

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. 316.0083, F.S.; revising
10 provisions for enforcement of specified provisions
11 using a traffic infraction detector; prohibiting a
12 notice of violation or a traffic citation for a right
13 on red violation under specified provisions; amending
14 s. 316.066, F.S.; authorizing the Department of
15 Transportation to immediately receive a crash report;
16 amending s. 316.0776, F.S.; removing a requirement
17 that the department, a county, or a municipality
18 notify the public of enforcement of violations
19 concerning right turns via a traffic infraction
20 detector; amending s. 316.081, F.S.; prohibiting a
21 driver from driving at less than the posted speed in
22 the furthestmost left-hand lane of a road, street, or
23 highway having two or more lanes if being overtaken by
24 a motor vehicle; providing exceptions; providing
25 penalties; amending s. 316.1937, F.S.; revising
26 operational specifications for ignition interlock
27 devices; amending s. 316.2397, F.S.; exempting
28 specified municipal officials from a prohibition

29 | against showing or displaying blue lights on a motor
30 | vehicle under certain conditions; amending s. 316.302,
31 | F.S.; revising provisions for certain commercial motor
32 | vehicles and transporters and shippers of hazardous
33 | materials; providing for application of specified
34 | federal regulations; removing a provision for
35 | application of specified provisions and federal
36 | regulations to transporting liquefied petroleum gas;
37 | amending s. 316.3025, F.S.; providing penalties for
38 | violation of specified federal regulations relating to
39 | medical and physical requirements for commercial
40 | drivers while driving a commercial motor vehicle;
41 | revising provisions for seizure of motor vehicle for
42 | refusal to pay penalty; providing penalties for
43 | violation of specified federal regulations relating to
44 | commercial drivers and the use of mobile telephones
45 | and texting while driving a commercial motor vehicle;
46 | amending s. 316.515, F.S.; revising provisions for
47 | exceptions to width and height limitations; amending
48 | s. 316.545, F.S.; revising language relating to
49 | certain commercial motor vehicles not properly
50 | licensed and registered; amending s. 316.646, F.S.,
51 | relating to proof of property damage liability
52 | security and display thereof; providing for proof of
53 | insurance in an electronic format and on an electronic
54 | device; providing conditions relating to the use of
55 | such electronic device; requiring the department to
56 | adopt rules; amending s. 317.0016, F.S., relating to

57 expedited services; removing a requirement that the
58 department provide such service for certain
59 certificates; amending s. 318.14, F.S., relating to
60 disposition of traffic citations; providing that
61 certain alternative procedures for certain traffic
62 offenses are not available to a person who holds a
63 commercial learner's permit; amending s. 318.1451,
64 F.S.; revising provisions relating to driver
65 improvement schools; removing a provision for a chief
66 judge to establish requirements for the location of
67 schools within a judicial circuit; removing a
68 provision that authorizes a person to operate a driver
69 improvement school; revising provisions for persons
70 taking unapproved course; providing criteria for
71 initial approval of courses; revising requirements for
72 courses, course certificates, and course providers;
73 directing the department to adopt rules; creating s.
74 319.141, F.S.; directing the department to conduct a
75 pilot program to evaluate rebuilt vehicle inspection
76 services performed by the private sector; providing
77 definitions; providing for the department to enter
78 into a memorandum of understanding with the private
79 provider; providing minimum criteria and certain
80 requirements; requiring the department to provide a
81 report to the Legislature; providing for future
82 expiration; amending s. 319.225, F.S.; revising
83 provisions for certificates of title, reassignment of
84 title, and forms; revising procedures for transfer of

85 | title; amending s. 319.23, F.S.; revising requirements
86 | for content of certificates of title and applications
87 | for title; amending s. 319.28, F.S.; revising
88 | provisions for transfer of ownership by operation of
89 | law when a motor vehicle or mobile home is
90 | repossessed; removing provisions for a certificate of
91 | repossession; amending s. 319.30, F.S., relating to
92 | disposition of derelict motor vehicles; defining the
93 | term "National Motor Vehicle Title Information
94 | System"; requiring salvage motor vehicle dealers,
95 | insurance companies, and other persons to notify the
96 | system when receiving or disposing of such a vehicle;
97 | requiring proof of such notification when applying for
98 | a certificate of destruction or salvage certificate of
99 | title; providing penalties; amending s. 319.323, F.S.,
100 | relating to expedited services of the department;
101 | removing certificates of repossession; amending s.
102 | 320.01, F.S.; removing the definition of the term
103 | "apportioned motor vehicle"; revising the definition
104 | of the term "apportionable vehicle"; amending s.
105 | 320.02, F.S.; revising requirements for application
106 | for motor vehicle registration; providing for insurers
107 | to furnish proof-of-purchase cards in a paper or an
108 | electronic format; requiring the application form for
109 | motor vehicle registration and renewal of registration
110 | to include language permitting the applicant to make a
111 | voluntary contribution to the Auto Club Group Traffic
112 | Safety Foundation, Inc.; amending s. 320.03, F.S.;

113 | revising a provision for registration under the
114 | International Registration Plan; amending s. 320.071,
115 | F.S.; revising a provision for advance renewal of
116 | registration under the International Registration
117 | Plan; amending s. 320.0715, F.S.; revising provisions
118 | for vehicles required to be registered under the
119 | International Registration Plan; amending s. 320.089,
120 | F.S.; creating a special use license plate for current
121 | or former members of the United States Armed Forces
122 | who participated in Operation Desert Storm or
123 | Operation Desert Shield; amending s. 320.18, F.S.;
124 | providing for withholding of motor vehicle or mobile
125 | home registration when a coowner has failed to
126 | register the motor vehicle or mobile home during a
127 | previous period when such registration was required;
128 | providing for cancelling a vehicle or vessel
129 | registration, driver license, identification card, or
130 | fuel-use tax decal if the coowner pays certain fees
131 | and other liabilities with a dishonored check;
132 | amending s. 320.27, F.S., relating to motor vehicle
133 | dealers; providing for extended periods for dealer
134 | licenses and supplemental licenses; providing fees;
135 | amending s. 320.62, F.S., relating to manufacturers,
136 | distributors, and importers of motor vehicles;
137 | providing for extended licensure periods; providing
138 | fees; amending s. 320.77, F.S., relating to mobile
139 | home dealers; providing for extended licensure
140 | periods; providing fees; amending s. 320.771, F.S.,

141 relating to recreational vehicle dealers; providing
142 for extended licensure periods; providing fees;
143 amending s. 320.8225, F.S., relating to mobile home
144 and recreational vehicle manufacturers, distributors,
145 and importers; providing for extended licensure
146 periods; providing fees; amending s. 322.08, F.S.;
147 requiring the application form for an original,
148 renewal, or replacement driver license or
149 identification card to include language permitting the
150 applicant to make a voluntary contribution to the Auto
151 Club Group Traffic Safety Foundation, Inc.; amending
152 s. 322.095, F.S.; requiring an applicant for a driver
153 license to complete a traffic law and substance abuse
154 education course; providing exceptions; revising
155 procedures for evaluation and approval of such
156 courses; revising criteria for such courses and the
157 schools conducting the courses; providing for
158 collection and disposition of certain fees; requiring
159 providers to maintain records; directing the
160 department to conduct effectiveness studies; requiring
161 a provider to cease offering a course that fails the
162 study; requiring courses to be updated at the request
163 of the department; requiring providers to disclose
164 certain information; requiring providers to submit
165 course completion information to the department within
166 a certain time period; prohibiting certain acts;
167 providing that the department shall not accept
168 certification from students; prohibiting a person

169 convicted of certain crimes from conducting courses;
170 directing the department to suspend course approval
171 for certain purposes; providing for the department to
172 deny, suspend, or revoke course approval for certain
173 acts; providing for administrative hearing before
174 final action denying, suspending, or revoking course
175 approval; providing penalties for violations; amending
176 s. 322.125, F.S.; revising criteria for members of the
177 Medical Advisory Board; amending s. 322.135, F.S.;
178 removing a provision that authorizes a tax collector
179 to direct certain licensees to the department for
180 examination or reexamination; creating s. 322.143,
181 F.S.; defining terms; prohibiting a private entity
182 from swiping an individual's driver license or
183 identification card except for certain specified
184 purposes; providing that a private entity that swipes
185 an individual's driver license or identification card
186 may not store, sell, or share personal information
187 collected from swiping the driver license or
188 identification card; providing exceptions; providing
189 that the private entity may manually collect personal
190 information; prohibiting a private entity from
191 withholding the provision of goods or services solely
192 as a result of the individual requesting the
193 collection of the data through manual means; providing
194 remedies; amending s. 322.212, F.S.; providing
195 penalties for certain violations involving application
196 and testing for a commercial driver license or a

197 commercial learner's permit; amending s. 322.22, F.S.;
198 authorizing the department to withhold issuance or
199 renewal of a driver license, identification card,
200 vehicle or vessel registration, or fuel-use decal
201 under certain circumstances; amending s. 322.245,
202 F.S.; requiring a depository or clerk of court to
203 electronically notify the department of a person's
204 failure to pay support or comply with directives of
205 the court; amending s. 322.25, F.S.; removing a
206 provision for a court order to reinstate a person's
207 driving privilege on a temporary basis when the
208 person's license and driving privilege have been
209 revoked under certain circumstances; amending ss.
210 322.2615 and 322.2616, F.S., relating to review of a
211 license suspension when the driver had blood or breath
212 alcohol at a certain level or the driver refused a
213 test of his or her blood or breath to determine the
214 alcohol level; authorizing the driver to request a
215 review of eligibility for a restricted driving
216 privilege; revising provisions for informal and formal
217 reviews; providing for the hearing officer to be
218 designated by the department; authorizing the hearing
219 officer to conduct hearings using telecommunications
220 technology; revising procedures for enforcement of
221 subpoenas; directing the department to issue a
222 temporary driving permit or invalidate the suspension
223 under certain circumstances; providing for
224 construction of specified provisions; amending s.

225 322.271, F.S.; providing conditions under which a
226 person whose driver license is suspended for a DUI-
227 related offense may be eligible to receive a
228 restricted driving privilege; amending s. 322.2715,
229 F.S.; providing requirements for issuance of a
230 restricted driver license for a person convicted of a
231 DUI offense if a medical waiver of placement of an
232 ignition interlock device was given to such person;
233 amending s. 322.28, F.S., relating to revocation of
234 driver license for convictions of DUI offenses;
235 providing that convictions occurring on the same date
236 for offenses occurring on separate dates are
237 considered separate convictions; removing a provision
238 relating to a court order for reinstatement of a
239 revoked driver license; repealing s. 322.331, F.S.,
240 relating to habitual traffic offenders; amending s.
241 322.61, F.S.; revising provisions for disqualification
242 from operating a commercial motor vehicle; providing
243 for application of such provisions to persons holding
244 a commercial learner's permit; revising the offenses
245 for which certain disqualifications apply; amending s.
246 322.64, F.S., relating to driving with unlawful blood-
247 alcohol level or refusal to submit to breath, urine,
248 or blood test by a commercial driver license holder or
249 person driving a commercial motor vehicle; providing
250 that a disqualification from driving a commercial
251 motor vehicle is considered a conviction for certain
252 purposes; revising the time period a person is

253 disqualified from driving for alcohol-related
254 violations; revising requirements for notice of the
255 disqualification; providing that under the review of a
256 disqualification the hearing officer shall consider
257 the crash report; revising provisions for informal and
258 formal reviews; providing for the hearing officer to
259 be designated by the department; authorizing the
260 hearing officer to conduct hearings using
261 telecommunications technology; revising procedures for
262 enforcement of subpoenas; directing the department to
263 issue a temporary driving permit or invalidate the
264 suspension under certain circumstances; providing for
265 construction of specified provisions; amending s.
266 323.002, F.S.; providing that an unauthorized wrecker
267 operator's wrecker, tow truck, or other motor vehicle
268 used during certain offenses may be removed and
269 impounded; requiring an unauthorized wrecker operator
270 to disclose certain information in writing to the
271 owner or operator of a motor vehicle and provide a
272 copy of the disclosure to the owner or operator in the
273 presence of a law enforcement officer if an officer is
274 present; authorizing state and local government law
275 enforcement officers to cause to be removed and
276 impounded any wrecker, tow truck, or other motor
277 vehicle used in violation of specified provisions;
278 authorizing the authority that caused the removal and
279 impoundment to assess a cost recovery fine; providing
280 procedures and requirements for release of the

281 vehicle; providing penalties; requiring that the
282 unauthorized wrecker operator pay the fees associated
283 with the removal and storage of the vehicle; amending
284 s. 324.0221, F.S.; revising the actions which must be
285 reported to the department by an insurer that has
286 issued a policy providing personal injury protection
287 coverage or property damage liability coverage;
288 revising time allowed for submitting the report;
289 amending s. 324.031, F.S.; revising the methods a
290 vehicle owner or operator may use to prove financial
291 responsibility; removing a provision for posting a
292 bond with the department; amending s. 324.091, F.S.;
293 revising provisions requiring motor vehicle owners and
294 operators to provide evidence to the department of
295 liability insurance coverage under certain
296 circumstances; revising provisions for verification by
297 insurers of such evidence; amending s. 324.161, F.S.;
298 providing requirements for issuance of a certificate
299 of insurance; requiring proof of a certificate of
300 deposit of a certain amount of money in a financial
301 institution; providing for power of attorney to be
302 issued to the department for execution under certain
303 circumstances; amending s. 328.01, F.S., relating to
304 vessel titles; revising identification requirements
305 for applications for a certificate of title; amending
306 s. 328.48, F.S., relating to vessel registration;
307 revising identification requirements for applications
308 for vessel registration; amending s. 328.76, F.S.,

309 relating to vessel registration funds; revising
310 provisions for funds to be deposited into the Highway
311 Safety Operating Trust Fund; amending s. 713.585,
312 F.S.; revising procedures and requirements for
313 enforcement of lien by sale of motor vehicle when
314 ownership is not established; revising provisions for
315 establishing a good faith effort to locate the owner
316 or lienholder; requiring the lienholder to make
317 certain records checks, including records of the
318 department and the National Motor Vehicle Title
319 Information System and any state disclosed by the
320 check of that system; revising requirements for
321 notification to the local law enforcement agency;
322 revising requirements for notification of the sale of
323 the vehicle; revising documents and proofs the
324 lienholder is required to furnish with a certificate
325 of compliance filed with the clerk of the circuit
326 court; requiring the lienholder to provide the
327 department proof of checking the National Motor
328 Vehicle Title Information System for application for
329 transfer of title; amending s. 713.78, F.S.; revising
330 provisions for enforcement of liens for recovering,
331 towing, or storing a vehicle or vessel; providing a
332 definition; providing for a lien on a vehicle or
333 vessel when a landlord or the landlord's designee
334 authorized removal after tenancy is terminated and
335 specified conditions are met; revising provisions
336 requiring notice to the owner, insurance company, and

337 | lienholders; revising procedures and requirements when
338 | ownership is not established; revising provisions for
339 | establishing a good faith effort to locate the owner
340 | or lienholder; requiring certain records checks,
341 | including records of the department and the National
342 | Motor Vehicle Title Information System and any state
343 | disclosed by the check of that system; revising
344 | provisions for notice of sale; requiring that
345 | insurance company representatives shall be allowed to
346 | inspect the vehicle or vessel; providing that when the
347 | vehicle is to be sold for purposes of being
348 | dismantled, destroyed, or changed in such manner that
349 | it is not the motor vehicle or vessel described in the
350 | certificate of title, it must be reported to the
351 | National Motor Vehicle Title Information System and
352 | application made to the department for a certificate
353 | of destruction; amending ss. 212.08, 261.03, 316.2122,
354 | 316.2124, 316.21265, 316.3026, 316.550, 317.0003,
355 | 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171,
356 | 324.191, 627.733, and 627.7415, F.S.; correcting
357 | cross-references and conforming provisions to changes
358 | made by the act; providing effective dates.

359

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

361

362 | Section 1. Paragraph (m) of subsection (2) of section
363 | 110.205, Florida Statutes, is amended to read:

364 | 110.205 Career service; exemptions.—

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

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

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

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

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

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

387 5. Positions in the Department of Health that are assigned
388 the duties of Environmental Administrator, Assistant County
389 Health Department Director, and County Health Department
390 Financial Administrator.

391 6. Positions in the Department of Highway Safety and Motor
392 Vehicles that are assigned primary duties of serving as captains
393 in the Florida Highway Patrol.

394
395 Unless otherwise fixed by law, the department shall set the
396 salary and benefits of the positions listed in this paragraph in
397 accordance with the rules established for the Selected Exempt
398 Service.

399 Section 2. Section 207.002, Florida Statutes, is amended
400 to read:

401 207.002 Definitions.—As used in this chapter, the term:

402 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
403 ~~which is required to be registered under the International~~
404 ~~Registration Plan.~~

405 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not
406 owned or operated by a governmental entity which uses diesel
407 fuel or motor fuel on the public highways; and which has a gross
408 vehicle weight in excess of 26,000 pounds, or has three or more
409 axles regardless of weight, or is used in combination when the
410 weight of such combination exceeds 26,000 pounds gross vehicle
411 weight. The term excludes any vehicle owned or operated by a
412 community transportation coordinator as defined in s. 427.011 or
413 by a private operator that provides public transit services
414 under contract with such a provider.

415 (2)~~(3)~~ "Department" means the Department of Highway Safety
416 and Motor Vehicles.

417 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
418 product or combination thereof, including, but not limited to,

419 all forms of fuel known or sold as diesel fuel, kerosene, butane
420 gas, or propane gas and all other forms of liquefied petroleum
421 gases, except those defined as "motor fuel," used to propel a
422 motor vehicle.

423 (4)~~(11)~~ "International Registration Plan" means a
424 registration reciprocity agreement among states of the United
425 States and provinces of Canada providing for payment of license
426 fees or license taxes on the basis of fleet miles operated in
427 various jurisdictions.

428 (5)~~(13)~~ "Interstate" means vehicle movement between or
429 through two or more states.

430 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
431 within a state to another point within the same state.

432 (7)~~(4)~~ "Motor carrier" means any person owning,
433 controlling, operating, or managing any motor vehicle used to
434 transport persons or property over any public highway.

435 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
436 as gasoline and fuels containing a mixture of gasoline and other
437 products.

438 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
439 means and includes the utilization in any form of any commercial
440 motor vehicle, whether loaded or empty, whether utilized for
441 compensation or not for compensation, and whether owned by or
442 leased to the motor carrier who uses it or causes it to be used.

443 (10)~~(7)~~ "Person" means and includes natural persons,
444 corporations, copartnerships, firms, companies, agencies, or
445 associations, singular or plural.

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446 (11)~~(8)~~ "Public highway" means any public street, road, or
447 highway in this state.

448 (12)~~(15)~~ "Registrant" means a person in whose name or
449 names a vehicle is properly registered.

450 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
451 diesel fuel or motor fuel in a commercial motor vehicle for the
452 propulsion thereof.

453 ~~(12) "Apportionable vehicle" means any vehicle, except a
454 recreational vehicle, a vehicle displaying restricted plates, a
455 municipal pickup and delivery vehicle, a bus used in
456 transportation of chartered parties, and a government-owned
457 vehicle, which is used or intended for use in two or more states
458 of the United States or provinces of Canada that allocate or
459 proportionally register vehicles and which is used for the
460 transportation of persons for hire or is designed, used, or
461 maintained primarily for the transportation of property and:~~

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

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

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

468 Section 3. Effective July 1, 2014, paragraph (a) of
469 subsection (1) and subsection (2) of section 316.0083, Florida
470 Statutes, are amended to read:

471 316.0083 Mark Wandall Traffic Safety Program;
472 administration; report.—

473 (1) (a) For purposes of administering this section, the

474 department, a county, or a municipality may authorize a traffic
475 infraction enforcement officer under s. 316.640 to issue a
476 traffic citation for a violation of s. 316.074(1) or s.
477 316.075(1)(c)1. Neither a notice of violation nor ~~and~~ a traffic
478 citation may ~~not~~ be issued under this section for a right on red
479 violation for failure to stop at a red light if the driver is
480 making a right-hand turn in a careful and prudent manner at an
481 intersection where right-hand turns are permissible. This
482 paragraph does not prohibit a review of information from a
483 traffic infraction detector by an authorized employee or agent
484 of the department, a county, or a municipality before issuance
485 of the traffic citation by the traffic infraction enforcement
486 officer. This paragraph does not prohibit the department, a
487 county, or a municipality from issuing notification as provided
488 in paragraph (b) to the registered owner of the motor vehicle or
489 to another person identified as having care, custody, or control
490 of the motor vehicle involved in the violation of s. 316.074(1)
491 or s. 316.075(1)(c)1. unless the notification is for a right on
492 red violation.

493 (2) Neither a notice of violation nor ~~and~~ a traffic
494 citation may ~~not~~ be issued under this section for a right on red
495 violation for failure to stop at a red light if the driver is
496 making a right-hand turn in a careful and prudent manner at an
497 intersection where right-hand turns are permissible.

498 Section 4. Paragraph (b) of subsection (2) of section
499 316.066, Florida Statutes, is amended to read:

500 316.066 Written reports of crashes.—

501 (2)

502 (b) Crash reports held by an agency under paragraph (a)
503 may be made immediately available to the parties involved in the
504 crash, their legal representatives, their licensed insurance
505 agents, their insurers or insurers to which they have applied
506 for coverage, persons under contract with such insurers to
507 provide claims or underwriting information, prosecutorial
508 authorities, law enforcement agencies, the Department of
509 Transportation, county traffic operations, victim services
510 programs, radio and television stations licensed by the Federal
511 Communications Commission, newspapers qualified to publish legal
512 notices under ss. 50.011 and 50.031, and free newspapers of
513 general circulation, published once a week or more often,
514 available and of interest to the public generally for the
515 dissemination of news. For the purposes of this section, the
516 following products or publications are not newspapers as
517 referred to in this section: those intended primarily for
518 members of a particular profession or occupational group; those
519 with the primary purpose of distributing advertising; and those
520 with the primary purpose of publishing names and other personal
521 identifying information concerning parties to motor vehicle
522 crashes.

523 Section 5. Effective July 1, 2014, paragraph (a) of
524 subsection (2) of section 316.0776, Florida Statutes, is amended
525 to read:

526 316.0776 Traffic infraction detectors; placement and
527 installation.—

528 (2)(a) If the department, county, or municipality installs
529 a traffic infraction detector at an intersection, the

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530 department, county, or municipality shall notify the public that
531 a traffic infraction device may be in use at that intersection
532 ~~and must specifically include notification of camera enforcement~~
533 ~~of violations concerning right turns.~~ Such signage used to
534 notify the public must meet the specifications for uniform
535 signals and devices adopted by the Department of Transportation
536 pursuant to s. 316.0745.

537 Section 6. Subsections (3) and (4) of section 316.081,
538 Florida Statutes, are renumbered as subsections (4) and (5),
539 respectively, and a new subsection (3) is added to that section
540 to read:

541 316.081 Driving on right side of roadway; exceptions.—

542 (3) On a road, street, or highway having two or more lanes
543 that allow movement in the same direction, a driver may not
544 continue to operate a motor vehicle at less than the posted
545 speed limit in the furthestmost left-hand lane if the driver
546 knows or reasonably should know that he or she is being
547 overtaken in that lane from the rear by a motor vehicle
548 traveling at a higher rate of speed, except when overtaking and
549 passing another vehicle proceeding in the same direction, when
550 preparing for a left turn at an intersection or into a private
551 road or driveway, or when the driver is traveling at a speed
552 that is under the posted speed limit by 15 miles per hour or
553 less.

554 (4)-(3) Upon any roadway having four or more lanes for
555 moving traffic and providing for two-way movement of traffic, no
556 vehicle shall be driven to the left of the centerline of the
557 roadway, except when authorized by official traffic control

558 devices designating certain lanes to the left side of the center
559 of the roadway for use by traffic not otherwise permitted to use
560 such lanes, or except as permitted under paragraph (1) (b).
561 However, this subsection shall not be construed as prohibiting
562 the crossing of the centerline in making a left turn into or
563 from an alley, private road, or driveway.

564 (5)~~(4)~~ A violation of this section is a noncriminal
565 traffic infraction, punishable as a moving violation as provided
566 in chapter 318.

567 Section 7. Subsection (1) of section 316.1937, Florida
568 Statutes, is amended to read:

569 316.1937 Ignition interlock devices, requiring; unlawful
570 acts.—

571 (1) In addition to any other authorized penalties, the
572 court may require that any person who is convicted of driving
573 under the influence in violation of s. 316.193 shall not operate
574 a motor vehicle unless that vehicle is equipped with a
575 functioning ignition interlock device certified by the
576 department as provided in s. 316.1938, and installed in such a
577 manner that the vehicle will not start if the operator's blood
578 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
579 specified by the court. The court may require the use of an
580 approved ignition interlock device for a period of at least ~~not~~
581 ~~less than~~ 6 continuous months, if the person is permitted to
582 operate a motor vehicle, whether or not the privilege to operate
583 a motor vehicle is restricted, as determined by the court. The
584 court, however, shall order placement of an ignition interlock
585 device in those circumstances required by s. 316.193.

586 Section 8. Subsection (2) of section 316.2397, Florida
 587 Statutes, is amended to read:

588 316.2397 Certain lights prohibited; exceptions.—

589 (2) It is expressly prohibited for any vehicle or
 590 equipment, except police vehicles, to show or display blue
 591 lights. However, vehicles owned, operated, or leased by the
 592 Department of Corrections or any county correctional agency may
 593 show or display blue lights when responding to emergencies. With
 594 written approval of the city's police chief or county sheriff, a
 595 city mayor who is the head of a city government and the head law
 596 enforcement official of the municipality are exempt from the
 597 prohibition under this subsection.

598 Section 9. Paragraph (b) of subsection (1), paragraph (a)
 599 of subsection (4), and subsection (9) of section 316.302,
 600 Florida Statutes, are amended to read:

601 316.302 Commercial motor vehicles; safety regulations;
 602 transporters and shippers of hazardous materials; enforcement.—

603 (1)

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

611 (4) (a) Except as provided in this subsection, all
 612 commercial motor vehicles transporting any hazardous material on
 613 any road, street, or highway open to the public, whether engaged

614 in interstate or intrastate commerce, and any person who offers
 615 hazardous materials for such transportation, are subject to the
 616 regulations contained in 49 C.F.R. part 107, subparts F and
 617 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
 618 Effective July 1, 1997, the exceptions for intrastate motor
 619 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
 620 adopted.

621 ~~(9) (a) This section is not applicable to the transporting~~
 622 ~~of liquefied petroleum gas. The rules and regulations applicable~~
 623 ~~to the transporting of liquefied petroleum gas on the highways,~~
 624 ~~roads, or streets of this state shall be only those adopted by~~
 625 ~~the Department of Agriculture and Consumer Services under~~
 626 ~~chapter 527. However, transporters of liquefied petroleum gas~~
 627 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
 628 ~~396.9.~~

629 ~~(b)~~ This section does not apply to any nonpublic sector
 630 bus.

631 Section 10. Paragraph (b) of subsection (3) and subsection
 632 (5) of section 316.3025, Florida Statutes, are amended,
 633 subsections (6) and (7) are renumbered as subsections (7) and
 634 (8), respectively, and a new subsection (6) is added to that
 635 section, to read:

636 316.3025 Penalties.—

637 (3)

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

639 1. Each violation of the North American Uniform Driver
 640 Out-of-Service Criteria;

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

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

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

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

647 (5) Whenever any person or motor carrier as defined in
 648 chapter 320 violates the provisions of this section and becomes
 649 indebted to the state because of such violation and refuses to
 650 pay the appropriate penalty, in addition to the provisions of s.
 651 316.3026, such penalty becomes a lien upon the property
 652 including the motor vehicles of such person or motor carrier and
 653 may be seized and foreclosed by the state in a civil action in
 654 any court of this state. It shall be presumed that the owner of
 655 the motor vehicle is liable for the sum, and the vehicle may be
 656 detained or impounded until the penalty is paid.

657 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
 658 prohibits texting while operating a commercial motor vehicle, or
 659 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
 660 telephone while operating a commercial motor vehicle, may be
 661 assessed a civil penalty and commercial driver license
 662 disqualification as follows:

663 1. First violation: \$500.

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

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

669 (b) A company requiring or allowing a driver to violate 49
670 C.F.R. s. 392.80, which prohibits texting while operating a
671 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
672 prohibits using a handheld mobile telephone while operating a
673 commercial motor vehicle, may, in addition to any other penalty
674 assessed, be assessed the following civil penalty. The driver
675 shall not be charged with an offense for the first violation
676 under this paragraph by the company.

- 677 1. First violation: \$2,750.
678 2. Second violation: \$5,000.
679 3. Third and subsequent violations: \$11,000.

680 Section 11. Paragraph (c) of subsection (5) of section
681 316.515, Florida Statutes, is amended to read:

682 316.515 Maximum width, height, length.—

683 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
684 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

685 (c) The width and height limitations of this section do
686 not apply to farming or agricultural equipment, whether self-
687 propelled, pulled, or hauled, when temporarily operated during
688 daylight hours upon a public road that is not a limited access
689 facility as defined in s. 334.03(12), and the width and height
690 limitations may be exceeded by such equipment without a permit.
691 To be eligible for this exemption, the equipment shall be
692 operated within a radius of 50 miles of the real property owned,
693 rented, managed, harvested, or leased by the equipment owner.
694 However, equipment being delivered by a dealer to a purchaser is
695 not subject to the 50-mile limitation. Farming or agricultural
696 equipment greater than 174 inches in width must have one warning

697 lamp mounted on each side of the equipment to denote the width
 698 and must have a slow-moving vehicle sign. Warning lamps required
 699 by this paragraph must be visible from the front and rear of the
 700 vehicle and must be visible from a distance of at least 1,000
 701 feet.

702 Section 12. Paragraph (d) of subsection (3) of section
 703 316.545, Florida Statutes, is amended to read:

704 316.545 Weight and load unlawful; special fuel and motor
 705 fuel tax enforcement; inspection; penalty; review.—

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

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

714 Section 13. Subsection (1) of section 316.646, Florida
 715 Statutes, is amended, and subsection (5) is added to that
 716 section, to read:

717 316.646 Security required; proof of security and display
 718 thereof; dismissal of cases.—

719 (1) Any person required by s. 324.022 to maintain property
 720 damage liability security, required by s. 324.023 to maintain
 721 liability security for bodily injury or death, or required by s.
 722 627.733 to maintain personal injury protection security on a
 723 motor vehicle shall have in his or her immediate possession at
 724 all times while operating such motor vehicle proper proof of

725 maintenance of the required security. Such proof shall be a
726 uniform proof-of-insurance card in a paper or an electronic
727 format in a form prescribed by the department, a valid insurance
728 policy, an insurance policy binder, a certificate of insurance,
729 or such other proof as may be prescribed by the department. If a
730 person presents to a law enforcement officer an electronic
731 device displaying a proof-of-insurance card in an electronic
732 format, such person:

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

736 (b) Assumes liability for any damage to the electronic
737 device.

738 (5) The department shall adopt rules to implement this
739 section.

740 Section 14. Section 317.0016, Florida Statutes, is amended
741 to read:

742 317.0016 Expedited service; applications; fees.—The
743 department shall provide, through its agents and for use by the
744 public, expedited service on title transfers, title issuances,
745 duplicate titles, and recordation of liens, ~~and certificates of~~
746 ~~repossession~~. A fee of \$7 shall be charged for this service,
747 which is in addition to the fees imposed by ss. 317.0007 and
748 317.0008, and \$3.50 of this fee shall be retained by the
749 processing agency. All remaining fees shall be deposited in the
750 Incidental Trust Fund of the Florida Forest Service of the
751 Department of Agriculture and Consumer Services. Application for
752 expedited service may be made by mail or in person. The

753 department shall issue each title applied for pursuant to this
754 section within 5 working days after receipt of the application
755 except for an application for a duplicate title certificate
756 covered by s. 317.0008(3), in which case the title must be
757 issued within 5 working days after compliance with the
758 department's verification requirements.

759 Section 15. Paragraph (a) of subsection (4) and
760 subsections (9) and (10) of section 318.14, Florida Statutes,
761 are amended to read:

762 318.14 Noncriminal traffic infractions; exception;
763 procedures.—

764 (4) (a) Except as provided in subsection (12), any person
765 charged with a noncriminal infraction under this section who
766 does not elect to appear shall, within 30 days after the date of
767 issuance of the citation:

768 1. Pay the civil penalty and delinquent fee, if
769 applicable, either by mail or in person; or

770 2. Enter into a payment plan in accordance with s. 28.246
771 with the clerk of the court to pay the civil penalty and
772 delinquent fee, if applicable.

773 (9) Any person who does not hold a commercial driver
774 license or commercial learner's permit and who is cited while
775 driving a noncommercial motor vehicle for an infraction under
776 this section other than a violation of s. 316.183(2), s.
777 316.187, or s. 316.189 when the driver exceeds the posted limit
778 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
779 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
780 lieu of a court appearance, elect to attend in the location of

781 his or her choice within this state a basic driver improvement
782 course approved by the Department of Highway Safety and Motor
783 Vehicles. In such a case, adjudication must be withheld and
784 points, as provided by s. 322.27, may not be assessed. However,
785 a person may not make an election under this subsection if the
786 person has made an election under this subsection in the
787 preceding 12 months. A person may not make more than five
788 elections within his or her lifetime under this subsection. The
789 requirement for community service under s. 318.18(8) is not
790 waived by a plea of nolo contendere or by the withholding of
791 adjudication of guilt by a court. If a person makes an election
792 to attend a basic driver improvement course under this
793 subsection, 18 percent of the civil penalty imposed under s.
794 318.18(3) shall be deposited in the State Courts Revenue Trust
795 Fund; however, that portion is not revenue for purposes of s.
796 28.36 and may not be used in establishing the budget of the
797 clerk of the court under that section or s. 28.35.

798 (10) (a) Any person who does not hold a commercial driver
799 license or commercial learner's permit and who is cited while
800 driving a noncommercial motor vehicle for an offense listed
801 under this subsection may, in lieu of payment of fine or court
802 appearance, elect to enter a plea of nolo contendere and provide
803 proof of compliance to the clerk of the court, designated
804 official, or authorized operator of a traffic violations bureau.
805 In such case, adjudication shall be withheld; however, a person
806 may not make an election under this subsection if the person has
807 made an election under this subsection in the preceding 12
808 months. A person may not make more than three elections under

809 | this subsection. This subsection applies to the following
810 | offenses:

811 | 1. Operating a motor vehicle without a valid driver
812 | license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
813 | or operating a motor vehicle with a license that has been
814 | suspended for failure to appear, failure to pay civil penalty,
815 | or failure to attend a driver improvement course pursuant to s.
816 | 322.291.

817 | 2. Operating a motor vehicle without a valid registration
818 | in violation of s. 320.0605, s. 320.07, or s. 320.131.

819 | 3. Operating a motor vehicle in violation of s. 316.646.

820 | 4. Operating a motor vehicle with a license that has been
821 | suspended under s. 61.13016 or s. 322.245 for failure to pay
822 | child support or for failure to pay any other financial
823 | obligation as provided in s. 322.245; however, this subparagraph
824 | does not apply if the license has been suspended pursuant to s.
825 | 322.245(1).

826 | 5. Operating a motor vehicle with a license that has been
827 | suspended under s. 322.091 for failure to meet school attendance
828 | requirements.

