

1                   A bill to be entitled  
2           An act relating to highway safety and motor vehicles;  
3           amending s. 117.10, F.S.; conforming provisions to  
4           changes made by the act; amending s. 316.003, F.S.;  
5           revising and providing definitions; amending ss.  
6           316.027, 316.0271, 316.061, and s. 316.192, F.S.;  
7           conforming provisions to changes made by the act;  
8           amending s. 316.193, F.S.; including causing serious  
9           bodily injury to oneself in penalty provisions for  
10          driving under the influence; amending s. 316.1933,  
11          F.S.; authorizing a law enforcement officer to require  
12          the person driving or in actual physical control of a  
13          motor vehicle to submit to a blood test when such  
14          person has incurred a serious bodily injury;  
15          conforming provisions to changes made by the act;  
16          amending s. 316.194, F.S.; conforming provisions to  
17          changes made by the act; amending s. 316.224, F.S.;  
18          conforming a cross-reference; amending s. 316.235,  
19          F.S.; authorizing a motor vehicle to be equipped with  
20          certain lamps or devices under certain circumstances;  
21          amending s. 316.2397, F.S.; authorizing certain  
22          vehicles to display red and white lights; amending s.  
23          316.2398, F.S.; authorizing certain vehicles to  
24          display red and white warning signals under certain  
25          circumstances; providing requirements and penalties;

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

51 compliance investigation; authorizing certain officers  
52 or agents to stop and inspect commercial motor  
53 vehicles or drivers' records; authorizing an officer  
54 or agent to require removal of the motor vehicle or  
55 driver from service under certain circumstances;  
56 amending s. 318.19, F.S.; requiring appearance at a  
57 mandatory hearing by a person who is cited for a  
58 certain infraction and incurs a serious bodily injury  
59 as a result of such infraction; amending s. 319.25,  
60 F.S.; authorizing the department to conduct  
61 investigations and examinations relating to certain  
62 violations; granting the department subpoena and other  
63 powers for purposes of such investigations or  
64 examinations; providing for petition of a court order  
65 to obey a subpoena if a person fails to do so;  
66 providing exceptions; providing for the payment of  
67 costs to obtain such order; authorizing the department  
68 to designate agents to carry out subpoena and other  
69 powers; providing for witness fees under certain  
70 circumstances; amending s. 319.40, F.S.; revising  
71 purposes for which the department may collect and use  
72 e-mail addresses; amending s. 320.01, F.S.; revising  
73 the definition of the term "apportionable vehicle";  
74 amending s. 320.03, F.S.; authorizing the department,  
75 under certain circumstances, to provide tax collectors

76 | and certain agents and vendors with certain real-time  
77 | access to data related to vehicle and mobile home  
78 | registration certificates, registration license  
79 | plates, and validation stickers; amending s. 320.06,  
80 | F.S.; revising requirements for issuance of license  
81 | plates, cab cards, and validation stickers for  
82 | apportionable vehicles registered in accordance with  
83 | the International Registration Plan upon  
84 | implementation of a new registration operating system;  
85 | specifying the registration period; providing for  
86 | replacement of damaged or worn license plates free of  
87 | charge; authorizing tax collectors to purchase  
88 | validation stickers and certain paper stock from  
89 | vendors under certain circumstances; providing pricing  
90 | requirements; providing for reimbursement and  
91 | invoicing; providing an exception to the design of  
92 | dealer license plates; amending s. 320.0605, F.S.;  
93 | authorizing an electronic copy of certain rental or  
94 | lease documentation to be in the possession of the  
95 | vehicle operator or carried in the vehicle and to be  
96 | exhibited upon demand of any authorized law  
97 | enforcement officer or any agent of the department;  
98 | providing that the act of presenting a certain  
99 | electronic device to the officer or agent does not  
100 | constitute consent for the officer or agent to access

101 any information on the device other than the displayed  
102 rental or lease documentation; providing for  
103 assumption of liability for any resulting damage to  
104 the device; revising requirements for rental or lease  
105 documentation; amending s. 320.0607, F.S.; revising  
106 fee requirements upon implementation of a new  
107 registration operating system; amending s. 320.0657,  
108 F.S.; providing an exception to the design of fleet  
109 license plates; authorizing fleet companies to  
110 purchase specialty license plates in lieu of standard  
111 fleet license plates; requiring fleet companies to be  
112 responsible for certain costs; amending s. 320.08,  
113 F.S.; authorizing dealers to purchase specialty  
114 license plates in lieu of standard graphic dealer  
115 license plates; requiring dealers to be responsible  
116 for certain costs; amending s. 320.08056, F.S.;  
117 allowing the department to authorize dealer and fleet  
118 specialty license plates; providing requirements for  
119 such plates; amending s. 320.0807, F.S.; repealing  
120 provisions relating to special license plates for  
121 certain federal and state legislators; amending s.  
122 320.27, F.S.; defining the term "control person";  
123 requiring certain persons to file fingerprints with  
124 the department; revising requirements for denial,  
125 suspension, or revocation of a motor vehicle dealer

126 license or license application; authorizing a court,  
127 under certain circumstances, to bar a person who has  
128 violated certain laws from acting as a motor vehicle  
129 dealer; amending s. 320.822, F.S.; revising the  
130 definition of the term "code"; amending s. 320.8232,  
131 F.S.; specifying uniform standards for repair and  
132 remodeling of mobile and manufactured homes; amending  
133 s. 320.861, F.S.; authorizing the department to  
134 conduct investigations and examinations relating to  
135 certain violations; granting the department subpoena  
136 and other powers for purposes of such investigations  
137 or examinations; providing for petition of a court  
138 order to obey a subpoena if a person fails to do so;  
139 providing exceptions; providing for the payment of  
140 costs to obtain such order; authorizing the department  
141 to designate agents to carry out subpoena and other  
142 powers; providing for witness fees under certain  
143 circumstances; amending s. 320.95, F.S.; revising  
144 purposes for which the department may collect and use  
145 e-mail addresses; amending ss. 321.05, 321.065, and  
146 321.23, F.S.; conforming provisions to changes made by  
147 the act; amending s. 322.01, F.S.; revising the  
148 definition of the term "authorized emergency vehicle";  
149 amending s. 322.0602, F.S.; conforming provisions to  
150 changes made by the act; amending s. 322.08, F.S.;

151 revising purposes for which the department may collect  
152 and use e-mail addresses; amending s. 322.091, F.S.;  
153 requiring the department to report certain information  
154 regarding suspension of driver licenses to a school  
155 district upon request; amending s. 322.17, F.S.;  
156 providing for replacement of a stolen identification  
157 card under certain circumstances; amending s. 322.212,  
158 F.S.; prohibiting the provision of an altered or  
159 counterfeit document or participation in a dishonest  
160 or deceptive action in making application for a driver  
161 license or identification card; providing penalties;  
162 providing for suspension of driving privilege under  
163 certain circumstances; amending s. 322.36, F.S.;  
164 conforming provisions to changes made by the act;  
165 amending s. 322.38, F.S.; prohibiting a person from  
166 renting a motor vehicle to another person unless he or  
167 she has verified that the renter's driver license is  
168 unexpired; requiring that a person renting a motor  
169 vehicle to another person keep a record of the place  
170 where the renter's license was issued; providing that,  
171 under certain circumstances, specified requirements  
172 are deemed met when a renter is required at certain  
173 times to verify that he or she is duly licensed and  
174 that the license is unexpired; amending s. 322.61,  
175 F.S.; providing additional violations for which a

176 person shall be disqualified from operating a  
177 commercial motor vehicle; creating s. 322.71, F.S.;  
178 authorizing the department to conduct investigations  
179 and examinations relating to certain violations;  
180 granting the department subpoena and other powers for  
181 purposes of such investigations or examinations;  
182 providing for petition of a court order to obey a  
183 subpoena if a person fails to do so; providing  
184 exceptions; providing for the payment of costs to  
185 obtain such order; authorizing the department to  
186 designate agents to carry out subpoena and other  
187 powers; providing for witness fees under certain  
188 circumstances; amending ss. 323.001, 323.002, 324.011,  
189 324.022, and 324.023, F.S.; conforming provisions to  
190 changes made by the act; amending ss. 324.031 and  
191 324.032, F.S.; revising the manner of providing  
192 financial responsibility for owners, operators, or  
193 lessees of certain for-hire passenger transportation  
194 vehicles; amending ss. 324.051 and 324.242, F.S.;  
195 conforming provisions to changes made by the act;  
196 amending s. 328.30, F.S.; revising provisions under  
197 which the department may accept applications by  
198 electronic or telephonic means; revising purposes for  
199 which the department may collect and use e-mail  
200 addresses; amending s. 328.40, F.S.; providing that



201 certain department records are subject to inspection  
202 and copying; amending s. 328.73, F.S.; requiring the  
203 department, under certain circumstances, to provide  
204 tax collectors and certain agents and vendors with  
205 certain real-time access to data related to  
206 registration certificates and vessel numbers and  
207 decals; amending s. 328.80, F.S.; revising provisions  
208 under which the department may accept applications by  
209 electronic or telephonic means; authorizing the  
210 department to collect and use e-mail addresses for  
211 certain purposes; amending s. 627.7415, F.S.; revising  
212 federal insurance regulations to which commercial  
213 motor vehicles are subject; amending ss. 655.960 and  
214 856.015, F.S.; conforming cross-references; amending  
215 s. 784.07, F.S.; conforming provisions to changes made  
216 by the act; providing effective dates.

217  
218 Be It Enacted by the Legislature of the State of Florida:

219  
220 Section 1. Subsection (2) of section 117.10, Florida  
221 Statutes, is amended to read:

222 117.10 Law enforcement and correctional officers;  
223 administration of oaths.—

224 (2) Law enforcement officers, correctional officers, and  
225 correctional probation officers, as defined in s. 943.10, and

226 traffic crash ~~accident~~ investigation officers and traffic  
227 infraction enforcement officers, as described in s. 316.640, are  
228 authorized to administer oaths by reliable electronic means or  
229 in the physical presence of an affiant when engaged in the  
230 performance of official duties. Sections 117.01, 117.04,  
231 117.045, 117.05, and 117.103 do not apply to this section. An  
232 officer may not notarize his or her own signature.

233 Section 2. Subsections (16) through (73) and (74) through  
234 (101) of section 316.003, Florida Statutes, are renumbered as  
235 subsections (17) through (74) and (76) through (103),  
236 respectively, present subsections (2) and (59) are amended, and  
237 new subsections (16) and (75) are added to that section, to  
238 read:

239 316.003 Definitions.—The following words and phrases, when  
240 used in this chapter, shall have the meanings respectively  
241 ascribed to them in this section, except where the context  
242 otherwise requires:

243 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
244 wheels in the front and one wheel in the back; is equipped with  
245 a roll cage or roll hoops, a seat belt for each occupant,  
246 antilock brakes, a steering mechanism ~~wheel~~, and seating that  
247 does not require the operator to straddle or sit astride it; and  
248 is manufactured in accordance with the applicable federal  
249 motorcycle safety standards in 49 C.F.R. part 571 by a  
250 manufacturer registered with the National Highway Traffic Safety

251 Administration.

252 (16) CRASH.—The operation of a motor vehicle, motorized  
253 scooter, or moped which results in property damage or death,  
254 bodily injury, or complaint of bodily injury to any person. The  
255 term "crash" includes separation of the operator or an occupant  
256 from a motor vehicle, motorized scooter, or moped, or trailer  
257 being drawn by a motor vehicle, while in motion, which results  
258 in property damage or death, bodily injury, or complaint of  
259 bodily injury to any person. The term "crash" does not include  
260 such operation:

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

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

267 (c) If such property damage or death, bodily injury, or  
268 complaint of bodily injury to any person results from an  
269 intentional act of a law enforcement officer to force a motor  
270 vehicle or moped to stop or reduce speed, such as use of a  
271 pursuit termination device or the precision immobilization  
272 technique, except that the term "crash" includes such operation  
273 that results in death, bodily injury, or complaint of bodily  
274 injury to, or damage to property of, anyone other than the  
275 operator or an occupant being forced to stop or reduce speed or

276 | the law enforcement officer.

277 |

278 | The term "crash" also does not include the death or suffering of  
 279 | a medical episode by the operator or an occupant of a motor  
 280 | vehicle or moped if operation of the motor vehicle or moped did  
 281 | not result in such death or medical episode and does not result  
 282 | in property damage or death, bodily injury, or complaint of  
 283 | bodily injury to any other person.

284 | (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 285 | provided in paragraph (83)(b) ~~(81)(b)~~, any privately owned way  
 286 | or place used for vehicular travel by the owner and those having  
 287 | express or implied permission from the owner, but not by other  
 288 | persons.

289 | (75) SERIOUS BODILY INJURY.—A physical injury to any  
 290 | person which creates a substantial risk of death, significant  
 291 | personal disfigurement, or protracted loss or impairment of the  
 292 | function of any bodily member or organ.

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

295 | 316.027 Crash involving death or personal injuries.—

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

297 | ~~(a) "Serious bodily injury" means an injury to a person,~~  
 298 | ~~including the driver, which consists of a physical condition~~  
 299 | ~~that creates a substantial risk of death, serious personal~~  
 300 | ~~disfigurement, or protracted loss or impairment of the function~~

301 ~~of a bodily member or organ.~~

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

303 (a)1. A pedestrian, including a person actually engaged in  
 304 work upon a highway, or in work upon utility facilities along a  
 305 highway, or engaged in the provision of emergency services  
 306 within the right-of-way;

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

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

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

312 1.a. A farm tractor or similar vehicle designed primarily  
 313 for farm use;

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

315 3.e. A horse-drawn carriage;

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

317 5.e. A wheelchair.

318 (4) (a) In addition to any other civil, criminal, or  
 319 administrative penalty imposed, a person whose commission of a  
 320 noncriminal traffic infraction or a violation of this chapter or  
 321 s. 1006.66 causes or results in the death of another person may  
 322 be required by the court to serve 120 community service hours in  
 323 a trauma center or hospital that regularly receives victims of  
 324 vehicle crashes ~~accidents~~, under the supervision of a registered  
 325 nurse, an emergency room physician, or an emergency medical

326 technician pursuant to a voluntary community service program  
327 operated by the trauma center or hospital.

