

By the Committee on Infrastructure and Security

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.003, F.S.;
4 defining terms; conforming a cross-reference; amending
5 s. 316.027, F.S.; deleting the defined term "serious
6 bodily injury"; requiring community service in a
7 trauma center or hospital that receives victims of
8 vehicle crashes; amending s. 316.0271, F.S.; requiring
9 that, under a yellow dot program, certain critical
10 medical information be made readily available to
11 responders in the event of a motor vehicle crash;
12 authorizing an emergency medical responder at a motor
13 vehicle crash to search the glove compartment of the
14 vehicle for a yellow dot folder; amending s. 316.061,
15 F.S.; prohibiting certain persons from being liable or
16 at fault regarding the cause of a crash solely by
17 reason of moving a vehicle; repealing s. 316.0896,
18 F.S., relating to the assistive truck platooning
19 technology pilot project; creating s. 316.0897, F.S.;
20 exempting the operator of a nonlead vehicle in a
21 platoon from provisions relating to following too
22 closely; authorizing a platoon to be operated on a
23 roadway in this state after an operator provides
24 notification to the Department of Transportation and
25 the Department of Highway Safety and Motor Vehicles;
26 amending s. 316.1895, F.S.; authorizing a district
27 school board by simple majority vote to increase the
28 time a school zone speed limit is in force under
29 certain circumstances; amending s. 316.192, F.S.;

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30 deleting the defined term "serious bodily injury";
31 amending s. 316.193, F.S.; adding an operator to
32 persons who may incur serious bodily injury for
33 purposes of a certain penalty; amending s. 316.1933,
34 F.S.; adding a driver to persons who may incur serious
35 bodily injury for purposes of a certain alcohol or
36 drug test; deleting the defined term "serious bodily
37 injury"; amending s. 316.194, F.S.; authorizing
38 traffic crash investigation officers, rather than
39 traffic accident investigation officers, to move
40 vehicles; amending s. 316.302, F.S.; revising the
41 applicability of specified rules and regulations to
42 certain owners and drivers of commercial motor
43 vehicles; providing that a person who operates a
44 commercial motor vehicle solely in intrastate commerce
45 which does not transport hazardous materials in
46 amounts that require placarding need not comply with
47 specified requirements of electronic logging devices
48 and hours of service supporting documents until a
49 specified date; removing a limit on civil penalties
50 for falsification of certain time records; deleting a
51 requirement that a motor carrier maintain
52 documentation of driving times under certain
53 circumstances; revising the conditions under which
54 persons who operate commercial motor vehicles are
55 exempt from specified rules and regulations; amending
56 s. 316.303, F.S.; exempting an operator of a certain
57 platoon vehicle from the prohibition on the active
58 display of television or video; amending s. 316.622,

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59 F.S.; requiring that the department provide to the
60 Department of Business and Professional Regulation a
61 copy of each crash report involving a farm labor
62 vehicle; amending s. 316.640, F.S.; authorizing the
63 Division of the Florida Highway Patrol to employ
64 traffic crash investigation officers, rather than
65 traffic accident investigation officers; conforming
66 provisions to changes made by that act; amending s.
67 316.655, F.S.; authorizing a driver convicted of
68 certain violations resulting in a crash, rather than
69 an accident, to have his or her driving privileges
70 revoked or suspended by the court; amending s. 316.70,
71 F.S.; requiring that owners and drivers of certain
72 nonpublic sector buses be subject to specified rules
73 and regulations; providing duties for the Department
74 of Highway Safety and Motor Vehicles, rather than the
75 Department of Transportation, for such nonpublic
76 sector buses; authorizing department personnel to
77 conduct compliance investigations and assess certain
78 penalties; authorizing motor carriers to be enjoined
79 under certain circumstances; authorizing certain
80 officers and agents to require drivers of certain
81 commercial vehicles to submit to certain inspections
82 and to either remove the vehicle or driver from
83 service or provide notice requiring correction under
84 certain circumstances; amending s. 318.19, F.S.;
85 revising infractions that require a mandatory hearing;
86 amending s. 319.001, F.S.; defining terms; creating s.
87 319.002, F.S.; providing for department administering

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88 and enforcement requirements; providing rulemaking
89 authority for the department; amending s. 319.141,
90 F.S.; creating a private rebuilt motor vehicle
91 inspection program, to replace a pilot rebuilt motor
92 vehicle inspection program; providing powers and
93 duties of the department; specifying the purpose of
94 the program; providing requirements for the program;
95 providing powers and requirements for private rebuilt
96 inspection providers; creating s. 319.1411, F.S.;

97 authorizing the department to monitor and inspect the
98 operations of private rebuilt inspection providers to
99 make specified determinations; creating s. 319.142,
100 F.S.; providing grounds and requirements for
101 termination of a contract with a private rebuilt
102 inspection provider; creating s. 319.1414, F.S.;

103 authorizing the department to investigate and examine
104 private rebuilt inspection providers under certain
105 circumstances; providing additional powers related to
106 such investigations and examinations; requiring a
107 court to take specified actions under certain
108 circumstances; providing for witness fees; authorizing
109 the department to adopt certain rules; amending s.
110 319.25, F.S.; authorizing the department to conduct
111 investigations and examinations of certain persons
112 relating to title certificates; authorizing additional
113 powers related to such investigations and
114 examinations; requiring a court to take specified
115 actions under certain circumstances; providing for
116 witness fees; authorizing the department to adopt

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117 certain rules; amending s. 319.40, F.S.; authorizing
118 the department or a tax collector to collect
119 electronic mail addresses or cellular telephone
120 numbers and to use them for certain purposes;
121 providing that electronic mail addresses and cellular
122 telephone numbers may be provided at the option of the
123 applicant; requiring the department or a tax collector
124 to disclose to the applicant the purposes for which
125 the electronic mail addresses and cellular telephone
126 numbers may be used; amending s. 320.01, F.S.;
127 redefining the term "apportionable vehicle"; amending
128 s. 320.03, F.S.; authorizing the department, under
129 certain circumstances, to provide tax collectors and
130 certain agents and vendors with certain real-time
131 access to data related to vehicle and mobile home
132 registration certificates, registration license
133 plates, and validation stickers; providing
134 requirements for a certain memorandum of
135 understanding; amending s. 320.06, F.S.; providing for
136 future repeal of requirements for vehicles that have
137 apportioned registrations; providing requirements for
138 certain vehicles that have apportioned registrations
139 upon implementation of a certain operating system;
140 requiring that the fee be deposited into the Highway
141 Safety Operating Trust Fund; authorizing certain
142 license plates to be replaced at no charge; providing
143 tax collectors and their agents the option to purchase
144 validation stickers and paper stock that is used to
145 produce vehicle registrations from vendors under

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146 certain circumstances; exempting such purchases from
147 certain competitive bid requirements; requiring the
148 department to reimburse the tax collectors and their
149 agents for such purchases, subject to certain
150 restrictions; requiring the tax collectors and their
151 agents to invoice the department in arrears for the
152 validation stickers and vehicle registrations as they
153 are issued; amending s. 320.0607, F.S.; providing
154 applicability; amending s. 320.131, F.S.; authorizing
155 the department to partner with a county tax collector
156 to conduct a Fleet Vehicle Temporary Tag Pilot Program
157 for certain purposes; providing program requirements;
158 providing for future repeal; amending s. 320.27, F.S.;
159 defining the term "control person"; authorizing the
160 department to deny a new or renewal application for,
161 or suspend or revoke, certain dealer licenses under
162 certain circumstances; authorizing the court to bar a
163 person from acting as a motor vehicle dealer under
164 certain circumstances, subject to certain
165 requirements; amending s. 320.8232, F.S.; requiring
166 the Mobile and Manufactured Home Repair and Remodeling
167 Code to be a uniform code; providing specified
168 standards for provisions of the code; requiring all
169 repair and remodeling of mobile and manufactured homes
170 to be done in accordance with department rules;
171 amending s. 320.861, F.S.; authorizing the department
172 to conduct investigations and examinations of persons
173 suspected of violating or of having violated certain
174 laws, rules, or orders relating to motor vehicle

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175 licenses; providing additional powers related to such
176 investigations and examinations; requiring a court to
177 take specified actions under certain circumstances;
178 providing for witness fees; authorizing the department
179 to adopt certain rules; amending s. 320.95, F.S.;
180 authorizing the department or a tax collector to
181 collect electronic mail addresses or cellular
182 telephone numbers and to use electronic mail or text
183 messages for certain purposes; providing that
184 electronic mail addresses and cellular telephone
185 numbers may be provided at the option of the
186 applicant; requiring the department or a tax collector
187 to disclose to the applicant the purposes for which
188 the electronic mail addresses and cellular telephone
189 numbers may be used; amending s. 321.05, F.S.;
190 authorizing certain patrol officers to investigate
191 traffic crashes; amending s. 321.065, F.S.;
192 authorizing the department to employ certain traffic
193 crash investigation officers; amending s. 321.23,
194 F.S.; revising certain public records photographs to
195 include crashes; amending s. 322.051, F.S.; extending
196 the period after which a renewal application for an
197 identification card is considered the same as an
198 original application; amending s. 322.0602, F.S.;
199 authorizing courts to include a requirement for
200 supervised visitation under the Youthful Drunk Driver
201 Visitation Program at trauma centers that regularly
202 receive victims of vehicle crashes; conforming
203 provisions to changes made by the act; amending s.

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204 322.08, F.S.; authorizing the department or a tax
205 collector to collect electronic mail addresses or
206 cellular telephone numbers and use electronic mail or
207 text messages for certain purposes; providing that
208 electronic mail addresses and cellular telephone
209 numbers may be provided at the option of the
210 applicant; requiring the department or a tax collector
211 to disclose to the applicant the purposes for which
212 the electronic mail addresses and cellular telephone
213 numbers may be used; amending s. 322.091, F.S.;
214 requiring that the department make available, upon
215 request, a report that includes specific information
216 for students whose driving privileges have been
217 suspended; amending s. 322.17, F.S.; authorizing
218 stolen identification cards to be replaced at no
219 charge under certain circumstances; amending s.
220 322.21, F.S.; providing for expedited shipping for the
221 renewal or replacement driver licenses or
222 identification cards under certain circumstances,
223 subject to certain requirements; requiring that the
224 fee be deposited into the Highway Safety Operating
225 Trust Fund; amending s. 322.212, F.S.; prohibiting a
226 person from providing altered or counterfeit documents
227 or participating in dishonest or deceptive actions in
228 any application for a driver license or identification
229 card; providing for the suspension of specified
230 licenses or permits for specified periods under
231 certain circumstances; providing construction;
232 amending s. 322.36, F.S.; providing for suspension of

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233 license for loaning a vehicle to a person whose
234 license is suspended if such vehicle is involved in
235 certain crashes; amending s. 322.61, F.S.; adding
236 violations for disqualification from operating a
237 commercial motor vehicle; creating s. 322.71, F.S.;
238 authorizing the department to conduct investigations
239 and examinations of persons suspected of violating or
240 of having violated certain laws, rules, or orders
241 relating to motor vehicle licenses; providing
242 additional powers related to such investigations and
243 examinations; requiring a court to take specified
244 actions under certain circumstances; providing for
245 witness fees; authorizing the department to adopt
246 certain rules; amending s. 323.001, F.S.; providing
247 that the requirements for a certain written hold on a
248 motor vehicle apply when an officer has probable cause
249 to believe the vehicle was involved in a certain
250 traffic crash; amending s. 323.002, F.S.; revising the
251 term "wrecker operator system" to include wrecker
252 operators removing vehicles from crash scenes under
253 certain circumstances; requiring that an unauthorized
254 wrecker operator provide a copy of a certain
255 disclosure to the owner or operator of a vehicle in
256 the presence of a law enforcement officer if such
257 officer is at the scene of a motor vehicle crash;
258 revising applicability to include vehicles involved in
259 a crash, rather than an accident; amending s. 324.011,
260 F.S.; requiring that certain operators of motor
261 vehicles involved in a crash or convicted of certain

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262 traffic offenses show proof of financial ability to
263 respond for damages in future crashes; amending s.
264 324.022, F.S.; requiring that a certain owner or
265 operator of a motor vehicle establish and maintain the
266 ability to respond in damages for liability on account
267 of certain crashes; conforming a provision to changes
268 made by the act; amending s. 324.023, F.S.; requiring
269 that a certain owner or operator of a motor vehicle
270 establish and maintain the ability to respond in
271 damages for liability on account of certain crashes;
272 amending s. 324.051, F.S.; authorizing a law
273 enforcement officer at a criminal trial to testify as
274 to any statement made to the officer by the person
275 involved in a crash under certain circumstances;
276 providing for certain suspensions of license,
277 registration, and operating privileges after notice of
278 a certain crash; amending s. 324.242, F.S.; requiring
279 that the department release a policy number for a
280 policy covering a vehicle involved in a motor vehicle
281 crash under certain circumstances; conforming
282 provisions to changes made by the act; amending s.
283 328.30, F.S.; authorizing the department to accept
284 certain applications by electronic or telephonic
285 means; authorizing the department or a tax collector
286 to collect electronic mail addresses or cellular
287 telephone numbers and to use electronic mail or text
288 messages for certain purposes; providing that
289 electronic mail addresses and cellular telephone
290 numbers may be provided at the option of the

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291 applicant; requiring the department or a tax collector
292 to disclose to the applicant the purposes for which
293 the electronic mail addresses and cellular telephone
294 numbers may be used; amending s. 328.40, F.S.;

295 providing that certain records made or kept by the
296 department are subject to certain inspection and
297 copying requirements; amending s. 328.73, F.S.;

298 requiring the department, under certain circumstances,
299 to provide tax collectors and certain agents and
300 vendors with certain real-time access to data related
301 to registration certificates and vessel numbers and
302 decals; providing requirements for a certain
303 memorandum of understanding; amending s. 328.80, F.S.;

304 authorizing the department to accept certain
305 applications by electronic or telephonic means;

306 authorizing the department or a tax collector to
307 collect electronic mail addresses or cellular
308 telephone numbers and to use electronic mail or text
309 messages for certain purposes; providing that
310 electronic mail addresses and cellular telephone
311 numbers may be provided at the option of an applicant;

312 requiring the department or tax collector to disclose
313 to an applicant the purposes for which the electronic
314 mail addresses and cellular telephone numbers may be
315 used; amending s. 627.7415, F.S.; revising the
316 applicability of certain federal regulations that
317 commercial motor vehicles are subject to for certain
318 insurance purposes; amending ss. 316.251, 501.976,
319 655.960, 856.015, F.S.; conforming cross-references;

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320 providing an effective date.