829 | (b) Any person cited for an offense listed in this
830 | subsection shall present proof of compliance before the
831 | scheduled court appearance date. For the purposes of this
832 | subsection, proof of compliance shall consist of a valid,
833 | renewed, or reinstated driver license or registration
834 | certificate and proper proof of maintenance of security as
835 | required by s. 316.646. Notwithstanding waiver of fine, any
836 | person establishing proof of compliance shall be assessed court

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837 costs of \$25, except that a person charged with violation of s.
838 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
839 such costs shall be remitted to the Department of Revenue for
840 deposit into the Child Welfare Training Trust Fund of the
841 Department of Children and Family Services. One dollar of such
842 costs shall be distributed to the Department of Juvenile Justice
843 for deposit into the Juvenile Justice Training Trust Fund.
844 Fourteen dollars of such costs shall be distributed to the
845 municipality and \$9 shall be deposited by the clerk of the court
846 into the fine and forfeiture fund established pursuant to s.
847 142.01, if the offense was committed within the municipality. If
848 the offense was committed in an unincorporated area of a county
849 or if the citation was for a violation of s. 316.646(1)-(3), the
850 entire amount shall be deposited by the clerk of the court into
851 the fine and forfeiture fund established pursuant to s. 142.01,
852 except for the moneys to be deposited into the Child Welfare
853 Training Trust Fund and the Juvenile Justice Training Trust
854 Fund. This subsection does not authorize the operation of a
855 vehicle without a valid driver license, without a valid vehicle
856 tag and registration, or without the maintenance of required
857 security.

858 Section 16. Section 318.1451, Florida Statutes, is amended
859 to read:

860 318.1451 Driver improvement schools.—

861 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
862 shall approve and regulate the courses of all driver improvement
863 schools, as the courses relate to ss. 318.14(9), 322.0261, and
864 322.291, including courses that use technology as a delivery

865 ~~method. The chief judge of the applicable judicial circuit may~~
866 ~~establish requirements regarding the location of schools within~~
867 ~~the judicial circuit. A person may engage in the business of~~
868 ~~operating a driver improvement school that offers department-~~
869 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
870 ~~322.291.~~

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

875 (2) (a) In determining whether to approve the courses
876 referenced in this section, the department shall consider course
877 content designed to promote safety, driver awareness, crash
878 avoidance techniques, and other factors or criteria to improve
879 driver performance from a safety viewpoint, including promoting
880 motorcyclist, bicyclist, and pedestrian safety and risk factors
881 resulting from driver attitude and irresponsible driver
882 behaviors, such as speeding, running red lights and stop signs,
883 and using electronic devices while driving. Initial approval of
884 the courses shall also be based on the department's review of
885 all course materials, course presentation to the department by
886 the provider, and the provider's plan for effective oversight of
887 the course by those who deliver the course in the state. New
888 courses shall be provisionally approved and limited to the
889 judicial circuit originally approved for pilot testing until the
890 course is fully approved by the department for statewide
891 delivery.

892 (b) In determining whether to approve courses of driver
893 improvement schools that use technology as the delivery method
894 as the courses relate to ss. 318.14(9) and 322.0261, the
895 department shall consider only those courses submitted by a
896 person, business, or entity which have approval for statewide
897 delivery.

898 (3) The department ~~of Highway Safety and Motor Vehicles~~
899 shall not accept ~~suspend accepting~~ proof of attendance of
900 courses from persons who attend those schools that do not teach
901 an approved course. ~~In those circumstances, a person who has~~
902 ~~elected to take courses from such a school shall receive a~~
903 ~~refund from the school, and the person shall have the~~
904 ~~opportunity to take the course at another school.~~

905 (4) In addition to a regular course fee, an assessment fee
906 in the amount of \$2.50 shall be collected by the school from
907 each person who elects to attend a course, as it relates to ss.
908 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
909 must remit the \$2.50 assessment fee to the department for
910 deposit into, ~~which shall be remitted to the Department of~~
911 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~
912 ~~Safety Operating Trust Fund in order to receive unique course~~
913 ~~completion certificate numbers for course participants. The~~
914 assessment fee will be used to administer this program and to
915 fund the general operations of the department.

916 (5) (a) The department is authorized to maintain the
917 information and records necessary to administer its duties and
918 responsibilities for driver improvement courses. Course
919 providers are required to maintain all records related to the

920 conduct of their approved courses for 5 years and allow the
921 department to inspect course records as necessary. Records may
922 be maintained in an electronic format. If ~~where~~ such information
923 is a public record as defined in chapter 119, it shall be made
924 available to the public upon request pursuant to s. 119.07(1).

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

930 (6) The department shall adopt rules establishing and
931 maintaining policies and procedures to implement the
932 requirements of this section. These policies and procedures may
933 include, but shall not be limited to, the following:

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

939 (b) Required updates.—The department may require that
940 courses approved under this section be updated at the
941 department's request. Failure of a course provider to update the
942 course under this section shall result in the suspension of the
943 course approval until the course is updated and approved by the
944 department.

945 (c) Course conduct.—The department shall require that the
946 approved course providers ensure their driver improvement

947 schools are conducting the approved course fully and to the
948 required time limit and content requirements.

949 (d) Course content.—The department shall set and modify
950 course content requirements to keep current with laws and safety
951 information. Course content includes all items used in the
952 conduct of the course.

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

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

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

963 (h) Miscellaneous requirements.—The department shall
964 require that all course providers:

965 1. Disclose all fees associated with courses offered by
966 the provider and associated driver improvement schools and not
967 charge any fees that are not disclosed during registration.

968 2. Provide proof of ownership, copyright, or written
969 permission from the course owner to use the course in this
970 state.

971 3. Ensure that any course that is offered in a classroom
972 setting, by the provider or a school authorized by the provider
973 to teach the course, is offered at locations that are free from
974 distractions and reasonably accessible to most applicants.

975 4. Issue a certificate to persons who successfully
976 complete the course.

977 Section 17. Section 319.141, Florida Statutes, is created
978 to read:

979 319.141 Pilot program for private sector rebuilt vehicle
980 inspections.-

981 (1) Effective October 1, 2013, the department shall
982 conduct a pilot program to evaluate alternatives for rebuilt
983 vehicle inspection services to be offered by the private sector.
984 The purpose of the pilot program is for the department to
985 investigate the feasibility of private rebuilt vehicle
986 inspection facilities, the cost to the consumer, and the
987 potential savings to the department. The pilot program shall be
988 limited to Miami-Dade and Hillsborough Counties and will allow
989 participating private parties to conduct rebuilt vehicle
990 inspections.

991 (2) For the purpose of this pilot program, the term
992 "rebuilt inspection facility" means a privately owned and
993 operated entity authorized by the department to inspect rebuilt
994 vehicles for the department, and the term "rebuilt inspection"
995 means an inspection of a rebuilt vehicle and its properly
996 endorsed certificate of title, salvage certificate of title, or
997 manufacturer's statement of origin submitted to the department,
998 together with an application for a rebuilt certificate of title,
999 a rebuilder's affidavit, a photo of the junk or salvage vehicle
1000 taken before any repairs began, receipts or invoices for all
1001 major component parts, as defined in s. 319.30(1), that were

1002 changed, and proof of reporting of the rebuilding of the vehicle
1003 to the National Motor Vehicle Title Information System.

1004 (3) The department shall establish a memorandum of
1005 understanding with each participant in the pilot program
1006 covering oversight requirements, providing bonding and insurance
1007 requirements, establishing procedures and forms, and requiring
1008 the electronic transmission of rebuilt documents.

1009 (4) Before any person or company can be approved by the
1010 department as a rebuilt inspection facility, the department
1011 shall ensure that the entity meets basic criteria designed to
1012 protect the public, which includes the following minimum
1013 criteria in addition to other such criteria that the department
1014 finds necessary to conduct proper inspections. At a minimum, the
1015 applicant must:

1016 (a) Have and maintain a surety bond or irrevocable letter
1017 of credit, executed by the applicant, in the sum of \$50,000.

1018 (b) Have and maintain garage liability insurance for the
1019 rebuilt inspection facility.

1020 (c) Have completed criminal background checks of all
1021 owners, partners, corporate officers, and rebuilt inspectors
1022 employed by the applicant's company.

1023 (5) Pilot program participants are required to access
1024 vehicle and titling information and input inspection results
1025 through an authorized electronic filing system.

1026 (6) The department shall provide a report to the President
1027 of the Senate and the Speaker of the House of Representatives
1028 regarding results of the pilot program by February 1, 2015. This

1029 section expires July 1, 2015, unless otherwise extended by an
 1030 act of the Legislature.

1031 Section 18. Section 319.225, Florida Statutes, is amended
 1032 to read:

1033 319.225 Transfer and reassignment forms; odometer
 1034 disclosure statements.—

1035 (1) Every certificate of title issued by the department
 1036 must contain the following statement on its reverse side:
 1037 "Federal and state law require the completion of the odometer
 1038 statement set out below. Failure to complete or providing false
 1039 information may result in fines, imprisonment, or both."

1040 (2) Each certificate of title issued by the department
 1041 must contain on its front ~~reverse~~ side a form for transfer of
 1042 title by the titleholder of record, which form must contain an
 1043 odometer disclosure statement in the form required by 49 C.F.R.
 1044 s. 580.5.

1045 (3) Each certificate of title issued by the department
 1046 must contain on its reverse side as many forms as space allows
 1047 for reassignment of title by a licensed dealer as permitted by
 1048 s. 319.21(3), which form or forms shall contain an odometer
 1049 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 1050 When all dealer reassignment forms provided on the back of the
 1051 title certificate have been filled in, a dealer may reassign the
 1052 title certificate by using a separate dealer reassignment form
 1053 issued by the department in compliance with 49 C.F.R. ss. 580.4
 1054 and 580.5, which form shall contain an original that ~~two carbon~~
 1055 ~~copies one of which~~ shall be submitted ~~directly~~ to the
 1056 department by the dealer ~~within 5 business days after the~~

1057 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
1058 dealer in his or her records for 5 years. The provisions of this
1059 subsection shall also apply to vehicles not previously titled in
1060 this state and vehicles whose title certificates do not contain
1061 the forms required by this section.

1062 (4) Upon transfer or reassignment of a certificate of
1063 title to a used motor vehicle, the transferor shall complete the
1064 odometer disclosure statement provided for by this section and
1065 the transferee shall acknowledge the disclosure by signing and
1066 printing his or her name in the spaces provided. This subsection
1067 does not apply to a vehicle that has a gross vehicle rating of
1068 more than 16,000 pounds, a vehicle that is not self-propelled,
1069 or a vehicle that is 10 years old or older. A lessor who
1070 transfers title to his or her vehicle without obtaining
1071 possession of the vehicle shall make odometer disclosure as
1072 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1073 or acknowledge a disclosure statement as required by this
1074 subsection is guilty of a misdemeanor of the second degree,
1075 punishable as provided in s. 775.082 or s. 775.083. The
1076 department may not issue a certificate of title unless this
1077 subsection has been complied with.

1078 (5) The same person may not sign a disclosure statement as
1079 both the transferor and the transferee in the same transaction
1080 except as provided in subsection (6).

1081 (6) (a) If the certificate of title is physically held by a
1082 lienholder, the transferor may give a power of attorney to his
1083 or her transferee for the purpose of odometer disclosure. The
1084 power of attorney must be on a form issued or authorized by the

1085 department, which form must be in compliance with 49 C.F.R. ss.
1086 580.4 and 580.13. The department shall not require the signature
1087 of the transferor to be notarized on the form; however, in lieu
1088 of notarization, the form shall include an affidavit with the
1089 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1090 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1091 ARE TRUE. The transferee shall sign the power of attorney form,
1092 print his or her name, and return a copy of the power of
1093 attorney form to the transferor. Upon receipt of a title
1094 certificate, the transferee shall complete the space for mileage
1095 disclosure on the title certificate exactly as the mileage was
1096 disclosed by the transferor on the power of attorney form. If
1097 the transferee is a licensed motor vehicle dealer who is
1098 transferring the vehicle to a retail purchaser, the dealer shall
1099 make application on behalf of the retail purchaser as provided
1100 in s. 319.23(6) and shall submit the original power of attorney
1101 form to the department with the application for title and the
1102 transferor's title certificate; otherwise, a dealer may reassign
1103 the title certificate by using the dealer reassignment form in
1104 the manner prescribed in subsection (3), and, at the time of
1105 physical transfer of the vehicle, the original power of attorney
1106 shall be delivered to the person designated as the transferee of
1107 the dealer on the dealer reassignment form. ~~A copy of the~~
1108 ~~executed power of attorney shall be submitted to the department~~
1109 ~~with a copy of the executed dealer reassignment form within 5~~
1110 ~~business days after the certificate of title and dealer~~
1111 ~~reassignment form are delivered by the dealer to its transferee.~~

1112 (b) If the certificate of title is lost or otherwise
1113 unavailable, the transferor may give a power of attorney to his
1114 or her transferee for the purpose of odometer disclosure. The
1115 power of attorney must be on a form issued or authorized by the
1116 department, which form must be in compliance with 49 C.F.R. ss.
1117 580.4 and 580.13. The department shall not require the signature
1118 of the transferor to be notarized on the form; however, in lieu
1119 of notarization, the form shall include an affidavit with the
1120 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1121 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1122 ARE TRUE. The transferee shall sign the power of attorney form,
1123 print his or her name, and return a copy of the power of
1124 attorney form to the transferor. Upon receipt of the title
1125 certificate or a duplicate title certificate, the transferee
1126 shall complete the space for mileage disclosure on the title
1127 certificate exactly as the mileage was disclosed by the
1128 transferor on the power of attorney form. If the transferee is a
1129 licensed motor vehicle dealer who is transferring the vehicle to
1130 a retail purchaser, the dealer shall make application on behalf
1131 of the retail purchaser as provided in s. 319.23(6) and shall
1132 submit the original power of attorney form to the department
1133 with the application for title and the transferor's title
1134 certificate or duplicate title certificate; otherwise, a dealer
1135 may reassign the title certificate by using the dealer
1136 reassignment form in the manner prescribed in subsection (3),
1137 and, at the time of physical transfer of the vehicle, the
1138 original power of attorney shall be delivered to the person
1139 designated as the transferee of the dealer on the dealer

1140 reassignment form. If the dealer sells the vehicle to an out-of-
1141 state resident or an out-of-state dealer and the power of
1142 attorney form is applicable to the transaction, the dealer must
1143 photocopy the completed original of the form and mail directly
1144 to the department within 5 business days after the certificate
1145 of title and dealer reassignment form are delivered by the
1146 dealer to its purchaser. ~~A copy of the executed power of~~
1147 ~~attorney shall be submitted to the department with a copy of the~~
1148 ~~executed dealer reassignment form within 5 business days after~~
1149 ~~the duplicate certificate of title and dealer reassignment form~~
1150 ~~are delivered by the dealer to its transferee.~~

1151 (c) If the mechanics of the transfer of title to a motor
1152 vehicle in accordance with the provisions of paragraph (a) or
1153 paragraph (b) are determined to be incompatible with and
1154 unlawful under the provisions of 49 C.F.R. part 580, the
1155 transfer of title to a motor vehicle by operation of this
1156 subsection can be effected in any manner not inconsistent with
1157 49 C.F.R. part 580 and Florida law; provided, any power of
1158 attorney form issued or authorized by the department under this
1159 subsection shall contain an original that ~~two carbon copies, one~~
1160 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1161 dealer ~~within 5 business days of use by the dealer~~ to effect
1162 transfer of a title certificate as provided in paragraphs (a)
1163 and (b) and a copy that ~~one of which~~ shall be retained by the
1164 dealer in its records for 5 years.

1165 (d) Any person who fails to complete the information
1166 required by this subsection or to file with the department the
1167 forms required by this subsection is guilty of a misdemeanor of

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1168 the second degree, punishable as provided in s. 775.082 or s.
1169 775.083. The department shall not issue a certificate of title
1170 unless this subsection has been complied with.

1171 (7) If a title is held electronically and the transferee
1172 agrees to maintain the title electronically, the transferor and
1173 transferee shall complete a secure reassignment document which
1174 discloses the odometer reading and is signed by both the
1175 transferor and transferee at the tax collector office or license
1176 plate agency. Each certificate of title issued by the department
1177 must contain on its reverse side a minimum of three ~~four~~ spaces
1178 for notation of the name and license number of any auction
1179 through which the vehicle is sold and the date the vehicle was
1180 auctioned. Each separate dealer reassignment form issued by the
1181 department must also have the space referred to in this section.
1182 When a transfer of title is made at a motor vehicle auction, the
1183 reassignment must note the name and address of the auction, but
1184 the auction shall not thereby be deemed to be the owner, seller,
1185 transferor, or assignor of title. A motor vehicle auction is
1186 required to execute a dealer reassignment only when it is the
1187 owner of a vehicle being sold.

1188 (8) Upon transfer or reassignment of a used motor vehicle
1189 through the services of an auction, the auction shall complete
1190 the information in the space provided for by subsection (7). Any
1191 person who fails to complete the information as required by this
1192 subsection is guilty of a misdemeanor of the second degree,
1193 punishable as provided in s. 775.082 or s. 775.083. The
1194 department shall not issue a certificate of title unless this
1195 subsection has been complied with.

1196 (9) This section shall be construed to conform to 49
 1197 C.F.R. part 580.

1198 Section 19. Subsection (9) of section 319.23, Florida
 1199 Statutes, is amended to read:

1200 319.23 Application for, and issuance of, certificate of
 1201 title.—

1202 (9) The title certificate or application for title must
 1203 contain the applicant's full first name, middle initial, last
 1204 name, date of birth, sex, and the license plate number. An
 1205 individual applicant must provide ~~personal or business~~
 1206 ~~identification, which may include, but need not be limited to, a~~
 1207 valid driver ~~driver's~~ license or identification card issued by
 1208 ~~number,~~ Florida or another state, or a valid passport. A
 1209 business applicant must provide a identification card number, or
 1210 federal employer identification number, if applicable,
 1211 verification that the business is authorized to conduct business
 1212 in the state, or a Florida city or county business license or
 1213 number. In lieu of ~~and~~ the license plate number, the individual
 1214 or business applicant must provide ~~or, in lieu thereof,~~ an
 1215 affidavit certifying that the motor vehicle to be titled will
 1216 not be operated upon the public highways of this state.

1217 Section 20. Paragraph (b) of subsection (2) of section
 1218 319.28, Florida Statutes, is amended to read:

1219 319.28 Transfer of ownership by operation of law.—

1220 (2)

1221 (b) In case of repossession of a motor vehicle or mobile
 1222 home pursuant to the terms of a security agreement or similar
 1223 instrument, an affidavit by the party to whom possession has

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1224 passed stating that the vehicle or mobile home was repossessed
1225 upon default in the terms of the security agreement or other
1226 instrument shall be considered satisfactory proof of ownership
1227 and right of possession. At least 5 days before ~~prior to~~ selling
1228 the repossessed vehicle, any subsequent lienholder named in the
1229 last issued certificate of title shall be sent notice of the
1230 repossession by certified mail, on a form prescribed by the
1231 department. If such notice is given and no written protest to
1232 the department is presented by a subsequent lienholder within 15
1233 days after ~~from~~ the date on which the notice was mailed, the
1234 certificate of title ~~or the certificate of repossession~~ shall be
1235 issued showing no liens. If the former owner or any subsequent
1236 lienholder files a written protest under oath within such 15-day
1237 period, the department shall not issue the certificate of title
1238 ~~or certificate of repossession~~ for 10 days thereafter. If within
1239 the 10-day period no injunction or other order of a court of
1240 competent jurisdiction has been served on the department
1241 commanding it not to deliver the certificate of title ~~or~~
1242 ~~certificate of repossession~~, the department shall deliver the
1243 certificate of title ~~or repossession~~ to the applicant or as may
1244 otherwise be directed in the application showing no other liens
1245 than those shown in the application. Any lienholder who has
1246 repossessed a vehicle in this state in compliance with the
1247 provisions of this section must apply to a tax collector's
1248 office in this state or to the department for a ~~certificate of~~
1249 ~~repossession or to the department for a~~ certificate of title
1250 pursuant to s. 319.323. Proof of the required notice to
1251 subsequent lienholders shall be submitted together with regular

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1252 title fees. ~~A lienholder to whom a certificate of repossession~~
1253 ~~has been issued may assign the certificate of title to the~~
1254 ~~subsequent owner.~~ Any person found guilty of violating any
1255 requirements of this paragraph shall be guilty of a felony of
1256 the third degree, punishable as provided in s. 775.082, s.
1257 775.083, or s. 775.084.

1258 Section 21. Section 319.30, Florida Statutes, is amended
1259 to read:

1260 319.30 Definitions; dismantling, destruction, change of
1261 identity of motor vehicle or mobile home; salvage.—

1262 (1) As used in this section, the term:

1263 (a) "Certificate of destruction" means the certificate
1264 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

1265 (b) "Certificate of registration number" means the
1266 certificate of registration number issued by the Department of
1267 Revenue of the State of Florida pursuant to s. 538.25.

1268 (c) "Certificate of title" means a record that serves as
1269 evidence of ownership of a vehicle, whether such record is a
1270 paper certificate authorized by the department or by a motor
1271 vehicle department authorized to issue titles in another state
1272 or a certificate consisting of information stored in electronic
1273 form in the department's database.

1274 (d) "Derelict" means any material which is or may have
1275 been a motor vehicle or mobile home, which is not a major part
1276 or major component part, which is inoperable, and which is in
1277 such condition that its highest or primary value is in its sale
1278 or transfer as scrap metal.

1279 (e) "Derelict motor vehicle" means:

1280 1. Any motor vehicle as defined in s. 320.01(1) or mobile
1281 home as defined in s. 320.01(2), with or without all parts,
1282 major parts, or major component parts, which is valued under
1283 \$1,000, is at least 10 model years old, beginning with the model
1284 year of the vehicle as year one, and is in such condition that
1285 its highest or primary value is for sale, transport, or delivery
1286 to a licensed salvage motor vehicle dealer or registered
1287 secondary metals recycler for dismantling its component parts or
1288 conversion to scrap metal; or

1289 2. Any trailer as defined in s. 320.01(1), with or without
1290 all parts, major parts, or major component parts, which is
1291 valued under \$5,000, is at least 10 model years old, beginning
1292 with the model year of the vehicle as year one, and is in such
1293 condition that its highest or primary value is for sale,
1294 transport, or delivery to a licensed salvage motor vehicle
1295 dealer or registered secondary metals recycler for conversion to
1296 scrap metal.

1297 (f) "Derelict motor vehicle certificate" means a
1298 certificate issued by the department which serves as evidence
1299 that a derelict motor vehicle will be dismantled or converted to
1300 scrap metal. This certificate may be obtained by completing a
1301 derelict motor vehicle certificate application authorized by the
1302 department. A derelict motor vehicle certificate may be
1303 reassigned only one time if the derelict motor vehicle
1304 certificate was completed by a licensed salvage motor vehicle
1305 dealer and the derelict motor vehicle was sold to another
1306 licensed salvage motor vehicle dealer or a secondary metals
1307 recycler.

1308 (g) "Independent entity" means a business or entity that
1309 may temporarily store damaged or dismantled motor vehicles
1310 pursuant to an agreement with an insurance company and is
1311 engaged in the sale or resale of damaged or dismantled motor
1312 vehicles. The term does not include a wrecker operator, a towing
1313 company, or a repair facility.

1314 (h) "Junk" means any material which is or may have been a
1315 motor vehicle or mobile home, with or without all component
1316 parts, which is inoperable and which material is in such
1317 condition that its highest or primary value is either in its
1318 sale or transfer as scrap metal or for its component parts, or a
1319 combination of the two, except when sold or delivered to or when
1320 purchased, possessed, or received by a secondary metals recycler
1321 or salvage motor vehicle dealer.

1322 (i) "Major component parts" means:

1323 1. For motor vehicles other than motorcycles, any fender,
1324 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
1325 door, decklid, floor pan, engine, frame, transmission, catalytic
1326 converter, or airbag.

1327 2. For trucks, in addition to those parts listed in
1328 subparagraph 1., any truck bed, including dump, wrecker, crane,
1329 mixer, cargo box, or any bed which mounts to a truck frame.

1330 3. For motorcycles, the body assembly, frame, fenders, gas
1331 tanks, engine, cylinder block, heads, engine case, crank case,
1332 transmission, drive train, front fork assembly, and wheels.

1333 4. For mobile homes, the frame.

1334 (j) "Major part" means the front-end assembly, cowl
1335 assembly, or rear body section.

1336 (k) "Materials" means motor vehicles, derelicts, and major
 1337 parts that are not prepared materials.

1338 (l) "Mobile home" means mobile home as defined in s.
 1339 320.01(2).

1340 (m) "Motor vehicle" means motor vehicle as defined in s.
 1341 320.01(1).

1342 (n) "National Motor Vehicle Title Information System"
 1343 means the national mandated vehicle history database maintained
 1344 by the United States Department of Justice to link the states'
 1345 motor vehicle title records, including Florida's Department of
 1346 Highway Safety and Motor Vehicles' title records, and ensure
 1347 that states, law enforcement agencies, and consumers have access
 1348 to vehicle titling, branding, and other information that enables
 1349 them to verify the accuracy and legality of a motor vehicle
 1350 title before purchase or title transfer of the vehicle occurs.

1351 ~~(o)~~ (n) "Parts" means parts of motor vehicles or
 1352 combinations thereof that do not constitute materials or
 1353 prepared materials.

1354 ~~(p)~~ (o) "Prepared materials" means motor vehicles, mobile
 1355 homes, derelict motor vehicles, major parts, or parts that have
 1356 been processed by mechanically flattening or crushing, or
 1357 otherwise processed such that they are not the motor vehicle or
 1358 mobile home described in the certificate of title, or their only
 1359 value is as scrap metal.

1360 ~~(q)~~ (p) "Processing" means the business of performing the
 1361 manufacturing process by which ferrous metals or nonferrous
 1362 metals are converted into raw material products consisting of
 1363 prepared grades and having an existing or potential economic

1364 value, or the purchase of materials, prepared materials, or
 1365 parts therefor.

1366 (r)~~(q)~~ "Recreational vehicle" means a motor vehicle as
 1367 defined in s. 320.01(1).

1368 (s)~~(r)~~ "Salvage" means a motor vehicle or mobile home
 1369 which is a total loss as defined in paragraph (3)(a).

1370 (t)~~(s)~~ "Salvage certificate of title" means a salvage
 1371 certificate of title issued by the department or by another
 1372 motor vehicle department authorized to issue titles in another
 1373 state.

1374 (u)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
 1375 vehicle dealer as defined in s. 320.27(1)(c)5.

1376 (v)~~(u)~~ "Secondary metals recycler" means secondary metals
 1377 recycler as defined in s. 538.18.

1378 (w)~~(v)~~ "Seller" means the owner of record or a person who
 1379 has physical possession and responsibility for a derelict motor
 1380 vehicle and attests that possession of the vehicle was obtained
 1381 through lawful means along with all ownership rights. A seller
 1382 does not include a towing company, repair shop, or landlord
 1383 unless the towing company, repair shop, or landlord has obtained
 1384 title, salvage title, or a certificate of destruction in the
 1385 name of the towing company, repair shop, or landlord.

1386 (2)(a) Each person mentioned as owner in the last issued
 1387 certificate of title, when such motor vehicle or mobile home is
 1388 dismantled, destroyed, or changed in such manner that it is not
 1389 the motor vehicle or mobile home described in the certificate of
 1390 title, shall surrender his or her certificate of title to the
 1391 department, and thereupon the department shall, with the consent

1392 of any lienholders noted thereon, enter a cancellation upon its
1393 records. Upon cancellation of a certificate of title in the
1394 manner prescribed by this section, the department may cancel and
1395 destroy all certificates in that chain of title. Any person who
1396 knowingly violates this paragraph commits a misdemeanor of the
1397 second degree, punishable as provided in s. 775.082 or s.
1398 775.083.

1399 (b)1. When a motor vehicle, recreational vehicle, or
1400 mobile home is sold, transported, delivered to, or received by a
1401 salvage motor vehicle dealer, the purchaser shall make the
1402 required notification to the National Motor Vehicle Title
1403 Information System and it shall be accompanied by:

1404 a. A valid certificate of title issued in the name of the
1405 seller or properly endorsed, as required in s. 319.22, over to
1406 the seller;

1407 b. A valid salvage certificate of title issued in the name
1408 of the seller or properly endorsed, as required in s. 319.22,
1409 over to the seller; or

1410 c. A valid certificate of destruction issued in the name
1411 of the seller or properly endorsed over to the seller.

1412 2. Any person who knowingly violates this paragraph by
1413 selling, transporting, delivering, purchasing, or receiving a
1414 motor vehicle, recreational vehicle, or mobile home without
1415 obtaining a properly endorsed certificate of title, salvage
1416 certificate of title, or certificate of destruction from the
1417 owner or does not make the required notification to the National
1418 Motor Vehicle Title Information System commits a felony of the
1419 third degree, punishable as provided in s. 775.082, s. 775.083,

1420 or s. 775.084.

1421 (c)1. When a derelict motor vehicle is sold, transported,
1422 or delivered to a licensed salvage motor vehicle dealer, the
1423 purchaser shall make the required notification of the derelict
1424 motor vehicle to the National Motor Vehicle Title Information
1425 System and record the date of purchase and the name, address,
1426 and valid Florida driver ~~driver's~~ license number or valid
1427 Florida identification card number, or a valid driver ~~driver's~~
1428 license number or identification card number issued by another
1429 state, of the person selling the derelict motor vehicle, and it
1430 shall be accompanied by:

1431 a. A valid certificate of title issued in the name of the
1432 seller or properly endorsed over to the seller;

1433 b. A valid salvage certificate of title issued in the name
1434 of the seller or properly endorsed over to the seller; or

1435 c. A valid certificate of destruction issued in the name
1436 of the seller or properly endorsed over to the seller.

1437 2. If a valid certificate of title, salvage certificate of
1438 title, or certificate of destruction is not available, a
1439 derelict motor vehicle certificate application shall be
1440 completed by the seller or owner of the motor vehicle or mobile
1441 home, the seller's or owner's authorized transporter, and the
1442 licensed salvage motor vehicle dealer at the time of sale,
1443 transport, or delivery to the licensed salvage motor vehicle
1444 dealer. The derelict motor vehicle certificate application shall
1445 be used by the seller or owner, the seller's or owner's
1446 authorized transporter, and the licensed salvage motor vehicle
1447 dealer to obtain a derelict motor vehicle certificate from the

1448 department. The derelict motor vehicle certificate application
1449 must be accompanied by a legible copy of the seller's or owner's
1450 valid Florida driver ~~driver's~~ license or Florida identification
1451 card, or a valid driver ~~driver's~~ license or identification card
1452 issued by another state. If the seller is not the owner of
1453 record of the vehicle being sold, the dealer shall, at the time
1454 of sale, ensure that a smudge-free right thumbprint, or other
1455 digit if the seller has no right thumb, of the seller is
1456 imprinted upon the derelict motor vehicle certificate
1457 application and that a legible copy of the seller's driver
1458 ~~driver's~~ license or identification card is affixed to the
1459 application and transmitted to the department. The licensed
1460 salvage motor vehicle dealer shall make the required
1461 notification of the derelict motor vehicle to the National Motor
1462 Vehicle Title Information System and secure the derelict motor
1463 vehicle for 3 full business days, excluding weekends and
1464 holidays, if there is no active lien or a lien of 3 years or
1465 more on the department's records before destroying or
1466 dismantling the derelict motor vehicle and shall follow all
1467 reporting procedures established by the department, including
1468 electronic notification to the department or delivery of the
1469 original derelict motor vehicle certificate application to an
1470 agent of the department within 24 hours after receiving the
1471 derelict motor vehicle. If there is an active lien of less than
1472 3 years on the derelict motor vehicle, the licensed salvage
1473 motor vehicle dealer shall secure the derelict motor vehicle for
1474 10 days. The department shall notify the lienholder that a
1475 derelict motor vehicle certificate has been issued and shall

1476 notify the lienholder of its intention to remove the lien. Ten
1477 days after receipt of the motor vehicle derelict certificate
1478 application, the department may remove the lien from its records
1479 if a written statement protesting removal of the lien is not
1480 received by the department from the lienholder within the 10-day
1481 period. However, if the lienholder files with the department and
1482 the licensed salvage motor vehicle dealer within the 10-day
1483 period a written statement that the lien is still outstanding,
1484 the department shall not remove the lien and shall place an
1485 administrative hold on the record for 30 days to allow the
1486 lienholder to apply for title to the vehicle or a repossession
1487 certificate under s. 319.28. The licensed salvage motor vehicle
1488 dealer must secure the derelict motor vehicle until the
1489 department's administrative stop is removed, the lienholder
1490 submits a lien satisfaction, or the lienholder takes possession
1491 of the vehicle.

1492 3. Any person who knowingly violates this paragraph by
1493 selling, transporting, delivering, purchasing, or receiving a
1494 derelict motor vehicle without obtaining a certificate of title,
1495 salvage certificate of title, certificate of destruction, or
1496 derelict motor vehicle certificate application; enters false or
1497 fictitious information on a derelict motor vehicle certificate
1498 application; does not complete the derelict motor vehicle
1499 certificate application as required; does not obtain a legible
1500 copy of the seller's or owner's valid driver ~~driver's~~ license or
1501 identification card when required; does not make the required
1502 notification to the department; does not make the required
1503 notification to the National Motor Vehicle Title Information

1504 System; or destroys or dismantles a derelict motor vehicle
1505 without waiting the required time as set forth in subparagraph
1506 2. commits a felony of the third degree, punishable as provided
1507 in s. 775.082, s. 775.083, or s. 775.084.

1508 (3) (a) 1. As used in this section, a motor vehicle or
1509 mobile home is a "total loss":

1510 a. When an insurance company pays the vehicle owner to
1511 replace the wrecked or damaged vehicle with one of like kind and
1512 quality or when an insurance company pays the owner upon the
1513 theft of the motor vehicle or mobile home; or

1514 b. When an uninsured motor vehicle or mobile home is
1515 wrecked or damaged and the cost, at the time of loss, of
1516 repairing or rebuilding the vehicle is 80 percent or more of the
1517 cost to the owner of replacing the wrecked or damaged motor
1518 vehicle or mobile home with one of like kind and quality.

1519 2. A motor vehicle or mobile home shall not be considered
1520 a "total loss" if the insurance company and owner of a motor
1521 vehicle or mobile home agree to repair, rather than to replace,
1522 the motor vehicle or mobile home. However, if the actual cost to
1523 repair the motor vehicle or mobile home to the insurance company
1524 exceeds 100 percent of the cost of replacing the wrecked or
1525 damaged motor vehicle or mobile home with one of like kind and
1526 quality, the owner shall forward to the department, within 72
1527 hours after the agreement, a request to brand the certificate of
1528 title with the words "Total Loss Vehicle." Such a brand shall
1529 become a part of the vehicle's title history.

