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CS/CS/HB 7125, Engrossed 2

2013 Legislature

1
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"; providing legislative intent relating to
10 road rage and traffic congestion; amending s. 316.003,
11 F.S.; defining the term "road rage"; amending s.
12 316.066, F.S.; authorizing the Department of
13 Transportation to immediately receive a crash report;
14 amending s. 316.083, F.S.; requiring that an operator
15 of a motor vehicle yield the furthestmost left-hand
16 lane when being overtaken on a multilane highway;
17 providing exceptions; reenacting s. 316.1923, F.S.,
18 relating to aggressive careless driving, to
19 incorporate the amendments made to s. 316.083, F.S.,
20 in a reference thereto; requiring that the Department
21 of Highway Safety and Motor Vehicles provide
22 information about the act in driver license
23 educational materials that are newly published on or
24 after a specified date; amending s. 316.1937, F.S.;
25 revising operational specifications for ignition
26 interlock devices; amending s. 316.2015, F.S.;
27 prohibiting the operator of a pickup truck or flatbed
28 truck from permitting a child who is younger than 6



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29 | years of age from riding within the open body of the
30 | truck under certain circumstances; amending s.
31 | 316.302, F.S.; revising provisions for certain
32 | commercial motor vehicles and transporters and
33 | shippers of hazardous materials; providing for
34 | application of specified federal regulations; removing
35 | a provision for application of specified provisions
36 | and federal regulations to transporting liquefied
37 | petroleum gas; amending s. 316.3025, F.S.; providing
38 | penalties for violation of specified federal
39 | regulations relating to medical and physical
40 | requirements for commercial drivers while driving a
41 | commercial motor vehicle; revising provisions for
42 | seizure of a motor vehicle for refusal to pay penalty;
43 | amending s. 316.515, F.S.; providing that a straight
44 | truck may attach a forklift to the rear of the cargo
45 | bed if it does not exceed a specific length; amending
46 | s. 316.545, F.S.; revising language relating to
47 | certain commercial motor vehicles not properly
48 | licensed and registered; amending s. 316.646, F.S.;
49 | authorizing the use of an electronic device to provide
50 | proof of insurance under the section; providing that
51 | displaying such information on an electronic device
52 | does not constitute consent for a law enforcement
53 | officer to access other information stored on the
54 | device; providing that the person displaying the
55 | device assumes the liability for any resulting damage
56 | to the device; requiring the department to adopt



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57 | rules; amending s. 317.0016, F.S., relating to
58 | expedited services; removing a requirement that the
59 | department provide such service for certain
60 | certificates; amending s. 318.14, F.S., relating to
61 | disposition of traffic citations; providing that
62 | certain alternative procedures for certain traffic
63 | offenses are not available to a person who holds a
64 | commercial learner's permit; amending s. 318.1451,
65 | F.S.; revising provisions relating to driver
66 | improvement schools; removing a provision for a chief
67 | judge to establish requirements for the location of
68 | schools within a judicial circuit; removing a
69 | provision that authorizes a person to operate a driver
70 | improvement school; revising provisions for persons
71 | taking an unapproved course; providing criteria for
72 | initial approval of courses; revising requirements for
73 | assessment fees, courses, course certificates, and
74 | course providers; directing the department to adopt
75 | rules; creating s. 319.141, F.S.; establishing a pilot
76 | rebuilt motor vehicle inspection program; providing
77 | definitions; requiring the department to contract with
78 | private vendors to establish and operate inspection
79 | facilities in certain counties; providing minimum
80 | requirements for applicants; requiring the department
81 | to submit a report to the Legislature; providing for
82 | future repeal; amending s. 319.225, F.S.; revising
83 | provisions for certificates of title, reassignment of
84 | title, and forms; revising procedures for transfer of



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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 motor vehicle"; amending s.
105 | 320.02, F.S.; revising requirements for application
106 | for motor vehicle registration; requiring insurers to
107 | furnish proof-of-purchase cards in a paper or
108 | electronic format; requiring the application form for
109 | motor vehicle registration and renewal registration to
110 | 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.;



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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 ss. 320.08056 and
124 | 320.08058, F.S.; revising the prescribed use of
125 | proceeds from the sale of Hispanic Achievers license
126 | plates; creating an American Legion license plate;
127 | creating a Lauren's Kids license plate; creating a Big
128 | Brothers Big Sisters license plate; establishing an
129 | annual use fee for the plates; providing for the
130 | distribution and use of fees received from the sale of
131 | the plates; amending s. 320.08062, F.S.; redirecting
132 | specialty plate funds; providing approval of the
133 | Legislature; amending s. 320.18, F.S.; providing for
134 | withholding of motor vehicle or mobile home
135 | registration when a coowner has failed to register the
136 | motor vehicle or mobile home during a previous period
137 | when such registration was required; providing for
138 | cancelling a vehicle or vessel registration, driver
139 | license, identification card, or fuel-use tax decal if
140 | the coowner pays certain fees and other liabilities



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141 with a dishonored check; amending s. 320.27, F.S.,
142 relating to motor vehicle dealers; providing for
143 extended periods for dealer licenses and supplemental
144 licenses; providing fees; amending s. 320.62, F.S.,
145 relating to manufacturers, distributors, and importers
146 of motor vehicles; providing for extended licensure
147 periods; providing fees; amending s. 320.77, F.S.,
148 relating to mobile home dealers; providing for
149 extended licensure periods; providing fees; amending
150 s. 320.771, F.S., relating to recreational vehicle
151 dealers; providing for extended licensure periods;
152 providing fees; amending s. 320.8225, F.S., relating
153 to mobile home and recreational vehicle manufacturers,
154 distributors, and importers; providing for extended
155 licensure periods; providing fees; amending s. 322.08,
156 F.S.; requiring the application forms for an original,
157 renewal, or replacement driver license or
158 identification card to include language permitting an
159 applicant to make a voluntary contribution to the Auto
160 Club Group Traffic Safety Foundation, Inc.; amending
161 s. 322.095, F.S.; requiring an applicant for a driver
162 license to complete a traffic law and substance abuse
163 education course; providing exceptions; revising
164 procedures for evaluation and approval of such
165 courses; revising criteria for such courses and the
166 schools conducting the courses; providing for
167 collection and disposition of certain fees; requiring
168 providers to maintain records; directing the



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169 department to conduct effectiveness studies; requiring
170 a provider to cease offering a course that fails the
171 study; requiring courses to be updated at the request
172 of the department; providing a timeframe for course
173 length; prohibiting a provider from charging for a
174 completion certificate; requiring providers to
175 disclose certain information; requiring providers to
176 submit course completion information to the department
177 within a certain time period; prohibiting certain
178 acts; providing that the department shall not accept
179 certification from certain students; prohibiting a
180 person convicted of certain crimes from conducting
181 courses; directing the department to suspend course
182 approval for certain purposes; providing for the
183 department to deny, suspend, or revoke course approval
184 for certain acts; providing for administrative hearing
185 before final action denying, suspending, or revoking
186 course approval; providing penalties for violations;
187 amending s. 322.125, F.S.; revising criteria for
188 members of the Medical Advisory Board; amending s.
189 322.135, F.S.; removing a provision that authorizes a
190 tax collector to direct certain licensees to the
191 department for examination or reexamination; creating
192 s. 322.143, F.S.; defining terms; prohibiting a
193 private entity from swiping an individual's driver
194 license or identification card except for certain
195 specified purposes; providing that a private entity
196 that swipes an individual's driver license or



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197 identification card may not store, sell, or share
198 personal information collected from swiping the driver
199 license or identification card; providing that a
200 private entity may store or share personal information
201 collected from swiping an individual's driver license
202 or identification card for the purpose of preventing
203 fraud or other criminal activity against the private
204 entity; providing that the private entity may manually
205 collect personal information; prohibiting a private
206 entity from withholding the provision of goods or
207 services solely as a result of the individual
208 requesting the collection of the data through manual
209 means; providing that a private entity is subject to a
210 civil penalty under certain circumstances; amending s.
211 322.21, F.S.; making grammatical changes; amending s.
212 322.212, F.S.; providing penalties for certain
213 violations involving application and testing for a
214 commercial driver license or a commercial learner's
215 permit; amending s. 322.22, F.S.; authorizing the
216 department to withhold issuance or renewal of a driver
217 license, identification card, vehicle or vessel
218 registration, or fuel-use decal under certain
219 circumstances; amending s. 322.245, F.S.; requiring a
220 depository or clerk of court to electronically notify
221 the department of a person's failure to pay support or
222 comply with directives of the court; amending s.
223 322.25, F.S.; removing a provision for a court order
224 to reinstate a person's driving privilege on a



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225 | temporary basis when the person's license and driving
226 | privilege have been revoked under certain
227 | circumstances; amending s. 322.2615, F.S., relating to
228 | review of a license suspension when the driver had
229 | blood or breath alcohol at a certain level or the
230 | driver refused a test of his or her blood or breath to
231 | determine the alcohol level; providing procedures for
232 | a driver to be issued a restricted license under
233 | certain circumstances; revising provisions for
234 | informal and formal reviews; providing for the hearing
235 | officer to be designated by the department;
236 | authorizing the hearing officer to conduct hearings
237 | using telecommunications technology; revising
238 | procedures for enforcement of subpoenas; amending s.
239 | 322.2616, F.S., relating to review of a license
240 | suspension when the driver is under 21 years of age
241 | and had blood or breath alcohol at a certain level;
242 | revising provisions for informal and formal reviews;
243 | providing for the hearing officer to be designated by
244 | the department; authorizing the hearing officer to
245 | conduct hearings using telecommunications technology;
246 | revising procedures for enforcement of subpoenas;
247 | amending s. 322.271, F.S.; correcting cross-references
248 | and conforming provisions to changes made by the act;
249 | providing procedures for certain persons who have no
250 | previous convictions for certain alcohol-related
251 | driving offenses to be issued a driver license for
252 | business purposes only; amending s. 322.2715, F.S.;



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253 providing requirements for issuance of a restricted
254 license for a person convicted of a DUI offense if a
255 medical waiver of placement of an ignition interlock
256 device was given to such person; amending s. 322.28,
257 F.S., relating to revocation of driver license for
258 convictions of DUI offenses; providing that
259 convictions occurring on the same date for offenses
260 occurring on separate dates are considered separate
261 convictions; removing a provision relating to a court
262 order for reinstatement of a revoked license;
263 repealing s. 322.331, F.S., relating to habitual
264 traffic offenders; amending s. 322.61, F.S.; revising
265 provisions for disqualification from operating a
266 commercial motor vehicle; providing for application of
267 such provisions to persons holding a commercial
268 learner's permit; revising the offenses for which
269 certain disqualifications apply; amending s. 322.64,
270 F.S., relating to driving with unlawful blood-alcohol
271 level or refusal to submit to breath, urine, or blood
272 test by a commercial driver license holder or person
273 driving a commercial motor vehicle; providing that a
274 disqualification from driving a commercial motor
275 vehicle is considered a conviction for certain
276 purposes; revising the time period a person is
277 disqualified from driving for alcohol-related
278 violations; revising requirements for notice of the
279 disqualification; providing that under the review of a
280 disqualification the hearing officer shall consider



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281 | the crash report; revising provisions for informal and
282 | formal reviews; providing for the hearing officer to
283 | be designated by the department; authorizing the
284 | hearing officer to conduct hearings using
285 | telecommunications technology; revising procedures for
286 | enforcement of subpoenas; directing the department to
287 | issue a temporary driving permit or invalidate the
288 | suspension under certain circumstances; providing for
289 | construction of specified provisions; amending s.
290 | 323.002, F.S.; requiring an unauthorized wrecker
291 | operator to disclose in writing to the owner or
292 | operator of a disabled motor vehicle certain
293 | information; amending s. 324.0221, F.S.; revising the
294 | actions which must be reported to the department by an
295 | insurer that has issued a policy providing personal
296 | injury protection coverage or property damage
297 | liability coverage; revising time allowed for
298 | submitting the report; amending s. 324.031, F.S.;
299 | revising the methods a vehicle owner or operator may
300 | use to prove financial responsibility; removing a
301 | provision for posting a bond with the department;
302 | amending s. 324.091, F.S.; revising provisions
303 | requiring motor vehicle owners and operators to
304 | provide evidence to the department of liability
305 | insurance coverage under certain circumstances;
306 | revising provisions for verification by insurers of
307 | such evidence; amending s. 324.161, F.S.; providing
308 | requirements for issuance of a certificate of



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309 | insurance; requiring proof of a certificate of deposit
310 | of a certain amount of money in a financial
311 | institution; providing for power of attorney to be
312 | issued to the department for execution under certain
313 | circumstances; amending s. 328.01, F.S., relating to
314 | vessel titles; revising identification requirements
315 | for applications for a certificate of title; amending
316 | s. 328.48, F.S., relating to vessel registration;
317 | revising identification requirements for applications
318 | for vessel registration; amending s. 328.76, F.S.,
319 | relating to vessel registration funds; revising how
320 | such funds are distributed; amending s. 339.0801,
321 | F.S.; requiring the increased revenues derived from
322 | amendments to s. 319.32(5)(a) by ch. 2012-128, Laws of
323 | Florida, to be first annually used beginning in FY
324 | 2013-2014 and for 30 years thereafter to fund seaport
325 | projects identified in the department's adopted work
326 | program; removing the authority to assign, pledge, or
327 | set aside revenues for the payment of principal or
328 | interest on tax anticipation certificates; providing
329 | that revenue bonds or other indebtedness are secured
330 | solely by first lien; revising provisions for the
331 | protection of bondholders; amending s. 713.585, F.S.;
332 | requiring that a lienholder check the National Motor
333 | Vehicle Title Information System or an equivalent
334 | commercially available system, or the records of any
335 | corresponding agency of any other state before
336 | enforcing a lien by selling the motor vehicle;



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337 requiring the lienholder to notify the local law
 338 enforcement agency in writing by certified mail
 339 informing the law enforcement agency that the
 340 lienholder has made a good faith effort to locate the
 341 owner or lienholder; specifying that a good faith
 342 effort includes a check of the Department of Highway
 343 Safety and Motor Vehicles database records and the
 344 National Motor Vehicle Title Information System or an
 345 equivalent commercially available system; setting
 346 requirements for notification of the sale of the
 347 vehicle as a way to enforce a lien; requiring the
 348 lienholder to publish notice; requiring the lienholder
 349 to keep a record of proof of checking the National
 350 Motor Vehicle Title Information System or an
 351 equivalent commercially available system; amending s.
 352 713.78, F.S.; providing definitions; revising
 353 provisions for enforcement of a lien for recovering,
 354 towing, or storing a vehicle or vessel; amending ss.
 355 212.08, 261.03, 316.2122, 316.2124, 316.21265,
 356 316.3026, 316.550, 317.0003, 320.08, 320.0847,
 357 322.282, 324.023, 324.171, 324.191, 627.733, and
 358 627.7415, F.S.; correcting cross-references and
 359 conforming provisions to changes made by the act;
 360 providing appropriations; providing an effective date.

361
 362 Be It Enacted by the Legislature of the State of Florida:

363
 364 Section 1. Paragraph (m) of subsection (2) of section



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365 | 110.205, Florida Statutes, is amended to read:
 366 | 110.205 Career service; exemptions.—
 367 | (2) EXEMPT POSITIONS.—The exempt positions that are not
 368 | covered by this part include the following:
 369 | (m) All assistant division director, deputy division
 370 | director, and bureau chief positions in any department, and
 371 | those positions determined by the department to have managerial
 372 | responsibilities comparable to such positions, which include,
 373 | but are not limited to:
 374 | 1. Positions in the Department of Health and the
 375 | Department of Children and Family Services that are assigned
 376 | primary duties of serving as the superintendent or assistant
 377 | superintendent of an institution.
 378 | 2. Positions in the Department of Corrections that are
 379 | assigned primary duties of serving as the warden, assistant
 380 | warden, colonel, or major of an institution or that are assigned
 381 | primary duties of serving as the circuit administrator or deputy
 382 | circuit administrator.
 383 | 3. Positions in the Department of Transportation that are
 384 | assigned primary duties of serving as regional toll managers and
 385 | managers of offices, as defined in s. 20.23(4)(b) and (5)(c).
 386 | 4. Positions in the Department of Environmental Protection
 387 | that are assigned the duty of an Environmental Administrator or
 388 | program administrator.
 389 | 5. Positions in the Department of Health that are assigned
 390 | the duties of Environmental Administrator, Assistant County
 391 | Health Department Director, and County Health Department
 392 | Financial Administrator.



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

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

401 Section 2. Section 207.002, Florida Statutes, is reordered
 402 and amended to read:

403 207.002 Definitions.—As used in this chapter, the term:

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

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

417 (2)~~(3)~~ "Department" means the Department of Highway Safety
 418 and Motor Vehicles.

419 (7)~~(4)~~ "Motor carrier" means any person owning,
 420 controlling, operating, or managing any motor vehicle used to



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421 transport persons or property over any public highway.

422 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
423 as gasoline and fuels containing a mixture of gasoline and other
424 products.

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

430 (10)~~(7)~~ "Person" means and includes natural persons,
431 corporations, copartnerships, firms, companies, agencies, or
432 associations, singular or plural.

433 (11)~~(8)~~ "Public highway" means any public street, road, or
434 highway in this state.

435 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
436 product or combination thereof, including, but not limited to,
437 all forms of fuel known or sold as diesel fuel, kerosene, butane
438 gas, or propane gas and all other forms of liquefied petroleum
439 gases, except those defined as "motor fuel," used to propel a
440 motor vehicle.

441 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
442 diesel fuel or motor fuel in a commercial motor vehicle for the
443 propulsion thereof.

444 (4)~~(11)~~ "International Registration Plan" means a
445 registration reciprocity agreement among states of the United
446 States and provinces of Canada providing for payment of license
447 fees or license taxes on the basis of fleet miles operated in
448 various jurisdictions.



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

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

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

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

464 (5)~~(13)~~ "Interstate" means vehicle movement between or
 465 through two or more states.

466 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
 467 within a state to another point within the same state.

468 (12)~~(15)~~ "Registrant" means a person in whose name or
 469 names a vehicle is properly registered.

470 Section 3. Paragraph (b) of subsection (2) of section
 471 316.066, Florida Statutes, is amended to read:

472 316.066 Written reports of crashes.—

473 (2)

474 (b) Crash reports held by an agency under paragraph (a)
 475 may be made immediately available to the parties involved in the
 476 crash, their legal representatives, their licensed insurance



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477 agents, their insurers or insurers to which they have applied
 478 for coverage, persons under contract with such insurers to
 479 provide claims or underwriting information, prosecutorial
 480 authorities, law enforcement agencies, the Department of
 481 Transportation, county traffic operations, victim services
 482 programs, radio and television stations licensed by the Federal
 483 Communications Commission, newspapers qualified to publish legal
 484 notices under ss. 50.011 and 50.031, and free newspapers of
 485 general circulation, published once a week or more often,
 486 available and of interest to the public generally for the
 487 dissemination of news. For the purposes of this section, the
 488 following products or publications are not newspapers as
 489 referred to in this section: those intended primarily for
 490 members of a particular profession or occupational group; those
 491 with the primary purpose of distributing advertising; and those
 492 with the primary purpose of publishing names and other personal
 493 identifying information concerning parties to motor vehicle
 494 crashes.

495 Section 4. Subsection (91) is added to section 316.003,
 496 Florida Statutes, to read:

497 316.003 Definitions.—The following words and phrases, when
 498 used in this chapter, shall have the meanings respectively
 499 ascribed to them in this section, except where the context
 500 otherwise requires:

501 (91) LOCAL HEARING OFFICER.—The person, designated by a
 502 department, county, or municipality that elects to authorize
 503 traffic infraction enforcement officers to issue traffic
 504 citations under s. 316.0083(1)(a), who is authorized to conduct



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505 hearings related to a notice of violation issued pursuant to
506 316.0083. The charter county, noncharter county, or municipality
507 may use its currently appointed code enforcement board or
508 special magistrate to serve as the local hearing officer. The
509 department may enter into an interlocal agreement to use the
510 local hearing officer of a county or municipality.

511 Section 5. Subsection (1) of section 316.0083, Florida
512 Statutes, is amended, and subsection (5) is added to that
513 section, to read:

514 316.0083 Mark Wandall Traffic Safety Program;
515 administration; report.—

516 (1) (a) For purposes of administering this section, the
517 department, a county, or a municipality may authorize a traffic
518 infraction enforcement officer under s. 316.640 to issue a
519 traffic citation for a violation of s. 316.074(1) or s.
520 316.075(1)(c)1. A notice of violation and a traffic citation may
521 not be issued for failure to stop at a red light if the driver
522 is making a right-hand turn in a careful and prudent manner at
523 an intersection where right-hand turns are permissible. A notice
524 of violation and a traffic citation may not be issued under this
525 section if the driver of the vehicle came to a complete stop
526 after crossing the stop line and before turning right if
527 permissible at a red light, but failed to stop before crossing
528 over the stop line or other point at which a stop is required.
529 This paragraph does not prohibit a review of information from a
530 traffic infraction detector by an authorized employee or agent
531 of the department, a county, or a municipality before issuance
532 of the traffic citation by the traffic infraction enforcement



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533 officer. This paragraph does not prohibit the department, a
 534 county, or a municipality from issuing notification as provided
 535 in paragraph (b) to the registered owner of the motor vehicle
 536 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

537 (b)1.a. Within 30 days after a violation, notification
 538 must be sent to the registered owner of the motor vehicle
 539 involved in the violation specifying the remedies available
 540 under s. 318.14 and that the violator must pay the penalty of
 541 \$158 to the department, county, or municipality, or furnish an
 542 affidavit in accordance with paragraph (d), or request a hearing
 543 within 60 30 days following the date of the notification in
 544 order to avoid court fees, costs, and the issuance of a traffic
 545 citation. The notification must shall be sent by first-class
 546 mail. The mailing of the notice of violation constitutes
 547 notification.

548 b. Included with the notification to the registered owner
 549 of the motor vehicle involved in the infraction must be a notice
 550 that the owner has the right to review the photographic or
 551 electronic images or the streaming video evidence that
 552 constitutes a rebuttable presumption against the owner of the
 553 vehicle. The notice must state the time and place or Internet
 554 location where the evidence may be examined and observed.

555 c. Notwithstanding any other provision of law, a person
 556 who receives a notice of violation under this section may
 557 request a hearing within 60 days following the notification of
 558 violation or pay the penalty pursuant to the notice of
 559 violation, but a payment or fee may not be required before the
 560 hearing requested by the person. The notice of violation must be



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561 accompanied by, or direct the person to a website that provides,
562 information on the person's right to request a hearing and on
563 all court costs related thereto and a form to request a hearing.
564 As used in this sub-subparagraph, the term "person" includes a
565 natural person, registered owner or coowner of a motor vehicle,
566 or person identified on an affidavit as having care, custody, or
567 control of the motor vehicle at the time of the violation.

568 d. If the registered owner or coowner of the motor
569 vehicle, or the person designated as having care, custody, or
570 control of the motor vehicle at the time of the violation, or an
571 authorized representative of the owner, coowner, or designated
572 person, initiates a proceeding to challenge the violation
573 pursuant to this paragraph, such person waives any challenge or
574 dispute as to the delivery of the notice of violation.

575 2. Penalties assessed and collected by the department,
576 county, or municipality authorized to collect the funds provided
577 for in this paragraph, less the amount retained by the county or
578 municipality pursuant to subparagraph 3., shall be paid to the
579 Department of Revenue weekly. Payment by the department, county,
580 or municipality to the state shall be made by means of
581 electronic funds transfers. In addition to the payment, summary
582 detail of the penalties remitted shall be reported to the
583 Department of Revenue.

584 3. Penalties to be assessed and collected by the
585 department, county, or municipality are as follows:

586 a. One hundred fifty-eight dollars for a violation of s.
587 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
588 stop at a traffic signal if enforcement is by the department's



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589 traffic infraction enforcement officer. One hundred dollars
 590 shall be remitted to the Department of Revenue for deposit into
 591 the General Revenue Fund, \$10 shall be remitted to the
 592 Department of Revenue for deposit into the Department of Health
 593 Emergency Medical Services Trust Fund, \$3 shall be remitted to
 594 the Department of Revenue for deposit into the Brain and Spinal
 595 Cord Injury Trust Fund, and \$45 shall be distributed to the
 596 municipality in which the violation occurred, or, if the
 597 violation occurred in an unincorporated area, to the county in
 598 which the violation occurred. Funds deposited into the
 599 Department of Health Emergency Medical Services Trust Fund under
 600 this sub-subparagraph shall be distributed as provided in s.
 601 395.4036(1). Proceeds of the infractions in the Brain and Spinal
 602 Cord Injury Trust Fund shall be distributed quarterly to the
 603 Miami Project to Cure Paralysis and ~~shall be~~ used for brain and
 604 spinal cord research.

605 b. One hundred fifty-eight dollars for a violation of s.
 606 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
 607 stop at a traffic signal if enforcement is by a county or
 608 municipal traffic infraction enforcement officer. Seventy
 609 dollars shall be remitted by the county or municipality to the
 610 Department of Revenue for deposit into the General Revenue Fund,
 611 \$10 shall be remitted to the Department of Revenue for deposit
 612 into the Department of Health Emergency Medical Services Trust
 613 Fund, \$3 shall be remitted to the Department of Revenue for
 614 deposit into the Brain and Spinal Cord Injury Trust Fund, and
 615 \$75 shall be retained by the county or municipality enforcing
 616 the ordinance enacted pursuant to this section. Funds deposited



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617 into the Department of Health Emergency Medical Services Trust
618 Fund under this sub-subparagraph shall be distributed as
619 provided in s. 395.4036(1). Proceeds of the infractions in the
620 Brain and Spinal Cord Injury Trust Fund shall be distributed
621 quarterly to the Miami Project to Cure Paralysis and ~~shall be~~
622 used for brain and spinal cord research.

623 4. An individual may not receive a commission from any
624 revenue collected from violations detected through the use of a
625 traffic infraction detector. A manufacturer or vendor may not
626 receive a fee or remuneration based upon the number of
627 violations detected through the use of a traffic infraction
628 detector.

629 (c)1.a. A traffic citation issued under this section shall
630 be issued by mailing the traffic citation by certified mail to
631 the address of the registered owner of the motor vehicle
632 involved in the violation if when payment has not been made
633 within 60 30 days after notification under paragraph (b), if the
634 registered owner has not requested a hearing as authorized under
635 paragraph (b), or if the registered owner has not submitted an
636 affidavit under this section subparagraph (b)1.

637 b. Delivery of the traffic citation constitutes
638 notification under this paragraph. If the registered owner or
639 coowner of the motor vehicle, or the person designated as having
640 care, custody, or control of the motor vehicle at the time of
641 the violation, or a duly authorized representative of the owner,
642 coowner, or designated person, initiates a proceeding to
643 challenge the citation pursuant to this section, such person
644 waives any challenge or dispute as to the delivery of the



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645 | traffic citation.

646 | c. In the case of joint ownership of a motor vehicle, the
647 | traffic citation shall be mailed to the first name appearing on
648 | the registration, unless the first name appearing on the
649 | registration is a business organization, in which case the
650 | second name appearing on the registration may be used.

651 | ~~d. The traffic citation shall be mailed to the registered~~
652 | ~~owner of the motor vehicle involved in the violation no later~~
653 | ~~than 60 days after the date of the violation.~~

654 | 2. Included with the notification to the registered owner
655 | of the motor vehicle involved in the infraction shall be a
656 | notice that the owner has the right to review, ~~either~~ in person
657 | or remotely, the photographic or electronic images or the
658 | streaming video evidence that constitutes a rebuttable
659 | presumption against the owner of the vehicle. The notice must
660 | state the time and place or Internet location where the evidence
661 | may be examined and observed.

662 | (d)1. The owner of the motor vehicle involved in the
663 | violation is responsible and liable for paying the uniform
664 | traffic citation issued for a violation of s. 316.074(1) or s.
665 | 316.075(1)(c)1. when the driver failed to stop at a traffic
666 | signal, unless the owner can establish that:

667 | a. The motor vehicle passed through the intersection in
668 | order to yield right-of-way to an emergency vehicle or as part
669 | of a funeral procession;

670 | b. The motor vehicle passed through the intersection at
671 | the direction of a law enforcement officer;

672 | c. The motor vehicle was, at the time of the violation, in



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673 | the care, custody, or control of another person;

674 | d. A uniform traffic citation was issued by a law

675 | enforcement officer to the driver of the motor vehicle for the

676 | alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

677 | e. The motor vehicle's owner was deceased on or before the

678 | date that the uniform traffic citation was issued, as

679 | established by an affidavit submitted by the representative of

680 | the motor vehicle owner's estate or other designated person or

681 | family member.

682 | 2. In order to establish such facts, the owner of the

683 | motor vehicle shall, within 30 days after the date of issuance

684 | of the traffic citation, furnish to the appropriate governmental

685 | entity an affidavit setting forth detailed information

686 | supporting an exemption as provided in this paragraph.

687 | a. An affidavit supporting an exemption under sub-

688 | subparagraph 1.c. must include the name, address, date of birth,

689 | and, if known, the driver license number of the person who

690 | leased, rented, or otherwise had care, custody, or control of

691 | the motor vehicle at the time of the alleged violation. If the

692 | vehicle was stolen at the time of the alleged offense, the

693 | affidavit must include the police report indicating that the

694 | vehicle was stolen.

695 | b. If a traffic citation for a violation of s. 316.074(1)

696 | or s. 316.075(1)(c)1. was issued at the location of the

697 | violation by a law enforcement officer, the affidavit must

698 | include the serial number of the uniform traffic citation.

699 | c. If the motor vehicle's owner to whom a traffic citation

700 | has been issued is deceased, the affidavit must include a



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701 certified copy of the owner's death certificate showing that the
 702 date of death occurred on or before the issuance of the uniform
 703 traffic citation and one of the following:

704 (I) A bill of sale or other document showing that the
 705 deceased owner's motor vehicle was sold or transferred after his
 706 or her death, but on or before the date of the alleged
 707 violation.

708 (II) Documentary proof that the registered license plate
 709 belonging to the deceased owner's vehicle was returned to the
 710 department or any branch office or authorized agent of the
 711 department, but on or before the date of the alleged violation.

712 (III) A copy of a police report showing that the deceased
 713 owner's registered license plate or motor vehicle was stolen
 714 after the owner's death, but on or before the date of the
 715 alleged violation.

716
 717 Upon receipt of the affidavit and documentation required under
 718 this sub-subparagraph, the governmental entity must dismiss the
 719 citation and provide proof of such dismissal to the person that
 720 submitted the affidavit.

721 3. Upon receipt of an affidavit, the person designated as
 722 having care, custody, or ~~and~~ control of the motor vehicle at the
 723 time of the violation may be issued a notice of violation
 724 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
 725 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
 726 at a traffic signal. The affidavit is admissible in a proceeding
 727 pursuant to this section for the purpose of providing proof that
 728 the person identified in the affidavit was in actual care,



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729 custody, or control of the motor vehicle. The owner of a leased
730 vehicle for which a traffic citation is issued for a violation
731 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
732 stop at a traffic signal is not responsible for paying the
733 traffic citation and is not required to submit an affidavit as
734 specified in this subsection if the motor vehicle involved in
735 the violation is registered in the name of the lessee of such
736 motor vehicle.

737 4. Paragraphs (b) and (c) apply to the person identified
738 on the affidavit, except that the notification under sub-
739 subparagraph (b)1.a. must be sent to the person identified on
740 the affidavit within 30 days after receipt of an affidavit.

741 ~~5.4.~~ The submission of a false affidavit is a misdemeanor
742 of the second degree, punishable as provided in s. 775.082 or s.
743 775.083.

744 (e) The photographic or electronic images or streaming
745 video attached to or referenced in the traffic citation is
746 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
747 when the driver failed to stop at a traffic signal has occurred
748 and is admissible in any proceeding to enforce this section and
749 raises a rebuttable presumption that the motor vehicle named in
750 the report or shown in the photographic or electronic images or
751 streaming video evidence was used in violation of s. 316.074(1)
752 or s. 316.075(1)(c)1. when the driver failed to stop at a
753 traffic signal.

754 (5) Procedures for a hearing under this section are as
755 follows:

756 (a) The department shall publish and make available



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757 electronically to each county and municipality a model Request
758 for Hearing form to assist each local government administering
759 this section.

760 (b) The charter county, noncharter county, or municipality
761 electing to authorize traffic infraction enforcement officers to
762 issue traffic citations under s. 316.0083(1)(a) shall designate
763 by resolution existing staff to serve as the clerk to the local
764 hearing officer.

765 (c) Any person, herein referred to as the "petitioner,"
766 who elects to request a hearing under paragraph (1)(b) shall be
767 scheduled for a hearing by the clerk to the local hearing
768 officer to appear before a local hearing officer with notice to
769 be sent by first-class mail. Upon receipt of the notice, the
770 petitioner may reschedule the hearing once by submitting a
771 written request to reschedule to the clerk to the local hearing
772 officer, at least 5 calendar days before the day of the
773 originally scheduled hearing. The petitioner may cancel his or
774 her appearance before the local hearing officer by paying the
775 penalty assessed under paragraph (1)(b), plus \$50 in
776 administrative costs, before the start of the hearing.

777 (d) All testimony at the hearing shall be under oath and
778 shall be recorded. The local hearing officer shall take
779 testimony from a traffic infraction enforcement officer and the
780 petitioner, and may take testimony from others. The local
781 hearing officer shall review the photographic or electronic
782 images or the streaming video made available under sub-
783 subparagraph(1)(b)1.b. Formal rules of evidence do not apply,
784 but due process shall be observed and govern the proceedings.



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785 (e) At the conclusion of the hearing, the local hearing
786 officer shall determine whether a violation under this section
787 has occurred, in which case the hearing officer shall uphold or
788 dismiss the violation. The local hearing officer shall issue a
789 final administrative order including the determination and, if
790 the notice of violation is upheld, require the petitioner to pay
791 the penalty previously assessed under paragraph (1)(b), and may
792 also require the petitioner to pay county or municipal costs,
793 not to exceed \$250. The final administrative order shall be
794 mailed to the petitioner by first-class mail.

795 (f) An aggrieved party may appeal a final administrative
796 order consistent with the process provided under s. 162.11.

797 Section 6. Paragraph (c) of subsection (3) of section
798 316.650, Florida Statutes, is amended to read:

799 316.650 Traffic citations.—

800 (3)

801 (c) If a traffic citation is issued under s. 316.0083, the
802 traffic infraction enforcement officer shall provide by
803 electronic transmission a replica of the traffic citation data
804 to the court having jurisdiction over the alleged offense or its
805 traffic violations bureau within 5 days after the date of
806 issuance of the traffic citation to the violator. If a hearing
807 is requested, the traffic infraction enforcement officer shall
808 provide a replica of the traffic notice of violation data to the
809 clerk for the local hearing officer having jurisdiction over the
810 alleged offense within 14 days.

811 Section 7. Section 318.121, Florida Statutes, is amended
812 to read:



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813 318.121 Preemption of additional fees, fines, surcharges,
814 and costs.—Notwithstanding any general or special law, or
815 municipal or county ordinance, additional fees, fines,
816 surcharges, or costs other than the court costs and surcharges
817 assessed under s. 318.18(11), (13), (18), ~~and~~ (19), and (22) may
818 not be added to the civil traffic penalties assessed under ~~in~~
819 this chapter.

820 Section 8. Subsection (3) is added to section 318.15,
821 Florida Statutes, to read:

822 318.15 Failure to comply with civil penalty or to appear;
823 penalty.—

824 (3) The clerk shall notify the department of persons who
825 were mailed a notice of violation of s. 316.074(1) or s.
826 316.075(1)(c)1. pursuant to s. 316.0083 and who failed to enter
827 into, or comply with the terms of, a penalty payment plan, or
828 order with the clerk to the local hearing officer or failed to
829 appear at a scheduled hearing within 10 days after such failure,
830 and shall reference the person's driver license number, or in
831 the case of a business entity, vehicle registration number.

832 (a) Upon receipt of such notice, the department, or
833 authorized agent thereof, may not issue a license plate or
834 revalidation sticker for any motor vehicle owned or coowned by
835 that person pursuant to s. 320.03(8) until the amounts assessed
836 have been fully paid.

837 (b) After the issuance of the person's license plate or
838 revalidation sticker is withheld pursuant to paragraph (a), the
839 person may challenge the withholding of the license plate or
840 revalidation sticker only on the basis that the outstanding



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841 finest and civil penalties have been paid pursuant to s.
 842 320.03(8).

843 Section 9. Paragraph (c) of subsection (15) of section
 844 318.18, Florida Statutes, is amended, and subsection (22) is
 845 added to that section, to read:

846 318.18 Amount of penalties.—The penalties required for a
 847 noncriminal disposition pursuant to s. 318.14 or a criminal
 848 offense listed in s. 318.17 are as follows:

849 (15)

850 (c) If a person who is mailed a notice of violation or
 851 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
 852 enforced by a traffic infraction enforcement officer under s.
 853 316.0083, presents documentation from the appropriate
 854 governmental entity that the notice of violation or traffic
 855 citation was in error, the clerk of court or clerk to the local
 856 hearing officer may dismiss the case. The clerk of court or
 857 clerk to the local hearing officer may ~~shall~~ not charge for this
 858 service.

859 (22) In addition to the penalty prescribed under s.
 860 316.0083 for violations enforced under s. 316.0083 which are
 861 upheld, the local hearing officer may also order the payment of
 862 county or municipal costs, not to exceed \$250.

863 Section 10. Subsection (8) of section 320.03, Florida
 864 Statutes, is amended to read:

865 320.03 Registration; duties of tax collectors;
 866 International Registration Plan.—

867 (8) If the applicant's name appears on the list referred
 868 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.



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869 713.78(13), a license plate or revalidation sticker may not be
870 issued until that person's name no longer appears on the list or
871 until the person presents a receipt from the governmental entity
872 or the clerk of court that provided the data showing that the
873 fines outstanding have been paid. This subsection does not apply
874 to the owner of a leased vehicle if the vehicle is registered in
875 the name of the lessee of the vehicle. The tax collector and the
876 clerk of the court are each entitled to receive monthly, as
877 costs for implementing and administering this subsection, 10
878 percent of the civil penalties and fines recovered from such
879 persons. As used in this subsection, the term "civil penalties
880 and fines" does not include a wrecker operator's lien as
881 described in s. 713.78(13). If the tax collector has private tag
882 agents, such tag agents are entitled to receive a pro rata share
883 of the amount paid to the tax collector, based upon the
884 percentage of license plates and revalidation stickers issued by
885 the tag agent compared to the total issued within the county.
886 The authority of any private agent to issue license plates shall
887 be revoked, after notice and a hearing as provided in chapter
888 120, if he or she issues any license plate or revalidation
889 sticker contrary to the provisions of this subsection. This
890 section applies only to the annual renewal in the owner's birth
891 month of a motor vehicle registration and does not apply to the
892 transfer of a registration of a motor vehicle sold by a motor
893 vehicle dealer licensed under this chapter, except for the
894 transfer of registrations which includes the annual renewals.
895 This section does not affect the issuance of the title to a
896 motor vehicle, notwithstanding s. 319.23(8)(b).



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897 Section 11. Subsections (3) and (4) of section 316.081,
898 Florida Statutes, are renumbered as subsections (4) and (5),
899 respectively, and a new subsection (3) is added to that section
900 to read:

901 316.081 Driving on right side of roadway; exceptions.—

902 (3) On a road, street, or highway having two or more lanes
903 allowing movement in the same direction, a driver may not
904 continue to operate a motor vehicle at any speed which is more
905 than 10 miles per hour slower than the posted speed limit in the
906 furthestmost left-hand lane if the driver knows or reasonably
907 should know that he or she is being overtaken in that lane from
908 the rear by a motor vehicle traveling at a higher rate of speed.
909 This subsection does not apply to drivers operating a vehicle
910 that is overtaking another vehicle proceeding in the same
911 direction, or is preparing for a left turn at an intersection.

912 (4)-(3) Upon any roadway having four or more lanes for
913 moving traffic and providing for two-way movement of traffic, no
914 vehicle shall be driven to the left of the centerline of the
915 roadway, except when authorized by official traffic control
916 devices designating certain lanes to the left side of the center
917 of the roadway for use by traffic not otherwise permitted to use
918 such lanes, or except as permitted under paragraph (1)(b).
919 However, this subsection shall not be construed as prohibiting
920 the crossing of the centerline in making a left turn into or
921 from an alley, private road, or driveway.

922 (5)-(4) A violation of this section is a noncriminal
923 traffic infraction, punishable as a moving violation as provided
924 in chapter 318.



