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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. 110.205, F.S.;  
4           providing that certain positions in the department are  
5           exempt from career service; amending s. 207.002, F.S.,  
6           relating to the Florida Diesel Fuel and Motor Fuel Use  
7           Tax Act of 1981; deleting definitions of the terms  
8           "apportioned motor vehicle" and "apportionable  
9           vehicle"; amending s. 316.066, F.S.; authorizing the  
10          Department of Transportation to immediately receive a  
11          crash report; amending s. 316.081, F.S.; prohibiting a  
12          driver from driving at less than the posted speed in  
13          the furthestmost left-hand lane of a road, street, or  
14          highway having two or more lanes if being overtaken by  
15          a motor vehicle; providing exceptions; providing  
16          penalties; amending s. 316.1937, F.S.; revising  
17          operational specifications for ignition interlock  
18          devices; amending s. 316.2397, F.S.; exempting  
19          specified municipal officials from a prohibition  
20          against showing or displaying blue lights on a motor  
21          vehicle under certain conditions; amending s. 316.302,  
22          F.S.; revising provisions for certain commercial motor  
23          vehicles and transporters and shippers of hazardous  
24          materials; providing for application of specified  
25          federal regulations; removing a provision for  
26          application of specified provisions and federal  
27          regulations to transporting liquefied petroleum gas;  
28          amending s. 316.3025, F.S.; providing penalties for

29 violation of specified federal regulations relating to  
30 medical and physical requirements for commercial  
31 drivers while driving a commercial motor vehicle;  
32 revising provisions for seizure of motor vehicle for  
33 refusal to pay penalty; amending s. 316.545, F.S.;  
34 revising language relating to certain commercial motor  
35 vehicles not properly licensed and registered;  
36 amending s. 316.646, F.S., relating to proof of  
37 property damage liability security and display  
38 thereof; providing for proof of insurance in an  
39 electronic format and on an electronic device;  
40 providing conditions relating to the use of such  
41 electronic device; authorizing the department to adopt  
42 rules; amending s. 317.0016, F.S., relating to  
43 expedited services; removing a requirement that the  
44 department provide such service for certain  
45 certificates; amending s. 318.14, F.S.; relating to  
46 disposition of traffic citations; requiring the  
47 department to submit a report to the Legislature  
48 regarding the feasibility of roadside payment of  
49 traffic citations; providing that certain alternative  
50 procedures for certain traffic offenses are not  
51 available to a person who holds a commercial learner's  
52 permit; amending s. 318.1451, F.S.; revising  
53 provisions relating to driver improvement schools;  
54 removing a provision for a chief judge to establish  
55 requirements for the location of schools within a  
56 judicial circuit; removing a provision that authorizes

57 a person to operate a driver improvement school;  
58 revising provisions for persons taking unapproved  
59 course; providing criteria for initial approval of  
60 courses; revising requirements for courses, course  
61 certificates, and course providers; directing the  
62 department to adopt rules; creating s. 319.141, F.S.;  
63 directing the department to conduct a pilot program to  
64 evaluate rebuilt vehicle inspection services performed  
65 by the private sector; providing definitions;  
66 providing for the department to enter into a  
67 memorandum of understanding with the private provider;  
68 providing minimum criteria and certain requirements;  
69 requiring the department to provide a report to the  
70 Legislature; providing for future expiration; amending  
71 s. 319.23, F.S.; revising requirements for content of  
72 certificates of title and applications for title;  
73 amending s. 319.28, F.S.; revising provisions for  
74 transfer of ownership by operation of law when a motor  
75 vehicle or mobile home is repossessed; removing  
76 provisions for a certificate of repossession; amending  
77 s. 319.30, F.S.; defining the terms "National Motor  
78 Vehicle Title Information System," "nonrepairable  
79 vehicle," and "self-insured entity" as used in  
80 provisions for the dismantling, destruction, and  
81 change of identity of motor vehicles and mobile homes  
82 and salvage thereof; limiting the amount that a  
83 salvage motor vehicle dealer or a secondary metals  
84 recycler may require a lienholder to pay to recover a

85 | derelict vehicle purchased by the dealer or recycler;  
86 | providing circumstances when a self-insured motor  
87 | vehicle or mobile home is a total loss; revising  
88 | procedures for disposition of salvage motor vehicles  
89 | and mobile homes; requiring an insurance company to  
90 | notify the National Motor Vehicle Title Information  
91 | System; providing for the department to declare  
92 | certain vehicles as nonrepairable and print a  
93 | certificate of destruction; revising requirements for  
94 | secondary metals recyclers and salvage motor vehicle  
95 | dealers to maintain records; requiring such recyclers  
96 | and dealers to make monthly notifications to the  
97 | National Motor Vehicle Title Information System;  
98 | requiring certain independent entities to notify the  
99 | National Motor Vehicle Title Information System before  
100 | disposition of a damaged or dismantled motor vehicle;  
101 | requiring the independent entity to provide proof to  
102 | the department of such notification when applying for  
103 | a certificate of destruction or salvage certificate of  
104 | title; requiring certain entities dealing in salvage  
105 | motor vehicles to register with the National Motor  
106 | Vehicle Title Information System; amending s. 319.323,  
107 | F.S., relating to expedited services of the  
108 | department; removing certificates of repossession;  
109 | amending s. 320.01, F.S.; removing the definition of  
110 | the term "apportioned motor vehicle"; revising the  
111 | definition of the term "apportionable motor vehicle";  
112 | amending s. 320.02, F.S.; revising requirements for

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113 application for motor vehicle registration; providing  
114 for insurers to furnish proof-of-purchase cards in a  
115 paper or an electronic format; amending s. 320.03,  
116 F.S.; revising a provision for registration under the  
117 International Registration Plan; amending s. 320.071,  
118 F.S.; revising a provision for advance renewal of  
119 registration under the International Registration  
120 Plan; amending s. 320.0715, F.S.; revising provisions  
121 for vehicles required to be registered under the  
122 International Registration Plan; amending s. 320.089,  
123 F.S.; creating a special use license plate for current  
124 or former members of the United States Armed Forces  
125 who participated in Operation Desert Storm or  
126 Operation Desert Shield; amending s. 320.18, F.S.;  
127 providing for withholding of motor vehicle or mobile  
128 home registration when a coowner has failed to  
129 register the motor vehicle or mobile home during a  
130 previous period when such registration was required;  
131 providing for cancelling a vehicle or vessel  
132 registration, driver license, identification card, or  
133 fuel-use tax decal if the coowner pays certain fees  
134 and other liabilities with a dishonored check;  
135 amending s. 320.27, F.S., relating to motor vehicle  
136 dealers; providing for extended periods for dealer  
137 licenses and supplemental licenses; providing fees;  
138 amending s. 320.62, F.S., relating to manufacturers,  
139 distributors, and importers of motor vehicles;  
140 providing for extended licensure periods; providing

141 fees; amending s. 320.77, F.S., relating to mobile  
142 home dealers; providing for extended licensure  
143 periods; providing fees; amending s. 320.771, F.S.,  
144 relating to recreational vehicle dealers; providing  
145 for extended licensure periods; providing fees;  
146 amending s. 320.8225, F.S., relating to mobile home  
147 and recreational vehicle manufacturers, distributors,  
148 and importers; providing for extended licensure  
149 periods; providing fees; amending s. 322.095, F.S.;  
150 requiring an applicant for a driver license to  
151 complete a traffic law and substance abuse education  
152 course; providing exceptions; revising procedures for  
153 evaluation and approval of such courses; revising  
154 criteria for such courses and the schools conducting  
155 the courses; providing for collection and disposition  
156 of certain fees; requiring providers to maintain  
157 records; directing the department to conduct  
158 effectiveness studies; requiring a provider to cease  
159 offering a course that fails the study; requiring  
160 courses to be updated at the request of the  
161 department; requiring providers to disclose certain  
162 information; requiring providers to submit course  
163 completion information to the department within a  
164 certain time period; prohibiting certain acts;  
165 providing that the department shall not accept  
166 certification from students; prohibiting a person  
167 convicted of certain crimes from conducting courses;  
168 directing the department to suspend course approval

169 for certain purposes; providing for the department to  
170 deny, suspend, or revoke course approval for certain  
171 acts; providing for administrative hearing before  
172 final action denying, suspending, or revoking course  
173 approval; providing penalties for violations; amending  
174 s. 322.125, F.S.; revising criteria for members of the  
175 Medical Advisory Board; amending s. 322.135, F.S.;  
176 removing a provision that authorizes a tax collector  
177 to direct certain licensees to the department for  
178 examination or reexamination; amending s. 322.212,  
179 F.S.; providing penalties for certain violations  
180 involving application and testing for a commercial  
181 driver license or a commercial learner's permit;  
182 amending s. 322.22, F.S.; authorizing the department  
183 to withhold issuance or renewal of a driver license,  
184 identification card, vehicle or vessel registration,  
185 or fuel-use decal under certain circumstances;  
186 amending s. 322.245, F.S.; requiring a depository or  
187 clerk of court to electronically notify the department  
188 of a person's failure to pay support or comply with  
189 directives of the court; amending s. 322.25, F.S.;  
190 removing a provision for a court order to reinstate a  
191 person's driving privilege on a temporary basis when  
192 the person's license and driving privilege have been  
193 revoked under certain circumstances; amending ss.  
194 322.2615 and 322.2616, F.S., relating to review of a  
195 license suspension when the driver had blood or breath  
196 alcohol at a certain level or the driver refused a

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197 test of his or her blood or breath to determine the  
198 alcohol level; revising provisions for informal and  
199 formal reviews; providing for the hearing officer to  
200 be designated by the department; authorizing the  
201 hearing officer to conduct hearings using  
202 telecommunications technology; revising procedures for  
203 enforcement of subpoenas; directing the department to  
204 issue a temporary driving permit or invalidate the  
205 suspension under certain circumstances; providing for  
206 construction of specified provisions; amending s.  
207 322.64, F.S., relating to driving with unlawful blood-  
208 alcohol level or refusal to submit to breath, urine,  
209 or blood test by a commercial driver license holder or  
210 person driving a commercial motor vehicle; providing  
211 that a disqualification from driving a commercial  
212 motor vehicle is considered a conviction for certain  
213 purposes; revising the time period a person is  
214 disqualified from driving for alcohol-related  
215 violations; revising requirements for notice of the  
216 disqualification; providing that under the review of a  
217 disqualification the hearing officer shall consider  
218 the crash report; revising provisions for informal and  
219 formal reviews; providing for the hearing officer to  
220 be designated by the department; authorizing the  
221 hearing officer to conduct hearings using  
222 telecommunications technology; revising procedures for  
223 enforcement of subpoenas; directing the department to  
224 issue a temporary driving permit or invalidate the



225 suspension under certain circumstances; providing for  
226 construction of specified provisions; amending s.  
227 322.2715, F.S.; providing requirements for issuance of  
228 a restricted license for a person convicted of a DUI  
229 offense if a medical waiver of placement of an  
230 ignition interlock device was given to such person;  
231 amending s. 322.28, F.S., relating to revocation of  
232 driver license for convictions of DUI offenses;  
233 providing that convictions occurring on the same date  
234 for offenses occurring on separate dates are  
235 considered separate convictions; removing a provision  
236 relating to a court order for reinstatement of a  
237 revoked license; repealing s. 322.331, F.S., relating  
238 to habitual traffic offenders; amending s. 322.61,  
239 F.S., revising provisions for disqualification from  
240 operating a commercial motor vehicle; providing for  
241 application of such provisions to persons holding a  
242 commercial learner's permit; revising the offenses for  
243 which certain disqualifications apply; amending s.  
244 323.002, F.S.; providing that an unauthorized wrecker  
245 operator's wrecker, tow truck, or other motor vehicle  
246 used during certain offenses may be removed and  
247 impounded; requiring an unauthorized wrecker operator  
248 to disclose certain information in writing to the  
249 owner or operator of a motor vehicle and provide a  
250 copy of the disclosure to the owner or operator in the  
251 presence of a law enforcement officer if an officer is  
252 present; authorizing state and local government law

253 enforcement officers to cause to be removed and  
254 impounded any wrecker, tow truck, or other motor  
255 vehicle used in violation of specified provisions;  
256 authorizing the authority that caused the removal and  
257 impoundment to assess a cost recovery fine; providing  
258 procedures and requirements for release of the  
259 vehicle; providing penalties; requiring that the  
260 unauthorized wrecker operator pay the fees associated  
261 with the removal and storage of the vehicle; amending  
262 s. 324.0221, F.S.; revising the actions which must be  
263 reported to the department by an insurer that has  
264 issued a policy providing personal injury protection  
265 coverage or property damage liability coverage;  
266 revising time allowed for submitting the report;  
267 amending s. 324.031, F.S.; revising the methods a  
268 vehicle owner or operator may use to prove financial  
269 responsibility; removing a provision for posting a  
270 bond with the department; amending s. 324.091, F.S.;  
271 revising provisions requiring motor vehicle owners and  
272 operators to provide evidence to the department of  
273 liability insurance coverage under certain  
274 circumstances; revising provisions for verification by  
275 insurers of such evidence; amending s. 324.161, F.S.;  
276 providing requirements for issuance of a certificate  
277 of insurance; requiring proof of a certificate of  
278 deposit of a certain amount of money in a financial  
279 institution; providing for power of attorney to be  
280 issued to the department for execution under certain

281 | circumstances; amending s. 328.01, F.S., relating to  
282 | vessel titles; revising identification requirements  
283 | for applications for a certificate of title; amending  
284 | s. 328.48, F.S., relating to vessel registration;  
285 | revising identification requirements for applications  
286 | for vessel registration; amending s. 328.76, F.S.,  
287 | relating to vessel registration funds; revising  
288 | provisions for funds to be deposited into the Highway  
289 | Safety Operating Trust Fund; amending s. 713.585,  
290 | F.S.; revising procedures and requirements for  
291 | enforcement of lien by sale of motor vehicle when  
292 | ownership is not established; revising provisions for  
293 | establishing a good faith effort to locate the owner  
294 | or lienholder; requiring the lienholder to make  
295 | certain records checks, including records of the  
296 | department and the National Motor Vehicle Title  
297 | Information System and any state disclosed by the  
298 | check of that system; revising requirements for  
299 | notification to the local law enforcement agency;  
300 | revising requirements for notification of the sale of  
301 | the vehicle; revising documents and proofs the  
302 | lienholder is required to furnish with a certificate  
303 | of compliance filed with the clerk of the circuit  
304 | court; requiring the lienholder to provide the  
305 | department proof of checking the National Motor  
306 | Vehicle Title Information System for application for  
307 | transfer of title; amending s. 713.78, F.S.; revising  
308 | provisions for enforcement of liens for recovering,

309 towing, or storing a vehicle or vessel; providing a  
310 definition; providing for a lien on a vehicle or  
311 vessel when a landlord or the landlord's designee  
312 authorized removal after tenancy is terminated and  
313 specified conditions are met; revising provisions  
314 requiring notice to the owner, insurance company, and  
315 lienholders; revising procedures and requirements when  
316 ownership is not established; revising provisions for  
317 establishing a good faith effort to locate the owner  
318 or lienholder; requiring certain records checks,  
319 including records of the department and the National  
320 Motor Vehicle Title Information System and any state  
321 disclosed by the check of that system; revising  
322 provisions for notice of sale; requiring that  
323 insurance company representatives shall be allowed to  
324 inspect the vehicle or vessel; providing that when the  
325 vehicle is to be sold for purposes of being  
326 dismantled, destroyed, or changed in such manner that  
327 it is not the motor vehicle or vessel described in the  
328 certificate of title, it must be reported to the  
329 National Motor Vehicle Title Information System and  
330 application made to the department for a certificate  
331 of destruction; amending ss. 212.08, 261.03, 316.2122,  
332 316.2124, 316.21265, 316.3026, 316.550, 317.0003,  
333 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,  
334 324.191, 627.733, and 627.7415, F.S.; correcting  
335 cross-references and conforming provisions to changes  
336 made by the act; providing effective dates.

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

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices, as defined in s. 20.23(4)(b) and (5)(c).

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

365 5. Positions in the Department of Health that are assigned  
 366 the duties of Environmental Administrator, Assistant County  
 367 Health Department Director, and County Health Department  
 368 Financial Administrator.

369 6. Positions in the Department of Highway Safety and Motor  
 370 Vehicles that are assigned primary duties of serving as captains  
 371 in the Florida Highway Patrol.

372  
 373 Unless otherwise fixed by law, the department shall set the  
 374 salary and benefits of the positions listed in this paragraph in  
 375 accordance with the rules established for the Selected Exempt  
 376 Service.

377 Section 2. Section 207.002, Florida Statutes, is amended  
 378 to read:

379 207.002 Definitions.—As used in this chapter, the term:

380 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~  
 381 ~~which is required to be registered under the International~~  
 382 ~~Registration Plan.~~

383 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not  
 384 owned or operated by a governmental entity which uses diesel  
 385 fuel or motor fuel on the public highways; and which has a gross  
 386 vehicle weight in excess of 26,000 pounds, or has three or more  
 387 axles regardless of weight, or is used in combination when the  
 388 weight of such combination exceeds 26,000 pounds gross vehicle  
 389 weight. The term excludes any vehicle owned or operated by a  
 390 community transportation coordinator as defined in s. 427.011 or  
 391 by a private operator that provides public transit services  
 392 under contract with such a provider.

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393        (2)~~(3)~~ "Department" means the Department of Highway Safety  
394 and Motor Vehicles.

395        (3)~~(9)~~ "Diesel fuel" means any liquid product or gas  
396 product or combination thereof, including, but not limited to,  
397 all forms of fuel known or sold as diesel fuel, kerosene, butane  
398 gas, or propane gas and all other forms of liquefied petroleum  
399 gases, except those defined as "motor fuel," used to propel a  
400 motor vehicle.

401        (4)~~(11)~~ "International Registration Plan" means a  
402 registration reciprocity agreement among states of the United  
403 States and provinces of Canada providing for payment of license  
404 fees or license taxes on the basis of fleet miles operated in  
405 various jurisdictions.

406        (5)~~(13)~~ "Interstate" means vehicle movement between or  
407 through two or more states.

408        (6)~~(14)~~ "Intrastate" means vehicle movement from one point  
409 within a state to another point within the same state.

410        (7)~~(4)~~ "Motor carrier" means any person owning,  
411 controlling, operating, or managing any motor vehicle used to  
412 transport persons or property over any public highway.

413        (8)~~(5)~~ "Motor fuel" means what is commonly known and sold  
414 as gasoline and fuels containing a mixture of gasoline and other  
415 products.

416        (9)~~(6)~~ "Operate," "operated," "operation," or "operating"  
417 means and includes the utilization in any form of any commercial  
418 motor vehicle, whether loaded or empty, whether utilized for  
419 compensation or not for compensation, and whether owned by or  
420 leased to the motor carrier who uses it or causes it to be used.

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421        (10)~~(7)~~ "Person" means and includes natural persons,  
 422 corporations, copartnerships, firms, companies, agencies, or  
 423 associations, singular or plural.

424        (11)~~(8)~~ "Public highway" means any public street, road, or  
 425 highway in this state.

426        (12)~~(15)~~ "Registrant" means a person in whose name or  
 427 names a vehicle is properly registered.

428        (13)~~(10)~~ "Use," "uses," or "used" means the consumption of  
 429 diesel fuel or motor fuel in a commercial motor vehicle for the  
 430 propulsion thereof.

431        ~~(12) "Apportionable vehicle" means any vehicle, except a  
 432 recreational vehicle, a vehicle displaying restricted plates, a  
 433 municipal pickup and delivery vehicle, a bus used in  
 434 transportation of chartered parties, and a government-owned  
 435 vehicle, which is used or intended for use in two or more states  
 436 of the United States or provinces of Canada that allocate or  
 437 proportionally register vehicles and which is used for the  
 438 transportation of persons for hire or is designed, used, or  
 439 maintained primarily for the transportation of property and:~~

440        ~~(a) Is a power unit having a gross vehicle weight in  
 441 excess of 26,000 pounds;~~

442        ~~(b) Is a power unit having three or more axles, regardless  
 443 of weight; or~~

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

446        Section 3. Paragraph (b) of subsection (2) of section  
 447 316.066, Florida Statutes, is amended to read:

448        316.066 Written reports of crashes.—



449 (2)

450 (b) Crash reports held by an agency under paragraph (a)

451 may be made immediately available to the parties involved in the

452 crash, their legal representatives, their licensed insurance

453 agents, their insurers or insurers to which they have applied

454 for coverage, persons under contract with such insurers to

455 provide claims or underwriting information, prosecutorial

456 authorities, law enforcement agencies, the Department of

457 Transportation, county traffic operations, victim services

458 programs, radio and television stations licensed by the Federal

459 Communications Commission, newspapers qualified to publish legal

460 notices under ss. 50.011 and 50.031, and free newspapers of

461 general circulation, published once a week or more often,

462 available and of interest to the public generally for the

463 dissemination of news. For the purposes of this section, the

464 following products or publications are not newspapers as

465 referred to in this section: those intended primarily for

466 members of a particular profession or occupational group; those

467 with the primary purpose of distributing advertising; and those

468 with the primary purpose of publishing names and other personal

469 identifying information concerning parties to motor vehicle

470 crashes.

471 Section 4. Subsections (3) and (4) of section 316.081,

472 Florida Statutes, are renumbered as subsections (4) and (5),

473 respectively, and a new subsection (3) is added to that section

474 to read:

475 316.081 Driving on right side of roadway; exceptions.—

476 (3) On a road, street, or highway having two or more lanes

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477 that allow movement in the same direction, a driver may not  
478 continue to operate a motor vehicle at less than the posted  
479 speed limit in the furthestmost left-hand lane if the driver  
480 knows or reasonably should know that he or she is being  
481 overtaken in that lane from the rear by a motor vehicle  
482 traveling at a higher rate of speed, except when overtaking and  
483 passing another vehicle proceeding in the same direction or when  
484 preparing for a left turn at an intersection or into a private  
485 road or driveway.

486 (4)~~(3)~~ Upon any roadway having four or more lanes for  
487 moving traffic and providing for two-way movement of traffic, no  
488 vehicle shall be driven to the left of the centerline of the  
489 roadway, except when authorized by official traffic control  
490 devices designating certain lanes to the left side of the center  
491 of the roadway for use by traffic not otherwise permitted to use  
492 such lanes, or except as permitted under paragraph (1) (b).  
493 However, this subsection shall not be construed as prohibiting  
494 the crossing of the centerline in making a left turn into or  
495 from an alley, private road, or driveway.

496 (5)~~(4)~~ A violation of this section is a noncriminal  
497 traffic infraction, punishable as a moving violation as provided  
498 in chapter 318.

499 Section 5. Subsection (1) of section 316.1937, Florida  
500 Statutes, is amended to read:

501 316.1937 Ignition interlock devices, requiring; unlawful  
502 acts.—

503 (1) In addition to any other authorized penalties, the  
504 court may require that any person who is convicted of driving

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505 | under the influence in violation of s. 316.193 shall not operate  
506 | a motor vehicle unless that vehicle is equipped with a  
507 | functioning ignition interlock device certified by the  
508 | department as provided in s. 316.1938, and installed in such a  
509 | manner that the vehicle will not start if the operator's blood  
510 | alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
511 | specified by the court. The court may require the use of an  
512 | approved ignition interlock device for a period of at least ~~not~~  
513 | ~~less than~~ 6 continuous months, if the person is permitted to  
514 | operate a motor vehicle, whether or not the privilege to operate  
515 | a motor vehicle is restricted, as determined by the court. The  
516 | court, however, shall order placement of an ignition interlock  
517 | device in those circumstances required by s. 316.193.

518 | Section 6. Subsection (2) of section 316.2397, Florida  
519 | Statutes, is amended to read:

520 | 316.2397 Certain lights prohibited; exceptions.—

521 | (2) It is expressly prohibited for any vehicle or  
522 | equipment, except police vehicles, to show or display blue  
523 | lights. However, vehicles owned, operated, or leased by the  
524 | Department of Corrections or any county correctional agency may  
525 | show or display blue lights when responding to emergencies. With  
526 | written approval of the city's police chief or county sheriff, a  
527 | city mayor who is the head of a city government and the head law  
528 | enforcement official of the municipality are exempt from the  
529 | prohibition under this subsection.

530 | Section 7. Paragraph (b) of subsection (1), paragraph (a)  
531 | of subsection (4), and subsection (9) of section 316.302,  
532 | Florida Statutes, are amended to read:

533 316.302 Commercial motor vehicles; safety regulations;  
 534 transporters and shippers of hazardous materials; enforcement.-

535 (1)

536 (b) Except as otherwise provided in this section, all  
 537 owners or drivers of commercial motor vehicles that are engaged  
 538 in intrastate commerce are subject to the rules and regulations  
 539 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with  
 540 the exception of 49 C.F.R. s. 390.5 as it relates to the  
 541 definition of bus, as such rules and regulations existed on  
 542 December 31, 2012 ~~October 1, 2011~~.

543 (4) (a) Except as provided in this subsection, all  
 544 commercial motor vehicles transporting any hazardous material on  
 545 any road, street, or highway open to the public, whether engaged  
 546 in interstate or intrastate commerce, and any person who offers  
 547 hazardous materials for such transportation, are subject to the  
 548 regulations contained in 49 C.F.R. part 107, subparts F and  
 549 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.  
 550 Effective July 1, 1997, the exceptions for intrastate motor  
 551 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby  
 552 adopted.

553 (9) (a) ~~This section is not applicable to the transporting~~  
 554 ~~of liquefied petroleum gas. The rules and regulations applicable~~  
 555 ~~to the transporting of liquefied petroleum gas on the highways,~~  
 556 ~~roads, or streets of this state shall be only those adopted by~~  
 557 ~~the Department of Agriculture and Consumer Services under~~  
 558 ~~chapter 527. However, transporters of liquefied petroleum gas~~  
 559 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~  
 560 ~~396.9.~~

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561 ~~(b)~~ This section does not apply to any nonpublic sector  
 562 bus.

563 Section 8. Paragraph (b) of subsection (3) and subsection  
 564 (5) of section 316.3025, Florida Statutes, are amended to read:  
 565 316.3025 Penalties.—

566 (3)

567 (b) A civil penalty of \$100 may be assessed for:

568 1. Each violation of the North American Uniform Driver  
 569 Out-of-Service Criteria;

570 2. A violation of s. 316.302(2)(b) or (c);

571 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

572 4. A violation of the North American Standard Vehicle Out-  
 573 of-Service Criteria resulting from an inspection of a commercial  
 574 motor vehicle involved in a crash; or

575 5. A violation of 49 C.F.R. s. 391.41.

576 (5) Whenever any person or motor carrier as defined in  
 577 chapter 320 violates the provisions of this section and becomes  
 578 indebted to the state because of such violation and refuses to  
 579 pay the appropriate penalty, in addition to the provisions of s.  
 580 316.3026, such penalty becomes a lien upon the property  
 581 including the motor vehicles of such person or motor carrier and  
 582 may be seized and foreclosed by the state in a civil action in  
 583 any court of this state. It shall be presumed that the owner of  
 584 the motor vehicle is liable for the sum, and the vehicle may be  
 585 detained or impounded until the penalty is paid.

586 Section 9. Paragraph (d) of subsection (3) of section  
 587 316.545, Florida Statutes, is amended to read:

588 316.545 Weight and load unlawful; special fuel and motor

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589 fuel tax enforcement; inspection; penalty; review.—

590 (3) Any person who violates the overloading provisions of  
591 this chapter shall be conclusively presumed to have damaged the  
592 highways of this state by reason of such overloading, which  
593 damage is hereby fixed as follows:

594 (d) An apportionable ~~apportioned motor~~ vehicle, as defined  
595 in s. 320.01, operating on the highways of this state without  
596 being properly licensed and registered shall be subject to the  
597 penalties as ~~herein~~ provided in this section; and

598 Section 10. Subsection (1) of section 316.646, Florida  
599 Statutes, is amended, and subsection (5) is added to that  
600 section, to read:

601 316.646 Security required; proof of security and display  
602 thereof; dismissal of cases.—

603 (1) Any person required by s. 324.022 to maintain property  
604 damage liability security, required by s. 324.023 to maintain  
605 liability security for bodily injury or death, or required by s.  
606 627.733 to maintain personal injury protection security on a  
607 motor vehicle shall have in his or her immediate possession at  
608 all times while operating such motor vehicle proper proof of  
609 maintenance of the required security. Such proof shall be a  
610 uniform proof-of-insurance card in a paper or an electronic  
611 format in a form prescribed by the department, a valid insurance  
612 policy, an insurance policy binder, a certificate of insurance,  
613 or such other proof as may be prescribed by the department. If a  
614 person presents to a law enforcement officer an electronic  
615 device displaying a proof-of-insurance card in an electronic  
616 format, such person:

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617 (a) Is not consenting to access to any information on the  
618 electronic device other than the displayed proof-of-insurance  
619 card; and

620 (b) Assumes liability for any damage to the electronic  
621 device.

622 (5) The department may adopt rules to implement this  
623 section.

624 Section 11. Section 317.0016, Florida Statutes, is amended  
625 to read:

626 317.0016 Expedited service; applications; fees.—The  
627 department shall provide, through its agents and for use by the  
628 public, expedited service on title transfers, title issuances,  
629 duplicate titles, and recordation of liens, ~~and certificates of~~  
630 ~~repossession~~. A fee of \$7 shall be charged for this service,  
631 which is in addition to the fees imposed by ss. 317.0007 and  
632 317.0008, and \$3.50 of this fee shall be retained by the  
633 processing agency. All remaining fees shall be deposited in the  
634 Incidental Trust Fund of the Florida Forest Service of the  
635 Department of Agriculture and Consumer Services. Application for  
636 expedited service may be made by mail or in person. The  
637 department shall issue each title applied for pursuant to this  
638 section within 5 working days after receipt of the application  
639 except for an application for a duplicate title certificate  
640 covered by s. 317.0008(3), in which case the title must be  
641 issued within 5 working days after compliance with the  
642 department's verification requirements.

643 Section 12. Paragraph (a) of subsection (4), subsection  
644 (9), and subsection (10) of section 318.14, Florida Statutes,

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645 are amended to read:

646 318.14 Noncriminal traffic infractions; exception;  
647 procedures.—

648 (4) (a) 1. Except as provided in subsection (12), any person  
649 charged with a noncriminal infraction under this section who  
650 does not elect to appear shall, within 30 days after the date of  
651 issuance of the citation:

652 ~~a.1.~~ Pay the civil penalty and delinquent fee, if  
653 applicable, either by mail or in person; or

654 ~~b.2.~~ Enter into a payment plan in accordance with s.  
655 28.246 with the clerk of the court to pay the civil penalty and  
656 delinquent fee, if applicable.

657 2. By February 1, 2014, the department shall submit a  
658 report to the President of the Senate and the Speaker of the  
659 House of Representatives on the feasibility of driver-initiated  
660 payment of civil penalties to law enforcement, transacted  
661 electronically at the roadside, immediately following issuance  
662 of the citation. This subparagraph expires July 1, 2014.

663 (9) Any person who does not hold a commercial driver  
664 license or commercial learner's permit and who is cited while  
665 driving a noncommercial motor vehicle for an infraction under  
666 this section other than a violation of s. 316.183(2), s.  
667 316.187, or s. 316.189 when the driver exceeds the posted limit  
668 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or  
669 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in  
670 lieu of a court appearance, elect to attend in the location of  
671 his or her choice within this state a basic driver improvement  
672 course approved by the Department of Highway Safety and Motor



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673 Vehicles. In such a case, adjudication must be withheld and  
674 points, as provided by s. 322.27, may not be assessed. However,  
675 a person may not make an election under this subsection if the  
676 person has made an election under this subsection in the  
677 preceding 12 months. A person may not make more than five  
678 elections within his or her lifetime under this subsection. The  
679 requirement for community service under s. 318.18(8) is not  
680 waived by a plea of nolo contendere or by the withholding of  
681 adjudication of guilt by a court. If a person makes an election  
682 to attend a basic driver improvement course under this  
683 subsection, 18 percent of the civil penalty imposed under s.  
684 318.18(3) shall be deposited in the State Courts Revenue Trust  
685 Fund; however, that portion is not revenue for purposes of s.  
686 28.36 and may not be used in establishing the budget of the  
687 clerk of the court under that section or s. 28.35.

688 (10) (a) Any person who does not hold a commercial driver  
689 license or commercial learner's permit and who is cited while  
690 driving a noncommercial motor vehicle for an offense listed  
691 under this subsection may, in lieu of payment of fine or court  
692 appearance, elect to enter a plea of nolo contendere and provide  
693 proof of compliance to the clerk of the court, designated  
694 official, or authorized operator of a traffic violations bureau.  
695 In such case, adjudication shall be withheld; however, a person  
696 may not make an election under this subsection if the person has  
697 made an election under this subsection in the preceding 12  
698 months. A person may not make more than three elections under  
699 this subsection. This subsection applies to the following  
700 offenses:

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701 1. Operating a motor vehicle without a valid driver  
702 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),  
703 or operating a motor vehicle with a license that has been  
704 suspended for failure to appear, failure to pay civil penalty,  
705 or failure to attend a driver improvement course pursuant to s.  
706 322.291.

707 2. Operating a motor vehicle without a valid registration  
708 in violation of s. 320.0605, s. 320.07, or s. 320.131.

709 3. Operating a motor vehicle in violation of s. 316.646.