1530 (b) The owner, including persons who are self-insured, of
1531 any motor vehicle or mobile home which is considered to be

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1532 salvage shall, within 72 hours after the motor vehicle or mobile
1533 home becomes salvage, forward the title to the motor vehicle or
1534 mobile home to the department for processing. However, an
1535 insurance company which pays money as compensation for total
1536 loss of a motor vehicle or mobile home shall obtain the
1537 certificate of title for the motor vehicle or mobile home, make
1538 the required notification to the National Motor Vehicle Title
1539 Information System, and, within 72 hours after receiving such
1540 certificate of title, shall forward such title to the department
1541 for processing. The owner or insurance company, as the case may
1542 be, may not dispose of a vehicle or mobile home that is a total
1543 loss before it has obtained a salvage certificate of title or
1544 certificate of destruction from the department. When applying
1545 for a salvage certificate of title or certificate of
1546 destruction, the owner or insurance company must provide the
1547 department with an estimate of the costs of repairing the
1548 physical and mechanical damage suffered by the vehicle for which
1549 a salvage certificate of title or certificate of destruction is
1550 sought. If the estimated costs of repairing the physical and
1551 mechanical damage to the vehicle are equal to 80 percent or more
1552 of the current retail cost of the vehicle, as established in any
1553 official used car or used mobile home guide, the department
1554 shall declare the vehicle unrebuildable and print a certificate
1555 of destruction, which authorizes the dismantling or destruction
1556 of the motor vehicle or mobile home described therein. However,
1557 if the damaged motor vehicle is equipped with custom-lowered
1558 floors for wheelchair access or a wheelchair lift, the insurance
1559 company may, upon determining that the vehicle is repairable to

1560 a condition that is safe for operation on public roads, submit
1561 the certificate of title to the department for reissuance as a
1562 salvage rebuildable title and the addition of a title brand of
1563 "insurance-declared total loss." The certificate of destruction
1564 shall be reassignable a maximum of two times before dismantling
1565 or destruction of the vehicle shall be required, and shall
1566 accompany the motor vehicle or mobile home for which it is
1567 issued, when such motor vehicle or mobile home is sold for such
1568 purposes, in lieu of a certificate of title, and, thereafter,
1569 the department shall refuse issuance of any certificate of title
1570 for that vehicle. Nothing in this subsection shall be applicable
1571 when a vehicle is worth less than \$1,500 retail in undamaged
1572 condition in any official used motor vehicle guide or used
1573 mobile home guide or when a stolen motor vehicle or mobile home
1574 is recovered in substantially intact condition and is readily
1575 resalable without extensive repairs to or replacement of the
1576 frame or engine. Any person who knowingly violates this
1577 paragraph or falsifies any document to avoid the requirements of
1578 this paragraph commits a misdemeanor of the first degree,
1579 punishable as provided in s. 775.082 or s. 775.083.

1580 (4) It is unlawful for any person to have in his or her
1581 possession any motor vehicle or mobile home when the
1582 manufacturer's or state-assigned identification number plate or
1583 serial plate has been removed therefrom.

1584 (a) Nothing in this subsection shall be applicable when a
1585 vehicle defined in this section as a derelict or salvage was
1586 purchased or acquired from a foreign state requiring such
1587 vehicle's identification number plate to be surrendered to such

1588 state, provided the person shall have an affidavit from the
1589 seller describing the vehicle by manufacturer's serial number
1590 and the state to which such vehicle's identification number
1591 plate was surrendered.

1592 (b) Nothing in this subsection shall be applicable if a
1593 certificate of destruction has been obtained for the vehicle.

1594 (5) (a) It is unlawful for any person to knowingly possess,
1595 sell, or exchange, offer to sell or exchange, or give away any
1596 certificate of title or manufacturer's or state-assigned
1597 identification number plate or serial plate of any motor
1598 vehicle, mobile home, or derelict that has been sold as salvage
1599 contrary to the provisions of this section, and it is unlawful
1600 for any person to authorize, direct, aid in, or consent to the
1601 possession, sale, or exchange or to offer to sell, exchange, or
1602 give away such certificate of title or manufacturer's or state-
1603 assigned identification number plate or serial plate.

1604 (b) It is unlawful for any person to knowingly possess,
1605 sell, or exchange, offer to sell or exchange, or give away any
1606 manufacturer's or state-assigned identification number plate or
1607 serial plate of any motor vehicle or mobile home that has been
1608 removed from the motor vehicle or mobile home for which it was
1609 manufactured, and it is unlawful for any person to authorize,
1610 direct, aid in, or consent to the possession, sale, or exchange
1611 or to offer to sell, exchange, or give away such manufacturer's
1612 or state-assigned identification number plate or serial plate.

1613 (c) This chapter does not apply to anyone who removes,
1614 possesses, or replaces a manufacturer's or state-assigned
1615 identification number plate, in the course of performing repairs

1616 on a vehicle, that require such removal or replacement. If the
1617 repair requires replacement of a vehicle part that contains the
1618 manufacturer's or state-assigned identification number plate,
1619 the manufacturer's or state-assigned identification number plate
1620 that is assigned to the vehicle being repaired will be installed
1621 on the replacement part. The manufacturer's or state-assigned
1622 identification number plate that was removed from this
1623 replacement part will be installed on the part that was removed
1624 from the vehicle being repaired.

1625 (6) (a) In the event of a purchase by a salvage motor
1626 vehicle dealer of materials or major component parts for any
1627 reason, the purchaser shall:

1628 1. For each item of materials or major component parts
1629 purchased, the salvage motor vehicle dealer shall record the
1630 date of purchase and the name, address, and personal
1631 identification card number of the person selling such items, as
1632 well as the vehicle identification number, if available.

1633 2. With respect to each item of materials or major
1634 component parts purchased, obtain such documentation as may be
1635 required by subsection (2).

1636 (b) Any person who violates this subsection commits a
1637 felony of the third degree, punishable as provided in s.
1638 775.082, s. 775.083, or s. 775.084.

1639 (7) (a) In the event of a purchase by a secondary metals
1640 recycler, that has been issued a certificate of registration
1641 number, of:

1642 1. Materials, prepared materials, or parts from any seller
1643 for purposes other than the processing of such materials,

1644 prepared materials, or parts, the purchaser shall obtain such
1645 documentation as may be required by this section and shall
1646 record the seller's name and address, date of purchase, and the
1647 personal identification card number of the person delivering
1648 such items.

1649 2. Parts or prepared materials from any seller for
1650 purposes of the processing of such parts or prepared materials,
1651 the purchaser shall record the seller's name and address and
1652 date of purchase and, in the event of a purchase transaction
1653 consisting primarily of parts or prepared materials, the
1654 personal identification card number of the person delivering
1655 such items.

1656 3. Materials from another secondary metals recycler for
1657 purposes of the processing of such materials, the purchaser
1658 shall record the seller's name and address and date of purchase.

1659 4.a. Motor vehicles, recreational vehicles, mobile homes,
1660 or derelict motor vehicles from other than a secondary metals
1661 recycler for purposes of the processing of such motor vehicles,
1662 recreational vehicles, mobile homes, or derelict motor vehicles,
1663 the purchaser shall make the required notification to the
1664 National Motor Vehicle Title Information System and record the
1665 date of purchase and the name, address, and personal
1666 identification card number of the person selling such items and
1667 shall obtain the following documentation from the seller with
1668 respect to each item purchased:

1669 (I) A valid certificate of title issued in the name of the
1670 seller or properly endorsed, as required in s. 319.22, over to
1671 the seller;

1672 (II) A valid salvage certificate of title issued in the
1673 name of the seller or properly endorsed, as required in s.
1674 319.22, over to the seller;

1675 (III) A valid certificate of destruction issued in the
1676 name of the seller or properly endorsed over to the seller; or

1677 (IV) A valid derelict motor vehicle certificate obtained
1678 from the department by a licensed salvage motor vehicle dealer
1679 and properly reassigned to the secondary metals recycler.

1680 b. If a valid certificate of title, salvage certificate of
1681 title, certificate of destruction, or derelict motor vehicle
1682 certificate is not available and the motor vehicle or mobile
1683 home is a derelict motor vehicle, a derelict motor vehicle
1684 certificate application shall be completed by the seller or
1685 owner of the motor vehicle or mobile home, the seller's or
1686 owner's authorized transporter, and the registered secondary
1687 metals recycler at the time of sale, transport, or delivery to
1688 the registered secondary metals recycler to obtain a derelict
1689 motor vehicle certificate from the department. The derelict
1690 motor vehicle certificate application must be accompanied by a
1691 legible copy of the seller's or owner's valid Florida driver
1692 ~~driver's~~ license or Florida identification card, or a valid
1693 driver ~~driver's~~ license or identification card from another
1694 state. If the seller is not the owner of record of the vehicle
1695 being sold, the recycler shall, at the time of sale, ensure that
1696 a smudge-free right thumbprint, or other digit if the seller has
1697 no right thumb, of the seller is imprinted upon the derelict
1698 motor vehicle certificate application and that the legible copy
1699 of the seller's driver ~~driver's~~ license or identification card

1700 is affixed to the application and transmitted to the department.
1701 The derelict motor vehicle certificate shall be used by the
1702 owner, the owner's authorized transporter, and the registered
1703 secondary metals recycler. The registered secondary metals
1704 recycler shall make the required notification of the derelict
1705 motor vehicle to the National Motor Vehicle Title Information
1706 System and shall secure the derelict motor vehicle for 3 full
1707 business days, excluding weekends and holidays, if there is no
1708 active lien or a lien of 3 years or more on the department's
1709 records before destroying or dismantling the derelict motor
1710 vehicle and shall follow all reporting procedures established by
1711 the department, including electronic notification to the
1712 department or delivery of the original derelict motor vehicle
1713 certificate application to an agent of the department within 24
1714 hours after receiving the derelict motor vehicle. If there is an
1715 active lien of less than 3 years on the derelict motor vehicle,
1716 the registered secondary metals recycler shall secure the
1717 derelict motor vehicle for 10 days. The department shall notify
1718 the lienholder of the application for a derelict motor vehicle
1719 certificate and shall notify the lienholder of its intention to
1720 remove the lien. Ten days after receipt of the motor vehicle
1721 derelict application, the department may remove the lien from
1722 its records if a written statement protesting removal of the
1723 lien is not received by the department from the lienholder
1724 within the 10-day period. However, if the lienholder files with
1725 the department and the registered secondary metals recycler
1726 within the 10-day period a written statement that the lien is
1727 still outstanding, the department shall not remove the lien and

1728 shall place an administrative hold on the record for 30 days to
1729 allow the lienholder to apply for title to the vehicle or a
1730 repossession certificate under s. 319.28. The registered
1731 secondary metals recycler must secure the derelict motor vehicle
1732 until the department's administrative stop is removed, the
1733 lienholder submits a lien satisfaction, or the lienholder takes
1734 possession of the vehicle.

1735 c. Any person who knowingly violates this subparagraph by
1736 selling, transporting, delivering, purchasing, or receiving a
1737 motor vehicle, recreational motor vehicle, mobile home, or
1738 derelict motor vehicle without obtaining a certificate of title,
1739 salvage certificate of title, certificate of destruction, or
1740 derelict motor vehicle certificate; enters false or fictitious
1741 information on a derelict motor vehicle certificate application;
1742 does not complete the derelict motor vehicle certificate
1743 application as required or does not make the required
1744 notification to the department; does not make the required
1745 notification to the National Motor Vehicle Title Information
1746 System; does not obtain a legible copy of the seller's or
1747 owner's driver ~~driver's~~ license or identification card when
1748 required; or destroys or dismantles a derelict motor vehicle
1749 without waiting the required time as set forth in sub-
1750 subparagraph b. commits a felony of the third degree, punishable
1751 as provided in s. 775.082, s. 775.083, or s. 775.084.

1752 5. Major parts from other than a secondary metals recycler
1753 for purposes of the processing of such major parts, the
1754 purchaser shall record the seller's name, address, date of
1755 purchase, and the personal identification card number of the

1756 person delivering such items, as well as the vehicle
1757 identification number, if available, of each major part
1758 purchased.

1759 (b) Any person who violates this subsection commits a
1760 felony of the third degree, punishable as provided in s.
1761 775.082, s. 775.083, or s. 775.084.

1762 (8) (a) Secondary metals recyclers and salvage motor
1763 vehicle dealers shall return to the department on a monthly
1764 basis all certificates of title and salvage certificates of
1765 title that are required by this section to be obtained.
1766 Secondary metals recyclers and salvage motor vehicle dealers may
1767 elect to notify the department electronically through procedures
1768 established by the department when they receive each motor
1769 vehicle or mobile home, salvage motor vehicle or mobile home, or
1770 derelict motor vehicle with a certificate of title or salvage
1771 certificate of title through procedures established by the
1772 department. The department may adopt rules and establish fees as
1773 it deems necessary or proper for the administration of the
1774 electronic notification service.

1775 (b) Secondary metals recyclers and salvage motor vehicle
1776 dealers shall keep originals, or a copy in the event the
1777 original was returned to the department, of all certificates of
1778 title, salvage certificates of title, certificates of
1779 destruction, derelict motor vehicle certificates, and all other
1780 information required by this section to be recorded or obtained,
1781 on file in the offices of such secondary metals recyclers or
1782 salvage motor vehicle dealers for a period of 3 years after the
1783 date of purchase of the items reflected in such certificates of

1784 title, salvage certificates of title, certificates of
 1785 destruction, or derelict motor vehicle certificates. These
 1786 records shall be maintained in chronological order.

1787 (c) For the purpose of enforcement of this section, the
 1788 department or its agents and employees have the same right of
 1789 inspection as law enforcement officers as provided in s.
 1790 812.055.

1791 (d) Whenever the department, its agent or employee, or any
 1792 law enforcement officer has reason to believe that a stolen or
 1793 fraudulently titled motor vehicle, mobile home, recreational
 1794 vehicle, salvage motor vehicle, or derelict motor vehicle is in
 1795 the possession of a salvage motor vehicle dealer or secondary
 1796 metals recycler, the department, its agent or employee, or the
 1797 law enforcement officer may issue an extended hold notice, not
 1798 to exceed 5 additional business days, excluding weekends and
 1799 holidays, to the salvage motor vehicle dealer or registered
 1800 secondary metals recycler.

1801 (e) Whenever a salvage motor vehicle dealer or registered
 1802 secondary metals recycler is notified by the department, its
 1803 agent or employee, or any law enforcement officer to hold a
 1804 motor vehicle, mobile home, recreational vehicle, salvage motor
 1805 vehicle, or derelict motor vehicle that is believed to be stolen
 1806 or fraudulently titled, the salvage motor vehicle dealer or
 1807 registered secondary metals recycler shall hold the motor
 1808 vehicle, mobile home, recreational vehicle, salvage motor
 1809 vehicle, or derelict motor vehicle and may not dismantle or
 1810 destroy the motor vehicle, mobile home, recreational vehicle,
 1811 salvage motor vehicle, or derelict motor vehicle until it is

1812 recovered by a law enforcement officer, the hold is released by
1813 the department or the law enforcement officer placing the hold,
1814 or the 5 additional business days have passed since being
1815 notified of the hold.

1816 (f) This section does not authorize any person who is
1817 engaged in the business of recovering, towing, or storing
1818 vehicles pursuant to s. 713.78, and who is claiming a lien for
1819 performing labor or services on a motor vehicle or mobile home
1820 pursuant to s. 713.58, or is claiming that a motor vehicle or
1821 mobile home has remained on any premises after tenancy has
1822 terminated pursuant to s. 715.104, to use a derelict motor
1823 vehicle certificate application for the purpose of transporting,
1824 selling, disposing of, or delivering a motor vehicle to a
1825 salvage motor vehicle dealer or secondary metals recycler
1826 without obtaining the title or certificate of destruction
1827 required under s. 713.58, s. 713.78, or s. 715.104.

1828 (g) The department shall accept all properly endorsed and
1829 completed derelict motor vehicle certificate applications and
1830 shall issue a derelict motor vehicle certificate having an
1831 effective date that authorizes when a derelict motor vehicle is
1832 eligible for dismantling or destruction. The electronic
1833 information obtained from the derelict motor vehicle certificate
1834 application shall be stored electronically and shall be made
1835 available to authorized persons after issuance of the derelict
1836 motor vehicle certificate in the Florida Real Time Vehicle
1837 Information System.

1838 (h) The department is authorized to adopt rules pursuant
1839 to ss. 120.536(1) and 120.54 establishing policies and

1840 procedures to administer and enforce this section.

1841 (i) The department shall charge a fee of \$3 for each
 1842 derelict motor vehicle certificate delivered to the department
 1843 or one of its agents for processing and shall mark the title
 1844 record canceled. A service charge may be collected under s.
 1845 320.04.

1846 (j) The licensed salvage motor vehicle dealer or
 1847 registered secondary metals recycler shall make all payments for
 1848 the purchase of any derelict motor vehicle that is sold by a
 1849 seller who is not the owner of record on file with the
 1850 department by check or money order made payable to the seller
 1851 and may not make payment to the authorized transporter. The
 1852 licensed salvage motor vehicle dealer or registered secondary
 1853 metals recycler may not cash the check that such dealer or
 1854 recycler issued to the seller.

1855 (9) (a) An insurance company may notify an independent
 1856 entity that obtains possession of a damaged or dismantled motor
 1857 vehicle to release the vehicle to the owner. The insurance
 1858 company shall provide the independent entity a release statement
 1859 on a form prescribed by the department authorizing the
 1860 independent entity to release the vehicle to the owner. The form
 1861 shall, at a minimum, contain the following:

- 1862 1. The policy and claim number.
- 1863 2. The name and address of the insured.
- 1864 3. The vehicle identification number.
- 1865 4. The signature of an authorized representative of the
 1866 insurance company.

1867 (b) The independent entity in possession of a motor

1868 vehicle must send a notice to the owner that the vehicle is
1869 available for pick up when it receives a release statement from
1870 the insurance company. The notice shall be sent by certified
1871 mail to the owner at the owner's address reflected in the
1872 department's records. The notice must inform the owner that the
1873 owner has 30 days after receipt of the notice to pick up the
1874 vehicle from the independent entity. If the motor vehicle is not
1875 claimed within 30 days after the owner receives the notice, the
1876 independent entity may apply for a certificate of destruction or
1877 a certificate of title.

1878 (c) The independent entity shall make the required
1879 notification to the National Motor Vehicle Title Information
1880 System before releasing any damaged or dismantled motor vehicle
1881 to the owner or before applying for a certificate of destruction
1882 or salvage certificate of title.

1883 (d) ~~(e)~~ Upon applying for a certificate of destruction or
1884 salvage certificate of title, the independent entity shall
1885 provide a copy of the release statement from the insurance
1886 company to the independent entity, proof of providing the 30-day
1887 notice to the owner, proof of notification to the National Motor
1888 Vehicle Title Information System, and applicable fees.

1889 (e) ~~(d)~~ The independent entity may not charge an owner of
1890 the vehicle storage fees or apply for a title under s. 713.585
1891 or s. 713.78.

1892 (10) The department may adopt rules to implement an
1893 electronic system for issuing salvage certificates of title and
1894 certificates of destruction.

1895 (11) Except as otherwise provided in this section, any

1896 person who violates this section commits a felony of the third
 1897 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1898 775.084.

1899 Section 22. Section 319.323, Florida Statutes, is amended
 1900 to read:

1901 319.323 Expedited service; applications; fees.—The
 1902 department shall establish a separate title office which may be
 1903 used by private citizens and licensed motor vehicle dealers to
 1904 receive expedited service on title transfers, title issuances,
 1905 duplicate titles, and recordation of liens, ~~and certificates of~~
 1906 ~~repossession~~. A fee of \$10 shall be charged for this service,
 1907 which fee is in addition to the fees imposed by s. 319.32. The
 1908 fee, after deducting the amount referenced by s. 319.324 and
 1909 \$3.50 to be retained by the processing agency, shall be
 1910 deposited into the General Revenue Fund. Application for
 1911 expedited service may be made by mail or in person. The
 1912 department shall issue each title applied for under this section
 1913 within 5 working days after receipt of the application except
 1914 for an application for a duplicate title certificate covered by
 1915 s. 319.23(4), in which case the title must be issued within 5
 1916 working days after compliance with the department's verification
 1917 requirements.

1918 Section 23. Subsections (24) through (46) of section
 1919 320.01, Florida Statutes, are renumbered as subsections (23)
 1920 through (45), respectively, and present subsections (23) and
 1921 (25) of that section are amended to read:

1922 320.01 Definitions, general.—As used in the Florida
 1923 Statutes, except as otherwise provided, the term:

1924 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 1925 ~~which is required to be registered, or with respect to which an~~
 1926 ~~election has been made to register it, under the International~~
 1927 ~~Registration Plan.~~

1928 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
 1929 recreational vehicles, vehicles displaying restricted plates,
 1930 city pickup and delivery vehicles, buses used in transportation
 1931 of chartered parties, and government-owned vehicles, which is
 1932 used or intended for use in two or more member jurisdictions
 1933 that allocate or proportionally register vehicles and which is
 1934 used for the transportation of persons for hire or is designed,
 1935 used, or maintained primarily for the transportation of property
 1936 and:

1937 (a) Is a power unit having a gross vehicle weight in
 1938 excess of 26,000 ~~26,001~~ pounds;

1939 (b) Is a power unit having three or more axles, regardless
 1940 of weight; or

1941 (c) Is used in combination, when the weight of such
 1942 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1943
 1944 Vehicles, or combinations thereof, having a gross vehicle weight
 1945 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 1946 proportionally registered.

1947 Section 24. Paragraph (a) of subsection (2) and paragraph
 1948 (a) of subsection (5) of section 320.02, Florida Statutes, are
 1949 amended, and paragraph (s) is added to subsection (15) of that
 1950 section, to read:

1951 320.02 Registration required; application for
1952 registration; forms.—

1953 (2) (a) The application for registration shall include the
1954 street address of the owner's permanent residence or the address
1955 of his or her permanent place of business and shall be
1956 accompanied by personal or business identification information.
1957 An individual applicant must provide ~~which may include, but need~~
1958 ~~not be limited to,~~ a valid driver license or number, Florida
1959 identification card issued by this state or another state or a
1960 valid passport. A business applicant must provide a number, or
1961 federal employer identification number, if applicable, or
1962 verification that the business is authorized to conduct business
1963 in the state, or a Florida city or county business license or
1964 number.

1965 1. If the owner does not have a permanent residence or
1966 permanent place of business or if the owner's permanent
1967 residence or permanent place of business cannot be identified by
1968 a street address, the application shall include:

1969 ~~a.1.~~ If the vehicle is registered to a business, the name
1970 and street address of the permanent residence of an owner of the
1971 business, an officer of the corporation, or an employee who is
1972 in a supervisory position.

1973 ~~b.2.~~ If the vehicle is registered to an individual, the
1974 name and street address of the permanent residence of a close
1975 relative or friend who is a resident of this state.

1976 2. If the vehicle is registered to an active duty member
1977 of the Armed Forces of the United States who is a Florida

1978 resident, the active duty member is exempt from the requirement
1979 to provide the street address of a permanent residence.

1980 (5) (a) Proof that personal injury protection benefits have
1981 been purchased when required under s. 627.733, that property
1982 damage liability coverage has been purchased as required under
1983 s. 324.022, that bodily injury or death coverage has been
1984 purchased if required under s. 324.023, and that combined bodily
1985 liability insurance and property damage liability insurance have
1986 been purchased when required under s. 627.7415 shall be provided
1987 in the manner prescribed by law by the applicant at the time of
1988 application for registration of any motor vehicle that is
1989 subject to such requirements. The issuing agent shall refuse to
1990 issue registration if such proof of purchase is not provided.
1991 Insurers shall furnish uniform proof-of-purchase cards in a
1992 paper or an electronic format in a form prescribed by the
1993 department and shall include the name of the insured's insurance
1994 company, the coverage identification number, and the make, year,
1995 and vehicle identification number of the vehicle insured. The
1996 card shall contain a statement notifying the applicant of the
1997 penalty specified in s. 316.646(4). The card or insurance
1998 policy, insurance policy binder, or certificate of insurance or
1999 a photocopy of any of these; an affidavit containing the name of
2000 the insured's insurance company, the insured's policy number,
2001 and the make and year of the vehicle insured; or such other
2002 proof as may be prescribed by the department shall constitute
2003 sufficient proof of purchase. If an affidavit is provided as
2004 proof, it shall be in substantially the following form:

2005 Under penalty of perjury, I ...(Name of insured)... do hereby
 2006 certify that I have ...(Personal Injury Protection, Property
 2007 Damage Liability, and, when required, Bodily Injury
 2008 Liability)... Insurance currently in effect with ...(Name of
 2009 insurance company)... under ...(policy number)... covering
 2010 ...(make, year, and vehicle identification number of
 2011 vehicle).... ...(Signature of Insured)...

2012 Such affidavit shall include the following warning:

2013 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 2014 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 2015 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 2016 SUBJECT TO PROSECUTION.

2017 When an application is made through a licensed motor vehicle
 2018 dealer as required in s. 319.23, the original or a photostatic
 2019 copy of such card, insurance policy, insurance policy binder, or
 2020 certificate of insurance or the original affidavit from the
 2021 insured shall be forwarded by the dealer to the tax collector of
 2022 the county or the Department of Highway Safety and Motor
 2023 Vehicles for processing. By executing the aforesaid affidavit,
 2024 no licensed motor vehicle dealer will be liable in damages for
 2025 any inadequacy, insufficiency, or falsification of any statement
 2026 contained therein. A card shall also indicate the existence of
 2027 any bodily injury liability insurance voluntarily purchased.

2028 (15)

2029 (s) The application form for motor vehicle registration
 2030 and renewal registration must include language permitting a
 2031 voluntary contribution of \$1 or more per applicant, which
 2032 contribution must be distributed to Auto Club Group Traffic

2033 Safety Foundation, Inc., a nonprofit organization. Funds
 2034 received by the foundation must be used to improve traffic
 2035 safety culture in communities through effective outreach,
 2036 education, and activities in the state that will save lives,
 2037 reduce injuries, and prevent crashes. The foundation must comply
 2038 with s. 320.023.

2039
 2040 For the purpose of applying the service charge provided in s.
 2041 215.20, contributions received under this subsection are not
 2042 income of a revenue nature.

2043 Section 25. Subsection (7) of section 320.03, Florida
 2044 Statutes, is amended to read:

2045 320.03 Registration; duties of tax collectors;
 2046 International Registration Plan.—

2047 (7) The Department of Highway Safety and Motor Vehicles
 2048 shall register apportionable ~~apportioned motor~~ vehicles under
 2049 the ~~provisions of the~~ International Registration Plan. The
 2050 department may adopt rules to implement and enforce the
 2051 provisions of the plan.

2052 Section 26. Paragraph (b) of subsection (1) of section
 2053 320.071, Florida Statutes, is amended to read:

2054 320.071 Advance registration renewal; procedures.—

2055 (1)

2056 (b) The owner of any apportionable ~~apportioned motor~~
 2057 vehicle currently registered in this state under the
 2058 International Registration Plan may file an application for
 2059 renewal of registration with the department any time during the

2060 3 months preceding the date of expiration of the registration
 2061 period.

2062 Section 27. Subsections (1) and (3) of section 320.0715,
 2063 Florida Statutes, are amended to read:

2064 320.0715 International Registration Plan; motor carrier
 2065 services; permits; retention of records.—

2066 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 2067 in this state ~~and engaged in interstate commerce~~ shall be
 2068 registered in accordance with ~~the provisions of the~~
 2069 International Registration Plan and shall display apportioned
 2070 license plates.

2071 (3) (a) If the department is unable to immediately issue
 2072 the apportioned license plate to an applicant currently
 2073 registered in this state under the International Registration
 2074 Plan or to a vehicle currently titled in this state, the
 2075 department or its designated agent may ~~is authorized to~~ issue a
 2076 60-day temporary operational permit. The department or agent of
 2077 the department shall charge a \$3 fee and the service charge
 2078 authorized by s. 320.04 for each temporary operational permit it
 2079 issues.

2080 (b) The department may not ~~shall in no event~~ issue a
 2081 temporary operational permit for any apportionable ~~commercial~~
 2082 ~~motor~~ vehicle to any applicant until the applicant has shown
 2083 that:

2084 1. All sales or use taxes due on the registration of the
 2085 vehicle are paid; and

2086 2. Insurance requirements have been met in accordance with
 2087 ss. 320.02(5) and 627.7415.

2088 (c) Issuance of a temporary operational permit provides
 2089 ~~commercial motor vehicle~~ registration privileges in each
 2090 International Registration Plan member jurisdiction designated
 2091 on said permit and therefore requires payment of all applicable
 2092 registration fees and taxes due for that period of registration.

2093 (d) Application for permanent registration must be made to
 2094 the department within 10 days from issuance of a temporary
 2095 operational permit. Failure to file an application within this
 2096 10-day period may result in cancellation of the temporary
 2097 operational permit.

2098 Section 28. Subsection (4) of section 320.089, Florida
 2099 Statutes, is amended to read:

2100 320.089 Members of National Guard and active United States
 2101 Armed Forces reservists; former prisoners of war; survivors of
 2102 Pearl Harbor; Purple Heart medal recipients; Operation Desert
 2103 Storm Veterans; Operation Desert Shield Veterans; Operation
 2104 Iraqi Freedom and Operation Enduring Freedom Veterans; Combat
 2105 Infantry Badge or Combat Action Badge recipients; Vietnam War
 2106 Veterans; Korean Conflict Veterans; special license plates;
 2107 fee.—

2108 (4) The owner or lessee of an automobile or truck for
 2109 private use, a truck weighing not more than 7,999 pounds, or a
 2110 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 2111 which automobile, truck, or recreational vehicle is not used for
 2112 hire or commercial use who is a resident of the state and a
 2113 current or former member of the United States military who was
 2114 deployed and served in Saudi Arabia, Kuwait, or another area of
 2115 the Persian Gulf during Operation Desert Storm or Operation

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2116 Desert Shield, in Iraq during Operation Iraqi Freedom, or in
2117 Afghanistan during Operation Enduring Freedom shall, upon
2118 application to the department, accompanied by proof of active
2119 membership or former active duty status during one of these
2120 operations, and upon payment of the license tax for the vehicle
2121 as provided in s. 320.08, be issued a license plate as provided
2122 by s. 320.06 upon which, in lieu of the registration license
2123 number prescribed by s. 320.06, shall be stamped the words
2124 "Operation Desert Storm," "Operation Desert Shield," "Operation
2125 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,
2126 followed by the registration license number of the plate.

2127 Section 29. Subsection (1) of section 320.18, Florida
2128 Statutes, is amended to read:

2129 320.18 Withholding registration.—

2130 (1) The department may withhold the registration of any
2131 motor vehicle or mobile home the owner or coowner of which has
2132 failed to register it under the provisions of law for any
2133 previous period or periods for which it appears registration
2134 should have been made in this state, until the tax for such
2135 period or periods is paid. The department may cancel any vehicle
2136 or vessel registration, driver ~~driver's~~ license, identification
2137 card, or fuel-use tax decal if the owner or coowner pays for any
2138 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
2139 identification card, or fuel-use tax decal; pays any
2140 administrative, delinquency, or reinstatement fee; or pays any
2141 tax liability, penalty, or interest specified in chapter 207 by
2142 a dishonored check, or if the vehicle owner or motor carrier has
2143 failed to pay a penalty for a weight or safety violation issued

2144 by the Department of Transportation or the Department of Highway
2145 Safety and Motor Vehicles. The Department of Transportation and
2146 the Department of Highway Safety and Motor Vehicles may impound
2147 any commercial motor vehicle that has a canceled license plate
2148 or fuel-use tax decal until the tax liability, penalty, and
2149 interest specified in chapter 207, the license tax, or the fuel-
2150 use decal fee, and applicable administrative fees have been paid
2151 for by certified funds.

2152 Section 30. Subsection (3), paragraph (a) of subsection
2153 (4), and subsection (5) of section 320.27, Florida Statutes, are
2154 amended to read:

2155 320.27 Motor vehicle dealers.—

2156 (3) APPLICATION AND FEE.—The application for the license
2157 shall be in such form as may be prescribed by the department and
2158 shall be subject to such rules with respect thereto as may be so
2159 prescribed by it. Such application shall be verified by oath or
2160 affirmation and shall contain a full statement of the name and
2161 birth date of the person or persons applying therefor; the name
2162 of the firm or copartnership, with the names and places of
2163 residence of all members thereof, if such applicant is a firm or
2164 copartnership; the names and places of residence of the
2165 principal officers, if the applicant is a body corporate or
2166 other artificial body; the name of the state under whose laws
2167 the corporation is organized; the present and former place or
2168 places of residence of the applicant; and prior business in
2169 which the applicant has been engaged and the location thereof.
2170 Such application shall describe the exact location of the place
2171 of business and shall state whether the place of business is

2172 owned by the applicant and when acquired, or, if leased, a true
2173 copy of the lease shall be attached to the application. The
2174 applicant shall certify that the location provides an adequately
2175 equipped office and is not a residence; that the location
2176 affords sufficient unoccupied space upon and within which
2177 adequately to store all motor vehicles offered and displayed for
2178 sale; and that the location is a suitable place where the
2179 applicant can in good faith carry on such business and keep and
2180 maintain books, records, and files necessary to conduct such
2181 business, which shall be available at all reasonable hours to
2182 inspection by the department or any of its inspectors or other
2183 employees. The applicant shall certify that the business of a
2184 motor vehicle dealer is the principal business which shall be
2185 conducted at that location. The application shall contain a
2186 statement that the applicant is either franchised by a
2187 manufacturer of motor vehicles, in which case the name of each
2188 motor vehicle that the applicant is franchised to sell shall be
2189 included, or an independent (nonfranchised) motor vehicle
2190 dealer. The application shall contain other relevant information
2191 as may be required by the department, including evidence that
2192 the applicant is insured under a garage liability insurance
2193 policy or a general liability insurance policy coupled with a
2194 business automobile policy, which shall include, at a minimum,
2195 \$25,000 combined single-limit liability coverage including
2196 bodily injury and property damage protection and \$10,000
2197 personal injury protection. However, a salvage motor vehicle
2198 dealer as defined in subparagraph (1)(c)5. is exempt from the
2199 requirements for garage liability insurance and personal injury

2200 protection insurance on those vehicles that cannot be legally
2201 operated on roads, highways, or streets in this state. Franchise
2202 dealers must submit a garage liability insurance policy, and all
2203 other dealers must submit a garage liability insurance policy or
2204 a general liability insurance policy coupled with a business
2205 automobile policy. Such policy shall be for the license period,
2206 and evidence of a new or continued policy shall be delivered to
2207 the department at the beginning of each license period. Upon
2208 making initial application, the applicant shall pay to the
2209 department a fee of \$300 in addition to any other fees ~~now~~
2210 required by law. Applicants may choose to extend the licensure
2211 period for 1 additional year for a total of 2 years. An initial
2212 applicant shall pay to the department a fee of \$300 for the first
2213 year and \$75 for the second year, in addition to any other fees
2214 required by law. An applicant for renewal shall pay to the
2215 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,
2216 in addition to any other fees required by law ~~Upon making a~~
2217 ~~subsequent renewal application, the applicant shall pay to the~~
2218 ~~department a fee of \$75 in addition to any other fees now~~
2219 ~~required by law.~~ Upon making an application for a change of
2220 location, the person shall pay a fee of \$50 in addition to any
2221 other fees now required by law. The department shall, in the
2222 case of every application for initial licensure, verify whether
2223 certain facts set forth in the application are true. Each
2224 applicant, general partner in the case of a partnership, or
2225 corporate officer and director in the case of a corporate
2226 applicant, must file a set of fingerprints with the department
2227 for the purpose of determining any prior criminal record or any

2228 outstanding warrants. The department shall submit the
2229 fingerprints to the Department of Law Enforcement for state
2230 processing and forwarding to the Federal Bureau of Investigation
2231 for federal processing. The actual cost of state and federal
2232 processing shall be borne by the applicant and is in addition to
2233 the fee for licensure. The department may issue a license to an
2234 applicant pending the results of the fingerprint investigation,
2235 which license is fully revocable if the department subsequently
2236 determines that any facts set forth in the application are not
2237 true or correctly represented.