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925 Section 12. Subsection (1) of section 316.1937, Florida
 926 Statutes, is amended to read:

927 316.1937 Ignition interlock devices, requiring; unlawful
 928 acts.—

929 (1) In addition to any other authorized penalties, the
 930 court may require that any person who is convicted of driving
 931 under the influence in violation of s. 316.193 shall not operate
 932 a motor vehicle unless that vehicle is equipped with a
 933 functioning ignition interlock device certified by the
 934 department as provided in s. 316.1938, and installed in such a
 935 manner that the vehicle will not start if the operator's blood
 936 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 937 specified by the court. The court may require the use of an
 938 approved ignition interlock device for a period of at least ~~not~~
 939 ~~less than~~ 6 continuous months, if the person is permitted to
 940 operate a motor vehicle, whether or not the privilege to operate
 941 a motor vehicle is restricted, as determined by the court. The
 942 court, however, shall order placement of an ignition interlock
 943 device in those circumstances required by s. 316.193.

944 Section 13. Paragraph (b) of subsection (1), paragraph (a)
 945 of subsection (4), and subsection (9) of section 316.302,
 946 Florida Statutes, are amended, and a new paragraph (c) is added
 947 to subsection (1), to read:

948 316.302 Commercial motor vehicles; safety regulations;
 949 transporters and shippers of hazardous materials; enforcement.—

950 (1)

951 (b) Except as otherwise provided in this section, all
 952 owners or drivers of commercial motor vehicles that are engaged



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953 | in intrastate commerce are subject to the rules and regulations
 954 | contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
 955 | the exception of 49 C.F.R. s. 390.5 as it relates to the
 956 | definition of bus, as such rules and regulations existed on
 957 | December 31, 2012 ~~October 1, 2011~~.

958 | (c) The emergency exceptions provided by 49 C.F.R. s.
 959 | 392.82 also apply to communications by utility drivers and
 960 | utility contractor drivers during a Level 1 activation of the
 961 | State Emergency Operations Center, as provided in the Florida
 962 | Comprehensive Emergency Management plan, or during a state of
 963 | emergency declared by executive order or proclamation of the
 964 | Governor.

965 | (4) (a) Except as provided in this subsection, all
 966 | commercial motor vehicles transporting any hazardous material on
 967 | any road, street, or highway open to the public, whether engaged
 968 | in interstate or intrastate commerce, and any person who offers
 969 | hazardous materials for such transportation, are subject to the
 970 | regulations contained in 49 C.F.R. part 107, subparts F and
 971 | ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
 972 | Effective July 1, 1997, the exceptions for intrastate motor
 973 | carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
 974 | adopted.

975 | ~~(9) (a) This section is not applicable to the transporting~~
 976 | ~~of liquefied petroleum gas. The rules and regulations applicable~~
 977 | ~~to the transporting of liquefied petroleum gas on the highways,~~
 978 | ~~roads, or streets of this state shall be only those adopted by~~
 979 | ~~the Department of Agriculture and Consumer Services under~~
 980 | ~~chapter 527. However, transporters of liquefied petroleum gas~~



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981 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
 982 ~~396.9.~~

983 ~~(b)~~ This section does not apply to any nonpublic sector
 984 bus.

985 Section 14. Paragraph (b) of subsection (3) and subsection
 986 (5) of section 316.3025, Florida Statutes, is amended, present
 987 subsection (6) of that section is renumbered as subsection (7),
 988 and a new subsection (6) is added to that section, to read:

989 316.3025 Penalties.—

990 (3)

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

992 1. Each violation of the North American Uniform Driver
 993 Out-of-Service Criteria;

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

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

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

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

1000 (5) Whenever any person or motor carrier as defined in
 1001 chapter 320 violates the provisions of this section and becomes
 1002 indebted to the state because of such violation and refuses to
 1003 pay the appropriate penalty, in addition to the provisions of s.
 1004 316.3026, such penalty becomes a lien upon the property
 1005 including the motor vehicles of such person or motor carrier and
 1006 may be seized and foreclosed by the state in a civil action in
 1007 any court of this state. It shall be presumed that the owner of
 1008 the motor vehicle is liable for the sum, and the vehicle may be



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1009 detained or impounded until the penalty is paid.

1010 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
1011 prohibits texting while operating a commercial motor vehicle, or
1012 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
1013 telephone while operating a commercial motor vehicle, may be
1014 assessed a civil penalty and commercial driver license
1015 disqualification as follows:

1016 1. First violation: \$500.

1017 2. Second violation: \$1,000 and a 60-day commercial driver
1018 license disqualification pursuant to 49 C.F.R. part 383.

1019 3. Third and subsequent violations: \$2,750 and a 120-day
1020 commercial driver license disqualification pursuant to 49 C.F.R.
1021 part 383.

1022 (b) A company requiring or allowing a driver to violate 49
1023 C.F.R. s. 392.80, which prohibits texting while operating a
1024 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
1025 prohibits using a handheld mobile telephone while operating a
1026 commercial motor vehicle, may, in addition to any other penalty
1027 assessed, be assessed the following civil penalty. The driver
1028 shall not be charged with an offense for the first violation
1029 under this paragraph by the company.

1030 1. First violation: \$2,750.

1031 2. Second violation: \$5,000.

1032 3. Third and subsequent violations: \$11,000.

1033 (c) The emergency exceptions provided by 49 C.F.R. s.
1034 392.82 also apply to communications between utility drivers and
1035 utility contractor drivers during a Level 1 activation of the
1036 State Emergency Operations Center, as provided in the Florida



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1037 Comprehensive Emergency Management plan, or during a state of
 1038 emergency declared by executive order or proclamation of the
 1039 Governor.

1040 Section 15. Paragraph (a) of subsection (3) and paragraph
 1041 (c) of subsection (5) of section 316.515, Florida Statutes, is
 1042 amended to read:

1043 316.515 Maximum width, height, length.—

1044 (3) LENGTH LIMITATION.—Except as otherwise provided in
 1045 this section, length limitations apply solely to a semitrailer
 1046 or trailer, and not to a truck tractor or to the overall length
 1047 of a combination of vehicles. No combination of commercial motor
 1048 vehicles coupled together and operating on the public roads may
 1049 consist of more than one truck tractor and two trailing units.
 1050 Unless otherwise specifically provided for in this section, a
 1051 combination of vehicles not qualifying as commercial motor
 1052 vehicles may consist of no more than two units coupled together;
 1053 such nonqualifying combination of vehicles may not exceed a
 1054 total length of 65 feet, inclusive of the load carried thereon,
 1055 but exclusive of safety and energy conservation devices approved
 1056 by the department for use on vehicles using public roads.
 1057 Notwithstanding any other provision of this section, a truck
 1058 tractor-semitrailer combination engaged in the transportation of
 1059 automobiles or boats may transport motor vehicles or boats on
 1060 part of the power unit; and, except as may otherwise be mandated
 1061 under federal law, an automobile or boat transporter semitrailer
 1062 may not exceed 50 feet in length, exclusive of the load;
 1063 however, the load may extend up to an additional 6 feet beyond
 1064 the rear of the trailer. The 50-foot length limitation does not



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1065 apply to non-stinger-steered automobile or boat transporters
1066 that are 65 feet or less in overall length, exclusive of the
1067 load carried thereon, or to stinger-steered automobile or boat
1068 transporters that are 75 feet or less in overall length,
1069 exclusive of the load carried thereon. For purposes of this
1070 subsection, a "stinger-steered automobile or boat transporter"
1071 is an automobile or boat transporter configured as a semitrailer
1072 combination wherein the fifth wheel is located on a drop frame
1073 located behind and below the rearmost axle of the power unit.
1074 Notwithstanding paragraphs (a) and (b), any straight truck or
1075 truck tractor-semitrailer combination engaged in the
1076 transportation of horticultural trees may allow the load to
1077 extend up to an additional 10 feet beyond the rear of the
1078 vehicle, provided said trees are resting against a retaining bar
1079 mounted above the truck bed so that the root balls of the trees
1080 rest on the floor and to the front of the truck bed and the tops
1081 of the trees extend up over and to the rear of the truck bed,
1082 and provided the overhanging portion of the load is covered with
1083 protective fabric.

1084 (a) *Straight trucks.*—A straight truck may not exceed a
1085 length of 40 feet in extreme overall dimension, exclusive of
1086 safety and energy conservation devices approved by the
1087 department for use on vehicles using public roads. A straight
1088 truck may attach a forklift to the rear of the cargo bed,
1089 provided the overall combined length of the vehicle and the
1090 forklift does not exceed 50 feet. A straight truck may tow no
1091 more than one trailer, and the overall length of the truck-
1092 trailer combination may not exceed 68 feet, including the load



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1093 thereon. Notwithstanding any other provisions of this section, a
 1094 truck-trailer combination engaged in the transportation of
 1095 boats, or boat trailers whose design dictates a front-to-rear
 1096 stacking method may not exceed the length limitations of this
 1097 paragraph exclusive of the load; however, the load may extend up
 1098 to an additional 6 feet beyond the rear of the trailer.

1099 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1100 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1101 (c) The width and height limitations of this section do
 1102 not apply to farming or agricultural equipment, whether self-
 1103 propelled, pulled, or hauled, when temporarily operated during
 1104 daylight hours upon a public road that is not a limited access
 1105 facility as defined in s. 334.03(12), and the width and height
 1106 limitations may be exceeded by such equipment without a permit.
 1107 To be eligible for this exemption, the equipment shall be
 1108 operated within a radius of 50 miles of the real property owned,
 1109 rented, managed, harvested, or leased by the equipment owner.
 1110 However, equipment being delivered by a dealer to a purchaser is
 1111 not subject to the 50-mile limitation. Farming or agricultural
 1112 equipment greater than 174 inches in width must have one warning
 1113 lamp mounted on each side of the equipment to denote the width
 1114 and must have a slow-moving vehicle sign. Warning lamps required
 1115 by this paragraph must be visible from the front and rear of the
 1116 vehicle and must be visible from a distance of at least 1,000
 1117 feet.

1118 Section 16. Subsection (3) of section 316.545, Florida
 1119 Statutes, is amended to read:

1120 316.545 Weight and load unlawful; special fuel and motor



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1121 fuel tax enforcement; inspection; penalty; review.—

1122 (3) Any person who violates the overloading provisions of
 1123 this chapter shall be conclusively presumed to have damaged the
 1124 highways of this state by reason of such overloading, which
 1125 damage is hereby fixed as follows:

1126 (a) When the excess weight is 200 pounds or less than the
 1127 maximum herein provided, the penalty shall be \$10;

1128 (b) Five cents per pound for each pound of weight in
 1129 excess of the maximum herein provided when the excess weight
 1130 exceeds 200 pounds. However, whenever the gross weight of the
 1131 vehicle or combination of vehicles does not exceed the maximum
 1132 allowable gross weight, the maximum fine for the first 600
 1133 pounds of unlawful axle weight shall be \$10;

1134 (c) For a vehicle equipped with fully functional idle-
 1135 reduction technology, any penalty shall be calculated by
 1136 reducing the actual gross vehicle weight or the internal bridge
 1137 weight by the certified weight of the idle-reduction technology
 1138 or by 400 pounds, whichever is less. The vehicle operator must
 1139 present written certification of the weight of the idle-
 1140 reduction technology and must demonstrate or certify that the
 1141 idle-reduction technology is fully functional at all times. This
 1142 calculation is not allowed for vehicles described in s.
 1143 316.535(6);

1144 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
 1145 in s. 320.01, operating on the highways of this state without
 1146 being properly licensed and registered shall be subject to the
 1147 penalties as ~~herein~~ provided in this section; and

1148 (e) Vehicles operating on the highways of this state from



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1149 nonmember International Registration Plan jurisdictions which
 1150 are not in compliance with the provisions of s. 316.605 shall be
 1151 subject to the penalties as herein provided.

1152 Section 17. Subsection (1) of section 316.646, Florida
 1153 Statutes, is amended, and subsection (5) is added to that
 1154 section, to read:

1155 316.646 Security required; proof of security and display
 1156 thereof; dismissal of cases.—

1157 (1) Any person required by s. 324.022 to maintain property
 1158 damage liability security, required by s. 324.023 to maintain
 1159 liability security for bodily injury or death, or required by s.
 1160 627.733 to maintain personal injury protection security on a
 1161 motor vehicle shall have in his or her immediate possession at
 1162 all times while operating such motor vehicle proper proof of
 1163 maintenance of the required security.

1164 (a) Such proof shall be in a uniform paper or electronic
 1165 format, as ~~proof of insurance card in a form~~ prescribed by the
 1166 department, a valid insurance policy, an insurance policy
 1167 binder, a certificate of insurance, or such other proof as may
 1168 be prescribed by the department.

1169 (b)1. The act of presenting to a law enforcement officer
 1170 an electronic device displaying proof of insurance in an
 1171 electronic format does not constitute consent for the officer to
 1172 access any information on the device other than the displayed
 1173 proof of insurance.

1174 2. The person who presents the device to the officer
 1175 assumes the liability for any resulting damage to the device.

1176 (5) The department shall adopt rules to administer this



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1177 section.

1178 Section 18. Section 317.0016, Florida Statutes, is amended
1179 to read:

1180 317.0016 Expedited service; applications; fees.—The
1181 department shall provide, through its agents and for use by the
1182 public, expedited service on title transfers, title issuances,
1183 duplicate titles, and recordation of liens, ~~and certificates of~~
1184 ~~repossession~~. A fee of \$7 shall be charged for this service,
1185 which is in addition to the fees imposed by ss. 317.0007 and
1186 317.0008, and \$3.50 of this fee shall be retained by the
1187 processing agency. All remaining fees shall be deposited in the
1188 Incidental Trust Fund of the Florida Forest Service of the
1189 Department of Agriculture and Consumer Services. Application for
1190 expedited service may be made by mail or in person. The
1191 department shall issue each title applied for pursuant to this
1192 section within 5 working days after receipt of the application
1193 except for an application for a duplicate title certificate
1194 covered by s. 317.0008(3), in which case the title must be
1195 issued within 5 working days after compliance with the
1196 department's verification requirements.

1197 Section 19. Subsections (9) and (10) of section 318.14,
1198 Florida Statutes, are amended to read:

1199 318.14 Noncriminal traffic infractions; exception;
1200 procedures.—

1201 (9) Any person who does not hold a commercial driver
1202 license or commercial learner's permit and who is cited while
1203 driving a noncommercial motor vehicle for an infraction under
1204 this section other than a violation of s. 316.183(2), s.



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1205 316.187, or s. 316.189 when the driver exceeds the posted limit
 1206 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
 1207 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 1208 lieu of a court appearance, elect to attend in the location of
 1209 his or her choice within this state a basic driver improvement
 1210 course approved by the Department of Highway Safety and Motor
 1211 Vehicles. In such a case, adjudication must be withheld and
 1212 points, as provided by s. 322.27, may not be assessed. However,
 1213 a person may not make an election under this subsection if the
 1214 person has made an election under this subsection in the
 1215 preceding 12 months. A person may not make more than five
 1216 elections within his or her lifetime under this subsection. The
 1217 requirement for community service under s. 318.18(8) is not
 1218 waived by a plea of nolo contendere or by the withholding of
 1219 adjudication of guilt by a court. If a person makes an election
 1220 to attend a basic driver improvement course under this
 1221 subsection, 18 percent of the civil penalty imposed under s.
 1222 318.18(3) shall be deposited in the State Courts Revenue Trust
 1223 Fund; however, that portion is not revenue for purposes of s.
 1224 28.36 and may not be used in establishing the budget of the
 1225 clerk of the court under that section or s. 28.35.

1226 (10) (a) Any person who does not hold a commercial driver
 1227 license or commercial learner's permit and who is cited while
 1228 driving a noncommercial motor vehicle for an offense listed
 1229 under this subsection may, in lieu of payment of fine or court
 1230 appearance, elect to enter a plea of nolo contendere and provide
 1231 proof of compliance to the clerk of the court, designated
 1232 official, or authorized operator of a traffic violations bureau.



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1233 In such case, adjudication shall be withheld; however, a person
 1234 may not make an election under this subsection if the person has
 1235 made an election under this subsection in the preceding 12
 1236 months. A person may not make more than three elections under
 1237 this subsection. This subsection applies to the following
 1238 offenses:

1239 1. Operating a motor vehicle without a valid driver
 1240 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 1241 or operating a motor vehicle with a license that has been
 1242 suspended for failure to appear, failure to pay civil penalty,
 1243 or failure to attend a driver improvement course pursuant to s.
 1244 322.291.

1245 2. Operating a motor vehicle without a valid registration
 1246 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1247 3. Operating a motor vehicle in violation of s. 316.646.

1248 4. Operating a motor vehicle with a license that has been
 1249 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1250 child support or for failure to pay any other financial
 1251 obligation as provided in s. 322.245; however, this subparagraph
 1252 does not apply if the license has been suspended pursuant to s.
 1253 322.245(1).

1254 5. Operating a motor vehicle with a license that has been
 1255 suspended under s. 322.091 for failure to meet school attendance
 1256 requirements.

1257 (b) Any person cited for an offense listed in this
 1258 subsection shall present proof of compliance before the
 1259 scheduled court appearance date. For the purposes of this
 1260 subsection, proof of compliance shall consist of a valid,



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1261 renewed, or reinstated driver license or registration
1262 certificate and proper proof of maintenance of security as
1263 required by s. 316.646. Notwithstanding waiver of fine, any
1264 person establishing proof of compliance shall be assessed court
1265 costs of \$25, except that a person charged with violation of s.
1266 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
1267 such costs shall be remitted to the Department of Revenue for
1268 deposit into the Child Welfare Training Trust Fund of the
1269 Department of Children and Family Services. One dollar of such
1270 costs shall be distributed to the Department of Juvenile Justice
1271 for deposit into the Juvenile Justice Training Trust Fund.
1272 Fourteen dollars of such costs shall be distributed to the
1273 municipality and \$9 shall be deposited by the clerk of the court
1274 into the fine and forfeiture fund established pursuant to s.
1275 142.01, if the offense was committed within the municipality. If
1276 the offense was committed in an unincorporated area of a county
1277 or if the citation was for a violation of s. 316.646(1)-(3), the
1278 entire amount shall be deposited by the clerk of the court into
1279 the fine and forfeiture fund established pursuant to s. 142.01,
1280 except for the moneys to be deposited into the Child Welfare
1281 Training Trust Fund and the Juvenile Justice Training Trust
1282 Fund. This subsection does not authorize the operation of a
1283 vehicle without a valid driver license, without a valid vehicle
1284 tag and registration, or without the maintenance of required
1285 security.

1286 Section 20. Section 318.1451, Florida Statutes, is amended
1287 to read:

1288 318.1451 Driver improvement schools.-



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1289 (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
1290 shall approve and regulate the courses of all driver improvement
1291 schools, as the courses relate to ss. 318.14(9), 322.0261, and
1292 322.291, including courses that use technology as a delivery
1293 method. ~~The chief judge of the applicable judicial circuit may~~
1294 ~~establish requirements regarding the location of schools within~~
1295 ~~the judicial circuit. A person may engage in the business of~~
1296 ~~operating a driver improvement school that offers department-~~
1297 ~~approved courses related to ss. 318.14(9), 322.0261, and~~
1298 ~~322.291.~~

1299 ~~(b) The Department of Highway Safety and Motor Vehicles~~
1300 ~~shall approve and regulate courses that use technology as the~~
1301 ~~delivery method of all driver improvement schools as the courses~~
1302 ~~relate to ss. 318.14(9) and 322.0261.~~

1303 (2)(a) In determining whether to approve the courses
1304 referenced in this section, the department shall consider course
1305 content designed to promote safety, driver awareness, crash
1306 avoidance techniques, and other factors or criteria to improve
1307 driver performance from a safety viewpoint, including promoting
1308 motorcyclist, bicyclist, and pedestrian safety and risk factors
1309 resulting from driver attitude and irresponsible driver
1310 behaviors, such as speeding, running red lights and stop signs,
1311 and using electronic devices while driving. Initial approval of
1312 the courses shall also be based on the department's review of
1313 all course materials, course presentation to the department by
1314 the provider, and the provider's plan for effective oversight of
1315 the course by those who deliver the course in the state. New
1316 courses shall be provisionally approved and limited to the



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1317 judicial circuit originally approved for pilot testing until the
 1318 course is fully approved by the department for statewide
 1319 delivery.

1320 (b) In determining whether to approve courses of driver
 1321 improvement schools that use technology as the delivery method
 1322 as the courses relate to ss. 318.14(9) and 322.0261, the
 1323 department shall consider only those courses submitted by a
 1324 person, business, or entity which have approval for statewide
 1325 delivery.

1326 (3) ~~The department of Highway Safety and Motor Vehicles~~
 1327 ~~shall not accept suspend accepting~~ proof of attendance of
 1328 courses from persons who attend those schools that do not teach
 1329 an approved course. ~~In those circumstances, a person who has~~
 1330 ~~elected to take courses from such a school shall receive a~~
 1331 ~~refund from the school, and the person shall have the~~
 1332 ~~opportunity to take the course at another school.~~

1333 (4) In addition to a regular course fee, an assessment fee
 1334 in the amount of \$2.50 shall be collected by the school from
 1335 each person who elects to attend a course, as it relates to ss.
 1336 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
 1337 must remit the \$2.50 assessment fee to the department for
 1338 deposit into, ~~which shall be remitted to the Department of~~
 1339 ~~Highway Safety and Motor Vehicles and deposited in the Highway~~
 1340 ~~Safety Operating Trust Fund~~ in order to receive unique course
 1341 completion certificate numbers for course participants. The
 1342 assessment fee will be used to administer this program and to
 1343 fund the general operations of the department.

1344 (5) (a) The department is authorized to maintain the



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1345 information and records necessary to administer its duties and
1346 responsibilities for driver improvement courses. Course
1347 providers are required to maintain all records related to the
1348 conduct of their approved courses for 5 years and allow the
1349 department to inspect course records as necessary. Records may
1350 be maintained in an electronic format. If ~~Where~~ such information
1351 is a public record as defined in chapter 119, it shall be made
1352 available to the public upon request pursuant to s. 119.07(1).

1353 (b) The department or court may prepare a traffic school
1354 reference guide which lists the benefits of attending a driver
1355 improvement school and contains the names of the fully approved
1356 course providers with a single telephone number for each
1357 provider as furnished by the provider.

1358 (6) The department shall adopt rules establishing and
1359 maintaining policies and procedures to implement the
1360 requirements of this section. These policies and procedures may
1361 include, but shall not be limited to, the following:

1362 (a) Effectiveness studies.—The department shall conduct
1363 effectiveness studies on each type of driver improvement course
1364 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
1365 recurring 5-year basis, including in the study process the
1366 consequence of failed studies.

1367 (b) Required updates.—The department may require that
1368 courses approved under this section be updated at the
1369 department's request. Failure of a course provider to update the
1370 course under this section shall result in the suspension of the
1371 course approval until the course is updated and approved by the
1372 department.



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1373 (c) Course conduct.—The department shall require that the
1374 approved course providers ensure their driver improvement
1375 schools are conducting the approved course fully and to the
1376 required time limit and content requirements.

1377 (d) Course content.—The department shall set and modify
1378 course content requirements to keep current with laws and safety
1379 information. Course content includes all items used in the
1380 conduct of the course.

1381 (e) Course duration.—The department shall set the duration
1382 of all course types.

1383 (f) Submission of records.—The department shall require
1384 that all course providers submit course completion information
1385 to the department through the department's Driver Improvement
1386 Certificate Issuance System within 5 days.

1387 (g) Sanctions.—The department shall develop the criteria
1388 to sanction a course provider for any violation of this section
1389 or any other law that pertains to the approval and use of driver
1390 improvement courses.

1391 (h) Miscellaneous requirements.—The department shall
1392 require that all course providers:

1393 1. Disclose all fees associated with courses offered by
1394 the provider and associated driver improvement schools and not
1395 charge any fees that are not disclosed during registration.

1396 2. Provide proof of ownership, copyright, or written
1397 permission from the course owner to use the course in this
1398 state.

1399 3. Ensure that any course that is offered in a classroom
1400 setting, by the provider or a school authorized by the provider



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1401 to teach the course, is offered the course at locations that are
 1402 free from distractions and reasonably accessible to most
 1403 applicants.

1404 4. Issue a certificate to persons who successfully
 1405 complete the course.

1406 Section 21. Section 319.141, Florida Statutes, is created
 1407 to read:

1408 319.141 Pilot rebuilt motor vehicle inspection program.-

1409 (1) As used in this section, the term:

1410 (a) "Facility" means a rebuilt motor vehicle inspection
 1411 facility authorized and operating under this section.

1412 (b) "Rebuilt inspection" means an examination of a rebuilt
 1413 vehicle and a properly endorsed certificate of title, salvage
 1414 certificate of title, or manufacturer's statement of origin and
 1415 an application for a rebuilt certificate of title, a rebuilder's
 1416 affidavit, a photograph of the junk or salvage vehicle taken
 1417 before repairs began, receipts or invoices for all major
 1418 component parts, as defined in s. 319.30, which were changed,
 1419 and proof that notice of rebuilding of the vehicle has been
 1420 reported to the National Motor Vehicle Title Information System.

1421 (2) By October 1, 2013, the department shall implement a
 1422 pilot program in Miami-Dade and Hillsborough Counties to
 1423 evaluate alternatives for rebuilt inspection services to be
 1424 offered by the private sector, including the feasibility of
 1425 using private facilities, the cost impact to consumers, and the
 1426 potential savings to the department.

1427 (3) The department shall establish a memorandum of
 1428 understanding that allows private parties participating in the



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1429 pilot program to conduct rebuilt motor vehicle inspections and
1430 specifies requirements for oversight, bonding and insurance,
1431 procedures, and forms and requires the electronic transmission
1432 of documents.

1433 (4) Before an applicant is approved, the department shall
1434 ensure that the applicant meets basic criteria designed to
1435 protect the public. At a minimum, the applicant shall:

1436 (a) Have and maintain a surety bond or irrevocable letter
1437 of credit in the amount of \$50,000 executed by the applicant.

1438 (b) Have and maintain garage liability and other insurance
1439 required by the department.

1440 (c) Have completed criminal background checks of the
1441 owners, partners, and corporate officers and the inspectors
1442 employed by the facility.

1443 (d) Meet any additional criteria the department determines
1444 necessary to conduct proper inspections.

1445 (5) A participant in the program shall access vehicle and
1446 title information and enter inspection results through an
1447 electronic filing system authorized by the department.

1448 (6) The department shall submit a report to the President
1449 of the Senate and the Speaker of the House of Representatives
1450 providing the results of the pilot program by February 1, 2015.

1451 (7) This section shall stand repealed on July 1, 2015,
1452 unless saved from repeal through reenactment by the Legislature.

1453 Section 22. Section 319.225, Florida Statutes, is amended
1454 to read:

1455 319.225 Transfer and reassignment forms; odometer
1456 disclosure statements.-



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1457 (1) Every certificate of title issued by the department
 1458 must contain the following statement on its reverse side:
 1459 "Federal and state law require the completion of the odometer
 1460 statement set out below. Failure to complete or providing false
 1461 information may result in fines, imprisonment, or both."

1462 (2) Each certificate of title issued by the department
 1463 must contain on its front ~~reverse~~ side a form for transfer of
 1464 title by the titleholder of record, which form must contain an
 1465 odometer disclosure statement in the form required by 49 C.F.R.
 1466 s. 580.5.

1467 (3) Each certificate of title issued by the department
 1468 must contain on its reverse side as many forms as space allows
 1469 for reassignment of title by a licensed dealer as permitted by
 1470 s. 319.21(3), which form or forms shall contain an odometer
 1471 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 1472 When all dealer reassignment forms provided on the back of the
 1473 title certificate have been filled in, a dealer may reassign the
 1474 title certificate by using a separate dealer reassignment form
 1475 issued by the department in compliance with 49 C.F.R. ss. 580.4
 1476 and 580.5, which form shall contain an original that ~~two carbon~~
 1477 ~~copies one of which~~ shall be submitted ~~directly~~ to the
 1478 department by the dealer ~~within 5 business days after the~~
 1479 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
 1480 dealer in his or her records for 5 years. The provisions of this
 1481 subsection shall also apply to vehicles not previously titled in
 1482 this state and vehicles whose title certificates do not contain
 1483 the forms required by this section.

1484 (4) Upon transfer or reassignment of a certificate of



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1485 title to a used motor vehicle, the transferor shall complete the
 1486 odometer disclosure statement provided for by this section and
 1487 the transferee shall acknowledge the disclosure by signing and
 1488 printing his or her name in the spaces provided. This subsection
 1489 does not apply to a vehicle that has a gross vehicle rating of
 1490 more than 16,000 pounds, a vehicle that is not self-propelled,
 1491 or a vehicle that is 10 years old or older. A lessor who
 1492 transfers title to his or her vehicle without obtaining
 1493 possession of the vehicle shall make odometer disclosure as
 1494 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
 1495 or acknowledge a disclosure statement as required by this
 1496 subsection is guilty of a misdemeanor of the second degree,
 1497 punishable as provided in s. 775.082 or s. 775.083. The
 1498 department may not issue a certificate of title unless this
 1499 subsection has been complied with.

1500 (5) The same person may not sign a disclosure statement as
 1501 both the transferor and the transferee in the same transaction
 1502 except as provided in subsection (6).

1503 (6) (a) If the certificate of title is physically held by a
 1504 lienholder, the transferor may give a power of attorney to his
 1505 or her transferee for the purpose of odometer disclosure. The
 1506 power of attorney must be on a form issued or authorized by the
 1507 department, which form must be in compliance with 49 C.F.R. ss.
 1508 580.4 and 580.13. The department shall not require the signature
 1509 of the transferor to be notarized on the form; however, in lieu
 1510 of notarization, the form shall include an affidavit with the
 1511 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 1512 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT



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1513 ARE TRUE. The transferee shall sign the power of attorney form,
1514 print his or her name, and return a copy of the power of
1515 attorney form to the transferor. Upon receipt of a title
1516 certificate, the transferee shall complete the space for mileage
1517 disclosure on the title certificate exactly as the mileage was
1518 disclosed by the transferor on the power of attorney form. If
1519 the transferee is a licensed motor vehicle dealer who is
1520 transferring the vehicle to a retail purchaser, the dealer shall
1521 make application on behalf of the retail purchaser as provided
1522 in s. 319.23(6) and shall submit the original power of attorney
1523 form to the department with the application for title and the
1524 transferor's title certificate; otherwise, a dealer may reassign
1525 the title certificate by using the dealer reassignment form in
1526 the manner prescribed in subsection (3), and, at the time of
1527 physical transfer of the vehicle, the original power of attorney
1528 shall be delivered to the person designated as the transferee of
1529 the dealer on the dealer reassignment form. ~~A copy of the~~
1530 ~~executed power of attorney shall be submitted to the department~~
1531 ~~with a copy of the executed dealer reassignment form within 5~~
1532 ~~business days after the certificate of title and dealer~~
1533 ~~reassignment form are delivered by the dealer to its transferee.~~

1534 (b) If the certificate of title is lost or otherwise
1535 unavailable, the transferor may give a power of attorney to his
1536 or her transferee for the purpose of odometer disclosure. The
1537 power of attorney must be on a form issued or authorized by the
1538 department, which form must be in compliance with 49 C.F.R. ss.
1539 580.4 and 580.13. The department shall not require the signature
1540 of the transferor to be notarized on the form; however, in lieu



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1541 of notarization, the form shall include an affidavit with the
1542 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1543 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1544 ARE TRUE. The transferee shall sign the power of attorney form,
1545 print his or her name, and return a copy of the power of
1546 attorney form to the transferor. Upon receipt of the title
1547 certificate or a duplicate title certificate, the transferee
1548 shall complete the space for mileage disclosure on the title
1549 certificate exactly as the mileage was disclosed by the
1550 transferor on the power of attorney form. If the transferee is a
1551 licensed motor vehicle dealer who is transferring the vehicle to
1552 a retail purchaser, the dealer shall make application on behalf
1553 of the retail purchaser as provided in s. 319.23(6) and shall
1554 submit the original power of attorney form to the department
1555 with the application for title and the transferor's title
1556 certificate or duplicate title certificate; otherwise, a dealer
1557 may reassign the title certificate by using the dealer
1558 reassignment form in the manner prescribed in subsection (3),
1559 and, at the time of physical transfer of the vehicle, the
1560 original power of attorney shall be delivered to the person
1561 designated as the transferee of the dealer on the dealer
1562 reassignment form. If the dealer sells the vehicle to an out-of-
1563 state resident or an out-of-state dealer and the power of
1564 attorney form is applicable to the transaction, the dealer must
1565 photocopy the completed original of the form and mail it
1566 directly to the department within 5 business days after the
1567 certificate of title and dealer reassignment form are delivered
1568 by the dealer to its purchaser. A copy of the executed power of



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1569 ~~attorney shall be submitted to the department with a copy of the~~
1570 ~~executed dealer reassignment form within 5 business days after~~
1571 ~~the duplicate certificate of title and dealer reassignment form~~
1572 ~~are delivered by the dealer to its transferee.~~

1573 (c) If the mechanics of the transfer of title to a motor
1574 vehicle in accordance with the provisions of paragraph (a) or
1575 paragraph (b) are determined to be incompatible with and
1576 unlawful under the provisions of 49 C.F.R. part 580, the
1577 transfer of title to a motor vehicle by operation of this
1578 subsection can be effected in any manner not inconsistent with
1579 49 C.F.R. part 580 and Florida law; provided, any power of
1580 attorney form issued or authorized by the department under this
1581 subsection shall contain an original that ~~two carbon copies, one~~
1582 ~~of which~~ shall be submitted ~~directly~~ to the department by the
1583 dealer ~~within 5 business days of use by the dealer~~ to effect
1584 transfer of a title certificate as provided in paragraphs (a)
1585 and (b) and a copy that ~~one of which~~ shall be retained by the
1586 dealer in its records for 5 years.

1587 (d) Any person who fails to complete the information
1588 required by this subsection or to file with the department the
1589 forms required by this subsection is guilty of a misdemeanor of
1590 the second degree, punishable as provided in s. 775.082 or s.
1591 775.083. The department shall not issue a certificate of title
1592 unless this subsection has been complied with.

1593 (7) If a title is held electronically and the transferee
1594 agrees to maintain the title electronically, the transferor and
1595 transferee shall complete a secure reassignment document that
1596 discloses the odometer reading and is signed by both the



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1597 transferor and transferee at the tax collector office or license
 1598 plate agency. Each certificate of title issued by the department
 1599 must contain on its reverse side a minimum of three ~~four~~ spaces
 1600 for notation of the name and license number of any auction
 1601 through which the vehicle is sold and the date the vehicle was
 1602 auctioned. Each separate dealer reassignment form issued by the
 1603 department must also have the space referred to in this section.
 1604 When a transfer of title is made at a motor vehicle auction, the
 1605 reassignment must note the name and address of the auction, but
 1606 the auction shall not thereby be deemed to be the owner, seller,
 1607 transferor, or assignor of title. A motor vehicle auction is
 1608 required to execute a dealer reassignment only when it is the
 1609 owner of a vehicle being sold.

1610 (8) Upon transfer or reassignment of a used motor vehicle
 1611 through the services of an auction, the auction shall complete
 1612 the information in the space provided for by subsection (7). Any
 1613 person who fails to complete the information as required by this
 1614 subsection is guilty of a misdemeanor of the second degree,
 1615 punishable as provided in s. 775.082 or s. 775.083. The
 1616 department shall not issue a certificate of title unless this
 1617 subsection has been complied with.

1618 (9) This section shall be construed to conform to 49
 1619 C.F.R. part 580.

1620 Section 23. Subsection (9) of section 319.23, Florida
 1621 Statutes, is amended to read:

1622 319.23 Application for, and issuance of, certificate of
 1623 title.—

1624 (9) The title certificate or application for title must



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1625 contain the applicant's full first name, middle initial, last
 1626 name, date of birth, sex, and the license plate number. An
 1627 individual applicant must provide ~~personal or business~~
 1628 ~~identification, which may include, but need not be limited to,~~ a
 1629 valid driver ~~driver's~~ license or identification card issued by
 1630 ~~number,~~ Florida or another state, or a valid passport. A
 1631 business applicant must provide a ~~identification card number, or~~
 1632 federal employer identification number, if applicable,
 1633 verification that the business is authorized to conduct business
 1634 in the state, or a Florida city or county business license or
 1635 number. In lieu of ~~and~~ the license plate number the individual
 1636 or business applicant must provide ~~or, in lieu thereof,~~ an
 1637 affidavit certifying that the motor vehicle to be titled will
 1638 not be operated upon the public highways of this state.

1639 Section 24. Paragraph (b) of subsection (2) of section
 1640 319.28, Florida Statutes, is amended to read:

1641 319.28 Transfer of ownership by operation of law.—

1642 (2)

1643 (b) In case of repossession of a motor vehicle or mobile
 1644 home pursuant to the terms of a security agreement or similar
 1645 instrument, an affidavit by the party to whom possession has
 1646 passed stating that the vehicle or mobile home was repossessed
 1647 upon default in the terms of the security agreement or other
 1648 instrument shall be considered satisfactory proof of ownership
 1649 and right of possession. At least 5 days prior to selling the
 1650 repossessed vehicle, any subsequent lienholder named in the last
 1651 issued certificate of title shall be sent notice of the
 1652 repossession by certified mail, on a form prescribed by the



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1653 department. If such notice is given and no written protest to
1654 the department is presented by a subsequent lienholder within 15
1655 days after ~~from~~ the date on which the notice was mailed, the
1656 certificate of title ~~or the certificate of repossession~~ shall be
1657 issued showing no liens. If the former owner or any subsequent
1658 lienholder files a written protest under oath within such 15-day
1659 period, the department shall not issue the certificate of title
1660 ~~or certificate of repossession~~ for 10 days thereafter. If within
1661 the 10-day period no injunction or other order of a court of
1662 competent jurisdiction has been served on the department
1663 commanding it not to deliver the certificate of title ~~or~~
1664 ~~certificate of repossession~~, the department shall deliver the
1665 certificate of title ~~or repossession~~ to the applicant or as may
1666 otherwise be directed in the application showing no other liens
1667 than those shown in the application. Any lienholder who has
1668 repossessed a vehicle in this state in compliance with the
1669 provisions of this section must apply to a tax collector's
1670 office in this state or to the department for a ~~certificate of~~
1671 ~~repossession or to the department for a~~ certificate of title
1672 pursuant to s. 319.323. Proof of the required notice to
1673 subsequent lienholders shall be submitted together with regular
1674 title fees. ~~A lienholder to whom a certificate of repossession~~
1675 ~~has been issued may assign the certificate of title to the~~
1676 ~~subsequent owner.~~ Any person found guilty of violating any
1677 requirements of this paragraph shall be guilty of a felony of
1678 the third degree, punishable as provided in s. 775.082, s.
1679 775.083, or s. 775.084.

1680 Section 25. Section 319.30, Florida Statutes, is amended



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1681 to read:

1682 319.30 Definitions; dismantling, destruction, change of

1683 identity of motor vehicle or mobile home; salvage.—

1684 (1) As used in this section, the term:

1685 (a) "Certificate of destruction" means the certificate

1686 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

1687 (b) "Certificate of registration number" means the

1688 certificate of registration number issued by the Department of

1689 Revenue of the State of Florida pursuant to s. 538.25.

1690 (c) "Certificate of title" means a record that serves as

1691 evidence of ownership of a vehicle, whether such record is a

1692 paper certificate authorized by the department or by a motor

1693 vehicle department authorized to issue titles in another state

1694 or a certificate consisting of information stored in electronic

1695 form in the department's database.

1696 (d) "Derelict" means any material which is or may have

1697 been a motor vehicle or mobile home, which is not a major part

1698 or major component part, which is inoperable, and which is in

1699 such condition that its highest or primary value is in its sale

1700 or transfer as scrap metal.

1701 (e) "Derelict motor vehicle" means:

1702 1. Any motor vehicle as defined in s. 320.01(1) or mobile

1703 home as defined in s. 320.01(2), with or without all parts,

1704 major parts, or major component parts, which is valued under

1705 \$1,000, is at least 10 model years old, beginning with the model

1706 year of the vehicle as year one, and is in such condition that

1707 its highest or primary value is for sale, transport, or delivery

1708 to a licensed salvage motor vehicle dealer or registered



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1709 secondary metals recycler for dismantling its component parts or
 1710 conversion to scrap metal; or

1711 2. Any trailer as defined in s. 320.01(1), with or without
 1712 all parts, major parts, or major component parts, which is
 1713 valued under \$5,000, is at least 10 model years old, beginning
 1714 with the model year of the vehicle as year one, and is in such
 1715 condition that its highest or primary value is for sale,
 1716 transport, or delivery to a licensed salvage motor vehicle
 1717 dealer or registered secondary metals recycler for conversion to
 1718 scrap metal.

1719 (f) "Derelict motor vehicle certificate" means a
 1720 certificate issued by the department which serves as evidence
 1721 that a derelict motor vehicle will be dismantled or converted to
 1722 scrap metal. This certificate may be obtained by completing a
 1723 derelict motor vehicle certificate application authorized by the
 1724 department. A derelict motor vehicle certificate may be
 1725 reassigned only one time if the derelict motor vehicle
 1726 certificate was completed by a licensed salvage motor vehicle
 1727 dealer and the derelict motor vehicle was sold to another
 1728 licensed salvage motor vehicle dealer or a secondary metals
 1729 recycler.

