

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

57 removing a provision for a chief judge to establish
58 requirements for the location of schools within a
59 judicial circuit; removing a provision that authorizes
60 a person to operate a driver improvement school;
61 revising provisions for persons taking unapproved
62 course; providing criteria for initial approval of
63 courses; revising requirements for courses, course
64 certificates, and course providers; directing the
65 department to adopt rules; creating s. 319.141, F.S.;
66 directing the department to conduct a pilot program to
67 evaluate rebuilt vehicle inspection services performed
68 by the private sector; providing definitions;
69 providing for the department to enter into a
70 memorandum of understanding with the private provider;
71 providing minimum criteria and certain requirements;
72 requiring the department to provide a report to the
73 Legislature; providing for future expiration; amending
74 s. 319.225, F.S.; revising provisions for certificates
75 of title, reassignment of title, and forms; revising
76 procedures for transfer of title; amending s. 319.23,
77 F.S.; revising requirements for content of
78 certificates of title and applications for title;
79 amending s. 319.28, F.S.; revising provisions for
80 transfer of ownership by operation of law when a motor
81 vehicle or mobile home is repossessed; removing
82 provisions for a certificate of repossession; amending
83 s. 319.30, F.S.; defining the terms "National Motor
84 Vehicle Title Information System," "nonrepairable

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

113 F.S., relating to expedited services of the
114 department; removing certificates of repossession;
115 amending s. 320.01, F.S.; removing the definition of
116 the term "apportioned motor vehicle"; revising the
117 definition of the term "apportionable motor vehicle";
118 amending s. 320.02, F.S.; revising requirements for
119 application for motor vehicle registration; providing
120 for insurers to furnish proof-of-purchase cards in a
121 paper or an electronic format; amending s. 320.03,
122 F.S.; revising a provision for registration under the
123 International Registration Plan; amending s. 320.071,
124 F.S.; revising a provision for advance renewal of
125 registration under the International Registration
126 Plan; amending s. 320.0715, F.S.; revising provisions
127 for vehicles required to be registered under the
128 International Registration Plan; amending s. 320.089,
129 F.S.; creating a special use license plate for current
130 or former members of the United States Armed Forces
131 who participated in Operation Desert Storm or
132 Operation Desert Shield; amending s. 320.18, F.S.;
133 providing for withholding of motor vehicle or mobile
134 home registration when a coowner has failed to
135 register the motor vehicle or mobile home during a
136 previous period when such registration was required;
137 providing for cancelling a vehicle or vessel
138 registration, driver license, identification card, or
139 fuel-use tax decal if the coowner pays certain fees
140 and other liabilities with a dishonored check;

141 amending s. 320.27, F.S., relating to motor vehicle
142 dealers; providing for extended periods for dealer
143 licenses and supplemental licenses; providing fees;
144 amending s. 320.62, F.S., relating to manufacturers,
145 distributors, and importers of motor vehicles;
146 providing for extended licensure periods; providing
147 fees; amending s. 320.77, F.S., relating to mobile
148 home dealers; providing for extended licensure
149 periods; providing fees; amending s. 320.771, F.S.,
150 relating to recreational vehicle dealers; providing
151 for extended licensure periods; providing fees;
152 amending s. 320.8225, F.S., relating to mobile home
153 and recreational vehicle manufacturers, distributors,
154 and importers; providing for extended licensure
155 periods; providing fees; amending s. 322.095, F.S.;
156 requiring an applicant for a driver license to
157 complete a traffic law and substance abuse education
158 course; providing exceptions; revising procedures for
159 evaluation and approval of such courses; revising
160 criteria for such courses and the schools conducting
161 the courses; providing for collection and disposition
162 of certain fees; requiring providers to maintain
163 records; directing the department to conduct
164 effectiveness studies; requiring a provider to cease
165 offering a course that fails the study; requiring
166 courses to be updated at the request of the
167 department; requiring providers to disclose certain
168 information; requiring providers to submit course

169 completion information to the department within a
170 certain time period; prohibiting certain acts;
171 providing that the department shall not accept
172 certification from students; prohibiting a person
173 convicted of certain crimes from conducting courses;
174 directing the department to suspend course approval
175 for certain purposes; providing for the department to
176 deny, suspend, or revoke course approval for certain
177 acts; providing for administrative hearing before
178 final action denying, suspending, or revoking course
179 approval; providing penalties for violations; amending
180 s. 322.125, F.S.; revising criteria for members of the
181 Medical Advisory Board; amending s. 322.135, F.S.;
182 removing a provision that authorizes a tax collector
183 to direct certain licensees to the department for
184 examination or reexamination; amending s. 322.212,
185 F.S.; providing penalties for certain violations
186 involving application and testing for a commercial
187 driver license or a commercial learner's permit;
188 amending s. 322.22, F.S.; authorizing the department
189 to withhold issuance or renewal of a driver license,
190 identification card, vehicle or vessel registration,
191 or fuel-use decal under certain circumstances;
192 amending s. 322.245, F.S.; requiring a depository or
193 clerk of court to electronically notify the department
194 of a person's failure to pay support or comply with
195 directives of the court; amending s. 322.25, F.S.;
196 removing a provision for a court order to reinstate a

197 person's driving privilege on a temporary basis when
198 the person's license and driving privilege have been
199 revoked under certain circumstances; amending ss.
200 322.2615 and 322.2616, F.S., relating to review of a
201 license suspension when the driver had blood or breath
202 alcohol at a certain level or the driver refused a
203 test of his or her blood or breath to determine the
204 alcohol level; revising provisions for informal and
205 formal reviews; providing for the hearing officer to
206 be designated by the department; authorizing the
207 hearing officer to conduct hearings using
208 telecommunications technology; revising procedures for
209 enforcement of subpoenas; directing the department to
210 issue a temporary driving permit or invalidate the
211 suspension under certain circumstances; providing for
212 construction of specified provisions; amending s.
213 322.64, F.S., relating to driving with unlawful blood-
214 alcohol level or refusal to submit to breath, urine,
215 or blood test by a commercial driver license holder or
216 person driving a commercial motor vehicle; providing
217 that a disqualification from driving a commercial
218 motor vehicle is considered a conviction for certain
219 purposes; revising the time period a person is
220 disqualified from driving for alcohol-related
221 violations; revising requirements for notice of the
222 disqualification; providing that under the review of a
223 disqualification the hearing officer shall consider
224 the crash report; revising provisions for informal and

225 formal reviews; providing for the hearing officer to
226 be designated by the department; authorizing the
227 hearing officer to conduct hearings using
228 telecommunications technology; revising procedures for
229 enforcement of subpoenas; directing the department to
230 issue a temporary driving permit or invalidate the
231 suspension under certain circumstances; providing for
232 construction of specified provisions; amending s.
233 322.2715, F.S.; providing requirements for issuance of
234 a restricted license for a person convicted of a DUI
235 offense if a medical waiver of placement of an
236 ignition interlock device was given to such person;
237 amending s. 322.28, F.S., relating to revocation of
238 driver license for convictions of DUI offenses;
239 providing that convictions occurring on the same date
240 for offenses occurring on separate dates are
241 considered separate convictions; removing a provision
242 relating to a court order for reinstatement of a
243 revoked license; repealing s. 322.331, F.S., relating
244 to habitual traffic offenders; amending s. 322.61,
245 F.S., revising provisions for disqualification from
246 operating a commercial motor vehicle; providing for
247 application of such provisions to persons holding a
248 commercial learner's permit; revising the offenses for
249 which certain disqualifications apply; amending s.
250 323.002, F.S.; providing that an unauthorized wrecker
251 operator's wrecker, tow truck, or other motor vehicle
252 used during certain offenses may be removed and

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

281 insurers of such evidence; amending s. 324.161, F.S.;
282 providing requirements for issuance of a certificate
283 of insurance; requiring proof of a certificate of
284 deposit of a certain amount of money in a financial
285 institution; providing for power of attorney to be
286 issued to the department for execution under certain
287 circumstances; amending s. 328.01, F.S., relating to
288 vessel titles; revising identification requirements
289 for applications for a certificate of title; amending
290 s. 328.48, F.S., relating to vessel registration;
291 revising identification requirements for applications
292 for vessel registration; amending s. 328.76, F.S.,
293 relating to vessel registration funds; revising
294 provisions for funds to be deposited into the Highway
295 Safety Operating Trust Fund; amending s. 713.585,
296 F.S.; revising procedures and requirements for
297 enforcement of lien by sale of motor vehicle when
298 ownership is not established; revising provisions for
299 establishing a good faith effort to locate the owner
300 or lienholder; requiring the lienholder to make
301 certain records checks, including records of the
302 department and the National Motor Vehicle Title
303 Information System and any state disclosed by the
304 check of that system; revising requirements for
305 notification to the local law enforcement agency;
306 revising requirements for notification of the sale of
307 the vehicle; revising documents and proofs the
308 lienholder is required to furnish with a certificate

309 of compliance filed with the clerk of the circuit
310 court; requiring the lienholder to provide the
311 department proof of checking the National Motor
312 Vehicle Title Information System for application for
313 transfer of title; amending s. 713.78, F.S.; revising
314 provisions for enforcement of liens for recovering,
315 towing, or storing a vehicle or vessel; providing a
316 definition; providing for a lien on a vehicle or
317 vessel when a landlord or the landlord's designee
318 authorized removal after tenancy is terminated and
319 specified conditions are met; revising provisions
320 requiring notice to the owner, insurance company, and
321 lienholders; revising procedures and requirements when
322 ownership is not established; revising provisions for
323 establishing a good faith effort to locate the owner
324 or lienholder; requiring certain records checks,
325 including records of the department and the National
326 Motor Vehicle Title Information System and any state
327 disclosed by the check of that system; revising
328 provisions for notice of sale; requiring that
329 insurance company representatives shall be allowed to
330 inspect the vehicle or vessel; providing that when the
331 vehicle is to be sold for purposes of being
332 dismantled, destroyed, or changed in such manner that
333 it is not the motor vehicle or vessel described in the
334 certificate of title, it must be reported to the
335 National Motor Vehicle Title Information System and
336 application made to the department for a certificate

337 of destruction; amending ss. 212.08, 261.03, 316.2122,
 338 316.2124, 316.21265, 316.3026, 316.550, 317.0003,
 339 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,
 340 324.191, 627.733, and 627.7415, F.S.; correcting
 341 cross-references and conforming provisions to changes
 342 made by the act; providing effective dates.

343

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

345

346 Section 1. Paragraph (m) of subsection (2) of section
 347 110.205, Florida Statutes, is amended to read:

348 110.205 Career service; exemptions.—

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

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

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

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

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

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

371 5. Positions in the Department of Health that are assigned
 372 the duties of Environmental Administrator, Assistant County
 373 Health Department Director, and County Health Department
 374 Financial Administrator.

375 6. Positions in the Department of Highway Safety and Motor
 376 Vehicles that are assigned primary duties of serving as captains
 377 in the Florida Highway Patrol.

378
 379 Unless otherwise fixed by law, the department shall set the
 380 salary and benefits of the positions listed in this paragraph in
 381 accordance with the rules established for the Selected Exempt
 382 Service.

383 Section 2. Section 207.002, Florida Statutes, is amended
 384 to read:

385 207.002 Definitions.—As used in this chapter, the term:

386 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
 387 ~~which is required to be registered under the International~~
 388 ~~Registration Plan.~~

389 (1)(2) "Commercial motor vehicle" means any vehicle not
 390 owned or operated by a governmental entity which uses diesel
 391 fuel or motor fuel on the public highways; and which has a gross
 392 vehicle weight in excess of 26,000 pounds, or has three or more

393 axles regardless of weight, or is used in combination when the
 394 weight of such combination exceeds 26,000 pounds gross vehicle
 395 weight. The term excludes any vehicle owned or operated by a
 396 community transportation coordinator as defined in s. 427.011 or
 397 by a private operator that provides public transit services
 398 under contract with such a provider.

399 (2)~~(3)~~ "Department" means the Department of Highway Safety
 400 and Motor Vehicles.

401 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
 402 product or combination thereof, including, but not limited to,
 403 all forms of fuel known or sold as diesel fuel, kerosene, butane
 404 gas, or propane gas and all other forms of liquefied petroleum
 405 gases, except those defined as "motor fuel," used to propel a
 406 motor vehicle.

407 (4)~~(11)~~ "International Registration Plan" means a
 408 registration reciprocity agreement among states of the United
 409 States and provinces of Canada providing for payment of license
 410 fees or license taxes on the basis of fleet miles operated in
 411 various jurisdictions.

412 (5)~~(13)~~ "Interstate" means vehicle movement between or
 413 through two or more states.

414 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
 415 within a state to another point within the same state.

416 (7)~~(4)~~ "Motor carrier" means any person owning,
 417 controlling, operating, or managing any motor vehicle used to
 418 transport persons or property over any public highway.

419 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
 420 as gasoline and fuels containing a mixture of gasoline and other

421 products.

422 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
423 means and includes the utilization in any form of any commercial
424 motor vehicle, whether loaded or empty, whether utilized for
425 compensation or not for compensation, and whether owned by or
426 leased to the motor carrier who uses it or causes it to be used.

427 (10)~~(7)~~ "Person" means and includes natural persons,
428 corporations, copartnerships, firms, companies, agencies, or
429 associations, singular or plural.

430 (11)~~(8)~~ "Public highway" means any public street, road, or
431 highway in this state.

432 (12)~~(15)~~ "Registrant" means a person in whose name or
433 names a vehicle is properly registered.

434 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
435 diesel fuel or motor fuel in a commercial motor vehicle for the
436 propulsion thereof.

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

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

448 ~~(b) Is a power unit having three or more axles, regardless~~

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449 | ~~of weight; or~~

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

452 | Section 3. Paragraph (b) of subsection (2) of section
453 | 316.066, Florida Statutes, is amended to read:

454 | 316.066 Written reports of crashes.—

455 | (2)

456 | (b) Crash reports held by an agency under paragraph (a)
457 | may be made immediately available to the parties involved in the
458 | crash, their legal representatives, their licensed insurance
459 | agents, their insurers or insurers to which they have applied
460 | for coverage, persons under contract with such insurers to
461 | provide claims or underwriting information, prosecutorial
462 | authorities, law enforcement agencies, the Department of
463 | Transportation, county traffic operations, victim services
464 | programs, radio and television stations licensed by the Federal
465 | Communications Commission, newspapers qualified to publish legal
466 | notices under ss. 50.011 and 50.031, and free newspapers of
467 | general circulation, published once a week or more often,
468 | available and of interest to the public generally for the
469 | dissemination of news. For the purposes of this section, the
470 | following products or publications are not newspapers as
471 | referred to in this section: those intended primarily for
472 | members of a particular profession or occupational group; those
473 | with the primary purpose of distributing advertising; and those
474 | with the primary purpose of publishing names and other personal
475 | identifying information concerning parties to motor vehicle
476 | crashes.

477 Section 4. Subsections (3) and (4) of section 316.081,
478 Florida Statutes, are renumbered as subsections (4) and (5),
479 respectively, and a new subsection (3) is added to that section
480 to read:

481 316.081 Driving on right side of roadway; exceptions.—

482 (3) On a road, street, or highway having two or more lanes
483 that allow movement in the same direction, a driver may not
484 continue to operate a motor vehicle at less than the posted
485 speed limit in the furthestmost left-hand lane if the driver
486 knows or reasonably should know that he or she is being
487 overtaken in that lane from the rear by a motor vehicle
488 traveling at a higher rate of speed, except when overtaking and
489 passing another vehicle proceeding in the same direction or when
490 preparing for a left turn at an intersection or into a private
491 road or driveway.

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

502 (5)~~(4)~~ A violation of this section is a noncriminal
503 traffic infraction, punishable as a moving violation as provided
504 in chapter 318.

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

507 316.1937 Ignition interlock devices, requiring; unlawful
 508 acts.—

509 (1) In addition to any other authorized penalties, the
 510 court may require that any person who is convicted of driving
 511 under the influence in violation of s. 316.193 shall not operate
 512 a motor vehicle unless that vehicle is equipped with a
 513 functioning ignition interlock device certified by the
 514 department as provided in s. 316.1938, and installed in such a
 515 manner that the vehicle will not start if the operator's blood
 516 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 517 specified by the court. The court may require the use of an
 518 approved ignition interlock device for a period of at least ~~not~~
 519 ~~less than~~ 6 continuous months, if the person is permitted to
 520 operate a motor vehicle, whether or not the privilege to operate
 521 a motor vehicle is restricted, as determined by the court. The
 522 court, however, shall order placement of an ignition interlock
 523 device in those circumstances required by s. 316.193.

524 Section 6. Subsection (2) of section 316.2397, Florida
 525 Statutes, is amended to read:

526 316.2397 Certain lights prohibited; exceptions.—

527 (2) It is expressly prohibited for any vehicle or
 528 equipment, except police vehicles, to show or display blue
 529 lights. However, vehicles owned, operated, or leased by the
 530 Department of Corrections or any county correctional agency may
 531 show or display blue lights when responding to emergencies. With
 532 written approval of the city's police chief or county sheriff, a

533 | city mayor who is the head of a city government and the head law
 534 | enforcement official of the municipality are exempt from the
 535 | prohibition under this subsection.

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

539 | 316.302 Commercial motor vehicles; safety regulations;
 540 | transporters and shippers of hazardous materials; enforcement.-

541 | (1)

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

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

559 | ~~(9)(a) This section is not applicable to the transporting~~
 560 | ~~of liquefied petroleum gas. The rules and regulations applicable~~

561 ~~to the transporting of liquefied petroleum gas on the highways,~~
 562 ~~roads, or streets of this state shall be only those adopted by~~
 563 ~~the Department of Agriculture and Consumer Services under~~
 564 ~~chapter 527. However, transporters of liquefied petroleum gas~~
 565 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
 566 ~~396.9.~~

567 ~~(b)~~ This section does not apply to any nonpublic sector
 568 bus.

569 Section 8. Paragraph (b) of subsection (3) and subsection
 570 (5) of section 316.3025, Florida Statutes, are amended,
 571 subsections (6) and (7) are renumbered as subsections (7) and
 572 (8), respectively, and a new subsection (6) is added to that
 573 section, to read:

574 316.3025 Penalties.—

575 (3)

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

- 577 1. Each violation of the North American Uniform Driver
- 578 Out-of-Service Criteria;
- 579 2. A violation of s. 316.302(2)(b) or (c);
- 580 3. A violation of 49 C.F.R. s. 392.60; ~~or~~
- 581 4. A violation of the North American Standard Vehicle Out-
- 582 of-Service Criteria resulting from an inspection of a commercial
- 583 motor vehicle involved in a crash; or
- 584 5. A violation of 49 C.F.R. s. 391.41.

585 (5) Whenever any person or motor carrier as defined in
 586 chapter 320 violates the provisions of this section and becomes
 587 indebted to the state because of such violation and refuses to
 588 pay the appropriate penalty, in addition to the provisions of s.

589 316.3026, such penalty becomes a lien upon the property
590 including the motor vehicles of such person or motor carrier and
591 may be seized and foreclosed by the state in a civil action in
592 any court of this state. It shall be presumed that the owner of
593 the motor vehicle is liable for the sum, and the vehicle may be
594 detained or impounded until the penalty is paid.

595 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
596 prohibits texting while operating a commercial motor vehicle, or
597 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
598 telephone while operating a commercial motor vehicle, may be
599 assessed a civil penalty and commercial driver license
600 disqualification as follows:

601 1. First violation: \$500.

602 2. Second violation: \$1,000 and a 60-day commercial driver
603 license disqualification pursuant to 49 C.F.R. part 383.

604 3. Third and subsequent violations: \$2,750 and a 120-day
605 commercial driver license disqualification pursuant to 49 C.F.R.
606 part 383.

607 (b) A company requiring or allowing a driver to violate 49
608 C.F.R. s. 392.80, which prohibits texting while operating a
609 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
610 prohibits using a handheld mobile telephone while operating a
611 commercial motor vehicle, may, in addition to any other penalty
612 assessed, be assessed the following civil penalty. The driver
613 shall not be charged with an offense for the first violation
614 under this paragraph by the company.

615 1. First violation: \$2,750.

616 2. Second violation: \$5,000.

617 3. Third and subsequent violations: \$11,000.

618 Section 9. Paragraph (d) of subsection (3) of section
619 316.545, Florida Statutes, is amended to read:

620 316.545 Weight and load unlawful; special fuel and motor
621 fuel tax enforcement; inspection; penalty; review.—

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

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

630 Section 10. Subsection (1) of section 316.646, Florida
631 Statutes, is amended, and subsection (5) is added to that
632 section, to read:

633 316.646 Security required; proof of security and display
634 thereof; dismissal of cases.—

635 (1) Any person required by s. 324.022 to maintain property
636 damage liability security, required by s. 324.023 to maintain
637 liability security for bodily injury or death, or required by s.
638 627.733 to maintain personal injury protection security on a
639 motor vehicle shall have in his or her immediate possession at
640 all times while operating such motor vehicle proper proof of
641 maintenance of the required security. Such proof shall be a
642 uniform proof-of-insurance card in a paper or an electronic
643 format in a form prescribed by the department, a valid insurance
644 policy, an insurance policy binder, a certificate of insurance,

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645 or such other proof as may be prescribed by the department. If a
646 person presents to a law enforcement officer an electronic
647 device displaying a proof-of-insurance card in an electronic
648 format, such person:

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

652 (b) Assumes liability for any damage to the electronic
653 device.

654 (5) The department may adopt rules to implement this
655 section.

656 Section 11. Section 317.0016, Florida Statutes, is amended
657 to read:

658 317.0016 Expedited service; applications; fees.—The
659 department shall provide, through its agents and for use by the
660 public, expedited service on title transfers, title issuances,
661 duplicate titles, and recordation of liens, ~~and certificates of~~
662 ~~repossession~~. A fee of \$7 shall be charged for this service,
663 which is in addition to the fees imposed by ss. 317.0007 and
664 317.0008, and \$3.50 of this fee shall be retained by the
665 processing agency. All remaining fees shall be deposited in the
666 Incidental Trust Fund of the Florida Forest Service of the
667 Department of Agriculture and Consumer Services. Application for
668 expedited service may be made by mail or in person. The
669 department shall issue each title applied for pursuant to this
670 section within 5 working days after receipt of the application
671 except for an application for a duplicate title certificate
672 covered by s. 317.0008(3), in which case the title must be

673 issued within 5 working days after compliance with the
674 department's verification requirements.

675 Section 12. Paragraph (a) of subsection (4), subsection
676 (9), and subsection (10) of section 318.14, Florida Statutes,
677 are amended to read:

678 318.14 Noncriminal traffic infractions; exception;
679 procedures.—

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

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

686 ~~b.2.~~ Enter into a payment plan in accordance with s.
687 28.246 with the clerk of the court to pay the civil penalty and
688 delinquent fee, if applicable.

689 2. By February 1, 2014, the department shall submit a
690 report to the President of the Senate and the Speaker of the
691 House of Representatives on the feasibility of driver-initiated
692 payment of civil penalties to law enforcement, transacted
693 electronically at the roadside, immediately following issuance
694 of the citation. This subparagraph expires July 1, 2014.

695 (9) Any person who does not hold a commercial driver
696 license or commercial learner's permit and who is cited while
697 driving a noncommercial motor vehicle for an infraction under
698 this section other than a violation of s. 316.183(2), s.
699 316.187, or s. 316.189 when the driver exceeds the posted limit
700 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or

701 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
702 lieu of a court appearance, elect to attend in the location of
703 his or her choice within this state a basic driver improvement
704 course approved by the Department of Highway Safety and Motor
705 Vehicles. In such a case, adjudication must be withheld and
706 points, as provided by s. 322.27, may not be assessed. However,
707 a person may not make an election under this subsection if the
708 person has made an election under this subsection in the
709 preceding 12 months. A person may not make more than five
710 elections within his or her lifetime under this subsection. The
711 requirement for community service under s. 318.18(8) is not
712 waived by a plea of nolo contendere or by the withholding of
713 adjudication of guilt by a court. If a person makes an election
714 to attend a basic driver improvement course under this
715 subsection, 18 percent of the civil penalty imposed under s.
716 318.18(3) shall be deposited in the State Courts Revenue Trust
717 Fund; however, that portion is not revenue for purposes of s.
718 28.36 and may not be used in establishing the budget of the
719 clerk of the court under that section or s. 28.35.

720 (10)(a) Any person who does not hold a commercial driver
721 license or commercial learner's permit and who is cited while
722 driving a noncommercial motor vehicle for an offense listed
723 under this subsection may, in lieu of payment of fine or court
724 appearance, elect to enter a plea of nolo contendere and provide
725 proof of compliance to the clerk of the court, designated
726 official, or authorized operator of a traffic violations bureau.
727 In such case, adjudication shall be withheld; however, a person
728 may not make an election under this subsection if the person has

729 made an election under this subsection in the preceding 12
730 months. A person may not make more than three elections under
731 this subsection. This subsection applies to the following
732 offenses:

733 1. Operating a motor vehicle without a valid driver
734 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
735 or operating a motor vehicle with a license that has been
736 suspended for failure to appear, failure to pay civil penalty,
737 or failure to attend a driver improvement course pursuant to s.
738 322.291.

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

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

742 4. Operating a motor vehicle with a license that has been
743 suspended under s. 61.13016 or s. 322.245 for failure to pay
744 child support or for failure to pay any other financial
745 obligation as provided in s. 322.245; however, this subparagraph
746 does not apply if the license has been suspended pursuant to s.
747 322.245(1).

748 5. Operating a motor vehicle with a license that has been
749 suspended under s. 322.091 for failure to meet school attendance
750 requirements.

751 (b) Any person cited for an offense listed in this
752 subsection shall present proof of compliance before the
753 scheduled court appearance date. For the purposes of this
754 subsection, proof of compliance shall consist of a valid,
755 renewed, or reinstated driver license or registration
756 certificate and proper proof of maintenance of security as

757 required by s. 316.646. Notwithstanding waiver of fine, any
 758 person establishing proof of compliance shall be assessed court
 759 costs of \$25, except that a person charged with violation of s.
 760 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
 761 such costs shall be remitted to the Department of Revenue for
 762 deposit into the Child Welfare Training Trust Fund of the
 763 Department of Children and Family Services. One dollar of such
 764 costs shall be distributed to the Department of Juvenile Justice
 765 for deposit into the Juvenile Justice Training Trust Fund.
 766 Fourteen dollars of such costs shall be distributed to the
 767 municipality and \$9 shall be deposited by the clerk of the court
 768 into the fine and forfeiture fund established pursuant to s.
 769 142.01, if the offense was committed within the municipality. If
 770 the offense was committed in an unincorporated area of a county
 771 or if the citation was for a violation of s. 316.646(1)-(3), the
 772 entire amount shall be deposited by the clerk of the court into
 773 the fine and forfeiture fund established pursuant to s. 142.01,
 774 except for the moneys to be deposited into the Child Welfare
 775 Training Trust Fund and the Juvenile Justice Training Trust
 776 Fund. This subsection does not authorize the operation of a
 777 vehicle without a valid driver license, without a valid vehicle
 778 tag and registration, or without the maintenance of required
 779 security.

780 Section 13. Section 318.1451, Florida Statutes, is amended
 781 to read:

782 318.1451 Driver improvement schools.-

783 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
 784 shall approve and regulate the courses of all driver improvement

785 schools, as the courses relate to ss. 318.14(9), 322.0261, and
786 322.291, including courses that use technology as a delivery
787 method. ~~The chief judge of the applicable judicial circuit may~~
788 ~~establish requirements regarding the location of schools within~~
789 ~~the judicial circuit. A person may engage in the business of~~
790 ~~operating a driver improvement school that offers department-~~
791 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
792 ~~322.291.~~

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

797 (2) (a) In determining whether to approve the courses
798 referenced in this section, the department shall consider course
799 content designed to promote safety, driver awareness, crash
800 avoidance techniques, and other factors or criteria to improve
801 driver performance from a safety viewpoint. Initial approval of
802 the courses shall also be based on the department's review of
803 all course materials, course presentation to the department by
804 the provider, and the provider's plan for effective oversight of
805 the course by those who deliver the course in the state. New
806 courses shall be provisionally approved and limited to the
807 judicial circuit originally approved for pilot testing until the
808 course is fully approved by the department for statewide
809 delivery.

810 (b) In determining whether to approve courses of driver
811 improvement schools that use technology as the delivery method
812 as the courses relate to ss. 318.14(9) and 322.0261, the

813 department shall consider only those courses submitted by a
814 person, business, or entity which have approval for statewide
815 delivery.

816 (3) ~~The department of Highway Safety and Motor Vehicles~~
817 ~~shall not accept suspend accepting~~ proof of attendance of
818 courses from persons who attend those schools that do not teach
819 an approved course. ~~In those circumstances, a person who has~~
820 ~~elected to take courses from such a school shall receive a~~
821 ~~refund from the school, and the person shall have the~~
822 ~~opportunity to take the course at another school.~~

823 (4) In addition to a regular course fee, an assessment fee
824 in the amount of \$2.50 shall be collected by the school from
825 each person who elects to attend a course, as it relates to ss.
826 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
827 must remit the \$2.50 assessment fee to the department for
828 deposit into, ~~which shall be remitted to the Department of~~
829 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~
830 ~~Safety Operating Trust Fund in order to receive unique course~~
831 ~~completion certificate numbers for course participants. The~~
832 assessment fee will be used to administer this program and to
833 fund the general operations of the department.

834 (5) (a) The department is authorized to maintain the
835 information and records necessary to administer its duties and
836 responsibilities for driver improvement courses. Course
837 providers are required to maintain all records related to the
838 conduct of their approved courses for 5 years and allow the
839 department to inspect course records as necessary. Records may
840 be maintained in an electronic format. If ~~where~~ such information

841 is a public record as defined in chapter 119, it shall be made
842 available to the public upon request pursuant to s. 119.07(1).

843 (b) The department or court may prepare a traffic school
844 reference guide which lists the benefits of attending a driver
845 improvement school and contains the names of the fully approved
846 course providers with a single telephone number for each
847 provider as furnished by the provider.

848 (6) The department shall adopt rules establishing and
849 maintaining policies and procedures to implement the
850 requirements of this section. These policies and procedures may
851 include, but shall not be limited to, the following:

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

857 (b) Required updates.—The department may require that
858 courses approved under this section be updated at the
859 department's request. Failure of a course provider to update the
860 course under this section shall result in the suspension of the
861 course approval until the course is updated and approved by the
862 department.

863 (c) Course conduct.—The department shall require that the
864 approved course providers ensure their driver improvement
865 schools are conducting the approved course fully and to the
866 required time limit and content requirements.

867 (d) Course content.—The department shall set and modify
868 course content requirements to keep current with laws and safety

869 information. Course content includes all items used in the
870 conduct of the course.

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

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

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

881 Section 14. Section 319.141, Florida Statutes, is created
882 to read:

883 319.141 Pilot program for private sector rebuilt vehicle
884 inspections.—

885 (1) Effective October 1, 2013, the department shall
886 conduct a pilot program to evaluate alternatives for rebuilt
887 vehicle inspection services to be offered by the private sector.
888 The purpose of the pilot program is for the department to
889 investigate the feasibility of private rebuilt vehicle
890 inspection facilities, the cost to the consumer, and the
891 potential savings to the department. The pilot program shall be
892 limited to Miami-Dade and Hillsborough Counties and will allow
893 participating private parties to conduct rebuilt vehicle
894 inspections.

895 (2) For the purpose of this pilot program, the term
896 "rebuilt inspection facility" means a privately owned and

897 operated entity authorized by the department to inspect rebuilt
 898 vehicles for the department, and the term "rebuilt inspection"
 899 means an inspection of a rebuilt vehicle and its properly
 900 endorsed certificate of title, salvage certificate of title, or
 901 manufacturer's statement of origin submitted to the department,
 902 together with an application for a rebuilt certificate of title,
 903 a rebuilder's affidavit, a photo of the junk or salvage vehicle
 904 taken before any repairs began, receipts or invoices for all
 905 major component parts, as defined in s. 319.30(1), that were
 906 changed, and proof of reporting of the rebuilding of the vehicle
 907 to the National Motor Vehicle Title Information System.