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

333 1. Serve 120 community service hours in a trauma center or  
334 hospital that regularly receives victims of vehicle crashes  
335 ~~accidents~~, under the supervision of a registered nurse, an  
336 emergency room physician, or an emergency medical technician  
337 pursuant to a voluntary community service program operated by  
338 the trauma center or hospital.

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

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

346 316.0271 Yellow dot critical motorist medical information  
347 program; yellow dot decal, folder, and information form.—

348 (1) The governing body of a county may create a yellow dot  
349 critical motorist medical information program to facilitate the  
350 provision of emergency medical care to program participants by

351 emergency medical responders by making critical medical  
352 information readily available to responders in the event of a  
353 motor vehicle crash ~~accident~~ or a medical emergency involving a  
354 participant's vehicle.

355 (5) (a) If the driver or a passenger of a motor vehicle is  
356 involved in a motor vehicle crash ~~accident~~ or emergency  
357 situation and a yellow dot decal is affixed to the vehicle, an  
358 emergency medical responder at the scene may search the glove  
359 compartment of the vehicle for the corresponding yellow dot  
360 folder.

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

363 316.061 Crashes involving damage to vehicle or property.-

364 (3) Employees or authorized agents of the Department of  
365 Transportation, law enforcement with proper jurisdiction, or an  
366 expressway authority created pursuant to chapter 348, in the  
367 exercise, management, control, and maintenance of its highway  
368 system, may undertake the removal from the main traveled way of  
369 roads on its highway system of all vehicles incapacitated as a  
370 result of a motor vehicle crash and of debris caused thereby.  
371 Such removal is applicable when such a motor vehicle crash  
372 results only in damage to a vehicle or other property, and when  
373 such removal can be accomplished safely and will result in the  
374 improved safety or convenience of travel upon the road. The  
375 driver or any other person who has removed a motor vehicle from

376 | the main traveled way of the road as provided in this section  
 377 | shall not be considered liable or at fault regarding the cause  
 378 | of the crash ~~accident~~ solely by reason of moving the vehicle.

379 |       Section 6. Paragraph (c) of subsection (3) of section  
 380 | 316.192, Florida Statutes, is amended to read:

381 |           316.192 Reckless driving.—

382 |           (3) Any person:

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

384 |           1. Damage to the property or person of another commits a  
 385 | misdemeanor of the first degree, punishable as provided in s.  
 386 | 775.082 or s. 775.083.

387 |           2. Serious bodily injury to another commits a felony of  
 388 | the third degree, punishable as provided in s. 775.082, s.  
 389 | 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~  
 390 | ~~an injury to another person, which consists of a physical~~  
 391 | ~~condition that creates a substantial risk of death, serious~~  
 392 | ~~personal disfigurement, or protracted loss or impairment of the~~  
 393 | ~~function of any bodily member or organ.~~

394 |       Section 7. Paragraph (c) of subsection (3) of section  
 395 | 316.193, Florida Statutes, is amended to read:

396 |           316.193 Driving under the influence; penalties.—

397 |           (3) Any person:

398 |           (c) Who, by reason of such operation, causes or  
 399 | contributes to causing:

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



401 | misdemeanor of the first degree, punishable as provided in s.  
 402 | 775.082 or s. 775.083.

403 |       2. Serious bodily injury, as defined in s. 316.003, to  
 404 | himself or herself or another, ~~as defined in s. 316.1933,~~  
 405 | commits a felony of the third degree, punishable as provided in  
 406 | s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

417 |  
 418 | For purposes of this subsection, the term "unborn child" has the  
 419 | same meaning as provided in s. 775.021(5). A person who is  
 420 | convicted of DUI manslaughter shall be sentenced to a mandatory  
 421 | minimum term of imprisonment of 4 years.

422 |       Section 8. Subsection (1) of section 316.1933, Florida  
 423 | Statutes, is amended to read:

424 |       316.1933 Blood test for impairment or intoxication in  
 425 | cases of death or serious bodily injury; right to use reasonable

426 force.—

427 (1)~~(a)~~ If a law enforcement officer has probable cause to  
428 believe that a motor vehicle driven by or in the actual physical  
429 control of a person under the influence of alcoholic beverages,  
430 any chemical substances, or any controlled substances has caused  
431 the death or serious bodily injury of a human being, including  
432 the person himself or herself, a law enforcement officer shall  
433 require the person driving or in actual physical control of the  
434 motor vehicle to submit to a test of the person's blood for the  
435 purpose of determining the alcoholic content thereof or the  
436 presence of chemical substances as set forth in s. 877.111 or  
437 any substance controlled under chapter 893. The law enforcement  
438 officer may use reasonable force if necessary to require such  
439 person to submit to the administration of the blood test. The  
440 blood test shall be performed in a reasonable manner.

441 Notwithstanding s. 316.1932, the testing required by this  
442 subsection ~~paragraph~~ need not be incidental to a lawful arrest  
443 of the person.

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

449 Section 9. Paragraphs (a) and (b) of subsection (3) of  
450 section 316.194, Florida Statutes, are amended to read:

451 316.194 Stopping, standing or parking outside of  
452 municipalities.—

453 (3) (a) When a ~~Whenever any~~ police officer or traffic crash  
454 ~~accident~~ investigation officer finds a vehicle standing upon a  
455 highway in violation of any of the foregoing provisions of this  
456 section, the officer may ~~is authorized to~~ move the vehicle, or  
457 require the driver or other persons in charge of the vehicle to  
458 move the vehicle, to a position off the paved or main-traveled  
459 part of the highway.

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

466 1. Where such vehicle constitutes an obstruction of  
467 traffic;

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

472 3. Where an operative vehicle has been parked or stored on  
473 the public right-of-way for more than ~~a period exceeding~~ 10  
474 days, in other than designated parking areas, and is more than  
475 30 feet from the pavement edge. However, the agency removing

476 such vehicle shall be required to report the removal ~~same~~ to the  
477 Department of Highway Safety and Motor Vehicles within 24 hours  
478 after ~~of~~ such removal.

479 Section 10. Subsection (3) of section 316.224, Florida  
480 Statutes, is amended to read:

481 316.224 Color of clearance lamps, identification lamps,  
482 side marker lamps, backup lamps, reflectors, and deceleration  
483 lights.—

484 (3) All lighting devices and reflectors mounted on the  
485 rear of any vehicle shall display or reflect a red color, except  
486 the stop light or other signal device, which may be red, amber,  
487 or yellow, and except that the light illuminating the license  
488 plate shall be white and the light emitted by a backup lamp  
489 shall be white or amber. Deceleration lights as authorized by s.  
490 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

491 Section 11. Subsections (3) through (6) of section  
492 316.235, Florida Statutes, are renumbered as subsections (4)  
493 through (7), respectively, and a new subsection (3) is added to  
494 that section to read:

495 316.235 Additional lighting equipment.—

496 (3) Any motor vehicle may be equipped with one or more  
497 lamps or devices underneath the motor vehicle as long as such  
498 lamps or devices do not emit light in violation of s.  
499 316.2397(1) or (7) or s. 316.238.

500 Section 12. Subsections (1) and (3) and paragraph (c) of

501 subsection (7) of section 316.2397, Florida Statutes, are  
 502 amended to read:

503 316.2397 Certain lights prohibited; exceptions.—

504 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be  
 505 moved any vehicle or equipment upon any highway within this  
 506 state with any lamp or device thereon showing or displaying a  
 507 red, red and white, or blue light visible from directly in front  
 508 thereof except for certain vehicles ~~hereinafter~~ provided in this  
 509 section.

510 (3) Vehicles of the fire department and fire patrol,  
 511 including vehicles of volunteer firefighters as permitted under  
 512 s. 316.2398, may show or display red or red and white lights.  
 513 Vehicles of medical staff physicians or technicians of medical  
 514 facilities licensed by the state as authorized under s.  
 515 316.2398, ambulances as authorized under this chapter, and buses  
 516 and taxicabs as authorized under s. 316.2399 may show or display  
 517 red lights. Vehicles of the fire department, fire patrol, police  
 518 vehicles, and such ambulances and emergency vehicles of  
 519 municipal and county departments, public service corporations  
 520 operated by private corporations, the Fish and Wildlife  
 521 Conservation Commission, the Department of Environmental  
 522 Protection, the Department of Transportation, the Department of  
 523 Agriculture and Consumer Services, and the Department of  
 524 Corrections as are designated or authorized by their respective  
 525 department or the chief of police of an incorporated city or any

526 | sheriff of any county may operate emergency lights and sirens in  
 527 | an emergency. Wreckers, mosquito control fog and spray vehicles,  
 528 | and emergency vehicles of governmental departments or public  
 529 | service corporations may show or display amber lights when in  
 530 | actual operation or when a hazard exists provided they are not  
 531 | used going to and from the scene of operation or hazard without  
 532 | specific authorization of a law enforcement officer or law  
 533 | enforcement agency. Wreckers must use amber rotating or flashing  
 534 | lights while performing recoveries and loading on the roadside  
 535 | day or night, and may use such lights while towing a vehicle on  
 536 | wheel lifts, slings, or under reach if the operator of the  
 537 | wrecker deems such lights necessary. A flatbed, car carrier, or  
 538 | rollback may not use amber rotating or flashing lights when  
 539 | hauling a vehicle on the bed unless it creates a hazard to other  
 540 | motorists because of protruding objects. Further, escort  
 541 | vehicles may show or display amber lights when in the actual  
 542 | process of escorting overdimensioned equipment, material, or  
 543 | buildings as authorized by law. Vehicles owned or leased by  
 544 | private security agencies may show or display green and amber  
 545 | lights, with either color being no greater than 50 percent of  
 546 | the lights displayed, while the security personnel are engaged  
 547 | in security duties on private or public property.

- 548 |       (7) Flashing lights are prohibited on vehicles except:
- 549 |       (c) For the lamps authorized under subsections (1), (2),
- 550 |       (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~

551 | which may flash.

552 |       Section 13. Section 316.2398, Florida Statutes, is amended  
553 | to read:

554 |       316.2398 Display or use of red or red and white warning  
555 | signals; motor vehicles of volunteer firefighters or medical  
556 | staff.—

557 |       (1) A privately owned vehicle belonging to an active  
558 | firefighter member of a regularly organized volunteer  
559 | firefighting company or association, while en route to the fire  
560 | station for the purpose of proceeding to the scene of a fire or  
561 | other emergency or while en route to the scene of a fire or  
562 | other emergency in the line of duty as an active firefighter  
563 | member of a regularly organized firefighting company or  
564 | association, may display or use red or red and white warning  
565 | signals. ~~or~~ A privately owned vehicle belonging to a medical  
566 | staff physician or technician of a medical facility licensed by  
567 | the state, while responding to an emergency in the line of duty,  
568 | may display or use red warning signals. Warning signals must be  
569 | visible from the front and from the rear of such vehicle,  
570 | subject to the following restrictions and conditions:

571 |       (a) No more than two red or red and white warning signals  
572 | may be displayed.

573 |       (b) No inscription of any kind may appear across the face  
574 | of the lens of the red or red and white warning signal.

575 |       (c) In order for an active volunteer firefighter to

576 display such red or red and white warning signals on his or her  
577 vehicle, the volunteer firefighter must first secure a written  
578 permit from the chief executive officers of the firefighting  
579 organization to use the red or red and white warning signals,  
580 and this permit must be carried by the volunteer firefighter at  
581 all times while the red or red and white warning signals are  
582 displayed.

583 (2) ~~A It is unlawful for~~ any person who is not an active  
584 firefighter member of a regularly organized volunteer  
585 firefighting company or association or a physician or technician  
586 of the medical staff of a medical facility licensed by the state  
587 may not ~~to~~ display on any motor vehicle owned by him or her, at  
588 any time, any red or red and white warning signals as described  
589 in subsection (1).

590 (3) ~~It is unlawful for~~ An active volunteer firefighter may  
591 not ~~to~~ operate any red or red and white warning signals as  
592 authorized in subsection (1), except while en route to the fire  
593 station for the purpose of proceeding to the scene of a fire or  
594 other emergency, or while at or en route to the scene of a fire  
595 or other emergency, in the line of duty.

596 (4) ~~It is unlawful for~~ A physician or technician of the  
597 medical staff of a medical facility may not ~~to~~ operate any red  
598 warning signals as authorized in subsection (1), except when  
599 responding to an emergency in the line of duty.

600 (5) A violation of this section is a nonmoving violation,



601 punishable as provided in chapter 318. In addition, a ~~any~~  
602 volunteer firefighter who violates this section shall be  
603 dismissed from membership in the firefighting organization by  
604 the chief executive officers thereof.

605 Section 14. Subsections (1) and (2) of section 316.302,  
606 Florida Statutes, are amended to read:

607 316.302 Commercial motor vehicles; safety regulations;  
608 transporters and shippers of hazardous materials; enforcement.-

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

610 (a) All owners and drivers of commercial motor vehicles  
611 that are operated on the public highways of this state while  
612 engaged in interstate commerce are subject to the rules and  
613 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and  
614 390-397.

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

622 (c) The emergency exceptions provided by 49 C.F.R. s.  
623 392.82 also apply to communications by utility drivers and  
624 utility contractor drivers during a Level 1 activation of the  
625 State Emergency Operations Center, as provided in the Florida

626 Comprehensive Emergency Management plan, or during a state of  
627 emergency declared by executive order or proclamation of the  
628 Governor.

629 (d) Except as provided in s. 316.215(5), and except as  
630 provided in s. 316.228 for rear overhang lighting and flagging  
631 requirements for intrastate operations, the requirements of this  
632 section supersede all other safety requirements of this chapter  
633 for commercial motor vehicles.

634 (e) A person who operates a commercial motor vehicle  
635 solely in intrastate commerce not transporting hazardous  
636 materials in amounts that require placarding pursuant to 49  
637 C.F.R. part 172 need not comply with the requirements of  
638 electronic logging devices and hours of service supporting  
639 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395  
640 until December 31, 2019.

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

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

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

651 duty; or

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

654  
655 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of  
656 utility service vehicles as defined in 49 C.F.R. s. 395.2.