2238 (4) LICENSE CERTIFICATE.—

2239 (a) A license certificate shall be issued by the
2240 department in accordance with such application when the
2241 application is regular in form and in compliance with the
2242 provisions of this section. The license certificate may be in
2243 the form of a document or a computerized card as determined by
2244 the department. The actual cost of each original, additional, or
2245 replacement computerized card shall be borne by the licensee and
2246 is in addition to the fee for licensure. Such license, when so
2247 issued, entitles the licensee to carry on and conduct the
2248 business of a motor vehicle dealer. Each license issued to a
2249 franchise motor vehicle dealer expires ~~annually~~ on December 31
2250 of the year of its expiration unless revoked or suspended before
2251 ~~prior to~~ that date. Each license issued to an independent or
2252 wholesale dealer or auction expires ~~annually~~ on April 30 of the
2253 year of its expiration unless revoked or suspended before ~~prior~~
2254 ~~to~~ that date. At least ~~Not less than~~ 60 days before ~~prior to~~ the
2255 license expiration date, the department shall deliver or mail to

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2256 | each licensee the necessary renewal forms. Each independent
2257 | dealer shall certify that the dealer (owner, partner, officer,
2258 | or director of the licensee, or a full-time employee of the
2259 | licensee that holds a responsible management-level position) has
2260 | completed 8 hours of continuing education before ~~prior to~~ filing
2261 | the renewal forms with the department. Such certification shall
2262 | be filed once every 2 years. The continuing education shall
2263 | include at least 2 hours of legal or legislative issues, 1 hour
2264 | of department issues, and 5 hours of relevant motor vehicle
2265 | industry topics. Continuing education shall be provided by
2266 | dealer schools licensed under paragraph (b) either in a
2267 | classroom setting or by correspondence. Such schools shall
2268 | provide certificates of completion to the department and the
2269 | customer which shall be filed with the license renewal form, and
2270 | such schools may charge a fee for providing continuing
2271 | education. Any licensee who does not file his or her application
2272 | and fees and any other requisite documents, as required by law,
2273 | with the department at least 30 days before ~~prior to~~ the license
2274 | expiration date shall cease to engage in business as a motor
2275 | vehicle dealer on the license expiration date. A renewal filed
2276 | with the department within 45 days after the expiration date
2277 | shall be accompanied by a delinquent fee of \$100. Thereafter, a
2278 | new application is required, accompanied by the initial license
2279 | fee. A license certificate duly issued by the department may be
2280 | modified by endorsement to show a change in the name of the
2281 | licensee, provided, as shown by affidavit of the licensee, the
2282 | majority ownership interest of the licensee has not changed or
2283 | the name of the person appearing as franchisee on the sales and

2284 service agreement has not changed. Modification of a license
2285 certificate to show any name change as herein provided shall not
2286 require initial licensure or reissuance of dealer tags; however,
2287 any dealer obtaining a name change shall transact all business
2288 in and be properly identified by that name. All documents
2289 relative to licensure shall reflect the new name. In the case of
2290 a franchise dealer, the name change shall be approved by the
2291 manufacturer, distributor, or importer. A licensee applying for
2292 a name change endorsement shall pay a fee of \$25 which fee shall
2293 apply to the change in the name of a main location and all
2294 additional locations licensed under the provisions of subsection
2295 (5). Each initial license application received by the department
2296 shall be accompanied by verification that, within the preceding
2297 6 months, the applicant, or one or more of his or her designated
2298 employees, has attended a training and information seminar
2299 conducted by a licensed motor vehicle dealer training school.
2300 Any applicant for a new franchised motor vehicle dealer license
2301 who has held a valid franchised motor vehicle dealer license
2302 continuously for the past 2 years and who remains in good
2303 standing with the department is exempt from the prelicensing
2304 training requirement. Such seminar shall include, but is not
2305 limited to, statutory dealer requirements, which requirements
2306 include required bookkeeping and recordkeeping procedures,
2307 requirements for the collection of sales and use taxes, and such
2308 other information that in the opinion of the department will
2309 promote good business practices. No seminar may exceed 8 hours
2310 in length.

2311 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
2312 section hereunder shall obtain a supplemental license for each
2313 permanent additional place or places of business not contiguous
2314 to the premises for which the original license is issued, on a
2315 form to be furnished by the department, and upon payment of a
2316 fee of \$50 for each such additional location. Applicants may
2317 choose to extend the licensure period for 1 additional year for a
2318 total of 2 years. The applicant shall pay to the department a fee
2319 of \$50 for the first year and \$50 for the second year for each
2320 such additional location. Thereafter, the applicant shall pay \$50
2321 for a 1-year renewal or \$100 for a 2-year renewal for each such
2322 additional location. Upon making renewal applications for such
2323 ~~supplemental licenses, such applicant shall pay \$50 for each~~
2324 ~~additional location.~~ A supplemental license authorizing off-
2325 premises sales shall be issued, at no charge to the dealer, for
2326 a period not to exceed 10 consecutive calendar days. To obtain
2327 such a temporary supplemental license for off-premises sales,
2328 the applicant must be a licensed dealer; must notify the
2329 applicable local department office of the specific dates and
2330 location for which such license is requested, display a sign at
2331 the licensed location clearly identifying the dealer, and
2332 provide staff to work at the temporary location for the duration
2333 of the off-premises sale; must meet any local government
2334 permitting requirements; and must have permission of the
2335 property owner to sell at that location. In the case of an off-
2336 premises sale by a motor vehicle dealer licensed under
2337 subparagraph (1)(c)1. for the sale of new motor vehicles, the
2338 applicant must also include documentation notifying the

2339 applicable licensee licensed under s. 320.61 of the intent to
 2340 engage in an off-premises sale 5 working days before ~~prior to~~
 2341 the date of the off-premises sale. The licensee shall either
 2342 approve or disapprove of the off-premises sale within 2 working
 2343 days after receiving notice; otherwise, it will be deemed
 2344 approved. This section does not apply to a nonselling motor
 2345 vehicle show or public display of new motor vehicles.

2346 Section 31. Section 320.62, Florida Statutes, is amended
 2347 to read:

2348 320.62 Licenses; amount; disposition of proceeds.—The
 2349 initial license for each manufacturer, distributor, or importer
 2350 shall be \$300 and shall be in addition to all other licenses or
 2351 taxes ~~now or hereafter~~ levied, assessed, or required of the
 2352 applicant or licensee. Applicants may choose to extend the
 2353 licensure period for 1 additional year for a total of 2 years. An
 2354 initial applicant shall pay to the department a fee of \$300 for
 2355 the first year and \$100 for the second year. An applicant for a
 2356 renewal license shall pay \$100 to the department for a 1-year
 2357 renewal or \$200 for a 2-year renewal. ~~The annual renewal license~~
 2358 ~~fee shall be \$100.~~ The proceeds from all licenses under ss.
 2359 320.60-320.70 shall be paid into the State Treasury to the
 2360 credit of the General Revenue Fund. All licenses shall be
 2361 payable on or before October 1 of the ~~each~~ year and shall
 2362 expire, unless sooner revoked or suspended, on ~~the following~~
 2363 September 30 of the year of its expiration.

2364 Section 32. Subsections (4) and (6) of section 320.77,
 2365 Florida Statutes, are amended to read:

2366 320.77 License required of mobile home dealers.—

2367 (4) FEES.—Upon making initial application, the applicant
2368 shall pay to the department a fee of \$300 in addition to any
2369 other fees ~~now~~ required by law. Applicants may choose to extend
2370 the licensure period for 1 additional year for a total of 2
2371 years. An initial applicant shall pay to the department a fee of
2372 \$300 for the first year and \$100 for the second year in addition
2373 to any other fees required by law. An applicant for a renewal
2374 license shall pay to the department \$100 for a 1-year renewal or
2375 \$200 for a 2-year renewal. ~~The fee for renewal application shall~~
2376 ~~be \$100.~~ The fee for application for change of location shall be
2377 \$25. Any applicant for renewal who has failed to submit his or
2378 her renewal application by October 1 of the year of its current
2379 license expiration shall pay a renewal application fee equal to
2380 the original application fee. No fee is refundable. All fees
2381 shall be deposited into the General Revenue Fund.

2382 (6) LICENSE CERTIFICATE.—A license certificate shall be
2383 issued by the department in accordance with the application when
2384 the same is regular in form and in compliance with the
2385 provisions of this section. The license certificate may be in
2386 the form of a document or a computerized card as determined by
2387 the department. The cost of each original, additional, or
2388 replacement computerized card shall be borne by the licensee and
2389 is in addition to the fee for licensure. The fees charged
2390 applicants for both the required background investigation and
2391 the computerized card as provided in this section shall be
2392 deposited into the Highway Safety Operating Trust Fund. The
2393 license, when so issued, shall entitle the licensee to carry on
2394 and conduct the business of a mobile home dealer at the location

2395 set forth in the license for a period of 1 or 2 years beginning
2396 ~~year from~~ October 1 preceding the date of issuance. Each initial
2397 application received by the department shall be accompanied by
2398 verification that, within the preceding 6 months, the applicant
2399 or one or more of his or her designated employees has attended a
2400 training and information seminar conducted by the department or
2401 by a public or private provider approved by the department. Such
2402 seminar shall include, but not be limited to, statutory dealer
2403 requirements, which requirements include required bookkeeping
2404 and recording procedures, requirements for the collection of
2405 sales and use taxes, and such other information that in the
2406 opinion of the department will promote good business practices.

2407 Section 33. Subsections (4) and (6) of section 320.771,
2408 Florida Statutes, are amended to read:

2409 320.771 License required of recreational vehicle dealers.—

2410 (4) FEES.—Upon making initial application, the applicant
2411 shall pay to the department a fee of \$300 in addition to any
2412 other fees ~~now~~ required by law. Applicants may choose to extend
2413 the licensure period for 1 additional year for a total of 2
2414 years. An initial applicant shall pay to the department a fee of
2415 \$300 for the first year and \$100 for the second year in addition
2416 to any other fees required by law. An applicant for a renewal
2417 license shall pay to the department \$100 for a 1-year renewal or
2418 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
2419 ~~be \$100.~~ The fee for application for change of location shall be
2420 \$25. Any applicant for renewal who has failed to submit his or
2421 her renewal application by October 1 of the year of its current
2422 license expiration shall pay a renewal application fee equal to

2423 the original application fee. No fee is refundable. All fees
2424 shall be deposited into the General Revenue Fund.

2425 (6) LICENSE CERTIFICATE.—A license certificate shall be
2426 issued by the department in accordance with the application when
2427 the same is regular in form and in compliance with the
2428 provisions of this section. The license certificate may be in
2429 the form of a document or a computerized card as determined by
2430 the department. The cost of each original, additional, or
2431 replacement computerized card shall be borne by the licensee and
2432 is in addition to the fee for licensure. The fees charged
2433 applicants for both the required background investigation and
2434 the computerized card as provided in this section shall be
2435 deposited into the Highway Safety Operating Trust Fund. The
2436 license, when so issued, shall entitle the licensee to carry on
2437 and conduct the business of a recreational vehicle dealer at the
2438 location set forth in the license for a period of 1 or 2 years
2439 ~~year~~ from October 1 preceding the date of issuance. Each initial
2440 application received by the department shall be accompanied by
2441 verification that, within the preceding 6 months, the applicant
2442 or one or more of his or her designated employees has attended a
2443 training and information seminar conducted by the department or
2444 by a public or private provider approved by the department. Such
2445 seminar shall include, but not be limited to, statutory dealer
2446 requirements, which requirements include required bookkeeping
2447 and recording procedures, requirements for the collection of
2448 sales and use taxes, and such other information that in the
2449 opinion of the department will promote good business practices.

2450 Section 34. Subsections (3) and (6) of section 320.8225,
 2451 Florida Statutes, are amended to read:

2452 320.8225 Mobile home and recreational vehicle
 2453 manufacturer, distributor, and importer license.—

2454 (3) FEES.—Upon submitting an initial application, the
 2455 applicant shall pay to the department a fee of \$300. Applicants
 2456 may choose to extend the licensure period for 1 additional year
 2457 for a total of 2 years. An initial applicant shall pay to the
 2458 department a fee of \$300 for the first year and \$100 for the
 2459 second year. An applicant for a renewal license shall pay to the
 2460 department \$100 for a 1-year renewal or \$200 for a 2-year renewal
 2461 ~~Upon submitting a renewal application, the applicant shall pay~~
 2462 ~~to the department a fee of \$100.~~ Any applicant for renewal who
 2463 fails to submit his or her renewal application by October 1 of
 2464 the year of its current license expiration shall pay a renewal
 2465 application fee equal to the original application fee. No fee is
 2466 refundable. All fees must be deposited into the General Revenue
 2467 Fund.

2468 (6) LICENSE PERIOD YEAR.—A license issued to a mobile home
 2469 manufacturer or a recreational vehicle manufacturer,
 2470 distributor, or importer entitles the licensee to conduct
 2471 business for a period of 1 or 2 years beginning year from
 2472 October 1 preceding the date of issuance.

2473 Section 35. Subsection (7) of section 322.08, Florida
 2474 Statutes, is amended to read:

2475 322.08 Application for license; requirements for license
 2476 and identification card forms.—

2477 (7) The application form for an original, renewal, or

2478 replacement driver license or identification card shall include
 2479 language permitting the following:

2480 (a) A voluntary contribution of \$1 per applicant, which
 2481 contribution shall be deposited into the Health Care Trust Fund
 2482 for organ and tissue donor education and for maintaining the
 2483 organ and tissue donor registry.

2484 (b) A voluntary contribution of \$1 per applicant, which
 2485 contribution shall be distributed to the Florida Council of the
 2486 Blind.

2487 (c) A voluntary contribution of \$2 per applicant, which
 2488 shall be distributed to the Hearing Research Institute,
 2489 Incorporated.

2490 (d) A voluntary contribution of \$1 per applicant, which
 2491 shall be distributed to the Juvenile Diabetes Foundation
 2492 International.

2493 (e) A voluntary contribution of \$1 per applicant, which
 2494 shall be distributed to the Children's Hearing Help Fund.

2495 (f) A voluntary contribution of \$1 per applicant, which
 2496 shall be distributed to Family First, a nonprofit organization.

2497 (g) A voluntary contribution of \$1 per applicant to Stop
 2498 Heart Disease, which shall be distributed to the Florida Heart
 2499 Research Institute, a nonprofit organization.

2500 (h) A voluntary contribution of \$1 per applicant to Senior
 2501 Vision Services, which shall be distributed to the Florida
 2502 Association of Agencies Serving the Blind, Inc., a not-for-
 2503 profit organization.

2504 (i) A voluntary contribution of \$1 per applicant for
 2505 services for persons with developmental disabilities, which

2506 shall be distributed to The Arc of Florida.

2507 (j) A voluntary contribution of \$1 to the Ronald McDonald
 2508 House, which shall be distributed each month to Ronald McDonald
 2509 House Charities of Tampa Bay, Inc.

2510 (k) Notwithstanding s. 322.081, a voluntary contribution
 2511 of \$1 per applicant, which shall be distributed to the League
 2512 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 2513 organization.

2514 (l) A voluntary contribution of \$1 per applicant to
 2515 Prevent Child Sexual Abuse, which shall be distributed to
 2516 Lauren's Kids, Inc., a nonprofit organization.

2517 (m) A voluntary contribution of \$1 per applicant, which
 2518 shall be distributed to Prevent Blindness Florida, a not-for-
 2519 profit organization, to prevent blindness and preserve the sight
 2520 of the residents of this state.

2521 (n) Notwithstanding s. 322.081, a voluntary contribution
 2522 of \$1 per applicant to the state homes for veterans, to be
 2523 distributed on a quarterly basis by the department to the State
 2524 Homes for Veterans Trust Fund, which is administered by the
 2525 Department of Veterans' Affairs.

2526 (o) A voluntary contribution of \$1 per applicant to the
 2527 Disabled American Veterans, Department of Florida, which shall
 2528 be distributed quarterly to Disabled American Veterans,
 2529 Department of Florida, a nonprofit organization.

2530 (p) A voluntary contribution of \$1 per applicant for
 2531 Autism Services and Supports, which shall be distributed to
 2532 Achievement and Rehabilitation Centers, Inc., Autism Services
 2533 Fund.

2534 (q) A voluntary contribution of \$1 per applicant to
2535 Support Our Troops, which shall be distributed to Support Our
2536 Troops, Inc., a Florida not-for-profit organization.

2537 (r) A voluntary contribution of \$1 or more per applicant
2538 to Auto Club Group Traffic Safety Foundation, Inc., a nonprofit
2539 organization. Funds received by the foundation must be used to
2540 improve traffic safety culture in communities through effective
2541 outreach, education, and activities in the state that will save
2542 lives, reduce injuries, and prevent crashes. The foundation must
2543 comply with s. 322.081.

2544
2545 A statement providing an explanation of the purpose of the trust
2546 funds shall also be included. For the purpose of applying the
2547 service charge provided in s. 215.20, contributions received
2548 under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a revenue
2549 nature.

2550 Section 36. Section 322.095, Florida Statutes, is amended
2551 to read:

2552 322.095 Traffic law and substance abuse education program
2553 for driver ~~driver's~~ license applicants.—

2554 (1) Each applicant for a driver license must complete a
2555 traffic law and substance abuse education course, unless the
2556 applicant has been licensed in another jurisdiction or has
2557 satisfactorily completed a Department of Education driver
2558 education course offered pursuant to s. 1003.48.

2559 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles
2560 must approve traffic law and substance abuse education courses,

2561 including courses that use communications technology as the
2562 delivery method.

2563 (a) In addition to the course approval criteria provided
2564 in this section, initial approval of traffic law and substance
2565 abuse education courses shall be based on the department's review
2566 of all course materials which must be designed to promote safety,
2567 education, and driver awareness; course presentation to the
2568 department by the provider; and the provider's plan for effective
2569 oversight of the course by those who deliver the course in the
2570 state.

2571 (b) Each course provider seeking approval of a traffic law
2572 and substance abuse education course must submit:

2573 1. Proof of ownership, copyright, or written permission
2574 from the course owner to use the course in the state ~~that must be~~
2575 completed by applicants for a Florida driver's license.

2576 2. The curriculum ~~curricula~~ for the courses which must
2577 promote motorcyclist, bicyclist, and pedestrian safety and
2578 provide instruction on the physiological and psychological
2579 consequences of the abuse of alcohol and other drugs; ~~the~~
2580 societal and economic costs of alcohol and drug abuse; ~~the~~
2581 effects of alcohol and drug abuse on the driver of a motor
2582 vehicle; ~~and~~ the laws of this state relating to the operation
2583 of a motor vehicle; the risk factors involved in driver attitude
2584 and irresponsible driver behaviors, such as speeding, reckless
2585 driving, and running red lights and stop signs; and the results
2586 of the use of electronic devices while driving. ~~All instructors~~
2587 teaching the courses shall be certified by the department.

2588 ~~(3)-(2) Before~~ The department shall contract for an
 2589 independent evaluation of the courses. Local DUI programs
 2590 authorized under s. 316.193(5) and certified by the department
 2591 or a driver improvement school may offer a traffic law and
 2592 substance abuse education course. However, prior to offering the
 2593 course, the course provider must obtain certification from the
 2594 department that the course complies with the requirements of
 2595 this section. If the course is offered in a classroom setting,
 2596 the course provider and any schools authorized by the provider
 2597 to teach the course must offer the approved course at locations
 2598 that are free from distractions and reasonably accessible to
 2599 most applicants and must issue a certificate to those persons
 2600 successfully completing the course.

2601 ~~(3) The completion of a course does not qualify a person~~
 2602 ~~for the reinstatement of a driver's license which has been~~
 2603 ~~suspended or revoked.~~

2604 ~~(4) The fee charged by the course provider must bear a~~
 2605 ~~reasonable relationship to the cost of the course. The~~
 2606 ~~department must conduct financial audits of course providers~~
 2607 ~~conducting the education courses required under this section or~~
 2608 ~~require that financial audits of providers be performed, at the~~
 2609 ~~expense of the provider, by a certified public accountant.~~

2610 ~~(5) The provisions of this section do not apply to any~~
 2611 ~~person who has been licensed in any other jurisdiction or who~~
 2612 ~~has satisfactorily completed a Department of Education driver's~~
 2613 ~~education course offered pursuant to s. 1003.48.~~

2614 ~~(4)-(6)~~ In addition to a regular course fee, an assessment
 2615 fee in the amount of \$3 shall be collected by the school from

2616 each person who attends a course. The course provider must remit
2617 the \$3 assessment fee to the department for deposit into the
2618 Highway Safety Operating Trust Fund in order to receive a unique
2619 course completion certificate number for the student. Each
2620 ~~course provider must collect a \$3 assessment fee in addition to~~
2621 ~~the enrollment fee charged to participants of the traffic law~~
2622 ~~and substance abuse course required under this section. The \$3~~
2623 ~~assessment fee collected by the course provider must be~~
2624 ~~forwarded to the department within 30 days after receipt of the~~
2625 ~~assessment.~~

2626 (5) (7) The department may ~~is authorized to~~ maintain the
2627 information and records necessary to administer its duties and
2628 responsibilities for the program. Course providers are required
2629 to maintain all records pertinent to the conduct of their
2630 approved courses for 5 years and allow the department to inspect
2631 such records as necessary. Records may be maintained in an
2632 electronic format. If ~~Where~~ such information is a public record
2633 as defined in chapter 119, it shall be made available to the
2634 public upon request pursuant to s. 119.07(1). ~~The department~~
2635 ~~shall approve and regulate courses that use technology as the~~
2636 ~~delivery method of all traffic law and substance abuse education~~
2637 ~~courses as the courses relate to this section.~~

2638 (6) The department shall design, develop, implement, and
2639 conduct effectiveness studies on each delivery method of all
2640 courses approved pursuant to this section on a recurring 3-year
2641 basis. At a minimum, studies shall be conducted on the
2642 effectiveness of each course in reducing DUI citations and
2643 decreasing moving traffic violations or collision recidivism.

2644 Upon notification that a course has failed an effectiveness
2645 study, the course provider shall immediately cease offering the
2646 course in the state.

2647 (7) Courses approved under this section must be updated at
2648 the department's request. Failure of a course provider to update
2649 the course within 90 days after the department's request shall
2650 result in the suspension of the course approval until such time
2651 that the updates are submitted and approved by the department.

2652 (8) Each course provider shall ensure that its driver
2653 improvement schools are conducting the approved courses fully,
2654 to the required time limits, and with the content requirements
2655 specified by the department. The course provider shall ensure
2656 that only department-approved instructional materials are used
2657 in the presentation of the course, and that all driver
2658 improvement schools conducting the course do so in a manner
2659 that maximizes its impact and effectiveness. The course provider
2660 shall ensure that any student who is unable to attend or
2661 complete a course due to action, error, or omission on the part
2662 of the course provider or driver improvement school conducting
2663 the course shall be accommodated to permit completion of the
2664 course at no additional cost.

2665 (9) Traffic law and substance abuse education courses
2666 shall be conducted with a minimum of 4 hours devoted to course
2667 content minus a maximum of 30 minutes allotted for breaks.

2668 (10) A course provider may not require any student to
2669 purchase a course completion certificate. Course providers
2670 offering paper or electronic certificates for purchase must
2671 clearly convey to the student that this purchase is optional,

2672 that the only valid course completion certificate is the
2673 electronic one that is entered into the department's Driver
2674 Improvement Certificate Issuance System, and that paper
2675 certificates are not acceptable for any licensing purpose.

2676 (11) Course providers and all associated driver improvement
2677 schools that offer approved courses shall disclose all fees
2678 associated with the course and shall not charge any fees that
2679 are not clearly listed during the registration process.

2680 (12) Course providers shall submit course completion
2681 information to the department through the department's Driver
2682 Improvement Certificate Issuance System within 5 days. The
2683 submission shall be free of charge to the student.

2684 (13) The department may deny, suspend, or revoke course
2685 approval upon proof that the course provider:

2686 (a) Violated this section.

2687 (b) Has been convicted of a crime involving any drug-
2688 related or DUI-related offense, a felony, fraud, or a crime
2689 directly related to the personal safety of a student.

2690 (c) Failed to satisfy the effectiveness criteria as
2691 outlined in subsection (6).

2692 (d) Obtained course approval by fraud or misrepresentation.

2693 (e) Obtained or assisted a person in obtaining any driver
2694 license by fraud or misrepresentation.

2695 (f) Conducted a traffic law and substance abuse education
2696 course in the state while approval of such course was under
2697 suspension or revocation.

2698 (g) Failed to provide effective oversight of those who
2699 deliver the course in the state.

2700 (14) The department shall not accept certificates from
2701 students who take a course after the course has been suspended
2702 or revoked.

2703 (15) A person who has been convicted of a crime involving
2704 any drug-related or DUI-related offense in the past 5 years, a
2705 felony, fraud, or a crime directly related to the personal
2706 safety of a student shall not be allowed to conduct traffic
2707 law and substance abuse education courses.

2708 (16) The department shall summarily suspend approval of
2709 any course without preliminary hearing for the purpose of
2710 protecting the public safety and enforcing any provision of law
2711 governing traffic law and substance abuse education courses.

2712 (17) Except as otherwise provided in this section,
2713 before final department action denying, suspending, or revoking
2714 approval of a course, the course provider shall have the
2715 opportunity to request either a formal or informal
2716 administrative hearing to show cause why the action should not
2717 be taken.

2718 (18) The department may levy and collect a civil fine of at
2719 least \$1,000 but not more than \$5,000 for each violation of this
2720 section. Proceeds from fines collected shall be deposited into
2721 the Highway Safety Operating Trust Fund and used to cover the
2722 cost of administering this section or promoting highway safety
2723 initiatives.

2724 Section 37. Subsection (1) of section 322.125, Florida
2725 Statutes, is amended to read:

2726 322.125 Medical Advisory Board.—

2727 (1) There shall be a Medical Advisory Board composed of
 2728 not fewer than 12 or more than 25 members, at least one of whom
 2729 must be 60 years of age or older and all but one of whose
 2730 medical and other specialties must relate to driving abilities,
 2731 which number must include a doctor of medicine who is employed
 2732 by the Department of Highway Safety and Motor Vehicles in
 2733 Tallahassee, who shall serve as administrative officer for the
 2734 board. The executive director of the Department of Highway
 2735 Safety and Motor Vehicles shall recommend persons to serve as
 2736 board members. Every member but two must be a doctor of medicine
 2737 licensed to practice medicine in this or any other state ~~and~~
 2738 ~~must be a member in good standing of the Florida Medical~~
 2739 ~~Association or the Florida Osteopathic Association.~~ One member
 2740 must be an optometrist licensed to practice optometry in this
 2741 state ~~and must be a member in good standing of the Florida~~
 2742 ~~Optometric Association.~~ One member must be a chiropractic
 2743 physician licensed to practice chiropractic medicine in this
 2744 state. Members shall be approved by the Cabinet and shall serve
 2745 4-year staggered terms. The board membership must, to the
 2746 maximum extent possible, consist of equal representation of the
 2747 disciplines of the medical community treating the mental or
 2748 physical disabilities that could affect the safe operation of
 2749 motor vehicles.

2750 Section 38. Subsection (4) of section 322.135, Florida
 2751 Statutes, is amended to read:

2752 322.135 Driver ~~Driver's~~ license agents.—

2753 (4) A tax collector may not issue or renew a driver
 2754 ~~driver's~~ license if he or she has any reason to believe that the

2755 licensee or prospective licensee is physically or mentally
2756 unqualified to operate a motor vehicle. ~~The tax collector may~~
2757 ~~direct any such licensee to the department for examination or~~
2758 ~~reevaluation under s. 322.221.~~

2759 Section 39. Section 322.143, Florida Statutes, is created
2760 to read:

2761 322.143 Use of a driver license or identification card.-

2762 (1) As used in this section, the term:

2763 (a) "Personal information" means an individual's name,
2764 address, date of birth, driver license number, or identification
2765 card number.

2766 (b) "Private entity" means any nongovernmental entity,
2767 such as a corporation, partnership, company, nonprofit
2768 organization, any other legal entity, or any natural person.

2769 (c) "Swipe" means the act of passing a driver license or
2770 identification card through a device that is capable of
2771 deciphering, in an electronically readable format, the
2772 information electronically encoded in a magnetic strip or bar
2773 code on the driver license or identification card.

2774 (2) A private entity may not swipe an individual's driver
2775 license or identification card, except as provided in subsection
2776 (6) and except for the following purposes:

2777 (a) To verify the authenticity of a driver license or
2778 identification card or to verify the identity of the individual
2779 if the individual pays for a good or service with a method other
2780 than cash, returns an item, or requests a refund.

2781 (b) To verify the individual's age when providing an age-
2782 restricted good or service.

2783 (c) To prevent fraud or other criminal activity if an
2784 individual returns an item or requests a refund and the private
2785 entity uses a fraud prevention service company or system.

2786 (d) To transmit information to a check services company
2787 for the purpose of approving negotiable instruments, electronic
2788 funds transfers, or similar methods of payment.

2789 (e) To comply with a legal requirement to record, retain,
2790 or transmit the driver license information.

2791 (3) A private entity that swipes an individual's driver
2792 license or identification card under paragraph (2) (a) or
2793 paragraph (2) (b) may not store, sell, or share personal
2794 information collected from swiping the driver license or
2795 identification card.

2796 (4) A private entity that swipes an individual's driver
2797 license or identification card under paragraph (2) (c) or
2798 paragraph (2) (d) may store or share personal information
2799 collected from swiping an individual's driver license or
2800 identification card for the purpose of preventing fraud or other
2801 criminal activity against the private entity.

2802 (5) (a) A person other than an entity regulated by the
2803 federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.,
2804 who receives personal information from a private entity under
2805 subsection (4) may use the personal information received only to
2806 prevent fraud or other criminal activity against the private
2807 entity that provided the personal information.

2808 (b) A person who is regulated by the federal Fair Credit
2809 Reporting Act and who receives personal information from a
2810 private entity under subsection (4) may use or provide the

2811 personal information received only to effect, administer, or
2812 enforce a transaction or prevent fraud or other criminal
2813 activity, if the person provides or receives personal
2814 information under contract from the private entity.

2815 (6) (a) An individual may consent to allow the private
2816 entity to swipe the individual's driver license or
2817 identification card to collect and store personal information.
2818 However, the individual must be informed what information is
2819 collected and the purpose or purposes for which it will be used.

2820 (b) If the individual does not want the private entity to
2821 swipe the individual's driver license or identification card,
2822 the private entity may manually collect personal information
2823 from the individual.

2824 (7) The private entity may not withhold the provision of
2825 goods or services solely as a result of the individual
2826 requesting the collection of the data in subsection (6) from the
2827 individual through manual means.

2828 (8) In addition to any other remedy provided by law, an
2829 individual may bring an action to recover actual damages and to
2830 obtain equitable relief, if equitable relief is available,
2831 against an entity that swipes, stores, shares, sells, or
2832 otherwise uses the individual's personal information in
2833 violation of this section. If a court finds that a violation of
2834 this section was willful or knowing, the court may increase the
2835 amount of the award to no more than three times the amount
2836 otherwise available.

2837 Section 40. Subsection (7) of section 322.212, Florida
2838 Statutes, is amended to read:

2839 322.212 Unauthorized possession of, and other unlawful
 2840 acts in relation to, driver ~~driver's~~ license or identification
 2841 card.—

2842 (7) In addition to any other penalties provided by this
 2843 section, any person who provides false information when applying
 2844 for a commercial driver ~~driver's~~ license or commercial learner's
 2845 permit or is convicted of fraud in connection with testing for a
 2846 commercial driver license or commercial learner's permit shall be
 2847 disqualified from operating a commercial motor vehicle for a
 2848 period of 1 year ~~60 days~~.

2849 Section 41. Subsection (1) of section 322.22, Florida
 2850 Statutes, is amended to read:

2851 322.22 Authority of department to cancel or refuse to
 2852 issue or renew license.—

2853 (1) The department may ~~is authorized to~~ cancel or withhold
 2854 issuance or renewal of any driver ~~driver's~~ license, upon
 2855 determining that the licensee was not entitled to the issuance
 2856 thereof, or that the licensee failed to give the required or
 2857 correct information in his or her application or committed any
 2858 fraud in making such application, or that the licensee has two
 2859 or more licenses on file with the department, each in a
 2860 different name but bearing the photograph of the licensee,
 2861 unless the licensee has complied with the requirements of this
 2862 chapter in obtaining the licenses. The department may cancel or
 2863 withhold issuance or renewal of any driver ~~driver's~~ license,
 2864 identification card, vehicle or vessel registration, or fuel-use
 2865 decal if the licensee fails to pay the correct fee or pays for
 2866 any driver ~~the driver's~~ license, identification card, vehicle or

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2867 vessel registration, or fuel-use decal; pays any tax liability,
2868 penalty, or interest specified in chapter 207; or pays any
2869 administrative, delinquency, or reinstatement fee by a
2870 dishonored check.

2871 Section 42. Subsection (3) of section 322.245, Florida
2872 Statutes, is amended to read:

2873 322.245 Suspension of license upon failure of person
2874 charged with specified offense under chapter 316, chapter 320,
2875 or this chapter to comply with directives ordered by traffic
2876 court or upon failure to pay child support in non-IV-D cases as
2877 provided in chapter 61 or failure to pay any financial
2878 obligation in any other criminal case.—

2879 (3) If the person fails to comply with the directives of
2880 the court within the 30-day period, or, in non-IV-D cases, fails
2881 to comply with the requirements of s. 61.13016 within the period
2882 specified in that statute, the depository or the clerk of the
2883 court shall electronically notify the department of such failure
2884 within 10 days. Upon electronic receipt of the notice, the
2885 department shall immediately issue an order suspending the
2886 person's driver ~~driver's~~ license and privilege to drive
2887 effective 20 days after the date the order of suspension is
2888 mailed in accordance with s. 322.251(1), (2), and (6).