1730 (g) "Independent entity" means a business or entity that
 1731 may temporarily store damaged or dismantled motor vehicles
 1732 pursuant to an agreement with an insurance company and is
 1733 engaged in the sale or resale of damaged or dismantled motor
 1734 vehicles. The term does not include a wrecker operator, a towing
 1735 company, or a repair facility.

1736 (h) "Junk" means any material which is or may have been a



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1737 motor vehicle or mobile home, with or without all component
 1738 parts, which is inoperable and which material is in such
 1739 condition that its highest or primary value is either in its
 1740 sale or transfer as scrap metal or for its component parts, or a
 1741 combination of the two, except when sold or delivered to or when
 1742 purchased, possessed, or received by a secondary metals recycler
 1743 or salvage motor vehicle dealer.

1744 (i) "Major component parts" means:

1745 1. For motor vehicles other than motorcycles, any fender,
 1746 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
 1747 door, decklid, floor pan, engine, frame, transmission, catalytic
 1748 converter, or airbag.

1749 2. For trucks, in addition to those parts listed in
 1750 subparagraph 1., any truck bed, including dump, wrecker, crane,
 1751 mixer, cargo box, or any bed which mounts to a truck frame.

1752 3. For motorcycles, the body assembly, frame, fenders, gas
 1753 tanks, engine, cylinder block, heads, engine case, crank case,
 1754 transmission, drive train, front fork assembly, and wheels.

1755 4. For mobile homes, the frame.

1756 (j) "Major part" means the front-end assembly, cowl
 1757 assembly, or rear body section.

1758 (k) "Materials" means motor vehicles, derelicts, and major
 1759 parts that are not prepared materials.

1760 (l) "Mobile home" means mobile home as defined in s.
 1761 320.01(2).

1762 (m) "Motor vehicle" means motor vehicle as defined in s.
 1763 320.01(1).

1764 (n) "National Motor Vehicle Title Information System"



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1765 means the national mandated vehicle history database maintained
 1766 by the United States Department of Justice to link the states'
 1767 motor vehicle title records, including Florida's Department of
 1768 Highway Safety and Motor Vehicles' title records, and ensure
 1769 that states, law enforcement agencies, and consumers have access
 1770 to vehicle titling, branding, and other information that enables
 1771 them to verify the accuracy and legality of a motor vehicle
 1772 title before purchase or title transfer of the vehicle occurs.

1773 (o)~~(n)~~ "Parts" means parts of motor vehicles or
 1774 combinations thereof that do not constitute materials or
 1775 prepared materials.

1776 (p)~~(o)~~ "Prepared materials" means motor vehicles, mobile
 1777 homes, derelict motor vehicles, major parts, or parts that have
 1778 been processed by mechanically flattening or crushing, or
 1779 otherwise processed such that they are not the motor vehicle or
 1780 mobile home described in the certificate of title, or their only
 1781 value is as scrap metal.

1782 (q)~~(p)~~ "Processing" means the business of performing the
 1783 manufacturing process by which ferrous metals or nonferrous
 1784 metals are converted into raw material products consisting of
 1785 prepared grades and having an existing or potential economic
 1786 value, or the purchase of materials, prepared materials, or
 1787 parts therefor.

1788 (r)~~(q)~~ "Recreational vehicle" means a motor vehicle as
 1789 defined in s. 320.01(1).

1790 (s)~~(r)~~ "Salvage" means a motor vehicle or mobile home
 1791 which is a total loss as defined in paragraph (3) (a).

1792 (t)~~(s)~~ "Salvage certificate of title" means a salvage



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1793 certificate of title issued by the department or by another
 1794 motor vehicle department authorized to issue titles in another
 1795 state.

1796 (u)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
 1797 vehicle dealer as defined in s. 320.27(1)(c)5.

1798 (v)~~(u)~~ "Secondary metals recycler" means secondary metals
 1799 recycler as defined in s. 538.18.

1800 (w)~~(v)~~ "Seller" means the owner of record or a person who
 1801 has physical possession and responsibility for a derelict motor
 1802 vehicle and attests that possession of the vehicle was obtained
 1803 through lawful means along with all ownership rights. A seller
 1804 does not include a towing company, repair shop, or landlord
 1805 unless the towing company, repair shop, or landlord has obtained
 1806 title, salvage title, or a certificate of destruction in the
 1807 name of the towing company, repair shop, or landlord.

1808 (2) (a) Each person mentioned as owner in the last issued
 1809 certificate of title, when such motor vehicle or mobile home is
 1810 dismantled, destroyed, or changed in such manner that it is not
 1811 the motor vehicle or mobile home described in the certificate of
 1812 title, shall surrender his or her certificate of title to the
 1813 department, and thereupon the department shall, with the consent
 1814 of any lienholders noted thereon, enter a cancellation upon its
 1815 records. Upon cancellation of a certificate of title in the
 1816 manner prescribed by this section, the department may cancel and
 1817 destroy all certificates in that chain of title. Any person who
 1818 knowingly violates this paragraph commits a misdemeanor of the
 1819 second degree, punishable as provided in s. 775.082 or s.
 1820 775.083.



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1821 (b)1. When a motor vehicle, recreational vehicle, or
 1822 mobile home is sold, transported, delivered to, or received by a
 1823 salvage motor vehicle dealer, the purchaser shall make the
 1824 required notification to the National Motor Vehicle Title
 1825 Information System and it shall be accompanied by:

1826 a. A valid certificate of title issued in the name of the
 1827 seller or properly endorsed, as required in s. 319.22, over to
 1828 the seller;

1829 b. A valid salvage certificate of title issued in the name
 1830 of the seller or properly endorsed, as required in s. 319.22,
 1831 over to the seller; or

1832 c. A valid certificate of destruction issued in the name
 1833 of the seller or properly endorsed over to the seller.

1834 2. Any person who knowingly violates this paragraph by
 1835 selling, transporting, delivering, purchasing, or receiving a
 1836 motor vehicle, recreational vehicle, or mobile home without
 1837 obtaining a properly endorsed certificate of title, salvage
 1838 certificate of title, or certificate of destruction from the
 1839 owner or does not make the required notification to the National
 1840 Motor Vehicle Title Information System commits a felony of the
 1841 third degree, punishable as provided in s. 775.082, s. 775.083,
 1842 or s. 775.084.

1843 (c)1. When a derelict motor vehicle is sold, transported,
 1844 or delivered to a licensed salvage motor vehicle dealer, the
 1845 purchaser shall make the required notification of the derelict
 1846 motor vehicle to the National Motor Vehicle Title Information
 1847 System and record the date of purchase and the name, address,
 1848 and valid Florida driver ~~driver's~~ license number or valid



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1849 Florida identification card number, or a valid driver ~~driver's~~
1850 license number or identification card number issued by another
1851 state, of the person selling the derelict motor vehicle, and it
1852 shall be accompanied by:

1853 a. A valid certificate of title issued in the name of the
1854 seller or properly endorsed over to the seller;

1855 b. A valid salvage certificate of title issued in the name
1856 of the seller or properly endorsed over to the seller; or

1857 c. A valid certificate of destruction issued in the name
1858 of the seller or properly endorsed over to the seller.

1859 2. If a valid certificate of title, salvage certificate of
1860 title, or certificate of destruction is not available, a
1861 derelict motor vehicle certificate application shall be
1862 completed by the seller or owner of the motor vehicle or mobile
1863 home, the seller's or owner's authorized transporter, and the
1864 licensed salvage motor vehicle dealer at the time of sale,
1865 transport, or delivery to the licensed salvage motor vehicle
1866 dealer. The derelict motor vehicle certificate application shall
1867 be used by the seller or owner, the seller's or owner's
1868 authorized transporter, and the licensed salvage motor vehicle
1869 dealer to obtain a derelict motor vehicle certificate from the
1870 department. The derelict motor vehicle certificate application
1871 must be accompanied by a legible copy of the seller's or owner's
1872 valid Florida driver's license or Florida identification card,
1873 or a valid driver ~~driver's~~ license or identification card issued
1874 by another state. If the seller is not the owner of record of
1875 the vehicle being sold, the dealer shall, at the time of sale,
1876 ensure that a smudge-free right thumbprint, or other digit if



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1877 the seller has no right thumb, of the seller is imprinted upon
1878 the derelict motor vehicle certificate application and that a
1879 legible copy of the seller's driver ~~driver's~~ license or
1880 identification card is affixed to the application and
1881 transmitted to the department. The licensed salvage motor
1882 vehicle dealer shall make the required notification of the
1883 derelict motor vehicle to the National Motor Vehicle Title
1884 Information System and secure the derelict motor vehicle for 3
1885 full business days, excluding weekends and holidays, if there is
1886 no active lien or a lien of 3 years or more on the department's
1887 records before destroying or dismantling the derelict motor
1888 vehicle and shall follow all reporting procedures established by
1889 the department, including electronic notification to the
1890 department or delivery of the original derelict motor vehicle
1891 certificate application to an agent of the department within 24
1892 hours after receiving the derelict motor vehicle. If there is an
1893 active lien of less than 3 years on the derelict motor vehicle,
1894 the licensed salvage motor vehicle dealer shall secure the
1895 derelict motor vehicle for 10 days. The department shall notify
1896 the lienholder that a derelict motor vehicle certificate has
1897 been issued and shall notify the lienholder of its intention to
1898 remove the lien. Ten days after receipt of the motor vehicle
1899 derelict certificate application, the department may remove the
1900 lien from its records if a written statement protesting removal
1901 of the lien is not received by the department from the
1902 lienholder within the 10-day period. However, if the lienholder
1903 files with the department and the licensed salvage motor vehicle
1904 dealer within the 10-day period a written statement that the



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1905 | lien is still outstanding, the department shall not remove the
 1906 | lien and shall place an administrative hold on the record for 30
 1907 | days to allow the lienholder to apply for title to the vehicle
 1908 | or a repossession certificate under s. 319.28. The licensed
 1909 | salvage motor vehicle dealer must secure the derelict motor
 1910 | vehicle until the department's administrative stop is removed,
 1911 | the lienholder submits a lien satisfaction, or the lienholder
 1912 | takes possession of the vehicle.

1913 | 3. Any person who knowingly violates this paragraph by
 1914 | selling, transporting, delivering, purchasing, or receiving a
 1915 | derelict motor vehicle without obtaining a certificate of title,
 1916 | salvage certificate of title, certificate of destruction, or
 1917 | derelict motor vehicle certificate application; enters false or
 1918 | fictitious information on a derelict motor vehicle certificate
 1919 | application; does not complete the derelict motor vehicle
 1920 | certificate application as required; does not obtain a legible
 1921 | copy of the seller's or owner's valid driver ~~driver's~~ license or
 1922 | identification card when required; does not make the required
 1923 | notification to the department; does not make the required
 1924 | notification to the National Motor Vehicle Title Information
 1925 | System; or destroys or dismantles a derelict motor vehicle
 1926 | without waiting the required time as set forth in subparagraph
 1927 | 2. commits a felony of the third degree, punishable as provided
 1928 | in s. 775.082, s. 775.083, or s. 775.084.

1929 | (3) (a) 1. As used in this section, a motor vehicle or
 1930 | mobile home is a "total loss":

1931 | a. When an insurance company pays the vehicle owner to
 1932 | replace the wrecked or damaged vehicle with one of like kind and



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1933 | quality or when an insurance company pays the owner upon the
 1934 | theft of the motor vehicle or mobile home; or
 1935 | b. When an uninsured motor vehicle or mobile home is
 1936 | wrecked or damaged and the cost, at the time of loss, of
 1937 | repairing or rebuilding the vehicle is 80 percent or more of the
 1938 | cost to the owner of replacing the wrecked or damaged motor
 1939 | vehicle or mobile home with one of like kind and quality.
 1940 | 2. A motor vehicle or mobile home shall not be considered
 1941 | a "total loss" if the insurance company and owner of a motor
 1942 | vehicle or mobile home agree to repair, rather than to replace,
 1943 | the motor vehicle or mobile home. However, if the actual cost to
 1944 | repair the motor vehicle or mobile home to the insurance company
 1945 | exceeds 100 percent of the cost of replacing the wrecked or
 1946 | damaged motor vehicle or mobile home with one of like kind and
 1947 | quality, the owner shall forward to the department, within 72
 1948 | hours after the agreement, a request to brand the certificate of
 1949 | title with the words "Total Loss Vehicle." Such a brand shall
 1950 | become a part of the vehicle's title history.
 1951 | (b) The owner, including persons who are self-insured, of
 1952 | any motor vehicle or mobile home which is considered to be
 1953 | salvage shall, within 72 hours after the motor vehicle or mobile
 1954 | home becomes salvage, forward the title to the motor vehicle or
 1955 | mobile home to the department for processing. However, an
 1956 | insurance company which pays money as compensation for total
 1957 | loss of a motor vehicle or mobile home shall obtain the
 1958 | certificate of title for the motor vehicle or mobile home, make
 1959 | the required notification to the National Motor Vehicle Title
 1960 | Information System, and, within 72 hours after receiving such



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1961 certificate of title, shall forward such title to the department
 1962 for processing. The owner or insurance company, as the case may
 1963 be, may not dispose of a vehicle or mobile home that is a total
 1964 loss before it has obtained a salvage certificate of title or
 1965 certificate of destruction from the department. When applying
 1966 for a salvage certificate of title or certificate of
 1967 destruction, the owner or insurance company must provide the
 1968 department with an estimate of the costs of repairing the
 1969 physical and mechanical damage suffered by the vehicle for which
 1970 a salvage certificate of title or certificate of destruction is
 1971 sought. If the estimated costs of repairing the physical and
 1972 mechanical damage to the vehicle are equal to 80 percent or more
 1973 of the current retail cost of the vehicle, as established in any
 1974 official used car or used mobile home guide, the department
 1975 shall declare the vehicle unrebuildable and print a certificate
 1976 of destruction, which authorizes the dismantling or destruction
 1977 of the motor vehicle or mobile home described therein. However,
 1978 if the damaged motor vehicle is equipped with custom-lowered
 1979 floors for wheelchair access or a wheelchair lift, the insurance
 1980 company may, upon determining that the vehicle is repairable to
 1981 a condition that is safe for operation on public roads, submit
 1982 the certificate of title to the department for reissuance as a
 1983 salvage rebuildable title and the addition of a title brand of
 1984 "insurance-declared total loss." The certificate of destruction
 1985 shall be reassignable a maximum of two times before dismantling
 1986 or destruction of the vehicle shall be required, and shall
 1987 accompany the motor vehicle or mobile home for which it is
 1988 issued, when such motor vehicle or mobile home is sold for such



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1989 | purposes, in lieu of a certificate of title, and, thereafter,
 1990 | the department shall refuse issuance of any certificate of title
 1991 | for that vehicle. Nothing in this subsection shall be applicable
 1992 | when a vehicle is worth less than \$1,500 retail in undamaged
 1993 | condition in any official used motor vehicle guide or used
 1994 | mobile home guide or when a stolen motor vehicle or mobile home
 1995 | is recovered in substantially intact condition and is readily
 1996 | resalable without extensive repairs to or replacement of the
 1997 | frame or engine. Any person who knowingly violates this
 1998 | paragraph or falsifies any document to avoid the requirements of
 1999 | this paragraph commits a misdemeanor of the first degree,
 2000 | punishable as provided in s. 775.082 or s. 775.083.

2001 | (4) It is unlawful for any person to have in his or her
 2002 | possession any motor vehicle or mobile home when the
 2003 | manufacturer's or state-assigned identification number plate or
 2004 | serial plate has been removed therefrom.

2005 | (a) Nothing in this subsection shall be applicable when a
 2006 | vehicle defined in this section as a derelict or salvage was
 2007 | purchased or acquired from a foreign state requiring such
 2008 | vehicle's identification number plate to be surrendered to such
 2009 | state, provided the person shall have an affidavit from the
 2010 | seller describing the vehicle by manufacturer's serial number
 2011 | and the state to which such vehicle's identification number
 2012 | plate was surrendered.

2013 | (b) Nothing in this subsection shall be applicable if a
 2014 | certificate of destruction has been obtained for the vehicle.

2015 | (5) (a) It is unlawful for any person to knowingly possess,
 2016 | sell, or exchange, offer to sell or exchange, or give away any



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2017 certificate of title or manufacturer's or state-assigned
 2018 identification number plate or serial plate of any motor
 2019 vehicle, mobile home, or derelict that has been sold as salvage
 2020 contrary to the provisions of this section, and it is unlawful
 2021 for any person to authorize, direct, aid in, or consent to the
 2022 possession, sale, or exchange or to offer to sell, exchange, or
 2023 give away such certificate of title or manufacturer's or state-
 2024 assigned identification number plate or serial plate.

2025 (b) It is unlawful for any person to knowingly possess,
 2026 sell, or exchange, offer to sell or exchange, or give away any
 2027 manufacturer's or state-assigned identification number plate or
 2028 serial plate of any motor vehicle or mobile home that has been
 2029 removed from the motor vehicle or mobile home for which it was
 2030 manufactured, and it is unlawful for any person to authorize,
 2031 direct, aid in, or consent to the possession, sale, or exchange
 2032 or to offer to sell, exchange, or give away such manufacturer's
 2033 or state-assigned identification number plate or serial plate.

2034 (c) This chapter does not apply to anyone who removes,
 2035 possesses, or replaces a manufacturer's or state-assigned
 2036 identification number plate, in the course of performing repairs
 2037 on a vehicle, that require such removal or replacement. If the
 2038 repair requires replacement of a vehicle part that contains the
 2039 manufacturer's or state-assigned identification number plate,
 2040 the manufacturer's or state-assigned identification number plate
 2041 that is assigned to the vehicle being repaired will be installed
 2042 on the replacement part. The manufacturer's or state-assigned
 2043 identification number plate that was removed from this
 2044 replacement part will be installed on the part that was removed



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2045 | from the vehicle being repaired.

2046 | (6) (a) In the event of a purchase by a salvage motor
2047 | vehicle dealer of materials or major component parts for any
2048 | reason, the purchaser shall:

2049 | 1. For each item of materials or major component parts
2050 | purchased, the salvage motor vehicle dealer shall record the
2051 | date of purchase and the name, address, and personal
2052 | identification card number of the person selling such items, as
2053 | well as the vehicle identification number, if available.

2054 | 2. With respect to each item of materials or major
2055 | component parts purchased, obtain such documentation as may be
2056 | required by subsection (2).

2057 | (b) Any person who violates this subsection commits a
2058 | felony of the third degree, punishable as provided in s.
2059 | 775.082, s. 775.083, or s. 775.084.

2060 | (7) (a) In the event of a purchase by a secondary metals
2061 | recycler, that has been issued a certificate of registration
2062 | number, of:

2063 | 1. Materials, prepared materials, or parts from any seller
2064 | for purposes other than the processing of such materials,
2065 | prepared materials, or parts, the purchaser shall obtain such
2066 | documentation as may be required by this section and shall
2067 | record the seller's name and address, date of purchase, and the
2068 | personal identification card number of the person delivering
2069 | such items.

2070 | 2. Parts or prepared materials from any seller for
2071 | purposes of the processing of such parts or prepared materials,
2072 | the purchaser shall record the seller's name and address and



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2073 date of purchase and, in the event of a purchase transaction
2074 consisting primarily of parts or prepared materials, the
2075 personal identification card number of the person delivering
2076 such items.

2077 3. Materials from another secondary metals recycler for
2078 purposes of the processing of such materials, the purchaser
2079 shall record the seller's name and address and date of purchase.

2080 4.a. Motor vehicles, recreational vehicles, mobile homes,
2081 or derelict motor vehicles from other than a secondary metals
2082 recycler for purposes of the processing of such motor vehicles,
2083 recreational vehicles, mobile homes, or derelict motor vehicles,
2084 the purchaser shall make the required notification to the
2085 National Motor Vehicle Title Information record the date of
2086 purchase and the name, address, and personal identification card
2087 number of the person selling such items and shall obtain the
2088 following documentation from the seller with respect to each
2089 item purchased:

2090 (I) A valid certificate of title issued in the name of the
2091 seller or properly endorsed, as required in s. 319.22, over to
2092 the seller;

2093 (II) A valid salvage certificate of title issued in the
2094 name of the seller or properly endorsed, as required in s.
2095 319.22, over to the seller;

2096 (III) A valid certificate of destruction issued in the
2097 name of the seller or properly endorsed over to the seller; or

2098 (IV) A valid derelict motor vehicle certificate obtained
2099 from the department by a licensed salvage motor vehicle dealer
2100 and properly reassigned to the secondary metals recycler.



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2101 b. If a valid certificate of title, salvage certificate of
 2102 title, certificate of destruction, or derelict motor vehicle
 2103 certificate is not available and the motor vehicle or mobile
 2104 home is a derelict motor vehicle, a derelict motor vehicle
 2105 certificate application shall be completed by the seller or
 2106 owner of the motor vehicle or mobile home, the seller's or
 2107 owner's authorized transporter, and the registered secondary
 2108 metals recycler at the time of sale, transport, or delivery to
 2109 the registered secondary metals recycler to obtain a derelict
 2110 motor vehicle certificate from the department. The derelict
 2111 motor vehicle certificate application must be accompanied by a
 2112 legible copy of the seller's or owner's valid Florida driver
 2113 ~~driver's~~ license or Florida identification card, or a valid
 2114 driver ~~driver's~~ license or identification card from another
 2115 state. If the seller is not the owner of record of the vehicle
 2116 being sold, the recycler shall, at the time of sale, ensure that
 2117 a smudge-free right thumbprint, or other digit if the seller has
 2118 no right thumb, of the seller is imprinted upon the derelict
 2119 motor vehicle certificate application and that the legible copy
 2120 of the seller's driver ~~driver's~~ license or identification card
 2121 is affixed to the application and transmitted to the department.
 2122 The derelict motor vehicle certificate shall be used by the
 2123 owner, the owner's authorized transporter, and the registered
 2124 secondary metals recycler. The registered secondary metals
 2125 recycler shall make the required notification of the derelict
 2126 motor vehicle to the National Motor Vehicle Title Information
 2127 System and shall secure the derelict motor vehicle for 3 full
 2128 business days, excluding weekends and holidays, if there is no



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2129 active lien or a lien of 3 years or more on the department's
2130 records before destroying or dismantling the derelict motor
2131 vehicle and shall follow all reporting procedures established by
2132 the department, including electronic notification to the
2133 department or delivery of the original derelict motor vehicle
2134 certificate application to an agent of the department within 24
2135 hours after receiving the derelict motor vehicle. If there is an
2136 active lien of less than 3 years on the derelict motor vehicle,
2137 the registered secondary metals recycler shall secure the
2138 derelict motor vehicle for 10 days. The department shall notify
2139 the lienholder of the application for a derelict motor vehicle
2140 certificate and shall notify the lienholder of its intention to
2141 remove the lien. Ten days after receipt of the motor vehicle
2142 derelict application, the department may remove the lien from
2143 its records if a written statement protesting removal of the
2144 lien is not received by the department from the lienholder
2145 within the 10-day period. However, if the lienholder files with
2146 the department and the registered secondary metals recycler
2147 within the 10-day period a written statement that the lien is
2148 still outstanding, the department shall not remove the lien and
2149 shall place an administrative hold on the record for 30 days to
2150 allow the lienholder to apply for title to the vehicle or a
2151 repossession certificate under s. 319.28. The registered
2152 secondary metals recycler must secure the derelict motor vehicle
2153 until the department's administrative stop is removed, the
2154 lienholder submits a lien satisfaction, or the lienholder takes
2155 possession of the vehicle.

2156 c. Any person who knowingly violates this subparagraph by



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2157 | selling, transporting, delivering, purchasing, or receiving a
 2158 | motor vehicle, recreational motor vehicle, mobile home, or
 2159 | derelict motor vehicle without obtaining a certificate of title,
 2160 | salvage certificate of title, certificate of destruction, or
 2161 | derelict motor vehicle certificate; enters false or fictitious
 2162 | information on a derelict motor vehicle certificate application;
 2163 | does not complete the derelict motor vehicle certificate
 2164 | application as required or does not make the required
 2165 | notification to the department; does not make the required
 2166 | notification to the National Motor Vehicle Title Information
 2167 | System; does not obtain a legible copy of the seller's or
 2168 | owner's driver ~~driver's~~ license or identification card when
 2169 | required; or destroys or dismantles a derelict motor vehicle
 2170 | without waiting the required time as set forth in sub-
 2171 | subparagraph b. commits a felony of the third degree, punishable
 2172 | as provided in s. 775.082, s. 775.083, or s. 775.084.

2173 | 5. Major parts from other than a secondary metals recycler
 2174 | for purposes of the processing of such major parts, the
 2175 | purchaser shall record the seller's name, address, date of
 2176 | purchase, and the personal identification card number of the
 2177 | person delivering such items, as well as the vehicle
 2178 | identification number, if available, of each major part
 2179 | purchased.

2180 | (b) Any person who violates this subsection commits a
 2181 | felony of the third degree, punishable as provided in s.
 2182 | 775.082, s. 775.083, or s. 775.084.

2183 | (8) (a) Secondary metals recyclers and salvage motor
 2184 | vehicle dealers shall return to the department on a monthly



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2185 basis all certificates of title and salvage certificates of
2186 title that are required by this section to be obtained.
2187 Secondary metals recyclers and salvage motor vehicle dealers may
2188 elect to notify the department electronically through procedures
2189 established by the department when they receive each motor
2190 vehicle or mobile home, salvage motor vehicle or mobile home, or
2191 derelict motor vehicle with a certificate of title or salvage
2192 certificate of title through procedures established by the
2193 department. The department may adopt rules and establish fees as
2194 it deems necessary or proper for the administration of the
2195 electronic notification service.

2196 (b) Secondary metals recyclers and salvage motor vehicle
2197 dealers shall keep originals, or a copy in the event the
2198 original was returned to the department, of all certificates of
2199 title, salvage certificates of title, certificates of
2200 destruction, derelict motor vehicle certificates, and all other
2201 information required by this section to be recorded or obtained,
2202 on file in the offices of such secondary metals recyclers or
2203 salvage motor vehicle dealers for a period of 3 years after the
2204 date of purchase of the items reflected in such certificates of
2205 title, salvage certificates of title, certificates of
2206 destruction, or derelict motor vehicle certificates. These
2207 records shall be maintained in chronological order.

2208 (c) For the purpose of enforcement of this section, the
2209 department or its agents and employees have the same right of
2210 inspection as law enforcement officers as provided in s.
2211 812.055.

2212 (d) Whenever the department, its agent or employee, or any



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2213 | law enforcement officer has reason to believe that a stolen or
2214 | fraudulently titled motor vehicle, mobile home, recreational
2215 | vehicle, salvage motor vehicle, or derelict motor vehicle is in
2216 | the possession of a salvage motor vehicle dealer or secondary
2217 | metals recycler, the department, its agent or employee, or the
2218 | law enforcement officer may issue an extended hold notice, not
2219 | to exceed 5 additional business days, excluding weekends and
2220 | holidays, to the salvage motor vehicle dealer or registered
2221 | secondary metals recycler.

2222 | (e) Whenever a salvage motor vehicle dealer or registered
2223 | secondary metals recycler is notified by the department, its
2224 | agent or employee, or any law enforcement officer to hold a
2225 | motor vehicle, mobile home, recreational vehicle, salvage motor
2226 | vehicle, or derelict motor vehicle that is believed to be stolen
2227 | or fraudulently titled, the salvage motor vehicle dealer or
2228 | registered secondary metals recycler shall hold the motor
2229 | vehicle, mobile home, recreational vehicle, salvage motor
2230 | vehicle, or derelict motor vehicle and may not dismantle or
2231 | destroy the motor vehicle, mobile home, recreational vehicle,
2232 | salvage motor vehicle, or derelict motor vehicle until it is
2233 | recovered by a law enforcement officer, the hold is released by
2234 | the department or the law enforcement officer placing the hold,
2235 | or the 5 additional business days have passed since being
2236 | notified of the hold.

2237 | (f) This section does not authorize any person who is
2238 | engaged in the business of recovering, towing, or storing
2239 | vehicles pursuant to s. 713.78, and who is claiming a lien for
2240 | performing labor or services on a motor vehicle or mobile home



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2241 pursuant to s. 713.58, or is claiming that a motor vehicle or
2242 mobile home has remained on any premises after tenancy has
2243 terminated pursuant to s. 715.104, to use a derelict motor
2244 vehicle certificate application for the purpose of transporting,
2245 selling, disposing of, or delivering a motor vehicle to a
2246 salvage motor vehicle dealer or secondary metals recycler
2247 without obtaining the title or certificate of destruction
2248 required under s. 713.58, s. 713.78, or s. 715.104.

2249 (g) The department shall accept all properly endorsed and
2250 completed derelict motor vehicle certificate applications and
2251 shall issue a derelict motor vehicle certificate having an
2252 effective date that authorizes when a derelict motor vehicle is
2253 eligible for dismantling or destruction. The electronic
2254 information obtained from the derelict motor vehicle certificate
2255 application shall be stored electronically and shall be made
2256 available to authorized persons after issuance of the derelict
2257 motor vehicle certificate in the Florida Real Time Vehicle
2258 Information System.

2259 (h) The department is authorized to adopt rules pursuant
2260 to ss. 120.536(1) and 120.54 establishing policies and
2261 procedures to administer and enforce this section.

2262 (i) The department shall charge a fee of \$3 for each
2263 derelict motor vehicle certificate delivered to the department
2264 or one of its agents for processing and shall mark the title
2265 record canceled. A service charge may be collected under s.
2266 320.04.

2267 (j) The licensed salvage motor vehicle dealer or
2268 registered secondary metals recycler shall make all payments for



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2269 | the purchase of any derelict motor vehicle that is sold by a
 2270 | seller who is not the owner of record on file with the
 2271 | department by check or money order made payable to the seller
 2272 | and may not make payment to the authorized transporter. The
 2273 | licensed salvage motor vehicle dealer or registered secondary
 2274 | metals recycler may not cash the check that such dealer or
 2275 | recycler issued to the seller.

2276 | (9) (a) An insurance company may notify an independent
 2277 | entity that obtains possession of a damaged or dismantled motor
 2278 | vehicle to release the vehicle to the owner. The insurance
 2279 | company shall provide the independent entity a release statement
 2280 | on a form prescribed by the department authorizing the
 2281 | independent entity to release the vehicle to the owner. The form
 2282 | shall, at a minimum, contain the following:

- 2283 | 1. The policy and claim number.
- 2284 | 2. The name and address of the insured.
- 2285 | 3. The vehicle identification number.
- 2286 | 4. The signature of an authorized representative of the
 2287 | insurance company.

2288 | (b) The independent entity in possession of a motor
 2289 | vehicle must send a notice to the owner that the vehicle is
 2290 | available for pick up when it receives a release statement from
 2291 | the insurance company. The notice shall be sent by certified
 2292 | mail to the owner at the owner's address reflected in the
 2293 | department's records. The notice must inform the owner that the
 2294 | owner has 30 days after receipt of the notice to pick up the
 2295 | vehicle from the independent entity. If the motor vehicle is not
 2296 | claimed within 30 days after the owner receives the notice, the



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2297 independent entity may apply for a certificate of destruction or
 2298 a certificate of title.

2299 (c) The independent entity shall make the required
 2300 notification to the National Motor Vehicle Title Information
 2301 System before releasing any damaged or dismantled motor vehicle
 2302 to the owner or before applying for a certificate of destruction
 2303 or salvage certificate of title.

2304 (d)~~(e)~~ Upon applying for a certificate of destruction or
 2305 salvage certificate of title, the independent entity shall
 2306 provide a copy of the release statement from the insurance
 2307 company to the independent entity, proof of providing the 30-day
 2308 notice to the owner, proof of notification to the National Motor
 2309 Vehicle Title Information System, and applicable fees.

2310 (e)~~(d)~~ The independent entity may not charge an owner of
 2311 the vehicle storage fees or apply for a title under s. 713.585
 2312 or s. 713.78.

2313 (10) The department may adopt rules to implement an
 2314 electronic system for issuing salvage certificates of title and
 2315 certificates of destruction.

2316 (11) Except as otherwise provided in this section, any
 2317 person who violates this section commits a felony of the third
 2318 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2319 775.084.

2320 Section 26. Section 319.323, Florida Statutes, is amended
 2321 to read:

2322 319.323 Expedited service; applications; fees.—The
 2323 department shall establish a separate title office which may be
 2324 used by private citizens and licensed motor vehicle dealers to



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2325 receive expedited service on title transfers, title issuances,
 2326 duplicate titles, and recordation of liens, ~~and certificates of~~
 2327 ~~repossession~~. A fee of \$10 shall be charged for this service,
 2328 which fee is in addition to the fees imposed by s. 319.32. The
 2329 fee, after deducting the amount referenced by s. 319.324 and
 2330 \$3.50 to be retained by the processing agency, shall be
 2331 deposited into the General Revenue Fund. Application for
 2332 expedited service may be made by mail or in person. The
 2333 department shall issue each title applied for under this section
 2334 within 5 working days after receipt of the application except
 2335 for an application for a duplicate title certificate covered by
 2336 s. 319.23(4), in which case the title must be issued within 5
 2337 working days after compliance with the department's verification
 2338 requirements.

2339 Section 27. Subsections (24) through (46) of section
 2340 320.01, Florida Statutes, are renumbered as subsections (23)
 2341 through (45), respectively, and present subsections (23) and
 2342 (25) of that section are amended, to read:

2343 320.01 Definitions, general.—As used in the Florida
 2344 Statutes, except as otherwise provided, the term:

2345 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 2346 ~~which is required to be registered, or with respect to which an~~
 2347 ~~election has been made to register it, under the International~~
 2348 ~~Registration Plan.~~

2349 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
 2350 recreational vehicles, vehicles displaying restricted plates,
 2351 city pickup and delivery vehicles, buses used in transportation
 2352 of chartered parties, and government-owned vehicles, which is



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2353 used or intended for use in two or more member jurisdictions
 2354 that allocate or proportionally register vehicles and which is
 2355 used for the transportation of persons for hire or is designed,
 2356 used, or maintained primarily for the transportation of property
 2357 and:

2358 (a) Is a power unit having a gross vehicle weight in
 2359 excess of 26,000 ~~26,001~~ pounds;

2360 (b) Is a power unit having three or more axles, regardless
 2361 of weight; or

2362 (c) Is used in combination, when the weight of such
 2363 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

2364
 2365 Vehicles, or combinations thereof, having a gross vehicle weight
 2366 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 2367 proportionally registered.

2368 Section 28. Paragraph (a) of subsection (2) and paragraph
 2369 (a) of subsection (5) of section 320.02, Florida Statutes, are
 2370 amended, and paragraph (s) is added to subsection (15), to read:

2371 320.02 Registration required; application for
 2372 registration; forms.—

2373 (2) (a) The application for registration must ~~shall~~ include
 2374 the street address of the owner's permanent residence or the
 2375 address of his or her permanent place of business and ~~shall~~ be
 2376 accompanied by personal or business identification information.
 2377 An individual applicant must provide ~~which may include, but need~~
 2378 ~~not be limited to,~~ a valid driver license or number, Florida
 2379 identification card issued by this state or another state or a
 2380 valid passport. A business applicant must provide a number, or



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2381 federal employer identification number, if applicable, or
2382 verification that the business is authorized to conduct business
2383 in the state, or a Florida municipal or county business license
2384 or number.

2385 1. If the owner does not have a permanent residence or
2386 permanent place of business or if the owner's permanent
2387 residence or permanent place of business cannot be identified by
2388 a street address, the application must ~~shall~~ include:

2389 a.1. If the vehicle is registered to a business, the name
2390 and street address of the permanent residence of an owner of the
2391 business, an officer of the corporation, or an employee who is
2392 in a supervisory position.

2393 b.2. If the vehicle is registered to an individual, the
2394 name and street address of the permanent residence of a close
2395 relative or friend who is a resident of this state.

2396 2. If the vehicle is registered to an active duty member
2397 of the Armed Forces of the United States who is a Florida
2398 resident, the active duty member is exempt from the requirement
2399 to provide the street address of a permanent residence.

2400 (5) (a) Proof that personal injury protection benefits have
2401 been purchased if ~~when~~ required under s. 627.733, that property
2402 damage liability coverage has been purchased as required under
2403 s. 324.022, that bodily injury or death coverage has been
2404 purchased if required under s. 324.023, and that combined bodily
2405 liability insurance and property damage liability insurance have
2406 been purchased if ~~when~~ required under s. 627.7415 shall be
2407 provided in the manner prescribed by law by the applicant at the
2408 time of application for registration of any motor vehicle that



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2409 | is subject to such requirements. The issuing agent shall refuse
 2410 | to issue registration if such proof of purchase is not provided.
 2411 | Insurers shall furnish uniform proof-of-purchase cards in a
 2412 | paper or electronic format in a form prescribed by the
 2413 | department and ~~shall~~ include the name of the insured's insurance
 2414 | company, the coverage identification number, and the make, year,
 2415 | and vehicle identification number of the vehicle insured. The
 2416 | card must ~~shall~~ contain a statement notifying the applicant of
 2417 | the penalty specified under ~~in~~ s. 316.646(4). The card or
 2418 | insurance policy, insurance policy binder, or certificate of
 2419 | insurance or a photocopy of any of these; an affidavit
 2420 | containing the name of the insured's insurance company, the
 2421 | insured's policy number, and the make and year of the vehicle
 2422 | insured; or such other proof as may be prescribed by the
 2423 | department shall constitute sufficient proof of purchase. If an
 2424 | affidavit is provided as proof, it must ~~shall~~ be in
 2425 | substantially the following form:

2426 |
 2427 | Under penalty of perjury, I ... (Name of insured)... do hereby
 2428 | certify that I have ... (Personal Injury Protection, Property
 2429 | Damage Liability, and, if ~~when~~ required, Bodily Injury
 2430 | Liability)... Insurance currently in effect with ... (Name of
 2431 | insurance company)... under ... (policy number)... covering
 2432 | ... (make, year, and vehicle identification number of
 2433 | vehicle).... ... (Signature of Insured)...

2434 |
 2435 | Such affidavit must ~~shall~~ include the following warning:
 2436 |



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2437 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 2438 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 2439 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 2440 SUBJECT TO PROSECUTION.

2441
 2442 If ~~When~~ an application is made through a licensed motor vehicle
 2443 dealer as required under ~~in~~ s. 319.23, the original or a
 2444 photostatic copy of such card, insurance policy, insurance
 2445 policy binder, or certificate of insurance or the original
 2446 affidavit from the insured shall be forwarded by the dealer to
 2447 the tax collector of the county or the Department of Highway
 2448 Safety and Motor Vehicles for processing. By executing the
 2449 aforesaid affidavit, no licensed motor vehicle dealer will be
 2450 liable in damages for any inadequacy, insufficiency, or
 2451 falsification of any statement contained therein. A card must
 2452 ~~shall~~ also indicate the existence of any bodily injury liability
 2453 insurance voluntarily purchased.

2454 (15)

2455 (s) The application form for motor vehicle registration
 2456 and renewal registration must include language permitting a
 2457 voluntary contribution of \$1 or more per applicant, which shall
 2458 be distributed to the Auto Club Group Traffic Safety Foundation,
 2459 Inc., a nonprofit organization. Funds received by the foundation
 2460 must be used to improve traffic safety culture in communities
 2461 through effective outreach, education, and activities in the
 2462 state which will save lives, reduce injuries, and prevent
 2463 crashes. The foundation must comply with s. 320.023.



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2465 For the purpose of applying the service charge provided in s.
 2466 215.20, contributions received under this subsection are not
 2467 income of a revenue nature.

2468 Section 29. Subsection (7) of section 320.03, Florida
 2469 Statutes, is amended to read:

2470 320.03 Registration; duties of tax collectors;
 2471 International Registration Plan.—

2472 (7) The Department of Highway Safety and Motor Vehicles
 2473 shall register apportionable ~~apportioned motor~~ vehicles under
 2474 the ~~provisions of the~~ International Registration Plan. The
 2475 department may adopt rules to implement and enforce the
 2476 provisions of the plan.

2477 Section 30. Paragraph (b) of subsection (1) of section
 2478 320.071, Florida Statutes, is amended to read:

2479 320.071 Advance registration renewal; procedures.—

2480 (1)

2481 (b) The owner of any apportionable ~~apportioned motor~~
 2482 vehicle currently registered in this state under the
 2483 International Registration Plan may file an application for
 2484 renewal of registration with the department any time during the
 2485 3 months preceding the date of expiration of the registration
 2486 period.

2487 Section 31. Subsections (1) and (3) of section 320.0715,
 2488 Florida Statutes, are amended to read:

2489 320.0715 International Registration Plan; motor carrier
 2490 services; permits; retention of records.—

2491 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 2492 in this state ~~and engaged in interstate commerce~~ shall be



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2493 registered in accordance with ~~the provisions of the~~
 2494 International Registration Plan and shall display ~~apportioned~~
 2495 license plates.

