such crash ~~accident~~.
- 1676 (3) The department shall provide personal injury  
 1677 protection and property damage liability insurance policy  
 1678 numbers to department-approved third parties that provide data  
 1679 collection services to an insurer of any person involved in such  
 1680 crash ~~accident~~.

1681 (4) Before the department's release of a policy number in  
 1682 accordance with subsection (2) or subsection (3), an insurer's  
 1683 representative, a contracted third party, or an attorney for a  
 1684 person involved in a crash ~~an accident~~ must provide the  
 1685 department with documentation confirming proof of  
 1686 representation.

1687 Section 47. Section 328.30, Florida Statutes, is amended  
 1688 to read:

1689 328.30 Transactions by electronic or telephonic means.—

1690 (1) The Department of Highway Safety and Motor Vehicles  
 1691 may accept any application provided for under this part ~~chapter~~  
 1692 by electronic or telephonic means.

1693 (2) The department may issue an electronic certificate of

1694 title in lieu of printing a paper title.

1695 (3) The department may collect and use e-mail ~~electronic~~  
1696 ~~mail~~ addresses for purposes of this part, including, but not  
1697 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
1698 United States Postal Service for the purpose of providing  
1699 renewal notices.

1700 Section 48. Subsection (3) of section 328.40, Florida  
1701 Statutes, is amended to read:

1702 328.40 Administration of vessel registration and titling  
1703 laws; records.—

1704 (3) All records made or kept by the Department of Highway  
1705 Safety and Motor Vehicles under this part are subject to  
1706 inspection and copying as provided in chapter 119 ~~law are public~~  
1707 ~~records except for confidential reports.~~

1708 Section 49. Section 328.80, Florida Statutes, is amended  
1709 to read:

1710 328.80 Transactions by electronic or telephonic means.—

1711 (1) The Department of Highway Safety and Motor Vehicles  
1712 ~~may commission is authorized to~~ accept any application provided  
1713 for under this part ~~chapter~~ by electronic or telephonic means.

1714 (2) The department may collect and use e-mail addresses  
1715 for purposes of this part, including, but not limited to, use of  
1716 e-mail in lieu of the United States Postal Service for the  
1717 purpose of providing renewal notices.

1718 Section 50. Subsection (4) of section 627.7415, Florida

1719 Statutes, is amended to read:

1720       627.7415 Commercial motor vehicles; additional liability  
 1721 insurance coverage.—Commercial motor vehicles, as defined in s.  
 1722 207.002 or s. 320.01, operated upon the roads and highways of  
 1723 this state shall be insured with the following minimum levels of  
 1724 combined bodily liability insurance and property damage  
 1725 liability insurance in addition to any other insurance  
 1726 requirements:

1727       (4) All commercial motor vehicles subject to regulations  
 1728 of the United States Department of Transportation, 49 C.F.R.  
 1729 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter  
 1730 amended, shall be insured in an amount equivalent to the minimum  
 1731 levels of financial responsibility as set forth in such  
 1732 regulations.

1733  
 1734 A violation of this section is a noncriminal traffic infraction,  
 1735 punishable as a nonmoving violation as provided in chapter 318.

1736       Section 51. Subsection (1) of section 655.960, Florida  
 1737 Statutes, is amended to read:

1738       655.960 Definitions; ss. 655.960-655.965.—As used in this  
 1739 section and ss. 655.961-655.965, unless the context otherwise  
 1740 requires:

1741       (1) "Access area" means any paved walkway or sidewalk  
 1742 which is within 50 feet of any automated teller machine. The  
 1743 term does not include any street or highway open to the use of

1744 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or  
1745 (b), including any adjacent sidewalk, as defined in s. 316.003.

1746 Section 52. Subsection (2) of section 784.07, Florida  
1747 Statutes, is amended to read:

1748 784.07 Assault or battery of law enforcement officers,  
1749 firefighters, emergency medical care providers, public transit  
1750 employees or agents, or other specified officers;  
1751 reclassification of offenses; minimum sentences.—

1752 (2) When ~~Whenever any~~ person is charged with knowingly  
1753 committing an assault or battery upon a law enforcement officer,  
1754 a firefighter, an emergency medical care provider, a railroad  
1755 special officer, a traffic crash ~~accident~~ investigation officer  
1756 as described in s. 316.640, a nonsworn law enforcement agency  
1757 employee who is certified as an agency inspector, a blood  
1758 alcohol analyst, or a breath test operator while such employee  
1759 is in uniform and engaged in processing, testing, evaluating,  
1760 analyzing, or transporting a person who is detained or under  
1761 arrest for DUI, a law enforcement explorer, a traffic infraction  
1762 enforcement officer as described in s. 316.640, a parking  
1763 enforcement specialist as defined in s. 316.640, a person  
1764 licensed as a security officer as defined in s. 493.6101 and  
1765 wearing a uniform that bears at least one patch or emblem that  
1766 is visible at all times that clearly identifies the employing  
1767 agency and that clearly identifies the person as a licensed  
1768 security officer, or a security officer employed by the board of

1769 trustees of a community college, while the officer, firefighter,  
 1770 emergency medical care provider, railroad special officer,  
 1771 traffic crash ~~accident~~ investigation officer, traffic infraction  
 1772 enforcement officer, inspector, analyst, operator, law  
 1773 enforcement explorer, parking enforcement specialist, public  
 1774 transit employee or agent, or security officer is engaged in the  
 1775 lawful performance of his or her duties, the offense for which  
 1776 the person is charged shall be reclassified as follows:

1777 (a) In the case of assault, from a misdemeanor of the  
 1778 second degree to a misdemeanor of the first degree.

1779 (b) In the case of battery, from a misdemeanor of the  
 1780 first degree to a felony of the third degree.

1781 (c) In the case of aggravated assault, from a felony of  
 1782 the third degree to a felony of the second degree.

1783 Notwithstanding any other provision of law, a ~~any~~ person  
 1784 convicted of aggravated assault upon a law enforcement officer  
 1785 shall be sentenced to a minimum term of imprisonment of 3 years.

1786 (d) In the case of aggravated battery, from a felony of  
 1787 the second degree to a felony of the first degree.

1788 Notwithstanding any other provision of law, a ~~any~~ person  
 1789 convicted of aggravated battery of a law enforcement officer  
 1790 shall be sentenced to a minimum term of imprisonment of 5 years.

1791 Section 53. Subsection (5) of section 856.015, Florida  
 1792 Statutes, is amended to read:

1793 856.015 Open house parties.—



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1794 (5) If a violation of subsection (2) causes or contributes  
1795 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~  
1796 ~~316.1933~~, or death to the minor, or if the minor causes or  
1797 contributes to causing serious bodily injury or death to another  
1798 as a result of the minor's consumption of alcohol or drugs at  
1799 the open house party, the violation is a misdemeanor of the  
1800 first degree, punishable as provided in s. 775.082 or s.  
1801 775.083.

1802 Section 54. This act shall take effect July 1, 2019.