657 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
658 operates a commercial motor vehicle solely in intrastate  
659 commerce not transporting any hazardous material in amounts that  
660 require placarding pursuant to 49 C.F.R. part 172 may not drive  
661 after having been on duty more than 70 hours in any period of 7  
662 consecutive days or more than 80 hours in any period of 8  
663 consecutive days if the motor carrier operates every day of the  
664 week. Thirty-four consecutive hours off duty shall constitute  
665 the end of any such period of 7 or 8 consecutive days. This  
666 weekly limit does not apply to a person who operates a  
667 commercial motor vehicle solely within this state while  
668 transporting, during harvest periods, any unprocessed  
669 agricultural products or unprocessed food or fiber that is  
670 subject to seasonal harvesting from place of harvest to the  
671 first place of processing or storage or from place of harvest  
672 directly to market or while transporting livestock, livestock  
673 feed, or farm supplies directly related to growing or harvesting  
674 agricultural products. Upon request of the Department of Highway  
675 Safety and Motor Vehicles, motor carriers shall furnish time

676 records or other written verification to that department so that  
677 the Department of Highway Safety and Motor Vehicles can  
678 determine compliance with this subsection. These time records  
679 must be furnished to the Department of Highway Safety and Motor  
680 Vehicles within 2 days after receipt of that department's  
681 request. Falsification of such information is subject to a civil  
682 penalty ~~not to exceed \$100. The provisions of~~ This paragraph  
683 does ~~de~~ not apply to operators of farm labor vehicles operated  
684 during a state of emergency declared by the Governor or operated  
685 pursuant to s. 570.07(21)~~r~~ and does ~~de~~ not apply to drivers of  
686 utility service vehicles as defined in 49 C.F.R. s. 395.2.

687 (d) A person who operates a commercial motor vehicle  
688 solely in intrastate commerce not transporting any hazardous  
689 material in amounts that require placarding pursuant to 49  
690 C.F.R. part 172 within a 150 air-mile radius of the location  
691 where the vehicle is based need not comply with 49 C.F.R. s.  
692 395.8~~r~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),  
693 (iii)(A) and (C), ~~s. 395.1(e)(1)(iii)~~ and (v) are met. ~~If a~~  
694 ~~driver is not released from duty within 12 hours after the~~  
695 ~~driver arrives for duty, the motor carrier must maintain~~  
696 ~~documentation of the driver's driving times throughout the duty~~  
697 ~~period.~~

698 (e) A person who operates a commercial motor vehicle  
699 solely in intrastate commerce is exempt from subsection (1)  
700 while transporting agricultural products, including

701 horticultural or forestry products, from farm or harvest place  
702 to the first place of processing or storage, or from farm or  
703 harvest place directly to market. However, such person must  
704 comply with 49 C.F.R. parts 382, 392, and 393, and with 49  
705 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of  
706 vehicles operated pursuant to this paragraph having a gross  
707 vehicle weight of 26,001 pounds or more or having three or more  
708 axles on the power unit, regardless of weight, must display the  
709 name of the vehicle owner or motor carrier and the municipality  
710 or town where the vehicle is based on each side of the power  
711 unit in letters that contrast with the background and that are  
712 readable from a distance of 50 feet. A person who violates this  
713 vehicle identification requirement may be assessed a penalty as  
714 provided in s. 316.3025(3)(a).

715 (f) A person who operates a commercial motor vehicle  
716 having a ~~declared~~ gross vehicle weight, gross vehicle weight  
717 rating, and gross combined weight rating of less than 26,001  
718 pounds solely in intrastate commerce and who is not transporting  
719 hazardous materials in amounts that require placarding pursuant  
720 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
721 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
722 However, such person must comply with 49 C.F.R. parts 382, 392,  
723 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

724 (g) A person whose driving record shows no convictions for  
725 the preceding 3 years and who, as of October 1, 1988, is

726 employed as a driver-salesperson, as defined in 49 C.F.R. s.  
727 395.2, and who operates solely in intrastate commerce, is exempt  
728 from 49 C.F.R. part 391.

729 (h) A person who is an employee of an electric utility, as  
730 defined in s. 361.11, or a telephone company, as defined in s.  
731 364.02, and who operates a commercial motor vehicle solely in  
732 intrastate commerce and within a 200 air-mile radius of the  
733 location where the vehicle is based, is exempt from 49 C.F.R.  
734 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

735 (i) A person whose driving record shows no traffic  
736 convictions, pursuant to s. 322.61, during the 2-year period  
737 immediately preceding the application for the commercial driver  
738 license, who is otherwise qualified as a driver under 49 C.F.R.  
739 part 391, and who operates a commercial vehicle in intrastate  
740 commerce only shall be exempt from the requirements of 49 C.F.R.  
741 part 391, subpart E, s. 391.41(b)(10). However, such operators  
742 are still subject to the requirements of ss. 322.12 and 322.121.  
743 As proof of eligibility, such driver shall have in his or her  
744 possession a physical examination form dated within the past 24  
745 months.

746 ~~(j) A person who is otherwise qualified as a driver under~~  
747 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~  
748 ~~intrastate commerce only, and who does not transport hazardous~~  
749 ~~materials in amounts that require placarding pursuant to 49~~  
750 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~

751 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~  
752 ~~diabetes.~~

753 (j)~~(k)~~ A person holding a commercial driver license who is  
754 a regularly employed driver of a commercial motor vehicle and is  
755 subject to an alcohol and controlled substance testing program  
756 related to that employment shall not be required to be part of a  
757 separate testing program for operating any bus owned and  
758 operated by a church when the driver does not receive any form  
759 of compensation for operating the bus and when the bus is used  
760 to transport people to or from church-related activities at no  
761 charge. The provisions of this paragraph may not be implemented  
762 if the Federal Government notifies the department that  
763 implementation will adversely affect the allocation of federal  
764 funds to the state.

765 Section 15. Effective December 31, 2019, paragraph (d) of  
766 subsection (1) of section 316.302, Florida Statutes, is amended  
767 to read:

768 316.302 Commercial motor vehicles; safety regulations;  
769 transporters and shippers of hazardous materials; enforcement.—

770 (1)

771 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~  
772 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
773 requirements for intrastate operations, the requirements of this  
774 section supersede all other safety requirements of this chapter  
775 for commercial motor vehicles.

776 Section 16. Subsection (8) of section 316.622, Florida  
 777 Statutes, is amended to read:

778 316.622 Farm labor vehicles.—

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

782 Section 17. Paragraph (a) of subsection (1) of section  
 783 316.640, Florida Statutes, is amended to read:

784 316.640 Enforcement.—The enforcement of the traffic laws  
 785 of this state is vested as follows:

786 (1) STATE.—

787 (a)1.a. The Division of Florida Highway Patrol of the  
 788 Department of Highway Safety and Motor Vehicles; the Division of  
 789 Law Enforcement of the Fish and Wildlife Conservation  
 790 Commission; and the agents, inspectors, and officers of the  
 791 Department of Law Enforcement each have authority to enforce all  
 792 of the traffic laws of this state on all the streets and  
 793 highways thereof and elsewhere throughout the state wherever the  
 794 public has a right to travel by motor vehicle.

795 b. University police officers may enforce all of the  
 796 traffic laws of this state when violations occur on or within  
 797 1,000 feet of any property or facilities that are under the  
 798 guidance, supervision, regulation, or control of a state  
 799 university, a direct-support organization of such state  
 800 university, or any other organization controlled by the state



801 university or a direct-support organization of the state  
802 university, or when such violations occur within a specified  
803 jurisdictional area as agreed upon in a mutual aid agreement  
804 entered into with a law enforcement agency pursuant to s.  
805 23.1225(1). Traffic laws may also be enforced off-campus when  
806 hot pursuit originates on or within 1,000 feet of any such  
807 property or facilities, or as agreed upon in accordance with the  
808 mutual aid agreement.

809 c. Florida College System institution police officers may  
810 enforce all the traffic laws of this state only when such  
811 violations occur on or within 1,000 feet of any property or  
812 facilities that are under the guidance, supervision, regulation,  
813 or control of the Florida College System institution, or when  
814 such violations occur within a specified jurisdictional area as  
815 agreed upon in a mutual aid agreement entered into with a law  
816 enforcement agency pursuant to s. 23.1225. Traffic laws may also  
817 be enforced off-campus when hot pursuit originates on or within  
818 1,000 feet of any such property or facilities, or as agreed upon  
819 in accordance with the mutual aid agreement.

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

824 (I) An airport authority may employ as a parking  
825 enforcement specialist any individual who successfully completes

826 a training program established and approved by the Criminal  
827 Justice Standards and Training Commission for parking  
828 enforcement specialists but who does not otherwise meet the  
829 uniform minimum standards established by the commission for law  
830 enforcement officers or auxiliary or part-time officers under s.  
831 943.12. This sub-sub-subparagraph may not be construed to permit  
832 the carrying of firearms or other weapons, nor shall such  
833 parking enforcement specialist have arrest authority.

834 (II) A parking enforcement specialist employed by an  
835 airport authority may enforce all state, county, and municipal  
836 laws and ordinances governing parking only when such violations  
837 are on property or facilities owned or operated by the airport  
838 authority employing the specialist, by appropriate state,  
839 county, or municipal traffic citation.

840 e. The Office of Agricultural Law Enforcement of the  
841 Department of Agriculture and Consumer Services may enforce  
842 traffic laws of this state.

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

847 2. Any disciplinary action taken or performance evaluation  
848 conducted by an agency of the state as described in subparagraph  
849 1. of a law enforcement officer's traffic enforcement activity  
850 must be in accordance with written work-performance standards.

851 Such standards must be approved by the agency and any collective  
852 bargaining unit representing such law enforcement officer. A  
853 violation of this subparagraph is not subject to the penalties  
854 provided in chapter 318.

855         3. The Division of the Florida Highway Patrol may employ  
856 as a traffic crash ~~accident~~ investigation officer any individual  
857 who successfully completes instruction in traffic crash ~~accident~~  
858 investigation and court presentation through the Selective  
859 Traffic Enforcement Program as approved by the Criminal Justice  
860 Standards and Training Commission and funded through the  
861 National Highway Traffic Safety Administration or a similar  
862 program approved by the commission, but who does not necessarily  
863 meet the uniform minimum standards established by the commission  
864 for law enforcement officers or auxiliary law enforcement  
865 officers under chapter 943. Any such traffic crash ~~accident~~  
866 investigation officer who makes an investigation at the scene of  
867 a traffic crash ~~accident~~ may issue traffic citations, based upon  
868 personal investigation, when he or she has reasonable and  
869 probable grounds to believe that a person who was involved in  
870 the crash ~~accident~~ committed an offense under this chapter,  
871 chapter 319, chapter 320, or chapter 322 in connection with the  
872 crash ~~accident~~. This subparagraph does not permit the officer to  
873 carry firearms or other weapons, and such an officer does not  
874 have authority to make arrests.

875         Section 18. Subsection (2) of section 316.655, Florida

876 Statutes, is amended to read:

877 316.655 Penalties.—

878 (2) A driver convicted of a violation of any offense  
 879 prohibited by this chapter or any other law of this state  
 880 regulating motor vehicles, which resulted in a crash ~~an~~  
 881 ~~accident~~, may have his or her driving privileges revoked or  
 882 suspended by the court if the court finds such revocation or  
 883 suspension warranted by the totality of the circumstances  
 884 resulting in the conviction and the need to provide for the  
 885 maximum safety for all persons who travel on or who are  
 886 otherwise affected by the use of the highways of the state. In  
 887 determining whether suspension or revocation is appropriate, the  
 888 court shall consider all pertinent factors, including, but not  
 889 limited to, such factors as the extent and nature of the  
 890 driver's violation of this chapter, the number of persons killed  
 891 or injured as the result of the driver's violation of this  
 892 chapter, and the extent of any property damage resulting from  
 893 the driver's violation of this chapter.

894 Section 19. Section 316.70, Florida Statutes, is amended  
 895 to read:

896 316.70 Nonpublic sector buses; safety rules.—

897 (1) All owners and drivers ~~The Department of~~  
 898 ~~Transportation shall establish and revise standards to ensure~~  
 899 ~~the safe operation~~ of nonpublic sector buses operated on the  
 900 public highways of this state are subject to the rules and

901 ~~regulations, which standards shall be those~~ contained in 49  
902 C.F.R. parts 382, 383, 385, 386, 387, and 390-397. The  
903 department and ~~which shall ensure~~ ~~be directed toward ensuring~~  
904 that:

905 (a) Nonpublic sector buses are safely maintained,  
906 equipped, and operated.

907 ~~(b) Nonpublic sector buses are carrying the insurance~~  
908 ~~required by law and carrying liability insurance on the checked~~  
909 ~~baggage of passengers not to exceed the standard adopted by the~~  
910 ~~United States Department of Transportation.~~

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

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

917 (2) Department of Highway Safety and Motor Vehicles  
918 ~~Transportation~~ personnel may conduct compliance investigations  
919 ~~reviews~~ for the purpose of determining compliance with this  
920 section. A civil penalty not to exceed \$5,000 in the aggregate  
921 may be assessed against a ~~any~~ person who violates ~~any provision~~  
922 ~~of~~ this section or who violates a ~~any~~ rule or order of the  
923 Department of Highway Safety and Motor Vehicles ~~Transportation~~.  
924 A civil penalty not to exceed \$25,000 in the aggregate may be  
925 assessed for violations found in a followup compliance

926 ~~investigation review conducted within a 24-month period. A civil~~  
927 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~  
928 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~  
929 ~~violations are found after a second followup compliance review~~  
930 ~~within 12 months after the first followup compliance review.~~

931 Motor carriers may be enjoined under s. 316.3026 for violations  
932 identified during a compliance investigation or for found to be  
933 operating without insurance coverage required by s. 627.742 or  
934 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

935 (3) For the purpose of enforcing this section, a law  
936 enforcement officer of the Department of Highway Safety and  
937 Motor Vehicles or duly appointed agent who holds a current  
938 safety inspector certification from the Commercial Vehicle  
939 Safety Alliance may require the driver of any commercial motor  
940 vehicle operated on the highways of this state to stop and  
941 submit to an inspection of the motor vehicle or the driver's  
942 records. If the motor vehicle or driver is found to be operating  
943 in an unsafe condition, or if any required part or equipment is  
944 not present or is not in proper repair or adjustment, and the  
945 continued operation would present an unduly hazardous operating  
946 condition, the officer or agent may require the motor vehicle or  
947 the driver to be removed from service pursuant to the North  
948 American Standard Out-of-Service Criteria until corrected.  
949 However, if continued operation would not present an unduly  
950 hazardous operating condition, the officer or agent may give

951 written notice requiring correction of the condition within 15  
 952 days.