2496 (3) (a) If the department is unable to immediately issue
 2497 the apportioned license plate to an applicant currently
 2498 registered in this state under the International Registration
 2499 Plan or to a vehicle currently titled in this state, the
 2500 department or its designated agent may ~~is authorized to~~ issue a
 2501 60-day temporary operational permit. The department or agent of
 2502 the department shall charge a \$3 fee and the service charge
 2503 authorized by s. 320.04 for each temporary operational permit it
 2504 issues.

2505 (b) The department may not ~~shall in no event~~ issue a
 2506 temporary operational permit for any apportionable ~~commercial~~
 2507 ~~motor~~ vehicle to any applicant until the applicant has shown
 2508 that:

2509 1. All sales or use taxes due on the registration of the
 2510 vehicle are paid; and

2511 2. Insurance requirements have been met in accordance with
 2512 ss. 320.02(5) and 627.7415.

2513 (c) Issuance of a temporary operational permit provides
 2514 ~~commercial motor vehicle~~ registration privileges in each
 2515 International Registration Plan member jurisdiction designated
 2516 on said permit and therefore requires payment of all applicable
 2517 registration fees and taxes due for that period of registration.

2518 (d) Application for permanent registration must be made to
 2519 the department within 10 days from issuance of a temporary
 2520 operational permit. Failure to file an application within this



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2521 | 10-day period may result in cancellation of the temporary
 2522 | operational permit.

2523 | Section 32. Subsection (4) of section 320.089, Florida
 2524 | Statutes, is amended to read:

2525 | 320.089 Members of National Guard and active United States
 2526 | Armed Forces reservists; former prisoners of war; survivors of
 2527 | Pearl Harbor; Purple Heart medal recipients; Operation Desert
 2528 | Storm Veterans; Operation Desert Shield Veterans; Operation
 2529 | Iraqi Freedom and Operation Enduring Freedom Veterans; Combat
 2530 | Infantry Badge or Combat Action Badge recipients; Vietnam War
 2531 | Veterans; Korean Conflict Veterans; special license plates;
 2532 | fee.-

2533 | (4) The owner or lessee of an automobile or truck for
 2534 | private use, a truck weighing not more than 7,999 pounds, or a
 2535 | recreational vehicle as specified in s. 320.08(9)(c) or (d)
 2536 | which automobile, truck, or recreational vehicle is not used for
 2537 | hire or commercial use who is a resident of the state and a
 2538 | current or former member of the United States military who was
 2539 | deployed and served in Saudi Arabia, Kuwait, or another area of
 2540 | the Persian Gulf during Operation Desert Storm or Operation
 2541 | Desert Shield; in Iraq during Operation Iraqi Freedom; or in
 2542 | Afghanistan during Operation Enduring Freedom shall, upon
 2543 | application to the department, accompanied by proof of active
 2544 | membership or former active duty status during one of these
 2545 | operations, and upon payment of the license tax for the vehicle
 2546 | as provided in s. 320.08, be issued a license plate as provided
 2547 | by s. 320.06 upon which, in lieu of the registration license
 2548 | number prescribed by s. 320.06, shall be stamped the words



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2549 "Operation Desert Storm," "Operation Desert Shield," "Operation
 2550 Iraqi Freedom," or "Operation Enduring Freedom," as appropriate,
 2551 followed by the registration license number of the plate.

2552 Section 33. Paragraph (c) of subsection (71) of section
 2553 320.08058, Florida Statutes, is amended to read:

2554 320.08058 Specialty license plates.—

2555 (71) HISPANIC ACHIEVERS LICENSE PLATES.—

2556 (c) National Hispanic Corporate Achievers, Inc., may
 2557 retain all proceeds from the annual use fee until documented
 2558 startup costs for developing and establishing the plate have
 2559 been recovered. Thereafter, the proceeds from the annual use fee
 2560 shall be used as follows:

2561 1. Up to 5 ~~10~~ percent of the proceeds may be used for the
 2562 cost of administration of the Hispanic Achievers License Plate
 2563 Fund, the Hispanic Achievers Grant Council, and related matters.

2564 2. Funds may be used as necessary for annual audit or
 2565 compliance affidavit costs.

2566 3. Up to 20 percent of the proceeds may be used to market
 2567 and promote the Hispanic Achievers license plate.

2568 ~~4.3.~~ Twenty-five percent of the proceeds shall be used by
 2569 the Hispanic Corporate Achievers, Inc., located in Seminole
 2570 County, for grants.

2571 ~~5.4.~~ The remaining proceeds shall be available to the
 2572 Hispanic Achievers Grant Council to award grants for services,
 2573 programs, or scholarships for Hispanic and minority individuals
 2574 and organizations throughout Florida. All grant recipients must
 2575 provide to the Hispanic Achievers Grant Council an annual
 2576 program and financial report regarding the use of grant funds.



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2577 Such reports must be available to the public.

2578 Section 34. Paragraph (aaaa) is added to subsection (4) of
 2579 section 320.08056, Florida Statutes, to read:

2580 320.08056 Specialty license plates.—

2581 (4) The following license plate annual use fees shall be
 2582 collected for the appropriate specialty license plates:

2583 (aaaa) American Legion license plate, \$25.

2584 Section 35. Subsection (79) is added to section 320.08058,
 2585 Florida Statutes, to read:

2586 320.08058 Specialty license plates.—

2587 (79) AMERICAN LEGION LICENSE PLATES.—

2588 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter
 2589 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 2590 223, Laws of Florida, the department shall develop an American
 2591 Legion license plate as provided in s. 320.08053(2) and (3) and
 2592 this section. The plate must bear the colors and design approved
 2593 by the department. The word "Florida" must appear at the top of
 2594 the plate, and the words "American Legion" must appear at the
 2595 bottom of the plate.

2596 (b) The department shall retain all annual use fees from
 2597 the sale of such plates until all startup costs for developing
 2598 and issuing the plates have been recovered. Thereafter, the
 2599 annual use fees from the sale of the plate shall be distributed
 2600 to the American Legion Department of Florida, which may use up
 2601 to 10 percent of such fees for administrative costs and
 2602 marketing of the plate. The balance of the fees shall be used by
 2603 the American Legion Department of Florida to support Florida
 2604 American Legion Boys State, the American Legion Auxiliary Girls



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2605 State, the American Legion Department of Florida Veteran Affairs
 2606 and Rehabilitation program, the Gilchrist Endowment Fund, and
 2607 other appropriate activities.

2608 Section 36. Paragraph (aaaa) is added to subsection (4) of
 2609 section 320.08056, Florida Statutes, to read:

2610 320.08056 Specialty license plates.—

2611 (4) The following license plate annual use fees shall be
 2612 collected for the appropriate specialty license plates:

2613 (aaaa) Lauren's Kids license plate, \$25.

2614 Section 37. Subsection (79) is added to section 320.08058,
 2615 Florida Statutes, to read:

2616 320.08058 Specialty license plates.—

2617 (79) LAUREN'S KIDS LICENSE PLATES.—

2618 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter
 2619 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 2620 223, Laws of Florida, the department shall develop a Lauren's
 2621 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 2622 320.08053(2) and (3), and this section. The plate must bear the
 2623 colors and design approved by the department. The word "Florida"
 2624 must appear at the top of the plate, and the words "Lauren's
 2625 Kids" must appear at the bottom of the plate.

2626 (b) The department shall retain all annual use fees from
 2627 the sale of the plate until all startup costs for developing and
 2628 issuing the plate have been recovered. Thereafter, the annual
 2629 use fees from the sale of the plate shall be distributed to
 2630 Lauren's Kids, Inc., a Florida nonprofit corporation, which may
 2631 use up to 10 percent of such fees for administrative costs and
 2632 marketing of the plate. The balance of the fees shall be used by



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2633 Lauren's Kids, Inc., to prevent sexual abuse through awareness
2634 and education and to help survivors heal with guidance and
2635 support.

2636 Section 38. Section 320.08062, Florida Statutes, is
2637 amended to read:

2638 320.08062 Audits and attestations required; annual use
2639 fees of specialty license plates.—

2640 (1)(a) All organizations that receive annual use fee
2641 proceeds from the department are responsible for ensuring that
2642 proceeds are used in accordance with ss. 320.08056 and
2643 320.08058.

2644 (b) Any organization not subject to audit pursuant to s.
2645 215.97 shall annually attest, under penalties of perjury, that
2646 such proceeds were used in compliance with ss. 320.08056 and
2647 320.08058. The attestation shall be made annually in a form and
2648 format determined by the department.

2649 (c) Any organization subject to audit pursuant to s.
2650 215.97 shall submit an audit report in accordance with rules
2651 promulgated by the Auditor General. The annual attestation shall
2652 be submitted to the department for review within 9 months after
2653 the end of the organization's fiscal year.

2654 (2)(a)~~(2)~~ Within 90 days after receiving an organization's
2655 audit or attestation, the department shall determine which
2656 recipients of revenues from specialty license plate annual use
2657 fees have not complied with subsection (1). If the department
2658 determines that an organization has not complied or has failed
2659 to use the revenues in accordance with ss. 320.08056 and
2660 320.08058, the department must discontinue the distribution of



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2661 the revenues to the organization until the department determines
 2662 that the organization has complied. If an organization fails to
 2663 comply within 12 months after the annual use fee proceeds are
 2664 withheld by the department, the proceeds shall be deposited into
 2665 the Highway Safety Operating Trust Fund to offset department
 2666 costs related to the issuance of specialty license plates.

2667 (b) In lieu of discontinuing revenue disbursement pursuant
 2668 to this subsection, upon determining that a recipient has not
 2669 complied or has failed to use the revenues in accordance with
 2670 ss. 320.08056 and 320.08058, F.S., and with the approval of the
 2671 Legislative Budget Commission, the department is authorized to
 2672 redirect previously-collected and future revenues to an
 2673 organization that is able to perform the same or similar
 2674 purpose(s) as the original recipient.

2675 (3) The department has the authority to examine all
 2676 records pertaining to the use of funds from the sale of
 2677 specialty license plates.

2678 Section 39. Paragraph (aaaa) is added to subsection (4) of
 2679 section 320.08056, Florida Statutes, to read:

2680 320.08056 Specialty license plates.—

2681 (4) The following license plate annual use fees shall be
 2682 collected for the appropriate specialty license plates:

2683 (aaaa) Big Brothers Big Sisters license plate, \$25.

2684 Section 40. Subsection (79) is added to section 320.08058,
 2685 Florida Statutes, to read:

2686 320.08058 Specialty license plates.—

2687 (79) BIG BROTHERS BIG SISTERS LICENSE PLATES.—

2688 (a) Notwithstanding s. 320.08053(1) and s. 45, chapter



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2689 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 2690 223, Laws of Florida, the department shall develop a Big
 2691 Brothers Big Sisters license plate as provided in s.
 2692 320.08053(2) and (3), and this section. The plate must bear the
 2693 colors and design approved by the department. The word "Florida"
 2694 must appear at the top of the plate, and the words "Big Brothers
 2695 Big Sisters" must appear at the bottom of the plate.

2696 (b) The department shall retain all annual use fees from
 2697 the sale of the plate until all startup costs for developing and
 2698 issuing the plate have been recovered. Thereafter, the annual
 2699 use fees from the sale of the plate shall be distributed to Big
 2700 Brothers Big Sisters Association of Florida, Inc., which may use
 2701 up to 10 percent of such fees for administrative costs and
 2702 marketing of the plate. The balance of the fees shall be used by
 2703 Big Brothers Big Sisters Association of Florida, Inc., to
 2704 promote mentoring.

2705 Section 41. Subsection (1) of section 320.18, Florida
 2706 Statutes, is amended to read:

2707 320.18 Withholding registration.—

2708 (1) The department may withhold the registration of any
 2709 motor vehicle or mobile home the owner or coowner of which has
 2710 failed to register it under the provisions of law for any
 2711 previous period or periods for which it appears registration
 2712 should have been made in this state, until the tax for such
 2713 period or periods is paid. The department may cancel any vehicle
 2714 or vessel registration, driver ~~driver's~~ license, identification
 2715 card, or fuel-use tax decal if the owner or coowner pays for any
 2716 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,



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2717 identification card, or fuel-use tax decal; pays any
 2718 administrative, delinquency, or reinstatement fee; or pays any
 2719 tax liability, penalty, or interest specified in chapter 207 by
 2720 a dishonored check, or if the vehicle owner or motor carrier has
 2721 failed to pay a penalty for a weight or safety violation issued
 2722 by the Department of Transportation or the Department of Highway
 2723 Safety and Motor Vehicles. The Department of Transportation and
 2724 the Department of Highway Safety and Motor Vehicles may impound
 2725 any commercial motor vehicle that has a canceled license plate
 2726 or fuel-use tax decal until the tax liability, penalty, and
 2727 interest specified in chapter 207, the license tax, or the fuel-
 2728 use decal fee, and applicable administrative fees have been paid
 2729 for by certified funds.

2730 Section 42. Subsection (3), paragraph (a) of subsection
 2731 (4), and subsection (5) of section 320.27, Florida Statutes, are
 2732 amended to read:

2733 320.27 Motor vehicle dealers.—

2734 (3) APPLICATION AND FEE.—The application for the license
 2735 shall be in such form as may be prescribed by the department and
 2736 shall be subject to such rules with respect thereto as may be so
 2737 prescribed by it. Such application shall be verified by oath or
 2738 affirmation and shall contain a full statement of the name and
 2739 birth date of the person or persons applying therefor; the name
 2740 of the firm or copartnership, with the names and places of
 2741 residence of all members thereof, if such applicant is a firm or
 2742 copartnership; the names and places of residence of the
 2743 principal officers, if the applicant is a body corporate or
 2744 other artificial body; the name of the state under whose laws



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2745 | the corporation is organized; the present and former place or
2746 | places of residence of the applicant; and prior business in
2747 | which the applicant has been engaged and the location thereof.
2748 | Such application shall describe the exact location of the place
2749 | of business and shall state whether the place of business is
2750 | owned by the applicant and when acquired, or, if leased, a true
2751 | copy of the lease shall be attached to the application. The
2752 | applicant shall certify that the location provides an adequately
2753 | equipped office and is not a residence; that the location
2754 | affords sufficient unoccupied space upon and within which
2755 | adequately to store all motor vehicles offered and displayed for
2756 | sale; and that the location is a suitable place where the
2757 | applicant can in good faith carry on such business and keep and
2758 | maintain books, records, and files necessary to conduct such
2759 | business, which shall be available at all reasonable hours to
2760 | inspection by the department or any of its inspectors or other
2761 | employees. The applicant shall certify that the business of a
2762 | motor vehicle dealer is the principal business which shall be
2763 | conducted at that location. The application shall contain a
2764 | statement that the applicant is either franchised by a
2765 | manufacturer of motor vehicles, in which case the name of each
2766 | motor vehicle that the applicant is franchised to sell shall be
2767 | included, or an independent (nonfranchised) motor vehicle
2768 | dealer. The application shall contain other relevant information
2769 | as may be required by the department, including evidence that
2770 | the applicant is insured under a garage liability insurance
2771 | policy or a general liability insurance policy coupled with a
2772 | business automobile policy, which shall include, at a minimum,



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2773 | \$25,000 combined single-limit liability coverage including
 2774 | bodily injury and property damage protection and \$10,000
 2775 | personal injury protection. However, a salvage motor vehicle
 2776 | dealer as defined in subparagraph (1)(c)5. is exempt from the
 2777 | requirements for garage liability insurance and personal injury
 2778 | protection insurance on those vehicles that cannot be legally
 2779 | operated on roads, highways, or streets in this state. Franchise
 2780 | dealers must submit a garage liability insurance policy, and all
 2781 | other dealers must submit a garage liability insurance policy or
 2782 | a general liability insurance policy coupled with a business
 2783 | automobile policy. Such policy shall be for the license period,
 2784 | and evidence of a new or continued policy shall be delivered to
 2785 | the department at the beginning of each license period. Upon
 2786 | making initial application, the applicant shall pay to the
 2787 | department a fee of \$300 in addition to any other fees ~~now~~
 2788 | required by law. Applicants may choose to extend the licensure
 2789 | period for 1 additional year for a total of 2 years. An initial
 2790 | applicant shall pay to the department a fee of \$300 for the
 2791 | first year and \$75 for the second year, in addition to any other
 2792 | fees required by law. An applicant for renewal shall pay to the
 2793 | department \$75 for a 1-year renewal or \$150 for a 2-year
 2794 | renewal, in addition to any other fees required by law ~~Upon~~
 2795 | ~~making a subsequent renewal application, the applicant shall pay~~
 2796 | ~~to the department a fee of \$75 in addition to any other fees now~~
 2797 | ~~required by law.~~ Upon making an application for a change of
 2798 | location, the person shall pay a fee of \$50 in addition to any
 2799 | other fees now required by law. The department shall, in the
 2800 | case of every application for initial licensure, verify whether



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2801 certain facts set forth in the application are true. Each
2802 applicant, general partner in the case of a partnership, or
2803 corporate officer and director in the case of a corporate
2804 applicant, must file a set of fingerprints with the department
2805 for the purpose of determining any prior criminal record or any
2806 outstanding warrants. The department shall submit the
2807 fingerprints to the Department of Law Enforcement for state
2808 processing and forwarding to the Federal Bureau of Investigation
2809 for federal processing. The actual cost of state and federal
2810 processing shall be borne by the applicant and is in addition to
2811 the fee for licensure. The department may issue a license to an
2812 applicant pending the results of the fingerprint investigation,
2813 which license is fully revocable if the department subsequently
2814 determines that any facts set forth in the application are not
2815 true or correctly represented.

2816 (4) LICENSE CERTIFICATE.—

2817 (a) A license certificate shall be issued by the
2818 department in accordance with such application when the
2819 application is regular in form and in compliance with the
2820 provisions of this section. The license certificate may be in
2821 the form of a document or a computerized card as determined by
2822 the department. The actual cost of each original, additional, or
2823 replacement computerized card shall be borne by the licensee and
2824 is in addition to the fee for licensure. Such license, when so
2825 issued, entitles the licensee to carry on and conduct the
2826 business of a motor vehicle dealer. Each license issued to a
2827 franchise motor vehicle dealer expires ~~annually~~ on December 31
2828 of the year of its expiration unless revoked or suspended prior



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2829 | to that date. Each license issued to an independent or wholesale
 2830 | dealer or auction expires ~~annually~~ on April 30 of the year of
 2831 | its expiration unless revoked or suspended prior to that date.
 2832 | At least ~~Not less than~~ 60 days before ~~prior to~~ the license
 2833 | expiration date, the department shall deliver or mail to each
 2834 | licensee the necessary renewal forms. Each independent dealer
 2835 | shall certify that the dealer (owner, partner, officer, or
 2836 | director of the licensee, or a full-time employee of the
 2837 | licensee that holds a responsible management-level position) has
 2838 | completed 8 hours of continuing education prior to filing the
 2839 | renewal forms with the department. Such certification shall be
 2840 | filed once every 2 years. The continuing education shall include
 2841 | at least 2 hours of legal or legislative issues, 1 hour of
 2842 | department issues, and 5 hours of relevant motor vehicle
 2843 | industry topics. Continuing education shall be provided by
 2844 | dealer schools licensed under paragraph (b) either in a
 2845 | classroom setting or by correspondence. Such schools shall
 2846 | provide certificates of completion to the department and the
 2847 | customer which shall be filed with the license renewal form, and
 2848 | such schools may charge a fee for providing continuing
 2849 | education. Any licensee who does not file his or her application
 2850 | and fees and any other requisite documents, as required by law,
 2851 | with the department at least 30 days prior to the license
 2852 | expiration date shall cease to engage in business as a motor
 2853 | vehicle dealer on the license expiration date. A renewal filed
 2854 | with the department within 45 days after the expiration date
 2855 | shall be accompanied by a delinquent fee of \$100. Thereafter, a
 2856 | new application is required, accompanied by the initial license



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2857 | fee. A license certificate duly issued by the department may be
 2858 | modified by endorsement to show a change in the name of the
 2859 | licensee, provided, as shown by affidavit of the licensee, the
 2860 | majority ownership interest of the licensee has not changed or
 2861 | the name of the person appearing as franchisee on the sales and
 2862 | service agreement has not changed. Modification of a license
 2863 | certificate to show any name change as herein provided shall not
 2864 | require initial licensure or reissuance of dealer tags; however,
 2865 | any dealer obtaining a name change shall transact all business
 2866 | in and be properly identified by that name. All documents
 2867 | relative to licensure shall reflect the new name. In the case of
 2868 | a franchise dealer, the name change shall be approved by the
 2869 | manufacturer, distributor, or importer. A licensee applying for
 2870 | a name change endorsement shall pay a fee of \$25 which fee shall
 2871 | apply to the change in the name of a main location and all
 2872 | additional locations licensed under the provisions of subsection
 2873 | (5). Each initial license application received by the department
 2874 | shall be accompanied by verification that, within the preceding
 2875 | 6 months, the applicant, or one or more of his or her designated
 2876 | employees, has attended a training and information seminar
 2877 | conducted by a licensed motor vehicle dealer training school.
 2878 | Any applicant for a new franchised motor vehicle dealer license
 2879 | who has held a valid franchised motor vehicle dealer license
 2880 | continuously for the past 2 years and who remains in good
 2881 | standing with the department is exempt from the prelicensing
 2882 | training requirement. Such seminar shall include, but is not
 2883 | limited to, statutory dealer requirements, which requirements
 2884 | include required bookkeeping and recordkeeping procedures,



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2885 requirements for the collection of sales and use taxes, and such
 2886 other information that in the opinion of the department will
 2887 promote good business practices. No seminar may exceed 8 hours
 2888 in length.

2889 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
 2890 section hereunder shall obtain a supplemental license for each
 2891 permanent additional place or places of business not contiguous
 2892 to the premises for which the original license is issued, on a
 2893 form to be furnished by the department, and upon payment of a
 2894 fee of \$50 for each such additional location. Applicants may
 2895 choose to extend the licensure period for 1 additional year for
 2896 a total of 2 years. The applicant shall pay to the department a
 2897 fee of \$50 for the first year and \$50 for the second year for
 2898 each such additional location. Thereafter, the applicant shall
 2899 pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for
 2900 each such additional location ~~Upon making renewal applications~~
 2901 ~~for such supplemental licenses, such applicant shall pay \$50 for~~
 2902 ~~each additional location.~~ A supplemental license authorizing
 2903 off-premises sales shall be issued, at no charge to the dealer,
 2904 for a period not to exceed 10 consecutive calendar days. To
 2905 obtain such a temporary supplemental license for off-premises
 2906 sales, the applicant must be a licensed dealer; must notify the
 2907 applicable local department office of the specific dates and
 2908 location for which such license is requested, display a sign at
 2909 the licensed location clearly identifying the dealer, and
 2910 provide staff to work at the temporary location for the duration
 2911 of the off-premises sale; must meet any local government
 2912 permitting requirements; and must have permission of the



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2913 | property owner to sell at that location. In the case of an off-
 2914 | premises sale by a motor vehicle dealer licensed under
 2915 | subparagraph (1)(c)1. for the sale of new motor vehicles, the
 2916 | applicant must also include documentation notifying the
 2917 | applicable licensee licensed under s. 320.61 of the intent to
 2918 | engage in an off-premises sale 5 working days prior to the date
 2919 | of the off-premises sale. The licensee shall either approve or
 2920 | disapprove of the off-premises sale within 2 working days after
 2921 | receiving notice; otherwise, it will be deemed approved. This
 2922 | section does not apply to a nonselling motor vehicle show or
 2923 | public display of new motor vehicles.

2924 | Section 43. Section 320.62, Florida Statutes, is amended
 2925 | to read:

2926 | 320.62 Licenses; amount; disposition of proceeds.—The
 2927 | initial license for each manufacturer, distributor, or importer
 2928 | shall be \$300 and shall be in addition to all other licenses or
 2929 | taxes ~~now or hereafter~~ levied, assessed, or required of the
 2930 | applicant or licensee. Applicants may choose to extend the
 2931 | licensure period for 1 additional year for a total of 2 years.
 2932 | An initial applicant shall pay to the department a fee of \$300
 2933 | for the first year and \$100 for the second year. An applicant
 2934 | for a renewal license shall pay \$100 to the department for a 1-
 2935 | year renewal or \$200 for a 2-year renewal ~~The annual renewal~~
 2936 | ~~license fee shall be \$100.~~ The proceeds from all licenses under
 2937 | ss. 320.60-320.70 shall be paid into the State Treasury to the
 2938 | credit of the General Revenue Fund. All licenses shall be
 2939 | payable on or before October 1 of the ~~each~~ year and shall
 2940 | expire, unless sooner revoked or suspended, on ~~the following~~



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2941 | September 30 of the year of its expiration.

2942 | Section 44. Subsections (4) and (6) of section 320.77,

2943 | Florida Statutes, are amended to read:

2944 | 320.77 License required of mobile home dealers.—

2945 | (4) FEES.—Upon making initial application, the applicant

2946 | shall pay to the department a fee of \$300 in addition to any

2947 | other fees ~~now~~ required by law. Applicants may choose to extend

2948 | the licensure period for 1 additional year for a total of 2

2949 | years. An initial applicant shall pay to the department a fee of

2950 | \$300 for the first year and \$100 for the second year in addition

2951 | to any other fees required by law. An applicant for a renewal

2952 | license shall pay to the department \$100 for a 1-year renewal or

2953 | \$200 for a 2-year renewal ~~The fee for renewal application shall~~

2954 | ~~be \$100.~~ The fee for application for change of location shall be

2955 | \$25. Any applicant for renewal who has failed to submit his or

2956 | her renewal application by October 1 of the year of its current

2957 | license expiration shall pay a renewal application fee equal to

2958 | the original application fee. No fee is refundable. All fees

2959 | shall be deposited into the General Revenue Fund.

2960 | (6) LICENSE CERTIFICATE.—A license certificate shall be

2961 | issued by the department in accordance with the application when

2962 | the same is regular in form and in compliance with the

2963 | provisions of this section. The license certificate may be in

2964 | the form of a document or a computerized card as determined by

2965 | the department. The cost of each original, additional, or

2966 | replacement computerized card shall be borne by the licensee and

2967 | is in addition to the fee for licensure. The fees charged

2968 | applicants for both the required background investigation and



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2969 the computerized card as provided in this section shall be
 2970 deposited into the Highway Safety Operating Trust Fund. The
 2971 license, when so issued, shall entitle the licensee to carry on
 2972 and conduct the business of a mobile home dealer at the location
 2973 set forth in the license for a period of 1 or 2 years beginning
 2974 ~~year from~~ October 1 preceding the date of issuance. Each initial
 2975 application received by the department shall be accompanied by
 2976 verification that, within the preceding 6 months, the applicant
 2977 or one or more of his or her designated employees has attended a
 2978 training and information seminar conducted by the department or
 2979 by a public or private provider approved by the department. Such
 2980 seminar shall include, but not be limited to, statutory dealer
 2981 requirements, which requirements include required bookkeeping
 2982 and recording procedures, requirements for the collection of
 2983 sales and use taxes, and such other information that in the
 2984 opinion of the department will promote good business practices.

2985 Section 45. Subsections (4) and (6) of section 320.771,
 2986 Florida Statutes, are amended to read:

2987 320.771 License required of recreational vehicle dealers.—

2988 (4) FEES.—Upon making initial application, the applicant
 2989 shall pay to the department a fee of \$300 in addition to any
 2990 other fees ~~now~~ required by law. Applicants may choose to extend
 2991 the licensure period for 1 additional year for a total of 2
 2992 years. An initial applicant shall pay to the department a fee of
 2993 \$300 for the first year and \$100 for the second year in addition
 2994 to any other fees required by law. An applicant for a renewal
 2995 license shall pay to the department \$100 for a 1-year renewal or
 2996 \$200 for a 2-year renewal ~~The fee for renewal application shall~~



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2997 | ~~be~~ \$100. The fee for application for change of location shall be
 2998 | \$25. Any applicant for renewal who has failed to submit his or
 2999 | her renewal application by October 1 of the year of its current
 3000 | license expiration shall pay a renewal application fee equal to
 3001 | the original application fee. No fee is refundable. All fees
 3002 | shall be deposited into the General Revenue Fund.

3003 | (6) LICENSE CERTIFICATE.—A license certificate shall be
 3004 | issued by the department in accordance with the application when
 3005 | the same is regular in form and in compliance with the
 3006 | provisions of this section. The license certificate may be in
 3007 | the form of a document or a computerized card as determined by
 3008 | the department. The cost of each original, additional, or
 3009 | replacement computerized card shall be borne by the licensee and
 3010 | is in addition to the fee for licensure. The fees charged
 3011 | applicants for both the required background investigation and
 3012 | the computerized card as provided in this section shall be
 3013 | deposited into the Highway Safety Operating Trust Fund. The
 3014 | license, when so issued, shall entitle the licensee to carry on
 3015 | and conduct the business of a recreational vehicle dealer at the
 3016 | location set forth in the license for a period of 1 or 2 years
 3017 | ~~year~~ from October 1 preceding the date of issuance. Each initial
 3018 | application received by the department shall be accompanied by
 3019 | verification that, within the preceding 6 months, the applicant
 3020 | or one or more of his or her designated employees has attended a
 3021 | training and information seminar conducted by the department or
 3022 | by a public or private provider approved by the department. Such
 3023 | seminar shall include, but not be limited to, statutory dealer
 3024 | requirements, which requirements include required bookkeeping



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3025 and recording procedures, requirements for the collection of
 3026 sales and use taxes, and such other information that in the
 3027 opinion of the department will promote good business practices.

3028 Section 46. Subsections (3) and (6) of section 320.8225,
 3029 Florida Statutes, are amended to read:

3030 320.8225 Mobile home and recreational vehicle
 3031 manufacturer, distributor, and importer license.—

3032 (3) FEES.—Upon submitting an initial application, the
 3033 applicant shall pay to the department a fee of \$300. Applicants
 3034 may choose to extend the licensure period for 1 additional year
 3035 for a total of 2 years. An initial applicant shall pay to the
 3036 department a fee of \$300 for the first year and \$100 for the
 3037 second year. An applicant for a renewal license shall pay to the
 3038 department \$100 for a 1-year renewal or \$200 for a 2-year
 3039 renewal ~~Upon submitting a renewal application, the applicant~~
 3040 ~~shall pay to the department a fee of \$100.~~ Any applicant for
 3041 renewal who fails to submit his or her renewal application by
 3042 October 1 of the year of its current license expiration shall
 3043 pay a renewal application fee equal to the original application
 3044 fee. No fee is refundable. All fees must be deposited into the
 3045 General Revenue Fund.

3046 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
 3047 manufacturer or a recreational vehicle manufacturer,
 3048 distributor, or importer entitles the licensee to conduct
 3049 business for a period of 1 or 2 years beginning year from
 3050 October 1 preceding the date of issuance.

3051 Section 47. Subsection (7) of section 322.08, Florida
 3052 Statutes, is amended to read:



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3053 | 322.08 Application for license; requirements for license
3054 | and identification card forms.—

3055 | (7) The application form for an original, renewal, or
3056 | replacement driver license or identification card must ~~shall~~
3057 | include language permitting the following:

3058 | (a) A voluntary contribution of \$1 per applicant, which
3059 | contribution shall be deposited into the Health Care Trust Fund
3060 | for organ and tissue donor education and for maintaining the
3061 | organ and tissue donor registry.

3062 | (b) A voluntary contribution of \$1 per applicant, which
3063 | ~~contribution~~ shall be distributed to the Florida Council of the
3064 | Blind.

3065 | (c) A voluntary contribution of \$2 per applicant, which
3066 | shall be distributed to the Hearing Research Institute,
3067 | Incorporated.

3068 | (d) A voluntary contribution of \$1 per applicant, which
3069 | shall be distributed to the Juvenile Diabetes Foundation
3070 | International.

3071 | (e) A voluntary contribution of \$1 per applicant, which
3072 | shall be distributed to the Children's Hearing Help Fund.

3073 | (f) A voluntary contribution of \$1 per applicant, which
3074 | shall be distributed to Family First, a nonprofit organization.

3075 | (g) A voluntary contribution of \$1 per applicant to Stop
3076 | Heart Disease, which shall be distributed to the Florida Heart
3077 | Research Institute, a nonprofit organization.

3078 | (h) A voluntary contribution of \$1 per applicant to Senior
3079 | Vision Services, which shall be distributed to the Florida
3080 | Association of Agencies Serving the Blind, Inc., a not-for-



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3081 profit organization.

3082 (i) A voluntary contribution of \$1 per applicant for
3083 services for persons with developmental disabilities, which
3084 shall be distributed to The Arc of Florida.

3085 (j) A voluntary contribution of \$1 to the Ronald McDonald
3086 House, which shall be distributed each month to Ronald McDonald
3087 House Charities of Tampa Bay, Inc.

3088 (k) Notwithstanding s. 322.081, a voluntary contribution
3089 of \$1 per applicant, which shall be distributed to the League
3090 Against Cancer/La Liga Contra el Cancer, a not-for-profit
3091 organization.

3092 (l) A voluntary contribution of \$1 per applicant to
3093 Prevent Child Sexual Abuse, which shall be distributed to
3094 Lauren's Kids, Inc., a nonprofit organization.

3095 (m) A voluntary contribution of \$1 per applicant, which
3096 shall be distributed to Prevent Blindness Florida, a not-for-
3097 profit organization, to prevent blindness and preserve the sight
3098 of the residents of this state.

3099 (n) Notwithstanding s. 322.081, a voluntary contribution
3100 of \$1 per applicant to the state homes for veterans, to be
3101 distributed on a quarterly basis by the department to the State
3102 Homes for Veterans Trust Fund, which is administered by the
3103 Department of Veterans' Affairs.

3104 (o) A voluntary contribution of \$1 per applicant to the
3105 Disabled American Veterans, Department of Florida, which shall
3106 be distributed quarterly to Disabled American Veterans,
3107 Department of Florida, a nonprofit organization.

3108 (p) A voluntary contribution of \$1 per applicant for



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3109 Autism Services and Supports, which shall be distributed to
 3110 Achievement and Rehabilitation Centers, Inc., Autism Services
 3111 Fund.

3112 (q) A voluntary contribution of \$1 per applicant to
 3113 Support Our Troops, which shall be distributed to Support Our
 3114 Troops, Inc., a Florida not-for-profit organization.

3115 (r) A voluntary contribution of \$1 or more per applicant,
 3116 which shall be distributed to the Auto Club Group Traffic Safety
 3117 Foundation, Inc., a not-for-profit organization.

3118
 3119 A statement providing an explanation of the purpose of the trust
 3120 funds shall also be included. For the purpose of applying the
 3121 service charge provided under ~~in~~ s. 215.20, contributions
 3122 received under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a
 3123 revenue nature.

3124 Section 48. Section 322.095, Florida Statutes, is amended
 3125 to read:

3126 322.095 Traffic law and substance abuse education program
 3127 for driver ~~driver's~~ license applicants.-

3128 (1) Each applicant for a driver license must complete a
 3129 traffic law and substance abuse education course, unless the
 3130 applicant has been licensed in another jurisdiction or has
 3131 satisfactorily completed a Department of Education driver
 3132 education course offered pursuant to s. 1003.48.

3133 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles
 3134 must approve traffic law and substance abuse education courses,
 3135 including courses that use communications technology as the
 3136 delivery method.



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3137 (a) In addition to the course approval criteria provided
 3138 in this section, initial approval of traffic law and substance
 3139 abuse education courses shall be based on the department's
 3140 review of all course materials which must be designed to promote
 3141 safety, education, and driver awareness; course presentation to
 3142 the department by the provider; and the provider's plan for
 3143 effective oversight of the course by those who deliver the
 3144 course in the state.

3145 (b) Each course provider seeking approval of a traffic law
 3146 and substance abuse education course must submit:

3147 1. Proof of ownership, copyright, or written permission
 3148 from the course owner to use the course in the state ~~that must~~
 3149 ~~be completed by applicants for a Florida driver's license.~~

3150 2. The curriculum ~~curricula~~ for the courses which must
 3151 promote motorcyclist, bicyclist, and pedestrian safety and
 3152 provide instruction on the physiological and psychological
 3153 consequences of the abuse of alcohol and other drugs; ~~the~~
 3154 societal and economic costs of alcohol and drug abuse; ~~the~~
 3155 effects of alcohol and drug abuse on the driver of a motor
 3156 vehicle; ~~and~~ the laws of this state relating to the operation
 3157 of a motor vehicle; the risk factors involved in driver attitude
 3158 and irresponsible driver behaviors, such as speeding, reckless
 3159 driving, and running red lights and stop signs; and the results
 3160 of the use of electronic devices while driving. ~~All instructors~~
 3161 ~~teaching the courses shall be certified by the department.~~

3162 (3)(2) ~~The department shall contract for an independent~~
 3163 ~~evaluation of the courses. Local DUI programs authorized under~~
 3164 ~~s. 316.193(5) and certified by the department or a driver~~



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3165 ~~improvement school may offer a traffic law and substance abuse~~
3166 ~~education course. However,~~ Prior to offering the course, the
3167 course provider must obtain certification from the department
3168 that the course complies with the requirements of this section.
3169 If the course is offered in a classroom setting, the course
3170 provider and any schools authorized by the provider to teach the
3171 course must offer the approved course at locations that are free
3172 from distractions and reasonably accessible to most applicants
3173 and must issue a certificate to those persons successfully
3174 completing the course.

3175 ~~(3) The completion of a course does not qualify a person~~
3176 ~~for the reinstatement of a driver's license which has been~~
3177 ~~suspended or revoked.~~

3178 ~~(4) The fee charged by the course provider must bear a~~
3179 ~~reasonable relationship to the cost of the course. The~~
3180 ~~department must conduct financial audits of course providers~~
3181 ~~conducting the education courses required under this section or~~
3182 ~~require that financial audits of providers be performed, at the~~
3183 ~~expense of the provider, by a certified public accountant.~~

3184 ~~(5) The provisions of this section do not apply to any~~
3185 ~~person who has been licensed in any other jurisdiction or who~~
3186 ~~has satisfactorily completed a Department of Education driver's~~
3187 ~~education course offered pursuant to s. 1003.48.~~

3188 (4)(6) In addition to a regular course fee, an assessment
3189 fee in the amount of \$3 shall be collected by the school from
3190 each person who attends a course. The course provider must remit
3191 the \$3 assessment fee to the department for deposit into the
3192 Highway Safety Operating Trust Fund in order to receive a unique



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3193 course completion certificate number for the student. ~~Each~~
 3194 ~~course provider must collect a \$3 assessment fee in addition to~~
 3195 ~~the enrollment fee charged to participants of the traffic law~~
 3196 ~~and substance abuse course required under this section. The \$3~~
 3197 ~~assessment fee collected by the course provider must be~~
 3198 ~~forwarded to the department within 30 days after receipt of the~~
 3199 ~~assessment.~~

3200 (5) ~~(7)~~ The department may ~~is authorized to~~ maintain the
 3201 information and records necessary to administer its duties and
 3202 responsibilities for the program. Course providers are required
 3203 to maintain all records pertinent to the conduct of their
 3204 approved courses for 5 years and allow the department to inspect
 3205 such records as necessary. Records may be maintained in an
 3206 electronic format. If ~~Where~~ such information is a public record
 3207 as defined in chapter 119, it shall be made available to the
 3208 public upon request pursuant to s. 119.07(1). ~~The department~~
 3209 ~~shall approve and regulate courses that use technology as the~~
 3210 ~~delivery method of all traffic law and substance abuse education~~
 3211 ~~courses as the courses relate to this section.~~

3212 (6) The department shall design, develop, implement, and
 3213 conduct effectiveness studies on each delivery method of all
 3214 courses approved pursuant to this section on a recurring 5-year
 3215 basis. At a minimum, studies shall be conducted on the
 3216 effectiveness of each course in reducing DUI citations and
 3217 decreasing moving traffic violations or collision recidivism.
 3218 Upon notification that a course has failed an effectiveness
 3219 study, the course provider shall immediately cease offering the
 3220 course in the state.



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3221 (7) Courses approved under this section must be updated at
3222 the department's request. Failure of a course provider to update
3223 the course within 90 days after the department's request shall
3224 result in the suspension of the course approval until such time
3225 that the updates are submitted and approved by the department.

3226 (8) Each course provider shall ensure that its driver
3227 improvement schools are conducting the approved courses fully,
3228 to the required time limits, and with the content requirements
3229 specified by the department. The course provider shall ensure
3230 that only department-approved instructional materials are used
3231 in the presentation of the course, and that all driver
3232 improvement schools conducting the course do so in a manner that
3233 maximizes its impact and effectiveness. The course provider
3234 shall ensure that any student who is unable to attend or
3235 complete a course due to action, error, or omission on the part
3236 of the course provider or driver improvement school conducting
3237 the course shall be accommodated to permit completion of the
3238 course at no additional cost.

3239 (9) Traffic law and substance abuse education courses
3240 shall be conducted with a minimum of 4 hours devoted to course
3241 content minus a maximum of 30 minutes allotted for breaks.

