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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 207.002, F.S.,
 4 relating to the Florida Diesel Fuel and Motor Fuel Use
 5 Tax Act of 1981; deleting definitions of the terms
 6 "apportioned motor vehicle" and "apportionable
 7 vehicle"; amending s. 316.1937, F.S.; revising
 8 operational specifications for ignition interlock
 9 devices; amending s. 316.302, F.S.; revising
 10 provisions for certain commercial motor vehicles and
 11 transporters and shippers of hazardous materials;
 12 providing for application of specified federal
 13 regulations; removing a provision for application of
 14 specified provisions and federal regulations to
 15 transporting liquefied petroleum gas; amending s.
 16 316.3025, F.S.; providing penalties for violation of
 17 specified federal regulations relating to medical and
 18 physical requirements for commercial drivers while
 19 driving a commercial motor vehicle; revising
 20 provisions for seizure of motor vehicle for refusal to
 21 pay penalty; amending s. 316.545, F.S.; revising
 22 language relating to certain commercial motor vehicles
 23 not properly licensed and registered; amending s.
 24 317.0016, F.S., relating to expedited services;
 25 removing a requirement that the department provide
 26 such service for certain certificates; amending s.
 27 318.14, F.S.; relating to disposition of traffic
 28 citations; providing that certain alternative

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29 | procedures for certain traffic offenses are not
 30 | available to a person who holds a commercial learner's
 31 | permit; amending s. 318.1451, F.S.; revising
 32 | provisions relating to driver improvement schools;
 33 | removing a provision for a chief judge to establish
 34 | requirements for the location of schools within a
 35 | judicial circuit; removing a provision that authorizes
 36 | a person to operate a driver improvement school;
 37 | revising provisions for persons taking unapproved
 38 | course; providing criteria for initial approval of
 39 | courses; revising requirements for courses, course
 40 | certificates, and course providers; directing the
 41 | department to adopt rules; amending s. 319.225, F.S.;
 42 | revising provisions for certificates of title,
 43 | reassignment of title, and forms; revising procedures
 44 | for transfer of title; amending s. 319.23, F.S.;
 45 | revising requirements for content of certificates of
 46 | title and applications for title; amending s. 319.28,
 47 | F.S.; revising provisions for transfer of ownership by
 48 | operation of law when a motor vehicle or mobile home
 49 | is repossessed; removing provisions for a certificate
 50 | of repossession; amending s. 319.323, F.S., relating
 51 | to expedited services of the department; removing
 52 | certificates of repossession; amending s. 320.01,
 53 | F.S.; removing the definition of the term "apportioned
 54 | motor vehicle"; revising the definition of the term
 55 | "apportionable motor vehicle"; amending s. 320.02,
 56 | F.S.; revising requirements for application for motor

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57 | vehicle registration; amending s. 320.03, F.S.;

58 | revising a provision for registration under the

59 | International Registration Plan; amending s. 320.071,

60 | F.S.; revising a provision for advance renewal of

61 | registration under the International Registration

62 | Plan; amending s. 320.0715, F.S.; revising provisions

63 | for vehicles required to be registered under the

64 | International Registration Plan; amending s. 320.18,

65 | F.S.; providing for withholding of motor vehicle or

66 | mobile home registration when a coowner has failed to

67 | register the motor vehicle or mobile home during a

68 | previous period when such registration was required;

69 | providing for cancelling a vehicle or vessel

70 | registration, driver license, identification card, or

71 | fuel-use tax decal if the coowner pays certain fees

72 | and other liabilities with a dishonored check;

73 | amending s. 320.27, F.S., relating to motor vehicle

74 | dealers; providing for extended periods for dealer

75 | licenses and supplemental licenses; providing fees;

76 | amending s. 320.62, F.S., relating to manufacturers,

77 | distributors, and importers of motor vehicles;

78 | providing for extended licensure periods; providing

79 | fees; amending s. 320.77, F.S., relating to mobile

80 | home dealers; providing for extended licensure

81 | periods; providing fees; amending s. 320.771, F.S.,

82 | relating to recreational vehicle dealers; providing

83 | for extended licensure periods; providing fees;

84 | amending s. 320.8225, F.S., relating to mobile home

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85 | and recreational vehicle manufacturers, distributors,
 86 | and importers; providing for extended licensure
 87 | periods; providing fees; amending s. 322.095, F.S.;
 88 | requiring an applicant for a driver license to
 89 | complete a traffic law and substance abuse education
 90 | course; providing exceptions; revising procedures for
 91 | evaluation and approval of such courses; revising
 92 | criteria for such courses and the schools conducting
 93 | the courses; providing for collection and disposition
 94 | of certain fees; requiring providers to maintain
 95 | records; directing the department to conduct
 96 | effectiveness studies; requiring a provider to cease
 97 | offering a course that fails the study; requiring
 98 | courses to be updated at the request of the
 99 | department; requiring providers to disclose certain
 100 | information; requiring providers to submit course
 101 | completion information to the department within a
 102 | certain time period; prohibiting certain acts;
 103 | providing that the department shall not accept
 104 | certification from students; prohibiting a person
 105 | convicted of certain crimes from conducting courses;
 106 | directing the department to suspend course approval
 107 | for certain purposes; providing for the department to
 108 | deny, suspend, or revoke course approval for certain
 109 | acts; providing for administrative hearing before
 110 | final action denying, suspending, or revoking course
 111 | approval; providing penalties for violations; amending
 112 | s. 322.125, F.S.; revising criteria for members of the

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113 Medical Advisory Board; amending s. 322.135, F.S.;

114 removing a provision that authorizes a tax collector

115 to direct certain licensees to the department for

116 examination or reexamination; amending s. 322.212,

117 F.S.; providing penalties for certain violations

118 involving application and testing for a commercial

119 driver license or a commercial learner's permit;

120 amending s. 322.22, F.S.; authorizing the department

121 to withhold issuance or renewal of a driver license,

122 identification card, vehicle or vessel registration,

123 or fuel-use decal under certain circumstances;

124 amending s. 322.245, F.S.; requiring a depository or

125 clerk of court to electronically notify the department

126 of a person's failure to pay support or comply with

127 directives of the court; amending s. 322.25, F.S.;

128 removing a provision for a court order to reinstate a

129 person's driving privilege on a temporary basis when

130 the person's license and driving privilege have been

131 revoked under certain circumstances; amending ss.

132 322.2615 and 322.2616, F.S., relating to review of a

133 license suspension when the driver had blood or breath

134 alcohol at a certain level or the driver refused a

135 test of his or her blood or breath to determine the

136 alcohol level; revising provisions for informal and

137 formal reviews; providing for the hearing officer to

138 be designated by the department; authorizing the

139 hearing officer to conduct hearings using

140 telecommunications technology; revising procedures for

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141 enforcement of subpoenas; directing the department to
 142 issue a temporary driving permit or invalidate the
 143 suspension under certain circumstances; providing for
 144 construction of specified provisions; amending s.
 145 322.64, F.S., relating to driving with unlawful blood-
 146 alcohol level or refusal to submit to breath, urine,
 147 or blood test by a commercial driver license holder or
 148 person driving a commercial motor vehicle; providing
 149 that a disqualification from driving a commercial
 150 motor vehicle is considered a conviction for certain
 151 purposes; revising the time period a person is
 152 disqualified from driving for alcohol-related
 153 violations; revising requirements for notice of the
 154 disqualification; providing that under the review of a
 155 disqualification the hearing officer shall consider
 156 the crash report; revising provisions for informal and
 157 formal reviews; providing for the hearing officer to
 158 be designated by the department; authorizing the
 159 hearing officer to conduct hearings using
 160 telecommunications technology; revising procedures for
 161 enforcement of subpoenas; directing the department to
 162 issue a temporary driving permit or invalidate the
 163 suspension under certain circumstances; providing for
 164 construction of specified provisions; amending s.
 165 322.2715, F.S.; providing requirements for issuance of
 166 a restricted license for a person convicted of a DUI
 167 offense if a medical waiver of placement of an
 168 ignition interlock device was given to such person;

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169 amending s. 322.28, F.S., relating to revocation of
 170 driver license for convictions of DUI offenses;
 171 providing that convictions occurring on the same date
 172 for offenses occurring on separate dates are
 173 considered separate convictions; removing a provision
 174 relating to a court order for reinstatement of a
 175 revoked license; repealing s. 322.331, F.S., relating
 176 to habitual traffic offenders; amending s. 322.61,
 177 F.S., revising provisions for disqualification from
 178 operating a commercial motor vehicle; providing for
 179 application of such provisions to persons holding a
 180 commercial learner's permit; revising the offenses for
 181 which certain disqualifications apply; amending s.
 182 324.0221, F.S.; revising the actions which must be
 183 reported to the department by an insurer that has
 184 issued a policy providing personal injury protection
 185 coverage or property damage liability coverage;
 186 revising time allowed for submitting the report;
 187 amending s. 324.031, F.S.; revising the methods a
 188 vehicle owner or operator may use to prove financial
 189 responsibility; removing a provision for posting a
 190 bond with the department; amending s. 324.091, F.S.;
 191 revising provisions requiring motor vehicle owners and
 192 operators to provide evidence to the department of
 193 liability insurance coverage under certain
 194 circumstances; revising provisions for verification by
 195 insurers of such evidence; amending s. 324.161, F.S.;
 196 providing requirements for issuance of a certificate

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197 of insurance; requiring proof of a certificate of
 198 deposit of a certain amount of money in a financial
 199 institution; providing for power of attorney to be
 200 issued to the department for execution under certain
 201 circumstances; amending s. 328.01, F.S., relating to
 202 vessel titles; revising identification requirements
 203 for applications for a certificate of title; amending
 204 s. 328.48, F.S., relating to vessel registration;
 205 revising identification requirements for applications
 206 for vessel registration; amending s. 328.76, F.S.,
 207 relating to vessel registration funds; revising
 208 provisions for funds to be deposited into the Highway
 209 Safety Operating Trust Fund; amending ss. 212.08,
 210 261.03, 316.2122, 316.2124, 316.21265, 316.3026,
 211 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282,
 212 324.023, 324.171, 324.191, 627.733, and 627.7415,
 213 F.S.; correcting cross-references and conforming
 214 provisions to changes made by the act; providing an
 215 effective date.

216

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

218

219 Section 1. Section 207.002, Florida Statutes, is amended
 220 to read:

221 207.002 Definitions.—As used in this chapter, the term:

222 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
 223 ~~which is required to be registered under the International~~
 224 ~~Registration Plan.~~

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225 | (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not
 226 | owned or operated by a governmental entity which uses diesel
 227 | fuel or motor fuel on the public highways; and which has a gross
 228 | vehicle weight in excess of 26,000 pounds, or has three or more
 229 | axles regardless of weight, or is used in combination when the
 230 | weight of such combination exceeds 26,000 pounds gross vehicle
 231 | weight. The term excludes any vehicle owned or operated by a
 232 | community transportation coordinator as defined in s. 427.011 or
 233 | by a private operator that provides public transit services
 234 | under contract with such a provider.

235 | (2)~~(3)~~ "Department" means the Department of Highway Safety
 236 | and Motor Vehicles.

237 | (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
 238 | product or combination thereof, including, but not limited to,
 239 | all forms of fuel known or sold as diesel fuel, kerosene, butane
 240 | gas, or propane gas and all other forms of liquefied petroleum
 241 | gases, except those defined as "motor fuel," used to propel a
 242 | motor vehicle.

243 | (4)~~(11)~~ "International Registration Plan" means a
 244 | registration reciprocity agreement among states of the United
 245 | States and provinces of Canada providing for payment of license
 246 | fees or license taxes on the basis of fleet miles operated in
 247 | various jurisdictions.

248 | (5)~~(13)~~ "Interstate" means vehicle movement between or
 249 | through two or more states.

250 | (6)~~(14)~~ "Intrastate" means vehicle movement from one point
 251 | within a state to another point within the same state.

252 | (7)~~(4)~~ "Motor carrier" means any person owning,

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253 | controlling, operating, or managing any motor vehicle used to
 254 | transport persons or property over any public highway.

255 | (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
 256 | as gasoline and fuels containing a mixture of gasoline and other
 257 | products.

258 | (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
 259 | means and includes the utilization in any form of any commercial
 260 | motor vehicle, whether loaded or empty, whether utilized for
 261 | compensation or not for compensation, and whether owned by or
 262 | leased to the motor carrier who uses it or causes it to be used.

263 | (10)~~(7)~~ "Person" means and includes natural persons,
 264 | corporations, copartnerships, firms, companies, agencies, or
 265 | associations, singular or plural.

266 | (11)~~(8)~~ "Public highway" means any public street, road, or
 267 | highway in this state.

268 | (12)~~(15)~~ "Registrant" means a person in whose name or
 269 | names a vehicle is properly registered.

270 | (13)~~(10)~~ "Use," "uses," or "used" means the consumption of
 271 | diesel fuel or motor fuel in a commercial motor vehicle for the
 272 | propulsion thereof.

273 | ~~(12) "Apportionable vehicle" means any vehicle, except a~~
 274 | ~~recreational vehicle, a vehicle displaying restricted plates, a~~
 275 | ~~municipal pickup and delivery vehicle, a bus used in~~
 276 | ~~transportation of chartered parties, and a government-owned~~
 277 | ~~vehicle, which is used or intended for use in two or more states~~
 278 | ~~of the United States or provinces of Canada that allocate or~~
 279 | ~~proportionally register vehicles and which is used for the~~
 280 | ~~transportation of persons for hire or is designed, used, or~~

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281 ~~maintained primarily for the transportation of property and:~~

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

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

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

288 Section 2. Subsection (1) of section 316.1937, Florida
 289 Statutes, is amended to read:

290 316.1937 Ignition interlock devices, requiring; unlawful
 291 acts.—

292 (1) In addition to any other authorized penalties, the
 293 court may require that any person who is convicted of driving
 294 under the influence in violation of s. 316.193 shall not operate
 295 a motor vehicle unless that vehicle is equipped with a
 296 functioning ignition interlock device certified by the
 297 department as provided in s. 316.1938, and installed in such a
 298 manner that the vehicle will not start if the operator's blood
 299 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 300 specified by the court. The court may require the use of an
 301 approved ignition interlock device for a period of at least ~~not~~
 302 ~~less than~~ 6 continuous months, if the person is permitted to
 303 operate a motor vehicle, whether or not the privilege to operate
 304 a motor vehicle is restricted, as determined by the court. The
 305 court, however, shall order placement of an ignition interlock
 306 device in those circumstances required by s. 316.193.

307 Section 3. Paragraph (b) of subsection (1), paragraph (a)
 308 of subsection (4), and subsection (9) of section 316.302,

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309 Florida Statutes, are amended to read:

310 316.302 Commercial motor vehicles; safety regulations;
311 transporters and shippers of hazardous materials; enforcement.-

312 (1)

313 (b) Except as otherwise provided in this section, all
314 owners or drivers of commercial motor vehicles that are engaged
315 in intrastate commerce are subject to the rules and regulations
316 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
317 the exception of 49 C.F.R. s. 390.5 as it relates to the
318 definition of bus, ~~as such rules and regulations existed on~~
319 ~~October 1, 2011.~~

320 (4) (a) Except as provided in this subsection, all
321 commercial motor vehicles transporting any hazardous material on
322 any road, street, or highway open to the public, whether engaged
323 in interstate or intrastate commerce, and any person who offers
324 hazardous materials for such transportation, are subject to the
325 regulations contained in 49 C.F.R. part 107, subparts F and
326 ~~subpart G~~, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
327 Effective July 1, 1997, the exceptions for intrastate motor
328 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
329 adopted.

330 ~~(9) (a) This section is not applicable to the transporting~~
331 ~~of liquefied petroleum gas. The rules and regulations applicable~~
332 ~~to the transporting of liquefied petroleum gas on the highways,~~
333 ~~roads, or streets of this state shall be only those adopted by~~
334 ~~the Department of Agriculture and Consumer Services under~~
335 ~~chapter 527. However, transporters of liquefied petroleum gas~~
336 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~

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337 | ~~396.9.~~

338 | ~~(b)~~ This section does not apply to any nonpublic sector
339 | bus.

340 | Section 4. Paragraph (b) of subsection (3) and subsection
341 | (5) of section 316.3025, Florida Statutes, are amended to read:

342 | 316.3025 Penalties.—

343 | (3)

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

345 | 1. Each violation of the North American Uniform Driver
346 | Out-of-Service Criteria;

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

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

349 | 4. A violation of the North American Standard Vehicle Out-
350 | of-Service Criteria resulting from an inspection of a commercial
351 | motor vehicle involved in a crash; or

352 | 5. A violation of 49 C.F.R. s. 391.41.

353 | (5) Whenever any person or motor carrier as defined in
354 | chapter 320 violates the provisions of this section and becomes
355 | indebted to the state because of such violation and refuses to
356 | pay the appropriate penalty, in addition to the provisions of s.
357 | 316.3026, such penalty becomes a lien upon the property
358 | including the motor vehicles of such person or motor carrier and
359 | may be seized and foreclosed by the state in a civil action in
360 | any court of this state. It shall be presumed that the owner of
361 | the motor vehicle is liable for the sum, and the vehicle may be
362 | detained or impounded until the penalty is paid.

363 | Section 5. Paragraph (d) of subsection (3) of section
364 | 316.545, Florida Statutes, is amended to read:

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365 316.545 Weight and load unlawful; special fuel and motor
 366 fuel tax enforcement; inspection; penalty; review.—

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

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

375 Section 6. Section 317.0016, Florida Statutes, is amended
 376 to read:

377 317.0016 Expedited service; applications; fees.—The
 378 department shall provide, through its agents and for use by the
 379 public, expedited service on title transfers, title issuances,
 380 duplicate titles, and recordation of liens, ~~and certificates of~~
 381 ~~repossession~~. A fee of \$7 shall be charged for this service,
 382 which is in addition to the fees imposed by ss. 317.0007 and
 383 317.0008, and \$3.50 of this fee shall be retained by the
 384 processing agency. All remaining fees shall be deposited in the
 385 Incidental Trust Fund of the Florida Forest Service of the
 386 Department of Agriculture and Consumer Services. Application for
 387 expedited service may be made by mail or in person. The
 388 department shall issue each title applied for pursuant to this
 389 section within 5 working days after receipt of the application
 390 except for an application for a duplicate title certificate
 391 covered by s. 317.0008(3), in which case the title must be
 392 issued within 5 working days after compliance with the

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393 department's verification requirements.

394 Section 7. Subsections (9) and (10) of section 318.14,
395 Florida Statutes, are amended to read:

396 318.14 Noncriminal traffic infractions; exception;
397 procedures.—

398 (9) Any person who does not hold a commercial driver
399 license or commercial learner's permit and who is cited while
400 driving a noncommercial motor vehicle for an infraction under
401 this section other than a violation of s. 316.183(2), s.
402 316.187, or s. 316.189 when the driver exceeds the posted limit
403 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or
404 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
405 lieu of a court appearance, elect to attend in the location of
406 his or her choice within this state a basic driver improvement
407 course approved by the Department of Highway Safety and Motor
408 Vehicles. In such a case, adjudication must be withheld and
409 points, as provided by s. 322.27, may not be assessed. However,
410 a person may not make an election under this subsection if the
411 person has made an election under this subsection in the
412 preceding 12 months. A person may not make more than five
413 elections within his or her lifetime under this subsection. The
414 requirement for community service under s. 318.18(8) is not
415 waived by a plea of nolo contendere or by the withholding of
416 adjudication of guilt by a court. If a person makes an election
417 to attend a basic driver improvement course under this
418 subsection, 18 percent of the civil penalty imposed under s.
419 318.18(3) shall be deposited in the State Courts Revenue Trust
420 Fund; however, that portion is not revenue for purposes of s.

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421 28.36 and may not be used in establishing the budget of the
 422 clerk of the court under that section or s. 28.35.

423 (10) (a) Any person who does not hold a commercial driver
 424 license or commercial learner's permit and who is cited while
 425 driving a noncommercial motor vehicle for an offense listed
 426 under this subsection may, in lieu of payment of fine or court
 427 appearance, elect to enter a plea of nolo contendere and provide
 428 proof of compliance to the clerk of the court, designated
 429 official, or authorized operator of a traffic violations bureau.
 430 In such case, adjudication shall be withheld; however, a person
 431 may not make an election under this subsection if the person has
 432 made an election under this subsection in the preceding 12
 433 months. A person may not make more than three elections under
 434 this subsection. This subsection applies to the following
 435 offenses:

436 1. Operating a motor vehicle without a valid driver
 437 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 438 or operating a motor vehicle with a license that has been
 439 suspended for failure to appear, failure to pay civil penalty,
 440 or failure to attend a driver improvement course pursuant to s.
 441 322.291.

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

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

445 4. Operating a motor vehicle with a license that has been
 446 suspended under s. 61.13016 or s. 322.245 for failure to pay
 447 child support or for failure to pay any other financial
 448 obligation as provided in s. 322.245; however, this subparagraph

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449 | does not apply if the license has been suspended pursuant to s.
 450 | 322.245(1).

451 | 5. Operating a motor vehicle with a license that has been
 452 | suspended under s. 322.091 for failure to meet school attendance
 453 | requirements.

454 | (b) Any person cited for an offense listed in this
 455 | subsection shall present proof of compliance before the
 456 | scheduled court appearance date. For the purposes of this
 457 | subsection, proof of compliance shall consist of a valid,
 458 | renewed, or reinstated driver license or registration
 459 | certificate and proper proof of maintenance of security as
 460 | required by s. 316.646. Notwithstanding waiver of fine, any
 461 | person establishing proof of compliance shall be assessed court
 462 | costs of \$25, except that a person charged with violation of s.
 463 | 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
 464 | such costs shall be remitted to the Department of Revenue for
 465 | deposit into the Child Welfare Training Trust Fund of the
 466 | Department of Children and Family Services. One dollar of such
 467 | costs shall be distributed to the Department of Juvenile Justice
 468 | for deposit into the Juvenile Justice Training Trust Fund.
 469 | Fourteen dollars of such costs shall be distributed to the
 470 | municipality and \$9 shall be deposited by the clerk of the court
 471 | into the fine and forfeiture fund established pursuant to s.
 472 | 142.01, if the offense was committed within the municipality. If
 473 | the offense was committed in an unincorporated area of a county
 474 | or if the citation was for a violation of s. 316.646(1)-(3), the
 475 | entire amount shall be deposited by the clerk of the court into
 476 | the fine and forfeiture fund established pursuant to s. 142.01,

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477 | except for the moneys to be deposited into the Child Welfare
 478 | Training Trust Fund and the Juvenile Justice Training Trust
 479 | Fund. This subsection does not authorize the operation of a
 480 | vehicle without a valid driver license, without a valid vehicle
 481 | tag and registration, or without the maintenance of required
 482 | security.

