

FOR CONSIDERATION 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; amending s. 316.192, F.S.;
18 deleting the defined term "serious bodily injury";
19 amending s. 316.193, F.S.; adding an operator to
20 persons who may incur serious bodily injury for
21 purposes of a certain penalty; amending s. 316.1933,
22 F.S.; adding a driver to persons who may incur serious
23 bodily injury for purposes of a certain alcohol or
24 drug test; deleting the defined term "serious bodily
25 injury"; amending s. 316.194, F.S.; authorizing
26 traffic crash investigation officers, rather than
27 traffic accident investigation officers, to move
28 vehicles; amending s. 316.302, F.S.; revising the
29 applicability of specified rules and regulations to

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30 certain owners and drivers of commercial motor
31 vehicles; providing that a person who operates a
32 commercial motor vehicle solely in intrastate commerce
33 which does not transport hazardous materials in
34 amounts that require placarding need not comply with
35 specified requirements of electronic logging devices
36 and hours of service supporting documents until a
37 specified date; removing a limit on civil penalties
38 for falsification of certain time records; deleting a
39 requirement that a motor carrier maintain
40 documentation of driving times under certain
41 circumstances; revising the conditions under which
42 persons who operate commercial motor vehicles are
43 exempt from specified rules and regulations; amending
44 s. 316.622, F.S.; requiring that the department
45 provide to the Department of Business and Professional
46 Regulation a copy of each crash report involving a
47 farm labor vehicle; amending s. 316.640, F.S.;
48 authorizing the Division of the Florida Highway Patrol
49 to employ traffic crash investigation officers, rather
50 than traffic accident investigation officers;
51 conforming provisions to changes made by that act;
52 amending s. 316.655, F.S.; authorizing a driver
53 convicted of certain violations resulting in a crash,
54 rather than an accident, to have his or her driving
55 privileges revoked or suspended by the court; amending
56 s. 316.70, F.S.; requiring that owners and drivers of
57 certain nonpublic sector buses be subject to specified
58 rules and regulations; providing duties for the

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59 Department of Highway Safety and Motor Vehicles,
60 rather than the Department of Transportation, for such
61 nonpublic sector buses; authorizing department
62 personnel to conduct compliance investigations and
63 assess certain penalties; authorizing motor carriers
64 to be enjoined under certain circumstances;
65 authorizing certain officers and agents to require
66 drivers of certain commercial vehicles to submit to
67 certain inspections and to either remove the vehicle
68 or driver from service or provide notice requiring
69 correction under certain circumstances; amending s.
70 318.19, F.S.; revising infractions that require a
71 mandatory hearing; amending s. 319.001, F.S.; defining
72 terms; creating s. 319.002, F.S.; providing for
73 department administering and enforcement requirements;
74 providing rulemaking authority for the department;
75 amending s. 319.141, F.S.; creating a private rebuilt
76 motor vehicle inspection program, to replace a pilot
77 rebuilt motor vehicle inspection program; providing
78 powers and duties of the department; specifying the
79 purpose of the program; providing requirements for the
80 program; providing powers and requirements for private
81 rebuilt inspection providers; creating s. 319.1411,
82 F.S.; authorizing the department to monitor and
83 inspect the operations of private rebuilt inspection
84 providers to make specified determinations; creating
85 s. 319.142, F.S.; providing grounds and requirements
86 for termination of a contract with a private rebuilt
87 inspection provider; creating s. 319.1414, F.S.;

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88 authorizing the department to investigate and examine
89 private rebuilt inspection providers under certain
90 circumstances; providing additional powers related to
91 such investigations and examinations; requiring a
92 court to take specified actions under certain
93 circumstances; providing for witness fees; authorizing
94 the department to adopt certain rules; amending s.
95 319.25, F.S.; authorizing the department to conduct
96 investigations and examinations of certain persons
97 relating to title certificates; authorizing additional
98 powers related to such investigations and
99 examinations; requiring a court to take specified
100 actions under certain circumstances; providing for
101 witness fees; authorizing the department to adopt
102 certain rules; amending s. 319.40, F.S.; authorizing
103 the department to collect and use e-mail addresses for
104 certain purposes; amending s. 320.01, F.S.; redefining
105 the term "apportionable vehicle"; amending s. 320.06,
106 F.S.; providing for future repeal of requirements for
107 vehicles that have apportioned registrations;
108 providing requirements for certain vehicles that have
109 apportioned registrations upon implementation of a
110 certain operating system; requiring that the fee be
111 deposited into the Highway Safety Operating Trust
112 Fund; authorizing certain license plates to be
113 replaced at no charge; amending s. 320.0607, F.S.;
114 providing applicability; amending s. 320.27, F.S.;
115 defining the term "control person"; authorizing the
116 department to deny a new or renewal application for,

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117 or suspend or revoke, certain dealer licenses under
118 certain circumstances; authorizing the court to bar a
119 person from acting as a motor vehicle dealer under
120 certain circumstances, subject to certain
121 requirements; amending s. 320.861, F.S.; authorizing
122 the department to conduct investigations and
123 examinations of persons suspected of violating or of
124 having violated certain laws, rules, or orders
125 relating to motor vehicle licenses; proving additional
126 powers related to such investigations and
127 examinations; requiring a court to take specified
128 actions under certain circumstances; providing for
129 witness fees; authorizing the department to adopt
130 certain rules; amending s. 320.95, F.S.; authorizing
131 the department to collect and use e-mail addresses for
132 certain purposes; amending s. 321.05, F.S.;
133 authorizing certain patrol officers to investigate
134 traffic crashes; amending s. 321.065, F.S.;
135 authorizing the department to employ certain traffic
136 crash investigation officers; amending s. 321.23,
137 F.S.; revising certain public records photographs to
138 include crashes; amending s. 322.051, F.S.; extending
139 the period after which a renewal application for an
140 identification card is considered the same as an
141 original application; amending s. 322.0602, F.S.;
142 authorizing courts to include a requirement for
143 supervised visitation under the Youthful Drunk Driver
144 Visitation Program at trauma centers that regularly
145 receive victims of vehicle crashes; conforming

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146 provisions to changes made by the act; amending s.
147 322.08, F.S.; authorizing the department to collect
148 and use e-mail addresses for certain purposes;
149 amending s. 322.091, F.S.; requiring that the
150 department make available, upon request, a report that
151 includes specific information for students whose
152 driving privileges have been suspended; amending s.
153 322.17, F.S.; authorizing stolen identification cards
154 to be replaced at no charge under certain
155 circumstances; amending s. 322.21, F.S.; providing for
156 expedited shipping for the renewal or replacement
157 driver licenses or identification cards under certain
158 circumstances, subject to certain requirements;
159 requiring that the fee be deposited into the Highway
160 Safety Operating Trust Fund; amending s. 322.212,
161 F.S.; prohibiting a person from providing altered or
162 counterfeit documents or participating in dishonest or
163 deceptive actions in any application for a driver
164 license or identification card; providing for the
165 suspension of specified licenses or permits for
166 specified periods under certain circumstances;
167 providing construction; amending s. 322.36, F.S.;
168 providing for suspension of license for loaning a
169 vehicle to a person whose license is suspended if such
170 vehicle is involved in certain crashes; amending s.
171 322.61, F.S.; adding violations for disqualification
172 from operating a commercial motor vehicle; creating s.
173 322.71, F.S.; authorizing the department to conduct
174 investigations and examinations of persons suspected

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175 of violating or of having violated certain laws,
176 rules, or orders relating to motor vehicle licenses;
177 providing additional powers related to such
178 investigations and examinations; requiring a court to
179 take specified actions under certain circumstances;
180 providing for witness fees; authorizing the department
181 to adopt certain rules; amending s. 323.001, F.S.;
182 providing that the requirements for a certain written
183 hold on a motor vehicle apply when an officer has
184 probable cause to believe the vehicle was involved in
185 a certain traffic crash; amending s. 323.002, F.S.;
186 revising the term "wrecker operator system" to include
187 wrecker operators removing vehicles from crash scenes
188 under certain circumstances; requiring that an
189 unauthorized wrecker operator provide a copy of a
190 certain disclosure to the owner or operator of a
191 vehicle in the presence of a law enforcement officer
192 if such officer is at the scene of a motor vehicle
193 crash; revising applicability to include vehicles
194 involved in a crash, rather than an accident; amending
195 s. 324.011, F.S.; requiring that certain operators of
196 motor vehicles involved in a crash or convicted of
197 certain traffic offenses show proof of financial
198 ability to respond for damages in future crashes;
199 amending s. 324.022, F.S.; requiring that a certain
200 owner or operator of a motor vehicle establish and
201 maintain the ability to respond in damages for
202 liability on account of certain crashes; conforming a
203 provision to changes made by the act; amending s.

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204 324.023, F.S.; requiring that a certain owner or
205 operator of a motor vehicle establish and maintain the
206 ability to respond in damages for liability on account
207 of certain crashes; amending s. 324.051, F.S.;

208 authorizing a law enforcement officer at a criminal
209 trial to testify as to any statement made to the
210 officer by the person involved in a crash under
211 certain circumstances; providing for certain
212 suspensions of license, registration, and operating
213 privileges after notice of a certain crash; amending
214 s. 324.242, F.S.; requiring that the department
215 release a policy number for a policy covering a
216 vehicle involved in a motor vehicle crash under
217 certain circumstances; conforming provisions to
218 changes made by the act; amending s. 328.30, F.S.;

219 authorizing the department to accept certain
220 applications by electronic or telephonic means;
221 authorizing the department to collect and use e-mail
222 addresses for certain purposes; amending s. 328.40,
223 F.S.; providing that certain records made or kept by
224 the department are subject to certain inspection and
225 copying requirements; amending s. 328.80, F.S.;

226 authorizing the department to accept certain
227 applications by electronic or telephonic means;
228 authorizing the department to collect and use e-mail
229 addresses for certain purposes; amending s. 627.7415,
230 F.S.; revising the applicability of certain federal
231 regulations that commercial motor vehicles are subject
232 to for certain insurance purposes; amending ss.

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233 316.251, 501.976, 655.960, 856.015, F.S.; conforming
234 cross-references; providing an effective date.
235

236 Be It Enacted by the Legislature of the State of Florida:
237

238 Section 1. Present subsections (16) through (73) and (74)
239 through (101) of s. 316.003, Florida Statutes, are redesignated
240 as subsections (17) through (74) and (76) through (103),
241 respectively, new subsections (16) and (75) are added to that
242 section, and present subsection (59) of that section is amended,
243 to read:

244 316.003 Definitions.—The following words and phrases, when
245 used in this chapter, shall have the meanings respectively
246 ascribed to them in this section, except where the context
247 otherwise requires:

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

258 (a) On private property, if such operation does not result
259 in death or serious bodily injury, except that the term "crash"
260 includes such operation on private property when the operator is
261 suspected of violating s. 316.193.

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

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

276 (d) The death or suffering of a medical episode by the
277 operator or an occupant of a motor vehicle or moped, if
278 operation of the motor vehicle or moped did not result in such
279 death or medical episode and did not result in property damage
280 or the death of or bodily injury, or complaint of bodily injury,
281 to any other person.

282 (60) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
283 provided in paragraph (83) (b) ~~(81) (b)~~, any privately owned way
284 or place used for vehicular travel by the owner and those having
285 express or implied permission from the owner, but not by other
286 persons.

287 (75) SERIOUS BODILY INJURY.—An injury to any person which
288 consists of a physical injury that creates a substantial risk of
289 death, significant personal disfigurement, or protracted loss or
290 impairment of the function of any bodily member or organ.