3242 (10) A course provider may not require any student to
3243 purchase a course completion certificate. Course providers
3244 offering paper or electronic certificates for purchase must
3245 clearly convey to the student that this purchase is optional,
3246 that the only valid course completion certificate is the
3247 electronic one that is entered into the department's Driver
3248 Improvement Certificate Issuance System, and that paper



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3249 certificates are not acceptable for any licensing purpose.

3250 (11) Course providers and all associated driver
 3251 improvement schools that offer approved courses shall disclose
 3252 all fees associated with the course and shall not charge any
 3253 fees that are not clearly listed during the registration
 3254 process.

3255 (12) Course providers shall submit course completion
 3256 information to the department through the department's Driver
 3257 Improvement Certificate Issuance System within 5 days. The
 3258 submission shall be free of charge to the student.

3259 (13) The department may deny, suspend, or revoke course
 3260 approval upon proof that the course provider:

3261 (a) Violated this section.

3262 (b) Has been convicted of a crime involving any drug-
 3263 related or DUI-related offense, a felony, fraud, or a crime
 3264 directly related to the personal safety of a student.

3265 (c) Failed to satisfy the effectiveness criteria as
 3266 outlined in subsection (6).

3267 (d) Obtained course approval by fraud or
 3268 misrepresentation.

3269 (e) Obtained or assisted a person in obtaining any driver
 3270 license by fraud or misrepresentation.

3271 (f) Conducted a traffic law and substance abuse education
 3272 course in the state while approval of such course was under
 3273 suspension or revocation.

3274 (g) Failed to provide effective oversight of those who
 3275 deliver the course in the state.

3276 (14) The department shall not accept certificates from



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3277 students who take a course after the course has been suspended
 3278 or revoked.

3279 (15) A person who has been convicted of a crime involving
 3280 any drug-related or DUI-related offense in the past 5 years, a
 3281 felony, fraud, or a crime directly related to the personal
 3282 safety of a student shall not be allowed to conduct traffic law
 3283 and substance abuse education courses.

3284 (16) The department shall summarily suspend approval of
 3285 any course without preliminary hearing for the purpose of
 3286 protecting the public safety and enforcing any provision of law
 3287 governing traffic law and substance abuse education courses.

3288 (17) Except as otherwise provided in this section, before
 3289 final department action denying, suspending, or revoking
 3290 approval of a course, the course provider shall have the
 3291 opportunity to request either a formal or informal
 3292 administrative hearing to show cause why the action should not
 3293 be taken.

3294 (18) The department may levy and collect a civil fine of
 3295 at least \$1,000 but not more than \$5,000 for each violation of
 3296 this section. Proceeds from fines collected shall be deposited
 3297 into the Highway Safety Operating Trust Fund and used to cover
 3298 the cost of administering this section or promoting highway
 3299 safety initiatives.

3300 Section 49. Subsection (1) of section 322.125, Florida
 3301 Statutes, is amended to read:

3302 322.125 Medical Advisory Board.—

3303 (1) There shall be a Medical Advisory Board composed of
 3304 not fewer than 12 or more than 25 members, at least one of whom



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3305 | must be 60 years of age or older and all but one of whose
 3306 | medical and other specialties must relate to driving abilities,
 3307 | which number must include a doctor of medicine who is employed
 3308 | by the Department of Highway Safety and Motor Vehicles in
 3309 | Tallahassee, who shall serve as administrative officer for the
 3310 | board. The executive director of the Department of Highway
 3311 | Safety and Motor Vehicles shall recommend persons to serve as
 3312 | board members. Every member but two must be a doctor of medicine
 3313 | licensed to practice medicine in this or any other state ~~and~~
 3314 | ~~must be a member in good standing of the Florida Medical~~
 3315 | ~~Association or the Florida Osteopathic Association.~~ One member
 3316 | must be an optometrist licensed to practice optometry in this
 3317 | state ~~and must be a member in good standing of the Florida~~
 3318 | ~~Optometric Association.~~ One member must be a chiropractic
 3319 | physician licensed to practice chiropractic medicine in this
 3320 | state. Members shall be approved by the Cabinet and shall serve
 3321 | 4-year staggered terms. The board membership must, to the
 3322 | maximum extent possible, consist of equal representation of the
 3323 | disciplines of the medical community treating the mental or
 3324 | physical disabilities that could affect the safe operation of
 3325 | motor vehicles.

3326 | Section 50. Subsection (4) of section 322.135, Florida
 3327 | Statutes, is amended to read:

3328 | 322.135 Driver ~~Driver's~~ license agents.—

3329 | (4) A tax collector may not issue or renew a driver
 3330 | ~~driver's~~ license if he or she has any reason to believe that the
 3331 | licensee or prospective licensee is physically or mentally
 3332 | unqualified to operate a motor vehicle. ~~The tax collector may~~



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3333 ~~direct any such licensee to the department for examination or~~
 3334 ~~reeexamination under s. 322.221.~~

3335 Section 51. Section 322.143, Florida Statutes, is created
 3336 to read:

3337 322.143 Use of a driver license or identification card.—

3338 (1) As used in this section, the term:

3339 (a) "Personal information" means an individual's name,
 3340 address, date of birth, driver license number, or identification
 3341 card number.

3342 (b) "Private entity" means any nongovernmental entity,
 3343 such as a corporation, partnership, company or nonprofit
 3344 organization, any other legal entity, or any natural person.

3345 (c) "Swipe" means the act of passing a driver license or
 3346 identification card through a device that is capable of
 3347 deciphering, in an electronically readable format, the
 3348 information electronically encoded in a magnetic strip or bar
 3349 code on the driver license or identification card.

3350 (2) Except as provided in subsection (6), a private entity
 3351 may not swipe an individual's driver license or identification
 3352 card, except for the following purposes:

3353 (a) To verify the authenticity of a driver license or
 3354 identification card or to verify the identity of the individual
 3355 if the individual pays for a good or service with a method other
 3356 than cash, returns an item, or requests a refund.

3357 (b) To verify the individual's age when providing an age-
 3358 restricted good or service.

3359 (c) To prevent fraud or other criminal activity if an
 3360 individual returns an item or requests a refund and the private



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3361 entity uses a fraud prevention service company or system.

3362 (d) To transmit information to a check services company
 3363 for the purpose of approving negotiable instruments, electronic
 3364 funds transfers, or similar methods of payment.

3365 (e) To comply with a legal requirement to record, retain,
 3366 or transmit the driver license information.

3367 (3) A private entity that swipes an individual's driver
 3368 license or identification card under paragraph (2) (a) or
 3369 paragraph (2) (b) may not store, sell, or share personal
 3370 information collected from swiping the driver license or
 3371 identification card.

3372 (4) A private entity that swipes an individual's driver
 3373 license or identification card under paragraph (2) (c) or
 3374 paragraph (2) (d) may store or share personal information
 3375 collected from swiping an individual's driver license or
 3376 identification card for the purpose of preventing fraud or other
 3377 criminal activity against the private entity.

3378 (5) (a) A person other than an entity regulated by the
 3379 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
 3380 receives personal information from a private entity under
 3381 subsection (4) may use the personal information received only to
 3382 prevent fraud or other criminal activity against the private
 3383 entity that provided the personal information.

3384 (b) A person who is regulated by the federal Fair Credit
 3385 Reporting Act and who receives personal information from a
 3386 private entity under subsection (4) may use or provide the
 3387 personal information received only to effect, administer, or
 3388 enforce a transaction or prevent fraud or other criminal



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3389 activity, if the person provides or receives personal
 3390 information under contract from the private entity.

3391 (6) (a) An individual may consent to allow the private
 3392 entity to swipe the individual's driver license or
 3393 identification card to collect and store personal information.
 3394 However, the individual must be informed what information is
 3395 collected and the purpose or purposes for which it will be used.

3396 (b) If the individual does not want the private entity to
 3397 swipe the individual's driver license or identification card,
 3398 the private entity may manually collect personal information
 3399 from the individual.

3400 (7) The private entity may not withhold the provision of
 3401 goods or services solely as a result of the individual
 3402 requesting the collection of the data in subsection (6) from the
 3403 individual through manual means.

3404 (8) A private entity that violates this section may be
 3405 subject to a civil penalty not to exceed \$5,000 per occurrence.

3406 (9) This section does not apply to a financial institution
 3407 as defined in s. 655.005(i).

3408 Section 52. Subsection (1) of section 322.21, Florida
 3409 Statutes, is amended to read:

3410 322.21 License fees; procedure for handling and collecting
 3411 fees.—

3412 (1) Except as otherwise provided herein, the fee for:

3413 (a) An original or renewal commercial driver ~~driver's~~
 3414 license is \$75, which shall include the fee for driver education
 3415 provided by s. 1003.48. However, if an applicant has completed
 3416 training and is applying for employment or is currently employed



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3417 in a public or nonpublic school system that requires the
3418 commercial license, the fee is the same as for a Class E driver
3419 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a
3420 renewal within 12 months after the license expiration date.

3421 (b) An original Class E driver ~~driver's~~ license is \$48,
3422 which includes the fee for driver ~~driver's~~ education provided by
3423 s. 1003.48. However, if an applicant has completed training and
3424 is applying for employment or is currently employed in a public
3425 or nonpublic school system that requires a commercial driver
3426 license, the fee is the same as for a Class E license.

3427 (c) The renewal or extension of a Class E driver ~~driver's~~
3428 license or of a license restricted to motorcycle use only is
3429 \$48, except that a delinquent fee of \$15 shall be added for a
3430 renewal or extension made within 12 months after the license
3431 expiration date. The fee provided in this paragraph includes the
3432 fee for driver ~~driver's~~ education provided by s. 1003.48.

3433 (d) An original driver ~~driver's~~ license restricted to
3434 motorcycle use only is \$48, which includes the fee for driver
3435 ~~driver's~~ education provided by s. 1003.48.

3436 (e) A replacement driver ~~driver's~~ license issued pursuant
3437 to s. 322.17 is \$25. Of this amount \$7 shall be deposited into
3438 the Highway Safety Operating Trust Fund and \$18 shall be
3439 deposited into the General Revenue Fund. Beginning July 1, 2015,
3440 or upon completion of the transition of driver ~~driver's~~ license
3441 issuance services, if the replacement driver ~~driver's~~ license is
3442 issued by the tax collector, the tax collector shall retain the
3443 \$7 that would otherwise be deposited into the Highway Safety
3444 Operating Trust Fund and the remaining revenues shall be



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3445 deposited into the General Revenue Fund.

3446 (f) An original, renewal, or replacement identification
3447 card issued pursuant to s. 322.051 is \$25. Funds collected from
3448 these fees shall be distributed as follows:

3449 1. For an original identification card issued pursuant to
3450 s. 322.051 the fee is \$25. This amount shall be deposited into
3451 the General Revenue Fund.

3452 2. For a renewal identification card issued pursuant to s.
3453 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
3454 into the Highway Safety Operating Trust Fund and \$19 shall be
3455 deposited into the General Revenue Fund.

3456 3. For a replacement identification card issued pursuant
3457 to s. 322.051 the fee is \$25. Of this amount, \$9 shall be
3458 deposited into the Highway Safety Operating Trust Fund and \$16
3459 shall be deposited into the General Revenue Fund. Beginning July
3460 1, 2015, or upon completion of the transition of the driver
3461 ~~driver's~~ license issuance services, if the replacement
3462 identification card is issued by the tax collector, the tax
3463 collector shall retain the \$9 that would otherwise be deposited
3464 into the Highway Safety Operating Trust Fund and the remaining
3465 revenues shall be deposited into the General Revenue Fund.

3466 (g) Each endorsement required by s. 322.57 is \$7.

3467 (h) A hazardous-materials endorsement, as required by s.
3468 322.57(1)(d), shall be set by the department by rule and must
3469 reflect the cost of the required criminal history check,
3470 including the cost of the state and federal fingerprint check,
3471 and the cost to the department of providing and issuing the
3472 license. The fee shall not exceed \$100. This fee shall be



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3473 deposited in the Highway Safety Operating Trust Fund. The
 3474 department may adopt rules to administer this section.

3475 (i) The specialty driver license or identification card
 3476 issued pursuant to s. 322.1415 is \$25, which is in addition to
 3477 other fees required in this section. The fee shall be
 3478 distributed as follows:

3479 1. Fifty percent shall be distributed as provided in s.
 3480 320.08058 to the appropriate state or independent university,
 3481 professional sports team, or branch of the United States Armed
 3482 Forces.

3483 2. Fifty percent shall be distributed to the department
 3484 for costs directly related to the specialty driver license and
 3485 identification card program and to defray the costs associated
 3486 with production enhancements and distribution.

3487 Section 53. Subsection (7) of section 322.212, Florida
 3488 Statutes, is amended to read:

3489 322.212 Unauthorized possession of, and other unlawful
 3490 acts in relation to, driver ~~driver's~~ license or identification
 3491 card.—

3492 (7) In addition to any other penalties provided by this
 3493 section, any person who provides false information when applying
 3494 for a commercial driver ~~driver's~~ license or commercial learner's
 3495 permit or is convicted of fraud in connection with testing for a
 3496 commercial driver license or commercial learner's permit shall
 3497 be disqualified from operating a commercial motor vehicle for a
 3498 period of 1 year ~~60 days~~.

3499 Section 54. Subsection (1) of section 322.22, Florida
 3500 Statutes, is amended to read:



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3501 322.22 Authority of department to cancel or refuse to
 3502 issue or renew license.—

3503 (1) The department may ~~is authorized to~~ cancel or withhold
 3504 issuance or renewal of any driver ~~driver's~~ license, upon
 3505 determining that the licensee was not entitled to the issuance
 3506 thereof, or that the licensee failed to give the required or
 3507 correct information in his or her application or committed any
 3508 fraud in making such application, or that the licensee has two
 3509 or more licenses on file with the department, each in a
 3510 different name but bearing the photograph of the licensee,
 3511 unless the licensee has complied with the requirements of this
 3512 chapter in obtaining the licenses. The department may cancel or
 3513 withhold issuance or renewal of any driver ~~driver's~~ license,
 3514 identification card, vehicle or vessel registration, or fuel-use
 3515 decal if the licensee fails to pay the correct fee or pays for
 3516 any driver ~~the driver's~~ license, identification card, vehicle or
 3517 vessel registration, or fuel-use decal; pays any tax liability,
 3518 penalty, or interest specified in chapter 207; or pays any
 3519 administrative, delinquency, or reinstatement fee by a
 3520 dishonored check.

3521 Section 55. Subsection (3) of section 322.245, Florida
 3522 Statutes, is amended to read:

3523 322.245 Suspension of license upon failure of person
 3524 charged with specified offense under chapter 316, chapter 320,
 3525 or this chapter to comply with directives ordered by traffic
 3526 court or upon failure to pay child support in non-IV-D cases as
 3527 provided in chapter 61 or failure to pay any financial
 3528 obligation in any other criminal case.—



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3529 (3) If the person fails to comply with the directives of
3530 the court within the 30-day period, or, in non-IV-D cases, fails
3531 to comply with the requirements of s. 61.13016 within the period
3532 specified in that statute, the depository or the clerk of the
3533 court shall electronically notify the department of such failure
3534 within 10 days. Upon electronic receipt of the notice, the
3535 department shall immediately issue an order suspending the
3536 person's driver ~~driver's~~ license and privilege to drive
3537 effective 20 days after the date the order of suspension is
3538 mailed in accordance with s. 322.251(1), (2), and (6).

3539 Section 56. Subsection (7) of section 322.25, Florida
3540 Statutes, is amended to read:

3541 322.25 When court to forward license to department and
3542 report convictions; temporary reinstatement of driving
3543 privileges.—

3544 ~~(7) Any licensed driver convicted of driving, or being in
3545 the actual physical control of, a vehicle within this state
3546 while under the influence of alcoholic beverages, any chemical
3547 substance set forth in s. 877.111, or any substance controlled
3548 under chapter 893, when affected to the extent that his or her
3549 normal faculties are impaired, and whose license and driving
3550 privilege have been revoked as provided in subsection (1) may be
3551 issued a court order for reinstatement of a driving privilege on
3552 a temporary basis; provided that, as a part of the penalty, upon
3553 conviction, the defendant is required to enroll in and complete
3554 a driver improvement course for the rehabilitation of drinking
3555 drivers and the driver is otherwise eligible for reinstatement
3556 of the driving privilege as provided by s. 322.282. The court~~



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3557 ~~order for reinstatement shall be on a form provided by the~~
 3558 ~~department and must be taken by the person convicted to a~~
 3559 ~~Florida driver's license examining office, where a temporary~~
 3560 ~~driving permit may be issued. The period of time for which a~~
 3561 ~~temporary permit issued in accordance with this subsection is~~
 3562 ~~valid shall be deemed to be part of the period of revocation~~
 3563 ~~imposed by the court.~~

3564 Section 57. Section 322.2615, Florida Statutes, is amended
 3565 to read:

3566 322.2615 Suspension of license; right to review.—

3567 (1) (a) A law enforcement officer or correctional officer
 3568 shall, on behalf of the department, suspend the driving
 3569 privilege of a person who is driving or in actual physical
 3570 control of a motor vehicle and who has an unlawful blood-alcohol
 3571 level or breath-alcohol level of 0.08 or higher, or of a person
 3572 who has refused to submit to a urine test or a test of his or
 3573 her breath-alcohol or blood-alcohol level. The officer shall
 3574 take the person's driver ~~driver's~~ license and issue the person a
 3575 10-day temporary permit if the person is otherwise eligible for
 3576 the driving privilege and shall issue the person a notice of
 3577 suspension. If a blood test has been administered, the officer
 3578 or the agency employing the officer shall transmit such results
 3579 to the department within 5 days after receipt of the results. If
 3580 the department then determines that the person had a blood-
 3581 alcohol level or breath-alcohol level of 0.08 or higher, the
 3582 department shall suspend the person's driver ~~driver's~~ license
 3583 pursuant to subsection (3).

3584 (b) The suspension under paragraph (a) shall be pursuant



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3585 to, and the notice of suspension shall inform the driver of, the
3586 following:

3587 1.a. The driver refused to submit to a lawful breath,
3588 blood, or urine test and his or her driving privilege is
3589 suspended for a period of 1 year for a first refusal or for a
3590 period of 18 months if his or her driving privilege has been
3591 previously suspended as a result of a refusal to submit to such
3592 a test; or

3593 b. The driver was driving or in actual physical control of
3594 a motor vehicle and had an unlawful blood-alcohol level or
3595 breath-alcohol level of 0.08 or higher and his or her driving
3596 privilege is suspended for a period of 6 months for a first
3597 offense or for a period of 1 year if his or her driving
3598 privilege has been previously suspended under this section.

3599 2. The suspension period shall commence on the date of
3600 issuance of the notice of suspension.

3601 3. The driver may request a formal or informal review of
3602 the suspension by the department within 10 days after the date
3603 of issuance of the notice of suspension or may request a review
3604 of eligibility for a restricted driving privilege under s.
3605 322.271(7).

3606 4. The temporary permit issued at the time of suspension
3607 expires at midnight of the 10th day following the date of
3608 issuance of the notice of suspension.

3609 5. The driver may submit to the department any materials
3610 relevant to the suspension.

3611 (2) (a) Except as provided in paragraph (1) (a), the law
3612 enforcement officer shall forward to the department, within 5



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3613 days after issuing the notice of suspension, the driver ~~driver's~~
3614 license; an affidavit stating the officer's grounds for belief
3615 that the person was driving or in actual physical control of a
3616 motor vehicle while under the influence of alcoholic beverages
3617 or chemical or controlled substances; the results of any breath
3618 or blood test or an affidavit stating that a breath, blood, or
3619 urine test was requested by a law enforcement officer or
3620 correctional officer and that the person refused to submit; the
3621 officer's description of the person's field sobriety test, if
3622 any; and the notice of suspension. The failure of the officer to
3623 submit materials within the 5-day period specified in this
3624 subsection and in subsection (1) does not affect the
3625 department's ability to consider any evidence submitted at or
3626 prior to the hearing.

3627 (b) The officer may also submit a copy of the crash report
3628 and a copy of a video recording ~~videotape~~ of the field sobriety
3629 test or the attempt to administer such test. Materials submitted
3630 to the department by a law enforcement agency or correctional
3631 agency shall be considered self-authenticating and shall be in
3632 the record for consideration by the hearing officer.
3633 Notwithstanding s. 316.066(5), the crash report shall be
3634 considered by the hearing officer.

3635 (3) If the department determines that the license should
3636 be suspended pursuant to this section and if the notice of
3637 suspension has not already been served upon the person by a law
3638 enforcement officer or correctional officer as provided in
3639 subsection (1), the department shall issue a notice of
3640 suspension and, unless the notice is mailed pursuant to s.



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3641 322.251, a temporary permit that expires 10 days after the date
3642 of issuance if the driver is otherwise eligible.

3643 (4) If the person whose license was suspended requests an
3644 informal review pursuant to subparagraph (1)(b)3., the
3645 department shall conduct the informal review by a hearing
3646 officer designated ~~employed~~ by the department. Such informal
3647 review hearing shall consist solely of an examination by the
3648 department of the materials submitted by a law enforcement
3649 officer or correctional officer and by the person whose license
3650 was suspended, and the presence of an officer or witness is not
3651 required.

3652 (5) After completion of the informal review, notice of the
3653 department's decision sustaining, amending, or invalidating the
3654 suspension of the driver ~~driver's~~ license of the person whose
3655 license was suspended must be provided to such person. Such
3656 notice must be mailed to the person at the last known address
3657 shown on the department's records, or to the address provided in
3658 the law enforcement officer's report if such address differs
3659 from the address of record, within 21 days after the expiration
3660 of the temporary permit issued pursuant to subsection (1) or
3661 subsection (3).

3662 (6) (a) If the person whose license was suspended requests
3663 a formal review, the department must schedule a hearing ~~to be~~
3664 ~~held~~ within 30 days after such request is received by the
3665 department and must notify the person of the date, time, and
3666 place of the hearing.

3667 (b) Such formal review hearing shall be held before a
3668 hearing officer designated ~~employed~~ by the department, and the



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3669 hearing officer shall be authorized to administer oaths, examine
3670 witnesses and take testimony, receive relevant evidence, issue
3671 subpoenas for the officers and witnesses identified in documents
3672 provided under paragraph (2) (a) in subsection (2), regulate the
3673 course and conduct of the hearing, question witnesses, and make
3674 a ruling on the suspension. The hearing officer may conduct
3675 hearings using communications technology. The party requesting
3676 the presence of a witness shall be responsible for the payment
3677 of any witness fees and for notifying in writing the state
3678 attorney's office in the appropriate circuit of the issuance of
3679 the subpoena. If the person who requests a formal review hearing
3680 fails to appear and the hearing officer finds such failure to be
3681 without just cause, the right to a formal hearing is waived and
3682 the suspension shall be sustained.

3683 (c) The failure of a subpoenaed witness to appear at the
3684 formal review hearing is not grounds to invalidate the
3685 suspension. If a witness fails to appear, a party may seek
3686 enforcement of a subpoena under paragraph (b) by filing a
3687 petition for enforcement in the circuit court of the judicial
3688 circuit in which the person failing to comply with the subpoena
3689 resides or by filing a motion for enforcement in any criminal
3690 court case resulting from the driving or actual physical control
3691 of a motor vehicle that gave rise to the suspension under this
3692 section. A failure to comply with an order of the court shall
3693 result in a finding of contempt of court. However, a person is
3694 not in contempt while a subpoena is being challenged.

3695 (d) The department must, within 7 working days after a
3696 formal review hearing, send notice to the person of the hearing



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3697 officer's decision as to whether sufficient cause exists to
 3698 sustain, amend, or invalidate the suspension.

3699 (7) In a formal review hearing under subsection (6) or an
 3700 informal review hearing under subsection (4), the hearing
 3701 officer shall determine by a preponderance of the evidence
 3702 whether sufficient cause exists to sustain, amend, or invalidate
 3703 the suspension. The scope of the review shall be limited to the
 3704 following issues:

3705 (a) If the license was suspended for driving with an
 3706 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 3707 higher:

3708 1. Whether the law enforcement officer had probable cause
 3709 to believe that the person whose license was suspended was
 3710 driving or in actual physical control of a motor vehicle in this
 3711 state while under the influence of alcoholic beverages or
 3712 chemical or controlled substances.

3713 2. Whether the person whose license was suspended had an
 3714 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 3715 higher as provided in s. 316.193.

3716 (b) If the license was suspended for refusal to submit to
 3717 a breath, blood, or urine test:

3718 1. Whether the law enforcement officer had probable cause
 3719 to believe that the person whose license was suspended was
 3720 driving or in actual physical control of a motor vehicle in this
 3721 state while under the influence of alcoholic beverages or
 3722 chemical or controlled substances.

3723 2. Whether the person whose license was suspended refused
 3724 to submit to any such test after being requested to do so by a



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3725 law enforcement officer or correctional officer.

3726 3. Whether the person whose license was suspended was told
 3727 that if he or she refused to submit to such test his or her
 3728 privilege to operate a motor vehicle would be suspended for a
 3729 period of 1 year or, in the case of a second or subsequent
 3730 refusal, for a period of 18 months.

3731 (8) Based on the determination of the hearing officer
 3732 pursuant to subsection (7) for both informal hearings under
 3733 subsection (4) and formal hearings under subsection (6), the
 3734 department shall:

3735 (a) Sustain the suspension of the person's driving
 3736 privilege for a period of 1 year for a first refusal, or for a
 3737 period of 18 months if the driving privilege of such person has
 3738 been previously suspended as a result of a refusal to submit to
 3739 such tests, if the person refused to submit to a lawful breath,
 3740 blood, or urine test. The suspension period commences on the
 3741 date of issuance of the notice of suspension.

3742 (b) Sustain the suspension of the person's driving
 3743 privilege for a period of 6 months for a blood-alcohol level or
 3744 breath-alcohol level of 0.08 or higher, or for a period of 1
 3745 year if the driving privilege of such person has been previously
 3746 suspended under this section as a result of driving with an
 3747 unlawful alcohol level. The suspension period commences on the
 3748 date of issuance of the notice of suspension.

3749 (9) A request for a formal review hearing or an informal
 3750 review hearing shall not stay the suspension of the person's
 3751 driver ~~driver's~~ license. If the department fails to schedule the
 3752 formal review hearing ~~to be held~~ within 30 days after receipt of



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3753 | the request therefor, the department shall invalidate the
 3754 | suspension. If the scheduled hearing is continued at the
 3755 | department's initiative or the driver enforces the subpoena as
 3756 | provided in subsection (6), the department shall issue a
 3757 | temporary driving permit that shall be valid until the hearing
 3758 | is conducted if the person is otherwise eligible for the driving
 3759 | privilege. Such permit may not be issued to a person who sought
 3760 | and obtained a continuance of the hearing. The permit issued
 3761 | under this subsection shall authorize driving for business or
 3762 | employment use only.

3763 | (10) A person whose driver ~~driver's~~ license is suspended
 3764 | under subsection (1) or subsection (3) may apply for issuance of
 3765 | a license for business or employment purposes only if the person
 3766 | is otherwise eligible for the driving privilege pursuant to s.
 3767 | 322.271.

3768 | (a) If the suspension of the driver ~~driver's~~ license of
 3769 | the person for failure to submit to a breath, urine, or blood
 3770 | test is sustained, the person is not eligible to receive a
 3771 | license for business or employment purposes only, pursuant to s.
 3772 | 322.271, until 90 days have elapsed after the expiration of the
 3773 | last temporary permit issued. If the driver is not issued a 10-
 3774 | day permit pursuant to this section or s. 322.64 because he or
 3775 | she is ineligible for the permit and the suspension for failure
 3776 | to submit to a breath, urine, or blood test is not invalidated
 3777 | by the department, the driver is not eligible to receive a
 3778 | business or employment license pursuant to s. 322.271 until 90
 3779 | days have elapsed from the date of the suspension.

3780 | (b) If the suspension of the driver ~~driver's~~ license of



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3781 the person relating to unlawful blood-alcohol level or breath-
3782 alcohol level of 0.08 or higher is sustained, the person is not
3783 eligible to receive a license for business or employment
3784 purposes only pursuant to s. 322.271 until 30 days have elapsed
3785 after the expiration of the last temporary permit issued. If the
3786 driver is not issued a 10-day permit pursuant to this section or
3787 s. 322.64 because he or she is ineligible for the permit and the
3788 suspension relating to unlawful blood-alcohol level or breath-
3789 alcohol level of 0.08 or higher is not invalidated by the
3790 department, the driver is not eligible to receive a business or
3791 employment license pursuant to s. 322.271 until 30 days have
3792 elapsed from the date of the suspension.

3793 (11) The formal review hearing may be conducted upon a
3794 review of the reports of a law enforcement officer or a
3795 correctional officer, including documents relating to the
3796 administration of a breath test or blood test or the refusal to
3797 take either test or the refusal to take a urine test. However,
3798 as provided in subsection (6), the driver may subpoena the
3799 officer or any person who administered or analyzed a breath or
3800 blood test. If the arresting officer or the breath technician
3801 fails to appear pursuant to a subpoena as provided in subsection
3802 (6), the department shall invalidate the suspension.

3803 (12) The formal review hearing and the informal review
3804 hearing are exempt from the provisions of chapter 120. The
3805 department may adopt rules for the conduct of reviews under this
3806 section.

3807 (13) A person may appeal any decision of the department
3808 sustaining a suspension of his or her driver ~~driver's~~ license by



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3809 a petition for writ of certiorari to the circuit court in the
 3810 county wherein such person resides or wherein a formal or
 3811 informal review was conducted pursuant to s. 322.31. However, an
 3812 appeal shall not stay the suspension. A law enforcement agency
 3813 may appeal any decision of the department invalidating a
 3814 suspension by a petition for writ of certiorari to the circuit
 3815 court in the county wherein a formal or informal review was
 3816 conducted. This subsection shall not be construed to provide for
 3817 a de novo review ~~appeal~~.

3818 (14) (a) The decision of the department under this section
 3819 or any circuit court review thereof may not be considered in any
 3820 trial for a violation of s. 316.193, and a written statement
 3821 submitted by a person in his or her request for departmental
 3822 review under this section may not be admitted into evidence
 3823 against him or her in any such trial.

3824 (b) The disposition of any related criminal proceedings
 3825 does not affect a suspension for refusal to submit to a blood,
 3826 breath, or urine test imposed under this section.

3827 (15) If the department suspends a person's license under
 3828 s. 322.2616, it may not also suspend the person's license under
 3829 this section for the same episode that was the basis for the
 3830 suspension under s. 322.2616.

3831 (16) The department shall invalidate a suspension for
 3832 driving with an unlawful blood-alcohol level or breath-alcohol
 3833 level imposed under this section if the suspended person is
 3834 found not guilty at trial of an underlying violation of s.
 3835 316.193.

3836 Section 58. Section 322.2616, Florida Statutes, is amended



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3837 to read:

3838 322.2616 Suspension of license; persons under 21 years of
3839 age; right to review.—

3840 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
3841 person under the age of 21 who has a blood-alcohol or breath-
3842 alcohol level of 0.02 or higher to drive or be in actual
3843 physical control of a motor vehicle.

3844 (b) A law enforcement officer who has probable cause to
3845 believe that a motor vehicle is being driven by or is in the
3846 actual physical control of a person who is under the age of 21
3847 while under the influence of alcoholic beverages or who has any
3848 blood-alcohol or breath-alcohol level may lawfully detain such a
3849 person and may request that person to submit to a test to
3850 determine his or her blood-alcohol or breath-alcohol level.

3851 (2) (a) A law enforcement officer or correctional officer
3852 shall, on behalf of the department, suspend the driving
3853 privilege of such person if the person has a blood-alcohol or
3854 breath-alcohol level of 0.02 or higher. The officer shall also
3855 suspend, on behalf of the department, the driving privilege of a
3856 person who has refused to submit to a test as provided by
3857 paragraph (b). The officer shall take the person's driver
3858 ~~driver's~~ license and issue the person a 10-day temporary driving
3859 permit if the person is otherwise eligible for the driving
3860 privilege and shall issue the person a notice of suspension.

3861 (b) The suspension under paragraph (a) must be pursuant
3862 to, and the notice of suspension must inform the driver of, the
3863 following:

3864 1.a. The driver refused to submit to a lawful breath test



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3865 and his or her driving privilege is suspended for a period of 1
 3866 year for a first refusal or for a period of 18 months if his or
 3867 her driving privilege has been previously suspended as provided
 3868 in this section as a result of a refusal to submit to a test; or

3869 b. The driver was under the age of 21 and was driving or
 3870 in actual physical control of a motor vehicle while having a
 3871 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
 3872 person's driving privilege is suspended for a period of 6 months
 3873 for a first violation, or for a period of 1 year if his or her
 3874 driving privilege has been previously suspended as provided in
 3875 this section for driving or being in actual physical control of
 3876 a motor vehicle with a blood-alcohol or breath-alcohol level of
 3877 0.02 or higher.

3878 2. The suspension period commences on the date of issuance
 3879 of the notice of suspension.

3880 3. The driver may request a formal or informal review of
 3881 the suspension by the department within 10 days after the
 3882 issuance of the notice of suspension.

3883 4. A temporary permit issued at the time of the issuance
 3884 of the notice of suspension shall not become effective until
 3885 after 12 hours have elapsed and will expire at midnight of the
 3886 10th day following the date of issuance.

3887 5. The driver may submit to the department any materials
 3888 relevant to the suspension of his or her license.

3889 (c) When a driver subject to this section has a blood-
 3890 alcohol or breath-alcohol level of 0.05 or higher, the
 3891 suspension shall remain in effect until such time as the driver
 3892 has completed a substance abuse course offered by a DUI program



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3893 licensed by the department. The driver shall assume the
 3894 reasonable costs for the substance abuse course. As part of the
 3895 substance abuse course, the program shall conduct a substance
 3896 abuse evaluation of the driver, and notify the parents or legal
 3897 guardians of drivers under the age of 19 years of the results of
 3898 the evaluation. The term "substance abuse" means the abuse of
 3899 alcohol or any substance named or described in Schedules I
 3900 through V of s. 893.03. If a driver fails to complete the
 3901 substance abuse education course and evaluation, the driver
 3902 ~~driver's~~ license shall not be reinstated by the department.

3903 (d) A minor under the age of 18 years proven to be driving
 3904 with a blood-alcohol or breath-alcohol level of 0.02 or higher
 3905 may be taken by a law enforcement officer to the addictions
 3906 receiving facility in the county in which the minor is found to
 3907 be so driving, if the county makes the addictions receiving
 3908 facility available for such purpose.

3909 (3) The law enforcement officer shall forward to the
 3910 department, within 5 days after the date of the issuance of the
 3911 notice of suspension, a copy of the notice of suspension, the
 3912 driver ~~driver's~~ license of the person receiving the notice of
 3913 suspension, and an affidavit stating the officer's grounds for
 3914 belief that the person was under the age of 21 and was driving
 3915 or in actual physical control of a motor vehicle with any blood-
 3916 alcohol or breath-alcohol level, and the results of any blood or
 3917 breath test or an affidavit stating that a breath test was
 3918 requested by a law enforcement officer or correctional officer
 3919 and that the person refused to submit to such test. The failure
 3920 of the officer to submit materials within the 5-day period



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3921 | specified in this subsection does not bar the department from
 3922 | considering any materials submitted at or before the hearing.

3923 | (4) If the department finds that the license of the person
 3924 | should be suspended under this section and if the notice of
 3925 | suspension has not already been served upon the person by a law
 3926 | enforcement officer or correctional officer as provided in
 3927 | subsection (2), the department shall issue a notice of
 3928 | suspension and, unless the notice is mailed under s. 322.251, a
 3929 | temporary driving permit that expires 10 days after the date of
 3930 | issuance if the driver is otherwise eligible.

3931 | (5) If the person whose license is suspended requests an
 3932 | informal review under subparagraph (2)(b)3., the department
 3933 | shall conduct the informal review by a hearing officer
 3934 | designated ~~employed~~ by the department within 30 days after the
 3935 | request is received by the department and shall issue such
 3936 | person a temporary driving permit for business purposes only to
 3937 | expire on the date that such review is scheduled to be conducted
 3938 | if the person is otherwise eligible. The informal review hearing
 3939 | must consist solely of an examination by the department of the
 3940 | materials submitted by a law enforcement officer or correctional
 3941 | officer and by the person whose license is suspended, and the
 3942 | presence of an officer or witness is not required.

3943 | (6) After completion of the informal review, notice of the
 3944 | department's decision sustaining, amending, or invalidating the
 3945 | suspension of the driver ~~driver's~~ license must be provided to
 3946 | the person. The notice must be mailed to the person at the last
 3947 | known address shown on the department's records, or to the
 3948 | address provided in the law enforcement officer's report if such



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3949 address differs from the address of record, within 7 days after
 3950 completing the review.

3951 (7) (a) If the person whose license is suspended requests a
 3952 formal review, the department must schedule a hearing to be held
 3953 within 30 days after the request is received by the department
 3954 and must notify the person of the date, time, and place of the
 3955 hearing and shall issue such person a temporary driving permit
 3956 for business purposes only to expire on the date that such
 3957 review is scheduled to be conducted if the person is otherwise
 3958 eligible.

3959 (b) The formal review hearing must be held before a
 3960 hearing officer designated ~~employed~~ by the department, and the
 3961 hearing officer may administer oaths, examine witnesses and take
 3962 testimony, receive relevant evidence, issue subpoenas, regulate
 3963 the course and conduct of the hearing, and make a ruling on the
 3964 suspension. The hearing officer may conduct hearings using
 3965 communications technology. The department and the person whose
 3966 license was suspended may subpoena witnesses, and the party
 3967 requesting the presence of a witness is responsible for paying
 3968 any witness fees and for notifying in writing the state
 3969 attorney's office in the appropriate circuit of the issuance of
 3970 the subpoena. If the person who requests a formal review hearing
 3971 fails to appear and the hearing officer finds the failure to be
 3972 without just cause, the right to a formal hearing is waived and
 3973 the suspension is sustained.

3974 (c) The failure of a subpoenaed witness to appear at the
 3975 formal review hearing shall not be grounds to invalidate the
 3976 suspension. If a witness fails to appear, a party may seek



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3977 enforcement of a subpoena under paragraph (b) by filing a
3978 petition for enforcement in the circuit court of the judicial
3979 circuit in which the person failing to comply with the subpoena
3980 resides. A failure to comply with an order of the court
3981 constitutes contempt of court. However, a person may not be held
3982 in contempt while a subpoena is being challenged.

3983 (d) The department must, within 7 working days after a
3984 formal review hearing, send notice to the person of the hearing
3985 officer's decision as to whether sufficient cause exists to
3986 sustain, amend, or invalidate the suspension.

3987 (8) In a formal review hearing under subsection (7) or an
3988 informal review hearing under subsection (5), the hearing
3989 officer shall determine by a preponderance of the evidence
3990 whether sufficient cause exists to sustain, amend, or invalidate
3991 the suspension. The scope of the review is limited to the
3992 following issues:

3993 (a) If the license was suspended because the individual,
3994 then under the age of 21, drove with a blood-alcohol or breath-
3995 alcohol level of 0.02 or higher:

3996 1. Whether the law enforcement officer had probable cause
3997 to believe that the person was under the age of 21 and was
3998 driving or in actual physical control of a motor vehicle in this
3999 state with any blood-alcohol or breath-alcohol level or while
4000 under the influence of alcoholic beverages.

4001 2. Whether the person was under the age of 21.

4002 3. Whether the person had a blood-alcohol or breath-
4003 alcohol level of 0.02 or higher.

4004 (b) If the license was suspended because of the



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4005 individual's refusal to submit to a breath test:

4006 1. Whether the law enforcement officer had probable cause
4007 to believe that the person was under the age of 21 and was
4008 driving or in actual physical control of a motor vehicle in this
4009 state with any blood-alcohol or breath-alcohol level or while
4010 under the influence of alcoholic beverages.

4011 2. Whether the person was under the age of 21.

4012 3. Whether the person refused to submit to a breath test
4013 after being requested to do so by a law enforcement officer or
4014 correctional officer.

4015 4. Whether the person was told that if he or she refused
4016 to submit to a breath test his or her privilege to operate a
4017 motor vehicle would be suspended for a period of 1 year or, in
4018 the case of a second or subsequent refusal, for a period of 18
4019 months.

4020 (9) Based on the determination of the hearing officer
4021 under subsection (8) for both informal hearings under subsection
4022 (5) and formal hearings under subsection (7), the department
4023 shall:

4024 (a) Sustain the suspension of the person's driving
4025 privilege for a period of 1 year for a first refusal, or for a
4026 period of 18 months if the driving privilege of the person has
4027 been previously suspended, as provided in this section, as a
4028 result of a refusal to submit to a test. The suspension period
4029 commences on the date of the issuance of the notice of
4030 suspension.