321
322 Be It Enacted by the Legislature of the State of Florida:

323
324 Section 1. Present subsections (16) through (54) of s.
325 316.003, Florida Statutes, are redesignated as subsections (17)
326 through (55), present subsections (55) through (73) of that
327 section are redesignated as subsections (57) through (75),
328 present subsections (74) through (101) of that section are
329 redesignated as subsections (77) through (104), respectively,
330 new subsections (16), (56), and (76) are added to that section,
331 and present subsection (59) of that section is amended, to read:

332 316.003 Definitions.—The following words and phrases, when
333 used in this chapter, shall have the meanings respectively
334 ascribed to them in this section, except where the context
335 otherwise requires:

336 (16) CRASH.—The operation of a motor vehicle, motorized
337 scooter, or moped in this state which results in property damage
338 or the death of or bodily injury, or a complaint of bodily
339 injury, to any person. The term "crash" includes separation of
340 the operator or an occupant from a motor vehicle, motorized
341 scooter, or moped, or a trailer being drawn by a motor vehicle,
342 while in motion, which results in property damage or the death
343 of or bodily injury, or a complaint of bodily injury, to any
344 person. The term "crash" does not include such operation in any
345 of the following situations:

346 (a) On private property, if such operation does not result
347 in death or serious bodily injury, except that the term "crash"
348 includes such operation on private property when the operator is

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349 suspected of violating s. 316.193.

350 (b) On a closed course used for commercial or recreational
351 purposes, such as a commercial driving school or race track,
352 except that the term "crash" includes such operation on a closed
353 course when the operator is suspected of violating s. 316.193.

354 (c) If such property damage, death, bodily injury, or
355 complaint of bodily injury results from an intentional act of a
356 law enforcement officer to force a motor vehicle or moped to
357 stop or reduce speed, such as use of a pursuit termination
358 device or the precision immobilization technique, except that
359 the term "crash" includes such operation that results in such
360 property damage or the death of or bodily injury to, or
361 complaint of bodily injury to, anyone other than the operator or
362 occupant of the motor vehicle or moped being forced to stop or
363 reduce speed or the law enforcement officer.

364 (d) The death or suffering of a medical episode by the
365 operator or an occupant of a motor vehicle or moped, if
366 operation of the motor vehicle or moped did not result in such
367 death or medical episode and did not result in property damage
368 or the death of or bodily injury, or complaint of bodily injury,
369 to any other person.

370 (56) PLATOON.—A group of no more than two trucks that do
371 not require placards, either laden or unladen, traveling in a
372 unified manner using wireless vehicle-to-vehicle communications
373 that electronically coordinate speeds and following distances of
374 the trucks.

375 (61) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
376 provided in paragraph (84) (b) ~~(81) (b)~~, any privately owned way
377 or place used for vehicular travel by the owner and those having

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378 express or implied permission from the owner, but not by other
 379 persons.

380 (76) SERIOUS BODILY INJURY.—An injury to any person which
 381 consists of a physical injury that creates a substantial risk of
 382 death, significant personal disfigurement, or protracted loss or
 383 impairment of the function of any bodily member or organ.

384 Section 2. Subsections (1) and (4) of section 316.027,
 385 Florida Statutes, are amended to read:

386 316.027 Crash involving death or personal injuries.—

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

388 ~~(a) "Serious bodily injury" means an injury to a person,~~
 389 ~~including the driver, which consists of a physical condition~~
 390 ~~that creates a substantial risk of death, serious personal~~
 391 ~~disfigurement, or protracted loss or impairment of the function~~
 392 ~~of a bodily member or organ.~~

393 ~~(b)~~ "vulnerable road user" means any of the following:

394 (a)1. A pedestrian, including a person actually engaged in
 395 work upon a highway, or in work upon utility facilities along a
 396 highway, or engaged in the provision of emergency services
 397 within the right-of-way.†

398 (b)2. A person operating a bicycle, motorcycle, scooter, or
 399 moped lawfully on the roadway.†

400 (c)3. A person riding an animal.† ~~or~~

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

403 1.a. A farm tractor or similar vehicle designed primarily
 404 for farm use;

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

406 3.e. A horse-drawn carriage;

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407 ~~4.d.~~ An electric personal assistive mobility device; or
408 ~~5.e.~~ A wheelchair.

409 (4) (a) In addition to any other civil, criminal, or
410 administrative penalty imposed, a person whose commission of a
411 noncriminal traffic infraction or a violation of this chapter or
412 s. 1006.66 causes or results in the death of another person may
413 be required by the court to serve 120 community service hours in
414 a trauma center or hospital that regularly receives victims of
415 vehicle crashes ~~accidents~~, under the supervision of a registered
416 nurse, an emergency room physician, or an emergency medical
417 technician pursuant to a voluntary community service program
418 operated by the trauma center or hospital.

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

424 1. Serve 120 community service hours in a trauma center or
425 hospital that regularly receives victims of vehicle crashes
426 ~~accidents~~, under the supervision of a registered nurse, an
427 emergency room physician, or an emergency medical technician
428 pursuant to a voluntary community service program operated by
429 the trauma center or hospital.

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

435 Section 3. Subsection (1) and paragraph (a) of subsection

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436 (5) of section 316.0271, Florida Statutes, are amended to read:

437 316.0271 Yellow dot critical motorist medical information
438 program; yellow dot decal, folder, and information form.—

439 (1) The governing body of a county may create a yellow dot
440 critical motorist medical information program to facilitate the
441 provision of emergency medical care to program participants by
442 emergency medical responders by making critical medical
443 information readily available to responders in the event of a
444 motor vehicle crash ~~accident~~ or a medical emergency involving a
445 participant's vehicle.

446 (5) (a) If the driver or a passenger of a motor vehicle is
447 involved in a motor vehicle crash ~~accident~~ or emergency
448 situation and a yellow dot decal is affixed to the vehicle, an
449 emergency medical responder at the scene may search the glove
450 compartment of the vehicle for the corresponding yellow dot
451 folder.

452 Section 4. Subsection (3) of section 316.061, Florida
453 Statutes, is amended to read:

454 316.061 Crashes involving damage to vehicle or property.—

455 (3) Employees or authorized agents of the Department of
456 Transportation, law enforcement with proper jurisdiction, or an
457 expressway authority created pursuant to chapter 348, in the
458 exercise, management, control, and maintenance of its highway
459 system, may undertake the removal from the main traveled way of
460 roads on its highway system of all vehicles incapacitated as a
461 result of a motor vehicle crash and of debris caused thereby.
462 Such removal is applicable when such a motor vehicle crash
463 results only in damage to a vehicle or other property, and when
464 such removal can be accomplished safely and will result in the

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465 improved safety or convenience of travel upon the road. The
466 driver or any other person who has removed a motor vehicle from
467 the main traveled way of the road as provided in this section
468 may ~~shall~~ not be considered liable or at fault regarding the
469 cause of the crash ~~accident~~ solely by reason of moving the
470 vehicle.

471 Section 5. Section 316.0896, Florida Statutes, is repealed.

472 Section 6. Section 316.0897, Florida Statutes, is created
473 to read:

474 316.0897 Platoons.—

475 (1) Section 316.0895 does not apply to the operator of a
476 nonlead vehicle in a platoon, as defined in s. 316.003.

477 (2) A platoon may be operated on a roadway in this state
478 after an operator provides notification to the Department of
479 Transportation and the Department of Highway Safety and Motor
480 Vehicles.

481 Section 7. Subsection (5) of section 316.1895, Florida
482 Statutes, is amended to read:

483 316.1895 Establishment of school speed zones, enforcement;
484 designation.—

485 (5) (a) A school zone speed limit may not be less than 15
486 miles per hour except by local regulation. No school zone speed
487 limit shall be more than 20 miles per hour in an urbanized area,
488 as defined in s. 334.03. Such speed limit may be in force only
489 during those times 30 minutes before, during, and 30 minutes
490 after the periods of time when pupils are arriving at a
491 regularly scheduled breakfast program or a regularly scheduled
492 school session and leaving a regularly scheduled school session.

493 (b) A district school board as defined in s. 1003.01(1) may

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494 by simple majority vote increase the time a school zone speed
495 limit is in force by an additional 15 minutes before, during,
496 and an additional 15 minutes after the periods of time when
497 pupils are arriving at a regularly scheduled breakfast program
498 or at a regularly scheduled school session and leaving a
499 regularly scheduled school session.

500 Section 8. Paragraph (c) of subsection (3) of section
501 316.192, Florida Statutes, is amended to read:

502 316.192 Reckless driving.—

503 (3) Any person:

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

505 1. Damage to the property or person of another commits a
506 misdemeanor of the first degree, punishable as provided in s.
507 775.082 or s. 775.083.

508 2. Serious bodily injury to another commits a felony of the
509 third degree, punishable as provided in s. 775.082, s. 775.083,
510 or s. 775.084. ~~The term "serious bodily injury" means an injury~~
511 ~~to another person, which consists of a physical condition that~~
512 ~~creates a substantial risk of death, serious personal~~
513 ~~disfigurement, or protracted loss or impairment of the function~~
514 ~~of any bodily member or organ.~~

515 Section 9. Subsection (3) of section 316.193, Florida
516 Statutes, is amended to read:

517 316.193 Driving under the influence; penalties.—

518 (3) Any person:

519 (a) Who is in violation of subsection (1);

520 (b) Who operates a vehicle; and

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

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523 1. Damage to the property or person of another commits a
524 misdemeanor of the first degree, punishable as provided in s.
525 775.082 or s. 775.083.

526 2. Serious bodily injury to another or to himself or
527 herself, ~~as defined in s. 316.1933~~, commits a felony of the
528 third degree, punishable as provided in s. 775.082, s. 775.083,
529 or s. 775.084.

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

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

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

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

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

540

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

545 Section 10. Subsection (1) of section 316.1933, Florida
546 Statutes, is amended to read

547 316.1933 Blood test for impairment or intoxication in cases
548 of death or serious bodily injury; right to use reasonable
549 force.—

550 (1) ~~(a)~~ If a law enforcement officer has probable cause to
551 believe that a motor vehicle driven by or in the actual physical

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552 control of a person under the influence of alcoholic beverages,
553 any chemical substances, or any controlled substances has caused
554 the death or serious bodily injury of a human being, including
555 serious bodily injury of the driver, a law enforcement officer
556 shall require the person driving or in actual physical control
557 of the motor vehicle to submit to a test of the person's blood
558 for the purpose of determining the alcoholic content thereof or
559 the presence of chemical substances as set forth in s. 877.111
560 or any substance controlled under chapter 893. The law
561 enforcement officer may use reasonable force if necessary to
562 require such person to submit to the administration of the blood
563 test. The blood test shall be performed in a reasonable manner.
564 Notwithstanding s. 316.1932, the testing required by this
565 paragraph need not be incidental to a lawful arrest of the
566 person.

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

572 Section 11. Paragraphs (a) and (b) of subsection (3) of
573 section 316.194, Florida Statutes, are amended to read:

574 316.194 Stopping, standing or parking outside of
575 municipalities.—

576 (3) (a) Whenever any police officer or traffic crash
577 ~~accident~~ investigation officer finds a vehicle standing upon a
578 highway in violation of any of the foregoing provisions of this
579 section, the officer is authorized to move the vehicle, or
580 require the driver or other persons in charge of the vehicle to

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581 move the vehicle, to a position off the paved or main-traveled
582 part of the highway.

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

589 1. Where such vehicle constitutes an obstruction of
590 traffic;

591 2. Where such vehicle has been parked or stored on the
592 public right-of-way for a period exceeding 48 hours, in other
593 than designated parking areas, and is within 30 feet of the
594 pavement edge; and

595 3. Where an operative vehicle has been parked or stored on
596 the public right-of-way for a period exceeding 10 days, in other
597 than designated parking areas, and is more than 30 feet from the
598 pavement edge. However, the agency removing such vehicle shall
599 be required to report same to the Department of Highway Safety
600 and Motor Vehicles within 24 hours of such removal.

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

603 316.302 Commercial motor vehicles; safety regulations;
604 transporters and shippers of hazardous materials; enforcement.-

605 (1) (a) All owners and drivers of commercial motor vehicles
606 that are operated on the public highways of this state while
607 engaged in interstate commerce are subject to the rules and
608 regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and
609 390-397.

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

617 (c) The emergency exceptions provided by 49 C.F.R. s.
618 392.82 also apply to communications by utility drivers and
619 utility contractor drivers during a Level 1 activation of the
620 State Emergency Operations Center, as provided in the Florida
621 Comprehensive Emergency Management plan, or during a state of
622 emergency declared by executive order or proclamation of the
623 Governor.

624 (d) Except as provided ~~in s. 316.215(5)~~, and ~~except as~~
625 ~~provided~~ in s. 316.228 for rear overhang lighting and flagging
626 requirements for intrastate operations, the requirements of this
627 section supersede all other safety requirements of this chapter
628 for commercial motor vehicles.

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

636 (2) (a) A person who operates a commercial motor vehicle
637 solely in intrastate commerce not transporting any hazardous
638 material in amounts that require placarding pursuant to 49

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639 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)
640 and 395.3~~(a) and (b)~~.

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

645 1. More than 12 hours following 10 consecutive hours off
646 duty; or

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

649
650 The provisions of this paragraph do not apply to drivers of
651 utility service vehicles as defined in 49 C.F.R. s. 395.2.

652 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
653 operates a commercial motor vehicle solely in intrastate
654 commerce not transporting any hazardous material in amounts that
655 require placarding pursuant to 49 C.F.R. part 172 may not drive
656 after having been on duty more than 70 hours in any period of 7
657 consecutive days or more than 80 hours in any period of 8
658 consecutive days if the motor carrier operates every day of the
659 week. Thirty-four consecutive hours off duty shall constitute
660 the end of any such period of 7 or 8 consecutive days. This
661 weekly limit does not apply to a person who operates a
662 commercial motor vehicle solely within this state while
663 transporting, during harvest periods, any unprocessed
664 agricultural products or unprocessed food or fiber that is
665 subject to seasonal harvesting from place of harvest to the
666 first place of processing or storage or from place of harvest
667 directly to market or while transporting livestock, livestock

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668 feed, or farm supplies directly related to growing or harvesting
669 agricultural products. Upon request of the Department of Highway
670 Safety and Motor Vehicles, motor carriers shall furnish time
671 records or other written verification to that department so that
672 the Department of Highway Safety and Motor Vehicles can
673 determine compliance with this subsection. These time records
674 must be furnished to the Department of Highway Safety and Motor
675 Vehicles within 2 days after receipt of that department's
676 request. Falsification of such information is subject to a civil
677 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
678 does ~~do~~ not apply to operators of farm labor vehicles operated
679 during a state of emergency declared by the Governor or operated
680 pursuant to s. 570.07(21) or, ~~and do not apply~~ to drivers of
681 utility service vehicles as defined in 49 C.F.R. s. 395.2.