710 4. Operating a motor vehicle with a license that has been  
711 suspended under s. 61.13016 or s. 322.245 for failure to pay  
712 child support or for failure to pay any other financial  
713 obligation as provided in s. 322.245; however, this subparagraph  
714 does not apply if the license has been suspended pursuant to s.  
715 322.245(1).

716 5. Operating a motor vehicle with a license that has been  
717 suspended under s. 322.091 for failure to meet school attendance  
718 requirements.

719 (b) Any person cited for an offense listed in this  
720 subsection shall present proof of compliance before the  
721 scheduled court appearance date. For the purposes of this  
722 subsection, proof of compliance shall consist of a valid,  
723 renewed, or reinstated driver license or registration  
724 certificate and proper proof of maintenance of security as  
725 required by s. 316.646. Notwithstanding waiver of fine, any  
726 person establishing proof of compliance shall be assessed court  
727 costs of \$25, except that a person charged with violation of s.  
728 316.646(1)-(3) may be assessed court costs of \$8. One dollar of

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729 such costs shall be remitted to the Department of Revenue for  
 730 deposit into the Child Welfare Training Trust Fund of the  
 731 Department of Children and Family Services. One dollar of such  
 732 costs shall be distributed to the Department of Juvenile Justice  
 733 for deposit into the Juvenile Justice Training Trust Fund.  
 734 Fourteen dollars of such costs shall be distributed to the  
 735 municipality and \$9 shall be deposited by the clerk of the court  
 736 into the fine and forfeiture fund established pursuant to s.  
 737 142.01, if the offense was committed within the municipality. If  
 738 the offense was committed in an unincorporated area of a county  
 739 or if the citation was for a violation of s. 316.646(1)-(3), the  
 740 entire amount shall be deposited by the clerk of the court into  
 741 the fine and forfeiture fund established pursuant to s. 142.01,  
 742 except for the moneys to be deposited into the Child Welfare  
 743 Training Trust Fund and the Juvenile Justice Training Trust  
 744 Fund. This subsection does not authorize the operation of a  
 745 vehicle without a valid driver license, without a valid vehicle  
 746 tag and registration, or without the maintenance of required  
 747 security.

748 Section 13. Section 318.1451, Florida Statutes, is amended  
 749 to read:

750 318.1451 Driver improvement schools.—

751 (1) ~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~  
 752 shall approve and regulate the courses of all driver improvement  
 753 schools, as the courses relate to ss. 318.14(9), 322.0261, and  
 754 322.291, including courses that use technology as a delivery  
 755 method. ~~The chief judge of the applicable judicial circuit may~~  
 756 ~~establish requirements regarding the location of schools within~~

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757 ~~the judicial circuit. A person may engage in the business of~~  
758 ~~operating a driver improvement school that offers department-~~  
759 ~~approved courses related to ss. 318.14(9), 322.0261, and~~  
760 ~~322.291.~~

761 ~~(b) The department of Highway Safety and Motor Vehicles~~  
762 ~~shall approve and regulate courses that use technology as the~~  
763 ~~delivery method of all driver improvement schools as the courses~~  
764 ~~relate to ss. 318.14(9) and 322.0261.~~

765 (2) (a) In determining whether to approve the courses  
766 referenced in this section, the department shall consider course  
767 content designed to promote safety, driver awareness, crash  
768 avoidance techniques, and other factors or criteria to improve  
769 driver performance from a safety viewpoint. Initial approval of  
770 the courses shall also be based on the department's review of  
771 all course materials, course presentation to the department by  
772 the provider, and the provider's plan for effective oversight of  
773 the course by those who deliver the course in the state. New  
774 courses shall be provisionally approved and limited to the  
775 judicial circuit originally approved for pilot testing until the  
776 course is fully approved by the department for statewide  
777 delivery.

778 (b) In determining whether to approve courses of driver  
779 improvement schools that use technology as the delivery method  
780 as the courses relate to ss. 318.14(9) and 322.0261, the  
781 department shall consider only those courses submitted by a  
782 person, business, or entity which have approval for statewide  
783 delivery.

784 (3) ~~The department of Highway Safety and Motor Vehicles~~

785 shall not accept ~~suspend accepting~~ proof of attendance of  
 786 courses from persons who attend those schools that do not teach  
 787 an approved course. ~~In those circumstances, a person who has~~  
 788 ~~elected to take courses from such a school shall receive a~~  
 789 ~~refund from the school, and the person shall have the~~  
 790 ~~opportunity to take the course at another school.~~

791 (4) In addition to a regular course fee, an assessment fee  
 792 in the amount of \$2.50 shall be collected by the school from  
 793 each person who elects to attend a course, as it relates to ss.  
 794 318.14(9), 322.0261, 322.291, and 627.06501. The course provider  
 795 must remit the \$2.50 assessment fee to the department for  
 796 deposit into, ~~which shall be remitted to the Department of~~  
 797 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~  
 798 ~~Safety Operating Trust Fund~~ in order to receive unique course  
 799 completion certificate numbers for course participants. The  
 800 assessment fee will be used to administer this program and to  
 801 fund the general operations of the department.

802 (5) (a) The department is authorized to maintain the  
 803 information and records necessary to administer its duties and  
 804 responsibilities for driver improvement courses. Course  
 805 providers are required to maintain all records related to the  
 806 conduct of their approved courses for 5 years and allow the  
 807 department to inspect course records as necessary. Records may  
 808 be maintained in an electronic format. If ~~Where~~ such information  
 809 is a public record as defined in chapter 119, it shall be made  
 810 available to the public upon request pursuant to s. 119.07(1).

811 (b) The department or court may prepare a traffic school  
 812 reference guide which lists the benefits of attending a driver

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813 improvement school and contains the names of the fully approved  
814 course providers with a single telephone number for each  
815 provider as furnished by the provider.

816 (6) The department shall adopt rules establishing and  
817 maintaining policies and procedures to implement the  
818 requirements of this section. These policies and procedures may  
819 include, but shall not be limited to, the following:

820 (a) Effectiveness studies.—The department shall conduct  
821 effectiveness studies on each type of driver improvement course  
822 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a  
823 recurring 5-year basis, including in the study process the  
824 consequence of failed studies.

825 (b) Required updates.—The department may require that  
826 courses approved under this section be updated at the  
827 department's request. Failure of a course provider to update the  
828 course under this section shall result in the suspension of the  
829 course approval until the course is updated and approved by the  
830 department.

831 (c) Course conduct.—The department shall require that the  
832 approved course providers ensure their driver improvement  
833 schools are conducting the approved course fully and to the  
834 required time limit and content requirements.

835 (d) Course content.—The department shall set and modify  
836 course content requirements to keep current with laws and safety  
837 information. Course content includes all items used in the  
838 conduct of the course.

839 (e) Course duration.—The department shall set the duration  
840 of all course types.

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841 (f) Submission of records.—The department shall require  
842 that all course providers submit course completion information  
843 to the department through the department's Driver Improvement  
844 Certificate Issuance System within 5 days.

845 (g) Sanctions.—The department shall develop the criteria  
846 to sanction the course approval of a course provider for any  
847 violation of this section or any other law that pertains to the  
848 approval and use of driver improvement courses.

849 Section 14. Section 319.141, Florida Statutes, is created  
850 to read:

851 319.141 Pilot program for private sector rebuilt vehicle  
852 inspections.—

853 (1) Effective October 1, 2013, the department shall  
854 conduct a pilot program to evaluate alternatives for rebuilt  
855 vehicle inspection services to be offered by the private sector.  
856 The purpose of the pilot program is for the department to  
857 investigate the feasibility of private rebuilt vehicle  
858 inspection facilities, the cost to the consumer, and the  
859 potential savings to the department. The pilot program shall be  
860 limited to Miami-Dade and Hillsborough Counties and will allow  
861 participating private parties to conduct rebuilt vehicle  
862 inspections.

863 (2) For the purpose of this pilot program, the term  
864 "rebuilt inspection facility" means a privately owned and  
865 operated entity authorized by the department to inspect rebuilt  
866 vehicles for the department, and the term "rebuilt inspection"  
867 means an inspection of a rebuilt vehicle and its properly  
868 endorsed certificate of title, salvage certificate of title, or

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869 manufacturer's statement of origin submitted to the department,  
870 together with an application for a rebuilt certificate of title,  
871 a rebuilder's affidavit, a photo of the junk or salvage vehicle  
872 taken before any repairs began, receipts or invoices for all  
873 major component parts, as defined in s. 319.30(1), that were  
874 changed, and proof of reporting of the rebuilding of the vehicle  
875 to the National Motor Vehicle Title Information System.

876 (3) The department shall establish a memorandum of  
877 understanding with each participant in the pilot program  
878 covering oversight requirements, providing bonding and insurance  
879 requirements, establishing procedures and forms, and requiring  
880 the electronic transmission of rebuilt documents.

881 (4) Before any person or company can be approved by the  
882 department as a rebuilt inspection facility, the department  
883 shall ensure that the entity meets basic criteria designed to  
884 protect the public, which includes the following minimum  
885 criteria in addition to other such criteria that the department  
886 finds necessary to conduct proper inspections. At a minimum, the  
887 applicant must:

888 (a) Have and maintain a surety bond or irrevocable letter  
889 of credit, executed by the applicant, in the sum of \$50,000.

890 (b) Have and maintain garage liability insurance for the  
891 rebuilt inspection facility.

892 (c) Have completed criminal background checks of all  
893 owners, partners, corporate officers, and rebuilt inspectors  
894 employed by the applicant's company.



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895 (5) Pilot program participants are required to access  
896 vehicle and titling information and input inspection results  
897 through an authorized electronic filing system.

898 (6) The department shall provide a report to the President  
899 of the Senate and the Speaker of the House of Representatives  
900 regarding results of the pilot program by February 1, 2015. This  
901 section expires July 1, 2015, unless otherwise extended by an  
902 act of the Legislature.

903 Section 15. Subsection (9) of section 319.23, Florida  
904 Statutes, is amended to read:

905 319.23 Application for, and issuance of, certificate of  
906 title.—

907 (9) The title certificate or application for title must  
908 contain the applicant's full first name, middle initial, last  
909 name, date of birth, sex, and the license plate number. An  
910 individual applicant must provide ~~personal or business~~  
911 identification, which may include, but need not be limited to, a  
912 valid driver ~~driver's~~ license or identification card issued by  
913 number, Florida or another state, or a valid passport. A  
914 business applicant must provide a ~~identification card number, or~~  
915 federal employer identification number, if applicable,  
916 verification that the business is authorized to conduct business  
917 in the state, or a Florida city or county business license or  
918 number. In lieu of ~~and~~ the license plate number, the individual  
919 or business applicant must provide ~~or, in lieu thereof,~~ an  
920 affidavit certifying that the motor vehicle to be titled will  
921 not be operated upon the public highways of this state.

922 Section 16. Paragraph (b) of subsection (2) of section

923 | 319.28, Florida Statutes, is amended to read:  
 924 |       319.28 Transfer of ownership by operation of law.—  
 925 |       (2)  
 926 |       (b) In case of repossession of a motor vehicle or mobile  
 927 | home pursuant to the terms of a security agreement or similar  
 928 | instrument, an affidavit by the party to whom possession has  
 929 | passed stating that the vehicle or mobile home was repossessed  
 930 | upon default in the terms of the security agreement or other  
 931 | instrument shall be considered satisfactory proof of ownership  
 932 | and right of possession. At least 5 days before ~~prior to~~ selling  
 933 | the repossessed vehicle, any subsequent lienholder named in the  
 934 | last issued certificate of title shall be sent notice of the  
 935 | repossession by certified mail, on a form prescribed by the  
 936 | department. If such notice is given and no written protest to  
 937 | the department is presented by a subsequent lienholder within 15  
 938 | days after ~~from~~ the date on which the notice was mailed, the  
 939 | certificate of title ~~or the certificate of repossession~~ shall be  
 940 | issued showing no liens. If the former owner or any subsequent  
 941 | lienholder files a written protest under oath within such 15-day  
 942 | period, the department shall not issue the certificate of title  
 943 | ~~or certificate of repossession~~ for 10 days thereafter. If within  
 944 | the 10-day period no injunction or other order of a court of  
 945 | competent jurisdiction has been served on the department  
 946 | commanding it not to deliver the certificate of title ~~or~~  
 947 | ~~certificate of repossession~~, the department shall deliver the  
 948 | certificate of title ~~or repossession~~ to the applicant or as may  
 949 | otherwise be directed in the application showing no other liens  
 950 | than those shown in the application. Any lienholder who has

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951 repossessed a vehicle in this state in compliance with the  
952 provisions of this section must apply to a tax collector's  
953 office in this state or to the department for a ~~certificate of~~  
954 ~~repossession or to the department for a~~ certificate of title  
955 pursuant to s. 319.323. Proof of the required notice to  
956 subsequent lienholders shall be submitted together with regular  
957 title fees. ~~A lienholder to whom a certificate of repossession~~  
958 ~~has been issued may assign the certificate of title to the~~  
959 ~~subsequent owner.~~ Any person found guilty of violating any  
960 requirements of this paragraph shall be guilty of a felony of  
961 the third degree, punishable as provided in s. 775.082, s.  
962 775.083, or s. 775.084.

963 Section 17. Paragraphs (n) through (v) of subsection (1),  
964 paragraph (c) of subsection (2), and subsections (3), (7), and  
965 (9) of section 319.30, Florida Statutes, are amended, subsection  
966 (11) is redesignated as subsection (12), and a new subsection  
967 (11) is added to that section, to read:

968 319.30 Definitions; dismantling, destruction, change of  
969 identity of motor vehicle or mobile home; salvage.—

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

971 (n) "National Motor Vehicle Title Information System"  
972 means the national, mandated vehicle history database required  
973 under 28 C.F.R. part 25 and maintained for the United States  
974 Department of Justice that links the states' motor vehicle title  
975 records, including the department's motor vehicle title records,  
976 and requires the reporting of junk and salvage motor vehicles in  
977 order to ensure that states, law enforcement agencies, and  
978 consumers have access to vehicle titling, branding, and other

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979 information to verify the accuracy and legality of motor vehicle  
980 titles before purchase or title transfer of the vehicle occurs.

981 (o) "Nonrepairable vehicle" means a vehicle of a type  
982 otherwise subject to registration that:

983 1. Has no resale value except as a source of parts or  
984 scrap metal or that the owner irreversibly designates as a  
985 source of parts or scrap metal or for destruction; or

986 2. Has little or no resale value other than its worth as a  
987 source of a vehicle identification number that could be used  
988 illegally and:

989 a. Has been substantially stripped as a result of theft;  
990 or

991 b. Is missing all of the bolt-on sheet metal body panels,  
992 all of the doors and hatches, substantially all of the interior  
993 components, and substantially all of the grill and light  
994 assemblies; or

995 3. Is a substantially burned vehicle that:

996 (I) Has burned to the extent that there are no more usable  
997 or repairable body or interior components, tires and wheels, or  
998 drive train components; or

999 (II) The owner irreversibly designates for destruction or  
1000 as having little or no resale value other than its worth as a  
1001 source of scrap metal or as a source of a vehicle identification  
1002 number that could be used illegally.

1003 (p) ~~(n)~~ "Parts" means parts of motor vehicles or  
1004 combinations thereof that do not constitute materials or  
1005 prepared materials.

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1006        ~~(q)~~ ~~(e)~~ "Prepared materials" means motor vehicles, mobile  
 1007 homes, derelict motor vehicles, major parts, or parts that have  
 1008 been processed by mechanically flattening or crushing, or  
 1009 otherwise processed such that they are not the motor vehicle or  
 1010 mobile home described in the certificate of title, or their only  
 1011 value is as scrap metal.

1012        ~~(r)~~ ~~(p)~~ "Processing" means the business of performing the  
 1013 manufacturing process by which ferrous metals or nonferrous  
 1014 metals are converted into raw material products consisting of  
 1015 prepared grades and having an existing or potential economic  
 1016 value, or the purchase of materials, prepared materials, or  
 1017 parts therefor.

1018        ~~(s)~~ ~~(q)~~ "Recreational vehicle" means a motor vehicle as  
 1019 defined in s. 320.01(1).

1020        ~~(t)~~ ~~(r)~~ "Salvage" means a motor vehicle or mobile home  
 1021 which is a total loss as defined in paragraph (3)(a).

1022        ~~(u)~~ ~~(s)~~ "Salvage certificate of title" means a salvage  
 1023 certificate of title issued by the department or by another  
 1024 motor vehicle department authorized to issue titles in another  
 1025 state.

1026        ~~(v)~~ ~~(t)~~ "Salvage motor vehicle dealer" means salvage motor  
 1027 vehicle dealer as defined in s. 320.27(1)(c)5.

1028        ~~(w)~~ ~~(u)~~ "Secondary metals recycler" means secondary metals  
 1029 recycler as defined in s. 538.18.

1030        (x) "Self-insured entity" means a person, firm, business,  
 1031 company, or corporation, including a rental car company, that  
 1032 self-insures its own inventory or company vehicles.

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1033        (y)~~(v)~~ "Seller" means the owner of record or a person who  
1034 has physical possession and responsibility for a derelict motor  
1035 vehicle and attests that possession of the vehicle was obtained  
1036 through lawful means along with all ownership rights. A seller  
1037 does not include a towing company, repair shop, or landlord  
1038 unless the towing company, repair shop, or landlord has obtained  
1039 title, salvage title, or a certificate of destruction in the  
1040 name of the towing company, repair shop, or landlord.

1041            (2)

1042            (c)1. When a derelict motor vehicle is sold, transported,  
1043 or delivered to a licensed salvage motor vehicle dealer, the  
1044 purchaser shall record the date of purchase and the name,  
1045 address, and valid Florida driver's license number or valid  
1046 Florida identification card number, or a valid driver's license  
1047 number or identification card number issued by another state, of  
1048 the person selling the derelict motor vehicle, and it shall be  
1049 accompanied by:

1050            a. A valid certificate of title issued in the name of the  
1051 seller or properly endorsed over to the seller;

1052            b. A valid salvage certificate of title issued in the name  
1053 of the seller or properly endorsed over to the seller; or

1054            c. A valid certificate of destruction issued in the name  
1055 of the seller or properly endorsed over to the seller.

1056            2. If a valid certificate of title, salvage certificate of  
1057 title, or certificate of destruction is not available, a  
1058 derelict motor vehicle certificate application shall be  
1059 completed by the seller or owner of the motor vehicle or mobile  
1060 home, the seller's or owner's authorized transporter, and the

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1061 licensed salvage motor vehicle dealer at the time of sale,  
1062 transport, or delivery to the licensed salvage motor vehicle  
1063 dealer. The derelict motor vehicle certificate application shall  
1064 be used by the seller or owner, the seller's or owner's  
1065 authorized transporter, and the licensed salvage motor vehicle  
1066 dealer to obtain a derelict motor vehicle certificate from the  
1067 department. The derelict motor vehicle certificate application  
1068 must be accompanied by a legible copy of the seller's or owner's  
1069 valid Florida driver's license or Florida identification card,  
1070 or a valid driver's license or identification card issued by  
1071 another state. If the seller is not the owner of record of the  
1072 vehicle being sold, the dealer shall, at the time of sale,  
1073 ensure that a smudge-free right thumbprint, or other digit if  
1074 the seller has no right thumb, of the seller is imprinted upon  
1075 the derelict motor vehicle certificate application and that a  
1076 legible copy of the seller's driver's license or identification  
1077 card is affixed to the application and transmitted to the  
1078 department. The licensed salvage motor vehicle dealer shall  
1079 secure the derelict motor vehicle for 3 full business days,  
1080 excluding weekends and holidays, if there is no active lien or a  
1081 lien of 3 years or more on the department's records before  
1082 destroying or dismantling the derelict motor vehicle and shall  
1083 follow all reporting procedures established by the department,  
1084 including electronic notification to the department or delivery  
1085 of the original derelict motor vehicle certificate application  
1086 to an agent of the department within 24 hours after receiving  
1087 the derelict motor vehicle. If there is an active lien of less  
1088 than 3 years on the derelict motor vehicle, the licensed salvage

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1089 motor vehicle dealer shall secure the derelict motor vehicle for  
1090 10 days. The department shall notify the lienholder that a  
1091 derelict motor vehicle certificate has been issued and shall  
1092 notify the lienholder of its intention to remove the lien. Ten  
1093 days after receipt of the motor vehicle derelict certificate  
1094 application, the department may remove the lien from its records  
1095 if a written statement protesting removal of the lien is not  
1096 received by the department from the lienholder within the 10-day  
1097 period. However, if the lienholder files with the department and  
1098 the licensed salvage motor vehicle dealer within the 10-day  
1099 period a written statement that the lien is still outstanding,  
1100 the department shall not remove the lien and shall place an  
1101 administrative hold on the record for 30 days to allow the  
1102 lienholder to apply for title to the vehicle or a repossession  
1103 certificate under s. 319.28. The licensed salvage motor vehicle  
1104 dealer must secure the derelict motor vehicle until the  
1105 department's administrative stop is removed, the lienholder  
1106 submits a lien satisfaction, or the lienholder takes possession  
1107 of the vehicle. The licensed salvage motor vehicle dealer may  
1108 require the lienholder to reimburse him or her only for such  
1109 dealer's purchase price of the derelict vehicle and may not  
1110 include any towing costs, storage fees, administrative fees, or  
1111 other costs.

1112 3. Any person who knowingly violates this paragraph by  
1113 selling, transporting, delivering, purchasing, or receiving a  
1114 derelict motor vehicle without obtaining a certificate of title,  
1115 salvage certificate of title, certificate of destruction, or  
1116 derelict motor vehicle certificate application; enters false or



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1117 fictitious information on a derelict motor vehicle certificate  
 1118 application; does not complete the derelict motor vehicle  
 1119 certificate application as required; does not obtain a legible  
 1120 copy of the seller's or owner's valid driver's license or  
 1121 identification card when required; does not make the required  
 1122 notification to the department; or destroys or dismantles a  
 1123 derelict motor vehicle without waiting the required time as set  
 1124 forth in subparagraph 2. commits a felony of the third degree,  
 1125 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1126 (3)(a)1. As used in this section, a motor vehicle or  
 1127 mobile home is a "total loss":

1128 a. When an insurance company pays the vehicle owner to  
 1129 replace the wrecked or damaged vehicle with one of like kind and  
 1130 quality or when an insurance company pays the owner upon the  
 1131 theft of the motor vehicle or mobile home; or

1132 b. When an uninsured or self-insured motor vehicle or  
 1133 mobile home is wrecked or damaged and the cost, at the time of  
 1134 loss, of repairing or rebuilding the vehicle is 80 percent or  
 1135 more of the cost to the owner of replacing the wrecked or  
 1136 damaged motor vehicle or mobile home with one of like kind and  
 1137 quality.

1138 2. A motor vehicle or mobile home shall not be considered  
 1139 a "total loss" if the insurance company and owner of a motor  
 1140 vehicle or mobile home agree to repair, rather than to replace,  
 1141 the motor vehicle or mobile home. ~~However, if the actual cost to~~  
 1142 ~~repair the motor vehicle or mobile home to the insurance company~~  
 1143 ~~exceeds 100 percent of the cost of replacing the wrecked or~~  
 1144 ~~damaged motor vehicle or mobile home with one of like kind and~~

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1145 ~~quality, the owner shall forward to the department, within 72~~  
1146 ~~hours after the agreement, a request to brand the certificate of~~  
1147 ~~title with the words "Total Loss Vehicle." Such a brand shall~~  
1148 ~~become a part of the vehicle's title history.~~

1149 (b) The owner, including ~~persons who are~~ self-insured  
1150 entities, of any motor vehicle or mobile home which is  
1151 considered to be salvage shall, within 72 hours after the motor  
1152 vehicle or mobile home becomes salvage, forward the title to the  
1153 motor vehicle or mobile home to the department for processing.  
1154 However, an insurance company which pays money as compensation  
1155 for total loss of a motor vehicle or mobile home shall obtain  
1156 the certificate of title for the motor vehicle or mobile home  
1157 and, within 72 hours after receiving such certificate of title,  
1158 shall forward such title to the department for processing and  
1159 make the required notification to the National Motor Vehicle  
1160 Title Information System. The owner, ~~or~~ insurance company, or  
1161 self-insured entity, as the case may be, may not dispose of a  
1162 vehicle or mobile home that is a total loss before it has  
1163 obtained a salvage certificate of title or certificate of  
1164 destruction from the department. When applying for a salvage  
1165 certificate of title or certificate of destruction, the owner,   
1166 ~~or~~ insurance company, or self-insured entity must provide the  
1167 department with an estimate of the costs of repairing the  
1168 physical and mechanical damage suffered by the vehicle for which  
1169 a salvage certificate of title or certificate of destruction is  
1170 sought. If the motor vehicle is a nonrepairable vehicle  
1171 ~~estimated costs of repairing the physical and mechanical damage~~  
1172 ~~to the vehicle are equal to 80 percent or more of the current~~

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1173 ~~retail cost of the vehicle, as established in any official used~~  
1174 ~~car or used mobile home guide,~~ the department shall declare the  
1175 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a  
1176 certificate of destruction, which authorizes the dismantling or  
1177 destruction of the motor vehicle or mobile home described  
1178 therein by a licensed salvage motor vehicle dealer. However, if  
1179 the damaged motor vehicle is equipped with custom-lowered floors  
1180 for wheelchair access or a wheelchair lift, the insurance  
1181 company may, upon determining that the vehicle is repairable to  
1182 a condition that is safe for operation on public roads, submit  
1183 the certificate of title to the department for reissuance as a  
1184 salvage rebuildable title and the addition of a title brand of  
1185 "insurance-declared total loss." The certificate of destruction  
1186 shall be reassignable a maximum of two times before dismantling  
1187 or destruction of the vehicle shall be required, and shall  
1188 accompany the motor vehicle or mobile home for which it is  
1189 issued, when such motor vehicle or mobile home is sold for such  
1190 purposes, in lieu of a certificate of title, and, thereafter,  
1191 the department shall refuse issuance of any certificate of title  
1192 for that vehicle. Nothing in this subsection shall be applicable  
1193 when a vehicle is worth less than \$1,500 retail in undamaged  
1194 condition in any official used motor vehicle guide or used  
1195 mobile home guide or when a stolen motor vehicle or mobile home  
1196 is recovered in substantially intact condition with all major  
1197 component parts present and is readily resalable without  
1198 ~~extensive repairs to or replacement of the frame or engine~~. Any  
1199 person who knowingly violates this paragraph or falsifies any  
1200 document to avoid the requirements of this paragraph commits a

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1201 | misdemeanor of the first degree, punishable as provided in s.  
 1202 | 775.082 or s. 775.083.

1203 |       (7) (a) In the event of a purchase by a secondary metals  
 1204 | recycler, that has been issued a certificate of registration  
 1205 | number, of:

1206 |       1. Materials, prepared materials, or parts from any seller  
 1207 | for purposes other than the processing of such materials,  
 1208 | prepared materials, or parts, the purchaser shall obtain such  
 1209 | documentation as may be required by this section and shall  
 1210 | record the seller's name and address, date of purchase, and the  
 1211 | personal identification card number of the person delivering  
 1212 | such items.

1213 |       2. Parts or prepared materials from any seller for  
 1214 | purposes of the processing of such parts or prepared materials,  
 1215 | the purchaser shall record the seller's name and address and  
 1216 | date of purchase and, in the event of a purchase transaction  
 1217 | consisting primarily of parts or prepared materials, the  
 1218 | personal identification card number of the person delivering  
 1219 | such items.

1220 |       3. Materials from another secondary metals recycler for  
 1221 | purposes of the processing of such materials, the purchaser  
 1222 | shall record the seller's name and address and date of purchase.

1223 |       4.a. Motor vehicles, recreational vehicles, mobile homes,  
 1224 | or derelict motor vehicles from other than a secondary metals  
 1225 | recycler for purposes of the processing of such motor vehicles,  
 1226 | recreational vehicles, mobile homes, or derelict motor vehicles,  
 1227 | the purchaser shall record the date of purchase and the name,  
 1228 | address, and personal identification card number of the person

1229 | selling such items and shall obtain the following documentation  
 1230 | from the seller with respect to each item purchased:

1231 |         (I) A valid certificate of title issued in the name of the  
 1232 | seller or properly endorsed, as required in s. 319.22, over to  
 1233 | the seller;

1234 |         (II) A valid salvage certificate of title issued in the  
 1235 | name of the seller or properly endorsed, as required in s.  
 1236 | 319.22, over to the seller;

1237 |         (III) A valid certificate of destruction issued in the  
 1238 | name of the seller or properly endorsed over to the seller; or

1239 |         (IV) A valid derelict motor vehicle certificate obtained  
 1240 | from the department by a licensed salvage motor vehicle dealer  
 1241 | and properly reassigned to the secondary metals recycler.

1242 |         b. If a valid certificate of title, salvage certificate of  
 1243 | title, certificate of destruction, or derelict motor vehicle  
 1244 | certificate is not available and the motor vehicle or mobile  
 1245 | home is a derelict motor vehicle, a derelict motor vehicle  
 1246 | certificate application shall be completed by the seller or  
 1247 | owner of the motor vehicle or mobile home, the seller's or  
 1248 | owner's authorized transporter, and the registered secondary  
 1249 | metals recycler at the time of sale, transport, or delivery to  
 1250 | the registered secondary metals recycler to obtain a derelict  
 1251 | motor vehicle certificate from the department. The derelict  
 1252 | motor vehicle certificate application must be accompanied by a  
 1253 | legible copy of the seller's or owner's valid Florida driver's  
 1254 | license or Florida identification card, or a valid driver's  
 1255 | license or identification card from another state. If the seller  
 1256 | is not the owner of record of the vehicle being sold, the

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1257 | recycler shall, at the time of sale, ensure that a smudge-free  
1258 | right thumbprint, or other digit if the seller has no right  
1259 | thumb, of the seller is imprinted upon the derelict motor  
1260 | vehicle certificate application and that the legible copy of the  
1261 | seller's driver's license or identification card is affixed to  
1262 | the application and transmitted to the department. The derelict  
1263 | motor vehicle certificate shall be used by the owner, the  
1264 | owner's authorized transporter, and the registered secondary  
1265 | metals recycler. The registered secondary metals recycler shall  
1266 | secure the derelict motor vehicle for 3 full business days,  
1267 | excluding weekends and holidays, if there is no active lien or a  
1268 | lien of 3 years or more on the department's records before  
1269 | destroying or dismantling the derelict motor vehicle and shall  
1270 | follow all reporting procedures established by the department,  
1271 | including electronic notification to the department or delivery  
1272 | of the original derelict motor vehicle certificate application  
1273 | to an agent of the department within 24 hours after receiving  
1274 | the derelict motor vehicle. If there is an active lien of less  
1275 | than 3 years on the derelict motor vehicle, the registered  
1276 | secondary metals recycler shall secure the derelict motor  
1277 | vehicle for 10 days. The department shall notify the lienholder  
1278 | of the application for a derelict motor vehicle certificate and  
1279 | shall notify the lienholder of its intention to remove the lien.  
1280 | Ten days after receipt of the motor vehicle derelict  
1281 | application, the department may remove the lien from its records  
1282 | if a written statement protesting removal of the lien is not  
1283 | received by the department from the lienholder within the 10-day  
1284 | period. However, if the lienholder files with the department and

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1285 the registered secondary metals recycler within the 10-day  
1286 period a written statement that the lien is still outstanding,  
1287 the department shall not remove the lien and shall place an  
1288 administrative hold on the record for 30 days to allow the  
1289 lienholder to apply for title to the vehicle or a repossession  
1290 certificate under s. 319.28. The registered secondary metals  
1291 recycler must secure the derelict motor vehicle until the  
1292 department's administrative stop is removed, the lienholder  
1293 submits a lien satisfaction, or the lienholder takes possession  
1294 of the vehicle. The registered secondary metals recycler may  
1295 require the lienholder to reimburse him or her only for the  
1296 recycler's purchase price of the derelict vehicle and may not  
1297 include any towing costs, storage fees, administrative fees, or  
1298 other costs.

1299 c. Any person who knowingly violates this subparagraph by  
1300 selling, transporting, delivering, purchasing, or receiving a  
1301 motor vehicle, recreational motor vehicle, mobile home, or  
1302 derelict motor vehicle without obtaining a certificate of title,  
1303 salvage certificate of title, certificate of destruction, or  
1304 derelict motor vehicle certificate; enters false or fictitious  
1305 information on a derelict motor vehicle certificate application;  
1306 does not complete the derelict motor vehicle certificate  
1307 application as required or does not make the required  
1308 notification to the department; does not obtain a legible copy  
1309 of the seller's or owner's driver's license or identification  
1310 card when required; or destroys or dismantles a derelict motor  
1311 vehicle without waiting the required time as set forth in sub-

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1312 subparagraph b. commits a felony of the third degree, punishable  
 1313 as provided in s. 775.082, s. 775.083, or s. 775.084.

1314 5. Major parts from other than a secondary metals recycler  
 1315 for purposes of the processing of such major parts, the  
 1316 purchaser shall record the seller's name, address, date of  
 1317 purchase, and the personal identification card number of the  
 1318 person delivering such items, as well as the vehicle  
 1319 identification number, if available, of each major part  
 1320 purchased.

1321 (b) Any person who violates this subsection commits a  
 1322 felony of the third degree, punishable as provided in s.  
 1323 775.082, s. 775.083, or s. 775.084.