953 (4)-(3) School buses subject to ~~the provisions of~~ chapter  
 954 1006 or s. 316.615 are exempt from ~~the provisions of~~ this  
 955 section.

956 Section 20. Section 318.19, Florida Statutes, is amended  
 957 to read:

958 318.19 Infractions requiring a mandatory hearing.—A Any  
 959 person cited for an infraction ~~the infractions~~ listed in this  
 960 section shall not have the provisions of s. 318.14(2), (4), and  
 961 (9) available to him or her but must appear before the  
 962 designated official at the time and location of the scheduled  
 963 hearing:

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

966 (2) Any infraction which results in a crash that causes  
 967 "serious bodily injury, as defined in s. 316.003," of another,  
 968 including the person cited for the infraction as defined in s.  
 969 316.1933(1);

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

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

972 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 973 316.189 of exceeding the speed limit by 30 mph or more.

974 Section 21. Subsections (3) through (7) are added to  
 975 section 319.25, Florida Statutes, to read:

976           319.25 Cancellation of certificates; investigations;  
 977 subpoenas and other process; oaths; rules.-

978           (3) The department may conduct investigations and  
 979 examinations of any person suspected of violating or of having  
 980 violated any provision of this chapter or any rule adopted or  
 981 order issued under this chapter.

982           (4) For purposes of any investigation or examination  
 983 conducted under this section, the department is granted and  
 984 authorized to exercise the power of subpoena and to administer  
 985 oaths or affirmations, examine witnesses, require affidavits,  
 986 take depositions, and compel the attendance of witnesses and the  
 987 production of books, papers, documents, records, and other  
 988 evidence. Such subpoenas may be served by an authorized  
 989 representative of the department.

990           (5) If a person refuses to testify, produce books, papers,  
 991 documents, or records, or otherwise obey the subpoena or  
 992 subpoena duces tecum, the department may petition a court of  
 993 competent jurisdiction in the county in which the person's  
 994 residence or principal place of business is located, whereupon  
 995 the court shall issue an order requiring such person to obey the  
 996 subpoena or show cause for failing to obey the subpoena. Unless  
 997 the person shows sufficient cause for failing to obey the  
 998 subpoena, the court shall direct the person to obey the subpoena  
 999 and award costs incurred by the department to obtain the order.  
 1000 Failure to comply with such order is contempt of court.



1001           (6) For the purpose of any investigation, examination, or  
 1002 proceeding initiated by the department under this chapter, the  
 1003 department may designate agents to serve subpoenas and other  
 1004 process and administer oaths or affirmations.

1005           (7) A witness subpoenaed under this section is entitled to  
 1006 witness fees at the same rate established by s. 92.142 for  
 1007 witnesses in a civil case, except that witness fees are not  
 1008 payable for appearance at the witness's place of business during  
 1009 regular business hours or at the witness's residence.

1010           Section 22. Subsection (3) of section 319.40, Florida  
 1011 Statutes, is amended to read:

1012           319.40 Transactions by electronic or telephonic means.—

1013           (3) The department may collect and use e-mail ~~electronic~~  
 1014 ~~mail~~ addresses for purposes of this chapter, including, but not  
 1015 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
 1016 United States Postal Service as a method of notification.  
 1017 However, any notice regarding the potential forfeiture or  
 1018 foreclosure of an interest in property must be sent via the  
 1019 United States Postal Service.

1020           Section 23. Subsection (24) of section 320.01, Florida  
 1021 Statutes, is amended to read:

1022           320.01 Definitions, general.—As used in the Florida  
 1023 Statutes, except as otherwise provided, the term:

1024           (24) "Apportionable vehicle" means any vehicle, except  
 1025 recreational vehicles, vehicles displaying restricted plates,

1026 city pickup and delivery vehicles, ~~buses used in transportation~~  
1027 ~~of chartered parties,~~ and government-owned vehicles, which is  
1028 used or intended for use in two or more member jurisdictions  
1029 that allocate or proportionally register vehicles and which is  
1030 used for the transportation of persons for hire or is designed,  
1031 used, or maintained primarily for the transportation of property  
1032 and:

1033 (a) Is a power unit having a gross vehicle weight in  
1034 excess of 26,000 pounds;

1035 (b) Is a power unit having three or more axles, regardless  
1036 of weight; or

1037 (c) Is used in combination, when the weight of such  
1038 combination exceeds 26,000 pounds gross vehicle weight.

1039  
1040 Vehicles, or combinations thereof, having a gross vehicle weight  
1041 of 26,000 pounds or less and two-axle vehicles may be  
1042 proportionally registered.

1043 Section 24. Paragraph (b) of subsection (4) of section  
1044 320.03, Florida Statutes, is amended to read:

1045 320.03 Registration; duties of tax collectors;  
1046 International Registration Plan.—

1047 (4)

1048 (b) The Florida Real Time Vehicle Information System shall  
1049 be installed in every tax collector's and license tag agent's  
1050 office in accordance with a schedule established by the

1051 department in consultation with the tax collectors and  
1052 contingent upon funds being made available for the system by the  
1053 state. For the purpose of enhancing customer services provided  
1054 by tax collectors acting on behalf of the department, the  
1055 department, contingent upon a request and memorandum of  
1056 understanding, shall provide tax collectors and tax collector-  
1057 approved agents and vendors with real-time access to data that  
1058 other third parties receive from the department related to  
1059 vehicle and mobile home registration certificates, registration  
1060 license plates, and validation stickers, including, but not  
1061 limited to, the most current address information and electronic  
1062 mail addresses of applicants. The memorandum of understanding as  
1063 required under this paragraph may not be more restrictive than  
1064 any memorandum of understanding between the department and other  
1065 third-party vendors.

1066 Section 25. Paragraph (b) of subsection (1), subsection  
1067 (2), and paragraph (a) of subsection (3) of section 320.06,  
1068 Florida Statutes, are amended to read:

1069 320.06 Registration certificates, license plates, and  
1070 validation stickers generally.—

1071 (1)

1072 (b)1. Registration license plates bearing a graphic symbol  
1073 and the alphanumeric system of identification shall be issued  
1074 for a 10-year period. At the end of the 10-year period, upon  
1075 renewal, the plate shall be replaced. The department shall

1076 extend the scheduled license plate replacement date from a 6-  
1077 year period to a 10-year period. The fee for such replacement is  
1078 \$28, \$2.80 of which shall be paid each year before the plate is  
1079 replaced, to be credited toward the next \$28 replacement fee.  
1080 The fees shall be deposited into the Highway Safety Operating  
1081 Trust Fund. A credit or refund may not be given for any prior  
1082 years' payments of the prorated replacement fee if the plate is  
1083 replaced or surrendered before the end of the 10-year period,  
1084 except that a credit may be given if a registrant is required by  
1085 the department to replace a license plate under s.  
1086 320.08056(8) (a). With each license plate, a validation sticker  
1087 shall be issued showing the owner's birth month, license plate  
1088 number, and the year of expiration or the appropriate renewal  
1089 period if the owner is not a natural person. The validation  
1090 sticker shall be placed on the upper right corner of the license  
1091 plate. The license plate and validation sticker shall be issued  
1092 based on the applicant's appropriate renewal period. The  
1093 registration period is 12 months, the extended registration  
1094 period is 24 months, and all expirations occur based on the  
1095 applicant's appropriate registration period.

1096 2. A vehicle that has an apportioned registration shall be  
1097 issued an annual license plate and a cab card denoting that  
1098 ~~denote~~ the declared gross vehicle weight for each apportioned  
1099 jurisdiction in which the vehicle is authorized to operate. This  
1100 subparagraph expires upon implementation of a new operating

1101 system for apportioned vehicle registration.

1102 3. Upon implementation of a new operating system for  
1103 apportioned vehicle registration, a vehicle registered in  
1104 accordance with the International Registration Plan shall be  
1105 issued a license plate for a 5-year period, an annual cab card  
1106 denoting the declared gross vehicle weight for each apportioned  
1107 jurisdiction, and an annual validation sticker showing the month  
1108 and year of expiration. The validation sticker shall be placed  
1109 in the center of the license plate. The license plate and  
1110 validation sticker shall be issued based on the applicant's  
1111 appropriate renewal period. The registration period is 12  
1112 months. The fee for an original and a renewed validation sticker  
1113 is \$28. This fee shall be deposited into the Highway Safety  
1114 Operating Trust Fund. If the license plate is damaged or worn,  
1115 it may be replaced at no charge by applying to the department  
1116 and surrendering the current license plate.

1117 4.2- In order to retain the efficient administration of  
1118 the taxes and fees imposed by this chapter, the 80-cent fee  
1119 increase in the replacement fee imposed by chapter 2009-71, Laws  
1120 of Florida, is negated as provided in s. 320.0804.

1121 (2) The department shall provide the ~~several~~ tax  
1122 collectors and license plate agents with the necessary number of  
1123 validation stickers. For automated vending facility  
1124 transactions, the tax collectors shall have the option to  
1125 purchase validation stickers and paper stock that is used to

1126 produce vehicle registrations from the department's contracted  
1127 vendor or from other vendors if such items meet the department's  
1128 specifications. The department shall reimburse the tax  
1129 collectors for these purchases, but reimbursement may not be  
1130 made at prices higher than the pricing contained in the  
1131 department's existing contract. The tax collectors shall invoice  
1132 the department in arrears for the validation stickers and  
1133 vehicle registrations as they are issued.

1134 (3) (a) Registration license plates must be made of metal  
1135 specially treated with a retroreflection material, as specified  
1136 by the department. The registration license plate is designed to  
1137 increase nighttime visibility and legibility and must be at  
1138 least 6 inches wide and not less than 12 inches in length,  
1139 unless a plate with reduced dimensions is deemed necessary by  
1140 the department to accommodate motorcycles, mopeds, or similar  
1141 smaller vehicles. Validation stickers must also be treated with  
1142 a retroreflection material, must be of such size as specified by  
1143 the department, and must adhere to the license plate. The  
1144 registration license plate must be imprinted with a combination  
1145 of bold letters and numerals or numerals, not to exceed seven  
1146 digits, to identify the registration license plate number. The  
1147 license plate must be imprinted with the word "Florida" at the  
1148 top and the name of the county in which it is sold, the state  
1149 motto, or the words "Sunshine State" at the bottom. Apportioned  
1150 license plates must have the word "Apportioned" at the bottom

1151 and license plates issued for vehicles taxed under s.  
1152 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
1153 the word "Restricted" at the bottom. License plates issued for  
1154 vehicles taxed under s. 320.08(12) must be imprinted with the  
1155 word "Florida" at the top and the word "Dealer" at the bottom  
1156 unless the license plate is a specialty license plate as  
1157 authorized in s. 320.08056. Manufacturer license plates issued  
1158 for vehicles taxed under s. 320.08(12) must be imprinted with  
1159 the word "Florida" at the top and the word "Manufacturer" at the  
1160 bottom. License plates issued for vehicles taxed under s.  
1161 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at  
1162 the bottom. Any county may, upon majority vote of the county  
1163 commission, elect to have the county name removed from the  
1164 license plates sold in that county. The state motto or the words  
1165 "Sunshine State" shall be printed in lieu thereof. A license  
1166 plate issued for a vehicle taxed under s. 320.08(6) may not be  
1167 assigned a registration license number, or be issued with any  
1168 other distinctive character or designation, that distinguishes  
1169 the motor vehicle as a for-hire motor vehicle.

1170 Section 26. Section 320.0605, Florida Statutes, is amended  
1171 to read:

1172 320.0605 Certificate of registration; possession required;  
1173 exception.—

1174 (1)(a) The registration certificate or an official copy  
1175 thereof, a true copy or electronic copy of rental or lease

1176 documentation issued for a motor vehicle or issued for a  
1177 replacement vehicle in the same registration period, a temporary  
1178 receipt printed upon self-initiated electronic renewal of a  
1179 registration via the Internet, or a cab card issued for a  
1180 vehicle registered under the International Registration Plan  
1181 shall, at all times while the vehicle is being used or operated  
1182 on the roads of this state, be in the possession of the operator  
1183 thereof or be carried in the vehicle for which issued and shall  
1184 be exhibited upon demand of any authorized law enforcement  
1185 officer or any agent of the department, except for a vehicle  
1186 registered under s. 320.0657. ~~The provisions of~~ This section  
1187 does ~~de~~ not apply during the first 30 days after purchase of a  
1188 replacement vehicle. A violation of this section is a  
1189 noncriminal traffic infraction, punishable as a nonmoving  
1190 violation as provided in chapter 318.

1191 (b)1. The act of presenting to a law enforcement officer  
1192 or agent of the department an electronic device displaying an  
1193 electronic copy of rental or lease documentation does not  
1194 constitute consent for the officer or agent to access any  
1195 information on the device other than the displayed rental or  
1196 lease documentation.

1197 2. The person who presents the device to the officer or  
1198 agent assumes liability for any resulting damage to the device.

1199 (2) Rental or lease documentation that is sufficient to  
1200 satisfy the requirement in subsection (1) includes the



1201 following:

- 1202 (a) Date ~~of rental~~ and time of ~~exit from~~ rental facility;
- 1203 (b) Rental station identification;
- 1204 (c) Rental agreement number;
- 1205 (d) Rental vehicle identification number;
- 1206 (e) Rental vehicle license plate number and state of
- 1207 registration;
- 1208 (f) Vehicle's make, model, and color;
- 1209 (g) Vehicle's mileage; and
- 1210 (h) Authorized renter's name.