483 | Section 8. Section 318.1451, Florida Statutes, is amended
 484 | to read:

485 | 318.1451 Driver improvement schools.—

486 | (1)(a) ~~The department of Highway Safety and Motor Vehicles~~
 487 | shall approve and regulate the courses of all driver improvement
 488 | schools, as the courses relate to ss. 318.14(9), 322.0261, and
 489 | 322.291, including courses that use technology as a delivery
 490 | method. ~~The chief judge of the applicable judicial circuit may~~
 491 | ~~establish requirements regarding the location of schools within~~
 492 | ~~the judicial circuit. A person may engage in the business of~~
 493 | ~~operating a driver improvement school that offers department-~~
 494 | ~~approved courses related to ss. 318.14(9), 322.0261, and~~
 495 | ~~322.291.~~

496 | ~~(b) The department of Highway Safety and Motor Vehicles~~
 497 | ~~shall approve and regulate courses that use technology as the~~
 498 | ~~delivery method of all driver improvement schools as the courses~~
 499 | ~~relate to ss. 318.14(9) and 322.0261.~~

500 | (2) (a) In determining whether to approve the courses
 501 | referenced in this section, the department shall consider course
 502 | content designed to promote safety, driver awareness, crash
 503 | avoidance techniques, and other factors or criteria to improve
 504 | driver performance from a safety viewpoint. Initial approval of

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505 | the courses shall also be based on the department's review of
 506 | all course materials, course presentation to the department by
 507 | the provider, and the provider's plan for effective oversight of
 508 | the course by those who deliver the course in the state. New
 509 | courses shall be provisionally approved and limited to the
 510 | judicial circuit originally approved for pilot testing until the
 511 | course is fully approved by the department for statewide
 512 | delivery.

513 | (b) In determining whether to approve courses of driver
 514 | improvement schools that use technology as the delivery method
 515 | as the courses relate to ss. 318.14(9) and 322.0261, the
 516 | department shall consider only those courses submitted by a
 517 | person, business, or entity which have approval for statewide
 518 | delivery.

519 | (3) ~~The department of Highway Safety and Motor Vehicles~~
 520 | ~~shall not accept suspend accepting~~ proof of attendance of
 521 | courses from persons who attend those schools that do not teach
 522 | an approved course. ~~In those circumstances, a person who has~~
 523 | ~~elected to take courses from such a school shall receive a~~
 524 | ~~refund from the school, and the person shall have the~~
 525 | ~~opportunity to take the course at another school.~~

526 | (4) In addition to a regular course fee, an assessment fee
 527 | in the amount of \$2.50 shall be collected by the school from
 528 | each person who elects to attend a course, as it relates to ss.
 529 | 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
 530 | must remit the \$2.50 assessment fee to the department for
 531 | deposit into, ~~which shall be remitted to the Department of~~
 532 | ~~Highway Safety and Motor Vehicles and deposited in the Highway~~

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533 | Safety Operating Trust Fund in order to receive unique course
 534 | completion certificate numbers for course participants. The
 535 | assessment fee will be used to administer this program and to
 536 | fund the general operations of the department.

537 | (5) (a) The department is authorized to maintain the
 538 | information and records necessary to administer its duties and
 539 | responsibilities for driver improvement courses. Course
 540 | providers are required to maintain all records related to the
 541 | conduct of their approved courses for 5 years and allow the
 542 | department to inspect course records as necessary. Records may
 543 | be maintained in an electronic format. If ~~Where~~ such information
 544 | is a public record as defined in chapter 119, it shall be made
 545 | available to the public upon request pursuant to s. 119.07(1).

546 | (b) The department or court may prepare a traffic school
 547 | reference guide which lists the benefits of attending a driver
 548 | improvement school and contains the names of the fully approved
 549 | course providers with a single telephone number for each
 550 | provider as furnished by the provider.

551 | (6) The department shall adopt rules establishing and
 552 | maintaining policies and procedures to implement the
 553 | requirements of this section. These policies and procedures may
 554 | include, but shall not be limited to, the following:

555 | (a) Effectiveness studies.—The department shall conduct
 556 | effectiveness studies on each type of driver improvement course
 557 | pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
 558 | recurring 5-year basis, including in the study process the
 559 | consequence of failed studies.

560 | (b) Required updates.—The department may require that

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561 courses approved under this section be updated at the
 562 department's request. Failure of a course provider to update the
 563 course under this section shall result in the suspension of the
 564 course approval until the course is updated and approved by the
 565 department.

566 (c) Course conduct.—The department shall require that the
 567 approved course providers ensure their driver improvement
 568 schools are conducting the approved course fully and to the
 569 required time limit and content requirements.

570 (d) Course content.—The department shall set and modify
 571 course content requirements to keep current with laws and safety
 572 information. Course content includes all items used in the
 573 conduct of the course.

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

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

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

584 Section 9. Section 319.225, Florida Statutes, is amended
 585 to read:

586 319.225 Transfer and reassignment forms; odometer
 587 disclosure statements.—

588 (1) Every certificate of title issued by the department

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589 must contain the following statement on its reverse side:
 590 "Federal and state law require the completion of the odometer
 591 statement set out below. Failure to complete or providing false
 592 information may result in fines, imprisonment, or both."

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

598 (3) Each certificate of title issued by the department
 599 must contain on its reverse side as many forms as space allows
 600 for reassignment of title by a licensed dealer as permitted by
 601 s. 319.21(3), which form or forms shall contain an odometer
 602 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 603 When all dealer reassignment forms provided on the back of the
 604 title certificate have been filled in, a dealer may reassign the
 605 title certificate by using a separate dealer reassignment form
 606 issued by the department in compliance with 49 C.F.R. ss. 580.4
 607 and 580.5, which form shall contain an original that ~~two carbon~~
 608 ~~copies one of which~~ shall be submitted ~~directly~~ to the
 609 department by the dealer ~~within 5 business days after the~~
 610 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
 611 dealer in his or her records for 5 years. The provisions of this
 612 subsection shall also apply to vehicles not previously titled in
 613 this state and vehicles whose title certificates do not contain
 614 the forms required by this section.

615 (4) Upon transfer or reassignment of a certificate of
 616 title to a used motor vehicle, the transferor shall complete the

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617 | odometer disclosure statement provided for by this section and
 618 | the transferee shall acknowledge the disclosure by signing and
 619 | printing his or her name in the spaces provided. This subsection
 620 | does not apply to a vehicle that has a gross vehicle rating of
 621 | more than 16,000 pounds, a vehicle that is not self-propelled,
 622 | or a vehicle that is 10 years old or older. A lessor who
 623 | transfers title to his or her vehicle without obtaining
 624 | possession of the vehicle shall make odometer disclosure as
 625 | provided by 49 C.F.R. s. 580.7. Any person who fails to complete
 626 | or acknowledge a disclosure statement as required by this
 627 | subsection is guilty of a misdemeanor of the second degree,
 628 | punishable as provided in s. 775.082 or s. 775.083. The
 629 | department may not issue a certificate of title unless this
 630 | subsection has been complied with.

631 | (5) The same person may not sign a disclosure statement as
 632 | both the transferor and the transferee in the same transaction
 633 | except as provided in subsection (6).

634 | (6) (a) If the certificate of title is physically held by a
 635 | lienholder, the transferor may give a power of attorney to his
 636 | or her transferee for the purpose of odometer disclosure. The
 637 | power of attorney must be on a form issued or authorized by the
 638 | department, which form must be in compliance with 49 C.F.R. ss.
 639 | 580.4 and 580.13. The department shall not require the signature
 640 | of the transferor to be notarized on the form; however, in lieu
 641 | of notarization, the form shall include an affidavit with the
 642 | following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 643 | HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 644 | ARE TRUE. The transferee shall sign the power of attorney form,

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645 | print his or her name, and return a copy of the power of
 646 | attorney form to the transferor. Upon receipt of a title
 647 | certificate, the transferee shall complete the space for mileage
 648 | disclosure on the title certificate exactly as the mileage was
 649 | disclosed by the transferor on the power of attorney form. If
 650 | the transferee is a licensed motor vehicle dealer who is
 651 | transferring the vehicle to a retail purchaser, the dealer shall
 652 | make application on behalf of the retail purchaser as provided
 653 | in s. 319.23(6) and shall submit the original power of attorney
 654 | form to the department with the application for title and the
 655 | transferor's title certificate; otherwise, a dealer may reassign
 656 | the title certificate by using the dealer reassignment form in
 657 | the manner prescribed in subsection (3), and, at the time of
 658 | physical transfer of the vehicle, the original power of attorney
 659 | shall be delivered to the person designated as the transferee of
 660 | the dealer on the dealer reassignment form. ~~A copy of the~~
 661 | ~~executed power of attorney shall be submitted to the department~~
 662 | ~~with a copy of the executed dealer reassignment form within 5~~
 663 | ~~business days after the certificate of title and dealer~~
 664 | ~~reassignment form are delivered by the dealer to its transferee.~~

665 | (b) If the certificate of title is lost or otherwise
 666 | unavailable, the transferor may give a power of attorney to his
 667 | or her transferee for the purpose of odometer disclosure. The
 668 | power of attorney must be on a form issued or authorized by the
 669 | department, which form must be in compliance with 49 C.F.R. ss.
 670 | 580.4 and 580.13. The department shall not require the signature
 671 | of the transferor to be notarized on the form; however, in lieu
 672 | of notarization, the form shall include an affidavit with the

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673 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 674 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 675 ARE TRUE. The transferee shall sign the power of attorney form,
 676 print his or her name, and return a copy of the power of
 677 attorney form to the transferor. Upon receipt of the title
 678 certificate or a duplicate title certificate, the transferee
 679 shall complete the space for mileage disclosure on the title
 680 certificate exactly as the mileage was disclosed by the
 681 transferor on the power of attorney form. If the transferee is a
 682 licensed motor vehicle dealer who is transferring the vehicle to
 683 a retail purchaser, the dealer shall make application on behalf
 684 of the retail purchaser as provided in s. 319.23(6) and shall
 685 submit the original power of attorney form to the department
 686 with the application for title and the transferor's title
 687 certificate or duplicate title certificate; otherwise, a dealer
 688 may reassign the title certificate by using the dealer
 689 reassignment form in the manner prescribed in subsection (3),
 690 and, at the time of physical transfer of the vehicle, the
 691 original power of attorney shall be delivered to the person
 692 designated as the transferee of the dealer on the dealer
 693 reassignment form. If the dealer sells the vehicle to an out-of-
 694 state resident or an out-of-state dealer and the power of
 695 attorney form is applicable to the transaction, the dealer must
 696 photocopy the completed original of the form and mail directly
 697 to the department within 5 business days after the certificate
 698 of title and dealer reassignment form are delivered by the
 699 dealer to its purchaser. A copy of the executed power of
 700 attorney shall be submitted to the department with a copy of the

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701 ~~executed dealer reassignment form within 5 business days after~~
 702 ~~the duplicate certificate of title and dealer reassignment form~~
 703 ~~are delivered by the dealer to its transferee.~~

704 (c) If the mechanics of the transfer of title to a motor
 705 vehicle in accordance with the provisions of paragraph (a) or
 706 paragraph (b) are determined to be incompatible with and
 707 unlawful under the provisions of 49 C.F.R. part 580, the
 708 transfer of title to a motor vehicle by operation of this
 709 subsection can be effected in any manner not inconsistent with
 710 49 C.F.R. part 580 and Florida law; provided, any power of
 711 attorney form issued or authorized by the department under this
 712 subsection shall contain an original that ~~two carbon copies, one~~
 713 ~~of which~~ shall be submitted ~~directly~~ to the department by the
 714 dealer ~~within 5 business days of use by the dealer~~ to effect
 715 transfer of a title certificate as provided in paragraphs (a)
 716 and (b) and a copy that ~~one of which~~ shall be retained by the
 717 dealer in its records for 5 years.

718 (d) Any person who fails to complete the information
 719 required by this subsection or to file with the department the
 720 forms required by this subsection is guilty of a misdemeanor of
 721 the second degree, punishable as provided in s. 775.082 or s.
 722 775.083. The department shall not issue a certificate of title
 723 unless this subsection has been complied with.

724 (7) If a title is held electronically and the transferee
 725 agrees to maintain the title electronically, the transferor and
 726 transferee shall complete a secure reassignment document which
 727 discloses the odometer reading and is signed by both the
 728 transferor and transferee at the tax collector office or license

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729 | plate agency. Each certificate of title issued by the department
 730 | must contain on its reverse side a minimum of ~~four~~ spaces for
 731 | notation of the name and license number of any auction through
 732 | which the vehicle is sold and the date the vehicle was
 733 | auctioned. Each separate dealer reassignment form issued by the
 734 | department must also have the space referred to in this section.
 735 | When a transfer of title is made at a motor vehicle auction, the
 736 | reassignment must note the name and address of the auction, but
 737 | the auction shall not thereby be deemed to be the owner, seller,
 738 | transferor, or assignor of title. A motor vehicle auction is
 739 | required to execute a dealer reassignment only when it is the
 740 | owner of a vehicle being sold.

741 | (8) Upon transfer or reassignment of a used motor vehicle
 742 | through the services of an auction, the auction shall complete
 743 | the information in the space provided for by subsection (7). Any
 744 | person who fails to complete the information as required by this
 745 | subsection is guilty of a misdemeanor of the second degree,
 746 | punishable as provided in s. 775.082 or s. 775.083. The
 747 | department shall not issue a certificate of title unless this
 748 | subsection has been complied with.

749 | (9) This section shall be construed to conform to 49
 750 | C.F.R. part 580.

751 | Section 10. Subsection (9) of section 319.23, Florida
 752 | Statutes, is amended to read:

753 | 319.23 Application for, and issuance of, certificate of
 754 | title.-

755 | (9) The title certificate or application for title must
 756 | contain the applicant's full first name, middle initial, last

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757 | name, date of birth, sex, and the license plate number. An
 758 | individual applicant must provide ~~personal or business~~
 759 | ~~identification, which may include, but need not be limited to,~~ a
 760 | valid driver ~~driver's~~ license or identification card issued by
 761 | ~~number,~~ Florida or another state, or a valid United States
 762 | passport. A business applicant must provide a ~~identification~~
 763 | ~~card number,~~ or federal employer identification number, if
 764 | applicable, verification that the business is authorized to
 765 | conduct business in the state, or a Florida city or county
 766 | business license or number. In lieu of ~~and~~ the license plate
 767 | number the individual or business applicant must provide ~~or, in~~
 768 | ~~lieu thereof,~~ an affidavit certifying that the motor vehicle to
 769 | be titled will not be operated upon the public highways of this
 770 | state.

771 | Section 11. Paragraph (b) of subsection (2) of section
 772 | 319.28, Florida Statutes, is amended to read:

773 | 319.28 Transfer of ownership by operation of law.—

774 | (2)

775 | (b) In case of repossession of a motor vehicle or mobile
 776 | home pursuant to the terms of a security agreement or similar
 777 | instrument, an affidavit by the party to whom possession has
 778 | passed stating that the vehicle or mobile home was repossessed
 779 | upon default in the terms of the security agreement or other
 780 | instrument shall be considered satisfactory proof of ownership
 781 | and right of possession. At least 5 days prior to selling the
 782 | repossessed vehicle, any subsequent lienholder named in the last
 783 | issued certificate of title shall be sent notice of the
 784 | repossession by certified mail, on a form prescribed by the

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785 department. If such notice is given and no written protest to
 786 the department is presented by a subsequent lienholder within 15
 787 days after ~~from~~ the date on which the notice was mailed, the
 788 certificate of title ~~or the certificate of repossession~~ shall be
 789 issued showing no liens. If the former owner or any subsequent
 790 lienholder files a written protest under oath within such 15-day
 791 period, the department shall not issue the certificate of title
 792 ~~or certificate of repossession~~ for 10 days thereafter. If within
 793 the 10-day period no injunction or other order of a court of
 794 competent jurisdiction has been served on the department
 795 commanding it not to deliver the certificate of title ~~or~~
 796 ~~certificate of repossession~~, the department shall deliver the
 797 certificate of title ~~or repossession~~ to the applicant or as may
 798 otherwise be directed in the application showing no other liens
 799 than those shown in the application. Any lienholder who has
 800 repossessed a vehicle in this state in compliance with the
 801 provisions of this section must apply to a tax collector's
 802 office in this state or to the department for a ~~certificate of~~
 803 ~~repossession or to the department for a~~ certificate of title
 804 pursuant to s. 319.323. Proof of the required notice to
 805 subsequent lienholders shall be submitted together with regular
 806 title fees. ~~A lienholder to whom a certificate of repossession~~
 807 ~~has been issued may assign the certificate of title to the~~
 808 ~~subsequent owner.~~ Any person found guilty of violating any
 809 requirements of this paragraph shall be guilty of a felony of
 810 the third degree, punishable as provided in s. 775.082, s.
 811 775.083, or s. 775.084.

812 Section 12. Section 319.323, Florida Statutes, is amended

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813 to read:

814 319.323 Expedited service; applications; fees.—The
 815 department shall establish a separate title office which may be
 816 used by private citizens and licensed motor vehicle dealers to
 817 receive expedited service on title transfers, title issuances,
 818 duplicate titles, and recordation of liens, ~~and certificates of~~
 819 ~~repossession~~. A fee of \$10 shall be charged for this service,
 820 which fee is in addition to the fees imposed by s. 319.32. The
 821 fee, after deducting the amount referenced by s. 319.324 and
 822 \$3.50 to be retained by the processing agency, shall be
 823 deposited into the General Revenue Fund. Application for
 824 expedited service may be made by mail or in person. The
 825 department shall issue each title applied for under this section
 826 within 5 working days after receipt of the application except
 827 for an application for a duplicate title certificate covered by
 828 s. 319.23(4), in which case the title must be issued within 5
 829 working days after compliance with the department's verification
 830 requirements.

831 Section 13. Subsections (24) through (46) of section
 832 320.01, Florida Statutes, are renumbered as subsections (23)
 833 through (45), respectively, and present subsections (23) and
 834 (25) of that section are amended to read:

835 320.01 Definitions, general.—As used in the Florida
 836 Statutes, except as otherwise provided, the term:

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

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841 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
 842 recreational vehicles, vehicles displaying restricted plates,
 843 city pickup and delivery vehicles, buses used in transportation
 844 of chartered parties, and government-owned vehicles, which is
 845 used or intended for use in two or more member jurisdictions
 846 that allocate or proportionally register vehicles and which is
 847 used for the transportation of persons for hire or is designed,
 848 used, or maintained primarily for the transportation of property
 849 and:

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

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

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

856
 857 Vehicles, or combinations thereof, having a gross vehicle weight
 858 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 859 proportionally registered.

860 Section 14. Paragraph (a) of subsection (2) of section
 861 320.02, Florida Statutes, is amended to read:

862 320.02 Registration required; application for
 863 registration; forms.—

864 (2) (a) The application for registration shall include the
 865 street address of the owner's permanent residence or the address
 866 of his or her permanent place of business and shall be
 867 accompanied by personal or business identification information.
 868 An individual applicant must provide ~~which may include, but need~~

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869 ~~not be limited to,~~ a valid driver license or number, Florida
 870 identification card issued by this state or another state or a
 871 valid United States passport. A business applicant must provide
 872 a number, or federal employer identification number, if
 873 applicable, or verification that the business is authorized to
 874 conduct business in the state, or a Florida city or county
 875 business license or number.

876 1. If the owner does not have a permanent residence or
 877 permanent place of business or if the owner's permanent
 878 residence or permanent place of business cannot be identified by
 879 a street address, the application shall include:

880 ~~a.1.~~ If the vehicle is registered to a business, the name
 881 and street address of the permanent residence of an owner of the
 882 business, an officer of the corporation, or an employee who is
 883 in a supervisory position.

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

887 2. If the vehicle is registered to an active duty member
 888 of the Armed Forces of the United States who is a Florida
 889 resident, the active duty member is exempt from the requirement
 890 to provide the street address of a permanent residence.

891 Section 15. Subsection (7) of section 320.03, Florida
 892 Statutes, is amended to read:

893 320.03 Registration; duties of tax collectors;
 894 International Registration Plan.—

895 (7) The Department of Highway Safety and Motor Vehicles
 896 shall register apportionable ~~apportioned motor~~ vehicles under

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897 | the ~~provisions of the~~ International Registration Plan. The
 898 | department may adopt rules to implement and enforce the
 899 | provisions of the plan.

900 | Section 16. Paragraph (b) of subsection (1) of section
 901 | 320.071, Florida Statutes, is amended to read:

902 | 320.071 Advance registration renewal; procedures.—

903 | (1)

904 | (b) The owner of any apportionable ~~apportioned motor~~
 905 | vehicle currently registered in this state under the
 906 | International Registration Plan may file an application for
 907 | renewal of registration with the department any time during the
 908 | 3 months preceding the date of expiration of the registration
 909 | period.

910 | Section 17. Subsections (1) and (3) of section 320.0715,
 911 | Florida Statutes, are amended to read:

912 | 320.0715 International Registration Plan; motor carrier
 913 | services; permits; retention of records.—

914 | (1) All apportionable ~~commercial motor~~ vehicles domiciled
 915 | in this state ~~and engaged in interstate commerce~~ shall be
 916 | registered in accordance with ~~the provisions of the~~
 917 | International Registration Plan and shall display apportioned
 918 | license plates.

919 | (3) (a) If the department is unable to immediately issue
 920 | the apportioned license plate to an applicant currently
 921 | registered in this state under the International Registration
 922 | Plan or to a vehicle currently titled in this state, the
 923 | department or its designated agent may ~~is authorized to~~ issue a
 924 | 60-day temporary operational permit. The department or agent of

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925 | the department shall charge a \$3 fee and the service charge
 926 | authorized by s. 320.04 for each temporary operational permit it
 927 | issues.

928 | (b) The department may not ~~shall in no event~~ issue a
 929 | temporary operational permit for any apportionable ~~commercial~~
 930 | ~~motor~~ vehicle to any applicant until the applicant has shown
 931 | that:

932 | 1. All sales or use taxes due on the registration of the
 933 | vehicle are paid; and

934 | 2. Insurance requirements have been met in accordance with
 935 | ss. 320.02(5) and 627.7415.

936 | (c) Issuance of a temporary operational permit provides
 937 | ~~commercial motor vehicle~~ registration privileges in each
 938 | International Registration Plan member jurisdiction designated
 939 | on said permit and therefore requires payment of all applicable
 940 | registration fees and taxes due for that period of registration.

941 | (d) Application for permanent registration must be made to
 942 | the department within 10 days from issuance of a temporary
 943 | operational permit. Failure to file an application within this
 944 | 10-day period may result in cancellation of the temporary
 945 | operational permit.