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

293 316.027 Crash involving death or personal injuries.—

294 (1) As used in this section, the term—

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

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

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

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

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

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

310 1.a. A farm tractor or similar vehicle designed primarily
 311 for farm use;

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

313 3.e. A horse-drawn carriage;

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

315 5.e. A wheelchair.

316 (4) (a) In addition to any other civil, criminal, or
 317 administrative penalty imposed, a person whose commission of a
 318 noncriminal traffic infraction or a violation of this chapter or
 319 s. 1006.66 causes or results in the death of another person may

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320 be required by the court to serve 120 community service hours in
321 a trauma center or hospital that regularly receives victims of
322 vehicle crashes ~~accidents~~, under the supervision of a registered
323 nurse, an emergency room physician, or an emergency medical
324 technician pursuant to a voluntary community service program
325 operated by the trauma center or hospital.

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

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

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

342 Section 3. Subsection (1) and paragraph (a) of subsection
343 (5) of section 316.0271, Florida Statutes, are amended to read:

344 316.0271 Yellow dot critical motorist medical information
345 program; yellow dot decal, folder, and information form.—

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

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

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

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

361 316.061 Crashes involving damage to vehicle or property.—

362 (3) Employees or authorized agents of the Department of
363 Transportation, law enforcement with proper jurisdiction, or an
364 expressway authority created pursuant to chapter 348, in the
365 exercise, management, control, and maintenance of its highway
366 system, may undertake the removal from the main traveled way of
367 roads on its highway system of all vehicles incapacitated as a
368 result of a motor vehicle crash and of debris caused thereby.
369 Such removal is applicable when such a motor vehicle crash
370 results only in damage to a vehicle or other property, and when
371 such removal can be accomplished safely and will result in the
372 improved safety or convenience of travel upon the road. The
373 driver or any other person who has removed a motor vehicle from
374 the main traveled way of the road as provided in this section
375 may ~~shall~~ not be considered liable or at fault regarding the
376 cause of the crash ~~accident~~ solely by reason of moving the
377 vehicle.

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378 Section 5. Paragraph (c) of subsection (3) of section
379 316.192, Florida Statutes, is amended to read:

380 316.192 Reckless driving.—

381 (3) Any person:

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

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

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

393 Section 6. Subsection (3) of section 316.193, Florida
394 Statutes, is amended to read:

395 316.193 Driving under the influence; penalties.—

396 (3) Any person:

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

398 (b) Who operates a vehicle; and

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

401 1. Damage to the property or person of another commits a
402 misdemeanor of the first degree, punishable as provided in s.
403 775.082 or s. 775.083.

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

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407 or s. 775.084.

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

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

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

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

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

418

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

423 Section 7. Subsection (1) of section 316.1933, Florida
424 Statutes, is amended to read

425 316.1933 Blood test for impairment or intoxication in cases
426 of death or serious bodily injury; right to use reasonable
427 force.—

428 (1) ~~(a)~~ If a law enforcement officer has probable cause to
429 believe that a motor vehicle driven by or in the actual physical
430 control of a person under the influence of alcoholic beverages,
431 any chemical substances, or any controlled substances has caused
432 the death or serious bodily injury of a human being, including
433 serious bodily injury of the driver, a law enforcement officer
434 shall require the person driving or in actual physical control
435 of the motor vehicle to submit to a test of the person's blood

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436 for the purpose of determining the alcoholic content thereof or
437 the presence of chemical substances as set forth in s. 877.111
438 or any substance controlled under chapter 893. The law
439 enforcement officer may use reasonable force if necessary to
440 require such person to submit to the administration of the blood
441 test. The blood test shall be performed in a reasonable manner.
442 Notwithstanding s. 316.1932, the testing required by this
443 paragraph need not be incidental to a lawful arrest of the
444 person.

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

450 Section 8. Paragraphs (a) and (b) of subsection (3) of
451 section 316.194, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

479 Section 9. Subsections (1) and (2) of section 316.302,
480 Florida Statutes, are amended to read:

481 316.302 Commercial motor vehicles; safety regulations;
482 transporters and shippers of hazardous materials; enforcement.-

483 (1) (a) All owners and drivers of commercial motor vehicles
484 that are operated on the public highways of this state while
485 engaged in interstate commerce are subject to the rules and
486 regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and
487 390-397.

488 (b) Except as otherwise provided in this section, all
489 owners or drivers of commercial motor vehicles that are engaged
490 in intrastate commerce are subject to the rules and regulations
491 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
492 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
493 ~~definition of bus,~~ as such rules and regulations existed on

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494 December 31, 2018 ~~2012~~.

495 (c) The emergency exceptions provided by 49 C.F.R. s.
496 392.82 also apply to communications by utility drivers and
497 utility contractor drivers during a Level 1 activation of the
498 State Emergency Operations Center, as provided in the Florida
499 Comprehensive Emergency Management plan, or during a state of
500 emergency declared by executive order or proclamation of the
501 Governor.

502 (d) Except as provided ~~in s. 316.215(5)~~, and ~~except as~~
503 ~~provided~~ in s. 316.228 for rear overhang lighting and flagging
504 requirements for intrastate operations, the requirements of this
505 section supersede all other safety requirements of this chapter
506 for commercial motor vehicles.

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

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

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

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523 1. More than 12 hours following 10 consecutive hours off
524 duty; or

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

527

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

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

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552 must be furnished to the Department of Highway Safety and Motor
553 Vehicles within 2 days after receipt of that department's
554 request. Falsification of such information is subject to a civil
555 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
556 does ~~do~~ not apply to operators of farm labor vehicles operated
557 during a state of emergency declared by the Governor or operated
558 pursuant to s. 570.07(21) or, ~~and do not apply~~ to drivers of
559 utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

570 (e) A person who operates a commercial motor vehicle solely
571 in intrastate commerce is exempt from subsection (1) while
572 transporting agricultural products, including horticultural or
573 forestry products, from farm or harvest place to the first place
574 of processing or storage, or from farm or harvest place directly
575 to market. However, such person must comply with 49 C.F.R. parts
576 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.
577 A vehicle or combination of vehicles operated pursuant to this
578 paragraph having a gross vehicle weight of 26,001 pounds or more
579 or having three or more axles on the power unit, regardless of
580 weight, must display the name of the vehicle owner or motor

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581 carrier and the municipality or town where the vehicle is based
582 on each side of the power unit in letters that contrast with the
583 background and that are readable from a distance of 50 feet. A
584 person who violates this vehicle identification requirement may
585 be assessed a penalty as provided in s. 316.3025(3)(a).

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

595 (g) A person whose driving record shows no convictions for
596 the preceding 3 years and who, as of October 1, 1988, is
597 employed as a driver-salesperson, as defined in 49 C.F.R. s.
598 395.2, and who operates solely in intrastate commerce, is exempt
599 from 49 C.F.R. part 391.

600 (h) A person who is an employee of an electric utility, as
601 defined in s. 361.11, or a telephone company, as defined in s.
602 364.02, and who operates a commercial motor vehicle solely in
603 intrastate commerce and within a 200 air-mile radius of the
604 location where the vehicle is based, is exempt from 49 C.F.R.
605 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

606 (i) A person whose driving record shows no traffic
607 convictions, pursuant to s. 322.61, during the 2-year period
608 immediately preceding the application for the commercial driver
609 license, who is otherwise qualified as a driver under 49 C.F.R.

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610 part 391, and who operates a commercial vehicle in intrastate
611 commerce only shall be exempt from the requirements of 49 C.F.R.
612 part 391, subpart E, s. 391.41(b)(10). However, such operators
613 are still subject to the requirements of ss. 322.12 and 322.121.
614 As proof of eligibility, such driver shall have in his or her
615 possession a physical examination form dated within the past 24
616 months.

617 ~~(j) A person who is otherwise qualified as a driver under~~
618 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
619 ~~intrastate commerce only, and who does not transport hazardous~~
620 ~~materials in amounts that require placarding pursuant to 49~~
621 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
622 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
623 ~~diabetes.~~

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

636 Section 10. Subsection (8) of section 316.622, Florida
637 Statutes, is amended to read:

638 316.622 Farm labor vehicles.—

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

642 Section 11. Paragraph (a) of subsection (1) of section
643 316.640, Florida Statutes, is amended to read:

644 316.640 Enforcement.—The enforcement of the traffic laws of
645 this state is vested as follows:

646 (1) STATE.—

647 (a)1.a. The Division of Florida Highway Patrol of the
648 Department of Highway Safety and Motor Vehicles; the Division of
649 Law Enforcement of the Fish and Wildlife Conservation
650 Commission; and the agents, inspectors, and officers of the
651 Department of Law Enforcement each have authority to enforce all
652 of the traffic laws of this state on all the streets and
653 highways thereof and elsewhere throughout the state wherever the
654 public has a right to travel by motor vehicle.

655 b. University police officers may enforce all of the
656 traffic laws of this state when violations occur on or within
657 1,000 feet of any property or facilities that are under the
658 guidance, supervision, regulation, or control of a state
659 university, a direct-support organization of such state
660 university, or any other organization controlled by the state
661 university or a direct-support organization of the state
662 university, or when such violations occur within a specified
663 jurisdictional area as agreed upon in a mutual aid agreement
664 entered into with a law enforcement agency pursuant to s.
665 23.1225(1). Traffic laws may also be enforced off-campus when
666 hot pursuit originates on or within 1,000 feet of any such
667 property or facilities, or as agreed upon in accordance with the

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668 mutual aid agreement.

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

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

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

694 (II) A parking enforcement specialist employed by an
695 airport authority may enforce all state, county, and municipal
696 laws and ordinances governing parking only when such violations

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697 are on property or facilities owned or operated by the airport
698 authority employing the specialist, by appropriate state,
699 county, or municipal traffic citation.

700 e. The Office of Agricultural Law Enforcement of the
701 Department of Agriculture and Consumer Services may enforce
702 traffic laws of this state.

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

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

715 3. The Division of the Florida Highway Patrol may employ as
716 a traffic crash ~~accident~~ investigation officer any individual
717 who successfully completes instruction in traffic crash ~~accident~~
718 investigation and court presentation through the Selective
719 Traffic Enforcement Program as approved by the Criminal Justice
720 Standards and Training Commission and funded through the
721 National Highway Traffic Safety Administration or a similar
722 program approved by the commission, but who does not necessarily
723 meet the uniform minimum standards established by the commission
724 for law enforcement officers or auxiliary law enforcement
725 officers under chapter 943. Any such traffic crash ~~accident~~

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

735 Section 12. Subsection (2) of section 316.655, Florida
736 Statutes, is amended to read:

737 316.655 Penalties.—

738 (2) A driver convicted of a violation of any offense
739 prohibited by this chapter or any other law of this state
740 regulating motor vehicles, which resulted in a crash ~~an~~
741 ~~accident~~, may have his or her driving privileges revoked or
742 suspended by the court if the court finds such revocation or
743 suspension warranted by the totality of the circumstances
744 resulting in the conviction and the need to provide for the
745 maximum safety for all persons who travel on or who are
746 otherwise affected by the use of the highways of the state. In
747 determining whether suspension or revocation is appropriate, the
748 court shall consider all pertinent factors, including, but not
749 limited to, such factors as the extent and nature of the
750 driver's violation of this chapter, the number of persons killed
751 or injured as the result of the driver's violation of this
752 chapter, and the extent of any property damage resulting from
753 the driver's violation of this chapter.

754 Section 13. Section 316.70, Florida Statutes, is amended to

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755 read:

756 316.70 Nonpublic sector buses; safety rules.—

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

764 (a) Nonpublic sector buses are safely maintained, equipped,
765 and operated.