1211 Section 27. Subsection (5) of section 320.0607, Florida  
 1212 Statutes, is amended to read:

1213 320.0607 Replacement license plates, validation decal, or  
 1214 mobile home sticker.—

1215 (5) Upon the issuance of an original license plate, the  
 1216 applicant shall pay a fee of \$28 to be deposited in the Highway  
 1217 Safety Operating Trust Fund. Upon implementation of a new  
 1218 operating system for apportioned vehicle registration, this  
 1219 subsection does not apply to a vehicle registered under the  
 1220 International Registration Plan.

1221 Section 28. Paragraph (b) of subsection (2) of section  
 1222 320.0657, Florida Statutes, is amended to read:

1223 320.0657 Permanent registration; fleet license plates.—

1224 (2)

1225 (b) The plates, which shall be of a distinctive color,

1226 shall have the word "Fleet" appearing at the bottom and the word  
1227 "Florida" appearing at the top unless the license plate is a  
1228 specialty license plate as authorized in s. 320.08056. The  
1229 plates shall conform in all respects to the provisions of this  
1230 chapter, except as specified herein. For additional fees as set  
1231 forth in s. 320.08056, fleet companies may purchase specialty  
1232 license plates in lieu of the standard fleet license plates.  
1233 Fleet companies shall be responsible for all costs associated  
1234 with the specialty license plate, including all annual use fees,  
1235 processing fees, fees associated with switching license plate  
1236 types, and any other applicable fees.

1237 Section 29. Subsection (12) of section 320.08, Florida  
1238 Statutes, is amended to read:

1239 320.08 License taxes.—Except as otherwise provided herein,  
1240 there are hereby levied and imposed annual license taxes for the  
1241 operation of motor vehicles, mopeds, motorized bicycles as  
1242 defined in s. 316.003(4), tri-vehicles as defined in s. 316.003,  
1243 and mobile homes as defined in s. 320.01, which shall be paid to  
1244 and collected by the department or its agent upon the  
1245 registration or renewal of registration of the following:

1246 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
1247 motor vehicle dealer, independent motor vehicle dealer, marine  
1248 boat trailer dealer, or mobile home dealer and manufacturer  
1249 license plate: \$17 flat, of which \$4.50 shall be deposited into  
1250 the General Revenue Fund. For additional fees as set forth in s.

1251 320.08056, dealers may purchase specialty license plates in lieu  
1252 of the standard graphic dealer license plates. Dealers shall be  
1253 responsible for all costs associated with the specialty license  
1254 plate, including all annual use fees, processing fees, fees  
1255 associated with switching license plate types, and any other  
1256 applicable fees.

1257 Section 30. Subsection (2) of section 320.08056, Florida  
1258 Statutes, is amended to read:

1259 320.08056 Specialty license plates.—

1260 (2)(a) The department shall issue a specialty license  
1261 plate to the owner or lessee of any motor vehicle, except a  
1262 vehicle registered under the International Registration Plan, a  
1263 commercial truck required to display two license plates pursuant  
1264 to s. 320.0706, or a truck tractor, upon request and payment of  
1265 the appropriate license tax and fees.

1266 (b) The department may authorize dealer and fleet  
1267 specialty license plates. With the permission of the sponsoring  
1268 specialty license plate organization, a dealer or fleet company  
1269 may purchase specialty license plates to be used on dealer and  
1270 fleet vehicles.

1271 (c) Notwithstanding s. 320.08058, a dealer or fleet  
1272 specialty license plate must include the letters "DLR" or "FLT"  
1273 on the right side of the license plate. Dealer and fleet  
1274 specialty license plates must be ordered directly through the  
1275 department.

1276 Section 31. Subsection (8) of section 320.0807, Florida  
1277 Statutes, is renumbered as subsection (6), and present  
1278 subsections (5), (6), and (7) of that section are amended to  
1279 read:

1280 320.0807 Special license plates for Governor and federal  
1281 and state legislators.—

1282 ~~(5) Upon application by any current or former President of~~  
1283 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~  
1284 ~~the department may issue a license plate stamped "Senate~~  
1285 ~~President" followed by the number assigned by the department or~~  
1286 ~~chosen by the applicant if it is not already in use. Upon~~  
1287 ~~application by any current or former Speaker of the House of~~  
1288 ~~Representatives and payment of the fees prescribed by s.~~  
1289 ~~320.0805, the department may issue a license plate stamped~~  
1290 ~~"House Speaker" followed by the number assigned by the~~  
1291 ~~department or chosen by the applicant if it is not already in~~  
1292 ~~use.~~

1293 ~~(6) (a) Upon application by any former member of Congress~~  
1294 ~~or former member of the state Legislature, payment of the fees~~  
1295 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~  
1296 ~~\$500, the department may issue a former member of Congress,~~  
1297 ~~state senator, or state representative a license plate stamped~~  
1298 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~  
1299 ~~appropriate, for a vehicle owned by the former member.~~

1300 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~

1301 ~~Retired House prestige license plate, a former member must have~~  
 1302 ~~served at least 4 years as a member of Congress, state senator,~~  
 1303 ~~or state representative, respectively.~~

1304 ~~(c) Four hundred fifty dollars of the one-time fee~~  
 1305 ~~collected under paragraph (a) shall be distributed to the~~  
 1306 ~~account of the direct-support organization established pursuant~~  
 1307 ~~to s. 272.136 and used for the benefit of the Florida Historic~~  
 1308 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~  
 1309 ~~the Highway Safety Operating Trust Fund.~~

1310 ~~(5)(7)~~ The department may create a unique plate design for  
 1311 plates to be used by members ~~or former members~~ of the  
 1312 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~  
 1313 ~~(2), (5), and (6)~~.

1314 Section 32. Paragraph (a) of subsection (9) and  
 1315 subsections (3) and (11) of section 320.27, Florida Statutes,  
 1316 are amended, and paragraph (g) is added to subsection (1) of  
 1317 that section, to read:

1318 320.27 Motor vehicle dealers.—

1319 (1) DEFINITIONS.—The following words, terms, and phrases  
 1320 when used in this section have the meanings respectively  
 1321 ascribed to them in this subsection, except where the context  
 1322 clearly indicates a different meaning:

1323 (g) "Control person" means a person who has significant  
 1324 power, directly or indirectly, to direct the management or  
 1325 policies of a company, whether through ownership, by contract,

1326 or otherwise. The term includes a person who is an owner,  
1327 director, general partner, officer, manager, or employee  
1328 exercising decisionmaking responsibility or exercising similar  
1329 executive status or functions but does not include an employee  
1330 whose function is only clerical or ministerial or in sales under  
1331 the supervision of an owner or manager or other person  
1332 exercising decisionmaking responsibility.

1333 (3) APPLICATION AND FEE.—The application for the license  
1334 shall be in such form as may be prescribed by the department and  
1335 shall be subject to such rules with respect thereto as may be so  
1336 prescribed by it. Such application shall be verified by oath or  
1337 affirmation and shall contain a full statement of the name and  
1338 birth date of the person or persons applying therefor; the name  
1339 of the firm or copartnership, with the names and places of  
1340 residence of all members thereof, if such applicant is a firm or  
1341 copartnership; the names and places of residence of the  
1342 principal officers, if the applicant is a body corporate or  
1343 other artificial body; the name of the state under whose laws  
1344 the corporation is organized; the present and former place or  
1345 places of residence of the applicant; and prior business in  
1346 which the applicant has been engaged and the location thereof.  
1347 Such application shall describe the exact location of the place  
1348 of business and shall state whether the place of business is  
1349 owned by the applicant and when acquired, or, if leased, a true  
1350 copy of the lease shall be attached to the application. The

1351 applicant shall certify that the location provides an adequately  
1352 equipped office and is not a residence; that the location  
1353 affords sufficient unoccupied space upon and within which  
1354 adequately to store all motor vehicles offered and displayed for  
1355 sale; and that the location is a suitable place where the  
1356 applicant can in good faith carry on such business and keep and  
1357 maintain books, records, and files necessary to conduct such  
1358 business, which shall be available at all reasonable hours to  
1359 inspection by the department or any of its inspectors or other  
1360 employees. The applicant shall certify that the business of a  
1361 motor vehicle dealer is the principal business which shall be  
1362 conducted at that location. The application shall contain a  
1363 statement that the applicant is either franchised by a  
1364 manufacturer of motor vehicles, in which case the name of each  
1365 motor vehicle that the applicant is franchised to sell shall be  
1366 included, or an independent (nonfranchised) motor vehicle  
1367 dealer. The application shall contain other relevant information  
1368 as may be required by the department, including evidence that  
1369 the applicant is insured under a garage liability insurance  
1370 policy or a general liability insurance policy coupled with a  
1371 business automobile policy, which shall include, at a minimum,  
1372 \$25,000 combined single-limit liability coverage including  
1373 bodily injury and property damage protection and \$10,000  
1374 personal injury protection. However, a salvage motor vehicle  
1375 dealer as defined in subparagraph (1)(c)5. is exempt from the

1376 requirements for garage liability insurance and personal injury  
1377 protection insurance on those vehicles that cannot be legally  
1378 operated on roads, highways, or streets in this state. Franchise  
1379 dealers must submit a garage liability insurance policy, and all  
1380 other dealers must submit a garage liability insurance policy or  
1381 a general liability insurance policy coupled with a business  
1382 automobile policy. Such policy shall be for the license period,  
1383 and evidence of a new or continued policy shall be delivered to  
1384 the department at the beginning of each license period. Upon  
1385 making initial application, the applicant shall pay to the  
1386 department a fee of \$300 in addition to any other fees required  
1387 by law. Applicants may choose to extend the licensure period for  
1388 1 additional year for a total of 2 years. An initial applicant  
1389 shall pay to the department a fee of \$300 for the first year and  
1390 \$75 for the second year, in addition to any other fees required  
1391 by law. An applicant for renewal shall pay to the department \$75  
1392 for a 1-year renewal or \$150 for a 2-year renewal, in addition  
1393 to any other fees required by law. Upon making an application  
1394 for a change of location, the person shall pay a fee of \$50 in  
1395 addition to any other fees now required by law. The department  
1396 shall, in the case of every application for initial licensure,  
1397 verify whether certain facts set forth in the application are  
1398 true. Each owner, control person, applicant, general partner in  
1399 the case of a partnership, or corporate officer and director in  
1400 the case of a corporate applicant, must file a set of



1401 fingerprints with the department for the purpose of determining  
1402 any prior criminal record or any outstanding warrants. The  
1403 department shall submit the fingerprints to the Department of  
1404 Law Enforcement for state processing and forwarding to the  
1405 Federal Bureau of Investigation for federal processing. The  
1406 actual cost of state and federal processing shall be borne by  
1407 the applicant and is in addition to the fee for licensure. The  
1408 department may issue a license to an applicant pending the  
1409 results of the fingerprint investigation, which license is fully  
1410 revocable if the department subsequently determines that any  
1411 facts set forth in the application are not true or correctly  
1412 represented.

1413 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1414 (a) The department may deny an initial or renewal  
1415 application or ~~suspend~~ or revoke a ~~any~~ license issued  
1416 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771  
1417 upon proof that an applicant or a licensee has:

1418 1. Committed fraud or willful misrepresentation in  
1419 application for or in obtaining a license.

1420 2. Been convicted of a felony and has either not completed  
1421 the resulting felony sentence or completed the felony sentence  
1422 less than 10 years from the date of licensure application.

1423 3. Failed to honor a bank draft or check given to a motor  
1424 vehicle dealer for the purchase of a motor vehicle by another  
1425 motor vehicle dealer within 10 days after notification that the

1426 bank draft or check has been dishonored. If the transaction is  
1427 disputed, the maker of the bank draft or check shall post a bond  
1428 in accordance with the provisions of s. 559.917, and no  
1429 proceeding for revocation or suspension shall be commenced until  
1430 the dispute is resolved.

1431 4.a. Failed to provide payment within 10 business days to  
1432 the department for a check payable to the department that was  
1433 dishonored due to insufficient funds in the amount due plus any  
1434 statutorily authorized fee for uttering a worthless check. The  
1435 department shall notify an applicant or licensee when the  
1436 applicant or licensee makes payment to the department by a check  
1437 that is subsequently dishonored by the bank due to insufficient  
1438 funds. The applicant or licensee shall, within 10 business days  
1439 after receiving the notice, provide payment to the department in  
1440 the form of cash in the amount due plus any statutorily  
1441 authorized fee. If the applicant or licensee fails to make such  
1442 payment within 10 business days, the department may deny,  
1443 suspend, or revoke the applicant's or licensee's motor vehicle  
1444 dealer license.

1445 b. Stopped payment on a check payable to the department,  
1446 issued a check payable to the department from an account that  
1447 has been closed, or charged back a credit card transaction to  
1448 the department. If an applicant or licensee commits any such  
1449 act, the department may deny, suspend, or revoke the applicant's  
1450 or licensee's motor vehicle dealer license.

1451        5. Previously owned a majority interest in, or acted as a  
1452 control person of, a motor vehicle dealer that within the past  
1453 10 years has been the subject of any decision, finding,  
1454 injunction, suspension, revocation, denial, judgment, or  
1455 administrative order by any court of competent jurisdiction,  
1456 administrative law judge, or state agency that resulted in a  
1457 finding of violation of any federal or state law relating to  
1458 unlicensed activity, or fraud in connection with the sale of a  
1459 motor vehicle, or knowingly employs or contracts such a person  
1460 as a control person, or knowingly employs or contracts as a  
1461 control person a person who has been convicted of a felony and  
1462 has either not completed the resulting felony sentence or  
1463 completed the felony sentence less than 10 years from the date  
1464 of licensure application.

1465        (11) INJUNCTION.—

1466        (a) In addition to the remedies provided in this chapter  
1467 and notwithstanding the existence of any adequate remedy at law,  
1468 the department may ~~is authorized to~~ make application to any  
1469 circuit court of the state, and such circuit court shall have  
1470 jurisdiction, upon a hearing and for cause shown, to grant a  
1471 temporary or permanent injunction, or both, restraining any  
1472 person from acting as a motor vehicle dealer under the terms of  
1473 this section without being properly licensed hereunder, from  
1474 violating or continuing to violate any of the provisions of  
1475 chapter 319, this chapter, or ss. 559.901-559.9221, or for

1476 failing or refusing to comply with the requirements of chapter  
1477 319, this chapter, or ss. 559.901-559.9221, or any rule or  
1478 regulation adopted thereunder, such injunction to be issued  
1479 without bond. A single act in violation of the provisions of  
1480 chapter 319, this chapter, or chapter 559 shall be sufficient to  
1481 authorize the issuance of an injunction.