4031 (b) Sustain the suspension of the person's driving
4032 privilege for a period of 6 months for driving or being in



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4033 actual physical control of a motor vehicle while under the age
4034 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
4035 higher, or for a period of 1 year if the driving privilege of
4036 such person has been previously suspended under this section.
4037 The suspension period commences on the date of the issuance of
4038 the notice of suspension.

4039 (10) A request for a formal review hearing or an informal
4040 review hearing shall not stay the suspension of the person's
4041 driver ~~driver's~~ license. If the department fails to schedule the
4042 formal review hearing ~~to be held~~ within 30 days after receipt of
4043 the request therefor, the department shall invalidate the
4044 suspension. If the scheduled hearing is continued at the
4045 department's initiative or the driver enforces the subpoena as
4046 provided in subsection (7), the department shall issue a
4047 temporary driving permit that is valid until the hearing is
4048 conducted if the person is otherwise eligible for the driving
4049 privilege. The permit shall not be issued to a person who
4050 requested a continuance of the hearing. The permit issued under
4051 this subsection authorizes driving for business or employment
4052 use only.

4053 (11) A person whose driver ~~driver's~~ license is suspended
4054 under subsection (2) or subsection (4) may apply for issuance of
4055 a license for business or employment purposes only, pursuant to
4056 s. 322.271, if the person is otherwise eligible for the driving
4057 privilege. However, such a license may not be issued until 30
4058 days have elapsed after the expiration of the last temporary
4059 driving permit issued under this section.

4060 (12) The formal review hearing may be conducted upon a



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4061 review of the reports of a law enforcement officer or
4062 correctional officer, including documents relating to the
4063 administration of a breath test or the refusal to take a test.
4064 However, as provided in subsection (7), the driver may subpoena
4065 the officer or any person who administered a breath or blood
4066 test. If the officer who suspended the driving privilege fails
4067 to appear pursuant to a subpoena as provided in subsection (7),
4068 the department shall invalidate the suspension.

4069 (13) The formal review hearing and the informal review
4070 hearing are exempt from chapter 120. The department may adopt
4071 rules for conducting reviews under this section.

4072 (14) A person may appeal any decision of the department
4073 sustaining a suspension of his or her driver ~~driver's~~ license by
4074 a petition for writ of certiorari to the circuit court in the
4075 county wherein such person resides or wherein a formal or
4076 informal review was conducted under s. 322.31. However, an
4077 appeal does not stay the suspension. This subsection does not
4078 provide for a de novo review ~~appeal~~.

4079 (15) The decision of the department under this section
4080 shall not be considered in any trial for a violation of s.
4081 316.193, nor shall any written statement submitted by a person
4082 in his or her request for departmental review under this section
4083 be admissible into evidence against him or her in any such
4084 trial. The disposition of any related criminal proceedings shall
4085 not affect a suspension imposed under this section.

4086 (16) By applying for and accepting and using a driver
4087 ~~driver's~~ license, a person under the age of 21 years who holds
4088 the driver ~~driver's~~ license is deemed to have expressed his or



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4089 her consent to the provisions of this section.

4090 (17) A breath test to determine breath-alcohol level
 4091 pursuant to this section may be conducted as authorized by s.
 4092 316.1932 or by a breath-alcohol test device listed in the United
 4093 States Department of Transportation's conforming-product list of
 4094 evidential breath-measurement devices. The reading from such a
 4095 device is presumed accurate and is admissible in evidence in any
 4096 administrative hearing conducted under this section.

4097 (18) The result of a blood test obtained during an
 4098 investigation conducted under s. 316.1932 or s. 316.1933 may be
 4099 used to suspend the driving privilege of a person under this
 4100 section.

4101 (19) A violation of this section is neither a traffic
 4102 infraction nor a criminal offense, nor does being detained
 4103 pursuant to this section constitute an arrest. A violation of
 4104 this section is subject to the administrative action provisions
 4105 of this section, which are administered by the department
 4106 through its administrative processes. Administrative actions
 4107 taken pursuant to this section shall be recorded in the motor
 4108 vehicle records maintained by the department. This section does
 4109 not bar prosecution under s. 316.193. However, if the department
 4110 suspends a person's license under s. 322.2615 for a violation of
 4111 s. 316.193, it may not also suspend the person's license under
 4112 this section for the same episode that was the basis for the
 4113 suspension under s. 322.2615.

4114 Section 59. Subsections (4) and (5) of section 322.271,
 4115 Florida Statutes, are amended, and subsection (7) is added to
 4116 that section, to read:



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4117 | 322.271 Authority to modify revocation, cancellation, or
4118 | suspension order.—

4119 | (4) Notwithstanding the provisions of s. 322.28(2)(d)
4120 | ~~322.28(2)(e)~~, a person whose driving privilege has been
4121 | permanently revoked because he or she has been convicted of DUI
4122 | manslaughter in violation of s. 316.193 and has no prior
4123 | convictions for DUI-related offenses may, upon the expiration of
4124 | 5 years after the date of such revocation or the expiration of 5
4125 | years after the termination of any term of incarceration under
4126 | s. 316.193 or former s. 316.1931, whichever date is later,
4127 | petition the department for reinstatement of his or her driving
4128 | privilege.

4129 | (a) Within 30 days after the receipt of such a petition,
4130 | the department shall afford the petitioner an opportunity for a
4131 | hearing. At the hearing, the petitioner must demonstrate to the
4132 | department that he or she:

- 4133 | 1. Has not been arrested for a drug-related offense during
- 4134 | the 5 years preceding the filing of the petition;
- 4135 | 2. Has not driven a motor vehicle without a license for at
- 4136 | least 5 years prior to the hearing;
- 4137 | 3. Has been drug-free for at least 5 years prior to the
- 4138 | hearing; and
- 4139 | 4. Has completed a DUI program licensed by the department.

4140 | (b) At such hearing, the department shall determine the
4141 | petitioner's qualification, fitness, and need to drive. Upon
4142 | such determination, the department may, in its discretion,
4143 | reinstate the driver ~~driver's~~ license of the petitioner. Such
4144 | reinstatement must be made subject to the following



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4145 qualifications:

4146 1. The license must be restricted for employment purposes
4147 for at least ~~not less than~~ 1 year; and

4148 2. Such person must be supervised by a DUI program
4149 licensed by the department and report to the program for such
4150 supervision and education at least four times a year or
4151 additionally as required by the program for the remainder of the
4152 revocation period. Such supervision shall include evaluation,
4153 education, referral into treatment, and other activities
4154 required by the department.

4155 (c) Such person must assume the reasonable costs of
4156 supervision. If such person fails to comply with the required
4157 supervision, the program shall report the failure to the
4158 department, and the department shall cancel such person's
4159 driving privilege.

4160 (d) If, after reinstatement, such person is convicted of
4161 an offense for which mandatory revocation of his or her license
4162 is required, the department shall revoke his or her driving
4163 privilege.

4164 (e) The department shall adopt rules regulating the
4165 providing of services by DUI programs pursuant to this section.

4166 (5) Notwithstanding the provisions of s. 322.28(2)(d)
4167 ~~322.28(2)(e)~~, a person whose driving privilege has been
4168 permanently revoked because he or she has been convicted four or
4169 more times of violating s. 316.193 or former s. 316.1931 may,
4170 upon the expiration of 5 years after the date of the last
4171 conviction or the expiration of 5 years after the termination of
4172 any incarceration under s. 316.193 or former s. 316.1931,



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4173 | whichever is later, petition the department for reinstatement of
 4174 | his or her driving privilege.

4175 | (a) Within 30 days after receipt of a petition, the
 4176 | department shall provide for a hearing, at which the petitioner
 4177 | must demonstrate that he or she:

4178 | 1. Has not been arrested for a drug-related offense for at
 4179 | least 5 years prior to filing the petition;

4180 | 2. Has not driven a motor vehicle without a license for at
 4181 | least 5 years prior to the hearing;

4182 | 3. Has been drug-free for at least 5 years prior to the
 4183 | hearing; and

4184 | 4. Has completed a DUI program licensed by the department.

4185 | (b) At the hearing, the department shall determine the
 4186 | petitioner's qualification, fitness, and need to drive, and may,
 4187 | after such determination, reinstate the petitioner's driver
 4188 | ~~driver's~~ license. The reinstatement shall be subject to the
 4189 | following qualifications:

4190 | 1. The petitioner's license must be restricted for
 4191 | employment purposes for at least ~~not less than~~ 1 year; and

4192 | 2. The petitioner must be supervised by a DUI program
 4193 | licensed by the department and must report to the program for
 4194 | supervision and education at least four times a year or more, as
 4195 | required by the program, for the remainder of the revocation
 4196 | period. The supervision shall include evaluation, education,
 4197 | referral into treatment, and other activities required by the
 4198 | department.

4199 | (c) The petitioner must assume the reasonable costs of
 4200 | supervision. If the petitioner does not comply with the required



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4201 supervision, the program shall report the failure to the
 4202 department, and the department shall cancel such person's
 4203 driving privilege.

4204 (d) If, after reinstatement, the petitioner is convicted
 4205 of an offense for which mandatory license revocation is
 4206 required, the department shall revoke his or her driving
 4207 privilege.

4208 (e) The department shall adopt rules regulating the
 4209 services provided by DUI programs pursuant to this section.

4210 (7) Notwithstanding the provisions of s. 322.2615(10)(a)
 4211 and (b), a person who has never previously had a driver license
 4212 suspended under s. 322.2615, has never been disqualified under
 4213 section s. 322.64, has never been convicted of a violation of s.
 4214 316.193, and whose driving privilege is now suspended under
 4215 section s. 322.2615 is eligible for a restricted driving
 4216 privilege pursuant to a hearing under section (2).

4217 (a) For purposes of this subsection, a previous conviction
 4218 outside of this state for driving under the influence, driving
 4219 while intoxicated, driving with an unlawful blood-alcohol level,
 4220 or any other alcohol-related or drug-related traffic offense
 4221 similar to the offense of driving under the influence as
 4222 provided in s. 316.193 will be considered a previous conviction
 4223 for a violation of s. 316.193, and a conviction for violation of
 4224 former s. 316.028, former s. 316.1931, or former s. 860.01 is
 4225 considered a conviction for a violation of s. 316.193.

4226 (b) The reinstatement shall be restricted to business
 4227 purposes only, as defined in this section, for the duration of
 4228 the suspension imposed under s. 322.2615.



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4229 (c) Acceptance of the reinstated driving privilege as
 4230 provided in this subsection is deemed a waiver of the right to
 4231 formal and informal review under s. 322.2615. The waiver may not
 4232 be used as evidence in any other proceeding.

4233 Section 60. Section 322.2715, Florida Statutes, is amended
 4234 to read:

4235 322.2715 Ignition interlock device.—

4236 (1) Before issuing a permanent or restricted driver
 4237 ~~driver's~~ license under this chapter, the department shall
 4238 require the placement of a department-approved ignition
 4239 interlock device for any person convicted of committing an
 4240 offense of driving under the influence as specified in
 4241 subsection (3), except that consideration may be given to those
 4242 individuals having a documented medical condition that would
 4243 prohibit the device from functioning normally. If a medical
 4244 waiver has been granted for a convicted person seeking a
 4245 restricted license, the convicted person shall not be entitled
 4246 to a restricted license until the required ignition interlock
 4247 device installation period under subsection (3) expires, in
 4248 addition to the time requirements under s. 322.271. If a medical
 4249 waiver has been approved for a convicted person seeking
 4250 permanent reinstatement of the driver license, the convicted
 4251 person must be restricted to an employment-purposes-only license
 4252 and be supervised by a licensed DUI program until the required
 4253 ignition interlock device installation period under subsection
 4254 (3) expires. An interlock device shall be placed on all vehicles
 4255 that are individually or jointly leased or owned and routinely
 4256 operated by the convicted person.



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4257 (2) For purposes of this section, any conviction for a
 4258 violation of s. 316.193, a previous conviction for a violation
 4259 of former s. 316.1931, or a conviction outside this state for
 4260 driving under the influence, driving while intoxicated, driving
 4261 with an unlawful blood-alcohol level, or any other similar
 4262 alcohol-related or drug-related traffic offense is a conviction
 4263 of driving under the influence.

4264 (3) If the person is convicted of:

4265 (a) A first offense of driving under the influence under
 4266 s. 316.193 and has an unlawful blood-alcohol level or breath-
 4267 alcohol level as specified in s. 316.193(4), or if a person is
 4268 convicted of a violation of s. 316.193 and was at the time of
 4269 the offense accompanied in the vehicle by a person younger than
 4270 18 years of age, the person shall have the ignition interlock
 4271 device installed for at least ~~not less than~~ 6 continuous months
 4272 for the first offense and for at least ~~not less than~~ 2
 4273 continuous years for a second offense.

4274 (b) A second offense of driving under the influence, the
 4275 ignition interlock device shall be installed for a period of at
 4276 least ~~not less than~~ 1 continuous year.

4277 (c) A third offense of driving under the influence which
 4278 occurs within 10 years after a prior conviction for a violation
 4279 of s. 316.193, the ignition interlock device shall be installed
 4280 for a period of at least ~~not less than~~ 2 continuous years.

4281 (d) A third offense of driving under the influence which
 4282 occurs more than 10 years after the date of a prior conviction,
 4283 the ignition interlock device shall be installed for a period of
 4284 at least ~~not less than~~ 2 continuous years.



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4285 (e) A fourth or subsequent offense of driving under the
4286 influence, the ignition interlock device shall be installed for
4287 a period of at least ~~not less than~~ 5 years.

4288 (4) If the court fails to order the mandatory placement of
4289 the ignition interlock device or fails to order for the
4290 applicable period the mandatory placement of an ignition
4291 interlock device under s. 316.193 or s. 316.1937 at the time of
4292 imposing sentence or within 30 days thereafter, the department
4293 shall immediately require that the ignition interlock device be
4294 installed as provided in this section, except that consideration
4295 may be given to those individuals having a documented medical
4296 condition that would prohibit the device from functioning
4297 normally. This subsection applies to the reinstatement of the
4298 driving privilege following a revocation, suspension, or
4299 cancellation that is based upon a conviction for the offense of
4300 driving under the influence which occurs on or after July 1,
4301 2005.

4302 (5) In addition to any fees authorized by rule for the
4303 installation and maintenance of the ignition interlock device,
4304 the authorized installer of the device shall collect and remit
4305 \$12 for each installation to the department, which shall be
4306 deposited into the Highway Safety Operating Trust Fund to be
4307 used for the operation of the Ignition Interlock Device Program.

4308 Section 61. Section 322.28, Florida Statutes, is amended
4309 to read:

4310 322.28 Period of suspension or revocation.—

4311 (1) Unless otherwise provided by this section, the
4312 department shall not suspend a license for a period of more than



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4313 | 1 year and, upon revoking a license, in any case except in a
 4314 | prosecution for the offense of driving a motor vehicle while
 4315 | under the influence of alcoholic beverages, chemical substances
 4316 | as set forth in s. 877.111, or controlled substances, shall not
 4317 | in any event grant a new license until the expiration of 1 year
 4318 | after such revocation.

4319 | (2) In a prosecution for a violation of s. 316.193 or
 4320 | former s. 316.1931, the following provisions apply:

4321 | (a) Upon conviction of the driver, the court, along with
 4322 | imposing sentence, shall revoke the driver ~~driver's~~ license or
 4323 | driving privilege of the person so convicted, effective on the
 4324 | date of conviction, and shall prescribe the period of such
 4325 | revocation in accordance with the following provisions:

4326 | 1. Upon a first conviction for a violation of the
 4327 | provisions of s. 316.193, except a violation resulting in death,
 4328 | the driver ~~driver's~~ license or driving privilege shall be
 4329 | revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
 4330 | 1 year.

4331 | 2. Upon a second conviction for an offense that occurs
 4332 | within a period of 5 years after the date of a prior conviction
 4333 | for a violation of the provisions of s. 316.193 or former s.
 4334 | 316.1931 or a combination of such sections, the driver ~~driver's~~
 4335 | license or driving privilege shall be revoked for at least ~~not~~
 4336 | ~~less than~~ 5 years.

4337 | 3. Upon a third conviction for an offense that occurs
 4338 | within a period of 10 years after the date of a prior conviction
 4339 | for the violation of the provisions of s. 316.193 or former s.
 4340 | 316.1931 or a combination of such sections, the driver ~~driver's~~



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4341 license or driving privilege shall be revoked for at least ~~not~~
 4342 ~~less than~~ 10 years.

4343
 4344 For the purposes of this paragraph, a previous conviction
 4345 outside this state for driving under the influence, driving
 4346 while intoxicated, driving with an unlawful blood-alcohol level,
 4347 or any other alcohol-related or drug-related traffic offense
 4348 similar to the offense of driving under the influence as
 4349 proscribed by s. 316.193 will be considered a previous
 4350 conviction for violation of s. 316.193, and a conviction for
 4351 violation of former s. 316.028, former s. 316.1931, or former s.
 4352 860.01 is considered a conviction for violation of s. 316.193.

4353 (b) If the period of revocation was not specified by the
 4354 court at the time of imposing sentence or within 30 days
 4355 thereafter, and is not otherwise specified by law, the
 4356 department shall forthwith revoke the driver ~~driver's~~ license or
 4357 driving privilege for the maximum period applicable under
 4358 paragraph (a) for a first conviction and for the minimum period
 4359 applicable under paragraph (a) for any subsequent convictions.
 4360 The driver may, within 30 days after such revocation by the
 4361 department, petition the court for further hearing on the period
 4362 of revocation, and the court may reopen the case and determine
 4363 the period of revocation within the limits specified in
 4364 paragraph (a).

4365 (c) The forfeiture of bail bond, not vacated within 20
 4366 days, in any prosecution for the offense of driving while under
 4367 the influence of alcoholic beverages, chemical substances, or
 4368 controlled substances to the extent of depriving the defendant



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4369 of his or her normal faculties shall be deemed equivalent to a
 4370 conviction for the purposes of this paragraph, and the
 4371 department shall forthwith revoke the defendant's driver
 4372 ~~driver's~~ license or driving privilege for the maximum period
 4373 applicable under paragraph (a) for a first conviction and for
 4374 the minimum period applicable under paragraph (a) for a second
 4375 or subsequent conviction; however, if the defendant is later
 4376 convicted of the charge, the period of revocation imposed by the
 4377 department for such conviction shall not exceed the difference
 4378 between the applicable maximum for a first conviction or minimum
 4379 for a second or subsequent conviction and the revocation period
 4380 under this subsection that has actually elapsed; upon conviction
 4381 of such charge, the court may impose revocation for a period of
 4382 time as specified in paragraph (a). This paragraph does not
 4383 apply if an appropriate motion contesting the forfeiture is
 4384 filed within the 20-day period.

4385 ~~(d) When any driver's license or driving privilege has~~
 4386 ~~been revoked pursuant to the provisions of this section, the~~
 4387 ~~department shall not grant a new license, except upon~~
 4388 ~~reexamination of the licensee after the expiration of the period~~
 4389 ~~of revocation so prescribed. However, the court may, in its~~
 4390 ~~sound discretion, issue an order of reinstatement on a form~~
 4391 ~~furnished by the department which the person may take to any~~
 4392 ~~driver's license examining office for reinstatement by the~~
 4393 ~~department pursuant to s. 322.282.~~

4394 (d)(e) The court shall permanently revoke the driver
 4395 ~~driver's~~ license or driving privilege of a person who has been
 4396 convicted four times for violation of s. 316.193 or former s.



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4397 | 316.1931 or a combination of such sections. The court shall
4398 | permanently revoke the driver ~~driver's~~ license or driving
4399 | privilege of any person who has been convicted of DUI
4400 | manslaughter in violation of s. 316.193. If the court has not
4401 | permanently revoked such driver ~~driver's~~ license or driving
4402 | privilege within 30 days after imposing sentence, the department
4403 | shall permanently revoke the driver ~~driver's~~ license or driving
4404 | privilege pursuant to this paragraph. No driver ~~driver's~~ license
4405 | or driving privilege may be issued or granted to any such
4406 | person. This paragraph applies only if at least one of the
4407 | convictions for violation of s. 316.193 or former s. 316.1931
4408 | was for a violation that occurred after July 1, 1982. For the
4409 | purposes of this paragraph, a conviction for violation of former
4410 | s. 316.028, former s. 316.1931, or former s. 860.01 is also
4411 | considered a conviction for violation of s. 316.193. Also, a
4412 | conviction of driving under the influence, driving while
4413 | intoxicated, driving with an unlawful blood-alcohol level, or
4414 | any other similar alcohol-related or drug-related traffic
4415 | offense outside this state is considered a conviction for the
4416 | purposes of this paragraph.

4417 | (e) Convictions that occur on the same date resulting from
4418 | separate offense dates shall be treated as separate convictions,
4419 | and the offense that occurred earlier will be deemed a prior
4420 | conviction for the purposes of this section.

4421 | (3) The court shall permanently revoke the driver ~~driver's~~
4422 | license or driving privilege of a person who has been convicted
4423 | of murder resulting from the operation of a motor vehicle. No
4424 | driver ~~driver's~~ license or driving privilege may be issued or



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4425 granted to any such person.

4426 (4) (a) Upon a conviction for a violation of s.
 4427 316.193(3)(c)2., involving serious bodily injury, a conviction
 4428 of manslaughter resulting from the operation of a motor vehicle,
 4429 or a conviction of vehicular homicide, the court shall revoke
 4430 the driver ~~driver's~~ license of the person convicted for a
 4431 minimum period of 3 years. If a conviction under s.
 4432 316.193(3)(c)2., involving serious bodily injury, is also a
 4433 subsequent conviction as described under paragraph (2)(a), the
 4434 court shall revoke the driver ~~driver's~~ license or driving
 4435 privilege of the person convicted for the period applicable as
 4436 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

4437 (b) If the period of revocation was not specified by the
 4438 court at the time of imposing sentence or within 30 days
 4439 thereafter, the department shall revoke the driver ~~driver's~~
 4440 license for the minimum period applicable under paragraph (a)
 4441 or, for a subsequent conviction, for the minimum period
 4442 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

4443 (5) A court may not stay the administrative suspension of
 4444 a driving privilege under s. 322.2615 or s. 322.2616 during
 4445 judicial review of the departmental order that resulted in such
 4446 suspension, and a suspension or revocation of a driving
 4447 privilege may not be stayed upon an appeal of the conviction or
 4448 order that resulted in the suspension or revocation.

4449 (6) In a prosecution for a violation of s. 316.172(1), and
 4450 upon a showing of the department's records that the licensee has
 4451 received a second conviction within 5 years following the date
 4452 of a prior conviction of s. 316.172(1), the department shall,



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4453 upon direction of the court, suspend the driver ~~driver's~~ license
4454 of the person convicted for a period of at least ~~not less than~~
4455 90 days but not ~~or~~ more than 6 months.

4456 (7) Following a second or subsequent violation of s.
4457 796.07(2)(f) which involves a motor vehicle and which results in
4458 any judicial disposition other than acquittal or dismissal, in
4459 addition to any other sentence imposed, the court shall revoke
4460 the person's driver ~~driver's~~ license or driving privilege,
4461 effective upon the date of the disposition, for a period of at
4462 least ~~not less than~~ 1 year. A person sentenced under this
4463 subsection may request a hearing under s. 322.271.

4464 Section 62. Section 322.331, Florida Statutes, is
4465 repealed.

4466 Section 63. Section 322.61, Florida Statutes, is amended
4467 to read:

4468 322.61 Disqualification from operating a commercial motor
4469 vehicle.—

4470 (1) A person who, for offenses occurring within a 3-year
4471 period, is convicted of two of the following serious traffic
4472 violations or any combination thereof, arising in separate
4473 incidents committed in a commercial motor vehicle shall, in
4474 addition to any other applicable penalties, be disqualified from
4475 operating a commercial motor vehicle for a period of 60 days. A
4476 holder of a commercial driver ~~driver's~~ license or commercial
4477 learner's permit who, for offenses occurring within a 3-year
4478 period, is convicted of two of the following serious traffic
4479 violations, or any combination thereof, arising in separate
4480 incidents committed in a noncommercial motor vehicle shall, in



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4481 addition to any other applicable penalties, be disqualified from
 4482 operating a commercial motor vehicle for a period of 60 days if
 4483 such convictions result in the suspension, revocation, or
 4484 cancellation of the licenseholder's driving privilege:

4485 (a) A violation of any state or local law relating to
 4486 motor vehicle traffic control, other than a parking violation, a
 4487 ~~weight violation, or a vehicle equipment violation,~~ arising in
 4488 connection with a crash resulting in death ~~or personal injury to~~
 4489 ~~any person;~~

4490 (b) Reckless driving, as defined in s. 316.192;

4491 ~~(c) Careless driving, as defined in s. 316.1925;~~

4492 ~~(d) Fleeing or attempting to elude a law enforcement~~
 4493 ~~officer, as defined in s. 316.1935;~~

4494 (c) ~~(e)~~ Unlawful speed of 15 miles per hour or more above
 4495 the posted speed limit;

4496 ~~(f) Driving a commercial motor vehicle, owned by such~~
 4497 ~~person, which is not properly insured;~~

4498 (d) ~~(g)~~ Improper lane change, as defined in s. 316.085;

4499 (e) ~~(h)~~ Following too closely, as defined in s. 316.0895;

4500 (f) ~~(i)~~ Driving a commercial vehicle without obtaining a
 4501 commercial driver ~~driver's~~ license;

4502 (g) ~~(j)~~ Driving a commercial vehicle without the proper
 4503 class of commercial driver ~~driver's~~ license or commercial
 4504 learner's permit or without the proper endorsement; or

4505 (h) ~~(k)~~ Driving a commercial vehicle without a commercial
 4506 driver ~~driver's~~ license or commercial learner's permit in
 4507 possession, as required by s. 322.03. ~~Any individual who~~
 4508 ~~provides proof to the clerk of the court or designated official~~



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4509 | ~~in the jurisdiction where the citation was issued, by the date~~
4510 | ~~the individual must appear in court or pay any fine for such a~~
4511 | ~~violation, that the individual held a valid commercial driver's~~
4512 | ~~license on the date the citation was issued is not guilty of~~
4513 | ~~this offense.~~

4514 | (2) (a) Any person who, for offenses occurring within a 3-
4515 | year period, is convicted of three serious traffic violations
4516 | specified in subsection (1) or any combination thereof, arising
4517 | in separate incidents committed in a commercial motor vehicle
4518 | shall, in addition to any other applicable penalties, including
4519 | but not limited to the penalty provided in subsection (1), be
4520 | disqualified from operating a commercial motor vehicle for a
4521 | period of 120 days.

4522 | (b) A holder of a commercial driver ~~driver's~~ license or
4523 | commercial learner's permit who, for offenses occurring within a
4524 | 3-year period, is convicted of three serious traffic violations
4525 | specified in subsection (1) or any combination thereof arising
4526 | in separate incidents committed in a noncommercial motor vehicle
4527 | shall, in addition to any other applicable penalties, including,
4528 | but not limited to, the penalty provided in subsection (1), be
4529 | disqualified from operating a commercial motor vehicle for a
4530 | period of 120 days if such convictions result in the suspension,
4531 | revocation, or cancellation of the licenseholder's driving
4532 | privilege.

4533 | (3) (a) Except as provided in subsection (4), any person
4534 | who is convicted of one of the offenses listed in paragraph (b)
4535 | while operating a commercial motor vehicle shall, in addition to
4536 | any other applicable penalties, be disqualified from operating a



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4537 commercial motor vehicle for a period of 1 year.

4538 (b) Except as provided in subsection (4), any holder of a

4539 commercial driver license or commercial learner's permit who is

4540 convicted of one of the offenses listed in this paragraph while

4541 operating a noncommercial motor vehicle shall, in addition to

4542 any other applicable penalties, be disqualified from operating a

4543 commercial motor vehicle for a period of 1 year:

4544 1. Driving a motor vehicle while he or she is under the

4545 influence of alcohol or a controlled substance;

4546 2. Driving a commercial motor vehicle while the alcohol

4547 concentration of his or her blood, breath, or urine is .04

4548 percent or higher;

4549 3. Leaving the scene of a crash involving a motor vehicle

4550 driven by such person;

4551 4. Using a motor vehicle in the commission of a felony;

4552 ~~5. Driving a commercial motor vehicle while in possession~~

4553 ~~of a controlled substance;~~

4554 ~~5.6.~~ Refusing to submit to a test to determine his or her

4555 alcohol concentration while driving a motor vehicle;

4556 6. Driving a commercial motor vehicle when, as a result of

4557 prior violations committed operating a commercial motor vehicle,

4558 his or her commercial driver license or commercial learner's

4559 permit is revoked, suspended, or canceled, or he or she is

4560 disqualified from operating a commercial motor vehicle; or

4561 ~~7. Driving a commercial vehicle while the licenseholder's~~

4562 ~~commercial driver license is suspended, revoked, or canceled or~~

4563 ~~while the licenseholder is disqualified from driving a~~

4564 ~~commercial vehicle; or~~



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4565 | ~~7.8.~~ Causing a fatality through the negligent operation of
 4566 | a commercial motor vehicle.

4567 | (4) Any person who is transporting hazardous materials as
 4568 | defined in s. 322.01(24) shall, upon conviction of an offense
 4569 | specified in subsection (3), be disqualified from operating a
 4570 | commercial motor vehicle for a period of 3 years. The penalty
 4571 | provided in this subsection shall be in addition to any other
 4572 | applicable penalty.

4573 | (5) A person who is convicted of two violations specified
 4574 | in subsection (3) which were committed while operating a
 4575 | commercial motor vehicle, or any combination thereof, arising in
 4576 | separate incidents shall be permanently disqualified from
 4577 | operating a commercial motor vehicle. A holder of a commercial
 4578 | driver license or commercial learner's permit who is convicted
 4579 | of two violations specified in subsection (3) which were
 4580 | committed while operating any motor vehicle arising in separate
 4581 | incidents shall be permanently disqualified from operating a
 4582 | commercial motor vehicle. The penalty provided in this
 4583 | subsection is in addition to any other applicable penalty.

4584 | (6) Notwithstanding subsections (3), (4), and (5), any
 4585 | person who uses a commercial motor vehicle in the commission of
 4586 | any felony involving the manufacture, distribution, or
 4587 | dispensing of a controlled substance, including possession with
 4588 | intent to manufacture, distribute, or dispense a controlled
 4589 | substance, shall, upon conviction of such felony, be permanently
 4590 | disqualified from operating a commercial motor vehicle.
 4591 | Notwithstanding subsections (3), (4), and (5), any holder of a
 4592 | commercial driver ~~driver's~~ license or commercial learner's



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4593 | permit who uses a noncommercial motor vehicle in the commission
 4594 | of any felony involving the manufacture, distribution, or
 4595 | dispensing of a controlled substance, including possession with
 4596 | intent to manufacture, distribute, or dispense a controlled
 4597 | substance, shall, upon conviction of such felony, be permanently
 4598 | disqualified from operating a commercial motor vehicle. The
 4599 | penalty provided in this subsection is in addition to any other
 4600 | applicable penalty.

4601 | (7) A person whose privilege to operate a commercial motor
 4602 | vehicle is disqualified under this section may, if otherwise
 4603 | qualified, be issued a Class E driver ~~driver's~~ license, pursuant
 4604 | to s. 322.251.

4605 | (8) A driver who is convicted of or otherwise found to
 4606 | have committed a violation of an out-of-service order while
 4607 | driving a commercial motor vehicle is disqualified as follows:

4608 | (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
 4609 | 1 year if the driver is convicted of or otherwise found to have
 4610 | committed a first violation of an out-of-service order.

4611 | (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
 4612 | years if, for offenses occurring during any 10-year period, the
 4613 | driver is convicted of or otherwise found to have committed two
 4614 | violations of out-of-service orders in separate incidents.

4615 | (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
 4616 | years if, for offenses occurring during any 10-year period, the
 4617 | driver is convicted of or otherwise found to have committed
 4618 | three or more violations of out-of-service orders in separate
 4619 | incidents.

4620 | (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than



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4621 2 years if the driver is convicted of or otherwise found to have
4622 committed a first violation of an out-of-service order while
4623 transporting hazardous materials required to be placarded under
4624 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
4625 et seq., or while operating motor vehicles designed to transport
4626 more than 15 passengers, including the driver. A driver is
4627 disqualified for a period of at least ~~not less than~~ 3 years but
4628 not ~~nor~~ more than 5 years if, for offenses occurring during any
4629 10-year period, the driver is convicted of or otherwise found to
4630 have committed any subsequent violations of out-of-service
4631 orders, in separate incidents, while transporting hazardous
4632 materials required to be placarded under the Hazardous Materials
4633 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
4634 operating motor vehicles designed to transport more than 15
4635 passengers, including the driver.

4636 (9) A driver who is convicted of or otherwise found to
4637 have committed an offense of operating a commercial motor
4638 vehicle in violation of federal, state, or local law or
4639 regulation pertaining to one of the following six offenses at a
4640 railroad-highway grade crossing must be disqualified for the
4641 period of time specified in subsection (10):

4642 (a) For drivers who are not always required to stop,
4643 failing to slow down and check that the tracks are clear of
4644 approaching trains.

4645 (b) For drivers who are not always required to stop,
4646 failing to stop before reaching the crossing if the tracks are
4647 not clear.

4648 (c) For drivers who are always required to stop, failing



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4649 | to stop before driving onto the crossing.

4650 | (d) For all drivers, failing to have sufficient space to

4651 | drive completely through the crossing without stopping.

4652 | (e) For all drivers, failing to obey a traffic control

4653 | device or all directions of an enforcement official at the

4654 | crossing.

4655 | (f) For all drivers, failing to negotiate a crossing

4656 | because of insufficient undercarriage clearance.

4657 | (10) (a) A driver must be disqualified for at least ~~not~~

4658 | ~~less than~~ 60 days if the driver is convicted of or otherwise

4659 | found to have committed a first violation of a railroad-highway

4660 | grade crossing violation.

4661 | (b) A driver must be disqualified for at least ~~not less~~

4662 | ~~than~~ 120 days if, for offenses occurring during any 3-year

4663 | period, the driver is convicted of or otherwise found to have

4664 | committed a second railroad-highway grade crossing violation in

4665 | separate incidents.

4666 | (c) A driver must be disqualified for at least ~~not less~~

4667 | ~~than~~ 1 year if, for offenses occurring during any 3-year period,

4668 | the driver is convicted of or otherwise found to have committed

4669 | a third or subsequent railroad-highway grade crossing violation

4670 | in separate incidents.

4671 | Section 64. Section 322.64, Florida Statutes, is amended

4672 | to read:

4673 | 322.64 Holder of commercial driver ~~driver's~~ license;

4674 | persons operating a commercial motor vehicle; driving with

4675 | unlawful blood-alcohol level; refusal to submit to breath,

4676 | urine, or blood test.—



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4677 (1) (a) A law enforcement officer or correctional officer
 4678 shall, on behalf of the department, disqualify from operating
 4679 any commercial motor vehicle a person who while operating or in
 4680 actual physical control of a commercial motor vehicle is
 4681 arrested for a violation of s. 316.193, relating to unlawful
 4682 blood-alcohol level or breath-alcohol level, or a person who has
 4683 refused to submit to a breath, urine, or blood test authorized
 4684 by s. 322.63 or s. 316.1932 arising out of the operation or
 4685 actual physical control of a commercial motor vehicle. A law
 4686 enforcement officer or correctional officer shall, on behalf of
 4687 the department, disqualify the holder of a commercial driver
 4688 ~~driver's~~ license from operating any commercial motor vehicle if
 4689 the licenseholder, while operating or in actual physical control
 4690 of a motor vehicle, is arrested for a violation of s. 316.193,
 4691 relating to unlawful blood-alcohol level or breath-alcohol
 4692 level, or refused to submit to a breath, urine, or blood test
 4693 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 4694 the person, the officer shall take the person's driver ~~driver's~~
 4695 license and issue the person a 10-day temporary permit for the
 4696 operation of noncommercial vehicles only if the person is
 4697 otherwise eligible for the driving privilege and shall issue the
 4698 person a notice of disqualification. If the person has been
 4699 given a blood, breath, or urine test, the results of which are
 4700 not available to the officer at the time of the arrest, the
 4701 agency employing the officer shall transmit such results to the
 4702 department within 5 days after receipt of the results. If the
 4703 department then determines that the person had a blood-alcohol
 4704 level or breath-alcohol level of 0.08 or higher, the department



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4705 shall disqualify the person from operating a commercial motor
 4706 vehicle pursuant to subsection (3).

4707 (b) For purposes of determining the period of
 4708 disqualification described in 49 C.F.R. s. 383.51, a
 4709 disqualification under paragraph (a) shall be considered a
 4710 conviction.

4711 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
 4712 pursuant to, and the notice of disqualification shall inform the
 4713 driver of, the following:

4714 1.a. The driver refused to submit to a lawful breath,
 4715 blood, or urine test and he or she is disqualified from
 4716 operating a commercial motor vehicle for the time period
 4717 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
 4718 ~~first refusal, or permanently, if he or she has previously been~~
 4719 ~~disqualified under this section; or~~

4720 b. The driver had an unlawful blood-alcohol level of 0.08
 4721 or higher while ~~was~~ driving or in actual physical control of a
 4722 commercial motor vehicle, or any motor vehicle if the driver
 4723 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
 4724 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
 4725 and his or her driving privilege is ~~shall be~~ disqualified for
 4726 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
 4727 ~~year for a first offense or permanently disqualified if his or~~
 4728 ~~her driving privilege has been previously disqualified under~~
 4729 ~~this section.~~

4730 2. The disqualification period for operating commercial
 4731 vehicles shall commence on the date of issuance of the notice of
 4732 disqualification.



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4733 | 3. The driver may request a formal or informal review of
4734 | the disqualification by the department within 10 days after the
4735 | date of issuance of the notice of disqualification.

4736 | 4. The temporary permit issued at the time of
4737 | disqualification expires at midnight of the 10th day following
4738 | the date of disqualification.

4739 | 5. The driver may submit to the department any materials
4740 | relevant to the disqualification.

4741 | (2) (a) Except as provided in paragraph (1) (a), the law
4742 | enforcement officer shall forward to the department, within 5
4743 | days after the date of the issuance of the notice of
4744 | disqualification, a copy of the notice of disqualification, the
4745 | driver ~~driver's~~ license of the person disqualified, and an
4746 | affidavit stating the officer's grounds for belief that the
4747 | person disqualified was operating or in actual physical control
4748 | of a commercial motor vehicle, or holds a commercial driver
4749 | ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
4750 | alcohol level; the results of any breath or blood or urine test
4751 | or an affidavit stating that a breath, blood, or urine test was
4752 | requested by a law enforcement officer or correctional officer
4753 | and that the person arrested refused to submit; a copy of the
4754 | notice of disqualification issued to the person; and the
4755 | officer's description of the person's field sobriety test, if
4756 | any. The failure of the officer to submit materials within the
4757 | 5-day period specified in this subsection or subsection (1) does
4758 | not affect the department's ability to consider any evidence
4759 | submitted at or prior to the hearing.

4760 | (b) The officer may also submit a copy of a video



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4761 recording videotape of the field sobriety test or the attempt to
 4762 administer such test and a copy of the crash report, ~~if any~~.
 4763 Notwithstanding s. 316.066, the crash report shall be considered
 4764 by the hearing officer.

4765 (3) If the department determines that the person arrested
 4766 should be disqualified from operating a commercial motor vehicle
 4767 pursuant to this section and if the notice of disqualification
 4768 has not already been served upon the person by a law enforcement
 4769 officer or correctional officer as provided in subsection (1),
 4770 the department shall issue a notice of disqualification and,
 4771 unless the notice is mailed pursuant to s. 322.251, a temporary
 4772 permit which expires 10 days after the date of issuance if the
 4773 driver is otherwise eligible.

4774 (4) If the person disqualified requests an informal review
 4775 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
 4776 conduct the informal review by a hearing officer designated
 4777 ~~employed~~ by the department. Such informal review hearing shall
 4778 consist solely of an examination by the department of the
 4779 materials submitted by a law enforcement officer or correctional
 4780 officer and by the person disqualified, and the presence of an
 4781 officer or witness is not required.

4782 (5) After completion of the informal review, notice of the
 4783 department's decision sustaining, amending, or invalidating the
 4784 disqualification must be provided to the person. Such notice
 4785 must be mailed to the person at the last known address shown on
 4786 the department's records, and to the address provided in the law
 4787 enforcement officer's report if such address differs from the
 4788 address of record, within 21 days after the expiration of the



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4789 temporary permit issued pursuant to subsection (1) or subsection
4790 (3).

4791 (6) (a) If the person disqualified requests a formal
4792 review, the department must schedule a hearing to be held within
4793 30 days after such request is received by the department and
4794 must notify the person of the date, time, and place of the
4795 hearing.

