

1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending
3 s. 316.003, F.S.; defining the term "platoon";
4 repealing s. 316.0896, F.S., relating to the assistive
5 truck platooning technology pilot project; creating s.
6 316.0897, F.S.; exempting the operator of a nonlead
7 vehicle in a platoon from provisions relating to
8 following too closely; authorizing a platoon to be
9 operated on a roadway in this state after an operator
10 provides notification to the Department of
11 Transportation and the Department of Highway Safety
12 and Motor Vehicles; amending s. 316.302, F.S.;
13 revising regulations to which owners and drivers of
14 commercial motor vehicles are subject; revising
15 requirements for electronic logging devices and
16 support documents for certain intrastate motor
17 carriers; deleting a limitation on a civil penalty for
18 falsification of certain time records; deleting a
19 requirement that a motor carrier maintain certain
20 documentation of driving times; providing an exemption
21 from specified provisions for a person who operates a
22 commercial motor vehicle with a certain gross vehicle
23 weight, gross vehicle weight rating, and gross
24 combined weight rating; deleting the exemption from
25 such provisions for a person transporting petroleum

26 products; deleting an exemption from certain
27 requirements; amending s. 316.303, F.S.; exempting an
28 operator of a certain platoon vehicle from the
29 prohibition on the active display of television or
30 video; amending s. 320.01, F.S.; revising the
31 definition of the term "apportionable vehicle";
32 amending s. 320.06, F.S.; providing for future repeal
33 of issuance of a certain annual license plate and cab
34 card to a vehicle that has an apportioned
35 registration; revising information required to appear
36 on the cab card; providing requirements for license
37 plates, cab cards, and validation stickers for
38 vehicles registered in accordance with the
39 International Registration Plan; authorizing a damaged
40 or worn license plate to be replaced at no charge
41 under certain circumstances; amending s. 320.0607,
42 F.S.; providing an exemption from a certain fee for
43 vehicles registered under the International
44 Registration Plan; amending s. 320.131, F.S.;
45 authorizing the Department of Highway Safety and Motor
46 Vehicles to partner with a county tax collector to
47 conduct a Fleet Vehicle Temporary Tag pilot program
48 for certain purposes; providing program requirements;
49 providing for future repeal; amending s. 322.61, F.S.;
50 providing additional offenses for which a person may

51 be disqualified from operating a commercial motor
 52 vehicle; amending s. 655.960, F.S.; conforming a
 53 cross-reference; amending s. 812.014, F.S.; providing
 54 a criminal penalty for an offender committing grand
 55 theft who uses a device to interfere with a global
 56 positioning or similar system; providing an effective
 57 date.

58
 59 Be It Enacted by the Legislature of the State of Florida:

60
 61 Section 1. Subsections (55) through (101) of section
 62 316.003, Florida Statutes, are renumbered as subsections (56)
 63 through (102), respectively, present subsection (59) is amended,
 64 and a new subsection (55) is added to that section, to read:

65 316.003 Definitions.—The following words and phrases, when
 66 used in this chapter, shall have the meanings respectively
 67 ascribed to them in this section, except where the context
 68 otherwise requires:

69 (55) PLATOON.—A group of two individual truck tractor
 70 semi-trailer combinations, transporting property in quantities
 71 that do not require placards, traveling in a unified manner at
 72 electronically coordinated speeds at following distances that
 73 are closer than provided in s. 316.0895(2).

74 ~~(60)~~~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 75 provided in paragraph (82)(b) ~~(81)(b)~~, any privately owned way

76 or place used for vehicular travel by the owner and those having
 77 express or implied permission from the owner, but not by other
 78 persons.

79 Section 2. Section 316.0896, Florida Statutes, is
 80 repealed.

81 Section 3. Section 316.0897, Florida Statutes, is created
 82 to read:

83 316.0897 Platoons.—

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

86 (2) A platoon may be operated on a roadway in this state
 87 after an operator provides notification to the Department of
 88 Transportation and the Department of Highway Safety and Motor
 89 Vehicles.

90 Section 4. Paragraph (k) of subsection (2) of section
 91 316.302, Florida Statutes, is redesignated as paragraph (j), and
 92 subsection (1) and present paragraphs (a), (c), (d), (f), and
 93 (j) of subsection (2) of that section are amended to read:

94 316.302 Commercial motor vehicles; safety regulations;
 95 transporters and shippers of hazardous materials; enforcement.—

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

97 (a) All owners and drivers of commercial motor vehicles
 98 that are operated on the public highways of this state while
 99 engaged in interstate commerce are subject to the rules and
 100 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and

101 390-397.