682 (d) A person who operates a commercial motor vehicle solely
683 in intrastate commerce not transporting any hazardous material
684 in amounts that require placarding pursuant to 49 C.F.R. part
685 172 within a 150 air-mile radius of the location where the
686 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the
687 requirements of 49 C.F.R. s. 395.1(e)(1) (ii), (iii)(A) and (C),
688 and (v) are met. ~~If a driver is not released from duty within 12~~
689 ~~hours after the driver arrives for duty, the motor carrier must~~
690 ~~maintain documentation of the driver's driving times throughout~~
691 ~~the duty period.~~

692 (e) A person who operates a commercial motor vehicle solely
693 in intrastate commerce is exempt from subsection (1) while
694 transporting agricultural products, including horticultural or
695 forestry products, from farm or harvest place to the first place
696 of processing or storage, or from farm or harvest place directly

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697 to market. However, such person must comply with 49 C.F.R. parts
698 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.
699 A vehicle or combination of vehicles operated pursuant to this
700 paragraph having a gross vehicle weight of 26,001 pounds or more
701 or having three or more axles on the power unit, regardless of
702 weight, must display the name of the vehicle owner or motor
703 carrier and the municipality or town where the vehicle is based
704 on each side of the power unit in letters that contrast with the
705 background and that are readable from a distance of 50 feet. A
706 person who violates this vehicle identification requirement may
707 be assessed a penalty as provided in s. 316.3025(3)(a).

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

717 (g) A person whose driving record shows no convictions for
718 the preceding 3 years and who, as of October 1, 1988, is
719 employed as a driver-salesperson, as defined in 49 C.F.R. s.
720 395.2, and who operates solely in intrastate commerce, is exempt
721 from 49 C.F.R. part 391.

722 (h) A person who is an employee of an electric utility, as
723 defined in s. 361.11, or a telephone company, as defined in s.
724 364.02, and who operates a commercial motor vehicle solely in
725 intrastate commerce and within a 200 air-mile radius of the

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726 location where the vehicle is based, is exempt from 49 C.F.R.
727 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

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

739 ~~(j) A person who is otherwise qualified as a driver under~~
740 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
741 ~~intrastate commerce only, and who does not transport hazardous~~
742 ~~materials in amounts that require placarding pursuant to 49~~
743 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
744 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
745 ~~diabetes.~~

746 (j)(*) A person holding a commercial driver license who is
747 a regularly employed driver of a commercial motor vehicle and is
748 subject to an alcohol and controlled substance testing program
749 related to that employment shall not be required to be part of a
750 separate testing program for operating any bus owned and
751 operated by a church when the driver does not receive any form
752 of compensation for operating the bus and when the bus is used
753 to transport people to or from church-related activities at no
754 charge. The provisions of this paragraph may not be implemented

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755 if the Federal Government notifies the department that
756 implementation will adversely affect the allocation of federal
757 funds to the state.

758 Section 13. Subsection (3) of section 316.303, Florida
759 Statutes, is amended to read:

760 316.303 Television receivers.—

761 (3) This section does not prohibit the use of an electronic
762 display used in conjunction with a vehicle navigation system; an
763 electronic display used by an operator of a vehicle equipped
764 with autonomous technology, as defined in s. 316.003(3); or an
765 electronic display used by an operator of a platoon vehicle
766 equipped and operating with driver-assistive truck platooning
767 technology, as defined in s. 316.003.

768 Section 14. Subsection (8) of section 316.622, Florida
769 Statutes, is amended to read:

770 316.622 Farm labor vehicles.—

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

774 Section 15. Paragraph (a) of subsection (1) of section
775 316.640, Florida Statutes, is amended to read:

776 316.640 Enforcement.—The enforcement of the traffic laws of
777 this state is vested as follows:

778 (1) STATE.—

779 (a)1.a. The Division of Florida Highway Patrol of the
780 Department of Highway Safety and Motor Vehicles; the Division of
781 Law Enforcement of the Fish and Wildlife Conservation
782 Commission; and the agents, inspectors, and officers of the
783 Department of Law Enforcement each have authority to enforce all

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784 of the traffic laws of this state on all the streets and
785 highways thereof and elsewhere throughout the state wherever the
786 public has a right to travel by motor vehicle.

787 b. University police officers may enforce all of the
788 traffic laws of this state when violations occur on or within
789 1,000 feet of any property or facilities that are under the
790 guidance, supervision, regulation, or control of a state
791 university, a direct-support organization of such state
792 university, or any other organization controlled by the state
793 university or a direct-support organization of the state
794 university, or when such violations occur within a specified
795 jurisdictional area as agreed upon in a mutual aid agreement
796 entered into with a law enforcement agency pursuant to s.
797 23.1225(1). Traffic laws may also be enforced off-campus when
798 hot pursuit originates on or within 1,000 feet of any such
799 property or facilities, or as agreed upon in accordance with the
800 mutual aid agreement.

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

812 d. Police officers employed by an airport authority may

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813 enforce all of the traffic laws of this state only when such
814 violations occur on any property or facilities that are owned or
815 operated by an airport authority.

816 (I) An airport authority may employ as a parking
817 enforcement specialist any individual who successfully completes
818 a training program established and approved by the Criminal
819 Justice Standards and Training Commission for parking
820 enforcement specialists but who does not otherwise meet the
821 uniform minimum standards established by the commission for law
822 enforcement officers or auxiliary or part-time officers under s.
823 943.12. This sub-sub-subparagraph may not be construed to permit
824 the carrying of firearms or other weapons, nor shall such
825 parking enforcement specialist have arrest authority.

826 (II) A parking enforcement specialist employed by an
827 airport authority may enforce all state, county, and municipal
828 laws and ordinances governing parking only when such violations
829 are on property or facilities owned or operated by the airport
830 authority employing the specialist, by appropriate state,
831 county, or municipal traffic citation.

832 e. The Office of Agricultural Law Enforcement of the
833 Department of Agriculture and Consumer Services may enforce
834 traffic laws of this state.

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

839 2. Any disciplinary action taken or performance evaluation
840 conducted by an agency of the state as described in subparagraph
841 1. of a law enforcement officer's traffic enforcement activity

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842 must be in accordance with written work-performance standards.
843 Such standards must be approved by the agency and any collective
844 bargaining unit representing such law enforcement officer. A
845 violation of this subparagraph is not subject to the penalties
846 provided in chapter 318.

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

867 Section 16. Subsection (2) of section 316.655, Florida
868 Statutes, is amended to read:

869 316.655 Penalties.—

870 (2) A driver convicted of a violation of any offense

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

886 Section 17. Section 316.70, Florida Statutes, is amended to
887 read:

888 316.70 Nonpublic sector buses; safety rules.—

889 (1) All owners and drivers of nonpublic sector buses
890 operated on the public highways of this state are subject to the
891 rules and regulations ~~The Department of Transportation shall~~
892 ~~establish and revise standards to ensure the safe operation of~~
893 ~~nonpublic sector buses, which standards shall be those contained~~
894 ~~in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The~~
895 ~~department~~ and which shall be directed toward ensuring that:

896 (a) Nonpublic sector buses are safely maintained, equipped,
897 and operated.

898 ~~(b) Nonpublic sector buses are carrying the insurance~~
899 ~~required by law and carrying liability insurance on the checked~~

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900 ~~baggage of passengers not to exceed the standard adopted by the~~
901 ~~United States Department of Transportation.~~

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

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

908 (2) Department ~~of Transportation~~ personnel may conduct
909 compliance investigations ~~reviews~~ for the purpose of determining
910 compliance with this section. A civil penalty not to exceed
911 \$5,000 in the aggregate may be assessed against any person who
912 violates any provision of this section or who violates any
913 department rule or order ~~of the Department of Transportation~~. A
914 civil penalty not to exceed \$25,000 in the aggregate may be
915 assessed for violations found in a followup compliance
916 investigation ~~review conducted within a 24-month period~~. A civil
917 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
918 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
919 ~~violations are found after a second followup compliance review~~
920 ~~within 12 months after the first followup compliance review.~~
921 Motor carriers may be enjoined pursuant to s. 316.3026 for
922 violations identified during a compliance investigation or motor
923 carriers found to be operating without insurance coverage
924 required by s. 627.742 or 49 C.F.R. part 387 ~~may be enjoined as~~
925 ~~provided in s. 316.3026.~~

926 (3) For the purpose of enforcing this section, any law
927 enforcement officer of the department or duly appointed agent
928 who holds a current safety inspector certification from the

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929 Commercial Vehicle Safety Alliance may require the driver of any
930 commercial vehicle operated on the highways of this state to
931 stop and submit to an inspection of the vehicle or the driver's
932 records. If the vehicle or driver is operating in an unsafe
933 condition, or if any required part or equipment is not present
934 or is not in proper repair or adjustment, and the continued
935 operation would be unduly hazardous, the officer may require the
936 vehicle or the driver to be removed from service pursuant to the
937 North American Standard Out-of-Service Criteria, until the
938 safety concerns are corrected. However, if continuous operation
939 would not be unduly hazardous, the officer may give written
940 notice requiring correction of the condition within 15 days.

941 (4)~~(3)~~ School buses subject to ~~the provisions of~~ chapter
942 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
943 section.

944 Section 18. Section 318.19, Florida Statutes, is amended to
945 read:

946 318.19 Infractions requiring a mandatory hearing.—
947 Subsections 318.14(2), (4), and (9) do not apply to any person
948 cited for an infraction identified in the infractions listed in
949 this section and he or she shall not have the provisions of s.
950 318.14(2), (4), and (9) available to him or her but must appear
951 before the designated official at the time and location of the
952 scheduled hearing for:

953 (1) Any infraction that ~~which~~ results in a crash that
954 causes the death of another;

955 (2) Any infraction that ~~which~~ results in a crash that
956 causes "serious bodily injury, as defined in s. 316.003," of
957 another or of the person cited for the infraction ~~as defined in~~

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958 ~~s. 316.1933(1);~~

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

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

961 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
962 316.189 of exceeding the speed limit by 30 mph or more.

963 Section 19. Section 319.001, Florida Statutes, is amended
964 to read:

965 319.001 Definitions.—As used in this chapter, the term:

966 (1) "Certificate of title" means the record that is
967 evidence of ownership of a vehicle, whether a paper certificate
968 authorized by the department or a certificate consisting of
969 information that is stored in an electronic form in the
970 department's database.

971 (2) "Conflict" or "conflict of interest" means a situation
972 in which a private interest could benefit from or interfere with
973 official duties or a public interest, including, but not limited
974 to, having a direct or indirect financial interest in a vehicle
975 being inspected pursuant to s. 319.141; or being employed by, or
976 directly or indirectly having an ownership interest in, an
977 entity that has a financial interest in a vehicle being
978 inspected pursuant to s. 319.141.

979 (3)~~(2)~~ "Department" means the Department of Highway Safety
980 and Motor Vehicles.

981 (4)~~(3)~~ "Front-end assembly" means fenders, hood, grill, and
982 bumper.

983 (5)~~(4)~~ "Licensed dealer," unless otherwise specifically
984 provided, means a motor vehicle dealer licensed under s. 320.27,
985 a mobile home dealer licensed under s. 320.77, or a recreational
986 vehicle dealer licensed under s. 320.771.

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987 (6)~~(5)~~ "Motorcycle body assembly" means frame, fenders, and
988 gas tanks.

989 (7)~~(6)~~ "Motorcycle engine" means cylinder block, heads,
990 engine case, and crank case.

991 (8)~~(7)~~ "Motorcycle transmission" means drive train.

992 (9)~~(8)~~ "New mobile home" means a mobile home the equitable
993 or legal title to which has never been transferred by a
994 manufacturer, distributor, importer, or dealer to an ultimate
995 purchaser.

996 (10)~~(9)~~ "New motor vehicle" means a motor vehicle the
997 equitable or legal title to which has never been transferred by
998 a manufacturer, distributor, importer, or dealer to an ultimate
999 purchaser; however, when legal title is not transferred but
1000 possession of a motor vehicle is transferred pursuant to a
1001 conditional sales contract or lease and the conditions are not
1002 satisfied and the vehicle is returned to the motor vehicle
1003 dealer, the motor vehicle may be resold by the motor vehicle
1004 dealer as a new motor vehicle, provided the selling motor
1005 vehicle dealer gives the following written notice to the
1006 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."
1007 The purchaser shall sign an acknowledgment, a copy of which is
1008 kept in the selling dealer's file.

1009 (11) "Private rebuilt inspection provider" means a person
1010 or an entity conducting rebuilt motor vehicle inspections who is
1011 physically located in this state and is authorized by the
1012 department and operating under this chapter.

1013 (12)~~(10)~~ "Rear body section" means both quarter panels,
1014 decklid, bumper, and floor pan.

1015 (13) "Rebuilt courier service" means an individual or

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1016 entity who provides services to vehicle owners or motor vehicle
1017 dealers who use the inspection services of a private rebuilt
1018 inspection provider. These services include, but are not limited
1019 to, preparing, compiling, or providing forms, applications,
1020 certificates of title, or other documentation required to
1021 conduct a rebuilt inspection, or engaging in or arranging for
1022 the transportation of vehicles for inspection.

1023 (14) "Rebuilt inspection" means an examination of a rebuilt
1024 vehicle and the required documentation. Required documentation
1025 includes, but is not limited to: a properly endorsed certificate
1026 of title, salvage certificate of title, or manufacturer's
1027 statement of origin; an application for a rebuilt branded
1028 certificate of title; a rebuilder's affidavit; a photograph of
1029 the junk or salvage vehicle taken before repairs began; receipts
1030 or invoices for all major component parts, as defined in s.
1031 319.30; repairs conducted; and proof that notice of rebuilding
1032 of the vehicle has been reported to the National Motor Vehicle
1033 Title Information System. If an airbag or airbags were deployed,
1034 before and after photos must be provided which clearly show the
1035 deployed airbags and that the airbags have been replaced.