2889 Section 43. Subsection (7) of section 322.25, Florida
2890 Statutes, is amended to read:

2891 322.25 When court to forward license to department and
2892 report convictions; temporary reinstatement of driving
2893 privileges.—

2894 ~~(7) Any licensed driver convicted of driving, or being in~~
2895 ~~the actual physical control of, a vehicle within this state~~
2896 ~~while under the influence of alcoholic beverages, any chemical~~
2897 ~~substance set forth in s. 877.111, or any substance controlled~~
2898 ~~under chapter 893, when affected to the extent that his or her~~
2899 ~~normal faculties are impaired, and whose license and driving~~
2900 ~~privilege have been revoked as provided in subsection (1) may be~~
2901 ~~issued a court order for reinstatement of a driving privilege on~~
2902 ~~a temporary basis; provided that, as a part of the penalty, upon~~
2903 ~~conviction, the defendant is required to enroll in and complete~~
2904 ~~a driver improvement course for the rehabilitation of drinking~~
2905 ~~drivers and the driver is otherwise eligible for reinstatement~~
2906 ~~of the driving privilege as provided by s. 322.282. The court~~
2907 ~~order for reinstatement shall be on a form provided by the~~
2908 ~~department and must be taken by the person convicted to a~~
2909 ~~Florida driver's license examining office, where a temporary~~
2910 ~~driving permit may be issued. The period of time for which a~~
2911 ~~temporary permit issued in accordance with this subsection is~~
2912 ~~valid shall be deemed to be part of the period of revocation~~
2913 ~~imposed by the court.~~

2914 Section 44. Section 322.2615, Florida Statutes, is amended
2915 to read:

2916 322.2615 Suspension of license; right to review.—

2917 (1) (a) A law enforcement officer or correctional officer
2918 shall, on behalf of the department, suspend the driving
2919 privilege of a person who is driving or in actual physical
2920 control of a motor vehicle and who has an unlawful blood-alcohol
2921 level or breath-alcohol level of 0.08 or higher, or of a person

2922 | who has refused to submit to a urine test or a test of his or
 2923 | her breath-alcohol or blood-alcohol level. The officer shall
 2924 | take the person's driver ~~driver's~~ license and issue the person a
 2925 | 10-day temporary permit if the person is otherwise eligible for
 2926 | the driving privilege and shall issue the person a notice of
 2927 | suspension. If a blood test has been administered, the officer
 2928 | or the agency employing the officer shall transmit such results
 2929 | to the department within 5 days after receipt of the results. If
 2930 | the department then determines that the person had a blood-
 2931 | alcohol level or breath-alcohol level of 0.08 or higher, the
 2932 | department shall suspend the person's driver ~~driver's~~ license
 2933 | pursuant to subsection (3).

2934 | (b) The suspension under paragraph (a) shall be pursuant
 2935 | to, and the notice of suspension shall inform the driver of, the
 2936 | following:

2937 | 1.a. The driver refused to submit to a lawful breath,
 2938 | blood, or urine test and his or her driving privilege is
 2939 | suspended for a period of 1 year for a first refusal or for a
 2940 | period of 18 months if his or her driving privilege has been
 2941 | previously suspended as a result of a refusal to submit to such
 2942 | a test; or

2943 | b. The driver was driving or in actual physical control of
 2944 | a motor vehicle and had an unlawful blood-alcohol level or
 2945 | breath-alcohol level of 0.08 or higher and his or her driving
 2946 | privilege is suspended for a period of 6 months for a first
 2947 | offense or for a period of 1 year if his or her driving
 2948 | privilege has been previously suspended under this section.

2949 2. The suspension period shall commence on the date of
2950 issuance of the notice of suspension.

2951 3. The driver may request a formal or informal review of
2952 the suspension by the department within 10 days after the date
2953 of issuance of the notice of suspension, or may request a review
2954 of eligibility for a restricted driving privilege under s.
2955 322.271(7).

2956 4. The temporary permit issued at the time of suspension
2957 expires at midnight of the 10th day following the date of
2958 issuance of the notice of suspension.

2959 5. The driver may submit to the department any materials
2960 relevant to the suspension.

2961 (2) (a) Except as provided in paragraph (1) (a), the law
2962 enforcement officer shall forward to the department, within 5
2963 days after issuing the notice of suspension, the driver ~~driver's~~
2964 license; an affidavit stating the officer's grounds for belief
2965 that the person was driving or in actual physical control of a
2966 motor vehicle while under the influence of alcoholic beverages
2967 or chemical or controlled substances; the results of any breath
2968 or blood test or an affidavit stating that a breath, blood, or
2969 urine test was requested by a law enforcement officer or
2970 correctional officer and that the person refused to submit; the
2971 officer's description of the person's field sobriety test, if
2972 any; and the notice of suspension. The failure of the officer to
2973 submit materials within the 5-day period specified in this
2974 subsection and in subsection (1) does not affect the
2975 department's ability to consider any evidence submitted at or
2976 before ~~prior to~~ the hearing.

2977 | **(b)** The officer may also submit a copy of the crash report
 2978 | and a copy of a video recording ~~videotape~~ of the field sobriety
 2979 | test or the attempt to administer such test. Materials submitted
 2980 | to the department by a law enforcement agency or correctional
 2981 | agency shall be considered self-authenticating and shall be in
 2982 | the record for consideration by the hearing officer.
 2983 | Notwithstanding s. 316.066(5), the crash report shall be
 2984 | considered by the hearing officer.

2985 | (3) If the department determines that the license should
 2986 | be suspended pursuant to this section and if the notice of
 2987 | suspension has not already been served upon the person by a law
 2988 | enforcement officer or correctional officer as provided in
 2989 | subsection (1), the department shall issue a notice of
 2990 | suspension and, unless the notice is mailed pursuant to s.
 2991 | 322.251, a temporary permit that expires 10 days after the date
 2992 | of issuance if the driver is otherwise eligible.

2993 | (4) If the person whose license was suspended requests an
 2994 | informal review pursuant to subparagraph (1)(b)3., the
 2995 | department shall conduct the informal review by a hearing
 2996 | officer designated ~~employed~~ by the department. Such informal
 2997 | review hearing shall consist solely of an examination by the
 2998 | department of the materials submitted by a law enforcement
 2999 | officer or correctional officer and by the person whose license
 3000 | was suspended, and the presence of an officer or witness is not
 3001 | required.

3002 | (5) After completion of the informal review, notice of the
 3003 | department's decision sustaining, amending, or invalidating the
 3004 | suspension of the driver ~~driver's~~ license of the person whose

3005 license was suspended must be provided to such person. Such
3006 notice must be mailed to the person at the last known address
3007 shown on the department's records, or to the address provided in
3008 the law enforcement officer's report if such address differs
3009 from the address of record, within 21 days after the expiration
3010 of the temporary permit issued pursuant to subsection (1) or
3011 subsection (3).

3012 (6) (a) If the person whose license was suspended requests
3013 a formal review, the department must schedule a hearing ~~to be~~
3014 ~~held~~ within 30 days after such request is received by the
3015 department and must notify the person of the date, time, and
3016 place of the hearing.

3017 (b) Such formal review hearing shall be held before a
3018 hearing officer designated ~~employed~~ by the department, and the
3019 hearing officer shall be authorized to administer oaths, examine
3020 witnesses and take testimony, receive relevant evidence, issue
3021 subpoenas for the officers and witnesses identified in documents
3022 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the
3023 course and conduct of the hearing, question witnesses, and make
3024 a ruling on the suspension. The hearing officer may conduct
3025 hearings using communications technology. The party requesting
3026 the presence of a witness shall be responsible for the payment
3027 of any witness fees and for notifying in writing the state
3028 attorney's office in the appropriate circuit of the issuance of
3029 the subpoena. If the person who requests a formal review hearing
3030 fails to appear and the hearing officer finds such failure to be
3031 without just cause, the right to a formal hearing is waived and
3032 the suspension shall be sustained.

3033 (c) The failure of a subpoenaed witness to appear at the
3034 formal review hearing is not grounds to invalidate the
3035 suspension. If a witness fails to appear, a party may seek
3036 enforcement of a subpoena under paragraph (b) by filing a
3037 petition for enforcement in the circuit court of the judicial
3038 circuit in which the person failing to comply with the subpoena
3039 resides or by filing a motion for enforcement in any criminal
3040 court case resulting from the driving or actual physical control
3041 of a motor vehicle that gave rise to the suspension under this
3042 section. A failure to comply with an order of the court shall
3043 result in a finding of contempt of court. However, a person is
3044 not in contempt while a subpoena is being challenged.

3045 (d) The department must, within 7 working days after a
3046 formal review hearing, send notice to the person of the hearing
3047 officer's decision as to whether sufficient cause exists to
3048 sustain, amend, or invalidate the suspension.

3049 (7) In a formal review hearing under subsection (6) or an
3050 informal review hearing under subsection (4), the hearing
3051 officer shall determine by a preponderance of the evidence
3052 whether sufficient cause exists to sustain, amend, or invalidate
3053 the suspension. The scope of the review shall be limited to the
3054 following issues:

3055 (a) If the license was suspended for driving with an
3056 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
3057 higher:

3058 1. Whether the law enforcement officer had probable cause
3059 to believe that the person whose license was suspended was
3060 driving or in actual physical control of a motor vehicle in this

3061 state while under the influence of alcoholic beverages or
 3062 chemical or controlled substances.

3063 2. Whether the person whose license was suspended had an
 3064 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 3065 higher as provided in s. 316.193.

3066 (b) If the license was suspended for refusal to submit to
 3067 a breath, blood, or urine test:

3068 1. Whether the law enforcement officer had probable cause
 3069 to believe that the person whose license was suspended was
 3070 driving or in actual physical control of a motor vehicle in this
 3071 state while under the influence of alcoholic beverages or
 3072 chemical or controlled substances.

3073 2. Whether the person whose license was suspended refused
 3074 to submit to any such test after being requested to do so by a
 3075 law enforcement officer or correctional officer.

3076 3. Whether the person whose license was suspended was told
 3077 that if he or she refused to submit to such test his or her
 3078 privilege to operate a motor vehicle would be suspended for a
 3079 period of 1 year or, in the case of a second or subsequent
 3080 refusal, for a period of 18 months.

3081 (8) Based on the determination of the hearing officer
 3082 pursuant to subsection (7) for both informal hearings under
 3083 subsection (4) and formal hearings under subsection (6), the
 3084 department shall:

3085 (a) Sustain the suspension of the person's driving
 3086 privilege for a period of 1 year for a first refusal, or for a
 3087 period of 18 months if the driving privilege of such person has
 3088 been previously suspended as a result of a refusal to submit to

3089 such tests, if the person refused to submit to a lawful breath,
 3090 blood, or urine test. The suspension period commences on the
 3091 date of issuance of the notice of suspension.

3092 (b) Sustain the suspension of the person's driving
 3093 privilege for a period of 6 months for a blood-alcohol level or
 3094 breath-alcohol level of 0.08 or higher, or for a period of 1
 3095 year if the driving privilege of such person has been previously
 3096 suspended under this section as a result of driving with an
 3097 unlawful alcohol level. The suspension period commences on the
 3098 date of issuance of the notice of suspension.

3099 (9) A request for a formal review hearing or an informal
 3100 review hearing shall not stay the suspension of the person's
 3101 driver ~~driver's~~ license. If the department fails to schedule the
 3102 formal review hearing ~~to be held~~ within 30 days after receipt of
 3103 the request therefor, the department shall invalidate the
 3104 suspension. If the scheduled hearing is continued at the
 3105 department's initiative or the driver enforces the subpoena as
 3106 provided in subsection (6), the department shall issue a
 3107 temporary driving permit that shall be valid until the hearing
 3108 is conducted if the person is otherwise eligible for the driving
 3109 privilege. Such permit may not be issued to a person who sought
 3110 and obtained a continuance of the hearing. The permit issued
 3111 under this subsection shall authorize driving for business or
 3112 employment use only.

3113 (10) A person whose driver ~~driver's~~ license is suspended
 3114 under subsection (1) or subsection (3) may apply for issuance of
 3115 a license for business or employment purposes only if the person

3116 is otherwise eligible for the driving privilege pursuant to s.
3117 322.271.

3118 (a) If the suspension of the driver ~~driver's~~ license of
3119 the person for failure to submit to a breath, urine, or blood
3120 test is sustained, the person is not eligible to receive a
3121 license for business or employment purposes only, pursuant to s.
3122 322.271, until 90 days have elapsed after the expiration of the
3123 last temporary permit issued. If the driver is not issued a 10-
3124 day permit pursuant to this section or s. 322.64 because he or
3125 she is ineligible for the permit and the suspension for failure
3126 to submit to a breath, urine, or blood test is not invalidated
3127 by the department, the driver is not eligible to receive a
3128 business or employment license pursuant to s. 322.271 until 90
3129 days have elapsed from the date of the suspension.

3130 (b) If the suspension of the driver ~~driver's~~ license of
3131 the person relating to unlawful blood-alcohol level or breath-
3132 alcohol level of 0.08 or higher is sustained, the person is not
3133 eligible to receive a license for business or employment
3134 purposes only pursuant to s. 322.271 until 30 days have elapsed
3135 after the expiration of the last temporary permit issued. If the
3136 driver is not issued a 10-day permit pursuant to this section or
3137 s. 322.64 because he or she is ineligible for the permit and the
3138 suspension relating to unlawful blood-alcohol level or breath-
3139 alcohol level of 0.08 or higher is not invalidated by the
3140 department, the driver is not eligible to receive a business or
3141 employment license pursuant to s. 322.271 until 30 days have
3142 elapsed from the date of the suspension.

3143 (11) The formal review hearing may be conducted upon a
3144 review of the reports of a law enforcement officer or a
3145 correctional officer, including documents relating to the
3146 administration of a breath test or blood test or the refusal to
3147 take either test or the refusal to take a urine test. However,
3148 as provided in subsection (6), the driver may subpoena the
3149 officer or any person who administered or analyzed a breath or
3150 blood test. If the arresting officer or the breath technician
3151 fails to appear pursuant to a subpoena as provided in subsection
3152 (6), the department shall invalidate the suspension.

3153 (12) The formal review hearing and the informal review
3154 hearing are exempt from the provisions of chapter 120. The
3155 department may adopt rules for the conduct of reviews under this
3156 section.

3157 (13) A person may appeal any decision of the department
3158 sustaining a suspension of his or her driver ~~driver's~~ license by
3159 a petition for writ of certiorari to the circuit court in the
3160 county wherein such person resides or wherein a formal or
3161 informal review was conducted pursuant to s. 322.31. However, an
3162 appeal shall not stay the suspension. A law enforcement agency
3163 may appeal any decision of the department invalidating a
3164 suspension by a petition for writ of certiorari to the circuit
3165 court in the county wherein a formal or informal review was
3166 conducted. This subsection shall not be construed to provide for
3167 a de novo review ~~appeal~~.

3168 (14) (a) The decision of the department under this section
3169 or any circuit court review thereof may not be considered in any
3170 trial for a violation of s. 316.193, and a written statement

3171 submitted by a person in his or her request for departmental
 3172 review under this section may not be admitted into evidence
 3173 against him or her in any such trial.

3174 (b) The disposition of any related criminal proceedings
 3175 does not affect a suspension for refusal to submit to a blood,
 3176 breath, or urine test imposed under this section.

3177 (15) If the department suspends a person's license under
 3178 s. 322.2616, it may not also suspend the person's license under
 3179 this section for the same episode that was the basis for the
 3180 suspension under s. 322.2616.

3181 (16) The department shall invalidate a suspension for
 3182 driving with an unlawful blood-alcohol level or breath-alcohol
 3183 level imposed under this section if the suspended person is
 3184 found not guilty at trial of an underlying violation of s.
 3185 316.193.

3186 Section 45. Section 322.2616, Florida Statutes, is amended
 3187 to read:

3188 322.2616 Suspension of license; persons under 21 years of
 3189 age; right to review.—

3190 (1)(a) Notwithstanding s. 316.193, it is unlawful for a
 3191 person under the age of 21 who has a blood-alcohol or breath-
 3192 alcohol level of 0.02 or higher to drive or be in actual
 3193 physical control of a motor vehicle.

3194 (b) A law enforcement officer who has probable cause to
 3195 believe that a motor vehicle is being driven by or is in the
 3196 actual physical control of a person who is under the age of 21
 3197 while under the influence of alcoholic beverages or who has any
 3198 blood-alcohol or breath-alcohol level may lawfully detain such a

3199 person and may request that person to submit to a test to
3200 determine his or her blood-alcohol or breath-alcohol level.

3201 (2) (a) A law enforcement officer or correctional officer
3202 shall, on behalf of the department, suspend the driving
3203 privilege of such person if the person has a blood-alcohol or
3204 breath-alcohol level of 0.02 or higher. The officer shall also
3205 suspend, on behalf of the department, the driving privilege of a
3206 person who has refused to submit to a test as provided by
3207 paragraph (b). The officer shall take the person's driver
3208 ~~driver's~~ license and issue the person a 10-day temporary driving
3209 permit if the person is otherwise eligible for the driving
3210 privilege and shall issue the person a notice of suspension.

3211 (b) The suspension under paragraph (a) must be pursuant
3212 to, and the notice of suspension must inform the driver of, the
3213 following:

3214 1.a. The driver refused to submit to a lawful breath test
3215 and his or her driving privilege is suspended for a period of 1
3216 year for a first refusal or for a period of 18 months if his or
3217 her driving privilege has been previously suspended as provided
3218 in this section as a result of a refusal to submit to a test; or

3219 b. The driver was under the age of 21 and was driving or
3220 in actual physical control of a motor vehicle while having a
3221 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
3222 person's driving privilege is suspended for a period of 6 months
3223 for a first violation, or for a period of 1 year if his or her
3224 driving privilege has been previously suspended as provided in
3225 this section for driving or being in actual physical control of

3226 a motor vehicle with a blood-alcohol or breath-alcohol level of
3227 0.02 or higher.

3228 2. The suspension period commences on the date of issuance
3229 of the notice of suspension.

3230 3. The driver may request a formal or informal review of
3231 the suspension by the department within 10 days after the
3232 issuance of the notice of suspension.

3233 4. A temporary permit issued at the time of the issuance
3234 of the notice of suspension shall not become effective until
3235 after 12 hours have elapsed and will expire at midnight of the
3236 10th day following the date of issuance.

3237 5. The driver may submit to the department any materials
3238 relevant to the suspension of his or her license.

3239 (c) When a driver subject to this section has a blood-
3240 alcohol or breath-alcohol level of 0.05 or higher, the
3241 suspension shall remain in effect until such time as the driver
3242 has completed a substance abuse course offered by a DUI program
3243 licensed by the department. The driver shall assume the
3244 reasonable costs for the substance abuse course. As part of the
3245 substance abuse course, the program shall conduct a substance
3246 abuse evaluation of the driver, and notify the parents or legal
3247 guardians of drivers under the age of 19 years of the results of
3248 the evaluation. The term "substance abuse" means the abuse of
3249 alcohol or any substance named or described in Schedules I
3250 through V of s. 893.03. If a driver fails to complete the
3251 substance abuse education course and evaluation, the driver
3252 ~~driver's~~ license shall not be reinstated by the department.

3253 (d) A minor under the age of 18 years proven to be driving
3254 with a blood-alcohol or breath-alcohol level of 0.02 or higher
3255 may be taken by a law enforcement officer to the addictions
3256 receiving facility in the county in which the minor is found to
3257 be so driving, if the county makes the addictions receiving
3258 facility available for such purpose.

3259 (3) The law enforcement officer shall forward to the
3260 department, within 5 days after the date of the issuance of the
3261 notice of suspension, a copy of the notice of suspension, the
3262 driver ~~driver's~~ license of the person receiving the notice of
3263 suspension, and an affidavit stating the officer's grounds for
3264 belief that the person was under the age of 21 and was driving
3265 or in actual physical control of a motor vehicle with any blood-
3266 alcohol or breath-alcohol level, and the results of any blood or
3267 breath test or an affidavit stating that a breath test was
3268 requested by a law enforcement officer or correctional officer
3269 and that the person refused to submit to such test. The failure
3270 of the officer to submit materials within the 5-day period
3271 specified in this subsection does not bar the department from
3272 considering any materials submitted at or before the hearing.

3273 (4) If the department finds that the license of the person
3274 should be suspended under this section and if the notice of
3275 suspension has not already been served upon the person by a law
3276 enforcement officer or correctional officer as provided in
3277 subsection (2), the department shall issue a notice of
3278 suspension and, unless the notice is mailed under s. 322.251, a
3279 temporary driving permit that expires 10 days after the date of
3280 issuance if the driver is otherwise eligible.

3281 (5) If the person whose license is suspended requests an
3282 informal review under subparagraph (2)(b)3., the department
3283 shall conduct the informal review by a hearing officer
3284 designated ~~employed~~ by the department within 30 days after the
3285 request is received by the department and shall issue such
3286 person a temporary driving permit for business purposes only to
3287 expire on the date that such review is scheduled to be conducted
3288 if the person is otherwise eligible. The informal review hearing
3289 must consist solely of an examination by the department of the
3290 materials submitted by a law enforcement officer or correctional
3291 officer and by the person whose license is suspended, and the
3292 presence of an officer or witness is not required.

3293 (6) After completion of the informal review, notice of the
3294 department's decision sustaining, amending, or invalidating the
3295 suspension of the driver ~~driver's~~ license must be provided to
3296 the person. The notice must be mailed to the person at the last
3297 known address shown on the department's records, or to the
3298 address provided in the law enforcement officer's report if such
3299 address differs from the address of record, within 7 days after
3300 completing the review.

3301 (7)(a) If the person whose license is suspended requests a
3302 formal review, the department must schedule a hearing to be held
3303 within 30 days after the request is received by the department
3304 and must notify the person of the date, time, and place of the
3305 hearing and shall issue such person a temporary driving permit
3306 for business purposes only to expire on the date that such
3307 review is scheduled to be conducted if the person is otherwise
3308 eligible.

3309 (b) The formal review hearing must be held before a
3310 hearing officer designated ~~employed~~ by the department, and the
3311 hearing officer may administer oaths, examine witnesses and take
3312 testimony, receive relevant evidence, issue subpoenas, regulate
3313 the course and conduct of the hearing, and make a ruling on the
3314 suspension. The hearing officer may conduct hearings using
3315 communications technology. The department and the person whose
3316 license was suspended may subpoena witnesses, and the party
3317 requesting the presence of a witness is responsible for paying
3318 any witness fees and for notifying in writing the state
3319 attorney's office in the appropriate circuit of the issuance of
3320 the subpoena. If the person who requests a formal review hearing
3321 fails to appear and the hearing officer finds the failure to be
3322 without just cause, the right to a formal hearing is waived and
3323 the suspension is sustained.

3324 (c) The failure of a subpoenaed witness to appear at the
3325 formal review hearing shall not be grounds to invalidate the
3326 suspension. If a witness fails to appear, a party may seek
3327 enforcement of a subpoena under paragraph (b) by filing a
3328 petition for enforcement in the circuit court of the judicial
3329 circuit in which the person failing to comply with the subpoena
3330 resides. A failure to comply with an order of the court
3331 constitutes contempt of court. However, a person may not be held
3332 in contempt while a subpoena is being challenged.

3333 (d) The department must, within 7 working days after a
3334 formal review hearing, send notice to the person of the hearing
3335 officer's decision as to whether sufficient cause exists to
3336 sustain, amend, or invalidate the suspension.

3337 (8) In a formal review hearing under subsection (7) or an
3338 informal review hearing under subsection (5), the hearing
3339 officer shall determine by a preponderance of the evidence
3340 whether sufficient cause exists to sustain, amend, or invalidate
3341 the suspension. The scope of the review is limited to the
3342 following issues:

3343 (a) If the license was suspended because the individual,
3344 then under the age of 21, drove with a blood-alcohol or breath-
3345 alcohol level of 0.02 or higher:

3346 1. Whether the law enforcement officer had probable cause
3347 to believe that the person was under the age of 21 and was
3348 driving or in actual physical control of a motor vehicle in this
3349 state with any blood-alcohol or breath-alcohol level or while
3350 under the influence of alcoholic beverages.

3351 2. Whether the person was under the age of 21.

3352 3. Whether the person had a blood-alcohol or breath-
3353 alcohol level of 0.02 or higher.

3354 (b) If the license was suspended because of the
3355 individual's refusal to submit to a breath test:

3356 1. Whether the law enforcement officer had probable cause
3357 to believe that the person was under the age of 21 and was
3358 driving or in actual physical control of a motor vehicle in this
3359 state with any blood-alcohol or breath-alcohol level or while
3360 under the influence of alcoholic beverages.

3361 2. Whether the person was under the age of 21.

3362 3. Whether the person refused to submit to a breath test
3363 after being requested to do so by a law enforcement officer or
3364 correctional officer.

3365 4. Whether the person was told that if he or she refused
 3366 to submit to a breath test his or her privilege to operate a
 3367 motor vehicle would be suspended for a period of 1 year or, in
 3368 the case of a second or subsequent refusal, for a period of 18
 3369 months.

3370 (9) Based on the determination of the hearing officer
 3371 under subsection (8) for both informal hearings under subsection
 3372 (5) and formal hearings under subsection (7), the department
 3373 shall:

3374 (a) Sustain the suspension of the person's driving
 3375 privilege for a period of 1 year for a first refusal, or for a
 3376 period of 18 months if the driving privilege of the person has
 3377 been previously suspended, as provided in this section, as a
 3378 result of a refusal to submit to a test. The suspension period
 3379 commences on the date of the issuance of the notice of
 3380 suspension.

3381 (b) Sustain the suspension of the person's driving
 3382 privilege for a period of 6 months for driving or being in
 3383 actual physical control of a motor vehicle while under the age
 3384 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
 3385 higher, or for a period of 1 year if the driving privilege of
 3386 such person has been previously suspended under this section.
 3387 The suspension period commences on the date of the issuance of
 3388 the notice of suspension.

3389 (10) A request for a formal review hearing or an informal
 3390 review hearing shall not stay the suspension of the person's
 3391 driver ~~driver's~~ license. If the department fails to schedule the
 3392 formal review hearing ~~to be held~~ within 30 days after receipt of

3393 the request therefor, the department shall invalidate the
3394 suspension. If the scheduled hearing is continued at the
3395 department's initiative or the driver enforces the subpoena as
3396 provided in subsection (7), the department shall issue a
3397 temporary driving permit that is valid until the hearing is
3398 conducted if the person is otherwise eligible for the driving
3399 privilege. The permit shall not be issued to a person who
3400 requested a continuance of the hearing. The permit issued under
3401 this subsection authorizes driving for business or employment
3402 use only.

3403 (11) A person whose driver ~~driver's~~ license is suspended
3404 under subsection (2) or subsection (4) may apply for issuance of
3405 a license for business or employment purposes only, pursuant to
3406 s. 322.271, if the person is otherwise eligible for the driving
3407 privilege. However, such a license may not be issued until 30
3408 days have elapsed after the expiration of the last temporary
3409 driving permit issued under this section.

3410 (12) The formal review hearing may be conducted upon a
3411 review of the reports of a law enforcement officer or
3412 correctional officer, including documents relating to the
3413 administration of a breath test or the refusal to take a test.
3414 However, as provided in subsection (7), the driver may subpoena
3415 the officer or any person who administered a breath or blood
3416 test. If the officer who suspended the driving privilege fails
3417 to appear pursuant to a subpoena as provided in subsection (7),
3418 the department shall invalidate the suspension.

3419 (13) The formal review hearing and the informal review
3420 hearing are exempt from chapter 120. The department may adopt
3421 rules for conducting reviews under this section.

3422 (14) A person may appeal any decision of the department
3423 sustaining a suspension of his or her driver ~~driver's~~ license by
3424 a petition for writ of certiorari to the circuit court in the
3425 county wherein such person resides or wherein a formal or
3426 informal review was conducted under s. 322.31. However, an
3427 appeal does not stay the suspension. This subsection does not
3428 provide for a de novo review ~~appeal~~.

3429 (15) The decision of the department under this section
3430 shall not be considered in any trial for a violation of s.
3431 316.193, nor shall any written statement submitted by a person
3432 in his or her request for departmental review under this section
3433 be admissible into evidence against him or her in any such
3434 trial. The disposition of any related criminal proceedings shall
3435 not affect a suspension imposed under this section.

3436 (16) By applying for and accepting and using a driver
3437 ~~driver's~~ license, a person under the age of 21 years who holds
3438 the driver ~~driver's~~ license is deemed to have expressed his or
3439 her consent to the provisions of this section.

3440 (17) A breath test to determine breath-alcohol level
3441 pursuant to this section may be conducted as authorized by s.
3442 316.1932 or by a breath-alcohol test device listed in the United
3443 States Department of Transportation's conforming-product list of
3444 evidential breath-measurement devices. The reading from such a
3445 device is presumed accurate and is admissible in evidence in any
3446 administrative hearing conducted under this section.

3447 (18) The result of a blood test obtained during an
3448 investigation conducted under s. 316.1932 or s. 316.1933 may be
3449 used to suspend the driving privilege of a person under this
3450 section.

3451 (19) A violation of this section is neither a traffic
3452 infraction nor a criminal offense, nor does being detained
3453 pursuant to this section constitute an arrest. A violation of
3454 this section is subject to the administrative action provisions
3455 of this section, which are administered by the department
3456 through its administrative processes. Administrative actions
3457 taken pursuant to this section shall be recorded in the motor
3458 vehicle records maintained by the department. This section does
3459 not bar prosecution under s. 316.193. However, if the department
3460 suspends a person's license under s. 322.2615 for a violation of
3461 s. 316.193, it may not also suspend the person's license under
3462 this section for the same episode that was the basis for the
3463 suspension under s. 322.2615.

3464 Section 46. Subsection (7) is added to section 322.271,
3465 Florida Statutes, to read:

3466 322.271 Authority to modify revocation, cancellation, or
3467 suspension order.—

3468 (7) Notwithstanding s. 322.2615(10)(a) and (b), a person
3469 who has not previously had a driver license suspended under s.
3470 322.2615, who has not been disqualified under s. 322.64, who has
3471 not been convicted of a violation of s. 316.193, and whose
3472 driving privilege is suspended under s. 322.2615 is eligible for
3473 a restricted driving privilege pursuant to a hearing under
3474 subsection (2).

3475 (a) For purposes of this subsection, a previous conviction
3476 outside of this state for driving under the influence, driving
3477 while intoxicated, driving with an unlawful blood-alcohol level,
3478 or any other alcohol-related or drug-related traffic offense
3479 similar to the offense of driving under the influence as
3480 provided in s. 316.193 is considered a previous conviction for a
3481 violation of s. 316.193, and a conviction for a violation of
3482 former s. 316.028, former s. 316.1931, or former s. 860.01 is
3483 also considered a conviction for a violation of s. 316.193.

3484 (b) The reinstatement of driving privileges as provided in
3485 this subsection shall be restricted to business purposes only,
3486 as defined in this section, for the duration of the suspension
3487 imposed under s. 322.2615.

3488 (c) Acceptance of the reinstated driving privilege as
3489 provided in this subsection is deemed a waiver of the right to
3490 formal and informal review under s. 322.2615. The waiver may not
3491 be used as evidence in any other proceeding.

3492 Section 47. Section 322.2715, Florida Statutes, is amended
3493 to read:

3494 322.2715 Ignition interlock device.—

3495 (1) Before issuing a permanent or restricted driver
3496 ~~driver's~~ license under this chapter, the department shall
3497 require the placement of a department-approved ignition
3498 interlock device for any person convicted of committing an
3499 offense of driving under the influence as specified in
3500 subsection (3), except that consideration may be given to those
3501 individuals having a documented medical condition that would
3502 prohibit the device from functioning normally. If a medical

3503 waiver has been granted for a convicted person seeking a
3504 restricted license, the convicted person shall not be entitled
3505 to a restricted license until the required ignition interlock
3506 device installation period under subsection (3) expires, in
3507 addition to the time requirements under s. 322.271. If a
3508 medical waiver has been approved for a convicted person
3509 seeking permanent reinstatement of the driver license, the
3510 convicted person must be restricted to an employment-purposes-
3511 only license and be supervised by a licensed DUI program until
3512 the required ignition interlock device installation period under
3513 subsection (3) expires. An interlock device shall be placed on
3514 all vehicles that are individually or jointly leased or owned
3515 and routinely operated by the convicted person.

3516 (2) For purposes of this section, any conviction for a
3517 violation of s. 316.193, a previous conviction for a violation
3518 of former s. 316.1931, or a conviction outside this state for
3519 driving under the influence, driving while intoxicated, driving
3520 with an unlawful blood-alcohol level, or any other similar
3521 alcohol-related or drug-related traffic offense is a conviction
3522 of driving under the influence.

3523 (3) If the person is convicted of:

3524 (a) A first offense of driving under the influence under
3525 s. 316.193 and has an unlawful blood-alcohol level or breath-
3526 alcohol level as specified in s. 316.193(4), or if a person is
3527 convicted of a violation of s. 316.193 and was at the time of
3528 the offense accompanied in the vehicle by a person younger than
3529 18 years of age, the person shall have the ignition interlock
3530 device installed for at least ~~not less than~~ 6 continuous months

3531 for the first offense and for at least ~~not less than~~ 2
3532 continuous years for a second offense.

3533 (b) A second offense of driving under the influence, the
3534 ignition interlock device shall be installed for a period of at
3535 least ~~not less than~~ 1 continuous year.

3536 (c) A third offense of driving under the influence which
3537 occurs within 10 years after a prior conviction for a violation
3538 of s. 316.193, the ignition interlock device shall be installed
3539 for a period of at least ~~not less than~~ 2 continuous years.

3540 (d) A third offense of driving under the influence which
3541 occurs more than 10 years after the date of a prior conviction,
3542 the ignition interlock device shall be installed for a period of
3543 at least ~~not less than~~ 2 continuous years.

3544 (e) A fourth or subsequent offense of driving under the
3545 influence, the ignition interlock device shall be installed for
3546 a period of at least ~~not less than~~ 5 years.

3547 (4) If the court fails to order the mandatory placement of
3548 the ignition interlock device or fails to order for the
3549 applicable period the mandatory placement of an ignition
3550 interlock device under s. 316.193 or s. 316.1937 at the time of
3551 imposing sentence or within 30 days thereafter, the department
3552 shall immediately require that the ignition interlock device be
3553 installed as provided in this section, except that consideration
3554 may be given to those individuals having a documented medical
3555 condition that would prohibit the device from functioning
3556 normally. This subsection applies to the reinstatement of the
3557 driving privilege following a revocation, suspension, or
3558 cancellation that is based upon a conviction for the offense of

3559 | driving under the influence which occurs on or after July 1,
 3560 | 2005.

3561 | (5) In addition to any fees authorized by rule for the
 3562 | installation and maintenance of the ignition interlock device,
 3563 | the authorized installer of the device shall collect and remit
 3564 | \$12 for each installation to the department, which shall be
 3565 | deposited into the Highway Safety Operating Trust Fund to be
 3566 | used for the operation of the Ignition Interlock Device Program.

3567 | Section 48. Section 322.28, Florida Statutes, is amended
 3568 | to read:

3569 | 322.28 Period of suspension or revocation.—

3570 | (1) Unless otherwise provided by this section, the
 3571 | department shall not suspend a license for a period of more than
 3572 | 1 year and, upon revoking a license, in any case except in a
 3573 | prosecution for the offense of driving a motor vehicle while
 3574 | under the influence of alcoholic beverages, chemical substances
 3575 | as set forth in s. 877.111, or controlled substances, shall not
 3576 | in any event grant a new license until the expiration of 1 year
 3577 | after such revocation.

3578 | (2) In a prosecution for a violation of s. 316.193 or
 3579 | former s. 316.1931, the following provisions apply:

3580 | (a) Upon conviction of the driver, the court, along with
 3581 | imposing sentence, shall revoke the driver ~~driver's~~ license or
 3582 | driving privilege of the person so convicted, effective on the
 3583 | date of conviction, and shall prescribe the period of such
 3584 | revocation in accordance with the following provisions:

3585 | 1. Upon a first conviction for a violation of the
 3586 | provisions of s. 316.193, except a violation resulting in death,

3587 the driver ~~driver's~~ license or driving privilege shall be
 3588 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
 3589 1 year.

3590 2. Upon a second conviction for an offense that occurs
 3591 within a period of 5 years after the date of a prior conviction
 3592 for a violation of the provisions of s. 316.193 or former s.
 3593 316.1931 or a combination of such sections, the driver ~~driver's~~
 3594 license or driving privilege shall be revoked for at least ~~not~~
 3595 ~~less than~~ 5 years.