1324 (8)(a) Secondary metals recyclers and salvage motor  
 1325 vehicle dealers shall return to the department on a monthly  
 1326 basis all certificates of title and salvage certificates of  
 1327 title that are required by this section to be obtained.  
 1328 Secondary metals recyclers and salvage motor vehicle dealers may  
 1329 elect to notify the department electronically through procedures  
 1330 established by the department when they receive each motor  
 1331 vehicle or mobile home, salvage motor vehicle or mobile home, or  
 1332 derelict motor vehicle with a certificate of title or salvage  
 1333 certificate of title through procedures established by the  
 1334 department. The department may adopt rules and establish fees as  
 1335 it deems necessary or proper for the administration of the  
 1336 electronic notification service.

1337 (b) Secondary metals recyclers and salvage motor vehicle  
 1338 dealers shall keep originals, or a copy in the event the  
 1339 original was returned to the department, of all certificates of



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1340 title, salvage certificates of title, certificates of  
 1341 destruction, derelict motor vehicle certificates, proof of  
 1342 reporting to the National Motor Vehicle Title Information  
 1343 System, and all other information required by this section to be  
 1344 recorded or obtained, on file in the offices of such secondary  
 1345 metals recyclers or salvage motor vehicle dealers for a period  
 1346 of 3 years after the date of purchase of the items reflected in  
 1347 such certificates of title, salvage certificates of title,  
 1348 certificates of destruction, or derelict motor vehicle  
 1349 certificates. These records shall be maintained in chronological  
 1350 order.

1351 (c) Secondary metals recyclers and salvage motor vehicle  
 1352 dealers shall make the required notifications each month to the  
 1353 National Motor Vehicle Title Information System on all junk,  
 1354 derelict, or salvage motor vehicles that were obtained in whole  
 1355 or in part as required in 28 C.F.R. part 25.

1356 (d)~~(e)~~ For the purpose of enforcement of this section, the  
 1357 department or its agents and employees have the same right of  
 1358 inspection as law enforcement officers as provided in s.  
 1359 812.055.

1360 (e)~~(d)~~ Whenever the department, its agent or employee, or  
 1361 any law enforcement officer has reason to believe that a stolen  
 1362 or fraudulently titled motor vehicle, mobile home, recreational  
 1363 vehicle, salvage motor vehicle, or derelict motor vehicle is in  
 1364 the possession of a salvage motor vehicle dealer or secondary  
 1365 metals recycler, the department, its agent or employee, or the  
 1366 law enforcement officer may issue an extended hold notice, not  
 1367 to exceed 5 additional business days, excluding weekends and

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1368 holidays, to the salvage motor vehicle dealer or registered  
1369 secondary metals recycler.

1370 (f)~~(e)~~ Whenever a salvage motor vehicle dealer or  
1371 registered secondary metals recycler is notified by the  
1372 department, its agent or employee, or any law enforcement  
1373 officer to hold a motor vehicle, mobile home, recreational  
1374 vehicle, salvage motor vehicle, or derelict motor vehicle that  
1375 is believed to be stolen or fraudulently titled, the salvage  
1376 motor vehicle dealer or registered secondary metals recycler  
1377 shall hold the motor vehicle, mobile home, recreational vehicle,  
1378 salvage motor vehicle, or derelict motor vehicle and may not  
1379 dismantle or destroy the motor vehicle, mobile home,  
1380 recreational vehicle, salvage motor vehicle, or derelict motor  
1381 vehicle until it is recovered by a law enforcement officer, the  
1382 hold is released by the department or the law enforcement  
1383 officer placing the hold, or the 5 additional business days have  
1384 passed since being notified of the hold.

1385 (g)~~(f)~~ This section does not authorize any person who is  
1386 engaged in the business of recovering, towing, or storing  
1387 vehicles pursuant to s. 713.78, and who is claiming a lien for  
1388 performing labor or services on a motor vehicle or mobile home  
1389 pursuant to s. 713.58, or is claiming that a motor vehicle or  
1390 mobile home has remained on any premises after tenancy has  
1391 terminated pursuant to s. 715.104, to use a derelict motor  
1392 vehicle certificate application for the purpose of transporting,  
1393 selling, disposing of, or delivering a motor vehicle to a  
1394 salvage motor vehicle dealer or secondary metals recycler

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1395 without obtaining the title or certificate of destruction  
1396 required under s. 713.58, s. 713.78, or s. 715.104.

1397 (h)~~(g)~~ The department shall accept all properly endorsed  
1398 and completed derelict motor vehicle certificate applications  
1399 and shall issue a derelict motor vehicle certificate having an  
1400 effective date that authorizes when a derelict motor vehicle is  
1401 eligible for dismantling or destruction. The electronic  
1402 information obtained from the derelict motor vehicle certificate  
1403 application shall be stored electronically and shall be made  
1404 available to authorized persons after issuance of the derelict  
1405 motor vehicle certificate in the Florida Real Time Vehicle  
1406 Information System.

1407 (i)~~(h)~~ The department is authorized to adopt rules  
1408 pursuant to ss. 120.536(1) and 120.54 establishing policies and  
1409 procedures to administer and enforce this section.

1410 (j)~~(i)~~ The department shall charge a fee of \$3 for each  
1411 derelict motor vehicle certificate delivered to the department  
1412 or one of its agents for processing and shall mark the title  
1413 record canceled. A service charge may be collected under s.  
1414 320.04.

1415 (k)~~(j)~~ The licensed salvage motor vehicle dealer or  
1416 registered secondary metals recycler shall make all payments for  
1417 the purchase of any derelict motor vehicle that is sold by a  
1418 seller who is not the owner of record on file with the  
1419 department by check or money order made payable to the seller  
1420 and may not make payment to the authorized transporter. The  
1421 licensed salvage motor vehicle dealer or registered secondary

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1422 metals recycler may not cash the check that such dealer or  
1423 recycler issued to the seller.

1424 (9) (a) An insurance company may notify an independent  
1425 entity that obtains possession of a damaged or dismantled motor  
1426 vehicle to release the vehicle to the owner. The insurance  
1427 company shall provide the independent entity a release statement  
1428 on a form prescribed by the department authorizing the  
1429 independent entity to release the vehicle to the owner. The form  
1430 shall, at a minimum, contain the following:

- 1431 1. The policy and claim number.
- 1432 2. The name and address of the insured.
- 1433 3. The vehicle identification number.
- 1434 4. The signature of an authorized representative of the  
1435 insurance company.

1436 (b) The independent entity in possession of a motor  
1437 vehicle must send a notice to the owner that the vehicle is  
1438 available for pick up when it receives a release statement from  
1439 the insurance company. The notice shall be sent by certified  
1440 mail to the owner at the owner's address reflected in the  
1441 department's records. The notice must inform the owner that the  
1442 owner has 30 days after receipt of the notice to pick up the  
1443 vehicle from the independent entity. If the motor vehicle is not  
1444 claimed within 30 days after the owner receives the notice, the  
1445 independent entity may apply for a certificate of destruction or  
1446 a certificate of title.

1447 (c) The independent entity shall make the required  
1448 notification to the National Motor Vehicle Title Information  
1449 System before releasing any damaged or dismantled motor vehicle

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1450 to the owner or before applying for a certificate of destruction  
 1451 or salvage certificate of title.

1452 (d)~~(e)~~ Upon applying for a certificate of destruction or  
 1453 salvage certificate of title, the independent entity shall  
 1454 provide a copy of the release statement from the insurance  
 1455 company to the independent entity, proof of providing the 30-day  
 1456 notice to the owner, proof of notification to the National Motor  
 1457 Vehicle Title Information System, and applicable fees.

1458 (e)~~(d)~~ The independent entity may not charge an owner of  
 1459 the vehicle storage fees or apply for a title under s. 713.585  
 1460 or s. 713.78.

1461 (11) A salvage motor vehicle dealer, secondary metals  
 1462 recycler, auction, independent entity, or self-insured entity  
 1463 that deals in salvage motor vehicles as defined in this section  
 1464 must be registered with the National Motor Vehicle Title  
 1465 Information System and must provide its registration number  
 1466 before being licensed by the department or before the department  
 1467 processes any certificate of title, salvage certificate of  
 1468 title, certificate of destruction, or derelict certificate.

1469 (12)~~(11)~~ Except as otherwise provided in this section, any  
 1470 person who violates this section commits a felony of the third  
 1471 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1472 775.084.

1473 Section 18. Section 319.323, Florida Statutes, is amended  
 1474 to read:

1475 319.323 Expedited service; applications; fees.—The  
 1476 department shall establish a separate title office which may be  
 1477 used by private citizens and licensed motor vehicle dealers to

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1478 receive expedited service on title transfers, title issuances,  
1479 duplicate titles, and recordation of liens, ~~and certificates of~~  
1480 ~~repossession~~. A fee of \$10 shall be charged for this service,  
1481 which fee is in addition to the fees imposed by s. 319.32. The  
1482 fee, after deducting the amount referenced by s. 319.324 and  
1483 \$3.50 to be retained by the processing agency, shall be  
1484 deposited into the General Revenue Fund. Application for  
1485 expedited service may be made by mail or in person. The  
1486 department shall issue each title applied for under this section  
1487 within 5 working days after receipt of the application except  
1488 for an application for a duplicate title certificate covered by  
1489 s. 319.23(4), in which case the title must be issued within 5  
1490 working days after compliance with the department's verification  
1491 requirements.

1492 Section 19. Subsections (24) through (46) of section  
1493 320.01, Florida Statutes, are renumbered as subsections (23)  
1494 through (45), respectively, and present subsections (23) and  
1495 (25) of that section are amended to read:

1496 320.01 Definitions, general.—As used in the Florida  
1497 Statutes, except as otherwise provided, the term:

1498 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~  
1499 ~~which is required to be registered, or with respect to which an~~  
1500 ~~election has been made to register it, under the International~~  
1501 ~~Registration Plan.~~

1502 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except  
1503 recreational vehicles, vehicles displaying restricted plates,  
1504 city pickup and delivery vehicles, buses used in transportation  
1505 of chartered parties, and government-owned vehicles, which is

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1506 used or intended for use in two or more member jurisdictions  
 1507 that allocate or proportionally register vehicles and which is  
 1508 used for the transportation of persons for hire or is designed,  
 1509 used, or maintained primarily for the transportation of property  
 1510 and:

1511 (a) Is a power unit having a gross vehicle weight in  
 1512 excess of 26,000 ~~26,001~~ pounds;

1513 (b) Is a power unit having three or more axles, regardless  
 1514 of weight; or

1515 (c) Is used in combination, when the weight of such  
 1516 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1517  
 1518 Vehicles, or combinations thereof, having a gross vehicle weight  
 1519 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
 1520 proportionally registered.

1521 Section 20. Paragraph (a) of subsection (2) and paragraph  
 1522 (a) of subsection (5) of section 320.02, Florida Statutes, are  
 1523 amended to read:

1524 320.02 Registration required; application for  
 1525 registration; forms.—

1526 (2) (a) The application for registration shall include the  
 1527 street address of the owner's permanent residence or the address  
 1528 of his or her permanent place of business and shall be  
 1529 accompanied by personal or business identification information.  
 1530 An individual applicant must provide ~~which may include, but need~~  
 1531 ~~not be limited to,~~ a valid driver license or ~~number,~~ Florida  
 1532 identification card issued by this state or another state or a  
 1533 valid passport. A business applicant must provide a ~~number, or~~

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1534 federal employer identification number, if applicable, or  
1535 verification that the business is authorized to conduct business  
1536 in the state, or a Florida city or county business license or  
1537 number.

1538 1. If the owner does not have a permanent residence or  
1539 permanent place of business or if the owner's permanent  
1540 residence or permanent place of business cannot be identified by  
1541 a street address, the application shall include:

1542 a.1. If the vehicle is registered to a business, the name  
1543 and street address of the permanent residence of an owner of the  
1544 business, an officer of the corporation, or an employee who is  
1545 in a supervisory position.

1546 b.2. If the vehicle is registered to an individual, the  
1547 name and street address of the permanent residence of a close  
1548 relative or friend who is a resident of this state.

1549 2. If the vehicle is registered to an active duty member  
1550 of the Armed Forces of the United States who is a Florida  
1551 resident, the active duty member is exempt from the requirement  
1552 to provide the street address of a permanent residence.

1553 (5) (a) Proof that personal injury protection benefits have  
1554 been purchased when required under s. 627.733, that property  
1555 damage liability coverage has been purchased as required under  
1556 s. 324.022, that bodily injury or death coverage has been  
1557 purchased if required under s. 324.023, and that combined bodily  
1558 liability insurance and property damage liability insurance have  
1559 been purchased when required under s. 627.7415 shall be provided  
1560 in the manner prescribed by law by the applicant at the time of  
1561 application for registration of any motor vehicle that is



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1562 subject to such requirements. The issuing agent shall refuse to  
1563 issue registration if such proof of purchase is not provided.  
1564 Insurers shall furnish uniform proof-of-purchase cards in a  
1565 paper or an electronic format in a form prescribed by the  
1566 department and shall include the name of the insured's insurance  
1567 company, the coverage identification number, and the make, year,  
1568 and vehicle identification number of the vehicle insured. The  
1569 card shall contain a statement notifying the applicant of the  
1570 penalty specified in s. 316.646(4). The card or insurance  
1571 policy, insurance policy binder, or certificate of insurance or  
1572 a photocopy of any of these; an affidavit containing the name of  
1573 the insured's insurance company, the insured's policy number,  
1574 and the make and year of the vehicle insured; or such other  
1575 proof as may be prescribed by the department shall constitute  
1576 sufficient proof of purchase. If an affidavit is provided as  
1577 proof, it shall be in substantially the following form:  
1578 Under penalty of perjury, I ...(Name of insured)... do hereby  
1579 certify that I have ...(Personal Injury Protection, Property  
1580 Damage Liability, and, when required, Bodily Injury  
1581 Liability)... Insurance currently in effect with ...(Name of  
1582 insurance company)... under ...(policy number)... covering  
1583 ...(make, year, and vehicle identification number of  
1584 vehicle).... ...(Signature of Insured)...

1585 Such affidavit shall include the following warning:  
1586 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
1587 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
1588 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
1589 SUBJECT TO PROSECUTION.

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1590 When an application is made through a licensed motor vehicle  
 1591 dealer as required in s. 319.23, the original or a photostatic  
 1592 copy of such card, insurance policy, insurance policy binder, or  
 1593 certificate of insurance or the original affidavit from the  
 1594 insured shall be forwarded by the dealer to the tax collector of  
 1595 the county or the Department of Highway Safety and Motor  
 1596 Vehicles for processing. By executing the aforesaid affidavit,  
 1597 no licensed motor vehicle dealer will be liable in damages for  
 1598 any inadequacy, insufficiency, or falsification of any statement  
 1599 contained therein. A card shall also indicate the existence of  
 1600 any bodily injury liability insurance voluntarily purchased.

1601 Section 21. Subsection (7) of section 320.03, Florida  
 1602 Statutes, is amended to read:

1603 320.03 Registration; duties of tax collectors;  
 1604 International Registration Plan.—

1605 (7) The Department of Highway Safety and Motor Vehicles  
 1606 shall register apportionable ~~apportioned motor~~ vehicles under  
 1607 the ~~provisions of the~~ International Registration Plan. The  
 1608 department may adopt rules to implement and enforce the  
 1609 provisions of the plan.

1610 Section 22. Paragraph (b) of subsection (1) of section  
 1611 320.071, Florida Statutes, is amended to read:

1612 320.071 Advance registration renewal; procedures.—

1613 (1)

1614 (b) The owner of any apportionable ~~apportioned motor~~  
 1615 vehicle currently registered in this state under the  
 1616 International Registration Plan may file an application for  
 1617 renewal of registration with the department any time during the

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1618 3 months preceding the date of expiration of the registration  
 1619 period.

1620 Section 23. Subsections (1) and (3) of section 320.0715,  
 1621 Florida Statutes, are amended to read:

1622 320.0715 International Registration Plan; motor carrier  
 1623 services; permits; retention of records.—

1624 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
 1625 in this state ~~and engaged in interstate commerce~~ shall be  
 1626 registered in accordance with ~~the provisions of the~~  
 1627 International Registration Plan and shall display apportioned  
 1628 license plates.

1629 (3) (a) If the department is unable to immediately issue  
 1630 the apportioned license plate to an applicant currently  
 1631 registered in this state under the International Registration  
 1632 Plan or to a vehicle currently titled in this state, the  
 1633 department or its designated agent may ~~is authorized to~~ issue a  
 1634 60-day temporary operational permit. The department or agent of  
 1635 the department shall charge a \$3 fee and the service charge  
 1636 authorized by s. 320.04 for each temporary operational permit it  
 1637 issues.

1638 (b) The department may not ~~shall in no event~~ issue a  
 1639 temporary operational permit for any apportionable ~~commercial~~  
 1640 ~~motor~~ vehicle to any applicant until the applicant has shown  
 1641 that:

1642 1. All sales or use taxes due on the registration of the  
 1643 vehicle are paid; and

1644 2. Insurance requirements have been met in accordance with  
 1645 ss. 320.02(5) and 627.7415.

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1646 (c) Issuance of a temporary operational permit provides  
1647 ~~commercial motor vehicle~~ registration privileges in each  
1648 International Registration Plan member jurisdiction designated  
1649 on said permit and therefore requires payment of all applicable  
1650 registration fees and taxes due for that period of registration.

1651 (d) Application for permanent registration must be made to  
1652 the department within 10 days from issuance of a temporary  
1653 operational permit. Failure to file an application within this  
1654 10-day period may result in cancellation of the temporary  
1655 operational permit.

1656 Section 24. Subsection (4) of section 320.089, Florida  
1657 Statutes, is amended to read:

1658 320.089 Members of National Guard and active United States  
1659 Armed Forces reservists; former prisoners of war; survivors of  
1660 Pearl Harbor; Purple Heart medal recipients; Operation Desert  
1661 Storm Veterans; Operation Desert Shield Veterans; Operation  
1662 Iraqi Freedom and Operation Enduring Freedom Veterans; Combat  
1663 Infantry Badge or Combat Action Badge recipients; Vietnam War  
1664 Veterans; Korean Conflict Veterans; special license plates;  
1665 fee.—

1666 (4) The owner or lessee of an automobile or truck for  
1667 private use, a truck weighing not more than 7,999 pounds, or a  
1668 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
1669 which automobile, truck, or recreational vehicle is not used for  
1670 hire or commercial use who is a resident of the state and a  
1671 current or former member of the United States military who was  
1672 deployed and served in Saudi Arabia, Kuwait, or another area of  
1673 the Persian Gulf during Operation Desert Storm or Operation

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1674 Desert Shield, in Iraq during Operation Iraqi Freedom, or in  
1675 Afghanistan during Operation Enduring Freedom shall, upon  
1676 application to the department, accompanied by proof of active  
1677 membership or former active duty status during one of these  
1678 operations, and upon payment of the license tax for the vehicle  
1679 as provided in s. 320.08, be issued a license plate as provided  
1680 by s. 320.06 upon which, in lieu of the registration license  
1681 number prescribed by s. 320.06, shall be stamped the words  
1682 "Operation Desert Storm," "Operation Desert Shield," "Operation  
1683 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,  
1684 followed by the registration license number of the plate.

1685 Section 25. Subsection (1) of section 320.18, Florida  
1686 Statutes, is amended to read:

1687 320.18 Withholding registration.—

1688 (1) The department may withhold the registration of any  
1689 motor vehicle or mobile home the owner or coowner of which has  
1690 failed to register it under the provisions of law for any  
1691 previous period or periods for which it appears registration  
1692 should have been made in this state, until the tax for such  
1693 period or periods is paid. The department may cancel any vehicle  
1694 or vessel registration, driver ~~driver's~~ license, identification  
1695 card, or fuel-use tax decal if the owner or coowner pays for any  
1696 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,  
1697 identification card, or fuel-use tax decal; pays any  
1698 administrative, delinquency, or reinstatement fee; or pays any  
1699 tax liability, penalty, or interest specified in chapter 207 by  
1700 a dishonored check, or if the vehicle owner or motor carrier has  
1701 failed to pay a penalty for a weight or safety violation issued

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1702 by the Department of Transportation or the Department of Highway  
1703 Safety and Motor Vehicles. The Department of Transportation and  
1704 the Department of Highway Safety and Motor Vehicles may impound  
1705 any commercial motor vehicle that has a canceled license plate  
1706 or fuel-use tax decal until the tax liability, penalty, and  
1707 interest specified in chapter 207, the license tax, or the fuel-  
1708 use decal fee, and applicable administrative fees have been paid  
1709 for by certified funds.

1710 Section 26. Subsection (3), paragraph (a) of subsection  
1711 (4), and subsection (5) of section 320.27, Florida Statutes, are  
1712 amended to read:

1713 320.27 Motor vehicle dealers.—

1714 (3) APPLICATION AND FEE.—The application for the license  
1715 shall be in such form as may be prescribed by the department and  
1716 shall be subject to such rules with respect thereto as may be so  
1717 prescribed by it. Such application shall be verified by oath or  
1718 affirmation and shall contain a full statement of the name and  
1719 birth date of the person or persons applying therefor; the name  
1720 of the firm or copartnership, with the names and places of  
1721 residence of all members thereof, if such applicant is a firm or  
1722 copartnership; the names and places of residence of the  
1723 principal officers, if the applicant is a body corporate or  
1724 other artificial body; the name of the state under whose laws  
1725 the corporation is organized; the present and former place or  
1726 places of residence of the applicant; and prior business in  
1727 which the applicant has been engaged and the location thereof.  
1728 Such application shall describe the exact location of the place  
1729 of business and shall state whether the place of business is

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1730 owned by the applicant and when acquired, or, if leased, a true  
1731 copy of the lease shall be attached to the application. The  
1732 applicant shall certify that the location provides an adequately  
1733 equipped office and is not a residence; that the location  
1734 affords sufficient unoccupied space upon and within which  
1735 adequately to store all motor vehicles offered and displayed for  
1736 sale; and that the location is a suitable place where the  
1737 applicant can in good faith carry on such business and keep and  
1738 maintain books, records, and files necessary to conduct such  
1739 business, which shall be available at all reasonable hours to  
1740 inspection by the department or any of its inspectors or other  
1741 employees. The applicant shall certify that the business of a  
1742 motor vehicle dealer is the principal business which shall be  
1743 conducted at that location. The application shall contain a  
1744 statement that the applicant is either franchised by a  
1745 manufacturer of motor vehicles, in which case the name of each  
1746 motor vehicle that the applicant is franchised to sell shall be  
1747 included, or an independent (nonfranchised) motor vehicle  
1748 dealer. The application shall contain other relevant information  
1749 as may be required by the department, including evidence that  
1750 the applicant is insured under a garage liability insurance  
1751 policy or a general liability insurance policy coupled with a  
1752 business automobile policy, which shall include, at a minimum,  
1753 \$25,000 combined single-limit liability coverage including  
1754 bodily injury and property damage protection and \$10,000  
1755 personal injury protection. However, a salvage motor vehicle  
1756 dealer as defined in subparagraph (1)(c)5. is exempt from the  
1757 requirements for garage liability insurance and personal injury

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1758 protection insurance on those vehicles that cannot be legally  
1759 operated on roads, highways, or streets in this state. Franchise  
1760 dealers must submit a garage liability insurance policy, and all  
1761 other dealers must submit a garage liability insurance policy or  
1762 a general liability insurance policy coupled with a business  
1763 automobile policy. Such policy shall be for the license period,  
1764 and evidence of a new or continued policy shall be delivered to  
1765 the department at the beginning of each license period. Upon  
1766 making initial application, the applicant shall pay to the  
1767 department a fee of \$300 in addition to any other fees ~~now~~  
1768 required by law. Applicants may choose to extend the licensure  
1769 period for 1 additional year for a total of 2 years. An initial  
1770 applicant shall pay to the department a fee of \$300 for the first  
1771 year and \$75 for the second year, in addition to any other fees  
1772 required by law. An applicant for renewal shall pay to the  
1773 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,  
1774 in addition to any other fees required by law ~~Upon making a~~  
1775 ~~subsequent renewal application, the applicant shall pay to the~~  
1776 ~~department a fee of \$75 in addition to any other fees now~~  
1777 ~~required by law.~~ Upon making an application for a change of  
1778 location, the person shall pay a fee of \$50 in addition to any  
1779 other fees now required by law. The department shall, in the  
1780 case of every application for initial licensure, verify whether  
1781 certain facts set forth in the application are true. Each  
1782 applicant, general partner in the case of a partnership, or  
1783 corporate officer and director in the case of a corporate  
1784 applicant, must file a set of fingerprints with the department  
1785 for the purpose of determining any prior criminal record or any



1786 outstanding warrants. The department shall submit the  
 1787 fingerprints to the Department of Law Enforcement for state  
 1788 processing and forwarding to the Federal Bureau of Investigation  
 1789 for federal processing. The actual cost of state and federal  
 1790 processing shall be borne by the applicant and is in addition to  
 1791 the fee for licensure. The department may issue a license to an  
 1792 applicant pending the results of the fingerprint investigation,  
 1793 which license is fully revocable if the department subsequently  
 1794 determines that any facts set forth in the application are not  
 1795 true or correctly represented.

1796 (4) LICENSE CERTIFICATE.—

1797 (a) A license certificate shall be issued by the  
 1798 department in accordance with such application when the  
 1799 application is regular in form and in compliance with the  
 1800 provisions of this section. The license certificate may be in  
 1801 the form of a document or a computerized card as determined by  
 1802 the department. The actual cost of each original, additional, or  
 1803 replacement computerized card shall be borne by the licensee and  
 1804 is in addition to the fee for licensure. Such license, when so  
 1805 issued, entitles the licensee to carry on and conduct the  
 1806 business of a motor vehicle dealer. Each license issued to a  
 1807 franchise motor vehicle dealer expires ~~annually~~ on December 31  
 1808 of the year of its expiration unless revoked or suspended before  
 1809 ~~prior to~~ that date. Each license issued to an independent or  
 1810 wholesale dealer or auction expires ~~annually~~ on April 30 of the  
 1811 year of its expiration unless revoked or suspended before ~~prior~~  
 1812 ~~to~~ that date. At least ~~Not less than~~ 60 days before ~~prior to~~ the  
 1813 license expiration date, the department shall deliver or mail to

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1814 each licensee the necessary renewal forms. Each independent  
1815 dealer shall certify that the dealer (owner, partner, officer,  
1816 or director of the licensee, or a full-time employee of the  
1817 licensee that holds a responsible management-level position) has  
1818 completed 8 hours of continuing education before ~~prior to~~ filing  
1819 the renewal forms with the department. Such certification shall  
1820 be filed once every 2 years. The continuing education shall  
1821 include at least 2 hours of legal or legislative issues, 1 hour  
1822 of department issues, and 5 hours of relevant motor vehicle  
1823 industry topics. Continuing education shall be provided by  
1824 dealer schools licensed under paragraph (b) either in a  
1825 classroom setting or by correspondence. Such schools shall  
1826 provide certificates of completion to the department and the  
1827 customer which shall be filed with the license renewal form, and  
1828 such schools may charge a fee for providing continuing  
1829 education. Any licensee who does not file his or her application  
1830 and fees and any other requisite documents, as required by law,  
1831 with the department at least 30 days before ~~prior to~~ the license  
1832 expiration date shall cease to engage in business as a motor  
1833 vehicle dealer on the license expiration date. A renewal filed  
1834 with the department within 45 days after the expiration date  
1835 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
1836 new application is required, accompanied by the initial license  
1837 fee. A license certificate duly issued by the department may be  
1838 modified by endorsement to show a change in the name of the  
1839 licensee, provided, as shown by affidavit of the licensee, the  
1840 majority ownership interest of the licensee has not changed or  
1841 the name of the person appearing as franchisee on the sales and

1842 service agreement has not changed. Modification of a license  
 1843 certificate to show any name change as herein provided shall not  
 1844 require initial licensure or reissuance of dealer tags; however,  
 1845 any dealer obtaining a name change shall transact all business  
 1846 in and be properly identified by that name. All documents  
 1847 relative to licensure shall reflect the new name. In the case of  
 1848 a franchise dealer, the name change shall be approved by the  
 1849 manufacturer, distributor, or importer. A licensee applying for  
 1850 a name change endorsement shall pay a fee of \$25 which fee shall  
 1851 apply to the change in the name of a main location and all  
 1852 additional locations licensed under the provisions of subsection  
 1853 (5). Each initial license application received by the department  
 1854 shall be accompanied by verification that, within the preceding  
 1855 6 months, the applicant, or one or more of his or her designated  
 1856 employees, has attended a training and information seminar  
 1857 conducted by a licensed motor vehicle dealer training school.  
 1858 Any applicant for a new franchised motor vehicle dealer license  
 1859 who has held a valid franchised motor vehicle dealer license  
 1860 continuously for the past 2 years and who remains in good  
 1861 standing with the department is exempt from the prelicensing  
 1862 training requirement. Such seminar shall include, but is not  
 1863 limited to, statutory dealer requirements, which requirements  
 1864 include required bookkeeping and recordkeeping procedures,  
 1865 requirements for the collection of sales and use taxes, and such  
 1866 other information that in the opinion of the department will  
 1867 promote good business practices. No seminar may exceed 8 hours  
 1868 in length.

1869 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this

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1870 section hereunder shall obtain a supplemental license for each  
1871 permanent additional place or places of business not contiguous  
1872 to the premises for which the original license is issued, on a  
1873 form to be furnished by the department, and upon payment of a  
1874 fee of \$50 for each such additional location. Applicants may  
1875 choose to extend the licensure period for 1 additional year for a  
1876 total of 2 years. The applicant shall pay to the department a fee  
1877 of \$50 for the first year and \$50 for the second year for each  
1878 such additional location. Thereafter, the applicant shall pay \$50  
1879 for a 1-year renewal or \$100 for a 2-year renewal for each such  
1880 additional location. Upon making renewal applications for such  
1881 supplemental licenses, such applicant shall pay \$50 for each  
1882 additional location. A supplemental license authorizing off-  
1883 premises sales shall be issued, at no charge to the dealer, for  
1884 a period not to exceed 10 consecutive calendar days. To obtain  
1885 such a temporary supplemental license for off-premises sales,  
1886 the applicant must be a licensed dealer; must notify the  
1887 applicable local department office of the specific dates and  
1888 location for which such license is requested, display a sign at  
1889 the licensed location clearly identifying the dealer, and  
1890 provide staff to work at the temporary location for the duration  
1891 of the off-premises sale; must meet any local government  
1892 permitting requirements; and must have permission of the  
1893 property owner to sell at that location. In the case of an off-  
1894 premises sale by a motor vehicle dealer licensed under  
1895 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
1896 applicant must also include documentation notifying the  
1897 applicable licensee licensed under s. 320.61 of the intent to

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1898 engage in an off-premises sale 5 working days before ~~prior to~~  
 1899 the date of the off-premises sale. The licensee shall either  
 1900 approve or disapprove of the off-premises sale within 2 working  
 1901 days after receiving notice; otherwise, it will be deemed  
 1902 approved. This section does not apply to a nonselling motor  
 1903 vehicle show or public display of new motor vehicles.

1904 Section 27. Section 320.62, Florida Statutes, is amended  
 1905 to read:

1906 320.62 Licenses; amount; disposition of proceeds.—The  
 1907 initial license for each manufacturer, distributor, or importer  
 1908 shall be \$300 and shall be in addition to all other licenses or  
 1909 taxes ~~now or hereafter~~ levied, assessed, or required of the  
 1910 applicant or licensee. Applicants may choose to extend the  
 1911 licensure period for 1 additional year for a total of 2 years. An  
 1912 initial applicant shall pay to the department a fee of \$300 for  
 1913 the first year and \$100 for the second year. An applicant for a  
 1914 renewal license shall pay \$100 to the department for a 1-year  
 1915 renewal or \$200 for a 2-year renewal. ~~The annual renewal license~~  
 1916 ~~fee shall be \$100.~~ The proceeds from all licenses under ss.  
 1917 320.60-320.70 shall be paid into the State Treasury to the  
 1918 credit of the General Revenue Fund. All licenses shall be  
 1919 payable on or before October 1 of the ~~each~~ year and shall  
 1920 expire, unless sooner revoked or suspended, on ~~the following~~  
 1921 September 30 of the year of its expiration.

1922 Section 28. Subsections (4) and (6) of section 320.77,  
 1923 Florida Statutes, are amended to read:

1924 320.77 License required of mobile home dealers.—

1925 (4) FEES.—Upon making initial application, the applicant

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1926 shall pay to the department a fee of \$300 in addition to any  
1927 other fees ~~now~~ required by law. Applicants may choose to extend  
1928 the licensure period for 1 additional year for a total of 2  
1929 years. An initial applicant shall pay to the department a fee of  
1930 \$300 for the first year and \$100 for the second year in addition  
1931 to any other fees required by law. An applicant for a renewal  
1932 license shall pay to the department \$100 for a 1-year renewal or  
1933 \$200 for a 2-year renewal. ~~The fee for renewal application shall~~  
1934 ~~be \$100.~~ The fee for application for change of location shall be  
1935 \$25. Any applicant for renewal who has failed to submit his or  
1936 her renewal application by October 1 of the year of its current  
1937 license expiration shall pay a renewal application fee equal to  
1938 the original application fee. No fee is refundable. All fees  
1939 shall be deposited into the General Revenue Fund.