1036 (15)~~(11)~~ "Satisfaction of lien" means full payment of a
1037 debt or release of a debtor from a lien by the lienholder.

1038 (16)~~(12)~~ "Used motor vehicle" means any motor vehicle that
1039 is not a "new motor vehicle" as defined in this section
1040 subsection (9).

1041 Section 20. Section 319.002, Florida Statutes, is created
1042 to read:

1043 319.002 Rulemaking authority.—The department shall
1044 administer and provide for the enforcement of this chapter. The

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1045 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1046 to implement this chapter, including rules and forms governing
1047 reports. The department also has nonexclusive power to define by
1048 rule any term, regardless of whether that term is used in this
1049 chapter, provided that the definition is not inconsistent with
1050 this chapter.

1051 Section 21. Section 319.141, Florida Statutes, is amended
1052 to read:

1053 319.141 Private ~~Pilot~~ rebuilt motor vehicle inspection
1054 program.—

1055 (1) The department may authorize private rebuilt inspection
1056 providers under the terms of this section. The purpose of the
1057 private rebuilt motor vehicle inspection program is to prevent
1058 the use of stolen parts in the rebuilding process, identify and
1059 recover stolen vehicles, require the installation of nonrecalled
1060 airbags in rebuilt vehicles, and assist law enforcement with the
1061 investigation of vehicle theft and related fraud. The department
1062 may monitor and investigate private rebuilt inspection providers
1063 and rebuilt courier services to ensure compliance with this
1064 chapter. The department may examine all records pertaining to
1065 any inspection or related service performed under the program.

1066 ~~(1) As used in this section, the term:~~

1067 ~~(a) "Facility" means a rebuilt motor vehicle inspection~~
1068 ~~facility authorized and operating under this section.~~

1069 ~~(b) "Rebuilt inspection services" means an examination of a~~
1070 ~~rebuilt vehicle and a properly endorsed certificate of title,~~
1071 ~~salvage certificate of title, or manufacturer's statement of~~
1072 ~~origin and an application for a rebuilt certificate of title, a~~
1073 ~~rebuilder's affidavit, a photograph of the junk or salvage~~

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1074 ~~vehicle taken before repairs began, receipts or invoices for all~~
1075 ~~major component parts, as defined in s. 319.30, and repairs~~
1076 ~~which were changed, and proof that notice of rebuilding of the~~
1077 ~~vehicle has been reported to the National Motor Vehicle Title~~
1078 ~~Information System.~~

1079 ~~(2) By July 1, 2015, the department shall oversee a pilot~~
1080 ~~program in Miami-Dade County to evaluate alternatives for~~
1081 ~~rebuilt inspection services offered by existing private sector~~
1082 ~~operators, including the continued use of private facilities,~~
1083 ~~the cost impact to consumers, and the potential savings to the~~
1084 ~~department.~~

1085 (2) A person or an entity, other than the department, may
1086 not conduct rebuilt inspection services unless authorized to do
1087 so by the department pursuant to this chapter.

1088 (3) A person or an entity may not provide rebuilt courier
1089 services in this state or from locations outside of this state
1090 unless it has a valid, nonexclusive contract with each
1091 department-authorized private rebuilt inspection provider with
1092 which the rebuilt courier service conducts business. Such
1093 contract must require the rebuilt courier service to comply with
1094 state law and department procedures; provide proof of and agree
1095 to maintain garage liability insurance in the amount of at least
1096 \$100,000; and comply with any other requirement established by
1097 the department which is designed to protect the public, the
1098 department, or the private rebuilt inspection provider from
1099 illegal or disruptive conduct.

1100 ~~(3) The department shall establish a memorandum of~~
1101 ~~understanding that allows private parties participating in the~~
1102 ~~pilot program to conduct rebuilt motor vehicle inspections and~~

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1103 ~~specifics requirements for oversight, bonding and insurance,~~
1104 ~~procedures, and forms and requires the electronic transmission~~
1105 ~~of documents.~~

1106 (4) The department shall authorize private rebuilt
1107 inspection providers who meet the requirements of this chapter.

1108 (5)~~(4)~~ Before authorization is granted to a private rebuilt
1109 inspection provider an applicant is approved, the department
1110 shall ensure that the private rebuilt inspection provider meets
1111 applicant meets basic criteria designed to protect the public.
1112 ~~At a minimum, the applicant shall meet~~ all of the following
1113 requirements:

1114 (a) Has submitted a request for authorization to the
1115 department along with all required documentation.

1116 (b) Has passed a physical location inspection conducted by
1117 the department to ensure that the private rebuilt inspection
1118 provider is operating in accordance with the requirements of
1119 this section and in a location where no other business is
1120 operating, attached, connected, or joined by a common address,
1121 even if such location is recognized by the United States Postal
1122 Service as a separate address. The location must have permanent
1123 signage with posted business hours; a rebuilt inspection area
1124 separate and visually obstructed from any area accessible to a
1125 customer; and a surveillance camera with recording capabilities
1126 for the rebuilt inspection area.

1127 (c)~~(a)~~ Has provided evidence of a good and sufficient ~~Have~~
1128 ~~and maintain a~~ surety bond or irrevocable letter of credit in
1129 the amount of \$100,000 executed by the private rebuilt
1130 inspection provider which covers all activities under the
1131 private rebuilt motor vehicle inspection program and names the

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1132 department as an insured. Such surety bonds and letters of
1133 credit must be executed by a surety company authorized to do
1134 business in this state as a surety, and irrevocable letters of
1135 credit must be issued by a bank authorized to do business in
1136 this state as a bank. Surety bonds and letters of credit must be
1137 in favor of the department and must be for 1 year applicant.

1138 (d) ~~(b)~~ Has identified and provided a lease or proof of
1139 ownership of a proposed location that must be open to the public
1140 ~~Secure and maintain a facility at a permanent structure at an~~
1141 ~~address recognized by the United States Postal Service where the~~
1142 ~~only services provided on such property are rebuilt inspection~~
1143 ~~services. The location must be large enough to accommodate all~~
1144 ~~of the vehicles being inspected and must have sufficient space~~
1145 ~~to maintain physical security of all required inspection records~~
1146 ~~The operator of a facility shall annually attest that he or she~~
1147 ~~is not employed by or does not have an ownership interest in or~~
1148 ~~other financial arrangement with the owner, operator, manager,~~
1149 ~~or employee of a motor vehicle repair shop as defined in s.~~
1150 ~~559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a~~
1151 ~~towing company, a vehicle storage company, a vehicle auction, an~~
1152 ~~insurance company, a salvage yard, a metal retailer, or a metal~~
1153 ~~rebuilder, from which he or she receives remuneration, directly~~
1154 ~~or indirectly, for the referral of customers for rebuilt~~
1155 ~~inspection services.~~

1156 (e) Has ensured that each owner, partner, and corporate
1157 officer of the provider has provided an attestation
1158 acknowledging he or she is deemed to be engaging in activities
1159 that are in the public interest and are free of conflicts of
1160 interest.

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1161 (f)~~(e)~~ Has provided evidence of garage liability insurance
1162 coverage with at least \$100,000 single-limit liability coverage,
1163 including bodily injury and property damage protection, and
1164 \$10,000 personal injury protection ~~Have and maintain garage~~
1165 ~~liability and other insurance required by the department.~~

1166 (g)~~(d)~~ Has provided a criminal background check on all ~~Have~~
1167 ~~completed criminal background checks of the owners, partners,~~
1168 ~~and corporate officers~~ which demonstrates that they have not
1169 been convicted of a felony, pled guilty to a felony, pled nolo
1170 contendere to a felony, or been incarcerated for a felony
1171 involving fraud, theft, or dishonest dealing within the last 10
1172 years ~~and the inspectors employed by the facility.~~

1173 (h) Has provided evidence of authorization to conduct
1174 business in the state from the Florida Department of State,
1175 Division of Corporations.

1176 ~~(e) Meet any additional criteria the department determines~~
1177 ~~necessary to conduct proper inspections.~~

1178 (6) Each authorized private rebuilt inspection provider may
1179 operate additional locations in this state with the prior
1180 written approval of the department. In determining whether to
1181 approve a location, the department must apply the same criteria
1182 as in paragraph (5) (b). A private rebuilt inspection provider
1183 may operate a mobile inspection unit, with the prior written
1184 approval of the department, as long as it also has a permanent
1185 facility that meets the criteria specified in paragraph (5) (b),
1186 and the operation of such mobile inspection unit complies with
1187 the terms of the agreement with the department as specified in
1188 paragraph (7) (1).

1189 (7) The department shall enter into a contract with each

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1190 authorized private rebuilt inspection provider. The agreement
1191 must include all of the following:

1192 (a) A requirement that the provider maintain connections
1193 with and use the department's motor vehicle database, the
1194 National Motor Vehicle Title Information System, and information
1195 from the National Insurance Crime Bureau.

1196 (b) A requirement that the provider follow department
1197 policies and procedures when conducting rebuilt inspections.

1198 (c) A requirement that the provider maintain the
1199 confidentiality of all information received under the agreement
1200 in accordance with chapter 119 and the Driver Protection Privacy
1201 Act.

1202 (d) A provision that the agreement is not assignable to a
1203 third party, either in whole or in part, without the prior
1204 written consent of the department.

1205 (e) A provision that the private rebuilt inspection
1206 provider agrees to submit to oversight by the department.

1207 (f) A requirement that the provider maintain records
1208 required by department policies and procedures, making those
1209 records available to the department for inspection, and
1210 complying with state public records laws.

1211 (g) Provisions outlining penalties for noncompliance with
1212 the agreement, including termination.

1213 (h) Forms required to be utilized by the private rebuilt
1214 inspection provider to document completion of the rebuilt
1215 inspection process. These forms must include, but need not be
1216 limited to, a completed and signed application for certificate
1217 of title with or without registration; a completed and signed
1218 statement of builder describing the process and major component

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1219 parts used in the rebuilding of the motor vehicle; a completed
1220 and signed power of attorney for a motor vehicle, mobile home or
1221 vessel, if applicable; and a completed and signed vehicle
1222 identification number and odometer verification.

1223 (i) A requirement that the provider report stolen parts or
1224 vehicles.

1225 (j) A requirement that the provider maintain a surety bond
1226 and garage liability insurance.

1227 (k) Conditions under which the agreement may be terminated
1228 by either party.

1229 (l) Requirements for the operation of a mobile inspection
1230 unit, including, but not limited to, maintenance of general
1231 liability insurance in the amount of \$100,000 and commercial
1232 automobile liability insurance on each mobile unit in the amount
1233 of \$100,000, physical security for indicia and inspection
1234 records, maintenance of records at a permanent facility,
1235 cooperation with department oversight requirements, maintenance
1236 of a weekly schedule of planned rebuilt inspections,
1237 installation of a camera to document inspections, and observance
1238 of the confidentiality of the rebuilt inspection process.

1239 (8)~~(5)~~ Each authorized private rebuilt inspection provider
1240 shall ~~A participant in the program shall~~ access vehicle and
1241 title information and enter inspection results through an
1242 electronic filing system authorized by the department and shall
1243 maintain records of each rebuilt vehicle inspection processed by
1244 the private rebuilt inspection provider at such facility for at
1245 least 5 years.

1246 (9)~~(6)~~ The department may ~~shall~~ immediately terminate the
1247 contract with any private rebuilt inspection provider ~~operator~~

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1248 ~~from the program~~ who fails to meet the ~~minimum eligibility~~
1249 ~~requirements of this section specified in subsection (4)~~. Before
1250 a change in ownership of a private rebuilt inspection provider
1251 ~~facility~~, the current owner operator must give the department 45
1252 days' written notice of the intended sale. The prospective owner
1253 must meet the all eligibility requirements of this section and
1254 execute a new contract memorandum of understanding with the
1255 department before he or she begins operating as a private
1256 rebuilt inspection provider the facility.

1257 ~~(7) This section is repealed on July 1, 2018, unless saved~~
1258 ~~from repeal through reenactment by the Legislature.~~

1259 (10) By July 1 of each year, an authorized private rebuilt
1260 inspection provider shall attest that it has complied with this
1261 section and each owner, partner, and corporate officer must
1262 affirm he or she is free from conflicts of interest.

1263 (11) Private rebuilt inspection providers may charge a fee
1264 for their services in addition to the fees in s. 319.32. This
1265 additional fee shall be clearly disclosed to each customer on
1266 his or her receipt and be conspicuously posted in an area
1267 frequented by customers.

1268 Section 22. Section 319.1411, Florida Statutes, is created
1269 to read:

1270 319.1411 Monitoring of private rebuilt inspection
1271 providers.—The department may monitor and inspect the operations
1272 of private rebuilt inspection providers as it deems necessary to
1273 determine whether the private rebuilt inspection provider is
1274 operating in compliance with this chapter and to determine if
1275 the private rebuilt inspection provider has engaged in any of
1276 the business practices prohibited under s. 319.1412.

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1277 Section 23. Section 319.142, Florida Statutes, is created
1278 to read:

1279 319.142 Rules of conduct and prohibited business
1280 practices.—

1281 (1) Each of the following constitutes grounds for
1282 termination of any and all contracts entered into with a private
1283 rebuilt inspection provider pursuant to this chapter:

1284 (a) Engaging in any business transaction or activity that
1285 is in substantial conflict with the proper discharge of the
1286 private rebuilt inspection provider's duties in the public
1287 interest.

1288 (b) Allowing a vehicle to pass inspection knowing that
1289 there was a material misrepresentation in the required
1290 documentation or that the documentation submitted in support of
1291 the inspection was counterfeit or materially altered.

1292 (c) Failure to report to the department the identification
1293 of a suspected stolen part or stolen vehicle during a rebuilt
1294 inspection.

1295 (d) In connection with providing private rebuilt inspection
1296 services, engaging in any course of conduct that is fraud or
1297 deceit upon the department, a dealer, or a vehicle owner.

1298 (e) Knowingly falsifying department records or knowingly
1299 providing materially false or misleading information to the
1300 department.

1301 (f) Failing to allow an examination or inspection of a
1302 private rebuilt inspection provider facility, including a review
1303 of books and records, by the department or law enforcement
1304 during regular business hours.

1305 (g) Passing a vehicle through inspection without having a

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1306 reasonable basis to believe that all airbags that are subject to
1307 a safety recall issued by the National Highway Transportation
1308 Safety Administration were replaced with airbags not subject to
1309 such a safety recall.

1310 (h) Failure to timely respond to a subpoena issued by the
1311 department.