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

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

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

776 (2) ~~Department of Transportation~~ personnel may conduct
777 compliance investigations ~~reviews~~ for the purpose of determining
778 compliance with this section. A civil penalty not to exceed
779 \$5,000 in the aggregate may be assessed against any person who
780 violates any provision of this section or who violates any
781 department rule or order ~~of the Department of Transportation~~. A
782 civil penalty not to exceed \$25,000 in the aggregate may be
783 assessed for violations found in a followup compliance

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784 ~~investigation review conducted within a 24-month period. A civil~~
785 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
786 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
787 ~~violations are found after a second followup compliance review~~
788 ~~within 12 months after the first followup compliance review.~~
789 Motor carriers may be enjoined pursuant to s. 316.3026 for
790 violations identified during a compliance investigation or motor
791 carriers found to be operating without insurance coverage
792 required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as
793 provided in s. 316.3026.

794 (3) For the purpose of enforcing this section, any law
795 enforcement officer of the department or duly appointed agent
796 who holds a current safety inspector certification from the
797 Commercial Vehicle Safety Alliance may require the driver of any
798 commercial vehicle operated on the highways of this state to
799 stop and submit to an inspection of the vehicle or the driver's
800 records. If the vehicle or driver is operating in an unsafe
801 condition, or if any required part or equipment is not present
802 or is not in proper repair or adjustment, and the continued
803 operation would be unduly hazardous, the officer may require the
804 vehicle or the driver to be removed from service pursuant to the
805 North American Standard Out-of-Service Criteria, until the
806 safety concerns are corrected. However, if continuous operation
807 would not be unduly hazardous, the officer may give written
808 notice requiring correction of the condition within 15 days.

809 (4)~~(3)~~ School buses subject to the provisions of chapter
810 1006 or s. 316.615 are exempt from the provisions of this
811 section.

812 Section 14. Section 318.19, Florida Statutes, is amended to

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813 read:

814 318.19 Infractions requiring a mandatory hearing.—
815 Subsections 318.14(2), (4), and (9) do not apply to any person
816 cited for an infraction identified in ~~the infractions listed in~~
817 this section and he or she shall not have the provisions of s.
818 ~~318.14(2), (4), and (9) available to him or her but must appear~~
819 before the designated official at the time and location of the
820 scheduled hearing for:

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

823 (2) Any infraction that ~~which~~ results in a crash that
824 causes “serious bodily injury, as defined in s. 316.003,” of
825 another or of the person cited for the infraction as defined in
826 ~~s. 316.1933(1);~~

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

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

829 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
830 316.189 of exceeding the speed limit by 30 mph or more.

831 Section 15. Section 319.001, Florida Statutes, is amended
832 to read:

833 319.001 Definitions.—As used in this chapter, the term:

834 (1) “Certificate of title” means the record that is
835 evidence of ownership of a vehicle, whether a paper certificate
836 authorized by the department or a certificate consisting of
837 information that is stored in an electronic form in the
838 department’s database.

839 (2) “Conflict” or “conflict of interest” means a situation
840 in which a private interest could benefit from or interfere with
841 official duties or a public interest, including, but not limited

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842 to, having a direct or indirect financial interest in a vehicle
843 being inspected pursuant to s. 319.141; or being employed by, or
844 directly or indirectly having an ownership interest in, an
845 entity that has a financial interest in a vehicle being
846 inspected pursuant to s. 319.141.

847 (3)~~(2)~~ "Department" means the Department of Highway Safety
848 and Motor Vehicles.

849 (4)~~(3)~~ "Front-end assembly" means fenders, hood, grill, and
850 bumper.

851 (5)~~(4)~~ "Licensed dealer," unless otherwise specifically
852 provided, means a motor vehicle dealer licensed under s. 320.27,
853 a mobile home dealer licensed under s. 320.77, or a recreational
854 vehicle dealer licensed under s. 320.771.

855 (6)~~(5)~~ "Motorcycle body assembly" means frame, fenders, and
856 gas tanks.

857 (7)~~(6)~~ "Motorcycle engine" means cylinder block, heads,
858 engine case, and crank case.

859 (8)~~(7)~~ "Motorcycle transmission" means drive train.

860 (9)~~(8)~~ "New mobile home" means a mobile home the equitable
861 or legal title to which has never been transferred by a
862 manufacturer, distributor, importer, or dealer to an ultimate
863 purchaser.

864 (10)~~(9)~~ "New motor vehicle" means a motor vehicle the
865 equitable or legal title to which has never been transferred by
866 a manufacturer, distributor, importer, or dealer to an ultimate
867 purchaser; however, when legal title is not transferred but
868 possession of a motor vehicle is transferred pursuant to a
869 conditional sales contract or lease and the conditions are not
870 satisfied and the vehicle is returned to the motor vehicle

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871 dealer, the motor vehicle may be resold by the motor vehicle
872 dealer as a new motor vehicle, provided the selling motor
873 vehicle dealer gives the following written notice to the
874 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."
875 The purchaser shall sign an acknowledgment, a copy of which is
876 kept in the selling dealer's file.

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

881 (12)~~(10)~~ "Rear body section" means both quarter panels,
882 decklid, bumper, and floor pan.

883 (13) "Rebuilt courier service" means an individual or
884 entity who provides services to vehicle owners or motor vehicle
885 dealers who use the inspection services of a private rebuilt
886 inspection provider. These services include, but are not limited
887 to, preparing, compiling, or providing forms, applications,
888 certificates of title, or other documentation required to
889 conduct a rebuilt inspection, or engaging in or arranging for
890 the transportation of vehicles for inspection.

891 (14) "Rebuilt inspection" means an examination of a rebuilt
892 vehicle and the required documentation. Required documentation
893 includes, but is not limited to: a properly endorsed certificate
894 of title, salvage certificate of title, or manufacturer's
895 statement of origin; an application for a rebuilt branded
896 certificate of title; a rebuilder's affidavit; a photograph of
897 the junk or salvage vehicle taken before repairs began; receipts
898 or invoices for all major component parts, as defined in s.
899 319.30; repairs conducted; and proof that notice of rebuilding

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900 of the vehicle has been reported to the National Motor Vehicle
901 Title Information System. If an airbag or airbags were deployed,
902 before and after photos must be provided which clearly show the
903 deployed airbags and that the airbags have been replaced.

904 (15)~~(11)~~ "Satisfaction of lien" means full payment of a
905 debt or release of a debtor from a lien by the lienholder.

906 (16)~~(12)~~ "Used motor vehicle" means any motor vehicle that
907 is not a "new motor vehicle" as defined in this section
908 subsection (9).

909 Section 16. Section 319.002, Florida Statutes, is created
910 to read:

911 319.002 Rulemaking authority.—The department shall
912 administer and provide for the enforcement of this chapter. The
913 department may adopt rules pursuant to ss. 120.536(1) and 120.54
914 to implement this chapter, including rules and forms governing
915 reports. The department also has nonexclusive power to define by
916 rule any term, regardless of whether that term is used in this
917 chapter, provided that the definition is not inconsistent with
918 this chapter.

919 Section 17. Section 319.141, Florida Statutes, is amended
920 to read:

921 319.141 Private Pilot ~~Pilot~~ rebuilt motor vehicle inspection
922 program.—

923 (1) The department may authorize private rebuilt inspection
924 providers under the terms of this section. The purpose of the
925 private rebuilt motor vehicle inspection program is to prevent
926 the use of stolen parts in the rebuilding process, identify and
927 recover stolen vehicles, require the installation of nonrecalled
928 airbags in rebuilt vehicles, and assist law enforcement with the

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929 investigation of vehicle theft and related fraud. The department
930 may monitor and investigate private rebuilt inspection providers
931 and rebuilt courier services to ensure compliance with this
932 chapter. The department may examine all records pertaining to
933 any inspection or related service performed under the program.

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

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

937 ~~(b) "Rebuilt inspection services" means an examination of a~~
938 ~~rebuilt vehicle and a properly endorsed certificate of title,~~
939 ~~salvage certificate of title, or manufacturer's statement of~~
940 ~~origin and an application for a rebuilt certificate of title, a~~
941 ~~rebuilder's affidavit, a photograph of the junk or salvage~~
942 ~~vehicle taken before repairs began, receipts or invoices for all~~
943 ~~major component parts, as defined in s. 319.30, and repairs~~
944 ~~which were changed, and proof that notice of rebuilding of the~~
945 ~~vehicle has been reported to the National Motor Vehicle Title~~
946 ~~Information System.~~

947 ~~(2) By July 1, 2015, the department shall oversee a pilot~~
948 ~~program in Miami-Dade County to evaluate alternatives for~~
949 ~~rebuilt inspection services offered by existing private sector~~
950 ~~operators, including the continued use of private facilities,~~
951 ~~the cost impact to consumers, and the potential savings to the~~
952 ~~department.~~

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

956 (3) A person or an entity may not provide rebuilt courier
957 services in this state or from locations outside of this state

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958 unless it has a valid, nonexclusive contract with each
959 department-authorized private rebuilt inspection provider with
960 which the rebuilt courier service conducts business. Such
961 contract must require the rebuilt courier service to comply with
962 state law and department procedures; provide proof of and agree
963 to maintain garage liability insurance in the amount of at least
964 \$100,000; and comply with any other requirement established by
965 the department which is designed to protect the public, the
966 department, or the private rebuilt inspection provider from
967 illegal or disruptive conduct.

968 ~~(3) The department shall establish a memorandum of~~
969 ~~understanding that allows private parties participating in the~~
970 ~~pilot program to conduct rebuilt motor vehicle inspections and~~
971 ~~specifies requirements for oversight, bonding and insurance,~~
972 ~~procedures, and forms and requires the electronic transmission~~
973 ~~of documents.~~

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

976 (5)~~(4)~~ Before authorization is granted to a private rebuilt
977 inspection provider an applicant is approved, the department
978 shall ensure that the private rebuilt inspection provider meets
979 applicant meets basic criteria designed to protect the public.
980 ~~At a minimum, the applicant shall meet all of the following~~
981 ~~requirements:~~

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

984 (b) Has passed a physical location inspection conducted by
985 the department to ensure that the private rebuilt inspection
986 provider is operating in accordance with the requirements of

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987 this section and in a location where no other business is
988 operating, attached, connected, or joined by a common address,
989 even if such location is recognized by the United States Postal
990 Service as a separate address. The location must have permanent
991 signage with posted business hours; a rebuilt inspection area
992 separate and visually obstructed from any area accessible to a
993 customer; and a surveillance camera with recording capabilities
994 for the rebuilt inspection area.

995 (c)(a) Has provided evidence of a good and sufficient Have
996 and maintain a surety bond or irrevocable letter of credit in
997 the amount of \$100,000 executed by the private rebuilt
998 inspection provider which covers all activities under the
999 private rebuilt motor vehicle inspection program and names the
1000 department as an insured. Such surety bonds and letters of
1001 credit must be executed by a surety company authorized to do
1002 business in this state as a surety, and irrevocable letters of
1003 credit must be issued by a bank authorized to do business in
1004 this state as a bank. Surety bonds and letters of credit must be
1005 in favor of the department and must be for 1 year applicant.

1006 (d)(b) Has identified and provided a lease or proof of
1007 ownership of a proposed location that must be open to the public
1008 Secure and maintain a facility at a permanent structure at an
1009 address recognized by the United States Postal Service where the
1010 only services provided on such property are rebuilt inspection
1011 services. The location must be large enough to accommodate all
1012 of the vehicles being inspected and must have sufficient space
1013 to maintain physical security of all required inspection records
1014 The operator of a facility shall annually attest that he or she
1015 is not employed by or does not have an ownership interest in or

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1016 ~~other financial arrangement with the owner, operator, manager,~~
1017 ~~or employee of a motor vehicle repair shop as defined in s.~~
1018 ~~559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a~~
1019 ~~towing company, a vehicle storage company, a vehicle auction, an~~
1020 ~~insurance company, a salvage yard, a metal retailer, or a metal~~
1021 ~~rebuilder, from which he or she receives remuneration, directly~~
1022 ~~or indirectly, for the referral of customers for rebuilt~~
1023 ~~inspection services.~~

1024 (e) Has ensured that each owner, partner, and corporate
1025 officer of the provider has provided an attestation
1026 acknowledging he or she is deemed to be engaging in activities
1027 that are in the public interest and are free of conflicts of
1028 interest.