946 | Section 18. Subsection (1) of section 320.18, Florida
 947 | Statutes, is amended to read:

948 | 320.18 Withholding registration.—

949 | (1) The department may withhold the registration of any
 950 | motor vehicle or mobile home the owner or coowner of which has
 951 | failed to register it under the provisions of law for any
 952 | previous period or periods for which it appears registration

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953 | should have been made in this state, until the tax for such
 954 | period or periods is paid. The department may cancel any vehicle
 955 | or vessel registration, driver ~~driver's~~ license, identification
 956 | card, or fuel-use tax decal if the owner or coowner pays for any
 957 | ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,
 958 | identification card, or fuel-use tax decal; pays any
 959 | administrative, delinquency, or reinstatement fee; or pays any
 960 | tax liability, penalty, or interest specified in chapter 207 by
 961 | a dishonored check, or if the vehicle owner or motor carrier has
 962 | failed to pay a penalty for a weight or safety violation issued
 963 | by the Department of Transportation or the Department of Highway
 964 | Safety and Motor Vehicles. The Department of Transportation and
 965 | the Department of Highway Safety and Motor Vehicles may impound
 966 | any commercial motor vehicle that has a canceled license plate
 967 | or fuel-use tax decal until the tax liability, penalty, and
 968 | interest specified in chapter 207, the license tax, or the fuel-
 969 | use decal fee, and applicable administrative fees have been paid
 970 | for by certified funds.

971 | Section 19. Subsection (3), paragraph (a) of subsection
 972 | (4), and subsection (5) of section 320.27, Florida Statutes, are
 973 | amended to read:

974 | 320.27 Motor vehicle dealers.—

975 | (3) APPLICATION AND FEE.—The application for the license
 976 | shall be in such form as may be prescribed by the department and
 977 | shall be subject to such rules with respect thereto as may be so
 978 | prescribed by it. Such application shall be verified by oath or
 979 | affirmation and shall contain a full statement of the name and
 980 | birth date of the person or persons applying therefor; the name

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981 of the firm or copartnership, with the names and places of
 982 residence of all members thereof, if such applicant is a firm or
 983 copartnership; the names and places of residence of the
 984 principal officers, if the applicant is a body corporate or
 985 other artificial body; the name of the state under whose laws
 986 the corporation is organized; the present and former place or
 987 places of residence of the applicant; and prior business in
 988 which the applicant has been engaged and the location thereof.
 989 Such application shall describe the exact location of the place
 990 of business and shall state whether the place of business is
 991 owned by the applicant and when acquired, or, if leased, a true
 992 copy of the lease shall be attached to the application. The
 993 applicant shall certify that the location provides an adequately
 994 equipped office and is not a residence; that the location
 995 affords sufficient unoccupied space upon and within which
 996 adequately to store all motor vehicles offered and displayed for
 997 sale; and that the location is a suitable place where the
 998 applicant can in good faith carry on such business and keep and
 999 maintain books, records, and files necessary to conduct such
 1000 business, which shall be available at all reasonable hours to
 1001 inspection by the department or any of its inspectors or other
 1002 employees. The applicant shall certify that the business of a
 1003 motor vehicle dealer is the principal business which shall be
 1004 conducted at that location. The application shall contain a
 1005 statement that the applicant is either franchised by a
 1006 manufacturer of motor vehicles, in which case the name of each
 1007 motor vehicle that the applicant is franchised to sell shall be
 1008 included, or an independent (nonfranchised) motor vehicle

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1009 dealer. The application shall contain other relevant information
 1010 as may be required by the department, including evidence that
 1011 the applicant is insured under a garage liability insurance
 1012 policy or a general liability insurance policy coupled with a
 1013 business automobile policy, which shall include, at a minimum,
 1014 \$25,000 combined single-limit liability coverage including
 1015 bodily injury and property damage protection and \$10,000
 1016 personal injury protection. However, a salvage motor vehicle
 1017 dealer as defined in subparagraph (1)(c)5. is exempt from the
 1018 requirements for garage liability insurance and personal injury
 1019 protection insurance on those vehicles that cannot be legally
 1020 operated on roads, highways, or streets in this state. Franchise
 1021 dealers must submit a garage liability insurance policy, and all
 1022 other dealers must submit a garage liability insurance policy or
 1023 a general liability insurance policy coupled with a business
 1024 automobile policy. Such policy shall be for the license period,
 1025 and evidence of a new or continued policy shall be delivered to
 1026 the department at the beginning of each license period. Upon
 1027 making initial application, the applicant shall pay to the
 1028 department a fee of \$300 in addition to any other fees ~~now~~
 1029 required by law. Applicants may choose to extend the licensure
 1030 period for 1 additional year for a total of 2 years. An initial
 1031 applicant shall pay to the department a fee of \$300 for the first
 1032 year and \$75 for the second year, in addition to any other fees
 1033 required by law. An applicant for renewal shall pay to the
 1034 department \$75 for a 1-year renewal or \$150 for a 2-year renewal,
 1035 in addition to any other fees required by law ~~Upon making a~~
 1036 ~~subsequent renewal application, the applicant shall pay to the~~

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1037 | ~~department a fee of \$75 in addition to any other fees now~~
 1038 | ~~required by law.~~ Upon making an application for a change of
 1039 | location, the person shall pay a fee of \$50 in addition to any
 1040 | other fees now required by law. The department shall, in the
 1041 | case of every application for initial licensure, verify whether
 1042 | certain facts set forth in the application are true. Each
 1043 | applicant, general partner in the case of a partnership, or
 1044 | corporate officer and director in the case of a corporate
 1045 | applicant, must file a set of fingerprints with the department
 1046 | for the purpose of determining any prior criminal record or any
 1047 | outstanding warrants. The department shall submit the
 1048 | fingerprints to the Department of Law Enforcement for state
 1049 | processing and forwarding to the Federal Bureau of Investigation
 1050 | for federal processing. The actual cost of state and federal
 1051 | processing shall be borne by the applicant and is in addition to
 1052 | the fee for licensure. The department may issue a license to an
 1053 | applicant pending the results of the fingerprint investigation,
 1054 | which license is fully revocable if the department subsequently
 1055 | determines that any facts set forth in the application are not
 1056 | true or correctly represented.

1057 | (4) LICENSE CERTIFICATE.—

1058 | (a) A license certificate shall be issued by the
 1059 | department in accordance with such application when the
 1060 | application is regular in form and in compliance with the
 1061 | provisions of this section. The license certificate may be in
 1062 | the form of a document or a computerized card as determined by
 1063 | the department. The actual cost of each original, additional, or
 1064 | replacement computerized card shall be borne by the licensee and

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1065 is in addition to the fee for licensure. Such license, when so
 1066 issued, entitles the licensee to carry on and conduct the
 1067 business of a motor vehicle dealer. Each license issued to a
 1068 franchise motor vehicle dealer expires ~~annually~~ on December 31
 1069 of the year of its expiration unless revoked or suspended prior
 1070 to that date. Each license issued to an independent or wholesale
 1071 dealer or auction expires ~~annually~~ on April 30 of the year of
 1072 its expiration unless revoked or suspended prior to that date.
 1073 At least ~~Not less than~~ 60 days before ~~prior to~~ the license
 1074 expiration date, the department shall deliver or mail to each
 1075 licensee the necessary renewal forms. Each independent dealer
 1076 shall certify that the dealer (owner, partner, officer, or
 1077 director of the licensee, or a full-time employee of the
 1078 licensee that holds a responsible management-level position) has
 1079 completed 8 hours of continuing education prior to filing the
 1080 renewal forms with the department. Such certification shall be
 1081 filed once every 2 years. The continuing education shall include
 1082 at least 2 hours of legal or legislative issues, 1 hour of
 1083 department issues, and 5 hours of relevant motor vehicle
 1084 industry topics. Continuing education shall be provided by
 1085 dealer schools licensed under paragraph (b) either in a
 1086 classroom setting or by correspondence. Such schools shall
 1087 provide certificates of completion to the department and the
 1088 customer which shall be filed with the license renewal form, and
 1089 such schools may charge a fee for providing continuing
 1090 education. Any licensee who does not file his or her application
 1091 and fees and any other requisite documents, as required by law,
 1092 with the department at least 30 days prior to the license

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1093 | expiration date shall cease to engage in business as a motor
 1094 | vehicle dealer on the license expiration date. A renewal filed
 1095 | with the department within 45 days after the expiration date
 1096 | shall be accompanied by a delinquent fee of \$100. Thereafter, a
 1097 | new application is required, accompanied by the initial license
 1098 | fee. A license certificate duly issued by the department may be
 1099 | modified by endorsement to show a change in the name of the
 1100 | licensee, provided, as shown by affidavit of the licensee, the
 1101 | majority ownership interest of the licensee has not changed or
 1102 | the name of the person appearing as franchisee on the sales and
 1103 | service agreement has not changed. Modification of a license
 1104 | certificate to show any name change as herein provided shall not
 1105 | require initial licensure or reissuance of dealer tags; however,
 1106 | any dealer obtaining a name change shall transact all business
 1107 | in and be properly identified by that name. All documents
 1108 | relative to licensure shall reflect the new name. In the case of
 1109 | a franchise dealer, the name change shall be approved by the
 1110 | manufacturer, distributor, or importer. A licensee applying for
 1111 | a name change endorsement shall pay a fee of \$25 which fee shall
 1112 | apply to the change in the name of a main location and all
 1113 | additional locations licensed under the provisions of subsection
 1114 | (5). Each initial license application received by the department
 1115 | shall be accompanied by verification that, within the preceding
 1116 | 6 months, the applicant, or one or more of his or her designated
 1117 | employees, has attended a training and information seminar
 1118 | conducted by a licensed motor vehicle dealer training school.
 1119 | Any applicant for a new franchised motor vehicle dealer license
 1120 | who has held a valid franchised motor vehicle dealer license

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1121 continuously for the past 2 years and who remains in good
 1122 standing with the department is exempt from the prelicensing
 1123 training requirement. Such seminar shall include, but is not
 1124 limited to, statutory dealer requirements, which requirements
 1125 include required bookkeeping and recordkeeping procedures,
 1126 requirements for the collection of sales and use taxes, and such
 1127 other information that in the opinion of the department will
 1128 promote good business practices. No seminar may exceed 8 hours
 1129 in length.

1130 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
 1131 section hereunder shall obtain a supplemental license for each
 1132 permanent additional place or places of business not contiguous
 1133 to the premises for which the original license is issued, on a
 1134 form to be furnished by the department, and upon payment of a
 1135 fee of \$50 for each such additional location. Applicants may
 1136 choose to extend the licensure period for 1 additional year for a
 1137 total of 2 years. The applicant shall pay to the department a fee
 1138 of \$50 for the first year and \$50 for the second year for each
 1139 such additional location. Thereafter, the applicant shall pay \$50
 1140 for a 1-year renewal or \$100 for a 2-year renewal for each such
 1141 additional location. Upon making renewal applications for such
 1142 supplemental licenses, such applicant shall pay \$50 for each
 1143 additional location. A supplemental license authorizing off-
 1144 premises sales shall be issued, at no charge to the dealer, for
 1145 a period not to exceed 10 consecutive calendar days. To obtain
 1146 such a temporary supplemental license for off-premises sales,
 1147 the applicant must be a licensed dealer; must notify the
 1148 applicable local department office of the specific dates and

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1149 location for which such license is requested, display a sign at
 1150 the licensed location clearly identifying the dealer, and
 1151 provide staff to work at the temporary location for the duration
 1152 of the off-premises sale; must meet any local government
 1153 permitting requirements; and must have permission of the
 1154 property owner to sell at that location. In the case of an off-
 1155 premises sale by a motor vehicle dealer licensed under
 1156 subparagraph (1)(c)1. for the sale of new motor vehicles, the
 1157 applicant must also include documentation notifying the
 1158 applicable licensee licensed under s. 320.61 of the intent to
 1159 engage in an off-premises sale 5 working days prior to the date
 1160 of the off-premises sale. The licensee shall either approve or
 1161 disapprove of the off-premises sale within 2 working days after
 1162 receiving notice; otherwise, it will be deemed approved. This
 1163 section does not apply to a nonselling motor vehicle show or
 1164 public display of new motor vehicles.

1165 Section 20. Section 320.62, Florida Statutes, is amended
 1166 to read:

1167 320.62 Licenses; amount; disposition of proceeds.—The
 1168 initial license for each manufacturer, distributor, or importer
 1169 shall be \$300 and shall be in addition to all other licenses or
 1170 taxes ~~now or hereafter~~ levied, assessed, or required of the
 1171 applicant or licensee. Applicants may choose to extend the
 1172 licensure period for 1 additional year for a total of 2 years. An
 1173 initial applicant shall pay to the department a fee of \$300 for
 1174 the first year and \$100 for the second year. An applicant for a
 1175 renewal license shall pay \$100 to the department for a 1-year
 1176 renewal or \$200 for a 2-year renewal. ~~The annual renewal license~~

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1177 ~~fee shall be \$100.~~ The proceeds from all licenses under ss.
 1178 320.60-320.70 shall be paid into the State Treasury to the
 1179 credit of the General Revenue Fund. All licenses shall be
 1180 payable on or before October 1 of the each year and shall
 1181 expire, unless sooner revoked or suspended, ~~on the following~~
 1182 September 30 of the year of its expiration.

1183 Section 21. Subsections (4) and (6) of section 320.77,
 1184 Florida Statutes, are amended to read:

1185 320.77 License required of mobile home dealers.—

1186 (4) FEES.—Upon making initial application, the applicant
 1187 shall pay to the department a fee of \$300 in addition to any
 1188 other fees ~~now~~ required by law. Applicants may choose to extend
 1189 the licensure period for 1 additional year for a total of 2
 1190 years. An initial applicant shall pay to the department a fee of
 1191 \$300 for the first year and \$100 for the second year in addition
 1192 to any other fees required by law. An applicant for a renewal
 1193 license shall pay to the department \$100 for a 1-year renewal or
 1194 \$200 for a 2-year renewal. ~~The fee for renewal application shall~~
 1195 ~~be \$100.~~ The fee for application for change of location shall be
 1196 \$25. Any applicant for renewal who has failed to submit his or
 1197 her renewal application by October 1 of the year of its current
 1198 license expiration shall pay a renewal application fee equal to
 1199 the original application fee. No fee is refundable. All fees
 1200 shall be deposited into the General Revenue Fund.

1201 (6) LICENSE CERTIFICATE.—A license certificate shall be
 1202 issued by the department in accordance with the application when
 1203 the same is regular in form and in compliance with the
 1204 provisions of this section. The license certificate may be in

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1205 | the form of a document or a computerized card as determined by
 1206 | the department. The cost of each original, additional, or
 1207 | replacement computerized card shall be borne by the licensee and
 1208 | is in addition to the fee for licensure. The fees charged
 1209 | applicants for both the required background investigation and
 1210 | the computerized card as provided in this section shall be
 1211 | deposited into the Highway Safety Operating Trust Fund. The
 1212 | license, when so issued, shall entitle the licensee to carry on
 1213 | and conduct the business of a mobile home dealer at the location
 1214 | set forth in the license for a period of 1 or 2 years beginning
 1215 | ~~year from~~ October 1 preceding the date of issuance. Each initial
 1216 | application received by the department shall be accompanied by
 1217 | verification that, within the preceding 6 months, the applicant
 1218 | or one or more of his or her designated employees has attended a
 1219 | training and information seminar conducted by the department or
 1220 | by a public or private provider approved by the department. Such
 1221 | seminar shall include, but not be limited to, statutory dealer
 1222 | requirements, which requirements include required bookkeeping
 1223 | and recording procedures, requirements for the collection of
 1224 | sales and use taxes, and such other information that in the
 1225 | opinion of the department will promote good business practices.

1226 | Section 22. Subsections (4) and (6) of section 320.771,
 1227 | Florida Statutes, are amended to read:

1228 | 320.771 License required of recreational vehicle dealers.—

1229 | (4) FEES.—Upon making initial application, the applicant
 1230 | shall pay to the department a fee of \$300 in addition to any
 1231 | other fees ~~now~~ required by law. Applicants may choose to extend
 1232 | the licensure period for 1 additional year for a total of 2

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1233 | years. An initial applicant shall pay to the department a fee of
 1234 | \$300 for the first year and \$100 for the second year in addition
 1235 | to any other fees required by law. An applicant for a renewal
 1236 | license shall pay to the department \$100 for a 1-year renewal or
 1237 | \$200 for a 2-year renewal ~~The fee for renewal application shall~~
 1238 | ~~be \$100.~~ The fee for application for change of location shall be
 1239 | \$25. Any applicant for renewal who has failed to submit his or
 1240 | her renewal application by October 1 of the year of its current
 1241 | license expiration shall pay a renewal application fee equal to
 1242 | the original application fee. No fee is refundable. All fees
 1243 | shall be deposited into the General Revenue Fund.

1244 | (6) LICENSE CERTIFICATE.—A license certificate shall be
 1245 | issued by the department in accordance with the application when
 1246 | the same is regular in form and in compliance with the
 1247 | provisions of this section. The license certificate may be in
 1248 | the form of a document or a computerized card as determined by
 1249 | the department. The cost of each original, additional, or
 1250 | replacement computerized card shall be borne by the licensee and
 1251 | is in addition to the fee for licensure. The fees charged
 1252 | applicants for both the required background investigation and
 1253 | the computerized card as provided in this section shall be
 1254 | deposited into the Highway Safety Operating Trust Fund. The
 1255 | license, when so issued, shall entitle the licensee to carry on
 1256 | and conduct the business of a recreational vehicle dealer at the
 1257 | location set forth in the license for a period of 1 or 2 years
 1258 | ~~year~~ from October 1 preceding the date of issuance. Each initial
 1259 | application received by the department shall be accompanied by
 1260 | verification that, within the preceding 6 months, the applicant

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1261 or one or more of his or her designated employees has attended a
 1262 training and information seminar conducted by the department or
 1263 by a public or private provider approved by the department. Such
 1264 seminar shall include, but not be limited to, statutory dealer
 1265 requirements, which requirements include required bookkeeping
 1266 and recording procedures, requirements for the collection of
 1267 sales and use taxes, and such other information that in the
 1268 opinion of the department will promote good business practices.

1269 Section 23. Subsections (3) and (6) of section 320.8225,
 1270 Florida Statutes, are amended to read:

1271 320.8225 Mobile home and recreational vehicle
 1272 manufacturer, distributor, and importer license.—

1273 (3) FEES.—Upon submitting an initial application, the
 1274 applicant shall pay to the department a fee of \$300. Applicants
 1275 may choose to extend the licensure period for 1 additional year
 1276 for a total of 2 years. An initial applicant shall pay to the
 1277 department a fee of \$300 for the first year and \$100 for the
 1278 second year. An applicant for a renewal license shall pay to the
 1279 department \$100 for a 1-year renewal or \$200 for a 2-year renewal
 1280 ~~Upon submitting a renewal application, the applicant shall pay~~
 1281 ~~to the department a fee of \$100.~~ Any applicant for renewal who
 1282 fails to submit his or her renewal application by October 1 of
 1283 the year of its current license expiration shall pay a renewal
 1284 application fee equal to the original application fee. No fee is
 1285 refundable. All fees must be deposited into the General Revenue
 1286 Fund.

1287 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
 1288 manufacturer or a recreational vehicle manufacturer,

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1289 distributor, or importer entitles the licensee to conduct
 1290 business for a period of 1 or 2 years beginning ~~year from~~
 1291 October 1 preceding the date of issuance.

1292 Section 24. Section 322.095, Florida Statutes, is amended
 1293 to read:

1294 322.095 Traffic law and substance abuse education program
 1295 for driver ~~driver's~~ license applicants.-

1296 (1) Each applicant for a driver license must complete a
 1297 traffic law and substance abuse education course, unless the
 1298 applicant has been licensed in another jurisdiction or has
 1299 satisfactorily completed a Department of Education driver
 1300 education course offered pursuant to s. 1003.48.

1301 (2)~~(1)~~ The Department of Highway Safety and Motor Vehicles
 1302 must approve traffic law and substance abuse education courses,
 1303 including courses that use communications technology as the
 1304 delivery method.

1305 (a) In addition to the course approval criteria provided
 1306 in this section, initial approval of traffic law and substance
 1307 abuse education courses shall be based on the department's review
 1308 of all course materials which must be designed to promote safety,
 1309 education, and driver awareness; course presentation to the
 1310 department by the provider; and the provider's plan for effective
 1311 oversight of the course by those who deliver the course in the
 1312 state.

1313 (b) Each course provider seeking approval of a traffic law
 1314 and substance abuse education course must submit:

1315 1. Proof of ownership, copyright, or written permission
 1316 from the course owner to use the course in the state ~~that must be~~

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1317 | ~~completed by applicants for a Florida driver's license.~~

1318 | 2. The curriculum ~~curricula~~ for the courses which must

1319 | promote motorcyclist, bicyclist, and pedestrian safety and

1320 | provide instruction on the physiological and psychological

1321 | consequences of the abuse of alcohol and other drugs;~~7~~ the

1322 | societal and economic costs of alcohol and drug abuse;~~7~~ the

1323 | effects of alcohol and drug abuse on the driver of a motor

1324 | vehicle;~~7~~ ~~and~~ the laws of this state relating to the operation

1325 | of a motor vehicle; the risk factors involved in driver attitude

1326 | and irresponsible driver behaviors, such as speeding, reckless

1327 | driving, and running red lights and stop signs; and the results

1328 | of the use of electronic devices while driving. ~~All instructors~~

1329 | ~~teaching the courses shall be certified by the department.~~

1330 | (3)~~(2)~~ ~~The department shall contract for an independent~~

1331 | ~~evaluation of the courses. Local DUI programs authorized under~~

1332 | ~~s. 316.193(5) and certified by the department or a driver~~

1333 | ~~improvement school may offer a traffic law and substance abuse~~

1334 | ~~education course. However,~~ Prior to offering the course, the

1335 | course provider must obtain certification from the department

1336 | that the course complies with the requirements of this section.

1337 | If the course is offered in a classroom setting, the course

1338 | provider and any schools authorized by the provider to teach the

1339 | course must offer the approved course at locations that are free

1340 | from distractions and reasonably accessible to most applicants

1341 | and must issue a certificate to those persons successfully

1342 | completing the course.