1940 (6) LICENSE CERTIFICATE.—A license certificate shall be  
1941 issued by the department in accordance with the application when  
1942 the same is regular in form and in compliance with the  
1943 provisions of this section. The license certificate may be in  
1944 the form of a document or a computerized card as determined by  
1945 the department. The cost of each original, additional, or  
1946 replacement computerized card shall be borne by the licensee and  
1947 is in addition to the fee for licensure. The fees charged  
1948 applicants for both the required background investigation and  
1949 the computerized card as provided in this section shall be  
1950 deposited into the Highway Safety Operating Trust Fund. The  
1951 license, when so issued, shall entitle the licensee to carry on  
1952 and conduct the business of a mobile home dealer at the location  
1953 set forth in the license for a period of 1 or 2 years beginning

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1954 | ~~year from~~ October 1 preceding the date of issuance. Each initial  
 1955 | application received by the department shall be accompanied by  
 1956 | verification that, within the preceding 6 months, the applicant  
 1957 | or one or more of his or her designated employees has attended a  
 1958 | training and information seminar conducted by the department or  
 1959 | by a public or private provider approved by the department. Such  
 1960 | seminar shall include, but not be limited to, statutory dealer  
 1961 | requirements, which requirements include required bookkeeping  
 1962 | and recording procedures, requirements for the collection of  
 1963 | sales and use taxes, and such other information that in the  
 1964 | opinion of the department will promote good business practices.

1965 | Section 29. Subsections (4) and (6) of section 320.771,  
 1966 | Florida Statutes, are amended to read:

1967 | 320.771 License required of recreational vehicle dealers.—

1968 | (4) FEES.—Upon making initial application, the applicant  
 1969 | shall pay to the department a fee of \$300 in addition to any  
 1970 | other fees ~~now~~ required by law. Applicants may choose to extend  
 1971 | the licensure period for 1 additional year for a total of 2  
 1972 | years. An initial applicant shall pay to the department a fee of  
 1973 | \$300 for the first year and \$100 for the second year in addition  
 1974 | to any other fees required by law. An applicant for a renewal  
 1975 | license shall pay to the department \$100 for a 1-year renewal or  
 1976 | \$200 for a 2-year renewal ~~The fee for renewal application shall~~  
 1977 | ~~be \$100.~~ The fee for application for change of location shall be  
 1978 | \$25. Any applicant for renewal who has failed to submit his or  
 1979 | her renewal application by October 1 of the year of its current  
 1980 | license expiration shall pay a renewal application fee equal to  
 1981 | the original application fee. No fee is refundable. All fees

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1982 | shall be deposited into the General Revenue Fund.

1983 |         (6) LICENSE CERTIFICATE.—A license certificate shall be  
 1984 | issued by the department in accordance with the application when  
 1985 | the same is regular in form and in compliance with the  
 1986 | provisions of this section. The license certificate may be in  
 1987 | the form of a document or a computerized card as determined by  
 1988 | the department. The cost of each original, additional, or  
 1989 | replacement computerized card shall be borne by the licensee and  
 1990 | is in addition to the fee for licensure. The fees charged  
 1991 | applicants for both the required background investigation and  
 1992 | the computerized card as provided in this section shall be  
 1993 | deposited into the Highway Safety Operating Trust Fund. The  
 1994 | license, when so issued, shall entitle the licensee to carry on  
 1995 | and conduct the business of a recreational vehicle dealer at the  
 1996 | location set forth in the license for a period of 1 or 2 years  
 1997 | ~~year~~ from October 1 preceding the date of issuance. Each initial  
 1998 | application received by the department shall be accompanied by  
 1999 | verification that, within the preceding 6 months, the applicant  
 2000 | or one or more of his or her designated employees has attended a  
 2001 | training and information seminar conducted by the department or  
 2002 | by a public or private provider approved by the department. Such  
 2003 | seminar shall include, but not be limited to, statutory dealer  
 2004 | requirements, which requirements include required bookkeeping  
 2005 | and recording procedures, requirements for the collection of  
 2006 | sales and use taxes, and such other information that in the  
 2007 | opinion of the department will promote good business practices.

2008 |         Section 30. Subsections (3) and (6) of section 320.8225,  
 2009 | Florida Statutes, are amended to read:



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2010 320.8225 Mobile home and recreational vehicle  
 2011 manufacturer, distributor, and importer license.-  
 2012 (3) FEES.-Upon submitting an initial application, the  
 2013 applicant shall pay to the department a fee of \$300. Applicants  
 2014 may choose to extend the licensure period for 1 additional year  
 2015 for a total of 2 years. An initial applicant shall pay to the  
 2016 department a fee of \$300 for the first year and \$100 for the  
 2017 second year. An applicant for a renewal license shall pay to the  
 2018 department \$100 for a 1-year renewal or \$200 for a 2-year renewal  
 2019 ~~Upon submitting a renewal application, the applicant shall pay~~  
 2020 ~~to the department a fee of \$100.~~ Any applicant for renewal who  
 2021 fails to submit his or her renewal application by October 1 of  
 2022 the year of its current license expiration shall pay a renewal  
 2023 application fee equal to the original application fee. No fee is  
 2024 refundable. All fees must be deposited into the General Revenue  
 2025 Fund.

2026 (6) LICENSE PERIOD YEAR.-A license issued to a mobile home  
 2027 manufacturer or a recreational vehicle manufacturer,  
 2028 distributor, or importer entitles the licensee to conduct  
 2029 business for a period of 1 or 2 years beginning year from  
 2030 October 1 preceding the date of issuance.

2031 Section 31. Section 322.095, Florida Statutes, is amended  
 2032 to read:

2033 322.095 Traffic law and substance abuse education program  
 2034 for driver ~~driver's~~ license applicants.-

2035 (1) Each applicant for a driver license must complete a  
 2036 traffic law and substance abuse education course, unless the  
 2037 applicant has been licensed in another jurisdiction or has

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2038 satisfactorily completed a Department of Education driver  
 2039 education course offered pursuant to s. 1003.48.

2040 (2)-(1) The Department of Highway Safety and Motor Vehicles  
 2041 must approve traffic law and substance abuse education courses,  
 2042 including courses that use communications technology as the  
 2043 delivery method.

2044 (a) In addition to the course approval criteria provided  
 2045 in this section, initial approval of traffic law and substance  
 2046 abuse education courses shall be based on the department's review  
 2047 of all course materials which must be designed to promote safety,  
 2048 education, and driver awareness; course presentation to the  
 2049 department by the provider; and the provider's plan for effective  
 2050 oversight of the course by those who deliver the course in the  
 2051 state.

2052 (b) Each course provider seeking approval of a traffic law  
 2053 and substance abuse education course must submit:

2054 1. Proof of ownership, copyright, or written permission  
 2055 from the course owner to use the course in the state ~~that must be~~  
 2056 ~~completed by applicants for a Florida driver's license.~~

2057 2. The curriculum ~~curricula~~ for the courses which must  
 2058 promote motorcyclist, bicyclist, and pedestrian safety and  
 2059 provide instruction on the physiological and psychological  
 2060 consequences of the abuse of alcohol and other drugs;; the  
 2061 societal and economic costs of alcohol and drug abuse;; the  
 2062 effects of alcohol and drug abuse on the driver of a motor  
 2063 vehicle;; and the laws of this state relating to the operation  
 2064 of a motor vehicle;; the risk factors involved in driver attitude  
 2065 and irresponsible driver behaviors, such as speeding, reckless

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2066 driving, and running red lights and stop signs; and the results  
 2067 of the use of electronic devices while driving. All instructors  
 2068 ~~teaching the courses shall be certified by the department.~~

2069 (3)(2) Before ~~The department shall contract for an~~  
 2070 ~~independent evaluation of the courses. Local DUI programs~~  
 2071 ~~authorized under s. 316.193(5) and certified by the department~~  
 2072 ~~or a driver improvement school may offer a traffic law and~~  
 2073 ~~substance abuse education course. However, prior to offering the~~  
 2074 ~~course, the course provider must obtain certification from the~~  
 2075 ~~department that the course complies with the requirements of~~  
 2076 ~~this section. If the course is offered in a classroom setting,~~  
 2077 ~~the course provider and any schools authorized by the provider~~  
 2078 ~~to teach the course must offer the approved course at locations~~  
 2079 ~~that are free from distractions and reasonably accessible to~~  
 2080 ~~most applicants and must issue a certificate to those persons~~  
 2081 ~~successfully completing the course.~~

2082 ~~(3) The completion of a course does not qualify a person~~  
 2083 ~~for the reinstatement of a driver's license which has been~~  
 2084 ~~suspended or revoked.~~

2085 ~~(4) The fee charged by the course provider must bear a~~  
 2086 ~~reasonable relationship to the cost of the course. The~~  
 2087 ~~department must conduct financial audits of course providers~~  
 2088 ~~conducting the education courses required under this section or~~  
 2089 ~~require that financial audits of providers be performed, at the~~  
 2090 ~~expense of the provider, by a certified public accountant.~~

2091 ~~(5) The provisions of this section do not apply to any~~  
 2092 ~~person who has been licensed in any other jurisdiction or who~~  
 2093 ~~has satisfactorily completed a Department of Education driver's~~

2094 ~~education course offered pursuant to s. 1003.48.~~

2095 (4) (6) In addition to a regular course fee, an assessment  
 2096 fee in the amount of \$3 shall be collected by the school from  
 2097 each person who attends a course. The course provider must remit  
 2098 the \$3 assessment fee to the department for deposit into the  
 2099 Highway Safety Operating Trust Fund in order to receive a unique  
 2100 course completion certificate number for the student. Each  
 2101 ~~course provider must collect a \$3 assessment fee in addition to~~  
 2102 ~~the enrollment fee charged to participants of the traffic law~~  
 2103 ~~and substance abuse course required under this section. The \$3~~  
 2104 ~~assessment fee collected by the course provider must be~~  
 2105 ~~forwarded to the department within 30 days after receipt of the~~  
 2106 ~~assessment.~~

2107 (5) (7) The department may ~~is authorized to~~ maintain the  
 2108 information and records necessary to administer its duties and  
 2109 responsibilities for the program. Course providers are required  
 2110 to maintain all records pertinent to the conduct of their  
 2111 approved courses for 5 years and allow the department to inspect  
 2112 such records as necessary. Records may be maintained in an  
 2113 electronic format. If ~~Where~~ such information is a public record  
 2114 as defined in chapter 119, it shall be made available to the  
 2115 public upon request pursuant to s. 119.07(1). ~~The department~~  
 2116 ~~shall approve and regulate courses that use technology as the~~  
 2117 ~~delivery method of all traffic law and substance abuse education~~  
 2118 ~~courses as the courses relate to this section.~~

2119 (6) The department shall design, develop, implement, and  
 2120 conduct effectiveness studies on each delivery method of all  
 2121 courses approved pursuant to this section on a recurring 3-year

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2122 basis. At a minimum, studies shall be conducted on the  
2123 effectiveness of each course in reducing DUI citations and  
2124 decreasing moving traffic violations or collision recidivism.  
2125 Upon notification that a course has failed an effectiveness  
2126 study, the course provider shall immediately cease offering the  
2127 course in the state.

2128 (7) Courses approved under this section must be updated at  
2129 the department's request. Failure of a course provider to update  
2130 the course within 90 days after the department's request shall  
2131 result in the suspension of the course approval until such time  
2132 that the updates are submitted and approved by the department.

2133 (8) Each course provider shall ensure that its driver  
2134 improvement schools are conducting the approved courses fully,  
2135 to the required time limits, and with the content requirements  
2136 specified by the department. The course provider shall ensure  
2137 that only department-approved instructional materials are used  
2138 in the presentation of the course, and that all driver  
2139 improvement schools conducting the course do so in a manner  
2140 that maximizes its impact and effectiveness. The course provider  
2141 shall ensure that any student who is unable to attend or  
2142 complete a course due to action, error, or omission on the part  
2143 of the course provider or driver improvement school conducting  
2144 the course shall be accommodated to permit completion of the  
2145 course at no additional cost.

2146 (9) Traffic law and substance abuse education courses  
2147 shall be conducted with a minimum of 4 hours devoted to course  
2148 content minus a maximum of 30 minutes allotted for breaks.

2149 (10) A course provider may not require any student to

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2150 purchase a course completion certificate. Course providers  
2151 offering paper or electronic certificates for purchase must  
2152 clearly convey to the student that this purchase is optional,  
2153 that the only valid course completion certificate is the  
2154 electronic one that is entered into the department's Driver  
2155 Improvement Certificate Issuance System, and that paper  
2156 certificates are not acceptable for any licensing purpose.

2157 (11) Course providers and all associated driver improvement  
2158 schools that offer approved courses shall disclose all fees  
2159 associated with the course and shall not charge any fees that  
2160 are not clearly listed during the registration process.

2161 (12) Course providers shall submit course completion  
2162 information to the department through the department's Driver  
2163 Improvement Certificate Issuance System within 5 days. The  
2164 submission shall be free of charge to the student.

2165 (13) The department may deny, suspend, or revoke course  
2166 approval upon proof that the course provider:

2167 (a) Violated this section.

2168 (b) Has been convicted of a crime involving any drug-  
2169 related or DUI-related offense, a felony, fraud, or a crime  
2170 directly related to the personal safety of a student.

2171 (c) Failed to satisfy the effectiveness criteria as  
2172 outlined in subsection (6).

2173 (d) Obtained course approval by fraud or misrepresentation.

2174 (e) Obtained or assisted a person in obtaining any driver  
2175 license by fraud or misrepresentation.

2176 (f) Conducted a traffic law and substance abuse education  
2177 course in the state while approval of such course was under

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2178 suspension or revocation.

2179 (g) Failed to provide effective oversight of those who  
 2180 deliver the course in the state.

2181 (14) The department shall not accept certificates from  
 2182 students who take a course after the course has been suspended  
 2183 or revoked.

2184 (15) A person who has been convicted of a crime involving  
 2185 any drug-related or DUI-related offense in the past 5 years, a  
 2186 felony, fraud, or a crime directly related to the personal  
 2187 safety of a student shall not be allowed to conduct traffic  
 2188 law and substance abuse education courses.

2189 (16) The department shall summarily suspend approval of  
 2190 any course without preliminary hearing for the purpose of  
 2191 protecting the public safety and enforcing any provision of law  
 2192 governing traffic law and substance abuse education courses.

2193 (17) Except as otherwise provided in this section,  
 2194 before final department action denying, suspending, or revoking  
 2195 approval of a course, the course provider shall have the  
 2196 opportunity to request either a formal or informal  
 2197 administrative hearing to show cause why the action should not  
 2198 be taken.

2199 (18) The department may levy and collect a civil fine of at  
 2200 least \$1,000 but not more than \$5,000 for each violation of this  
 2201 section. Proceeds from fines collected shall be deposited into  
 2202 the Highway Safety Operating Trust Fund and used to cover the  
 2203 cost of administering this section or promoting highway safety  
 2204 initiatives.

2205 Section 32. Subsection (1) of section 322.125, Florida

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2206 Statutes, is amended to read:

2207 322.125 Medical Advisory Board.—

2208 (1) There shall be a Medical Advisory Board composed of  
 2209 not fewer than 12 or more than 25 members, at least one of whom  
 2210 must be 60 years of age or older and all but one of whose  
 2211 medical and other specialties must relate to driving abilities,  
 2212 which number must include a doctor of medicine who is employed  
 2213 by the Department of Highway Safety and Motor Vehicles in  
 2214 Tallahassee, who shall serve as administrative officer for the  
 2215 board. The executive director of the Department of Highway  
 2216 Safety and Motor Vehicles shall recommend persons to serve as  
 2217 board members. Every member but two must be a doctor of medicine  
 2218 licensed to practice medicine in this or any other state ~~and~~  
 2219 ~~must be a member in good standing of the Florida Medical~~  
 2220 ~~Association or the Florida Osteopathic Association.~~ One member  
 2221 must be an optometrist licensed to practice optometry in this  
 2222 state ~~and must be a member in good standing of the Florida~~  
 2223 ~~Optometric Association.~~ One member must be a chiropractic  
 2224 physician licensed to practice chiropractic medicine in this  
 2225 state. Members shall be approved by the Cabinet and shall serve  
 2226 4-year staggered terms. The board membership must, to the  
 2227 maximum extent possible, consist of equal representation of the  
 2228 disciplines of the medical community treating the mental or  
 2229 physical disabilities that could affect the safe operation of  
 2230 motor vehicles.

2231 Section 33. Subsection (4) of section 322.135, Florida  
 2232 Statutes, is amended to read:

2233 322.135 Driver ~~Driver's~~ license agents.—



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2234 (4) A tax collector may not issue or renew a driver  
2235 ~~driver's~~ license if he or she has any reason to believe that the  
2236 licensee or prospective licensee is physically or mentally  
2237 unqualified to operate a motor vehicle. ~~The tax collector may~~  
2238 ~~direct any such licensee to the department for examination or~~  
2239 ~~reevaluation under s. 322.221.~~

2240 Section 34. Subsection (7) of section 322.212, Florida  
2241 Statutes, is amended to read:

2242 322.212 Unauthorized possession of, and other unlawful  
2243 acts in relation to, driver ~~driver's~~ license or identification  
2244 card.-

2245 (7) In addition to any other penalties provided by this  
2246 section, any person who provides false information when applying  
2247 for a commercial driver ~~driver's~~ license or commercial learner's  
2248 permit or is convicted of fraud in connection with testing for a  
2249 commercial driver license or commercial learner's permit shall be  
2250 disqualified from operating a commercial motor vehicle for a  
2251 period of 1 year ~~60 days~~.

2252 Section 35. Subsection (1) of section 322.22, Florida  
2253 Statutes, is amended to read:

2254 322.22 Authority of department to cancel or refuse to  
2255 issue or renew license.-

2256 (1) The department may ~~is authorized to~~ cancel or withhold  
2257 issuance or renewal of any driver ~~driver's~~ license, upon  
2258 determining that the licensee was not entitled to the issuance  
2259 thereof, or that the licensee failed to give the required or  
2260 correct information in his or her application or committed any  
2261 fraud in making such application, or that the licensee has two

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2262 or more licenses on file with the department, each in a  
2263 different name but bearing the photograph of the licensee,  
2264 unless the licensee has complied with the requirements of this  
2265 chapter in obtaining the licenses. The department may cancel or  
2266 withhold issuance or renewal of any driver ~~driver's~~ license,  
2267 identification card, vehicle or vessel registration, or fuel-use  
2268 decal if the licensee fails to pay the correct fee or pays for  
2269 any driver ~~the driver's~~ license, identification card, vehicle or  
2270 vessel registration, or fuel-use decal; pays any tax liability,  
2271 penalty, or interest specified in chapter 207; or pays any  
2272 administrative, delinquency, or reinstatement fee by a  
2273 dishonored check.

2274 Section 36. Subsection (3) of section 322.245, Florida  
2275 Statutes, is amended to read:

2276 322.245 Suspension of license upon failure of person  
2277 charged with specified offense under chapter 316, chapter 320,  
2278 or this chapter to comply with directives ordered by traffic  
2279 court or upon failure to pay child support in non-IV-D cases as  
2280 provided in chapter 61 or failure to pay any financial  
2281 obligation in any other criminal case.-

2282 (3) If the person fails to comply with the directives of  
2283 the court within the 30-day period, or, in non-IV-D cases, fails  
2284 to comply with the requirements of s. 61.13016 within the period  
2285 specified in that statute, the depository or the clerk of the  
2286 court shall electronically notify the department of such failure  
2287 within 10 days. Upon electronic receipt of the notice, the  
2288 department shall immediately issue an order suspending the  
2289 person's driver ~~driver's~~ license and privilege to drive

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2290 effective 20 days after the date the order of suspension is  
 2291 mailed in accordance with s. 322.251(1), (2), and (6).

2292 Section 37. Subsection (7) of section 322.25, Florida  
 2293 Statutes, is amended to read:

2294 322.25 When court to forward license to department and  
 2295 report convictions; temporary reinstatement of driving  
 2296 privileges.-

2297 ~~(7) Any licensed driver convicted of driving, or being in~~  
 2298 ~~the actual physical control of, a vehicle within this state~~  
 2299 ~~while under the influence of alcoholic beverages, any chemical~~  
 2300 ~~substance set forth in s. 877.111, or any substance controlled~~  
 2301 ~~under chapter 893, when affected to the extent that his or her~~  
 2302 ~~normal faculties are impaired, and whose license and driving~~  
 2303 ~~privilege have been revoked as provided in subsection (1) may be~~  
 2304 ~~issued a court order for reinstatement of a driving privilege on~~  
 2305 ~~a temporary basis; provided that, as a part of the penalty, upon~~  
 2306 ~~conviction, the defendant is required to enroll in and complete~~  
 2307 ~~a driver improvement course for the rehabilitation of drinking~~  
 2308 ~~drivers and the driver is otherwise eligible for reinstatement~~  
 2309 ~~of the driving privilege as provided by s. 322.282. The court~~  
 2310 ~~order for reinstatement shall be on a form provided by the~~  
 2311 ~~department and must be taken by the person convicted to a~~  
 2312 ~~Florida driver's license examining office, where a temporary~~  
 2313 ~~driving permit may be issued. The period of time for which a~~  
 2314 ~~temporary permit issued in accordance with this subsection is~~  
 2315 ~~valid shall be deemed to be part of the period of revocation~~  
 2316 ~~imposed by the court.~~

2317 Section 38. Section 322.2615, Florida Statutes, is amended

2318 to read:

2319 322.2615 Suspension of license; right to review.—

2320 (1) (a) A law enforcement officer or correctional officer  
 2321 shall, on behalf of the department, suspend the driving  
 2322 privilege of a person who is driving or in actual physical  
 2323 control of a motor vehicle and who has an unlawful blood-alcohol  
 2324 level or breath-alcohol level of 0.08 or higher, or of a person  
 2325 who has refused to submit to a urine test or a test of his or  
 2326 her breath-alcohol or blood-alcohol level. The officer shall  
 2327 take the person's driver ~~driver's~~ license and issue the person a  
 2328 10-day temporary permit if the person is otherwise eligible for  
 2329 the driving privilege and shall issue the person a notice of  
 2330 suspension. If a blood test has been administered, the officer  
 2331 or the agency employing the officer shall transmit such results  
 2332 to the department within 5 days after receipt of the results. If  
 2333 the department then determines that the person had a blood-  
 2334 alcohol level or breath-alcohol level of 0.08 or higher, the  
 2335 department shall suspend the person's driver ~~driver's~~ license  
 2336 pursuant to subsection (3).

2337 (b) The suspension under paragraph (a) shall be pursuant  
 2338 to, and the notice of suspension shall inform the driver of, the  
 2339 following:

2340 1.a. The driver refused to submit to a lawful breath,  
 2341 blood, or urine test and his or her driving privilege is  
 2342 suspended for a period of 1 year for a first refusal or for a  
 2343 period of 18 months if his or her driving privilege has been  
 2344 previously suspended as a result of a refusal to submit to such  
 2345 a test; or

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2346           b. The driver was driving or in actual physical control of  
 2347 a motor vehicle and had an unlawful blood-alcohol level or  
 2348 breath-alcohol level of 0.08 or higher and his or her driving  
 2349 privilege is suspended for a period of 6 months for a first  
 2350 offense or for a period of 1 year if his or her driving  
 2351 privilege has been previously suspended under this section.

2352           2. The suspension period shall commence on the date of  
 2353 issuance of the notice of suspension.

2354           3. The driver may request a formal or informal review of  
 2355 the suspension by the department within 10 days after the date  
 2356 of issuance of the notice of suspension.

2357           4. The temporary permit issued at the time of suspension  
 2358 expires at midnight of the 10th day following the date of  
 2359 issuance of the notice of suspension.

2360           5. The driver may submit to the department any materials  
 2361 relevant to the suspension.

2362           (2) (a) Except as provided in paragraph (1) (a), the law  
 2363 enforcement officer shall forward to the department, within 5  
 2364 days after issuing the notice of suspension, the driver ~~driver's~~  
 2365 license; an affidavit stating the officer's grounds for belief  
 2366 that the person was driving or in actual physical control of a  
 2367 motor vehicle while under the influence of alcoholic beverages  
 2368 or chemical or controlled substances; the results of any breath  
 2369 or blood test or an affidavit stating that a breath, blood, or  
 2370 urine test was requested by a law enforcement officer or  
 2371 correctional officer and that the person refused to submit; the  
 2372 officer's description of the person's field sobriety test, if  
 2373 any; and the notice of suspension. The failure of the officer to

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2374 submit materials within the 5-day period specified in this  
2375 subsection and in subsection (1) does not affect the  
2376 department's ability to consider any evidence submitted at or  
2377 before ~~prior to~~ the hearing.

2378       **(b)** The officer may also submit a copy of the crash report  
2379 and a copy of a video recording ~~videotape~~ of the field sobriety  
2380 test or the attempt to administer such test. Materials submitted  
2381 to the department by a law enforcement agency or correctional  
2382 agency shall be considered self-authenticating and shall be in  
2383 the record for consideration by the hearing officer.  
2384 Notwithstanding s. 316.066(5), the crash report shall be  
2385 considered by the hearing officer.

2386       **(3)** If the department determines that the license should  
2387 be suspended pursuant to this section and if the notice of  
2388 suspension has not already been served upon the person by a law  
2389 enforcement officer or correctional officer as provided in  
2390 subsection (1), the department shall issue a notice of  
2391 suspension and, unless the notice is mailed pursuant to s.  
2392 322.251, a temporary permit that expires 10 days after the date  
2393 of issuance if the driver is otherwise eligible.

2394       **(4)** If the person whose license was suspended requests an  
2395 informal review pursuant to subparagraph (1)(b)3., the  
2396 department shall conduct the informal review by a hearing  
2397 officer designated ~~employed~~ by the department. Such informal  
2398 review hearing shall consist solely of an examination by the  
2399 department of the materials submitted by a law enforcement  
2400 officer or correctional officer and by the person whose license  
2401 was suspended, and the presence of an officer or witness is not

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2402 required.

2403 (5) After completion of the informal review, notice of the  
2404 department's decision sustaining, amending, or invalidating the  
2405 suspension of the driver ~~driver's~~ license of the person whose  
2406 license was suspended must be provided to such person. Such  
2407 notice must be mailed to the person at the last known address  
2408 shown on the department's records, or to the address provided in  
2409 the law enforcement officer's report if such address differs  
2410 from the address of record, within 21 days after the expiration  
2411 of the temporary permit issued pursuant to subsection (1) or  
2412 subsection (3).

2413 (6) (a) If the person whose license was suspended requests  
2414 a formal review, the department must schedule a hearing ~~to be~~  
2415 ~~held~~ within 30 days after such request is received by the  
2416 department and must notify the person of the date, time, and  
2417 place of the hearing.

2418 (b) Such formal review hearing shall be held before a  
2419 hearing officer designated ~~employed~~ by the department, and the  
2420 hearing officer shall be authorized to administer oaths, examine  
2421 witnesses and take testimony, receive relevant evidence, issue  
2422 subpoenas for the officers and witnesses identified in documents  
2423 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the  
2424 course and conduct of the hearing, question witnesses, and make  
2425 a ruling on the suspension. The hearing officer may conduct  
2426 hearings using communications technology. The party requesting  
2427 the presence of a witness shall be responsible for the payment  
2428 of any witness fees and for notifying in writing the state  
2429 attorney's office in the appropriate circuit of the issuance of

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2430 the subpoena. If the person who requests a formal review hearing  
2431 fails to appear and the hearing officer finds such failure to be  
2432 without just cause, the right to a formal hearing is waived and  
2433 the suspension shall be sustained.

2434 (c) The failure of a subpoenaed witness to appear at the  
2435 formal review hearing is not grounds to invalidate the  
2436 suspension. If a witness fails to appear, a party may seek  
2437 enforcement of a subpoena under paragraph (b) by filing a  
2438 petition for enforcement in the circuit court of the judicial  
2439 circuit in which the person failing to comply with the subpoena  
2440 resides or by filing a motion for enforcement in any criminal  
2441 court case resulting from the driving or actual physical control  
2442 of a motor vehicle that gave rise to the suspension under this  
2443 section. A failure to comply with an order of the court shall  
2444 result in a finding of contempt of court. However, a person is  
2445 not in contempt while a subpoena is being challenged.

2446 (d) The department must, within 7 working days after a  
2447 formal review hearing, send notice to the person of the hearing  
2448 officer's decision as to whether sufficient cause exists to  
2449 sustain, amend, or invalidate the suspension.

2450 (7) In a formal review hearing under subsection (6) or an  
2451 informal review hearing under subsection (4), the hearing  
2452 officer shall determine by a preponderance of the evidence  
2453 whether sufficient cause exists to sustain, amend, or invalidate  
2454 the suspension. The scope of the review shall be limited to the  
2455 following issues:

2456 (a) If the license was suspended for driving with an  
2457 unlawful blood-alcohol level or breath-alcohol level of 0.08 or



2458 higher:

2459 1. Whether the law enforcement officer had probable cause  
 2460 to believe that the person whose license was suspended was  
 2461 driving or in actual physical control of a motor vehicle in this  
 2462 state while under the influence of alcoholic beverages or  
 2463 chemical or controlled substances.

2464 2. Whether the person whose license was suspended had an  
 2465 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 2466 higher as provided in s. 316.193.

2467 (b) If the license was suspended for refusal to submit to  
 2468 a breath, blood, or urine test:

2469 1. Whether the law enforcement officer had probable cause  
 2470 to believe that the person whose license was suspended was  
 2471 driving or in actual physical control of a motor vehicle in this  
 2472 state while under the influence of alcoholic beverages or  
 2473 chemical or controlled substances.

2474 2. Whether the person whose license was suspended refused  
 2475 to submit to any such test after being requested to do so by a  
 2476 law enforcement officer or correctional officer.

2477 3. Whether the person whose license was suspended was told  
 2478 that if he or she refused to submit to such test his or her  
 2479 privilege to operate a motor vehicle would be suspended for a  
 2480 period of 1 year or, in the case of a second or subsequent  
 2481 refusal, for a period of 18 months.

2482 (8) Based on the determination of the hearing officer  
 2483 pursuant to subsection (7) for both informal hearings under  
 2484 subsection (4) and formal hearings under subsection (6), the  
 2485 department shall:

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2486 (a) Sustain the suspension of the person's driving  
 2487 privilege for a period of 1 year for a first refusal, or for a  
 2488 period of 18 months if the driving privilege of such person has  
 2489 been previously suspended as a result of a refusal to submit to  
 2490 such tests, if the person refused to submit to a lawful breath,  
 2491 blood, or urine test. The suspension period commences on the  
 2492 date of issuance of the notice of suspension.

2493 (b) Sustain the suspension of the person's driving  
 2494 privilege for a period of 6 months for a blood-alcohol level or  
 2495 breath-alcohol level of 0.08 or higher, or for a period of 1  
 2496 year if the driving privilege of such person has been previously  
 2497 suspended under this section as a result of driving with an  
 2498 unlawful alcohol level. The suspension period commences on the  
 2499 date of issuance of the notice of suspension.

2500 (9) A request for a formal review hearing or an informal  
 2501 review hearing shall not stay the suspension of the person's  
 2502 driver ~~driver's~~ license. If the department fails to schedule the  
 2503 formal review hearing ~~to be held~~ within 30 days after receipt of  
 2504 the request therefor, the department shall invalidate the  
 2505 suspension. If the scheduled hearing is continued at the  
 2506 department's initiative or the driver enforces the subpoena as  
 2507 provided in subsection (6), the department shall issue a  
 2508 temporary driving permit that shall be valid until the hearing  
 2509 is conducted if the person is otherwise eligible for the driving  
 2510 privilege. Such permit may not be issued to a person who sought  
 2511 and obtained a continuance of the hearing. The permit issued  
 2512 under this subsection shall authorize driving for business or  
 2513 employment use only.

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2514 (10) A person whose driver ~~driver's~~ license is suspended  
2515 under subsection (1) or subsection (3) may apply for issuance of  
2516 a license for business or employment purposes only if the person  
2517 is otherwise eligible for the driving privilege pursuant to s.  
2518 322.271.

2519 (a) If the suspension of the driver ~~driver's~~ license of  
2520 the person for failure to submit to a breath, urine, or blood  
2521 test is sustained, the person is not eligible to receive a  
2522 license for business or employment purposes only, pursuant to s.  
2523 322.271, until 90 days have elapsed after the expiration of the  
2524 last temporary permit issued. If the driver is not issued a 10-  
2525 day permit pursuant to this section or s. 322.64 because he or  
2526 she is ineligible for the permit and the suspension for failure  
2527 to submit to a breath, urine, or blood test is not invalidated  
2528 by the department, the driver is not eligible to receive a  
2529 business or employment license pursuant to s. 322.271 until 90  
2530 days have elapsed from the date of the suspension.

2531 (b) If the suspension of the driver ~~driver's~~ license of  
2532 the person relating to unlawful blood-alcohol level or breath-  
2533 alcohol level of 0.08 or higher is sustained, the person is not  
2534 eligible to receive a license for business or employment  
2535 purposes only pursuant to s. 322.271 until 30 days have elapsed  
2536 after the expiration of the last temporary permit issued. If the  
2537 driver is not issued a 10-day permit pursuant to this section or  
2538 s. 322.64 because he or she is ineligible for the permit and the  
2539 suspension relating to unlawful blood-alcohol level or breath-  
2540 alcohol level of 0.08 or higher is not invalidated by the  
2541 department, the driver is not eligible to receive a business or

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2542 employment license pursuant to s. 322.271 until 30 days have  
 2543 elapsed from the date of the suspension.