908 (3) The department shall establish a memorandum of
 909 understanding with each participant in the pilot program
 910 covering oversight requirements, providing bonding and insurance
 911 requirements, establishing procedures and forms, and requiring
 912 the electronic transmission of rebuilt documents.

913 (4) Before any person or company can be approved by the
 914 department as a rebuilt inspection facility, the department
 915 shall ensure that the entity meets basic criteria designed to
 916 protect the public, which includes the following minimum
 917 criteria in addition to other such criteria that the department
 918 finds necessary to conduct proper inspections. At a minimum, the
 919 applicant must:

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

922 (b) Have and maintain garage liability insurance for the
 923 rebuilt inspection facility.

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

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

930 (6) The department shall provide a report to the President
931 of the Senate and the Speaker of the House of Representatives
932 regarding results of the pilot program by February 1, 2015. This
933 section expires July 1, 2015, unless otherwise extended by an
934 act of the Legislature.

935 Section 15. Section 319.225, Florida Statutes, is amended
936 to read:

937 319.225 Transfer and reassignment forms; odometer
938 disclosure statements.—

939 (1) Every certificate of title issued by the department
940 must contain the following statement on its reverse side:
941 "Federal and state law require the completion of the odometer
942 statement set out below. Failure to complete or providing false
943 information may result in fines, imprisonment, or both."

944 (2) Each certificate of title issued by the department
945 must contain on its front ~~reverse~~ side a form for transfer of
946 title by the titleholder of record, which form must contain an
947 odometer disclosure statement in the form required by 49 C.F.R.
948 s. 580.5.

949 (3) Each certificate of title issued by the department
950 must contain on its reverse side as many forms as space allows
951 for reassignment of title by a licensed dealer as permitted by

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952 s. 319.21(3), which form or forms shall contain an odometer
953 disclosure statement in the form required by 49 C.F.R. s. 580.5.
954 When all dealer reassignment forms provided on the back of the
955 title certificate have been filled in, a dealer may reassign the
956 title certificate by using a separate dealer reassignment form
957 issued by the department in compliance with 49 C.F.R. ss. 580.4
958 and 580.5, which form shall contain an original that ~~two carbon~~
959 ~~copies one of which~~ shall be submitted ~~directly~~ to the
960 department by the dealer ~~within 5 business days after the~~
961 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
962 dealer in his or her records for 5 years. The provisions of this
963 subsection shall also apply to vehicles not previously titled in
964 this state and vehicles whose title certificates do not contain
965 the forms required by this section.

966 (4) Upon transfer or reassignment of a certificate of
967 title to a used motor vehicle, the transferor shall complete the
968 odometer disclosure statement provided for by this section and
969 the transferee shall acknowledge the disclosure by signing and
970 printing his or her name in the spaces provided. This subsection
971 does not apply to a vehicle that has a gross vehicle rating of
972 more than 16,000 pounds, a vehicle that is not self-propelled,
973 or a vehicle that is 10 years old or older. A lessor who
974 transfers title to his or her vehicle without obtaining
975 possession of the vehicle shall make odometer disclosure as
976 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
977 or acknowledge a disclosure statement as required by this
978 subsection is guilty of a misdemeanor of the second degree,
979 punishable as provided in s. 775.082 or s. 775.083. The

980 department may not issue a certificate of title unless this
981 subsection has been complied with.

982 (5) The same person may not sign a disclosure statement as
983 both the transferor and the transferee in the same transaction
984 except as provided in subsection (6).

985 (6) (a) If the certificate of title is physically held by a
986 lienholder, the transferor may give a power of attorney to his
987 or her transferee for the purpose of odometer disclosure. The
988 power of attorney must be on a form issued or authorized by the
989 department, which form must be in compliance with 49 C.F.R. ss.
990 580.4 and 580.13. The department shall not require the signature
991 of the transferor to be notarized on the form; however, in lieu
992 of notarization, the form shall include an affidavit with the
993 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
994 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
995 ARE TRUE. The transferee shall sign the power of attorney form,
996 print his or her name, and return a copy of the power of
997 attorney form to the transferor. Upon receipt of a title
998 certificate, the transferee shall complete the space for mileage
999 disclosure on the title certificate exactly as the mileage was
1000 disclosed by the transferor on the power of attorney form. If
1001 the transferee is a licensed motor vehicle dealer who is
1002 transferring the vehicle to a retail purchaser, the dealer shall
1003 make application on behalf of the retail purchaser as provided
1004 in s. 319.23(6) and shall submit the original power of attorney
1005 form to the department with the application for title and the
1006 transferor's title certificate; otherwise, a dealer may reassign
1007 the title certificate by using the dealer reassignment form in

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1008 the manner prescribed in subsection (3), and, at the time of
1009 physical transfer of the vehicle, the original power of attorney
1010 shall be delivered to the person designated as the transferee of
1011 the dealer on the dealer reassignment form. ~~A copy of the
1012 executed power of attorney shall be submitted to the department
1013 with a copy of the executed dealer reassignment form within 5
1014 business days after the certificate of title and dealer
1015 reassignment form are delivered by the dealer to its transferee.~~

1016 (b) If the certificate of title is lost or otherwise
1017 unavailable, the transferor may give a power of attorney to his
1018 or her transferee for the purpose of odometer disclosure. The
1019 power of attorney must be on a form issued or authorized by the
1020 department, which form must be in compliance with 49 C.F.R. ss.
1021 580.4 and 580.13. The department shall not require the signature
1022 of the transferor to be notarized on the form; however, in lieu
1023 of notarization, the form shall include an affidavit with the
1024 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1025 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1026 ARE TRUE. The transferee shall sign the power of attorney form,
1027 print his or her name, and return a copy of the power of
1028 attorney form to the transferor. Upon receipt of the title
1029 certificate or a duplicate title certificate, the transferee
1030 shall complete the space for mileage disclosure on the title
1031 certificate exactly as the mileage was disclosed by the
1032 transferor on the power of attorney form. If the transferee is a
1033 licensed motor vehicle dealer who is transferring the vehicle to
1034 a retail purchaser, the dealer shall make application on behalf
1035 of the retail purchaser as provided in s. 319.23(6) and shall

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1036 submit the original power of attorney form to the department
1037 with the application for title and the transferor's title
1038 certificate or duplicate title certificate; otherwise, a dealer
1039 may reassign the title certificate by using the dealer
1040 reassignment form in the manner prescribed in subsection (3),
1041 and, at the time of physical transfer of the vehicle, the
1042 original power of attorney shall be delivered to the person
1043 designated as the transferee of the dealer on the dealer
1044 reassignment form. If the dealer sells the vehicle to an out-of-
1045 state resident or an out-of-state dealer and the power of
1046 attorney form is applicable to the transaction, the dealer must
1047 photocopy the completed original of the form and mail directly
1048 to the department within 5 business days after the certificate
1049 of title and dealer reassignment form are delivered by the
1050 dealer to its purchaser. A copy of the executed power of
1051 attorney shall be submitted to the department with a copy of the
1052 executed dealer reassignment form within 5 business days after
1053 the duplicate certificate of title and dealer reassignment form
1054 are delivered by the dealer to its transferee.

1055 (c) If the mechanics of the transfer of title to a motor
1056 vehicle in accordance with the provisions of paragraph (a) or
1057 paragraph (b) are determined to be incompatible with and
1058 unlawful under the provisions of 49 C.F.R. part 580, the
1059 transfer of title to a motor vehicle by operation of this
1060 subsection can be effected in any manner not inconsistent with
1061 49 C.F.R. part 580 and Florida law; provided, any power of
1062 attorney form issued or authorized by the department under this
1063 subsection shall contain an original that ~~two carbon copies, one~~

1064 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1065 dealer ~~within 5 business days of use by the dealer~~ to effect
1066 transfer of a title certificate as provided in paragraphs (a)
1067 and (b) and a copy that ~~one of which~~ shall be retained by the
1068 dealer in its records for 5 years.

1069 (d) Any person who fails to complete the information
1070 required by this subsection or to file with the department the
1071 forms required by this subsection is guilty of a misdemeanor of
1072 the second degree, punishable as provided in s. 775.082 or s.
1073 775.083. The department shall not issue a certificate of title
1074 unless this subsection has been complied with.

1075 (7) If a title is held electronically and the transferee
1076 agrees to maintain the title electronically, the transferor and
1077 transferee shall complete a secure reassignment document which
1078 discloses the odometer reading and is signed by both the
1079 transferor and transferee at the tax collector office or license
1080 plate agency. Each certificate of title issued by the department
1081 must contain on its reverse side a minimum of ~~four~~ spaces for
1082 notation of the name and license number of any auction through
1083 which the vehicle is sold and the date the vehicle was
1084 auctioned. Each separate dealer reassignment form issued by the
1085 department must also have the space referred to in this section.
1086 When a transfer of title is made at a motor vehicle auction, the
1087 reassignment must note the name and address of the auction, but
1088 the auction shall not thereby be deemed to be the owner, seller,
1089 transferor, or assignor of title. A motor vehicle auction is
1090 required to execute a dealer reassignment only when it is the
1091 owner of a vehicle being sold.

1092 (8) Upon transfer or reassignment of a used motor vehicle
 1093 through the services of an auction, the auction shall complete
 1094 the information in the space provided for by subsection (7). Any
 1095 person who fails to complete the information as required by this
 1096 subsection is guilty of a misdemeanor of the second degree,
 1097 punishable as provided in s. 775.082 or s. 775.083. The
 1098 department shall not issue a certificate of title unless this
 1099 subsection has been complied with.

1100 (9) This section shall be construed to conform to 49
 1101 C.F.R. part 580.

1102 Section 16. Subsection (9) of section 319.23, Florida
 1103 Statutes, is amended to read:

1104 319.23 Application for, and issuance of, certificate of
 1105 title.—

1106 (9) The title certificate or application for title must
 1107 contain the applicant's full first name, middle initial, last
 1108 name, date of birth, sex, and the license plate number. An
 1109 individual applicant must provide ~~personal or business~~
 1110 ~~identification, which may include, but need not be limited to, a~~
 1111 valid driver ~~driver's~~ license or identification card issued by
 1112 ~~number,~~ Florida or another state, or a valid passport. A
 1113 business applicant must provide a identification card number, or
 1114 federal employer identification number, if applicable,
 1115 verification that the business is authorized to conduct business
 1116 in the state, or a Florida city or county business license or
 1117 number. In lieu of ~~and~~ the license plate number, the individual
 1118 or business applicant must provide ~~or, in lieu thereof,~~ an
 1119 affidavit certifying that the motor vehicle to be titled will

1120 not be operated upon the public highways of this state.

1121 Section 17. Paragraph (b) of subsection (2) of section
1122 319.28, Florida Statutes, is amended to read:

1123 319.28 Transfer of ownership by operation of law.—

1124 (2)

1125 (b) In case of repossession of a motor vehicle or mobile
1126 home pursuant to the terms of a security agreement or similar
1127 instrument, an affidavit by the party to whom possession has
1128 passed stating that the vehicle or mobile home was repossessed
1129 upon default in the terms of the security agreement or other
1130 instrument shall be considered satisfactory proof of ownership
1131 and right of possession. At least 5 days before ~~prior to~~ selling
1132 the repossessed vehicle, any subsequent lienholder named in the
1133 last issued certificate of title shall be sent notice of the
1134 repossession by certified mail, on a form prescribed by the
1135 department. If such notice is given and no written protest to
1136 the department is presented by a subsequent lienholder within 15
1137 days after ~~from~~ the date on which the notice was mailed, the
1138 certificate of title ~~or the certificate of repossession~~ shall be
1139 issued showing no liens. If the former owner or any subsequent
1140 lienholder files a written protest under oath within such 15-day
1141 period, the department shall not issue the certificate of title
1142 ~~or certificate of repossession~~ for 10 days thereafter. If within
1143 the 10-day period no injunction or other order of a court of
1144 competent jurisdiction has been served on the department
1145 commanding it not to deliver the certificate of title ~~or~~
1146 ~~certificate of repossession~~, the department shall deliver the
1147 certificate of title ~~or repossession~~ to the applicant or as may

1148 otherwise be directed in the application showing no other liens
 1149 than those shown in the application. Any lienholder who has
 1150 repossessed a vehicle in this state in compliance with the
 1151 provisions of this section must apply to a tax collector's
 1152 office in this state or to the department for a ~~certificate of~~
 1153 ~~repossession or to the department for a~~ certificate of title
 1154 pursuant to s. 319.323. Proof of the required notice to
 1155 subsequent lienholders shall be submitted together with regular
 1156 title fees. ~~A lienholder to whom a certificate of repossession~~
 1157 ~~has been issued may assign the certificate of title to the~~
 1158 ~~subsequent owner.~~ Any person found guilty of violating any
 1159 requirements of this paragraph shall be guilty of a felony of
 1160 the third degree, punishable as provided in s. 775.082, s.
 1161 775.083, or s. 775.084.

1162 Section 18. Paragraphs (n) through (v) of subsection (1),
 1163 paragraph (c) of subsection (2), and subsections (3), (7), and
 1164 (9) of section 319.30, Florida Statutes, are amended, subsection
 1165 (11) is redesignated as subsection (12), and a new subsection
 1166 (11) is added to that section, to read:

1167 319.30 Definitions; dismantling, destruction, change of
 1168 identity of motor vehicle or mobile home; salvage.—

1169 (1) As used in this section, the term:

1170 (n) "National Motor Vehicle Title Information System"

1171 means the national, mandated vehicle history database required
 1172 under 28 C.F.R. part 25 and maintained for the United States
 1173 Department of Justice that links the states' motor vehicle title
 1174 records, including the department's motor vehicle title records,
 1175 and requires the reporting of junk and salvage motor vehicles in

1176 order to ensure that states, law enforcement agencies, and
 1177 consumers have access to vehicle titling, branding, and other
 1178 information to verify the accuracy and legality of motor vehicle
 1179 titles before purchase or title transfer of the vehicle occurs.

1180 (o) "Nonrepairable vehicle" means a vehicle of a type
 1181 otherwise subject to registration that:

1182 1. Has no resale value except as a source of parts or
 1183 scrap metal or that the owner irreversibly designates as a
 1184 source of parts or scrap metal or for destruction; or

1185 2. Has little or no resale value other than its worth as a
 1186 source of a vehicle identification number that could be used
 1187 illegally and:

1188 a. Has been substantially stripped as a result of theft;
 1189 or

1190 b. Is missing all of the bolt-on sheet metal body panels,
 1191 all of the doors and hatches, substantially all of the interior
 1192 components, and substantially all of the grill and light
 1193 assemblies; or

1194 3. Is a substantially burned vehicle that:

1195 (I) Has burned to the extent that there are no more usable
 1196 or repairable body or interior components, tires and wheels, or
 1197 drive train components; or

1198 (II) The owner irreversibly designates for destruction or
 1199 as having little or no resale value other than its worth as a
 1200 source of scrap metal or as a source of a vehicle identification
 1201 number that could be used illegally.

1202 (p)~~(n)~~ "Parts" means parts of motor vehicles or
 1203 combinations thereof that do not constitute materials or
 1204 prepared materials.

1205 (q)~~(o)~~ "Prepared materials" means motor vehicles, mobile
 1206 homes, derelict motor vehicles, major parts, or parts that have
 1207 been processed by mechanically flattening or crushing, or
 1208 otherwise processed such that they are not the motor vehicle or
 1209 mobile home described in the certificate of title, or their only
 1210 value is as scrap metal.

1211 (r)~~(p)~~ "Processing" means the business of performing the
 1212 manufacturing process by which ferrous metals or nonferrous
 1213 metals are converted into raw material products consisting of
 1214 prepared grades and having an existing or potential economic
 1215 value, or the purchase of materials, prepared materials, or
 1216 parts therefor.

1217 (s)~~(q)~~ "Recreational vehicle" means a motor vehicle as
 1218 defined in s. 320.01(1).

1219 (t)~~(r)~~ "Salvage" means a motor vehicle or mobile home
 1220 which is a total loss as defined in paragraph (3)(a).

1221 (u)~~(s)~~ "Salvage certificate of title" means a salvage
 1222 certificate of title issued by the department or by another
 1223 motor vehicle department authorized to issue titles in another
 1224 state.

1225 (v)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
 1226 vehicle dealer as defined in s. 320.27(1)(c)5.

1227 (w)~~(u)~~ "Secondary metals recycler" means secondary metals
 1228 recycler as defined in s. 538.18.

1229 (x) "Self-insured entity" means a person, firm, business,
1230 company, or corporation, including a rental car company, that
1231 self-insures its own inventory or company vehicles.

1232 (y)~~(v)~~ "Seller" means the owner of record or a person who
1233 has physical possession and responsibility for a derelict motor
1234 vehicle and attests that possession of the vehicle was obtained
1235 through lawful means along with all ownership rights. A seller
1236 does not include a towing company, repair shop, or landlord
1237 unless the towing company, repair shop, or landlord has obtained
1238 title, salvage title, or a certificate of destruction in the
1239 name of the towing company, repair shop, or landlord.

1240 (2)

1241 (c)1. When a derelict motor vehicle is sold, transported,
1242 or delivered to a licensed salvage motor vehicle dealer, the
1243 purchaser shall record the date of purchase and the name,
1244 address, and valid Florida driver's license number or valid
1245 Florida identification card number, or a valid driver's license
1246 number or identification card number issued by another state, of
1247 the person selling the derelict motor vehicle, and it shall be
1248 accompanied by:

1249 a. A valid certificate of title issued in the name of the
1250 seller or properly endorsed over to the seller;

1251 b. A valid salvage certificate of title issued in the name
1252 of the seller or properly endorsed over to the seller; or

1253 c. A valid certificate of destruction issued in the name
1254 of the seller or properly endorsed over to the seller.

1255 2. If a valid certificate of title, salvage certificate of
1256 title, or certificate of destruction is not available, a

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1257 derelict motor vehicle certificate application shall be
1258 completed by the seller or owner of the motor vehicle or mobile
1259 home, the seller's or owner's authorized transporter, and the
1260 licensed salvage motor vehicle dealer at the time of sale,
1261 transport, or delivery to the licensed salvage motor vehicle
1262 dealer. The derelict motor vehicle certificate application shall
1263 be used by the seller or owner, the seller's or owner's
1264 authorized transporter, and the licensed salvage motor vehicle
1265 dealer to obtain a derelict motor vehicle certificate from the
1266 department. The derelict motor vehicle certificate application
1267 must be accompanied by a legible copy of the seller's or owner's
1268 valid Florida driver's license or Florida identification card,
1269 or a valid driver's license or identification card issued by
1270 another state. If the seller is not the owner of record of the
1271 vehicle being sold, the dealer shall, at the time of sale,
1272 ensure that a smudge-free right thumbprint, or other digit if
1273 the seller has no right thumb, of the seller is imprinted upon
1274 the derelict motor vehicle certificate application and that a
1275 legible copy of the seller's driver's license or identification
1276 card is affixed to the application and transmitted to the
1277 department. The licensed salvage motor vehicle dealer shall
1278 secure the derelict motor vehicle for 3 full business days,
1279 excluding weekends and holidays, if there is no active lien or a
1280 lien of 3 years or more on the department's records before
1281 destroying or dismantling the derelict motor vehicle and shall
1282 follow all reporting procedures established by the department,
1283 including electronic notification to the department or delivery
1284 of the original derelict motor vehicle certificate application

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1285 to an agent of the department within 24 hours after receiving
1286 the derelict motor vehicle. If there is an active lien of less
1287 than 3 years on the derelict motor vehicle, the licensed salvage
1288 motor vehicle dealer shall secure the derelict motor vehicle for
1289 10 days. The department shall notify the lienholder that a
1290 derelict motor vehicle certificate has been issued and shall
1291 notify the lienholder of its intention to remove the lien. Ten
1292 days after receipt of the motor vehicle derelict certificate
1293 application, the department may remove the lien from its records
1294 if a written statement protesting removal of the lien is not
1295 received by the department from the lienholder within the 10-day
1296 period. However, if the lienholder files with the department and
1297 the licensed salvage motor vehicle dealer within the 10-day
1298 period a written statement that the lien is still outstanding,
1299 the department shall not remove the lien and shall place an
1300 administrative hold on the record for 30 days to allow the
1301 lienholder to apply for title to the vehicle or a repossession
1302 certificate under s. 319.28. The licensed salvage motor vehicle
1303 dealer must secure the derelict motor vehicle until the
1304 department's administrative stop is removed, the lienholder
1305 submits a lien satisfaction, or the lienholder takes possession
1306 of the vehicle. The licensed salvage motor vehicle dealer may
1307 require the lienholder to reimburse him or her only for such
1308 dealer's purchase price of the derelict vehicle and may not
1309 include any towing costs, storage fees, administrative fees, or
1310 other costs.

1311 3. Any person who knowingly violates this paragraph by
1312 selling, transporting, delivering, purchasing, or receiving a

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1313 derelict motor vehicle without obtaining a certificate of title,
1314 salvage certificate of title, certificate of destruction, or
1315 derelict motor vehicle certificate application; enters false or
1316 fictitious information on a derelict motor vehicle certificate
1317 application; does not complete the derelict motor vehicle
1318 certificate application as required; does not obtain a legible
1319 copy of the seller's or owner's valid driver's license or
1320 identification card when required; does not make the required
1321 notification to the department; or destroys or dismantles a
1322 derelict motor vehicle without waiting the required time as set
1323 forth in subparagraph 2. commits a felony of the third degree,
1324 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1325 (3)(a)1. As used in this section, a motor vehicle or
1326 mobile home is a "total loss":

1327 a. When an insurance company pays the vehicle owner to
1328 replace the wrecked or damaged vehicle with one of like kind and
1329 quality or when an insurance company pays the owner upon the
1330 theft of the motor vehicle or mobile home; or

1331 b. When an uninsured or self-insured motor vehicle or
1332 mobile home is wrecked or damaged and the cost, at the time of
1333 loss, of repairing or rebuilding the vehicle is 80 percent or
1334 more of the cost to the owner of replacing the wrecked or
1335 damaged motor vehicle or mobile home with one of like kind and
1336 quality.

1337 2. A motor vehicle or mobile home shall not be considered
1338 a "total loss" if the insurance company and owner of a motor
1339 vehicle or mobile home agree to repair, rather than to replace,
1340 the motor vehicle or mobile home. ~~However, if the actual cost to~~

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1341 ~~repair the motor vehicle or mobile home to the insurance company~~
1342 ~~exceeds 100 percent of the cost of replacing the wrecked or~~
1343 ~~damaged motor vehicle or mobile home with one of like kind and~~
1344 ~~quality, the owner shall forward to the department, within 72~~
1345 ~~hours after the agreement, a request to brand the certificate of~~
1346 ~~title with the words "Total Loss Vehicle." Such a brand shall~~
1347 ~~become a part of the vehicle's title history.~~

1348 (b) The owner, including ~~persons who are~~ self-insured
1349 entities, of any motor vehicle or mobile home which is
1350 considered to be salvage shall, within 72 hours after the motor
1351 vehicle or mobile home becomes salvage, forward the title to the
1352 motor vehicle or mobile home to the department for processing.
1353 However, an insurance company which pays money as compensation
1354 for total loss of a motor vehicle or mobile home shall obtain
1355 the certificate of title for the motor vehicle or mobile home
1356 and, within 72 hours after receiving such certificate of title,
1357 shall forward such title to the department for processing and
1358 make the required notification to the National Motor Vehicle
1359 Title Information System. The owner, ~~or~~ insurance company, or
1360 self-insured entity, as the case may be, may not dispose of a
1361 vehicle or mobile home that is a total loss before it has
1362 obtained a salvage certificate of title or certificate of
1363 destruction from the department. When applying for a salvage
1364 certificate of title or certificate of destruction, the owner,
1365 ~~or~~ insurance company, or self-insured entity must provide the
1366 department with an estimate of the costs of repairing the
1367 physical and mechanical damage suffered by the vehicle for which
1368 a salvage certificate of title or certificate of destruction is

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1369 sought. If the motor vehicle is a nonrepairable vehicle
1370 ~~estimated costs of repairing the physical and mechanical damage~~
1371 ~~to the vehicle are equal to 80 percent or more of the current~~
1372 ~~retail cost of the vehicle, as established in any official used~~
1373 ~~car or used mobile home guide, the department shall declare the~~
1374 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a
1375 certificate of destruction, which authorizes the dismantling or
1376 destruction of the motor vehicle or mobile home described
1377 therein by a licensed salvage motor vehicle dealer. However, if
1378 the damaged motor vehicle is equipped with custom-lowered floors
1379 for wheelchair access or a wheelchair lift, the insurance
1380 company may, upon determining that the vehicle is repairable to
1381 a condition that is safe for operation on public roads, submit
1382 the certificate of title to the department for reissuance as a
1383 salvage rebuildable title and the addition of a title brand of
1384 "insurance-declared total loss." The certificate of destruction
1385 shall be reassignable a maximum of two times before dismantling
1386 or destruction of the vehicle shall be required, and shall
1387 accompany the motor vehicle or mobile home for which it is
1388 issued, when such motor vehicle or mobile home is sold for such
1389 purposes, in lieu of a certificate of title, and, thereafter,
1390 the department shall refuse issuance of any certificate of title
1391 for that vehicle. Nothing in this subsection shall be applicable
1392 when a vehicle is worth less than \$1,500 retail in undamaged
1393 condition in any official used motor vehicle guide or used
1394 mobile home guide or when a stolen motor vehicle or mobile home
1395 is recovered in substantially intact condition with all major
1396 component parts present and is readily resalable without

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1397 | extensive repairs ~~to or replacement of the frame or engine~~. Any
1398 | person who knowingly violates this paragraph or falsifies any
1399 | document to avoid the requirements of this paragraph commits a
1400 | misdemeanor of the first degree, punishable as provided in s.
1401 | 775.082 or s. 775.083.

1402 | (7) (a) In the event of a purchase by a secondary metals
1403 | recycler, that has been issued a certificate of registration
1404 | number, of:

1405 | 1. Materials, prepared materials, or parts from any seller
1406 | for purposes other than the processing of such materials,
1407 | prepared materials, or parts, the purchaser shall obtain such
1408 | documentation as may be required by this section and shall
1409 | record the seller's name and address, date of purchase, and the
1410 | personal identification card number of the person delivering
1411 | such items.

1412 | 2. Parts or prepared materials from any seller for
1413 | purposes of the processing of such parts or prepared materials,
1414 | the purchaser shall record the seller's name and address and
1415 | date of purchase and, in the event of a purchase transaction
1416 | consisting primarily of parts or prepared materials, the
1417 | personal identification card number of the person delivering
1418 | such items.

1419 | 3. Materials from another secondary metals recycler for
1420 | purposes of the processing of such materials, the purchaser
1421 | shall record the seller's name and address and date of purchase.

1422 | 4.a. Motor vehicles, recreational vehicles, mobile homes,
1423 | or derelict motor vehicles from other than a secondary metals
1424 | recycler for purposes of the processing of such motor vehicles,

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1425 recreational vehicles, mobile homes, or derelict motor vehicles,
1426 the purchaser shall record the date of purchase and the name,
1427 address, and personal identification card number of the person
1428 selling such items and shall obtain the following documentation
1429 from the seller with respect to each item purchased:

1430 (I) A valid certificate of title issued in the name of the
1431 seller or properly endorsed, as required in s. 319.22, over to
1432 the seller;

1433 (II) A valid salvage certificate of title issued in the
1434 name of the seller or properly endorsed, as required in s.
1435 319.22, over to the seller;

1436 (III) A valid certificate of destruction issued in the
1437 name of the seller or properly endorsed over to the seller; or

1438 (IV) A valid derelict motor vehicle certificate obtained
1439 from the department by a licensed salvage motor vehicle dealer
1440 and properly reassigned to the secondary metals recycler.

1441 b. If a valid certificate of title, salvage certificate of
1442 title, certificate of destruction, or derelict motor vehicle
1443 certificate is not available and the motor vehicle or mobile
1444 home is a derelict motor vehicle, a derelict motor vehicle
1445 certificate application shall be completed by the seller or
1446 owner of the motor vehicle or mobile home, the seller's or
1447 owner's authorized transporter, and the registered secondary
1448 metals recycler at the time of sale, transport, or delivery to
1449 the registered secondary metals recycler to obtain a derelict
1450 motor vehicle certificate from the department. The derelict
1451 motor vehicle certificate application must be accompanied by a
1452 legible copy of the seller's or owner's valid Florida driver's

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1453 license or Florida identification card, or a valid driver's
1454 license or identification card from another state. If the seller
1455 is not the owner of record of the vehicle being sold, the
1456 recycler shall, at the time of sale, ensure that a smudge-free
1457 right thumbprint, or other digit if the seller has no right
1458 thumb, of the seller is imprinted upon the derelict motor
1459 vehicle certificate application and that the legible copy of the
1460 seller's driver's license or identification card is affixed to
1461 the application and transmitted to the department. The derelict
1462 motor vehicle certificate shall be used by the owner, the
1463 owner's authorized transporter, and the registered secondary
1464 metals recycler. The registered secondary metals recycler shall
1465 secure the derelict motor vehicle for 3 full business days,
1466 excluding weekends and holidays, if there is no active lien or a
1467 lien of 3 years or more on the department's records before
1468 destroying or dismantling the derelict motor vehicle and shall
1469 follow all reporting procedures established by the department,
1470 including electronic notification to the department or delivery
1471 of the original derelict motor vehicle certificate application
1472 to an agent of the department within 24 hours after receiving
1473 the derelict motor vehicle. If there is an active lien of less
1474 than 3 years on the derelict motor vehicle, the registered
1475 secondary metals recycler shall secure the derelict motor
1476 vehicle for 10 days. The department shall notify the lienholder
1477 of the application for a derelict motor vehicle certificate and
1478 shall notify the lienholder of its intention to remove the lien.
1479 Ten days after receipt of the motor vehicle derelict
1480 application, the department may remove the lien from its records

1481 if a written statement protesting removal of the lien is not
1482 received by the department from the lienholder within the 10-day
1483 period. However, if the lienholder files with the department and
1484 the registered secondary metals recycler within the 10-day
1485 period a written statement that the lien is still outstanding,
1486 the department shall not remove the lien and shall place an
1487 administrative hold on the record for 30 days to allow the
1488 lienholder to apply for title to the vehicle or a repossession
1489 certificate under s. 319.28. The registered secondary metals
1490 recycler must secure the derelict motor vehicle until the
1491 department's administrative stop is removed, the lienholder
1492 submits a lien satisfaction, or the lienholder takes possession
1493 of the vehicle. The registered secondary metals recycler may
1494 require the lienholder to reimburse him or her only for the
1495 recycler's purchase price of the derelict vehicle and may not
1496 include any towing costs, storage fees, administrative fees, or
1497 other costs.

1498 c. Any person who knowingly violates this subparagraph by
1499 selling, transporting, delivering, purchasing, or receiving a
1500 motor vehicle, recreational motor vehicle, mobile home, or
1501 derelict motor vehicle without obtaining a certificate of title,
1502 salvage certificate of title, certificate of destruction, or
1503 derelict motor vehicle certificate; enters false or fictitious
1504 information on a derelict motor vehicle certificate application;
1505 does not complete the derelict motor vehicle certificate
1506 application as required or does not make the required
1507 notification to the department; does not obtain a legible copy
1508 of the seller's or owner's driver's license or identification

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1509 card when required; or destroys or dismantles a derelict motor
1510 vehicle without waiting the required time as set forth in sub-
1511 subparagraph b. commits a felony of the third degree, punishable
1512 as provided in s. 775.082, s. 775.083, or s. 775.084.

1513 5. Major parts from other than a secondary metals recycler
1514 for purposes of the processing of such major parts, the
1515 purchaser shall record the seller's name, address, date of
1516 purchase, and the personal identification card number of the
1517 person delivering such items, as well as the vehicle
1518 identification number, if available, of each major part
1519 purchased.

1520 (b) Any person who violates this subsection commits a
1521 felony of the third degree, punishable as provided in s.
1522 775.082, s. 775.083, or s. 775.084.