1343 | ~~(3)~~ ~~The completion of a course does not qualify a person~~

1344 | ~~for the reinstatement of a driver's license which has been~~

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1345 ~~suspended or revoked.~~

1346 ~~(4) The fee charged by the course provider must bear a~~

1347 ~~reasonable relationship to the cost of the course. The~~

1348 ~~department must conduct financial audits of course providers~~

1349 ~~conducting the education courses required under this section or~~

1350 ~~require that financial audits of providers be performed, at the~~

1351 ~~expense of the provider, by a certified public accountant.~~

1352 ~~(5) The provisions of this section do not apply to any~~

1353 ~~person who has been licensed in any other jurisdiction or who~~

1354 ~~has satisfactorily completed a Department of Education driver's~~

1355 ~~education course offered pursuant to s. 1003.48.~~

1356 (4)(6) In addition to a regular course fee, an assessment

1357 fee in the amount of \$3 shall be collected by the school from

1358 each person who attends a course. The course provider must remit

1359 the \$3 assessment fee to the department for deposit into the

1360 Highway Safety Operating Trust Fund in order to receive a unique

1361 course completion certificate number for the student. Each

1362 ~~course provider must collect a \$3 assessment fee in addition to~~

1363 ~~the enrollment fee charged to participants of the traffic law~~

1364 ~~and substance abuse course required under this section. The \$3~~

1365 ~~assessment fee collected by the course provider must be~~

1366 ~~forwarded to the department within 30 days after receipt of the~~

1367 ~~assessment.~~

1368 (5)(7) The department may is authorized to maintain the

1369 information and records necessary to administer its duties and

1370 responsibilities for the program. Course providers are required

1371 to maintain all records pertinent to the conduct of their

1372 approved courses for 5 years and allow the department to inspect

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1373 such records as necessary. Records may be maintained in an
 1374 electronic format. If ~~where~~ such information is a public record
 1375 as defined in chapter 119, it shall be made available to the
 1376 public upon request pursuant to s. 119.07(1). ~~The department~~
 1377 ~~shall approve and regulate courses that use technology as the~~
 1378 ~~delivery method of all traffic law and substance abuse education~~
 1379 ~~courses as the courses relate to this section.~~

1380 (6) The department shall design, develop, implement, and
 1381 conduct effectiveness studies on each delivery method of all
 1382 courses approved pursuant to this section on a recurring 3-year
 1383 basis. At a minimum, studies shall be conducted on the
 1384 effectiveness of each course in reducing DUI citations and
 1385 decreasing moving traffic violations or collision recidivism.
 1386 Upon notification that a course has failed an effectiveness
 1387 study, the course provider shall immediately cease offering the
 1388 course in the state.

1389 (7) Courses approved under this section must be updated at
 1390 the department's request. Failure of a course provider to update
 1391 the course within 90 days after the department's request shall
 1392 result in the suspension of the course approval until such time
 1393 that the updates are submitted and approved by the department.

1394 (8) Each course provider shall ensure that its driver
 1395 improvement schools are conducting the approved courses fully,
 1396 to the required time limits, and with the content requirements
 1397 specified by the department. The course provider shall ensure
 1398 that only department-approved instructional materials are used
 1399 in the presentation of the course, and that all driver
 1400 improvement schools conducting the course do so in a manner

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1401 that maximizes its impact and effectiveness. The course provider
 1402 shall ensure that any student who is unable to attend or
 1403 complete a course due to action, error, or omission on the part
 1404 of the course provider or driver improvement school conducting
 1405 the course shall be accommodated to permit completion of the
 1406 course at no additional cost.

1407 (9) Traffic law and substance abuse education courses
 1408 shall be conducted with a minimum of 4 hours devoted to course
 1409 content minus a maximum of 30 minutes allotted for breaks.

1410 (10) A course provider may not require any student to
 1411 purchase a course completion certificate. Course providers
 1412 offering paper or electronic certificates for purchase must
 1413 clearly convey to the student that this purchase is optional,
 1414 that the only valid course completion certificate is the
 1415 electronic one that is entered into the department's Driver
 1416 Improvement Certificate Issuance System, and that paper
 1417 certificates are not acceptable for any licensing purpose.

1418 (11) Course providers and all associated driver improvement
 1419 schools that offer approved courses shall disclose all fees
 1420 associated with the course and shall not charge any fees that
 1421 are not clearly listed during the registration process.

1422 (12) Course providers shall submit course completion
 1423 information to the department through the department's Driver
 1424 Improvement Certificate Issuance System within 5 days. The
 1425 submission shall be free of charge to the student.

1426 (13) The department may deny, suspend, or revoke course
 1427 approval upon proof that the course provider:

1428 (a) Violated this section.

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1429 (b) Has been convicted of a crime involving any drug-
 1430 related or DUI-related offense, a felony, fraud, or a crime
 1431 directly related to the personal safety of a student.
 1432 (c) Failed to satisfy the effectiveness criteria as
 1433 outlined in subsection (6).
 1434 (d) Obtained course approval by fraud or misrepresentation.
 1435 (e) Obtained or assisted a person in obtaining any driver
 1436 license by fraud or misrepresentation.
 1437 (f) Conducted a traffic law and substance abuse education
 1438 course in the state while approval of such course was under
 1439 suspension or revocation.
 1440 (g) Failed to provide effective oversight of those who
 1441 deliver the course in the state.
 1442 (14) The department shall not accept certificates from
 1443 students who take a course after the course has been suspended
 1444 or revoked.
 1445 (15) A person who has been convicted of a crime involving
 1446 any drug-related or DUI-related offense in the past 5 years, a
 1447 felony, fraud, or a crime directly related to the personal
 1448 safety of a student shall not be allowed to conduct traffic
 1449 law and substance abuse education courses.
 1450 (16) The department shall summarily suspend approval of
 1451 any course without preliminary hearing for the purpose of
 1452 protecting the public safety and enforcing any provision of law
 1453 governing traffic law and substance abuse education courses.
 1454 (17) Except as otherwise provided in this section,
 1455 before final department action denying, suspending, or revoking
 1456 approval of a course, the course provider shall have the

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1457 | opportunity to request either a formal or informal
 1458 | administrative hearing to show cause why the action should not
 1459 | be taken.

1460 | (18) The department may levy and collect a civil fine of at
 1461 | least \$1,000 but not more than \$5,000 for each violation of this
 1462 | section. Proceeds from fines collected shall be deposited into
 1463 | the Highway Safety Operating Trust Fund and used to cover the
 1464 | cost of administering this section or promoting highway safety
 1465 | initiatives.

1466 | Section 25. Subsection (1) of section 322.125, Florida
 1467 | Statutes, is amended to read:

1468 | 322.125 Medical Advisory Board.—

1469 | (1) There shall be a Medical Advisory Board composed of
 1470 | not fewer than 12 or more than 25 members, at least one of whom
 1471 | must be 60 years of age or older and all but one of whose
 1472 | medical and other specialties must relate to driving abilities,
 1473 | which number must include a doctor of medicine who is employed
 1474 | by the Department of Highway Safety and Motor Vehicles in
 1475 | Tallahassee, who shall serve as administrative officer for the
 1476 | board. The executive director of the Department of Highway
 1477 | Safety and Motor Vehicles shall recommend persons to serve as
 1478 | board members. Every member but two must be a doctor of medicine
 1479 | licensed to practice medicine in this or any other state ~~and~~
 1480 | ~~must be a member in good standing of the Florida Medical~~
 1481 | ~~Association or the Florida Osteopathic Association.~~ One member
 1482 | must be an optometrist licensed to practice optometry in this
 1483 | state ~~and must be a member in good standing of the Florida~~
 1484 | ~~Optometric Association.~~ One member must be a chiropractic

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1485 physician licensed to practice chiropractic medicine in this
 1486 state. Members shall be approved by the Cabinet and shall serve
 1487 4-year staggered terms. The board membership must, to the
 1488 maximum extent possible, consist of equal representation of the
 1489 disciplines of the medical community treating the mental or
 1490 physical disabilities that could affect the safe operation of
 1491 motor vehicles.

1492 Section 26. Subsection (4) of section 322.135, Florida
 1493 Statutes, is amended to read:

1494 322.135 Driver ~~Driver's~~ license agents.-

1495 (4) A tax collector may not issue or renew a driver
 1496 ~~driver's~~ license if he or she has any reason to believe that the
 1497 licensee or prospective licensee is physically or mentally
 1498 unqualified to operate a motor vehicle. ~~The tax collector may~~
 1499 ~~direct any such licensee to the department for examination or~~
 1500 ~~reevaluation under s. 322.221.~~

1501 Section 27. Subsection (7) of section 322.212, Florida
 1502 Statutes, is amended to read:

1503 322.212 Unauthorized possession of, and other unlawful
 1504 acts in relation to, driver ~~driver's~~ license or identification
 1505 card.-

1506 (7) In addition to any other penalties provided by this
 1507 section, any person who provides false information when applying
 1508 for a commercial driver ~~driver's~~ license or commercial learner's
 1509 permit or is convicted of fraud in connection with testing for a
 1510 commercial driver license or commercial learner's permit shall be
 1511 disqualified from operating a commercial motor vehicle for a
 1512 period of 1 year ~~60 days~~.

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1513 Section 28. Subsection (1) of section 322.22, Florida
 1514 Statutes, is amended to read:

1515 322.22 Authority of department to cancel or refuse to
 1516 issue or renew license.-

1517 (1) The department may ~~is authorized to~~ cancel or withhold
 1518 issuance or renewal of any driver ~~driver's~~ license, upon
 1519 determining that the licensee was not entitled to the issuance
 1520 thereof, or that the licensee failed to give the required or
 1521 correct information in his or her application or committed any
 1522 fraud in making such application, or that the licensee has two
 1523 or more licenses on file with the department, each in a
 1524 different name but bearing the photograph of the licensee,
 1525 unless the licensee has complied with the requirements of this
 1526 chapter in obtaining the licenses. The department may cancel or
 1527 withhold issuance or renewal of any driver ~~driver's~~ license,
 1528 identification card, vehicle or vessel registration, or fuel-use
 1529 decal if the licensee fails to pay the correct fee or pays for
 1530 any driver ~~the driver's~~ license, identification card, vehicle or
 1531 vessel registration, or fuel-use decal; pays any tax liability,
 1532 penalty, or interest specified in chapter 207; or pays any
 1533 administrative, delinquency, or reinstatement fee by a
 1534 dishonored check.

1535 Section 29. Subsection (3) of section 322.245, Florida
 1536 Statutes, is amended to read:

1537 322.245 Suspension of license upon failure of person
 1538 charged with specified offense under chapter 316, chapter 320,
 1539 or this chapter to comply with directives ordered by traffic
 1540 court or upon failure to pay child support in non-IV-D cases as

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1541 provided in chapter 61 or failure to pay any financial
 1542 obligation in any other criminal case.-

1543 (3) If the person fails to comply with the directives of
 1544 the court within the 30-day period, or, in non-IV-D cases, fails
 1545 to comply with the requirements of s. 61.13016 within the period
 1546 specified in that statute, the depository or the clerk of the
 1547 court shall electronically notify the department of such failure
 1548 within 10 days. Upon electronic receipt of the notice, the
 1549 department shall immediately issue an order suspending the
 1550 person's driver ~~driver's~~ license and privilege to drive
 1551 effective 20 days after the date the order of suspension is
 1552 mailed in accordance with s. 322.251(1), (2), and (6).

1553 Section 30. Subsection (7) of section 322.25, Florida
 1554 Statutes, is amended to read:

1555 322.25 When court to forward license to department and
 1556 report convictions; temporary reinstatement of driving
 1557 privileges.-

1558 ~~(7) Any licensed driver convicted of driving, or being in
 1559 the actual physical control of, a vehicle within this state
 1560 while under the influence of alcoholic beverages, any chemical
 1561 substance set forth in s. 877.111, or any substance controlled
 1562 under chapter 893, when affected to the extent that his or her
 1563 normal faculties are impaired, and whose license and driving
 1564 privilege have been revoked as provided in subsection (1) may be
 1565 issued a court order for reinstatement of a driving privilege on
 1566 a temporary basis; provided that, as a part of the penalty, upon
 1567 conviction, the defendant is required to enroll in and complete
 1568 a driver improvement course for the rehabilitation of drinking~~

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1569 ~~drivers and the driver is otherwise eligible for reinstatement~~
 1570 ~~of the driving privilege as provided by s. 322.282. The court~~
 1571 ~~order for reinstatement shall be on a form provided by the~~
 1572 ~~department and must be taken by the person convicted to a~~
 1573 ~~Florida driver's license examining office, where a temporary~~
 1574 ~~driving permit may be issued. The period of time for which a~~
 1575 ~~temporary permit issued in accordance with this subsection is~~
 1576 ~~valid shall be deemed to be part of the period of revocation~~
 1577 ~~imposed by the court.~~

1578 Section 31. Section 322.2615, Florida Statutes, is amended
 1579 to read:

1580 322.2615 Suspension of license; right to review.—

1581 (1) (a) A law enforcement officer or correctional officer
 1582 shall, on behalf of the department, suspend the driving
 1583 privilege of a person who is driving or in actual physical
 1584 control of a motor vehicle and who has an unlawful blood-alcohol
 1585 level or breath-alcohol level of 0.08 or higher, or of a person
 1586 who has refused to submit to a urine test or a test of his or
 1587 her breath-alcohol or blood-alcohol level. The officer shall
 1588 take the person's driver ~~driver's~~ license and issue the person a
 1589 10-day temporary permit if the person is otherwise eligible for
 1590 the driving privilege and shall issue the person a notice of
 1591 suspension. If a blood test has been administered, the officer
 1592 or the agency employing the officer shall transmit such results
 1593 to the department within 5 days after receipt of the results. If
 1594 the department then determines that the person had a blood-
 1595 alcohol level or breath-alcohol level of 0.08 or higher, the
 1596 department shall suspend the person's driver ~~driver's~~ license

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1597 | pursuant to subsection (3).

1598 | (b) The suspension under paragraph (a) shall be pursuant
1599 | to, and the notice of suspension shall inform the driver of, the
1600 | following:

1601 | 1.a. The driver refused to submit to a lawful breath,
1602 | blood, or urine test and his or her driving privilege is
1603 | suspended for a period of 1 year for a first refusal or for a
1604 | period of 18 months if his or her driving privilege has been
1605 | previously suspended as a result of a refusal to submit to such
1606 | a test; or

1607 | b. The driver was driving or in actual physical control of
1608 | a motor vehicle and had an unlawful blood-alcohol level or
1609 | breath-alcohol level of 0.08 or higher and his or her driving
1610 | privilege is suspended for a period of 6 months for a first
1611 | offense or for a period of 1 year if his or her driving
1612 | privilege has been previously suspended under this section.

1613 | 2. The suspension period shall commence on the date of
1614 | issuance of the notice of suspension.

1615 | 3. The driver may request a formal or informal review of
1616 | the suspension by the department within 10 days after the date
1617 | of issuance of the notice of suspension.

1618 | 4. The temporary permit issued at the time of suspension
1619 | expires at midnight of the 10th day following the date of
1620 | issuance of the notice of suspension.

1621 | 5. The driver may submit to the department any materials
1622 | relevant to the suspension.

1623 | (2) (a) Except as provided in paragraph (1) (a), the law
1624 | enforcement officer shall forward to the department, within 5

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1625 | days after issuing the notice of suspension, the driver ~~driver's~~
 1626 | license; an affidavit stating the officer's grounds for belief
 1627 | that the person was driving or in actual physical control of a
 1628 | motor vehicle while under the influence of alcoholic beverages
 1629 | or chemical or controlled substances; the results of any breath
 1630 | or blood test or an affidavit stating that a breath, blood, or
 1631 | urine test was requested by a law enforcement officer or
 1632 | correctional officer and that the person refused to submit; the
 1633 | officer's description of the person's field sobriety test, if
 1634 | any; and the notice of suspension. The failure of the officer to
 1635 | submit materials within the 5-day period specified in this
 1636 | subsection and in subsection (1) does not affect the
 1637 | department's ability to consider any evidence submitted at or
 1638 | prior to the hearing.

1639 | **(b)** The officer may also submit a copy of the crash report
 1640 | and a copy of a video recording ~~videotape~~ of the field sobriety
 1641 | test or the attempt to administer such test. Materials submitted
 1642 | to the department by a law enforcement agency or correctional
 1643 | agency shall be considered self-authenticating and shall be in
 1644 | the record for consideration by the hearing officer.
 1645 | Notwithstanding s. 316.066(5), the crash report shall be
 1646 | considered by the hearing officer.

1647 | **(3)** If the department determines that the license should
 1648 | be suspended pursuant to this section and if the notice of
 1649 | suspension has not already been served upon the person by a law
 1650 | enforcement officer or correctional officer as provided in
 1651 | subsection (1), the department shall issue a notice of
 1652 | suspension and, unless the notice is mailed pursuant to s.

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1653 | 322.251, a temporary permit that expires 10 days after the date
 1654 | of issuance if the driver is otherwise eligible.

1655 | (4) If the person whose license was suspended requests an
 1656 | informal review pursuant to subparagraph (1)(b)3., the
 1657 | department shall conduct the informal review by a hearing
 1658 | officer designated ~~employed~~ by the department. Such informal
 1659 | review hearing shall consist solely of an examination by the
 1660 | department of the materials submitted by a law enforcement
 1661 | officer or correctional officer and by the person whose license
 1662 | was suspended, and the presence of an officer or witness is not
 1663 | required.

1664 | (5) After completion of the informal review, notice of the
 1665 | department's decision sustaining, amending, or invalidating the
 1666 | suspension of the driver ~~driver's~~ license of the person whose
 1667 | license was suspended must be provided to such person. Such
 1668 | notice must be mailed to the person at the last known address
 1669 | shown on the department's records, or to the address provided in
 1670 | the law enforcement officer's report if such address differs
 1671 | from the address of record, within 21 days after the expiration
 1672 | of the temporary permit issued pursuant to subsection (1) or
 1673 | subsection (3).

1674 | (6) (a) If the person whose license was suspended requests
 1675 | a formal review, the department must schedule a hearing ~~to be~~
 1676 | ~~held~~ within 30 days after such request is received by the
 1677 | department and must notify the person of the date, time, and
 1678 | place of the hearing.

1679 | (b) Such formal review hearing shall be held before a
 1680 | hearing officer designated ~~employed~~ by the department, and the

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1681 hearing officer shall be authorized to administer oaths, examine
 1682 witnesses and take testimony, receive relevant evidence, issue
 1683 subpoenas for the officers and witnesses identified in documents
 1684 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the
 1685 course and conduct of the hearing, question witnesses, and make
 1686 a ruling on the suspension. The hearing officer may conduct
 1687 hearings using communications technology. The party requesting
 1688 the presence of a witness shall be responsible for the payment
 1689 of any witness fees and for notifying in writing the state
 1690 attorney's office in the appropriate circuit of the issuance of
 1691 the subpoena. If the person who requests a formal review hearing
 1692 fails to appear and the hearing officer finds such failure to be
 1693 without just cause, the right to a formal hearing is waived and
 1694 the suspension shall be sustained.

1695 (c) The failure of a subpoenaed witness to appear at the
 1696 formal review hearing is not grounds to invalidate the
 1697 suspension. If a witness fails to appear, a party may seek
 1698 enforcement of a subpoena under paragraph (b) by filing a
 1699 petition for enforcement in the circuit court of the judicial
 1700 circuit in which the person failing to comply with the subpoena
 1701 resides or by filing a motion for enforcement in any criminal
 1702 court case resulting from the driving or actual physical control
 1703 of a motor vehicle that gave rise to the suspension under this
 1704 section. A failure to comply with an order of the court shall
 1705 result in a finding of contempt of court. However, a person is
 1706 not in contempt while a subpoena is being challenged.

1707 (d) The department must, within 7 working days after a
 1708 formal review hearing, send notice to the person of the hearing

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1709 officer's decision as to whether sufficient cause exists to
 1710 sustain, amend, or invalidate the suspension.

1711 (7) In a formal review hearing under subsection (6) or an
 1712 informal review hearing under subsection (4), the hearing
 1713 officer shall determine by a preponderance of the evidence
 1714 whether sufficient cause exists to sustain, amend, or invalidate
 1715 the suspension. The scope of the review shall be limited to the
 1716 following issues:

1717 (a) If the license was suspended for driving with an
 1718 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 1719 higher:

1720 1. Whether the law enforcement officer had probable cause
 1721 to believe that the person whose license was suspended was
 1722 driving or in actual physical control of a motor vehicle in this
 1723 state while under the influence of alcoholic beverages or
 1724 chemical or controlled substances.

1725 2. Whether the person whose license was suspended had an
 1726 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 1727 higher as provided in s. 316.193.

1728 (b) If the license was suspended for refusal to submit to
 1729 a breath, blood, or urine test:

1730 1. Whether the law enforcement officer had probable cause
 1731 to believe that the person whose license was suspended was
 1732 driving or in actual physical control of a motor vehicle in this
 1733 state while under the influence of alcoholic beverages or
 1734 chemical or controlled substances.

1735 2. Whether the person whose license was suspended refused
 1736 to submit to any such test after being requested to do so by a

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1737 law enforcement officer or correctional officer.

1738 3. Whether the person whose license was suspended was told
 1739 that if he or she refused to submit to such test his or her
 1740 privilege to operate a motor vehicle would be suspended for a
 1741 period of 1 year or, in the case of a second or subsequent
 1742 refusal, for a period of 18 months.

1743 (8) Based on the determination of the hearing officer
 1744 pursuant to subsection (7) for both informal hearings under
 1745 subsection (4) and formal hearings under subsection (6), the
 1746 department shall:

1747 (a) Sustain the suspension of the person's driving
 1748 privilege for a period of 1 year for a first refusal, or for a
 1749 period of 18 months if the driving privilege of such person has
 1750 been previously suspended as a result of a refusal to submit to
 1751 such tests, if the person refused to submit to a lawful breath,
 1752 blood, or urine test. The suspension period commences on the
 1753 date of issuance of the notice of suspension.

1754 (b) Sustain the suspension of the person's driving
 1755 privilege for a period of 6 months for a blood-alcohol level or
 1756 breath-alcohol level of 0.08 or higher, or for a period of 1
 1757 year if the driving privilege of such person has been previously
 1758 suspended under this section as a result of driving with an
 1759 unlawful alcohol level. The suspension period commences on the
 1760 date of issuance of the notice of suspension.

1761 (9) A request for a formal review hearing or an informal
 1762 review hearing shall not stay the suspension of the person's
 1763 driver ~~driver's~~ license. If the department fails to schedule the
 1764 formal review hearing ~~to be held~~ within 30 days after receipt of

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1765 | the request therefor, the department shall invalidate the
 1766 | suspension. If the scheduled hearing is continued at the
 1767 | department's initiative or the driver enforces the subpoena as
 1768 | provided in subsection (6), the department shall issue a
 1769 | temporary driving permit that shall be valid until the hearing
 1770 | is conducted if the person is otherwise eligible for the driving
 1771 | privilege. Such permit may not be issued to a person who sought
 1772 | and obtained a continuance of the hearing. The permit issued
 1773 | under this subsection shall authorize driving for business or
 1774 | employment use only.

1775 | (10) A person whose driver ~~driver's~~ license is suspended
 1776 | under subsection (1) or subsection (3) may apply for issuance of
 1777 | a license for business or employment purposes only if the person
 1778 | is otherwise eligible for the driving privilege pursuant to s.
 1779 | 322.271.

1780 | (a) If the suspension of the driver ~~driver's~~ license of
 1781 | the person for failure to submit to a breath, urine, or blood
 1782 | test is sustained, the person is not eligible to receive a
 1783 | license for business or employment purposes only, pursuant to s.
 1784 | 322.271, until 90 days have elapsed after the expiration of the
 1785 | last temporary permit issued. If the driver is not issued a 10-
 1786 | day permit pursuant to this section or s. 322.64 because he or
 1787 | she is ineligible for the permit and the suspension for failure
 1788 | to submit to a breath, urine, or blood test is not invalidated
 1789 | by the department, the driver is not eligible to receive a
 1790 | business or employment license pursuant to s. 322.271 until 90
 1791 | days have elapsed from the date of the suspension.