3596 3. Upon a third conviction for an offense that occurs
 3597 within a period of 10 years after the date of a prior conviction
 3598 for the violation of the provisions of s. 316.193 or former s.
 3599 316.1931 or a combination of such sections, the driver ~~driver's~~
 3600 license or driving privilege shall be revoked for at least ~~not~~
 3601 ~~less than~~ 10 years.

3602
 3603 For the purposes of this paragraph, a previous conviction
 3604 outside this state for driving under the influence, driving
 3605 while intoxicated, driving with an unlawful blood-alcohol level,
 3606 or any other alcohol-related or drug-related traffic offense
 3607 similar to the offense of driving under the influence as
 3608 proscribed by s. 316.193 will be considered a previous
 3609 conviction for violation of s. 316.193, and a conviction for
 3610 violation of former s. 316.028, former s. 316.1931, or former s.
 3611 860.01 is considered a conviction for violation of s. 316.193.

3612 (b) If the period of revocation was not specified by the
 3613 court at the time of imposing sentence or within 30 days
 3614 thereafter, and is not otherwise specified by law, the

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3615 department shall forthwith revoke the driver ~~driver's~~ license or
3616 driving privilege for the maximum period applicable under
3617 paragraph (a) for a first conviction and for the minimum period
3618 applicable under paragraph (a) for any subsequent convictions.
3619 The driver may, within 30 days after such revocation by the
3620 department, petition the court for further hearing on the period
3621 of revocation, and the court may reopen the case and determine
3622 the period of revocation within the limits specified in
3623 paragraph (a).

3624 (c) The forfeiture of bail bond, not vacated within 20
3625 days, in any prosecution for the offense of driving while under
3626 the influence of alcoholic beverages, chemical substances, or
3627 controlled substances to the extent of depriving the defendant
3628 of his or her normal faculties shall be deemed equivalent to a
3629 conviction for the purposes of this paragraph, and the
3630 department shall forthwith revoke the defendant's driver
3631 ~~driver's~~ license or driving privilege for the maximum period
3632 applicable under paragraph (a) for a first conviction and for
3633 the minimum period applicable under paragraph (a) for a second
3634 or subsequent conviction; however, if the defendant is later
3635 convicted of the charge, the period of revocation imposed by the
3636 department for such conviction shall not exceed the difference
3637 between the applicable maximum for a first conviction or minimum
3638 for a second or subsequent conviction and the revocation period
3639 under this subsection that has actually elapsed; upon conviction
3640 of such charge, the court may impose revocation for a period of
3641 time as specified in paragraph (a). This paragraph does not

3642 apply if an appropriate motion contesting the forfeiture is
3643 filed within the 20-day period.

3644 ~~(d) When any driver's license or driving privilege has~~
3645 ~~been revoked pursuant to the provisions of this section, the~~
3646 ~~department shall not grant a new license, except upon~~
3647 ~~reexamination of the licensee after the expiration of the period~~
3648 ~~of revocation so prescribed. However, the court may, in its~~
3649 ~~sound discretion, issue an order of reinstatement on a form~~
3650 ~~furnished by the department which the person may take to any~~
3651 ~~driver's license examining office for reinstatement by the~~
3652 ~~department pursuant to s. 322.282.~~

3653 ~~(d)~~ (e) The court shall permanently revoke the driver
3654 ~~driver's~~ license or driving privilege of a person who has been
3655 convicted four times for violation of s. 316.193 or former s.
3656 316.1931 or a combination of such sections. The court shall
3657 permanently revoke the driver ~~driver's~~ license or driving
3658 privilege of any person who has been convicted of DUI
3659 manslaughter in violation of s. 316.193. If the court has not
3660 permanently revoked such driver ~~driver's~~ license or driving
3661 privilege within 30 days after imposing sentence, the department
3662 shall permanently revoke the driver ~~driver's~~ license or driving
3663 privilege pursuant to this paragraph. No driver ~~driver's~~ license
3664 or driving privilege may be issued or granted to any such
3665 person. This paragraph applies only if at least one of the
3666 convictions for violation of s. 316.193 or former s. 316.1931
3667 was for a violation that occurred after July 1, 1982. For the
3668 purposes of this paragraph, a conviction for violation of former
3669 s. 316.028, former s. 316.1931, or former s. 860.01 is also

3670 considered a conviction for violation of s. 316.193. Also, a
3671 conviction of driving under the influence, driving while
3672 intoxicated, driving with an unlawful blood-alcohol level, or
3673 any other similar alcohol-related or drug-related traffic
3674 offense outside this state is considered a conviction for the
3675 purposes of this paragraph.

3676 (e) Convictions that occur on the same date resulting from
3677 separate offense dates shall be treated as separate convictions,
3678 and the offense that occurred earlier will be deemed a prior
3679 conviction for the purposes of this section.

3680 (3) The court shall permanently revoke the driver ~~driver's~~
3681 license or driving privilege of a person who has been convicted
3682 of murder resulting from the operation of a motor vehicle. No
3683 driver ~~driver's~~ license or driving privilege may be issued or
3684 granted to any such person.

3685 (4) (a) Upon a conviction for a violation of s.
3686 316.193(3)(c)2., involving serious bodily injury, a conviction
3687 of manslaughter resulting from the operation of a motor vehicle,
3688 or a conviction of vehicular homicide, the court shall revoke
3689 the driver ~~driver's~~ license of the person convicted for a
3690 minimum period of 3 years. If a conviction under s.
3691 316.193(3)(c)2., involving serious bodily injury, is also a
3692 subsequent conviction as described under paragraph (2)(a), the
3693 court shall revoke the driver ~~driver's~~ license or driving
3694 privilege of the person convicted for the period applicable as
3695 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

3696 (b) If the period of revocation was not specified by the
3697 court at the time of imposing sentence or within 30 days

3698 thereafter, the department shall revoke the driver ~~driver's~~
 3699 license for the minimum period applicable under paragraph (a)
 3700 or, for a subsequent conviction, for the minimum period
 3701 applicable under paragraph (2) (a) or paragraph (2) (d) ~~(2) (e)~~.

3702 (5) A court may not stay the administrative suspension of
 3703 a driving privilege under s. 322.2615 or s. 322.2616 during
 3704 judicial review of the departmental order that resulted in such
 3705 suspension, and a suspension or revocation of a driving
 3706 privilege may not be stayed upon an appeal of the conviction or
 3707 order that resulted in the suspension or revocation.

3708 (6) In a prosecution for a violation of s. 316.172(1), and
 3709 upon a showing of the department's records that the licensee has
 3710 received a second conviction within 5 years following the date
 3711 of a prior conviction of s. 316.172(1), the department shall,
 3712 upon direction of the court, suspend the driver ~~driver's~~ license
 3713 of the person convicted for a period of at least ~~not less than~~
 3714 90 days but not ~~or~~ more than 6 months.

3715 (7) Following a second or subsequent violation of s.
 3716 796.07(2) (f) which involves a motor vehicle and which results in
 3717 any judicial disposition other than acquittal or dismissal, in
 3718 addition to any other sentence imposed, the court shall revoke
 3719 the person's driver ~~driver's~~ license or driving privilege,
 3720 effective upon the date of the disposition, for a period of at
 3721 least ~~not less than~~ 1 year. A person sentenced under this
 3722 subsection may request a hearing under s. 322.271.

3723 Section 49. Section 322.331, Florida Statutes, is
 3724 repealed.

3725 Section 50. Section 322.61, Florida Statutes, is amended
 3726 to read:

3727 322.61 Disqualification from operating a commercial motor
 3728 vehicle.—

3729 (1) A person who, for offenses occurring within a 3-year
 3730 period, is convicted of two of the following serious traffic
 3731 violations or any combination thereof, arising in separate
 3732 incidents committed in a commercial motor vehicle shall, in
 3733 addition to any other applicable penalties, be disqualified from
 3734 operating a commercial motor vehicle for a period of 60 days. A
 3735 holder of a commercial driver ~~driver's~~ license or commercial
 3736 learner's permit who, for offenses occurring within a 3-year
 3737 period, is convicted of two of the following serious traffic
 3738 violations, or any combination thereof, arising in separate
 3739 incidents committed in a noncommercial motor vehicle shall, in
 3740 addition to any other applicable penalties, be disqualified from
 3741 operating a commercial motor vehicle for a period of 60 days if
 3742 such convictions result in the suspension, revocation, or
 3743 cancellation of the licenseholder's driving privilege:

3744 (a) A violation of any state or local law relating to
 3745 motor vehicle traffic control, other than a parking violation, a
 3746 ~~weight violation, or a vehicle equipment violation,~~ arising in
 3747 connection with a crash resulting in death ~~or personal injury to~~
 3748 ~~any person;~~

3749 (b) Reckless driving, as defined in s. 316.192;

3750 ~~(c) Careless driving, as defined in s. 316.1925;~~

3751 ~~(d) Fleeing or attempting to elude a law enforcement~~
 3752 ~~officer, as defined in s. 316.1935;~~

3753 ~~(c)(e)~~ Unlawful speed of 15 miles per hour or more above
3754 the posted speed limit;

3755 ~~(f)~~ ~~Driving a commercial motor vehicle, owned by such~~
3756 ~~person, which is not properly insured;~~

3757 ~~(d)(g)~~ Improper lane change, as defined in s. 316.085;

3758 ~~(e)(h)~~ Following too closely, as defined in s. 316.0895;

3759 ~~(f)(i)~~ Driving a commercial vehicle without obtaining a
3760 commercial driver ~~driver's~~ license;

3761 ~~(g)(j)~~ Driving a commercial vehicle without the proper
3762 class of commercial driver ~~driver's~~ license or commercial
3763 learner's permit or without the proper endorsement; or

3764 ~~(h)(k)~~ Driving a commercial vehicle without a commercial
3765 driver ~~driver's~~ license or commercial learner's permit in
3766 possession, as required by s. 322.03. ~~Any individual who~~
3767 ~~provides proof to the clerk of the court or designated official~~
3768 ~~in the jurisdiction where the citation was issued, by the date~~
3769 ~~the individual must appear in court or pay any fine for such a~~
3770 ~~violation, that the individual held a valid commercial driver's~~
3771 ~~license on the date the citation was issued is not guilty of~~
3772 ~~this offense.~~

3773 (2) (a) Any person who, for offenses occurring within a 3-
3774 year period, is convicted of three serious traffic violations
3775 specified in subsection (1) or any combination thereof, arising
3776 in separate incidents committed in a commercial motor vehicle
3777 shall, in addition to any other applicable penalties, including
3778 but not limited to the penalty provided in subsection (1), be
3779 disqualified from operating a commercial motor vehicle for a
3780 period of 120 days.

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3781 (b) A holder of a commercial driver ~~driver's~~ license or
3782 commercial learner's permit who, for offenses occurring within a
3783 3-year period, is convicted of three serious traffic violations
3784 specified in subsection (1) or any combination thereof arising
3785 in separate incidents committed in a noncommercial motor vehicle
3786 shall, in addition to any other applicable penalties, including,
3787 but not limited to, the penalty provided in subsection (1), be
3788 disqualified from operating a commercial motor vehicle for a
3789 period of 120 days if such convictions result in the suspension,
3790 revocation, or cancellation of the licenseholder's driving
3791 privilege.

3792 (3) (a) Except as provided in subsection (4), any person
3793 who is convicted of one of the offenses listed in paragraph (b)
3794 while operating a commercial motor vehicle shall, in addition to
3795 any other applicable penalties, be disqualified from operating a
3796 commercial motor vehicle for a period of 1 year.

3797 (b) Except as provided in subsection (4), any holder of a
3798 commercial driver license or commercial learner's permit who is
3799 convicted of one of the offenses listed in this paragraph while
3800 operating a noncommercial motor vehicle shall, in addition to
3801 any other applicable penalties, be disqualified from operating a
3802 commercial motor vehicle for a period of 1 year:

3803 1. Driving a motor vehicle while he or she is under the
3804 influence of alcohol or a controlled substance;

3805 2. Driving a commercial motor vehicle while the alcohol
3806 concentration of his or her blood, breath, or urine is .04
3807 percent or higher;

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3808 3. Leaving the scene of a crash involving a motor vehicle
3809 driven by such person;

3810 4. Using a motor vehicle in the commission of a felony;

3811 ~~5. Driving a commercial motor vehicle while in possession
3812 of a controlled substance;~~

3813 ~~5.6.~~ Refusing to submit to a test to determine his or her
3814 alcohol concentration while driving a motor vehicle;

3815 6. Driving a commercial motor vehicle when, as a result of
3816 prior violations committed operating a commercial motor vehicle,
3817 his or her commercial driver license or commercial learner's
3818 permit is revoked, suspended, or canceled, or he or she is
3819 disqualified from operating a commercial motor vehicle; or

3820 ~~7. Driving a commercial vehicle while the licenseholder's~~
3821 ~~commercial driver license is suspended, revoked, or canceled or~~
3822 ~~while the licenseholder is disqualified from driving a~~
3823 ~~commercial vehicle; or~~

3824 ~~7.8.~~ Causing a fatality through the negligent operation of
3825 a commercial motor vehicle.

3826 (4) Any person who is transporting hazardous materials as
3827 defined in s. 322.01(24) shall, upon conviction of an offense
3828 specified in subsection (3), be disqualified from operating a
3829 commercial motor vehicle for a period of 3 years. The penalty
3830 provided in this subsection shall be in addition to any other
3831 applicable penalty.

3832 (5) A person who is convicted of two violations specified
3833 in subsection (3) which were committed while operating a
3834 commercial motor vehicle, or any combination thereof, arising in
3835 separate incidents shall be permanently disqualified from

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3836 operating a commercial motor vehicle. A holder of a commercial
3837 driver license or commercial learner's permit who is convicted
3838 of two violations specified in subsection (3) which were
3839 committed while operating any motor vehicle arising in separate
3840 incidents shall be permanently disqualified from operating a
3841 commercial motor vehicle. The penalty provided in this
3842 subsection is in addition to any other applicable penalty.

3843 (6) Notwithstanding subsections (3), (4), and (5), any
3844 person who uses a commercial motor vehicle in the commission of
3845 any felony involving the manufacture, distribution, or
3846 dispensing of a controlled substance, including possession with
3847 intent to manufacture, distribute, or dispense a controlled
3848 substance, shall, upon conviction of such felony, be permanently
3849 disqualified from operating a commercial motor vehicle.

3850 Notwithstanding subsections (3), (4), and (5), any holder of a
3851 commercial driver ~~driver's~~ license or commercial learner's
3852 permit who uses a noncommercial motor vehicle in the commission
3853 of any felony involving the manufacture, distribution, or
3854 dispensing of a controlled substance, including possession with
3855 intent to manufacture, distribute, or dispense a controlled
3856 substance, shall, upon conviction of such felony, be permanently
3857 disqualified from operating a commercial motor vehicle. The
3858 penalty provided in this subsection is in addition to any other
3859 applicable penalty.

3860 (7) A person whose privilege to operate a commercial motor
3861 vehicle is disqualified under this section may, if otherwise
3862 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
3863 to s. 322.251.

3864 (8) A driver who is convicted of or otherwise found to
3865 have committed a violation of an out-of-service order while
3866 driving a commercial motor vehicle is disqualified as follows:

3867 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3868 1 year if the driver is convicted of or otherwise found to have
3869 committed a first violation of an out-of-service order.

3870 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
3871 years if, for offenses occurring during any 10-year period, the
3872 driver is convicted of or otherwise found to have committed two
3873 violations of out-of-service orders in separate incidents.

3874 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
3875 years if, for offenses occurring during any 10-year period, the
3876 driver is convicted of or otherwise found to have committed
3877 three or more violations of out-of-service orders in separate
3878 incidents.

3879 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
3880 2 years if the driver is convicted of or otherwise found to have
3881 committed a first violation of an out-of-service order while
3882 transporting hazardous materials required to be placarded under
3883 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
3884 et seq., or while operating motor vehicles designed to transport
3885 more than 15 passengers, including the driver. A driver is
3886 disqualified for a period of at least ~~not less than~~ 3 years but
3887 not ~~nor~~ more than 5 years if, for offenses occurring during any
3888 10-year period, the driver is convicted of or otherwise found to
3889 have committed any subsequent violations of out-of-service
3890 orders, in separate incidents, while transporting hazardous
3891 materials required to be placarded under the Hazardous Materials

3892 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
 3893 operating motor vehicles designed to transport more than 15
 3894 passengers, including the driver.

3895 (9) A driver who is convicted of or otherwise found to
 3896 have committed an offense of operating a commercial motor
 3897 vehicle in violation of federal, state, or local law or
 3898 regulation pertaining to one of the following six offenses at a
 3899 railroad-highway grade crossing must be disqualified for the
 3900 period of time specified in subsection (10):

3901 (a) For drivers who are not always required to stop,
 3902 failing to slow down and check that the tracks are clear of
 3903 approaching trains.

3904 (b) For drivers who are not always required to stop,
 3905 failing to stop before reaching the crossing if the tracks are
 3906 not clear.

3907 (c) For drivers who are always required to stop, failing
 3908 to stop before driving onto the crossing.

3909 (d) For all drivers, failing to have sufficient space to
 3910 drive completely through the crossing without stopping.

3911 (e) For all drivers, failing to obey a traffic control
 3912 device or all directions of an enforcement official at the
 3913 crossing.

3914 (f) For all drivers, failing to negotiate a crossing
 3915 because of insufficient undercarriage clearance.

3916 (10) (a) A driver must be disqualified for at least ~~not~~
 3917 ~~less than~~ 60 days if the driver is convicted of or otherwise
 3918 found to have committed a first violation of a railroad-highway
 3919 grade crossing violation.

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3920 (b) A driver must be disqualified for at least ~~not less~~
 3921 ~~than~~ 120 days if, for offenses occurring during any 3-year
 3922 period, the driver is convicted of or otherwise found to have
 3923 committed a second railroad-highway grade crossing violation in
 3924 separate incidents.

3925 (c) A driver must be disqualified for at least ~~not less~~
 3926 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
 3927 the driver is convicted of or otherwise found to have committed
 3928 a third or subsequent railroad-highway grade crossing violation
 3929 in separate incidents.

3930 Section 51. Section 322.64, Florida Statutes, is amended
 3931 to read:

3932 322.64 Holder of commercial driver ~~driver's~~ license;
 3933 persons operating a commercial motor vehicle; driving with
 3934 unlawful blood-alcohol level; refusal to submit to breath,
 3935 urine, or blood test.-

3936 (1)(a) A law enforcement officer or correctional officer
 3937 shall, on behalf of the department, disqualify from operating
 3938 any commercial motor vehicle a person who while operating or in
 3939 actual physical control of a commercial motor vehicle is
 3940 arrested for a violation of s. 316.193, relating to unlawful
 3941 blood-alcohol level or breath-alcohol level, or a person who has
 3942 refused to submit to a breath, urine, or blood test authorized
 3943 by s. 322.63 or s. 316.1932 arising out of the operation or
 3944 actual physical control of a commercial motor vehicle. A law
 3945 enforcement officer or correctional officer shall, on behalf of
 3946 the department, disqualify the holder of a commercial driver
 3947 ~~driver's~~ license from operating any commercial motor vehicle if

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3948 the licenseholder, while operating or in actual physical control
3949 of a motor vehicle, is arrested for a violation of s. 316.193,
3950 relating to unlawful blood-alcohol level or breath-alcohol
3951 level, or refused to submit to a breath, urine, or blood test
3952 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3953 the person, the officer shall take the person's driver ~~driver's~~
3954 license and issue the person a 10-day temporary permit for the
3955 operation of noncommercial vehicles only if the person is
3956 otherwise eligible for the driving privilege and shall issue the
3957 person a notice of disqualification. If the person has been
3958 given a blood, breath, or urine test, the results of which are
3959 not available to the officer at the time of the arrest, the
3960 agency employing the officer shall transmit such results to the
3961 department within 5 days after receipt of the results. If the
3962 department then determines that the person had a blood-alcohol
3963 level or breath-alcohol level of 0.08 or higher, the department
3964 shall disqualify the person from operating a commercial motor
3965 vehicle pursuant to subsection (3).

3966 (b) For purposes of determining the period of
3967 disqualification described in 49 C.F.R. s. 383.51, a
3968 disqualification under paragraph (a) shall be considered a
3969 conviction.

3970 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
3971 pursuant to, and the notice of disqualification shall inform the
3972 driver of, the following:

3973 1.a. The driver refused to submit to a lawful breath,
3974 blood, or urine test and he or she is disqualified from
3975 operating a commercial motor vehicle for the time period

3976 | specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
 3977 | ~~first refusal, or permanently, if he or she has previously been~~
 3978 | ~~disqualified under this section; or~~

3979 | b. The driver had an unlawful blood-alcohol level of 0.08
 3980 | or higher while ~~was~~ driving or in actual physical control of a
 3981 | commercial motor vehicle, or any motor vehicle if the driver
 3982 | holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
 3983 | ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
 3984 | and his or her driving privilege is ~~shall be~~ disqualified for
 3985 | the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
 3986 | ~~year for a first offense or permanently disqualified if his or~~
 3987 | ~~her driving privilege has been previously disqualified under~~
 3988 | ~~this section.~~

3989 | 2. The disqualification period for operating commercial
 3990 | vehicles shall commence on the date of issuance of the notice of
 3991 | disqualification.

3992 | 3. The driver may request a formal or informal review of
 3993 | the disqualification by the department within 10 days after the
 3994 | date of issuance of the notice of disqualification.

3995 | 4. The temporary permit issued at the time of
 3996 | disqualification expires at midnight of the 10th day following
 3997 | the date of disqualification.

3998 | 5. The driver may submit to the department any materials
 3999 | relevant to the disqualification.

4000 | (2) (a) Except as provided in paragraph (1) (a), the law
 4001 | enforcement officer shall forward to the department, within 5
 4002 | days after the date of the issuance of the notice of
 4003 | disqualification, a copy of the notice of disqualification, the

4004 driver ~~driver's~~ license of the person disqualified, and an
4005 affidavit stating the officer's grounds for belief that the
4006 person disqualified was operating or in actual physical control
4007 of a commercial motor vehicle, or holds a commercial driver
4008 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
4009 alcohol level; the results of any breath or blood or urine test
4010 or an affidavit stating that a breath, blood, or urine test was
4011 requested by a law enforcement officer or correctional officer
4012 and that the person arrested refused to submit; a copy of the
4013 notice of disqualification issued to the person; and the
4014 officer's description of the person's field sobriety test, if
4015 any. The failure of the officer to submit materials within the
4016 5-day period specified in this subsection or subsection (1) does
4017 not affect the department's ability to consider any evidence
4018 submitted at or before ~~prior to~~ the hearing.

4019 (b) The officer may also submit a copy of a video
4020 recording ~~videotape~~ of the field sobriety test or the attempt to
4021 administer such test and a copy of the crash report, ~~if any~~.
4022 Notwithstanding s. 316.066, the crash report shall be considered
4023 by the hearing officer.

4024 (3) If the department determines that the person arrested
4025 should be disqualified from operating a commercial motor vehicle
4026 pursuant to this section and if the notice of disqualification
4027 has not already been served upon the person by a law enforcement
4028 officer or correctional officer as provided in subsection (1),
4029 the department shall issue a notice of disqualification and,
4030 unless the notice is mailed pursuant to s. 322.251, a temporary

4031 permit which expires 10 days after the date of issuance if the
4032 driver is otherwise eligible.

4033 (4) If the person disqualified requests an informal review
4034 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
4035 conduct the informal review by a hearing officer designated
4036 ~~employed~~ by the department. Such informal review hearing shall
4037 consist solely of an examination by the department of the
4038 materials submitted by a law enforcement officer or correctional
4039 officer and by the person disqualified, and the presence of an
4040 officer or witness is not required.

4041 (5) After completion of the informal review, notice of the
4042 department's decision sustaining, amending, or invalidating the
4043 disqualification must be provided to the person. Such notice
4044 must be mailed to the person at the last known address shown on
4045 the department's records, and to the address provided in the law
4046 enforcement officer's report if such address differs from the
4047 address of record, within 21 days after the expiration of the
4048 temporary permit issued pursuant to subsection (1) or subsection
4049 (3).

4050 (6) (a) If the person disqualified requests a formal
4051 review, the department must schedule a hearing to be held within
4052 30 days after such request is received by the department and
4053 must notify the person of the date, time, and place of the
4054 hearing.

4055 (b) Such formal review hearing shall be held before a
4056 hearing officer designated ~~employed~~ by the department, and the
4057 hearing officer shall be authorized to administer oaths, examine
4058 witnesses and take testimony, receive relevant evidence, issue

4059 subpoenas for the officers and witnesses identified in documents
4060 provided under paragraph (2)(a) ~~as provided in subsection (2)~~,
4061 regulate the course and conduct of the hearing, and make a
4062 ruling on the disqualification. The hearing officer may conduct
4063 hearings using communications technology. The department and the
4064 person disqualified may subpoena witnesses, and the party
4065 requesting the presence of a witness shall be responsible for
4066 the payment of any witness fees. If the person who requests a
4067 formal review hearing fails to appear and the hearing officer
4068 finds such failure to be without just cause, the right to a
4069 formal hearing is waived.

4070 (c) The failure of a subpoenaed witness to appear at the
4071 formal review hearing shall not be grounds to invalidate the
4072 disqualification. If a witness fails to appear, a party may seek
4073 enforcement of a subpoena under paragraph (b) by filing a
4074 petition for enforcement in the circuit court of the judicial
4075 circuit in which the person failing to comply with the subpoena
4076 resides or by filing a motion for enforcement in any criminal
4077 court case resulting from the driving or actual physical control
4078 of a motor vehicle or commercial motor vehicle that gave rise to
4079 the disqualification under this section. A failure to comply
4080 with an order of the court shall result in a finding of contempt
4081 of court. However, a person shall not be in contempt while a
4082 subpoena is being challenged.

4083 (d) The department must, within 7 working days after a
4084 formal review hearing, send notice to the person of the hearing
4085 officer's decision as to whether sufficient cause exists to
4086 sustain, amend, or invalidate the disqualification.

4087 (7) In a formal review hearing under subsection (6) or an
 4088 informal review hearing under subsection (4), the hearing
 4089 officer shall determine by a preponderance of the evidence
 4090 whether sufficient cause exists to sustain, amend, or invalidate
 4091 the disqualification. The scope of the review shall be limited
 4092 to the following issues:

4093 (a) If the person was disqualified from operating a
 4094 commercial motor vehicle for driving with an unlawful blood-
 4095 alcohol level:

4096 1. Whether the ~~arresting~~ law enforcement officer had
 4097 probable cause to believe that the person was driving or in
 4098 actual physical control of a commercial motor vehicle, or any
 4099 motor vehicle if the driver holds a commercial driver ~~driver's~~
 4100 license, in this state while he or she had any alcohol, chemical
 4101 substances, or controlled substances in his or her body.

4102 2. Whether the person had an unlawful blood-alcohol level
 4103 or breath-alcohol level of 0.08 or higher.

4104 (b) If the person was disqualified from operating a
 4105 commercial motor vehicle for refusal to submit to a breath,
 4106 blood, or urine test:

4107 1. Whether the law enforcement officer had probable cause
 4108 to believe that the person was driving or in actual physical
 4109 control of a commercial motor vehicle, or any motor vehicle if
 4110 the driver holds a commercial driver ~~driver's~~ license, in this
 4111 state while he or she had any alcohol, chemical substances, or
 4112 controlled substances in his or her body.

4113 2. Whether the person refused to submit to the test after
4114 being requested to do so by a law enforcement officer or
4115 correctional officer.

4116 3. Whether the person was told that if he or she refused
4117 to submit to such test he or she would be disqualified from
4118 operating a commercial motor vehicle for a period of 1 year or,
4119 if previously disqualified under this section, permanently.

4120 (8) Based on the determination of the hearing officer
4121 pursuant to subsection (7) for both informal hearings under
4122 subsection (4) and formal hearings under subsection (6), the
4123 department shall:

4124 ~~(a) sustain the disqualification for the time period~~
4125 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
4126 ~~refusal, or permanently if such person has been previously~~
4127 ~~disqualified from operating a commercial motor vehicle under~~
4128 ~~this section. The disqualification period commences on the date~~
4129 ~~of the issuance of the notice of disqualification.~~

4130 ~~(b) Sustain the disqualification:~~

4131 ~~1. For a period of 1 year if the person was driving or in~~
4132 ~~actual physical control of a commercial motor vehicle, or any~~
4133 ~~motor vehicle if the driver holds a commercial driver's license,~~
4134 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
4135 ~~of 0.08 or higher; or~~

4136 ~~2. Permanently if the person has been previously~~
4137 ~~disqualified from operating a commercial motor vehicle under~~
4138 ~~this section or his or her driving privilege has been previously~~
4139 ~~suspended for driving or being in actual physical control of a~~
4140 ~~commercial motor vehicle, or any motor vehicle if the driver~~

4141 ~~holds a commercial driver's license, and had an unlawful blood-~~
4142 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

4143

4144 ~~The disqualification period commences on the date of the~~
4145 ~~issuance of the notice of disqualification.~~

4146 (9) A request for a formal review hearing or an informal
4147 review hearing shall not stay the disqualification. If the
4148 department fails to schedule the formal review hearing ~~to be~~
4149 ~~held~~ within 30 days after receipt of the request therefor, the
4150 department shall invalidate the disqualification. If the
4151 scheduled hearing is continued at the department's initiative or
4152 the driver enforces the subpoena as provided in subsection (6),
4153 the department shall issue a temporary driving permit limited to
4154 noncommercial vehicles which is valid until the hearing is
4155 conducted if the person is otherwise eligible for the driving
4156 privilege. Such permit shall not be issued to a person who
4157 sought and obtained a continuance of the hearing. The permit
4158 issued under this subsection shall authorize driving for
4159 business purposes only.

4160 (10) A person who is disqualified from operating a
4161 commercial motor vehicle under subsection (1) or subsection (3)
4162 is eligible for issuance of a license for business or employment
4163 purposes only under s. 322.271 if the person is otherwise
4164 eligible for the driving privilege. However, such business or
4165 employment purposes license shall not authorize the driver to
4166 operate a commercial motor vehicle.

4167 (11) The formal review hearing may be conducted upon a
4168 review of the reports of a law enforcement officer or a

4169 | correctional officer, including documents relating to the
4170 | administration of a breath test or blood test or the refusal to
4171 | take either test. However, as provided in subsection (6), the
4172 | driver may subpoena the officer or any person who administered
4173 | or analyzed a breath or blood test. If the arresting officer or
4174 | the breath technician fails to appear pursuant to a subpoena as
4175 | provided in subsection (6), the department shall invalidate the
4176 | disqualification.

4177 | (12) The formal review hearing and the informal review
4178 | hearing are exempt from the provisions of chapter 120. The
4179 | department may ~~is authorized to~~ adopt rules for the conduct of
4180 | reviews under this section.

4181 | (13) A person may appeal any decision of the department
4182 | sustaining the disqualification from operating a commercial
4183 | motor vehicle by a petition for writ of certiorari to the
4184 | circuit court in the county wherein such person resides or
4185 | wherein a formal or informal review was conducted pursuant to s.
4186 | 322.31. However, an appeal shall not stay the disqualification.
4187 | This subsection shall not be construed to provide for a de novo
4188 | review ~~appeal~~.

4189 | (14) The decision of the department under this section
4190 | shall not be considered in any trial for a violation of s.
4191 | 316.193, s. 322.61, or s. 322.62, nor shall any written
4192 | statement submitted by a person in his or her request for
4193 | departmental review under this section be admissible into
4194 | evidence against him or her in any such trial. The disposition
4195 | of any related criminal proceedings shall not affect a
4196 | disqualification imposed pursuant to this section.

4197 (15) This section does not preclude the suspension of the
 4198 driving privilege pursuant to s. 322.2615. The driving privilege
 4199 of a person who has been disqualified from operating a
 4200 commercial motor vehicle also may be suspended for a violation
 4201 of s. 316.193.

4202 Section 52. Subsections (2) and (3) of section 323.002,
 4203 Florida Statutes, are amended to read:

4204 323.002 County and municipal wrecker operator systems;
 4205 penalties for operation outside of system.—

4206 (2) In any county or municipality that operates a wrecker
 4207 operator system:

4208 (a) It is unlawful for an unauthorized wrecker operator or
 4209 its employees or agents to monitor police radio for
 4210 communications between patrol field units and the dispatcher in
 4211 order to determine the location of a wrecked or disabled vehicle
 4212 for the purpose of driving by the scene of such vehicle in a
 4213 manner described in paragraph (b) or paragraph (c). Any person
 4214 who violates this paragraph commits ~~is guilty of~~ a noncriminal
 4215 violation, punishable as provided in s. 775.083, and the
 4216 person's wrecker, tow truck, or other motor vehicle that was
 4217 used during the offense may be immediately removed and impounded
 4218 pursuant to subsection (3).

4219 (b) It is unlawful for an unauthorized wrecker operator
 4220 to drive by the scene of a wrecked or disabled vehicle before
 4221 the arrival of an authorized wrecker operator, initiate contact
 4222 with the owner or operator of such vehicle by soliciting or
 4223 offering towing services, and tow such vehicle. Any person who
 4224 violates this paragraph commits ~~is guilty of~~ a misdemeanor of

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4225 the second degree, punishable as provided in s. 775.082 or s.
4226 775.083, and the person's wrecker, tow truck, or other motor
4227 vehicle that was used during the offense may be immediately
4228 removed and impounded pursuant to subsection (3).

4229 (c) When an unauthorized wrecker operator drives by the
4230 scene of a wrecked or disabled vehicle and the owner or operator
4231 initiates contact by signaling the wrecker operator to stop and
4232 provide towing services, the unauthorized wrecker operator must
4233 disclose in writing to the owner or operator of the vehicle his
4234 or her full name and driver license number, that he or she is
4235 not the authorized wrecker operator who has been designated as
4236 part of the wrecker operator system, that the motor vehicle is
4237 not being towed for the owner's or operator's insurance company
4238 or lienholder, whether he or she has in effect an insurance
4239 policy providing at least \$300,000 of liability insurance and at
4240 least \$50,000 of on-hook cargo insurance, and the maximum ~~must~~
4241 ~~disclose, in writing, a fee schedule that includes what charges~~
4242 ~~for towing and storage which will apply before the vehicle is~~
4243 ~~connected to or disconnected from the towing apparatus. The~~
4244 unauthorized wrecker operator must also provide a copy of the
4245 disclosure to the owner or operator in the presence of a law
4246 enforcement officer if such officer is at the scene of a motor
4247 vehicle accident, the fee charged per mile to and from the
4248 storage facility, the fee charged per 24 hours of storage, and,
4249 ~~prominently displayed, the consumer hotline for the Department~~
4250 ~~of Agriculture and Consumer Services. Any person who violates~~
4251 this paragraph commits ~~is guilty of~~ a misdemeanor of the second
4252 degree, punishable as provided in s. 775.082 or s. 775.083, and

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4253 the person's wrecker, tow truck, or other motor vehicle that was
4254 used during the offense may be immediately removed and impounded
4255 pursuant to subsection (3).

4256 (d) At the scene of a wrecked or disabled vehicle, it is
4257 unlawful for a wrecker operator to falsely identify himself or
4258 herself as being part of the wrecker operator system. Any person
4259 who violates this paragraph commits ~~is guilty of~~ a misdemeanor
4260 of the first degree, punishable as provided in s. 775.082 or s.
4261 775.083, and the person's wrecker, tow truck, or other motor
4262 vehicle that was used during the offense may be immediately
4263 removed and impounded pursuant to subsection (3).