1029 (f)~~(e)~~ Has provided evidence of garage liability insurance
1030 coverage with at least \$100,000 single-limit liability coverage,
1031 including bodily injury and property damage protection, and
1032 \$10,000 personal injury protection ~~Have and maintain garage~~
1033 ~~liability and other insurance required by the department.~~

1034 (g)~~(d)~~ Has provided a criminal background check on all ~~Have~~
1035 ~~completed criminal background checks of the owners, partners,~~
1036 ~~and corporate officers~~ which demonstrates that they have not
1037 been convicted of a felony, pled guilty to a felony, pled nolo
1038 contendere to a felony, or been incarcerated for a felony
1039 involving fraud, theft, or dishonest dealing within the last 10
1040 years and the inspectors employed by the facility.

1041 (h) Has provided evidence of authorization to conduct
1042 business in the state from the Florida Department of State,
1043 Division of Corporations.

1044 ~~(e) Meet any additional criteria the department determines~~

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1045 ~~necessary to conduct proper inspections.~~

1046 (6) Each authorized private rebuilt inspection provider may
1047 operate additional locations in this state with the prior
1048 written approval of the department. In determining whether to
1049 approve a location, the department must apply the same criteria
1050 as in paragraph (5) (b). A private rebuilt inspection provider
1051 may operate a mobile inspection unit, with the prior written
1052 approval of the department, as long as it also has a permanent
1053 facility that meets the criteria specified in paragraph (5) (b),
1054 and the operation of such mobile inspection unit complies with
1055 the terms of the agreement with the department as specified in
1056 paragraph (7) (1).

1057 (7) The department shall enter into a contract with each
1058 authorized private rebuilt inspection provider. The agreement
1059 must include all of the following:

1060 (a) A requirement that the provider maintain connections
1061 with and use the department's motor vehicle database, the
1062 National Motor Vehicle Title Information System, and information
1063 from the National Insurance Crime Bureau.

1064 (b) A requirement that the provider follow department
1065 policies and procedures when conducting rebuilt inspections.

1066 (c) A requirement that the provider maintain the
1067 confidentiality of all information received under the agreement
1068 in accordance with chapter 119 and the Driver Protection Privacy
1069 Act.

1070 (d) A provision that the agreement is not assignable to a
1071 third party, either in whole or in part, without the prior
1072 written consent of the department.

1073 (e) A provision that the private rebuilt inspection

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1074 provider agrees to submit to oversight by the department.

1075 (f) A requirement that the provider maintain records
1076 required by department policies and procedures, making those
1077 records available to the department for inspection, and
1078 complying with state public records laws.

1079 (g) Provisions outlining penalties for noncompliance with
1080 the agreement, including termination.

1081 (h) Forms required to be utilized by the private rebuilt
1082 inspection provider to document completion of the rebuilt
1083 inspection process. These forms must include, but need not be
1084 limited to, a completed and signed application for certificate
1085 of title with or without registration; a completed and signed
1086 statement of builder describing the process and major component
1087 parts used in the rebuilding of the motor vehicle; a completed
1088 and signed power of attorney for a motor vehicle, mobile home or
1089 vessel, if applicable; and a completed and signed vehicle
1090 identification number and odometer verification.

1091 (i) A requirement that the provider report stolen parts or
1092 vehicles.

1093 (j) A requirement that the provider maintain a surety bond
1094 and garage liability insurance.

1095 (k) Conditions under which the agreement may be terminated
1096 by either party.

1097 (l) Requirements for the operation of a mobile inspection
1098 unit, including, but not limited to, maintenance of general
1099 liability insurance in the amount of \$100,000 and commercial
1100 automobile liability insurance on each mobile unit in the amount
1101 of \$100,000, physical security for indicia and inspection
1102 records, maintenance of records at a permanent facility,

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1103 cooperation with department oversight requirements, maintenance
1104 of a weekly schedule of planned rebuilt inspections,
1105 installation of a camera to document inspections, and observance
1106 of the confidentiality of the rebuilt inspection process.

1107 (8)-(5) Each authorized private rebuilt inspection provider
1108 shall ~~A participant in the program shall~~ access vehicle and
1109 title information and enter inspection results through an
1110 electronic filing system authorized by the department and shall
1111 maintain records of each rebuilt vehicle inspection processed by
1112 the private rebuilt inspection provider at such facility for at
1113 least 5 years.

1114 (9)-(6) The department may shall immediately terminate the
1115 contract with any private rebuilt inspection provider operator
1116 ~~from the program~~ who fails to meet the ~~minimum eligibility~~
1117 requirements of this section specified in subsection (4). Before
1118 a change in ownership of a private rebuilt inspection provider
1119 facility, the current owner operator must give the department 45
1120 days' written notice of the intended sale. The prospective owner
1121 must meet the all eligibility requirements of this section and
1122 execute a new contract memorandum of understanding with the
1123 department before he or she begins operating as a private
1124 rebuilt inspection provider the facility.

1125 ~~(7) This section is repealed on July 1, 2018, unless saved~~
1126 ~~from repeal through reenactment by the Legislature.~~

1127 (10) By July 1 of each year, an authorized private rebuilt
1128 inspection provider shall attest that it has complied with this
1129 section and each owner, partner, and corporate officer must
1130 affirm he or she is free from conflicts of interest.

1131 (11) Private rebuilt inspection providers may charge a fee

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1132 for their services in addition to the fees in s. 319.32. This
1133 additional fee shall be clearly disclosed to each customer on
1134 his or her receipt and be conspicuously posted in an area
1135 frequented by customers.

1136 Section 18. Section 319.1411, Florida Statutes, is created
1137 to read:

1138 319.1411 Monitoring of private rebuilt inspection
1139 providers.—The department may monitor and inspect the operations
1140 of private rebuilt inspection providers as it deems necessary to
1141 determine whether the private rebuilt inspection provider is
1142 operating in compliance with this chapter and to determine if
1143 the private rebuilt inspection provider has engaged in any of
1144 the business practices prohibited under s. 319.1412.

1145 Section 19. Section 319.142, Florida Statutes, is created
1146 to read:

1147 319.142 Rules of conduct and prohibited business
1148 practices.—

1149 (1) Each of the following constitutes grounds for
1150 termination of any and all contracts entered into with a private
1151 rebuilt inspection provider pursuant to this chapter:

1152 (a) Engaging in any business transaction or activity that
1153 is in substantial conflict with the proper discharge of the
1154 private rebuilt inspection provider's duties in the public
1155 interest.

1156 (b) Allowing a vehicle to pass inspection knowing that
1157 there was a material misrepresentation in the required
1158 documentation or that the documentation submitted in support of
1159 the inspection was counterfeit or materially altered.

1160 (c) Failure to report to the department the identification

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1161 of a suspected stolen part or stolen vehicle during a rebuilt
1162 inspection.

1163 (d) In connection with providing private rebuilt inspection
1164 services, engaging in any course of conduct that is fraud or
1165 deceit upon the department, a dealer, or a vehicle owner.

1166 (e) Knowingly falsifying department records or knowingly
1167 providing materially false or misleading information to the
1168 department.

1169 (f) Failing to allow an examination or inspection of a
1170 private rebuilt inspection provider facility, including a review
1171 of books and records, by the department or law enforcement
1172 during regular business hours.

1173 (g) Passing a vehicle through inspection without having a
1174 reasonable basis to believe that all airbags that are subject to
1175 a safety recall issued by the National Highway Transportation
1176 Safety Administration were replaced with airbags not subject to
1177 such a safety recall.

1178 (h) Failure to timely respond to a subpoena issued by the
1179 department.

1180 (i) Conducting rebuilt inspection services at a physical
1181 location not approved in writing by the department or providing
1182 services from a mobile unit not approved in writing by the
1183 department.

1184 (j) Failure to maintain at all times a garage liability
1185 insurance in the amount of at least \$100,000.

1186 (k) Failure to maintain at all times a good and sufficient
1187 surety bond or irrevocable letter of credit in the amount of
1188 \$100,000 which covers all activities under the private rebuilt
1189 motor vehicle inspection program and names the department as an

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1190 insured.

1191 (1) Violation of this section or the contract between the
1192 department and the private rebuilt inspection provider.

1193 (m) The use of advertising that would reasonably lead the
1194 public to believe that the provider was or is an employee or
1195 representative of the department, or the use in its name of the
1196 terms "Department of Highway Safety and Motor Vehicles," "DMV,"
1197 "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that
1198 that are associated with the department.

1199 (2) Written notice of termination of a contract under this
1200 section must be provided before termination of the contract.

1201 Section 20. Section 319.1414, Florida Statutes, is created
1202 to read:

1203 319.1414 Investigations; examinations; subpoenas; hearings;
1204 witnesses.-

1205 (1) The department may conduct investigations and
1206 examinations of department-authorized private rebuilt inspection
1207 providers as it deems necessary to determine whether a person
1208 has violated or is about to violate this chapter or a contract
1209 entered into pursuant to this chapter or to assist with the
1210 enforcement of this chapter.

1211 (2) For purposes of any investigation or examination
1212 conducted under this section, the department may exercise the
1213 power of subpoena and the powers to administer oaths or
1214 affirmations, to examine witnesses, to require affidavits, to
1215 take depositions, and to compel the attendance of witnesses and
1216 the production of books, papers, documents, records, and other
1217 evidence. Such subpoenas may be served by a designated agent of
1218 the department.

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1219 (3) If a person refuses to testify, produce books, papers,
1220 documents, or records, or otherwise obey a subpoena or subpoena
1221 duces tecum issued under subsection (2), the department may
1222 petition a court of competent jurisdiction in the county where
1223 the person's residence or principal place of business is
1224 located, upon which the court must issue an order requiring such
1225 person to obey the subpoena or show cause for failing to obey
1226 the subpoena. Unless the person shows sufficient cause for
1227 failing to obey the subpoena, the court shall direct the person
1228 to obey the subpoena. Failure to comply with such order is
1229 contempt of court.

1230 (4) For the purpose of any investigation, examination, or
1231 proceeding initiated by the department under this chapter, the
1232 department is authorized to designate agents to serve subpoenas
1233 and other process, and administer oaths or affirmations.

1234 (5) Witnesses subpoenaed under this section are entitled to
1235 witness fees at the same rate established by s. 92.142 for
1236 witnesses in a civil case, except that witness fees are not
1237 payable for appearance at the witness's place of business during
1238 regular business hours or at the witness's residence.

1239 (6) The department may adopt rules to administer this
1240 section.

1241 Section 21. Section 319.25, Florida Statutes, is amended to
1242 read:

1243 319.25 Cancellation of certificates; investigations;
1244 subpoenas and other process; oaths; rules.-

1245 (1) If it appears that a certificate of title has been
1246 improperly issued, the department shall cancel the certificate.
1247 Upon cancellation of any certificate of title, the department

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1248 shall notify the person to whom the certificate of title was
1249 issued, as well as any lienholders appearing thereon, of the
1250 cancellation and shall demand the surrender of the certificate
1251 of title, but the cancellation shall not affect the validity of
1252 any lien noted thereon. The holder of the certificate of title
1253 shall return it to the department forthwith. If a certificate of
1254 registration has been issued to the holder of a certificate of
1255 title so canceled, the department shall immediately cancel the
1256 certificate of registration and demand the return of such
1257 certificate of registration and license plate or mobile home
1258 sticker; and the holder of such certificate of registration and
1259 license plate or sticker shall return them to the department
1260 forthwith.