1792 | (b) If the suspension of the driver ~~driver's~~ license of

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1793 the person relating to unlawful blood-alcohol level or breath-
 1794 alcohol level of 0.08 or higher is sustained, the person is not
 1795 eligible to receive a license for business or employment
 1796 purposes only pursuant to s. 322.271 until 30 days have elapsed
 1797 after the expiration of the last temporary permit issued. If the
 1798 driver is not issued a 10-day permit pursuant to this section or
 1799 s. 322.64 because he or she is ineligible for the permit and the
 1800 suspension relating to unlawful blood-alcohol level or breath-
 1801 alcohol level of 0.08 or higher is not invalidated by the
 1802 department, the driver is not eligible to receive a business or
 1803 employment license pursuant to s. 322.271 until 30 days have
 1804 elapsed from the date of the suspension.

1805 (11) The formal review hearing may be conducted upon a
 1806 review of the reports of a law enforcement officer or a
 1807 correctional officer, including documents relating to the
 1808 administration of a breath test or blood test or the refusal to
 1809 take either test or the refusal to take a urine test. However,
 1810 as provided in subsection (6), the driver may subpoena the
 1811 officer or any person who administered or analyzed a breath or
 1812 blood test. If the arresting officer or the breath technician
 1813 fails to appear pursuant to a subpoena as provided in subsection
 1814 (6), the department shall invalidate the suspension.

1815 (12) The formal review hearing and the informal review
 1816 hearing are exempt from the provisions of chapter 120. The
 1817 department may adopt rules for the conduct of reviews under this
 1818 section.

1819 (13) A person may appeal any decision of the department
 1820 sustaining a suspension of his or her driver ~~driver's~~ license by

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1821 a petition for writ of certiorari to the circuit court in the
 1822 county wherein such person resides or wherein a formal or
 1823 informal review was conducted pursuant to s. 322.31. However, an
 1824 appeal shall not stay the suspension. A law enforcement agency
 1825 may appeal any decision of the department invalidating a
 1826 suspension by a petition for writ of certiorari to the circuit
 1827 court in the county wherein a formal or informal review was
 1828 conducted. This subsection shall not be construed to provide for
 1829 a de novo review ~~appeal~~.

1830 (14) (a) The decision of the department under this section
 1831 or any circuit court review thereof may not be considered in any
 1832 trial for a violation of s. 316.193, and a written statement
 1833 submitted by a person in his or her request for departmental
 1834 review under this section may not be admitted into evidence
 1835 against him or her in any such trial.

1836 (b) The disposition of any related criminal proceedings
 1837 does not affect a suspension for refusal to submit to a blood,
 1838 breath, or urine test imposed under this section.

1839 (15) If the department suspends a person's license under
 1840 s. 322.2616, it may not also suspend the person's license under
 1841 this section for the same episode that was the basis for the
 1842 suspension under s. 322.2616.

1843 (16) The department shall invalidate a suspension for
 1844 driving with an unlawful blood-alcohol level or breath-alcohol
 1845 level imposed under this section if the suspended person is
 1846 found not guilty at trial of an underlying violation of s.
 1847 316.193.

1848 Section 32. Section 322.2616, Florida Statutes, is amended

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1849 to read:
 1850 322.2616 Suspension of license; persons under 21 years of
 1851 age; right to review.—
 1852 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
 1853 person under the age of 21 who has a blood-alcohol or breath-
 1854 alcohol level of 0.02 or higher to drive or be in actual
 1855 physical control of a motor vehicle.
 1856 (b) A law enforcement officer who has probable cause to
 1857 believe that a motor vehicle is being driven by or is in the
 1858 actual physical control of a person who is under the age of 21
 1859 while under the influence of alcoholic beverages or who has any
 1860 blood-alcohol or breath-alcohol level may lawfully detain such a
 1861 person and may request that person to submit to a test to
 1862 determine his or her blood-alcohol or breath-alcohol level.
 1863 (2) (a) A law enforcement officer or correctional officer
 1864 shall, on behalf of the department, suspend the driving
 1865 privilege of such person if the person has a blood-alcohol or
 1866 breath-alcohol level of 0.02 or higher. The officer shall also
 1867 suspend, on behalf of the department, the driving privilege of a
 1868 person who has refused to submit to a test as provided by
 1869 paragraph (b). The officer shall take the person's driver
 1870 ~~driver's~~ license and issue the person a 10-day temporary driving
 1871 permit if the person is otherwise eligible for the driving
 1872 privilege and shall issue the person a notice of suspension.
 1873 (b) The suspension under paragraph (a) must be pursuant
 1874 to, and the notice of suspension must inform the driver of, the
 1875 following:
 1876 1.a. The driver refused to submit to a lawful breath test

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1877 and his or her driving privilege is suspended for a period of 1
 1878 year for a first refusal or for a period of 18 months if his or
 1879 her driving privilege has been previously suspended as provided
 1880 in this section as a result of a refusal to submit to a test; or

1881 b. The driver was under the age of 21 and was driving or
 1882 in actual physical control of a motor vehicle while having a
 1883 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
 1884 person's driving privilege is suspended for a period of 6 months
 1885 for a first violation, or for a period of 1 year if his or her
 1886 driving privilege has been previously suspended as provided in
 1887 this section for driving or being in actual physical control of
 1888 a motor vehicle with a blood-alcohol or breath-alcohol level of
 1889 0.02 or higher.

1890 2. The suspension period commences on the date of issuance
 1891 of the notice of suspension.

1892 3. The driver may request a formal or informal review of
 1893 the suspension by the department within 10 days after the
 1894 issuance of the notice of suspension.

1895 4. A temporary permit issued at the time of the issuance
 1896 of the notice of suspension shall not become effective until
 1897 after 12 hours have elapsed and will expire at midnight of the
 1898 10th day following the date of issuance.

1899 5. The driver may submit to the department any materials
 1900 relevant to the suspension of his or her license.

1901 (c) When a driver subject to this section has a blood-
 1902 alcohol or breath-alcohol level of 0.05 or higher, the
 1903 suspension shall remain in effect until such time as the driver
 1904 has completed a substance abuse course offered by a DUI program

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1905 licensed by the department. The driver shall assume the
 1906 reasonable costs for the substance abuse course. As part of the
 1907 substance abuse course, the program shall conduct a substance
 1908 abuse evaluation of the driver, and notify the parents or legal
 1909 guardians of drivers under the age of 19 years of the results of
 1910 the evaluation. The term "substance abuse" means the abuse of
 1911 alcohol or any substance named or described in Schedules I
 1912 through V of s. 893.03. If a driver fails to complete the
 1913 substance abuse education course and evaluation, the driver
 1914 ~~driver's~~ license shall not be reinstated by the department.

1915 (d) A minor under the age of 18 years proven to be driving
 1916 with a blood-alcohol or breath-alcohol level of 0.02 or higher
 1917 may be taken by a law enforcement officer to the addictions
 1918 receiving facility in the county in which the minor is found to
 1919 be so driving, if the county makes the addictions receiving
 1920 facility available for such purpose.

1921 (3) The law enforcement officer shall forward to the
 1922 department, within 5 days after the date of the issuance of the
 1923 notice of suspension, a copy of the notice of suspension, the
 1924 driver ~~driver's~~ license of the person receiving the notice of
 1925 suspension, and an affidavit stating the officer's grounds for
 1926 belief that the person was under the age of 21 and was driving
 1927 or in actual physical control of a motor vehicle with any blood-
 1928 alcohol or breath-alcohol level, and the results of any blood or
 1929 breath test or an affidavit stating that a breath test was
 1930 requested by a law enforcement officer or correctional officer
 1931 and that the person refused to submit to such test. The failure
 1932 of the officer to submit materials within the 5-day period

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1933 specified in this subsection does not bar the department from
 1934 considering any materials submitted at or before the hearing.

1935 (4) If the department finds that the license of the person
 1936 should be suspended under this section and if the notice of
 1937 suspension has not already been served upon the person by a law
 1938 enforcement officer or correctional officer as provided in
 1939 subsection (2), the department shall issue a notice of
 1940 suspension and, unless the notice is mailed under s. 322.251, a
 1941 temporary driving permit that expires 10 days after the date of
 1942 issuance if the driver is otherwise eligible.

1943 (5) If the person whose license is suspended requests an
 1944 informal review under subparagraph (2)(b)3., the department
 1945 shall conduct the informal review by a hearing officer
 1946 designated ~~employed~~ by the department within 30 days after the
 1947 request is received by the department and shall issue such
 1948 person a temporary driving permit for business purposes only to
 1949 expire on the date that such review is scheduled to be conducted
 1950 if the person is otherwise eligible. The informal review hearing
 1951 must consist solely of an examination by the department of the
 1952 materials submitted by a law enforcement officer or correctional
 1953 officer and by the person whose license is suspended, and the
 1954 presence of an officer or witness is not required.

1955 (6) After completion of the informal review, notice of the
 1956 department's decision sustaining, amending, or invalidating the
 1957 suspension of the driver ~~driver's~~ license must be provided to
 1958 the person. The notice must be mailed to the person at the last
 1959 known address shown on the department's records, or to the
 1960 address provided in the law enforcement officer's report if such

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1961 address differs from the address of record, within 7 days after
 1962 completing the review.

1963 (7) (a) If the person whose license is suspended requests a
 1964 formal review, the department must schedule a hearing to be held
 1965 within 30 days after the request is received by the department
 1966 and must notify the person of the date, time, and place of the
 1967 hearing and shall issue such person a temporary driving permit
 1968 for business purposes only to expire on the date that such
 1969 review is scheduled to be conducted if the person is otherwise
 1970 eligible.

1971 (b) The formal review hearing must be held before a
 1972 hearing officer designated ~~employed~~ by the department, and the
 1973 hearing officer may administer oaths, examine witnesses and take
 1974 testimony, receive relevant evidence, issue subpoenas, regulate
 1975 the course and conduct of the hearing, and make a ruling on the
 1976 suspension. The hearing officer may conduct hearings using
 1977 communications technology. The department and the person whose
 1978 license was suspended may subpoena witnesses, and the party
 1979 requesting the presence of a witness is responsible for paying
 1980 any witness fees and for notifying in writing the state
 1981 attorney's office in the appropriate circuit of the issuance of
 1982 the subpoena. If the person who requests a formal review hearing
 1983 fails to appear and the hearing officer finds the failure to be
 1984 without just cause, the right to a formal hearing is waived and
 1985 the suspension is sustained.

1986 (c) The failure of a subpoenaed witness to appear at the
 1987 formal review hearing shall not be grounds to invalidate the
 1988 suspension. If a witness fails to appear, a party may seek

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1989 enforcement of a subpoena under paragraph (b) by filing a
 1990 petition for enforcement in the circuit court of the judicial
 1991 circuit in which the person failing to comply with the subpoena
 1992 resides. A failure to comply with an order of the court
 1993 constitutes contempt of court. However, a person may not be held
 1994 in contempt while a subpoena is being challenged.

1995 (d) The department must, within 7 working days after a
 1996 formal review hearing, send notice to the person of the hearing
 1997 officer's decision as to whether sufficient cause exists to
 1998 sustain, amend, or invalidate the suspension.

1999 (8) In a formal review hearing under subsection (7) or an
 2000 informal review hearing under subsection (5), the hearing
 2001 officer shall determine by a preponderance of the evidence
 2002 whether sufficient cause exists to sustain, amend, or invalidate
 2003 the suspension. The scope of the review is limited to the
 2004 following issues:

2005 (a) If the license was suspended because the individual,
 2006 then under the age of 21, drove with a blood-alcohol or breath-
 2007 alcohol level of 0.02 or higher:

2008 1. Whether the law enforcement officer had probable cause
 2009 to believe that the person was under the age of 21 and was
 2010 driving or in actual physical control of a motor vehicle in this
 2011 state with any blood-alcohol or breath-alcohol level or while
 2012 under the influence of alcoholic beverages.

2013 2. Whether the person was under the age of 21.

2014 3. Whether the person had a blood-alcohol or breath-
 2015 alcohol level of 0.02 or higher.

2016 (b) If the license was suspended because of the

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2017 individual's refusal to submit to a breath test:

2018 1. Whether the law enforcement officer had probable cause

2019 to believe that the person was under the age of 21 and was

2020 driving or in actual physical control of a motor vehicle in this

2021 state with any blood-alcohol or breath-alcohol level or while

2022 under the influence of alcoholic beverages.

2023 2. Whether the person was under the age of 21.

2024 3. Whether the person refused to submit to a breath test

2025 after being requested to do so by a law enforcement officer or

2026 correctional officer.

2027 4. Whether the person was told that if he or she refused

2028 to submit to a breath test his or her privilege to operate a

2029 motor vehicle would be suspended for a period of 1 year or, in

2030 the case of a second or subsequent refusal, for a period of 18

2031 months.

2032 (9) Based on the determination of the hearing officer

2033 under subsection (8) for both informal hearings under subsection

2034 (5) and formal hearings under subsection (7), the department

2035 shall:

2036 (a) Sustain the suspension of the person's driving

2037 privilege for a period of 1 year for a first refusal, or for a

2038 period of 18 months if the driving privilege of the person has

2039 been previously suspended, as provided in this section, as a

2040 result of a refusal to submit to a test. The suspension period

2041 commences on the date of the issuance of the notice of

2042 suspension.

2043 (b) Sustain the suspension of the person's driving

2044 privilege for a period of 6 months for driving or being in

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2045 actual physical control of a motor vehicle while under the age
 2046 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
 2047 higher, or for a period of 1 year if the driving privilege of
 2048 such person has been previously suspended under this section.
 2049 The suspension period commences on the date of the issuance of
 2050 the notice of suspension.

2051 (10) A request for a formal review hearing or an informal
 2052 review hearing shall not stay the suspension of the person's
 2053 driver ~~driver's~~ license. If the department fails to schedule the
 2054 formal review hearing ~~to be held~~ within 30 days after receipt of
 2055 the request therefor, the department shall invalidate the
 2056 suspension. If the scheduled hearing is continued at the
 2057 department's initiative or the driver enforces the subpoena as
 2058 provided in subsection (7), the department shall issue a
 2059 temporary driving permit that is valid until the hearing is
 2060 conducted if the person is otherwise eligible for the driving
 2061 privilege. The permit shall not be issued to a person who
 2062 requested a continuance of the hearing. The permit issued under
 2063 this subsection authorizes driving for business or employment
 2064 use only.

2065 (11) A person whose driver ~~driver's~~ license is suspended
 2066 under subsection (2) or subsection (4) may apply for issuance of
 2067 a license for business or employment purposes only, pursuant to
 2068 s. 322.271, if the person is otherwise eligible for the driving
 2069 privilege. However, such a license may not be issued until 30
 2070 days have elapsed after the expiration of the last temporary
 2071 driving permit issued under this section.

2072 (12) The formal review hearing may be conducted upon a

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2073 review of the reports of a law enforcement officer or
 2074 correctional officer, including documents relating to the
 2075 administration of a breath test or the refusal to take a test.
 2076 However, as provided in subsection (7), the driver may subpoena
 2077 the officer or any person who administered a breath or blood
 2078 test. If the officer who suspended the driving privilege fails
 2079 to appear pursuant to a subpoena as provided in subsection (7),
 2080 the department shall invalidate the suspension.

2081 (13) The formal review hearing and the informal review
 2082 hearing are exempt from chapter 120. The department may adopt
 2083 rules for conducting reviews under this section.

2084 (14) A person may appeal any decision of the department
 2085 sustaining a suspension of his or her driver ~~driver's~~ license by
 2086 a petition for writ of certiorari to the circuit court in the
 2087 county wherein such person resides or wherein a formal or
 2088 informal review was conducted under s. 322.31. However, an
 2089 appeal does not stay the suspension. This subsection does not
 2090 provide for a de novo review ~~appeal~~.

2091 (15) The decision of the department under this section
 2092 shall not be considered in any trial for a violation of s.
 2093 316.193, nor shall any written statement submitted by a person
 2094 in his or her request for departmental review under this section
 2095 be admissible into evidence against him or her in any such
 2096 trial. The disposition of any related criminal proceedings shall
 2097 not affect a suspension imposed under this section.

2098 (16) By applying for and accepting and using a driver
 2099 ~~driver's~~ license, a person under the age of 21 years who holds
 2100 the driver ~~driver's~~ license is deemed to have expressed his or

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2101 her consent to the provisions of this section.

2102 (17) A breath test to determine breath-alcohol level
 2103 pursuant to this section may be conducted as authorized by s.
 2104 316.1932 or by a breath-alcohol test device listed in the United
 2105 States Department of Transportation's conforming-product list of
 2106 evidential breath-measurement devices. The reading from such a
 2107 device is presumed accurate and is admissible in evidence in any
 2108 administrative hearing conducted under this section.

2109 (18) The result of a blood test obtained during an
 2110 investigation conducted under s. 316.1932 or s. 316.1933 may be
 2111 used to suspend the driving privilege of a person under this
 2112 section.

2113 (19) A violation of this section is neither a traffic
 2114 infraction nor a criminal offense, nor does being detained
 2115 pursuant to this section constitute an arrest. A violation of
 2116 this section is subject to the administrative action provisions
 2117 of this section, which are administered by the department
 2118 through its administrative processes. Administrative actions
 2119 taken pursuant to this section shall be recorded in the motor
 2120 vehicle records maintained by the department. This section does
 2121 not bar prosecution under s. 316.193. However, if the department
 2122 suspends a person's license under s. 322.2615 for a violation of
 2123 s. 316.193, it may not also suspend the person's license under
 2124 this section for the same episode that was the basis for the
 2125 suspension under s. 322.2615.

2126 Section 33. Section 322.64, Florida Statutes, is amended
 2127 to read:

2128 322.64 Holder of commercial driver ~~driver's~~ license;

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2129 persons operating a commercial motor vehicle; driving with
 2130 unlawful blood-alcohol level; refusal to submit to breath,
 2131 urine, or blood test.-

2132 (1) (a) A law enforcement officer or correctional officer
 2133 shall, on behalf of the department, disqualify from operating
 2134 any commercial motor vehicle a person who while operating or in
 2135 actual physical control of a commercial motor vehicle is
 2136 arrested for a violation of s. 316.193, relating to unlawful
 2137 blood-alcohol level or breath-alcohol level, or a person who has
 2138 refused to submit to a breath, urine, or blood test authorized
 2139 by s. 322.63 or s. 316.1932 arising out of the operation or
 2140 actual physical control of a commercial motor vehicle. A law
 2141 enforcement officer or correctional officer shall, on behalf of
 2142 the department, disqualify the holder of a commercial driver
 2143 ~~driver's~~ license from operating any commercial motor vehicle if
 2144 the licenseholder, while operating or in actual physical control
 2145 of a motor vehicle, is arrested for a violation of s. 316.193,
 2146 relating to unlawful blood-alcohol level or breath-alcohol
 2147 level, or refused to submit to a breath, urine, or blood test
 2148 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 2149 the person, the officer shall take the person's driver ~~driver's~~
 2150 license and issue the person a 10-day temporary permit for the
 2151 operation of noncommercial vehicles only if the person is
 2152 otherwise eligible for the driving privilege and shall issue the
 2153 person a notice of disqualification. If the person has been
 2154 given a blood, breath, or urine test, the results of which are
 2155 not available to the officer at the time of the arrest, the
 2156 agency employing the officer shall transmit such results to the

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2157 department within 5 days after receipt of the results. If the
 2158 department then determines that the person had a blood-alcohol
 2159 level or breath-alcohol level of 0.08 or higher, the department
 2160 shall disqualify the person from operating a commercial motor
 2161 vehicle pursuant to subsection (3).

2162 (b) For purposes of determining the period of
 2163 disqualification described in 49 C.F.R. s. 383.51, a
 2164 disqualification under paragraph (a) shall be considered a
 2165 conviction.

2166 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
 2167 pursuant to, and the notice of disqualification shall inform the
 2168 driver of, the following:

2169 1.a. The driver refused to submit to a lawful breath,
 2170 blood, or urine test and he or she is disqualified from
 2171 operating a commercial motor vehicle for the time period
 2172 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
 2173 ~~first refusal, or permanently, if he or she has previously been~~
 2174 ~~disqualified under this section; or~~

2175 b. The driver had an unlawful blood-alcohol level of 0.08
 2176 or higher while ~~was~~ driving or in actual physical control of a
 2177 commercial motor vehicle, or any motor vehicle if the driver
 2178 holds a commercial driver ~~driver's~~ license, ~~had an unlawful~~
 2179 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
 2180 and his or her driving privilege is ~~shall be~~ disqualified for
 2181 the time period specified in 49 C.F.R. s. 383.51 ~~a period of 1~~
 2182 ~~year for a first offense or permanently disqualified if his or~~
 2183 ~~her driving privilege has been previously disqualified under~~
 2184 ~~this section.~~

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2185 2. The disqualification period for operating commercial
2186 vehicles shall commence on the date of issuance of the notice of
2187 disqualification.

2188 3. The driver may request a formal or informal review of
2189 the disqualification by the department within 10 days after the
2190 date of issuance of the notice of disqualification.

2191 4. The temporary permit issued at the time of
2192 disqualification expires at midnight of the 10th day following
2193 the date of disqualification.

2194 5. The driver may submit to the department any materials
2195 relevant to the disqualification.

2196 (2) (a) Except as provided in paragraph (1) (a), the law
2197 enforcement officer shall forward to the department, within 5
2198 days after the date of the issuance of the notice of
2199 disqualification, a copy of the notice of disqualification, the
2200 driver ~~driver's~~ license of the person disqualified, and an
2201 affidavit stating the officer's grounds for belief that the
2202 person disqualified was operating or in actual physical control
2203 of a commercial motor vehicle, or holds a commercial driver
2204 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
2205 alcohol level; the results of any breath or blood or urine test
2206 or an affidavit stating that a breath, blood, or urine test was
2207 requested by a law enforcement officer or correctional officer
2208 and that the person arrested refused to submit; a copy of the
2209 notice of disqualification issued to the person; and the
2210 officer's description of the person's field sobriety test, if
2211 any. The failure of the officer to submit materials within the
2212 5-day period specified in this subsection or subsection (1) does

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2213 | not affect the department's ability to consider any evidence
 2214 | submitted at or prior to the hearing.

2215 | **(b)** The officer may also submit a copy of a video
 2216 | recording ~~videotape~~ of the field sobriety test or the attempt to
 2217 | administer such test and a copy of the crash report, ~~if any~~.
 2218 | Notwithstanding s. 316.066, the crash report shall be considered
 2219 | by the hearing officer.

2220 | (3) If the department determines that the person arrested
 2221 | should be disqualified from operating a commercial motor vehicle
 2222 | pursuant to this section and if the notice of disqualification
 2223 | has not already been served upon the person by a law enforcement
 2224 | officer or correctional officer as provided in subsection (1),
 2225 | the department shall issue a notice of disqualification and,
 2226 | unless the notice is mailed pursuant to s. 322.251, a temporary
 2227 | permit which expires 10 days after the date of issuance if the
 2228 | driver is otherwise eligible.