1523 (8) (a) Secondary metals recyclers and salvage motor
1524 vehicle dealers shall return to the department on a monthly
1525 basis all certificates of title and salvage certificates of
1526 title that are required by this section to be obtained.
1527 Secondary metals recyclers and salvage motor vehicle dealers may
1528 elect to notify the department electronically through procedures
1529 established by the department when they receive each motor
1530 vehicle or mobile home, salvage motor vehicle or mobile home, or
1531 derelict motor vehicle with a certificate of title or salvage
1532 certificate of title through procedures established by the
1533 department. The department may adopt rules and establish fees as
1534 it deems necessary or proper for the administration of the
1535 electronic notification service.

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1536 (b) Secondary metals recyclers and salvage motor vehicle
1537 dealers shall keep originals, or a copy in the event the
1538 original was returned to the department, of all certificates of
1539 title, salvage certificates of title, certificates of
1540 destruction, derelict motor vehicle certificates, proof of
1541 reporting to the National Motor Vehicle Title Information
1542 System, and all other information required by this section to be
1543 recorded or obtained, on file in the offices of such secondary
1544 metals recyclers or salvage motor vehicle dealers for a period
1545 of 3 years after the date of purchase of the items reflected in
1546 such certificates of title, salvage certificates of title,
1547 certificates of destruction, or derelict motor vehicle
1548 certificates. These records shall be maintained in chronological
1549 order.

1550 (c) Secondary metals recyclers and salvage motor vehicle
1551 dealers shall make the required notifications each month to the
1552 National Motor Vehicle Title Information System on all junk,
1553 derelict, or salvage motor vehicles that were obtained in whole
1554 or in part as required in 28 C.F.R. part 25.

1555 (d)~~(e)~~ For the purpose of enforcement of this section, the
1556 department or its agents and employees have the same right of
1557 inspection as law enforcement officers as provided in s.
1558 812.055.

1559 (e)~~(d)~~ Whenever the department, its agent or employee, or
1560 any law enforcement officer has reason to believe that a stolen
1561 or fraudulently titled motor vehicle, mobile home, recreational
1562 vehicle, salvage motor vehicle, or derelict motor vehicle is in
1563 the possession of a salvage motor vehicle dealer or secondary

1564 metals recycler, the department, its agent or employee, or the
1565 law enforcement officer may issue an extended hold notice, not
1566 to exceed 5 additional business days, excluding weekends and
1567 holidays, to the salvage motor vehicle dealer or registered
1568 secondary metals recycler.

1569 (f)~~(e)~~ Whenever a salvage motor vehicle dealer or
1570 registered secondary metals recycler is notified by the
1571 department, its agent or employee, or any law enforcement
1572 officer to hold a motor vehicle, mobile home, recreational
1573 vehicle, salvage motor vehicle, or derelict motor vehicle that
1574 is believed to be stolen or fraudulently titled, the salvage
1575 motor vehicle dealer or registered secondary metals recycler
1576 shall hold the motor vehicle, mobile home, recreational vehicle,
1577 salvage motor vehicle, or derelict motor vehicle and may not
1578 dismantle or destroy the motor vehicle, mobile home,
1579 recreational vehicle, salvage motor vehicle, or derelict motor
1580 vehicle until it is recovered by a law enforcement officer, the
1581 hold is released by the department or the law enforcement
1582 officer placing the hold, or the 5 additional business days have
1583 passed since being notified of the hold.

1584 (g)~~(f)~~ This section does not authorize any person who is
1585 engaged in the business of recovering, towing, or storing
1586 vehicles pursuant to s. 713.78, and who is claiming a lien for
1587 performing labor or services on a motor vehicle or mobile home
1588 pursuant to s. 713.58, or is claiming that a motor vehicle or
1589 mobile home has remained on any premises after tenancy has
1590 terminated pursuant to s. 715.104, to use a derelict motor
1591 vehicle certificate application for the purpose of transporting,

1592 selling, disposing of, or delivering a motor vehicle to a
1593 salvage motor vehicle dealer or secondary metals recycler
1594 without obtaining the title or certificate of destruction
1595 required under s. 713.58, s. 713.78, or s. 715.104.

1596 (h)~~(g)~~ The department shall accept all properly endorsed
1597 and completed derelict motor vehicle certificate applications
1598 and shall issue a derelict motor vehicle certificate having an
1599 effective date that authorizes when a derelict motor vehicle is
1600 eligible for dismantling or destruction. The electronic
1601 information obtained from the derelict motor vehicle certificate
1602 application shall be stored electronically and shall be made
1603 available to authorized persons after issuance of the derelict
1604 motor vehicle certificate in the Florida Real Time Vehicle
1605 Information System.

1606 (i)~~(h)~~ The department is authorized to adopt rules
1607 pursuant to ss. 120.536(1) and 120.54 establishing policies and
1608 procedures to administer and enforce this section.

1609 (j)~~(i)~~ The department shall charge a fee of \$3 for each
1610 derelict motor vehicle certificate delivered to the department
1611 or one of its agents for processing and shall mark the title
1612 record canceled. A service charge may be collected under s.
1613 320.04.

1614 (k)~~(j)~~ The licensed salvage motor vehicle dealer or
1615 registered secondary metals recycler shall make all payments for
1616 the purchase of any derelict motor vehicle that is sold by a
1617 seller who is not the owner of record on file with the
1618 department by check or money order made payable to the seller
1619 and may not make payment to the authorized transporter. The

1620 licensed salvage motor vehicle dealer or registered secondary
1621 metals recycler may not cash the check that such dealer or
1622 recycler issued to the seller.

1623 (9) (a) An insurance company may notify an independent
1624 entity that obtains possession of a damaged or dismantled motor
1625 vehicle to release the vehicle to the owner. The insurance
1626 company shall provide the independent entity a release statement
1627 on a form prescribed by the department authorizing the
1628 independent entity to release the vehicle to the owner. The form
1629 shall, at a minimum, contain the following:

- 1630 1. The policy and claim number.
- 1631 2. The name and address of the insured.
- 1632 3. The vehicle identification number.
- 1633 4. The signature of an authorized representative of the
1634 insurance company.

1635 (b) The independent entity in possession of a motor
1636 vehicle must send a notice to the owner that the vehicle is
1637 available for pick up when it receives a release statement from
1638 the insurance company. The notice shall be sent by certified
1639 mail to the owner at the owner's address reflected in the
1640 department's records. The notice must inform the owner that the
1641 owner has 30 days after receipt of the notice to pick up the
1642 vehicle from the independent entity. If the motor vehicle is not
1643 claimed within 30 days after the owner receives the notice, the
1644 independent entity may apply for a certificate of destruction or
1645 a certificate of title.

1646 (c) The independent entity shall make the required
1647 notification to the National Motor Vehicle Title Information

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1648 System before releasing any damaged or dismantled motor vehicle
1649 to the owner or before applying for a certificate of destruction
1650 or salvage certificate of title.

1651 (d)~~(e)~~ Upon applying for a certificate of destruction or
1652 salvage certificate of title, the independent entity shall
1653 provide a copy of the release statement from the insurance
1654 company to the independent entity, proof of providing the 30-day
1655 notice to the owner, proof of notification to the National Motor
1656 Vehicle Title Information System, and applicable fees.

1657 (e)~~(d)~~ The independent entity may not charge an owner of
1658 the vehicle storage fees or apply for a title under s. 713.585
1659 or s. 713.78.

1660 (11) A salvage motor vehicle dealer, secondary metals
1661 recycler, auction, independent entity, or self-insured entity
1662 that deals in salvage motor vehicles as defined in this section
1663 must be registered with the National Motor Vehicle Title
1664 Information System and must provide its registration number
1665 before being licensed by the department or before the department
1666 processes any certificate of title, salvage certificate of
1667 title, certificate of destruction, or derelict certificate.

1668 (12)~~(11)~~ Except as otherwise provided in this section, any
1669 person who violates this section commits a felony of the third
1670 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1671 775.084.

1672 Section 19. Section 319.323, Florida Statutes, is amended
1673 to read:

1674 319.323 Expedited service; applications; fees.—The
1675 department shall establish a separate title office which may be

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1676 used by private citizens and licensed motor vehicle dealers to
1677 receive expedited service on title transfers, title issuances,
1678 duplicate titles, and recordation of liens, ~~and certificates of~~
1679 ~~repossession~~. A fee of \$10 shall be charged for this service,
1680 which fee is in addition to the fees imposed by s. 319.32. The
1681 fee, after deducting the amount referenced by s. 319.324 and
1682 \$3.50 to be retained by the processing agency, shall be
1683 deposited into the General Revenue Fund. Application for
1684 expedited service may be made by mail or in person. The
1685 department shall issue each title applied for under this section
1686 within 5 working days after receipt of the application except
1687 for an application for a duplicate title certificate covered by
1688 s. 319.23(4), in which case the title must be issued within 5
1689 working days after compliance with the department's verification
1690 requirements.

1691 Section 20. Subsections (24) through (46) of section
1692 320.01, Florida Statutes, are renumbered as subsections (23)
1693 through (45), respectively, and present subsections (23) and
1694 (25) of that section are amended to read:

1695 320.01 Definitions, general.—As used in the Florida
1696 Statutes, except as otherwise provided, the term:

1697 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1698 ~~which is required to be registered, or with respect to which an~~
1699 ~~election has been made to register it, under the International~~
1700 ~~Registration Plan.~~

1701 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
1702 recreational vehicles, vehicles displaying restricted plates,
1703 city pickup and delivery vehicles, buses used in transportation

1704 of chartered parties, and government-owned vehicles, which is
 1705 used or intended for use in two or more member jurisdictions
 1706 that allocate or proportionally register vehicles and which is
 1707 used for the transportation of persons for hire or is designed,
 1708 used, or maintained primarily for the transportation of property
 1709 and:

1710 (a) Is a power unit having a gross vehicle weight in
 1711 excess of 26,000 ~~26,001~~ pounds;

1712 (b) Is a power unit having three or more axles, regardless
 1713 of weight; or

1714 (c) Is used in combination, when the weight of such
 1715 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1716
 1717 Vehicles, or combinations thereof, having a gross vehicle weight
 1718 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 1719 proportionally registered.

1720 Section 21. Paragraph (a) of subsection (2) and paragraph
 1721 (a) of subsection (5) of section 320.02, Florida Statutes, are
 1722 amended to read:

1723 320.02 Registration required; application for
 1724 registration; forms.—

1725 (2) (a) The application for registration shall include the
 1726 street address of the owner's permanent residence or the address
 1727 of his or her permanent place of business and shall be
 1728 accompanied by personal or business identification information.
 1729 An individual applicant must provide ~~which may include, but need~~
 1730 ~~not be limited to,~~ a valid driver license or ~~number,~~ Florida
 1731 identification card issued by this state or another state or a

1732 valid passport. A business applicant must provide a number, or
1733 federal employer identification number, if applicable, or
1734 verification that the business is authorized to conduct business
1735 in the state, or a Florida city or county business license or
1736 number.

1737 1. If the owner does not have a permanent residence or
1738 permanent place of business or if the owner's permanent
1739 residence or permanent place of business cannot be identified by
1740 a street address, the application shall include:

1741 a.1. If the vehicle is registered to a business, the name
1742 and street address of the permanent residence of an owner of the
1743 business, an officer of the corporation, or an employee who is
1744 in a supervisory position.

1745 b.2. If the vehicle is registered to an individual, the
1746 name and street address of the permanent residence of a close
1747 relative or friend who is a resident of this state.

1748 2. If the vehicle is registered to an active duty member
1749 of the Armed Forces of the United States who is a Florida
1750 resident, the active duty member is exempt from the requirement
1751 to provide the street address of a permanent residence.

1752 (5) (a) Proof that personal injury protection benefits have
1753 been purchased when required under s. 627.733, that property
1754 damage liability coverage has been purchased as required under
1755 s. 324.022, that bodily injury or death coverage has been
1756 purchased if required under s. 324.023, and that combined bodily
1757 liability insurance and property damage liability insurance have
1758 been purchased when required under s. 627.7415 shall be provided
1759 in the manner prescribed by law by the applicant at the time of

1760 application for registration of any motor vehicle that is
 1761 subject to such requirements. The issuing agent shall refuse to
 1762 issue registration if such proof of purchase is not provided.
 1763 Insurers shall furnish uniform proof-of-purchase cards in a
 1764 paper or an electronic format in a form prescribed by the
 1765 department and shall include the name of the insured's insurance
 1766 company, the coverage identification number, and the make, year,
 1767 and vehicle identification number of the vehicle insured. The
 1768 card shall contain a statement notifying the applicant of the
 1769 penalty specified in s. 316.646(4). The card or insurance
 1770 policy, insurance policy binder, or certificate of insurance or
 1771 a photocopy of any of these; an affidavit containing the name of
 1772 the insured's insurance company, the insured's policy number,
 1773 and the make and year of the vehicle insured; or such other
 1774 proof as may be prescribed by the department shall constitute
 1775 sufficient proof of purchase. If an affidavit is provided as
 1776 proof, it shall be in substantially the following form:
 1777 Under penalty of perjury, I ...(Name of insured)... do hereby
 1778 certify that I have ...(Personal Injury Protection, Property
 1779 Damage Liability, and, when required, Bodily Injury
 1780 Liability)... Insurance currently in effect with ...(Name of
 1781 insurance company)... under ...(policy number)... covering
 1782 ...(make, year, and vehicle identification number of
 1783 vehicle).... ...(Signature of Insured)..
 1784 Such affidavit shall include the following warning:
 1785 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 1786 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 1787 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS

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1788 SUBJECT TO PROSECUTION.

1789 When an application is made through a licensed motor vehicle
 1790 dealer as required in s. 319.23, the original or a photostatic
 1791 copy of such card, insurance policy, insurance policy binder, or
 1792 certificate of insurance or the original affidavit from the
 1793 insured shall be forwarded by the dealer to the tax collector of
 1794 the county or the Department of Highway Safety and Motor
 1795 Vehicles for processing. By executing the aforesaid affidavit,
 1796 no licensed motor vehicle dealer will be liable in damages for
 1797 any inadequacy, insufficiency, or falsification of any statement
 1798 contained therein. A card shall also indicate the existence of
 1799 any bodily injury liability insurance voluntarily purchased.

1800 Section 22. Subsection (7) of section 320.03, Florida
 1801 Statutes, is amended to read:

1802 320.03 Registration; duties of tax collectors;
 1803 International Registration Plan.—

1804 (7) The Department of Highway Safety and Motor Vehicles
 1805 shall register apportionable ~~apportioned motor~~ vehicles under
 1806 the ~~provisions of the~~ International Registration Plan. The
 1807 department may adopt rules to implement and enforce the
 1808 provisions of the plan.

1809 Section 23. Paragraph (b) of subsection (1) of section
 1810 320.071, Florida Statutes, is amended to read:

1811 320.071 Advance registration renewal; procedures.—

1812 (1)

1813 (b) The owner of any apportionable ~~apportioned motor~~
 1814 vehicle currently registered in this state under the
 1815 International Registration Plan may file an application for

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1816 renewal of registration with the department any time during the
 1817 3 months preceding the date of expiration of the registration
 1818 period.

1819 Section 24. Subsections (1) and (3) of section 320.0715,
 1820 Florida Statutes, are amended to read:

1821 320.0715 International Registration Plan; motor carrier
 1822 services; permits; retention of records.—

1823 (1) All apportionable ~~commercial-motor~~ vehicles domiciled
 1824 in this state ~~and engaged in interstate commerce~~ shall be
 1825 registered in accordance with ~~the provisions of the~~
 1826 International Registration Plan and shall display apportioned
 1827 license plates.

1828 (3) (a) If the department is unable to immediately issue
 1829 the apportioned license plate to an applicant currently
 1830 registered in this state under the International Registration
 1831 Plan or to a vehicle currently titled in this state, the
 1832 department or its designated agent may ~~is authorized to~~ issue a
 1833 60-day temporary operational permit. The department or agent of
 1834 the department shall charge a \$3 fee and the service charge
 1835 authorized by s. 320.04 for each temporary operational permit it
 1836 issues.

1837 (b) The department may not ~~shall in no event~~ issue a
 1838 temporary operational permit for any apportionable ~~commercial-~~
 1839 ~~motor~~ vehicle to any applicant until the applicant has shown
 1840 that:

- 1841 1. All sales or use taxes due on the registration of the
- 1842 vehicle are paid; and
- 1843 2. Insurance requirements have been met in accordance with

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1844 ss. 320.02(5) and 627.7415.

1845 (c) Issuance of a temporary operational permit provides
 1846 ~~commercial motor vehicle~~ registration privileges in each
 1847 International Registration Plan member jurisdiction designated
 1848 on said permit and therefore requires payment of all applicable
 1849 registration fees and taxes due for that period of registration.

1850 (d) Application for permanent registration must be made to
 1851 the department within 10 days from issuance of a temporary
 1852 operational permit. Failure to file an application within this
 1853 10-day period may result in cancellation of the temporary
 1854 operational permit.

1855 Section 25. Subsection (4) of section 320.089, Florida
 1856 Statutes, is amended to read:

1857 320.089 Members of National Guard and active United States
 1858 Armed Forces reservists; former prisoners of war; survivors of
 1859 Pearl Harbor; Purple Heart medal recipients; Operation Desert
 1860 Storm Veterans; Operation Desert Shield Veterans; Operation
 1861 Iraqi Freedom and Operation Enduring Freedom Veterans; Combat
 1862 Infantry Badge or Combat Action Badge recipients; Vietnam War
 1863 Veterans; Korean Conflict Veterans; special license plates;
 1864 fee.-

1865 (4) The owner or lessee of an automobile or truck for
 1866 private use, a truck weighing not more than 7,999 pounds, or a
 1867 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 1868 which automobile, truck, or recreational vehicle is not used for
 1869 hire or commercial use who is a resident of the state and a
 1870 current or former member of the United States military who was
 1871 deployed and served in Saudi Arabia, Kuwait, or another area of

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1872 the Persian Gulf during Operation Desert Storm or Operation
1873 Desert Shield, in Iraq during Operation Iraqi Freedom, or in
1874 Afghanistan during Operation Enduring Freedom shall, upon
1875 application to the department, accompanied by proof of active
1876 membership or former active duty status during one of these
1877 operations, and upon payment of the license tax for the vehicle
1878 as provided in s. 320.08, be issued a license plate as provided
1879 by s. 320.06 upon which, in lieu of the registration license
1880 number prescribed by s. 320.06, shall be stamped the words
1881 "Operation Desert Storm," "Operation Desert Shield," "Operation
1882 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,
1883 followed by the registration license number of the plate.

1884 Section 26. Subsection (1) of section 320.18, Florida
1885 Statutes, is amended to read:

1886 320.18 Withholding registration.—

1887 (1) The department may withhold the registration of any
1888 motor vehicle or mobile home the owner or coowner of which has
1889 failed to register it under the provisions of law for any
1890 previous period or periods for which it appears registration
1891 should have been made in this state, until the tax for such
1892 period or periods is paid. The department may cancel any vehicle
1893 or vessel registration, driver ~~driver's~~ license, identification
1894 card, or fuel-use tax decal if the owner or coowner pays for any
1895 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
1896 identification card, or fuel-use tax decal; pays any
1897 administrative, delinquency, or reinstatement fee; or pays any
1898 tax liability, penalty, or interest specified in chapter 207 by
1899 a dishonored check, or if the vehicle owner or motor carrier has

1900 failed to pay a penalty for a weight or safety violation issued
 1901 by the Department of Transportation or the Department of Highway
 1902 Safety and Motor Vehicles. The Department of Transportation and
 1903 the Department of Highway Safety and Motor Vehicles may impound
 1904 any commercial motor vehicle that has a canceled license plate
 1905 or fuel-use tax decal until the tax liability, penalty, and
 1906 interest specified in chapter 207, the license tax, or the fuel-
 1907 use decal fee, and applicable administrative fees have been paid
 1908 for by certified funds.

1909 Section 27. Subsection (3), paragraph (a) of subsection
 1910 (4), and subsection (5) of section 320.27, Florida Statutes, are
 1911 amended to read:

1912 320.27 Motor vehicle dealers.—

1913 (3) APPLICATION AND FEE.—The application for the license
 1914 shall be in such form as may be prescribed by the department and
 1915 shall be subject to such rules with respect thereto as may be so
 1916 prescribed by it. Such application shall be verified by oath or
 1917 affirmation and shall contain a full statement of the name and
 1918 birth date of the person or persons applying therefor; the name
 1919 of the firm or copartnership, with the names and places of
 1920 residence of all members thereof, if such applicant is a firm or
 1921 copartnership; the names and places of residence of the
 1922 principal officers, if the applicant is a body corporate or
 1923 other artificial body; the name of the state under whose laws
 1924 the corporation is organized; the present and former place or
 1925 places of residence of the applicant; and prior business in
 1926 which the applicant has been engaged and the location thereof.
 1927 Such application shall describe the exact location of the place

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1928 | of business and shall state whether the place of business is
1929 | owned by the applicant and when acquired, or, if leased, a true
1930 | copy of the lease shall be attached to the application. The
1931 | applicant shall certify that the location provides an adequately
1932 | equipped office and is not a residence; that the location
1933 | affords sufficient unoccupied space upon and within which
1934 | adequately to store all motor vehicles offered and displayed for
1935 | sale; and that the location is a suitable place where the
1936 | applicant can in good faith carry on such business and keep and
1937 | maintain books, records, and files necessary to conduct such
1938 | business, which shall be available at all reasonable hours to
1939 | inspection by the department or any of its inspectors or other
1940 | employees. The applicant shall certify that the business of a
1941 | motor vehicle dealer is the principal business which shall be
1942 | conducted at that location. The application shall contain a
1943 | statement that the applicant is either franchised by a
1944 | manufacturer of motor vehicles, in which case the name of each
1945 | motor vehicle that the applicant is franchised to sell shall be
1946 | included, or an independent (nonfranchised) motor vehicle
1947 | dealer. The application shall contain other relevant information
1948 | as may be required by the department, including evidence that
1949 | the applicant is insured under a garage liability insurance
1950 | policy or a general liability insurance policy coupled with a
1951 | business automobile policy, which shall include, at a minimum,
1952 | \$25,000 combined single-limit liability coverage including
1953 | bodily injury and property damage protection and \$10,000
1954 | personal injury protection. However, a salvage motor vehicle
1955 | dealer as defined in subparagraph (1)(c)5. is exempt from the

1956 requirements for garage liability insurance and personal injury
 1957 protection insurance on those vehicles that cannot be legally
 1958 operated on roads, highways, or streets in this state. Franchise
 1959 dealers must submit a garage liability insurance policy, and all
 1960 other dealers must submit a garage liability insurance policy or
 1961 a general liability insurance policy coupled with a business
 1962 automobile policy. Such policy shall be for the license period,
 1963 and evidence of a new or continued policy shall be delivered to
 1964 the department at the beginning of each license period. Upon
 1965 making initial application, the applicant shall pay to the
 1966 department a fee of \$300 in addition to any other fees ~~now~~
 1967 required by law. Applicants may choose to extend the licensure
 1968 period for 1 additional year for a total of 2 years. An initial
 1969 applicant shall pay to the department a fee of \$300 for the first
 1970 year and \$75 for the second year, in addition to any other fees
 1971 required by law. An applicant for renewal shall pay to the
 1972 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,
 1973 in addition to any other fees required by law ~~Upon making a~~
 1974 ~~subsequent renewal application, the applicant shall pay to the~~
 1975 ~~department a fee of \$75 in addition to any other fees now~~
 1976 ~~required by law.~~ Upon making an application for a change of
 1977 location, the person shall pay a fee of \$50 in addition to any
 1978 other fees now required by law. The department shall, in the
 1979 case of every application for initial licensure, verify whether
 1980 certain facts set forth in the application are true. Each
 1981 applicant, general partner in the case of a partnership, or
 1982 corporate officer and director in the case of a corporate
 1983 applicant, must file a set of fingerprints with the department

1984 for the purpose of determining any prior criminal record or any
 1985 outstanding warrants. The department shall submit the
 1986 fingerprints to the Department of Law Enforcement for state
 1987 processing and forwarding to the Federal Bureau of Investigation
 1988 for federal processing. The actual cost of state and federal
 1989 processing shall be borne by the applicant and is in addition to
 1990 the fee for licensure. The department may issue a license to an
 1991 applicant pending the results of the fingerprint investigation,
 1992 which license is fully revocable if the department subsequently
 1993 determines that any facts set forth in the application are not
 1994 true or correctly represented.

1995 (4) LICENSE CERTIFICATE.—

1996 (a) A license certificate shall be issued by the
 1997 department in accordance with such application when the
 1998 application is regular in form and in compliance with the
 1999 provisions of this section. The license certificate may be in
 2000 the form of a document or a computerized card as determined by
 2001 the department. The actual cost of each original, additional, or
 2002 replacement computerized card shall be borne by the licensee and
 2003 is in addition to the fee for licensure. Such license, when so
 2004 issued, entitles the licensee to carry on and conduct the
 2005 business of a motor vehicle dealer. Each license issued to a
 2006 franchise motor vehicle dealer expires ~~annually~~ on December 31
 2007 of the year of its expiration unless revoked or suspended before
 2008 ~~prior to~~ that date. Each license issued to an independent or
 2009 wholesale dealer or auction expires ~~annually~~ on April 30 of the
 2010 year of its expiration unless revoked or suspended before ~~prior~~
 2011 ~~to~~ that date. At least ~~Not less than~~ 60 days before ~~prior to~~ the

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2012 license expiration date, the department shall deliver or mail to
 2013 each licensee the necessary renewal forms. Each independent
 2014 dealer shall certify that the dealer (owner, partner, officer,
 2015 or director of the licensee, or a full-time employee of the
 2016 licensee that holds a responsible management-level position) has
 2017 completed 8 hours of continuing education before ~~prior to~~ filing
 2018 the renewal forms with the department. Such certification shall
 2019 be filed once every 2 years. The continuing education shall
 2020 include at least 2 hours of legal or legislative issues, 1 hour
 2021 of department issues, and 5 hours of relevant motor vehicle
 2022 industry topics. Continuing education shall be provided by
 2023 dealer schools licensed under paragraph (b) either in a
 2024 classroom setting or by correspondence. Such schools shall
 2025 provide certificates of completion to the department and the
 2026 customer which shall be filed with the license renewal form, and
 2027 such schools may charge a fee for providing continuing
 2028 education. Any licensee who does not file his or her application
 2029 and fees and any other requisite documents, as required by law,
 2030 with the department at least 30 days before ~~prior to~~ the license
 2031 expiration date shall cease to engage in business as a motor
 2032 vehicle dealer on the license expiration date. A renewal filed
 2033 with the department within 45 days after the expiration date
 2034 shall be accompanied by a delinquent fee of \$100. Thereafter, a
 2035 new application is required, accompanied by the initial license
 2036 fee. A license certificate duly issued by the department may be
 2037 modified by endorsement to show a change in the name of the
 2038 licensee, provided, as shown by affidavit of the licensee, the
 2039 majority ownership interest of the licensee has not changed or

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2040 the name of the person appearing as franchisee on the sales and
2041 service agreement has not changed. Modification of a license
2042 certificate to show any name change as herein provided shall not
2043 require initial licensure or reissuance of dealer tags; however,
2044 any dealer obtaining a name change shall transact all business
2045 in and be properly identified by that name. All documents
2046 relative to licensure shall reflect the new name. In the case of
2047 a franchise dealer, the name change shall be approved by the
2048 manufacturer, distributor, or importer. A licensee applying for
2049 a name change endorsement shall pay a fee of \$25 which fee shall
2050 apply to the change in the name of a main location and all
2051 additional locations licensed under the provisions of subsection
2052 (5). Each initial license application received by the department
2053 shall be accompanied by verification that, within the preceding
2054 6 months, the applicant, or one or more of his or her designated
2055 employees, has attended a training and information seminar
2056 conducted by a licensed motor vehicle dealer training school.
2057 Any applicant for a new franchised motor vehicle dealer license
2058 who has held a valid franchised motor vehicle dealer license
2059 continuously for the past 2 years and who remains in good
2060 standing with the department is exempt from the prelicensing
2061 training requirement. Such seminar shall include, but is not
2062 limited to, statutory dealer requirements, which requirements
2063 include required bookkeeping and recordkeeping procedures,
2064 requirements for the collection of sales and use taxes, and such
2065 other information that in the opinion of the department will
2066 promote good business practices. No seminar may exceed 8 hours
2067 in length.

2068 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
2069 section hereunder shall obtain a supplemental license for each
2070 permanent additional place or places of business not contiguous
2071 to the premises for which the original license is issued, on a
2072 form to be furnished by the department, and upon payment of a
2073 fee of \$50 for each such additional location. Applicants may
2074 choose to extend the licensure period for 1 additional year for a
2075 total of 2 years. The applicant shall pay to the department a fee
2076 of \$50 for the first year and \$50 for the second year for each
2077 such additional location. Thereafter, the applicant shall pay \$50
2078 for a 1-year renewal or \$100 for a 2-year renewal for each such
2079 additional location. Upon making renewal applications for such
2080 ~~supplemental licenses, such applicant shall pay \$50 for each~~
2081 ~~additional location.~~ A supplemental license authorizing off-
2082 premises sales shall be issued, at no charge to the dealer, for
2083 a period not to exceed 10 consecutive calendar days. To obtain
2084 such a temporary supplemental license for off-premises sales,
2085 the applicant must be a licensed dealer; must notify the
2086 applicable local department office of the specific dates and
2087 location for which such license is requested, display a sign at
2088 the licensed location clearly identifying the dealer, and
2089 provide staff to work at the temporary location for the duration
2090 of the off-premises sale; must meet any local government
2091 permitting requirements; and must have permission of the
2092 property owner to sell at that location. In the case of an off-
2093 premises sale by a motor vehicle dealer licensed under
2094 subparagraph (1)(c)1. for the sale of new motor vehicles, the
2095 applicant must also include documentation notifying the

2096 applicable licensee licensed under s. 320.61 of the intent to
 2097 engage in an off-premises sale 5 working days before ~~prior to~~
 2098 the date of the off-premises sale. The licensee shall either
 2099 approve or disapprove of the off-premises sale within 2 working
 2100 days after receiving notice; otherwise, it will be deemed
 2101 approved. This section does not apply to a nonselling motor
 2102 vehicle show or public display of new motor vehicles.

2103 Section 28. Section 320.62, Florida Statutes, is amended
 2104 to read:

2105 320.62 Licenses; amount; disposition of proceeds.—The
 2106 initial license for each manufacturer, distributor, or importer
 2107 shall be \$300 and shall be in addition to all other licenses or
 2108 taxes ~~now or hereafter~~ levied, assessed, or required of the
 2109 applicant or licensee. Applicants may choose to extend the
 2110 licensure period for 1 additional year for a total of 2 years. An
 2111 initial applicant shall pay to the department a fee of \$300 for
 2112 the first year and \$100 for the second year. An applicant for a
 2113 renewal license shall pay \$100 to the department for a 1-year
 2114 renewal or \$200 for a 2-year renewal. ~~The annual renewal license~~
 2115 fee shall be \$100. The proceeds from all licenses under ss.
 2116 320.60-320.70 shall be paid into the State Treasury to the
 2117 credit of the General Revenue Fund. All licenses shall be
 2118 payable on or before October 1 of the ~~each~~ year and shall
 2119 expire, unless sooner revoked or suspended, on ~~the following~~
 2120 September 30 of the year of its expiration.

2121 Section 29. Subsections (4) and (6) of section 320.77,
 2122 Florida Statutes, are amended to read:

2123 320.77 License required of mobile home dealers.—

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2124 (4) FEES.—Upon making initial application, the applicant
2125 shall pay to the department a fee of \$300 in addition to any
2126 other fees ~~now~~ required by law. Applicants may choose to extend
2127 the licensure period for 1 additional year for a total of 2
2128 years. An initial applicant shall pay to the department a fee of
2129 \$300 for the first year and \$100 for the second year in addition
2130 to any other fees required by law. An applicant for a renewal
2131 license shall pay to the department \$100 for a 1-year renewal or
2132 \$200 for a 2-year renewal. ~~The fee for renewal application shall~~
2133 ~~be \$100.~~ The fee for application for change of location shall be
2134 \$25. Any applicant for renewal who has failed to submit his or
2135 her renewal application by October 1 of the year of its current
2136 license expiration shall pay a renewal application fee equal to
2137 the original application fee. No fee is refundable. All fees
2138 shall be deposited into the General Revenue Fund.