1312 (i) Conducting rebuilt inspection services at a physical
1313 location not approved in writing by the department or providing
1314 services from a mobile unit not approved in writing by the
1315 department.

1316 (j) Failure to maintain at all times a garage liability
1317 insurance in the amount of at least \$100,000.

1318 (k) Failure to maintain at all times a good and sufficient
1319 surety bond or irrevocable letter of credit in the amount of
1320 \$100,000 which covers all activities under the private rebuilt
1321 motor vehicle inspection program and names the department as an
1322 insured.

1323 (l) Violation of this section or the contract between the
1324 department and the private rebuilt inspection provider.

1325 (m) The use of advertising that would reasonably lead the
1326 public to believe that the provider was or is an employee or
1327 representative of the department, or the use in its name of the
1328 terms "Department of Highway Safety and Motor Vehicles," "DMV,"
1329 "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that
1330 that are associated with the department.

1331 (2) Written notice of termination of a contract under this
1332 section must be provided before termination of the contract.

1333 Section 24. Section 319.1414, Florida Statutes, is created
1334 to read:

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1335 319.1414 Investigations; examinations; subpoenas; hearings;
1336 witnesses.—

1337 (1) The department may conduct investigations and
1338 examinations of department-authorized private rebuilt inspection
1339 providers as it deems necessary to determine whether a person
1340 has violated or is about to violate this chapter or a contract
1341 entered into pursuant to this chapter or to assist with the
1342 enforcement of this chapter.

1343 (2) For purposes of any investigation or examination
1344 conducted under this section, the department may exercise the
1345 power of subpoena and the powers to administer oaths or
1346 affirmations, to examine witnesses, to require affidavits, to
1347 take depositions, and to compel the attendance of witnesses and
1348 the production of books, papers, documents, records, and other
1349 evidence. Such subpoenas may be served by a designated agent of
1350 the department.

1351 (3) If a person refuses to testify, produce books, papers,
1352 documents, or records, or otherwise obey a subpoena or subpoena
1353 duces tecum issued under subsection (2), the department may
1354 petition a court of competent jurisdiction in the county where
1355 the person's residence or principal place of business is
1356 located, upon which the court must issue an order requiring such
1357 person to obey the subpoena or show cause for failing to obey
1358 the subpoena. Unless the person shows sufficient cause for
1359 failing to obey the subpoena, the court shall direct the person
1360 to obey the subpoena. Failure to comply with such order is
1361 contempt of court.

1362 (4) For the purpose of any investigation, examination, or
1363 proceeding initiated by the department under this chapter, the

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1364 department is authorized to designate agents to serve subpoenas
1365 and other process, and administer oaths or affirmations.

1366 (5) Witnesses subpoenaed under this section are entitled to
1367 witness fees at the same rate established by s. 92.142 for
1368 witnesses in a civil case, except that witness fees are not
1369 payable for appearance at the witness's place of business during
1370 regular business hours or at the witness's residence.

1371 (6) The department may adopt rules to administer this
1372 section.

1373 Section 25. Section 319.25, Florida Statutes, is amended to
1374 read:

1375 319.25 Cancellation of certificates; investigations;
1376 subpoenas and other process; oaths; rules.-

1377 (1) If it appears that a certificate of title has been
1378 improperly issued, the department shall cancel the certificate.
1379 Upon cancellation of any certificate of title, the department
1380 shall notify the person to whom the certificate of title was
1381 issued, as well as any lienholders appearing thereon, of the
1382 cancellation and shall demand the surrender of the certificate
1383 of title, but the cancellation shall not affect the validity of
1384 any lien noted thereon. The holder of the certificate of title
1385 shall return it to the department forthwith. If a certificate of
1386 registration has been issued to the holder of a certificate of
1387 title so canceled, the department shall immediately cancel the
1388 certificate of registration and demand the return of such
1389 certificate of registration and license plate or mobile home
1390 sticker; and the holder of such certificate of registration and
1391 license plate or sticker shall return them to the department
1392 forthwith.

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1393 (2) The department is authorized, upon application of any
1394 person and payment of the proper fees, to prepare and furnish
1395 lists containing title information in such form as the
1396 department may authorize, to search the records of the
1397 department and make reports thereof, and to make photographic
1398 copies of the department records and attestations thereof,
1399 except as provided in chapter 119.

1400 (3) The department may conduct investigations and
1401 examinations of any person suspected of violating or of having
1402 violated this chapter or any rule adopted or order issued under
1403 this chapter.

1404 (4) For purposes of any investigation or examination
1405 conducted under this section, the department may exercise the
1406 power of subpoena and the powers to administer oaths or
1407 affirmations, to examine witnesses, to require affidavits, to
1408 take depositions, and to compel the attendance of witnesses and
1409 the production of books, papers, documents, records, and other
1410 evidence. Such subpoenas may be served by an authorized
1411 representative of the department.

1412 (5) If a person refuses to testify, produce books, papers,
1413 documents, or records, or otherwise obey the subpoena or
1414 subpoena duces tecum issued under subsection (4), the department
1415 may petition a court of competent jurisdiction in the county
1416 where the person's residence or principal place of business is
1417 located, upon which the court must issue an order requiring such
1418 person to obey the subpoena or show cause for failing to obey
1419 the subpoena. Unless the person shows sufficient cause for
1420 failing to obey the subpoena, the court must direct the person
1421 to obey the subpoena. Costs incurred by the department to obtain

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1422 an order granting, in whole or in part, its petition shall be
1423 charged to the subpoenaed person, and failure to comply with
1424 such order is contempt of court.

1425 (6) For the purpose of any investigation, examination, or
1426 proceeding initiated by the department under this chapter, the
1427 department is authorized to designate agents to serve subpoenas
1428 and other process, and administer oaths or affirmations.

1429 (7) Witnesses subpoenaed under this section are entitled to
1430 witness fees at the same rate established by s. 92.142 for
1431 witnesses in a civil case, except that witness fees are not
1432 payable for appearance at the witness's place of business during
1433 regular business hours or at the witness's residence.

1434 (8) The department may adopt rules to administer this
1435 section.

1436 Section 26. Subsection (3) of section 319.40, Florida
1437 Statutes, is amended to read:

1438 319.40 Transactions by electronic or telephonic means.—

1439 (3) The department or tax collector may collect electronic
1440 mail addresses or cellular telephone numbers and use electronic
1441 mail or text messages in lieu of the United States Postal
1442 Service as a method of notification and for the purpose of
1443 providing information related to Department of Highway Safety
1444 and Motor Vehicles functions in accordance with chapter 119 and
1445 pursuant to the federal Driver Privacy Protection Act of 1994,
1446 18 U.S.C. ss. 2721 et seq. However, any notice regarding the
1447 potential forfeiture or foreclosure of an interest in property
1448 must be sent via the United States Postal Service. The provision
1449 of electronic mail addresses and cellular telephone numbers by
1450 the applicant is optional and, before collection pursuant to

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1451 this subsection, the department or tax collector shall disclose
1452 to the applicant the purposes for which the electronic mail
1453 addresses and cellular telephone numbers may be used.

1454 Section 27. Subsection (24) of section 320.01, Florida
1455 Statutes, is amended to read:

1456 320.01 Definitions, general.—As used in the Florida
1457 Statutes, except as otherwise provided, the term:

1458 (24) "Apportionable vehicle" means any vehicle, except
1459 recreational vehicles, vehicles displaying restricted plates,
1460 city pickup and delivery vehicles, ~~buses used in transportation~~
1461 ~~of chartered parties,~~ and government-owned vehicles, which is
1462 used or intended for use in two or more member jurisdictions
1463 that allocate or proportionally register vehicles and which is
1464 used for the transportation of persons for hire or is designed,
1465 used, or maintained primarily for the transportation of property
1466 and:

1467 (a) Is a power unit having a gross vehicle weight in excess
1468 of 26,000 pounds;

1469 (b) Is a power unit having three or more axles, regardless
1470 of weight; or

1471 (c) Is used in combination, when the weight of such
1472 combination exceeds 26,000 pounds gross vehicle weight.

1473
1474 Vehicles, or combinations thereof, having a gross vehicle weight
1475 of 26,000 pounds or less and two-axle vehicles may be
1476 proportionally registered.

1477 Section 28. Paragraph (b) of subsection (4) of section
1478 320.03, Florida Statutes, is amended to read:

1479 320.03 Registration; duties of tax collectors;

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1480 International Registration Plan.—

1481 (4)

1482 (b) The Florida Real Time Vehicle Information System shall
1483 be installed in every tax collector's and license tag agent's
1484 office in accordance with a schedule established by the
1485 department in consultation with the tax collectors and
1486 contingent upon funds being made available for the system by the
1487 state. For the purpose of enhancing customer services provided
1488 by tax collectors acting on behalf of the department, the
1489 department, contingent upon an approved request and memorandum
1490 of understanding, shall provide tax collectors, and tax
1491 collector-approved agents and vendors with real-time access to
1492 data that other third parties receive from the department
1493 related to vehicle and mobile home registration certificates,
1494 registration license plates, and validation stickers, including,
1495 but not limited to, the most current address information and
1496 electronic mail addresses of applicants. The memorandum of
1497 understanding as required under this paragraph may not be more
1498 restrictive than any memorandum of understanding between the
1499 department and other third-party vendors.

1500 Section 29. Paragraph (b) of subsection (1) and subsection
1501 (2) of section 320.06, Florida Statutes, are amended to read:

1502 320.06 Registration certificates, license plates, and
1503 validation stickers generally.—

1504 (1)

1505 (b)1. Registration license plates bearing a graphic symbol
1506 and the alphanumeric system of identification shall be issued
1507 for a 10-year period. At the end of the 10-year period, upon
1508 renewal, the plate shall be replaced. The department shall

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1509 extend the scheduled license plate replacement date from a 6-
1510 year period to a 10-year period. The fee for such replacement is
1511 \$28, \$2.80 of which shall be paid each year before the plate is
1512 replaced, to be credited toward the next \$28 replacement fee.
1513 The fees shall be deposited into the Highway Safety Operating
1514 Trust Fund. A credit or refund may not be given for any prior
1515 years' payments of the prorated replacement fee if the plate is
1516 replaced or surrendered before the end of the 10-year period,
1517 except that a credit may be given if a registrant is required by
1518 the department to replace a license plate under s.

1519 320.08056(8)(a). With each license plate, a validation sticker
1520 shall be issued showing the owner's birth month, license plate
1521 number, and the year of expiration or the appropriate renewal
1522 period if the owner is not a natural person. The validation
1523 sticker shall be placed on the upper right corner of the license
1524 plate. The license plate and validation sticker shall be issued
1525 based on the applicant's appropriate renewal period. The
1526 registration period is 12 months, the extended registration
1527 period is 24 months, and all expirations occur based on the
1528 applicant's appropriate registration period.

1529 2. A vehicle that has an apportioned registration shall be
1530 issued an annual license plate and a cab card denoting ~~that~~
1531 ~~denote~~ the declared gross vehicle weight for each apportioned
1532 jurisdiction ~~in which the vehicle is authorized to operate.~~ This
1533 subparagraph expires January 1, 2023.

1534 3. Upon implementation of a new operating system for
1535 apportioned vehicle registration, a vehicle registered in
1536 accordance with the International Registration Plan must be
1537 issued a license plate for a 5-year period, an annual cab card

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1538 denoting the declared gross vehicle weight for each apportioned
1539 jurisdiction, and an annual validation sticker showing the month
1540 and year of expiration. The validation sticker must be placed in
1541 the center of the license plate. The license plate and
1542 validation sticker must be issued based on the applicant's
1543 appropriate renewal period. The registration period is 12
1544 months. This fee must be deposited into the Highway Safety
1545 Operating Trust Fund. If the license plate is damaged or worn,
1546 it may be replaced at no charge by applying to the department
1547 and surrendering the current license plate.

1548 4.2. In order to retain the efficient administration of the
1549 taxes and fees imposed by this chapter, the 80-cent fee increase
1550 in the replacement fee imposed by chapter 2009-71, Laws of
1551 Florida, is negated as provided in s. 320.0804.

1552 (2) The department shall provide the several tax collectors
1553 and license plate agents with the necessary number of validation
1554 stickers. However, the tax collectors and their agents shall
1555 have the option to purchase validation stickers and paper stock
1556 that is used to produce vehicle registrations from the
1557 department's contracted vendor or from other vendors if such
1558 items meet the department's specifications and are procured at
1559 prices that are at or lower than the pricing reflected in the
1560 department's existing contracts for procuring these items. Such
1561 purchases by the tax collectors and their agents are exempt from
1562 the competitive bid requirements of chapter 287. The department
1563 shall reimburse the tax collectors and their agents for these
1564 purchases, but reimbursement may not be made at prices higher
1565 than the pricing contained in the department's existing
1566 contract. The tax collectors and their agents shall invoice the

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1567 department in arrears for the validation stickers and vehicle
1568 registrations as they are issued.

1569 Section 30. Subsection (5) of section 320.0607, Florida
1570 Statutes, is amended to read:

1571 320.0607 Replacement license plates, validation decal, or
1572 mobile home sticker.—

1573 (5) Upon the issuance of an original license plate, the
1574 applicant shall pay a fee of \$28 to be deposited in the Highway
1575 Safety Operating Trust Fund. Upon implementation of a new
1576 operating system for apportioned vehicle registrations, this
1577 subsection does not apply to a vehicle registered under the
1578 International Registration Plan.

1579 Section 31. Subsection (10) is added to section 320.131,
1580 Florida Statutes, to read:

1581 320.131 Temporary tags.—

1582 (10) The department may partner with a county tax collector
1583 to conduct a Fleet Vehicle Temporary Tag Pilot Program to
1584 provide temporary tags to fleet companies to allow them to
1585 operate fleet vehicles awaiting a permanent registration and
1586 title.

1587 (a) The department shall enter into a memorandum of
1588 understanding that allows up to 10 companies to participate in
1589 the pilot program and to receive multiple temporary tags for
1590 company fleet vehicles.

1591 (b) To participate in the program, a fleet company must
1592 have at least 3,500 fleet vehicles registered in this state
1593 which qualify to be registered as fleet vehicles pursuant to s.
1594 320.0657.

1595 (c) The department, upon the request of an eligible fleet

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1596 company, may issue up to 50 temporary tags per request to such
1597 company.

1598 (d) A temporary tag issued under this subsection is for
1599 exclusive use on a vehicle purchased for the company's fleet and
1600 may not be used on any other vehicle.