2229 | (4) If the person disqualified requests an informal review
 2230 | pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
 2231 | conduct the informal review by a hearing officer designated
 2232 | ~~employed~~ by the department. Such informal review hearing shall
 2233 | consist solely of an examination by the department of the
 2234 | materials submitted by a law enforcement officer or correctional
 2235 | officer and by the person disqualified, and the presence of an
 2236 | officer or witness is not required.

2237 | (5) After completion of the informal review, notice of the
 2238 | department's decision sustaining, amending, or invalidating the
 2239 | disqualification must be provided to the person. Such notice
 2240 | must be mailed to the person at the last known address shown on

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2241 | the department's records, and to the address provided in the law
 2242 | enforcement officer's report if such address differs from the
 2243 | address of record, within 21 days after the expiration of the
 2244 | temporary permit issued pursuant to subsection (1) or subsection
 2245 | (3).

2246 | (6) (a) If the person disqualified requests a formal
 2247 | review, the department must schedule a hearing to be held within
 2248 | 30 days after such request is received by the department and
 2249 | must notify the person of the date, time, and place of the
 2250 | hearing.

2251 | (b) Such formal review hearing shall be held before a
 2252 | hearing officer designated ~~employed~~ by the department, and the
 2253 | hearing officer shall be authorized to administer oaths, examine
 2254 | witnesses and take testimony, receive relevant evidence, issue
 2255 | subpoenas for the officers and witnesses identified in documents
 2256 | provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
 2257 | regulate the course and conduct of the hearing, and make a
 2258 | ruling on the disqualification. The hearing officer may conduct
 2259 | hearings using communications technology. The department and the
 2260 | person disqualified may subpoena witnesses, and the party
 2261 | requesting the presence of a witness shall be responsible for
 2262 | the payment of any witness fees. If the person who requests a
 2263 | formal review hearing fails to appear and the hearing officer
 2264 | finds such failure to be without just cause, the right to a
 2265 | formal hearing is waived.

2266 | (c) The failure of a subpoenaed witness to appear at the
 2267 | formal review hearing shall not be grounds to invalidate the
 2268 | disqualification. If a witness fails to appear, a party may seek

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2269 enforcement of a subpoena under paragraph (b) by filing a
 2270 petition for enforcement in the circuit court of the judicial
 2271 circuit in which the person failing to comply with the subpoena
 2272 resides or by filing a motion for enforcement in any criminal
 2273 court case resulting from the driving or actual physical control
 2274 of a motor vehicle or commercial motor vehicle that gave rise to
 2275 the disqualification under this section. A failure to comply
 2276 with an order of the court shall result in a finding of contempt
 2277 of court. However, a person shall not be in contempt while a
 2278 subpoena is being challenged.

2279 (d) The department must, within 7 working days after a
 2280 formal review hearing, send notice to the person of the hearing
 2281 officer's decision as to whether sufficient cause exists to
 2282 sustain, amend, or invalidate the disqualification.

2283 (7) In a formal review hearing under subsection (6) or an
 2284 informal review hearing under subsection (4), the hearing
 2285 officer shall determine by a preponderance of the evidence
 2286 whether sufficient cause exists to sustain, amend, or invalidate
 2287 the disqualification. The scope of the review shall be limited
 2288 to the following issues:

2289 (a) If the person was disqualified from operating a
 2290 commercial motor vehicle for driving with an unlawful blood-
 2291 alcohol level:

2292 1. Whether the ~~arresting~~ law enforcement officer had
 2293 probable cause to believe that the person was driving or in
 2294 actual physical control of a commercial motor vehicle, or any
 2295 motor vehicle if the driver holds a commercial driver ~~driver's~~
 2296 license, in this state while he or she had any alcohol, chemical

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2297 substances, or controlled substances in his or her body.

2298 2. Whether the person had an unlawful blood-alcohol level
2299 or breath-alcohol level of 0.08 or higher.

2300 (b) If the person was disqualified from operating a
2301 commercial motor vehicle for refusal to submit to a breath,
2302 blood, or urine test:

2303 1. Whether the law enforcement officer had probable cause
2304 to believe that the person was driving or in actual physical
2305 control of a commercial motor vehicle, or any motor vehicle if
2306 the driver holds a commercial driver ~~driver's~~ license, in this
2307 state while he or she had any alcohol, chemical substances, or
2308 controlled substances in his or her body.

2309 2. Whether the person refused to submit to the test after
2310 being requested to do so by a law enforcement officer or
2311 correctional officer.

2312 3. Whether the person was told that if he or she refused
2313 to submit to such test he or she would be disqualified from
2314 operating a commercial motor vehicle for a period of 1 year or,
2315 if previously disqualified under this section, permanently.

2316 (8) Based on the determination of the hearing officer
2317 pursuant to subsection (7) for both informal hearings under
2318 subsection (4) and formal hearings under subsection (6), the
2319 department shall÷

2320 ~~(a)~~ sustain the disqualification for the time period
2321 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
2322 ~~refusal, or permanently if such person has been previously~~
2323 ~~disqualified from operating a commercial motor vehicle under~~
2324 ~~this section.~~ The disqualification period commences on the date

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2325 of the issuance of the notice of disqualification.
 2326 ~~(b) Sustain the disqualification:~~
 2327 ~~1. For a period of 1 year if the person was driving or in~~
 2328 ~~actual physical control of a commercial motor vehicle, or any~~
 2329 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2330 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2331 ~~of 0.08 or higher; or~~
 2332 ~~2. Permanently if the person has been previously~~
 2333 ~~disqualified from operating a commercial motor vehicle under~~
 2334 ~~this section or his or her driving privilege has been previously~~
 2335 ~~suspended for driving or being in actual physical control of a~~
 2336 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2337 ~~holds a commercial driver's license, and had an unlawful blood-~~
 2338 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~
 2339
 2340 ~~The disqualification period commences on the date of the~~
 2341 ~~issuance of the notice of disqualification.~~
 2342 (9) A request for a formal review hearing or an informal
 2343 review hearing shall not stay the disqualification. If the
 2344 department fails to schedule the formal review hearing ~~to be~~
 2345 ~~held~~ within 30 days after receipt of the request therefor, the
 2346 department shall invalidate the disqualification. If the
 2347 scheduled hearing is continued at the department's initiative or
 2348 the driver enforces the subpoena as provided in subsection (6),
 2349 the department shall issue a temporary driving permit limited to
 2350 noncommercial vehicles which is valid until the hearing is
 2351 conducted if the person is otherwise eligible for the driving
 2352 privilege. Such permit shall not be issued to a person who

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2353 sought and obtained a continuance of the hearing. The permit
 2354 issued under this subsection shall authorize driving for
 2355 business purposes only.

2356 (10) A person who is disqualified from operating a
 2357 commercial motor vehicle under subsection (1) or subsection (3)
 2358 is eligible for issuance of a license for business or employment
 2359 purposes only under s. 322.271 if the person is otherwise
 2360 eligible for the driving privilege. However, such business or
 2361 employment purposes license shall not authorize the driver to
 2362 operate a commercial motor vehicle.

2363 (11) The formal review hearing may be conducted upon a
 2364 review of the reports of a law enforcement officer or a
 2365 correctional officer, including documents relating to the
 2366 administration of a breath test or blood test or the refusal to
 2367 take either test. However, as provided in subsection (6), the
 2368 driver may subpoena the officer or any person who administered
 2369 or analyzed a breath or blood test. If the arresting officer or
 2370 the breath technician fails to appear pursuant to a subpoena as
 2371 provided in subsection (6), the department shall invalidate the
 2372 disqualification.

2373 (12) The formal review hearing and the informal review
 2374 hearing are exempt from the provisions of chapter 120. The
 2375 department may ~~is authorized to~~ adopt rules for the conduct of
 2376 reviews under this section.

2377 (13) A person may appeal any decision of the department
 2378 sustaining the disqualification from operating a commercial
 2379 motor vehicle by a petition for writ of certiorari to the
 2380 circuit court in the county wherein such person resides or

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2381 wherein a formal or informal review was conducted pursuant to s.
 2382 322.31. However, an appeal shall not stay the disqualification.
 2383 This subsection shall not be construed to provide for a de novo
 2384 review ~~appeal~~.

2385 (14) The decision of the department under this section
 2386 shall not be considered in any trial for a violation of s.
 2387 316.193, s. 322.61, or s. 322.62, nor shall any written
 2388 statement submitted by a person in his or her request for
 2389 departmental review under this section be admissible into
 2390 evidence against him or her in any such trial. The disposition
 2391 of any related criminal proceedings shall not affect a
 2392 disqualification imposed pursuant to this section.

2393 (15) This section does not preclude the suspension of the
 2394 driving privilege pursuant to s. 322.2615. The driving privilege
 2395 of a person who has been disqualified from operating a
 2396 commercial motor vehicle also may be suspended for a violation
 2397 of s. 316.193.

2398 Section 34. Section 322.2715, Florida Statutes, is amended
 2399 to read:

2400 322.2715 Ignition interlock device.—

2401 (1) Before issuing a permanent or restricted driver
 2402 ~~driver's~~ license under this chapter, the department shall
 2403 require the placement of a department-approved ignition
 2404 interlock device for any person convicted of committing an
 2405 offense of driving under the influence as specified in
 2406 subsection (3), except that consideration may be given to those
 2407 individuals having a documented medical condition that would
 2408 prohibit the device from functioning normally. If a medical

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2409 waiver has been granted for a convicted person seeking a
 2410 restricted license, the convicted person shall not be entitled
 2411 to a restricted license until the required ignition interlock
 2412 device installation period under subsection (3) expires, in
 2413 addition to the time requirements under s. 322.271. If a
 2414 medical waiver has been approved for a convicted person
 2415 seeking permanent reinstatement of the driver license, the
 2416 convicted person must be restricted to an employment-purposes-
 2417 only license until the required ignition interlock device
 2418 installation period under subsection (3) expires. An interlock
 2419 device shall be placed on all vehicles that are individually or
 2420 jointly leased or owned and routinely operated by the convicted
 2421 person.

2422 (2) For purposes of this section, any conviction for a
 2423 violation of s. 316.193, a previous conviction for a violation
 2424 of former s. 316.1931, or a conviction outside this state for
 2425 driving under the influence, driving while intoxicated, driving
 2426 with an unlawful blood-alcohol level, or any other similar
 2427 alcohol-related or drug-related traffic offense is a conviction
 2428 of driving under the influence.

2429 (3) If the person is convicted of:

2430 (a) A first offense of driving under the influence under
 2431 s. 316.193 and has an unlawful blood-alcohol level or breath-
 2432 alcohol level as specified in s. 316.193(4), or if a person is
 2433 convicted of a violation of s. 316.193 and was at the time of
 2434 the offense accompanied in the vehicle by a person younger than
 2435 18 years of age, the person shall have the ignition interlock
 2436 device installed for at least ~~not less than~~ 6 continuous months

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2437 | for the first offense and for at least ~~not less than~~ 2
 2438 | continuous years for a second offense.

2439 | (b) A second offense of driving under the influence, the
 2440 | ignition interlock device shall be installed for a period of at
 2441 | least ~~not less than~~ 1 continuous year.

2442 | (c) A third offense of driving under the influence which
 2443 | occurs within 10 years after a prior conviction for a violation
 2444 | of s. 316.193, the ignition interlock device shall be installed
 2445 | for a period of at least ~~not less than~~ 2 continuous years.

2446 | (d) A third offense of driving under the influence which
 2447 | occurs more than 10 years after the date of a prior conviction,
 2448 | the ignition interlock device shall be installed for a period of
 2449 | at least ~~not less than~~ 2 continuous years.

2450 | (e) A fourth or subsequent offense of driving under the
 2451 | influence, the ignition interlock device shall be installed for
 2452 | a period of at least ~~not less than~~ 5 years.

2453 | (4) If the court fails to order the mandatory placement of
 2454 | the ignition interlock device or fails to order for the
 2455 | applicable period the mandatory placement of an ignition
 2456 | interlock device under s. 316.193 or s. 316.1937 at the time of
 2457 | imposing sentence or within 30 days thereafter, the department
 2458 | shall immediately require that the ignition interlock device be
 2459 | installed as provided in this section, except that consideration
 2460 | may be given to those individuals having a documented medical
 2461 | condition that would prohibit the device from functioning
 2462 | normally. This subsection applies to the reinstatement of the
 2463 | driving privilege following a revocation, suspension, or
 2464 | cancellation that is based upon a conviction for the offense of

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2465 | driving under the influence which occurs on or after July 1,
 2466 | 2005.

2467 | (5) In addition to any fees authorized by rule for the
 2468 | installation and maintenance of the ignition interlock device,
 2469 | the authorized installer of the device shall collect and remit
 2470 | \$12 for each installation to the department, which shall be
 2471 | deposited into the Highway Safety Operating Trust Fund to be
 2472 | used for the operation of the Ignition Interlock Device Program.

2473 | Section 35. Section 322.28, Florida Statutes, is amended
 2474 | to read:

2475 | 322.28 Period of suspension or revocation.—

2476 | (1) Unless otherwise provided by this section, the
 2477 | department shall not suspend a license for a period of more than
 2478 | 1 year and, upon revoking a license, in any case except in a
 2479 | prosecution for the offense of driving a motor vehicle while
 2480 | under the influence of alcoholic beverages, chemical substances
 2481 | as set forth in s. 877.111, or controlled substances, shall not
 2482 | in any event grant a new license until the expiration of 1 year
 2483 | after such revocation.

2484 | (2) In a prosecution for a violation of s. 316.193 or
 2485 | former s. 316.1931, the following provisions apply:

2486 | (a) Upon conviction of the driver, the court, along with
 2487 | imposing sentence, shall revoke the driver ~~driver's~~ license or
 2488 | driving privilege of the person so convicted, effective on the
 2489 | date of conviction, and shall prescribe the period of such
 2490 | revocation in accordance with the following provisions:

2491 | 1. Upon a first conviction for a violation of the
 2492 | provisions of s. 316.193, except a violation resulting in death,

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2493 | the driver ~~driver's~~ license or driving privilege shall be
 2494 | revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than
 2495 | 1 year.

2496 | 2. Upon a second conviction for an offense that occurs
 2497 | within a period of 5 years after the date of a prior conviction
 2498 | for a violation of the provisions of s. 316.193 or former s.
 2499 | 316.1931 or a combination of such sections, the driver ~~driver's~~
 2500 | license or driving privilege shall be revoked for at least ~~not~~
 2501 | ~~less than~~ 5 years.

2502 | 3. Upon a third conviction for an offense that occurs
 2503 | within a period of 10 years after the date of a prior conviction
 2504 | for the violation of the provisions of s. 316.193 or former s.
 2505 | 316.1931 or a combination of such sections, the driver ~~driver's~~
 2506 | license or driving privilege shall be revoked for at least ~~not~~
 2507 | ~~less than~~ 10 years.

2508 |
 2509 | For the purposes of this paragraph, a previous conviction
 2510 | outside this state for driving under the influence, driving
 2511 | while intoxicated, driving with an unlawful blood-alcohol level,
 2512 | or any other alcohol-related or drug-related traffic offense
 2513 | similar to the offense of driving under the influence as
 2514 | proscribed by s. 316.193 will be considered a previous
 2515 | conviction for violation of s. 316.193, and a conviction for
 2516 | violation of former s. 316.028, former s. 316.1931, or former s.
 2517 | 860.01 is considered a conviction for violation of s. 316.193.

2518 | (b) If the period of revocation was not specified by the
 2519 | court at the time of imposing sentence or within 30 days
 2520 | thereafter, and is not otherwise specified by law, the

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2521 department shall forthwith revoke the driver ~~driver's~~ license or
 2522 driving privilege for the maximum period applicable under
 2523 paragraph (a) for a first conviction and for the minimum period
 2524 applicable under paragraph (a) for any subsequent convictions.
 2525 The driver may, within 30 days after such revocation by the
 2526 department, petition the court for further hearing on the period
 2527 of revocation, and the court may reopen the case and determine
 2528 the period of revocation within the limits specified in
 2529 paragraph (a).

2530 (c) The forfeiture of bail bond, not vacated within 20
 2531 days, in any prosecution for the offense of driving while under
 2532 the influence of alcoholic beverages, chemical substances, or
 2533 controlled substances to the extent of depriving the defendant
 2534 of his or her normal faculties shall be deemed equivalent to a
 2535 conviction for the purposes of this paragraph, and the
 2536 department shall forthwith revoke the defendant's driver
 2537 ~~driver's~~ license or driving privilege for the maximum period
 2538 applicable under paragraph (a) for a first conviction and for
 2539 the minimum period applicable under paragraph (a) for a second
 2540 or subsequent conviction; however, if the defendant is later
 2541 convicted of the charge, the period of revocation imposed by the
 2542 department for such conviction shall not exceed the difference
 2543 between the applicable maximum for a first conviction or minimum
 2544 for a second or subsequent conviction and the revocation period
 2545 under this subsection that has actually elapsed; upon conviction
 2546 of such charge, the court may impose revocation for a period of
 2547 time as specified in paragraph (a). This paragraph does not
 2548 apply if an appropriate motion contesting the forfeiture is

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2549 | filed within the 20-day period.

2550 | ~~(d) When any driver's license or driving privilege has~~
 2551 | ~~been revoked pursuant to the provisions of this section, the~~
 2552 | ~~department shall not grant a new license, except upon~~
 2553 | ~~reexamination of the licensee after the expiration of the period~~
 2554 | ~~of revocation so prescribed. However, the court may, in its~~
 2555 | ~~sound discretion, issue an order of reinstatement on a form~~
 2556 | ~~furnished by the department which the person may take to any~~
 2557 | ~~driver's license examining office for reinstatement by the~~
 2558 | ~~department pursuant to s. 322.282.~~

2559 | (d)~~(e)~~ The court shall permanently revoke the driver
 2560 | ~~driver's~~ license or driving privilege of a person who has been
 2561 | convicted four times for violation of s. 316.193 or former s.
 2562 | 316.1931 or a combination of such sections. The court shall
 2563 | permanently revoke the driver ~~driver's~~ license or driving
 2564 | privilege of any person who has been convicted of DUI
 2565 | manslaughter in violation of s. 316.193. If the court has not
 2566 | permanently revoked such driver ~~driver's~~ license or driving
 2567 | privilege within 30 days after imposing sentence, the department
 2568 | shall permanently revoke the driver ~~driver's~~ license or driving
 2569 | privilege pursuant to this paragraph. No driver ~~driver's~~ license
 2570 | or driving privilege may be issued or granted to any such
 2571 | person. This paragraph applies only if at least one of the
 2572 | convictions for violation of s. 316.193 or former s. 316.1931
 2573 | was for a violation that occurred after July 1, 1982. For the
 2574 | purposes of this paragraph, a conviction for violation of former
 2575 | s. 316.028, former s. 316.1931, or former s. 860.01 is also
 2576 | considered a conviction for violation of s. 316.193. Also, a

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2577 conviction of driving under the influence, driving while
 2578 intoxicated, driving with an unlawful blood-alcohol level, or
 2579 any other similar alcohol-related or drug-related traffic
 2580 offense outside this state is considered a conviction for the
 2581 purposes of this paragraph.

2582 (e) Convictions that occur on the same date resulting from
 2583 separate offense dates shall be treated as separate convictions,
 2584 and the offense that occurred earlier will be deemed a prior
 2585 conviction for the purposes of this section.

2586 (3) The court shall permanently revoke the driver ~~driver's~~
 2587 license or driving privilege of a person who has been convicted
 2588 of murder resulting from the operation of a motor vehicle. No
 2589 driver ~~driver's~~ license or driving privilege may be issued or
 2590 granted to any such person.

2591 (4) (a) Upon a conviction for a violation of s.
 2592 316.193(3)(c)2., involving serious bodily injury, a conviction
 2593 of manslaughter resulting from the operation of a motor vehicle,
 2594 or a conviction of vehicular homicide, the court shall revoke
 2595 the driver ~~driver's~~ license of the person convicted for a
 2596 minimum period of 3 years. If a conviction under s.
 2597 316.193(3)(c)2., involving serious bodily injury, is also a
 2598 subsequent conviction as described under paragraph (2)(a), the
 2599 court shall revoke the driver ~~driver's~~ license or driving
 2600 privilege of the person convicted for the period applicable as
 2601 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

2602 (b) If the period of revocation was not specified by the
 2603 court at the time of imposing sentence or within 30 days
 2604 thereafter, the department shall revoke the driver ~~driver's~~

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2605 license for the minimum period applicable under paragraph (a)
 2606 or, for a subsequent conviction, for the minimum period
 2607 applicable under paragraph (2) (a) or paragraph (2) (d) ~~(2) (e)~~.

2608 (5) A court may not stay the administrative suspension of
 2609 a driving privilege under s. 322.2615 or s. 322.2616 during
 2610 judicial review of the departmental order that resulted in such
 2611 suspension, and a suspension or revocation of a driving
 2612 privilege may not be stayed upon an appeal of the conviction or
 2613 order that resulted in the suspension or revocation.

2614 (6) In a prosecution for a violation of s. 316.172(1), and
 2615 upon a showing of the department's records that the licensee has
 2616 received a second conviction within 5 years following the date
 2617 of a prior conviction of s. 316.172(1), the department shall,
 2618 upon direction of the court, suspend the driver ~~driver's~~ license
 2619 of the person convicted for a period of at least ~~not less than~~
 2620 90 days but not ~~or~~ more than 6 months.

2621 (7) Following a second or subsequent violation of s.
 2622 796.07(2) (f) which involves a motor vehicle and which results in
 2623 any judicial disposition other than acquittal or dismissal, in
 2624 addition to any other sentence imposed, the court shall revoke
 2625 the person's driver ~~driver's~~ license or driving privilege,
 2626 effective upon the date of the disposition, for a period of at
 2627 least ~~not less than~~ 1 year. A person sentenced under this
 2628 subsection may request a hearing under s. 322.271.