2544 (11) The formal review hearing may be conducted upon a  
 2545 review of the reports of a law enforcement officer or a  
 2546 correctional officer, including documents relating to the  
 2547 administration of a breath test or blood test or the refusal to  
 2548 take either test or the refusal to take a urine test. However,  
 2549 as provided in subsection (6), the driver may subpoena the  
 2550 officer or any person who administered or analyzed a breath or  
 2551 blood test. If the arresting officer or the breath technician  
 2552 fails to appear pursuant to a subpoena as provided in subsection  
 2553 (6), the department shall invalidate the suspension.

2554 (12) The formal review hearing and the informal review  
 2555 hearing are exempt from the provisions of chapter 120. The  
 2556 department may adopt rules for the conduct of reviews under this  
 2557 section.

2558 (13) A person may appeal any decision of the department  
 2559 sustaining a suspension of his or her driver ~~driver's~~ license by  
 2560 a petition for writ of certiorari to the circuit court in the  
 2561 county wherein such person resides or wherein a formal or  
 2562 informal review was conducted pursuant to s. 322.31. However, an  
 2563 appeal shall not stay the suspension. A law enforcement agency  
 2564 may appeal any decision of the department invalidating a  
 2565 suspension by a petition for writ of certiorari to the circuit  
 2566 court in the county wherein a formal or informal review was  
 2567 conducted. This subsection shall not be construed to provide for  
 2568 a de novo review ~~appeal~~.

2569 (14) (a) The decision of the department under this section

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2570 or any circuit court review thereof may not be considered in any  
2571 trial for a violation of s. 316.193, and a written statement  
2572 submitted by a person in his or her request for departmental  
2573 review under this section may not be admitted into evidence  
2574 against him or her in any such trial.

2575 (b) The disposition of any related criminal proceedings  
2576 does not affect a suspension for refusal to submit to a blood,  
2577 breath, or urine test imposed under this section.

2578 (15) If the department suspends a person's license under  
2579 s. 322.2616, it may not also suspend the person's license under  
2580 this section for the same episode that was the basis for the  
2581 suspension under s. 322.2616.

2582 (16) The department shall invalidate a suspension for  
2583 driving with an unlawful blood-alcohol level or breath-alcohol  
2584 level imposed under this section if the suspended person is  
2585 found not guilty at trial of an underlying violation of s.  
2586 316.193.

2587 Section 39. Section 322.2616, Florida Statutes, is amended  
2588 to read:

2589 322.2616 Suspension of license; persons under 21 years of  
2590 age; right to review.—

2591 (1) (a) Notwithstanding s. 316.193, it is unlawful for a  
2592 person under the age of 21 who has a blood-alcohol or breath-  
2593 alcohol level of 0.02 or higher to drive or be in actual  
2594 physical control of a motor vehicle.

2595 (b) A law enforcement officer who has probable cause to  
2596 believe that a motor vehicle is being driven by or is in the  
2597 actual physical control of a person who is under the age of 21

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2598 while under the influence of alcoholic beverages or who has any  
 2599 blood-alcohol or breath-alcohol level may lawfully detain such a  
 2600 person and may request that person to submit to a test to  
 2601 determine his or her blood-alcohol or breath-alcohol level.

2602 (2) (a) A law enforcement officer or correctional officer  
 2603 shall, on behalf of the department, suspend the driving  
 2604 privilege of such person if the person has a blood-alcohol or  
 2605 breath-alcohol level of 0.02 or higher. The officer shall also  
 2606 suspend, on behalf of the department, the driving privilege of a  
 2607 person who has refused to submit to a test as provided by  
 2608 paragraph (b). The officer shall take the person's driver  
 2609 ~~driver's~~ license and issue the person a 10-day temporary driving  
 2610 permit if the person is otherwise eligible for the driving  
 2611 privilege and shall issue the person a notice of suspension.

2612 (b) The suspension under paragraph (a) must be pursuant  
 2613 to, and the notice of suspension must inform the driver of, the  
 2614 following:

2615 1.a. The driver refused to submit to a lawful breath test  
 2616 and his or her driving privilege is suspended for a period of 1  
 2617 year for a first refusal or for a period of 18 months if his or  
 2618 her driving privilege has been previously suspended as provided  
 2619 in this section as a result of a refusal to submit to a test; or

2620 b. The driver was under the age of 21 and was driving or  
 2621 in actual physical control of a motor vehicle while having a  
 2622 blood-alcohol or breath-alcohol level of 0.02 or higher; and the  
 2623 person's driving privilege is suspended for a period of 6 months  
 2624 for a first violation, or for a period of 1 year if his or her  
 2625 driving privilege has been previously suspended as provided in

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2626 | this section for driving or being in actual physical control of  
2627 | a motor vehicle with a blood-alcohol or breath-alcohol level of  
2628 | 0.02 or higher.

2629 |       2. The suspension period commences on the date of issuance  
2630 | of the notice of suspension.

2631 |       3. The driver may request a formal or informal review of  
2632 | the suspension by the department within 10 days after the  
2633 | issuance of the notice of suspension.

2634 |       4. A temporary permit issued at the time of the issuance  
2635 | of the notice of suspension shall not become effective until  
2636 | after 12 hours have elapsed and will expire at midnight of the  
2637 | 10th day following the date of issuance.

2638 |       5. The driver may submit to the department any materials  
2639 | relevant to the suspension of his or her license.

2640 |       (c) When a driver subject to this section has a blood-  
2641 | alcohol or breath-alcohol level of 0.05 or higher, the  
2642 | suspension shall remain in effect until such time as the driver  
2643 | has completed a substance abuse course offered by a DUI program  
2644 | licensed by the department. The driver shall assume the  
2645 | reasonable costs for the substance abuse course. As part of the  
2646 | substance abuse course, the program shall conduct a substance  
2647 | abuse evaluation of the driver, and notify the parents or legal  
2648 | guardians of drivers under the age of 19 years of the results of  
2649 | the evaluation. The term "substance abuse" means the abuse of  
2650 | alcohol or any substance named or described in Schedules I  
2651 | through V of s. 893.03. If a driver fails to complete the  
2652 | substance abuse education course and evaluation, the driver  
2653 | ~~driver's~~ license shall not be reinstated by the department.

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2654 (d) A minor under the age of 18 years proven to be driving  
2655 with a blood-alcohol or breath-alcohol level of 0.02 or higher  
2656 may be taken by a law enforcement officer to the addictions  
2657 receiving facility in the county in which the minor is found to  
2658 be so driving, if the county makes the addictions receiving  
2659 facility available for such purpose.

2660 (3) The law enforcement officer shall forward to the  
2661 department, within 5 days after the date of the issuance of the  
2662 notice of suspension, a copy of the notice of suspension, the  
2663 driver ~~driver's~~ license of the person receiving the notice of  
2664 suspension, and an affidavit stating the officer's grounds for  
2665 belief that the person was under the age of 21 and was driving  
2666 or in actual physical control of a motor vehicle with any blood-  
2667 alcohol or breath-alcohol level, and the results of any blood or  
2668 breath test or an affidavit stating that a breath test was  
2669 requested by a law enforcement officer or correctional officer  
2670 and that the person refused to submit to such test. The failure  
2671 of the officer to submit materials within the 5-day period  
2672 specified in this subsection does not bar the department from  
2673 considering any materials submitted at or before the hearing.

2674 (4) If the department finds that the license of the person  
2675 should be suspended under this section and if the notice of  
2676 suspension has not already been served upon the person by a law  
2677 enforcement officer or correctional officer as provided in  
2678 subsection (2), the department shall issue a notice of  
2679 suspension and, unless the notice is mailed under s. 322.251, a  
2680 temporary driving permit that expires 10 days after the date of  
2681 issuance if the driver is otherwise eligible.



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2682 (5) If the person whose license is suspended requests an  
2683 informal review under subparagraph (2)(b)3., the department  
2684 shall conduct the informal review by a hearing officer  
2685 designated ~~employed~~ by the department within 30 days after the  
2686 request is received by the department and shall issue such  
2687 person a temporary driving permit for business purposes only to  
2688 expire on the date that such review is scheduled to be conducted  
2689 if the person is otherwise eligible. The informal review hearing  
2690 must consist solely of an examination by the department of the  
2691 materials submitted by a law enforcement officer or correctional  
2692 officer and by the person whose license is suspended, and the  
2693 presence of an officer or witness is not required.

2694 (6) After completion of the informal review, notice of the  
2695 department's decision sustaining, amending, or invalidating the  
2696 suspension of the driver ~~driver's~~ license must be provided to  
2697 the person. The notice must be mailed to the person at the last  
2698 known address shown on the department's records, or to the  
2699 address provided in the law enforcement officer's report if such  
2700 address differs from the address of record, within 7 days after  
2701 completing the review.

2702 (7)(a) If the person whose license is suspended requests a  
2703 formal review, the department must schedule a hearing to be held  
2704 within 30 days after the request is received by the department  
2705 and must notify the person of the date, time, and place of the  
2706 hearing and shall issue such person a temporary driving permit  
2707 for business purposes only to expire on the date that such  
2708 review is scheduled to be conducted if the person is otherwise  
2709 eligible.

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2710 (b) The formal review hearing must be held before a  
2711 hearing officer designated ~~employed~~ by the department, and the  
2712 hearing officer may administer oaths, examine witnesses and take  
2713 testimony, receive relevant evidence, issue subpoenas, regulate  
2714 the course and conduct of the hearing, and make a ruling on the  
2715 suspension. The hearing officer may conduct hearings using  
2716 communications technology. The department and the person whose  
2717 license was suspended may subpoena witnesses, and the party  
2718 requesting the presence of a witness is responsible for paying  
2719 any witness fees and for notifying in writing the state  
2720 attorney's office in the appropriate circuit of the issuance of  
2721 the subpoena. If the person who requests a formal review hearing  
2722 fails to appear and the hearing officer finds the failure to be  
2723 without just cause, the right to a formal hearing is waived and  
2724 the suspension is sustained.

2725 (c) The failure of a subpoenaed witness to appear at the  
2726 formal review hearing shall not be grounds to invalidate the  
2727 suspension. If a witness fails to appear, a party may seek  
2728 enforcement of a subpoena under paragraph (b) by filing a  
2729 petition for enforcement in the circuit court of the judicial  
2730 circuit in which the person failing to comply with the subpoena  
2731 resides. A failure to comply with an order of the court  
2732 constitutes contempt of court. However, a person may not be held  
2733 in contempt while a subpoena is being challenged.

2734 (d) The department must, within 7 working days after a  
2735 formal review hearing, send notice to the person of the hearing  
2736 officer's decision as to whether sufficient cause exists to  
2737 sustain, amend, or invalidate the suspension.

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2738 (8) In a formal review hearing under subsection (7) or an  
2739 informal review hearing under subsection (5), the hearing  
2740 officer shall determine by a preponderance of the evidence  
2741 whether sufficient cause exists to sustain, amend, or invalidate  
2742 the suspension. The scope of the review is limited to the  
2743 following issues:

2744 (a) If the license was suspended because the individual,  
2745 then under the age of 21, drove with a blood-alcohol or breath-  
2746 alcohol level of 0.02 or higher:

2747 1. Whether the law enforcement officer had probable cause  
2748 to believe that the person was under the age of 21 and was  
2749 driving or in actual physical control of a motor vehicle in this  
2750 state with any blood-alcohol or breath-alcohol level or while  
2751 under the influence of alcoholic beverages.

2752 2. Whether the person was under the age of 21.

2753 3. Whether the person had a blood-alcohol or breath-  
2754 alcohol level of 0.02 or higher.

2755 (b) If the license was suspended because of the  
2756 individual's refusal to submit to a breath test:

2757 1. Whether the law enforcement officer had probable cause  
2758 to believe that the person was under the age of 21 and was  
2759 driving or in actual physical control of a motor vehicle in this  
2760 state with any blood-alcohol or breath-alcohol level or while  
2761 under the influence of alcoholic beverages.

2762 2. Whether the person was under the age of 21.

2763 3. Whether the person refused to submit to a breath test  
2764 after being requested to do so by a law enforcement officer or  
2765 correctional officer.

2766 4. Whether the person was told that if he or she refused  
 2767 to submit to a breath test his or her privilege to operate a  
 2768 motor vehicle would be suspended for a period of 1 year or, in  
 2769 the case of a second or subsequent refusal, for a period of 18  
 2770 months.

2771 (9) Based on the determination of the hearing officer  
 2772 under subsection (8) for both informal hearings under subsection  
 2773 (5) and formal hearings under subsection (7), the department  
 2774 shall:

2775 (a) Sustain the suspension of the person's driving  
 2776 privilege for a period of 1 year for a first refusal, or for a  
 2777 period of 18 months if the driving privilege of the person has  
 2778 been previously suspended, as provided in this section, as a  
 2779 result of a refusal to submit to a test. The suspension period  
 2780 commences on the date of the issuance of the notice of  
 2781 suspension.

2782 (b) Sustain the suspension of the person's driving  
 2783 privilege for a period of 6 months for driving or being in  
 2784 actual physical control of a motor vehicle while under the age  
 2785 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or  
 2786 higher, or for a period of 1 year if the driving privilege of  
 2787 such person has been previously suspended under this section.  
 2788 The suspension period commences on the date of the issuance of  
 2789 the notice of suspension.

2790 (10) A request for a formal review hearing or an informal  
 2791 review hearing shall not stay the suspension of the person's  
 2792 driver ~~driver's~~ license. If the department fails to schedule the  
 2793 formal review hearing ~~to be held~~ within 30 days after receipt of

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2794 the request therefor, the department shall invalidate the  
2795 suspension. If the scheduled hearing is continued at the  
2796 department's initiative or the driver enforces the subpoena as  
2797 provided in subsection (7), the department shall issue a  
2798 temporary driving permit that is valid until the hearing is  
2799 conducted if the person is otherwise eligible for the driving  
2800 privilege. The permit shall not be issued to a person who  
2801 requested a continuance of the hearing. The permit issued under  
2802 this subsection authorizes driving for business or employment  
2803 use only.

2804 (11) A person whose driver ~~driver's~~ license is suspended  
2805 under subsection (2) or subsection (4) may apply for issuance of  
2806 a license for business or employment purposes only, pursuant to  
2807 s. 322.271, if the person is otherwise eligible for the driving  
2808 privilege. However, such a license may not be issued until 30  
2809 days have elapsed after the expiration of the last temporary  
2810 driving permit issued under this section.

2811 (12) The formal review hearing may be conducted upon a  
2812 review of the reports of a law enforcement officer or  
2813 correctional officer, including documents relating to the  
2814 administration of a breath test or the refusal to take a test.  
2815 However, as provided in subsection (7), the driver may subpoena  
2816 the officer or any person who administered a breath or blood  
2817 test. If the officer who suspended the driving privilege fails  
2818 to appear pursuant to a subpoena as provided in subsection (7),  
2819 the department shall invalidate the suspension.

2820 (13) The formal review hearing and the informal review  
2821 hearing are exempt from chapter 120. The department may adopt

2822 | rules for conducting reviews under this section.

2823 |       (14) A person may appeal any decision of the department  
 2824 | sustaining a suspension of his or her driver ~~driver's~~ license by  
 2825 | a petition for writ of certiorari to the circuit court in the  
 2826 | county wherein such person resides or wherein a formal or  
 2827 | informal review was conducted under s. 322.31. However, an  
 2828 | appeal does not stay the suspension. This subsection does not  
 2829 | provide for a de novo review ~~appeal~~.

2830 |       (15) The decision of the department under this section  
 2831 | shall not be considered in any trial for a violation of s.  
 2832 | 316.193, nor shall any written statement submitted by a person  
 2833 | in his or her request for departmental review under this section  
 2834 | be admissible into evidence against him or her in any such  
 2835 | trial. The disposition of any related criminal proceedings shall  
 2836 | not affect a suspension imposed under this section.

2837 |       (16) By applying for and accepting and using a driver  
 2838 | ~~driver's~~ license, a person under the age of 21 years who holds  
 2839 | the driver ~~driver's~~ license is deemed to have expressed his or  
 2840 | her consent to the provisions of this section.

2841 |       (17) A breath test to determine breath-alcohol level  
 2842 | pursuant to this section may be conducted as authorized by s.  
 2843 | 316.1932 or by a breath-alcohol test device listed in the United  
 2844 | States Department of Transportation's conforming-product list of  
 2845 | evidential breath-measurement devices. The reading from such a  
 2846 | device is presumed accurate and is admissible in evidence in any  
 2847 | administrative hearing conducted under this section.

2848 |       (18) The result of a blood test obtained during an  
 2849 | investigation conducted under s. 316.1932 or s. 316.1933 may be

2850 used to suspend the driving privilege of a person under this  
 2851 section.

2852 (19) A violation of this section is neither a traffic  
 2853 infraction nor a criminal offense, nor does being detained  
 2854 pursuant to this section constitute an arrest. A violation of  
 2855 this section is subject to the administrative action provisions  
 2856 of this section, which are administered by the department  
 2857 through its administrative processes. Administrative actions  
 2858 taken pursuant to this section shall be recorded in the motor  
 2859 vehicle records maintained by the department. This section does  
 2860 not bar prosecution under s. 316.193. However, if the department  
 2861 suspends a person's license under s. 322.2615 for a violation of  
 2862 s. 316.193, it may not also suspend the person's license under  
 2863 this section for the same episode that was the basis for the  
 2864 suspension under s. 322.2615.

2865 Section 40. Section 322.64, Florida Statutes, is amended  
 2866 to read:

2867 322.64 Holder of commercial driver ~~driver's~~ license;  
 2868 persons operating a commercial motor vehicle; driving with  
 2869 unlawful blood-alcohol level; refusal to submit to breath,  
 2870 urine, or blood test.-

2871 (1)(a) A law enforcement officer or correctional officer  
 2872 shall, on behalf of the department, disqualify from operating  
 2873 any commercial motor vehicle a person who while operating or in  
 2874 actual physical control of a commercial motor vehicle is  
 2875 arrested for a violation of s. 316.193, relating to unlawful  
 2876 blood-alcohol level or breath-alcohol level, or a person who has  
 2877 refused to submit to a breath, urine, or blood test authorized

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2878 | by s. 322.63 or s. 316.1932 arising out of the operation or  
 2879 | actual physical control of a commercial motor vehicle. A law  
 2880 | enforcement officer or correctional officer shall, on behalf of  
 2881 | the department, disqualify the holder of a commercial driver  
 2882 | ~~driver's~~ license from operating any commercial motor vehicle if  
 2883 | the licenseholder, while operating or in actual physical control  
 2884 | of a motor vehicle, is arrested for a violation of s. 316.193,  
 2885 | relating to unlawful blood-alcohol level or breath-alcohol  
 2886 | level, or refused to submit to a breath, urine, or blood test  
 2887 | authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
 2888 | the person, the officer shall take the person's driver ~~driver's~~  
 2889 | license and issue the person a 10-day temporary permit for the  
 2890 | operation of noncommercial vehicles only if the person is  
 2891 | otherwise eligible for the driving privilege and shall issue the  
 2892 | person a notice of disqualification. If the person has been  
 2893 | given a blood, breath, or urine test, the results of which are  
 2894 | not available to the officer at the time of the arrest, the  
 2895 | agency employing the officer shall transmit such results to the  
 2896 | department within 5 days after receipt of the results. If the  
 2897 | department then determines that the person had a blood-alcohol  
 2898 | level or breath-alcohol level of 0.08 or higher, the department  
 2899 | shall disqualify the person from operating a commercial motor  
 2900 | vehicle pursuant to subsection (3).

2901 |       (b) For purposes of determining the period of  
 2902 | disqualification described in 49 C.F.R. s. 383.51, a  
 2903 | disqualification under paragraph (a) shall be considered a  
 2904 | conviction.

2905 |       (c) ~~(b)~~ The disqualification under paragraph (a) shall be



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2906 | pursuant to, and the notice of disqualification shall inform the  
 2907 | driver of, the following:

2908 |       1.a. The driver refused to submit to a lawful breath,  
 2909 | blood, or urine test and he or she is disqualified from  
 2910 | operating a commercial motor vehicle for the time period  
 2911 | specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~  
 2912 | ~~first refusal, or permanently, if he or she has previously been~~  
 2913 | ~~disqualified under this section; or~~

2914 |       b. The driver had an unlawful blood-alcohol level of 0.08  
 2915 | or higher while ~~was~~ driving or in actual physical control of a  
 2916 | commercial motor vehicle, or any motor vehicle if the driver  
 2917 | holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~  
 2918 | ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~  
 2919 | and his or her driving privilege is ~~shall be~~ disqualified for  
 2920 | the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~  
 2921 | ~~year for a first offense or permanently disqualified if his or~~  
 2922 | ~~her driving privilege has been previously disqualified under~~  
 2923 | ~~this section.~~

2924 |       2. The disqualification period for operating commercial  
 2925 | vehicles shall commence on the date of issuance of the notice of  
 2926 | disqualification.

2927 |       3. The driver may request a formal or informal review of  
 2928 | the disqualification by the department within 10 days after the  
 2929 | date of issuance of the notice of disqualification.

2930 |       4. The temporary permit issued at the time of  
 2931 | disqualification expires at midnight of the 10th day following  
 2932 | the date of disqualification.

2933 |       5. The driver may submit to the department any materials

2934 relevant to the disqualification.

2935 (2) (a) Except as provided in paragraph (1)(a), the law  
 2936 enforcement officer shall forward to the department, within 5  
 2937 days after the date of the issuance of the notice of  
 2938 disqualification, a copy of the notice of disqualification, the  
 2939 driver ~~driver's~~ license of the person disqualified, and an  
 2940 affidavit stating the officer's grounds for belief that the  
 2941 person disqualified was operating or in actual physical control  
 2942 of a commercial motor vehicle, or holds a commercial driver  
 2943 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-  
 2944 alcohol level; the results of any breath or blood or urine test  
 2945 or an affidavit stating that a breath, blood, or urine test was  
 2946 requested by a law enforcement officer or correctional officer  
 2947 and that the person arrested refused to submit; a copy of the  
 2948 notice of disqualification issued to the person; and the  
 2949 officer's description of the person's field sobriety test, if  
 2950 any. The failure of the officer to submit materials within the  
 2951 5-day period specified in this subsection or subsection (1) does  
 2952 not affect the department's ability to consider any evidence  
 2953 submitted at or before ~~prior to~~ the hearing.

2954 (b) The officer may also submit a copy of a video  
 2955 recording ~~videotape~~ of the field sobriety test or the attempt to  
 2956 administer such test and a copy of the crash report, ~~if any~~.  
 2957 Notwithstanding s. 316.066, the crash report shall be considered  
 2958 by the hearing officer.

2959 (3) If the department determines that the person arrested  
 2960 should be disqualified from operating a commercial motor vehicle  
 2961 pursuant to this section and if the notice of disqualification

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2962 has not already been served upon the person by a law enforcement  
2963 officer or correctional officer as provided in subsection (1),  
2964 the department shall issue a notice of disqualification and,  
2965 unless the notice is mailed pursuant to s. 322.251, a temporary  
2966 permit which expires 10 days after the date of issuance if the  
2967 driver is otherwise eligible.

2968 (4) If the person disqualified requests an informal review  
2969 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall  
2970 conduct the informal review by a hearing officer designated  
2971 ~~employed~~ by the department. Such informal review hearing shall  
2972 consist solely of an examination by the department of the  
2973 materials submitted by a law enforcement officer or correctional  
2974 officer and by the person disqualified, and the presence of an  
2975 officer or witness is not required.

2976 (5) After completion of the informal review, notice of the  
2977 department's decision sustaining, amending, or invalidating the  
2978 disqualification must be provided to the person. Such notice  
2979 must be mailed to the person at the last known address shown on  
2980 the department's records, and to the address provided in the law  
2981 enforcement officer's report if such address differs from the  
2982 address of record, within 21 days after the expiration of the  
2983 temporary permit issued pursuant to subsection (1) or subsection  
2984 (3).

2985 (6) (a) If the person disqualified requests a formal  
2986 review, the department must schedule a hearing to be held within  
2987 30 days after such request is received by the department and  
2988 must notify the person of the date, time, and place of the  
2989 hearing.

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2990 (b) Such formal review hearing shall be held before a  
2991 hearing officer designated ~~employed~~ by the department, and the  
2992 hearing officer shall be authorized to administer oaths, examine  
2993 witnesses and take testimony, receive relevant evidence, issue  
2994 subpoenas for the officers and witnesses identified in documents  
2995 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,  
2996 regulate the course and conduct of the hearing, and make a  
2997 ruling on the disqualification. The hearing officer may conduct  
2998 hearings using communications technology. The department and the  
2999 person disqualified may subpoena witnesses, and the party  
3000 requesting the presence of a witness shall be responsible for  
3001 the payment of any witness fees. If the person who requests a  
3002 formal review hearing fails to appear and the hearing officer  
3003 finds such failure to be without just cause, the right to a  
3004 formal hearing is waived.

3005 (c) The failure of a subpoenaed witness to appear at the  
3006 formal review hearing shall not be grounds to invalidate the  
3007 disqualification. If a witness fails to appear, a party may seek  
3008 enforcement of a subpoena under paragraph (b) by filing a  
3009 petition for enforcement in the circuit court of the judicial  
3010 circuit in which the person failing to comply with the subpoena  
3011 resides or by filing a motion for enforcement in any criminal  
3012 court case resulting from the driving or actual physical control  
3013 of a motor vehicle or commercial motor vehicle that gave rise to  
3014 the disqualification under this section. A failure to comply  
3015 with an order of the court shall result in a finding of contempt  
3016 of court. However, a person shall not be in contempt while a  
3017 subpoena is being challenged.

3018 (d) The department must, within 7 working days after a  
 3019 formal review hearing, send notice to the person of the hearing  
 3020 officer's decision as to whether sufficient cause exists to  
 3021 sustain, amend, or invalidate the disqualification.

3022 (7) In a formal review hearing under subsection (6) or an  
 3023 informal review hearing under subsection (4), the hearing  
 3024 officer shall determine by a preponderance of the evidence  
 3025 whether sufficient cause exists to sustain, amend, or invalidate  
 3026 the disqualification. The scope of the review shall be limited  
 3027 to the following issues:

3028 (a) If the person was disqualified from operating a  
 3029 commercial motor vehicle for driving with an unlawful blood-  
 3030 alcohol level:

3031 1. Whether the ~~arresting~~ law enforcement officer had  
 3032 probable cause to believe that the person was driving or in  
 3033 actual physical control of a commercial motor vehicle, or any  
 3034 motor vehicle if the driver holds a commercial driver ~~driver's~~  
 3035 license, in this state while he or she had any alcohol, chemical  
 3036 substances, or controlled substances in his or her body.

3037 2. Whether the person had an unlawful blood-alcohol level  
 3038 or breath-alcohol level of 0.08 or higher.

3039 (b) If the person was disqualified from operating a  
 3040 commercial motor vehicle for refusal to submit to a breath,  
 3041 blood, or urine test:

3042 1. Whether the law enforcement officer had probable cause  
 3043 to believe that the person was driving or in actual physical  
 3044 control of a commercial motor vehicle, or any motor vehicle if  
 3045 the driver holds a commercial driver ~~driver's~~ license, in this

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3046 state while he or she had any alcohol, chemical substances, or  
 3047 controlled substances in his or her body.

3048 2. Whether the person refused to submit to the test after  
 3049 being requested to do so by a law enforcement officer or  
 3050 correctional officer.

3051 3. Whether the person was told that if he or she refused  
 3052 to submit to such test he or she would be disqualified from  
 3053 operating a commercial motor vehicle for a period of 1 year or,  
 3054 if previously disqualified under this section, permanently.

3055 (8) Based on the determination of the hearing officer  
 3056 pursuant to subsection (7) for both informal hearings under  
 3057 subsection (4) and formal hearings under subsection (6), the  
 3058 department shall:

3059 ~~(a)~~ sustain the disqualification for the time period  
 3060 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~  
 3061 ~~refusal, or permanently if such person has been previously~~  
 3062 ~~disqualified from operating a commercial motor vehicle under~~  
 3063 ~~this section.~~ The disqualification period commences on the date  
 3064 of the issuance of the notice of disqualification.

3065 ~~(b) Sustain the disqualification:~~

3066 1. ~~For a period of 1 year if the person was driving or in~~  
 3067 ~~actual physical control of a commercial motor vehicle, or any~~  
 3068 ~~motor vehicle if the driver holds a commercial driver's license,~~  
 3069 ~~and had an unlawful blood alcohol level or breath alcohol level~~  
 3070 ~~of 0.08 or higher; or~~

3071 2. ~~Permanently if the person has been previously~~  
 3072 ~~disqualified from operating a commercial motor vehicle under~~  
 3073 ~~this section or his or her driving privilege has been previously~~

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3074 ~~suspended for driving or being in actual physical control of a~~  
3075 ~~commercial motor vehicle, or any motor vehicle if the driver~~  
3076 ~~holds a commercial driver's license, and had an unlawful blood-~~  
3077 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3078

3079 ~~The disqualification period commences on the date of the~~  
3080 ~~issuance of the notice of disqualification.~~

3081 (9) A request for a formal review hearing or an informal  
3082 review hearing shall not stay the disqualification. If the  
3083 department fails to schedule the formal review hearing ~~to be~~  
3084 ~~held~~ within 30 days after receipt of the request therefor, the  
3085 department shall invalidate the disqualification. If the  
3086 scheduled hearing is continued at the department's initiative or  
3087 the driver enforces the subpoena as provided in subsection (6),  
3088 the department shall issue a temporary driving permit limited to  
3089 noncommercial vehicles which is valid until the hearing is  
3090 conducted if the person is otherwise eligible for the driving  
3091 privilege. Such permit shall not be issued to a person who  
3092 sought and obtained a continuance of the hearing. The permit  
3093 issued under this subsection shall authorize driving for  
3094 business purposes only.

3095 (10) A person who is disqualified from operating a  
3096 commercial motor vehicle under subsection (1) or subsection (3)  
3097 is eligible for issuance of a license for business or employment  
3098 purposes only under s. 322.271 if the person is otherwise  
3099 eligible for the driving privilege. However, such business or  
3100 employment purposes license shall not authorize the driver to  
3101 operate a commercial motor vehicle.

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3102 (11) The formal review hearing may be conducted upon a  
3103 review of the reports of a law enforcement officer or a  
3104 correctional officer, including documents relating to the  
3105 administration of a breath test or blood test or the refusal to  
3106 take either test. However, as provided in subsection (6), the  
3107 driver may subpoena the officer or any person who administered  
3108 or analyzed a breath or blood test. If the arresting officer or  
3109 the breath technician fails to appear pursuant to a subpoena as  
3110 provided in subsection (6), the department shall invalidate the  
3111 disqualification.

3112 (12) The formal review hearing and the informal review  
3113 hearing are exempt from the provisions of chapter 120. The  
3114 department may ~~is authorized to~~ adopt rules for the conduct of  
3115 reviews under this section.

3116 (13) A person may appeal any decision of the department  
3117 sustaining the disqualification from operating a commercial  
3118 motor vehicle by a petition for writ of certiorari to the  
3119 circuit court in the county wherein such person resides or  
3120 wherein a formal or informal review was conducted pursuant to s.  
3121 322.31. However, an appeal shall not stay the disqualification.  
3122 This subsection shall not be construed to provide for a de novo  
3123 review ~~appeal~~.

3124 (14) The decision of the department under this section  
3125 shall not be considered in any trial for a violation of s.  
3126 316.193, s. 322.61, or s. 322.62, nor shall any written  
3127 statement submitted by a person in his or her request for  
3128 departmental review under this section be admissible into  
3129 evidence against him or her in any such trial. The disposition



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3130 of any related criminal proceedings shall not affect a  
 3131 disqualification imposed pursuant to this section.

3132 (15) This section does not preclude the suspension of the  
 3133 driving privilege pursuant to s. 322.2615. The driving privilege  
 3134 of a person who has been disqualified from operating a  
 3135 commercial motor vehicle also may be suspended for a violation  
 3136 of s. 316.193.

3137 Section 41. Section 322.2715, Florida Statutes, is amended  
 3138 to read:

3139 322.2715 Ignition interlock device.—

3140 (1) Before issuing a permanent or restricted driver  
 3141 ~~driver's~~ license under this chapter, the department shall  
 3142 require the placement of a department-approved ignition  
 3143 interlock device for any person convicted of committing an  
 3144 offense of driving under the influence as specified in  
 3145 subsection (3), except that consideration may be given to those  
 3146 individuals having a documented medical condition that would  
 3147 prohibit the device from functioning normally. If a medical  
 3148 waiver has been granted for a convicted person seeking a  
 3149 restricted license, the convicted person shall not be entitled  
 3150 to a restricted license until the required ignition interlock  
 3151 device installation period under subsection (3) expires, in  
 3152 addition to the time requirements under s. 322.271. If a  
 3153 medical waiver has been approved for a convicted person  
 3154 seeking permanent reinstatement of the driver license, the  
 3155 convicted person must be restricted to an employment-purposes-  
 3156 only license until the required ignition interlock device  
 3157 installation period under subsection (3) expires. An interlock

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3158 device shall be placed on all vehicles that are individually or  
3159 jointly leased or owned and routinely operated by the convicted  
3160 person.

3161 (2) For purposes of this section, any conviction for a  
3162 violation of s. 316.193, a previous conviction for a violation  
3163 of former s. 316.1931, or a conviction outside this state for  
3164 driving under the influence, driving while intoxicated, driving  
3165 with an unlawful blood-alcohol level, or any other similar  
3166 alcohol-related or drug-related traffic offense is a conviction  
3167 of driving under the influence.