1261 (2) The department is authorized, upon application of any
1262 person and payment of the proper fees, to prepare and furnish
1263 lists containing title information in such form as the
1264 department may authorize, to search the records of the
1265 department and make reports thereof, and to make photographic
1266 copies of the department records and attestations thereof,
1267 except as provided in chapter 119.

1268 (3) The department may conduct investigations and
1269 examinations of any person suspected of violating or of having
1270 violated this chapter or any rule adopted or order issued under
1271 this chapter.

1272 (4) For purposes of any investigation or examination
1273 conducted under this section, the department may exercise the
1274 power of subpoena and the powers to administer oaths or
1275 affirmations, to examine witnesses, to require affidavits, to
1276 take depositions, and to compel the attendance of witnesses and

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1277 the production of books, papers, documents, records, and other
1278 evidence. Such subpoenas may be served by an authorized
1279 representative of the department.

1280 (5) If a person refuses to testify, produce books, papers,
1281 documents, or records, or otherwise obey the subpoena or
1282 subpoena duces tecum issued under subsection (4), the department
1283 may petition a court of competent jurisdiction in the county
1284 where the person's residence or principal place of business is
1285 located, upon which the court must issue an order requiring such
1286 person to obey the subpoena or show cause for failing to obey
1287 the subpoena. Unless the person shows sufficient cause for
1288 failing to obey the subpoena, the court must direct the person
1289 to obey the subpoena. Costs incurred by the department to obtain
1290 an order granting, in whole or in part, its petition shall be
1291 charged to the subpoenaed person, and failure to comply with
1292 such order is contempt of court.

1293 (6) For the purpose of any investigation, examination, or
1294 proceeding initiated by the department under this chapter, the
1295 department is authorized to designate agents to serve subpoenas
1296 and other process, and administer oaths or affirmations.

1297 (7) Witnesses subpoenaed under this section are entitled to
1298 witness fees at the same rate established by s. 92.142 for
1299 witnesses in a civil case, except that witness fees are not
1300 payable for appearance at the witness's place of business during
1301 regular business hours or at the witness's residence.

1302 (8) The department may adopt rules to administer this
1303 section.

1304 Section 22. Subsection (3) of section 319.40, Florida
1305 Statutes, is amended to read:

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1306 319.40 Transactions by electronic or telephonic means.—

1307 (3) The department may collect and use e-mail ~~electronic~~
1308 ~~mail~~ addresses for purposes of this chapter, including, but not
1309 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1310 United States Postal Service as a method of notification.
1311 However, any notice regarding the potential forfeiture or
1312 foreclosure of an interest in property must be sent via the
1313 United States Postal Service.

1314 Section 23. Subsection (24) of section 320.01, Florida
1315 Statutes, is amended to read:

1316 320.01 Definitions, general.—As used in the Florida
1317 Statutes, except as otherwise provided, the term:

1318 (24) "Apportionable vehicle" means any vehicle, except
1319 recreational vehicles, vehicles displaying restricted plates,
1320 city pickup and delivery vehicles, ~~buses used in transportation~~
1321 ~~of chartered parties,~~ and government-owned vehicles, which is
1322 used or intended for use in two or more member jurisdictions
1323 that allocate or proportionally register vehicles and which is
1324 used for the transportation of persons for hire or is designed,
1325 used, or maintained primarily for the transportation of property
1326 and:

1327 (a) Is a power unit having a gross vehicle weight in excess
1328 of 26,000 pounds;

1329 (b) Is a power unit having three or more axles, regardless
1330 of weight; or

1331 (c) Is used in combination, when the weight of such
1332 combination exceeds 26,000 pounds gross vehicle weight.

1333
1334 Vehicles, or combinations thereof, having a gross vehicle weight

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1335 of 26,000 pounds or less and two-axle vehicles may be
1336 proportionally registered.

1337 Section 24. Paragraph (b) of subsection (1) of section
1338 320.06, Florida Statutes, is amended to read:

1339 320.06 Registration certificates, license plates, and
1340 validation stickers generally.—

1341 (1)

1342 (b)1. Registration license plates bearing a graphic symbol
1343 and the alphanumeric system of identification shall be issued
1344 for a 10-year period. At the end of the 10-year period, upon
1345 renewal, the plate shall be replaced. The department shall
1346 extend the scheduled license plate replacement date from a 6-
1347 year period to a 10-year period. The fee for such replacement is
1348 \$28, \$2.80 of which shall be paid each year before the plate is
1349 replaced, to be credited toward the next \$28 replacement fee.
1350 The fees shall be deposited into the Highway Safety Operating
1351 Trust Fund. A credit or refund may not be given for any prior
1352 years' payments of the prorated replacement fee if the plate is
1353 replaced or surrendered before the end of the 10-year period,
1354 except that a credit may be given if a registrant is required by
1355 the department to replace a license plate under s.

1356 320.08056(8) (a). With each license plate, a validation sticker
1357 shall be issued showing the owner's birth month, license plate
1358 number, and the year of expiration or the appropriate renewal
1359 period if the owner is not a natural person. The validation
1360 sticker shall be placed on the upper right corner of the license
1361 plate. The license plate and validation sticker shall be issued
1362 based on the applicant's appropriate renewal period. The
1363 registration period is 12 months, the extended registration

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1364 period is 24 months, and all expirations occur based on the
1365 applicant's appropriate registration period.

1366 2. A vehicle that has an apportioned registration shall be
1367 issued an annual license plate and a cab card that denote the
1368 declared gross vehicle weight for each apportioned jurisdiction
1369 in which the vehicle is authorized to operate. This subparagraph
1370 expires October 1, 2019.

1371 3. Upon implementation of a new operating system for
1372 apportioned vehicle registration, a vehicle registered in
1373 accordance with the International Registration Plan which has an
1374 apportioned registration must be issued a license plate for a 5-
1375 year period, an annual cab card denoting the declared gross
1376 vehicle weight, and an annual validation sticker showing the
1377 month and year of expiration. The validation sticker must be
1378 placed in the center of the license plate. The license plate and
1379 validation sticker must be issued based on the applicant's
1380 appropriate renewal period. The registration period is 12
1381 months. This fee must be deposited into the Highway Safety
1382 Operating Trust Fund. If the license plate is damaged or worn,
1383 it may be replaced at no charge by applying to the department
1384 and surrendering the current license plate.

1385 ~~4.2.~~ In order to retain the efficient administration of the
1386 taxes and fees imposed by this chapter, the 80-cent fee increase
1387 in the replacement fee imposed by chapter 2009-71, Laws of
1388 Florida, is negated as provided in s. 320.0804.

1389 Section 25. Subsection (5) of section 320.0607, Florida
1390 Statutes, is amended to read:

1391 320.0607 Replacement license plates, validation decal, or
1392 mobile home sticker.-

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1393 (5) Upon the issuance of an original license plate, the
1394 applicant shall pay a fee of \$28 to be deposited in the Highway
1395 Safety Operating Trust Fund. Upon implementation of a new
1396 operating system for apportioned vehicle registrations, this
1397 subsection does not apply to a vehicle registered under the
1398 International Registration Plan.

1399 Section 26. Paragraph (g) is added to subsection (1) of
1400 section 320.27, Florida Statutes, and paragraph (a) of
1401 subsection (9) and subsection (11) of that section are amended,
1402 to read:

1403 320.27 Motor vehicle dealers.—

1404 (1) DEFINITIONS.—The following words, terms, and phrases
1405 when used in this section have the meanings respectively
1406 ascribed to them in this subsection, except where the context
1407 clearly indicates a different meaning:

1408 (g) "Control person" means any person who has significant
1409 authority, directly or indirectly, to direct the management or
1410 policies of a company, whether through ownership, by contract,
1411 or otherwise. The term includes any person who is an owner,
1412 director, general partner, officer, manager, or employee
1413 exercising decisionmaking responsibility or exercising similar
1414 executive status or functions. The term does not include an
1415 employee whose function is only clerical, ministerial, or in
1416 sales under the supervision of an owner or manager or other
1417 person exercising decisionmaking responsibility.

1418 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1419 (a) The department may deny a new or renewal application
1420 for or ~~suspend~~, or revoke any license issued hereunder or under
1421 ~~the provisions of~~ s. 320.77 or s. 320.771 upon proof that an

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1422 applicant or a licensee has:

1423 1. Committed fraud or willful misrepresentation in
1424 application for or in obtaining a license.

1425 2. Been convicted of a felony and has not completed the
1426 resulting felony sentence or has completed the felony sentence
1427 less than 10 years from the date of licensure application.

1428 3. Failed to honor a bank draft or check given to a motor
1429 vehicle dealer for the purchase of a motor vehicle by another
1430 motor vehicle dealer within 10 days after notification that the
1431 bank draft or check has been dishonored. If the transaction is
1432 disputed, the maker of the bank draft or check shall post a bond
1433 in accordance with the provisions of s. 559.917, and no
1434 proceeding for revocation or suspension shall be commenced until
1435 the dispute is resolved.

1436 4.a. Failed to provide payment within 10 business days to
1437 the department for a check payable to the department that was
1438 dishonored due to insufficient funds in the amount due plus any
1439 statutorily authorized fee for uttering a worthless check. The
1440 department shall notify an applicant or licensee when the
1441 applicant or licensee makes payment to the department by a check
1442 that is subsequently dishonored by the bank due to insufficient
1443 funds. The applicant or licensee shall, within 10 business days
1444 after receiving the notice, provide payment to the department in
1445 the form of cash in the amount due plus any statutorily
1446 authorized fee. If the applicant or licensee fails to make such
1447 payment within 10 business days, the department may deny,
1448 suspend, or revoke the applicant's or licensee's motor vehicle
1449 dealer license.

1450 b. Stopped payment on a check payable to the department,

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1451 issued a check payable to the department from an account that
1452 has been closed, or charged back a credit card transaction to
1453 the department. If an applicant or licensee commits any such
1454 act, the department may deny, suspend, or revoke the applicant's
1455 or licensee's motor vehicle dealer license.

1456 5.a. Previously owned a majority interest in, or acted as a
1457 control person of, a motor vehicle dealer that, within the past
1458 10 years, has been the subject of any decision, finding,
1459 injunction, suspension, revocation, denial, judgment, or
1460 administrative order by any court of competent jurisdiction,
1461 administrative law judge, or any state agency which resulted in
1462 a finding of violation of any federal or state law relating to
1463 unlicensed activity, or fraud in connection with the sale of a
1464 motor vehicle.

1465 b. Knowingly employed or contracted with a person under
1466 sub-subparagraph a. or a person who has been convicted of a
1467 felony and has not completed the resulting felony sentence or
1468 completed the felony sentence less than 10 years from the date
1469 of licensure application as a control person.

1470 (11) INJUNCTION.—

1471 (a) In addition to the remedies provided in this chapter
1472 and notwithstanding the existence of any adequate remedy at law,
1473 the department is authorized to make application to any circuit
1474 court of the state, and such circuit court shall have
1475 jurisdiction, upon a hearing and for cause shown, to grant a
1476 temporary or permanent injunction, or both, restraining any
1477 person from acting as a motor vehicle dealer under the terms of
1478 this section without being properly licensed hereunder, from
1479 violating or continuing to violate any of the provisions of

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1480 chapter 319, this chapter, or ss. 559.901-559.9221, or for
1481 failing or refusing to comply with the requirements of chapter
1482 319, this chapter, or ss. 559.901-559.9221, or any rule or
1483 regulation adopted thereunder, such injunction to be issued
1484 without bond. A single act in violation of the provisions of
1485 chapter 319, this chapter, or chapter 559 shall be sufficient to
1486 authorize the issuance of an injunction.