2139 (6) LICENSE CERTIFICATE.—A license certificate shall be
2140 issued by the department in accordance with the application when
2141 the same is regular in form and in compliance with the
2142 provisions of this section. The license certificate may be in
2143 the form of a document or a computerized card as determined by
2144 the department. The cost of each original, additional, or
2145 replacement computerized card shall be borne by the licensee and
2146 is in addition to the fee for licensure. The fees charged
2147 applicants for both the required background investigation and
2148 the computerized card as provided in this section shall be
2149 deposited into the Highway Safety Operating Trust Fund. The
2150 license, when so issued, shall entitle the licensee to carry on
2151 and conduct the business of a mobile home dealer at the location

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2152 set forth in the license for a period of 1 or 2 years beginning
 2153 ~~year from~~ October 1 preceding the date of issuance. Each initial
 2154 application received by the department shall be accompanied by
 2155 verification that, within the preceding 6 months, the applicant
 2156 or one or more of his or her designated employees has attended a
 2157 training and information seminar conducted by the department or
 2158 by a public or private provider approved by the department. Such
 2159 seminar shall include, but not be limited to, statutory dealer
 2160 requirements, which requirements include required bookkeeping
 2161 and recording procedures, requirements for the collection of
 2162 sales and use taxes, and such other information that in the
 2163 opinion of the department will promote good business practices.

2164 Section 30. Subsections (4) and (6) of section 320.771,
 2165 Florida Statutes, are amended to read:

2166 320.771 License required of recreational vehicle dealers.—

2167 (4) FEES.—Upon making initial application, the applicant
 2168 shall pay to the department a fee of \$300 in addition to any
 2169 other fees ~~now~~ required by law. Applicants may choose to extend
 2170 the licensure period for 1 additional year for a total of 2
 2171 years. An initial applicant shall pay to the department a fee of
 2172 \$300 for the first year and \$100 for the second year in addition
 2173 to any other fees required by law. An applicant for a renewal
 2174 license shall pay to the department \$100 for a 1-year renewal or
 2175 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
 2176 ~~be \$100.~~ The fee for application for change of location shall be
 2177 \$25. Any applicant for renewal who has failed to submit his or
 2178 her renewal application by October 1 of the year of its current
 2179 license expiration shall pay a renewal application fee equal to

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2180 the original application fee. No fee is refundable. All fees
2181 shall be deposited into the General Revenue Fund.

2182 (6) LICENSE CERTIFICATE.—A license certificate shall be
2183 issued by the department in accordance with the application when
2184 the same is regular in form and in compliance with the
2185 provisions of this section. The license certificate may be in
2186 the form of a document or a computerized card as determined by
2187 the department. The cost of each original, additional, or
2188 replacement computerized card shall be borne by the licensee and
2189 is in addition to the fee for licensure. The fees charged
2190 applicants for both the required background investigation and
2191 the computerized card as provided in this section shall be
2192 deposited into the Highway Safety Operating Trust Fund. The
2193 license, when so issued, shall entitle the licensee to carry on
2194 and conduct the business of a recreational vehicle dealer at the
2195 location set forth in the license for a period of 1 or 2 years
2196 ~~year~~ from October 1 preceding the date of issuance. Each initial
2197 application received by the department shall be accompanied by
2198 verification that, within the preceding 6 months, the applicant
2199 or one or more of his or her designated employees has attended a
2200 training and information seminar conducted by the department or
2201 by a public or private provider approved by the department. Such
2202 seminar shall include, but not be limited to, statutory dealer
2203 requirements, which requirements include required bookkeeping
2204 and recording procedures, requirements for the collection of
2205 sales and use taxes, and such other information that in the
2206 opinion of the department will promote good business practices.

2207 Section 31. Subsections (3) and (6) of section 320.8225,

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2208 Florida Statutes, are amended to read:

2209 320.8225 Mobile home and recreational vehicle
2210 manufacturer, distributor, and importer license.—

2211 (3) FEES.—Upon submitting an initial application, the
2212 applicant shall pay to the department a fee of \$300. Applicants
2213 may choose to extend the licensure period for 1 additional year
2214 for a total of 2 years. An initial applicant shall pay to the
2215 department a fee of \$300 for the first year and \$100 for the
2216 second year. An applicant for a renewal license shall pay to the
2217 department \$100 for a 1-year renewal or \$200 for a 2-year renewal
2218 ~~Upon submitting a renewal application, the applicant shall pay~~
2219 ~~to the department a fee of \$100.~~ Any applicant for renewal who
2220 fails to submit his or her renewal application by October 1 of
2221 the year of its current license expiration shall pay a renewal
2222 application fee equal to the original application fee. No fee is
2223 refundable. All fees must be deposited into the General Revenue
2224 Fund.

2225 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
2226 manufacturer or a recreational vehicle manufacturer,
2227 distributor, or importer entitles the licensee to conduct
2228 business for a period of 1 or 2 years beginning year from
2229 October 1 preceding the date of issuance.

2230 Section 32. Section 322.095, Florida Statutes, is amended
2231 to read:

2232 322.095 Traffic law and substance abuse education program
2233 for driver ~~driver's~~ license applicants.—

2234 (1) Each applicant for a driver license must complete a
2235 traffic law and substance abuse education course, unless the

2236 applicant has been licensed in another jurisdiction or has
 2237 satisfactorily completed a Department of Education driver
 2238 education course offered pursuant to s. 1003.48.

2239 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles
 2240 must approve traffic law and substance abuse education courses,
 2241 including courses that use communications technology as the
 2242 delivery method.

2243 (a) In addition to the course approval criteria provided
 2244 in this section, initial approval of traffic law and substance
 2245 abuse education courses shall be based on the department's review
 2246 of all course materials which must be designed to promote safety,
 2247 education, and driver awareness; course presentation to the
 2248 department by the provider; and the provider's plan for effective
 2249 oversight of the course by those who deliver the course in the
 2250 state.

2251 (b) Each course provider seeking approval of a traffic law
 2252 and substance abuse education course must submit:

2253 1. Proof of ownership, copyright, or written permission
 2254 from the course owner to use the course in the state ~~that must be~~
 2255 completed by applicants for a Florida driver's license.

2256 2. The curriculum ~~curricula~~ for the courses which must
 2257 promote motorcyclist, bicyclist, and pedestrian safety and
 2258 provide instruction on the physiological and psychological
 2259 consequences of the abuse of alcohol and other drugs; ~~the~~
 2260 societal and economic costs of alcohol and drug abuse; ~~the~~
 2261 effects of alcohol and drug abuse on the driver of a motor
 2262 vehicle; ~~and~~ the laws of this state relating to the operation
 2263 of a motor vehicle; the risk factors involved in driver attitude

2264 and irresponsible driver behaviors, such as speeding, reckless
 2265 driving, and running red lights and stop signs; and the results
 2266 of the use of electronic devices while driving. All instructors
 2267 ~~teaching the courses shall be certified by the department.~~

2268 ~~(3)(2) Before~~ The department shall contract for an
 2269 ~~independent evaluation of the courses. Local DUI programs~~
 2270 ~~authorized under s. 316.193(5) and certified by the department~~
 2271 ~~or a driver improvement school may offer a traffic law and~~
 2272 ~~substance abuse education course. However, prior to offering the~~
 2273 ~~course, the course provider must obtain certification from the~~
 2274 ~~department that the course complies with the requirements of~~
 2275 ~~this section. If the course is offered in a classroom setting,~~
 2276 ~~the course provider and any schools authorized by the provider~~
 2277 ~~to teach the course must offer the approved course at locations~~
 2278 ~~that are free from distractions and reasonably accessible to~~
 2279 ~~most applicants and must issue a certificate to those persons~~
 2280 ~~successfully completing the course.~~

2281 ~~(3) The completion of a course does not qualify a person~~
 2282 ~~for the reinstatement of a driver's license which has been~~
 2283 ~~suspended or revoked.~~

2284 ~~(4) The fee charged by the course provider must bear a~~
 2285 ~~reasonable relationship to the cost of the course. The~~
 2286 ~~department must conduct financial audits of course providers~~
 2287 ~~conducting the education courses required under this section or~~
 2288 ~~require that financial audits of providers be performed, at the~~
 2289 ~~expense of the provider, by a certified public accountant.~~

2290 ~~(5) The provisions of this section do not apply to any~~
 2291 ~~person who has been licensed in any other jurisdiction or who~~

2292 ~~has satisfactorily completed a Department of Education driver's~~
 2293 ~~education course offered pursuant to s. 1003.48.~~

2294 (4)-(6) In addition to a regular course fee, an assessment
 2295 fee in the amount of \$3 shall be collected by the school from
 2296 each person who attends a course. The course provider must remit
 2297 the \$3 assessment fee to the department for deposit into the
 2298 Highway Safety Operating Trust Fund in order to receive a unique
 2299 course completion certificate number for the student. Each
 2300 ~~course provider must collect a \$3 assessment fee in addition to~~
 2301 ~~the enrollment fee charged to participants of the traffic law~~
 2302 ~~and substance abuse course required under this section. The \$3~~
 2303 ~~assessment fee collected by the course provider must be~~
 2304 ~~forwarded to the department within 30 days after receipt of the~~
 2305 ~~assessment.~~

2306 (5)-(7) The department may is authorized to maintain the
 2307 information and records necessary to administer its duties and
 2308 responsibilities for the program. Course providers are required
 2309 to maintain all records pertinent to the conduct of their
 2310 approved courses for 5 years and allow the department to inspect
 2311 such records as necessary. Records may be maintained in an
 2312 electronic format. If ~~where~~ such information is a public record
 2313 as defined in chapter 119, it shall be made available to the
 2314 public upon request pursuant to s. 119.07(1). ~~The department~~
 2315 ~~shall approve and regulate courses that use technology as the~~
 2316 ~~delivery method of all traffic law and substance abuse education~~
 2317 ~~courses as the courses relate to this section.~~

2318 (6) The department shall design, develop, implement, and
 2319 conduct effectiveness studies on each delivery method of all

2320 courses approved pursuant to this section on a recurring 3-year
2321 basis. At a minimum, studies shall be conducted on the
2322 effectiveness of each course in reducing DUI citations and
2323 decreasing moving traffic violations or collision recidivism.
2324 Upon notification that a course has failed an effectiveness
2325 study, the course provider shall immediately cease offering the
2326 course in the state.

2327 (7) Courses approved under this section must be updated at
2328 the department's request. Failure of a course provider to update
2329 the course within 90 days after the department's request shall
2330 result in the suspension of the course approval until such time
2331 that the updates are submitted and approved by the department.

2332 (8) Each course provider shall ensure that its driver
2333 improvement schools are conducting the approved courses fully,
2334 to the required time limits, and with the content requirements
2335 specified by the department. The course provider shall ensure
2336 that only department-approved instructional materials are used
2337 in the presentation of the course, and that all driver
2338 improvement schools conducting the course do so in a manner
2339 that maximizes its impact and effectiveness. The course provider
2340 shall ensure that any student who is unable to attend or
2341 complete a course due to action, error, or omission on the part
2342 of the course provider or driver improvement school conducting
2343 the course shall be accommodated to permit completion of the
2344 course at no additional cost.

2345 (9) Traffic law and substance abuse education courses
2346 shall be conducted with a minimum of 4 hours devoted to course
2347 content minus a maximum of 30 minutes allotted for breaks.

2348 (10) A course provider may not require any student to
2349 purchase a course completion certificate. Course providers
2350 offering paper or electronic certificates for purchase must
2351 clearly convey to the student that this purchase is optional,
2352 that the only valid course completion certificate is the
2353 electronic one that is entered into the department's Driver
2354 Improvement Certificate Issuance System, and that paper
2355 certificates are not acceptable for any licensing purpose.

2356 (11) Course providers and all associated driver improvement
2357 schools that offer approved courses shall disclose all fees
2358 associated with the course and shall not charge any fees that
2359 are not clearly listed during the registration process.

2360 (12) Course providers shall submit course completion
2361 information to the department through the department's Driver
2362 Improvement Certificate Issuance System within 5 days. The
2363 submission shall be free of charge to the student.

2364 (13) The department may deny, suspend, or revoke course
2365 approval upon proof that the course provider:

2366 (a) Violated this section.

2367 (b) Has been convicted of a crime involving any drug-
2368 related or DUI-related offense, a felony, fraud, or a crime
2369 directly related to the personal safety of a student.

2370 (c) Failed to satisfy the effectiveness criteria as
2371 outlined in subsection (6).

2372 (d) Obtained course approval by fraud or misrepresentation.

2373 (e) Obtained or assisted a person in obtaining any driver
2374 license by fraud or misrepresentation.

2375 (f) Conducted a traffic law and substance abuse education

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2376 course in the state while approval of such course was under
2377 suspension or revocation.

2378 (g) Failed to provide effective oversight of those who
2379 deliver the course in the state.

2380 (14) The department shall not accept certificates from
2381 students who take a course after the course has been suspended
2382 or revoked.

2383 (15) A person who has been convicted of a crime involving
2384 any drug-related or DUI-related offense in the past 5 years, a
2385 felony, fraud, or a crime directly related to the personal
2386 safety of a student shall not be allowed to conduct traffic
2387 law and substance abuse education courses.

2388 (16) The department shall summarily suspend approval of
2389 any course without preliminary hearing for the purpose of
2390 protecting the public safety and enforcing any provision of law
2391 governing traffic law and substance abuse education courses.

2392 (17) Except as otherwise provided in this section,
2393 before final department action denying, suspending, or revoking
2394 approval of a course, the course provider shall have the
2395 opportunity to request either a formal or informal
2396 administrative hearing to show cause why the action should not
2397 be taken.

2398 (18) The department may levy and collect a civil fine of at
2399 least \$1,000 but not more than \$5,000 for each violation of this
2400 section. Proceeds from fines collected shall be deposited into
2401 the Highway Safety Operating Trust Fund and used to cover the
2402 cost of administering this section or promoting highway safety
2403 initiatives.

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2404 Section 33. Subsection (1) of section 322.125, Florida
 2405 Statutes, is amended to read:

2406 322.125 Medical Advisory Board.—

2407 (1) There shall be a Medical Advisory Board composed of
 2408 not fewer than 12 or more than 25 members, at least one of whom
 2409 must be 60 years of age or older and all but one of whose
 2410 medical and other specialties must relate to driving abilities,
 2411 which number must include a doctor of medicine who is employed
 2412 by the Department of Highway Safety and Motor Vehicles in
 2413 Tallahassee, who shall serve as administrative officer for the
 2414 board. The executive director of the Department of Highway
 2415 Safety and Motor Vehicles shall recommend persons to serve as
 2416 board members. Every member but two must be a doctor of medicine
 2417 licensed to practice medicine in this or any other state ~~and~~
 2418 ~~must be a member in good standing of the Florida Medical~~
 2419 ~~Association or the Florida Osteopathic Association.~~ One member
 2420 must be an optometrist licensed to practice optometry in this
 2421 state ~~and must be a member in good standing of the Florida~~
 2422 ~~Optometric Association.~~ One member must be a chiropractic
 2423 physician licensed to practice chiropractic medicine in this
 2424 state. Members shall be approved by the Cabinet and shall serve
 2425 4-year staggered terms. The board membership must, to the
 2426 maximum extent possible, consist of equal representation of the
 2427 disciplines of the medical community treating the mental or
 2428 physical disabilities that could affect the safe operation of
 2429 motor vehicles.

2430 Section 34. Subsection (4) of section 322.135, Florida
 2431 Statutes, is amended to read:

2432 322.135 Driver ~~Driver's~~ license agents.-

2433 (4) A tax collector may not issue or renew a driver
 2434 ~~driver's~~ license if he or she has any reason to believe that the
 2435 licensee or prospective licensee is physically or mentally
 2436 unqualified to operate a motor vehicle. ~~The tax collector may~~
 2437 ~~direct any such licensee to the department for examination or~~
 2438 ~~reevaluation under s. 322.221.~~

2439 Section 35. Subsection (7) of section 322.212, Florida
 2440 Statutes, is amended to read:

2441 322.212 Unauthorized possession of, and other unlawful
 2442 acts in relation to, driver ~~driver's~~ license or identification
 2443 card.-

2444 (7) In addition to any other penalties provided by this
 2445 section, any person who provides false information when applying
 2446 for a commercial driver ~~driver's~~ license or commercial learner's
 2447 permit or is convicted of fraud in connection with testing for a
 2448 commercial driver license or commercial learner's permit shall be
 2449 disqualified from operating a commercial motor vehicle for a
 2450 period of 1 year ~~60 days~~.

2451 Section 36. Subsection (1) of section 322.22, Florida
 2452 Statutes, is amended to read:

2453 322.22 Authority of department to cancel or refuse to
 2454 issue or renew license.-

2455 (1) The department may ~~is authorized to~~ cancel or withhold
 2456 issuance or renewal of any driver ~~driver's~~ license, upon
 2457 determining that the licensee was not entitled to the issuance
 2458 thereof, or that the licensee failed to give the required or
 2459 correct information in his or her application or committed any

2460 fraud in making such application, or that the licensee has two
 2461 or more licenses on file with the department, each in a
 2462 different name but bearing the photograph of the licensee,
 2463 unless the licensee has complied with the requirements of this
 2464 chapter in obtaining the licenses. The department may cancel or
 2465 withhold issuance or renewal of any driver ~~driver's~~ license,
 2466 identification card, vehicle or vessel registration, or fuel-use
 2467 decal if the licensee fails to pay the correct fee or pays for
 2468 any driver ~~the driver's~~ license, identification card, vehicle or
 2469 vessel registration, or fuel-use decal; pays any tax liability,
 2470 penalty, or interest specified in chapter 207; or pays any
 2471 administrative, delinquency, or reinstatement fee by a
 2472 dishonored check.

2473 Section 37. Subsection (3) of section 322.245, Florida
 2474 Statutes, is amended to read:

2475 322.245 Suspension of license upon failure of person
 2476 charged with specified offense under chapter 316, chapter 320,
 2477 or this chapter to comply with directives ordered by traffic
 2478 court or upon failure to pay child support in non-IV-D cases as
 2479 provided in chapter 61 or failure to pay any financial
 2480 obligation in any other criminal case.-

2481 (3) If the person fails to comply with the directives of
 2482 the court within the 30-day period, or, in non-IV-D cases, fails
 2483 to comply with the requirements of s. 61.13016 within the period
 2484 specified in that statute, the depository or the clerk of the
 2485 court shall electronically notify the department of such failure
 2486 within 10 days. Upon electronic receipt of the notice, the
 2487 department shall immediately issue an order suspending the

2488 | person's driver ~~driver's~~ license and privilege to drive
 2489 | effective 20 days after the date the order of suspension is
 2490 | mailed in accordance with s. 322.251(1), (2), and (6).

2491 | Section 38. Subsection (7) of section 322.25, Florida
 2492 | Statutes, is amended to read:

2493 | 322.25 When court to forward license to department and
 2494 | report convictions; temporary reinstatement of driving
 2495 | privileges.-

2496 | ~~(7) Any licensed driver convicted of driving, or being in~~
 2497 | ~~the actual physical control of, a vehicle within this state~~
 2498 | ~~while under the influence of alcoholic beverages, any chemical~~
 2499 | ~~substance set forth in s. 877.111, or any substance controlled~~
 2500 | ~~under chapter 893, when affected to the extent that his or her~~
 2501 | ~~normal faculties are impaired, and whose license and driving~~
 2502 | ~~privilege have been revoked as provided in subsection (1) may be~~
 2503 | ~~issued a court order for reinstatement of a driving privilege on~~
 2504 | ~~a temporary basis; provided that, as a part of the penalty, upon~~
 2505 | ~~conviction, the defendant is required to enroll in and complete~~
 2506 | ~~a driver improvement course for the rehabilitation of drinking~~
 2507 | ~~drivers and the driver is otherwise eligible for reinstatement~~
 2508 | ~~of the driving privilege as provided by s. 322.282. The court~~
 2509 | ~~order for reinstatement shall be on a form provided by the~~
 2510 | ~~department and must be taken by the person convicted to a~~
 2511 | ~~Florida driver's license examining office, where a temporary~~
 2512 | ~~driving permit may be issued. The period of time for which a~~
 2513 | ~~temporary permit issued in accordance with this subsection is~~
 2514 | ~~valid shall be deemed to be part of the period of revocation~~
 2515 | ~~imposed by the court.~~

2516 Section 39. Section 322.2615, Florida Statutes, is amended
 2517 to read:

2518 322.2615 Suspension of license; right to review.—

2519 (1) (a) A law enforcement officer or correctional officer
 2520 shall, on behalf of the department, suspend the driving
 2521 privilege of a person who is driving or in actual physical
 2522 control of a motor vehicle and who has an unlawful blood-alcohol
 2523 level or breath-alcohol level of 0.08 or higher, or of a person
 2524 who has refused to submit to a urine test or a test of his or
 2525 her breath-alcohol or blood-alcohol level. The officer shall
 2526 take the person's driver ~~driver's~~ license and issue the person a
 2527 10-day temporary permit if the person is otherwise eligible for
 2528 the driving privilege and shall issue the person a notice of
 2529 suspension. If a blood test has been administered, the officer
 2530 or the agency employing the officer shall transmit such results
 2531 to the department within 5 days after receipt of the results. If
 2532 the department then determines that the person had a blood-
 2533 alcohol level or breath-alcohol level of 0.08 or higher, the
 2534 department shall suspend the person's driver ~~driver's~~ license
 2535 pursuant to subsection (3).

2536 (b) The suspension under paragraph (a) shall be pursuant
 2537 to, and the notice of suspension shall inform the driver of, the
 2538 following:

2539 1.a. The driver refused to submit to a lawful breath,
 2540 blood, or urine test and his or her driving privilege is
 2541 suspended for a period of 1 year for a first refusal or for a
 2542 period of 18 months if his or her driving privilege has been
 2543 previously suspended as a result of a refusal to submit to such

2544 a test; or

2545 b. The driver was driving or in actual physical control of

2546 a motor vehicle and had an unlawful blood-alcohol level or

2547 breath-alcohol level of 0.08 or higher and his or her driving

2548 privilege is suspended for a period of 6 months for a first

2549 offense or for a period of 1 year if his or her driving

2550 privilege has been previously suspended under this section.

2551 2. The suspension period shall commence on the date of

2552 issuance of the notice of suspension.

2553 3. The driver may request a formal or informal review of

2554 the suspension by the department within 10 days after the date

2555 of issuance of the notice of suspension.

2556 4. The temporary permit issued at the time of suspension

2557 expires at midnight of the 10th day following the date of

2558 issuance of the notice of suspension.

2559 5. The driver may submit to the department any materials

2560 relevant to the suspension.

2561 (2) (a) Except as provided in paragraph (1) (a), the law

2562 enforcement officer shall forward to the department, within 5

2563 days after issuing the notice of suspension, the driver ~~driver's~~

2564 license; an affidavit stating the officer's grounds for belief

2565 that the person was driving or in actual physical control of a

2566 motor vehicle while under the influence of alcoholic beverages

2567 or chemical or controlled substances; the results of any breath

2568 or blood test or an affidavit stating that a breath, blood, or

2569 urine test was requested by a law enforcement officer or

2570 correctional officer and that the person refused to submit; the

2571 officer's description of the person's field sobriety test, if

2572 any; and the notice of suspension. The failure of the officer to
2573 submit materials within the 5-day period specified in this
2574 subsection and in subsection (1) does not affect the
2575 department's ability to consider any evidence submitted at or
2576 before ~~prior to~~ the hearing.

2577 (b) The officer may also submit a copy of the crash report
2578 and a copy of a video recording ~~videotape~~ of the field sobriety
2579 test or the attempt to administer such test. Materials submitted
2580 to the department by a law enforcement agency or correctional
2581 agency shall be considered self-authenticating and shall be in
2582 the record for consideration by the hearing officer.
2583 Notwithstanding s. 316.066(5), the crash report shall be
2584 considered by the hearing officer.

2585 (3) If the department determines that the license should
2586 be suspended pursuant to this section and if the notice of
2587 suspension has not already been served upon the person by a law
2588 enforcement officer or correctional officer as provided in
2589 subsection (1), the department shall issue a notice of
2590 suspension and, unless the notice is mailed pursuant to s.
2591 322.251, a temporary permit that expires 10 days after the date
2592 of issuance if the driver is otherwise eligible.

2593 (4) If the person whose license was suspended requests an
2594 informal review pursuant to subparagraph (1)(b)3., the
2595 department shall conduct the informal review by a hearing
2596 officer designated ~~employed~~ by the department. Such informal
2597 review hearing shall consist solely of an examination by the
2598 department of the materials submitted by a law enforcement
2599 officer or correctional officer and by the person whose license

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2600 was suspended, and the presence of an officer or witness is not
2601 required.

2602 (5) After completion of the informal review, notice of the
2603 department's decision sustaining, amending, or invalidating the
2604 suspension of the driver ~~driver's~~ license of the person whose
2605 license was suspended must be provided to such person. Such
2606 notice must be mailed to the person at the last known address
2607 shown on the department's records, or to the address provided in
2608 the law enforcement officer's report if such address differs
2609 from the address of record, within 21 days after the expiration
2610 of the temporary permit issued pursuant to subsection (1) or
2611 subsection (3).

2612 (6) (a) If the person whose license was suspended requests
2613 a formal review, the department must schedule a hearing ~~to be~~
2614 ~~held~~ within 30 days after such request is received by the
2615 department and must notify the person of the date, time, and
2616 place of the hearing.

2617 (b) Such formal review hearing shall be held before a
2618 hearing officer designated ~~employed~~ by the department, and the
2619 hearing officer shall be authorized to administer oaths, examine
2620 witnesses and take testimony, receive relevant evidence, issue
2621 subpoenas for the officers and witnesses identified in documents
2622 provided under paragraph (2) (a) in subsection (2), regulate the
2623 course and conduct of the hearing, question witnesses, and make
2624 a ruling on the suspension. The hearing officer may conduct
2625 hearings using communications technology. The party requesting
2626 the presence of a witness shall be responsible for the payment
2627 of any witness fees and for notifying in writing the state

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2628 attorney's office in the appropriate circuit of the issuance of
2629 the subpoena. If the person who requests a formal review hearing
2630 fails to appear and the hearing officer finds such failure to be
2631 without just cause, the right to a formal hearing is waived and
2632 the suspension shall be sustained.

2633 (c) The failure of a subpoenaed witness to appear at the
2634 formal review hearing is not grounds to invalidate the
2635 suspension. If a witness fails to appear, a party may seek
2636 enforcement of a subpoena under paragraph (b) by filing a
2637 petition for enforcement in the circuit court of the judicial
2638 circuit in which the person failing to comply with the subpoena
2639 resides or by filing a motion for enforcement in any criminal
2640 court case resulting from the driving or actual physical control
2641 of a motor vehicle that gave rise to the suspension under this
2642 section. A failure to comply with an order of the court shall
2643 result in a finding of contempt of court. However, a person is
2644 not in contempt while a subpoena is being challenged.

2645 (d) The department must, within 7 working days after a
2646 formal review hearing, send notice to the person of the hearing
2647 officer's decision as to whether sufficient cause exists to
2648 sustain, amend, or invalidate the suspension.

2649 (7) In a formal review hearing under subsection (6) or an
2650 informal review hearing under subsection (4), the hearing
2651 officer shall determine by a preponderance of the evidence
2652 whether sufficient cause exists to sustain, amend, or invalidate
2653 the suspension. The scope of the review shall be limited to the
2654 following issues:

2655 (a) If the license was suspended for driving with an

2656 | unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 2657 | higher:

2658 | 1. Whether the law enforcement officer had probable cause
 2659 | to believe that the person whose license was suspended was
 2660 | driving or in actual physical control of a motor vehicle in this
 2661 | state while under the influence of alcoholic beverages or
 2662 | chemical or controlled substances.

2663 | 2. Whether the person whose license was suspended had an
 2664 | unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 2665 | higher as provided in s. 316.193.

2666 | (b) If the license was suspended for refusal to submit to
 2667 | a breath, blood, or urine test:

2668 | 1. Whether the law enforcement officer had probable cause
 2669 | to believe that the person whose license was suspended was
 2670 | driving or in actual physical control of a motor vehicle in this
 2671 | state while under the influence of alcoholic beverages or
 2672 | chemical or controlled substances.

2673 | 2. Whether the person whose license was suspended refused
 2674 | to submit to any such test after being requested to do so by a
 2675 | law enforcement officer or correctional officer.

2676 | 3. Whether the person whose license was suspended was told
 2677 | that if he or she refused to submit to such test his or her
 2678 | privilege to operate a motor vehicle would be suspended for a
 2679 | period of 1 year or, in the case of a second or subsequent
 2680 | refusal, for a period of 18 months.

2681 | (8) Based on the determination of the hearing officer
 2682 | pursuant to subsection (7) for both informal hearings under
 2683 | subsection (4) and formal hearings under subsection (6), the

2684 department shall:

2685 (a) Sustain the suspension of the person's driving
 2686 privilege for a period of 1 year for a first refusal, or for a
 2687 period of 18 months if the driving privilege of such person has
 2688 been previously suspended as a result of a refusal to submit to
 2689 such tests, if the person refused to submit to a lawful breath,
 2690 blood, or urine test. The suspension period commences on the
 2691 date of issuance of the notice of suspension.

2692 (b) Sustain the suspension of the person's driving
 2693 privilege for a period of 6 months for a blood-alcohol level or
 2694 breath-alcohol level of 0.08 or higher, or for a period of 1
 2695 year if the driving privilege of such person has been previously
 2696 suspended under this section as a result of driving with an
 2697 unlawful alcohol level. The suspension period commences on the
 2698 date of issuance of the notice of suspension.

2699 (9) A request for a formal review hearing or an informal
 2700 review hearing shall not stay the suspension of the person's
 2701 driver ~~driver's~~ license. If the department fails to schedule the
 2702 formal review hearing ~~to be held~~ within 30 days after receipt of
 2703 the request therefor, the department shall invalidate the
 2704 suspension. If the scheduled hearing is continued at the
 2705 department's initiative or the driver enforces the subpoena as
 2706 provided in subsection (6), the department shall issue a
 2707 temporary driving permit that shall be valid until the hearing
 2708 is conducted if the person is otherwise eligible for the driving
 2709 privilege. Such permit may not be issued to a person who sought
 2710 and obtained a continuance of the hearing. The permit issued
 2711 under this subsection shall authorize driving for business or

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2712 employment use only.

2713 (10) A person whose driver ~~driver's~~ license is suspended
2714 under subsection (1) or subsection (3) may apply for issuance of
2715 a license for business or employment purposes only if the person
2716 is otherwise eligible for the driving privilege pursuant to s.
2717 322.271.

2718 (a) If the suspension of the driver ~~driver's~~ license of
2719 the person for failure to submit to a breath, urine, or blood
2720 test is sustained, the person is not eligible to receive a
2721 license for business or employment purposes only, pursuant to s.
2722 322.271, until 90 days have elapsed after the expiration of the
2723 last temporary permit issued. If the driver is not issued a 10-
2724 day permit pursuant to this section or s. 322.64 because he or
2725 she is ineligible for the permit and the suspension for failure
2726 to submit to a breath, urine, or blood test is not invalidated
2727 by the department, the driver is not eligible to receive a
2728 business or employment license pursuant to s. 322.271 until 90
2729 days have elapsed from the date of the suspension.

2730 (b) If the suspension of the driver ~~driver's~~ license of
2731 the person relating to unlawful blood-alcohol level or breath-
2732 alcohol level of 0.08 or higher is sustained, the person is not
2733 eligible to receive a license for business or employment
2734 purposes only pursuant to s. 322.271 until 30 days have elapsed
2735 after the expiration of the last temporary permit issued. If the
2736 driver is not issued a 10-day permit pursuant to this section or
2737 s. 322.64 because he or she is ineligible for the permit and the
2738 suspension relating to unlawful blood-alcohol level or breath-
2739 alcohol level of 0.08 or higher is not invalidated by the

2740 department, the driver is not eligible to receive a business or
2741 employment license pursuant to s. 322.271 until 30 days have
2742 elapsed from the date of the suspension.