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

109 (c) The emergency exceptions provided by 49 C.F.R. s.
 110 392.82 also apply to communications by utility drivers and
 111 utility contractor drivers during a Level 1 activation of the
 112 State Emergency Operations Center, as provided in the Florida
 113 Comprehensive Emergency Management plan, or during a state of
 114 emergency declared by executive order or proclamation of the
 115 Governor.

116 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
 117 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
 118 requirements for intrastate operations, the requirements of this
 119 section supersede all other safety requirements of this chapter
 120 for commercial motor vehicles.

121 (e) Except as provided in 49 C.F.R. 395.1 or as otherwise
 122 provided in this section, a person who operates a commercial
 123 motor vehicle solely in intrastate commerce not transporting
 124 hazardous materials in amounts that require placarding pursuant
 125 to 49 C.F.R. part 172 need not comply with Electronic Logging

126 | Device and Hours of Service Support Documents provided in 49
 127 | C.F.R. until December 31, 2019.

128 | (2) (a) A person who operates a commercial motor vehicle
 129 | solely in intrastate commerce not transporting any hazardous
 130 | material in amounts that require placarding pursuant to 49
 131 | C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
 132 | and 395.3 ~~395.3(a) and (b)~~.

133 | (c) Except as provided in 49 C.F.R. s. 395.1, a person who
 134 | operates a commercial motor vehicle solely in intrastate
 135 | commerce not transporting any hazardous material in amounts that
 136 | require placarding pursuant to 49 C.F.R. part 172 may not drive
 137 | after having been on duty more than 70 hours in any period of 7
 138 | consecutive days or more than 80 hours in any period of 8
 139 | consecutive days if the motor carrier operates every day of the
 140 | week. Thirty-four consecutive hours off duty shall constitute
 141 | the end of any such period of 7 or 8 consecutive days. This
 142 | weekly limit does not apply to a person who operates a
 143 | commercial motor vehicle solely within this state while
 144 | transporting, during harvest periods, any unprocessed
 145 | agricultural products or unprocessed food or fiber that is
 146 | subject to seasonal harvesting from place of harvest to the
 147 | first place of processing or storage or from place of harvest
 148 | directly to market or while transporting livestock, livestock
 149 | feed, or farm supplies directly related to growing or harvesting
 150 | agricultural products. Upon request of the Department of Highway

151 Safety and Motor Vehicles, motor carriers shall furnish time
152 records or other written verification to that department so that
153 the Department of Highway Safety and Motor Vehicles can
154 determine compliance with this subsection. These time records
155 must be furnished to the Department of Highway Safety and Motor
156 Vehicles within 2 days after receipt of that department's
157 request. Falsification of such information is subject to a civil
158 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
159 does ~~de~~ not apply to operators of farm labor vehicles operated
160 during a state of emergency declared by the Governor or operated
161 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
162 utility service vehicles as defined in 49 C.F.R. s. 395.2.

163 (d) A person who operates a commercial motor vehicle
164 solely in intrastate commerce not transporting any hazardous
165 material in amounts that require placarding pursuant to 49
166 C.F.R. part 172 within a 150 air-mile radius of the location
167 where the vehicle is based need not comply with 49 C.F.R. s.
168 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
169 (iii)(A) and (C), ~~395.1(e)(1)(iii)~~ and (v) are met. ~~If a driver~~
170 ~~is not released from duty within 12 hours after the driver~~
171 ~~arrives for duty, the motor carrier must maintain documentation~~
172 ~~of the driver's driving times throughout the duty period.~~

173 (f) A person who operates a commercial motor vehicle
174 having a ~~declared~~ gross vehicle weight, gross vehicle weight
175 rating, and gross combined weight rating of less than 26,001

176 pounds solely in intrastate commerce and who is not transporting
 177 hazardous materials in amounts that require placarding pursuant
 178 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
 179 ~~as defined in s. 376.301,~~ is exempt from subsection (1).

180 However, such person must comply with 49 C.F.R. parts 382, 392,
 181 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

182 ~~(j) A person who is otherwise qualified as a driver under~~
 183 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
 184 ~~intrastate commerce only, and who does not transport hazardous~~
 185 ~~materials in amounts that require placarding pursuant to 49~~
 186 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
 187 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
 188 ~~diabetes.~~

189 Section 5. Subsection (3) of section 316.303, Florida
 190 Statutes, is amended to read:

191 316.303 Television receivers.—

192 (3) This section does not prohibit the use of an
 193 electronic display used in conjunction with a vehicle navigation
 194 system; an electronic display used by an operator of a vehicle
 195 equipped with autonomous technology, as defined in s.
 196 316.003(3); or an electronic display used by an operator of a
 197 platoon vehicle equipped and operating with driver-assistive
 198 truck platooning technology, as defined in s. 316.003.