1601 (e) Each temporary tag may be used on only one vehicle, and
1602 each vehicle may use only one temporary tag.

1603 (f) Upon issuance of the vehicle's permanent license plate
1604 and registration, the temporary tag becomes invalid and must be
1605 removed from the vehicle and destroyed.

1606 (g) Upon a finding by the department that a temporary tag
1607 has been misused by a fleet company under the program, the
1608 department may terminate the memorandum of understanding with
1609 the company, invalidate all temporary tags issued to the company
1610 under the program, and require such company to return any unused
1611 temporary tags.

1612 (h) The issuance of a tag using this method must be
1613 reported to the department within 2 business days, not including
1614 weekends or state holidays, after the issuance of the tag. The
1615 county tax collector shall keep a record of each temporary tag
1616 issued. The record must include the date of issuance, tag number
1617 issued, vehicle identification number, and vehicle description.

1618 (i) This subsection is repealed October 1, 2022, unless
1619 saved from repeal through reenactment by the Legislature.

1620 Section 32. Paragraph (g) is added to subsection (1) of
1621 section 320.27, Florida Statutes, and paragraph (a) of
1622 subsection (9) and subsection (11) of that section are amended,
1623 to read:

1624 320.27 Motor vehicle dealers.—

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1625 (1) DEFINITIONS.—The following words, terms, and phrases
1626 when used in this section have the meanings respectively
1627 ascribed to them in this subsection, except where the context
1628 clearly indicates a different meaning:

1629 (g) "Control person" means any person who has significant
1630 authority, directly or indirectly, to direct the management or
1631 policies of a company, whether through ownership, by contract,
1632 or otherwise. The term includes any person who is an owner,
1633 director, general partner, officer, manager, or employee
1634 exercising decisionmaking responsibility or exercising similar
1635 executive status or functions. The term does not include an
1636 employee whose function is only clerical, ministerial, or in
1637 sales under the supervision of an owner or manager or other
1638 person exercising decisionmaking responsibility.

1639 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1640 (a) The department may deny a new or renewal application
1641 for or~~7~~ suspend~~7~~ or revoke any license issued hereunder or under
1642 ~~the provisions of~~ s. 320.77 or s. 320.771 upon proof that an
1643 applicant or a licensee has:

1644 1. Committed fraud or willful misrepresentation in
1645 application for or in obtaining a license.

1646 2. Been convicted of a felony and has not completed the
1647 resulting felony sentence or has completed the felony sentence
1648 less than 10 years from the date of licensure application.

1649 3. Failed to honor a bank draft or check given to a motor
1650 vehicle dealer for the purchase of a motor vehicle by another
1651 motor vehicle dealer within 10 days after notification that the
1652 bank draft or check has been dishonored. If the transaction is
1653 disputed, the maker of the bank draft or check shall post a bond

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1654 in accordance with the provisions of s. 559.917, and no
1655 proceeding for revocation or suspension shall be commenced until
1656 the dispute is resolved.

1657 4.a. Failed to provide payment within 10 business days to
1658 the department for a check payable to the department that was
1659 dishonored due to insufficient funds in the amount due plus any
1660 statutorily authorized fee for uttering a worthless check. The
1661 department shall notify an applicant or licensee when the
1662 applicant or licensee makes payment to the department by a check
1663 that is subsequently dishonored by the bank due to insufficient
1664 funds. The applicant or licensee shall, within 10 business days
1665 after receiving the notice, provide payment to the department in
1666 the form of cash in the amount due plus any statutorily
1667 authorized fee. If the applicant or licensee fails to make such
1668 payment within 10 business days, the department may deny,
1669 suspend, or revoke the applicant's or licensee's motor vehicle
1670 dealer license.

1671 b. Stopped payment on a check payable to the department,
1672 issued a check payable to the department from an account that
1673 has been closed, or charged back a credit card transaction to
1674 the department. If an applicant or licensee commits any such
1675 act, the department may deny, suspend, or revoke the applicant's
1676 or licensee's motor vehicle dealer license.

1677 5.a. Previously owned a majority interest in, or acted as a
1678 control person of, a motor vehicle dealer that, within the past
1679 10 years, has been the subject of any decision, finding,
1680 injunction, suspension, revocation, denial, judgment, or
1681 administrative order by any court of competent jurisdiction,
1682 administrative law judge, or any state agency which resulted in

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1683 a finding of violation of any federal or state law relating to
1684 unlicensed activity or fraud in connection with the sale of a
1685 motor vehicle.

1686 b. Knowingly employed or contracted with a person under
1687 sub-subparagraph a. or a person who has been convicted of a
1688 felony and has not completed the resulting felony sentence or
1689 completed the felony sentence less than 10 years from the date
1690 of licensure application as a control person.

1691 (11) INJUNCTION.—

1692 (a) In addition to the remedies provided in this chapter
1693 and notwithstanding the existence of any adequate remedy at law,
1694 the department is authorized to make application to any circuit
1695 court of the state, and such circuit court shall have
1696 jurisdiction, upon a hearing and for cause shown, to grant a
1697 temporary or permanent injunction, or both, restraining any
1698 person from acting as a motor vehicle dealer under the terms of
1699 this section without being properly licensed hereunder, from
1700 violating or continuing to violate any of the provisions of
1701 chapter 319, this chapter, or ss. 559.901-559.9221, or for
1702 failing or refusing to comply with the requirements of chapter
1703 319, this chapter, or ss. 559.901-559.9221, or any rule or
1704 regulation adopted thereunder, such injunction to be issued
1705 without bond. A single act in violation of the provisions of
1706 chapter 319, this chapter, or chapter 559 shall be sufficient to
1707 authorize the issuance of an injunction.

1708 (b) If the court grants the injunction, the court may bar,
1709 permanently or for a specific time, any person found to have
1710 violated any federal or state law relating to unlicensed
1711 activity or fraud in connection with the sale of a motor

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1712 vehicle. A person who is barred by the court under this
1713 paragraph may not continue in any capacity within the industry.
1714 The person may not have a management, sales, or any other role
1715 in the operation of a dealership. Further, if permanently
1716 barred, the person may not derive income from the dealership
1717 beyond reasonable compensation for the sale of his or her
1718 ownership interest in the business.

1719 Section 33. Subsection (2) of section 320.8232, Florida
1720 Statutes, is amended to read:

1721 320.8232 Establishment of uniform standards for used
1722 recreational vehicles and repair and remodeling code for mobile
1723 homes.—

1724 (2) ~~The provisions of the~~ Mobile and Manufactured Home
1725 Repair and Remodeling Code shall be a uniform code and repair
1726 ~~and remodeling code shall ensure safe and livable housing and~~
1727 ~~shall not be more stringent than those standards required to be~~
1728 ~~met in the manufacture of mobile homes. Such provisions shall~~
1729 ~~include, but not be limited to,~~ standards for structural
1730 adequacy, plumbing, heating, electrical systems, and fire and
1731 life safety. All repair and remodeling of mobile and
1732 manufactured homes shall be done in accordance with department
1733 rules.

1734 Section 34. Section 320.861, Florida Statutes, is amended
1735 to read:

1736 320.861 Investigations; subpoenas and other process; oaths;
1737 rules ~~Inspection of records; production of evidence; subpoena~~
1738 ~~power.—~~

1739 (1) The department may conduct investigations and
1740 examinations on any person suspected of violating or of having

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1741 violated this chapter or any rule adopted or order issued
1742 thereunder inspect the pertinent books, records, letters, and
1743 contracts of any licensee, whether dealer or manufacturer,
1744 relating to any written complaint made to it against such
1745 licensee.

1746 (2) For purposes of any investigation or examination
1747 conducted under this section, the department may is granted and
1748 authorized to exercise the power of subpoena and the powers to
1749 administer oaths or affirmations, to examine witnesses, to
1750 require affidavits, to take depositions, and to compel the
1751 attendance of witnesses and the production of books, papers,
1752 documents, records, and other evidence. Such subpoenas may be
1753 served by a designated agent of the department for the
1754 attendance of witnesses and the production of any documentary
1755 evidence necessary to the disposition by it of any written
1756 complaint against any licensee, whether dealer or manufacturer.

1757 (3) If a person refuses to testify; to produce books,
1758 papers, documents, or records; or to otherwise obey the subpoena
1759 or subpoena duces tecum issued under subsection (2), the
1760 department may petition a court of competent jurisdiction in the
1761 county where the person's residence or principal place of
1762 business is located, upon which the court must issue an order
1763 requiring such person to obey the subpoena or show cause for
1764 failing to obey the subpoena. Unless the person shows sufficient
1765 cause for failing to obey the subpoena, the court must direct
1766 the person to obey the subpoena. Failure to comply with such
1767 order constitutes contempt of court.

1768 (4) For the purpose of any investigation, examination, or
1769 proceeding initiated by the department under this chapter, the

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1770 department may designate agents to serve subpoenas and other
1771 process and administer oaths or affirmations. The department
1772 shall exercise this power on its own initiative in accordance
1773 with ss. 320.615 and 320.71.

1774 (5) Witnesses subpoenaed under this section are entitled to
1775 witness fees at the same rate established by s. 92.142 for
1776 witnesses in a civil case, except that witness fees are not
1777 payable for appearance at the witness's place of business during
1778 regular business hours or at the witness's residence.

1779 (6) The department may adopt rules to administer this
1780 section.

1781 Section 35. Subsection (2) of section 320.95, Florida
1782 Statutes, is amended to read:

1783 320.95 Transactions by electronic or telephonic means.—

1784 (2) The department or tax collector may collect electronic
1785 mail addresses or cellular telephone numbers and use electronic
1786 mail or text messages in lieu of the United States Postal
1787 Service for the purpose of providing information related to
1788 Department of Highway Safety and Motor Vehicles functions in
1789 accordance with chapter 119 and pursuant to the federal Driver
1790 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The
1791 provision of electronic mail addresses and cellular telephone
1792 numbers by the applicant is optional and, before collection
1793 pursuant to this subsection, the department or tax collector
1794 shall disclose to the applicant the purposes for which the
1795 electronic mail addresses and cellular telephone numbers may be
1796 used ~~renewal notices.~~

1797 Section 36. Subsection (1) of section 321.05, Florida
1798 Statutes, is amended to read:

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1799 321.05 Duties, functions, and powers of patrol officers.-
1800 The members of the Florida Highway Patrol are hereby declared to
1801 be conservators of the peace and law enforcement officers of the
1802 state, with the common-law right to arrest a person who, in the
1803 presence of the arresting officer, commits a felony or commits
1804 an affray or breach of the peace constituting a misdemeanor,
1805 with full power to bear arms; and they shall apprehend, without
1806 warrant, any person in the unlawful commission of any of the
1807 acts over which the members of the Florida Highway Patrol are
1808 given jurisdiction as hereinafter set out and deliver him or her
1809 to the sheriff of the county that further proceedings may be had
1810 against him or her according to law. In the performance of any
1811 of the powers, duties, and functions authorized by law, members
1812 of the Florida Highway Patrol have the same protections and
1813 immunities afforded other peace officers, which shall be
1814 recognized by all courts having jurisdiction over offenses
1815 against the laws of this state, and have authority to apply for,
1816 serve, and execute search warrants, arrest warrants, capias, and
1817 other process of the court. The patrol officers under the
1818 direction and supervision of the Department of Highway Safety
1819 and Motor Vehicles shall perform and exercise throughout the
1820 state the following duties, functions, and powers:

1821 (1) To patrol the state highways and regulate, control, and
1822 direct the movement of traffic thereon; to maintain the public
1823 peace by preventing violence on highways; to apprehend fugitives
1824 from justice; to enforce all laws regulating and governing
1825 traffic, travel, and public safety upon the public highways and
1826 providing for the protection of the public highways and public
1827 property thereon, including the security and safety of this

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1828 state's transportation infrastructure; to make arrests without
1829 warrant for the violation of any state law committed in their
1830 presence in accordance with state law; providing that no search
1831 may be made unless it is incident to a lawful arrest, to
1832 regulate and direct traffic concentrations and congestions; to
1833 enforce laws governing the operation, licensing, and taxing and
1834 limiting the size, weight, width, length, and speed of vehicles
1835 and licensing and controlling the operations of drivers and
1836 operators of vehicles, including the safety, size, and weight of
1837 commercial motor vehicles; to collect all state fees and
1838 revenues levied as an incident to the use or right to use the
1839 highways for any purpose, including the taxing and registration
1840 of commercial motor vehicles; to require the drivers of vehicles
1841 to stop and exhibit their driver licenses, registration cards,
1842 or documents required by law to be carried by such vehicles; to
1843 investigate traffic crashes ~~accidents~~, secure testimony of
1844 witnesses and of persons involved, and make report thereof with
1845 copy, if requested in writing, to any person in interest or his
1846 or her attorney; to investigate reported thefts of vehicles; and
1847 to seize contraband or stolen property on or being transported
1848 on the highways. Each patrol officer of the Florida Highway
1849 Patrol is subject to and has the same arrest and other authority
1850 provided for law enforcement officers generally in chapter 901
1851 and has statewide jurisdiction. Each officer also has arrest
1852 authority as provided for state law enforcement officers in s.
1853 901.15. This section does not conflict with, but is supplemental
1854 to, chapter 933.

1855 Section 37. Section 321.065, Florida Statutes, is amended
1856 to read:

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1857 321.065 Traffic crash ~~accident~~ investigation officers;
 1858 employment; standards.—The department may employ traffic crash
 1859 ~~accident~~ investigation officers who must complete any applicable
 1860 standards adopted by the Florida Highway Patrol, including, but
 1861 not limited to: cognitive testing, drug testing, polygraph
 1862 testing, psychological testing, and an extensive background
 1863 check, including a credit check.

1864 Section 38. Paragraph (d) of subsection (2) of section
 1865 321.23, Florida Statutes, is amended to read:

1866 321.23 Public records; fees for copies; destruction of
 1867 obsolete records; photographing records; effect as evidence.—

1868 (2) Fees for copies of public records shall be charged and
 1869 collected as follows:

1870 (d) Photographs (crashes ~~accidents~~, etc.):

	Enlargement Proof	Color	Black & White
1872 1.	5" x 7"	\$1.00	\$0.75
1873 2.	8" x 10"	\$1.50	\$1.00
1874 3.	11" x 14"	Not Available	\$1.75
1875 4.	16" x 20"	Not Available	\$2.75
1876 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 39. Paragraph (a) of subsection (2) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2) (a) Every identification card:

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

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

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

Section 40. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

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

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1908 1. A trauma center, as defined in s. 395.4001, or a
1909 hospital as defined in s. 395.002, which regularly receives
1910 victims of vehicle crashes ~~accidents~~, between the hours of 10
1911 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1912 observe appropriate victims of vehicle crashes ~~accidents~~
1913 involving drinking drivers, under the supervision of any of the
1914 following:

1915 a. A registered nurse trained in providing emergency trauma
1916 care or prehospital advanced life support.