1487 (b) If the court grants the injunction, the court may bar,
1488 permanently or for a specific time period, any person found to
1489 have violated any federal or state law relating to unlicensed
1490 activity or fraud in connection with the sale of a motor
1491 vehicle. A person who is barred by the court under this
1492 paragraph may not continue in any capacity within the industry.
1493 The person may not have a management, sales, or any other role
1494 in the operation of a dealership. Further, if permanently
1495 barred, the person may not derive income from the dealership
1496 beyond reasonable compensation for the sale of his or her
1497 ownership interest in the business.

1498 Section 27. Section 320.861, Florida Statutes, is amended
1499 to read:

1500 320.861 Investigations; subpoenas and other process; oaths;
1501 rules ~~Inspection of records; production of evidence; subpoena~~
1502 power.-

1503 (1) The department may conduct investigations and
1504 examinations on any person suspected of violating or of having
1505 violated this chapter or any rule adopted or order issued
1506 thereunder ~~inspect the pertinent books, records, letters, and~~
1507 ~~contracts of any licensee, whether dealer or manufacturer,~~
1508 ~~relating to any written complaint made to it against such~~

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1509 licensee.

1510 (2) For purposes of any investigation or examination
1511 conducted under this section, the department may ~~is granted and~~
1512 ~~authorized to~~ exercise the power of subpoena and the powers to
1513 administer oaths or affirmations, to examine witnesses, to
1514 require affidavits, to take depositions, and to compel the
1515 attendance of witnesses and the production of books, papers,
1516 documents, records, and other evidence. Such subpoenas may be
1517 served by a designated agent of the department ~~for the~~
1518 ~~attendance of witnesses and the production of any documentary~~
1519 ~~evidence necessary to the disposition by it of any written~~
1520 ~~complaint against any licensee, whether dealer or manufacturer.~~

1521 (3) If a person refuses to testify, produce books, papers,
1522 documents, or records, or otherwise obey the subpoena or
1523 subpoena duces tecum issued under subsection (2), the department
1524 may petition a court of competent jurisdiction in the county
1525 where the person's residence or principal place of business is
1526 located, upon which the court must issue an order requiring such
1527 person to obey the subpoena or show cause for failing to obey
1528 the subpoena. Unless the person shows sufficient cause for
1529 failing to obey the subpoena, the court must direct the person
1530 to obey the subpoena. Failure to comply with such order is
1531 contempt of court.

1532 (4) For the purpose of any investigation, examination, or
1533 proceeding initiated by the department under this chapter, the
1534 department may designate agents to serve subpoenas and other
1535 process and administer oaths or affirmations. The department
1536 shall exercise this power on its own initiative in accordance
1537 with ss. 320.615 and 320.71.

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1538 (5) Witnesses subpoenaed under this section are entitled to
1539 witness fees at the same rate established by s. 92.142 for
1540 witnesses in a civil case, except that witness fees are not
1541 payable for appearance at the witness's place of business during
1542 regular business hours or at the witness's residence.

1543 (6) The department may adopt rules to administer this
1544 section.

1545 Section 28. Subsection (2) of section 320.95, Florida
1546 Statutes, is amended to read:

1547 320.95 Transactions by electronic or telephonic means.—

1548 (2) The department may collect and use e-mail ~~electronic~~
1549 ~~mail~~ addresses for purposes of this chapter, including, but not
1550 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1551 United States Postal Service for the purpose of providing
1552 renewal notices.

1553 Section 29. Subsection (1) of section 321.05, Florida
1554 Statutes, is amended to read:

1555 321.05 Duties, functions, and powers of patrol officers.—
1556 The members of the Florida Highway Patrol are hereby declared to
1557 be conservators of the peace and law enforcement officers of the
1558 state, with the common-law right to arrest a person who, in the
1559 presence of the arresting officer, commits a felony or commits
1560 an affray or breach of the peace constituting a misdemeanor,
1561 with full power to bear arms; and they shall apprehend, without
1562 warrant, any person in the unlawful commission of any of the
1563 acts over which the members of the Florida Highway Patrol are
1564 given jurisdiction as hereinafter set out and deliver him or her
1565 to the sheriff of the county that further proceedings may be had
1566 against him or her according to law. In the performance of any

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1567 of the powers, duties, and functions authorized by law, members
1568 of the Florida Highway Patrol have the same protections and
1569 immunities afforded other peace officers, which shall be
1570 recognized by all courts having jurisdiction over offenses
1571 against the laws of this state, and have authority to apply for,
1572 serve, and execute search warrants, arrest warrants, capias, and
1573 other process of the court. The patrol officers under the
1574 direction and supervision of the Department of Highway Safety
1575 and Motor Vehicles shall perform and exercise throughout the
1576 state the following duties, functions, and powers:

1577 (1) To patrol the state highways and regulate, control, and
1578 direct the movement of traffic thereon; to maintain the public
1579 peace by preventing violence on highways; to apprehend fugitives
1580 from justice; to enforce all laws regulating and governing
1581 traffic, travel, and public safety upon the public highways and
1582 providing for the protection of the public highways and public
1583 property thereon, including the security and safety of this
1584 state's transportation infrastructure; to make arrests without
1585 warrant for the violation of any state law committed in their
1586 presence in accordance with state law; providing that no search
1587 may be made unless it is incident to a lawful arrest, to
1588 regulate and direct traffic concentrations and congestions; to
1589 enforce laws governing the operation, licensing, and taxing and
1590 limiting the size, weight, width, length, and speed of vehicles
1591 and licensing and controlling the operations of drivers and
1592 operators of vehicles, including the safety, size, and weight of
1593 commercial motor vehicles; to collect all state fees and
1594 revenues levied as an incident to the use or right to use the
1595 highways for any purpose, including the taxing and registration

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1596 of commercial motor vehicles; to require the drivers of vehicles
1597 to stop and exhibit their driver licenses, registration cards,
1598 or documents required by law to be carried by such vehicles; to
1599 investigate traffic crashes ~~accidents~~, secure testimony of
1600 witnesses and of persons involved, and make report thereof with
1601 copy, if requested in writing, to any person in interest or his
1602 or her attorney; to investigate reported thefts of vehicles; and
1603 to seize contraband or stolen property on or being transported
1604 on the highways. Each patrol officer of the Florida Highway
1605 Patrol is subject to and has the same arrest and other authority
1606 provided for law enforcement officers generally in chapter 901
1607 and has statewide jurisdiction. Each officer also has arrest
1608 authority as provided for state law enforcement officers in s.
1609 901.15. This section does not conflict with, but is supplemental
1610 to, chapter 933.

1611 Section 30. Section 321.065, Florida Statutes, is amended
1612 to read:

1613 321.065 Traffic crash ~~accident~~ investigation officers;
1614 employment; standards.—The department may employ traffic crash
1615 ~~accident~~ investigation officers who must complete any applicable
1616 standards adopted by the Florida Highway Patrol, including, but
1617 not limited to: cognitive testing, drug testing, polygraph
1618 testing, psychological testing, and an extensive background
1619 check, including a credit check.

1620 Section 31. Paragraph (d) of subsection (2) of section
1621 321.23, Florida Statutes, is amended to read:

1622 321.23 Public records; fees for copies; destruction of
1623 obsolete records; photographing records; effect as evidence.—

1624 (2) Fees for copies of public records shall be charged and

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collected as follows:

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

	Enlargement Proof	Color	Black & White
1.	5" x 7"	\$1.00	\$0.75
2.	8" x 10"	\$1.50	\$1.00
3.	11" x 14"	Not Available	\$1.75
4.	16" x 20"	Not Available	\$2.75
5.	20" x 24"	Not Available	\$3.75

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

Section 32. 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

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1647 expire, unless canceled earlier, on the eighth birthday of the
1648 applicant following the date of original issue.

1649
1650 Renewal of an identification card shall be made for the
1651 applicable term enumerated in this paragraph. Any application
1652 for renewal received later than 12 months ~~90 days~~ after
1653 expiration of the identification card shall be considered the
1654 same as an application for an original identification card.

1655 Section 33. Paragraphs (a) and (b) of subsection (4) of
1656 section 322.0602, Florida Statutes, are amended to read:

1657 322.0602 Youthful Drunk Driver Visitation Program.—

1658 (4) VISITATION REQUIREMENT.—

1659 (a) To the extent that personnel and facilities are made
1660 available to the court, the court may include a requirement for
1661 supervised visitation by the probationer to all, or any, of the
1662 following:

1663 1. A trauma center, as defined in s. 395.4001, or a
1664 hospital as defined in s. 395.002, which regularly receives
1665 victims of vehicle crashes ~~accidents~~, between the hours of 10
1666 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1667 observe appropriate victims of vehicle crashes ~~accidents~~
1668 involving drinking drivers, under the supervision of any of the
1669 following:

1670 a. A registered nurse trained in providing emergency trauma
1671 care or prehospital advanced life support.

1672 b. An emergency room physician.

1673 c. An emergency medical technician.

1674 2. A licensed service provider, as defined in s. 397.311,
1675 which cares for substance abuse impaired persons, to observe

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1676 persons in the terminal stages of substance abuse impairment,
1677 under the supervision of appropriately licensed medical
1678 personnel. Prior to any visitation of such terminally ill or
1679 disabled persons, the persons or their legal representatives
1680 must give their express consent to participate in the visitation
1681 program.

1682 3. If approved by the county coroner, the county coroner's
1683 office or the county morgue to observe appropriate victims of
1684 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1685 supervision of the coroner or a deputy coroner.

1686 (b) As used in this section, the term "appropriate victims"
1687 means victims or their legal representatives, including the next
1688 of kin, who have expressly given their consent to participate in
1689 the visitation program and victims whose condition is determined
1690 by the visitation supervisor to demonstrate the results of
1691 crashes ~~accidents~~ involving drinking drivers without being
1692 excessively gruesome or traumatic to the probationer.

1693 Section 34. Subsection (10) of section 322.08, Florida
1694 Statutes, is amended to read:

1695 322.08 Application for license; requirements for license
1696 and identification card forms.—

1697 (10) The department may collect and use e-mail ~~electronic~~
1698 ~~mail~~ addresses for purposes of this chapter, including, but not
1699 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1700 United States Postal Service for the purpose of providing
1701 renewal notices.

1702 Section 35. Subsection (5) of section 322.091, Florida
1703 Statutes, is amended to read:

1704 322.091 Attendance requirements.—

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1705 (5) REPORTING AND ACCOUNTABILITY.—The department shall make
1706 available, upon request, a report ~~quarterly~~ to each school
1707 district which includes the legal name, sex, date of birth, and
1708 social security number of each student whose driving privileges
1709 have been suspended under this section.

1710 Section 36. Section 322.17, Florida Statutes, is amended to
1711 read:

1712 322.17 Replacement licenses, identification cards, and
1713 permits.—

1714 (1) (a) In the event that an instruction permit or driver
1715 license issued under the provisions of this chapter is lost or
1716 destroyed, the person to whom the same was issued may, upon
1717 payment of the appropriate fee pursuant to s. 322.21, obtain a
1718 replacement upon furnishing proof satisfactory to the department
1719 that such permit or license has been lost or destroyed, and
1720 further furnishing the full name, date of birth, sex, residence
1721 and mailing address, proof of birth satisfactory to the
1722 department, and proof of identity satisfactory to the
1723 department.