2743 (11) The formal review hearing may be conducted upon a
2744 review of the reports of a law enforcement officer or a
2745 correctional officer, including documents relating to the
2746 administration of a breath test or blood test or the refusal to
2747 take either test or the refusal to take a urine test. However,
2748 as provided in subsection (6), the driver may subpoena the
2749 officer or any person who administered or analyzed a breath or
2750 blood test. If the arresting officer or the breath technician
2751 fails to appear pursuant to a subpoena as provided in subsection
2752 (6), the department shall invalidate the suspension.

2753 (12) The formal review hearing and the informal review
2754 hearing are exempt from the provisions of chapter 120. The
2755 department may adopt rules for the conduct of reviews under this
2756 section.

2757 (13) A person may appeal any decision of the department
2758 sustaining a suspension of his or her driver ~~driver's~~ license by
2759 a petition for writ of certiorari to the circuit court in the
2760 county wherein such person resides or wherein a formal or
2761 informal review was conducted pursuant to s. 322.31. However, an
2762 appeal shall not stay the suspension. A law enforcement agency
2763 may appeal any decision of the department invalidating a
2764 suspension by a petition for writ of certiorari to the circuit
2765 court in the county wherein a formal or informal review was
2766 conducted. This subsection shall not be construed to provide for
2767 a de novo review ~~appeal~~.

2768 (14) (a) The decision of the department under this section
2769 or any circuit court review thereof may not be considered in any
2770 trial for a violation of s. 316.193, and a written statement
2771 submitted by a person in his or her request for departmental
2772 review under this section may not be admitted into evidence
2773 against him or her in any such trial.

2774 (b) The disposition of any related criminal proceedings
2775 does not affect a suspension for refusal to submit to a blood,
2776 breath, or urine test imposed under this section.

2777 (15) If the department suspends a person's license under
2778 s. 322.2616, it may not also suspend the person's license under
2779 this section for the same episode that was the basis for the
2780 suspension under s. 322.2616.

2781 (16) The department shall invalidate a suspension for
2782 driving with an unlawful blood-alcohol level or breath-alcohol
2783 level imposed under this section if the suspended person is
2784 found not guilty at trial of an underlying violation of s.
2785 316.193.

2786 Section 40. Section 322.2616, Florida Statutes, is amended
2787 to read:

2788 322.2616 Suspension of license; persons under 21 years of
2789 age; right to review.—

2790 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
2791 person under the age of 21 who has a blood-alcohol or breath-
2792 alcohol level of 0.02 or higher to drive or be in actual
2793 physical control of a motor vehicle.

2794 (b) A law enforcement officer who has probable cause to
2795 believe that a motor vehicle is being driven by or is in the

2796 actual physical control of a person who is under the age of 21
 2797 while under the influence of alcoholic beverages or who has any
 2798 blood-alcohol or breath-alcohol level may lawfully detain such a
 2799 person and may request that person to submit to a test to
 2800 determine his or her blood-alcohol or breath-alcohol level.

2801 (2) (a) A law enforcement officer or correctional officer
 2802 shall, on behalf of the department, suspend the driving
 2803 privilege of such person if the person has a blood-alcohol or
 2804 breath-alcohol level of 0.02 or higher. The officer shall also
 2805 suspend, on behalf of the department, the driving privilege of a
 2806 person who has refused to submit to a test as provided by
 2807 paragraph (b). The officer shall take the person's driver
 2808 ~~driver's~~ license and issue the person a 10-day temporary driving
 2809 permit if the person is otherwise eligible for the driving
 2810 privilege and shall issue the person a notice of suspension.

2811 (b) The suspension under paragraph (a) must be pursuant
 2812 to, and the notice of suspension must inform the driver of, the
 2813 following:

2814 1.a. The driver refused to submit to a lawful breath test
 2815 and his or her driving privilege is suspended for a period of 1
 2816 year for a first refusal or for a period of 18 months if his or
 2817 her driving privilege has been previously suspended as provided
 2818 in this section as a result of a refusal to submit to a test; or

2819 b. The driver was under the age of 21 and was driving or
 2820 in actual physical control of a motor vehicle while having a
 2821 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
 2822 person's driving privilege is suspended for a period of 6 months
 2823 for a first violation, or for a period of 1 year if his or her

2824 driving privilege has been previously suspended as provided in
2825 this section for driving or being in actual physical control of
2826 a motor vehicle with a blood-alcohol or breath-alcohol level of
2827 0.02 or higher.

2828 2. The suspension period commences on the date of issuance
2829 of the notice of suspension.

2830 3. The driver may request a formal or informal review of
2831 the suspension by the department within 10 days after the
2832 issuance of the notice of suspension.

2833 4. A temporary permit issued at the time of the issuance
2834 of the notice of suspension shall not become effective until
2835 after 12 hours have elapsed and will expire at midnight of the
2836 10th day following the date of issuance.

2837 5. The driver may submit to the department any materials
2838 relevant to the suspension of his or her license.

2839 (c) When a driver subject to this section has a blood-
2840 alcohol or breath-alcohol level of 0.05 or higher, the
2841 suspension shall remain in effect until such time as the driver
2842 has completed a substance abuse course offered by a DUI program
2843 licensed by the department. The driver shall assume the
2844 reasonable costs for the substance abuse course. As part of the
2845 substance abuse course, the program shall conduct a substance
2846 abuse evaluation of the driver, and notify the parents or legal
2847 guardians of drivers under the age of 19 years of the results of
2848 the evaluation. The term "substance abuse" means the abuse of
2849 alcohol or any substance named or described in Schedules I
2850 through V of s. 893.03. If a driver fails to complete the
2851 substance abuse education course and evaluation, the driver

2852 ~~driver's~~ license shall not be reinstated by the department.

2853 (d) A minor under the age of 18 years proven to be driving
 2854 with a blood-alcohol or breath-alcohol level of 0.02 or higher
 2855 may be taken by a law enforcement officer to the addictions
 2856 receiving facility in the county in which the minor is found to
 2857 be so driving, if the county makes the addictions receiving
 2858 facility available for such purpose.

2859 (3) The law enforcement officer shall forward to the
 2860 department, within 5 days after the date of the issuance of the
 2861 notice of suspension, a copy of the notice of suspension, the
 2862 driver ~~driver's~~ license of the person receiving the notice of
 2863 suspension, and an affidavit stating the officer's grounds for
 2864 belief that the person was under the age of 21 and was driving
 2865 or in actual physical control of a motor vehicle with any blood-
 2866 alcohol or breath-alcohol level, and the results of any blood or
 2867 breath test or an affidavit stating that a breath test was
 2868 requested by a law enforcement officer or correctional officer
 2869 and that the person refused to submit to such test. The failure
 2870 of the officer to submit materials within the 5-day period
 2871 specified in this subsection does not bar the department from
 2872 considering any materials submitted at or before the hearing.

2873 (4) If the department finds that the license of the person
 2874 should be suspended under this section and if the notice of
 2875 suspension has not already been served upon the person by a law
 2876 enforcement officer or correctional officer as provided in
 2877 subsection (2), the department shall issue a notice of
 2878 suspension and, unless the notice is mailed under s. 322.251, a
 2879 temporary driving permit that expires 10 days after the date of

2880 issuance if the driver is otherwise eligible.

2881 (5) If the person whose license is suspended requests an
2882 informal review under subparagraph (2)(b)3., the department
2883 shall conduct the informal review by a hearing officer
2884 designated ~~employed~~ by the department within 30 days after the
2885 request is received by the department and shall issue such
2886 person a temporary driving permit for business purposes only to
2887 expire on the date that such review is scheduled to be conducted
2888 if the person is otherwise eligible. The informal review hearing
2889 must consist solely of an examination by the department of the
2890 materials submitted by a law enforcement officer or correctional
2891 officer and by the person whose license is suspended, and the
2892 presence of an officer or witness is not required.

2893 (6) After completion of the informal review, notice of the
2894 department's decision sustaining, amending, or invalidating the
2895 suspension of the driver ~~driver's~~ license must be provided to
2896 the person. The notice must be mailed to the person at the last
2897 known address shown on the department's records, or to the
2898 address provided in the law enforcement officer's report if such
2899 address differs from the address of record, within 7 days after
2900 completing the review.

2901 (7) (a) If the person whose license is suspended requests a
2902 formal review, the department must schedule a hearing to be held
2903 within 30 days after the request is received by the department
2904 and must notify the person of the date, time, and place of the
2905 hearing and shall issue such person a temporary driving permit
2906 for business purposes only to expire on the date that such
2907 review is scheduled to be conducted if the person is otherwise

2908 eligible.

2909 (b) The formal review hearing must be held before a
2910 hearing officer designated ~~employed~~ by the department, and the
2911 hearing officer may administer oaths, examine witnesses and take
2912 testimony, receive relevant evidence, issue subpoenas, regulate
2913 the course and conduct of the hearing, and make a ruling on the
2914 suspension. The hearing officer may conduct hearings using
2915 communications technology. The department and the person whose
2916 license was suspended may subpoena witnesses, and the party
2917 requesting the presence of a witness is responsible for paying
2918 any witness fees and for notifying in writing the state
2919 attorney's office in the appropriate circuit of the issuance of
2920 the subpoena. If the person who requests a formal review hearing
2921 fails to appear and the hearing officer finds the failure to be
2922 without just cause, the right to a formal hearing is waived and
2923 the suspension is sustained.

2924 (c) The failure of a subpoenaed witness to appear at the
2925 formal review hearing shall not be grounds to invalidate the
2926 suspension. If a witness fails to appear, a party may seek
2927 enforcement of a subpoena under paragraph (b) by filing a
2928 petition for enforcement in the circuit court of the judicial
2929 circuit in which the person failing to comply with the subpoena
2930 resides. A failure to comply with an order of the court
2931 constitutes contempt of court. However, a person may not be held
2932 in contempt while a subpoena is being challenged.

2933 (d) The department must, within 7 working days after a
2934 formal review hearing, send notice to the person of the hearing
2935 officer's decision as to whether sufficient cause exists to

2936 | sustain, amend, or invalidate the suspension.

2937 | (8) In a formal review hearing under subsection (7) or an
 2938 | informal review hearing under subsection (5), the hearing
 2939 | officer shall determine by a preponderance of the evidence
 2940 | whether sufficient cause exists to sustain, amend, or invalidate
 2941 | the suspension. The scope of the review is limited to the
 2942 | following issues:

2943 | (a) If the license was suspended because the individual,
 2944 | then under the age of 21, drove with a blood-alcohol or breath-
 2945 | alcohol level of 0.02 or higher:

2946 | 1. Whether the law enforcement officer had probable cause
 2947 | to believe that the person was under the age of 21 and was
 2948 | driving or in actual physical control of a motor vehicle in this
 2949 | state with any blood-alcohol or breath-alcohol level or while
 2950 | under the influence of alcoholic beverages.

2951 | 2. Whether the person was under the age of 21.

2952 | 3. Whether the person had a blood-alcohol or breath-
 2953 | alcohol level of 0.02 or higher.

2954 | (b) If the license was suspended because of the
 2955 | individual's refusal to submit to a breath test:

2956 | 1. Whether the law enforcement officer had probable cause
 2957 | to believe that the person was under the age of 21 and was
 2958 | driving or in actual physical control of a motor vehicle in this
 2959 | state with any blood-alcohol or breath-alcohol level or while
 2960 | under the influence of alcoholic beverages.

2961 | 2. Whether the person was under the age of 21.

2962 | 3. Whether the person refused to submit to a breath test
 2963 | after being requested to do so by a law enforcement officer or

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2964 | correctional officer.

2965 | 4. Whether the person was told that if he or she refused
2966 | to submit to a breath test his or her privilege to operate a
2967 | motor vehicle would be suspended for a period of 1 year or, in
2968 | the case of a second or subsequent refusal, for a period of 18
2969 | months.

2970 | (9) Based on the determination of the hearing officer
2971 | under subsection (8) for both informal hearings under subsection
2972 | (5) and formal hearings under subsection (7), the department
2973 | shall:

2974 | (a) Sustain the suspension of the person's driving
2975 | privilege for a period of 1 year for a first refusal, or for a
2976 | period of 18 months if the driving privilege of the person has
2977 | been previously suspended, as provided in this section, as a
2978 | result of a refusal to submit to a test. The suspension period
2979 | commences on the date of the issuance of the notice of
2980 | suspension.

2981 | (b) Sustain the suspension of the person's driving
2982 | privilege for a period of 6 months for driving or being in
2983 | actual physical control of a motor vehicle while under the age
2984 | of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
2985 | higher, or for a period of 1 year if the driving privilege of
2986 | such person has been previously suspended under this section.
2987 | The suspension period commences on the date of the issuance of
2988 | the notice of suspension.

2989 | (10) A request for a formal review hearing or an informal
2990 | review hearing shall not stay the suspension of the person's
2991 | driver ~~driver's~~ license. If the department fails to schedule the

2992 formal review hearing ~~to be held~~ within 30 days after receipt of
 2993 the request therefor, the department shall invalidate the
 2994 suspension. If the scheduled hearing is continued at the
 2995 department's initiative or the driver enforces the subpoena as
 2996 provided in subsection (7), the department shall issue a
 2997 temporary driving permit that is valid until the hearing is
 2998 conducted if the person is otherwise eligible for the driving
 2999 privilege. The permit shall not be issued to a person who
 3000 requested a continuance of the hearing. The permit issued under
 3001 this subsection authorizes driving for business or employment
 3002 use only.

3003 (11) A person whose driver ~~driver's~~ license is suspended
 3004 under subsection (2) or subsection (4) may apply for issuance of
 3005 a license for business or employment purposes only, pursuant to
 3006 s. 322.271, if the person is otherwise eligible for the driving
 3007 privilege. However, such a license may not be issued until 30
 3008 days have elapsed after the expiration of the last temporary
 3009 driving permit issued under this section.

3010 (12) The formal review hearing may be conducted upon a
 3011 review of the reports of a law enforcement officer or
 3012 correctional officer, including documents relating to the
 3013 administration of a breath test or the refusal to take a test.
 3014 However, as provided in subsection (7), the driver may subpoena
 3015 the officer or any person who administered a breath or blood
 3016 test. If the officer who suspended the driving privilege fails
 3017 to appear pursuant to a subpoena as provided in subsection (7),
 3018 the department shall invalidate the suspension.

3019 (13) The formal review hearing and the informal review

3020 hearing are exempt from chapter 120. The department may adopt
 3021 rules for conducting reviews under this section.

3022 (14) A person may appeal any decision of the department
 3023 sustaining a suspension of his or her driver ~~driver's~~ license by
 3024 a petition for writ of certiorari to the circuit court in the
 3025 county wherein such person resides or wherein a formal or
 3026 informal review was conducted under s. 322.31. However, an
 3027 appeal does not stay the suspension. This subsection does not
 3028 provide for a de novo review ~~appeal~~.

3029 (15) The decision of the department under this section
 3030 shall not be considered in any trial for a violation of s.
 3031 316.193, nor shall any written statement submitted by a person
 3032 in his or her request for departmental review under this section
 3033 be admissible into evidence against him or her in any such
 3034 trial. The disposition of any related criminal proceedings shall
 3035 not affect a suspension imposed under this section.

3036 (16) By applying for and accepting and using a driver
 3037 ~~driver's~~ license, a person under the age of 21 years who holds
 3038 the driver ~~driver's~~ license is deemed to have expressed his or
 3039 her consent to the provisions of this section.

3040 (17) A breath test to determine breath-alcohol level
 3041 pursuant to this section may be conducted as authorized by s.
 3042 316.1932 or by a breath-alcohol test device listed in the United
 3043 States Department of Transportation's conforming-product list of
 3044 evidential breath-measurement devices. The reading from such a
 3045 device is presumed accurate and is admissible in evidence in any
 3046 administrative hearing conducted under this section.

3047 (18) The result of a blood test obtained during an

3048 investigation conducted under s. 316.1932 or s. 316.1933 may be
 3049 used to suspend the driving privilege of a person under this
 3050 section.

3051 (19) A violation of this section is neither a traffic
 3052 infraction nor a criminal offense, nor does being detained
 3053 pursuant to this section constitute an arrest. A violation of
 3054 this section is subject to the administrative action provisions
 3055 of this section, which are administered by the department
 3056 through its administrative processes. Administrative actions
 3057 taken pursuant to this section shall be recorded in the motor
 3058 vehicle records maintained by the department. This section does
 3059 not bar prosecution under s. 316.193. However, if the department
 3060 suspends a person's license under s. 322.2615 for a violation of
 3061 s. 316.193, it may not also suspend the person's license under
 3062 this section for the same episode that was the basis for the
 3063 suspension under s. 322.2615.

3064 Section 41. Section 322.64, Florida Statutes, is amended
 3065 to read:

3066 322.64 Holder of commercial driver ~~driver's~~ license;
 3067 persons operating a commercial motor vehicle; driving with
 3068 unlawful blood-alcohol level; refusal to submit to breath,
 3069 urine, or blood test.—

3070 (1) (a) A law enforcement officer or correctional officer
 3071 shall, on behalf of the department, disqualify from operating
 3072 any commercial motor vehicle a person who while operating or in
 3073 actual physical control of a commercial motor vehicle is
 3074 arrested for a violation of s. 316.193, relating to unlawful
 3075 blood-alcohol level or breath-alcohol level, or a person who has

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3076 refused to submit to a breath, urine, or blood test authorized
 3077 by s. 322.63 or s. 316.1932 arising out of the operation or
 3078 actual physical control of a commercial motor vehicle. A law
 3079 enforcement officer or correctional officer shall, on behalf of
 3080 the department, disqualify the holder of a commercial driver
 3081 ~~driver's~~ license from operating any commercial motor vehicle if
 3082 the licenseholder, while operating or in actual physical control
 3083 of a motor vehicle, is arrested for a violation of s. 316.193,
 3084 relating to unlawful blood-alcohol level or breath-alcohol
 3085 level, or refused to submit to a breath, urine, or blood test
 3086 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 3087 the person, the officer shall take the person's driver ~~driver's~~
 3088 license and issue the person a 10-day temporary permit for the
 3089 operation of noncommercial vehicles only if the person is
 3090 otherwise eligible for the driving privilege and shall issue the
 3091 person a notice of disqualification. If the person has been
 3092 given a blood, breath, or urine test, the results of which are
 3093 not available to the officer at the time of the arrest, the
 3094 agency employing the officer shall transmit such results to the
 3095 department within 5 days after receipt of the results. If the
 3096 department then determines that the person had a blood-alcohol
 3097 level or breath-alcohol level of 0.08 or higher, the department
 3098 shall disqualify the person from operating a commercial motor
 3099 vehicle pursuant to subsection (3).

3100 (b) For purposes of determining the period of
 3101 disqualification described in 49 C.F.R. s. 383.51, a
 3102 disqualification under paragraph (a) shall be considered a
 3103 conviction.

3104 ~~(c)-(b)~~ The disqualification under paragraph (a) shall be
 3105 pursuant to, and the notice of disqualification shall inform the
 3106 driver of, the following:

3107 1.a. The driver refused to submit to a lawful breath,
 3108 blood, or urine test and he or she is disqualified from
 3109 operating a commercial motor vehicle for the time period
 3110 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
 3111 ~~first refusal, or permanently, if he or she has previously been~~
 3112 ~~disqualified under this section; or~~

3113 b. The driver had an unlawful blood-alcohol level of 0.08
 3114 or higher while ~~was~~ driving or in actual physical control of a
 3115 commercial motor vehicle, or any motor vehicle if the driver
 3116 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
 3117 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
 3118 and his or her driving privilege is ~~shall be~~ disqualified for
 3119 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
 3120 ~~year for a first offense or permanently disqualified if his or~~
 3121 ~~her driving privilege has been previously disqualified under~~
 3122 ~~this section.~~

3123 2. The disqualification period for operating commercial
 3124 vehicles shall commence on the date of issuance of the notice of
 3125 disqualification.

3126 3. The driver may request a formal or informal review of
 3127 the disqualification by the department within 10 days after the
 3128 date of issuance of the notice of disqualification.

3129 4. The temporary permit issued at the time of
 3130 disqualification expires at midnight of the 10th day following
 3131 the date of disqualification.

3132 5. The driver may submit to the department any materials
3133 relevant to the disqualification.

3134 (2) (a) Except as provided in paragraph (1) (a), the law
3135 enforcement officer shall forward to the department, within 5
3136 days after the date of the issuance of the notice of
3137 disqualification, a copy of the notice of disqualification, the
3138 driver ~~driver's~~ license of the person disqualified, and an
3139 affidavit stating the officer's grounds for belief that the
3140 person disqualified was operating or in actual physical control
3141 of a commercial motor vehicle, or holds a commercial driver
3142 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
3143 alcohol level; the results of any breath or blood or urine test
3144 or an affidavit stating that a breath, blood, or urine test was
3145 requested by a law enforcement officer or correctional officer
3146 and that the person arrested refused to submit; a copy of the
3147 notice of disqualification issued to the person; and the
3148 officer's description of the person's field sobriety test, if
3149 any. The failure of the officer to submit materials within the
3150 5-day period specified in this subsection or subsection (1) does
3151 not affect the department's ability to consider any evidence
3152 submitted at or before ~~prior to~~ the hearing.

3153 (b) The officer may also submit a copy of a video
3154 recording ~~videotape~~ of the field sobriety test or the attempt to
3155 administer such test and a copy of the crash report, ~~if any~~.
3156 Notwithstanding s. 316.066, the crash report shall be considered
3157 by the hearing officer.

3158 (3) If the department determines that the person arrested
3159 should be disqualified from operating a commercial motor vehicle

3160 pursuant to this section and if the notice of disqualification
3161 has not already been served upon the person by a law enforcement
3162 officer or correctional officer as provided in subsection (1),
3163 the department shall issue a notice of disqualification and,
3164 unless the notice is mailed pursuant to s. 322.251, a temporary
3165 permit which expires 10 days after the date of issuance if the
3166 driver is otherwise eligible.

3167 (4) If the person disqualified requests an informal review
3168 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
3169 conduct the informal review by a hearing officer designated
3170 ~~employed~~ by the department. Such informal review hearing shall
3171 consist solely of an examination by the department of the
3172 materials submitted by a law enforcement officer or correctional
3173 officer and by the person disqualified, and the presence of an
3174 officer or witness is not required.

3175 (5) After completion of the informal review, notice of the
3176 department's decision sustaining, amending, or invalidating the
3177 disqualification must be provided to the person. Such notice
3178 must be mailed to the person at the last known address shown on
3179 the department's records, and to the address provided in the law
3180 enforcement officer's report if such address differs from the
3181 address of record, within 21 days after the expiration of the
3182 temporary permit issued pursuant to subsection (1) or subsection
3183 (3).

3184 (6) (a) If the person disqualified requests a formal
3185 review, the department must schedule a hearing to be held within
3186 30 days after such request is received by the department and
3187 must notify the person of the date, time, and place of the

3188 hearing.

3189 (b) Such formal review hearing shall be held before a
 3190 hearing officer designated ~~employed~~ by the department, and the
 3191 hearing officer shall be authorized to administer oaths, examine
 3192 witnesses and take testimony, receive relevant evidence, issue
 3193 subpoenas for the officers and witnesses identified in documents
 3194 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
 3195 regulate the course and conduct of the hearing, and make a
 3196 ruling on the disqualification. The hearing officer may conduct
 3197 hearings using communications technology. The department and the
 3198 person disqualified may subpoena witnesses, and the party
 3199 requesting the presence of a witness shall be responsible for
 3200 the payment of any witness fees. If the person who requests a
 3201 formal review hearing fails to appear and the hearing officer
 3202 finds such failure to be without just cause, the right to a
 3203 formal hearing is waived.

3204 (c) The failure of a subpoenaed witness to appear at the
 3205 formal review hearing shall not be grounds to invalidate the
 3206 disqualification. If a witness fails to appear, a party may seek
 3207 enforcement of a subpoena under paragraph (b) by filing a
 3208 petition for enforcement in the circuit court of the judicial
 3209 circuit in which the person failing to comply with the subpoena
 3210 resides or by filing a motion for enforcement in any criminal
 3211 court case resulting from the driving or actual physical control
 3212 of a motor vehicle or commercial motor vehicle that gave rise to
 3213 the disqualification under this section. A failure to comply
 3214 with an order of the court shall result in a finding of contempt
 3215 of court. However, a person shall not be in contempt while a

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3216 subpoena is being challenged.

3217 (d) The department must, within 7 working days after a
3218 formal review hearing, send notice to the person of the hearing
3219 officer's decision as to whether sufficient cause exists to
3220 sustain, amend, or invalidate the disqualification.

3221 (7) In a formal review hearing under subsection (6) or an
3222 informal review hearing under subsection (4), the hearing
3223 officer shall determine by a preponderance of the evidence
3224 whether sufficient cause exists to sustain, amend, or invalidate
3225 the disqualification. The scope of the review shall be limited
3226 to the following issues:

3227 (a) If the person was disqualified from operating a
3228 commercial motor vehicle for driving with an unlawful blood-
3229 alcohol level:

3230 1. Whether the ~~arresting~~ law enforcement officer had
3231 probable cause to believe that the person was driving or in
3232 actual physical control of a commercial motor vehicle, or any
3233 motor vehicle if the driver holds a commercial driver ~~driver's~~
3234 license, in this state while he or she had any alcohol, chemical
3235 substances, or controlled substances in his or her body.

3236 2. Whether the person had an unlawful blood-alcohol level
3237 or breath-alcohol level of 0.08 or higher.

3238 (b) If the person was disqualified from operating a
3239 commercial motor vehicle for refusal to submit to a breath,
3240 blood, or urine test:

3241 1. Whether the law enforcement officer had probable cause
3242 to believe that the person was driving or in actual physical
3243 control of a commercial motor vehicle, or any motor vehicle if

3244 the driver holds a commercial driver ~~driver's~~ license, in this
 3245 state while he or she had any alcohol, chemical substances, or
 3246 controlled substances in his or her body.

3247 2. Whether the person refused to submit to the test after
 3248 being requested to do so by a law enforcement officer or
 3249 correctional officer.

3250 3. Whether the person was told that if he or she refused
 3251 to submit to such test he or she would be disqualified from
 3252 operating a commercial motor vehicle for a period of 1 year or,
 3253 if previously disqualified under this section, permanently.

3254 (8) Based on the determination of the hearing officer
 3255 pursuant to subsection (7) for both informal hearings under
 3256 subsection (4) and formal hearings under subsection (6), the
 3257 department shall:

3258 ~~(a) sustain the disqualification for the time period~~
 3259 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
 3260 ~~refusal, or permanently if such person has been previously~~
 3261 ~~disqualified from operating a commercial motor vehicle under~~
 3262 ~~this section.~~ The disqualification period commences on the date
 3263 of the issuance of the notice of disqualification.

3264 ~~(b) Sustain the disqualification:~~

3265 1. ~~For a period of 1 year if the person was driving or in~~
 3266 ~~actual physical control of a commercial motor vehicle, or any~~
 3267 ~~motor vehicle if the driver holds a commercial driver's license,~~
 3268 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
 3269 ~~of 0.08 or higher; or~~

3270 2. ~~Permanently if the person has been previously~~
 3271 ~~disqualified from operating a commercial motor vehicle under~~

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3272 ~~this section or his or her driving privilege has been previously~~
 3273 ~~suspended for driving or being in actual physical control of a~~
 3274 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 3275 ~~holds a commercial driver's license, and had an unlawful blood-~~
 3276 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3277
 3278 ~~The disqualification period commences on the date of the~~
 3279 ~~issuance of the notice of disqualification.~~

3280 (9) A request for a formal review hearing or an informal
 3281 review hearing shall not stay the disqualification. If the
 3282 department fails to schedule the formal review hearing ~~to be~~
 3283 ~~held~~ within 30 days after receipt of the request therefor, the
 3284 department shall invalidate the disqualification. If the
 3285 scheduled hearing is continued at the department's initiative or
 3286 the driver enforces the subpoena as provided in subsection (6),
 3287 the department shall issue a temporary driving permit limited to
 3288 noncommercial vehicles which is valid until the hearing is
 3289 conducted if the person is otherwise eligible for the driving
 3290 privilege. Such permit shall not be issued to a person who
 3291 sought and obtained a continuance of the hearing. The permit
 3292 issued under this subsection shall authorize driving for
 3293 business purposes only.

3294 (10) A person who is disqualified from operating a
 3295 commercial motor vehicle under subsection (1) or subsection (3)
 3296 is eligible for issuance of a license for business or employment
 3297 purposes only under s. 322.271 if the person is otherwise
 3298 eligible for the driving privilege. However, such business or
 3299 employment purposes license shall not authorize the driver to

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3300 operate a commercial motor vehicle.

3301 (11) The formal review hearing may be conducted upon a
3302 review of the reports of a law enforcement officer or a
3303 correctional officer, including documents relating to the
3304 administration of a breath test or blood test or the refusal to
3305 take either test. However, as provided in subsection (6), the
3306 driver may subpoena the officer or any person who administered
3307 or analyzed a breath or blood test. If the arresting officer or
3308 the breath technician fails to appear pursuant to a subpoena as
3309 provided in subsection (6), the department shall invalidate the
3310 disqualification.

3311 (12) The formal review hearing and the informal review
3312 hearing are exempt from the provisions of chapter 120. The
3313 department may ~~is authorized to~~ adopt rules for the conduct of
3314 reviews under this section.

3315 (13) A person may appeal any decision of the department
3316 sustaining the disqualification from operating a commercial
3317 motor vehicle by a petition for writ of certiorari to the
3318 circuit court in the county wherein such person resides or
3319 wherein a formal or informal review was conducted pursuant to s.
3320 322.31. However, an appeal shall not stay the disqualification.
3321 This subsection shall not be construed to provide for a de novo
3322 review ~~appeal~~.

3323 (14) The decision of the department under this section
3324 shall not be considered in any trial for a violation of s.
3325 316.193, s. 322.61, or s. 322.62, nor shall any written
3326 statement submitted by a person in his or her request for
3327 departmental review under this section be admissible into

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3328 evidence against him or her in any such trial. The disposition
3329 of any related criminal proceedings shall not affect a
3330 disqualification imposed pursuant to this section.

3331 (15) This section does not preclude the suspension of the
3332 driving privilege pursuant to s. 322.2615. The driving privilege
3333 of a person who has been disqualified from operating a
3334 commercial motor vehicle also may be suspended for a violation
3335 of s. 316.193.

3336 Section 42. Section 322.2715, Florida Statutes, is amended
3337 to read:

3338 322.2715 Ignition interlock device.—

3339 (1) Before issuing a permanent or restricted driver
3340 ~~driver's~~ license under this chapter, the department shall
3341 require the placement of a department-approved ignition
3342 interlock device for any person convicted of committing an
3343 offense of driving under the influence as specified in
3344 subsection (3), except that consideration may be given to those
3345 individuals having a documented medical condition that would
3346 prohibit the device from functioning normally. If a medical
3347 waiver has been granted for a convicted person seeking a
3348 restricted license, the convicted person shall not be entitled
3349 to a restricted license until the required ignition interlock
3350 device installation period under subsection (3) expires, in
3351 addition to the time requirements under s. 322.271. If a
3352 medical waiver has been approved for a convicted person
3353 seeking permanent reinstatement of the driver license, the
3354 convicted person must be restricted to an employment-purposes-
3355 only license until the required ignition interlock device

3356 installation period under subsection (3) expires. An interlock
3357 device shall be placed on all vehicles that are individually or
3358 jointly leased or owned and routinely operated by the convicted
3359 person.

3360 (2) For purposes of this section, any conviction for a
3361 violation of s. 316.193, a previous conviction for a violation
3362 of former s. 316.1931, or a conviction outside this state for
3363 driving under the influence, driving while intoxicated, driving
3364 with an unlawful blood-alcohol level, or any other similar
3365 alcohol-related or drug-related traffic offense is a conviction
3366 of driving under the influence.