3168 (3) If the person is convicted of:

3169 (a) A first offense of driving under the influence under  
3170 s. 316.193 and has an unlawful blood-alcohol level or breath-  
3171 alcohol level as specified in s. 316.193(4), or if a person is  
3172 convicted of a violation of s. 316.193 and was at the time of  
3173 the offense accompanied in the vehicle by a person younger than  
3174 18 years of age, the person shall have the ignition interlock  
3175 device installed for at least ~~not less than~~ 6 continuous months  
3176 for the first offense and for at least ~~not less than~~ 2  
3177 continuous years for a second offense.

3178 (b) A second offense of driving under the influence, the  
3179 ignition interlock device shall be installed for a period of at  
3180 least ~~not less than~~ 1 continuous year.

3181 (c) A third offense of driving under the influence which  
3182 occurs within 10 years after a prior conviction for a violation  
3183 of s. 316.193, the ignition interlock device shall be installed  
3184 for a period of at least ~~not less than~~ 2 continuous years.

3185 (d) A third offense of driving under the influence which

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3186 | occurs more than 10 years after the date of a prior conviction,  
 3187 | the ignition interlock device shall be installed for a period of  
 3188 | at least ~~not less than~~ 2 continuous years.

3189 | (e) A fourth or subsequent offense of driving under the  
 3190 | influence, the ignition interlock device shall be installed for  
 3191 | a period of at least ~~not less than~~ 5 years.

3192 | (4) If the court fails to order the mandatory placement of  
 3193 | the ignition interlock device or fails to order for the  
 3194 | applicable period the mandatory placement of an ignition  
 3195 | interlock device under s. 316.193 or s. 316.1937 at the time of  
 3196 | imposing sentence or within 30 days thereafter, the department  
 3197 | shall immediately require that the ignition interlock device be  
 3198 | installed as provided in this section, except that consideration  
 3199 | may be given to those individuals having a documented medical  
 3200 | condition that would prohibit the device from functioning  
 3201 | normally. This subsection applies to the reinstatement of the  
 3202 | driving privilege following a revocation, suspension, or  
 3203 | cancellation that is based upon a conviction for the offense of  
 3204 | driving under the influence which occurs on or after July 1,  
 3205 | 2005.

3206 | (5) In addition to any fees authorized by rule for the  
 3207 | installation and maintenance of the ignition interlock device,  
 3208 | the authorized installer of the device shall collect and remit  
 3209 | \$12 for each installation to the department, which shall be  
 3210 | deposited into the Highway Safety Operating Trust Fund to be  
 3211 | used for the operation of the Ignition Interlock Device Program.

3212 | Section 42. Section 322.28, Florida Statutes, is amended  
 3213 | to read:

3214 322.28 Period of suspension or revocation.—

3215 (1) Unless otherwise provided by this section, the  
 3216 department shall not suspend a license for a period of more than  
 3217 1 year and, upon revoking a license, in any case except in a  
 3218 prosecution for the offense of driving a motor vehicle while  
 3219 under the influence of alcoholic beverages, chemical substances  
 3220 as set forth in s. 877.111, or controlled substances, shall not  
 3221 in any event grant a new license until the expiration of 1 year  
 3222 after such revocation.

3223 (2) In a prosecution for a violation of s. 316.193 or  
 3224 former s. 316.1931, the following provisions apply:

3225 (a) Upon conviction of the driver, the court, along with  
 3226 imposing sentence, shall revoke the driver ~~driver's~~ license or  
 3227 driving privilege of the person so convicted, effective on the  
 3228 date of conviction, and shall prescribe the period of such  
 3229 revocation in accordance with the following provisions:

3230 1. Upon a first conviction for a violation of the  
 3231 provisions of s. 316.193, except a violation resulting in death,  
 3232 the driver ~~driver's~~ license or driving privilege shall be  
 3233 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
 3234 1 year.

3235 2. Upon a second conviction for an offense that occurs  
 3236 within a period of 5 years after the date of a prior conviction  
 3237 for a violation of the provisions of s. 316.193 or former s.  
 3238 316.1931 or a combination of such sections, the driver ~~driver's~~  
 3239 license or driving privilege shall be revoked for at least ~~not~~  
 3240 ~~less than~~ 5 years.

3241 3. Upon a third conviction for an offense that occurs

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3242 within a period of 10 years after the date of a prior conviction  
3243 for the violation of the provisions of s. 316.193 or former s.  
3244 316.1931 or a combination of such sections, the driver ~~driver's~~  
3245 license or driving privilege shall be revoked for at least ~~not~~  
3246 ~~less than~~ 10 years.

3247  
3248 For the purposes of this paragraph, a previous conviction  
3249 outside this state for driving under the influence, driving  
3250 while intoxicated, driving with an unlawful blood-alcohol level,  
3251 or any other alcohol-related or drug-related traffic offense  
3252 similar to the offense of driving under the influence as  
3253 proscribed by s. 316.193 will be considered a previous  
3254 conviction for violation of s. 316.193, and a conviction for  
3255 violation of former s. 316.028, former s. 316.1931, or former s.  
3256 860.01 is considered a conviction for violation of s. 316.193.

3257 (b) If the period of revocation was not specified by the  
3258 court at the time of imposing sentence or within 30 days  
3259 thereafter, and is not otherwise specified by law, the  
3260 department shall forthwith revoke the driver ~~driver's~~ license or  
3261 driving privilege for the maximum period applicable under  
3262 paragraph (a) for a first conviction and for the minimum period  
3263 applicable under paragraph (a) for any subsequent convictions.  
3264 The driver may, within 30 days after such revocation by the  
3265 department, petition the court for further hearing on the period  
3266 of revocation, and the court may reopen the case and determine  
3267 the period of revocation within the limits specified in  
3268 paragraph (a).

3269 (c) The forfeiture of bail bond, not vacated within 20

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3270 days, in any prosecution for the offense of driving while under  
3271 the influence of alcoholic beverages, chemical substances, or  
3272 controlled substances to the extent of depriving the defendant  
3273 of his or her normal faculties shall be deemed equivalent to a  
3274 conviction for the purposes of this paragraph, and the  
3275 department shall forthwith revoke the defendant's driver  
3276 ~~driver's~~ license or driving privilege for the maximum period  
3277 applicable under paragraph (a) for a first conviction and for  
3278 the minimum period applicable under paragraph (a) for a second  
3279 or subsequent conviction; however, if the defendant is later  
3280 convicted of the charge, the period of revocation imposed by the  
3281 department for such conviction shall not exceed the difference  
3282 between the applicable maximum for a first conviction or minimum  
3283 for a second or subsequent conviction and the revocation period  
3284 under this subsection that has actually elapsed; upon conviction  
3285 of such charge, the court may impose revocation for a period of  
3286 time as specified in paragraph (a). This paragraph does not  
3287 apply if an appropriate motion contesting the forfeiture is  
3288 filed within the 20-day period.

3289 ~~(d) When any driver's license or driving privilege has~~  
3290 ~~been revoked pursuant to the provisions of this section, the~~  
3291 ~~department shall not grant a new license, except upon~~  
3292 ~~reexamination of the licensee after the expiration of the period~~  
3293 ~~of revocation so prescribed. However, the court may, in its~~  
3294 ~~sound discretion, issue an order of reinstatement on a form~~  
3295 ~~furnished by the department which the person may take to any~~  
3296 ~~driver's license examining office for reinstatement by the~~  
3297 ~~department pursuant to s. 322.282.~~

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3298            ~~(e)~~ The court shall permanently revoke the driver  
3299 ~~driver's~~ license or driving privilege of a person who has been  
3300 convicted four times for violation of s. 316.193 or former s.  
3301 316.1931 or a combination of such sections. The court shall  
3302 permanently revoke the driver ~~driver's~~ license or driving  
3303 privilege of any person who has been convicted of DUI  
3304 manslaughter in violation of s. 316.193. If the court has not  
3305 permanently revoked such driver ~~driver's~~ license or driving  
3306 privilege within 30 days after imposing sentence, the department  
3307 shall permanently revoke the driver ~~driver's~~ license or driving  
3308 privilege pursuant to this paragraph. No driver ~~driver's~~ license  
3309 or driving privilege may be issued or granted to any such  
3310 person. This paragraph applies only if at least one of the  
3311 convictions for violation of s. 316.193 or former s. 316.1931  
3312 was for a violation that occurred after July 1, 1982. For the  
3313 purposes of this paragraph, a conviction for violation of former  
3314 s. 316.028, former s. 316.1931, or former s. 860.01 is also  
3315 considered a conviction for violation of s. 316.193. Also, a  
3316 conviction of driving under the influence, driving while  
3317 intoxicated, driving with an unlawful blood-alcohol level, or  
3318 any other similar alcohol-related or drug-related traffic  
3319 offense outside this state is considered a conviction for the  
3320 purposes of this paragraph.

3321            (e) Convictions that occur on the same date resulting from  
3322 separate offense dates shall be treated as separate convictions,  
3323 and the offense that occurred earlier will be deemed a prior  
3324 conviction for the purposes of this section.

3325            (3) The court shall permanently revoke the driver ~~driver's~~

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3326 license or driving privilege of a person who has been convicted  
3327 of murder resulting from the operation of a motor vehicle. No  
3328 driver ~~driver's~~ license or driving privilege may be issued or  
3329 granted to any such person.

3330 (4) (a) Upon a conviction for a violation of s.  
3331 316.193(3)(c)2., involving serious bodily injury, a conviction  
3332 of manslaughter resulting from the operation of a motor vehicle,  
3333 or a conviction of vehicular homicide, the court shall revoke  
3334 the driver ~~driver's~~ license of the person convicted for a  
3335 minimum period of 3 years. If a conviction under s.  
3336 316.193(3)(c)2., involving serious bodily injury, is also a  
3337 subsequent conviction as described under paragraph (2)(a), the  
3338 court shall revoke the driver ~~driver's~~ license or driving  
3339 privilege of the person convicted for the period applicable as  
3340 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3341 (b) If the period of revocation was not specified by the  
3342 court at the time of imposing sentence or within 30 days  
3343 thereafter, the department shall revoke the driver ~~driver's~~  
3344 license for the minimum period applicable under paragraph (a)  
3345 or, for a subsequent conviction, for the minimum period  
3346 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3347 (5) A court may not stay the administrative suspension of  
3348 a driving privilege under s. 322.2615 or s. 322.2616 during  
3349 judicial review of the departmental order that resulted in such  
3350 suspension, and a suspension or revocation of a driving  
3351 privilege may not be stayed upon an appeal of the conviction or  
3352 order that resulted in the suspension or revocation.

3353 (6) In a prosecution for a violation of s. 316.172(1), and



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3354 upon a showing of the department's records that the licensee has  
 3355 received a second conviction within 5 years following the date  
 3356 of a prior conviction of s. 316.172(1), the department shall,  
 3357 upon direction of the court, suspend the driver ~~driver's~~ license  
 3358 of the person convicted for a period of at least ~~not less than~~  
 3359 90 days but not ~~or~~ more than 6 months.

3360 (7) Following a second or subsequent violation of s.  
 3361 796.07(2)(f) which involves a motor vehicle and which results in  
 3362 any judicial disposition other than acquittal or dismissal, in  
 3363 addition to any other sentence imposed, the court shall revoke  
 3364 the person's driver ~~driver's~~ license or driving privilege,  
 3365 effective upon the date of the disposition, for a period of at  
 3366 least ~~not less than~~ 1 year. A person sentenced under this  
 3367 subsection may request a hearing under s. 322.271.

3368 Section 43. Section 322.331, Florida Statutes, is  
 3369 repealed.

3370 Section 44. Section 322.61, Florida Statutes, is amended  
 3371 to read:

3372 322.61 Disqualification from operating a commercial motor  
 3373 vehicle.—

3374 (1) A person who, for offenses occurring within a 3-year  
 3375 period, is convicted of two of the following serious traffic  
 3376 violations or any combination thereof, arising in separate  
 3377 incidents committed in a commercial motor vehicle shall, in  
 3378 addition to any other applicable penalties, be disqualified from  
 3379 operating a commercial motor vehicle for a period of 60 days. A  
 3380 holder of a commercial driver ~~driver's~~ license or commercial  
 3381 learner's permit who, for offenses occurring within a 3-year

3382 | period, is convicted of two of the following serious traffic  
 3383 | violations, or any combination thereof, arising in separate  
 3384 | incidents committed in a noncommercial motor vehicle shall, in  
 3385 | addition to any other applicable penalties, be disqualified from  
 3386 | operating a commercial motor vehicle for a period of 60 days if  
 3387 | such convictions result in the suspension, revocation, or  
 3388 | cancellation of the licenseholder's driving privilege:

3389 |       (a) A violation of any state or local law relating to  
 3390 | motor vehicle traffic control, other than a parking violation, a  
 3391 | ~~weight violation, or a vehicle equipment violation,~~ arising in  
 3392 | connection with a crash resulting in death ~~or personal injury to~~  
 3393 | ~~any person;~~

3394 |       (b) Reckless driving, as defined in s. 316.192;

3395 |       ~~(c) Careless driving, as defined in s. 316.1925;~~

3396 |       ~~(d) Fleeing or attempting to elude a law enforcement~~  
 3397 | ~~officer, as defined in s. 316.1935;~~

3398 |       (c)~~(e)~~ Unlawful speed of 15 miles per hour or more above  
 3399 | the posted speed limit;

3400 |       ~~(f) Driving a commercial motor vehicle, owned by such~~  
 3401 | ~~person, which is not properly insured;~~

3402 |       (d)~~(g)~~ Improper lane change, as defined in s. 316.085;

3403 |       (e)~~(h)~~ Following too closely, as defined in s. 316.0895;

3404 |       (f)~~(i)~~ Driving a commercial vehicle without obtaining a  
 3405 | commercial driver ~~driver's~~ license;

3406 |       (g)~~(j)~~ Driving a commercial vehicle without the proper  
 3407 | class of commercial driver ~~driver's~~ license or commercial  
 3408 | learner's permit or without the proper endorsement; or

3409 |       (h)~~(k)~~ Driving a commercial vehicle without a commercial

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3410 driver ~~driver's~~ license or commercial learner's permit in  
3411 possession, as required by s. 322.03. ~~Any individual who~~  
3412 ~~provides proof to the clerk of the court or designated official~~  
3413 ~~in the jurisdiction where the citation was issued, by the date~~  
3414 ~~the individual must appear in court or pay any fine for such a~~  
3415 ~~violation, that the individual held a valid commercial driver's~~  
3416 ~~license on the date the citation was issued is not guilty of~~  
3417 ~~this offense.~~

3418 (2) (a) Any person who, for offenses occurring within a 3-  
3419 year period, is convicted of three serious traffic violations  
3420 specified in subsection (1) or any combination thereof, arising  
3421 in separate incidents committed in a commercial motor vehicle  
3422 shall, in addition to any other applicable penalties, including  
3423 but not limited to the penalty provided in subsection (1), be  
3424 disqualified from operating a commercial motor vehicle for a  
3425 period of 120 days.

3426 (b) A holder of a commercial driver ~~driver's~~ license or  
3427 commercial learner's permit who, for offenses occurring within a  
3428 3-year period, is convicted of three serious traffic violations  
3429 specified in subsection (1) or any combination thereof arising  
3430 in separate incidents committed in a noncommercial motor vehicle  
3431 shall, in addition to any other applicable penalties, including,  
3432 but not limited to, the penalty provided in subsection (1), be  
3433 disqualified from operating a commercial motor vehicle for a  
3434 period of 120 days if such convictions result in the suspension,  
3435 revocation, or cancellation of the licenseholder's driving  
3436 privilege.

3437 (3) (a) Except as provided in subsection (4), any person

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3438 | who is convicted of one of the offenses listed in paragraph (b)  
 3439 | while operating a commercial motor vehicle shall, in addition to  
 3440 | any other applicable penalties, be disqualified from operating a  
 3441 | commercial motor vehicle for a period of 1 year.

3442 | (b) Except as provided in subsection (4), any holder of a  
 3443 | commercial driver license or commercial learner's permit who is  
 3444 | convicted of one of the offenses listed in this paragraph while  
 3445 | operating a noncommercial motor vehicle shall, in addition to  
 3446 | any other applicable penalties, be disqualified from operating a  
 3447 | commercial motor vehicle for a period of 1 year:

3448 | 1. Driving a motor vehicle while he or she is under the  
 3449 | influence of alcohol or a controlled substance;

3450 | 2. Driving a commercial motor vehicle while the alcohol  
 3451 | concentration of his or her blood, breath, or urine is .04  
 3452 | percent or higher;

3453 | 3. Leaving the scene of a crash involving a motor vehicle  
 3454 | driven by such person;

3455 | 4. Using a motor vehicle in the commission of a felony;

3456 | ~~5. Driving a commercial motor vehicle while in possession  
 3457 | of a controlled substance;~~

3458 | ~~5.6.~~ Refusing to submit to a test to determine his or her  
 3459 | alcohol concentration while driving a motor vehicle;

3460 | 6. Driving a commercial motor vehicle when, as a result of  
 3461 | prior violations committed operating a commercial motor vehicle,  
 3462 | his or her commercial driver license or commercial learner's  
 3463 | permit is revoked, suspended, or canceled, or he or she is  
 3464 | disqualified from operating a commercial motor vehicle; or

3465 | ~~7. Driving a commercial vehicle while the licenseholder's~~

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3466 ~~commercial driver license is suspended, revoked, or canceled or~~  
3467 ~~while the licenseholder is disqualified from driving a~~  
3468 ~~commercial vehicle; or~~

3469 7.8. Causing a fatality through the negligent operation of  
3470 a commercial motor vehicle.

3471 (4) Any person who is transporting hazardous materials as  
3472 defined in s. 322.01(24) shall, upon conviction of an offense  
3473 specified in subsection (3), be disqualified from operating a  
3474 commercial motor vehicle for a period of 3 years. The penalty  
3475 provided in this subsection shall be in addition to any other  
3476 applicable penalty.

3477 (5) A person who is convicted of two violations specified  
3478 in subsection (3) which were committed while operating a  
3479 commercial motor vehicle, or any combination thereof, arising in  
3480 separate incidents shall be permanently disqualified from  
3481 operating a commercial motor vehicle. A holder of a commercial  
3482 driver license or commercial learner's permit who is convicted  
3483 of two violations specified in subsection (3) which were  
3484 committed while operating any motor vehicle arising in separate  
3485 incidents shall be permanently disqualified from operating a  
3486 commercial motor vehicle. The penalty provided in this  
3487 subsection is in addition to any other applicable penalty.

3488 (6) Notwithstanding subsections (3), (4), and (5), any  
3489 person who uses a commercial motor vehicle in the commission of  
3490 any felony involving the manufacture, distribution, or  
3491 dispensing of a controlled substance, including possession with  
3492 intent to manufacture, distribute, or dispense a controlled  
3493 substance, shall, upon conviction of such felony, be permanently

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3494 disqualified from operating a commercial motor vehicle.  
3495 Notwithstanding subsections (3), (4), and (5), any holder of a  
3496 commercial driver ~~driver's~~ license or commercial learner's  
3497 permit who uses a noncommercial motor vehicle in the commission  
3498 of any felony involving the manufacture, distribution, or  
3499 dispensing of a controlled substance, including possession with  
3500 intent to manufacture, distribute, or dispense a controlled  
3501 substance, shall, upon conviction of such felony, be permanently  
3502 disqualified from operating a commercial motor vehicle. The  
3503 penalty provided in this subsection is in addition to any other  
3504 applicable penalty.

3505 (7) A person whose privilege to operate a commercial motor  
3506 vehicle is disqualified under this section may, if otherwise  
3507 qualified, be issued a Class E driver ~~driver's~~ license, pursuant  
3508 to s. 322.251.

3509 (8) A driver who is convicted of or otherwise found to  
3510 have committed a violation of an out-of-service order while  
3511 driving a commercial motor vehicle is disqualified as follows:

3512 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than  
3513 1 year if the driver is convicted of or otherwise found to have  
3514 committed a first violation of an out-of-service order.

3515 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5  
3516 years if, for offenses occurring during any 10-year period, the  
3517 driver is convicted of or otherwise found to have committed two  
3518 violations of out-of-service orders in separate incidents.

3519 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5  
3520 years if, for offenses occurring during any 10-year period, the  
3521 driver is convicted of or otherwise found to have committed

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3522 three or more violations of out-of-service orders in separate  
3523 incidents.

3524 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than  
3525 2 years if the driver is convicted of or otherwise found to have  
3526 committed a first violation of an out-of-service order while  
3527 transporting hazardous materials required to be placarded under  
3528 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101  
3529 et seq., or while operating motor vehicles designed to transport  
3530 more than 15 passengers, including the driver. A driver is  
3531 disqualified for a period of at least ~~not less than~~ 3 years but  
3532 not ~~nor~~ more than 5 years if, for offenses occurring during any  
3533 10-year period, the driver is convicted of or otherwise found to  
3534 have committed any subsequent violations of out-of-service  
3535 orders, in separate incidents, while transporting hazardous  
3536 materials required to be placarded under the Hazardous Materials  
3537 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while  
3538 operating motor vehicles designed to transport more than 15  
3539 passengers, including the driver.

3540 (9) A driver who is convicted of or otherwise found to  
3541 have committed an offense of operating a commercial motor  
3542 vehicle in violation of federal, state, or local law or  
3543 regulation pertaining to one of the following six offenses at a  
3544 railroad-highway grade crossing must be disqualified for the  
3545 period of time specified in subsection (10):

3546 (a) For drivers who are not always required to stop,  
3547 failing to slow down and check that the tracks are clear of  
3548 approaching trains.

3549 (b) For drivers who are not always required to stop,

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3550 failing to stop before reaching the crossing if the tracks are  
3551 not clear.

3552 (c) For drivers who are always required to stop, failing  
3553 to stop before driving onto the crossing.

3554 (d) For all drivers, failing to have sufficient space to  
3555 drive completely through the crossing without stopping.

3556 (e) For all drivers, failing to obey a traffic control  
3557 device or all directions of an enforcement official at the  
3558 crossing.

3559 (f) For all drivers, failing to negotiate a crossing  
3560 because of insufficient undercarriage clearance.

3561 (10) (a) A driver must be disqualified for at least ~~not~~  
3562 ~~less than~~ 60 days if the driver is convicted of or otherwise  
3563 found to have committed a first violation of a railroad-highway  
3564 grade crossing violation.

3565 (b) A driver must be disqualified for at least ~~not less~~  
3566 ~~than~~ 120 days if, for offenses occurring during any 3-year  
3567 period, the driver is convicted of or otherwise found to have  
3568 committed a second railroad-highway grade crossing violation in  
3569 separate incidents.

3570 (c) A driver must be disqualified for at least ~~not less~~  
3571 ~~than~~ 1 year if, for offenses occurring during any 3-year period,  
3572 the driver is convicted of or otherwise found to have committed  
3573 a third or subsequent railroad-highway grade crossing violation  
3574 in separate incidents.

3575 Section 45. Subsections (2) and (3) of section 323.002,  
3576 Florida Statutes, are amended to read:



3577 323.002 County and municipal wrecker operator systems;  
 3578 penalties for operation outside of system.-

3579 (2) In any county or municipality that operates a wrecker  
 3580 operator system:

3581 (a) It is unlawful for an unauthorized wrecker operator or  
 3582 its employees or agents to monitor police radio for  
 3583 communications between patrol field units and the dispatcher in  
 3584 order to determine the location of a wrecked or disabled vehicle  
 3585 for the purpose of driving by the scene of such vehicle in a  
 3586 manner described in paragraph (b) or paragraph (c). Any person  
 3587 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
 3588 violation, punishable as provided in s. 775.083, and the  
 3589 person's wrecker, tow truck, or other motor vehicle that was  
 3590 used during the offense may be immediately removed and impounded  
 3591 pursuant to subsection (3).

3592 (b) It is unlawful for an unauthorized wrecker operator  
 3593 to drive by the scene of a wrecked or disabled vehicle before  
 3594 the arrival of an authorized wrecker operator, initiate contact  
 3595 with the owner or operator of such vehicle by soliciting or  
 3596 offering towing services, and tow such vehicle. Any person who  
 3597 violates this paragraph commits ~~is guilty of~~ a misdemeanor of  
 3598 the second degree, punishable as provided in s. 775.082 or s.  
 3599 775.083, and the person's wrecker, tow truck, or other motor  
 3600 vehicle that was used during the offense may be immediately  
 3601 removed and impounded pursuant to subsection (3).

3602 (c) When an unauthorized wrecker operator drives by the  
 3603 scene of a wrecked or disabled vehicle and the owner or operator  
 3604 initiates contact by signaling the wrecker operator to stop and

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3605 | provide towing services, the unauthorized wrecker operator must  
 3606 | disclose in writing to the owner or operator of the vehicle his  
 3607 | or her full name and driver license number, that he or she is  
 3608 | not the authorized wrecker operator who has been designated as  
 3609 | part of the wrecker operator system, that the motor vehicle is  
 3610 | not being towed for the owner's or operator's insurance company  
 3611 | or lienholder, and the maximum ~~must disclose, in writing, a fee~~  
 3612 | ~~schedule that includes what~~ charges for towing and storage which  
 3613 | will apply before the vehicle is connected to ~~or disconnected~~  
 3614 | ~~from~~ the towing apparatus. The unauthorized wrecker operator  
 3615 | must also provide a copy of the disclosure to the owner or  
 3616 | operator in the presence of a law enforcement officer if such  
 3617 | officer is at the scene of a motor vehicle accident, ~~the fee~~  
 3618 | ~~charged per mile to and from the storage facility, the fee~~  
 3619 | ~~charged per 24 hours of storage, and, prominently displayed, the~~  
 3620 | ~~consumer hotline for the Department of Agriculture and Consumer~~  
 3621 | ~~Services.~~ Any person who violates this paragraph commits is  
 3622 | ~~guilty of~~ a misdemeanor of the second degree, punishable as  
 3623 | provided in s. 775.082 or s. 775.083, and the person's wrecker,  
 3624 | tow truck, or other motor vehicle that was used during the  
 3625 | offense may be immediately removed and impounded pursuant to  
 3626 | subsection (3).

3627 | (d) At the scene of a wrecked or disabled vehicle, it is  
 3628 | unlawful for a wrecker operator to falsely identify himself or  
 3629 | herself as being part of the wrecker operator system. Any person  
 3630 | who violates this paragraph commits is guilty of a misdemeanor  
 3631 | of the first degree, punishable as provided in s. 775.082 or s.  
 3632 | 775.083, and the person's wrecker, tow truck, or other motor

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3633 vehicle that was used during the offense may be immediately  
3634 removed and impounded pursuant to subsection (3).

3635 (3) (a) A law enforcement officer from any local  
3636 governmental agency or state law enforcement agency may cause to  
3637 be immediately removed and impounded from the scene of a wrecked  
3638 or disabled vehicle, at the unauthorized wrecker operator's  
3639 expense, any wrecker, tow truck, or other motor vehicle that is  
3640 used in violation of subsection (2). The unauthorized wrecker  
3641 operator shall be assessed a cost recovery fine as provided in  
3642 paragraph (b) by the authority that ordered the immediate  
3643 removal and impoundment of the wrecker, tow truck, or other  
3644 motor vehicle. A wrecker, tow truck, or other motor vehicle that  
3645 is removed and impounded pursuant to this section may not be  
3646 released from an impound or towing and storage facility before a  
3647 release form has been completed by the authority that ordered  
3648 the immediate removal and impoundment of the vehicle which  
3649 verifies that the cost recovery fine has been paid. The vehicle  
3650 must remain impounded until the fine has been paid or until the  
3651 vehicle is sold at public sale pursuant to s. 713.78.

3652 (b) Notwithstanding any other law to the contrary, the  
3653 unauthorized wrecker operator, upon retrieval of the wrecker,  
3654 tow truck, or other motor vehicle removed or impounded under  
3655 this section and in addition to any other penalties that may be  
3656 imposed for noncriminal violations, shall pay a cost-recovery  
3657 fine of \$500 for a first violation of subsection (2), or a fine  
3658 of \$1,000 for each subsequent violation of subsection (2), to  
3659 the authority that ordered the removal and impoundment of the  
3660 vehicle. Cost recovery funds collected under this subsection

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3661 shall be retained by the authority that ordered the removal and  
 3662 impoundment of the vehicle and may be used only for enforcement,  
 3663 investigation, prosecution, and training relating to towing  
 3664 violations and crimes involving motor vehicles.

3665 (c) Notwithstanding any other law to the contrary and in  
 3666 addition to the cost-recovery fine required by this subsection,  
 3667 a person who violates any provision of subsection (2) shall pay  
 3668 the fees associated with the removal and storage of the wrecker,  
 3669 tow truck, or other motor vehicle.

3670 (4)~~(3)~~ This section does not prohibit, or in any way  
 3671 prevent, the owner or operator of a vehicle involved in an  
 3672 accident or otherwise disabled from contacting any wrecker  
 3673 operator for the provision of towing services, whether the  
 3674 wrecker operator is an authorized wrecker operator or not.

3675 Section 46. Paragraph (a) of subsection (1) of section  
 3676 324.0221, Florida Statutes, is amended to read:

3677 324.0221 Reports by insurers to the department; suspension  
 3678 of driver ~~driver's~~ license and vehicle registrations;  
 3679 reinstatement.—

3680 (1) (a) Each insurer that has issued a policy providing  
 3681 personal injury protection coverage or property damage liability  
 3682 coverage shall report the ~~renewal,~~ cancellation, or nonrenewal  
 3683 thereof to the department within 10 ~~45~~ days after the effective  
 3684 date of each ~~renewal,~~ cancellation, or nonrenewal. Upon the  
 3685 issuance of a policy providing personal injury protection  
 3686 coverage or property damage liability coverage to a named  
 3687 insured not previously insured by the insurer during that  
 3688 calendar year, the insurer shall report the issuance of the new

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3689 | policy to the department within 10 ~~30~~ days. The report shall be  
3690 | in the form and format and contain any information required by  
3691 | the department and must be provided in a format that is  
3692 | compatible with the data processing capabilities of the  
3693 | department. The department may adopt rules regarding the form  
3694 | and documentation required. Failure by an insurer to file proper  
3695 | reports with the department as required by this subsection or  
3696 | rules adopted with respect to the requirements of this  
3697 | subsection constitutes a violation of the Florida Insurance  
3698 | Code. These records shall be used by the department only for  
3699 | enforcement and regulatory purposes, including the generation by  
3700 | the department of data regarding compliance by owners of motor  
3701 | vehicles with the requirements for financial responsibility  
3702 | coverage.

3703 |       Section 47. Section 324.031, Florida Statutes, is amended  
3704 | to read:

3705 |       324.031 Manner of proving financial responsibility.—The  
3706 | owner or operator of a taxicab, limousine, jitney, or any other  
3707 | for-hire passenger transportation vehicle may prove financial  
3708 | responsibility by providing satisfactory evidence of holding a  
3709 | motor vehicle liability policy as defined in s. 324.021(8) or s.  
3710 | 324.151, which policy is issued by an insurance carrier which is  
3711 | a member of the Florida Insurance Guaranty Association. The  
3712 | operator or owner of any other vehicle may prove his or her  
3713 | financial responsibility by:

3714 |       (1) Furnishing satisfactory evidence of holding a motor  
3715 | vehicle liability policy as defined in ss. 324.021(8) and  
3716 | 324.151;

3717 ~~(2) Posting with the department a satisfactory bond of a~~  
 3718 ~~surety company authorized to do business in this state,~~  
 3719 ~~conditioned for payment of the amount specified in s.~~  
 3720 ~~324.021(7);~~

3721 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~  
 3722 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance  
 3723 with s. 324.161; or

3724 (3)~~(4)~~ Furnishing a certificate of self-insurance issued  
 3725 by the department in accordance with s. 324.171.

3726  
 3727 Any person, including any firm, partnership, association,  
 3728 corporation, or other person, other than a natural person,  
 3729 electing to use the method of proof specified in subsection (2)  
 3730 ~~or subsection (3)~~ shall furnish a certificate of post a bond or  
 3731 deposit equal to the number of vehicles owned times \$30,000, to  
 3732 a maximum of \$120,000; in addition, any such person, other than  
 3733 a natural person, shall maintain insurance providing coverage in  
 3734 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined  
 3735 single limits, and such excess insurance shall provide minimum  
 3736 limits of \$125,000/250,000/50,000 or \$300,000 combined single  
 3737 limits. These increased limits shall not affect the requirements  
 3738 for proving financial responsibility under s. 324.032(1).

