

Tab 1	SB 464 by Perry; Similar to CS/H 00421 Driving in the Furthermost Left-hand Lane of a Roadway					
241426	A	S	RCS	TR, Perry	Delete L.18:	03/27 01:48 PM
Tab 2	SB 634 by Yarborough; Similar to H 01619 Specialty License Plates/Cure Diabetes					
773730	A	S	RCS	TR, Yarborough	Delete L.20 - 35:	03/27 01:48 PM
Tab 3	SB 996 by Berman; Similar to CS/H 00965 Driver License, Identification Card, and Motor Vehicle Registration Applications					
393424	A	S	RCS	TR, Berman	Delete L.115:	03/27 01:49 PM
Tab 4	SB 1074 by Thompson; Identical to H 01075 Divine Nine Specialty License Plate					
737748	A	S	FAV	TR, Thompson	Delete L.20 - 39:	03/27 01:49 PM
Tab 5	SB 1252 by DiCeglie; Compare to CS/H 01085 Motor Vehicles					
586110	D	S	RCS	TR, DiCeglie	Delete everything after	03/27 01:49 PM
Tab 6	SB 1254 by Trumbull (CO-INTRODUCERS) Rodriguez, Pizzo; Similar to H 00675 Specialty License Plates/Recycle Florida/Florida Association of Realtors					
156962	A	S	RCS	TR, Trumbull	Delete L.12 - 25:	03/27 01:49 PM
Tab 7	SB 1388 by Wright; Identical to H 01143 Immunity of Motor Vehicle Dealer Leasing and Rental Affiliates					
Tab 8	SB 1636 by Wright; Compare to CS/H 00973 Sale of Motor Vehicles					
682418	D	S	RCS	TR, Wright	Delete everything after	03/27 01:49 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Monday, March 27, 2023
TIME: 11:30 a.m.—2:30 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 464 Perry (Similar CS/H 421)	Driving in the Furthermost Left-hand Lane of a Roadway; Prohibiting a driver from continuously operating a motor vehicle in the furthermost left-hand lane of certain roadways, except under certain circumstances; providing a penalty, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
2	SB 634 Yarborough (Similar H 1619)	Specialty License Plates/Cure Diabetes; Directing the Department of Highway Safety and Motor Vehicles to develop a Cure Diabetes license plate; providing for distribution and use of fees collected from the sale of the plate, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
3	SB 996 Berman (Identical H 965)	Driver License, Identification Card, and Motor Vehicle Registration Applications; Requiring that the motor vehicle registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
4	SB 1074 Thompson (Identical H 1075)	Divine Nine Specialty License Plate; Defining the term "immediate relative"; revising eligibility requirements for a Divine Nine license plate, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Monday, March 27, 2023, 11:30 a.m.—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1252 DiCeglie (Compare CS/H 1085)	Motor Vehicles; Requiring that certain licenses and fuel tax decals be issued by the Department of Highway Safety and Motor Vehicles or its authorized agent; requiring all traffic law enforcement agencies to provide uniform crash reports by electronic means to the department; providing an exception regarding certifications of the air pollution control devices on motor vehicles; revising the list of applicable federal rules and regulations governing owners and drivers of commercial motor vehicles, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
6	SB 1254 Trumbull (Similar H 675)	Specialty License Plates/Recycle Florida/Florida Association of Realtors; Directing the Department of Highway Safety and Motor Vehicles to develop a Recycle Florida license plate and a Florida Association of Realtors license plate; providing for distribution and use of fees collected from the sale of the plates, etc. TR 03/27/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
7	SB 1388 Wright (Identical H 1143)	Immunity of Motor Vehicle Dealer Leasing and Rental Affiliates; Defining the term "control"; defining the term "motor vehicle dealer's leasing or rental affiliate" to specify the entities that are immune from causes of action and that are not liable for harm to persons and property under certain circumstances, etc. TR 03/27/2023 Favorable JU RC	Favorable Yeas 9 Nays 0
8	SB 1636 Wright (Compare CS/H 973)	Sale of Motor Vehicles; Authorizing certain parties to rescind or cancel the sale of a motor vehicle under certain circumstances; requiring the motor vehicle dealer to certify upon a form the rescinded or canceled sale and that certain moneys were returned under certain circumstances; specifying requirements for the form; prohibiting the motor vehicle dealer from selling a vehicle until such form is received, etc. TR 03/27/2023 Fav/CS CM FP	Fav/CS Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 464

INTRODUCER: Transportation Committee and Senator Perry

SUBJECT: Driving in the Furthestmost Left-hand Lane of a Roadway

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 464 prohibits a driver from continuously operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. A driver may drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This provision does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations. A violation is a noncriminal traffic infraction punishable as a moving violation.

The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158. The bill may have an indeterminate fiscal impact on state and local government.