3367 (3) If the person is convicted of:

3368 (a) A first offense of driving under the influence under
3369 s. 316.193 and has an unlawful blood-alcohol level or breath-
3370 alcohol level as specified in s. 316.193(4), or if a person is
3371 convicted of a violation of s. 316.193 and was at the time of
3372 the offense accompanied in the vehicle by a person younger than
3373 18 years of age, the person shall have the ignition interlock
3374 device installed for at least ~~not less than~~ 6 continuous months
3375 for the first offense and for at least ~~not less than~~ 2
3376 continuous years for a second offense.

3377 (b) A second offense of driving under the influence, the
3378 ignition interlock device shall be installed for a period of at
3379 least ~~not less than~~ 1 continuous year.

3380 (c) A third offense of driving under the influence which
3381 occurs within 10 years after a prior conviction for a violation
3382 of s. 316.193, the ignition interlock device shall be installed
3383 for a period of at least ~~not less than~~ 2 continuous years.

3384 (d) A third offense of driving under the influence which
3385 occurs more than 10 years after the date of a prior conviction,
3386 the ignition interlock device shall be installed for a period of
3387 at least ~~not less than~~ 2 continuous years.

3388 (e) A fourth or subsequent offense of driving under the
3389 influence, the ignition interlock device shall be installed for
3390 a period of at least ~~not less than~~ 5 years.

3391 (4) If the court fails to order the mandatory placement of
3392 the ignition interlock device or fails to order for the
3393 applicable period the mandatory placement of an ignition
3394 interlock device under s. 316.193 or s. 316.1937 at the time of
3395 imposing sentence or within 30 days thereafter, the department
3396 shall immediately require that the ignition interlock device be
3397 installed as provided in this section, except that consideration
3398 may be given to those individuals having a documented medical
3399 condition that would prohibit the device from functioning
3400 normally. This subsection applies to the reinstatement of the
3401 driving privilege following a revocation, suspension, or
3402 cancellation that is based upon a conviction for the offense of
3403 driving under the influence which occurs on or after July 1,
3404 2005.

3405 (5) In addition to any fees authorized by rule for the
3406 installation and maintenance of the ignition interlock device,
3407 the authorized installer of the device shall collect and remit
3408 \$12 for each installation to the department, which shall be
3409 deposited into the Highway Safety Operating Trust Fund to be
3410 used for the operation of the Ignition Interlock Device Program.

3411 Section 43. Section 322.28, Florida Statutes, is amended

3412 to read:

3413 322.28 Period of suspension or revocation.—

3414 (1) Unless otherwise provided by this section, the
 3415 department shall not suspend a license for a period of more than
 3416 1 year and, upon revoking a license, in any case except in a
 3417 prosecution for the offense of driving a motor vehicle while
 3418 under the influence of alcoholic beverages, chemical substances
 3419 as set forth in s. 877.111, or controlled substances, shall not
 3420 in any event grant a new license until the expiration of 1 year
 3421 after such revocation.

3422 (2) In a prosecution for a violation of s. 316.193 or
 3423 former s. 316.1931, the following provisions apply:

3424 (a) Upon conviction of the driver, the court, along with
 3425 imposing sentence, shall revoke the driver ~~driver's~~ license or
 3426 driving privilege of the person so convicted, effective on the
 3427 date of conviction, and shall prescribe the period of such
 3428 revocation in accordance with the following provisions:

3429 1. Upon a first conviction for a violation of the
 3430 provisions of s. 316.193, except a violation resulting in death,
 3431 the driver ~~driver's~~ license or driving privilege shall be
 3432 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
 3433 1 year.

3434 2. Upon a second conviction for an offense that occurs
 3435 within a period of 5 years after the date of a prior conviction
 3436 for a violation of the provisions of s. 316.193 or former s.
 3437 316.1931 or a combination of such sections, the driver ~~driver's~~
 3438 license or driving privilege shall be revoked for at least ~~not~~
 3439 ~~less than~~ 5 years.

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3440 3. Upon a third conviction for an offense that occurs
3441 within a period of 10 years after the date of a prior conviction
3442 for the violation of the provisions of s. 316.193 or former s.
3443 316.1931 or a combination of such sections, the driver ~~driver's~~
3444 license or driving privilege shall be revoked for at least ~~not~~
3445 ~~less than~~ 10 years.

3446
3447 For the purposes of this paragraph, a previous conviction
3448 outside this state for driving under the influence, driving
3449 while intoxicated, driving with an unlawful blood-alcohol level,
3450 or any other alcohol-related or drug-related traffic offense
3451 similar to the offense of driving under the influence as
3452 proscribed by s. 316.193 will be considered a previous
3453 conviction for violation of s. 316.193, and a conviction for
3454 violation of former s. 316.028, former s. 316.1931, or former s.
3455 860.01 is considered a conviction for violation of s. 316.193.

3456 (b) If the period of revocation was not specified by the
3457 court at the time of imposing sentence or within 30 days
3458 thereafter, and is not otherwise specified by law, the
3459 department shall forthwith revoke the driver ~~driver's~~ license or
3460 driving privilege for the maximum period applicable under
3461 paragraph (a) for a first conviction and for the minimum period
3462 applicable under paragraph (a) for any subsequent convictions.
3463 The driver may, within 30 days after such revocation by the
3464 department, petition the court for further hearing on the period
3465 of revocation, and the court may reopen the case and determine
3466 the period of revocation within the limits specified in
3467 paragraph (a).

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3468 (c) The forfeiture of bail bond, not vacated within 20
3469 days, in any prosecution for the offense of driving while under
3470 the influence of alcoholic beverages, chemical substances, or
3471 controlled substances to the extent of depriving the defendant
3472 of his or her normal faculties shall be deemed equivalent to a
3473 conviction for the purposes of this paragraph, and the
3474 department shall forthwith revoke the defendant's driver
3475 ~~driver's~~ license or driving privilege for the maximum period
3476 applicable under paragraph (a) for a first conviction and for
3477 the minimum period applicable under paragraph (a) for a second
3478 or subsequent conviction; however, if the defendant is later
3479 convicted of the charge, the period of revocation imposed by the
3480 department for such conviction shall not exceed the difference
3481 between the applicable maximum for a first conviction or minimum
3482 for a second or subsequent conviction and the revocation period
3483 under this subsection that has actually elapsed; upon conviction
3484 of such charge, the court may impose revocation for a period of
3485 time as specified in paragraph (a). This paragraph does not
3486 apply if an appropriate motion contesting the forfeiture is
3487 filed within the 20-day period.

3488 ~~(d) When any driver's license or driving privilege has~~
3489 ~~been revoked pursuant to the provisions of this section, the~~
3490 ~~department shall not grant a new license, except upon~~
3491 ~~reexamination of the licensee after the expiration of the period~~
3492 ~~of revocation so prescribed. However, the court may, in its~~
3493 ~~sound discretion, issue an order of reinstatement on a form~~
3494 ~~furnished by the department which the person may take to any~~
3495 ~~driver's license examining office for reinstatement by the~~

3496 | ~~department pursuant to s. 322.282.~~

3497 | (d)~~(e)~~ The court shall permanently revoke the driver
 3498 | ~~driver's~~ license or driving privilege of a person who has been
 3499 | convicted four times for violation of s. 316.193 or former s.
 3500 | 316.1931 or a combination of such sections. The court shall
 3501 | permanently revoke the driver ~~driver's~~ license or driving
 3502 | privilege of any person who has been convicted of DUI
 3503 | manslaughter in violation of s. 316.193. If the court has not
 3504 | permanently revoked such driver ~~driver's~~ license or driving
 3505 | privilege within 30 days after imposing sentence, the department
 3506 | shall permanently revoke the driver ~~driver's~~ license or driving
 3507 | privilege pursuant to this paragraph. No driver ~~driver's~~ license
 3508 | or driving privilege may be issued or granted to any such
 3509 | person. This paragraph applies only if at least one of the
 3510 | convictions for violation of s. 316.193 or former s. 316.1931
 3511 | was for a violation that occurred after July 1, 1982. For the
 3512 | purposes of this paragraph, a conviction for violation of former
 3513 | s. 316.028, former s. 316.1931, or former s. 860.01 is also
 3514 | considered a conviction for violation of s. 316.193. Also, a
 3515 | conviction of driving under the influence, driving while
 3516 | intoxicated, driving with an unlawful blood-alcohol level, or
 3517 | any other similar alcohol-related or drug-related traffic
 3518 | offense outside this state is considered a conviction for the
 3519 | purposes of this paragraph.

3520 | (e) Convictions that occur on the same date resulting from
 3521 | separate offense dates shall be treated as separate convictions,
 3522 | and the offense that occurred earlier will be deemed a prior
 3523 | conviction for the purposes of this section.

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3524 (3) The court shall permanently revoke the driver ~~driver's~~
3525 license or driving privilege of a person who has been convicted
3526 of murder resulting from the operation of a motor vehicle. No
3527 driver ~~driver's~~ license or driving privilege may be issued or
3528 granted to any such person.

3529 (4) (a) Upon a conviction for a violation of s.
3530 316.193(3)(c)2., involving serious bodily injury, a conviction
3531 of manslaughter resulting from the operation of a motor vehicle,
3532 or a conviction of vehicular homicide, the court shall revoke
3533 the driver ~~driver's~~ license of the person convicted for a
3534 minimum period of 3 years. If a conviction under s.
3535 316.193(3)(c)2., involving serious bodily injury, is also a
3536 subsequent conviction as described under paragraph (2)(a), the
3537 court shall revoke the driver ~~driver's~~ license or driving
3538 privilege of the person convicted for the period applicable as
3539 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3540 (b) If the period of revocation was not specified by the
3541 court at the time of imposing sentence or within 30 days
3542 thereafter, the department shall revoke the driver ~~driver's~~
3543 license for the minimum period applicable under paragraph (a)
3544 or, for a subsequent conviction, for the minimum period
3545 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3546 (5) A court may not stay the administrative suspension of
3547 a driving privilege under s. 322.2615 or s. 322.2616 during
3548 judicial review of the departmental order that resulted in such
3549 suspension, and a suspension or revocation of a driving
3550 privilege may not be stayed upon an appeal of the conviction or
3551 order that resulted in the suspension or revocation.

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3552 (6) In a prosecution for a violation of s. 316.172(1), and
3553 upon a showing of the department's records that the licensee has
3554 received a second conviction within 5 years following the date
3555 of a prior conviction of s. 316.172(1), the department shall,
3556 upon direction of the court, suspend the driver ~~driver's~~ license
3557 of the person convicted for a period of at least ~~not less than~~
3558 90 days but not ~~or~~ more than 6 months.

3559 (7) Following a second or subsequent violation of s.
3560 796.07(2)(f) which involves a motor vehicle and which results in
3561 any judicial disposition other than acquittal or dismissal, in
3562 addition to any other sentence imposed, the court shall revoke
3563 the person's driver ~~driver's~~ license or driving privilege,
3564 effective upon the date of the disposition, for a period of at
3565 least ~~not less than~~ 1 year. A person sentenced under this
3566 subsection may request a hearing under s. 322.271.

3567 Section 44. Section 322.331, Florida Statutes, is
3568 repealed.

3569 Section 45. Section 322.61, Florida Statutes, is amended
3570 to read:

3571 322.61 Disqualification from operating a commercial motor
3572 vehicle.—

3573 (1) A person who, for offenses occurring within a 3-year
3574 period, is convicted of two of the following serious traffic
3575 violations or any combination thereof, arising in separate
3576 incidents committed in a commercial motor vehicle shall, in
3577 addition to any other applicable penalties, be disqualified from
3578 operating a commercial motor vehicle for a period of 60 days. A
3579 holder of a commercial driver ~~driver's~~ license or commercial

3580 learner's permit who, for offenses occurring within a 3-year
 3581 period, is convicted of two of the following serious traffic
 3582 violations, or any combination thereof, arising in separate
 3583 incidents committed in a noncommercial motor vehicle shall, in
 3584 addition to any other applicable penalties, be disqualified from
 3585 operating a commercial motor vehicle for a period of 60 days if
 3586 such convictions result in the suspension, revocation, or
 3587 cancellation of the licenseholder's driving privilege:

3588 (a) A violation of any state or local law relating to
 3589 motor vehicle traffic control, other than a parking violation, a
 3590 ~~weight violation, or a vehicle equipment violation,~~ arising in
 3591 connection with a crash resulting in death ~~or personal injury to~~
 3592 ~~any person;~~

3593 (b) Reckless driving, as defined in s. 316.192;

3594 ~~(c) Careless driving, as defined in s. 316.1925;~~

3595 ~~(d) Fleeing or attempting to elude a law enforcement~~
 3596 ~~officer, as defined in s. 316.1935;~~

3597 ~~(c)(e)~~ (c) Unlawful speed of 15 miles per hour or more above
 3598 the posted speed limit;

3599 ~~(f) Driving a commercial motor vehicle, owned by such~~
 3600 ~~person, which is not properly insured;~~

3601 ~~(d)(g)~~ (d) Improper lane change, as defined in s. 316.085;

3602 ~~(e)(h)~~ (e) Following too closely, as defined in s. 316.0895;

3603 ~~(f)(i)~~ (f) Driving a commercial vehicle without obtaining a
 3604 commercial driver ~~driver's~~ license;

3605 ~~(g)(j)~~ (g) Driving a commercial vehicle without the proper
 3606 class of commercial driver ~~driver's~~ license or commercial
 3607 learner's permit or without the proper endorsement; or

3608 ~~(h)(k)~~ Driving a commercial vehicle without a commercial
 3609 driver ~~driver's~~ license or commercial learner's permit in
 3610 possession, as required by s. 322.03. ~~Any individual who~~
 3611 ~~provides proof to the clerk of the court or designated official~~
 3612 ~~in the jurisdiction where the citation was issued, by the date~~
 3613 ~~the individual must appear in court or pay any fine for such a~~
 3614 ~~violation, that the individual held a valid commercial driver's~~
 3615 ~~license on the date the citation was issued is not guilty of~~
 3616 ~~this offense.~~

3617 (2) (a) Any person who, for offenses occurring within a 3-
 3618 year period, is convicted of three serious traffic violations
 3619 specified in subsection (1) or any combination thereof, arising
 3620 in separate incidents committed in a commercial motor vehicle
 3621 shall, in addition to any other applicable penalties, including
 3622 but not limited to the penalty provided in subsection (1), be
 3623 disqualified from operating a commercial motor vehicle for a
 3624 period of 120 days.

3625 (b) A holder of a commercial driver ~~driver's~~ license or
 3626 commercial learner's permit who, for offenses occurring within a
 3627 3-year period, is convicted of three serious traffic violations
 3628 specified in subsection (1) or any combination thereof arising
 3629 in separate incidents committed in a noncommercial motor vehicle
 3630 shall, in addition to any other applicable penalties, including,
 3631 but not limited to, the penalty provided in subsection (1), be
 3632 disqualified from operating a commercial motor vehicle for a
 3633 period of 120 days if such convictions result in the suspension,
 3634 revocation, or cancellation of the licenseholder's driving
 3635 privilege.

3636 (3) (a) Except as provided in subsection (4), any person
 3637 who is convicted of one of the offenses listed in paragraph (b)
 3638 while operating a commercial motor vehicle shall, in addition to
 3639 any other applicable penalties, be disqualified from operating a
 3640 commercial motor vehicle for a period of 1 year.

3641 (b) Except as provided in subsection (4), any holder of a
 3642 commercial driver license or commercial learner's permit who is
 3643 convicted of one of the offenses listed in this paragraph while
 3644 operating a noncommercial motor vehicle shall, in addition to
 3645 any other applicable penalties, be disqualified from operating a
 3646 commercial motor vehicle for a period of 1 year:

3647 1. Driving a motor vehicle while he or she is under the
 3648 influence of alcohol or a controlled substance;

3649 2. Driving a commercial motor vehicle while the alcohol
 3650 concentration of his or her blood, breath, or urine is .04
 3651 percent or higher;

3652 3. Leaving the scene of a crash involving a motor vehicle
 3653 driven by such person;

3654 4. Using a motor vehicle in the commission of a felony;

3655 ~~5. Driving a commercial motor vehicle while in possession~~
 3656 ~~of a controlled substance;~~

3657 ~~5.6.~~ Refusing to submit to a test to determine his or her
 3658 alcohol concentration while driving a motor vehicle;

3659 6. Driving a commercial motor vehicle when, as a result of
 3660 prior violations committed operating a commercial motor vehicle,
 3661 his or her commercial driver license or commercial learner's
 3662 permit is revoked, suspended, or canceled, or he or she is
 3663 disqualified from operating a commercial motor vehicle; or

3664 ~~7. Driving a commercial vehicle while the licenseholder's~~
 3665 ~~commercial driver license is suspended, revoked, or canceled or~~
 3666 ~~while the licenseholder is disqualified from driving a~~
 3667 ~~commercial vehicle; or~~

3668 7.8. Causing a fatality through the negligent operation of
 3669 a commercial motor vehicle.

3670 (4) Any person who is transporting hazardous materials as
 3671 defined in s. 322.01(24) shall, upon conviction of an offense
 3672 specified in subsection (3), be disqualified from operating a
 3673 commercial motor vehicle for a period of 3 years. The penalty
 3674 provided in this subsection shall be in addition to any other
 3675 applicable penalty.

3676 (5) A person who is convicted of two violations specified
 3677 in subsection (3) which were committed while operating a
 3678 commercial motor vehicle, or any combination thereof, arising in
 3679 separate incidents shall be permanently disqualified from
 3680 operating a commercial motor vehicle. A holder of a commercial
 3681 driver license or commercial learner's permit who is convicted
 3682 of two violations specified in subsection (3) which were
 3683 committed while operating any motor vehicle arising in separate
 3684 incidents shall be permanently disqualified from operating a
 3685 commercial motor vehicle. The penalty provided in this
 3686 subsection is in addition to any other applicable penalty.

3687 (6) Notwithstanding subsections (3), (4), and (5), any
 3688 person who uses a commercial motor vehicle in the commission of
 3689 any felony involving the manufacture, distribution, or
 3690 dispensing of a controlled substance, including possession with
 3691 intent to manufacture, distribute, or dispense a controlled

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3692 substance, shall, upon conviction of such felony, be permanently
3693 disqualified from operating a commercial motor vehicle.
3694 Notwithstanding subsections (3), (4), and (5), any holder of a
3695 commercial driver ~~driver's~~ license or commercial learner's
3696 permit who uses a noncommercial motor vehicle in the commission
3697 of any felony involving the manufacture, distribution, or
3698 dispensing of a controlled substance, including possession with
3699 intent to manufacture, distribute, or dispense a controlled
3700 substance, shall, upon conviction of such felony, be permanently
3701 disqualified from operating a commercial motor vehicle. The
3702 penalty provided in this subsection is in addition to any other
3703 applicable penalty.

3704 (7) A person whose privilege to operate a commercial motor
3705 vehicle is disqualified under this section may, if otherwise
3706 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3707 to s. 322.251.

3708 (8) A driver who is convicted of or otherwise found to
3709 have committed a violation of an out-of-service order while
3710 driving a commercial motor vehicle is disqualified as follows:

3711 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3712 1 year if the driver is convicted of or otherwise found to have
3713 committed a first violation of an out-of-service order.

3714 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3715 years if, for offenses occurring during any 10-year period, the
3716 driver is convicted of or otherwise found to have committed two
3717 violations of out-of-service orders in separate incidents.

3718 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3719 years if, for offenses occurring during any 10-year period, the

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3720 driver is convicted of or otherwise found to have committed
3721 three or more violations of out-of-service orders in separate
3722 incidents.

3723 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3724 2 years if the driver is convicted of or otherwise found to have
3725 committed a first violation of an out-of-service order while
3726 transporting hazardous materials required to be placarded under
3727 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
3728 et seq., or while operating motor vehicles designed to transport
3729 more than 15 passengers, including the driver. A driver is
3730 disqualified for a period of at least ~~not less than~~ 3 years but
3731 not ~~nor~~ more than 5 years if, for offenses occurring during any
3732 10-year period, the driver is convicted of or otherwise found to
3733 have committed any subsequent violations of out-of-service
3734 orders, in separate incidents, while transporting hazardous
3735 materials required to be placarded under the Hazardous Materials
3736 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
3737 operating motor vehicles designed to transport more than 15
3738 passengers, including the driver.

3739 (9) A driver who is convicted of or otherwise found to
3740 have committed an offense of operating a commercial motor
3741 vehicle in violation of federal, state, or local law or
3742 regulation pertaining to one of the following six offenses at a
3743 railroad-highway grade crossing must be disqualified for the
3744 period of time specified in subsection (10):

3745 (a) For drivers who are not always required to stop,
3746 failing to slow down and check that the tracks are clear of
3747 approaching trains.

3748 (b) For drivers who are not always required to stop,
 3749 failing to stop before reaching the crossing if the tracks are
 3750 not clear.

3751 (c) For drivers who are always required to stop, failing
 3752 to stop before driving onto the crossing.

3753 (d) For all drivers, failing to have sufficient space to
 3754 drive completely through the crossing without stopping.

3755 (e) For all drivers, failing to obey a traffic control
 3756 device or all directions of an enforcement official at the
 3757 crossing.

3758 (f) For all drivers, failing to negotiate a crossing
 3759 because of insufficient undercarriage clearance.

3760 (10) (a) A driver must be disqualified for at least ~~not~~
 3761 ~~less than~~ 60 days if the driver is convicted of or otherwise
 3762 found to have committed a first violation of a railroad-highway
 3763 grade crossing violation.

3764 (b) A driver must be disqualified for at least ~~not less~~
 3765 ~~than~~ 120 days if, for offenses occurring during any 3-year
 3766 period, the driver is convicted of or otherwise found to have
 3767 committed a second railroad-highway grade crossing violation in
 3768 separate incidents.

3769 (c) A driver must be disqualified for at least ~~not less~~
 3770 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
 3771 the driver is convicted of or otherwise found to have committed
 3772 a third or subsequent railroad-highway grade crossing violation
 3773 in separate incidents.

3774 Section 46. Subsections (2) and (3) of section 323.002,
 3775 Florida Statutes, are amended to read:

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3776 323.002 County and municipal wrecker operator systems;
3777 penalties for operation outside of system.—

3778 (2) In any county or municipality that operates a wrecker
3779 operator system:

3780 (a) It is unlawful for an unauthorized wrecker operator or
3781 its employees or agents to monitor police radio for
3782 communications between patrol field units and the dispatcher in
3783 order to determine the location of a wrecked or disabled vehicle
3784 for the purpose of driving by the scene of such vehicle in a
3785 manner described in paragraph (b) or paragraph (c). Any person
3786 who violates this paragraph commits ~~is guilty of~~ a noncriminal
3787 violation, punishable as provided in s. 775.083, and the
3788 person's wrecker, tow truck, or other motor vehicle that was
3789 used during the offense may be immediately removed and impounded
3790 pursuant to subsection (3).

3791 (b) It is unlawful for an unauthorized wrecker operator
3792 to drive by the scene of a wrecked or disabled vehicle before
3793 the arrival of an authorized wrecker operator, initiate contact
3794 with the owner or operator of such vehicle by soliciting or
3795 offering towing services, and tow such vehicle. Any person who
3796 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
3797 the second degree, punishable as provided in s. 775.082 or s.
3798 775.083, and the person's wrecker, tow truck, or other motor
3799 vehicle that was used during the offense may be immediately
3800 removed and impounded pursuant to subsection (3).

3801 (c) When an unauthorized wrecker operator drives by the
3802 scene of a wrecked or disabled vehicle and the owner or operator
3803 initiates contact by signaling the wrecker operator to stop and

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3804 provide towing services, the unauthorized wrecker operator must
3805 disclose in writing to the owner or operator of the vehicle his
3806 or her full name and driver license number, that he or she is
3807 not the authorized wrecker operator who has been designated as
3808 part of the wrecker operator system, that the motor vehicle is
3809 not being towed for the owner's or operator's insurance company
3810 or lienholder, and the maximum ~~must disclose, in writing, a fee~~
3811 ~~schedule that includes what~~ charges for towing and storage which
3812 will apply before the vehicle is connected to ~~or disconnected~~
3813 ~~from~~ the towing apparatus. The unauthorized wrecker operator
3814 must also provide a copy of the disclosure to the owner or
3815 operator in the presence of a law enforcement officer if such
3816 officer is at the scene of a motor vehicle accident, ~~the fee~~
3817 ~~charged per mile to and from the storage facility, the fee~~
3818 ~~charged per 24 hours of storage, and, prominently displayed, the~~
3819 ~~consumer hotline for the Department of Agriculture and Consumer~~
3820 ~~Services~~. Any person who violates this paragraph commits is
3821 ~~guilty of~~ a misdemeanor of the second degree, punishable as
3822 provided in s. 775.082 or s. 775.083, and the person's wrecker,
3823 tow truck, or other motor vehicle that was used during the
3824 offense may be immediately removed and impounded pursuant to
3825 subsection (3).

3826 (d) At the scene of a wrecked or disabled vehicle, it is
3827 unlawful for a wrecker operator to falsely identify himself or
3828 herself as being part of the wrecker operator system. Any person
3829 who violates this paragraph commits is guilty of a misdemeanor
3830 of the first degree, punishable as provided in s. 775.082 or s.
3831 775.083, and the person's wrecker, tow truck, or other motor

3832 vehicle that was used during the offense may be immediately
3833 removed and impounded pursuant to subsection (3).

3834 (3) (a) A law enforcement officer from any local
3835 governmental agency or state law enforcement agency may cause to
3836 be immediately removed and impounded from the scene of a wrecked
3837 or disabled vehicle, at the unauthorized wrecker operator's
3838 expense, any wrecker, tow truck, or other motor vehicle that is
3839 used in violation of subsection (2). The unauthorized wrecker
3840 operator shall be assessed a cost recovery fine as provided in
3841 paragraph (b) by the authority that ordered the immediate
3842 removal and impoundment of the wrecker, tow truck, or other
3843 motor vehicle. A wrecker, tow truck, or other motor vehicle that
3844 is removed and impounded pursuant to this section may not be
3845 released from an impound or towing and storage facility before a
3846 release form has been completed by the authority that ordered
3847 the immediate removal and impoundment of the vehicle which
3848 verifies that the cost recovery fine has been paid. The vehicle
3849 must remain impounded until the fine has been paid or until the
3850 vehicle is sold at public sale pursuant to s. 713.78.

3851 (b) Notwithstanding any other law to the contrary, the
3852 unauthorized wrecker operator, upon retrieval of the wrecker,
3853 tow truck, or other motor vehicle removed or impounded under
3854 this section and in addition to any other penalties that may be
3855 imposed for noncriminal violations, shall pay a cost-recovery
3856 fine of \$500 for a first violation of subsection (2), or a fine
3857 of \$1,000 for each subsequent violation of subsection (2), to
3858 the authority that ordered the removal and impoundment of the
3859 vehicle. Cost recovery funds collected under this subsection

3860 shall be retained by the authority that ordered the removal and
 3861 impoundment of the vehicle and may be used only for enforcement,
 3862 investigation, prosecution, and training relating to towing
 3863 violations and crimes involving motor vehicles.

3864 (c) Notwithstanding any other law to the contrary and in
 3865 addition to the cost-recovery fine required by this subsection,
 3866 a person who violates any provision of subsection (2) shall pay
 3867 the fees associated with the removal and storage of the wrecker,
 3868 tow truck, or other motor vehicle.

3869 (4)~~(3)~~ This section does not prohibit, or in any way
 3870 prevent, the owner or operator of a vehicle involved in an
 3871 accident or otherwise disabled from contacting any wrecker
 3872 operator for the provision of towing services, whether the
 3873 wrecker operator is an authorized wrecker operator or not.

3874 Section 47. Paragraph (a) of subsection (1) of section
 3875 324.0221, Florida Statutes, is amended to read:

3876 324.0221 Reports by insurers to the department; suspension
 3877 of driver ~~driver's~~ license and vehicle registrations;
 3878 reinstatement.—

3879 (1) (a) Each insurer that has issued a policy providing
 3880 personal injury protection coverage or property damage liability
 3881 coverage shall report the ~~renewal,~~ cancellation, or nonrenewal
 3882 thereof to the department within 10 ~~45~~ days after the effective
 3883 date of each ~~renewal,~~ cancellation, or nonrenewal. Upon the
 3884 issuance of a policy providing personal injury protection
 3885 coverage or property damage liability coverage to a named
 3886 insured not previously insured by the insurer during that
 3887 calendar year, the insurer shall report the issuance of the new

3888 | policy to the department within 10 ~~30~~ days. The report shall be
 3889 | in the form and format and contain any information required by
 3890 | the department and must be provided in a format that is
 3891 | compatible with the data processing capabilities of the
 3892 | department. The department may adopt rules regarding the form
 3893 | and documentation required. Failure by an insurer to file proper
 3894 | reports with the department as required by this subsection or
 3895 | rules adopted with respect to the requirements of this
 3896 | subsection constitutes a violation of the Florida Insurance
 3897 | Code. These records shall be used by the department only for
 3898 | enforcement and regulatory purposes, including the generation by
 3899 | the department of data regarding compliance by owners of motor
 3900 | vehicles with the requirements for financial responsibility
 3901 | coverage.

3902 | Section 48. Section 324.031, Florida Statutes, is amended
 3903 | to read:

3904 | 324.031 Manner of proving financial responsibility.—The
 3905 | owner or operator of a taxicab, limousine, jitney, or any other
 3906 | for-hire passenger transportation vehicle may prove financial
 3907 | responsibility by providing satisfactory evidence of holding a
 3908 | motor vehicle liability policy as defined in s. 324.021(8) or s.
 3909 | 324.151, which policy is issued by an insurance carrier which is
 3910 | a member of the Florida Insurance Guaranty Association. The
 3911 | operator or owner of any other vehicle may prove his or her
 3912 | financial responsibility by:

3913 | (1) Furnishing satisfactory evidence of holding a motor
 3914 | vehicle liability policy as defined in ss. 324.021(8) and
 3915 | 324.151;

3916 ~~(2) Posting with the department a satisfactory bond of a~~
 3917 ~~surety company authorized to do business in this state,~~
 3918 ~~conditioned for payment of the amount specified in s.~~
 3919 ~~324.021(7);~~

3920 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
 3921 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
 3922 with s. 324.161; or

3923 (3)~~(4)~~ Furnishing a certificate of self-insurance issued
 3924 by the department in accordance with s. 324.171.

3925
 3926 Any person, including any firm, partnership, association,
 3927 corporation, or other person, other than a natural person,
 3928 electing to use the method of proof specified in subsection (2)
 3929 ~~or subsection (3)~~ shall furnish a certificate of post a bond or
 3930 deposit equal to the number of vehicles owned times \$30,000, to
 3931 a maximum of \$120,000; in addition, any such person, other than
 3932 a natural person, shall maintain insurance providing coverage in
 3933 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 3934 single limits, and such excess insurance shall provide minimum
 3935 limits of \$125,000/250,000/50,000 or \$300,000 combined single
 3936 limits. These increased limits shall not affect the requirements
 3937 for proving financial responsibility under s. 324.032(1).