2629 Section 36. Section 322.331, Florida Statutes, is
 2630 repealed.

2631 Section 37. Section 322.61, Florida Statutes, is amended
 2632 to read:

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2633 322.61 Disqualification from operating a commercial motor
 2634 vehicle.-

2635 (1) A person who, for offenses occurring within a 3-year
 2636 period, is convicted of two of the following serious traffic
 2637 violations or any combination thereof, arising in separate
 2638 incidents committed in a commercial motor vehicle shall, in
 2639 addition to any other applicable penalties, be disqualified from
 2640 operating a commercial motor vehicle for a period of 60 days. A
 2641 holder of a commercial driver ~~driver's~~ license or commercial
 2642 learner's permit who, for offenses occurring within a 3-year
 2643 period, is convicted of two of the following serious traffic
 2644 violations, or any combination thereof, arising in separate
 2645 incidents committed in a noncommercial motor vehicle shall, in
 2646 addition to any other applicable penalties, be disqualified from
 2647 operating a commercial motor vehicle for a period of 60 days if
 2648 such convictions result in the suspension, revocation, or
 2649 cancellation of the licenseholder's driving privilege:

2650 (a) A violation of any state or local law relating to
 2651 motor vehicle traffic control, other than a parking violation, a
 2652 ~~weight violation, or a vehicle equipment violation,~~ arising in
 2653 connection with a crash resulting in death ~~or personal injury to~~
 2654 ~~any person;~~

2655 (b) Reckless driving, as defined in s. 316.192;

2656 ~~(c) Careless driving, as defined in s. 316.1925;~~

2657 ~~(d) Fleeing or attempting to elude a law enforcement~~
 2658 ~~officer, as defined in s. 316.1935;~~

2659 (c)(e) Unlawful speed of 15 miles per hour or more above
 2660 the posted speed limit;

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2661 ~~(f) Driving a commercial motor vehicle, owned by such~~
 2662 ~~person, which is not properly insured;~~
 2663 (d)~~(g)~~ Improper lane change, as defined in s. 316.085;
 2664 (e)~~(h)~~ Following too closely, as defined in s. 316.0895;
 2665 (f)~~(i)~~ Driving a commercial vehicle without obtaining a
 2666 commercial driver ~~driver's~~ license;
 2667 (g)~~(j)~~ Driving a commercial vehicle without the proper
 2668 class of commercial driver ~~driver's~~ license or commercial
 2669 learner's permit or without the proper endorsement; or
 2670 (h)~~(k)~~ Driving a commercial vehicle without a commercial
 2671 driver ~~driver's~~ license or commercial learner's permit in
 2672 possession, as required by s. 322.03. ~~Any individual who~~
 2673 ~~provides proof to the clerk of the court or designated official~~
 2674 ~~in the jurisdiction where the citation was issued, by the date~~
 2675 ~~the individual must appear in court or pay any fine for such a~~
 2676 ~~violation, that the individual held a valid commercial driver's~~
 2677 ~~license on the date the citation was issued is not guilty of~~
 2678 ~~this offense.~~
 2679 (2) (a) Any person who, for offenses occurring within a 3-
 2680 year period, is convicted of three serious traffic violations
 2681 specified in subsection (1) or any combination thereof, arising
 2682 in separate incidents committed in a commercial motor vehicle
 2683 shall, in addition to any other applicable penalties, including
 2684 but not limited to the penalty provided in subsection (1), be
 2685 disqualified from operating a commercial motor vehicle for a
 2686 period of 120 days.
 2687 (b) A holder of a commercial driver ~~driver's~~ license or
 2688 commercial learner's permit who, for offenses occurring within a

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2689 3-year period, is convicted of three serious traffic violations
 2690 specified in subsection (1) or any combination thereof arising
 2691 in separate incidents committed in a noncommercial motor vehicle
 2692 shall, in addition to any other applicable penalties, including,
 2693 but not limited to, the penalty provided in subsection (1), be
 2694 disqualified from operating a commercial motor vehicle for a
 2695 period of 120 days if such convictions result in the suspension,
 2696 revocation, or cancellation of the licenseholder's driving
 2697 privilege.

2698 (3) (a) Except as provided in subsection (4), any person
 2699 who is convicted of one of the offenses listed in paragraph (b)
 2700 while operating a commercial motor vehicle shall, in addition to
 2701 any other applicable penalties, be disqualified from operating a
 2702 commercial motor vehicle for a period of 1 year.

2703 (b) Except as provided in subsection (4), any holder of a
 2704 commercial driver license or commercial learner's permit who is
 2705 convicted of one of the offenses listed in this paragraph while
 2706 operating a noncommercial motor vehicle shall, in addition to
 2707 any other applicable penalties, be disqualified from operating a
 2708 commercial motor vehicle for a period of 1 year:

2709 1. Driving a motor vehicle while he or she is under the
 2710 influence of alcohol or a controlled substance;

2711 2. Driving a commercial motor vehicle while the alcohol
 2712 concentration of his or her blood, breath, or urine is .04
 2713 percent or higher;

2714 3. Leaving the scene of a crash involving a motor vehicle
 2715 driven by such person;

2716 4. Using a motor vehicle in the commission of a felony;

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2717 | ~~5. Driving a commercial motor vehicle while in possession~~
 2718 | ~~of a controlled substance;~~

2719 | ~~5.6.~~ Refusing to submit to a test to determine his or her
 2720 | alcohol concentration while driving a motor vehicle;

2721 | 6. Driving a commercial motor vehicle when, as a result of
 2722 | prior violations committed operating a commercial motor vehicle,
 2723 | his or her commercial driver license or commercial learner's
 2724 | permit is revoked, suspended, or canceled, or he or she is
 2725 | disqualified from operating a commercial motor vehicle; or

2726 | ~~7. Driving a commercial vehicle while the licenseholder's~~
 2727 | ~~commercial driver license is suspended, revoked, or canceled or~~
 2728 | ~~while the licenseholder is disqualified from driving a~~
 2729 | ~~commercial vehicle; or~~

2730 | ~~7.8.~~ Causing a fatality through the negligent operation of
 2731 | a commercial motor vehicle.

2732 | (4) Any person who is transporting hazardous materials as
 2733 | defined in s. 322.01(24) shall, upon conviction of an offense
 2734 | specified in subsection (3), be disqualified from operating a
 2735 | commercial motor vehicle for a period of 3 years. The penalty
 2736 | provided in this subsection shall be in addition to any other
 2737 | applicable penalty.

2738 | (5) A person who is convicted of two violations specified
 2739 | in subsection (3) which were committed while operating a
 2740 | commercial motor vehicle, or any combination thereof, arising in
 2741 | separate incidents shall be permanently disqualified from
 2742 | operating a commercial motor vehicle. A holder of a commercial
 2743 | driver license or commercial learner's permit who is convicted
 2744 | of two violations specified in subsection (3) which were

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2745 committed while operating any motor vehicle arising in separate
 2746 incidents shall be permanently disqualified from operating a
 2747 commercial motor vehicle. The penalty provided in this
 2748 subsection is in addition to any other applicable penalty.

2749 (6) Notwithstanding subsections (3), (4), and (5), any
 2750 person who uses a commercial motor vehicle in the commission of
 2751 any felony involving the manufacture, distribution, or
 2752 dispensing of a controlled substance, including possession with
 2753 intent to manufacture, distribute, or dispense a controlled
 2754 substance, shall, upon conviction of such felony, be permanently
 2755 disqualified from operating a commercial motor vehicle.

2756 Notwithstanding subsections (3), (4), and (5), any holder of a
 2757 commercial driver ~~driver's~~ license or commercial learner's
 2758 permit who uses a noncommercial motor vehicle in the commission
 2759 of any felony involving the manufacture, distribution, or
 2760 dispensing of a controlled substance, including possession with
 2761 intent to manufacture, distribute, or dispense a controlled
 2762 substance, shall, upon conviction of such felony, be permanently
 2763 disqualified from operating a commercial motor vehicle. The
 2764 penalty provided in this subsection is in addition to any other
 2765 applicable penalty.

2766 (7) A person whose privilege to operate a commercial motor
 2767 vehicle is disqualified under this section may, if otherwise
 2768 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
 2769 to s. 322.251.

2770 (8) A driver who is convicted of or otherwise found to
 2771 have committed a violation of an out-of-service order while
 2772 driving a commercial motor vehicle is disqualified as follows:

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2773 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
 2774 1 year if the driver is convicted of or otherwise found to have
 2775 committed a first violation of an out-of-service order.

2776 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5
 2777 years if, for offenses occurring during any 10-year period, the
 2778 driver is convicted of or otherwise found to have committed two
 2779 violations of out-of-service orders in separate incidents.

2780 (c) At least ~~Not less than~~ 3 years but not ~~nor~~ more than 5
 2781 years if, for offenses occurring during any 10-year period, the
 2782 driver is convicted of or otherwise found to have committed
 2783 three or more violations of out-of-service orders in separate
 2784 incidents.

2785 (d) At least ~~Not less than~~ 180 days but not ~~nor~~ more than
 2786 2 years if the driver is convicted of or otherwise found to have
 2787 committed a first violation of an out-of-service order while
 2788 transporting hazardous materials required to be placarded under
 2789 the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101
 2790 et seq., or while operating motor vehicles designed to transport
 2791 more than 15 passengers, including the driver. A driver is
 2792 disqualified for a period of at least ~~not less than~~ 3 years but
 2793 not ~~nor~~ more than 5 years if, for offenses occurring during any
 2794 10-year period, the driver is convicted of or otherwise found to
 2795 have committed any subsequent violations of out-of-service
 2796 orders, in separate incidents, while transporting hazardous
 2797 materials required to be placarded under the Hazardous Materials
 2798 Transportation Act, 49 U.S.C. ss. 5101 et seq., or while
 2799 operating motor vehicles designed to transport more than 15
 2800 passengers, including the driver.

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2801 (9) A driver who is convicted of or otherwise found to
 2802 have committed an offense of operating a commercial motor
 2803 vehicle in violation of federal, state, or local law or
 2804 regulation pertaining to one of the following six offenses at a
 2805 railroad-highway grade crossing must be disqualified for the
 2806 period of time specified in subsection (10):

2807 (a) For drivers who are not always required to stop,
 2808 failing to slow down and check that the tracks are clear of
 2809 approaching trains.

2810 (b) For drivers who are not always required to stop,
 2811 failing to stop before reaching the crossing if the tracks are
 2812 not clear.

2813 (c) For drivers who are always required to stop, failing
 2814 to stop before driving onto the crossing.

2815 (d) For all drivers, failing to have sufficient space to
 2816 drive completely through the crossing without stopping.

2817 (e) For all drivers, failing to obey a traffic control
 2818 device or all directions of an enforcement official at the
 2819 crossing.

2820 (f) For all drivers, failing to negotiate a crossing
 2821 because of insufficient undercarriage clearance.

2822 (10) (a) A driver must be disqualified for at least ~~not~~
 2823 ~~less than~~ 60 days if the driver is convicted of or otherwise
 2824 found to have committed a first violation of a railroad-highway
 2825 grade crossing violation.

2826 (b) A driver must be disqualified for at least ~~not less~~
 2827 ~~than~~ 120 days if, for offenses occurring during any 3-year
 2828 period, the driver is convicted of or otherwise found to have

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2829 committed a second railroad-highway grade crossing violation in
 2830 separate incidents.

2831 (c) A driver must be disqualified for at least ~~not less~~
 2832 ~~than~~ 1 year if, for offenses occurring during any 3-year period,
 2833 the driver is convicted of or otherwise found to have committed
 2834 a third or subsequent railroad-highway grade crossing violation
 2835 in separate incidents.

2836 Section 38. Paragraph (a) of subsection (1) of section
 2837 324.0221, Florida Statutes, is amended to read:

2838 324.0221 Reports by insurers to the department; suspension
 2839 of driver ~~driver's~~ license and vehicle registrations;
 2840 reinstatement.—

2841 (1)(a) Each insurer that has issued a policy providing
 2842 personal injury protection coverage or property damage liability
 2843 coverage shall report the ~~renewal,~~ cancellation, or nonrenewal
 2844 thereof to the department within 10 ~~45~~ days after the effective
 2845 date of each ~~renewal,~~ cancellation, or nonrenewal. Upon the
 2846 issuance of a policy providing personal injury protection
 2847 coverage or property damage liability coverage to a named
 2848 insured not previously insured by the insurer during that
 2849 calendar year, the insurer shall report the issuance of the new
 2850 policy to the department within 10 ~~30~~ days. The report shall be
 2851 in the form and format and contain any information required by
 2852 the department and must be provided in a format that is
 2853 compatible with the data processing capabilities of the
 2854 department. The department may adopt rules regarding the form
 2855 and documentation required. Failure by an insurer to file proper
 2856 reports with the department as required by this subsection or

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2857 rules adopted with respect to the requirements of this
 2858 subsection constitutes a violation of the Florida Insurance
 2859 Code. These records shall be used by the department only for
 2860 enforcement and regulatory purposes, including the generation by
 2861 the department of data regarding compliance by owners of motor
 2862 vehicles with the requirements for financial responsibility
 2863 coverage.

2864 Section 39. Section 324.031, Florida Statutes, is amended
 2865 to read:

2866 324.031 Manner of proving financial responsibility.—The
 2867 owner or operator of a taxicab, limousine, jitney, or any other
 2868 for-hire passenger transportation vehicle may prove financial
 2869 responsibility by providing satisfactory evidence of holding a
 2870 motor vehicle liability policy as defined in s. 324.021(8) or s.
 2871 324.151, which policy is issued by an insurance carrier which is
 2872 a member of the Florida Insurance Guaranty Association. The
 2873 operator or owner of any other vehicle may prove his or her
 2874 financial responsibility by:

2875 (1) Furnishing satisfactory evidence of holding a motor
 2876 vehicle liability policy as defined in ss. 324.021(8) and
 2877 324.151;

2878 ~~(2) Posting with the department a satisfactory bond of a~~
 2879 ~~surety company authorized to do business in this state,~~
 2880 ~~conditioned for payment of the amount specified in s.~~
 2881 ~~324.021(7);~~

2882 (2) ~~(3)~~ Furnishing a certificate of self-insurance ~~the~~
 2883 ~~department~~ showing a deposit of cash ~~or securities~~ in accordance
 2884 with s. 324.161; or

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2885 | ~~(3)-(4)~~ Furnishing a certificate of self-insurance issued
 2886 | by the department in accordance with s. 324.171.

2887 |
 2888 | Any person, including any firm, partnership, association,
 2889 | corporation, or other person, other than a natural person,
 2890 | electing to use the method of proof specified in subsection (2)
 2891 | ~~or subsection (3)~~ shall furnish a certificate of ~~post a bond or~~
 2892 | deposit equal to the number of vehicles owned times \$30,000, to
 2893 | a maximum of \$120,000; in addition, any such person, other than
 2894 | a natural person, shall maintain insurance providing coverage in
 2895 | excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 2896 | single limits, and such excess insurance shall provide minimum
 2897 | limits of \$125,000/250,000/50,000 or \$300,000 combined single
 2898 | limits. These increased limits shall not affect the requirements
 2899 | for proving financial responsibility under s. 324.032(1).

2900 | Section 40. Subsection (1) of section 324.091, Florida
 2901 | Statutes, is amended to read:

2902 | 324.091 Notice to department; notice to insurer.—

2903 | (1) Each owner and operator involved in a crash or
 2904 | conviction case within the purview of this chapter shall furnish
 2905 | evidence of automobile liability insurance or motor vehicle
 2906 | liability insurance, ~~or a surety bond~~ within 14 days after the
 2907 | date of the mailing of notice of crash by the department in the
 2908 | form and manner as it may designate. Upon receipt of evidence
 2909 | that an automobile liability policy or motor vehicle liability
 2910 | policy, ~~or surety bond~~ was in effect at the time of the crash or
 2911 | conviction case, the department shall forward ~~by United States~~
 2912 | ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~

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2913 ~~of such information for verification in a method as determined~~
 2914 ~~by the department. and shall assume that the policy or bond was~~
 2915 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
 2916 notifies the department ~~otherwise~~ within 20 days after the
 2917 mailing ~~of the notice~~ whether or not such information is valid
 2918 ~~to the insurer or surety insurer. However,~~ If the department
 2919 later determines that an automobile liability policy or, motor
 2920 vehicle liability policy, ~~or surety bond~~ was not in effect and
 2921 did not provide coverage for both the owner and the operator, it
 2922 shall take action as it is ~~otherwise~~ authorized to do under this
 2923 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
 2924 ~~be made by the department by naming the insurer or surety~~
 2925 ~~insurer to whom the mailing was made and by specifying the time,~~
 2926 ~~place, and manner of mailing.~~

2927 Section 41. Section 324.161, Florida Statutes, is amended
 2928 to read:

2929 324.161 Proof of financial responsibility; ~~surety bond or~~
 2930 ~~deposit.~~ Annually, before any certificate of insurance may be
 2931 issued to a person, including any firm, partnership,
 2932 association, corporation, or other person, other than a natural
 2933 person, proof of a certificate of deposit of \$30,000 issued and
 2934 held by a financial institution must be submitted to the
 2935 department. A power of attorney will be issued to and held by the
 2936 department and may be executed upon ~~The certificate of the~~
 2937 ~~department of a deposit may be obtained by depositing with it~~
 2938 ~~\$30,000 cash or securities such as may be legally purchased by~~
 2939 ~~savings banks or for trust funds, of a market value of \$30,000~~
 2940 ~~and which deposit shall be held by the department to satisfy, in~~

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2941 | ~~accordance with the provisions of this chapter, any execution on~~
 2942 | a judgment issued against such person making the deposit, for
 2943 | damages because of bodily injury to or death of any person or
 2944 | for damages because of injury to or destruction of property
 2945 | resulting from the use or operation of any motor vehicle
 2946 | occurring after such deposit was made. Money ~~or securities~~ so
 2947 | deposited shall not be subject to attachment or execution unless
 2948 | such attachment or execution shall arise out of a suit for
 2949 | damages as aforesaid.

2950 | Section 42. Paragraph (a) of subsection (1) of section
 2951 | 328.01, Florida Statutes, is amended to read:

2952 | 328.01 Application for certificate of title.—

2953 | (1) (a) The owner of a vessel which is required to be
 2954 | titled shall apply to the county tax collector for a certificate
 2955 | of title. The application shall include the true name of the
 2956 | owner, the residence or business address of the owner, and the
 2957 | complete description of the vessel, including the hull
 2958 | identification number, except that an application for a
 2959 | certificate of title for a homemade vessel shall state all the
 2960 | foregoing information except the hull identification number. The
 2961 | application shall be signed by the owner and shall be
 2962 | accompanied by personal or business identification and the
 2963 | prescribed fee. An individual applicant must provide a valid
 2964 | driver license or identification card issued by this state or
 2965 | another state or a valid United States passport. A business
 2966 | applicant must provide a federal employer identification number,
 2967 | if applicable, verification that the business is authorized to
 2968 | conduct business in the state, or a Florida city or county

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2969 ~~business license or number, which may include, but need not be~~
 2970 ~~limited to, a driver's license number, Florida identification~~
 2971 ~~card number, or federal employer identification number, and the~~
 2972 ~~prescribed fee.~~

2973 Section 43. Paragraph (a) of subsection (1) of section
 2974 328.48, Florida Statutes, is amended to read:

2975 328.48 Vessel registration, application, certificate,
 2976 number, decal, duplicate certificate.-

2977 (1) (a) The owner of each vessel required by this law to
 2978 pay a registration fee and secure an identification number shall
 2979 file an application with the county tax collector. The
 2980 application shall provide the owner's name and address;
 2981 residency status; personal or business identification, ~~which may~~
 2982 ~~include, but need not be limited to, a driver's license number,~~
 2983 ~~Florida identification card number, or federal employer~~
 2984 ~~identification number;~~ and a complete description of the vessel,
 2985 and shall be accompanied by payment of the applicable fee
 2986 required in s. 328.72. An individual applicant must provide a
 2987 valid driver license or identification card issued by this state
 2988 or another state or a valid United States passport. A business
 2989 applicant must provide a federal employer identification number,
 2990 if applicable, verification that the business is authorized to
 2991 conduct business in the state, or a Florida city or county
 2992 business license or number. Registration is not required for any
 2993 vessel that is not used on the waters of this state.

2994 Section 44. Subsection (1) of section 328.76, Florida
 2995 Statutes, is amended to read:

2996 328.76 Marine Resources Conservation Trust Fund; vessel

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2997 registration funds; appropriation and distribution.—
 2998 (1) Except as otherwise specified in this subsection and
 2999 less the amount equal to ~~\$1.4 million for~~ any administrative
 3000 costs which shall be deposited in the Highway Safety Operating
 3001 Trust Fund, in each fiscal year beginning on or after July 1,
 3002 2001, all funds collected from the registration of vessels
 3003 through the Department of Highway Safety and Motor Vehicles and
 3004 the tax collectors of the state, except for those funds
 3005 designated as the county portion pursuant to s. 328.72(1), shall
 3006 be deposited in the Marine Resources Conservation Trust Fund for
 3007 recreational channel marking; public launching facilities; law
 3008 enforcement and quality control programs; aquatic weed control;
 3009 manatee protection, recovery, rescue, rehabilitation, and
 3010 release; and marine mammal protection and recovery. The funds
 3011 collected pursuant to s. 328.72(1) shall be transferred as
 3012 follows:
 3013 (a) In each fiscal year, an amount equal to \$1.50 for each
 3014 commercial and recreational vessel registered in this state
 3015 shall be transferred by the Department of Highway Safety and
 3016 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 3017 used only for the purposes specified in s. 379.2431(4).
 3018 (b) An amount equal to \$2 from each recreational vessel
 3019 registration fee, except that for class A-1 vessels, shall be
 3020 transferred by the Department of Highway Safety and Motor
 3021 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 3022 and Wildlife Conservation Commission for aquatic weed research
 3023 and control.
 3024 (c) An amount equal to 40 percent of the registration fees

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3025 | from commercial vessels shall be transferred by the Department
 3026 | of Highway Safety and Motor Vehicles to the Invasive Plant
 3027 | Control Trust Fund in the Fish and Wildlife Conservation
 3028 | Commission for aquatic plant research and control.

3029 | (d) An amount equal to 40 percent of the registration fees
 3030 | from commercial vessels shall be transferred by the Department
 3031 | of Highway Safety and Motor Vehicles, on a monthly basis, to the
 3032 | General Inspection Trust Fund of the Department of Agriculture
 3033 | and Consumer Services. These funds shall be used for shellfish
 3034 | and aquaculture law enforcement and quality control programs.

3035 | Section 45. Paragraph (aa) of subsection (7) of section
 3036 | 212.08, Florida Statutes, is amended to read:

3037 | 212.08 Sales, rental, use, consumption, distribution, and
 3038 | storage tax; specified exemptions.—The sale at retail, the
 3039 | rental, the use, the consumption, the distribution, and the
 3040 | storage to be used or consumed in this state of the following
 3041 | are hereby specifically exempt from the tax imposed by this
 3042 | chapter.

3043 | (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 3044 | entity by this chapter do not inure to any transaction that is
 3045 | otherwise taxable under this chapter when payment is made by a
 3046 | representative or employee of the entity by any means,
 3047 | including, but not limited to, cash, check, or credit card, even
 3048 | when that representative or employee is subsequently reimbursed
 3049 | by the entity. In addition, exemptions provided to any entity by
 3050 | this subsection do not inure to any transaction that is
 3051 | otherwise taxable under this chapter unless the entity has
 3052 | obtained a sales tax exemption certificate from the department

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3053 or the entity obtains or provides other documentation as
 3054 required by the department. Eligible purchases or leases made
 3055 with such a certificate must be in strict compliance with this
 3056 subsection and departmental rules, and any person who makes an
 3057 exempt purchase with a certificate that is not in strict
 3058 compliance with this subsection and the rules is liable for and
 3059 shall pay the tax. The department may adopt rules to administer
 3060 this subsection.