The bill takes effect January 1, 2024.

II. Present Situation:

Under Florida law, a vehicle must be driven upon the right half of the roadway, except:

- When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing yields the right-of-way to all vehicles traveling in the

proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

- Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- Upon a roadway designated and signposted for one-way traffic.¹

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.²

On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.³

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle may not be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted to drive around an obstruction. However, this may not be construed as prohibiting the crossing of the centerline in making a left turn.⁴

A violation of the above laws is a noncriminal traffic infraction, punishable as a moving violation.⁵ The statutory base fine is \$60,⁶ but with additional fees and surcharges, the total penalty may be up to \$158.⁷

There are at least eight states where traveling in the left lane on certain roads, streets, and highways is prohibited except for turning and passing.⁸ Most states, like Florida, require slower traffic to keep right.⁹

¹ Section 316.081(1), F.S.

² Section 316.081(2), F.S.

³ Section 316.081(3), F.S.

⁴ Section 316.081(4), F.S.

⁵ Section 316.081(5), F.S.

⁶ Section 318.18(3)(a), F.S.

⁷ Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording* (December 2022), at p. 42, available at https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf (last visited March 21, 2023).

⁸ Bodine, Rachel and Walker, Daniel, *Is left lane driving allowed in your state?* (June 29, 2022), AutoInsurance.Org, <https://www.autoinsurance.org/keep-right-which-states-enforce-left-lane-passing-only/> and Massachusetts Institute of Technology, *State “keep right” laws*, <https://www.mit.edu/~jfc/right.html> (last visited March 22, 2023).

⁹ *Id.*

III. Effect of Proposed Changes:

The bill amends s. 316.081, F.S., to prohibit a driver from continuously operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. The bill provides exceptions authorizing a driver to drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. Additionally, this prohibition does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

For purposes of this provision, the term “furthestmost left-hand lane” excludes a high-occupancy-vehicle lane or a designated left turn lane. The furthestmost left-hand lane is considered the lane immediately to the right of such high-occupancy-vehicle lane or left turn lane in these instances.

A violation of this provision is a noncriminal traffic infraction punishable as a moving violation. The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have an indeterminate negative impact on individuals who violate this provision. An individual cited for violating this provision may be subject to a penalty of up to \$158.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Highway Safety and Motor Vehicles (DHSMV), which will need to update its driver handbook, driver license test question bank, driver improvement course curricula, and the Uniform Traffic Citation manual to reflect the change in law.¹⁰ Additionally, DHSMV and local law enforcement may need to conduct training on the law change.

The bill may have an indeterminate positive fiscal impact on state and local government that receive revenue from the traffic fine.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the DHSMV, the word “continuously,” as used in the bill, seems vague and is likely open to challenges as to what distance or time period constitutes continuous operation, especially before a driver passing another vehicle would be deemed to have gone safely far enough past to be in violation.¹¹ Additionally, the provisions in the bill may cause confusion for drivers regarding the Move Over Act.¹²

VIII. Statutes Affected:

This bill substantially amends section 316.081 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS clarifies that the “furthestmost left-hand lane” for purposes of the bill does not include a high-occupancy-vehicle lane or a designated left turn lane. The furthestmost left-hand lane is considered the lane immediately to the right of such high-occupancy-vehicle

¹⁰ DHSMV, *2023 Legislative Bill Analysis: SB 464* (March 6, 2023) at p. 4.

¹¹ *Id* at p. 5.

¹² Section 316.126(1)(b), F.S., requires drivers, as soon as it is safe, to vacate the lane closest to specified vehicles, including emergency, sanitation, utility service, wrecker, and construction vehicles performing duties on the roadside. If such movement cannot be safely accomplished, the driver must slow to a speed of 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater.

lane or left turn lane in these instances. Additionally, the CS changes the title of the bill to an act relating to interstate safety.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



241426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete line 18

and insert:

(4) As used in this subsection, the term "furthestmost left-hand lane" means the farthest most left-hand lane, except that, if such left-hand lane is a high-occupancy-vehicle lane as defined in s. 316.0741, or is a designated left turn lane, the furthestmost left-hand lane shall be the lane immediately to the right of such high-occupancy vehicle lane or left turn lane. On



241426

a road, street, or highway having two or more lanes

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to interstate safety; amending s.
316.081, F.S.; defining the term "furthestmost left-
hand lane";