3938 Section 49. Subsection (1) of section 324.091, Florida
 3939 Statutes, is amended to read:

3940 324.091 Notice to department; notice to insurer.—

3941 (1) Each owner and operator involved in a crash or
 3942 conviction case within the purview of this chapter shall furnish
 3943 evidence of automobile liability insurance or motor vehicle

3944 liability insurance, ~~or a surety bond~~ within 14 days after the
 3945 date of the mailing of notice of crash by the department in the
 3946 form and manner as it may designate. Upon receipt of evidence
 3947 that an automobile liability policy or, motor vehicle liability
 3948 policy, ~~or surety bond~~ was in effect at the time of the crash or
 3949 conviction case, the department shall forward ~~by United States~~
 3950 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer~~ a copy
 3951 ~~of such information~~ for verification in a method as determined
 3952 by the department. ~~and shall assume that the policy or bond was~~
 3953 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
 3954 ~~notifies~~ the department ~~otherwise~~ within 20 days after the
 3955 ~~mailing of the notice~~ whether or not such information is valid
 3956 ~~to the insurer or surety insurer.~~ However, If the department
 3957 ~~later~~ determines that an automobile liability policy or, motor
 3958 vehicle liability policy, ~~or surety bond~~ was not in effect and
 3959 did not provide coverage for both the owner and the operator, it
 3960 shall take action as it is ~~otherwise~~ authorized to do under this
 3961 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
 3962 ~~be made by the department by naming the insurer or surety~~
 3963 ~~insurer to whom the mailing was made and by specifying the time,~~
 3964 ~~place, and manner of mailing.~~

3965 Section 50. Section 324.161, Florida Statutes, is amended
 3966 to read:

3967 324.161 Proof of financial responsibility; ~~surety bond or~~
 3968 ~~deposit.~~ Annually, before any certificate of insurance may be
 3969 issued to a person, including any firm, partnership,
 3970 association, corporation, or other person, other than a natural
 3971 person, proof of a certificate of deposit of \$30,000 issued and

3972 held by a financial institution must be submitted to the
 3973 department. A power of attorney will be issued to and held by the
 3974 department and may be executed upon ~~The certificate of the~~
 3975 ~~department of a deposit may be obtained by depositing with it~~
 3976 ~~\$30,000 cash or securities such as may be legally purchased by~~
 3977 ~~savings banks or for trust funds, of a market value of \$30,000~~
 3978 ~~and which deposit shall be held by the department to satisfy, in~~
 3979 ~~accordance with the provisions of this chapter, any execution on~~
 3980 a judgment issued against such person making the deposit, for
 3981 damages because of bodily injury to or death of any person or
 3982 for damages because of injury to or destruction of property
 3983 resulting from the use or operation of any motor vehicle
 3984 occurring after such deposit was made. Money ~~or securities~~ so
 3985 deposited shall not be subject to attachment or execution unless
 3986 such attachment or execution shall arise out of a suit for
 3987 damages as aforesaid.

3988 Section 51. Paragraph (a) of subsection (1) of section
 3989 328.01, Florida Statutes, is amended to read:

3990 328.01 Application for certificate of title.—

3991 (1) (a) The owner of a vessel which is required to be
 3992 titled shall apply to the county tax collector for a certificate
 3993 of title. The application shall include the true name of the
 3994 owner, the residence or business address of the owner, and the
 3995 complete description of the vessel, including the hull
 3996 identification number, except that an application for a
 3997 certificate of title for a homemade vessel shall state all the
 3998 foregoing information except the hull identification number. The
 3999 application shall be signed by the owner and shall be

4000 accompanied by personal or business identification and the
 4001 prescribed fee. An individual applicant must provide a valid
 4002 driver license or identification card issued by this state or
 4003 another state or a valid passport. A business applicant must
 4004 provide a federal employer identification number, if applicable,
 4005 verification that the business is authorized to conduct business
 4006 in the state, or a Florida city or county business license or
 4007 number, which may include, but need not be limited to, a
 4008 driver's license number, Florida identification card number, or
 4009 federal employer identification number, and the prescribed fee.

4010 Section 52. Paragraph (a) of subsection (1) of section
 4011 328.48, Florida Statutes, is amended to read:

4012 328.48 Vessel registration, application, certificate,
 4013 number, decal, duplicate certificate.-

4014 (1) (a) The owner of each vessel required by this law to
 4015 pay a registration fee and secure an identification number shall
 4016 file an application with the county tax collector. The
 4017 application shall provide the owner's name and address;
 4018 residency status; personal or business identification, ~~which may~~
 4019 ~~include, but need not be limited to, a driver's license number,~~
 4020 ~~Florida identification card number, or federal employer~~
 4021 ~~identification number;~~ and a complete description of the vessel,
 4022 and shall be accompanied by payment of the applicable fee
 4023 required in s. 328.72. An individual applicant must provide a
 4024 valid driver license or identification card issued by this state
 4025 or another state or a valid passport. A business applicant must
 4026 provide a federal employer identification number, if applicable,
 4027 verification that the business is authorized to conduct business

4028 | in the state, or a Florida city or county business license or
 4029 | number. Registration is not required for any vessel that is not
 4030 | used on the waters of this state.

4031 | Section 53. Subsection (1) of section 328.76, Florida
 4032 | Statutes, is amended to read:

4033 | 328.76 Marine Resources Conservation Trust Fund; vessel
 4034 | registration funds; appropriation and distribution.—

4035 | (1) Except as otherwise specified in this subsection and
 4036 | less the amount equal to \$1.4 million ~~for~~ any administrative
 4037 | costs which shall be deposited in the Highway Safety Operating
 4038 | Trust Fund, in each fiscal year beginning on or after July 1,
 4039 | 2001, all funds collected from the registration of vessels
 4040 | through the Department of Highway Safety and Motor Vehicles and
 4041 | the tax collectors of the state, except for those funds
 4042 | designated as the county portion pursuant to s. 328.72(1), shall
 4043 | be deposited in the Marine Resources Conservation Trust Fund for
 4044 | recreational channel marking; public launching facilities; law
 4045 | enforcement and quality control programs; aquatic weed control;
 4046 | manatee protection, recovery, rescue, rehabilitation, and
 4047 | release; and marine mammal protection and recovery. The funds
 4048 | collected pursuant to s. 328.72(1) shall be transferred as
 4049 | follows:

4050 | (a) In each fiscal year, an amount equal to \$1.50 for each
 4051 | commercial and recreational vessel registered in this state
 4052 | shall be transferred by the Department of Highway Safety and
 4053 | Motor Vehicles to the Save the Manatee Trust Fund and shall be
 4054 | used only for the purposes specified in s. 379.2431(4).

4055 | (b) An amount equal to \$2 from each recreational vessel

4056 registration fee, except that for class A-1 vessels, shall be
 4057 transferred by the Department of Highway Safety and Motor
 4058 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 4059 and Wildlife Conservation Commission for aquatic weed research
 4060 and control.

4061 (c) An amount equal to 40 percent of the registration fees
 4062 from commercial vessels shall be transferred by the Department
 4063 of Highway Safety and Motor Vehicles to the Invasive Plant
 4064 Control Trust Fund in the Fish and Wildlife Conservation
 4065 Commission for aquatic plant research and control.

4066 (d) An amount equal to 40 percent of the registration fees
 4067 from commercial vessels shall be transferred by the Department
 4068 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 4069 General Inspection Trust Fund of the Department of Agriculture
 4070 and Consumer Services. These funds shall be used for shellfish
 4071 and aquaculture law enforcement and quality control programs.

4072 Section 54. Subsections (1), (2), (3), (4), (9), and (13)
 4073 of section 713.585, Florida Statutes, are amended to read:

4074 713.585 Enforcement of lien by sale of motor vehicle.—A
 4075 person claiming a lien under s. 713.58 for performing labor or
 4076 services on a motor vehicle may enforce such lien by sale of the
 4077 vehicle in accordance with the following procedures:

4078 (1) The lienor must give notice, by certified mail, return
 4079 receipt requested, within 15 business days, excluding Saturday
 4080 and Sunday, after ~~from~~ the beginning date of the assessment of
 4081 storage charges on said motor vehicle, to the registered owner
 4082 of the vehicle, to the customer as indicated on the order for
 4083 repair, and to all other persons claiming an interest in or lien

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4084 thereon, as disclosed by the records of the Department of
4085 Highway Safety and Motor Vehicles or as disclosed by the records
4086 of any ~~of a~~ corresponding agency of any other state in which the
4087 vehicle is identified through a records check of the National
4088 Motor Vehicle Title Information System as being the current
4089 state where the vehicle is titled ~~appears registered~~. Such
4090 notice must contain:

4091 (a) A description of the vehicle (year, make, vehicle
4092 identification number) and its location.

4093 (b) The name and address of the owner of the vehicle, the
4094 customer as indicated on the order for repair, and any person
4095 claiming an interest in or lien thereon.

4096 (c) The name, address, and telephone number of the lienor.

4097 (d) Notice that the lienor claims a lien on the vehicle
4098 for labor and services performed and storage charges, if any,
4099 and the cash sum which, if paid to the lienor, would be
4100 sufficient to redeem the vehicle from the lien claimed by the
4101 lienor.

4102 (e) Notice that the lien claimed by the lienor is subject
4103 to enforcement pursuant to this section and that the vehicle may
4104 be sold to satisfy the lien.

4105 (f) If known, the date, time, and location of any proposed
4106 or scheduled sale of the vehicle. No vehicle may be sold earlier
4107 than 60 days after completion of the repair work.

4108 (g) Notice that the owner of the vehicle or any person
4109 claiming an interest in or lien thereon has a right to a hearing
4110 at any time before ~~prior to~~ the scheduled date of sale by filing
4111 a demand for hearing with the clerk of the circuit court in the

4112 county in which the vehicle is held and mailing copies of the
 4113 demand for hearing to all other owners and lienors as reflected
 4114 on the notice.

4115 (h) Notice that the owner of the vehicle has a right to
 4116 recover possession of the vehicle without instituting judicial
 4117 proceedings by posting bond in accordance with the provisions of
 4118 s. 559.917.

4119 (i) Notice that any proceeds from the sale of the vehicle
 4120 remaining after payment of the amount claimed to be due and
 4121 owing to the lienor will be deposited with the clerk of the
 4122 circuit court for disposition upon court order pursuant to
 4123 subsection (8).

4124 (2) If attempts to locate the owner or lienholder are
 4125 unsuccessful after a check of the records of the Department of
 4126 Highway Safety and Motor Vehicles and the records of any state
 4127 disclosed by the check of the National Motor Vehicle Title
 4128 Information System, the lienor must notify the local law
 4129 enforcement agency in writing by certified mail or acknowledged
 4130 hand delivery that the lienor has been unable to locate the
 4131 owner or lienholder, that a physical search of the vehicle has
 4132 disclosed no ownership information, and that a good faith
 4133 effort, including records checks of the Department of Highway
 4134 Safety and Motor Vehicles database and the National Motor
 4135 Vehicle Title Information System have ~~has~~ been made. A
 4136 description of the motor vehicle which includes the year, make,
 4137 and identification number must be given on the notice. This
 4138 notification must take place within 15 business days, excluding
 4139 Saturday and Sunday, from the beginning date of the assessment

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4140 of storage charges on said motor vehicle. For purposes of this
4141 subsection ~~paragraph~~, the term "good faith effort" means that
4142 the following checks have been performed by the company to
4143 establish the prior state of registration and title:

4144 (a) A check of the Department of Highway Safety and Motor
4145 Vehicles database for the owner and any lienholder.

4146 (b) A check of the federally mandated electronic National
4147 Motor Vehicle Title Information System to determine the state of
4148 registration when there is not a current title or registration
4149 record for the vehicle on file with the Department of Highway
4150 Safety and Motor Vehicles.

4151 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4152 temporary tag, or regular tag;

4153 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
4154 stickers and decals that could indicate the state of possible
4155 registration; and

4156 (e) ~~(e)~~ A check of the interior of the vehicle for any
4157 papers that could be in the glove box, trunk, or other areas for
4158 the state of registration.

4159 (3) If the date of the sale was not included in the notice
4160 required in subsection (1), notice of the sale must be sent by
4161 certified mail, return receipt requested, at least ~~not less than~~
4162 15 days before the date of sale, to the customer as indicated on
4163 the order for repair, and to all other persons claiming an
4164 interest in or lien on the motor vehicle, as disclosed by the
4165 records of the Department of Highway Safety and Motor Vehicles
4166 or, after completion of a check of the National Motor Vehicle
4167 Title Information System, the records of a corresponding agency

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4168 of any other state in which the vehicle appears to have been
4169 registered. ~~After diligent search and inquiry, if the name and~~
4170 ~~address of the registered owner or the owner of the recorded~~
4171 ~~lien cannot be ascertained, the requirements for this notice may~~
4172 ~~be disregarded.~~

4173 (4) The lienor, at least 15 days before the proposed or
4174 scheduled date of sale of the vehicle, shall publish the notice
4175 required by this section once in a newspaper circulated in the
4176 county where the vehicle is held. A certificate of compliance
4177 with the notification provisions of this section, verified by
4178 the lienor, together with a copy of the notice and return
4179 receipt for mailing of the notice required by this section, ~~and~~
4180 proof of publication, and checks of the Department of Highway
4181 Safety and Motor Vehicles and the National Motor Vehicle Title
4182 Information System, must be duly and expeditiously filed with
4183 the clerk of the circuit court in the county where the vehicle
4184 is held. The lienor, at the time of filing the certificate of
4185 compliance, must pay to the clerk of that court a service charge
4186 of \$10 for indexing and recording the certificate.

4187 (9) A copy of the certificate of compliance and the report
4188 of sale, certified by the clerk of the court, and proof of the
4189 required check of the National Motor Vehicle Title Information
4190 System shall constitute satisfactory proof for application to
4191 the Department of Highway Safety and Motor Vehicles for transfer
4192 of title, together with any other proof required by any rules
4193 and regulations of the department.

4194 (13) A failure to make good faith efforts as defined in
4195 subsection (2) precludes the imposition of any storage charges

4196 against the vehicle. If a lienor fails to provide notice to any
 4197 person claiming a lien on a vehicle under subsection (1) within
 4198 15 business days after the assessment of storage charges have
 4199 begun, then the lienor may not charge ~~is precluded from charging~~
 4200 for more than 15 days of storage, but failure to provide timely
 4201 notice does not affect charges made for repairs, adjustments, or
 4202 modifications to the vehicle or the priority of liens on the
 4203 vehicle.

4204 Section 55. Section 713.78, Florida Statutes, is amended
 4205 to read:

4206 713.78 Liens for recovering, towing, or storing vehicles
 4207 and vessels.—

4208 (1) For the purposes of this section, the term:

4209 (a) "Vehicle" means any mobile item, whether motorized or
 4210 not, which is mounted on wheels.

4211 (b) "Vessel" means every description of watercraft, barge,
 4212 and airboat used or capable of being used as a means of
 4213 transportation on water, other than a seaplane or a "documented
 4214 vessel" as defined in s. 327.02(9).

4215 (c) "Wrecker" means any truck or other vehicle which is
 4216 used to tow, carry, or otherwise transport motor vehicles or
 4217 vessels upon the streets and highways of this state and which is
 4218 equipped for that purpose with a boom, winch, car carrier, or
 4219 other similar equipment.

4220 (d) "National Motor Vehicle Title Information System"
 4221 means the federally authorized electronic National Motor Vehicle
 4222 Title Information System.

4223 (2) Whenever a person regularly engaged in the business of
 4224 transporting vehicles or vessels by wrecker, tow truck, or car
 4225 carrier recovers, removes, or stores a vehicle or vessel upon
 4226 instructions from:

4227 (a) The owner thereof;

4228 (b) The owner or lessor, or a person authorized by the
 4229 owner or lessor, of property on which such vehicle or vessel is
 4230 wrongfully parked, and the removal is done in compliance with s.
 4231 715.07; ~~or~~

4232 (c) The landlord or a person authorized by the landlord,
 4233 when such motor vehicle or vessel remained on premises after
 4234 tenancy terminated and the removal is done in compliance with s.
 4235 715.104; or

4236 (d) ~~(e)~~ Any law enforcement agency,

4237
 4238 she or he shall have a lien on the vehicle or vessel for a
 4239 reasonable towing fee and for a reasonable storage fee; except
 4240 that no storage fee shall be charged if the vehicle is stored
 4241 for less than 6 hours.

4242 (3) This section does not authorize any person to claim a
 4243 lien on a vehicle for fees or charges connected with the
 4244 immobilization of such vehicle using a vehicle boot or other
 4245 similar device pursuant to s. 715.07.

4246 (4) (a) Any person regularly engaged in the business of
 4247 recovering, towing, or storing vehicles or vessels who comes
 4248 into possession of a vehicle or vessel pursuant to subsection
 4249 (2), and who claims a lien for recovery, towing, or storage
 4250 services, shall give notice to the registered owner, the

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4251 insurance company insuring the vehicle notwithstanding the
4252 provisions of s. 627.736, and to all persons claiming a lien
4253 thereon, as disclosed by the records in the Department of
4254 Highway Safety and Motor Vehicles or as disclosed by the records
4255 of any ~~of a~~ corresponding agency in any other state in which the
4256 vehicle is identified through a records check of the National
4257 Motor Vehicle Title Information System, as being titled or
4258 registered.

4259 (b) Whenever any law enforcement agency authorizes the
4260 removal of a vehicle or vessel or whenever any towing service,
4261 garage, repair shop, or automotive service, storage, or parking
4262 place notifies the law enforcement agency of possession of a
4263 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
4264 enforcement agency of the jurisdiction where the vehicle or
4265 vessel is stored shall contact the Department of Highway Safety
4266 and Motor Vehicles, or the appropriate agency of the state of
4267 registration, if known, within 24 hours through the medium of
4268 electronic communications, giving the full description of the
4269 vehicle or vessel. Upon receipt of the full description of the
4270 vehicle or vessel, the department shall search its files to
4271 determine the owner's name, the insurance company insuring the
4272 vehicle or vessel, and whether any person has filed a lien upon
4273 the vehicle or vessel as provided in s. 319.27(2) and (3) and
4274 notify the applicable law enforcement agency within 72 hours.
4275 The person in charge of the towing service, garage, repair shop,
4276 or automotive service, storage, or parking place shall obtain
4277 such information from the applicable law enforcement agency
4278 within 5 days after the date of storage and shall give notice

4279 | pursuant to paragraph (a). The department may release the
 4280 | insurance company information to the requestor notwithstanding
 4281 | the provisions of s. 627.736.

4282 | (c) Notice by certified mail shall be sent within 7
 4283 | business days after the date of storage of the vehicle or vessel
 4284 | to the registered owner, the insurance company insuring the
 4285 | vehicle notwithstanding the provisions of s. 627.736, and all
 4286 | persons of record claiming a lien against the vehicle or vessel.
 4287 | It shall state the fact of possession of the vehicle or vessel,
 4288 | that a lien as provided in subsection (2) is claimed, that
 4289 | charges have accrued and the amount thereof, that the lien is
 4290 | subject to enforcement pursuant to law, and that the owner or
 4291 | lienholder, if any, has the right to a hearing as set forth in
 4292 | subsection (5), and that any vehicle or vessel which remains
 4293 | unclaimed, or for which the charges for recovery, towing, or
 4294 | storage services remain unpaid, may be sold free of all prior
 4295 | liens after 35 days if the vehicle or vessel is more than 3
 4296 | years of age or after 50 days if the vehicle or vessel is 3
 4297 | years of age or less.

4298 | (d) If attempts to locate the name and address of the
 4299 | owner or lienholder prove unsuccessful, the towing-storage
 4300 | operator shall, after 7 working days, excluding Saturday and
 4301 | Sunday, of the initial tow or storage, notify the public agency
 4302 | of jurisdiction where the vehicle or vessel is stored in writing
 4303 | by certified mail or acknowledged hand delivery that the towing-
 4304 | storage company has been unable to locate the name and address
 4305 | of the owner or lienholder and a physical search of the vehicle
 4306 | or vessel has disclosed no ownership information and a good

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4307 faith effort has been made including records checks of the
4308 Florida Department of Highway Safety and Motor Vehicle and the
4309 National Motor Vehicle Title Information System databases. For
4310 purposes of this paragraph and subsection (9), "good faith
4311 effort" means that the following checks have been performed by
4312 the company to establish prior state of registration and for
4313 title:

4314 1. A check of the Florida Department of Highway Safety and
4315 Motor Vehicles database for the owner and any lienholder.

4316 2. A check of the electronic National Motor Vehicle Title
4317 Information System to determine the state of registration when
4318 there is not a current registration record for the vehicle on
4319 file with the Florida Department of Highway Safety and Motor
4320 Vehicles.

4321 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
4322 record, temporary tag, or regular tag.

4323 ~~4.2.~~ Check of law enforcement report for tag number or
4324 other information identifying the vehicle or vessel, if the
4325 vehicle or vessel was towed at the request of a law enforcement
4326 officer.

4327 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
4328 operator to see if a tag was on vehicle or vessel at beginning
4329 of tow, if private tow.

4330 ~~6.4.~~ If there is no address of the owner on the impound
4331 report, check of law enforcement report to see if an out-of-
4332 state address is indicated from driver license information.

4333 | ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
4334 | other stickers and decals that may indicate a state of possible
4335 | registration.

4336 | ~~8.6.~~ Check of the interior of the vehicle or vessel for
4337 | any papers that may be in the glove box, trunk, or other areas
4338 | for a state of registration.

4339 | ~~9.7.~~ Check of vehicle for vehicle identification number.

4340 | ~~10.8.~~ Check of vessel for vessel registration number.

4341 | ~~11.9.~~ Check of vessel hull for a hull identification
4342 | number which should be carved, burned, stamped, embossed, or
4343 | otherwise permanently affixed to the outboard side of the
4344 | transom or, if there is no transom, to the outmost seaboard side
4345 | at the end of the hull that bears the rudder or other steering
4346 | mechanism.

4347 | (5) (a) The owner of a vehicle or vessel removed pursuant
4348 | to the provisions of subsection (2), or any person claiming a
4349 | lien, other than the towing-storage operator, within 10 days
4350 | after the time she or he has knowledge of the location of the
4351 | vehicle or vessel, may file a complaint in the county court of
4352 | the county in which the vehicle or vessel is stored to determine
4353 | if her or his property was wrongfully taken or withheld from her
4354 | or him.

4355 | (b) Upon filing of a complaint, an owner or lienholder may
4356 | have her or his vehicle or vessel released upon posting with the
4357 | court a cash or surety bond or other adequate security equal to
4358 | the amount of the charges for towing or storage and lot rental
4359 | amount to ensure the payment of such charges in the event she or
4360 | he does not prevail. Upon the posting of the bond and the

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4361 payment of the applicable fee set forth in s. 28.24, the clerk
4362 of the court shall issue a certificate notifying the lienor of
4363 the posting of the bond and directing the lienor to release the
4364 vehicle or vessel. At the time of such release, after reasonable
4365 inspection, she or he shall give a receipt to the towing-storage
4366 company reciting any claims she or he has for loss or damage to
4367 the vehicle or vessel or the contents thereof.

4368 (c) Upon determining the respective rights of the parties,
4369 the court may award damages, attorney's fees, and costs in favor
4370 of the prevailing party. In any event, the final order shall
4371 provide for immediate payment in full of recovery, towing, and
4372 storage fees by the vehicle or vessel owner or lienholder; or
4373 the agency ordering the tow; or the owner, lessee, or agent
4374 thereof of the property from which the vehicle or vessel was
4375 removed.

4376 (6) Any vehicle or vessel which is stored pursuant to
4377 subsection (2) and which remains unclaimed, or for which
4378 reasonable charges for recovery, towing, or storing remain
4379 unpaid, and any contents not released pursuant to subsection
4380 (10), may be sold by the owner or operator of the storage space
4381 for such towing or storage charge after 35 days from the time
4382 the vehicle or vessel is stored therein if the vehicle or vessel
4383 is more than 3 years of age or after 50 days following the time
4384 the vehicle or vessel is stored therein if the vehicle or vessel
4385 is 3 years of age or less. The sale shall be at public sale for
4386 cash. If the date of the sale was not included in the notice
4387 required in subsection (4), notice of the sale shall be given to
4388 the person in whose name the vehicle or vessel is registered and

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4389 to all persons claiming a lien on the vehicle or vessel as shown
4390 on the records of the Department of Highway Safety and Motor
4391 Vehicles or of any ~~the~~ corresponding agency in any other state
4392 in which the vehicle is identified through a records check of
4393 the National Motor Vehicle Title Information System, as being
4394 titled. Notice shall be sent by certified mail to the owner of
4395 the vehicle or vessel and the person having the recorded lien on
4396 the vehicle or vessel at the address shown on the records of the
4397 registering agency and shall be mailed at least ~~not less than~~ 15
4398 days before the date of the sale. After diligent search and
4399 inquiry, if the name and address of the registered owner or the
4400 owner of the recorded lien cannot be ascertained, the
4401 requirements of notice by mail may be dispensed with. In
4402 addition to the notice by mail, public notice of the time and
4403 place of sale shall be made by publishing a notice thereof one
4404 time, at least 10 days before ~~prior to~~ the date of the sale, in
4405 a newspaper of general circulation in the county in which the
4406 sale is to be held. The proceeds of the sale, after payment of
4407 reasonable towing and storage charges, and costs of the sale, in
4408 that order of priority, shall be deposited with the clerk of the
4409 circuit court for the county if the owner or lienholder is
4410 absent, and the clerk shall hold such proceeds subject to the
4411 claim of the owner or lienholder legally entitled thereto. The
4412 clerk shall be entitled to receive 5 percent of such proceeds
4413 for the care and disbursement thereof. The certificate of title
4414 issued under this law shall be discharged of all liens unless
4415 otherwise provided by court order. The owner or lienholder may
4416 file a complaint after the vehicle or vessel has been sold in

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4417 the county court of the county in which it is stored. Upon
4418 determining the respective rights of the parties, the court may
4419 award damages, attorney's fees, and costs in favor of the
4420 prevailing party.

4421 (7) (a) A wrecker operator recovering, towing, or storing
4422 vehicles or vessels is not liable for damages connected with
4423 such services, theft of such vehicles or vessels, or theft of
4424 personal property contained in such vehicles or vessels,
4425 provided that such services have been performed with reasonable
4426 care and provided, further, that, in the case of removal of a
4427 vehicle or vessel upon the request of a person purporting, and
4428 reasonably appearing, to be the owner or lessee, or a person
4429 authorized by the owner or lessee, of the property from which
4430 such vehicle or vessel is removed, such removal has been done in
4431 compliance with s. 715.07. Further, a wrecker operator is not
4432 liable for damage to a vehicle, vessel, or cargo that obstructs
4433 the normal movement of traffic or creates a hazard to traffic
4434 and is removed in compliance with the request of a law
4435 enforcement officer.

4436 (b) For the purposes of this subsection, a wrecker
4437 operator is presumed to use reasonable care to prevent the theft
4438 of a vehicle or vessel or of any personal property contained in
4439 such vehicle stored in the wrecker operator's storage facility
4440 if all of the following apply:

4441 1. The wrecker operator surrounds the storage facility
4442 with a chain-link or solid-wall type fence at least 6 feet in
4443 height;

4444 2. The wrecker operator has illuminated the storage
4445 facility with lighting of sufficient intensity to reveal persons
4446 and vehicles at a distance of at least 150 feet during
4447 nighttime; and

4448 3. The wrecker operator uses one or more of the following
4449 security methods to discourage theft of vehicles or vessels or
4450 of any personal property contained in such vehicles or vessels
4451 stored in the wrecker operator's storage facility:

4452 a. A night dispatcher or watchman remains on duty at the
4453 storage facility from sunset to sunrise;

4454 b. A security dog remains at the storage facility from
4455 sunset to sunrise;

4456 c. Security cameras or other similar surveillance devices
4457 monitor the storage facility; or

4458 d. A security guard service examines the storage facility
4459 at least once each hour from sunset to sunrise.

4460 (c) Any law enforcement agency requesting that a motor
4461 vehicle be removed from an accident scene, street, or highway
4462 must conduct an inventory and prepare a written record of all
4463 personal property found in the vehicle before the vehicle is
4464 removed by a wrecker operator. However, if the owner or driver
4465 of the motor vehicle is present and accompanies the vehicle, no
4466 inventory by law enforcement is required. A wrecker operator is
4467 not liable for the loss of personal property alleged to be
4468 contained in such a vehicle when such personal property was not
4469 identified on the inventory record prepared by the law
4470 enforcement agency requesting the removal of the vehicle.

4471 (8) A person regularly engaged in the business of
4472 recovering, towing, or storing vehicles or vessels, except a
4473 person licensed under chapter 493 while engaged in
4474 "repossession" activities as defined in s. 493.6101, may not
4475 operate a wrecker, tow truck, or car carrier unless the name,
4476 address, and telephone number of the company performing the
4477 service is clearly printed in contrasting colors on the driver
4478 and passenger sides of its vehicle. The name must be in at least
4479 3-inch permanently affixed letters, and the address and
4480 telephone number must be in at least 1-inch permanently affixed
4481 letters.

4482 (9) Failure to make good faith best efforts to comply with
4483 the notice requirements of this section shall preclude the
4484 imposition of any storage charges against such vehicle or
4485 vessel.

4486 (10) Persons who provide services pursuant to this section
4487 shall permit vehicle or vessel owners, lienholders, insurance
4488 company representatives, or their agents, which agency is
4489 evidenced by an original writing acknowledged by the owner
4490 before a notary public or other person empowered by law to
4491 administer oaths, to inspect the towed vehicle or vessel and
4492 shall release to the owner, lienholder, or agent the vehicle,
4493 vessel, or all personal property not affixed to the vehicle or
4494 vessel which was in the vehicle or vessel at the time the
4495 vehicle or vessel came into the custody of the person providing
4496 such services.

4497 (11) (a) Any person regularly engaged in the business of
4498 recovering, towing, or storing vehicles or vessels who comes

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4499 into possession of a vehicle or vessel pursuant to subsection
4500 (2) and who has complied with the provisions of subsections (3)
4501 and (6), when such vehicle or vessel is to be sold for purposes
4502 of being dismantled, destroyed, or changed in such manner that
4503 it is not the motor vehicle or vessel described in the
4504 certificate of title, shall report the vehicle to the National
4505 Motor Vehicle Title Information System and apply to the
4506 Department of Highway Safety and Motor Vehicles ~~county tax~~
4507 ~~collector~~ for a certificate of destruction. A certificate of
4508 destruction, which authorizes the dismantling or destruction of
4509 the vehicle or vessel described therein, shall be reassignable a
4510 maximum of two times before dismantling or destruction of the
4511 vehicle shall be required, and shall accompany the vehicle or
4512 vessel for which it is issued, when such vehicle or vessel is
4513 sold for such purposes, in lieu of a certificate of title. The
4514 application for a certificate of destruction must include proof
4515 of reporting to the National Motor Vehicle Information System
4516 and an affidavit from the applicant that it has complied with
4517 all applicable requirements of this section and, if the vehicle
4518 or vessel is not registered in this state or any other state, by
4519 a statement from a law enforcement officer that the vehicle or
4520 vessel is not reported stolen, and shall be accompanied by such
4521 documentation as may be required by the department.

4522 (b) The Department of Highway Safety and Motor Vehicles
4523 shall charge a fee of \$3 for each certificate of destruction. A
4524 service charge of \$4.25 shall be collected and retained by the
4525 tax collector who processes the application.

4526 (c) The Department of Highway Safety and Motor Vehicles
 4527 may adopt such rules as it deems necessary or proper for the
 4528 administration of this subsection.

4529 (12) (a) Any person who violates any provision of
 4530 subsection (1), subsection (2), subsection (4), subsection (5),
 4531 subsection (6), or subsection (7) is guilty of a misdemeanor of
 4532 the first degree, punishable as provided in s. 775.082 or s.
 4533 775.083.

4534 (b) Any person who violates the provisions of subsections
 4535 (8) through (11) is guilty of a felony of the third degree,
 4536 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4537 (c) Any person who uses a false or fictitious name, gives
 4538 a false or fictitious address, or makes any false statement in
 4539 any application or affidavit required under the provisions of
 4540 this section is guilty of a felony of the third degree,
 4541 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4542 (d) Employees of the Department of Highway Safety and
 4543 Motor Vehicles and law enforcement officers are authorized to
 4544 inspect the records of any person regularly engaged in the
 4545 business of recovering, towing, or storing vehicles or vessels
 4546 or transporting vehicles or vessels by wrecker, tow truck, or
 4547 car carrier, to ensure compliance with the requirements of this
 4548 section. Any person who fails to maintain records, or fails to
 4549 produce records when required in a reasonable manner and at a
 4550 reasonable time, commits a misdemeanor of the first degree,
 4551 punishable as provided in s. 775.082 or s. 775.083.