1482 (b) If the court grants the injunction, the court may bar,  
1483 permanently or for a specific time period, any person found to  
1484 have violated any federal or state law relating to unlicensed  
1485 activity or fraud in connection with the sale of a motor  
1486 vehicle. If a person is barred, the person may not continue in  
1487 any capacity within the industry. The person shall have no  
1488 management, sales, or other role in the operation of a  
1489 dealership.

1490 Section 33. Paragraph (c) of subsection (2) of section  
1491 320.822, Florida Statutes, is amended to read:

1492 320.822 Definitions; ss. 320.822-320.862.—In construing  
1493 ss. 320.822-320.862, unless the context otherwise requires, the  
1494 following words or phrases have the following meanings:

1495 (2) "Code" means the appropriate standards found in:

1496 (c) The Mobile and Manufactured Home Repair and Remodeling  
1497 Code and the Used Recreational Vehicle Code.

1498 Section 34. Subsection (2) of section 320.8232, Florida  
1499 Statutes, is amended to read:

1500 320.8232 Establishment of uniform standards for used

1501 recreational vehicles and repair and remodeling code for mobile  
1502 homes.—

1503 (2) The Mobile and Manufactured Home ~~provisions of the~~  
1504 Repair and Remodeling Code shall be a uniform code, shall ensure  
1505 safe and livable housing, and shall not be more stringent than  
1506 those standards required to be met in the manufacture of mobile  
1507 homes. Such code ~~provisions~~ shall include, ~~but not be limited~~  
1508 ~~to,~~ standards for structural adequacy, plumbing, heating,  
1509 electrical systems, and fire and life safety. All repair and  
1510 remodeling of mobile and manufactured homes shall be performed  
1511 in accordance with department rules.

1512 Section 35. Section 320.861, Florida Statutes, is amended  
1513 to read:

1514 320.861 Investigations; subpoenas and other process;  
1515 oaths; rules ~~Inspection of records; production of evidence;~~  
1516 ~~subpoena power.—~~

1517 (1) The department may conduct investigations and  
1518 examinations of any person suspected of violating or of having  
1519 violated any provision of this chapter or any rule adopted or  
1520 order issued under this chapter ~~inspect the pertinent books,~~  
1521 ~~records, letters, and contracts of any licensee, whether dealer~~  
1522 ~~or manufacturer, relating to any written complaint made to it~~  
1523 ~~against such licensee.~~

1524 (2) For purposes of any investigation or examination  
1525 conducted under this section, the department is granted and

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

1535 (3) If a person refuses to testify; produce books, papers,  
1536 documents, or records; or otherwise obey the subpoena or  
1537 subpoena duces tecum, the department may petition a court of  
1538 competent jurisdiction in the county in which the person's  
1539 residence or principal place of business is located, whereupon  
1540 the court shall issue an order requiring such person to obey the  
1541 subpoena or show cause for failing to obey the subpoena. Unless  
1542 the person shows sufficient cause for failing to obey the  
1543 subpoena, the court shall direct the person to obey the subpoena  
1544 and award costs incurred by the department to obtain the order.  
1545 Failure to comply with such order is contempt of court.

1546 (4) For the purpose of any investigation, examination, or  
1547 proceeding initiated by the department under this chapter, the  
1548 department may designate agents to serve subpoenas and other  
1549 process and administer oaths or affirmations. The department  
1550 shall exercise this power on its own initiative in accordance

1551 with ss. 320.615 and 320.71.

1552 (5) A witness subpoenaed under this section is entitled to  
1553 witness fees at the same rate established by s. 92.142 for  
1554 witnesses in a civil case, except that witness fees are not  
1555 payable for appearance at the witness's place of business during  
1556 regular business hours or at the witness's residence.

1557 Section 36. Subsection (2) of section 320.95, Florida  
1558 Statutes, is amended to read:

1559 320.95 Transactions by electronic or telephonic means.—

1560 (2) The department may collect and use e-mail ~~electronic~~  
1561 ~~mail~~ addresses for purposes of this chapter, including, but not  
1562 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
1563 United States Postal Service for the purpose of providing  
1564 renewal notices.

1565 Section 37. Subsection (1) of section 321.05, Florida  
1566 Statutes, is amended to read:

1567 321.05 Duties, functions, and powers of patrol officers.—  
1568 The members of the Florida Highway Patrol are hereby declared to  
1569 be conservators of the peace and law enforcement officers of the  
1570 state, with the common-law right to arrest a person who, in the  
1571 presence of the arresting officer, commits a felony or commits  
1572 an affray or breach of the peace constituting a misdemeanor,  
1573 with full power to bear arms; and they shall apprehend, without  
1574 warrant, any person in the unlawful commission of any of the  
1575 acts over which the members of the Florida Highway Patrol are

1576 given jurisdiction as hereinafter set out and deliver him or her  
1577 to the sheriff of the county that further proceedings may be had  
1578 against him or her according to law. In the performance of any  
1579 of the powers, duties, and functions authorized by law, members  
1580 of the Florida Highway Patrol have the same protections and  
1581 immunities afforded other peace officers, which shall be  
1582 recognized by all courts having jurisdiction over offenses  
1583 against the laws of this state, and have authority to apply for,  
1584 serve, and execute search warrants, arrest warrants, capias, and  
1585 other process of the court. The patrol officers under the  
1586 direction and supervision of the Department of Highway Safety  
1587 and Motor Vehicles shall perform and exercise throughout the  
1588 state the following duties, functions, and powers:

1589 (1) To patrol the state highways and regulate, control,  
1590 and direct the movement of traffic thereon; to maintain the  
1591 public peace by preventing violence on highways; to apprehend  
1592 fugitives from justice; to enforce all laws regulating and  
1593 governing traffic, travel, and public safety upon the public  
1594 highways and providing for the protection of the public highways  
1595 and public property thereon, including the security and safety  
1596 of this state's transportation infrastructure; to make arrests  
1597 without warrant for the violation of any state law committed in  
1598 their presence in accordance with state law; providing that no  
1599 search may be made unless it is incident to a lawful arrest, to  
1600 regulate and direct traffic concentrations and congestions; to



1601 enforce laws governing the operation, licensing, and taxing and  
1602 limiting the size, weight, width, length, and speed of vehicles  
1603 and licensing and controlling the operations of drivers and  
1604 operators of vehicles, including the safety, size, and weight of  
1605 commercial motor vehicles; to collect all state fees and  
1606 revenues levied as an incident to the use or right to use the  
1607 highways for any purpose, including the taxing and registration  
1608 of commercial motor vehicles; to require the drivers of vehicles  
1609 to stop and exhibit their driver licenses, registration cards,  
1610 or documents required by law to be carried by such vehicles; to  
1611 investigate traffic crashes ~~accidents~~, secure testimony of  
1612 witnesses and of persons involved, and make report thereof with  
1613 copy, if requested in writing, to any person in interest or his  
1614 or her attorney; to investigate reported thefts of vehicles; and  
1615 to seize contraband or stolen property on or being transported  
1616 on the highways. Each patrol officer of the Florida Highway  
1617 Patrol is subject to and has the same arrest and other authority  
1618 provided for law enforcement officers generally in chapter 901  
1619 and has statewide jurisdiction. Each officer also has arrest  
1620 authority as provided for state law enforcement officers in s.  
1621 901.15. This section does not conflict with, but is supplemental  
1622 to, chapter 933.

1623 Section 38. Section 321.065, Florida Statutes, is amended  
1624 to read:

1625 321.065 Traffic crash ~~accident~~ investigation officers;

1626 employment; standards.—The department may employ traffic crash  
 1627 ~~accident~~ investigation officers who must complete any applicable  
 1628 standards adopted by the Florida Highway Patrol, including, but  
 1629 not limited to: cognitive testing, drug testing, polygraph  
 1630 testing, psychological testing, and an extensive background  
 1631 check, including a credit check.

1632 Section 39. Paragraph (d) of subsection (2) of section  
 1633 321.23, Florida Statutes, is amended to read:

1634 321.23 Public records; fees for copies; destruction of  
 1635 obsolete records; photographing records; effect as evidence.—

1636 (2) Fees for copies of public records shall be charged and  
 1637 collected as follows:

1638 (d) Photographs (crashes ~~accidents~~, etc.):

1639

	Enlargement Proof	Color	Black & White
1640	1. 5" x 7"	\$1.00	\$0.75
1641	2. 8" x 10"	\$1.50	\$1.00
1642	3. 11" x 14"	Not Available	\$1.75
1643	4. 16" x 20"	Not Available	\$2.75

1644

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

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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 40. Subsection (4) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red, red and white, or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 41. 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

1669 following:

1670 1. A trauma center, as defined in s. 395.4001, or a  
1671 hospital as defined in s. 395.002, which regularly receives  
1672 victims of vehicle crashes ~~accidents~~, between the hours of 10  
1673 p.m. and 2 a.m. on a Friday or Saturday night, in order to  
1674 observe appropriate victims of vehicle crashes ~~accidents~~  
1675 involving drinking drivers, under the supervision of any of the  
1676 following:

1677 a. A registered nurse trained in providing emergency  
1678 trauma care or prehospital advanced life support.

1679 b. An emergency room physician.

1680 c. An emergency medical technician.

1681 2. A licensed service provider, as defined in s. 397.311,  
1682 which cares for substance abuse impaired persons, to observe  
1683 persons in the terminal stages of substance abuse impairment,  
1684 under the supervision of appropriately licensed medical  
1685 personnel. Before ~~Prior to~~ any visitation of such terminally ill  
1686 or disabled persons, the persons or their legal representatives  
1687 must give their express consent to participate in the visitation  
1688 program.

1689 3. If approved by the county coroner, the county coroner's  
1690 office or the county morgue to observe appropriate victims of  
1691 vehicle crashes ~~accidents~~ involving drinking drivers, under the  
1692 supervision of the coroner or a deputy coroner.

1693 (b) As used in this section, the term "appropriate

1694 victims" means victims or their legal representatives, including  
 1695 the next of kin, who have expressly given their consent to  
 1696 participate in the visitation program and victims whose  
 1697 condition is determined by the visitation supervisor to  
 1698 demonstrate the results of crashes ~~accidents~~ involving drinking  
 1699 drivers without being excessively gruesome or traumatic to the  
 1700 probationer.

1701 Section 42. Subsection (10) of section 322.08, Florida  
 1702 Statutes, is amended to read:

1703 322.08 Application for license; requirements for license  
 1704 and identification card forms.—

1705 (10) The department may collect and use e-mail ~~electronic~~  
 1706 ~~mail~~ addresses for purposes of this chapter, including, but not  
 1707 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
 1708 United States Postal Service for the purpose of providing  
 1709 renewal notices.

1710 Section 43. Subsection (5) of section 322.091, Florida  
 1711 Statutes, is amended to read:

1712 322.091 Attendance requirements.—

1713 (5) REPORTING AND ACCOUNTABILITY.—The department shall  
 1714 make available, upon request, a report ~~quarterly~~ to each school  
 1715 district of the legal name, sex, date of birth, and social  
 1716 security number of each student whose driving privileges have  
 1717 been suspended under this section.

1718 Section 44. Paragraph (b) of subsection (1) of section

1719 322.17, Florida Statutes, is amended to read:

1720 322.17 Replacement licenses, identification cards, and  
1721 permits.-

1722 (1)

1723 (b) In the event that an instruction permit, ~~or~~ driver  
1724 license, or identification card issued under ~~the provisions of~~  
1725 this chapter is stolen, the person to whom the same was issued  
1726 may, at no charge, obtain a replacement upon furnishing proof  
1727 satisfactory to the department that such permit, ~~or~~ license, or  
1728 identification card was stolen and further furnishing the  
1729 person's full name, date of birth, sex, residence and mailing  
1730 address, proof of birth satisfactory to the department, and  
1731 proof of identity satisfactory to the department.

1732 Section 45. Subsection (8) of section 322.212, Florida  
1733 Statutes, is renumbered as subsection (9), paragraph (a) of  
1734 subsection (5) and subsection (6) are amended, and a new  
1735 subsection (8) is added to that section, to read:

1736 322.212 Unauthorized possession of, and other unlawful  
1737 acts in relation to, driver license or identification card.-

1738 (5) (a) A ~~It is unlawful for any person~~ may not ~~to~~ use a  
1739 false or fictitious name in any application for a driver license  
1740 or identification card or knowingly ~~to~~ make a false statement,  
1741 knowingly conceal a material fact, provide an altered or  
1742 counterfeit document, participate in a dishonest or deceptive  
1743 action, or otherwise commit a fraud in any such application.

1744 (6) Except as otherwise provided in this subsection, a ~~any~~  
1745 person who violates ~~any of the provisions of~~ this section  
1746 commits is guilty of a felony of the third degree, punishable as  
1747 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person  
1748 who violates paragraph (5)(a) by giving a false age in an ~~any~~  
1749 application for a driver license or identification card or who  
1750 violates paragraph (5)(b) by possessing a driver license,  
1751 identification card, or similar ~~any~~ instrument ~~in the similitude~~  
1752 ~~thereof,~~ on which the date of birth has been altered commits is  
1753 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
1754 provided in s. 775.082 or s. 775.083. A ~~Any~~ person who violates  
1755 paragraph (1)(d) commits a felony of the third degree,  
1756 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1757 (8) In addition to any other penalties provided by this  
1758 section, if a person provides false information when applying  
1759 for a driver license, identification card, commercial driver  
1760 license, or commercial learner's permit or is convicted of fraud  
1761 in connection with testing for a driver license, commercial  
1762 driver license, or commercial learner's permit, such person's  
1763 driving privilege shall be suspended for 1 year.