1724 (b) In the event that an instruction permit, ~~or~~ driver
1725 license, or identification card issued under the provisions of
1726 this chapter is stolen, the person to whom the same was issued
1727 may, at no charge, obtain a replacement upon furnishing proof
1728 satisfactory to the department that such permit, ~~or~~ license, or
1729 identification card was stolen and further furnishing the
1730 person's full name, date of birth, sex, residence and mailing
1731 address, proof of birth satisfactory to the department, and
1732 proof of identity satisfactory to the department.

1733 (2) Upon the surrender of the original license and the

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1734 payment of the appropriate fees pursuant to s. 322.21, the
1735 department shall issue a replacement license to make a change in
1736 name, address, or restrictions.

1737 (3) Notwithstanding any other provisions of this chapter,
1738 if a licensee establishes his or her identity for a driver
1739 license using an identification document authorized under s.
1740 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
1741 replacement instruction permit or driver license except in
1742 person and upon submission of an identification document
1743 authorized under s. 322.08(2)(c)7. or 8.

1744 (4) Notwithstanding any other provision of this section or
1745 s. 322.21, the department shall, if necessary, issue or renew a
1746 replacement driver license at no charge to an inmate if the
1747 department determines that he or she has a valid driver license.
1748 If the replacement driver license is scheduled to expire within
1749 6 months, the department may also issue a temporary permit valid
1750 for at least 6 months after the release date.

1751 Section 37. Subsection (10) is added to section 322.21,
1752 Florida Statutes, to read:

1753 322.21 License fees; procedure for handling and collecting
1754 fees.—

1755 (10) An applicant who submits an application for a renewal
1756 or replacement driver license or identification card to the
1757 department using a convenience service must be provided with an
1758 option for expedited shipping in which the department, at the
1759 applicant's request, must issue the license or identification
1760 card within 5 working days after receipt of the application and
1761 ship the license or card using an expedited mail service. Fees
1762 collected for the expedited shipping option shall be deposited

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1763 into the Highway Safety Operating Trust Fund.

1764 Section 38. Present subsection (8) of section 322.212,
1765 Florida Statutes, is redesignated as subsection (9), a new
1766 subsection (8) is added to that section, and subsection (5) of
1767 that section is amended, to read:

1768 322.212 Unauthorized possession of, and other unlawful acts
1769 in relation to, driver license or identification card.—

1770 (5) (a) It is unlawful for any person to use a false or
1771 fictitious name in any application for a driver license or
1772 identification card or knowingly to make a false statement,
1773 knowingly conceal a material fact, provide altered or
1774 counterfeit documents, participate in dishonest or deceptive
1775 actions, or otherwise commit a fraud in any such application.

1776 (b) It is unlawful for any person to have in his or her
1777 possession a driver license or identification card upon which
1778 the date of birth has been altered.

1779 (c) It is unlawful for any person designated as a sexual
1780 predator or sexual offender to have in his or her possession a
1781 driver license or identification card upon which the sexual
1782 predator or sexual offender markings required by s. 322.141 are
1783 not displayed or have been altered.

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

1791 Section 39. Section 322.36, Florida Statutes, is amended to

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1792 read:

1793 322.36 Permitting unauthorized operator to drive.—A person
1794 may not authorize or knowingly permit a motor vehicle owned by
1795 him or her or under his or her dominion or control to be
1796 operated upon any highway or public street except by a person
1797 who is duly authorized to operate a motor vehicle under this
1798 chapter. Any person who violates this section commits a
1799 misdemeanor of the second degree, punishable as provided in s.
1800 775.082 or s. 775.083. If a person violates this section by
1801 knowingly loaning a vehicle to a person whose driver license is
1802 suspended and if that vehicle is involved in a crash ~~an accident~~
1803 resulting in bodily injury or death, the driver license of the
1804 person violating this section shall be suspended for 1 year.

1805 Section 40. Subsection (1) of section 322.61, Florida
1806 Statutes, is amended to read:

1807 322.61 Disqualification from operating a commercial motor
1808 vehicle.—

1809 (1) A person who, for offenses occurring within a 3-year
1810 period, is convicted of two of the following serious traffic
1811 violations or any combination thereof, arising in separate
1812 incidents committed in a commercial motor vehicle shall, in
1813 addition to any other applicable penalties, be disqualified from
1814 operating a commercial motor vehicle for a period of 60 days. A
1815 holder of a commercial driver license or commercial learner's
1816 permit who, for offenses occurring within a 3-year period, is
1817 convicted of two of the following serious traffic violations, or
1818 any combination thereof, arising in separate incidents committed
1819 in a noncommercial motor vehicle shall, in addition to any other
1820 applicable penalties, be disqualified from operating a

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1821 commercial motor vehicle for a period of 60 days if such
 1822 convictions result in the suspension, revocation, or
 1823 cancellation of the licenseholder's driving privilege:

1824 (a) A violation of any state or local law relating to motor
 1825 vehicle traffic control, other than a parking violation, arising
 1826 in connection with a crash resulting in death.~~†~~

1827 (b) Reckless driving, as defined in s. 316.192.~~†~~

1828 (c) Unlawful speed of 15 miles per hour or more above the
 1829 posted speed limit.~~;~~

1830 (d) Improper lane change, as defined in s. 316.085.~~†~~

1831 (e) Following too closely, as defined in s. 316.0895.~~†~~

1832 (f) Driving a commercial vehicle without obtaining a
 1833 commercial driver license.~~†~~

1834 (g) Driving a commercial vehicle without the proper class
 1835 of commercial driver license or commercial learner's permit or
 1836 without the proper endorsement.~~†~~~~or~~

1837 (h) Driving a commercial vehicle without a commercial
 1838 driver license or commercial learner's permit in possession, as
 1839 required by s. 322.03.

1840 (i) Texting while driving a commercial motor vehicle as
 1841 prohibited by 49 C.F.R. 392.80.

1842 (j) Using a hand-held mobile telephone while driving a
 1843 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82.

1844 Section 41. Section 322.71, Florida Statutes, is created to
 1845 read:

1846 322.71 Investigations; subpoenas and other process; oaths;
 1847 rules.-

1848 (1) The department may conduct investigations and
 1849 examinations on any person suspected of violating or of having

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1850 violated any provision of this chapter or any rule adopted or
1851 order issued under this chapter.

1852 (2) For purposes of any investigation or examination
1853 conducted under this section, the department may exercise the
1854 power of subpoena and the powers to administer oaths or
1855 affirmations, to examine witnesses, to require affidavits, to
1856 take depositions, and to compel the attendance of witnesses and
1857 the production of books, papers, documents, records, and other
1858 evidence. Such subpoenas may be served by an authorized
1859 representative of the department.

1860 (3) If a person refuses to testify, produce books, papers,
1861 documents, or records, or otherwise obey the subpoena or
1862 subpoena duces tecum issued under subsection (2), the department
1863 may petition a court of competent jurisdiction in the county
1864 where the person's residence or principal place of business is
1865 located, upon which the court must issue an order requiring such
1866 person to obey the subpoena or show cause for failing to obey
1867 the subpoena. Unless the person shows sufficient cause for
1868 failing to obey the subpoena, the court must direct the person
1869 to obey the subpoena. Failure to comply with such order is
1870 contempt of court.

1871 (4) For the purpose of any investigation, examination, or
1872 proceeding initiated by the department under this chapter, the
1873 department may designate agents to serve subpoenas and other
1874 process and administer oaths or affirmations.

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

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1879 regular business hours or at the witness's residence.

1880 (6) The department may adopt rules to administer this
1881 section.

1882 Section 42. Subsection (4) of section 323.001, Florida
1883 Statutes, is amended to read:

1884 323.001 Wrecker operator storage facilities; vehicle
1885 holds.—

1886 (4) The requirements for a written hold apply when the
1887 following conditions are present:

1888 (a) The officer has probable cause to believe the vehicle
1889 should be seized and forfeited under the Florida Contraband
1890 Forfeiture Act, ss. 932.701-932.7062;

1891 (b) The officer has probable cause to believe the vehicle
1892 should be seized and forfeited under chapter 379;

1893 (c) The officer has probable cause to believe the vehicle
1894 was used as the means of committing a crime;

1895 (d) The officer has probable cause to believe that the
1896 vehicle is itself evidence that tends to show that a crime has
1897 been committed or that the vehicle contains evidence, which
1898 cannot readily be removed, which tends to show that a crime has
1899 been committed;

1900 (e) The officer has probable cause to believe the vehicle
1901 was involved in a traffic crash ~~accident~~ resulting in death or
1902 personal injury and should be sealed for investigation and
1903 collection of evidence by a vehicular homicide investigator;

1904 (f) The vehicle is impounded or immobilized pursuant to s.
1905 316.193 or s. 322.34; or

1906 (g) The officer is complying with a court order.

1907 Section 43. Paragraph (c) of subsection (1), paragraph (c)

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1908 of subsection (2), and subsection (4) of section 323.002,
1909 Florida Statutes, are amended to read:

1910 323.002 County and municipal wrecker operator systems;
1911 penalties for operation outside of system.-

1912 (1) As used in this section, the term:

1913 (c) "Wrecker operator system" means a system for the towing
1914 or removal of wrecked, disabled, or abandoned vehicles, similar
1915 to the Florida Highway Patrol wrecker operator system described
1916 in s. 321.051(2), under which a county or municipality contracts
1917 with one or more wrecker operators for the towing or removal of
1918 wrecked, disabled, or abandoned vehicles from crash ~~accident~~
1919 scenes, streets, or highways. A wrecker operator system shall
1920 include using a method for apportioning the towing assignments
1921 among the eligible wrecker operators through the creation of
1922 geographic zones, a rotation schedule, or a combination of these
1923 methods.

1924 (2) In any county or municipality that operates a wrecker
1925 operator system:

1926 (c) When an unauthorized wrecker operator drives by the
1927 scene of a wrecked or disabled vehicle and the owner or operator
1928 initiates contact by signaling the wrecker operator to stop and
1929 provide towing services, the unauthorized wrecker operator must
1930 disclose in writing to the owner or operator of the vehicle his
1931 or her full name and driver license number, that he or she is
1932 not the authorized wrecker operator who has been designated as
1933 part of the wrecker operator system, that the motor vehicle is
1934 not being towed for the owner's or operator's insurance company
1935 or lienholder, whether he or she has in effect an insurance
1936 policy providing at least \$300,000 of liability insurance and at

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1937 least \$50,000 of on-hook cargo insurance, and the maximum
1938 charges for towing and storage which will apply before the
1939 vehicle is connected to the towing apparatus. The unauthorized
1940 wrecker operator must also provide a copy of the disclosure to
1941 the owner or operator in the presence of a law enforcement
1942 officer if such officer is at the scene of a motor vehicle crash
1943 ~~accident~~. Any person who violates this paragraph commits a
1944 misdemeanor of the second degree, punishable as provided in s.
1945 775.082 or s. 775.083, and the person's wrecker, tow truck, or
1946 other motor vehicle that was used during the offense may be
1947 immediately removed and impounded pursuant to subsection (3).

1948 (4) This section does not prohibit, or in any way prevent,
1949 the owner or operator of a vehicle involved in a crash ~~an~~
1950 ~~accident~~ or otherwise disabled from contacting any wrecker
1951 operator for the provision of towing services, whether the
1952 wrecker operator is an authorized wrecker operator or not.