4552 (13) (a) Upon receipt by the Department of Highway Safety
 4553 and Motor Vehicles of written notice from a wrecker operator who

4554 claims a wrecker operator's lien under paragraph (2)(c) or
4555 paragraph (2)(d) for recovery, towing, or storage of an
4556 abandoned vehicle or vessel upon instructions from any law
4557 enforcement agency, for which a certificate of destruction has
4558 been issued under subsection (11) and the vehicle has been
4559 reported to the National Motor Vehicle Title Information System,
4560 the department shall place the name of the registered owner of
4561 that vehicle or vessel on the list of those persons who may not
4562 be issued a license plate or revalidation sticker for any motor
4563 vehicle under s. 320.03(8). If the vehicle or vessel is owned
4564 jointly by more than one person, the name of each registered
4565 owner shall be placed on the list. The notice of wrecker
4566 operator's lien shall be submitted on forms provided by the
4567 department, which must include:

4568 1. The name, address, and telephone number of the wrecker
4569 operator.

4570 2. The name of the registered owner of the vehicle or
4571 vessel and the address to which the wrecker operator provided
4572 notice of the lien to the registered owner under subsection (4).

4573 3. A general description of the vehicle or vessel,
4574 including its color, make, model, body style, and year.

4575 4. The vehicle identification number (VIN); registration
4576 license plate number, state, and year; validation decal number,
4577 state, and year; vessel registration number; hull identification
4578 number; or other identification number, as applicable.

4579 5. The name of the person or the corresponding law
4580 enforcement agency that requested that the vehicle or vessel be
4581 recovered, towed, or stored.

4582 6. The amount of the wrecker operator's lien, not to
4583 exceed the amount allowed by paragraph (b).

4584 (b) For purposes of this subsection only, the amount of
4585 the wrecker operator's lien for which the department will
4586 prevent issuance of a license plate or revalidation sticker may
4587 not exceed the amount of the charges for recovery, towing, and
4588 storage of the vehicle or vessel for 7 days. These charges may
4589 not exceed the maximum rates imposed by the ordinances of the
4590 respective county or municipality under ss. 125.0103(1)(c) and
4591 166.043(1)(c). This paragraph does not limit the amount of a
4592 wrecker operator's lien claimed under subsection (2) or prevent
4593 a wrecker operator from seeking civil remedies for enforcement
4594 of the entire amount of the lien, but limits only that portion
4595 of the lien for which the department will prevent issuance of a
4596 license plate or revalidation sticker.

4597 (c)1. The registered owner of a vehicle or vessel may
4598 dispute a wrecker operator's lien, by notifying the department
4599 of the dispute in writing on forms provided by the department,
4600 if at least one of the following applies:

4601 a. The registered owner presents a notarized bill of sale
4602 proving that the vehicle or vessel was sold in a private or
4603 casual sale before the vehicle or vessel was recovered, towed,
4604 or stored.

4605 b. The registered owner presents proof that the Florida
4606 certificate of title of the vehicle or vessel was sold to a
4607 licensed dealer as defined in s. 319.001 before the vehicle or
4608 vessel was recovered, towed, or stored.

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4609 c. The records of the department were marked "sold" prior
4610 to the date of the tow.

4611
4612 If the registered owner's dispute of a wrecker operator's lien
4613 complies with one of these criteria, the department shall
4614 immediately remove the registered owner's name from the list of
4615 those persons who may not be issued a license plate or
4616 revalidation sticker for any motor vehicle under s. 320.03(8),
4617 thereby allowing issuance of a license plate or revalidation
4618 sticker. If the vehicle or vessel is owned jointly by more than
4619 one person, each registered owner must dispute the wrecker
4620 operator's lien in order to be removed from the list. However,
4621 the department shall deny any dispute and maintain the
4622 registered owner's name on the list of those persons who may not
4623 be issued a license plate or revalidation sticker for any motor
4624 vehicle under s. 320.03(8) if the wrecker operator has provided
4625 the department with a certified copy of the judgment of a court
4626 which orders the registered owner to pay the wrecker operator's
4627 lien claimed under this section. In such a case, the amount of
4628 the wrecker operator's lien allowed by paragraph (b) may be
4629 increased to include no more than \$500 of the reasonable costs
4630 and attorney's fees incurred in obtaining the judgment. The
4631 department's action under this subparagraph is ministerial in
4632 nature, shall not be considered final agency action, and is
4633 appealable only to the county court for the county in which the
4634 vehicle or vessel was ordered removed.

4635 2. A person against whom a wrecker operator's lien has
4636 been imposed may alternatively obtain a discharge of the lien by

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4637 filing a complaint, challenging the validity of the lien or the
4638 amount thereof, in the county court of the county in which the
4639 vehicle or vessel was ordered removed. Upon filing of the
4640 complaint, the person may have her or his name removed from the
4641 list of those persons who may not be issued a license plate or
4642 revalidation sticker for any motor vehicle under s. 320.03(8),
4643 thereby allowing issuance of a license plate or revalidation
4644 sticker, upon posting with the court a cash or surety bond or
4645 other adequate security equal to the amount of the wrecker
4646 operator's lien to ensure the payment of such lien in the event
4647 she or he does not prevail. Upon the posting of the bond and the
4648 payment of the applicable fee set forth in s. 28.24, the clerk
4649 of the court shall issue a certificate notifying the department
4650 of the posting of the bond and directing the department to
4651 release the wrecker operator's lien. Upon determining the
4652 respective rights of the parties, the court may award damages
4653 and costs in favor of the prevailing party.

4654 3. If a person against whom a wrecker operator's lien has
4655 been imposed does not object to the lien, but cannot discharge
4656 the lien by payment because the wrecker operator has moved or
4657 gone out of business, the person may have her or his name
4658 removed from the list of those persons who may not be issued a
4659 license plate or revalidation sticker for any motor vehicle
4660 under s. 320.03(8), thereby allowing issuance of a license plate
4661 or revalidation sticker, upon posting with the clerk of court in
4662 the county in which the vehicle or vessel was ordered removed, a
4663 cash or surety bond or other adequate security equal to the
4664 amount of the wrecker operator's lien. Upon the posting of the

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4665 | bond and the payment of the application fee set forth in s.
4666 | 28.24, the clerk of the court shall issue a certificate
4667 | notifying the department of the posting of the bond and
4668 | directing the department to release the wrecker operator's lien.
4669 | The department shall mail to the wrecker operator, at the
4670 | address upon the lien form, notice that the wrecker operator
4671 | must claim the security within 60 days, or the security will be
4672 | released back to the person who posted it. At the conclusion of
4673 | the 60 days, the department shall direct the clerk as to which
4674 | party is entitled to payment of the security, less applicable
4675 | clerk's fees.

4676 | 4. A wrecker operator's lien expires 5 years after filing.

4677 | (d) Upon discharge of the amount of the wrecker operator's
4678 | lien allowed by paragraph (b), the wrecker operator must issue a
4679 | certificate of discharged wrecker operator's lien on forms
4680 | provided by the department to each registered owner of the
4681 | vehicle or vessel attesting that the amount of the wrecker
4682 | operator's lien allowed by paragraph (b) has been discharged.
4683 | Upon presentation of the certificate of discharged wrecker
4684 | operator's lien by the registered owner, the department shall
4685 | immediately remove the registered owner's name from the list of
4686 | those persons who may not be issued a license plate or
4687 | revalidation sticker for any motor vehicle under s. 320.03(8),
4688 | thereby allowing issuance of a license plate or revalidation
4689 | sticker. Issuance of a certificate of discharged wrecker
4690 | operator's lien under this paragraph does not discharge the
4691 | entire amount of the wrecker operator's lien claimed under
4692 | subsection (2), but only certifies to the department that the

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4693 amount of the wrecker operator's lien allowed by paragraph (b),
4694 for which the department will prevent issuance of a license
4695 plate or revalidation sticker, has been discharged.

4696 (e) When a wrecker operator files a notice of wrecker
4697 operator's lien under this subsection, the department shall
4698 charge the wrecker operator a fee of \$2, which shall be
4699 deposited into the General Revenue Fund. A service charge of
4700 \$2.50 shall be collected and retained by the tax collector who
4701 processes a notice of wrecker operator's lien.

4702 (f) This subsection applies only to the annual renewal in
4703 the registered owner's birth month of a motor vehicle
4704 registration and does not apply to the transfer of a
4705 registration of a motor vehicle sold by a motor vehicle dealer
4706 licensed under chapter 320, except for the transfer of
4707 registrations which includes the annual renewals. This
4708 subsection does not apply to any vehicle registered in the name
4709 of the lessor. This subsection does not affect the issuance of
4710 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

4711 (g) The Department of Highway Safety and Motor Vehicles
4712 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
4713 implement this subsection.

4714 Section 56. Paragraph (aa) of subsection (7) of section
4715 212.08, Florida Statutes, is amended to read:

4716 212.08 Sales, rental, use, consumption, distribution, and
4717 storage tax; specified exemptions.—The sale at retail, the
4718 rental, the use, the consumption, the distribution, and the
4719 storage to be used or consumed in this state of the following
4720 are hereby specifically exempt from the tax imposed by this

4721 chapter.

4722 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 4723 entity by this chapter do not inure to any transaction that is
 4724 otherwise taxable under this chapter when payment is made by a
 4725 representative or employee of the entity by any means,
 4726 including, but not limited to, cash, check, or credit card, even
 4727 when that representative or employee is subsequently reimbursed
 4728 by the entity. In addition, exemptions provided to any entity by
 4729 this subsection do not inure to any transaction that is
 4730 otherwise taxable under this chapter unless the entity has
 4731 obtained a sales tax exemption certificate from the department
 4732 or the entity obtains or provides other documentation as
 4733 required by the department. Eligible purchases or leases made
 4734 with such a certificate must be in strict compliance with this
 4735 subsection and departmental rules, and any person who makes an
 4736 exempt purchase with a certificate that is not in strict
 4737 compliance with this subsection and the rules is liable for and
 4738 shall pay the tax. The department may adopt rules to administer
 4739 this subsection.

4740 (aa) Certain commercial vehicles.—Also exempt is the sale,
 4741 lease, or rental of a commercial motor vehicle as defined in s.
 4742 207.002 ~~207.002(2)~~, when the following conditions are met:

- 4743 1. The sale, lease, or rental occurs between two commonly
 4744 owned and controlled corporations;
- 4745 2. Such vehicle was titled and registered in this state at
 4746 the time of the sale, lease, or rental; and
- 4747 3. Florida sales tax was paid on the acquisition of such
 4748 vehicle by the seller, lessor, or renter.

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4749 Section 57. Subsection (8) of section 261.03, Florida
4750 Statutes, is amended to read:

4751 261.03 Definitions.—As used in this chapter, the term:

4752 (8) "ROV" means any motorized recreational off-highway
4753 vehicle 64 inches or less in width, having a dry weight of 2,000
4754 pounds or less, designed to travel on four or more nonhighway
4755 tires, having nonstraddle seating and a steering wheel, and
4756 manufactured for recreational use by one or more persons. The
4757 term "ROV" does not include a golf cart as defined in ss. 320.01
4758 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
4759 s. 320.01 ~~320.01(42)~~.

4760 Section 58. Section 316.2122, Florida Statutes, is amended
4761 to read:

4762 316.2122 Operation of a low-speed vehicle or mini truck on
4763 certain roadways.—The operation of a low-speed vehicle as
4764 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
4765 320.01 ~~320.01(45)~~ on any road is authorized with the following
4766 restrictions:

4767 (1) A low-speed vehicle or mini truck may be operated only
4768 on streets where the posted speed limit is 35 miles per hour or
4769 less. This does not prohibit a low-speed vehicle or mini truck
4770 from crossing a road or street at an intersection where the road
4771 or street has a posted speed limit of more than 35 miles per
4772 hour.

4773 (2) A low-speed vehicle must be equipped with headlamps,
4774 stop lamps, turn signal lamps, taillamps, reflex reflectors,
4775 parking brakes, rearview mirrors, windshields, seat belts, and
4776 vehicle identification numbers.

4777 (3) A low-speed vehicle or mini truck must be registered
 4778 and insured in accordance with s. 320.02 and titled pursuant to
 4779 chapter 319.

4780 (4) Any person operating a low-speed vehicle or mini truck
 4781 must have in his or her possession a valid driver ~~driver's~~
 4782 license.

4783 (5) A county or municipality may prohibit the operation of
 4784 low-speed vehicles or mini trucks on any road under its
 4785 jurisdiction if the governing body of the county or municipality
 4786 determines that such prohibition is necessary in the interest of
 4787 safety.

4788 (6) The Department of Transportation may prohibit the
 4789 operation of low-speed vehicles or mini trucks on any road under
 4790 its jurisdiction if it determines that such prohibition is
 4791 necessary in the interest of safety.

4792 Section 59. Section 316.2124, Florida Statutes, is amended
 4793 to read:

4794 316.2124 Motorized disability access vehicles.—The
 4795 Department of Highway Safety and Motor Vehicles is directed to
 4796 provide, by rule, for the regulation of motorized disability
 4797 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
 4798 department shall provide that motorized disability access
 4799 vehicles shall be registered in the same manner as motorcycles
 4800 and shall pay the same registration fee as for a motorcycle.
 4801 There shall also be assessed, in addition to the registration
 4802 fee, a \$2.50 surcharge for motorized disability access vehicles.
 4803 This surcharge shall be paid into the Highway Safety Operating
 4804 Trust Fund. Motorized disability access vehicles shall not be

4805 required to be titled by the department. The department shall
 4806 require motorized disability access vehicles to be subject to
 4807 the same safety requirements as set forth in this chapter for
 4808 motorcycles.

4809 Section 60. Subsection (1) of section 316.21265, Florida
 4810 Statutes, is amended to read:

4811 316.21265 Use of all-terrain vehicles, golf carts, low-
 4812 speed vehicles, or utility vehicles by law enforcement
 4813 agencies.—

4814 (1) Notwithstanding any provision of law to the contrary,
 4815 any law enforcement agency in this state may operate all-terrain
 4816 vehicles as defined in s. 316.2074, golf carts as defined in s.
 4817 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
 4818 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
 4819 ~~320.01(43)~~ on any street, road, or highway in this state while
 4820 carrying out its official duties.

4821 Section 61. Subsection (1) of section 316.3026, Florida
 4822 Statutes, is amended to read:

4823 316.3026 Unlawful operation of motor carriers.—

4824 (1) The Office of Commercial Vehicle Enforcement may issue
 4825 out-of-service orders to motor carriers, as defined in s. 320.01
 4826 ~~320.01(33)~~, who, after proper notice, have failed to pay any
 4827 penalty or fine assessed by the department, or its agent,
 4828 against any owner or motor carrier for violations of state law,
 4829 refused to submit to a compliance review and provide records
 4830 pursuant to s. 316.302(5) or s. 316.70, or violated safety
 4831 regulations pursuant to s. 316.302 or insurance requirements in
 4832 s. 627.7415. Such out-of-service orders have the effect of

4833 prohibiting the operations of any motor vehicles owned, leased,
 4834 or otherwise operated by the motor carrier upon the roadways of
 4835 this state, until the violations have been corrected or
 4836 penalties have been paid. Out-of-service orders must be approved
 4837 by the director of the Division of the Florida Highway Patrol or
 4838 his or her designee. An administrative hearing pursuant to s.
 4839 120.569 shall be afforded to motor carriers subject to such
 4840 orders.

4841 Section 62. Paragraph (a) of subsection (5) and subsection
 4842 (10) of section 316.550, Florida Statutes, are amended to read:
 4843 316.550 Operations not in conformity with law; special
 4844 permits.—

4845 (5) (a) The Department of Transportation may issue a
 4846 wrecker special blanket permit to authorize a wrecker as defined
 4847 in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as
 4848 defined in s. 320.01 ~~320.01(38)~~ where the combination of the
 4849 wrecker and the disabled vehicle being towed exceeds the maximum
 4850 weight limits as established by s. 316.535.

4851 (10) Whenever any motor vehicle, or the combination of a
 4852 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
 4853 vehicle, exceeds any weight or dimensional criteria or special
 4854 operational or safety stipulation contained in a special permit
 4855 issued under the provisions of this section, the penalty
 4856 assessed to the owner or operator shall be as follows:

4857 (a) For violation of weight criteria contained in a
 4858 special permit, the penalty per pound or portion thereof
 4859 exceeding the permitted weight shall be as provided in s.
 4860 316.545.

4861 (b) For each violation of dimensional criteria in a
 4862 special permit, the penalty shall be as provided in s. 316.516
 4863 and penalties for multiple violations of dimensional criteria
 4864 shall be cumulative except that the total penalty for the
 4865 vehicle shall not exceed \$1,000.

4866 (c) For each violation of an operational or safety
 4867 stipulation in a special permit, the penalty shall be an amount
 4868 not to exceed \$1,000 per violation and penalties for multiple
 4869 violations of operational or safety stipulations shall be
 4870 cumulative except that the total penalty for the vehicle shall
 4871 not exceed \$1,000.

4872 (d) For violation of any special condition that has been
 4873 prescribed in the rules of the Department of Transportation and
 4874 declared on the permit, the vehicle shall be determined to be
 4875 out of conformance with the permit and the permit shall be
 4876 declared null and void for the vehicle, and weight and
 4877 dimensional limits for the vehicle shall be as established in s.
 4878 316.515 or s. 316.535, whichever is applicable, and:

4879 1. For weight violations, a penalty as provided in s.
 4880 316.545 shall be assessed for those weights which exceed the
 4881 limits thus established for the vehicle; and

4882 2. For dimensional, operational, or safety violations, a
 4883 penalty as established in paragraph (c) or s. 316.516, whichever
 4884 is applicable, shall be assessed for each nonconforming
 4885 dimensional, operational, or safety violation and the penalties
 4886 for multiple violations shall be cumulative for the vehicle.

4887 Section 63. Subsection (9) of section 317.0003, Florida
 4888 Statutes, is amended to read:

4889 317.0003 Definitions.—As used in this chapter, the term:
 4890 (9) "ROV" means any motorized recreational off-highway
 4891 vehicle 64 inches or less in width, having a dry weight of 2,000
 4892 pounds or less, designed to travel on four or more nonhighway
 4893 tires, having nonstraddle seating and a steering wheel, and
 4894 manufactured for recreational use by one or more persons. The
 4895 term "ROV" does not include a golf cart as defined in ss. 320.01
 4896 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 4897 s. 320.01 ~~320.01(42)~~.

4898 Section 64. Paragraph (d) of subsection (5) of section
 4899 320.08, Florida Statutes, is amended to read:

4900 320.08 License taxes.—Except as otherwise provided herein,
 4901 there are hereby levied and imposed annual license taxes for the
 4902 operation of motor vehicles, mopeds, motorized bicycles as
 4903 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 4904 and mobile homes, as defined in s. 320.01, which shall be paid
 4905 to and collected by the department or its agent upon the
 4906 registration or renewal of registration of the following:

4907 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 4908 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

4909 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
 4910 is used to tow a vessel as defined in s. 327.02(39), a disabled,
 4911 abandoned, stolen-recovered, or impounded motor vehicle as
 4912 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor
 4913 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which
 4914 \$11 shall be deposited into the General Revenue Fund.

4915 Section 65. Subsection (1) of section 320.0847, Florida
 4916 Statutes, is amended to read:

4917 | 320.0847 Mini truck and low-speed vehicle license plates.-

4918 | (1) The department shall issue a license plate to the
 4919 | owner or lessee of any vehicle registered as a low-speed vehicle
 4920 | as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
 4921 | s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
 4922 | taxes and fees prescribed in s. 320.08.

4923 | Section 66. Subsections (4) and (5) of section 322.271,
 4924 | Florida Statutes, are amended to read:

4925 | 322.271 Authority to modify revocation, cancellation, or
 4926 | suspension order.-

4927 | (4) Notwithstanding the provisions of s. 322.28(2)(d)
 4928 | ~~322.28(2)(e)~~, a person whose driving privilege has been
 4929 | permanently revoked because he or she has been convicted of DUI
 4930 | manslaughter in violation of s. 316.193 and has no prior
 4931 | convictions for DUI-related offenses may, upon the expiration of
 4932 | 5 years after the date of such revocation or the expiration of 5
 4933 | years after the termination of any term of incarceration under
 4934 | s. 316.193 or former s. 316.1931, whichever date is later,
 4935 | petition the department for reinstatement of his or her driving
 4936 | privilege.

4937 | (a) Within 30 days after the receipt of such a petition,
 4938 | the department shall afford the petitioner an opportunity for a
 4939 | hearing. At the hearing, the petitioner must demonstrate to the
 4940 | department that he or she:

- 4941 | 1. Has not been arrested for a drug-related offense during
- 4942 | the 5 years preceding the filing of the petition;
- 4943 | 2. Has not driven a motor vehicle without a license for at
- 4944 | least 5 years before ~~prior to~~ the hearing;

4945 3. Has been drug-free for at least 5 years before ~~prior to~~
 4946 the hearing; and

4947 4. Has completed a DUI program licensed by the department.

4948 (b) At such hearing, the department shall determine the
 4949 petitioner's qualification, fitness, and need to drive. Upon
 4950 such determination, the department may, in its discretion,
 4951 reinstate the driver ~~driver's~~ license of the petitioner. Such
 4952 reinstatement must be made subject to the following
 4953 qualifications:

4954 1. The license must be restricted for employment purposes
 4955 for at least ~~not less than~~ 1 year; and

4956 2. Such person must be supervised by a DUI program
 4957 licensed by the department and report to the program for such
 4958 supervision and education at least four times a year or
 4959 additionally as required by the program for the remainder of the
 4960 revocation period. Such supervision shall include evaluation,
 4961 education, referral into treatment, and other activities
 4962 required by the department.

4963 (c) Such person must assume the reasonable costs of
 4964 supervision. If such person fails to comply with the required
 4965 supervision, the program shall report the failure to the
 4966 department, and the department shall cancel such person's
 4967 driving privilege.

4968 (d) If, after reinstatement, such person is convicted of
 4969 an offense for which mandatory revocation of his or her license
 4970 is required, the department shall revoke his or her driving
 4971 privilege.

4972 (e) The department shall adopt rules regulating the

4973 providing of services by DUI programs pursuant to this section.

4974 (5) Notwithstanding the provisions of s. 322.28(2)(d)
 4975 ~~322.28(2)(e)~~, a person whose driving privilege has been
 4976 permanently revoked because he or she has been convicted four or
 4977 more times of violating s. 316.193 or former s. 316.1931 may,
 4978 upon the expiration of 5 years after the date of the last
 4979 conviction or the expiration of 5 years after the termination of
 4980 any incarceration under s. 316.193 or former s. 316.1931,
 4981 whichever is later, petition the department for reinstatement of
 4982 his or her driving privilege.

4983 (a) Within 30 days after receipt of a petition, the
 4984 department shall provide for a hearing, at which the petitioner
 4985 must demonstrate that he or she:

4986 1. Has not been arrested for a drug-related offense for at
 4987 least 5 years before ~~prior to~~ filing the petition;

4988 2. Has not driven a motor vehicle without a license for at
 4989 least 5 years before ~~prior to~~ the hearing;

4990 3. Has been drug-free for at least 5 years before ~~prior to~~
 4991 the hearing; and

4992 4. Has completed a DUI program licensed by the department.

4993 (b) At the hearing, the department shall determine the
 4994 petitioner's qualification, fitness, and need to drive, and may,
 4995 after such determination, reinstate the petitioner's driver
 4996 ~~driver's~~ license. The reinstatement shall be subject to the
 4997 following qualifications:

4998 1. The petitioner's license must be restricted for
 4999 employment purposes for at least ~~not less than~~ 1 year; and

5000 2. The petitioner must be supervised by a DUI program

5001 licensed by the department and must report to the program for
 5002 supervision and education at least four times a year or more, as
 5003 required by the program, for the remainder of the revocation
 5004 period. The supervision shall include evaluation, education,
 5005 referral into treatment, and other activities required by the
 5006 department.

5007 (c) The petitioner must assume the reasonable costs of
 5008 supervision. If the petitioner does not comply with the required
 5009 supervision, the program shall report the failure to the
 5010 department, and the department shall cancel such person's
 5011 driving privilege.

5012 (d) If, after reinstatement, the petitioner is convicted
 5013 of an offense for which mandatory license revocation is
 5014 required, the department shall revoke his or her driving
 5015 privilege.

5016 (e) The department shall adopt rules regulating the
 5017 services provided by DUI programs pursuant to this section.

5018 Section 67. Section 322.282, Florida Statutes, is amended
 5019 to read:

5020 322.282 Procedure when court revokes or suspends license
 5021 or driving privilege and orders reinstatement.—When a court
 5022 suspends or revokes a person's license or driving privilege and,
 5023 in its discretion, orders reinstatement ~~as provided by s.~~
 5024 ~~322.28(2)(d) or former s. 322.261(5):~~

5025 (1) The court shall pick up all revoked or suspended
 5026 driver ~~driver's~~ licenses from the person and immediately forward
 5027 them to the department, together with a record of such
 5028 conviction. The clerk of such court shall also maintain a list

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5029 of all revocations or suspensions by the court.

5030 (2) (a) The court shall issue an order of reinstatement, on
5031 a form to be furnished by the department, which the person may
5032 take to any driver ~~driver's~~ license examining office. The
5033 department shall issue a temporary driver ~~driver's~~ permit to a
5034 licensee who presents the court's order of reinstatement, proof
5035 of completion of a department-approved driver training or
5036 substance abuse education course, and a written request for a
5037 hearing under s. 322.271. The permit shall not be issued if a
5038 record check by the department shows that the person has
5039 previously been convicted for a violation of s. 316.193, former
5040 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
5041 conviction outside this state for driving under the influence,
5042 driving while intoxicated, driving with an unlawful blood-
5043 alcohol level, or any similar alcohol-related or drug-related
5044 traffic offense; that the person's driving privilege has been
5045 previously suspended for refusal to submit to a lawful test of
5046 breath, blood, or urine; or that the person is otherwise not
5047 entitled to issuance of a driver ~~driver's~~ license. This
5048 paragraph shall not be construed to prevent the reinstatement of
5049 a license or driving privilege that is presently suspended for
5050 driving with an unlawful blood-alcohol level or a refusal to
5051 submit to a breath, urine, or blood test and is also revoked for
5052 a conviction for a violation of s. 316.193 or former s.
5053 316.1931, if the suspension and revocation arise out of the same
5054 incident.

5055 (b) The temporary driver ~~driver's~~ permit shall be
5056 restricted to either business or employment purposes described

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5057 in s. 322.271, as determined by the department, and shall not be
5058 used for pleasure, recreational, or nonessential driving.

5059 (c) If the department determines at a later date from its
5060 records that the applicant has previously been convicted of an
5061 offense referred to in paragraph (a) which would render him or
5062 her ineligible for reinstatement, the department shall cancel
5063 the temporary driver ~~driver's~~ permit and shall issue a
5064 revocation or suspension order for the minimum period
5065 applicable. A temporary permit issued pursuant to this section
5066 shall be valid for 45 days or until canceled as provided in this
5067 paragraph.

5068 (d) The period of time for which a temporary permit issued
5069 in accordance with paragraph (a) is valid shall be deemed to be
5070 part of the period of revocation imposed by the court.

5071 Section 68. Section 324.023, Florida Statutes, is amended
5072 to read:

5073 324.023 Financial responsibility for bodily injury or
5074 death.—In addition to any other financial responsibility
5075 required by law, every owner or operator of a motor vehicle that
5076 is required to be registered in this state, or that is located
5077 within this state, and who, regardless of adjudication of guilt,
5078 has been found guilty of or entered a plea of guilty or nolo
5079 contendere to a charge of driving under the influence under s.
5080 316.193 after October 1, 2007, shall, by one of the methods
5081 established in s. 324.031(1) or, (2), ~~or (3)~~, establish and
5082 maintain the ability to respond in damages for liability on
5083 account of accidents arising out of the use of a motor vehicle
5084 in the amount of \$100,000 because of bodily injury to, or death

5085 of, one person in any one crash and, subject to such limits for
 5086 one person, in the amount of \$300,000 because of bodily injury
 5087 to, or death of, two or more persons in any one crash and in the
 5088 amount of \$50,000 because of property damage in any one crash.
 5089 If the owner or operator chooses to establish and maintain such
 5090 ability by ~~posting a bond or~~ furnishing a certificate of deposit
 5091 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
 5092 deposit must be at least ~~in an amount not less than~~ \$350,000.
 5093 Such higher limits must be carried for a minimum period of 3
 5094 years. If the owner or operator has not been convicted of
 5095 driving under the influence or a felony traffic offense for a
 5096 period of 3 years from the date of reinstatement of driving
 5097 privileges for a violation of s. 316.193, the owner or operator
 5098 shall be exempt from this section.

5099 Section 69. Paragraph (c) of subsection (1) of section
 5100 324.171, Florida Statutes, is amended to read:

5101 324.171 Self-insurer.—

5102 (1) Any person may qualify as a self-insurer by obtaining
 5103 a certificate of self-insurance from the department which may,
 5104 in its discretion and upon application of such a person, issue
 5105 said certificate of self-insurance when such person has
 5106 satisfied the requirements of this section to qualify as a self-
 5107 insurer under this section:

5108 (c) The owner of a commercial motor vehicle, as defined in
 5109 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
 5110 insurer subject to the standards provided for in subparagraph
 5111 (b)2.

5112 Section 70. Section 324.191, Florida Statutes, is amended

5113 to read:

5114 324.191 Consent to cancellation; direction to return money
 5115 or securities.—The department shall consent to the cancellation
 5116 of any ~~bond or~~ certificate of insurance furnished as proof of
 5117 financial responsibility pursuant to s. 324.031, or the
 5118 department shall return to the person entitled thereto cash or
 5119 securities deposited as proof of financial responsibility
 5120 pursuant to s. 324.031:

5121 (1) Upon substitution and acceptance of other adequate
 5122 proof of financial responsibility pursuant to this chapter, or

5123 (2) In the event of the death of the person on whose
 5124 behalf the proof was filed, or the permanent incapacity of such
 5125 person to operate a motor vehicle, or

5126 (3) In the event the person who has given proof of
 5127 financial responsibility surrenders his or her license and all
 5128 registrations to the department; providing, however, that no
 5129 notice of court action has been filed with the department, a
 5130 judgment in which would result in claim on such proof of
 5131 financial responsibility.

5132
 5133 This section shall not apply to security as specified in s.
 5134 324.061 deposited pursuant to s. 324.051(2)(a)4.

5135 Section 71. Paragraph (b) of subsection (3) of section
 5136 627.733, Florida Statutes, is amended to read:

5137 627.733 Required security.—

5138 (3) Such security shall be provided:

5139 (b) By any other method authorized by s. 324.031(2) or
 5140 (3), ~~or (4)~~ and approved by the Department of Highway Safety and

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5141 Motor Vehicles as affording security equivalent to that afforded
 5142 by a policy of insurance or by self-insuring as authorized by s.
 5143 768.28(16). The person filing such security shall have all of
 5144 the obligations and rights of an insurer under ss. 627.730-
 5145 627.7405.

5146 Section 72. Section 627.7415, Florida Statutes, is amended
 5147 to read:

5148 627.7415 Commercial motor vehicles; additional liability
 5149 insurance coverage.—Commercial motor vehicles, as defined in s.
 5150 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
 5151 highways of this state shall be insured with the following
 5152 minimum levels of combined bodily liability insurance and
 5153 property damage liability insurance in addition to any other
 5154 insurance requirements:

5155 (1) Fifty thousand dollars per occurrence for a commercial
 5156 motor vehicle with a gross vehicle weight of 26,000 pounds or
 5157 more, but less than 35,000 pounds.

5158 (2) One hundred thousand dollars per occurrence for a
 5159 commercial motor vehicle with a gross vehicle weight of 35,000
 5160 pounds or more, but less than 44,000 pounds.

5161 (3) Three hundred thousand dollars per occurrence for a
 5162 commercial motor vehicle with a gross vehicle weight of 44,000
 5163 pounds or more.

5164 (4) All commercial motor vehicles subject to regulations
 5165 of the United States Department of Transportation, Title 49
 5166 C.F.R. part 387, subpart A, and as may be hereinafter amended,
 5167 shall be insured in an amount equivalent to the minimum levels
 5168 of financial responsibility as set forth in such regulations.

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5170 A violation of this section is a noncriminal traffic infraction,
5171 punishable as a nonmoving violation as provided in chapter 318.

5172 Section 73. Except as otherwise expressly provided in this
5173 act and except for this section, which shall take effect upon
5174 this act becoming a law, this act shall take effect July 1,
5175 2013.