1764 Section 46. Section 322.36, Florida Statutes, is amended  
1765 to read:

1766 322.36 Permitting unauthorized operator to drive.—A person  
1767 may not authorize or knowingly permit a motor vehicle owned by  
1768 him or her or under his or her dominion or control to be

1769 | operated upon any highway or public street except by a person  
 1770 | who is duly authorized to operate a motor vehicle under this  
 1771 | chapter. A ~~Any~~ person who violates this section commits a  
 1772 | misdemeanor of the second degree, punishable as provided in s.  
 1773 | 775.082 or s. 775.083. If a person violates this section by  
 1774 | knowingly loaning a vehicle to a person whose driver license is  
 1775 | suspended and if that vehicle is involved in a crash ~~an accident~~  
 1776 | resulting in bodily injury or death, the driver license of the  
 1777 | person violating this section shall be suspended for 1 year.

1778 | Section 47. Section 322.38, Florida Statutes, is amended  
 1779 | to read:

1780 | 322.38 Renting motor vehicle to another.—

1781 | (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any  
 1782 | other person unless the other ~~latter~~ person is ~~then~~ duly  
 1783 | licensed, ~~or,~~ if a nonresident, ~~he or she shall be licensed~~  
 1784 | under the laws of the state or country of his or her residence,  
 1785 | except a nonresident whose home state or country does not  
 1786 | require that an operator be licensed.

1787 | (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to  
 1788 | another until he or she has inspected the driver license of the  
 1789 | person to whom the vehicle is to be rented, ~~and has compared and~~  
 1790 | verified that the driver license is unexpired ~~signature thereon~~  
 1791 | ~~with the signature of such person written in his or her~~  
 1792 | presence.

1793 | (3) Every person renting a motor vehicle to another shall



1794 keep a record of the registration number of the motor vehicle so  
1795 rented, the name and address of the person to whom the vehicle  
1796 is rented, the number of the license of said latter person, and  
1797 the ~~date and place when and~~ where the ~~said~~ license was issued.  
1798 Such record shall be open to inspection by any police officer,  
1799 or officer or employee of the department.

1800 (4) If a rental car company rents a motor vehicle to a  
1801 person through digital, electronic, or other means that allows  
1802 the renter to obtain possession of the motor vehicle without  
1803 direct contact with an agent or employee of the rental car  
1804 company, or if the renter does not execute a rental contract at  
1805 the time he or she takes possession of the motor vehicle, the  
1806 rental car company shall be deemed to have met all obligations  
1807 of subsections (1) and (2) when the rental car company, at the  
1808 time the renter enrolls in a membership program, master  
1809 agreement, or other means of establishing use of the rental car  
1810 company's services, or any time thereafter, requires the renter  
1811 to verify that he or she is duly licensed and that the license  
1812 is unexpired.

1813 Section 48. Paragraphs (g) and (h) of subsection (1) of  
1814 section 322.61, Florida Statutes, are amended, and paragraphs  
1815 (i) and (j) are added to that subsection, to read:

1816 322.61 Disqualification from operating a commercial motor  
1817 vehicle.—

1818 (1) A person who, for offenses occurring within a 3-year

1819 | period, is convicted of two of the following serious traffic  
1820 | violations or any combination thereof, arising in separate  
1821 | incidents committed in a commercial motor vehicle shall, in  
1822 | addition to any other applicable penalties, be disqualified from  
1823 | operating a commercial motor vehicle for a period of 60 days. A  
1824 | holder of a commercial driver license or commercial learner's  
1825 | permit who, for offenses occurring within a 3-year period, is  
1826 | convicted of two of the following serious traffic violations, or  
1827 | any combination thereof, arising in separate incidents committed  
1828 | in a noncommercial motor vehicle shall, in addition to any other  
1829 | applicable penalties, be disqualified from operating a  
1830 | commercial motor vehicle for a period of 60 days if such  
1831 | convictions result in the suspension, revocation, or  
1832 | cancellation of the licenseholder's driving privilege:

1833 |       (g) Driving a commercial vehicle without the proper class  
1834 | of commercial driver license or commercial learner's permit or  
1835 | without the proper endorsement; ~~or~~

1836 |       (h) Driving a commercial vehicle without a commercial  
1837 | driver license or commercial learner's permit in possession, as  
1838 | required by s. 322.03;

1839 |       (i) Texting while driving a commercial motor vehicle as  
1840 | prohibited by 49 C.F.R. s. 392.80; or

1841 |       (j) Using a hand-held mobile telephone while driving a  
1842 | commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1843 |       Section 49. Section 322.71, Florida Statutes, is created

1844 to read:

1845 322.71 Investigations; subpoenas and other process; oaths;  
1846 rules.-

1847 (1) The department may conduct investigations and  
1848 examinations of any person suspected of violating or of having  
1849 violated any provision of this chapter or any rule adopted or  
1850 order issued under this chapter.

1851 (2) For purposes of any investigation or examination  
1852 conducted under this section, the department is granted and  
1853 authorized to exercise the power of subpoena and to administer  
1854 oaths or affirmations, examine witnesses, require affidavits,  
1855 take depositions, and compel the attendance of witnesses and the  
1856 production of books, papers, documents, records, and other  
1857 evidence. Such subpoenas may be served by an authorized  
1858 representative of the department.

1859 (3) If a person refuses to testify; produce books, papers,  
1860 documents, or records; or otherwise obey the subpoena or  
1861 subpoena duces tecum, the department may petition a court of  
1862 competent jurisdiction in the county in which the person's  
1863 residence or principal place of business is located, whereupon  
1864 the court shall issue an order requiring such person to obey the  
1865 subpoena or show cause for failing to obey the subpoena. Unless  
1866 the person shows sufficient cause for failing to obey the  
1867 subpoena, the court shall direct the person to obey the subpoena  
1868 and award costs incurred by the department to obtain the order.

1869 Failure to comply with such order is contempt of court.

1870 (4) For the purpose of any investigation, examination, or  
 1871 proceeding initiated by the department under this chapter, the  
 1872 department may designate agents to serve subpoenas and other  
 1873 process and administer oaths or affirmations.

1874 (5) A witness subpoenaed under this section is entitled to  
 1875 witness fees at the same rate established by s. 92.142 for  
 1876 witnesses in a civil case, except that witness fees are not  
 1877 payable for appearance at the witness's place of business during  
 1878 regular business hours or at the witness's residence.

1879 Section 50. Paragraph (e) of subsection (4) of section  
 1880 323.001, Florida Statutes, is amended to read:

1881 323.001 Wrecker operator storage facilities; vehicle  
 1882 holds.—

1883 (4) The requirements for a written hold apply when the  
 1884 following conditions are present:

1885 (e) The officer has probable cause to believe the vehicle  
 1886 was involved in a traffic crash ~~accident~~ resulting in death or  
 1887 personal injury and should be sealed for investigation and  
 1888 collection of evidence by a vehicular homicide investigator;

1889 Section 51. Paragraph (c) of subsection (1), paragraph (c)  
 1890 of subsection (2), and subsection (4) of section 323.002,  
 1891 Florida Statutes, are amended to read:

1892 323.002 County and municipal wrecker operator systems;  
 1893 penalties for operation outside of system.—

1894 (1) As used in this section, the term:

1895 (c) "Wrecker operator system" means a system for the  
 1896 towing or removal of wrecked, disabled, or abandoned vehicles,  
 1897 similar to the Florida Highway Patrol wrecker operator system  
 1898 described in s. 321.051(2), under which a county or municipality  
 1899 contracts with one or more wrecker operators for the towing or  
 1900 removal of wrecked, disabled, or abandoned vehicles from crash  
 1901 ~~accident~~ scenes, streets, or highways. A wrecker operator system  
 1902 shall include using a method for apportioning the towing  
 1903 assignments among the eligible wrecker operators through the  
 1904 creation of geographic zones, a rotation schedule, or a  
 1905 combination of these methods.

1906 (2) In any county or municipality that operates a wrecker  
 1907 operator system:

1908 (c) When an unauthorized wrecker operator drives by the  
 1909 scene of a wrecked or disabled vehicle and the owner or operator  
 1910 initiates contact by signaling the wrecker operator to stop and  
 1911 provide towing services, the unauthorized wrecker operator must  
 1912 disclose in writing to the owner or operator of the vehicle his  
 1913 or her full name and driver license number, that he or she is  
 1914 not the authorized wrecker operator who has been designated as  
 1915 part of the wrecker operator system, that the motor vehicle is  
 1916 not being towed for the owner's or operator's insurance company  
 1917 or lienholder, whether he or she has in effect an insurance  
 1918 policy providing at least \$300,000 of liability insurance and at

1919 | least \$50,000 of on-hook cargo insurance, and the maximum  
1920 | charges for towing and storage which will apply before the  
1921 | vehicle is connected to the towing apparatus. The unauthorized  
1922 | wrecker operator must also provide a copy of the disclosure to  
1923 | the owner or operator in the presence of a law enforcement  
1924 | officer if such officer is at the scene of a motor vehicle crash  
1925 | ~~accident~~. A Any person who violates this paragraph commits a  
1926 | misdemeanor of the second degree, punishable as provided in s.  
1927 | 775.082 or s. 775.083, and the person's wrecker, tow truck, or  
1928 | other motor vehicle that was used during the offense may be  
1929 | immediately removed and impounded pursuant to subsection (3).

1930 |       (4) This section does not prohibit, or in any way prevent,  
1931 | the owner or operator of a vehicle involved in a crash ~~an~~  
1932 | ~~accident~~ or otherwise disabled from contacting any wrecker  
1933 | operator for the provision of towing services, regardless of  
1934 | whether the wrecker operator is an authorized wrecker operator  
1935 | ~~or not~~.

1936 |       Section 52. Section 324.011, Florida Statutes, is amended  
1937 | to read:

1938 |       324.011 Purpose of chapter.—It is the intent of this  
1939 | chapter to recognize the existing privilege to own or operate a  
1940 | motor vehicle on the public streets and highways of this state  
1941 | when such vehicles are used with due consideration for others  
1942 | and their property, and to promote safety and provide financial  
1943 | security requirements for such owners or operators whose

1944 responsibility it is to recompense others for injury to person  
 1945 or property caused by the operation of a motor vehicle.  
 1946 Therefore, it is required herein that the operator of a motor  
 1947 vehicle involved in a crash or convicted of certain traffic  
 1948 offenses meeting the operative provisions of s. 324.051(2) shall  
 1949 respond for such damages and show proof of financial ability to  
 1950 respond for damages in future crashes ~~accidents~~ as a requisite  
 1951 to his or her future exercise of such privileges.

1952 Section 53. Subsection (1) of section 324.022, Florida  
 1953 Statutes, is amended to read:

1954 324.022 Financial responsibility for property damage.—

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

1969 combined property damage liability and bodily injury liability  
1970 for any one crash arising out of the use of the motor vehicle.  
1971 The policy, with respect to coverage for property damage  
1972 liability, must meet the applicable requirements of s. 324.151,  
1973 subject to the usual policy exclusions that have been approved  
1974 in policy forms by the Office of Insurance Regulation. An ~~No~~  
1975 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered  
1976 claims irrespective of their joinder with covered claims.

1977 Section 54. Section 324.023, Florida Statutes, is amended  
1978 to read:

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



1994 amount of \$50,000 because of property damage in any one crash.  
1995 If the owner or operator chooses to establish and maintain such  
1996 ability by furnishing a certificate of deposit pursuant to s.  
1997 324.031(2), such certificate of deposit must be at least  
1998 \$350,000. Such higher limits must be carried for a minimum  
1999 period of 3 years. If the owner or operator has not been  
2000 convicted of driving under the influence or a felony traffic  
2001 offense for a period of 3 years from the date of reinstatement  
2002 of driving privileges for a violation of s. 316.193, the owner  
2003 or operator shall be exempt from this section.

2004 Section 55. Section 324.031, Florida Statutes, is amended  
2005 to read:

2006 324.031 Manner of proving financial responsibility.—The  
2007 owner or operator of a taxicab, limousine, jitney, or any other  
2008 for-hire passenger transportation vehicle may prove financial  
2009 responsibility by providing satisfactory evidence of holding a  
2010 motor vehicle liability policy as defined in s. 324.021(8) or s.  
2011 324.151, which policy is provided by an insurer authorized to do  
2012 business in this state ~~issued by an insurance carrier~~ which is a  
2013 member of the Florida Insurance Guaranty Association or an  
2014 eligible nonadmitted insurer that has a superior, excellent,  
2015 exceptional, or equivalent financial strength rating by a rating  
2016 agency acceptable to the Office of Insurance Regulation of the  
2017 Financial Services Commission. The operator or owner of any  
2018 other vehicle may prove his or her financial responsibility by:

2019 (1) Furnishing satisfactory evidence of holding a motor  
 2020 vehicle liability policy as defined in ss. 324.021(8) and  
 2021 324.151;

2022 (2) Furnishing a certificate of self-insurance showing a  
 2023 deposit of cash in accordance with s. 324.161; or

2024 (3) Furnishing a certificate of self-insurance issued by  
 2025 the department in accordance with s. 324.171.

2026  
 2027 Any person, including any firm, partnership, association,  
 2028 corporation, or other person, other than a natural person,  
 2029 electing to use the method of proof specified in subsection (2)  
 2030 shall furnish a certificate of deposit equal to the number of  
 2031 vehicles owned times \$30,000, to a maximum of \$120,000; in  
 2032 addition, any such person, other than a natural person, shall  
 2033 maintain insurance providing coverage in excess of limits of  
 2034 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
 2035 such excess insurance shall provide minimum limits of  
 2036 \$125,000/250,000/50,000 or \$300,000 combined single limits.  
 2037 These increased limits shall not affect the requirements for  
 2038 proving financial responsibility under s. 324.032(1).

2039 Section 56. Paragraph (a) of subsection (1) and subsection  
 2040 (2) of section 324.032, Florida Statutes, are amended to read:

2041 324.032 Manner of proving financial responsibility; for-  
 2042 hire passenger transportation vehicles.—Notwithstanding the  
 2043 provisions of s. 324.031:

2044 (1) (a) A person who is either the owner or a lessee  
 2045 required to maintain insurance under s. 627.733(1) (b) and who  
 2046 operates one or more taxicabs, limousines, jitneys, or any other  
 2047 for-hire passenger transportation vehicles may prove financial  
 2048 responsibility by furnishing satisfactory evidence of holding a  
 2049 motor vehicle liability policy, but with minimum limits of  
 2050 \$125,000/250,000/50,000 or \$100,000/300,000/50,000.