4796 (b) Such formal review hearing shall be held before a
4797 hearing officer designated ~~employed~~ by the department, and the
4798 hearing officer shall be authorized to administer oaths, examine
4799 witnesses and take testimony, receive relevant evidence, issue
4800 subpoenas for the officers and witnesses identified in documents
4801 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
4802 regulate the course and conduct of the hearing, and make a
4803 ruling on the disqualification. The hearing officer may conduct
4804 hearings using communications technology. The department and the
4805 person disqualified may subpoena witnesses, and the party
4806 requesting the presence of a witness shall be responsible for
4807 the payment of any witness fees. If the person who requests a
4808 formal review hearing fails to appear and the hearing officer
4809 finds such failure to be without just cause, the right to a
4810 formal hearing is waived.

4811 (c) The failure of a subpoenaed witness to appear at the
4812 formal review hearing shall not be grounds to invalidate the
4813 disqualification. If a witness fails to appear, a party may seek
4814 enforcement of a subpoena under paragraph (b) by filing a
4815 petition for enforcement in the circuit court of the judicial
4816 circuit in which the person failing to comply with the subpoena



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4817 resides or by filing a motion for enforcement in any criminal
 4818 court case resulting from the driving or actual physical control
 4819 of a motor vehicle or commercial motor vehicle that gave rise to
 4820 the disqualification under this section. A failure to comply
 4821 with an order of the court shall result in a finding of contempt
 4822 of court. However, a person shall not be in contempt while a
 4823 subpoena is being challenged.

4824 (d) The department must, within 7 working days after a
 4825 formal review hearing, send notice to the person of the hearing
 4826 officer's decision as to whether sufficient cause exists to
 4827 sustain, amend, or invalidate the disqualification.

4828 (7) In a formal review hearing under subsection (6) or an
 4829 informal review hearing under subsection (4), the hearing
 4830 officer shall determine by a preponderance of the evidence
 4831 whether sufficient cause exists to sustain, amend, or invalidate
 4832 the disqualification. The scope of the review shall be limited
 4833 to the following issues:

4834 (a) If the person was disqualified from operating a
 4835 commercial motor vehicle for driving with an unlawful blood-
 4836 alcohol level:

4837 1. Whether the ~~arresting~~ law enforcement officer had
 4838 probable cause to believe that the person was driving or in
 4839 actual physical control of a commercial motor vehicle, or any
 4840 motor vehicle if the driver holds a commercial driver ~~driver's~~
 4841 license, in this state while he or she had any alcohol, chemical
 4842 substances, or controlled substances in his or her body.

4843 2. Whether the person had an unlawful blood-alcohol level
 4844 or breath-alcohol level of 0.08 or higher.



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4845 (b) If the person was disqualified from operating a
 4846 commercial motor vehicle for refusal to submit to a breath,
 4847 blood, or urine test:

4848 1. Whether the law enforcement officer had probable cause
 4849 to believe that the person was driving or in actual physical
 4850 control of a commercial motor vehicle, or any motor vehicle if
 4851 the driver holds a commercial driver ~~driver's~~ license, in this
 4852 state while he or she had any alcohol, chemical substances, or
 4853 controlled substances in his or her body.

4854 2. Whether the person refused to submit to the test after
 4855 being requested to do so by a law enforcement officer or
 4856 correctional officer.

4857 3. Whether the person was told that if he or she refused
 4858 to submit to such test he or she would be disqualified from
 4859 operating a commercial motor vehicle for a period of 1 year or,
 4860 if previously disqualified under this section, permanently.

4861 (8) Based on the determination of the hearing officer
 4862 pursuant to subsection (7) for both informal hearings under
 4863 subsection (4) and formal hearings under subsection (6), the
 4864 department shall:

4865 ~~(a)~~ sustain the disqualification for the time period
 4866 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
 4867 ~~refusal, or permanently if such person has been previously~~
 4868 ~~disqualified from operating a commercial motor vehicle under~~
 4869 ~~this section.~~ The disqualification period commences on the date
 4870 of the issuance of the notice of disqualification.

4871 ~~(b) Sustain the disqualification:~~

4872 ~~1. For a period of 1 year if the person was driving or in~~



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4873 ~~actual physical control of a commercial motor vehicle, or any~~
 4874 ~~motor vehicle if the driver holds a commercial driver's license,~~
 4875 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
 4876 ~~of 0.08 or higher; or~~

4877 ~~2. Permanently if the person has been previously~~
 4878 ~~disqualified from operating a commercial motor vehicle under~~
 4879 ~~this section or his or her driving privilege has been previously~~
 4880 ~~suspended for driving or being in actual physical control of a~~
 4881 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 4882 ~~holds a commercial driver's license, and had an unlawful blood-~~
 4883 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

4884
 4885 ~~The disqualification period commences on the date of the~~
 4886 ~~issuance of the notice of disqualification.~~

4887 (9) A request for a formal review hearing or an informal
 4888 review hearing shall not stay the disqualification. If the
 4889 department fails to schedule the formal review hearing ~~to be~~
 4890 ~~held~~ within 30 days after receipt of the request therefor, the
 4891 department shall invalidate the disqualification. If the
 4892 scheduled hearing is continued at the department's initiative or
 4893 the driver enforces the subpoena as provided in subsection (6),
 4894 the department shall issue a temporary driving permit limited to
 4895 noncommercial vehicles which is valid until the hearing is
 4896 conducted if the person is otherwise eligible for the driving
 4897 privilege. Such permit shall not be issued to a person who
 4898 sought and obtained a continuance of the hearing. The permit
 4899 issued under this subsection shall authorize driving for
 4900 business purposes only.



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4901 (10) A person who is disqualified from operating a
 4902 commercial motor vehicle under subsection (1) or subsection (3)
 4903 is eligible for issuance of a license for business or employment
 4904 purposes only under s. 322.271 if the person is otherwise
 4905 eligible for the driving privilege. However, such business or
 4906 employment purposes license shall not authorize the driver to
 4907 operate a commercial motor vehicle.

4908 (11) The formal review hearing may be conducted upon a
 4909 review of the reports of a law enforcement officer or a
 4910 correctional officer, including documents relating to the
 4911 administration of a breath test or blood test or the refusal to
 4912 take either test. However, as provided in subsection (6), the
 4913 driver may subpoena the officer or any person who administered
 4914 or analyzed a breath or blood test. If the arresting officer or
 4915 the breath technician fails to appear pursuant to a subpoena as
 4916 provided in subsection (6), the department shall invalidate the
 4917 disqualification.

4918 (12) The formal review hearing and the informal review
 4919 hearing are exempt from the provisions of chapter 120. The
 4920 department may ~~is authorized to~~ adopt rules for the conduct of
 4921 reviews under this section.

4922 (13) A person may appeal any decision of the department
 4923 sustaining the disqualification from operating a commercial
 4924 motor vehicle by a petition for writ of certiorari to the
 4925 circuit court in the county wherein such person resides or
 4926 wherein a formal or informal review was conducted pursuant to s.
 4927 322.31. However, an appeal shall not stay the disqualification.
 4928 This subsection shall not be construed to provide for a de novo



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4929 | review ~~appeal~~.

4930 | (14) The decision of the department under this section
 4931 | shall not be considered in any trial for a violation of s.
 4932 | 316.193, s. 322.61, or s. 322.62, nor shall any written
 4933 | statement submitted by a person in his or her request for
 4934 | departmental review under this section be admissible into
 4935 | evidence against him or her in any such trial. The disposition
 4936 | of any related criminal proceedings shall not affect a
 4937 | disqualification imposed pursuant to this section.

4938 | (15) This section does not preclude the suspension of the
 4939 | driving privilege pursuant to s. 322.2615. The driving privilege
 4940 | of a person who has been disqualified from operating a
 4941 | commercial motor vehicle also may be suspended for a violation
 4942 | of s. 316.193.

4943 | Section 65. Subsection (2) of section 323.002, Florida
 4944 | Statutes, is amended to read:

4945 | 323.002 County and municipal wrecker operator systems;
 4946 | penalties for operation outside of system.—

4947 | (2) In any county or municipality that operates a wrecker
 4948 | operator system:

4949 | (a) It is unlawful for an unauthorized wrecker operator or
 4950 | its employees or agents to monitor police radio for
 4951 | communications between patrol field units and the dispatcher in
 4952 | order to determine the location of a wrecked or disabled vehicle
 4953 | for the purpose of driving by the scene of such vehicle in a
 4954 | manner described in paragraph (b) or paragraph (c). Any person
 4955 | who violates this paragraph commits ~~is guilty of~~ a noncriminal
 4956 | violation, punishable as provided in s. 775.083.



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4957 (b) It is unlawful for an unauthorized wrecker operator to
 4958 drive by the scene of a wrecked or disabled vehicle before the
 4959 arrival of an authorized wrecker operator, initiate contact with
 4960 the owner or operator of such vehicle by soliciting or offering
 4961 towing services, and tow such vehicle. Any person who violates
 4962 this paragraph commits ~~is guilty of~~ a misdemeanor of the second
 4963 degree, punishable as provided in s. 775.082 or s. 775.083.

4964 (c) When an unauthorized wrecker operator drives by the
 4965 scene of a wrecked or disabled vehicle and the owner or operator
 4966 initiates contact by signaling the wrecker operator to stop and
 4967 provide towing services, the unauthorized wrecker operator must
 4968 disclose in writing to the owner or operator of the vehicle his
 4969 or her full name and driver license number, that he or she is
 4970 not the authorized wrecker operator who has been designated as
 4971 part of the wrecker operator system, that the motor vehicle is
 4972 not being towed for the owner's or operator's insurance company
 4973 or lienholder, whether he or she has in effect an insurance
 4974 policy providing at least \$300,000 of liability insurance and at
 4975 least \$50,000 of on-hook cargo insurance, and the maximum ~~must~~
 4976 ~~disclose, in writing, a fee schedule that includes what charges~~
 4977 for towing and storage which will apply before the vehicle is
 4978 connected to ~~or disconnected from~~ the towing apparatus, ~~the fee~~
 4979 ~~charged per mile to and from the storage facility, the fee~~
 4980 ~~charged per 24 hours of storage, and, prominently displayed, the~~
 4981 ~~consumer hotline for the Department of Agriculture and Consumer~~
 4982 ~~Services.~~ Any person who violates this paragraph commits ~~is~~
 4983 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 4984 provided in s. 775.082 or s. 775.083.



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4985 Section 66. Paragraph (a) of subsection (1) of section
 4986 324.0221, Florida Statutes, is amended to read:

4987 324.0221 Reports by insurers to the department; suspension
 4988 of driver ~~driver's~~ license and vehicle registrations;
 4989 reinstatement.—

4990 (1) (a) Each insurer that has issued a policy providing
 4991 personal injury protection coverage or property damage liability
 4992 coverage shall report the ~~renewal~~, cancellation, or nonrenewal
 4993 thereof to the department within 10 ~~45~~ days after the processing
 4994 date or effective date of each ~~renewal~~, cancellation, or
 4995 nonrenewal. Upon the issuance of a policy providing personal
 4996 injury protection coverage or property damage liability coverage
 4997 to a named insured not previously insured by the insurer during
 4998 that calendar year, the insurer shall report the issuance of the
 4999 new policy to the department within 10 ~~30~~ days. The report shall
 5000 be in the form and format and contain any information required
 5001 by the department and must be provided in a format that is
 5002 compatible with the data processing capabilities of the
 5003 department. The department may adopt rules regarding the form
 5004 and documentation required. Failure by an insurer to file proper
 5005 reports with the department as required by this subsection or
 5006 rules adopted with respect to the requirements of this
 5007 subsection constitutes a violation of the Florida Insurance
 5008 Code. These records shall be used by the department only for
 5009 enforcement and regulatory purposes, including the generation by
 5010 the department of data regarding compliance by owners of motor
 5011 vehicles with the requirements for financial responsibility
 5012 coverage.



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5013 Section 67. Section 324.031, Florida Statutes, is amended
 5014 to read:

5015 324.031 Manner of proving financial responsibility.—The
 5016 owner or operator of a taxicab, limousine, jitney, or any other
 5017 for-hire passenger transportation vehicle may prove financial
 5018 responsibility by providing satisfactory evidence of holding a
 5019 motor vehicle liability policy as defined in s. 324.021(8) or s.
 5020 324.151, which policy is issued by an insurance carrier which is
 5021 a member of the Florida Insurance Guaranty Association. The
 5022 operator or owner of any other vehicle may prove his or her
 5023 financial responsibility by:

5024 (1) Furnishing satisfactory evidence of holding a motor
 5025 vehicle liability policy as defined in ss. 324.021(8) and
 5026 324.151;

5027 ~~(2) Posting with the department a satisfactory bond of a~~
 5028 ~~surety company authorized to do business in this state,~~
 5029 ~~conditioned for payment of the amount specified in s.~~
 5030 ~~324.021(7);~~

5031 (2)~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
 5032 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
 5033 with s. 324.161; or

5034 (3)~~(4)~~ Furnishing a certificate of self-insurance issued
 5035 by the department in accordance with s. 324.171.

5036
 5037 Any person, including any firm, partnership, association,
 5038 corporation, or other person, other than a natural person,
 5039 electing to use the method of proof specified in subsection (2)
 5040 ~~or subsection (3)~~ shall furnish a certificate of post a bond or



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5041 deposit equal to the number of vehicles owned times \$30,000, to
 5042 a maximum of \$120,000; in addition, any such person, other than
 5043 a natural person, shall maintain insurance providing coverage in
 5044 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 5045 single limits, and such excess insurance shall provide minimum
 5046 limits of \$125,000/250,000/50,000 or \$300,000 combined single
 5047 limits. These increased limits shall not affect the requirements
 5048 for proving financial responsibility under s. 324.032(1).

5049 Section 68. Subsection (1) of section 324.091, Florida
 5050 Statutes, is amended to read:

5051 324.091 Notice to department; notice to insurer.—

5052 (1) Each owner and operator involved in a crash or
 5053 conviction case within the purview of this chapter shall furnish
 5054 evidence of automobile liability insurance or motor vehicle
 5055 liability insurance, ~~or a surety bond~~ within 14 days after the
 5056 date of the mailing of notice of crash by the department in the
 5057 form and manner as it may designate. Upon receipt of evidence
 5058 that an automobile liability policy or motor vehicle liability
 5059 policy, ~~or surety bond~~ was in effect at the time of the crash or
 5060 conviction case, the department shall forward ~~by United States~~
 5061 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
 5062 ~~of~~ such information for verification in a method as determined
 5063 by the department. ~~and shall assume that the policy or bond was~~
 5064 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
 5065 ~~notifies~~ the department ~~otherwise~~ within 20 days after the
 5066 ~~mailing of~~ the notice whether or not such information is valid
 5067 ~~to the insurer or surety insurer.~~ ~~However,~~ If the department
 5068 ~~later~~ determines that an automobile liability policy or motor



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5069 vehicle liability policy, ~~or surety bond~~ was not in effect and
 5070 did not provide coverage for both the owner and the operator, it
 5071 shall take action as it is otherwise authorized to do under this
 5072 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
 5073 ~~be made by the department by naming the insurer or surety~~
 5074 ~~insurer to whom the mailing was made and by specifying the time,~~
 5075 ~~place, and manner of mailing.~~

5076 Section 69. Section 324.161, Florida Statutes, is amended
 5077 to read:

5078 324.161 Proof of financial responsibility; ~~surety bond or~~
 5079 ~~deposit.~~ Annually, before any certificate of insurance may be
 5080 issued to a person, including any firm, partnership,
 5081 association, corporation, or other person, other than a natural
 5082 person, proof of a certificate of deposit of \$30,000 issued and
 5083 held by a financial institution must be submitted to the
 5084 department. A power of attorney will be issued to and held by
 5085 the department and may be executed upon ~~The certificate of the~~
 5086 ~~department of a deposit may be obtained by depositing with it~~
 5087 ~~\$30,000 cash or securities such as may be legally purchased by~~
 5088 ~~savings banks or for trust funds, of a market value of \$30,000~~
 5089 ~~and which deposit shall be held by the department to satisfy, in~~
 5090 ~~accordance with the provisions of this chapter, any execution on~~
 5091 a judgment issued against such person making the deposit, for
 5092 damages because of bodily injury to or death of any person or
 5093 for damages because of injury to or destruction of property
 5094 resulting from the use or operation of any motor vehicle
 5095 occurring after such deposit was made. Money ~~or securities~~ so
 5096 deposited shall not be subject to attachment or execution unless



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5097 | such attachment or execution shall arise out of a suit for
 5098 | damages as aforesaid.

5099 | Section 70. Paragraph (a) of subsection (1) of section
 5100 | 328.01, Florida Statutes, is amended to read:

5101 | 328.01 Application for certificate of title.—

5102 | (1) (a) The owner of a vessel which is required to be
 5103 | titled shall apply to the county tax collector for a certificate
 5104 | of title. The application shall include the true name of the
 5105 | owner, the residence or business address of the owner, and the
 5106 | complete description of the vessel, including the hull
 5107 | identification number, except that an application for a
 5108 | certificate of title for a homemade vessel shall state all the
 5109 | foregoing information except the hull identification number. The
 5110 | application shall be signed by the owner and shall be
 5111 | accompanied by personal or business identification and the
 5112 | prescribed fee. An individual applicant must provide a valid
 5113 | driver license or identification card issued by this state or
 5114 | another state or a valid passport. A business applicant must
 5115 | provide a federal employer identification number, if applicable,
 5116 | verification that the business is authorized to conduct business
 5117 | in the state, or a Florida city or county business license or
 5118 | number, which may include, but need not be limited to, a
 5119 | driver's license number, Florida identification card number, or
 5120 | federal employer identification number, and the prescribed fee.

5121 | Section 71. Paragraph (a) of subsection (1) of section
 5122 | 328.48, Florida Statutes, is amended to read:

5123 | 328.48 Vessel registration, application, certificate,
 5124 | number, decal, duplicate certificate.—



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5125 | (1) (a) The owner of each vessel required by this law to
 5126 | pay a registration fee and secure an identification number shall
 5127 | file an application with the county tax collector. The
 5128 | application shall provide the owner's name and address;
 5129 | residency status; personal or business identification, ~~which may~~
 5130 | ~~include, but need not be limited to, a driver's license number,~~
 5131 | ~~Florida identification card number, or federal employer~~
 5132 | ~~identification number;~~ and a complete description of the vessel,
 5133 | and shall be accompanied by payment of the applicable fee
 5134 | required in s. 328.72. An individual applicant must provide a
 5135 | valid driver license or identification card issued by this state
 5136 | or another state or a valid passport. A business applicant must
 5137 | provide a federal employer identification number, if applicable,
 5138 | verification that the business is authorized to conduct business
 5139 | in the state, or a Florida city or county business license or
 5140 | number. Registration is not required for any vessel that is not
 5141 | used on the waters of this state.

5142 | Section 72. Subsection (1) of section 328.76, Florida
 5143 | Statutes, is amended to read:

5144 | 328.76 Marine Resources Conservation Trust Fund; vessel
 5145 | registration funds; appropriation and distribution.—

5146 | (1) Except as otherwise specified in this subsection and
 5147 | less the amount equal to ~~\$1.4 million for~~ any administrative
 5148 | costs which shall be deposited in the Highway Safety Operating
 5149 | Trust Fund, in each fiscal year beginning on or after July 1,
 5150 | 2001, all funds collected from the registration of vessels
 5151 | through the Department of Highway Safety and Motor Vehicles and
 5152 | the tax collectors of the state, except for those funds



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5153 designated as the county portion pursuant to s. 328.72(1), shall
 5154 be deposited in the Marine Resources Conservation Trust Fund for
 5155 recreational channel marking; public launching facilities; law
 5156 enforcement and quality control programs; aquatic weed control;
 5157 manatee protection, recovery, rescue, rehabilitation, and
 5158 release; and marine mammal protection and recovery. The funds
 5159 collected pursuant to s. 328.72(1) shall be transferred as
 5160 follows:

5161 (a) In each fiscal year, an amount equal to \$1.50 for each
 5162 commercial and recreational vessel registered in this state
 5163 shall be transferred by the Department of Highway Safety and
 5164 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 5165 used only for the purposes specified in s. 379.2431(4).

5166 (b) An amount equal to \$2 from each recreational vessel
 5167 registration fee, except that for class A-1 vessels, shall be
 5168 transferred by the Department of Highway Safety and Motor
 5169 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 5170 and Wildlife Conservation Commission for aquatic weed research
 5171 and control.

5172 (c) An amount equal to 40 percent of the registration fees
 5173 from commercial vessels shall be transferred by the Department
 5174 of Highway Safety and Motor Vehicles to the Invasive Plant
 5175 Control Trust Fund in the Fish and Wildlife Conservation
 5176 Commission for aquatic plant research and control.

5177 (d) An amount equal to 40 percent of the registration fees
 5178 from commercial vessels shall be transferred by the Department
 5179 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 5180 General Inspection Trust Fund of the Department of Agriculture



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5181 and Consumer Services. These funds shall be used for shellfish
 5182 and aquaculture development ~~law enforcement~~ and quality control
 5183 programs.

5184 (e) After all administrative costs are funded and the
 5185 distributions in paragraphs (a)-(d) have been made, up to
 5186 \$400,000 shall be transferred by the Department of Highway
 5187 Safety and Motor Vehicles to the General Inspection Trust Fund
 5188 of the Department of Agriculture and Consumer Services to fund
 5189 activities relating to the protection, restoration, and research
 5190 of the natural oyster reefs and beds of the state. This
 5191 paragraph expires July 1, 2017.

5192 (f) After all administrative costs are funded and the
 5193 distributions in paragraphs (a)-(d) have been made, up to
 5194 \$300,000 may be used by the Fish and Wildlife Conservation
 5195 Commission for boating safety education. This paragraph expires
 5196 July 1, 2017.

5197 Section 73. Section 339.0801, Florida Statutes, is amended
 5198 to read:

5199 339.0801 Allocation of increased revenues derived from
 5200 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
 5201 from increased revenues to the State Transportation Trust Fund
 5202 derived from the amendments to s. 319.32(5)(a) made by this act
 5203 must be used annually, first as set forth in subsection (1) and
 5204 then as set forth in subsections (2)-(5), as follows,
 5205 notwithstanding any other provision of law:

5206 (1) (a) ~~In the 2012-2013 fiscal year, \$200 million, or~~
 5207 ~~actual receipts up to \$200 million, shall be transferred to the~~
 5208 ~~General Revenue Fund.~~



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5209 ~~(b) The Department of Transportation shall transfer the~~
 5210 ~~actual receipts monthly to the General Revenue Fund. These~~
 5211 ~~transfers shall be made in the month following the deposit of~~
 5212 ~~those receipts into the State Transportation Trust Fund.~~

5213 ~~(2)~~ Beginning in the 2013-2014 fiscal year and annually
 5214 for ~~up to~~ 30 years thereafter, \$10 million shall be for the
 5215 purpose of funding any seaport project identified in the adopted
 5216 work program of the Department of Transportation, to be known as
 5217 the Seaport Investment Program.

5218 (b) The revenues may be assigned, pledged, or set aside as
 5219 a trust for the payment of principal or interest on revenue
 5220 bonds, tax anticipation certificates, or other forms of
 5221 indebtedness issued by an individual port or appropriate local
 5222 government having jurisdiction thereof, or collectively by
 5223 interlocal agreement among any of the ports, or used to purchase
 5224 credit support to permit such borrowings. Alternatively, revenue
 5225 bonds shall be issued by the Division of Bond Finance at the
 5226 request of the Department of Transportation under the State Bond
 5227 Act and shall be secured by such revenues as are provided in
 5228 this subsection.

5229 ~~(c) However, the debt is~~ Revenue bonds or other
 5230 indebtedness issued hereunder are not a general obligation of
 5231 the state and are secured solely by a first lien on the revenues
 5232 distributed under this subsection.

5233 (d) The state covenants with holders of the revenue bonds
 5234 or other instruments of indebtedness issued pursuant to this
 5235 subsection that it will not repeal ~~or impair or amend~~ this
 5236 subsection; nor take any other action, including but not limited



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5237 to amending this subsection, in any manner that will materially
 5238 and ~~or~~ adversely affect the rights of such holders so long as
 5239 revenue bonds or other indebtedness authorized by this
 5240 subsection are outstanding.

5241 (e) The proceeds of any revenue bonds or other
 5242 indebtedness ~~secured by a pledge of the funding,~~ after payment
 5243 of costs of issuance and establishment of any required reserves,
 5244 shall be invested in projects approved by the Department of
 5245 Transportation and included in the department's adopted work
 5246 program, by amendment if necessary. As required under s. 11(f),
 5247 Art. VII of the State Constitution, the Legislature approves
 5248 projects included in the department's adopted work program,
 5249 including any projects added to the work program by amendment
 5250 under s. 339.135(7).

5251 (f) Any revenues that are not used for ~~pledged to~~ the
 5252 payment repayment of bonds as authorized by this subsection
 5253 ~~section~~ may be used for purposes authorized under the Florida
 5254 Seaport Transportation and Economic Development Program. This
 5255 revenue source is in addition to any amounts provided for and
 5256 appropriated in accordance with ss. 311.07 and 320.20(3) and
 5257 (4). ~~Revenue bonds shall be issued by the Division of Bond~~
 5258 ~~Finance at the request of the Department of Transportation~~
 5259 ~~pursuant to the State Bond Act.~~

5260 (2)(3) Beginning in the 2013-2014 fiscal year and annually
 5261 for up to 30 years thereafter, \$35 million shall be transferred
 5262 to Florida's Turnpike Enterprise, to be used in accordance with
 5263 Florida Turnpike Enterprise Law, to the maximum extent feasible
 5264 for feeder roads, structures, interchanges, appurtenances, and



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5265 other rights to create or facilitate access to the existing
5266 turnpike system.

5267 (3)~~(4)~~ Beginning in the 2013-2014 fiscal year and annually
5268 thereafter, \$10 million shall be transferred to the
5269 Transportation Disadvantaged Trust Fund, to be used as specified
5270 in s. 427.0159.

5271 (4)~~(5)~~ Beginning in the 2013-2014 fiscal year and annually
5272 thereafter, \$10 million shall be allocated to the Small County
5273 Outreach Program, to be used as specified in s. 339.2818. These
5274 funds are in addition to the funds provided in s.
5275 201.15(1)(c)1.b.

5276 (5)~~(6)~~ After the distributions required pursuant to
5277 subsections (1)-(4) ~~(5)~~, the remaining funds shall be used
5278 annually for transportation projects within this state for
5279 existing or planned strategic transportation projects which
5280 connect major markets within this state or between this state
5281 and other states, which focus on job creation, and which
5282 increase this state's viability in the national and global
5283 markets.

5284 (6)~~(7)~~ Pursuant to s. 339.135(7), the department shall
5285 amend the work program to add the projects provided for in this
5286 section.

5287 Section 74. Subsections (1), (2), (3), (4), (9), and (13)
5288 of section 713.585, Florida Statutes, are amended to read:

5289 713.585 Enforcement of lien by sale of motor vehicle.—A
5290 person claiming a lien under s. 713.58 for performing labor or
5291 services on a motor vehicle may enforce such lien by sale of the
5292 vehicle in accordance with the following procedures:



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5293 (1) The lienor must give notice, by certified mail, return
 5294 receipt requested, within 15 business days, excluding Saturday
 5295 and Sunday, from the beginning date of the assessment of storage
 5296 charges on said motor vehicle, to the registered owner of the
 5297 vehicle, to the customer as indicated on the order for repair,
 5298 and to all other persons claiming an interest in or lien
 5299 thereon, as disclosed by the records of the Department of
 5300 Highway Safety and Motor Vehicles or as disclosed by the records
 5301 of any ~~of a~~ corresponding agency of any other state in which the
 5302 vehicle is identified through a records check of the National
 5303 Motor Vehicle Title Information System or an equivalent
 5304 commercially available system as being the current state where
 5305 the vehicle is titled ~~appears registered~~. Such notice must
 5306 contain:

5307 (a) A description of the vehicle (year, make, vehicle
 5308 identification number) and its location.

5309 (b) The name and address of the owner of the vehicle, the
 5310 customer as indicated on the order for repair, and any person
 5311 claiming an interest in or lien thereon.

5312 (c) The name, address, and telephone number of the lienor.

5313 (d) Notice that the lienor claims a lien on the vehicle
 5314 for labor and services performed and storage charges, if any,
 5315 and the cash sum which, if paid to the lienor, would be
 5316 sufficient to redeem the vehicle from the lien claimed by the
 5317 lienor.

5318 (e) Notice that the lien claimed by the lienor is subject
 5319 to enforcement pursuant to this section and that the vehicle may
 5320 be sold to satisfy the lien.



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5321 (f) If known, the date, time, and location of any proposed
5322 or scheduled sale of the vehicle. No vehicle may be sold earlier
5323 than 60 days after completion of the repair work.

5324 (g) Notice that the owner of the vehicle or any person
5325 claiming an interest in or lien thereon has a right to a hearing
5326 at any time prior to the scheduled date of sale by filing a
5327 demand for hearing with the clerk of the circuit court in the
5328 county in which the vehicle is held and mailing copies of the
5329 demand for hearing to all other owners and lienors as reflected
5330 on the notice.

5331 (h) Notice that the owner of the vehicle has a right to
5332 recover possession of the vehicle without instituting judicial
5333 proceedings by posting bond in accordance with the provisions of
5334 s. 559.917.

5335 (i) Notice that any proceeds from the sale of the vehicle
5336 remaining after payment of the amount claimed to be due and
5337 owing to the lienor will be deposited with the clerk of the
5338 circuit court for disposition upon court order pursuant to
5339 subsection (8).

5340 (2) If attempts to locate the owner or lienholder are
5341 unsuccessful after a check of the records of the Department of
5342 Highway Safety and Motor Vehicles and any state disclosed by the
5343 check of the National Motor Vehicle Title Information System or
5344 an equivalent commercially available system, the lienor must
5345 notify the local law enforcement agency in writing by certified
5346 mail or acknowledged hand delivery that the lienor has been
5347 unable to locate the owner or lienholder, that a physical search
5348 of the vehicle has disclosed no ownership information, and that



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5349 | a good faith effort, including records checks of the Department
 5350 | of Highway Safety and Motor Vehicles database and the National
 5351 | Motor Vehicle Title Information System or an equivalent
 5352 | commercially available system, has been made. A description of
 5353 | the motor vehicle which includes the year, make, and
 5354 | identification number must be given on the notice. This
 5355 | notification must take place within 15 business days, excluding
 5356 | Saturday and Sunday, from the beginning date of the assessment
 5357 | of storage charges on said motor vehicle. For purposes of this
 5358 | paragraph, the term "good faith effort" means that the following
 5359 | checks have been performed by the company to establish the prior
 5360 | state of registration and title:

5361 | (a) A check of the Department of Highway Safety and Motor
 5362 | Vehicles database for the owner and any lienholder;

5363 | (b) A check of the federally mandated electronic National
 5364 | Motor Vehicle Title Information System or an equivalent
 5365 | commercially available system to determine the state of
 5366 | registration when there is not a current title or registration
 5367 | record for the vehicle on file with the Department of Highway
 5368 | Safety and Motor Vehicles;

5369 | (c)-(a) A check of vehicle for any type of tag, tag record,
 5370 | temporary tag, or regular tag;

5371 | (d)-(b) A check of vehicle for inspection sticker or other
 5372 | stickers and decals that could indicate the state of possible
 5373 | registration; and

5374 | (e)-(e) A check of the interior of the vehicle for any
 5375 | papers that could be in the glove box, trunk, or other areas for
 5376 | the state of registration.



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5377 (3) If the date of the sale was not included in the notice
5378 required in subsection (1), notice of the sale must be sent by
5379 certified mail, return receipt requested, not less than 15 days
5380 before the date of sale, to the customer as indicated on the
5381 order for repair, and to all other persons claiming an interest
5382 in or lien on the motor vehicle, as disclosed by the records of
5383 the Department of Highway Safety and Motor Vehicles or of a
5384 corresponding agency of any other state in which the vehicle
5385 appears to have been registered after completion of a check of
5386 the National Motor Vehicle Title Information System or an
5387 equivalent commercially available system. ~~After diligent search~~
5388 ~~and inquiry, if the name and address of the registered owner or~~
5389 ~~the owner of the recorded lien cannot be ascertained, the~~
5390 ~~requirements for this notice may be disregarded.~~

5391 (4) The lienor, at least 15 days before the proposed or
5392 scheduled date of sale of the vehicle, shall publish the notice
5393 required by this section once in a newspaper circulated in the
5394 county where the vehicle is held. A certificate of compliance
5395 with the notification provisions of this section, verified by
5396 the lienor, together with a copy of the notice and return
5397 receipt for mailing of the notice required by this section, ~~and~~
5398 proof of publication, and checks of the Department of Highway
5399 Safety and Motor Vehicles and the National Motor Vehicle Title
5400 Information System or an equivalent commercially available
5401 system, must be duly and expeditiously filed with the clerk of
5402 the circuit court in the county where the vehicle is held. The
5403 lienor, at the time of filing the certificate of compliance,
5404 must pay to the clerk of that court a service charge of \$10 for



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5405 indexing and recording the certificate.

5406 (9) A copy of the certificate of compliance and the report
 5407 of sale, certified by the clerk of the court, and proof of the
 5408 required check of the National Motor Vehicle Title Information
 5409 System or an equivalent commercially available system shall
 5410 constitute satisfactory proof for application to the Department
 5411 of Highway Safety and Motor Vehicles for transfer of title,
 5412 together with any other proof required by any rules and
 5413 regulations of the department.

5414 (13) A failure to make good faith efforts as defined in
 5415 subsection (2) precludes the imposition of any storage charges
 5416 against the vehicle. If a lienor fails to provide notice to any
 5417 person claiming a lien on a vehicle under subsection (1) within
 5418 15 business days after the assessment of storage charges have
 5419 begun, then the lienor is precluded from charging for more than
 5420 15 days of storage, but failure to provide timely notice does
 5421 not affect charges made for repairs, adjustments, or
 5422 modifications to the vehicle or the priority of liens on the
 5423 vehicle.

5424 Section 75. Section 713.78, Florida Statutes, is amended
 5425 to read:

5426 713.78 Liens for recovering, towing, or storing vehicles
 5427 and vessels.—

5428 (1) For the purposes of this section, the term:

5429 (a) "Vehicle" means any mobile item, whether motorized or
 5430 not, which is mounted on wheels.

5431 (b) "Vessel" means every description of watercraft, barge,
 5432 and airboat used or capable of being used as a means of



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5433 transportation on water, other than a seaplane or a "documented
5434 vessel" as defined in s. 327.02(9).

5435 (c) "Wrecker" means any truck or other vehicle which is
5436 used to tow, carry, or otherwise transport motor vehicles or
5437 vessels upon the streets and highways of this state and which is
5438 equipped for that purpose with a boom, winch, car carrier, or
5439 other similar equipment.

5440 (d) "National Motor Vehicle Title Information System"
5441 means the federally authorized electronic National Motor Vehicle
5442 Title Information System.

5443 (e) "Equivalent commercially available system" means a
5444 service that charges a fee to provide vehicle information and
5445 that at a minimum maintains records from those states
5446 participating in data sharing with the National Motor Vehicle
5447 Title Information System.

5448 (2) Whenever a person regularly engaged in the business of
5449 transporting vehicles or vessels by wrecker, tow truck, or car
5450 carrier recovers, removes, or stores a vehicle or vessel upon
5451 instructions from:

5452 (a) The owner thereof;

5453 (b) The owner or lessor, or a person authorized by the
5454 owner or lessor, of property on which such vehicle or vessel is
5455 wrongfully parked, and the removal is done in compliance with s.
5456 715.07; ~~or~~

5457 (c) The landlord or a person authorized by the landlord,
5458 when such motor vehicle or vessel remained on the premises after
5459 the tenancy terminated and the removal is done in compliance
5460 with s. 715.104; or



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5461 (d)~~(e)~~ Any law enforcement agency,
5462
5463 she or he shall have a lien on the vehicle or vessel for a
5464 reasonable towing fee and for a reasonable storage fee; except
5465 that no storage fee shall be charged if the vehicle is stored
5466 for less than 6 hours.

5467 (3) This section does not authorize any person to claim a
5468 lien on a vehicle for fees or charges connected with the
5469 immobilization of such vehicle using a vehicle boot or other
5470 similar device pursuant to s. 715.07.

5471 (4) (a) Any person regularly engaged in the business of
5472 recovering, towing, or storing vehicles or vessels who comes
5473 into possession of a vehicle or vessel pursuant to subsection
5474 (2), and who claims a lien for recovery, towing, or storage
5475 services, shall give notice to the registered owner, the
5476 insurance company insuring the vehicle notwithstanding the
5477 provisions of s. 627.736, and to all persons claiming a lien
5478 thereon, as disclosed by the records in the Department of
5479 Highway Safety and Motor Vehicles or as disclosed by the records
5480 of any ~~of a~~ corresponding agency in any other state in which the
5481 vehicle is identified through a records check of the National
5482 Motor Vehicle Title Information System or an equivalent
5483 commercially available system as being titled or registered.

5484 (b) Whenever any law enforcement agency authorizes the
5485 removal of a vehicle or vessel or whenever any towing service,
5486 garage, repair shop, or automotive service, storage, or parking
5487 place notifies the law enforcement agency of possession of a
5488 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law



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5489 enforcement agency of the jurisdiction where the vehicle or
5490 vessel is stored shall contact the Department of Highway Safety
5491 and Motor Vehicles, or the appropriate agency of the state of
5492 registration, if known, within 24 hours through the medium of
5493 electronic communications, giving the full description of the
5494 vehicle or vessel. Upon receipt of the full description of the
5495 vehicle or vessel, the department shall search its files to
5496 determine the owner's name, the insurance company insuring the
5497 vehicle or vessel, and whether any person has filed a lien upon
5498 the vehicle or vessel as provided in s. 319.27(2) and (3) and
5499 notify the applicable law enforcement agency within 72 hours.
5500 The person in charge of the towing service, garage, repair shop,
5501 or automotive service, storage, or parking place shall obtain
5502 such information from the applicable law enforcement agency
5503 within 5 days after the date of storage and shall give notice
5504 pursuant to paragraph (a). The department may release the
5505 insurance company information to the requestor notwithstanding
5506 the provisions of s. 627.736.

5507 (c) Notice by certified mail shall be sent within 7
5508 business days after the date of storage of the vehicle or vessel
5509 to the registered owner, the insurance company insuring the
5510 vehicle notwithstanding the provisions of s. 627.736, and all
5511 persons of record claiming a lien against the vehicle or vessel.
5512 It shall state the fact of possession of the vehicle or vessel,
5513 that a lien as provided in subsection (2) is claimed, that
5514 charges have accrued and the amount thereof, that the lien is
5515 subject to enforcement pursuant to law, and that the owner or
5516 lienholder, if any, has the right to a hearing as set forth in



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5517 subsection (5), and that any vehicle or vessel which remains
 5518 unclaimed, or for which the charges for recovery, towing, or
 5519 storage services remain unpaid, may be sold free of all prior
 5520 liens after 35 days if the vehicle or vessel is more than 3
 5521 years of age or after 50 days if the vehicle or vessel is 3
 5522 years of age or less.

5523 (d) If attempts to locate the name and address of the
 5524 owner or lienholder prove unsuccessful, the towing-storage
 5525 operator shall, after 7 working days, excluding Saturday and
 5526 Sunday, of the initial tow or storage, notify the public agency
 5527 of jurisdiction where the vehicle or vessel is stored in writing
 5528 by certified mail or acknowledged hand delivery that the towing-
 5529 storage company has been unable to locate the name and address
 5530 of the owner or lienholder and a physical search of the vehicle
 5531 or vessel has disclosed no ownership information and a good
 5532 faith effort has been made, including records checks of the
 5533 Department of Highway Safety and Motor Vehicles and the National
 5534 Motor Vehicle Title Information System or an equivalent
 5535 commercially available system databases. For purposes of this
 5536 paragraph and subsection (9), "good faith effort" means that the
 5537 following checks have been performed by the company to establish
 5538 prior state of registration and for title:

5539 1. Check of the Department of Highway Safety and Motor
 5540 Vehicles database for the owner and any lienholder.

5541 2. Check of the electronic National Motor Vehicle Title
 5542 Information System or an equivalent commercially available
 5543 system to determine the state of registration when there is not
 5544 a current registration record for the vehicle on file with the



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5545 Department of Highway Safety and Motor Vehicles.

5546 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag
5547 record, temporary tag, or regular tag.

5548 ~~4.2.~~ Check of law enforcement report for tag number or
5549 other information identifying the vehicle or vessel, if the
5550 vehicle or vessel was towed at the request of a law enforcement
5551 officer.

5552 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck
5553 operator to see if a tag was on vehicle or vessel at beginning
5554 of tow, if private tow.

5555 ~~6.4.~~ If there is no address of the owner on the impound
5556 report, check of law enforcement report to see if an out-of-
5557 state address is indicated from driver license information.

5558 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or
5559 other stickers and decals that may indicate a state of possible
5560 registration.

5561 ~~8.6.~~ Check of the interior of the vehicle or vessel for
5562 any papers that may be in the glove box, trunk, or other areas
5563 for a state of registration.