4264 (3) (a) A law enforcement officer from any local
4265 governmental agency or state law enforcement agency may cause to
4266 be immediately removed and impounded from the scene of a wrecked
4267 or disabled vehicle, at the unauthorized wrecker operator's
4268 expense, any wrecker, tow truck, or other motor vehicle that is
4269 used in violation of subsection (2). The unauthorized wrecker
4270 operator shall be assessed a cost recovery fine as provided in
4271 paragraph (b) by the authority that ordered the immediate
4272 removal and impoundment of the wrecker, tow truck, or other
4273 motor vehicle. A wrecker, tow truck, or other motor vehicle that
4274 is removed and impounded pursuant to this section may not be
4275 released from an impound or towing and storage facility before a
4276 release form has been completed by the authority that ordered
4277 the immediate removal and impoundment of the vehicle which
4278 verifies that the cost recovery fine has been paid. The vehicle
4279 must remain impounded until the fine has been paid or until the
4280 vehicle is sold at public sale pursuant to s. 713.78.

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4281 (b) Notwithstanding any other law to the contrary, the
4282 unauthorized wrecker operator, upon retrieval of the wrecker,
4283 tow truck, or other motor vehicle removed or impounded under
4284 this section and in addition to any other penalties that may be
4285 imposed for noncriminal violations, shall pay a cost-recovery
4286 fine of \$500 for a first violation of subsection (2), or a fine
4287 of \$1,000 for each subsequent violation of subsection (2), to
4288 the authority that ordered the removal and impoundment of the
4289 vehicle. Cost recovery funds collected under this subsection
4290 shall be retained by the authority that ordered the removal and
4291 impoundment of the vehicle and may be used only for enforcement,
4292 investigation, prosecution, and training relating to towing
4293 violations and crimes involving motor vehicles.

4294 (c) Notwithstanding any other law to the contrary and in
4295 addition to the cost-recovery fine required by this subsection,
4296 a person who violates any provision of subsection (2) shall pay
4297 the fees associated with the removal and storage of the wrecker,
4298 tow truck, or other motor vehicle.

4299 (4)~~(3)~~ This section does not prohibit, or in any way
4300 prevent, the owner or operator of a vehicle involved in an
4301 accident or otherwise disabled from contacting any wrecker
4302 operator for the provision of towing services, whether the
4303 wrecker operator is an authorized wrecker operator or not.

4304 Section 53. Paragraph (a) of subsection (1) of section
4305 324.0221, Florida Statutes, is amended to read:

4306 324.0221 Reports by insurers to the department; suspension
4307 of driver ~~driver's~~ license and vehicle registrations;
4308 reinstatement.—

4309 (1) (a) Each insurer that has issued a policy providing
 4310 personal injury protection coverage or property damage liability
 4311 coverage shall report the ~~renewal~~, cancellation~~,~~ or nonrenewal
 4312 thereof to the department within 10 ~~45~~ days after the processing
 4313 date or effective date of each ~~renewal~~, cancellation~~,~~ or
 4314 nonrenewal. Upon the issuance of a policy providing personal
 4315 injury protection coverage or property damage liability coverage
 4316 to a named insured not previously insured by the insurer during
 4317 that calendar year, the insurer shall report the issuance of the
 4318 new policy to the department within 10 ~~30~~ days. The report shall
 4319 be in the form and format and contain any information required
 4320 by the department and must be provided in a format that is
 4321 compatible with the data processing capabilities of the
 4322 department. The department may adopt rules regarding the form
 4323 and documentation required. Failure by an insurer to file proper
 4324 reports with the department as required by this subsection or
 4325 rules adopted with respect to the requirements of this
 4326 subsection constitutes a violation of the Florida Insurance
 4327 Code. These records shall be used by the department only for
 4328 enforcement and regulatory purposes, including the generation by
 4329 the department of data regarding compliance by owners of motor
 4330 vehicles with the requirements for financial responsibility
 4331 coverage.

4332 Section 54. Section 324.031, Florida Statutes, is amended
 4333 to read:

4334 324.031 Manner of proving financial responsibility.—The
 4335 owner or operator of a taxicab, limousine, jitney, or any other
 4336 for-hire passenger transportation vehicle may prove financial

4337 responsibility by providing satisfactory evidence of holding a
4338 motor vehicle liability policy as defined in s. 324.021(8) or s.
4339 324.151, which policy is issued by an insurance carrier which is
4340 a member of the Florida Insurance Guaranty Association. The
4341 operator or owner of any other vehicle may prove his or her
4342 financial responsibility by:

4343 (1) Furnishing satisfactory evidence of holding a motor
4344 vehicle liability policy as defined in ss. 324.021(8) and
4345 324.151;

4346 ~~(2) Posting with the department a satisfactory bond of a~~
4347 ~~surety company authorized to do business in this state,~~
4348 ~~conditioned for payment of the amount specified in s.~~
4349 ~~324.021(7);~~

4350 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
4351 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
4352 with s. 324.161; or

4353 (3)~~(4)~~ Furnishing a certificate of self-insurance issued
4354 by the department in accordance with s. 324.171.

4355
4356 Any person, including any firm, partnership, association,
4357 corporation, or other person, other than a natural person,
4358 electing to use the method of proof specified in subsection (2)
4359 ~~or subsection (3)~~ shall furnish a certificate of post a bond or
4360 deposit equal to the number of vehicles owned times \$30,000, to
4361 a maximum of \$120,000; in addition, any such person, other than
4362 a natural person, shall maintain insurance providing coverage in
4363 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
4364 single limits, and such excess insurance shall provide minimum

4365 | limits of \$125,000/250,000/50,000 or \$300,000 combined single
 4366 | limits. These increased limits shall not affect the requirements
 4367 | for proving financial responsibility under s. 324.032(1).

4368 | Section 55. Subsection (1) of section 324.091, Florida
 4369 | Statutes, is amended to read:

4370 | 324.091 Notice to department; notice to insurer.-

4371 | (1) Each owner and operator involved in a crash or
 4372 | conviction case within the purview of this chapter shall furnish
 4373 | evidence of automobile liability insurance or motor vehicle
 4374 | liability insurance, ~~or a surety bond~~ within 14 days after the
 4375 | date of the mailing of notice of crash by the department in the
 4376 | form and manner as it may designate. Upon receipt of evidence
 4377 | that an automobile liability policy or motor vehicle liability
 4378 | policy, ~~or surety bond~~ was in effect at the time of the crash or
 4379 | conviction case, the department shall forward ~~by United States~~
 4380 | ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
 4381 | ~~of~~ such information for verification in a method as determined
 4382 | by the department. ~~and shall assume that the policy or bond was~~
 4383 | ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
 4384 | ~~notifies~~ the department ~~otherwise~~ within 20 days after the
 4385 | ~~mailing of~~ the notice whether or not such information is valid
 4386 | ~~to the insurer or surety insurer.~~ However, If the department
 4387 | ~~later~~ determines that an automobile liability policy or motor
 4388 | vehicle liability policy, ~~or surety bond~~ was not in effect and
 4389 | did not provide coverage for both the owner and the operator, it
 4390 | shall take action as it is ~~otherwise~~ authorized to do under this
 4391 | chapter. ~~Proof of mailing to the insurer or surety insurer may~~
 4392 | ~~be made by the department by naming the insurer or surety~~

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4393 ~~insurer to whom the mailing was made and by specifying the time,~~
 4394 ~~place, and manner of mailing.~~

4395 Section 56. Section 324.161, Florida Statutes, is amended
 4396 to read:

4397 324.161 Proof of financial responsibility; ~~surety bond or~~
 4398 deposit.—Annually, before any certificate of insurance may be
 4399 issued to a person, including any firm, partnership,
 4400 association, corporation, or other person, other than a natural
 4401 person, proof of a certificate of deposit of \$30,000 issued and
 4402 held by a financial institution must be submitted to the
 4403 department. A power of attorney will be issued to and held by the
 4404 department and may be executed upon ~~The certificate of the~~
 4405 ~~department of a deposit may be obtained by depositing with it~~
 4406 ~~\$30,000 cash or securities such as may be legally purchased by~~
 4407 ~~savings banks or for trust funds, of a market value of \$30,000~~
 4408 ~~and which deposit shall be held by the department to satisfy, in~~
 4409 ~~accordance with the provisions of this chapter, any execution on~~
 4410 a judgment issued against such person making the deposit, for
 4411 damages because of bodily injury to or death of any person or
 4412 for damages because of injury to or destruction of property
 4413 resulting from the use or operation of any motor vehicle
 4414 occurring after such deposit was made. Money ~~or securities~~ so
 4415 deposited shall not be subject to attachment or execution unless
 4416 such attachment or execution shall arise out of a suit for
 4417 damages as aforesaid.

4418 Section 57. Paragraph (a) of subsection (1) of section
 4419 328.01, Florida Statutes, is amended to read:

4420 328.01 Application for certificate of title.—

4421 (1) (a) The owner of a vessel which is required to be
4422 titled shall apply to the county tax collector for a certificate
4423 of title. The application shall include the true name of the
4424 owner, the residence or business address of the owner, and the
4425 complete description of the vessel, including the hull
4426 identification number, except that an application for a
4427 certificate of title for a homemade vessel shall state all the
4428 foregoing information except the hull identification number. The
4429 application shall be signed by the owner and shall be
4430 accompanied by personal or business identification and the
4431 prescribed fee. An individual applicant must provide a valid
4432 driver license or identification card issued by this state or
4433 another state or a valid passport. A business applicant must
4434 provide a federal employer identification number, if applicable,
4435 verification that the business is authorized to conduct business
4436 in the state, or a Florida city or county business license or
4437 number, which may include, but need not be limited to, a
4438 driver's license number, Florida identification card number, or
4439 federal employer identification number, and the prescribed fee.

4440 Section 58. Paragraph (a) of subsection (1) of section
4441 328.48, Florida Statutes, is amended to read:

4442 328.48 Vessel registration, application, certificate,
4443 number, decal, duplicate certificate.-

4444 (1) (a) The owner of each vessel required by this law to
4445 pay a registration fee and secure an identification number shall
4446 file an application with the county tax collector. The
4447 application shall provide the owner's name and address;
4448 residency status; personal or business identification, ~~which may~~

4449 ~~include, but need not be limited to, a driver's license number,~~
 4450 ~~Florida identification card number, or federal employer~~
 4451 ~~identification number;~~ and a complete description of the vessel,
 4452 and shall be accompanied by payment of the applicable fee
 4453 required in s. 328.72. An individual applicant must provide a
 4454 valid driver license or identification card issued by this state
 4455 or another state or a valid passport. A business applicant must
 4456 provide a federal employer identification number, if applicable,
 4457 verification that the business is authorized to conduct business
 4458 in the state, or a Florida city or county business license or
 4459 number. Registration is not required for any vessel that is not
 4460 used on the waters of this state.

4461 Section 59. Subsection (1) of section 328.76, Florida
 4462 Statutes, is amended to read:

4463 328.76 Marine Resources Conservation Trust Fund; vessel
 4464 registration funds; appropriation and distribution.—

4465 (1) Except as otherwise specified in this subsection and
 4466 less the amount equal to \$1.4 million for any administrative
 4467 costs which shall be deposited in the Highway Safety Operating
 4468 Trust Fund, in each fiscal year beginning on or after July 1,
 4469 2001, all funds collected from the registration of vessels
 4470 through the Department of Highway Safety and Motor Vehicles and
 4471 the tax collectors of the state, except for those funds
 4472 designated as the county portion pursuant to s. 328.72(1), shall
 4473 be deposited in the Marine Resources Conservation Trust Fund for
 4474 recreational channel marking; public launching facilities; law
 4475 enforcement and quality control programs; aquatic weed control;
 4476 manatee protection, recovery, rescue, rehabilitation, and

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4477 release; and marine mammal protection and recovery. The funds
 4478 collected pursuant to s. 328.72(1) shall be transferred as
 4479 follows:

4480 (a) In each fiscal year, an amount equal to \$1.50 for each
 4481 commercial and recreational vessel registered in this state
 4482 shall be transferred by the Department of Highway Safety and
 4483 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 4484 used only for the purposes specified in s. 379.2431(4).

4485 (b) An amount equal to \$2 from each recreational vessel
 4486 registration fee, except that for class A-1 vessels, shall be
 4487 transferred by the Department of Highway Safety and Motor
 4488 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 4489 and Wildlife Conservation Commission for aquatic weed research
 4490 and control.

4491 (c) An amount equal to 40 percent of the registration fees
 4492 from commercial vessels shall be transferred by the Department
 4493 of Highway Safety and Motor Vehicles to the Invasive Plant
 4494 Control Trust Fund in the Fish and Wildlife Conservation
 4495 Commission for aquatic plant research and control.

4496 (d) An amount equal to 40 percent of the registration fees
 4497 from commercial vessels shall be transferred by the Department
 4498 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 4499 General Inspection Trust Fund of the Department of Agriculture
 4500 and Consumer Services. These funds shall be used for shellfish
 4501 and aquaculture law enforcement and quality control programs.

4502 Section 60. Subsections (1), (2), (3), (4), (9), and (13)
 4503 of section 713.585, Florida Statutes, are amended to read:

4504 713.585 Enforcement of lien by sale of motor vehicle.—A
 4505 person claiming a lien under s. 713.58 for performing labor or
 4506 services on a motor vehicle may enforce such lien by sale of the
 4507 vehicle in accordance with the following procedures:

4508 (1) The lienor must give notice, by certified mail, return
 4509 receipt requested, within 15 business days, excluding Saturday
 4510 and Sunday, after ~~from~~ the beginning date of the assessment of
 4511 storage charges on said motor vehicle, to the registered owner
 4512 of the vehicle, to the customer as indicated on the order for
 4513 repair, and to all other persons claiming an interest in or lien
 4514 thereon, as disclosed by the records of the Department of
 4515 Highway Safety and Motor Vehicles or as disclosed by the records
 4516 of any ~~of a~~ corresponding agency of any other state in which the
 4517 vehicle is identified through a records check of the National
 4518 Motor Vehicle Title Information System as being the current
 4519 state where the vehicle is titled ~~appears registered~~. Such
 4520 notice must contain:

4521 (a) A description of the vehicle (year, make, vehicle
 4522 identification number) and its location.

4523 (b) The name and address of the owner of the vehicle, the
 4524 customer as indicated on the order for repair, and any person
 4525 claiming an interest in or lien thereon.

4526 (c) The name, address, and telephone number of the lienor.

4527 (d) Notice that the lienor claims a lien on the vehicle
 4528 for labor and services performed and storage charges, if any,
 4529 and the cash sum which, if paid to the lienor, would be
 4530 sufficient to redeem the vehicle from the lien claimed by the
 4531 lienor.

4532 (e) Notice that the lien claimed by the lienor is subject
4533 to enforcement pursuant to this section and that the vehicle may
4534 be sold to satisfy the lien.

4535 (f) If known, the date, time, and location of any proposed
4536 or scheduled sale of the vehicle. No vehicle may be sold earlier
4537 than 60 days after completion of the repair work.

4538 (g) Notice that the owner of the vehicle or any person
4539 claiming an interest in or lien thereon has a right to a hearing
4540 at any time before ~~prior to~~ the scheduled date of sale by filing
4541 a demand for hearing with the clerk of the circuit court in the
4542 county in which the vehicle is held and mailing copies of the
4543 demand for hearing to all other owners and lienors as reflected
4544 on the notice.

4545 (h) Notice that the owner of the vehicle has a right to
4546 recover possession of the vehicle without instituting judicial
4547 proceedings by posting bond in accordance with the provisions of
4548 s. 559.917.

4549 (i) Notice that any proceeds from the sale of the vehicle
4550 remaining after payment of the amount claimed to be due and
4551 owing to the lienor will be deposited with the clerk of the
4552 circuit court for disposition upon court order pursuant to
4553 subsection (8).

4554 (2) If attempts to locate the owner or lienholder are
4555 unsuccessful after a check of the records of the Department of
4556 Highway Safety and Motor Vehicles and the records of any state
4557 disclosed by the check of the National Motor Vehicle Title
4558 Information System, the lienor must notify the local law
4559 enforcement agency in writing by certified mail or acknowledged

4560 hand delivery that the lienor has been unable to locate the
4561 owner or lienholder, that a physical search of the vehicle has
4562 disclosed no ownership information, and that a good faith
4563 effort, including records checks of the Department of Highway
4564 Safety and Motor Vehicles database and the National Motor
4565 Vehicle Title Information System have ~~has~~ been made. A
4566 description of the motor vehicle which includes the year, make,
4567 and identification number must be given on the notice. This
4568 notification must take place within 15 business days, excluding
4569 Saturday and Sunday, from the beginning date of the assessment
4570 of storage charges on said motor vehicle. For purposes of this
4571 subsection ~~paragraph~~, the term "good faith effort" means that
4572 the following checks have been performed by the company to
4573 establish the prior state of registration and title:

4574 (a) A check of the Department of Highway Safety and Motor
4575 Vehicles database for the owner and any lienholder.

4576 (b) A check of the federally mandated electronic National
4577 Motor Vehicle Title Information System to determine the state of
4578 registration when there is not a current title or registration
4579 record for the vehicle on file with the Department of Highway
4580 Safety and Motor Vehicles.

4581 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,
4582 temporary tag, or regular tag;

4583 (d) ~~(b)~~ A check of vehicle for inspection sticker or other
4584 stickers and decals that could indicate the state of possible
4585 registration; and

4586 ~~(e)-(e)~~ A check of the interior of the vehicle for any
4587 papers that could be in the glove box, trunk, or other areas for
4588 the state of registration.

4589 (3) If the date of the sale was not included in the notice
4590 required in subsection (1), notice of the sale must be sent by
4591 certified mail, return receipt requested, at least ~~not less than~~
4592 15 days before the date of sale, to the customer as indicated on
4593 the order for repair, and to all other persons claiming an
4594 interest in or lien on the motor vehicle, as disclosed by the
4595 records of the Department of Highway Safety and Motor Vehicles
4596 or, after completion of a check of the National Motor Vehicle
4597 Title Information System, the records of a corresponding agency
4598 of any other state in which the vehicle appears to have been
4599 registered. ~~After diligent search and inquiry, if the name and~~
4600 ~~address of the registered owner or the owner of the recorded~~
4601 ~~lien cannot be ascertained, the requirements for this notice may~~
4602 ~~be disregarded.~~

4603 (4) The lienor, at least 15 days before the proposed or
4604 scheduled date of sale of the vehicle, shall publish the notice
4605 required by this section once in a newspaper circulated in the
4606 county where the vehicle is held. A certificate of compliance
4607 with the notification provisions of this section, verified by
4608 the lienor, together with a copy of the notice and return
4609 receipt for mailing of the notice required by this section, ~~and~~
4610 proof of publication, and checks of the Department of Highway
4611 Safety and Motor Vehicles and the National Motor Vehicle Title
4612 Information System, must be duly and expeditiously filed with
4613 the clerk of the circuit court in the county where the vehicle

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4614 is held. The lienor, at the time of filing the certificate of
4615 compliance, must pay to the clerk of that court a service charge
4616 of \$10 for indexing and recording the certificate.

4617 (9) A copy of the certificate of compliance and the report
4618 of sale, certified by the clerk of the court, and proof of the
4619 required check of the National Motor Vehicle Title Information
4620 System shall constitute satisfactory proof for application to
4621 the Department of Highway Safety and Motor Vehicles for transfer
4622 of title, together with any other proof required by any rules
4623 and regulations of the department.

4624 (13) A failure to make good faith efforts as defined in
4625 subsection (2) precludes the imposition of any storage charges
4626 against the vehicle. If a lienor fails to provide notice to any
4627 person claiming a lien on a vehicle under subsection (1) within
4628 15 business days after the assessment of storage charges have
4629 begun, then the lienor may not charge ~~is precluded from charging~~
4630 for more than 15 days of storage, but failure to provide timely
4631 notice does not affect charges made for repairs, adjustments, or
4632 modifications to the vehicle or the priority of liens on the
4633 vehicle.

4634 Section 61. Section 713.78, Florida Statutes, is amended
4635 to read:

4636 713.78 Liens for recovering, towing, or storing vehicles
4637 and vessels.—

4638 (1) For the purposes of this section, the term:

4639 (a) "Vehicle" means any mobile item, whether motorized or
4640 not, which is mounted on wheels.

4641 (b) "Vessel" means every description of watercraft, barge,
 4642 and airboat used or capable of being used as a means of
 4643 transportation on water, other than a seaplane or a "documented
 4644 vessel" as defined in s. 327.02(9).

4645 (c) "Wrecker" means any truck or other vehicle which is
 4646 used to tow, carry, or otherwise transport motor vehicles or
 4647 vessels upon the streets and highways of this state and which is
 4648 equipped for that purpose with a boom, winch, car carrier, or
 4649 other similar equipment.

4650 (d) "National Motor Vehicle Title Information System"
 4651 means the federally authorized electronic National Motor Vehicle
 4652 Title Information System.

4653 (2) Whenever a person regularly engaged in the business of
 4654 transporting vehicles or vessels by wrecker, tow truck, or car
 4655 carrier recovers, removes, or stores a vehicle or vessel upon
 4656 instructions from:

4657 (a) The owner thereof;

4658 (b) The owner or lessor, or a person authorized by the
 4659 owner or lessor, of property on which such vehicle or vessel is
 4660 wrongfully parked, and the removal is done in compliance with s.
 4661 715.07; ~~or~~

4662 (c) The landlord or a person authorized by the landlord,
 4663 when such motor vehicle or vessel remained on premises after
 4664 tenancy terminated and the removal is done in compliance with s.
 4665 715.104; or

4666 (d) ~~(e)~~ Any law enforcement agency,
 4667

4668 she or he shall have a lien on the vehicle or vessel for a
 4669 reasonable towing fee and for a reasonable storage fee; except
 4670 that no storage fee shall be charged if the vehicle is stored
 4671 for less than 6 hours.

4672 (3) This section does not authorize any person to claim a
 4673 lien on a vehicle for fees or charges connected with the
 4674 immobilization of such vehicle using a vehicle boot or other
 4675 similar device pursuant to s. 715.07.

4676 (4) (a) Any person regularly engaged in the business of
 4677 recovering, towing, or storing vehicles or vessels who comes
 4678 into possession of a vehicle or vessel pursuant to subsection
 4679 (2), and who claims a lien for recovery, towing, or storage
 4680 services, shall give notice to the registered owner, the
 4681 insurance company insuring the vehicle notwithstanding the
 4682 provisions of s. 627.736, and to all persons claiming a lien
 4683 thereon, as disclosed by the records in the Department of
 4684 Highway Safety and Motor Vehicles or as disclosed by the records
 4685 of any ~~of a~~ corresponding agency in any other state in which the
 4686 vehicle is identified through a records check of the National
 4687 Motor Vehicle Title Information System, as being titled or
 4688 registered.

4689 (b) Whenever any law enforcement agency authorizes the
 4690 removal of a vehicle or vessel or whenever any towing service,
 4691 garage, repair shop, or automotive service, storage, or parking
 4692 place notifies the law enforcement agency of possession of a
 4693 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
 4694 enforcement agency of the jurisdiction where the vehicle or
 4695 vessel is stored shall contact the Department of Highway Safety

4696 and Motor Vehicles, or the appropriate agency of the state of
4697 registration, if known, within 24 hours through the medium of
4698 electronic communications, giving the full description of the
4699 vehicle or vessel. Upon receipt of the full description of the
4700 vehicle or vessel, the department shall search its files to
4701 determine the owner's name, the insurance company insuring the
4702 vehicle or vessel, and whether any person has filed a lien upon
4703 the vehicle or vessel as provided in s. 319.27(2) and (3) and
4704 notify the applicable law enforcement agency within 72 hours.
4705 The person in charge of the towing service, garage, repair shop,
4706 or automotive service, storage, or parking place shall obtain
4707 such information from the applicable law enforcement agency
4708 within 5 days after the date of storage and shall give notice
4709 pursuant to paragraph (a). The department may release the
4710 insurance company information to the requestor notwithstanding
4711 the provisions of s. 627.736.

4712 (c) Notice by certified mail shall be sent within 7
4713 business days after the date of storage of the vehicle or vessel
4714 to the registered owner, the insurance company insuring the
4715 vehicle notwithstanding the provisions of s. 627.736, and all
4716 persons of record claiming a lien against the vehicle or vessel.
4717 It shall state the fact of possession of the vehicle or vessel,
4718 that a lien as provided in subsection (2) is claimed, that
4719 charges have accrued and the amount thereof, that the lien is
4720 subject to enforcement pursuant to law, and that the owner or
4721 lienholder, if any, has the right to a hearing as set forth in
4722 subsection (5), and that any vehicle or vessel which remains
4723 unclaimed, or for which the charges for recovery, towing, or

4724 storage services remain unpaid, may be sold free of all prior
4725 liens after 35 days if the vehicle or vessel is more than 3
4726 years of age or after 50 days if the vehicle or vessel is 3
4727 years of age or less.

4728 (d) If attempts to locate the name and address of the
4729 owner or lienholder prove unsuccessful, the towing-storage
4730 operator shall, after 7 working days, excluding Saturday and
4731 Sunday, of the initial tow or storage, notify the public agency
4732 of jurisdiction where the vehicle or vessel is stored in writing
4733 by certified mail or acknowledged hand delivery that the towing-
4734 storage company has been unable to locate the name and address
4735 of the owner or lienholder and a physical search of the vehicle
4736 or vessel has disclosed no ownership information and a good
4737 faith effort has been made including records checks of the
4738 Florida Department of Highway Safety and Motor Vehicles and the
4739 National Motor Vehicle Title Information System databases. For
4740 purposes of this paragraph and subsection (9), "good faith
4741 effort" means that the following checks have been performed by
4742 the company to establish prior state of registration and for
4743 title:

4744 1. A check of the Florida Department of Highway Safety and
4745 Motor Vehicles database for the owner and any lienholder.

4746 2. A check of the electronic National Motor Vehicle Title
4747 Information System to determine the state of registration when
4748 there is not a current registration record for the vehicle on
4749 file with the Florida Department of Highway Safety and Motor
4750 Vehicles.

4751 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
4752 record, temporary tag, or regular tag.

4753 ~~4.2.~~ Check of law enforcement report for tag number or
4754 other information identifying the vehicle or vessel, if the
4755 vehicle or vessel was towed at the request of a law enforcement
4756 officer.

4757 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
4758 operator to see if a tag was on vehicle or vessel at beginning
4759 of tow, if private tow.

4760 ~~6.4.~~ If there is no address of the owner on the impound
4761 report, check of law enforcement report to see if an out-of-
4762 state address is indicated from driver license information.

4763 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
4764 other stickers and decals that may indicate a state of possible
4765 registration.

4766 ~~8.6.~~ Check of the interior of the vehicle or vessel for
4767 any papers that may be in the glove box, trunk, or other areas
4768 for a state of registration.

4769 ~~9.7.~~ Check of vehicle for vehicle identification number.

4770 ~~10.8.~~ Check of vessel for vessel registration number.

4771 ~~11.9.~~ Check of vessel hull for a hull identification
4772 number which should be carved, burned, stamped, embossed, or
4773 otherwise permanently affixed to the outboard side of the
4774 transom or, if there is no transom, to the outmost seaboard side
4775 at the end of the hull that bears the rudder or other steering
4776 mechanism.

4777 (5) (a) The owner of a vehicle or vessel removed pursuant
4778 to the provisions of subsection (2), or any person claiming a

4779 | lien, other than the towing-storage operator, within 10 days
4780 | after the time she or he has knowledge of the location of the
4781 | vehicle or vessel, may file a complaint in the county court of
4782 | the county in which the vehicle or vessel is stored to determine
4783 | if her or his property was wrongfully taken or withheld from her
4784 | or him.

4785 | (b) Upon filing of a complaint, an owner or lienholder may
4786 | have her or his vehicle or vessel released upon posting with the
4787 | court a cash or surety bond or other adequate security equal to
4788 | the amount of the charges for towing or storage and lot rental
4789 | amount to ensure the payment of such charges in the event she or
4790 | he does not prevail. Upon the posting of the bond and the
4791 | payment of the applicable fee set forth in s. 28.24, the clerk
4792 | of the court shall issue a certificate notifying the lienor of
4793 | the posting of the bond and directing the lienor to release the
4794 | vehicle or vessel. At the time of such release, after reasonable
4795 | inspection, she or he shall give a receipt to the towing-storage
4796 | company reciting any claims she or he has for loss or damage to
4797 | the vehicle or vessel or the contents thereof.

4798 | (c) Upon determining the respective rights of the parties,
4799 | the court may award damages, attorney's fees, and costs in favor
4800 | of the prevailing party. In any event, the final order shall
4801 | provide for immediate payment in full of recovery, towing, and
4802 | storage fees by the vehicle or vessel owner or lienholder; or
4803 | the agency ordering the tow; or the owner, lessee, or agent
4804 | thereof of the property from which the vehicle or vessel was
4805 | removed.

4806 (6) Any vehicle or vessel which is stored pursuant to
4807 subsection (2) and which remains unclaimed, or for which
4808 reasonable charges for recovery, towing, or storing remain
4809 unpaid, and any contents not released pursuant to subsection
4810 (10), may be sold by the owner or operator of the storage space
4811 for such towing or storage charge after 35 days from the time
4812 the vehicle or vessel is stored therein if the vehicle or vessel
4813 is more than 3 years of age or after 50 days following the time
4814 the vehicle or vessel is stored therein if the vehicle or vessel
4815 is 3 years of age or less. The sale shall be at public sale for
4816 cash. If the date of the sale was not included in the notice
4817 required in subsection (4), notice of the sale shall be given to
4818 the person in whose name the vehicle or vessel is registered and
4819 to all persons claiming a lien on the vehicle or vessel as shown
4820 on the records of the Department of Highway Safety and Motor
4821 Vehicles or of any ~~the~~ corresponding agency in any other state
4822 in which the vehicle is identified through a records check of
4823 the National Motor Vehicle Title Information System, as being
4824 titled. Notice shall be sent by certified mail to the owner of
4825 the vehicle or vessel and the person having the recorded lien on
4826 the vehicle or vessel at the address shown on the records of the
4827 registering agency and shall be mailed at least ~~not less than~~ 15
4828 days before the date of the sale. After diligent search and
4829 inquiry, if the name and address of the registered owner or the
4830 owner of the recorded lien cannot be ascertained, the
4831 requirements of notice by mail may be dispensed with. In
4832 addition to the notice by mail, public notice of the time and
4833 place of sale shall be made by publishing a notice thereof one

4834 time, at least 10 days before ~~prior to~~ the date of the sale, in
4835 a newspaper of general circulation in the county in which the
4836 sale is to be held. The proceeds of the sale, after payment of
4837 reasonable towing and storage charges, and costs of the sale, in
4838 that order of priority, shall be deposited with the clerk of the
4839 circuit court for the county if the owner or lienholder is
4840 absent, and the clerk shall hold such proceeds subject to the
4841 claim of the owner or lienholder legally entitled thereto. The
4842 clerk shall be entitled to receive 5 percent of such proceeds
4843 for the care and disbursement thereof. The certificate of title
4844 issued under this law shall be discharged of all liens unless
4845 otherwise provided by court order. The owner or lienholder may
4846 file a complaint after the vehicle or vessel has been sold in
4847 the county court of the county in which it is stored. Upon
4848 determining the respective rights of the parties, the court may
4849 award damages, attorney's fees, and costs in favor of the
4850 prevailing party.

4851 (7) (a) A wrecker operator recovering, towing, or storing
4852 vehicles or vessels is not liable for damages connected with
4853 such services, theft of such vehicles or vessels, or theft of
4854 personal property contained in such vehicles or vessels,
4855 provided that such services have been performed with reasonable
4856 care and provided, further, that, in the case of removal of a
4857 vehicle or vessel upon the request of a person purporting, and
4858 reasonably appearing, to be the owner or lessee, or a person
4859 authorized by the owner or lessee, of the property from which
4860 such vehicle or vessel is removed, such removal has been done in
4861 compliance with s. 715.07. Further, a wrecker operator is not

4862 | liable for damage to a vehicle, vessel, or cargo that obstructs
4863 | the normal movement of traffic or creates a hazard to traffic
4864 | and is removed in compliance with the request of a law
4865 | enforcement officer.

4866 | (b) For the purposes of this subsection, a wrecker
4867 | operator is presumed to use reasonable care to prevent the theft
4868 | of a vehicle or vessel or of any personal property contained in
4869 | such vehicle stored in the wrecker operator's storage facility
4870 | if all of the following apply:

4871 | 1. The wrecker operator surrounds the storage facility
4872 | with a chain-link or solid-wall type fence at least 6 feet in
4873 | height;

4874 | 2. The wrecker operator has illuminated the storage
4875 | facility with lighting of sufficient intensity to reveal persons
4876 | and vehicles at a distance of at least 150 feet during
4877 | nighttime; and

4878 | 3. The wrecker operator uses one or more of the following
4879 | security methods to discourage theft of vehicles or vessels or
4880 | of any personal property contained in such vehicles or vessels
4881 | stored in the wrecker operator's storage facility:

4882 | a. A night dispatcher or watchman remains on duty at the
4883 | storage facility from sunset to sunrise;

4884 | b. A security dog remains at the storage facility from
4885 | sunset to sunrise;

4886 | c. Security cameras or other similar surveillance devices
4887 | monitor the storage facility; or

4888 | d. A security guard service examines the storage facility
4889 | at least once each hour from sunset to sunrise.

4890 (c) Any law enforcement agency requesting that a motor
4891 vehicle be removed from an accident scene, street, or highway
4892 must conduct an inventory and prepare a written record of all
4893 personal property found in the vehicle before the vehicle is
4894 removed by a wrecker operator. However, if the owner or driver
4895 of the motor vehicle is present and accompanies the vehicle, no
4896 inventory by law enforcement is required. A wrecker operator is
4897 not liable for the loss of personal property alleged to be
4898 contained in such a vehicle when such personal property was not
4899 identified on the inventory record prepared by the law
4900 enforcement agency requesting the removal of the vehicle.

4901 (8) A person regularly engaged in the business of
4902 recovering, towing, or storing vehicles or vessels, except a
4903 person licensed under chapter 493 while engaged in
4904 "repossession" activities as defined in s. 493.6101, may not
4905 operate a wrecker, tow truck, or car carrier unless the name,
4906 address, and telephone number of the company performing the
4907 service is clearly printed in contrasting colors on the driver
4908 and passenger sides of its vehicle. The name must be in at least
4909 3-inch permanently affixed letters, and the address and
4910 telephone number must be in at least 1-inch permanently affixed
4911 letters.

4912 (9) Failure to make good faith best efforts to comply with
4913 the notice requirements of this section shall preclude the
4914 imposition of any storage charges against such vehicle or
4915 vessel.

4916 (10) Persons who provide services pursuant to this section
4917 shall permit vehicle or vessel owners, lienholders, insurance

4918 company representatives, or their agents, which agency is
4919 evidenced by an original writing acknowledged by the owner
4920 before a notary public or other person empowered by law to
4921 administer oaths, to inspect the towed vehicle or vessel and
4922 shall release to the owner, lienholder, or agent the vehicle,
4923 vessel, or all personal property not affixed to the vehicle or
4924 vessel which was in the vehicle or vessel at the time the
4925 vehicle or vessel came into the custody of the person providing
4926 such services.