3061 (aa) Certain commercial vehicles.—Also exempt is the sale,
 3062 lease, or rental of a commercial motor vehicle as defined in s.
 3063 207.002 ~~207.002(2)~~, when the following conditions are met:

3064 1. The sale, lease, or rental occurs between two commonly
 3065 owned and controlled corporations;

3066 2. Such vehicle was titled and registered in this state at
 3067 the time of the sale, lease, or rental; and

3068 3. Florida sales tax was paid on the acquisition of such
 3069 vehicle by the seller, lessor, or renter.

3070 Section 46. Subsection (8) of section 261.03, Florida
 3071 Statutes, is amended to read:

3072 261.03 Definitions.—As used in this chapter, the term:

3073 (8) "ROV" means any motorized recreational off-highway
 3074 vehicle 64 inches or less in width, having a dry weight of 2,000
 3075 pounds or less, designed to travel on four or more nonhighway
 3076 tires, having nonstraddle seating and a steering wheel, and
 3077 manufactured for recreational use by one or more persons. The
 3078 term "ROV" does not include a golf cart as defined in ss. 320.01
 3079 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 3080 s. 320.01 ~~320.01(42)~~.

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3081 Section 47. Section 316.2122, Florida Statutes, is amended
 3082 to read:

3083 316.2122 Operation of a low-speed vehicle or mini truck on
 3084 certain roadways.—The operation of a low-speed vehicle as
 3085 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
 3086 320.01 ~~320.01(45)~~ on any road is authorized with the following
 3087 restrictions:

3088 (1) A low-speed vehicle or mini truck may be operated only
 3089 on streets where the posted speed limit is 35 miles per hour or
 3090 less. This does not prohibit a low-speed vehicle or mini truck
 3091 from crossing a road or street at an intersection where the road
 3092 or street has a posted speed limit of more than 35 miles per
 3093 hour.

3094 (2) A low-speed vehicle must be equipped with headlamps,
 3095 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 3096 parking brakes, rearview mirrors, windshields, seat belts, and
 3097 vehicle identification numbers.

3098 (3) A low-speed vehicle or mini truck must be registered
 3099 and insured in accordance with s. 320.02 and titled pursuant to
 3100 chapter 319.

3101 (4) Any person operating a low-speed vehicle or mini truck
 3102 must have in his or her possession a valid driver ~~driver's~~
 3103 license.

3104 (5) A county or municipality may prohibit the operation of
 3105 low-speed vehicles or mini trucks on any road under its
 3106 jurisdiction if the governing body of the county or municipality
 3107 determines that such prohibition is necessary in the interest of
 3108 safety.

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3109 (6) The Department of Transportation may prohibit the
 3110 operation of low-speed vehicles or mini trucks on any road under
 3111 its jurisdiction if it determines that such prohibition is
 3112 necessary in the interest of safety.

3113 Section 48. Section 316.2124, Florida Statutes, is amended
 3114 to read:

3115 316.2124 Motorized disability access vehicles.—The
 3116 Department of Highway Safety and Motor Vehicles is directed to
 3117 provide, by rule, for the regulation of motorized disability
 3118 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
 3119 department shall provide that motorized disability access
 3120 vehicles shall be registered in the same manner as motorcycles
 3121 and shall pay the same registration fee as for a motorcycle.
 3122 There shall also be assessed, in addition to the registration
 3123 fee, a \$2.50 surcharge for motorized disability access vehicles.
 3124 This surcharge shall be paid into the Highway Safety Operating
 3125 Trust Fund. Motorized disability access vehicles shall not be
 3126 required to be titled by the department. The department shall
 3127 require motorized disability access vehicles to be subject to
 3128 the same safety requirements as set forth in this chapter for
 3129 motorcycles.

3130 Section 49. Subsection (1) of section 316.21265, Florida
 3131 Statutes, is amended to read:

3132 316.21265 Use of all-terrain vehicles, golf carts, low-
 3133 speed vehicles, or utility vehicles by law enforcement
 3134 agencies.—

3135 (1) Notwithstanding any provision of law to the contrary,
 3136 any law enforcement agency in this state may operate all-terrain

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3137 vehicles as defined in s. 316.2074, golf carts as defined in s.
 3138 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
 3139 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
 3140 ~~320.01(43)~~ on any street, road, or highway in this state while
 3141 carrying out its official duties.

3142 Section 50. Subsection (1) of section 316.3026, Florida
 3143 Statutes, is amended to read:

3144 316.3026 Unlawful operation of motor carriers.—

3145 (1) The Office of Commercial Vehicle Enforcement may issue
 3146 out-of-service orders to motor carriers, as defined in s. 320.01
 3147 ~~320.01(33)~~, who, after proper notice, have failed to pay any
 3148 penalty or fine assessed by the department, or its agent,
 3149 against any owner or motor carrier for violations of state law,
 3150 refused to submit to a compliance review and provide records
 3151 pursuant to s. 316.302(5) or s. 316.70, or violated safety
 3152 regulations pursuant to s. 316.302 or insurance requirements in
 3153 s. 627.7415. Such out-of-service orders have the effect of
 3154 prohibiting the operations of any motor vehicles owned, leased,
 3155 or otherwise operated by the motor carrier upon the roadways of
 3156 this state, until the violations have been corrected or
 3157 penalties have been paid. Out-of-service orders must be approved
 3158 by the director of the Division of the Florida Highway Patrol or
 3159 his or her designee. An administrative hearing pursuant to s.
 3160 120.569 shall be afforded to motor carriers subject to such
 3161 orders.

3162 Section 51. Paragraph (a) of subsection (5) and subsection
 3163 (10) of section 316.550, Florida Statutes, are amended to read:

3164 316.550 Operations not in conformity with law; special

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3165 | permits.-

3166 | (5) (a) The Department of Transportation may issue a

3167 | wrecker special blanket permit to authorize a wrecker as defined

3168 | in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as

3169 | defined in s. 320.01 ~~320.01(38)~~ where the combination of the

3170 | wrecker and the disabled vehicle being towed exceeds the maximum

3171 | weight limits as established by s. 316.535.

3172 | (10) Whenever any motor vehicle, or the combination of a

3173 | wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor

3174 | vehicle, exceeds any weight or dimensional criteria or special

3175 | operational or safety stipulation contained in a special permit

3176 | issued under the provisions of this section, the penalty

3177 | assessed to the owner or operator shall be as follows:

3178 | (a) For violation of weight criteria contained in a

3179 | special permit, the penalty per pound or portion thereof

3180 | exceeding the permitted weight shall be as provided in s.

3181 | 316.545.

3182 | (b) For each violation of dimensional criteria in a

3183 | special permit, the penalty shall be as provided in s. 316.516

3184 | and penalties for multiple violations of dimensional criteria

3185 | shall be cumulative except that the total penalty for the

3186 | vehicle shall not exceed \$1,000.

3187 | (c) For each violation of an operational or safety

3188 | stipulation in a special permit, the penalty shall be an amount

3189 | not to exceed \$1,000 per violation and penalties for multiple

3190 | violations of operational or safety stipulations shall be

3191 | cumulative except that the total penalty for the vehicle shall

3192 | not exceed \$1,000.

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3193 (d) For violation of any special condition that has been
 3194 prescribed in the rules of the Department of Transportation and
 3195 declared on the permit, the vehicle shall be determined to be
 3196 out of conformance with the permit and the permit shall be
 3197 declared null and void for the vehicle, and weight and
 3198 dimensional limits for the vehicle shall be as established in s.
 3199 316.515 or s. 316.535, whichever is applicable, and:

3200 1. For weight violations, a penalty as provided in s.
 3201 316.545 shall be assessed for those weights which exceed the
 3202 limits thus established for the vehicle; and

3203 2. For dimensional, operational, or safety violations, a
 3204 penalty as established in paragraph (c) or s. 316.516, whichever
 3205 is applicable, shall be assessed for each nonconforming
 3206 dimensional, operational, or safety violation and the penalties
 3207 for multiple violations shall be cumulative for the vehicle.

3208 Section 52. Subsection (9) of section 317.0003, Florida
 3209 Statutes, is amended to read:

3210 317.0003 Definitions.—As used in this chapter, the term:

3211 (9) "ROV" means any motorized recreational off-highway
 3212 vehicle 64 inches or less in width, having a dry weight of 2,000
 3213 pounds or less, designed to travel on four or more nonhighway
 3214 tires, having nonstraddle seating and a steering wheel, and
 3215 manufactured for recreational use by one or more persons. The
 3216 term "ROV" does not include a golf cart as defined in ss. 320.01
 3217 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 3218 s. 320.01 ~~320.01(42)~~.

3219 Section 53. Paragraph (d) of subsection (5) of section
 3220 320.08, Florida Statutes, is amended to read:

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3221 320.08 License taxes.—Except as otherwise provided herein,
 3222 there are hereby levied and imposed annual license taxes for the
 3223 operation of motor vehicles, mopeds, motorized bicycles as
 3224 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 3225 and mobile homes, as defined in s. 320.01, which shall be paid
 3226 to and collected by the department or its agent upon the
 3227 registration or renewal of registration of the following:

3228 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 3229 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3230 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
 3231 is used to tow a vessel as defined in s. 327.02(39), a disabled,
 3232 abandoned, stolen-recovered, or impounded motor vehicle as
 3233 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor
 3234 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which
 3235 \$11 shall be deposited into the General Revenue Fund.

3236 Section 54. Subsection (1) of section 320.0847, Florida
 3237 Statutes, is amended to read:

3238 320.0847 Mini truck and low-speed vehicle license plates.—

3239 (1) The department shall issue a license plate to the
 3240 owner or lessee of any vehicle registered as a low-speed vehicle
 3241 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
 3242 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
 3243 taxes and fees prescribed in s. 320.08.

3244 Section 55. Subsections (4) and (5) of section 322.271,
 3245 Florida Statutes, are amended to read:

3246 322.271 Authority to modify revocation, cancellation, or
 3247 suspension order.—

3248 (4) Notwithstanding the provisions of s. 322.28(2)(d)

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3249 | ~~322.28(2)(e)~~, a person whose driving privilege has been
 3250 | permanently revoked because he or she has been convicted of DUI
 3251 | manslaughter in violation of s. 316.193 and has no prior
 3252 | convictions for DUI-related offenses may, upon the expiration of
 3253 | 5 years after the date of such revocation or the expiration of 5
 3254 | years after the termination of any term of incarceration under
 3255 | s. 316.193 or former s. 316.1931, whichever date is later,
 3256 | petition the department for reinstatement of his or her driving
 3257 | privilege.

3258 | (a) Within 30 days after the receipt of such a petition,
 3259 | the department shall afford the petitioner an opportunity for a
 3260 | hearing. At the hearing, the petitioner must demonstrate to the
 3261 | department that he or she:

3262 | 1. Has not been arrested for a drug-related offense during
 3263 | the 5 years preceding the filing of the petition;

3264 | 2. Has not driven a motor vehicle without a license for at
 3265 | least 5 years prior to the hearing;

3266 | 3. Has been drug-free for at least 5 years prior to the
 3267 | hearing; and

3268 | 4. Has completed a DUI program licensed by the department.

3269 | (b) At such hearing, the department shall determine the
 3270 | petitioner's qualification, fitness, and need to drive. Upon
 3271 | such determination, the department may, in its discretion,
 3272 | reinstate the driver ~~driver's~~ license of the petitioner. Such
 3273 | reinstatement must be made subject to the following
 3274 | qualifications:

3275 | 1. The license must be restricted for employment purposes
 3276 | for at least ~~not less than~~ 1 year; and

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3277 2. Such person must be supervised by a DUI program
 3278 licensed by the department and report to the program for such
 3279 supervision and education at least four times a year or
 3280 additionally as required by the program for the remainder of the
 3281 revocation period. Such supervision shall include evaluation,
 3282 education, referral into treatment, and other activities
 3283 required by the department.

3284 (c) Such person must assume the reasonable costs of
 3285 supervision. If such person fails to comply with the required
 3286 supervision, the program shall report the failure to the
 3287 department, and the department shall cancel such person's
 3288 driving privilege.

3289 (d) If, after reinstatement, such person is convicted of
 3290 an offense for which mandatory revocation of his or her license
 3291 is required, the department shall revoke his or her driving
 3292 privilege.

3293 (e) The department shall adopt rules regulating the
 3294 providing of services by DUI programs pursuant to this section.

3295 (5) Notwithstanding the provisions of s. 322.28(2)(d)
 3296 ~~322.28(2)(e)~~, a person whose driving privilege has been
 3297 permanently revoked because he or she has been convicted four or
 3298 more times of violating s. 316.193 or former s. 316.1931 may,
 3299 upon the expiration of 5 years after the date of the last
 3300 conviction or the expiration of 5 years after the termination of
 3301 any incarceration under s. 316.193 or former s. 316.1931,
 3302 whichever is later, petition the department for reinstatement of
 3303 his or her driving privilege.

3304 (a) Within 30 days after receipt of a petition, the

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3305 | department shall provide for a hearing, at which the petitioner
 3306 | must demonstrate that he or she:
 3307 | 1. Has not been arrested for a drug-related offense for at
 3308 | least 5 years prior to filing the petition;
 3309 | 2. Has not driven a motor vehicle without a license for at
 3310 | least 5 years prior to the hearing;
 3311 | 3. Has been drug-free for at least 5 years prior to the
 3312 | hearing; and
 3313 | 4. Has completed a DUI program licensed by the department.
 3314 | (b) At the hearing, the department shall determine the
 3315 | petitioner's qualification, fitness, and need to drive, and may,
 3316 | after such determination, reinstate the petitioner's driver
 3317 | ~~driver's~~ license. The reinstatement shall be subject to the
 3318 | following qualifications:
 3319 | 1. The petitioner's license must be restricted for
 3320 | employment purposes for at least ~~not less than~~ 1 year; and
 3321 | 2. The petitioner must be supervised by a DUI program
 3322 | licensed by the department and must report to the program for
 3323 | supervision and education at least four times a year or more, as
 3324 | required by the program, for the remainder of the revocation
 3325 | period. The supervision shall include evaluation, education,
 3326 | referral into treatment, and other activities required by the
 3327 | department.
 3328 | (c) The petitioner must assume the reasonable costs of
 3329 | supervision. If the petitioner does not comply with the required
 3330 | supervision, the program shall report the failure to the
 3331 | department, and the department shall cancel such person's
 3332 | driving privilege.

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3333 (d) If, after reinstatement, the petitioner is convicted
 3334 of an offense for which mandatory license revocation is
 3335 required, the department shall revoke his or her driving
 3336 privilege.

3337 (e) The department shall adopt rules regulating the
 3338 services provided by DUI programs pursuant to this section.

3339 Section 56. Section 322.282, Florida Statutes, is amended
 3340 to read:

3341 322.282 Procedure when court revokes or suspends license
 3342 or driving privilege and orders reinstatement.—When a court
 3343 suspends or revokes a person's license or driving privilege and,
 3344 in its discretion, orders reinstatement ~~as provided by s.~~
 3345 ~~322.28(2)(d) or former s. 322.261(5):~~

3346 (1) The court shall pick up all revoked or suspended
 3347 driver ~~driver's~~ licenses from the person and immediately forward
 3348 them to the department, together with a record of such
 3349 conviction. The clerk of such court shall also maintain a list
 3350 of all revocations or suspensions by the court.

3351 (2)(a) The court shall issue an order of reinstatement, on
 3352 a form to be furnished by the department, which the person may
 3353 take to any driver ~~driver's~~ license examining office. The
 3354 department shall issue a temporary driver ~~driver's~~ permit to a
 3355 licensee who presents the court's order of reinstatement, proof
 3356 of completion of a department-approved driver training or
 3357 substance abuse education course, and a written request for a
 3358 hearing under s. 322.271. The permit shall not be issued if a
 3359 record check by the department shows that the person has
 3360 previously been convicted for a violation of s. 316.193, former

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3361 s. 316.1931, former s. 316.028, former s. 860.01, or a previous
 3362 conviction outside this state for driving under the influence,
 3363 driving while intoxicated, driving with an unlawful blood-
 3364 alcohol level, or any similar alcohol-related or drug-related
 3365 traffic offense; that the person's driving privilege has been
 3366 previously suspended for refusal to submit to a lawful test of
 3367 breath, blood, or urine; or that the person is otherwise not
 3368 entitled to issuance of a driver ~~driver's~~ license. This
 3369 paragraph shall not be construed to prevent the reinstatement of
 3370 a license or driving privilege that is presently suspended for
 3371 driving with an unlawful blood-alcohol level or a refusal to
 3372 submit to a breath, urine, or blood test and is also revoked for
 3373 a conviction for a violation of s. 316.193 or former s.
 3374 316.1931, if the suspension and revocation arise out of the same
 3375 incident.

3376 (b) The temporary driver ~~driver's~~ permit shall be
 3377 restricted to either business or employment purposes described
 3378 in s. 322.271, as determined by the department, and shall not be
 3379 used for pleasure, recreational, or nonessential driving.

3380 (c) If the department determines at a later date from its
 3381 records that the applicant has previously been convicted of an
 3382 offense referred to in paragraph (a) which would render him or
 3383 her ineligible for reinstatement, the department shall cancel
 3384 the temporary driver ~~driver's~~ permit and shall issue a
 3385 revocation or suspension order for the minimum period
 3386 applicable. A temporary permit issued pursuant to this section
 3387 shall be valid for 45 days or until canceled as provided in this
 3388 paragraph.

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3389 (d) The period of time for which a temporary permit issued
 3390 in accordance with paragraph (a) is valid shall be deemed to be
 3391 part of the period of revocation imposed by the court.

3392 Section 57. Section 324.023, Florida Statutes, is amended
 3393 to read:

3394 324.023 Financial responsibility for bodily injury or
 3395 death.—In addition to any other financial responsibility
 3396 required by law, every owner or operator of a motor vehicle that
 3397 is required to be registered in this state, or that is located
 3398 within this state, and who, regardless of adjudication of guilt,
 3399 has been found guilty of or entered a plea of guilty or nolo
 3400 contendere to a charge of driving under the influence under s.
 3401 316.193 after October 1, 2007, shall, by one of the methods
 3402 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
 3403 maintain the ability to respond in damages for liability on
 3404 account of accidents arising out of the use of a motor vehicle
 3405 in the amount of \$100,000 because of bodily injury to, or death
 3406 of, one person in any one crash and, subject to such limits for
 3407 one person, in the amount of \$300,000 because of bodily injury
 3408 to, or death of, two or more persons in any one crash and in the
 3409 amount of \$50,000 because of property damage in any one crash.
 3410 If the owner or operator chooses to establish and maintain such
 3411 ability by ~~posting a bond or~~ furnishing a certificate of deposit
 3412 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
 3413 deposit must be at least ~~in an amount not less than~~ \$350,000.
 3414 Such higher limits must be carried for a minimum period of 3
 3415 years. If the owner or operator has not been convicted of
 3416 driving under the influence or a felony traffic offense for a

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3417 | period of 3 years from the date of reinstatement of driving
 3418 | privileges for a violation of s. 316.193, the owner or operator
 3419 | shall be exempt from this section.

3420 | Section 58. Paragraph (c) of subsection (1) of section
 3421 | 324.171, Florida Statutes, is amended to read:

3422 | 324.171 Self-insurer.—

3423 | (1) Any person may qualify as a self-insurer by obtaining
 3424 | a certificate of self-insurance from the department which may,
 3425 | in its discretion and upon application of such a person, issue
 3426 | said certificate of self-insurance when such person has
 3427 | satisfied the requirements of this section to qualify as a self-
 3428 | insurer under this section:

3429 | (c) The owner of a commercial motor vehicle, as defined in
 3430 | s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
 3431 | insurer subject to the standards provided for in subparagraph
 3432 | (b)2.

3433 | Section 59. Section 324.191, Florida Statutes, is amended
 3434 | to read:

3435 | 324.191 Consent to cancellation; direction to return money
 3436 | or securities.—The department shall consent to the cancellation
 3437 | of any ~~bond or~~ certificate of insurance furnished as proof of
 3438 | financial responsibility pursuant to s. 324.031, or the
 3439 | department shall return to the person entitled thereto cash or
 3440 | securities deposited as proof of financial responsibility
 3441 | pursuant to s. 324.031:

3442 | (1) Upon substitution and acceptance of other adequate
 3443 | proof of financial responsibility pursuant to this chapter, or

3444 | (2) In the event of the death of the person on whose

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3445 | behalf the proof was filed, or the permanent incapacity of such
 3446 | person to operate a motor vehicle, or

3447 | (3) In the event the person who has given proof of
 3448 | financial responsibility surrenders his or her license and all
 3449 | registrations to the department; providing, however, that no
 3450 | notice of court action has been filed with the department, a
 3451 | judgment in which would result in claim on such proof of
 3452 | financial responsibility.

3453 |
 3454 | This section shall not apply to security as specified in s.
 3455 | 324.061 deposited pursuant to s. 324.051(2)(a)4.

3456 | Section 60. Paragraph (b) of subsection (3) of section
 3457 | 627.733, Florida Statutes, is amended to read:

3458 | 627.733 Required security.—

3459 | (3) Such security shall be provided:

3460 | (b) By any other method authorized by s. 324.031(2) or
 3461 | (3), ~~or (4)~~ and approved by the Department of Highway Safety and
 3462 | Motor Vehicles as affording security equivalent to that afforded
 3463 | by a policy of insurance or by self-insuring as authorized by s.
 3464 | 768.28(16). The person filing such security shall have all of
 3465 | the obligations and rights of an insurer under ss. 627.730-
 3466 | 627.7405.

3467 | Section 61. Section 627.7415, Florida Statutes, is amended
 3468 | to read:

3469 | 627.7415 Commercial motor vehicles; additional liability
 3470 | insurance coverage.—Commercial motor vehicles, as defined in s.
 3471 | 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
 3472 | highways of this state shall be insured with the following

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3473 | minimum levels of combined bodily liability insurance and
 3474 | property damage liability insurance in addition to any other
 3475 | insurance requirements:
 3476 | (1) Fifty thousand dollars per occurrence for a commercial
 3477 | motor vehicle with a gross vehicle weight of 26,000 pounds or
 3478 | more, but less than 35,000 pounds.
 3479 | (2) One hundred thousand dollars per occurrence for a
 3480 | commercial motor vehicle with a gross vehicle weight of 35,000
 3481 | pounds or more, but less than 44,000 pounds.
 3482 | (3) Three hundred thousand dollars per occurrence for a
 3483 | commercial motor vehicle with a gross vehicle weight of 44,000
 3484 | pounds or more.
 3485 | (4) All commercial motor vehicles subject to regulations
 3486 | of the United States Department of Transportation, Title 49
 3487 | C.F.R. part 387, subpart A, and as may be hereinafter amended,
 3488 | shall be insured in an amount equivalent to the minimum levels
 3489 | of financial responsibility as set forth in such regulations.
 3490 |
 3491 | A violation of this section is a noncriminal traffic infraction,
 3492 | punishable as a nonmoving violation as provided in chapter 318.
 3493 | Section 62. This act shall take effect July 1, 2013.