1917 b. An emergency room physician.

1918 c. An emergency medical technician.

1919 2. A licensed service provider, as defined in s. 397.311,
1920 which cares for substance abuse impaired persons, to observe
1921 persons in the terminal stages of substance abuse impairment,
1922 under the supervision of appropriately licensed medical
1923 personnel. Prior to any visitation of such terminally ill or
1924 disabled persons, the persons or their legal representatives
1925 must give their express consent to participate in the visitation
1926 program.

1927 3. If approved by the county coroner, the county coroner's
1928 office or the county morgue to observe appropriate victims of
1929 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1930 supervision of the coroner or a deputy coroner.

1931 (b) As used in this section, the term "appropriate victims"
1932 means victims or their legal representatives, including the next
1933 of kin, who have expressly given their consent to participate in
1934 the visitation program and victims whose condition is determined
1935 by the visitation supervisor to demonstrate the results of
1936 crashes ~~accidents~~ involving drinking drivers without being

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1937 excessively gruesome or traumatic to the probationer.

1938 Section 41. Subsection (10) of section 322.08, Florida
1939 Statutes, is amended to read:

1940 322.08 Application for license; requirements for license
1941 and identification card forms.—

1942 (10) The department or tax collector may collect electronic
1943 mail addresses or cellular telephone numbers and use electronic
1944 mail or text messages in lieu of the United States Postal
1945 Service for the purpose of providing information related to
1946 Department of Highway Safety and Motor Vehicles functions in
1947 accordance with chapter 119 and pursuant to the federal Driver
1948 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The
1949 provision of electronic mail addresses and cellular telephone
1950 numbers by the applicant is optional and, before collection
1951 pursuant to this subsection, the department or tax collector
1952 shall disclose to the applicant the purposes for which the
1953 electronic mail addresses and cellular telephone numbers may be
1954 used ~~renewal notices.~~

1955 Section 42. Subsection (5) of section 322.091, Florida
1956 Statutes, is amended to read:

1957 322.091 Attendance requirements.—

1958 (5) REPORTING AND ACCOUNTABILITY.—The department shall make
1959 available, upon request, a report ~~quarterly~~ to each school
1960 district which includes the legal name, sex, date of birth, and
1961 social security number of each student whose driving privileges
1962 have been suspended under this section.

1963 Section 43. Section 322.17, Florida Statutes, is amended to
1964 read:

1965 322.17 Replacement licenses, identification cards, and

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1966 permits.-

1967 (1) (a) In the event that an instruction permit or driver
1968 license issued under the provisions of this chapter is lost or
1969 destroyed, the person to whom the same was issued may, upon
1970 payment of the appropriate fee pursuant to s. 322.21, obtain a
1971 replacement upon furnishing proof satisfactory to the department
1972 that such permit or license has been lost or destroyed, and
1973 further furnishing the full name, date of birth, sex, residence
1974 and mailing address, proof of birth satisfactory to the
1975 department, and proof of identity satisfactory to the
1976 department.

1977 (b) In the event that an instruction permit, ~~or~~ driver
1978 license, or identification card issued under the provisions of
1979 this chapter is stolen, the person to whom the same was issued
1980 may, at no charge, obtain a replacement upon furnishing proof
1981 satisfactory to the department that such permit, ~~or~~ license, or
1982 identification card was stolen and further furnishing the
1983 person's full name, date of birth, sex, residence and mailing
1984 address, proof of birth satisfactory to the department, and
1985 proof of identity satisfactory to the department.

1986 (2) Upon the surrender of the original license and the
1987 payment of the appropriate fees pursuant to s. 322.21, the
1988 department shall issue a replacement license to make a change in
1989 name, address, or restrictions.

1990 (3) Notwithstanding any other provisions of this chapter,
1991 if a licensee establishes his or her identity for a driver
1992 license using an identification document authorized under s.
1993 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
1994 replacement instruction permit or driver license except in

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1995 person and upon submission of an identification document
1996 authorized under s. 322.08(2)(c)7. or 8.

1997 (4) Notwithstanding any other provision of this section or
1998 s. 322.21, the department shall, if necessary, issue or renew a
1999 replacement driver license at no charge to an inmate if the
2000 department determines that he or she has a valid driver license.
2001 If the replacement driver license is scheduled to expire within
2002 6 months, the department may also issue a temporary permit valid
2003 for at least 6 months after the release date.

2004 Section 44. Subsection (10) is added to section 322.21,
2005 Florida Statutes, to read:

2006 322.21 License fees; procedure for handling and collecting
2007 fees.—

2008 (10) An applicant who submits an application for a renewal
2009 or replacement driver license or identification card to the
2010 department using a convenience service must be provided with an
2011 option for expedited shipping in which the department, at the
2012 applicant's request, must issue the license or identification
2013 card within 5 working days after receipt of the application and
2014 ship the license or card using an expedited mail service. Fees
2015 collected for the expedited shipping option shall be deposited
2016 into the Highway Safety Operating Trust Fund.

2017 Section 45. Present subsection (8) of section 322.212,
2018 Florida Statutes, is redesignated as subsection (9), a new
2019 subsection (8) is added to that section, and subsection (5) of
2020 that section is amended, to read:

2021 322.212 Unauthorized possession of, and other unlawful acts
2022 in relation to, driver license or identification card.—

2023 (5) (a) It is unlawful for any person to use a false or

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2024 fictitious name in any application for a driver license or
2025 identification card or knowingly to make a false statement,
2026 knowingly conceal a material fact, provide altered or
2027 counterfeit documents, participate in dishonest or deceptive
2028 actions, or otherwise commit a fraud in any such application.

2029 (b) It is unlawful for any person to have in his or her
2030 possession a driver license or identification card upon which
2031 the date of birth has been altered.

2032 (c) It is unlawful for any person designated as a sexual
2033 predator or sexual offender to have in his or her possession a
2034 driver license or identification card upon which the sexual
2035 predator or sexual offender markings required by s. 322.141 are
2036 not displayed or have been altered.

2037 (8) In addition to any other penalties provided by this
2038 section, the department shall suspend the license or permit of
2039 any person who provides false information when applying for a
2040 driver license, identification card, commercial driver license,
2041 or commercial learner's permit or who is convicted of fraud in
2042 connection with testing for a driver license, commercial driver
2043 license, or commercial learner's permit for a period of 1 year.

2044 Section 46. Section 322.36, Florida Statutes, is amended to
2045 read:

2046 322.36 Permitting unauthorized operator to drive.—A person
2047 may not authorize or knowingly permit a motor vehicle owned by
2048 him or her or under his or her dominion or control to be
2049 operated upon any highway or public street except by a person
2050 who is duly authorized to operate a motor vehicle under this
2051 chapter. Any person who violates this section commits a
2052 misdemeanor of the second degree, punishable as provided in s.

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2053 775.082 or s. 775.083. If a person violates this section by
2054 knowingly loaning a vehicle to a person whose driver license is
2055 suspended and if that vehicle is involved in a crash ~~an accident~~
2056 resulting in bodily injury or death, the driver license of the
2057 person violating this section shall be suspended for 1 year.

2058 Section 47. Subsection (1) of section 322.61, Florida
2059 Statutes, is amended to read:

2060 322.61 Disqualification from operating a commercial motor
2061 vehicle.—

2062 (1) A person who, for offenses occurring within a 3-year
2063 period, is convicted of two of the following serious traffic
2064 violations or any combination thereof, arising in separate
2065 incidents committed in a commercial motor vehicle shall, in
2066 addition to any other applicable penalties, be disqualified from
2067 operating a commercial motor vehicle for a period of 60 days. A
2068 holder of a commercial driver license or commercial learner's
2069 permit who, for offenses occurring within a 3-year period, is
2070 convicted of two of the following serious traffic violations, or
2071 any combination thereof, arising in separate incidents committed
2072 in a noncommercial motor vehicle shall, in addition to any other
2073 applicable penalties, be disqualified from operating a
2074 commercial motor vehicle for a period of 60 days if such
2075 convictions result in the suspension, revocation, or
2076 cancellation of the licenseholder's driving privilege:

2077 (a) A violation of any state or local law relating to motor
2078 vehicle traffic control, other than a parking violation, arising
2079 in connection with a crash resulting in death. †

2080 (b) Reckless driving, as defined in s. 316.192. †

2081 (c) Unlawful speed of 15 miles per hour or more above the

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2082 posted speed limit.;

2083 (d) Improper lane change, as defined in s. 316.085.~~†~~

2084 (e) Following too closely, as defined in s. 316.0895.~~†~~

2085 (f) Driving a commercial vehicle without obtaining a

2086 commercial driver license.~~†~~

2087 (g) Driving a commercial vehicle without the proper class

2088 of commercial driver license or commercial learner's permit or

2089 without the proper endorsement.~~†~~~~or~~

2090 (h) Driving a commercial vehicle without a commercial

2091 driver license or commercial learner's permit in possession, as

2092 required by s. 322.03.

2093 (i) Texting while driving a commercial motor vehicle as

2094 prohibited by 49 C.F.R. 392.80.

2095 (j) Using a hand-held mobile telephone while driving a

2096 commercial motor vehicle, as prohibited by 49 C.F.R 392.82.

2097 Section 48. Section 322.71, Florida Statutes, is created to

2098 read:

2099 322.71 Investigations; subpoenas and other process; oaths;

2100 rules.-

2101 (1) The department may conduct investigations and

2102 examinations on any person suspected of violating or of having

2103 violated any provision of this chapter or any rule adopted or

2104 order issued under this chapter.

2105 (2) For purposes of any investigation or examination

2106 conducted under this section, the department may exercise the

2107 power of subpoena and the powers to administer oaths or

2108 affirmations, to examine witnesses, to require affidavits, to

2109 take depositions, and to compel the attendance of witnesses and

2110 the production of books, papers, documents, records, and other

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2111 evidence. Such subpoenas may be served by an authorized
2112 representative of the department.

2113 (3) If a person refuses to testify; to produce books,
2114 papers, documents, or records; or to otherwise obey the subpoena
2115 or subpoena duces tecum issued under subsection (2), the
2116 department may petition a court of competent jurisdiction in the
2117 county where the person's residence or principal place of
2118 business is located, upon which the court must issue an order
2119 requiring such person to obey the subpoena or show cause for
2120 failing to obey the subpoena. Unless the person shows sufficient
2121 cause for failing to obey the subpoena, the court must direct
2122 the person to obey the subpoena. Failure to comply with such
2123 order constitutes contempt of court.

2124 (4) For the purpose of any investigation, examination, or
2125 proceeding initiated by the department under this chapter, the
2126 department may designate agents to serve subpoenas and other
2127 process and administer oaths or affirmations.

2128 (5) Witnesses subpoenaed under this section are entitled to
2129 witness fees at the same rate established by s. 92.142 for
2130 witnesses in a civil case, except that witness fees are not
2131 payable for appearance at the witness's place of business during
2132 regular business hours or at the witness's residence.

2133 (6) The department may adopt rules to administer this
2134 section.

2135 Section 49. Subsection (4) of section 323.001, Florida
2136 Statutes, is amended to read:

2137 323.001 Wrecker operator storage facilities; vehicle
2138 holds.-

2139 (4) The requirements for a written hold apply when the

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2140 following conditions are present:

2141 (a) The officer has probable cause to believe the vehicle
2142 should be seized and forfeited under the Florida Contraband
2143 Forfeiture Act, ss. 932.701-932.7062;

2144 (b) The officer has probable cause to believe the vehicle
2145 should be seized and forfeited under chapter 379;

2146 (c) The officer has probable cause to believe the vehicle
2147 was used as the means of committing a crime;

2148 (d) The officer has probable cause to believe that the
2149 vehicle is itself evidence that tends to show that a crime has
2150 been committed or that the vehicle contains evidence, which
2151 cannot readily be removed, which tends to show that a crime has
2152 been committed;

2153 (e) The officer has probable cause to believe the vehicle
2154 was involved in a traffic crash ~~accident~~ resulting in death or
2155 personal injury and should be sealed for investigation and
2156 collection of evidence by a vehicular homicide investigator;

2157 (f) The vehicle is impounded or immobilized pursuant to s.
2158 316.193 or s. 322.34; or

2159 (g) The officer is complying with a court order.

2160 Section 50. Paragraph (c) of subsection (1), paragraph (c)
2161 of subsection (2), and subsection (4) of section 323.002,
2162 Florida Statutes, are amended to read:

2163 323.002 County and municipal wrecker operator systems;
2164 penalties for operation outside of system.—

2165 (1) As used in this section, the term:

2166 (c) "Wrecker operator system" means a system for the towing
2167 or removal of wrecked, disabled, or abandoned vehicles, similar
2168 to the Florida Highway Patrol wrecker operator system described

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2169 in s. 321.051(2), under which a county or municipality contracts
2170 with one or more wrecker operators for the towing or removal of
2171 wrecked, disabled, or abandoned vehicles from crash ~~accident~~
2172 scenes, streets, or highways. A wrecker operator system shall
2173 include using a method for apportioning the towing assignments
2174 among the eligible wrecker operators through the creation of
2175 geographic zones, a rotation schedule, or a combination of these
2176 methods.

2177 (2) In any county or municipality that operates a wrecker
2178 operator system:

2179 (c) When an unauthorized wrecker operator drives by the
2180 scene of a wrecked or disabled vehicle and the owner or operator
2181 initiates contact by signaling the wrecker operator to stop and
2182 provide towing services, the unauthorized wrecker operator must
2183 disclose in writing to the owner or operator of the vehicle his
2184 or her full name and driver license number, that he or she is
2185 not the authorized wrecker operator who has been designated as
2186 part of the wrecker operator system, that the motor vehicle is
2187 not being towed for the owner's or operator's insurance company
2188 or lienholder, whether he or she has in effect an insurance
2189 policy providing at least \$300,000 of liability insurance and at
2190 least \$50,000 of on-hook cargo insurance, and the maximum
2191 charges for towing and storage which will apply before the
2192 vehicle is connected to the towing apparatus. The unauthorized
2193 wrecker operator must also provide a copy of the disclosure to
2194 the owner or operator in the presence of a law enforcement
2195 officer if such officer is at the scene of a motor vehicle crash
2196 ~~accident~~. Any person who violates this paragraph commits a
2197 misdemeanor of the second degree, punishable as provided in s.