3739 Section 48. Subsection (1) of section 324.091, Florida  
 3740 Statutes, is amended to read:

3741 324.091 Notice to department; notice to insurer.—

3742 (1) Each owner and operator involved in a crash or  
 3743 conviction case within the purview of this chapter shall furnish  
 3744 evidence of automobile liability insurance or motor vehicle

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3745 liability insurance, ~~or a surety bond~~ within 14 days after the  
3746 date of the mailing of notice of crash by the department in the  
3747 form and manner as it may designate. Upon receipt of evidence  
3748 that an automobile liability policy or, motor vehicle liability  
3749 policy, ~~or surety bond~~ was in effect at the time of the crash or  
3750 conviction case, the department shall forward ~~by United States~~  
3751 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy  
3752 ~~of~~ such information for verification in a method as determined  
3753 by the department. ~~and shall assume that the policy or bond was~~  
3754 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~  
3755 ~~notifies~~ the department ~~otherwise~~ within 20 days after the  
3756 ~~mailing of~~ the notice whether or not such information is valid  
3757 ~~to the insurer or surety insurer.~~ However, If the department  
3758 ~~later~~ determines that an automobile liability policy or, motor  
3759 vehicle liability policy, ~~or surety bond~~ was not in effect and  
3760 did not provide coverage for both the owner and the operator, it  
3761 shall take action as it is ~~otherwise~~ authorized to do under this  
3762 chapter. ~~Proof of mailing to the insurer or surety insurer may~~  
3763 ~~be made by the department by naming the insurer or surety~~  
3764 ~~insurer to whom the mailing was made and by specifying the time,~~  
3765 ~~place, and manner of mailing.~~

3766 Section 49. Section 324.161, Florida Statutes, is amended  
3767 to read:

3768 324.161 Proof of financial responsibility; ~~surety bond or~~  
3769 ~~deposit.~~ Annually, before any certificate of insurance may be  
3770 issued to a person, including any firm, partnership,  
3771 association, corporation, or other person, other than a natural  
3772 person, proof of a certificate of deposit of \$30,000 issued and

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3773 held by a financial institution must be submitted to the  
3774 department. A power of attorney will be issued to and held by the  
3775 department and may be executed upon ~~The certificate of the~~  
3776 ~~department of a deposit may be obtained by depositing with it~~  
3777 ~~\$30,000 cash or securities such as may be legally purchased by~~  
3778 ~~savings banks or for trust funds, of a market value of \$30,000~~  
3779 ~~and which deposit shall be held by the department to satisfy, in~~  
3780 ~~accordance with the provisions of this chapter, any execution on~~  
3781 a judgment issued against such person making the deposit, for  
3782 damages because of bodily injury to or death of any person or  
3783 for damages because of injury to or destruction of property  
3784 resulting from the use or operation of any motor vehicle  
3785 occurring after such deposit was made. Money ~~or securities~~ so  
3786 deposited shall not be subject to attachment or execution unless  
3787 such attachment or execution shall arise out of a suit for  
3788 damages as aforesaid.

3789 Section 50. Paragraph (a) of subsection (1) of section  
3790 328.01, Florida Statutes, is amended to read:

3791 328.01 Application for certificate of title.—

3792 (1)(a) The owner of a vessel which is required to be  
3793 titled shall apply to the county tax collector for a certificate  
3794 of title. The application shall include the true name of the  
3795 owner, the residence or business address of the owner, and the  
3796 complete description of the vessel, including the hull  
3797 identification number, except that an application for a  
3798 certificate of title for a homemade vessel shall state all the  
3799 foregoing information except the hull identification number. The  
3800 application shall be signed by the owner and shall be



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3801 accompanied by personal or business identification and the  
 3802 prescribed fee. An individual applicant must provide a valid  
 3803 driver license or identification card issued by this state or  
 3804 another state or a valid passport. A business applicant must  
 3805 provide a federal employer identification number, if applicable,  
 3806 verification that the business is authorized to conduct business  
 3807 in the state, or a Florida city or county business license or  
 3808 number, which may include, but need not be limited to, a  
 3809 driver's license number, Florida identification card number, or  
 3810 federal employer identification number, and the prescribed fee.

3811 Section 51. Paragraph (a) of subsection (1) of section  
 3812 328.48, Florida Statutes, is amended to read:

3813 328.48 Vessel registration, application, certificate,  
 3814 number, decal, duplicate certificate.-

3815 (1) (a) The owner of each vessel required by this law to  
 3816 pay a registration fee and secure an identification number shall  
 3817 file an application with the county tax collector. The  
 3818 application shall provide the owner's name and address;  
 3819 residency status; personal or business identification, ~~which may~~  
 3820 ~~include, but need not be limited to, a driver's license number,~~  
 3821 ~~Florida identification card number, or federal employer~~  
 3822 ~~identification number;~~ and a complete description of the vessel,  
 3823 and shall be accompanied by payment of the applicable fee  
 3824 required in s. 328.72. An individual applicant must provide a  
 3825 valid driver license or identification card issued by this state  
 3826 or another state or a valid passport. A business applicant must  
 3827 provide a federal employer identification number, if applicable,  
 3828 verification that the business is authorized to conduct business

3829 | in the state, or a Florida city or county business license or  
 3830 | number. Registration is not required for any vessel that is not  
 3831 | used on the waters of this state.

3832 | Section 52. Subsection (1) of section 328.76, Florida  
 3833 | Statutes, is amended to read:

3834 | 328.76 Marine Resources Conservation Trust Fund; vessel  
 3835 | registration funds; appropriation and distribution.—

3836 | (1) Except as otherwise specified in this subsection and  
 3837 | less the amount equal to ~~\$1.4 million for~~ any administrative  
 3838 | costs which shall be deposited in the Highway Safety Operating  
 3839 | Trust Fund, in each fiscal year beginning on or after July 1,  
 3840 | 2001, all funds collected from the registration of vessels  
 3841 | through the Department of Highway Safety and Motor Vehicles and  
 3842 | the tax collectors of the state, except for those funds  
 3843 | designated as the county portion pursuant to s. 328.72(1), shall  
 3844 | be deposited in the Marine Resources Conservation Trust Fund for  
 3845 | recreational channel marking; public launching facilities; law  
 3846 | enforcement and quality control programs; aquatic weed control;  
 3847 | manatee protection, recovery, rescue, rehabilitation, and  
 3848 | release; and marine mammal protection and recovery. The funds  
 3849 | collected pursuant to s. 328.72(1) shall be transferred as  
 3850 | follows:

3851 | (a) In each fiscal year, an amount equal to \$1.50 for each  
 3852 | commercial and recreational vessel registered in this state  
 3853 | shall be transferred by the Department of Highway Safety and  
 3854 | Motor Vehicles to the Save the Manatee Trust Fund and shall be  
 3855 | used only for the purposes specified in s. 379.2431(4).

3856 | (b) An amount equal to \$2 from each recreational vessel

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3857 registration fee, except that for class A-1 vessels, shall be  
3858 transferred by the Department of Highway Safety and Motor  
3859 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
3860 and Wildlife Conservation Commission for aquatic weed research  
3861 and control.

3862 (c) An amount equal to 40 percent of the registration fees  
3863 from commercial vessels shall be transferred by the Department  
3864 of Highway Safety and Motor Vehicles to the Invasive Plant  
3865 Control Trust Fund in the Fish and Wildlife Conservation  
3866 Commission for aquatic plant research and control.

3867 (d) An amount equal to 40 percent of the registration fees  
3868 from commercial vessels shall be transferred by the Department  
3869 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
3870 General Inspection Trust Fund of the Department of Agriculture  
3871 and Consumer Services. These funds shall be used for shellfish  
3872 and aquaculture law enforcement and quality control programs.

3873 Section 53. Subsections (1), (2), (3), (4), (9), and (13)  
3874 of section 713.585, Florida Statutes, are amended to read:

3875 713.585 Enforcement of lien by sale of motor vehicle.—A  
3876 person claiming a lien under s. 713.58 for performing labor or  
3877 services on a motor vehicle may enforce such lien by sale of the  
3878 vehicle in accordance with the following procedures:

3879 (1) The lienor must give notice, by certified mail, return  
3880 receipt requested, within 15 business days, excluding Saturday  
3881 and Sunday, after ~~from~~ the beginning date of the assessment of  
3882 storage charges on said motor vehicle, to the registered owner  
3883 of the vehicle, to the customer as indicated on the order for  
3884 repair, and to all other persons claiming an interest in or lien

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3885 thereon, as disclosed by the records of the Department of  
 3886 Highway Safety and Motor Vehicles or as disclosed by the records  
 3887 of any ~~of a~~ corresponding agency of any other state in which the  
 3888 vehicle is identified through a records check of the National  
 3889 Motor Vehicle Title Information System as being the current  
 3890 state where the vehicle is titled ~~appears registered~~. Such  
 3891 notice must contain:

3892 (a) A description of the vehicle (year, make, vehicle  
 3893 identification number) and its location.

3894 (b) The name and address of the owner of the vehicle, the  
 3895 customer as indicated on the order for repair, and any person  
 3896 claiming an interest in or lien thereon.

3897 (c) The name, address, and telephone number of the lienor.

3898 (d) Notice that the lienor claims a lien on the vehicle  
 3899 for labor and services performed and storage charges, if any,  
 3900 and the cash sum which, if paid to the lienor, would be  
 3901 sufficient to redeem the vehicle from the lien claimed by the  
 3902 lienor.

3903 (e) Notice that the lien claimed by the lienor is subject  
 3904 to enforcement pursuant to this section and that the vehicle may  
 3905 be sold to satisfy the lien.

3906 (f) If known, the date, time, and location of any proposed  
 3907 or scheduled sale of the vehicle. No vehicle may be sold earlier  
 3908 than 60 days after completion of the repair work.

3909 (g) Notice that the owner of the vehicle or any person  
 3910 claiming an interest in or lien thereon has a right to a hearing  
 3911 at any time before ~~prior to~~ the scheduled date of sale by filing  
 3912 a demand for hearing with the clerk of the circuit court in the

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3913 county in which the vehicle is held and mailing copies of the  
 3914 demand for hearing to all other owners and lienors as reflected  
 3915 on the notice.

3916 (h) Notice that the owner of the vehicle has a right to  
 3917 recover possession of the vehicle without instituting judicial  
 3918 proceedings by posting bond in accordance with the provisions of  
 3919 s. 559.917.

3920 (i) Notice that any proceeds from the sale of the vehicle  
 3921 remaining after payment of the amount claimed to be due and  
 3922 owing to the lienor will be deposited with the clerk of the  
 3923 circuit court for disposition upon court order pursuant to  
 3924 subsection (8).

3925 (2) If attempts to locate the owner or lienholder are  
 3926 unsuccessful after a check of the records of the Department of  
 3927 Highway Safety and Motor Vehicles and the records of any state  
 3928 disclosed by the check of the National Motor Vehicle Title  
 3929 Information System, the lienor must notify the local law  
 3930 enforcement agency in writing by certified mail or acknowledged  
 3931 hand delivery that the lienor has been unable to locate the  
 3932 owner or lienholder, that a physical search of the vehicle has  
 3933 disclosed no ownership information, and that a good faith  
 3934 effort, including records checks of the Department of Highway  
 3935 Safety and Motor Vehicles database and the National Motor  
 3936 Vehicle Title Information System have ~~has~~ been made. A  
 3937 description of the motor vehicle which includes the year, make,  
 3938 and identification number must be given on the notice. This  
 3939 notification must take place within 15 business days, excluding  
 3940 Saturday and Sunday, from the beginning date of the assessment

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3941 of storage charges on said motor vehicle. For purposes of this  
3942 subsection ~~paragraph~~, the term "good faith effort" means that  
3943 the following checks have been performed by the company to  
3944 establish the prior state of registration and title:

3945 (a) A check of the Department of Highway Safety and Motor  
3946 Vehicles database for the owner and any lienholder.

3947 (b) A check of the federally mandated electronic National  
3948 Motor Vehicle Title Information System to determine the state of  
3949 registration when there is not a current title or registration  
3950 record for the vehicle on file with the Department of Highway  
3951 Safety and Motor Vehicles.

3952 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,  
3953 temporary tag, or regular tag;

3954 (d) ~~(b)~~ A check of vehicle for inspection sticker or other  
3955 stickers and decals that could indicate the state of possible  
3956 registration; and

3957 (e) ~~(c)~~ A check of the interior of the vehicle for any  
3958 papers that could be in the glove box, trunk, or other areas for  
3959 the state of registration.

3960 (3) If the date of the sale was not included in the notice  
3961 required in subsection (1), notice of the sale must be sent by  
3962 certified mail, return receipt requested, at least ~~not less than~~  
3963 15 days before the date of sale, to the customer as indicated on  
3964 the order for repair, and to all other persons claiming an  
3965 interest in or lien on the motor vehicle, as disclosed by the  
3966 records of the Department of Highway Safety and Motor Vehicles  
3967 or, after completion of a check of the National Motor Vehicle  
3968 Title Information System, the records of a corresponding agency

3969 of any other state in which the vehicle appears to have been  
 3970 registered. ~~After diligent search and inquiry, if the name and~~  
 3971 ~~address of the registered owner or the owner of the recorded~~  
 3972 ~~lien cannot be ascertained, the requirements for this notice may~~  
 3973 ~~be disregarded.~~

3974 (4) The lienor, at least 15 days before the proposed or  
 3975 scheduled date of sale of the vehicle, shall publish the notice  
 3976 required by this section once in a newspaper circulated in the  
 3977 county where the vehicle is held. A certificate of compliance  
 3978 with the notification provisions of this section, verified by  
 3979 the lienor, together with a copy of the notice and return  
 3980 receipt for mailing of the notice required by this section, ~~and~~  
 3981 proof of publication, and checks of the Department of Highway  
 3982 Safety and Motor Vehicles and the National Motor Vehicle Title  
 3983 Information System, must be duly and expeditiously filed with  
 3984 the clerk of the circuit court in the county where the vehicle  
 3985 is held. The lienor, at the time of filing the certificate of  
 3986 compliance, must pay to the clerk of that court a service charge  
 3987 of \$10 for indexing and recording the certificate.

3988 (9) A copy of the certificate of compliance and the report  
 3989 of sale, certified by the clerk of the court, and proof of the  
 3990 required check of the National Motor Vehicle Title Information  
 3991 System shall constitute satisfactory proof for application to  
 3992 the Department of Highway Safety and Motor Vehicles for transfer  
 3993 of title, together with any other proof required by any rules  
 3994 and regulations of the department.

3995 (13) A failure to make good faith efforts as defined in  
 3996 subsection (2) precludes the imposition of any storage charges

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3997 against the vehicle. If a lienor fails to provide notice to any  
 3998 person claiming a lien on a vehicle under subsection (1) within  
 3999 15 business days after the assessment of storage charges have  
 4000 begun, then the lienor may not charge ~~is precluded from charging~~  
 4001 for more than 15 days of storage, but failure to provide timely  
 4002 notice does not affect charges made for repairs, adjustments, or  
 4003 modifications to the vehicle or the priority of liens on the  
 4004 vehicle.

4005 Section 54. Section 713.78, Florida Statutes, is amended  
 4006 to read:

4007 713.78 Liens for recovering, towing, or storing vehicles  
 4008 and vessels.—

4009 (1) For the purposes of this section, the term:

4010 (a) "Vehicle" means any mobile item, whether motorized or  
 4011 not, which is mounted on wheels.

4012 (b) "Vessel" means every description of watercraft, barge,  
 4013 and airboat used or capable of being used as a means of  
 4014 transportation on water, other than a seaplane or a "documented  
 4015 vessel" as defined in s. 327.02(9).

4016 (c) "Wrecker" means any truck or other vehicle which is  
 4017 used to tow, carry, or otherwise transport motor vehicles or  
 4018 vessels upon the streets and highways of this state and which is  
 4019 equipped for that purpose with a boom, winch, car carrier, or  
 4020 other similar equipment.

4021 (d) "National Motor Vehicle Title Information System"  
 4022 means the federally authorized electronic National Motor Vehicle  
 4023 Title Information System.



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4024 (2) Whenever a person regularly engaged in the business of  
 4025 transporting vehicles or vessels by wrecker, tow truck, or car  
 4026 carrier recovers, removes, or stores a vehicle or vessel upon  
 4027 instructions from:

4028 (a) The owner thereof;

4029 (b) The owner or lessor, or a person authorized by the  
 4030 owner or lessor, of property on which such vehicle or vessel is  
 4031 wrongfully parked, and the removal is done in compliance with s.  
 4032 715.07; ~~or~~

4033 (c) The landlord or a person authorized by the landlord,  
 4034 when such motor vehicle or vessel remained on premises after  
 4035 tenancy terminated and the removal is done in compliance with s.  
 4036 715.104; or

4037 (d) ~~(e)~~ Any law enforcement agency,

4038  
 4039 she or he shall have a lien on the vehicle or vessel for a  
 4040 reasonable towing fee and for a reasonable storage fee; except  
 4041 that no storage fee shall be charged if the vehicle is stored  
 4042 for less than 6 hours.

4043 (3) This section does not authorize any person to claim a  
 4044 lien on a vehicle for fees or charges connected with the  
 4045 immobilization of such vehicle using a vehicle boot or other  
 4046 similar device pursuant to s. 715.07.

4047 (4) (a) Any person regularly engaged in the business of  
 4048 recovering, towing, or storing vehicles or vessels who comes  
 4049 into possession of a vehicle or vessel pursuant to subsection  
 4050 (2), and who claims a lien for recovery, towing, or storage  
 4051 services, shall give notice to the registered owner, the

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4052 insurance company insuring the vehicle notwithstanding the  
4053 provisions of s. 627.736, and to all persons claiming a lien  
4054 thereon, as disclosed by the records in the Department of  
4055 Highway Safety and Motor Vehicles or as disclosed by the records  
4056 of any ~~of a~~ corresponding agency in any other state in which the  
4057 vehicle is identified through a records check of the National  
4058 Motor Vehicle Title Information System, as being titled or  
4059 registered.

4060 (b) Whenever any law enforcement agency authorizes the  
4061 removal of a vehicle or vessel or whenever any towing service,  
4062 garage, repair shop, or automotive service, storage, or parking  
4063 place notifies the law enforcement agency of possession of a  
4064 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
4065 enforcement agency of the jurisdiction where the vehicle or  
4066 vessel is stored shall contact the Department of Highway Safety  
4067 and Motor Vehicles, or the appropriate agency of the state of  
4068 registration, if known, within 24 hours through the medium of  
4069 electronic communications, giving the full description of the  
4070 vehicle or vessel. Upon receipt of the full description of the  
4071 vehicle or vessel, the department shall search its files to  
4072 determine the owner's name, the insurance company insuring the  
4073 vehicle or vessel, and whether any person has filed a lien upon  
4074 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
4075 notify the applicable law enforcement agency within 72 hours.  
4076 The person in charge of the towing service, garage, repair shop,  
4077 or automotive service, storage, or parking place shall obtain  
4078 such information from the applicable law enforcement agency  
4079 within 5 days after the date of storage and shall give notice

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4080 pursuant to paragraph (a). The department may release the  
4081 insurance company information to the requestor notwithstanding  
4082 the provisions of s. 627.736.

4083 (c) Notice by certified mail shall be sent within 7  
4084 business days after the date of storage of the vehicle or vessel  
4085 to the registered owner, the insurance company insuring the  
4086 vehicle notwithstanding the provisions of s. 627.736, and all  
4087 persons of record claiming a lien against the vehicle or vessel.  
4088 It shall state the fact of possession of the vehicle or vessel,  
4089 that a lien as provided in subsection (2) is claimed, that  
4090 charges have accrued and the amount thereof, that the lien is  
4091 subject to enforcement pursuant to law, and that the owner or  
4092 lienholder, if any, has the right to a hearing as set forth in  
4093 subsection (5), and that any vehicle or vessel which remains  
4094 unclaimed, or for which the charges for recovery, towing, or  
4095 storage services remain unpaid, may be sold free of all prior  
4096 liens after 35 days if the vehicle or vessel is more than 3  
4097 years of age or after 50 days if the vehicle or vessel is 3  
4098 years of age or less.

4099 (d) If attempts to locate the name and address of the  
4100 owner or lienholder prove unsuccessful, the towing-storage  
4101 operator shall, after 7 working days, excluding Saturday and  
4102 Sunday, of the initial tow or storage, notify the public agency  
4103 of jurisdiction where the vehicle or vessel is stored in writing  
4104 by certified mail or acknowledged hand delivery that the towing-  
4105 storage company has been unable to locate the name and address  
4106 of the owner or lienholder and a physical search of the vehicle  
4107 or vessel has disclosed no ownership information and a good

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4108 | faith effort has been made including records checks of the  
 4109 | Florida Department of Highway Safety and Motor Vehicle and the  
 4110 | National Motor Vehicle Title Information System databases. For  
 4111 | purposes of this paragraph and subsection (9), "good faith  
 4112 | effort" means that the following checks have been performed by  
 4113 | the company to establish prior state of registration and for  
 4114 | title:

4115 |        1. A check of the Florida Department of Highway Safety and  
 4116 | Motor Vehicles database for the owner and any lienholder.

4117 |        2. A check of the electronic National Motor Vehicle Title  
 4118 | Information System to determine the state of registration when  
 4119 | there is not a current registration record for the vehicle on  
 4120 | file with the Florida Department of Highway Safety and Motor  
 4121 | Vehicles.

4122 |        ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag  
 4123 | record, temporary tag, or regular tag.

4124 |        ~~4.2.~~ Check of law enforcement report for tag number or  
 4125 | other information identifying the vehicle or vessel, if the  
 4126 | vehicle or vessel was towed at the request of a law enforcement  
 4127 | officer.

4128 |        ~~5.3.~~ Check of trip sheet or tow ticket of tow truck  
 4129 | operator to see if a tag was on vehicle or vessel at beginning  
 4130 | of tow, if private tow.

4131 |        ~~6.4.~~ If there is no address of the owner on the impound  
 4132 | report, check of law enforcement report to see if an out-of-  
 4133 | state address is indicated from driver license information.

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4134        ~~7.5.~~ Check of vehicle or vessel for inspection sticker or  
4135 other stickers and decals that may indicate a state of possible  
4136 registration.

4137        ~~8.6.~~ Check of the interior of the vehicle or vessel for  
4138 any papers that may be in the glove box, trunk, or other areas  
4139 for a state of registration.

4140        ~~9.7.~~ Check of vehicle for vehicle identification number.

4141        ~~10.8.~~ Check of vessel for vessel registration number.

4142        ~~11.9.~~ Check of vessel hull for a hull identification  
4143 number which should be carved, burned, stamped, embossed, or  
4144 otherwise permanently affixed to the outboard side of the  
4145 transom or, if there is no transom, to the outmost seaboard side  
4146 at the end of the hull that bears the rudder or other steering  
4147 mechanism.

4148        (5) (a) The owner of a vehicle or vessel removed pursuant  
4149 to the provisions of subsection (2), or any person claiming a  
4150 lien, other than the towing-storage operator, within 10 days  
4151 after the time she or he has knowledge of the location of the  
4152 vehicle or vessel, may file a complaint in the county court of  
4153 the county in which the vehicle or vessel is stored to determine  
4154 if her or his property was wrongfully taken or withheld from her  
4155 or him.

4156        (b) Upon filing of a complaint, an owner or lienholder may  
4157 have her or his vehicle or vessel released upon posting with the  
4158 court a cash or surety bond or other adequate security equal to  
4159 the amount of the charges for towing or storage and lot rental  
4160 amount to ensure the payment of such charges in the event she or  
4161 he does not prevail. Upon the posting of the bond and the

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4162 payment of the applicable fee set forth in s. 28.24, the clerk  
4163 of the court shall issue a certificate notifying the lienor of  
4164 the posting of the bond and directing the lienor to release the  
4165 vehicle or vessel. At the time of such release, after reasonable  
4166 inspection, she or he shall give a receipt to the towing-storage  
4167 company reciting any claims she or he has for loss or damage to  
4168 the vehicle or vessel or the contents thereof.

4169 (c) Upon determining the respective rights of the parties,  
4170 the court may award damages, attorney's fees, and costs in favor  
4171 of the prevailing party. In any event, the final order shall  
4172 provide for immediate payment in full of recovery, towing, and  
4173 storage fees by the vehicle or vessel owner or lienholder; or  
4174 the agency ordering the tow; or the owner, lessee, or agent  
4175 thereof of the property from which the vehicle or vessel was  
4176 removed.

4177 (6) Any vehicle or vessel which is stored pursuant to  
4178 subsection (2) and which remains unclaimed, or for which  
4179 reasonable charges for recovery, towing, or storing remain  
4180 unpaid, and any contents not released pursuant to subsection  
4181 (10), may be sold by the owner or operator of the storage space  
4182 for such towing or storage charge after 35 days from the time  
4183 the vehicle or vessel is stored therein if the vehicle or vessel  
4184 is more than 3 years of age or after 50 days following the time  
4185 the vehicle or vessel is stored therein if the vehicle or vessel  
4186 is 3 years of age or less. The sale shall be at public sale for  
4187 cash. If the date of the sale was not included in the notice  
4188 required in subsection (4), notice of the sale shall be given to  
4189 the person in whose name the vehicle or vessel is registered and

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4190 to all persons claiming a lien on the vehicle or vessel as shown  
4191 on the records of the Department of Highway Safety and Motor  
4192 Vehicles or of any ~~the~~ corresponding agency in any other state  
4193 in which the vehicle is identified through a records check of  
4194 the National Motor Vehicle Title Information System, as being  
4195 titled. Notice shall be sent by certified mail to the owner of  
4196 the vehicle or vessel and the person having the recorded lien on  
4197 the vehicle or vessel at the address shown on the records of the  
4198 registering agency and shall be mailed at least ~~not less than~~ 15  
4199 days before the date of the sale. After diligent search and  
4200 inquiry, if the name and address of the registered owner or the  
4201 owner of the recorded lien cannot be ascertained, the  
4202 requirements of notice by mail may be dispensed with. In  
4203 addition to the notice by mail, public notice of the time and  
4204 place of sale shall be made by publishing a notice thereof one  
4205 time, at least 10 days before ~~prior to~~ the date of the sale, in  
4206 a newspaper of general circulation in the county in which the  
4207 sale is to be held. The proceeds of the sale, after payment of  
4208 reasonable towing and storage charges, and costs of the sale, in  
4209 that order of priority, shall be deposited with the clerk of the  
4210 circuit court for the county if the owner or lienholder is  
4211 absent, and the clerk shall hold such proceeds subject to the  
4212 claim of the owner or lienholder legally entitled thereto. The  
4213 clerk shall be entitled to receive 5 percent of such proceeds  
4214 for the care and disbursement thereof. The certificate of title  
4215 issued under this law shall be discharged of all liens unless  
4216 otherwise provided by court order. The owner or lienholder may  
4217 file a complaint after the vehicle or vessel has been sold in

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4218 | the county court of the county in which it is stored. Upon  
4219 | determining the respective rights of the parties, the court may  
4220 | award damages, attorney's fees, and costs in favor of the  
4221 | prevailing party.

4222 |         (7) (a) A wrecker operator recovering, towing, or storing  
4223 | vehicles or vessels is not liable for damages connected with  
4224 | such services, theft of such vehicles or vessels, or theft of  
4225 | personal property contained in such vehicles or vessels,  
4226 | provided that such services have been performed with reasonable  
4227 | care and provided, further, that, in the case of removal of a  
4228 | vehicle or vessel upon the request of a person purporting, and  
4229 | reasonably appearing, to be the owner or lessee, or a person  
4230 | authorized by the owner or lessee, of the property from which  
4231 | such vehicle or vessel is removed, such removal has been done in  
4232 | compliance with s. 715.07. Further, a wrecker operator is not  
4233 | liable for damage to a vehicle, vessel, or cargo that obstructs  
4234 | the normal movement of traffic or creates a hazard to traffic  
4235 | and is removed in compliance with the request of a law  
4236 | enforcement officer.

4237 |         (b) For the purposes of this subsection, a wrecker  
4238 | operator is presumed to use reasonable care to prevent the theft  
4239 | of a vehicle or vessel or of any personal property contained in  
4240 | such vehicle stored in the wrecker operator's storage facility  
4241 | if all of the following apply:

4242 |             1. The wrecker operator surrounds the storage facility  
4243 | with a chain-link or solid-wall type fence at least 6 feet in  
4244 | height;



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4245           2. The wrecker operator has illuminated the storage  
4246 facility with lighting of sufficient intensity to reveal persons  
4247 and vehicles at a distance of at least 150 feet during  
4248 nighttime; and

4249           3. The wrecker operator uses one or more of the following  
4250 security methods to discourage theft of vehicles or vessels or  
4251 of any personal property contained in such vehicles or vessels  
4252 stored in the wrecker operator's storage facility:

4253           a. A night dispatcher or watchman remains on duty at the  
4254 storage facility from sunset to sunrise;

4255           b. A security dog remains at the storage facility from  
4256 sunset to sunrise;

4257           c. Security cameras or other similar surveillance devices  
4258 monitor the storage facility; or

4259           d. A security guard service examines the storage facility  
4260 at least once each hour from sunset to sunrise.

4261           (c) Any law enforcement agency requesting that a motor  
4262 vehicle be removed from an accident scene, street, or highway  
4263 must conduct an inventory and prepare a written record of all  
4264 personal property found in the vehicle before the vehicle is  
4265 removed by a wrecker operator. However, if the owner or driver  
4266 of the motor vehicle is present and accompanies the vehicle, no  
4267 inventory by law enforcement is required. A wrecker operator is  
4268 not liable for the loss of personal property alleged to be  
4269 contained in such a vehicle when such personal property was not  
4270 identified on the inventory record prepared by the law  
4271 enforcement agency requesting the removal of the vehicle.

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4272 (8) A person regularly engaged in the business of  
4273 recovering, towing, or storing vehicles or vessels, except a  
4274 person licensed under chapter 493 while engaged in  
4275 "repossession" activities as defined in s. 493.6101, may not  
4276 operate a wrecker, tow truck, or car carrier unless the name,  
4277 address, and telephone number of the company performing the  
4278 service is clearly printed in contrasting colors on the driver  
4279 and passenger sides of its vehicle. The name must be in at least  
4280 3-inch permanently affixed letters, and the address and  
4281 telephone number must be in at least 1-inch permanently affixed  
4282 letters.

4283 (9) Failure to make good faith best efforts to comply with  
4284 the notice requirements of this section shall preclude the  
4285 imposition of any storage charges against such vehicle or  
4286 vessel.

4287 (10) Persons who provide services pursuant to this section  
4288 shall permit vehicle or vessel owners, lienholders, insurance  
4289 company representatives, or their agents, which agency is  
4290 evidenced by an original writing acknowledged by the owner  
4291 before a notary public or other person empowered by law to  
4292 administer oaths, to inspect the towed vehicle or vessel and  
4293 shall release to the owner, lienholder, or agent the vehicle,  
4294 vessel, or all personal property not affixed to the vehicle or  
4295 vessel which was in the vehicle or vessel at the time the  
4296 vehicle or vessel came into the custody of the person providing  
4297 such services.

4298 (11) (a) Any person regularly engaged in the business of  
4299 recovering, towing, or storing vehicles or vessels who comes

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4300 into possession of a vehicle or vessel pursuant to subsection  
 4301 (2) and who has complied with the provisions of subsections (3)  
 4302 and (6), when such vehicle or vessel is to be sold for purposes  
 4303 of being dismantled, destroyed, or changed in such manner that  
 4304 it is not the motor vehicle or vessel described in the  
 4305 certificate of title, shall report the vehicle to the National  
 4306 Motor Vehicle Title Information System and apply to the  
 4307 Department of Highway Safety and Motor Vehicles ~~county tax~~  
 4308 ~~collector~~ for a certificate of destruction. A certificate of  
 4309 destruction, which authorizes the dismantling or destruction of  
 4310 the vehicle or vessel described therein, shall be reassignable a  
 4311 maximum of two times before dismantling or destruction of the  
 4312 vehicle shall be required, and shall accompany the vehicle or  
 4313 vessel for which it is issued, when such vehicle or vessel is  
 4314 sold for such purposes, in lieu of a certificate of title. The  
 4315 application for a certificate of destruction must include proof  
 4316 of reporting to the National Motor Vehicle Information System  
 4317 and an affidavit from the applicant that it has complied with  
 4318 all applicable requirements of this section and, if the vehicle  
 4319 or vessel is not registered in this state or any other state, by  
 4320 a statement from a law enforcement officer that the vehicle or  
 4321 vessel is not reported stolen, and shall be accompanied by such  
 4322 documentation as may be required by the department.

4323 (b) The Department of Highway Safety and Motor Vehicles  
 4324 shall charge a fee of \$3 for each certificate of destruction. A  
 4325 service charge of \$4.25 shall be collected and retained by the  
 4326 tax collector who processes the application.

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4327 (c) The Department of Highway Safety and Motor Vehicles  
4328 may adopt such rules as it deems necessary or proper for the  
4329 administration of this subsection.

4330 (12) (a) Any person who violates any provision of  
4331 subsection (1), subsection (2), subsection (4), subsection (5),  
4332 subsection (6), or subsection (7) is guilty of a misdemeanor of  
4333 the first degree, punishable as provided in s. 775.082 or s.  
4334 775.083.

4335 (b) Any person who violates the provisions of subsections  
4336 (8) through (11) is guilty of a felony of the third degree,  
4337 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4338 (c) Any person who uses a false or fictitious name, gives  
4339 a false or fictitious address, or makes any false statement in  
4340 any application or affidavit required under the provisions of  
4341 this section is guilty of a felony of the third degree,  
4342 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4343 (d) Employees of the Department of Highway Safety and  
4344 Motor Vehicles and law enforcement officers are authorized to  
4345 inspect the records of any person regularly engaged in the  
4346 business of recovering, towing, or storing vehicles or vessels  
4347 or transporting vehicles or vessels by wrecker, tow truck, or  
4348 car carrier, to ensure compliance with the requirements of this  
4349 section. Any person who fails to maintain records, or fails to  
4350 produce records when required in a reasonable manner and at a  
4351 reasonable time, commits a misdemeanor of the first degree,  
4352 punishable as provided in s. 775.082 or s. 775.083.