199 Section 6. Subsection (24) of section 320.01, Florida
 200 Statutes, is amended to read:

201 320.01 Definitions, general.—As used in the Florida
 202 Statutes, except as otherwise provided, the term:

203 (24) "Apportionable vehicle" means any vehicle, except
 204 recreational vehicles, vehicles displaying restricted plates,
 205 city pickup and delivery vehicles, ~~buses used in transportation~~
 206 ~~of chartered parties,~~ and government-owned vehicles, which is
 207 used or intended for use in two or more member jurisdictions
 208 that allocate or proportionally register vehicles and which is
 209 used for the transportation of persons for hire or is designed,
 210 used, or maintained primarily for the transportation of property
 211 and:

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

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

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

218
 219 Vehicles, or combinations thereof, having a gross vehicle weight
 220 of 26,000 pounds or less and two-axle vehicles may be
 221 proportionally registered.

222 Section 7. Paragraph (b) of subsection (1) of section
 223 320.06, Florida Statutes, is amended to read:

224 320.06 Registration certificates, license plates, and
 225 validation stickers generally.—

226 (1)
227 (b)1. Registration license plates bearing a graphic symbol
228 and the alphanumeric system of identification shall be issued
229 for a 10-year period. At the end of the 10-year period, upon
230 renewal, the plate shall be replaced. The department shall
231 extend the scheduled license plate replacement date from a 6-
232 year period to a 10-year period. The fee for such replacement is
233 \$28, \$2.80 of which shall be paid each year before the plate is
234 replaced, to be credited toward the next \$28 replacement fee.
235 The fees shall be deposited into the Highway Safety Operating
236 Trust Fund. A credit or refund may not be given for any prior
237 years' payments of the prorated replacement fee if the plate is
238 replaced or surrendered before the end of the 10-year period,
239 except that a credit may be given if a registrant is required by
240 the department to replace a license plate under s.
241 320.08056(8) (a). With each license plate, a validation sticker
242 shall be issued showing the owner's birth month, license plate
243 number, and the year of expiration or the appropriate renewal
244 period if the owner is not a natural person. The validation
245 sticker shall be placed on the upper right corner of the license
246 plate. The license plate and validation sticker shall be issued
247 based on the applicant's appropriate renewal period. The
248 registration period is 12 months, the extended registration
249 period is 24 months, and all expirations occur based on the
250 applicant's appropriate registration period.

251 2. A vehicle that has an apportioned registration shall be
252 issued an annual license plate and a cab card denoting that
253 ~~denote~~ the declared gross vehicle weight ~~for each apportioned~~
254 ~~jurisdiction in which the vehicle is authorized to operate.~~ This
255 subparagraph expires upon implementation of a new operating
256 system for apportioned vehicle registration.

257 3. Upon implementation of an new operating system for
258 apportioned vehicle registration, a vehicle registered in
259 accordance with the International Registration Plan shall be
260 issued a license plate for a 5-year period, an annual cab card
261 denoting the declared gross vehicle weight for each apportioned
262 jurisdiction, and an annual validation sticker showing the month
263 and year of expiration. The validation sticker shall be placed
264 in the center of the license plate. The license plate and
265 validation sticker shall be issued based on the applicant's
266 appropriate renewal period. The fee for the initial validation
267 sticker and any renewed validation sticker is \$28. This fee
268 shall be deposited into the Highway Safety Operating Trust Fund.
269 A damaged or worn license plate may be replaced at no charge by
270 applying to the department and surrendering the current license
271 plate.

272 ~~4.2.~~ In order to retain the efficient administration of
273 the taxes and fees imposed by this chapter, the 80-cent fee
274 increase in the replacement fee imposed by chapter 2009-71, Laws
275 of Florida, is negated as provided in s. 320.0804.

276 Section 8. Subsection (5) of section 320.0607, Florida
277 Statutes, is amended to read:

278 320.0607 Replacement license plates, validation decal, or
279 mobile home sticker.—

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

286 Section 9. Subsection (10) is added to section 320.131,
287 Florida Statutes, to read:

288 320.131 Temporary tags.—

289 (10) The department may partner with a county tax
290 collector to conduct a Fleet Vehicle Temporary Tag pilot program
291 to provide temporary tags to fleet companies to allow them to
292 operate fleet vehicles awaiting a permanent registration and
293 title.