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2198 775.082 or s. 775.083, and the person's wrecker, tow truck, or
2199 other motor vehicle that was used during the offense may be
2200 immediately removed and impounded pursuant to subsection (3).

2201 (4) This section does not prohibit, or in any way prevent,
2202 the owner or operator of a vehicle involved in a crash ~~an~~
2203 ~~accident~~ or otherwise disabled from contacting any wrecker
2204 operator for the provision of towing services, whether the
2205 wrecker operator is an authorized wrecker operator or not.

2206 Section 51. Section 324.011, Florida Statutes, is amended
2207 to read:

2208 324.011 Purpose of chapter.—It is the intent of this
2209 chapter to recognize the existing privilege to own or operate a
2210 motor vehicle on the public streets and highways of this state
2211 when such vehicles are used with due consideration for others
2212 and their property, and to promote safety and provide financial
2213 security requirements for such owners or operators whose
2214 responsibility it is to recompense others for injury to person
2215 or property caused by the operation of a motor vehicle.
2216 Therefore, it is required herein that the operator of a motor
2217 vehicle involved in a crash or convicted of certain traffic
2218 offenses meeting the operative provisions of s. 324.051(2) shall
2219 respond for such damages and show proof of financial ability to
2220 respond for damages in future crashes ~~accidents~~ as a requisite
2221 to his or her future exercise of such privileges.

2222 Section 52. Subsection (1) of section 324.022, Florida
2223 Statutes, is amended to read:

2224 324.022 Financial responsibility for property damage.—

2225 (1) Every owner or operator of a motor vehicle required to
2226 be registered in this state shall establish and maintain the

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2227 ability to respond in damages for liability on account of
2228 crashes ~~accidents~~ arising out of the use of the motor vehicle in
2229 the amount of \$10,000 because of damage to, or destruction of,
2230 property of others in any one crash. The requirements of this
2231 section may be met by one of the methods established in s.
2232 324.031; by self-insuring as authorized by s. 768.28(16); or by
2233 maintaining an insurance policy providing coverage for property
2234 damage liability in the amount of at least \$10,000 because of
2235 damage to, or destruction of, property of others in any one
2236 crash ~~accident~~ arising out of the use of the motor vehicle. The
2237 requirements of this section may also be met by having a policy
2238 which provides coverage in the amount of at least \$30,000 for
2239 combined property damage liability and bodily injury liability
2240 for any one crash arising out of the use of the motor vehicle.
2241 The policy, with respect to coverage for property damage
2242 liability, must meet the applicable requirements of s. 324.151,
2243 subject to the usual policy exclusions that have been approved
2244 in policy forms by the Office of Insurance Regulation. No
2245 insurer shall have any duty to defend uncovered claims
2246 irrespective of their joinder with covered claims.

2247 Section 53. Section 324.023, Florida Statutes, is amended
2248 to read:

2249 324.023 Financial responsibility for bodily injury or
2250 death.—In addition to any other financial responsibility
2251 required by law, every owner or operator of a motor vehicle that
2252 is required to be registered in this state, or that is located
2253 within this state, and who, regardless of adjudication of guilt,
2254 has been found guilty of or entered a plea of guilty or nolo
2255 contendere to a charge of driving under the influence under s.

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2256 316.193 after October 1, 2007, shall, by one of the methods
2257 established in s. 324.031(1) or (2), establish and maintain the
2258 ability to respond in damages for liability on account of
2259 crashes ~~accidents~~ arising out of the use of a motor vehicle in
2260 the amount of \$100,000 because of bodily injury to, or death of,
2261 one person in any one crash and, subject to such limits for one
2262 person, in the amount of \$300,000 because of bodily injury to,
2263 or death of, two or more persons in any one crash and in the
2264 amount of \$50,000 because of property damage in any one crash.
2265 If the owner or operator chooses to establish and maintain such
2266 ability by furnishing a certificate of deposit pursuant to s.
2267 324.031(2), such certificate of deposit must be at least
2268 \$350,000. Such higher limits must be carried for a minimum
2269 period of 3 years. If the owner or operator has not been
2270 convicted of driving under the influence or a felony traffic
2271 offense for a period of 3 years from the date of reinstatement
2272 of driving privileges for a violation of s. 316.193, the owner
2273 or operator shall be exempt from this section.

2274 Section 54. Paragraph (b) of subsection (1) and paragraph
2275 (a) of subsection (2) of section 324.051, Florida Statutes, are
2276 amended to read:

2277 324.051 Reports of crashes; suspensions of licenses and
2278 registrations.—

2279 (1)

2280 (b) The department is hereby further authorized to require
2281 reports of crashes from individual owners or operators whenever
2282 it deems it necessary for the proper administration of this
2283 chapter, and these reports shall be made without prejudice
2284 except as specified in this subsection. No such report shall be

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2285 used as evidence in any trial arising out of a crash. However,
2286 subject to the applicable rules of evidence, a law enforcement
2287 officer at a criminal trial may testify as to any statement made
2288 to the officer by the person involved in the crash ~~accident~~ if
2289 that person's privilege against self-incrimination is not
2290 violated.

2291 (2) (a) Thirty days after receipt of notice of any crash
2292 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
2293 within this state, the department shall suspend, after due
2294 notice and opportunity to be heard, the license of each operator
2295 and all registrations of the owner of the vehicles operated by
2296 such operator whether or not involved in such crash and, in the
2297 case of a nonresident owner or operator, shall suspend such
2298 nonresident's operating privilege in this state, unless such
2299 operator or owner shall, prior to the expiration of such 30
2300 days, be found by the department to be exempt from the operation
2301 of this chapter, based upon evidence satisfactory to the
2302 department that:

2303 1. The motor vehicle was legally parked at the time of such
2304 crash.

2305 2. The motor vehicle was owned by the United States
2306 Government, this state, or any political subdivision of this
2307 state or any municipality therein.

2308 3. Such operator or owner has secured a duly acknowledged
2309 written agreement providing for release from liability by all
2310 parties injured as the result of said crash and has complied
2311 with one of the provisions of s. 324.031.

2312 4. Such operator or owner has deposited with the department
2313 security to conform with s. 324.061 when applicable and has

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2314 complied with one of the provisions of s. 324.031.

2315 5. One year has elapsed since such owner or operator was
2316 suspended pursuant to subsection (3), the owner or operator has
2317 complied with one of the provisions of s. 324.031, and no bill
2318 of complaint of which the department has notice has been filed
2319 in a court of competent jurisdiction.

2320
2321 No such policy or bond shall be effective under this subsection
2322 unless it contains limits of not less than those specified in s.
2323 324.021(7).

2324 Section 55. Subsections (2), (3), and (4) of section
2325 324.242, Florida Statutes, are amended to read:

2326 324.242 Personal injury protection and property damage
2327 liability insurance policies; public records exemption.—

2328 (2) Upon receipt of a request and proof of a crash report
2329 as required under s. 316.065, s. 316.066, or s. 316.068, or a
2330 crash report created pursuant to the laws of another state, the
2331 department shall release the policy number for a policy covering
2332 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2333 (a) Any person involved in such crash ~~accident~~;

2334 (b) The attorney of any person involved in such crash
2335 ~~accident~~; or

2336 (c) A representative of the insurer of any person involved
2337 in such crash ~~accident~~.

2338 (3) The department shall provide personal injury protection
2339 and property damage liability insurance policy numbers to
2340 department-approved third parties that provide data collection
2341 services to an insurer of any person involved in such crash
2342 ~~accident~~.

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2343 (4) Before the department's release of a policy number in
2344 accordance with subsection (2) or subsection (3), an insurer's
2345 representative, a contracted third party, or an attorney for a
2346 person involved in a crash ~~an accident~~ must provide the
2347 department with documentation confirming proof of
2348 representation.

2349 Section 56. Section 328.30, Florida Statutes, is amended to
2350 read:

2351 328.30 Transactions by electronic or telephonic means.—

2352 (1) The Department of Highway Safety and Motor Vehicles may
2353 accept any application provided for under this part ~~chapter~~ by
2354 electronic or telephonic means.

2355 (2) The department may issue an electronic certificate of
2356 title in lieu of printing a paper title.

2357 (3) The department or tax collector may collect electronic
2358 mail addresses or cellular telephone numbers and use electronic
2359 mail or text messages in lieu of the United States Postal
2360 Service for the purpose of providing information related to
2361 Department of Highway Safety and Motor Vehicles functions in
2362 accordance with chapter 119 and pursuant to the federal Driver
2363 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The
2364 provision of electronic mail addresses and cellular telephone
2365 numbers by the applicant is optional and, before collection
2366 pursuant to this subsection, the department or tax collector
2367 shall disclose to the applicant the purposes for which the
2368 electronic mail addresses and cellular telephone numbers may be
2369 used ~~renewal notices~~.

2370 Section 57. Subsection (3) of section 328.40, Florida
2371 Statutes, is amended to read:

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2372 328.40 Administration of vessel registration and titling
2373 laws; records.—

2374 (3) All records made or kept by the Department of Highway
2375 Safety and Motor Vehicles under this part are subject to
2376 inspection and copying as provided in chapter 119 ~~law are public~~
2377 ~~records except for confidential reports.~~

2378 Section 58. Subsection (1) of section 328.73, Florida
2379 Statutes, is amended to read:

2380 328.73 Registration; duties of tax collectors.—

2381 (1) The tax collectors in the counties of the state, as
2382 authorized agents of the department, shall issue registration
2383 certificates and vessel numbers and decals to applicants,
2384 subject to the requirements of law and in accordance with rules
2385 of the department. For the purpose of enhancing customer
2386 services provided by tax collectors acting on behalf of the
2387 department, the department, contingent upon an approved request
2388 and memorandum of understanding, shall provide tax collectors,
2389 and tax collector-approved agents and vendors with real-time
2390 access to data that other third parties receive from the
2391 department related to registration certificates and vessel
2392 numbers and decals, including, but not limited to, the most
2393 current address information and electronic mail addresses of
2394 applicants. The memorandum of understanding as required under
2395 this paragraph may not be more restrictive than any memorandum
2396 of understanding between the department and other third-party
2397 vendors.

2398 Section 59. Section 328.80, Florida Statutes, is amended to
2399 read:

2400 328.80 Transactions by electronic or telephonic means.—

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2401 (1) The Department of Highway Safety and Motor Vehicles
2402 ~~commission~~ is authorized to accept any application provided for
2403 under this part ~~chapter~~ by electronic or telephonic means.

2404 (2) The department or tax collector may collect electronic
2405 mail addresses or cellular telephone numbers and use electronic
2406 mail or text messages in lieu of the United States Postal
2407 Service for the purpose of providing information related to
2408 Department of Highway Safety and Motor Vehicles functions in
2409 accordance with chapter 119 and pursuant to the federal Driver
2410 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The
2411 provision of electronic mail addresses and cellular telephone
2412 numbers by the applicant is optional and, before collection
2413 pursuant to this subsection, the department or tax collector
2414 shall disclose to the applicant the purposes for which the
2415 electronic mail addresses and cellular telephone numbers may be
2416 used.

2417 Section 60. Subsection (4) of section 627.7415, Florida
2418 Statutes, is amended to read:

2419 627.7415 Commercial motor vehicles; additional liability
2420 insurance coverage.—Commercial motor vehicles, as defined in s.
2421 207.002 or s. 320.01, operated upon the roads and highways of
2422 this state shall be insured with the following minimum levels of
2423 combined bodily liability insurance and property damage
2424 liability insurance in addition to any other insurance
2425 requirements:

2426 (4) All commercial motor vehicles subject to regulations of
2427 the United States Department of Transportation, 49 C.F.R. part
2428 387, subparts ~~subpart~~ A and B, and as may be hereinafter
2429 amended, shall be insured in an amount equivalent to the minimum

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2430 levels of financial responsibility as set forth in such
2431 regulations.

2432

2433 A violation of this section is a noncriminal traffic infraction,
2434 punishable as a nonmoving violation as provided in chapter 318.

2435 Section 61. Subsection (2) of section 316.251, Florida
2436 Statutes, is amended to read:

2437 316.251 Maximum bumper heights.—

2438 (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~
2439 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,
2440 "horseless carriages" as defined in s. 320.086, and "street
2441 rods" as defined in s. 320.0863 shall be excluded from the
2442 requirements of this section.

2443 Section 62. Subsection (19) of section 501.976, Florida
2444 Statutes, is amended to read:

2445 501.976 Actionable, unfair, or deceptive acts or
2446 practices.—It is an unfair or deceptive act or practice,
2447 actionable under the Florida Deceptive and Unfair Trade
2448 Practices Act, for a dealer to:

2449 (19) Fail to disclose damage to a new motor vehicle, as
2450 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had
2451 actual knowledge, if the dealer's actual cost of repairs exceeds
2452 the threshold amount, excluding replacement items.

2453

2454 In any civil litigation resulting from a violation of this
2455 section, when evaluating the reasonableness of an award of
2456 attorney's fees to a private person, the trial court shall
2457 consider the amount of actual damages in relation to the time
2458 spent.

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2459 Section 63. Subsection (1) of section 655.960, Florida
2460 Statutes, is amended to read:

2461 655.960 Definitions; ss. 655.960-655.965.—As used in this
2462 section and ss. 655.961-655.965, unless the context otherwise
2463 requires:

2464 (1) "Access area" means any paved walkway or sidewalk which
2465 is within 50 feet of any automated teller machine. The term does
2466 not include any street or highway open to the use of the public,
2467 as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,
2468 including any adjacent sidewalk, as defined in s. 316.003.

2469 Section 64. Subsection (5) of section 856.015, Florida
2470 Statutes, is amended to read:

2471 856.015 Open house parties.—

2472 (5) If a violation of subsection (2) causes or contributes
2473 to causing serious bodily injury, as defined in s. 316.003
2474 ~~316.1933~~, or death to the minor, or if the minor causes or
2475 contributes to causing serious bodily injury or death to another
2476 as a result of the minor's consumption of alcohol or drugs at
2477 the open house party, the violation is a misdemeanor of the
2478 first degree, punishable as provided in s. 775.082 or s.
2479 775.083.

2480 Section 65. This act shall take effect July 1, 2019.