5564 ~~9.7.~~ Check of vehicle for vehicle identification number.

5565 ~~10.8.~~ Check of vessel for vessel registration number.

5566 ~~11.9.~~ Check of vessel hull for a hull identification
5567 number which should be carved, burned, stamped, embossed, or
5568 otherwise permanently affixed to the outboard side of the
5569 transom or, if there is no transom, to the outmost seaboard side
5570 at the end of the hull that bears the rudder or other steering
5571 mechanism.

5572 (5) (a) The owner of a vehicle or vessel removed pursuant



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5573 | to the provisions of subsection (2), or any person claiming a
5574 | lien, other than the towing-storage operator, within 10 days
5575 | after the time she or he has knowledge of the location of the
5576 | vehicle or vessel, may file a complaint in the county court of
5577 | the county in which the vehicle or vessel is stored to determine
5578 | if her or his property was wrongfully taken or withheld from her
5579 | or him.

5580 | (b) Upon filing of a complaint, an owner or lienholder may
5581 | have her or his vehicle or vessel released upon posting with the
5582 | court a cash or surety bond or other adequate security equal to
5583 | the amount of the charges for towing or storage and lot rental
5584 | amount to ensure the payment of such charges in the event she or
5585 | he does not prevail. Upon the posting of the bond and the
5586 | payment of the applicable fee set forth in s. 28.24, the clerk
5587 | of the court shall issue a certificate notifying the lienor of
5588 | the posting of the bond and directing the lienor to release the
5589 | vehicle or vessel. At the time of such release, after reasonable
5590 | inspection, she or he shall give a receipt to the towing-storage
5591 | company reciting any claims she or he has for loss or damage to
5592 | the vehicle or vessel or the contents thereof.

5593 | (c) Upon determining the respective rights of the parties,
5594 | the court may award damages, attorney's fees, and costs in favor
5595 | of the prevailing party. In any event, the final order shall
5596 | provide for immediate payment in full of recovery, towing, and
5597 | storage fees by the vehicle or vessel owner or lienholder; or
5598 | the agency ordering the tow; or the owner, lessee, or agent
5599 | thereof of the property from which the vehicle or vessel was
5600 | removed.



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5601 (6) Any vehicle or vessel which is stored pursuant to
5602 subsection (2) and which remains unclaimed, or for which
5603 reasonable charges for recovery, towing, or storing remain
5604 unpaid, and any contents not released pursuant to subsection
5605 (10), may be sold by the owner or operator of the storage space
5606 for such towing or storage charge after 35 days from the time
5607 the vehicle or vessel is stored therein if the vehicle or vessel
5608 is more than 3 years of age or after 50 days following the time
5609 the vehicle or vessel is stored therein if the vehicle or vessel
5610 is 3 years of age or less. The sale shall be at public sale for
5611 cash. If the date of the sale was not included in the notice
5612 required in subsection (4), notice of the sale shall be given to
5613 the person in whose name the vehicle or vessel is registered and
5614 to all persons claiming a lien on the vehicle or vessel as shown
5615 on the records of the Department of Highway Safety and Motor
5616 Vehicles or of any ~~the~~ corresponding agency in any other state
5617 in which the vehicle is identified through a records check of
5618 the National Motor Vehicle Title Information System or an
5619 equivalent commercially available system as being titled. Notice
5620 shall be sent by certified mail to the owner of the vehicle or
5621 vessel and the person having the recorded lien on the vehicle or
5622 vessel at the address shown on the records of the registering
5623 agency and shall be mailed not less than 15 days before the date
5624 of the sale. After diligent search and inquiry, if the name and
5625 address of the registered owner or the owner of the recorded
5626 lien cannot be ascertained, the requirements of notice by mail
5627 may be dispensed with. In addition to the notice by mail, public
5628 notice of the time and place of sale shall be made by publishing



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5629 | a notice thereof one time, at least 10 days prior to the date of
5630 | the sale, in a newspaper of general circulation in the county in
5631 | which the sale is to be held. The proceeds of the sale, after
5632 | payment of reasonable towing and storage charges, and costs of
5633 | the sale, in that order of priority, shall be deposited with the
5634 | clerk of the circuit court for the county if the owner or
5635 | lienholder is absent, and the clerk shall hold such proceeds
5636 | subject to the claim of the owner or lienholder legally entitled
5637 | thereto. The clerk shall be entitled to receive 5 percent of
5638 | such proceeds for the care and disbursement thereof. The
5639 | certificate of title issued under this law shall be discharged
5640 | of all liens unless otherwise provided by court order. The owner
5641 | or lienholder may file a complaint after the vehicle or vessel
5642 | has been sold in the county court of the county in which it is
5643 | stored. Upon determining the respective rights of the parties,
5644 | the court may award damages, attorney's fees, and costs in favor
5645 | of the prevailing party.

5646 | (7) (a) A wrecker operator recovering, towing, or storing
5647 | vehicles or vessels is not liable for damages connected with
5648 | such services, theft of such vehicles or vessels, or theft of
5649 | personal property contained in such vehicles or vessels,
5650 | provided that such services have been performed with reasonable
5651 | care and provided, further, that, in the case of removal of a
5652 | vehicle or vessel upon the request of a person purporting, and
5653 | reasonably appearing, to be the owner or lessee, or a person
5654 | authorized by the owner or lessee, of the property from which
5655 | such vehicle or vessel is removed, such removal has been done in
5656 | compliance with s. 715.07. Further, a wrecker operator is not



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5657 | liable for damage to a vehicle, vessel, or cargo that obstructs
 5658 | the normal movement of traffic or creates a hazard to traffic
 5659 | and is removed in compliance with the request of a law
 5660 | enforcement officer.

5661 | (b) For the purposes of this subsection, a wrecker
 5662 | operator is presumed to use reasonable care to prevent the theft
 5663 | of a vehicle or vessel or of any personal property contained in
 5664 | such vehicle stored in the wrecker operator's storage facility
 5665 | if all of the following apply:

5666 | 1. The wrecker operator surrounds the storage facility
 5667 | with a chain-link or solid-wall type fence at least 6 feet in
 5668 | height;

5669 | 2. The wrecker operator has illuminated the storage
 5670 | facility with lighting of sufficient intensity to reveal persons
 5671 | and vehicles at a distance of at least 150 feet during
 5672 | nighttime; and

5673 | 3. The wrecker operator uses one or more of the following
 5674 | security methods to discourage theft of vehicles or vessels or
 5675 | of any personal property contained in such vehicles or vessels
 5676 | stored in the wrecker operator's storage facility:

5677 | a. A night dispatcher or watchman remains on duty at the
 5678 | storage facility from sunset to sunrise;

5679 | b. A security dog remains at the storage facility from
 5680 | sunset to sunrise;

5681 | c. Security cameras or other similar surveillance devices
 5682 | monitor the storage facility; or

5683 | d. A security guard service examines the storage facility
 5684 | at least once each hour from sunset to sunrise.



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5685 | (c) Any law enforcement agency requesting that a motor
5686 | vehicle be removed from an accident scene, street, or highway
5687 | must conduct an inventory and prepare a written record of all
5688 | personal property found in the vehicle before the vehicle is
5689 | removed by a wrecker operator. However, if the owner or driver
5690 | of the motor vehicle is present and accompanies the vehicle, no
5691 | inventory by law enforcement is required. A wrecker operator is
5692 | not liable for the loss of personal property alleged to be
5693 | contained in such a vehicle when such personal property was not
5694 | identified on the inventory record prepared by the law
5695 | enforcement agency requesting the removal of the vehicle.

5696 | (8) A person regularly engaged in the business of
5697 | recovering, towing, or storing vehicles or vessels, except a
5698 | person licensed under chapter 493 while engaged in
5699 | "repossession" activities as defined in s. 493.6101, may not
5700 | operate a wrecker, tow truck, or car carrier unless the name,
5701 | address, and telephone number of the company performing the
5702 | service is clearly printed in contrasting colors on the driver
5703 | and passenger sides of its vehicle. The name must be in at least
5704 | 3-inch permanently affixed letters, and the address and
5705 | telephone number must be in at least 1-inch permanently affixed
5706 | letters.

5707 | (9) Failure to make good faith best efforts to comply with
5708 | the notice requirements of this section shall preclude the
5709 | imposition of any storage charges against such vehicle or
5710 | vessel.

5711 | (10) Persons who provide services pursuant to this section
5712 | shall permit vehicle or vessel owners, lienholders, insurance



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5713 | company representatives, or their agents, which agency is
 5714 | evidenced by an original writing acknowledged by the owner
 5715 | before a notary public or other person empowered by law to
 5716 | administer oaths, to inspect the towed vehicle or vessel and
 5717 | shall release to the owner, lienholder, or agent the vehicle,
 5718 | vessel, or all personal property not affixed to the vehicle or
 5719 | vessel which was in the vehicle or vessel at the time the
 5720 | vehicle or vessel came into the custody of the person providing
 5721 | such services.

5722 | (11) (a) Any person regularly engaged in the business of
 5723 | recovering, towing, or storing vehicles or vessels who comes
 5724 | into possession of a vehicle or vessel pursuant to subsection
 5725 | (2) and who has complied with the provisions of subsections (3)
 5726 | and (6), when such vehicle or vessel is to be sold for purposes
 5727 | of being dismantled, destroyed, or changed in such manner that
 5728 | it is not the motor vehicle or vessel described in the
 5729 | certificate of title, shall report the vehicle to the National
 5730 | Motor Vehicle Title Information System and apply to the
 5731 | Department of Highway Safety and Motor Vehicles ~~county tax~~
 5732 | ~~collector~~ for a certificate of destruction. A certificate of
 5733 | destruction, which authorizes the dismantling or destruction of
 5734 | the vehicle or vessel described therein, shall be reassignable a
 5735 | maximum of two times before dismantling or destruction of the
 5736 | vehicle shall be required, and shall accompany the vehicle or
 5737 | vessel for which it is issued, when such vehicle or vessel is
 5738 | sold for such purposes, in lieu of a certificate of title. The
 5739 | application for a certificate of destruction must include proof
 5740 | of reporting to the National Motor Vehicle Title Information



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5741 | System and an affidavit from the applicant that it has complied
5742 | with all applicable requirements of this section and, if the
5743 | vehicle or vessel is not registered in this state or any other
5744 | state, by a statement from a law enforcement officer that the
5745 | vehicle or vessel is not reported stolen, and shall be
5746 | accompanied by such documentation as may be required by the
5747 | department.

5748 | (b) The Department of Highway Safety and Motor Vehicles
5749 | shall charge a fee of \$3 for each certificate of destruction. A
5750 | service charge of \$4.25 shall be collected and retained by the
5751 | tax collector who processes the application.

5752 | (c) The Department of Highway Safety and Motor Vehicles
5753 | may adopt such rules as it deems necessary or proper for the
5754 | administration of this subsection.

5755 | (12) (a) Any person who violates any provision of
5756 | subsection (1), subsection (2), subsection (4), subsection (5),
5757 | subsection (6), or subsection (7) is guilty of a misdemeanor of
5758 | the first degree, punishable as provided in s. 775.082 or s.
5759 | 775.083.

5760 | (b) Any person who violates the provisions of subsections
5761 | (8) through (11) is guilty of a felony of the third degree,
5762 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5763 | (c) Any person who uses a false or fictitious name, gives
5764 | a false or fictitious address, or makes any false statement in
5765 | any application or affidavit required under the provisions of
5766 | this section is guilty of a felony of the third degree,
5767 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5768 | (d) Employees of the Department of Highway Safety and



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5769 Motor Vehicles and law enforcement officers are authorized to
5770 inspect the records of any person regularly engaged in the
5771 business of recovering, towing, or storing vehicles or vessels
5772 or transporting vehicles or vessels by wrecker, tow truck, or
5773 car carrier, to ensure compliance with the requirements of this
5774 section. Any person who fails to maintain records, or fails to
5775 produce records when required in a reasonable manner and at a
5776 reasonable time, commits a misdemeanor of the first degree,
5777 punishable as provided in s. 775.082 or s. 775.083.

5778 (13) (a) Upon receipt by the Department of Highway Safety
5779 and Motor Vehicles of written notice from a wrecker operator who
5780 claims a wrecker operator's lien under paragraph (2) (c) or
5781 paragraph (2) (d) for recovery, towing, or storage of an
5782 abandoned vehicle or vessel upon instructions from any law
5783 enforcement agency, for which a certificate of destruction has
5784 been issued under subsection (11) and the vehicle has been
5785 reported to the National Motor Vehicle Title Information System,
5786 the department shall place the name of the registered owner of
5787 that vehicle or vessel on the list of those persons who may not
5788 be issued a license plate or revalidation sticker for any motor
5789 vehicle under s. 320.03(8). If the vehicle or vessel is owned
5790 jointly by more than one person, the name of each registered
5791 owner shall be placed on the list. The notice of wrecker
5792 operator's lien shall be submitted on forms provided by the
5793 department, which must include:

5794 1. The name, address, and telephone number of the wrecker
5795 operator.

5796 2. The name of the registered owner of the vehicle or



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5797 vessel and the address to which the wrecker operator provided
 5798 notice of the lien to the registered owner under subsection (4).

5799 3. A general description of the vehicle or vessel,
 5800 including its color, make, model, body style, and year.

5801 4. The vehicle identification number (VIN); registration
 5802 license plate number, state, and year; validation decal number,
 5803 state, and year; vessel registration number; hull identification
 5804 number; or other identification number, as applicable.

5805 5. The name of the person or the corresponding law
 5806 enforcement agency that requested that the vehicle or vessel be
 5807 recovered, towed, or stored.

5808 6. The amount of the wrecker operator's lien, not to
 5809 exceed the amount allowed by paragraph (b).

5810 (b) For purposes of this subsection only, the amount of
 5811 the wrecker operator's lien for which the department will
 5812 prevent issuance of a license plate or revalidation sticker may
 5813 not exceed the amount of the charges for recovery, towing, and
 5814 storage of the vehicle or vessel for 7 days. These charges may
 5815 not exceed the maximum rates imposed by the ordinances of the
 5816 respective county or municipality under ss. 125.0103(1)(c) and
 5817 166.043(1)(c). This paragraph does not limit the amount of a
 5818 wrecker operator's lien claimed under subsection (2) or prevent
 5819 a wrecker operator from seeking civil remedies for enforcement
 5820 of the entire amount of the lien, but limits only that portion
 5821 of the lien for which the department will prevent issuance of a
 5822 license plate or revalidation sticker.

5823 (c)1. The registered owner of a vehicle or vessel may
 5824 dispute a wrecker operator's lien, by notifying the department



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5825 | of the dispute in writing on forms provided by the department,
 5826 | if at least one of the following applies:

5827 | a. The registered owner presents a notarized bill of sale
 5828 | proving that the vehicle or vessel was sold in a private or
 5829 | casual sale before the vehicle or vessel was recovered, towed,
 5830 | or stored.

5831 | b. The registered owner presents proof that the Florida
 5832 | certificate of title of the vehicle or vessel was sold to a
 5833 | licensed dealer as defined in s. 319.001 before the vehicle or
 5834 | vessel was recovered, towed, or stored.

5835 | c. The records of the department were marked "sold" prior
 5836 | to the date of the tow.

5837 |
 5838 | If the registered owner's dispute of a wrecker operator's lien
 5839 | complies with one of these criteria, the department shall
 5840 | immediately remove the registered owner's name from the list of
 5841 | those persons who may not be issued a license plate or
 5842 | revalidation sticker for any motor vehicle under s. 320.03(8),
 5843 | thereby allowing issuance of a license plate or revalidation
 5844 | sticker. If the vehicle or vessel is owned jointly by more than
 5845 | one person, each registered owner must dispute the wrecker
 5846 | operator's lien in order to be removed from the list. However,
 5847 | the department shall deny any dispute and maintain the
 5848 | registered owner's name on the list of those persons who may not
 5849 | be issued a license plate or revalidation sticker for any motor
 5850 | vehicle under s. 320.03(8) if the wrecker operator has provided
 5851 | the department with a certified copy of the judgment of a court
 5852 | which orders the registered owner to pay the wrecker operator's



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5853 | lien claimed under this section. In such a case, the amount of
5854 | the wrecker operator's lien allowed by paragraph (b) may be
5855 | increased to include no more than \$500 of the reasonable costs
5856 | and attorney's fees incurred in obtaining the judgment. The
5857 | department's action under this subparagraph is ministerial in
5858 | nature, shall not be considered final agency action, and is
5859 | appealable only to the county court for the county in which the
5860 | vehicle or vessel was ordered removed.

5861 | 2. A person against whom a wrecker operator's lien has
5862 | been imposed may alternatively obtain a discharge of the lien by
5863 | filing a complaint, challenging the validity of the lien or the
5864 | amount thereof, in the county court of the county in which the
5865 | vehicle or vessel was ordered removed. Upon filing of the
5866 | complaint, the person may have her or his name removed from the
5867 | list of those persons who may not be issued a license plate or
5868 | revalidation sticker for any motor vehicle under s. 320.03(8),
5869 | thereby allowing issuance of a license plate or revalidation
5870 | sticker, upon posting with the court a cash or surety bond or
5871 | other adequate security equal to the amount of the wrecker
5872 | operator's lien to ensure the payment of such lien in the event
5873 | she or he does not prevail. Upon the posting of the bond and the
5874 | payment of the applicable fee set forth in s. 28.24, the clerk
5875 | of the court shall issue a certificate notifying the department
5876 | of the posting of the bond and directing the department to
5877 | release the wrecker operator's lien. Upon determining the
5878 | respective rights of the parties, the court may award damages
5879 | and costs in favor of the prevailing party.

5880 | 3. If a person against whom a wrecker operator's lien has



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5881 | been imposed does not object to the lien, but cannot discharge
5882 | the lien by payment because the wrecker operator has moved or
5883 | gone out of business, the person may have her or his name
5884 | removed from the list of those persons who may not be issued a
5885 | license plate or revalidation sticker for any motor vehicle
5886 | under s. 320.03(8), thereby allowing issuance of a license plate
5887 | or revalidation sticker, upon posting with the clerk of court in
5888 | the county in which the vehicle or vessel was ordered removed, a
5889 | cash or surety bond or other adequate security equal to the
5890 | amount of the wrecker operator's lien. Upon the posting of the
5891 | bond and the payment of the application fee set forth in s.
5892 | 28.24, the clerk of the court shall issue a certificate
5893 | notifying the department of the posting of the bond and
5894 | directing the department to release the wrecker operator's lien.
5895 | The department shall mail to the wrecker operator, at the
5896 | address upon the lien form, notice that the wrecker operator
5897 | must claim the security within 60 days, or the security will be
5898 | released back to the person who posted it. At the conclusion of
5899 | the 60 days, the department shall direct the clerk as to which
5900 | party is entitled to payment of the security, less applicable
5901 | clerk's fees.

5902 | 4. A wrecker operator's lien expires 5 years after filing.

5903 | (d) Upon discharge of the amount of the wrecker operator's
5904 | lien allowed by paragraph (b), the wrecker operator must issue a
5905 | certificate of discharged wrecker operator's lien on forms
5906 | provided by the department to each registered owner of the
5907 | vehicle or vessel attesting that the amount of the wrecker
5908 | operator's lien allowed by paragraph (b) has been discharged.



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5909 Upon presentation of the certificate of discharged wrecker
5910 operator's lien by the registered owner, the department shall
5911 immediately remove the registered owner's name from the list of
5912 those persons who may not be issued a license plate or
5913 revalidation sticker for any motor vehicle under s. 320.03(8),
5914 thereby allowing issuance of a license plate or revalidation
5915 sticker. Issuance of a certificate of discharged wrecker
5916 operator's lien under this paragraph does not discharge the
5917 entire amount of the wrecker operator's lien claimed under
5918 subsection (2), but only certifies to the department that the
5919 amount of the wrecker operator's lien allowed by paragraph (b),
5920 for which the department will prevent issuance of a license
5921 plate or revalidation sticker, has been discharged.

5922 (e) When a wrecker operator files a notice of wrecker
5923 operator's lien under this subsection, the department shall
5924 charge the wrecker operator a fee of \$2, which shall be
5925 deposited into the General Revenue Fund. A service charge of
5926 \$2.50 shall be collected and retained by the tax collector who
5927 processes a notice of wrecker operator's lien.

5928 (f) This subsection applies only to the annual renewal in
5929 the registered owner's birth month of a motor vehicle
5930 registration and does not apply to the transfer of a
5931 registration of a motor vehicle sold by a motor vehicle dealer
5932 licensed under chapter 320, except for the transfer of
5933 registrations which includes the annual renewals. This
5934 subsection does not apply to any vehicle registered in the name
5935 of the lessor. This subsection does not affect the issuance of
5936 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).



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5937 | (g) The Department of Highway Safety and Motor Vehicles
 5938 | may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 5939 | implement this subsection.

5940 | Section 76. Paragraph (aa) of subsection (7) of section
 5941 | 212.08, Florida Statutes, is amended to read:

5942 | 212.08 Sales, rental, use, consumption, distribution, and
 5943 | storage tax; specified exemptions.—The sale at retail, the
 5944 | rental, the use, the consumption, the distribution, and the
 5945 | storage to be used or consumed in this state of the following
 5946 | are hereby specifically exempt from the tax imposed by this
 5947 | chapter.

5948 | (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 5949 | entity by this chapter do not inure to any transaction that is
 5950 | otherwise taxable under this chapter when payment is made by a
 5951 | representative or employee of the entity by any means,
 5952 | including, but not limited to, cash, check, or credit card, even
 5953 | when that representative or employee is subsequently reimbursed
 5954 | by the entity. In addition, exemptions provided to any entity by
 5955 | this subsection do not inure to any transaction that is
 5956 | otherwise taxable under this chapter unless the entity has
 5957 | obtained a sales tax exemption certificate from the department
 5958 | or the entity obtains or provides other documentation as
 5959 | required by the department. Eligible purchases or leases made
 5960 | with such a certificate must be in strict compliance with this
 5961 | subsection and departmental rules, and any person who makes an
 5962 | exempt purchase with a certificate that is not in strict
 5963 | compliance with this subsection and the rules is liable for and
 5964 | shall pay the tax. The department may adopt rules to administer



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5965 | this subsection.

5966 | (aa) *Certain commercial vehicles.*—Also exempt is the sale,

5967 | lease, or rental of a commercial motor vehicle as defined in s.

5968 | 207.002 ~~207.002(2)~~, when the following conditions are met:

5969 | 1. The sale, lease, or rental occurs between two commonly

5970 | owned and controlled corporations;

5971 | 2. Such vehicle was titled and registered in this state at

5972 | the time of the sale, lease, or rental; and

5973 | 3. Florida sales tax was paid on the acquisition of such

5974 | vehicle by the seller, lessor, or renter.

5975 | Section 77. Subsection (8) of section 261.03, Florida

5976 | Statutes, is amended to read:

5977 | 261.03 Definitions.—As used in this chapter, the term:

5978 | (8) "ROV" means any motorized recreational off-highway

5979 | vehicle 64 inches or less in width, having a dry weight of 2,000

5980 | pounds or less, designed to travel on four or more nonhighway

5981 | tires, having nonstraddle seating and a steering wheel, and

5982 | manufactured for recreational use by one or more persons. The

5983 | term "ROV" does not include a golf cart as defined in ss. 320.01

5984 | ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in

5985 | s. 320.01 ~~320.01(42)~~.

5986 | Section 78. Section 316.2122, Florida Statutes, is amended

5987 | to read:

5988 | 316.2122 Operation of a low-speed vehicle or mini truck on

5989 | certain roadways.—The operation of a low-speed vehicle as

5990 | defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.

5991 | 320.01 ~~320.01(45)~~ on any road is authorized with the following

5992 | restrictions:



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5993 (1) A low-speed vehicle or mini truck may be operated only
 5994 on streets where the posted speed limit is 35 miles per hour or
 5995 less. This does not prohibit a low-speed vehicle or mini truck
 5996 from crossing a road or street at an intersection where the road
 5997 or street has a posted speed limit of more than 35 miles per
 5998 hour.

5999 (2) A low-speed vehicle must be equipped with headlamps,
 6000 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 6001 parking brakes, rearview mirrors, windshields, seat belts, and
 6002 vehicle identification numbers.

6003 (3) A low-speed vehicle or mini truck must be registered
 6004 and insured in accordance with s. 320.02 and titled pursuant to
 6005 chapter 319.

6006 (4) Any person operating a low-speed vehicle or mini truck
 6007 must have in his or her possession a valid driver ~~driver's~~
 6008 license.

6009 (5) A county or municipality may prohibit the operation of
 6010 low-speed vehicles or mini trucks on any road under its
 6011 jurisdiction if the governing body of the county or municipality
 6012 determines that such prohibition is necessary in the interest of
 6013 safety.

6014 (6) The Department of Transportation may prohibit the
 6015 operation of low-speed vehicles or mini trucks on any road under
 6016 its jurisdiction if it determines that such prohibition is
 6017 necessary in the interest of safety.

6018 Section 79. Section 316.2124, Florida Statutes, is amended
 6019 to read:

6020 316.2124 Motorized disability access vehicles.—The



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6021 Department of Highway Safety and Motor Vehicles is directed to
 6022 provide, by rule, for the regulation of motorized disability
 6023 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
 6024 department shall provide that motorized disability access
 6025 vehicles shall be registered in the same manner as motorcycles
 6026 and shall pay the same registration fee as for a motorcycle.
 6027 There shall also be assessed, in addition to the registration
 6028 fee, a \$2.50 surcharge for motorized disability access vehicles.
 6029 This surcharge shall be paid into the Highway Safety Operating
 6030 Trust Fund. Motorized disability access vehicles shall not be
 6031 required to be titled by the department. The department shall
 6032 require motorized disability access vehicles to be subject to
 6033 the same safety requirements as set forth in this chapter for
 6034 motorcycles.

6035 Section 80. Subsection (1) of section 316.21265, Florida
 6036 Statutes, is amended to read:

6037 316.21265 Use of all-terrain vehicles, golf carts, low-
 6038 speed vehicles, or utility vehicles by law enforcement
 6039 agencies.—

6040 (1) Notwithstanding any provision of law to the contrary,
 6041 any law enforcement agency in this state may operate all-terrain
 6042 vehicles as defined in s. 316.2074, golf carts as defined in s.
 6043 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
 6044 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
 6045 ~~320.01(43)~~ on any street, road, or highway in this state while
 6046 carrying out its official duties.

6047 Section 81. Subsection (1) of section 316.3026, Florida
 6048 Statutes, is amended to read:



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6049 | 316.3026 Unlawful operation of motor carriers.—
 6050 | (1) The Office of Commercial Vehicle Enforcement may issue
 6051 | out-of-service orders to motor carriers, as defined in s. 320.01
 6052 | ~~320.01(33)~~, who, after proper notice, have failed to pay any
 6053 | penalty or fine assessed by the department, or its agent,
 6054 | against any owner or motor carrier for violations of state law,
 6055 | refused to submit to a compliance review and provide records
 6056 | pursuant to s. 316.302(5) or s. 316.70, or violated safety
 6057 | regulations pursuant to s. 316.302 or insurance requirements in
 6058 | s. 627.7415. Such out-of-service orders have the effect of
 6059 | prohibiting the operations of any motor vehicles owned, leased,
 6060 | or otherwise operated by the motor carrier upon the roadways of
 6061 | this state, until the violations have been corrected or
 6062 | penalties have been paid. Out-of-service orders must be approved
 6063 | by the director of the Division of the Florida Highway Patrol or
 6064 | his or her designee. An administrative hearing pursuant to s.
 6065 | 120.569 shall be afforded to motor carriers subject to such
 6066 | orders.

6067 | Section 82. Paragraph (a) of subsection (5) and subsection
 6068 | (10) of section 316.550, Florida Statutes, are amended to read:

6069 | 316.550 Operations not in conformity with law; special
 6070 | permits.—

6071 | (5) (a) The Department of Transportation may issue a
 6072 | wrecker special blanket permit to authorize a wrecker as defined
 6073 | in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as
 6074 | defined in s. 320.01 ~~320.01(38)~~ where the combination of the
 6075 | wrecker and the disabled vehicle being towed exceeds the maximum
 6076 | weight limits as established by s. 316.535.



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6077 (10) Whenever any motor vehicle, or the combination of a
6078 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
6079 vehicle, exceeds any weight or dimensional criteria or special
6080 operational or safety stipulation contained in a special permit
6081 issued under the provisions of this section, the penalty
6082 assessed to the owner or operator shall be as follows:

6083 (a) For violation of weight criteria contained in a
6084 special permit, the penalty per pound or portion thereof
6085 exceeding the permitted weight shall be as provided in s.
6086 316.545.

6087 (b) For each violation of dimensional criteria in a
6088 special permit, the penalty shall be as provided in s. 316.516
6089 and penalties for multiple violations of dimensional criteria
6090 shall be cumulative except that the total penalty for the
6091 vehicle shall not exceed \$1,000.

6092 (c) For each violation of an operational or safety
6093 stipulation in a special permit, the penalty shall be an amount
6094 not to exceed \$1,000 per violation and penalties for multiple
6095 violations of operational or safety stipulations shall be
6096 cumulative except that the total penalty for the vehicle shall
6097 not exceed \$1,000.

6098 (d) For violation of any special condition that has been
6099 prescribed in the rules of the Department of Transportation and
6100 declared on the permit, the vehicle shall be determined to be
6101 out of conformance with the permit and the permit shall be
6102 declared null and void for the vehicle, and weight and
6103 dimensional limits for the vehicle shall be as established in s.
6104 316.515 or s. 316.535, whichever is applicable, and:



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6105 | 1. For weight violations, a penalty as provided in s.
 6106 | 316.545 shall be assessed for those weights which exceed the
 6107 | limits thus established for the vehicle; and

6108 | 2. For dimensional, operational, or safety violations, a
 6109 | penalty as established in paragraph (c) or s. 316.516, whichever
 6110 | is applicable, shall be assessed for each nonconforming
 6111 | dimensional, operational, or safety violation and the penalties
 6112 | for multiple violations shall be cumulative for the vehicle.

6113 | Section 83. Subsection (9) of section 317.0003, Florida
 6114 | Statutes, is amended to read:

6115 | 317.0003 Definitions.—As used in this chapter, the term:

6116 | (9) "ROV" means any motorized recreational off-highway
 6117 | vehicle 64 inches or less in width, having a dry weight of 2,000
 6118 | pounds or less, designed to travel on four or more nonhighway
 6119 | tires, having nonstraddle seating and a steering wheel, and
 6120 | manufactured for recreational use by one or more persons. The
 6121 | term "ROV" does not include a golf cart as defined in ss. 320.01
 6122 | ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 6123 | s. 320.01 ~~320.01(42)~~.

6124 | Section 84. Paragraph (d) of subsection (5) of section
 6125 | 320.08, Florida Statutes, is amended to read:

6126 | 320.08 License taxes.—Except as otherwise provided herein,
 6127 | there are hereby levied and imposed annual license taxes for the
 6128 | operation of motor vehicles, mopeds, motorized bicycles as
 6129 | defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 6130 | and mobile homes, as defined in s. 320.01, which shall be paid
 6131 | to and collected by the department or its agent upon the
 6132 | registration or renewal of registration of the following:



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6133 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 6134 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

6135 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
 6136 is used to tow a vessel as defined in s. 327.02(39), a disabled,
 6137 abandoned, stolen-recovered, or impounded motor vehicle as
 6138 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
 6139 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall
 6140 be deposited into the General Revenue Fund.

6141 Section 85. Subsection (1) of section 320.0847, Florida
 6142 Statutes, is amended to read:

6143 320.0847 Mini truck and low-speed vehicle license plates.—

6144 (1) The department shall issue a license plate to the
 6145 owner or lessee of any vehicle registered as a low-speed vehicle
 6146 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
 6147 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
 6148 taxes and fees prescribed in s. 320.08.

6149 Section 86. Section 322.282, Florida Statutes, is amended
 6150 to read:

6151 322.282 Procedure when court revokes or suspends license
 6152 or driving privilege and orders reinstatement.—When a court
 6153 suspends or revokes a person's license or driving privilege and,
 6154 in its discretion, orders reinstatement ~~as provided by s.~~
 6155 ~~322.28(2)(d) or former s. 322.261(5):~~

6156 (1) The court shall pick up all revoked or suspended
 6157 driver ~~driver's~~ licenses from the person and immediately forward
 6158 them to the department, together with a record of such
 6159 conviction. The clerk of such court shall also maintain a list
 6160 of all revocations or suspensions by the court.



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6161 (2) (a) The court shall issue an order of reinstatement, on
6162 a form to be furnished by the department, which the person may
6163 take to any driver ~~driver's~~ license examining office. The
6164 department shall issue a temporary driver ~~driver's~~ permit to a
6165 licensee who presents the court's order of reinstatement, proof
6166 of completion of a department-approved driver training or
6167 substance abuse education course, and a written request for a
6168 hearing under s. 322.271. The permit shall not be issued if a
6169 record check by the department shows that the person has
6170 previously been convicted for a violation of s. 316.193, former
6171 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
6172 conviction outside this state for driving under the influence,
6173 driving while intoxicated, driving with an unlawful blood-
6174 alcohol level, or any similar alcohol-related or drug-related
6175 traffic offense; that the person's driving privilege has been
6176 previously suspended for refusal to submit to a lawful test of
6177 breath, blood, or urine; or that the person is otherwise not
6178 entitled to issuance of a driver ~~driver's~~ license. This
6179 paragraph shall not be construed to prevent the reinstatement of
6180 a license or driving privilege that is presently suspended for
6181 driving with an unlawful blood-alcohol level or a refusal to
6182 submit to a breath, urine, or blood test and is also revoked for
6183 a conviction for a violation of s. 316.193 or former s.
6184 316.1931, if the suspension and revocation arise out of the same
6185 incident.

6186 (b) The temporary driver ~~driver's~~ permit shall be
6187 restricted to either business or employment purposes described
6188 in s. 322.271, as determined by the department, and shall not be



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6189 used for pleasure, recreational, or nonessential driving.

6190 (c) If the department determines at a later date from its
6191 records that the applicant has previously been convicted of an
6192 offense referred to in paragraph (a) which would render him or
6193 her ineligible for reinstatement, the department shall cancel
6194 the temporary driver ~~driver's~~ permit and shall issue a
6195 revocation or suspension order for the minimum period
6196 applicable. A temporary permit issued pursuant to this section
6197 shall be valid for 45 days or until canceled as provided in this
6198 paragraph.

6199 (d) The period of time for which a temporary permit issued
6200 in accordance with paragraph (a) is valid shall be deemed to be
6201 part of the period of revocation imposed by the court.

6202 Section 87. Section 324.023, Florida Statutes, is amended
6203 to read:

6204 324.023 Financial responsibility for bodily injury or
6205 death.—In addition to any other financial responsibility
6206 required by law, every owner or operator of a motor vehicle that
6207 is required to be registered in this state, or that is located
6208 within this state, and who, regardless of adjudication of guilt,
6209 has been found guilty of or entered a plea of guilty or nolo
6210 contendere to a charge of driving under the influence under s.
6211 316.193 after October 1, 2007, shall, by one of the methods
6212 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
6213 maintain the ability to respond in damages for liability on
6214 account of accidents arising out of the use of a motor vehicle
6215 in the amount of \$100,000 because of bodily injury to, or death
6216 of, one person in any one crash and, subject to such limits for



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6217 one person, in the amount of \$300,000 because of bodily injury
6218 to, or death of, two or more persons in any one crash and in the
6219 amount of \$50,000 because of property damage in any one crash.
6220 If the owner or operator chooses to establish and maintain such
6221 ability by ~~posting a bond or~~ furnishing a certificate of deposit
6222 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
6223 deposit must be at least ~~in an amount not less than~~ \$350,000.
6224 Such higher limits must be carried for a minimum period of 3
6225 years. If the owner or operator has not been convicted of
6226 driving under the influence or a felony traffic offense for a
6227 period of 3 years from the date of reinstatement of driving
6228 privileges for a violation of s. 316.193, the owner or operator
6229 shall be exempt from this section.

6230 Section 88. Paragraph (c) of subsection (1) of section
6231 324.171, Florida Statutes, is amended to read:

6232 324.171 Self-insurer.—

6233 (1) Any person may qualify as a self-insurer by obtaining
6234 a certificate of self-insurance from the department which may,
6235 in its discretion and upon application of such a person, issue
6236 said certificate of self-insurance when such person has
6237 satisfied the requirements of this section to qualify as a self-
6238 insurer under this section:

6239 (c) The owner of a commercial motor vehicle, as defined in
6240 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
6241 insurer subject to the standards provided for in subparagraph
6242 (b)2.

6243 Section 89. Section 324.191, Florida Statutes, is amended
6244 to read:



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6245 | 324.191 Consent to cancellation; direction to return money
 6246 | or securities.—The department shall consent to the cancellation
 6247 | of any ~~bond or~~ certificate of insurance furnished as proof of
 6248 | financial responsibility pursuant to s. 324.031, or the
 6249 | department shall return to the person entitled thereto cash or
 6250 | securities deposited as proof of financial responsibility
 6251 | pursuant to s. 324.031:

6252 | (1) Upon substitution and acceptance of other adequate
 6253 | proof of financial responsibility pursuant to this chapter, or

6254 | (2) In the event of the death of the person on whose
 6255 | behalf the proof was filed, or the permanent incapacity of such
 6256 | person to operate a motor vehicle, or

6257 | (3) In the event the person who has given proof of
 6258 | financial responsibility surrenders his or her license and all
 6259 | registrations to the department; providing, however, that no
 6260 | notice of court action has been filed with the department, a
 6261 | judgment in which would result in claim on such proof of
 6262 | financial responsibility.

6263 |
 6264 | This section shall not apply to security as specified in s.
 6265 | 324.061 deposited pursuant to s. 324.051(2)(a)4.

6266 | Section 90. Subsection (3) of section 627.733, Florida
 6267 | Statutes, is amended to read:

6268 | 627.733 Required security.—

6269 | (3) Such security shall be provided:

6270 | (a) By an insurance policy delivered or issued for
 6271 | delivery in this state by an authorized or eligible motor
 6272 | vehicle liability insurer which provides the benefits and



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6273 | exemptions contained in ss. 627.730-627.7405. Any policy of
 6274 | insurance represented or sold as providing the security required
 6275 | hereunder shall be deemed to provide insurance for the payment
 6276 | of the required benefits; or

6277 | (b) By any other method authorized by s. 324.031(2) or
 6278 | (3), ~~or (4)~~ and approved by the Department of Highway Safety and
 6279 | Motor Vehicles as affording security equivalent to that afforded
 6280 | by a policy of insurance or by self-insuring as authorized by s.
 6281 | 768.28(16). The person filing such security shall have all of
 6282 | the obligations and rights of an insurer under ss. 627.730-
 6283 | 627.7405.

6284 | Section 91. Section 627.7415, Florida Statutes, is amended
 6285 | to read:

6286 | 627.7415 Commercial motor vehicles; additional liability
 6287 | insurance coverage.—Commercial motor vehicles, as defined in s.
 6288 | 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
 6289 | highways of this state shall be insured with the following
 6290 | minimum levels of combined bodily liability insurance and
 6291 | property damage liability insurance in addition to any other
 6292 | insurance requirements:

6293 | (1) Fifty thousand dollars per occurrence for a commercial
 6294 | motor vehicle with a gross vehicle weight of 26,000 pounds or
 6295 | more, but less than 35,000 pounds.

6296 | (2) One hundred thousand dollars per occurrence for a
 6297 | commercial motor vehicle with a gross vehicle weight of 35,000
 6298 | pounds or more, but less than 44,000 pounds.

6299 | (3) Three hundred thousand dollars per occurrence for a
 6300 | commercial motor vehicle with a gross vehicle weight of 44,000



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6301 pounds or more.

6302 (4) All commercial motor vehicles subject to regulations
6303 of the United States Department of Transportation, Title 49
6304 C.F.R. part 387, subpart A, and as may be hereinafter amended,
6305 shall be insured in an amount equivalent to the minimum levels
6306 of financial responsibility as set forth in such regulations.

6307
6308 A violation of this section is a noncriminal traffic infraction,
6309 punishable as a nonmoving violation as provided in chapter 318.

6310 Section 92. For the 2013-2014 fiscal year, the sum of
6311 \$400,000 in recurring funds is appropriated from the General
6312 Inspection Trust Fund in the Department of Agriculture and
6313 Consumer Services to the Department of Agriculture and Consumer
6314 Services' Oyster Planting appropriation category to implement s.
6315 328.76(1)(e), Florida Statutes, as created by this act.

6316 Section 93. For the 2013-2014 fiscal year, the sum of
6317 \$300,000 in recurring funds is appropriated from the Marine
6318 Resources Conservation Trust Fund in the Florida Fish and
6319 Wildlife Conservation Commission to the Florida Fish and
6320 Wildlife Conservation Commission's Boating Safety Education
6321 Program appropriation category to implement s. 328.76(1)(f),
6322 Florida Statutes, as created by this act.

6323 Section 94. This act shall take effect July 1, 2013.