2051 (2) An owner or a lessee who is required to maintain  
 2052 insurance under s. 324.021(9) (b) and who operates at least 150  
 2053 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire  
 2054 passenger transportation vehicles may provide financial  
 2055 responsibility by complying with the provisions of s. 324.171,  
 2056 such compliance to be demonstrated by maintaining at its  
 2057 principal place of business an audited financial statement,  
 2058 prepared in accordance with generally accepted accounting  
 2059 principles, and providing to the department a certification  
 2060 issued by a certified public accountant that the applicant's net  
 2061 worth is at least equal to the requirements of s. 324.171 as  
 2062 determined by the Office of Insurance Regulation of the  
 2063 Financial Services Commission, including claims liabilities in  
 2064 an amount certified as adequate by a Fellow of the Casualty  
 2065 Actuarial Society.

2066  
 2067 Upon request by the department, the applicant must provide the  
 2068 department at the applicant's principal place of business in

2069 | this state access to the applicant's underlying financial  
 2070 | information and financial statements that provide the basis of  
 2071 | the certified public accountant's certification. The applicant  
 2072 | shall reimburse the requesting department for all reasonable  
 2073 | costs incurred by it in reviewing the supporting information.  
 2074 | The maximum amount of self-insurance permissible under this  
 2075 | subsection is \$300,000 and must be stated on a per-occurrence  
 2076 | basis, and the applicant shall maintain adequate excess  
 2077 | insurance issued by an authorized or eligible insurer licensed  
 2078 | or approved by the Office of Insurance Regulation. All risks  
 2079 | self-insured shall remain with the owner or lessee providing it,  
 2080 | and the risks are not transferable to any other person, unless a  
 2081 | policy complying with subsection (1) is obtained.

2082 |         Section 57. Paragraph (b) of subsection (1) and subsection  
 2083 | (2) of section 324.051, Florida Statutes, are amended to read:

2084 |             324.051 Reports of crashes; suspensions of licenses and  
 2085 | registrations.—

2086 |             (1)

2087 |             (b) The department is ~~hereby~~ further authorized to require  
 2088 | reports of crashes from individual owners or operators whenever  
 2089 | it deems it necessary for the proper administration of this  
 2090 | chapter, and these reports shall be made without prejudice  
 2091 | except as specified in this subsection. ~~No~~ Such a report may not  
 2092 | ~~shall~~ be used as evidence in any trial arising out of a crash.

2093 | However, subject to the applicable rules of evidence, a law

2094 enforcement officer at a criminal trial may testify as to any  
 2095 statement made to the officer by the person involved in the  
 2096 crash ~~accident~~ if that person's privilege against self-  
 2097 incrimination is not violated.

2098 (2) (a) Thirty days after receipt of notice of a crash ~~any~~  
 2099 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle  
 2100 within this state, the department shall suspend, after due  
 2101 notice and opportunity to be heard, the license of each operator  
 2102 and all registrations of the owner of the vehicles operated by  
 2103 such operator whether or not involved in such crash and, in the  
 2104 case of a nonresident owner or operator, shall suspend such  
 2105 nonresident's operating privilege in this state, unless such  
 2106 operator or owner ~~shall~~, before ~~prior to~~ the expiration of such  
 2107 30 days, is ~~be~~ found by the department to be exempt from the  
 2108 operation of this chapter, based upon evidence satisfactory to  
 2109 the department that:

2110 1. The motor vehicle was legally parked at the time of  
 2111 such crash.

2112 2. The motor vehicle was owned by the United States  
 2113 Government, this state, or any political subdivision of this  
 2114 state or any municipality therein.

2115 3. Such operator or owner has secured a duly acknowledged  
 2116 written agreement providing for release from liability by all  
 2117 parties injured as the result of such ~~said~~ crash and has  
 2118 complied with one of the provisions of s. 324.031.

2119 4. Such operator or owner has deposited with the  
 2120 department security to conform with s. 324.061 when applicable  
 2121 and has complied with one of the provisions of s. 324.031.

2122 5. One year has elapsed since such owner or operator was  
 2123 suspended pursuant to subsection (3), the owner or operator has  
 2124 complied with one of the provisions of s. 324.031, and no bill  
 2125 of complaint of which the department has notice has been filed  
 2126 in a court of competent jurisdiction.

2127 (b) This subsection does ~~shall~~ not apply:

2128 1. To such operator or owner if such operator or owner had  
 2129 in effect at the time of such crash or traffic conviction an  
 2130 automobile liability policy with respect to all of the  
 2131 registered motor vehicles owned by such operator or owner.

2132 2. To such operator, if not the owner of such motor  
 2133 vehicle, if there was in effect at the time of such crash or  
 2134 traffic conviction an automobile liability policy or bond with  
 2135 respect to his or her operation of motor vehicles not owned by  
 2136 him or her.

2137 3. To such operator or owner if the liability of such  
 2138 operator or owner for damages resulting from such crash is, in  
 2139 the judgment of the department, covered by any other form of  
 2140 liability insurance or bond.

2141 4. To a ~~any~~ person who has obtained from the department a  
 2142 certificate of self-insurance, in accordance with s. 324.171, or  
 2143 to a ~~any~~ person operating a motor vehicle for such self-insurer.

2144  
2145 No such policy or bond shall be effective under this paragraph  
2146 ~~subsection~~ unless it contains limits of not less than those  
2147 specified in s. 324.021(7).

2148 Section 58. Subsections (2), (3), and (4) of section  
2149 324.242, Florida Statutes, are amended to read:

2150 324.242 Personal injury protection and property damage  
2151 liability insurance policies; public records exemption.—

2152 (2) Upon receipt of a request and proof of a crash report  
2153 as required under s. 316.065, s. 316.066, or s. 316.068, or a  
2154 crash report created pursuant to the laws of another state, the  
2155 department shall release the policy number for a policy covering  
2156 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2157 (a) Any person involved in such crash ~~accident~~;

2158 (b) The attorney of any person involved in such crash  
2159 ~~accident~~; or

2160 (c) A representative of the insurer of any person involved  
2161 in such crash ~~accident~~.

2162 (3) The department shall provide personal injury  
2163 protection and property damage liability insurance policy  
2164 numbers to department-approved third parties that provide data  
2165 collection services to an insurer of any person involved in such  
2166 crash ~~accident~~.

2167 (4) Before the department's release of a policy number in  
2168 accordance with subsection (2) or subsection (3), an insurer's

2169 representative, a contracted third party, or an attorney for a  
2170 person involved in a crash ~~an accident~~ must provide the  
2171 department with documentation confirming proof of  
2172 representation.

2173 Section 59. Section 328.30, Florida Statutes, is amended  
2174 to read:

2175 328.30 Transactions by electronic or telephonic means.—

2176 (1) The Department of Highway Safety and Motor Vehicles  
2177 may accept any application provided for under this part ~~chapter~~  
2178 by electronic or telephonic means.

2179 (2) The department may issue an electronic certificate of  
2180 title in lieu of printing a paper title.

2181 (3) The department may collect and use e-mail ~~electronic~~  
2182 ~~mail~~ addresses for purposes of this part, including, but not  
2183 limited to, and use of e-mail ~~electronic mail~~ in lieu of the  
2184 United States Postal Service for the purpose of providing  
2185 renewal notices.

2186 Section 60. Subsection (3) of section 328.40, Florida  
2187 Statutes, is amended to read:

2188 328.40 Administration of vessel registration and titling  
2189 laws; records.—

2190 (3) All records made or kept by the Department of Highway  
2191 Safety and Motor Vehicles under this part are subject to  
2192 inspection and copying as provided in chapter 119 ~~law are public~~  
2193 ~~records except for confidential reports.~~



2194 Section 61. Subsection (1) of section 328.73, Florida  
2195 Statutes, is amended to read:

2196 328.73 Registration; duties of tax collectors.—

2197 (1) The tax collectors in the counties of the state, as  
2198 authorized agents of the department, shall issue registration  
2199 certificates and vessel numbers and decals to applicants,  
2200 subject to the requirements of law and in accordance with rules  
2201 of the department. For the purpose of enhancing customer  
2202 services provided by tax collectors acting on behalf of the  
2203 department, the department, contingent upon a request and  
2204 memorandum of understanding, shall provide tax collectors and  
2205 tax collector-approved agents and vendors with real-time access  
2206 to data that other third parties receive from the department  
2207 related to registration certificates and vessel numbers and  
2208 decals, including, but not limited to, the most current address  
2209 information and electronic mail addresses of applicants. The  
2210 memorandum of understanding as required under this paragraph may  
2211 not be more restrictive than any memorandum of understanding  
2212 between the department and other third-party vendors.

2213 Section 62. Section 328.80, Florida Statutes, is amended  
2214 to read:

2215 328.80 Transactions by electronic or telephonic means.—

2216 (1) The Department of Highway Safety and Motor Vehicles  
2217 may ~~commission is authorized to~~ accept any application provided  
2218 for under this part ~~chapter~~ by electronic or telephonic means.

2219           (2) The department may collect and use e-mail addresses  
 2220 for purposes of this part, including, but not limited to, use of  
 2221 e-mail in lieu of the United States Postal Service for the  
 2222 purpose of providing renewal notices.

2223           Section 63. Subsection (4) of section 627.7415, Florida  
 2224 Statutes, is amended to read:

2225           627.7415 Commercial motor vehicles; additional liability  
 2226 insurance coverage.—Commercial motor vehicles, as defined in s.  
 2227 207.002 or s. 320.01, operated upon the roads and highways of  
 2228 this state shall be insured with the following minimum levels of  
 2229 combined bodily liability insurance and property damage  
 2230 liability insurance in addition to any other insurance  
 2231 requirements:

2232           (4) All commercial motor vehicles subject to regulations  
 2233 of the United States Department of Transportation, 49 C.F.R.  
 2234 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter  
 2235 amended, shall be insured in an amount equivalent to the minimum  
 2236 levels of financial responsibility as set forth in such  
 2237 regulations.

2238  
 2239 A violation of this section is a noncriminal traffic infraction,  
 2240 punishable as a nonmoving violation as provided in chapter 318.

2241           Section 64. Subsection (1) of section 655.960, Florida  
 2242 Statutes, is amended to read:

2243           655.960 Definitions; ss. 655.960-655.965.—As used in this

2244 section and ss. 655.961-655.965, unless the context otherwise  
 2245 requires:

2246 (1) "Access area" means any paved walkway or sidewalk  
 2247 which is within 50 feet of any automated teller machine. The  
 2248 term does not include any street or highway open to the use of  
 2249 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or  
 2250 (b), including any adjacent sidewalk, as defined in s. 316.003.

2251 Section 65. Subsection (2) of section 784.07, Florida  
 2252 Statutes, is amended to read:

2253 784.07 Assault or battery of law enforcement officers,  
 2254 firefighters, emergency medical care providers, public transit  
 2255 employees or agents, or other specified officers;  
 2256 reclassification of offenses; minimum sentences.-

2257 (2) When a ~~Whenever any~~ person is charged with knowingly  
 2258 committing an assault or battery upon a law enforcement officer,  
 2259 a firefighter, an emergency medical care provider, a railroad  
 2260 special officer, a traffic crash ~~accident~~ investigation officer  
 2261 as described in s. 316.640, a nonsworn law enforcement agency  
 2262 employee who is certified as an agency inspector, a blood  
 2263 alcohol analyst, or a breath test operator while such employee  
 2264 is in uniform and engaged in processing, testing, evaluating,  
 2265 analyzing, or transporting a person who is detained or under  
 2266 arrest for DUI, a law enforcement explorer, a traffic infraction  
 2267 enforcement officer as described in s. 316.640, a parking  
 2268 enforcement specialist as defined in s. 316.640, a person

2269 licensed as a security officer as defined in s. 493.6101 and  
 2270 wearing a uniform that bears at least one patch or emblem that  
 2271 is visible at all times that clearly identifies the employing  
 2272 agency and that clearly identifies the person as a licensed  
 2273 security officer, or a security officer employed by the board of  
 2274 trustees of a community college, while the officer, firefighter,  
 2275 emergency medical care provider, railroad special officer,  
 2276 traffic crash ~~accident~~ investigation officer, traffic infraction  
 2277 enforcement officer, inspector, analyst, operator, law  
 2278 enforcement explorer, parking enforcement specialist, public  
 2279 transit employee or agent, or security officer is engaged in the  
 2280 lawful performance of his or her duties, the offense for which  
 2281 the person is charged shall be reclassified as follows:

2282 (a) In the case of assault, from a misdemeanor of the  
 2283 second degree to a misdemeanor of the first degree.

2284 (b) In the case of battery, from a misdemeanor of the  
 2285 first degree to a felony of the third degree.

2286 (c) In the case of aggravated assault, from a felony of  
 2287 the third degree to a felony of the second degree.

2288 Notwithstanding any other provision of law, a ~~any~~ person  
 2289 convicted of aggravated assault upon a law enforcement officer  
 2290 shall be sentenced to a minimum term of imprisonment of 3 years.

2291 (d) In the case of aggravated battery, from a felony of  
 2292 the second degree to a felony of the first degree.

2293 Notwithstanding any other provision of law, a ~~any~~ person

2294 convicted of aggravated battery of a law enforcement officer  
2295 shall be sentenced to a minimum term of imprisonment of 5 years.

2296 Section 66. Subsection (5) of section 856.015, Florida  
2297 Statutes, is amended to read:

2298 856.015 Open house parties.—

2299 (5) If a violation of subsection (2) causes or contributes  
2300 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~  
2301 ~~316.1933~~, or death to the minor, or if the minor causes or  
2302 contributes to causing serious bodily injury or death to another  
2303 as a result of the minor's consumption of alcohol or drugs at  
2304 the open house party, the violation is a misdemeanor of the  
2305 first degree, punishable as provided in s. 775.082 or s.  
2306 775.083.

2307 Section 67. Except as otherwise expressly provided in this  
2308 act, this act shall take effect July 1, 2019.