4927 (11) (a) Any person regularly engaged in the business of
4928 recovering, towing, or storing vehicles or vessels who comes
4929 into possession of a vehicle or vessel pursuant to subsection
4930 (2) and who has complied with the provisions of subsections (3)
4931 and (6), when such vehicle or vessel is to be sold for purposes
4932 of being dismantled, destroyed, or changed in such manner that
4933 it is not the motor vehicle or vessel described in the
4934 certificate of title, shall report the vehicle to the National
4935 Motor Vehicle Title Information System and apply to the
4936 Department of Highway Safety and Motor Vehicles ~~county tax~~
4937 ~~collector~~ for a certificate of destruction. A certificate of
4938 destruction, which authorizes the dismantling or destruction of
4939 the vehicle or vessel described therein, shall be reassignable a
4940 maximum of two times before dismantling or destruction of the
4941 vehicle shall be required, and shall accompany the vehicle or
4942 vessel for which it is issued, when such vehicle or vessel is
4943 sold for such purposes, in lieu of a certificate of title. The
4944 application for a certificate of destruction must include proof
4945 of reporting to the National Motor Vehicle Information System

4946 and an affidavit from the applicant that it has complied with
4947 all applicable requirements of this section and, if the vehicle
4948 or vessel is not registered in this state or any other state, by
4949 a statement from a law enforcement officer that the vehicle or
4950 vessel is not reported stolen, and shall be accompanied by such
4951 documentation as may be required by the department.

4952 (b) The Department of Highway Safety and Motor Vehicles
4953 shall charge a fee of \$3 for each certificate of destruction. A
4954 service charge of \$4.25 shall be collected and retained by the
4955 tax collector who processes the application.

4956 (c) The Department of Highway Safety and Motor Vehicles
4957 may adopt such rules as it deems necessary or proper for the
4958 administration of this subsection.

4959 (12) (a) Any person who violates any provision of
4960 subsection (1), subsection (2), subsection (4), subsection (5),
4961 subsection (6), or subsection (7) is guilty of a misdemeanor of
4962 the first degree, punishable as provided in s. 775.082 or s.
4963 775.083.

4964 (b) Any person who violates the provisions of subsections
4965 (8) through (11) is guilty of a felony of the third degree,
4966 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4967 (c) Any person who uses a false or fictitious name, gives
4968 a false or fictitious address, or makes any false statement in
4969 any application or affidavit required under the provisions of
4970 this section is guilty of a felony of the third degree,
4971 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4972 (d) Employees of the Department of Highway Safety and
4973 Motor Vehicles and law enforcement officers are authorized to

4974 inspect the records of any person regularly engaged in the
 4975 business of recovering, towing, or storing vehicles or vessels
 4976 or transporting vehicles or vessels by wrecker, tow truck, or
 4977 car carrier, to ensure compliance with the requirements of this
 4978 section. Any person who fails to maintain records, or fails to
 4979 produce records when required in a reasonable manner and at a
 4980 reasonable time, commits a misdemeanor of the first degree,
 4981 punishable as provided in s. 775.082 or s. 775.083.

4982 (13) (a) Upon receipt by the Department of Highway Safety
 4983 and Motor Vehicles of written notice from a wrecker operator who
 4984 claims a wrecker operator's lien under paragraph (2) (c) or
 4985 paragraph (2) (d) for recovery, towing, or storage of an
 4986 abandoned vehicle or vessel upon instructions from any law
 4987 enforcement agency, for which a certificate of destruction has
 4988 been issued under subsection (11) and the vehicle has been
 4989 reported to the National Motor Vehicle Title Information System,
 4990 the department shall place the name of the registered owner of
 4991 that vehicle or vessel on the list of those persons who may not
 4992 be issued a license plate or revalidation sticker for any motor
 4993 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 4994 jointly by more than one person, the name of each registered
 4995 owner shall be placed on the list. The notice of wrecker
 4996 operator's lien shall be submitted on forms provided by the
 4997 department, which must include:

- 4998 1. The name, address, and telephone number of the wrecker
 4999 operator.

5000 2. The name of the registered owner of the vehicle or
 5001 vessel and the address to which the wrecker operator provided
 5002 notice of the lien to the registered owner under subsection (4).

5003 3. A general description of the vehicle or vessel,
 5004 including its color, make, model, body style, and year.

5005 4. The vehicle identification number (VIN); registration
 5006 license plate number, state, and year; validation decal number,
 5007 state, and year; vessel registration number; hull identification
 5008 number; or other identification number, as applicable.

5009 5. The name of the person or the corresponding law
 5010 enforcement agency that requested that the vehicle or vessel be
 5011 recovered, towed, or stored.

5012 6. The amount of the wrecker operator's lien, not to
 5013 exceed the amount allowed by paragraph (b).

5014 (b) For purposes of this subsection only, the amount of
 5015 the wrecker operator's lien for which the department will
 5016 prevent issuance of a license plate or revalidation sticker may
 5017 not exceed the amount of the charges for recovery, towing, and
 5018 storage of the vehicle or vessel for 7 days. These charges may
 5019 not exceed the maximum rates imposed by the ordinances of the
 5020 respective county or municipality under ss. 125.0103(1)(c) and
 5021 166.043(1)(c). This paragraph does not limit the amount of a
 5022 wrecker operator's lien claimed under subsection (2) or prevent
 5023 a wrecker operator from seeking civil remedies for enforcement
 5024 of the entire amount of the lien, but limits only that portion
 5025 of the lien for which the department will prevent issuance of a
 5026 license plate or revalidation sticker.

5027 (c)1. The registered owner of a vehicle or vessel may
5028 dispute a wrecker operator's lien, by notifying the department
5029 of the dispute in writing on forms provided by the department,
5030 if at least one of the following applies:

5031 a. The registered owner presents a notarized bill of sale
5032 proving that the vehicle or vessel was sold in a private or
5033 casual sale before the vehicle or vessel was recovered, towed,
5034 or stored.

5035 b. The registered owner presents proof that the Florida
5036 certificate of title of the vehicle or vessel was sold to a
5037 licensed dealer as defined in s. 319.001 before the vehicle or
5038 vessel was recovered, towed, or stored.

5039 c. The records of the department were marked "sold" prior
5040 to the date of the tow.

5041
5042 If the registered owner's dispute of a wrecker operator's lien
5043 complies with one of these criteria, the department shall
5044 immediately remove the registered owner's name from the list of
5045 those persons who may not be issued a license plate or
5046 revalidation sticker for any motor vehicle under s. 320.03(8),
5047 thereby allowing issuance of a license plate or revalidation
5048 sticker. If the vehicle or vessel is owned jointly by more than
5049 one person, each registered owner must dispute the wrecker
5050 operator's lien in order to be removed from the list. However,
5051 the department shall deny any dispute and maintain the
5052 registered owner's name on the list of those persons who may not
5053 be issued a license plate or revalidation sticker for any motor
5054 vehicle under s. 320.03(8) if the wrecker operator has provided

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5055 | the department with a certified copy of the judgment of a court
5056 | which orders the registered owner to pay the wrecker operator's
5057 | lien claimed under this section. In such a case, the amount of
5058 | the wrecker operator's lien allowed by paragraph (b) may be
5059 | increased to include no more than \$500 of the reasonable costs
5060 | and attorney's fees incurred in obtaining the judgment. The
5061 | department's action under this subparagraph is ministerial in
5062 | nature, shall not be considered final agency action, and is
5063 | appealable only to the county court for the county in which the
5064 | vehicle or vessel was ordered removed.

5065 | 2. A person against whom a wrecker operator's lien has
5066 | been imposed may alternatively obtain a discharge of the lien by
5067 | filing a complaint, challenging the validity of the lien or the
5068 | amount thereof, in the county court of the county in which the
5069 | vehicle or vessel was ordered removed. Upon filing of the
5070 | complaint, the person may have her or his name removed from the
5071 | list of those persons who may not be issued a license plate or
5072 | revalidation sticker for any motor vehicle under s. 320.03(8),
5073 | thereby allowing issuance of a license plate or revalidation
5074 | sticker, upon posting with the court a cash or surety bond or
5075 | other adequate security equal to the amount of the wrecker
5076 | operator's lien to ensure the payment of such lien in the event
5077 | she or he does not prevail. Upon the posting of the bond and the
5078 | payment of the applicable fee set forth in s. 28.24, the clerk
5079 | of the court shall issue a certificate notifying the department
5080 | of the posting of the bond and directing the department to
5081 | release the wrecker operator's lien. Upon determining the

5082 | respective rights of the parties, the court may award damages
5083 | and costs in favor of the prevailing party.

5084 | 3. If a person against whom a wrecker operator's lien has
5085 | been imposed does not object to the lien, but cannot discharge
5086 | the lien by payment because the wrecker operator has moved or
5087 | gone out of business, the person may have her or his name
5088 | removed from the list of those persons who may not be issued a
5089 | license plate or revalidation sticker for any motor vehicle
5090 | under s. 320.03(8), thereby allowing issuance of a license plate
5091 | or revalidation sticker, upon posting with the clerk of court in
5092 | the county in which the vehicle or vessel was ordered removed, a
5093 | cash or surety bond or other adequate security equal to the
5094 | amount of the wrecker operator's lien. Upon the posting of the
5095 | bond and the payment of the application fee set forth in s.
5096 | 28.24, the clerk of the court shall issue a certificate
5097 | notifying the department of the posting of the bond and
5098 | directing the department to release the wrecker operator's lien.
5099 | The department shall mail to the wrecker operator, at the
5100 | address upon the lien form, notice that the wrecker operator
5101 | must claim the security within 60 days, or the security will be
5102 | released back to the person who posted it. At the conclusion of
5103 | the 60 days, the department shall direct the clerk as to which
5104 | party is entitled to payment of the security, less applicable
5105 | clerk's fees.

5106 | 4. A wrecker operator's lien expires 5 years after filing.

5107 | (d) Upon discharge of the amount of the wrecker operator's
5108 | lien allowed by paragraph (b), the wrecker operator must issue a
5109 | certificate of discharged wrecker operator's lien on forms

5110 provided by the department to each registered owner of the
5111 vehicle or vessel attesting that the amount of the wrecker
5112 operator's lien allowed by paragraph (b) has been discharged.
5113 Upon presentation of the certificate of discharged wrecker
5114 operator's lien by the registered owner, the department shall
5115 immediately remove the registered owner's name from the list of
5116 those persons who may not be issued a license plate or
5117 revalidation sticker for any motor vehicle under s. 320.03(8),
5118 thereby allowing issuance of a license plate or revalidation
5119 sticker. Issuance of a certificate of discharged wrecker
5120 operator's lien under this paragraph does not discharge the
5121 entire amount of the wrecker operator's lien claimed under
5122 subsection (2), but only certifies to the department that the
5123 amount of the wrecker operator's lien allowed by paragraph (b),
5124 for which the department will prevent issuance of a license
5125 plate or revalidation sticker, has been discharged.

5126 (e) When a wrecker operator files a notice of wrecker
5127 operator's lien under this subsection, the department shall
5128 charge the wrecker operator a fee of \$2, which shall be
5129 deposited into the General Revenue Fund. A service charge of
5130 \$2.50 shall be collected and retained by the tax collector who
5131 processes a notice of wrecker operator's lien.

5132 (f) This subsection applies only to the annual renewal in
5133 the registered owner's birth month of a motor vehicle
5134 registration and does not apply to the transfer of a
5135 registration of a motor vehicle sold by a motor vehicle dealer
5136 licensed under chapter 320, except for the transfer of
5137 registrations which includes the annual renewals. This

5138 subsection does not apply to any vehicle registered in the name
5139 of the lessor. This subsection does not affect the issuance of
5140 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

5141 (g) The Department of Highway Safety and Motor Vehicles
5142 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
5143 implement this subsection.

5144 Section 62. Paragraph (aa) of subsection (7) of section
5145 212.08, Florida Statutes, is amended to read:

5146 212.08 Sales, rental, use, consumption, distribution, and
5147 storage tax; specified exemptions.—The sale at retail, the
5148 rental, the use, the consumption, the distribution, and the
5149 storage to be used or consumed in this state of the following
5150 are hereby specifically exempt from the tax imposed by this
5151 chapter.

5152 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
5153 entity by this chapter do not inure to any transaction that is
5154 otherwise taxable under this chapter when payment is made by a
5155 representative or employee of the entity by any means,
5156 including, but not limited to, cash, check, or credit card, even
5157 when that representative or employee is subsequently reimbursed
5158 by the entity. In addition, exemptions provided to any entity by
5159 this subsection do not inure to any transaction that is
5160 otherwise taxable under this chapter unless the entity has
5161 obtained a sales tax exemption certificate from the department
5162 or the entity obtains or provides other documentation as
5163 required by the department. Eligible purchases or leases made
5164 with such a certificate must be in strict compliance with this
5165 subsection and departmental rules, and any person who makes an

5166 exempt purchase with a certificate that is not in strict
 5167 compliance with this subsection and the rules is liable for and
 5168 shall pay the tax. The department may adopt rules to administer
 5169 this subsection.

5170 (aa) Certain commercial vehicles.—Also exempt is the sale,
 5171 lease, or rental of a commercial motor vehicle as defined in s.
 5172 207.002 ~~207.002(2)~~, when the following conditions are met:

5173 1. The sale, lease, or rental occurs between two commonly
 5174 owned and controlled corporations;

5175 2. Such vehicle was titled and registered in this state at
 5176 the time of the sale, lease, or rental; and

5177 3. Florida sales tax was paid on the acquisition of such
 5178 vehicle by the seller, lessor, or renter.

5179 Section 63. Subsection (8) of section 261.03, Florida
 5180 Statutes, is amended to read:

5181 261.03 Definitions.—As used in this chapter, the term:

5182 (8) "ROV" means any motorized recreational off-highway
 5183 vehicle 64 inches or less in width, having a dry weight of 2,000
 5184 pounds or less, designed to travel on four or more nonhighway
 5185 tires, having nonstraddle seating and a steering wheel, and
 5186 manufactured for recreational use by one or more persons. The
 5187 term "ROV" does not include a golf cart as defined in ss. 320.01
 5188 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 5189 s. 320.01 ~~320.01(42)~~.

5190 Section 64. Section 316.2122, Florida Statutes, is amended
 5191 to read:

5192 316.2122 Operation of a low-speed vehicle or mini truck on
 5193 certain roadways.—The operation of a low-speed vehicle as

5194 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
 5195 320.01 ~~320.01(45)~~ on any road is authorized with the following
 5196 restrictions:

5197 (1) A low-speed vehicle or mini truck may be operated only
 5198 on streets where the posted speed limit is 35 miles per hour or
 5199 less. This does not prohibit a low-speed vehicle or mini truck
 5200 from crossing a road or street at an intersection where the road
 5201 or street has a posted speed limit of more than 35 miles per
 5202 hour.

5203 (2) A low-speed vehicle must be equipped with headlamps,
 5204 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 5205 parking brakes, rearview mirrors, windshields, seat belts, and
 5206 vehicle identification numbers.

5207 (3) A low-speed vehicle or mini truck must be registered
 5208 and insured in accordance with s. 320.02 and titled pursuant to
 5209 chapter 319.

5210 (4) Any person operating a low-speed vehicle or mini truck
 5211 must have in his or her possession a valid driver ~~driver's~~
 5212 license.

5213 (5) A county or municipality may prohibit the operation of
 5214 low-speed vehicles or mini trucks on any road under its
 5215 jurisdiction if the governing body of the county or municipality
 5216 determines that such prohibition is necessary in the interest of
 5217 safety.

5218 (6) The Department of Transportation may prohibit the
 5219 operation of low-speed vehicles or mini trucks on any road under
 5220 its jurisdiction if it determines that such prohibition is
 5221 necessary in the interest of safety.

5222 Section 65. Section 316.2124, Florida Statutes, is amended
 5223 to read:

5224 316.2124 Motorized disability access vehicles.—The
 5225 Department of Highway Safety and Motor Vehicles is directed to
 5226 provide, by rule, for the regulation of motorized disability
 5227 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
 5228 department shall provide that motorized disability access
 5229 vehicles shall be registered in the same manner as motorcycles
 5230 and shall pay the same registration fee as for a motorcycle.
 5231 There shall also be assessed, in addition to the registration
 5232 fee, a \$2.50 surcharge for motorized disability access vehicles.
 5233 This surcharge shall be paid into the Highway Safety Operating
 5234 Trust Fund. Motorized disability access vehicles shall not be
 5235 required to be titled by the department. The department shall
 5236 require motorized disability access vehicles to be subject to
 5237 the same safety requirements as set forth in this chapter for
 5238 motorcycles.

5239 Section 66. Subsection (1) of section 316.21265, Florida
 5240 Statutes, is amended to read:

5241 316.21265 Use of all-terrain vehicles, golf carts, low-
 5242 speed vehicles, or utility vehicles by law enforcement
 5243 agencies.—

5244 (1) Notwithstanding any provision of law to the contrary,
 5245 any law enforcement agency in this state may operate all-terrain
 5246 vehicles as defined in s. 316.2074, golf carts as defined in s.
 5247 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
 5248 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01

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5249 | ~~320.01(43)~~ on any street, road, or highway in this state while
5250 | carrying out its official duties.

5251 | Section 67. Subsection (1) of section 316.3026, Florida
5252 | Statutes, is amended to read:

5253 | 316.3026 Unlawful operation of motor carriers.—

5254 | (1) The Office of Commercial Vehicle Enforcement may issue
5255 | out-of-service orders to motor carriers, as defined in s. 320.01
5256 | ~~320.01(33)~~, who, after proper notice, have failed to pay any
5257 | penalty or fine assessed by the department, or its agent,
5258 | against any owner or motor carrier for violations of state law,
5259 | refused to submit to a compliance review and provide records
5260 | pursuant to s. 316.302(5) or s. 316.70, or violated safety
5261 | regulations pursuant to s. 316.302 or insurance requirements in
5262 | s. 627.7415. Such out-of-service orders have the effect of
5263 | prohibiting the operations of any motor vehicles owned, leased,
5264 | or otherwise operated by the motor carrier upon the roadways of
5265 | this state, until the violations have been corrected or
5266 | penalties have been paid. Out-of-service orders must be approved
5267 | by the director of the Division of the Florida Highway Patrol or
5268 | his or her designee. An administrative hearing pursuant to s.
5269 | 120.569 shall be afforded to motor carriers subject to such
5270 | orders.

5271 | Section 68. Paragraph (a) of subsection (5) and subsection
5272 | (10) of section 316.550, Florida Statutes, are amended to read:

5273 | 316.550 Operations not in conformity with law; special
5274 | permits.—

5275 | (5) (a) The Department of Transportation may issue a
5276 | wrecker special blanket permit to authorize a wrecker as defined

5277 in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as
5278 defined in s. 320.01 ~~320.01(38)~~ where the combination of the
5279 wrecker and the disabled vehicle being towed exceeds the maximum
5280 weight limits as established by s. 316.535.

5281 (10) Whenever any motor vehicle, or the combination of a
5282 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
5283 vehicle, exceeds any weight or dimensional criteria or special
5284 operational or safety stipulation contained in a special permit
5285 issued under the provisions of this section, the penalty
5286 assessed to the owner or operator shall be as follows:

5287 (a) For violation of weight criteria contained in a
5288 special permit, the penalty per pound or portion thereof
5289 exceeding the permitted weight shall be as provided in s.
5290 316.545.

5291 (b) For each violation of dimensional criteria in a
5292 special permit, the penalty shall be as provided in s. 316.516
5293 and penalties for multiple violations of dimensional criteria
5294 shall be cumulative except that the total penalty for the
5295 vehicle shall not exceed \$1,000.

5296 (c) For each violation of an operational or safety
5297 stipulation in a special permit, the penalty shall be an amount
5298 not to exceed \$1,000 per violation and penalties for multiple
5299 violations of operational or safety stipulations shall be
5300 cumulative except that the total penalty for the vehicle shall
5301 not exceed \$1,000.

5302 (d) For violation of any special condition that has been
5303 prescribed in the rules of the Department of Transportation and
5304 declared on the permit, the vehicle shall be determined to be

5305 out of conformance with the permit and the permit shall be
 5306 declared null and void for the vehicle, and weight and
 5307 dimensional limits for the vehicle shall be as established in s.
 5308 316.515 or s. 316.535, whichever is applicable, and:

5309 1. For weight violations, a penalty as provided in s.
 5310 316.545 shall be assessed for those weights which exceed the
 5311 limits thus established for the vehicle; and

5312 2. For dimensional, operational, or safety violations, a
 5313 penalty as established in paragraph (c) or s. 316.516, whichever
 5314 is applicable, shall be assessed for each nonconforming
 5315 dimensional, operational, or safety violation and the penalties
 5316 for multiple violations shall be cumulative for the vehicle.

5317 Section 69. Subsection (9) of section 317.0003, Florida
 5318 Statutes, is amended to read:

5319 317.0003 Definitions.—As used in this chapter, the term:

5320 (9) "ROV" means any motorized recreational off-highway
 5321 vehicle 64 inches or less in width, having a dry weight of 2,000
 5322 pounds or less, designed to travel on four or more nonhighway
 5323 tires, having nonstraddle seating and a steering wheel, and
 5324 manufactured for recreational use by one or more persons. The
 5325 term "ROV" does not include a golf cart as defined in ss. 320.01
 5326 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 5327 s. 320.01 ~~320.01(42)~~.

5328 Section 70. Paragraph (d) of subsection (5) of section
 5329 320.08, Florida Statutes, is amended to read:

5330 320.08 License taxes.—Except as otherwise provided herein,
 5331 there are hereby levied and imposed annual license taxes for the
 5332 operation of motor vehicles, mopeds, motorized bicycles as

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5333 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
5334 and mobile homes, as defined in s. 320.01, which shall be paid
5335 to and collected by the department or its agent upon the
5336 registration or renewal of registration of the following:

5337 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
5338 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

5339 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
5340 is used to tow a vessel as defined in s. 327.02(39), a disabled,
5341 abandoned, stolen-recovered, or impounded motor vehicle as
5342 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor
5343 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which
5344 \$11 shall be deposited into the General Revenue Fund.

5345 Section 71. Subsection (1) of section 320.0847, Florida
5346 Statutes, is amended to read:

5347 320.0847 Mini truck and low-speed vehicle license plates.—

5348 (1) The department shall issue a license plate to the
5349 owner or lessee of any vehicle registered as a low-speed vehicle
5350 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
5351 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
5352 taxes and fees prescribed in s. 320.08.

5353 Section 72. Subsections (4) and (5) of section 322.271,
5354 Florida Statutes, are amended to read:

5355 322.271 Authority to modify revocation, cancellation, or
5356 suspension order.—

5357 (4) Notwithstanding the provisions of s. 322.28(2)(d)
5358 ~~322.28(2)(e)~~, a person whose driving privilege has been
5359 permanently revoked because he or she has been convicted of DUI
5360 manslaughter in violation of s. 316.193 and has no prior

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5361 convictions for DUI-related offenses may, upon the expiration of
5362 5 years after the date of such revocation or the expiration of 5
5363 years after the termination of any term of incarceration under
5364 s. 316.193 or former s. 316.1931, whichever date is later,
5365 petition the department for reinstatement of his or her driving
5366 privilege.

5367 (a) Within 30 days after the receipt of such a petition,
5368 the department shall afford the petitioner an opportunity for a
5369 hearing. At the hearing, the petitioner must demonstrate to the
5370 department that he or she:

5371 1. Has not been arrested for a drug-related offense during
5372 the 5 years preceding the filing of the petition;

5373 2. Has not driven a motor vehicle without a license for at
5374 least 5 years before ~~prior to~~ the hearing;

5375 3. Has been drug-free for at least 5 years before ~~prior to~~
5376 the hearing; and

5377 4. Has completed a DUI program licensed by the department.

5378 (b) At such hearing, the department shall determine the
5379 petitioner's qualification, fitness, and need to drive. Upon
5380 such determination, the department may, in its discretion,
5381 reinstate the driver ~~driver's~~ license of the petitioner. Such
5382 reinstatement must be made subject to the following
5383 qualifications:

5384 1. The license must be restricted for employment purposes
5385 for at least ~~not less than~~ 1 year; and

5386 2. Such person must be supervised by a DUI program
5387 licensed by the department and report to the program for such
5388 supervision and education at least four times a year or

5389 additionally as required by the program for the remainder of the
5390 revocation period. Such supervision shall include evaluation,
5391 education, referral into treatment, and other activities
5392 required by the department.

5393 (c) Such person must assume the reasonable costs of
5394 supervision. If such person fails to comply with the required
5395 supervision, the program shall report the failure to the
5396 department, and the department shall cancel such person's
5397 driving privilege.

5398 (d) If, after reinstatement, such person is convicted of
5399 an offense for which mandatory revocation of his or her license
5400 is required, the department shall revoke his or her driving
5401 privilege.

5402 (e) The department shall adopt rules regulating the
5403 providing of services by DUI programs pursuant to this section.

5404 (5) Notwithstanding the provisions of s. 322.28(2)(d)
5405 ~~322.28(2)(e)~~, a person whose driving privilege has been
5406 permanently revoked because he or she has been convicted four or
5407 more times of violating s. 316.193 or former s. 316.1931 may,
5408 upon the expiration of 5 years after the date of the last
5409 conviction or the expiration of 5 years after the termination of
5410 any incarceration under s. 316.193 or former s. 316.1931,
5411 whichever is later, petition the department for reinstatement of
5412 his or her driving privilege.

5413 (a) Within 30 days after receipt of a petition, the
5414 department shall provide for a hearing, at which the petitioner
5415 must demonstrate that he or she:

5416 1. Has not been arrested for a drug-related offense for at
 5417 least 5 years before ~~prior to~~ filing the petition;

5418 2. Has not driven a motor vehicle without a license for at
 5419 least 5 years before ~~prior to~~ the hearing;

5420 3. Has been drug-free for at least 5 years before ~~prior to~~
 5421 the hearing; and

5422 4. Has completed a DUI program licensed by the department.

5423 (b) At the hearing, the department shall determine the
 5424 petitioner's qualification, fitness, and need to drive, and may,
 5425 after such determination, reinstate the petitioner's driver
 5426 ~~driver's~~ license. The reinstatement shall be subject to the
 5427 following qualifications:

5428 1. The petitioner's license must be restricted for
 5429 employment purposes for at least ~~not less than~~ 1 year; and

5430 2. The petitioner must be supervised by a DUI program
 5431 licensed by the department and must report to the program for
 5432 supervision and education at least four times a year or more, as
 5433 required by the program, for the remainder of the revocation
 5434 period. The supervision shall include evaluation, education,
 5435 referral into treatment, and other activities required by the
 5436 department.

5437 (c) The petitioner must assume the reasonable costs of
 5438 supervision. If the petitioner does not comply with the required
 5439 supervision, the program shall report the failure to the
 5440 department, and the department shall cancel such person's
 5441 driving privilege.

5442 (d) If, after reinstatement, the petitioner is convicted
 5443 of an offense for which mandatory license revocation is

5444 required, the department shall revoke his or her driving
5445 privilege.

5446 (e) The department shall adopt rules regulating the
5447 services provided by DUI programs pursuant to this section.

5448 Section 73. Section 322.282, Florida Statutes, is amended
5449 to read:

5450 322.282 Procedure when court revokes or suspends license
5451 or driving privilege and orders reinstatement.—When a court
5452 suspends or revokes a person's license or driving privilege and,
5453 in its discretion, orders reinstatement ~~as provided by s.~~
5454 ~~322.28(2)(d) or former s. 322.261(5):~~

5455 (1) The court shall pick up all revoked or suspended
5456 driver ~~driver's~~ licenses from the person and immediately forward
5457 them to the department, together with a record of such
5458 conviction. The clerk of such court shall also maintain a list
5459 of all revocations or suspensions by the court.

5460 (2)(a) The court shall issue an order of reinstatement, on
5461 a form to be furnished by the department, which the person may
5462 take to any driver ~~driver's~~ license examining office. The
5463 department shall issue a temporary driver ~~driver's~~ permit to a
5464 licensee who presents the court's order of reinstatement, proof
5465 of completion of a department-approved driver training or
5466 substance abuse education course, and a written request for a
5467 hearing under s. 322.271. The permit shall not be issued if a
5468 record check by the department shows that the person has
5469 previously been convicted for a violation of s. 316.193, former
5470 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
5471 conviction outside this state for driving under the influence,

5472 driving while intoxicated, driving with an unlawful blood-
5473 alcohol level, or any similar alcohol-related or drug-related
5474 traffic offense; that the person's driving privilege has been
5475 previously suspended for refusal to submit to a lawful test of
5476 breath, blood, or urine; or that the person is otherwise not
5477 entitled to issuance of a driver ~~driver's~~ license. This
5478 paragraph shall not be construed to prevent the reinstatement of
5479 a license or driving privilege that is presently suspended for
5480 driving with an unlawful blood-alcohol level or a refusal to
5481 submit to a breath, urine, or blood test and is also revoked for
5482 a conviction for a violation of s. 316.193 or former s.
5483 316.1931, if the suspension and revocation arise out of the same
5484 incident.

5485 (b) The temporary driver ~~driver's~~ permit shall be
5486 restricted to either business or employment purposes described
5487 in s. 322.271, as determined by the department, and shall not be
5488 used for pleasure, recreational, or nonessential driving.

5489 (c) If the department determines at a later date from its
5490 records that the applicant has previously been convicted of an
5491 offense referred to in paragraph (a) which would render him or
5492 her ineligible for reinstatement, the department shall cancel
5493 the temporary driver ~~driver's~~ permit and shall issue a
5494 revocation or suspension order for the minimum period
5495 applicable. A temporary permit issued pursuant to this section
5496 shall be valid for 45 days or until canceled as provided in this
5497 paragraph.

5498 (d) The period of time for which a temporary permit issued
 5499 in accordance with paragraph (a) is valid shall be deemed to be
 5500 part of the period of revocation imposed by the court.

5501 Section 74. Section 324.023, Florida Statutes, is amended
 5502 to read:

5503 324.023 Financial responsibility for bodily injury or
 5504 death.—In addition to any other financial responsibility
 5505 required by law, every owner or operator of a motor vehicle that
 5506 is required to be registered in this state, or that is located
 5507 within this state, and who, regardless of adjudication of guilt,
 5508 has been found guilty of or entered a plea of guilty or nolo
 5509 contendere to a charge of driving under the influence under s.
 5510 316.193 after October 1, 2007, shall, by one of the methods
 5511 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
 5512 maintain the ability to respond in damages for liability on
 5513 account of accidents arising out of the use of a motor vehicle
 5514 in the amount of \$100,000 because of bodily injury to, or death
 5515 of, one person in any one crash and, subject to such limits for
 5516 one person, in the amount of \$300,000 because of bodily injury
 5517 to, or death of, two or more persons in any one crash and in the
 5518 amount of \$50,000 because of property damage in any one crash.
 5519 If the owner or operator chooses to establish and maintain such
 5520 ability by ~~posting a bond or~~ furnishing a certificate of deposit
 5521 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
 5522 deposit must be at least ~~in an amount not less than~~ \$350,000.
 5523 Such higher limits must be carried for a minimum period of 3
 5524 years. If the owner or operator has not been convicted of
 5525 driving under the influence or a felony traffic offense for a

5526 | period of 3 years from the date of reinstatement of driving
 5527 | privileges for a violation of s. 316.193, the owner or operator
 5528 | shall be exempt from this section.

5529 | Section 75. Paragraph (c) of subsection (1) of section
 5530 | 324.171, Florida Statutes, is amended to read:

5531 | 324.171 Self-insurer.—

5532 | (1) Any person may qualify as a self-insurer by obtaining
 5533 | a certificate of self-insurance from the department which may,
 5534 | in its discretion and upon application of such a person, issue
 5535 | said certificate of self-insurance when such person has
 5536 | satisfied the requirements of this section to qualify as a self-
 5537 | insurer under this section:

5538 | (c) The owner of a commercial motor vehicle, as defined in
 5539 | s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
 5540 | insurer subject to the standards provided for in subparagraph
 5541 | (b)2.

5542 | Section 76. Section 324.191, Florida Statutes, is amended
 5543 | to read:

5544 | 324.191 Consent to cancellation; direction to return money
 5545 | or securities.—The department shall consent to the cancellation
 5546 | of any ~~bond or~~ certificate of insurance furnished as proof of
 5547 | financial responsibility pursuant to s. 324.031, or the
 5548 | department shall return to the person entitled thereto cash or
 5549 | securities deposited as proof of financial responsibility
 5550 | pursuant to s. 324.031:

5551 | (1) Upon substitution and acceptance of other adequate
 5552 | proof of financial responsibility pursuant to this chapter, or

5553 (2) In the event of the death of the person on whose
 5554 behalf the proof was filed, or the permanent incapacity of such
 5555 person to operate a motor vehicle, or

5556 (3) In the event the person who has given proof of
 5557 financial responsibility surrenders his or her license and all
 5558 registrations to the department; providing, however, that no
 5559 notice of court action has been filed with the department, a
 5560 judgment in which would result in claim on such proof of
 5561 financial responsibility.

5562
 5563 This section shall not apply to security as specified in s.
 5564 324.061 deposited pursuant to s. 324.051(2)(a)4.

5565 Section 77. Paragraph (b) of subsection (3) of section
 5566 627.733, Florida Statutes, is amended to read:

5567 627.733 Required security.—

5568 (3) Such security shall be provided:

5569 (b) By any other method authorized by s. 324.031(2) or
 5570 (3), ~~or (4)~~ and approved by the Department of Highway Safety and
 5571 Motor Vehicles as affording security equivalent to that afforded
 5572 by a policy of insurance or by self-insuring as authorized by s.
 5573 768.28(16). The person filing such security shall have all of
 5574 the obligations and rights of an insurer under ss. 627.730-
 5575 627.7405.

5576 Section 78. Section 627.7415, Florida Statutes, is amended
 5577 to read:

5578 627.7415 Commercial motor vehicles; additional liability
 5579 insurance coverage.—Commercial motor vehicles, as defined in s.
 5580 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and

5581 highways of this state shall be insured with the following
 5582 minimum levels of combined bodily liability insurance and
 5583 property damage liability insurance in addition to any other
 5584 insurance requirements:

5585 (1) Fifty thousand dollars per occurrence for a commercial
 5586 motor vehicle with a gross vehicle weight of 26,000 pounds or
 5587 more, but less than 35,000 pounds.

5588 (2) One hundred thousand dollars per occurrence for a
 5589 commercial motor vehicle with a gross vehicle weight of 35,000
 5590 pounds or more, but less than 44,000 pounds.

5591 (3) Three hundred thousand dollars per occurrence for a
 5592 commercial motor vehicle with a gross vehicle weight of 44,000
 5593 pounds or more.

5594 (4) All commercial motor vehicles subject to regulations
 5595 of the United States Department of Transportation, Title 49
 5596 C.F.R. part 387, subpart A, and as may be hereinafter amended,
 5597 shall be insured in an amount equivalent to the minimum levels
 5598 of financial responsibility as set forth in such regulations.

5599
 5600 A violation of this section is a noncriminal traffic infraction,
 5601 punishable as a nonmoving violation as provided in chapter 318.

5602 Section 79. Except as otherwise expressly provided in this
 5603 act and except for this section, which shall take effect upon
 5604 this act becoming a law, this act shall take effect July 1,
 5605 2013.