294 (a) The department shall establish a memorandum of
295 understanding that allows up to three companies to participate
296 in the pilot program and receive multiple temporary tags for
297 company fleet vehicles.

298 (b) To participate in the program, a fleet company must
299 have at least 3,500 fleet vehicles registered in this state
300 which qualify to be registered as fleet vehicles pursuant to s.

301 320.0657.

302 (c) The department may issue up to 50 temporary tags at a
303 time to an eligible fleet company if requested by such company.

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

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

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

312 (g) Upon a finding by the department that a temporary tag
313 has been misused by a fleet company under this program, the
314 department may terminate the memorandum of understanding with
315 the company, invalidate all temporary tags issued to the company
316 under the program, and require such company to return any unused
317 temporary tags.

318 (h) The issuance of a tag using this method must be
319 reported to the department within 2 business days, not including
320 weekends or state holidays, after the issuance of the tag. The
321 county tax collector shall keep a record of each temporary tag
322 issued. The record must include the date of issuance, tag number
323 issued, vehicle identification number, and vehicle description.

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

326 Section 10. Paragraphs (g) and (h) of subsection (1) of
 327 section 322.61, Florida Statutes, are amended, and paragraphs
 328 (i) and (j) are added to that subsection, to read:

329 322.61 Disqualification from operating a commercial motor
 330 vehicle.—

331 (1) A person who, for offenses occurring within a 3-year
 332 period, is convicted of two of the following serious traffic
 333 violations or any combination thereof, arising in separate
 334 incidents committed in a commercial motor vehicle shall, in
 335 addition to any other applicable penalties, be disqualified from
 336 operating a commercial motor vehicle for a period of 60 days. A
 337 holder of a commercial driver license or commercial learner's
 338 permit who, for offenses occurring within a 3-year period, is
 339 convicted of two of the following serious traffic violations, or
 340 any combination thereof, arising in separate incidents committed
 341 in a noncommercial motor vehicle shall, in addition to any other
 342 applicable penalties, be disqualified from operating a
 343 commercial motor vehicle for a period of 60 days if such
 344 convictions result in the suspension, revocation, or
 345 cancellation of the licenseholder's driving privilege:

346 (g) Driving a commercial vehicle without the proper class
 347 of commercial driver license or commercial learner's permit or
 348 without the proper endorsement; ~~or~~

349 (h) Driving a commercial vehicle without a commercial
 350 driver license or commercial learner's permit in possession, as

351 required by s. 322.03;

352 (i) Texting while driving a commercial motor vehicle, as
 353 prohibited by 49 C.F.R. 392.80; or

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

356 Section 11. Subsection (1) of section 655.960, Florida
 357 Statutes, is amended to read:

358 655.960 Definitions; ss. 655.960-655.965.—As used in this
 359 section and ss. 655.961-655.965, unless the context otherwise
 360 requires:

361 (1) "Access area" means any paved walkway or sidewalk
 362 which is within 50 feet of any automated teller machine. The
 363 term does not include any street or highway open to the use of
 364 the public, as defined in s. 316.003(82) (a) ~~s. 316.003(81) (a)~~ or
 365 (b), including any adjacent sidewalk, as defined in s. 316.003.

366 Section 12. Paragraph (a) of subsection (2) of section
 367 812.014, Florida Statutes, is amended to read:

368 812.014 Theft.—

369 (2) (a) 1. If the property stolen is valued at \$100,000 or
 370 more or is a semitrailer that was deployed by a law enforcement
 371 officer; or

372 2. If the property stolen is cargo valued at \$50,000 or
 373 more that has entered the stream of interstate or intrastate
 374 commerce from the shipper's loading platform to the consignee's
 375 receiving dock; or

376 3. If the offender commits any grand theft and:
 377 a. In the course of committing the offense the offender
 378 uses a motor vehicle as an instrumentality, other than merely as
 379 a getaway vehicle, to assist in committing the offense and
 380 thereby damages the real property of another; ~~or~~
 381 b. In the course of committing the offense the offender
 382 causes damage to the real or personal property of another in
 383 excess of \$1,000; or
 384 c. In the course of committing the offense the offender
 385 uses any type of device to defeat, block, disable, jam, or
 386 interfere with a global positioning system or similar system
 387 designed to identify the location of the cargo or the vehicle or
 388 trailer carrying the cargo,
 389
 390 the offender commits grand theft in the first degree, punishable
 391 as a felony of the first degree, as provided in s. 775.082, s.
 392 775.083, or s. 775.084.
 393 Section 13. This act shall take effect October 1, 2019.