1953 Section 44. Section 324.011, Florida Statutes, is amended
1954 to read:

1955 324.011 Purpose of chapter.—It is the intent of this
1956 chapter to recognize the existing privilege to own or operate a
1957 motor vehicle on the public streets and highways of this state
1958 when such vehicles are used with due consideration for others
1959 and their property, and to promote safety and provide financial
1960 security requirements for such owners or operators whose
1961 responsibility it is to recompense others for injury to person
1962 or property caused by the operation of a motor vehicle.
1963 Therefore, it is required herein that the operator of a motor
1964 vehicle involved in a crash or convicted of certain traffic
1965 offenses meeting the operative provisions of s. 324.051(2) shall

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1966 respond for such damages and show proof of financial ability to
1967 respond for damages in future crashes ~~accidents~~ as a requisite
1968 to his or her future exercise of such privileges.

1969 Section 45. Subsection (1) of section 324.022, Florida
1970 Statutes, is amended to read:

1971 324.022 Financial responsibility for property damage.—

1972 (1) Every owner or operator of a motor vehicle required to
1973 be registered in this state shall establish and maintain the
1974 ability to respond in damages for liability on account of
1975 crashes ~~accidents~~ arising out of the use of the motor vehicle in
1976 the amount of \$10,000 because of damage to, or destruction of,
1977 property of others in any one crash. The requirements of this
1978 section may be met by one of the methods established in s.
1979 324.031; by self-insuring as authorized by s. 768.28(16); or by
1980 maintaining an insurance policy providing coverage for property
1981 damage liability in the amount of at least \$10,000 because of
1982 damage to, or destruction of, property of others in any one
1983 crash ~~accident~~ arising out of the use of the motor vehicle. The
1984 requirements of this section may also be met by having a policy
1985 which provides coverage in the amount of at least \$30,000 for
1986 combined property damage liability and bodily injury liability
1987 for any one crash arising out of the use of the motor vehicle.
1988 The policy, with respect to coverage for property damage
1989 liability, must meet the applicable requirements of s. 324.151,
1990 subject to the usual policy exclusions that have been approved
1991 in policy forms by the Office of Insurance Regulation. No
1992 insurer shall have any duty to defend uncovered claims
1993 irrespective of their joinder with covered claims.

1994 Section 46. Section 324.023, Florida Statutes, is amended

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1995 to read:

1996 324.023 Financial responsibility for bodily injury or
1997 death.—In addition to any other financial responsibility
1998 required by law, every owner or operator of a motor vehicle that
1999 is required to be registered in this state, or that is located
2000 within this state, and who, regardless of adjudication of guilt,
2001 has been found guilty of or entered a plea of guilty or nolo
2002 contendere to a charge of driving under the influence under s.
2003 316.193 after October 1, 2007, shall, by one of the methods
2004 established in s. 324.031(1) or (2), establish and maintain the
2005 ability to respond in damages for liability on account of
2006 crashes ~~accidents~~ arising out of the use of a motor vehicle in
2007 the amount of \$100,000 because of bodily injury to, or death of,
2008 one person in any one crash and, subject to such limits for one
2009 person, in the amount of \$300,000 because of bodily injury to,
2010 or death of, two or more persons in any one crash and in the
2011 amount of \$50,000 because of property damage in any one crash.
2012 If the owner or operator chooses to establish and maintain such
2013 ability by furnishing a certificate of deposit pursuant to s.
2014 324.031(2), such certificate of deposit must be at least
2015 \$350,000. Such higher limits must be carried for a minimum
2016 period of 3 years. If the owner or operator has not been
2017 convicted of driving under the influence or a felony traffic
2018 offense for a period of 3 years from the date of reinstatement
2019 of driving privileges for a violation of s. 316.193, the owner
2020 or operator shall be exempt from this section.

2021 Section 47. Paragraph (b) of subsection (1) and paragraph
2022 (a) of subsection (2) of section 324.051, Florida Statutes, are
2023 amended to read:

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2024 324.051 Reports of crashes; suspensions of licenses and
2025 registrations.—

2026 (1)

2027 (b) The department is hereby further authorized to require
2028 reports of crashes from individual owners or operators whenever
2029 it deems it necessary for the proper administration of this
2030 chapter, and these reports shall be made without prejudice
2031 except as specified in this subsection. No such report shall be
2032 used as evidence in any trial arising out of a crash. However,
2033 subject to the applicable rules of evidence, a law enforcement
2034 officer at a criminal trial may testify as to any statement made
2035 to the officer by the person involved in the crash ~~accident~~ if
2036 that person's privilege against self-incrimination is not
2037 violated.

2038 (2) (a) Thirty days after receipt of notice of any crash
2039 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
2040 within this state, the department shall suspend, after due
2041 notice and opportunity to be heard, the license of each operator
2042 and all registrations of the owner of the vehicles operated by
2043 such operator whether or not involved in such crash and, in the
2044 case of a nonresident owner or operator, shall suspend such
2045 nonresident's operating privilege in this state, unless such
2046 operator or owner shall, prior to the expiration of such 30
2047 days, be found by the department to be exempt from the operation
2048 of this chapter, based upon evidence satisfactory to the
2049 department that:

2050 1. The motor vehicle was legally parked at the time of such
2051 crash.

2052 2. The motor vehicle was owned by the United States

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2053 Government, this state, or any political subdivision of this
2054 state or any municipality therein.

2055 3. Such operator or owner has secured a duly acknowledged
2056 written agreement providing for release from liability by all
2057 parties injured as the result of said crash and has complied
2058 with one of the provisions of s. 324.031.

2059 4. Such operator or owner has deposited with the department
2060 security to conform with s. 324.061 when applicable and has
2061 complied with one of the provisions of s. 324.031.

2062 5. One year has elapsed since such owner or operator was
2063 suspended pursuant to subsection (3), the owner or operator has
2064 complied with one of the provisions of s. 324.031, and no bill
2065 of complaint of which the department has notice has been filed
2066 in a court of competent jurisdiction.

2067
2068 No such policy or bond shall be effective under this subsection
2069 unless it contains limits of not less than those specified in s.
2070 324.021(7).

2071 Section 48. Subsections (2), (3), and (4) of section
2072 324.242, Florida Statutes, are amended to read:

2073 324.242 Personal injury protection and property damage
2074 liability insurance policies; public records exemption.—

2075 (2) Upon receipt of a request and proof of a crash report
2076 as required under s. 316.065, s. 316.066, or s. 316.068, or a
2077 crash report created pursuant to the laws of another state, the
2078 department shall release the policy number for a policy covering
2079 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2080 (a) Any person involved in such crash ~~accident~~;

2081 (b) The attorney of any person involved in such crash

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2082 ~~accident~~; or

2083 (c) A representative of the insurer of any person involved
2084 in such crash ~~accident~~.

2085 (3) The department shall provide personal injury protection
2086 and property damage liability insurance policy numbers to
2087 department-approved third parties that provide data collection
2088 services to an insurer of any person involved in such crash
2089 ~~accident~~.

2090 (4) Before the department's release of a policy number in
2091 accordance with subsection (2) or subsection (3), an insurer's
2092 representative, a contracted third party, or an attorney for a
2093 person involved in a crash ~~an accident~~ must provide the
2094 department with documentation confirming proof of
2095 representation.

2096 Section 49. Section 328.30, Florida Statutes, is amended to
2097 read:

2098 328.30 Transactions by electronic or telephonic means.—

2099 (1) The Department of Highway Safety and Motor Vehicles may
2100 accept any application provided for under this part ~~chapter~~ by
2101 electronic or telephonic means.

2102 (2) The department may issue an electronic certificate of
2103 title in lieu of printing a paper title.

2104 (3) The department may collect and use e-mail ~~electronic~~
2105 ~~mail~~ addresses for purposes of this part, including, but not
2106 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
2107 United States Postal Service for the purpose of providing
2108 renewal notices.

2109 Section 50. Subsection (3) of section 328.40, Florida
2110 Statutes, is amended to read:

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2111 328.40 Administration of vessel registration and titling
2112 laws; records.—

2113 (3) All records made or kept by the Department of Highway
2114 Safety and Motor Vehicles under this part are subject to
2115 inspection and copying as provided in chapter 119 ~~law are public~~
2116 ~~records except for confidential reports.~~

2117 Section 51. Section 328.80, Florida Statutes, is amended to
2118 read:

2119 328.80 Transactions by electronic or telephonic means.—

2120 (1) The Department of Highway Safety and Motor Vehicles
2121 ~~commission~~ is authorized to accept any application provided for
2122 under this part ~~chapter~~ by electronic or telephonic means.

2123 (2) The department may collect and use e-mail addresses for
2124 purposes of this part, including, but not limited to, use of e-
2125 mail in lieu of the United States Postal Service for the purpose
2126 of providing renewal notices.

2127 Section 52. Subsection (4) of section 627.7415, Florida
2128 Statutes, is amended to read:

2129 627.7415 Commercial motor vehicles; additional liability
2130 insurance coverage.—Commercial motor vehicles, as defined in s.
2131 207.002 or s. 320.01, operated upon the roads and highways of
2132 this state shall be insured with the following minimum levels of
2133 combined bodily liability insurance and property damage
2134 liability insurance in addition to any other insurance
2135 requirements:

2136 (4) All commercial motor vehicles subject to regulations of
2137 the United States Department of Transportation, 49 C.F.R. part
2138 387, subparts ~~subpart~~ A and B, and as may be hereinafter
2139 amended, shall be insured in an amount equivalent to the minimum

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2140 levels of financial responsibility as set forth in such
2141 regulations.

2142

2143 A violation of this section is a noncriminal traffic infraction,
2144 punishable as a nonmoving violation as provided in chapter 318.

2145 Section 53. Subsection (2) of section 316.251, Florida
2146 Statutes, is amended to read:

2147 316.251 Maximum bumper heights.—

2148 (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~
2149 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,
2150 "horseless carriages" as defined in s. 320.086, and "street
2151 rods" as defined in s. 320.0863 shall be excluded from the
2152 requirements of this section.

2153 Section 54. Subsection (19) of section 501.976, Florida
2154 Statutes, is amended to read:

2155 501.976 Actionable, unfair, or deceptive acts or
2156 practices.—It is an unfair or deceptive act or practice,
2157 actionable under the Florida Deceptive and Unfair Trade
2158 Practices Act, for a dealer to:

2159 (19) Fail to disclose damage to a new motor vehicle, as
2160 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had
2161 actual knowledge, if the dealer's actual cost of repairs exceeds
2162 the threshold amount, excluding replacement items.

2163

2164 In any civil litigation resulting from a violation of this
2165 section, when evaluating the reasonableness of an award of
2166 attorney's fees to a private person, the trial court shall
2167 consider the amount of actual damages in relation to the time
2168 spent.

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2169 Section 55. Subsection (1) of section 655.960, Florida
2170 Statutes, is amended to read:

2171 655.960 Definitions; ss. 655.960-655.965.—As used in this
2172 section and ss. 655.961-655.965, unless the context otherwise
2173 requires:

2174 (1) "Access area" means any paved walkway or sidewalk which
2175 is within 50 feet of any automated teller machine. The term does
2176 not include any street or highway open to the use of the public,
2177 as defined in s. 316.003(83)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,
2178 including any adjacent sidewalk, as defined in s. 316.003.

2179 Section 56. Subsection (5) of section 856.015, Florida
2180 Statutes, is amended to read:

2181 856.015 Open house parties.—

2182 (5) If a violation of subsection (2) causes or contributes
2183 to causing serious bodily injury, as defined in s. 316.003
2184 ~~316.1933~~, or death to the minor, or if the minor causes or
2185 contributes to causing serious bodily injury or death to another
2186 as a result of the minor's consumption of alcohol or drugs at
2187 the open house party, the violation is a misdemeanor of the
2188 first degree, punishable as provided in s. 775.082 or s.
2189 775.083.

2190 Section 57. This act shall take effect July 1, 2019.