4353 (13) (a) Upon receipt by the Department of Highway Safety  
4354 and Motor Vehicles of written notice from a wrecker operator who

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4355 | claims a wrecker operator's lien under paragraph (2)(c) or  
4356 | paragraph (2)(d) for recovery, towing, or storage of an  
4357 | abandoned vehicle or vessel upon instructions from any law  
4358 | enforcement agency, for which a certificate of destruction has  
4359 | been issued under subsection (11) and the vehicle has been  
4360 | reported to the National Motor Vehicle Title Information System,  
4361 | the department shall place the name of the registered owner of  
4362 | that vehicle or vessel on the list of those persons who may not  
4363 | be issued a license plate or revalidation sticker for any motor  
4364 | vehicle under s. 320.03(8). If the vehicle or vessel is owned  
4365 | jointly by more than one person, the name of each registered  
4366 | owner shall be placed on the list. The notice of wrecker  
4367 | operator's lien shall be submitted on forms provided by the  
4368 | department, which must include:

4369 |       1. The name, address, and telephone number of the wrecker  
4370 | operator.

4371 |       2. The name of the registered owner of the vehicle or  
4372 | vessel and the address to which the wrecker operator provided  
4373 | notice of the lien to the registered owner under subsection (4).

4374 |       3. A general description of the vehicle or vessel,  
4375 | including its color, make, model, body style, and year.

4376 |       4. The vehicle identification number (VIN); registration  
4377 | license plate number, state, and year; validation decal number,  
4378 | state, and year; vessel registration number; hull identification  
4379 | number; or other identification number, as applicable.

4380 |       5. The name of the person or the corresponding law  
4381 | enforcement agency that requested that the vehicle or vessel be  
4382 | recovered, towed, or stored.

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4383           6. The amount of the wrecker operator's lien, not to  
4384 exceed the amount allowed by paragraph (b).

4385           (b) For purposes of this subsection only, the amount of  
4386 the wrecker operator's lien for which the department will  
4387 prevent issuance of a license plate or revalidation sticker may  
4388 not exceed the amount of the charges for recovery, towing, and  
4389 storage of the vehicle or vessel for 7 days. These charges may  
4390 not exceed the maximum rates imposed by the ordinances of the  
4391 respective county or municipality under ss. 125.0103(1)(c) and  
4392 166.043(1)(c). This paragraph does not limit the amount of a  
4393 wrecker operator's lien claimed under subsection (2) or prevent  
4394 a wrecker operator from seeking civil remedies for enforcement  
4395 of the entire amount of the lien, but limits only that portion  
4396 of the lien for which the department will prevent issuance of a  
4397 license plate or revalidation sticker.

4398           (c)1. The registered owner of a vehicle or vessel may  
4399 dispute a wrecker operator's lien, by notifying the department  
4400 of the dispute in writing on forms provided by the department,  
4401 if at least one of the following applies:

4402           a. The registered owner presents a notarized bill of sale  
4403 proving that the vehicle or vessel was sold in a private or  
4404 casual sale before the vehicle or vessel was recovered, towed,  
4405 or stored.

4406           b. The registered owner presents proof that the Florida  
4407 certificate of title of the vehicle or vessel was sold to a  
4408 licensed dealer as defined in s. 319.001 before the vehicle or  
4409 vessel was recovered, towed, or stored.

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4410 c. The records of the department were marked "sold" prior  
4411 to the date of the tow.

4412  
4413 If the registered owner's dispute of a wrecker operator's lien  
4414 complies with one of these criteria, the department shall  
4415 immediately remove the registered owner's name from the list of  
4416 those persons who may not be issued a license plate or  
4417 revalidation sticker for any motor vehicle under s. 320.03(8),  
4418 thereby allowing issuance of a license plate or revalidation  
4419 sticker. If the vehicle or vessel is owned jointly by more than  
4420 one person, each registered owner must dispute the wrecker  
4421 operator's lien in order to be removed from the list. However,  
4422 the department shall deny any dispute and maintain the  
4423 registered owner's name on the list of those persons who may not  
4424 be issued a license plate or revalidation sticker for any motor  
4425 vehicle under s. 320.03(8) if the wrecker operator has provided  
4426 the department with a certified copy of the judgment of a court  
4427 which orders the registered owner to pay the wrecker operator's  
4428 lien claimed under this section. In such a case, the amount of  
4429 the wrecker operator's lien allowed by paragraph (b) may be  
4430 increased to include no more than \$500 of the reasonable costs  
4431 and attorney's fees incurred in obtaining the judgment. The  
4432 department's action under this subparagraph is ministerial in  
4433 nature, shall not be considered final agency action, and is  
4434 appealable only to the county court for the county in which the  
4435 vehicle or vessel was ordered removed.

4436 2. A person against whom a wrecker operator's lien has  
4437 been imposed may alternatively obtain a discharge of the lien by

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4438 filing a complaint, challenging the validity of the lien or the  
4439 amount thereof, in the county court of the county in which the  
4440 vehicle or vessel was ordered removed. Upon filing of the  
4441 complaint, the person may have her or his name removed from the  
4442 list of those persons who may not be issued a license plate or  
4443 revalidation sticker for any motor vehicle under s. 320.03(8),  
4444 thereby allowing issuance of a license plate or revalidation  
4445 sticker, upon posting with the court a cash or surety bond or  
4446 other adequate security equal to the amount of the wrecker  
4447 operator's lien to ensure the payment of such lien in the event  
4448 she or he does not prevail. Upon the posting of the bond and the  
4449 payment of the applicable fee set forth in s. 28.24, the clerk  
4450 of the court shall issue a certificate notifying the department  
4451 of the posting of the bond and directing the department to  
4452 release the wrecker operator's lien. Upon determining the  
4453 respective rights of the parties, the court may award damages  
4454 and costs in favor of the prevailing party.

4455       3. If a person against whom a wrecker operator's lien has  
4456 been imposed does not object to the lien, but cannot discharge  
4457 the lien by payment because the wrecker operator has moved or  
4458 gone out of business, the person may have her or his name  
4459 removed from the list of those persons who may not be issued a  
4460 license plate or revalidation sticker for any motor vehicle  
4461 under s. 320.03(8), thereby allowing issuance of a license plate  
4462 or revalidation sticker, upon posting with the clerk of court in  
4463 the county in which the vehicle or vessel was ordered removed, a  
4464 cash or surety bond or other adequate security equal to the  
4465 amount of the wrecker operator's lien. Upon the posting of the



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4466 | bond and the payment of the application fee set forth in s.  
4467 | 28.24, the clerk of the court shall issue a certificate  
4468 | notifying the department of the posting of the bond and  
4469 | directing the department to release the wrecker operator's lien.  
4470 | The department shall mail to the wrecker operator, at the  
4471 | address upon the lien form, notice that the wrecker operator  
4472 | must claim the security within 60 days, or the security will be  
4473 | released back to the person who posted it. At the conclusion of  
4474 | the 60 days, the department shall direct the clerk as to which  
4475 | party is entitled to payment of the security, less applicable  
4476 | clerk's fees.

4477 |         4. A wrecker operator's lien expires 5 years after filing.

4478 |         (d) Upon discharge of the amount of the wrecker operator's  
4479 | lien allowed by paragraph (b), the wrecker operator must issue a  
4480 | certificate of discharged wrecker operator's lien on forms  
4481 | provided by the department to each registered owner of the  
4482 | vehicle or vessel attesting that the amount of the wrecker  
4483 | operator's lien allowed by paragraph (b) has been discharged.  
4484 | Upon presentation of the certificate of discharged wrecker  
4485 | operator's lien by the registered owner, the department shall  
4486 | immediately remove the registered owner's name from the list of  
4487 | those persons who may not be issued a license plate or  
4488 | revalidation sticker for any motor vehicle under s. 320.03(8),  
4489 | thereby allowing issuance of a license plate or revalidation  
4490 | sticker. Issuance of a certificate of discharged wrecker  
4491 | operator's lien under this paragraph does not discharge the  
4492 | entire amount of the wrecker operator's lien claimed under  
4493 | subsection (2), but only certifies to the department that the

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4494 amount of the wrecker operator's lien allowed by paragraph (b),  
 4495 for which the department will prevent issuance of a license  
 4496 plate or revalidation sticker, has been discharged.

4497 (e) When a wrecker operator files a notice of wrecker  
 4498 operator's lien under this subsection, the department shall  
 4499 charge the wrecker operator a fee of \$2, which shall be  
 4500 deposited into the General Revenue Fund. A service charge of  
 4501 \$2.50 shall be collected and retained by the tax collector who  
 4502 processes a notice of wrecker operator's lien.

4503 (f) This subsection applies only to the annual renewal in  
 4504 the registered owner's birth month of a motor vehicle  
 4505 registration and does not apply to the transfer of a  
 4506 registration of a motor vehicle sold by a motor vehicle dealer  
 4507 licensed under chapter 320, except for the transfer of  
 4508 registrations which includes the annual renewals. This  
 4509 subsection does not apply to any vehicle registered in the name  
 4510 of the lessor. This subsection does not affect the issuance of  
 4511 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4512 (g) The Department of Highway Safety and Motor Vehicles  
 4513 may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
 4514 implement this subsection.

4515 Section 55. Paragraph (aa) of subsection (7) of section  
 4516 212.08, Florida Statutes, is amended to read:

4517 212.08 Sales, rental, use, consumption, distribution, and  
 4518 storage tax; specified exemptions.—The sale at retail, the  
 4519 rental, the use, the consumption, the distribution, and the  
 4520 storage to be used or consumed in this state of the following  
 4521 are hereby specifically exempt from the tax imposed by this

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4522 chapter.

4523 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
4524 entity by this chapter do not inure to any transaction that is  
4525 otherwise taxable under this chapter when payment is made by a  
4526 representative or employee of the entity by any means,  
4527 including, but not limited to, cash, check, or credit card, even  
4528 when that representative or employee is subsequently reimbursed  
4529 by the entity. In addition, exemptions provided to any entity by  
4530 this subsection do not inure to any transaction that is  
4531 otherwise taxable under this chapter unless the entity has  
4532 obtained a sales tax exemption certificate from the department  
4533 or the entity obtains or provides other documentation as  
4534 required by the department. Eligible purchases or leases made  
4535 with such a certificate must be in strict compliance with this  
4536 subsection and departmental rules, and any person who makes an  
4537 exempt purchase with a certificate that is not in strict  
4538 compliance with this subsection and the rules is liable for and  
4539 shall pay the tax. The department may adopt rules to administer  
4540 this subsection.

4541 (aa) Certain commercial vehicles.—Also exempt is the sale,  
4542 lease, or rental of a commercial motor vehicle as defined in s.  
4543 207.002 ~~207.002(2)~~, when the following conditions are met:

- 4544 1. The sale, lease, or rental occurs between two commonly  
4545 owned and controlled corporations;
- 4546 2. Such vehicle was titled and registered in this state at  
4547 the time of the sale, lease, or rental; and
- 4548 3. Florida sales tax was paid on the acquisition of such  
4549 vehicle by the seller, lessor, or renter.

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4550 Section 56. Subsection (8) of section 261.03, Florida  
 4551 Statutes, is amended to read:

4552 261.03 Definitions.—As used in this chapter, the term:

4553 (8) "ROV" means any motorized recreational off-highway  
 4554 vehicle 64 inches or less in width, having a dry weight of 2,000  
 4555 pounds or less, designed to travel on four or more nonhighway  
 4556 tires, having nonstraddle seating and a steering wheel, and  
 4557 manufactured for recreational use by one or more persons. The  
 4558 term "ROV" does not include a golf cart as defined in ss. 320.01  
 4559 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
 4560 s. 320.01 ~~320.01(42)~~.

4561 Section 57. Section 316.2122, Florida Statutes, is amended  
 4562 to read:

4563 316.2122 Operation of a low-speed vehicle or mini truck on  
 4564 certain roadways.—The operation of a low-speed vehicle as  
 4565 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.  
 4566 320.01 ~~320.01(45)~~ on any road is authorized with the following  
 4567 restrictions:

4568 (1) A low-speed vehicle or mini truck may be operated only  
 4569 on streets where the posted speed limit is 35 miles per hour or  
 4570 less. This does not prohibit a low-speed vehicle or mini truck  
 4571 from crossing a road or street at an intersection where the road  
 4572 or street has a posted speed limit of more than 35 miles per  
 4573 hour.

4574 (2) A low-speed vehicle must be equipped with headlamps,  
 4575 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
 4576 parking brakes, rearview mirrors, windshields, seat belts, and  
 4577 vehicle identification numbers.

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4578 (3) A low-speed vehicle or mini truck must be registered  
4579 and insured in accordance with s. 320.02 and titled pursuant to  
4580 chapter 319.

4581 (4) Any person operating a low-speed vehicle or mini truck  
4582 must have in his or her possession a valid driver ~~driver's~~  
4583 license.

4584 (5) A county or municipality may prohibit the operation of  
4585 low-speed vehicles or mini trucks on any road under its  
4586 jurisdiction if the governing body of the county or municipality  
4587 determines that such prohibition is necessary in the interest of  
4588 safety.

4589 (6) The Department of Transportation may prohibit the  
4590 operation of low-speed vehicles or mini trucks on any road under  
4591 its jurisdiction if it determines that such prohibition is  
4592 necessary in the interest of safety.

4593 Section 58. Section 316.2124, Florida Statutes, is amended  
4594 to read:

4595 316.2124 Motorized disability access vehicles.—The  
4596 Department of Highway Safety and Motor Vehicles is directed to  
4597 provide, by rule, for the regulation of motorized disability  
4598 access vehicles as described in s. 320.01 ~~320.01(34)~~. The  
4599 department shall provide that motorized disability access  
4600 vehicles shall be registered in the same manner as motorcycles  
4601 and shall pay the same registration fee as for a motorcycle.  
4602 There shall also be assessed, in addition to the registration  
4603 fee, a \$2.50 surcharge for motorized disability access vehicles.  
4604 This surcharge shall be paid into the Highway Safety Operating  
4605 Trust Fund. Motorized disability access vehicles shall not be

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4606 required to be titled by the department. The department shall  
 4607 require motorized disability access vehicles to be subject to  
 4608 the same safety requirements as set forth in this chapter for  
 4609 motorcycles.

4610 Section 59. Subsection (1) of section 316.21265, Florida  
 4611 Statutes, is amended to read:

4612 316.21265 Use of all-terrain vehicles, golf carts, low-  
 4613 speed vehicles, or utility vehicles by law enforcement  
 4614 agencies.—

4615 (1) Notwithstanding any provision of law to the contrary,  
 4616 any law enforcement agency in this state may operate all-terrain  
 4617 vehicles as defined in s. 316.2074, golf carts as defined in s.  
 4618 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01  
 4619 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01  
 4620 ~~320.01(43)~~ on any street, road, or highway in this state while  
 4621 carrying out its official duties.

4622 Section 60. Subsection (1) of section 316.3026, Florida  
 4623 Statutes, is amended to read:

4624 316.3026 Unlawful operation of motor carriers.—

4625 (1) The Office of Commercial Vehicle Enforcement may issue  
 4626 out-of-service orders to motor carriers, as defined in s. 320.01  
 4627 ~~320.01(33)~~, who, after proper notice, have failed to pay any  
 4628 penalty or fine assessed by the department, or its agent,  
 4629 against any owner or motor carrier for violations of state law,  
 4630 refused to submit to a compliance review and provide records  
 4631 pursuant to s. 316.302(5) or s. 316.70, or violated safety  
 4632 regulations pursuant to s. 316.302 or insurance requirements in  
 4633 s. 627.7415. Such out-of-service orders have the effect of

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4634 prohibiting the operations of any motor vehicles owned, leased,  
4635 or otherwise operated by the motor carrier upon the roadways of  
4636 this state, until the violations have been corrected or  
4637 penalties have been paid. Out-of-service orders must be approved  
4638 by the director of the Division of the Florida Highway Patrol or  
4639 his or her designee. An administrative hearing pursuant to s.  
4640 120.569 shall be afforded to motor carriers subject to such  
4641 orders.

4642 Section 61. Paragraph (a) of subsection (5) and subsection  
4643 (10) of section 316.550, Florida Statutes, are amended to read:  
4644 316.550 Operations not in conformity with law; special  
4645 permits.—

4646 (5) (a) The Department of Transportation may issue a  
4647 wrecker special blanket permit to authorize a wrecker as defined  
4648 in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as  
4649 defined in s. 320.01 ~~320.01(38)~~ where the combination of the  
4650 wrecker and the disabled vehicle being towed exceeds the maximum  
4651 weight limits as established by s. 316.535.

4652 (10) Whenever any motor vehicle, or the combination of a  
4653 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor  
4654 vehicle, exceeds any weight or dimensional criteria or special  
4655 operational or safety stipulation contained in a special permit  
4656 issued under the provisions of this section, the penalty  
4657 assessed to the owner or operator shall be as follows:

4658 (a) For violation of weight criteria contained in a  
4659 special permit, the penalty per pound or portion thereof  
4660 exceeding the permitted weight shall be as provided in s.  
4661 316.545.

4662 (b) For each violation of dimensional criteria in a  
 4663 special permit, the penalty shall be as provided in s. 316.516  
 4664 and penalties for multiple violations of dimensional criteria  
 4665 shall be cumulative except that the total penalty for the  
 4666 vehicle shall not exceed \$1,000.

4667 (c) For each violation of an operational or safety  
 4668 stipulation in a special permit, the penalty shall be an amount  
 4669 not to exceed \$1,000 per violation and penalties for multiple  
 4670 violations of operational or safety stipulations shall be  
 4671 cumulative except that the total penalty for the vehicle shall  
 4672 not exceed \$1,000.

4673 (d) For violation of any special condition that has been  
 4674 prescribed in the rules of the Department of Transportation and  
 4675 declared on the permit, the vehicle shall be determined to be  
 4676 out of conformance with the permit and the permit shall be  
 4677 declared null and void for the vehicle, and weight and  
 4678 dimensional limits for the vehicle shall be as established in s.  
 4679 316.515 or s. 316.535, whichever is applicable, and:

4680 1. For weight violations, a penalty as provided in s.  
 4681 316.545 shall be assessed for those weights which exceed the  
 4682 limits thus established for the vehicle; and

4683 2. For dimensional, operational, or safety violations, a  
 4684 penalty as established in paragraph (c) or s. 316.516, whichever  
 4685 is applicable, shall be assessed for each nonconforming  
 4686 dimensional, operational, or safety violation and the penalties  
 4687 for multiple violations shall be cumulative for the vehicle.

4688 Section 62. Subsection (9) of section 317.0003, Florida  
 4689 Statutes, is amended to read:



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4690 317.0003 Definitions.—As used in this chapter, the term:  
 4691 (9) "ROV" means any motorized recreational off-highway  
 4692 vehicle 64 inches or less in width, having a dry weight of 2,000  
 4693 pounds or less, designed to travel on four or more nonhighway  
 4694 tires, having nonstraddle seating and a steering wheel, and  
 4695 manufactured for recreational use by one or more persons. The  
 4696 term "ROV" does not include a golf cart as defined in ss. 320.01  
 4697 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in  
 4698 s. 320.01 ~~320.01(42)~~.

4699 Section 63. Paragraph (d) of subsection (5) of section  
 4700 320.08, Florida Statutes, is amended to read:

4701 320.08 License taxes.—Except as otherwise provided herein,  
 4702 there are hereby levied and imposed annual license taxes for the  
 4703 operation of motor vehicles, mopeds, motorized bicycles as  
 4704 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
 4705 and mobile homes, as defined in s. 320.01, which shall be paid  
 4706 to and collected by the department or its agent upon the  
 4707 registration or renewal of registration of the following:

4708 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 4709 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4710 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which  
 4711 is used to tow a vessel as defined in s. 327.02(39), a disabled,  
 4712 abandoned, stolen-recovered, or impounded motor vehicle as  
 4713 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor  
 4714 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which  
 4715 \$11 shall be deposited into the General Revenue Fund.

4716 Section 64. Subsection (1) of section 320.0847, Florida  
 4717 Statutes, is amended to read:

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4718 | 320.0847 Mini truck and low-speed vehicle license plates.-

4719 | (1) The department shall issue a license plate to the  
 4720 | owner or lessee of any vehicle registered as a low-speed vehicle  
 4721 | as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in  
 4722 | s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license  
 4723 | taxes and fees prescribed in s. 320.08.

4724 | Section 65. Subsections (4) and (5) of section 322.271,  
 4725 | Florida Statutes, are amended to read:

4726 | 322.271 Authority to modify revocation, cancellation, or  
 4727 | suspension order.-

4728 | (4) Notwithstanding the provisions of s. 322.28(2)(d)  
 4729 | ~~322.28(2)(e)~~, a person whose driving privilege has been  
 4730 | permanently revoked because he or she has been convicted of DUI  
 4731 | manslaughter in violation of s. 316.193 and has no prior  
 4732 | convictions for DUI-related offenses may, upon the expiration of  
 4733 | 5 years after the date of such revocation or the expiration of 5  
 4734 | years after the termination of any term of incarceration under  
 4735 | s. 316.193 or former s. 316.1931, whichever date is later,  
 4736 | petition the department for reinstatement of his or her driving  
 4737 | privilege.

4738 | (a) Within 30 days after the receipt of such a petition,  
 4739 | the department shall afford the petitioner an opportunity for a  
 4740 | hearing. At the hearing, the petitioner must demonstrate to the  
 4741 | department that he or she:

- 4742 | 1. Has not been arrested for a drug-related offense during
- 4743 | the 5 years preceding the filing of the petition;
- 4744 | 2. Has not driven a motor vehicle without a license for at
- 4745 | least 5 years before ~~prior to~~ the hearing;

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4746 3. Has been drug-free for at least 5 years before ~~prior to~~  
 4747 the hearing; and

4748 4. Has completed a DUI program licensed by the department.

4749 (b) At such hearing, the department shall determine the  
 4750 petitioner's qualification, fitness, and need to drive. Upon  
 4751 such determination, the department may, in its discretion,  
 4752 reinstate the driver ~~driver's~~ license of the petitioner. Such  
 4753 reinstatement must be made subject to the following  
 4754 qualifications:

4755 1. The license must be restricted for employment purposes  
 4756 for at least ~~not less than~~ 1 year; and

4757 2. Such person must be supervised by a DUI program  
 4758 licensed by the department and report to the program for such  
 4759 supervision and education at least four times a year or  
 4760 additionally as required by the program for the remainder of the  
 4761 revocation period. Such supervision shall include evaluation,  
 4762 education, referral into treatment, and other activities  
 4763 required by the department.

4764 (c) Such person must assume the reasonable costs of  
 4765 supervision. If such person fails to comply with the required  
 4766 supervision, the program shall report the failure to the  
 4767 department, and the department shall cancel such person's  
 4768 driving privilege.

4769 (d) If, after reinstatement, such person is convicted of  
 4770 an offense for which mandatory revocation of his or her license  
 4771 is required, the department shall revoke his or her driving  
 4772 privilege.

4773 (e) The department shall adopt rules regulating the

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4774 providing of services by DUI programs pursuant to this section.

4775 (5) Notwithstanding the provisions of s. 322.28(2)(d)  
 4776 ~~322.28(2)(e)~~, a person whose driving privilege has been  
 4777 permanently revoked because he or she has been convicted four or  
 4778 more times of violating s. 316.193 or former s. 316.1931 may,  
 4779 upon the expiration of 5 years after the date of the last  
 4780 conviction or the expiration of 5 years after the termination of  
 4781 any incarceration under s. 316.193 or former s. 316.1931,  
 4782 whichever is later, petition the department for reinstatement of  
 4783 his or her driving privilege.

4784 (a) Within 30 days after receipt of a petition, the  
 4785 department shall provide for a hearing, at which the petitioner  
 4786 must demonstrate that he or she:

4787 1. Has not been arrested for a drug-related offense for at  
 4788 least 5 years before ~~prior to~~ filing the petition;

4789 2. Has not driven a motor vehicle without a license for at  
 4790 least 5 years before ~~prior to~~ the hearing;

4791 3. Has been drug-free for at least 5 years before ~~prior to~~  
 4792 the hearing; and

4793 4. Has completed a DUI program licensed by the department.

4794 (b) At the hearing, the department shall determine the  
 4795 petitioner's qualification, fitness, and need to drive, and may,  
 4796 after such determination, reinstate the petitioner's driver  
 4797 ~~driver's~~ license. The reinstatement shall be subject to the  
 4798 following qualifications:

4799 1. The petitioner's license must be restricted for  
 4800 employment purposes for at least ~~not less than~~ 1 year; and

4801 2. The petitioner must be supervised by a DUI program

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4802 licensed by the department and must report to the program for  
 4803 supervision and education at least four times a year or more, as  
 4804 required by the program, for the remainder of the revocation  
 4805 period. The supervision shall include evaluation, education,  
 4806 referral into treatment, and other activities required by the  
 4807 department.

4808 (c) The petitioner must assume the reasonable costs of  
 4809 supervision. If the petitioner does not comply with the required  
 4810 supervision, the program shall report the failure to the  
 4811 department, and the department shall cancel such person's  
 4812 driving privilege.

4813 (d) If, after reinstatement, the petitioner is convicted  
 4814 of an offense for which mandatory license revocation is  
 4815 required, the department shall revoke his or her driving  
 4816 privilege.

4817 (e) The department shall adopt rules regulating the  
 4818 services provided by DUI programs pursuant to this section.

4819 Section 66. Section 322.282, Florida Statutes, is amended  
 4820 to read:

4821 322.282 Procedure when court revokes or suspends license  
 4822 or driving privilege and orders reinstatement.—When a court  
 4823 suspends or revokes a person's license or driving privilege and,  
 4824 in its discretion, orders reinstatement ~~as provided by s.~~  
 4825 ~~322.28(2)(d) or former s. 322.261(5):~~

4826 (1) The court shall pick up all revoked or suspended  
 4827 driver ~~driver's~~ licenses from the person and immediately forward  
 4828 them to the department, together with a record of such  
 4829 conviction. The clerk of such court shall also maintain a list

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4830 of all revocations or suspensions by the court.

4831 (2) (a) The court shall issue an order of reinstatement, on  
4832 a form to be furnished by the department, which the person may  
4833 take to any driver ~~driver's~~ license examining office. The  
4834 department shall issue a temporary driver ~~driver's~~ permit to a  
4835 licensee who presents the court's order of reinstatement, proof  
4836 of completion of a department-approved driver training or  
4837 substance abuse education course, and a written request for a  
4838 hearing under s. 322.271. The permit shall not be issued if a  
4839 record check by the department shows that the person has  
4840 previously been convicted for a violation of s. 316.193, former  
4841 s. 316.1931, former s. 316.028, former s. 860.01, or a previous  
4842 conviction outside this state for driving under the influence,  
4843 driving while intoxicated, driving with an unlawful blood-  
4844 alcohol level, or any similar alcohol-related or drug-related  
4845 traffic offense; that the person's driving privilege has been  
4846 previously suspended for refusal to submit to a lawful test of  
4847 breath, blood, or urine; or that the person is otherwise not  
4848 entitled to issuance of a driver ~~driver's~~ license. This  
4849 paragraph shall not be construed to prevent the reinstatement of  
4850 a license or driving privilege that is presently suspended for  
4851 driving with an unlawful blood-alcohol level or a refusal to  
4852 submit to a breath, urine, or blood test and is also revoked for  
4853 a conviction for a violation of s. 316.193 or former s.  
4854 316.1931, if the suspension and revocation arise out of the same  
4855 incident.

4856 (b) The temporary driver ~~driver's~~ permit shall be  
4857 restricted to either business or employment purposes described

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4858 | in s. 322.271, as determined by the department, and shall not be  
 4859 | used for pleasure, recreational, or nonessential driving.

4860 | (c) If the department determines at a later date from its  
 4861 | records that the applicant has previously been convicted of an  
 4862 | offense referred to in paragraph (a) which would render him or  
 4863 | her ineligible for reinstatement, the department shall cancel  
 4864 | the temporary driver ~~driver's~~ permit and shall issue a  
 4865 | revocation or suspension order for the minimum period  
 4866 | applicable. A temporary permit issued pursuant to this section  
 4867 | shall be valid for 45 days or until canceled as provided in this  
 4868 | paragraph.

4869 | (d) The period of time for which a temporary permit issued  
 4870 | in accordance with paragraph (a) is valid shall be deemed to be  
 4871 | part of the period of revocation imposed by the court.

4872 | Section 67. Section 324.023, Florida Statutes, is amended  
 4873 | to read:

4874 | 324.023 Financial responsibility for bodily injury or  
 4875 | death.—In addition to any other financial responsibility  
 4876 | required by law, every owner or operator of a motor vehicle that  
 4877 | is required to be registered in this state, or that is located  
 4878 | within this state, and who, regardless of adjudication of guilt,  
 4879 | has been found guilty of or entered a plea of guilty or nolo  
 4880 | contendere to a charge of driving under the influence under s.  
 4881 | 316.193 after October 1, 2007, shall, by one of the methods  
 4882 | established in s. 324.031(1) or, (2), ~~or (3)~~, establish and  
 4883 | maintain the ability to respond in damages for liability on  
 4884 | account of accidents arising out of the use of a motor vehicle  
 4885 | in the amount of \$100,000 because of bodily injury to, or death

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4886 of, one person in any one crash and, subject to such limits for  
4887 one person, in the amount of \$300,000 because of bodily injury  
4888 to, or death of, two or more persons in any one crash and in the  
4889 amount of \$50,000 because of property damage in any one crash.  
4890 If the owner or operator chooses to establish and maintain such  
4891 ability by ~~posting a bond or~~ furnishing a certificate of deposit  
4892 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of  
4893 deposit must be at least ~~in an amount not less than~~ \$350,000.  
4894 Such higher limits must be carried for a minimum period of 3  
4895 years. If the owner or operator has not been convicted of  
4896 driving under the influence or a felony traffic offense for a  
4897 period of 3 years from the date of reinstatement of driving  
4898 privileges for a violation of s. 316.193, the owner or operator  
4899 shall be exempt from this section.

4900 Section 68. Paragraph (c) of subsection (1) of section  
4901 324.171, Florida Statutes, is amended to read:

4902 324.171 Self-insurer.—

4903 (1) Any person may qualify as a self-insurer by obtaining  
4904 a certificate of self-insurance from the department which may,  
4905 in its discretion and upon application of such a person, issue  
4906 said certificate of self-insurance when such person has  
4907 satisfied the requirements of this section to qualify as a self-  
4908 insurer under this section:

4909 (c) The owner of a commercial motor vehicle, as defined in  
4910 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-  
4911 insurer subject to the standards provided for in subparagraph  
4912 (b)2.

4913 Section 69. Section 324.191, Florida Statutes, is amended



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4914 to read:

4915           324.191 Consent to cancellation; direction to return money  
 4916 or securities.—The department shall consent to the cancellation  
 4917 of any ~~bond or~~ certificate of insurance furnished as proof of  
 4918 financial responsibility pursuant to s. 324.031, or the  
 4919 department shall return to the person entitled thereto cash or  
 4920 securities deposited as proof of financial responsibility  
 4921 pursuant to s. 324.031:

4922           (1) Upon substitution and acceptance of other adequate  
 4923 proof of financial responsibility pursuant to this chapter, or

4924           (2) In the event of the death of the person on whose  
 4925 behalf the proof was filed, or the permanent incapacity of such  
 4926 person to operate a motor vehicle, or

4927           (3) In the event the person who has given proof of  
 4928 financial responsibility surrenders his or her license and all  
 4929 registrations to the department; providing, however, that no  
 4930 notice of court action has been filed with the department, a  
 4931 judgment in which would result in claim on such proof of  
 4932 financial responsibility.

4933  
 4934 This section shall not apply to security as specified in s.  
 4935 324.061 deposited pursuant to s. 324.051(2)(a)4.

4936           Section 70. Paragraph (b) of subsection (3) of section  
 4937 627.733, Florida Statutes, is amended to read:

4938           627.733 Required security.—

4939           (3) Such security shall be provided:

4940           (b) By any other method authorized by s. 324.031(2) or  
 4941 (3), ~~or (4)~~ and approved by the Department of Highway Safety and

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4942 Motor Vehicles as affording security equivalent to that afforded  
 4943 by a policy of insurance or by self-insuring as authorized by s.  
 4944 768.28(16). The person filing such security shall have all of  
 4945 the obligations and rights of an insurer under ss. 627.730-  
 4946 627.7405.

4947 Section 71. Section 627.7415, Florida Statutes, is amended  
 4948 to read:

4949 627.7415 Commercial motor vehicles; additional liability  
 4950 insurance coverage.—Commercial motor vehicles, as defined in s.  
 4951 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and  
 4952 highways of this state shall be insured with the following  
 4953 minimum levels of combined bodily liability insurance and  
 4954 property damage liability insurance in addition to any other  
 4955 insurance requirements:

4956 (1) Fifty thousand dollars per occurrence for a commercial  
 4957 motor vehicle with a gross vehicle weight of 26,000 pounds or  
 4958 more, but less than 35,000 pounds.

4959 (2) One hundred thousand dollars per occurrence for a  
 4960 commercial motor vehicle with a gross vehicle weight of 35,000  
 4961 pounds or more, but less than 44,000 pounds.

4962 (3) Three hundred thousand dollars per occurrence for a  
 4963 commercial motor vehicle with a gross vehicle weight of 44,000  
 4964 pounds or more.

4965 (4) All commercial motor vehicles subject to regulations  
 4966 of the United States Department of Transportation, Title 49  
 4967 C.F.R. part 387, subpart A, and as may be hereinafter amended,  
 4968 shall be insured in an amount equivalent to the minimum levels  
 4969 of financial responsibility as set forth in such regulations.

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4970  
4971 A violation of this section is a noncriminal traffic infraction,  
4972 punishable as a nonmoving violation as provided in chapter 318.  
4973       Section 72. Except as otherwise expressly provided in this  
4974 act and except for this section, which shall take effect upon  
4975 this act becoming a law, this act shall take effect July 1,  
4976 2013.