By Senator Perry

9-01474-23

2023464__

1 A bill to be entitled
 2 An act relating to driving in the furthestmost left-
 3 hand lane of a roadway; amending s. 316.081, F.S.;
 4 prohibiting a driver from continuously operating a
 5 motor vehicle in the furthestmost left-hand lane of
 6 certain roadways, except under certain circumstances;
 7 providing applicability; providing a penalty;
 8 providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Present subsections (4) and (5) of section
 13 316.081, Florida Statutes, are redesignated as subsections (5)
 14 and (6), respectively, a new subsection (4) is added to that
 15 section, and present subsection (5) of that section is
 16 republished, to read:
 17 316.081 Driving on right side of roadway; exceptions.—
 18 (4) On a road, street, or highway having two or more lanes
 19 allowing movement in the same direction with a posted speed
 20 limit of at least 65 miles per hour, a driver may not
 21 continuously operate a motor vehicle in the furthestmost left-
 22 hand lane, except when overtaking and passing another vehicle,
 23 when preparing to exit the road, street, or highway, or when
 24 otherwise directed by an official traffic control device. This
 25 subsection does not apply to authorized emergency vehicles and
 26 vehicles engaged in highway maintenance or construction
 27 operations.
 28 (6)(5) A violation of this section is a noncriminal traffic
 29 infraction, punishable as a moving violation as provided in

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-01474-23

2023464__

30 chapter 318.
 31 Section 2. This act shall take effect January 1, 2024.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3/27/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

464

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DAVID MULICKA

Phone

239-849-2205

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6941 DEEP LAGOON LN

Email

DAVIDE.HAND@senate.fl.gov

Street

FT MYERS

State

FL

Zip

33919

City

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/27/2023

Meeting Date

TRANSPORTATION

Committee

SB 464

Bill Number or Topic

Amendment Barcode (if applicable)

Name

STEVEN B. SLADE

Phone

850.322.5760

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steven.slade@flpba.org

TALLAHASSEE, FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL PBA

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: February 13, 2023

I respectfully request that **Senate Bill #464**, relating to Driving in the Left-hand Lane, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

Senator Keith Perry
Florida Senate, District 9

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 634

INTRODUCER: Transportation Committee and Senator Yarborough

SUBJECT: Specialty License Plates/Cure Diabetes

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 634 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a Cure Diabetes specialty license plate. The annual use fee for the plate is \$25, which will be distributed equally between the following organizations to fund research to cure Type 1 diabetes:

- The Diabetes Research Institute Foundation;
- The Northern Florida Chapter of the Juvenile Diabetes Research Foundation;
- The Southern Florida Chapter of the Juvenile Diabetes Research Foundation; or
- The University of Florida Diabetes Institute.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2023.

II. Present Situation:

Diabetes Research Organizations

The Diabetes Research Institute Foundation

The Diabetes Research Institute Foundation is a Florida not for profit corporation with a mission to provide the funding necessary to cure diabetes through research. The Diabetes Research Institute is a “designated Center of Excellence at the University of Miami Miller School of

Medicine, providing informative education and training programs for many types of health care professionals and industry representatives.”¹

Juvenile Diabetes Research Foundation

The Juvenile Diabetes Research Foundation (JDRF) is an international, non-profit organization dedicated to raising funds to support and promote diabetes research. JDRF “is the leading global organization funding type 1 diabetes (T1D) research,” with a mission of “improving lives today and tomorrow by accelerating life-changing breakthroughs to cure, prevent and treat T1D and its complications.”²

The Foundation has a Northern and Southern Florida Chapter. The local chapters serve as the hub of Foundation information and events held in the area.³

The University of Florida Diabetes Institute

The University of Florida (UF) Diabetes Institute was founded in 2015 and serves as the umbrella organization for diabetes research, treatment, and education coordinated at UF and UF Health. “Researchers and physicians affiliated with the Diabetes Institute are working to prevent, diagnose and treat diabetes in a wide array of areas, including immunology, genetics, endocrinology, metabolism, pediatrics and social sciences.”⁴ The UF Diabetes Institute is the primary coordinating center for the JDRF Network for Pancreatic Organ Donors with Diseases.

Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.⁵ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁶ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.⁷

¹ Diabetes Research Institute Foundation, *About Us*, <https://diabetesresearch.org/about-DRI/> (last visited March 12, 2023).

² Juvenile Diabetes Research Foundation, *About Us*, https://www.jdrf.org/about/?_ga=2.216079830.1597347397.1666008274-1688791745.1661161232 (last visited March 12, 2023).

³ See JDRF Northern Florida Chapter, <https://www.jdrf.org/northernflorida/> and JDRF Southern Florida Chapter, <https://www.jdrf.org/southernflorida/> (last visited March 12, 2023).

⁴ University of Florida Diabetes Institute, *About the UF Diabetes Institute*, <https://diabetes.ufl.edu/about-us/> (last visited March 12, 2023).

⁵ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 10, 2023).

⁶ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁷ Section 320.08058, F.S.

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁸

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁹

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹⁰

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹¹

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹² Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹³

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹⁴ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁵

⁸ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁹ Section 320.08053(2)(b), F.S.

¹⁰ Section 320.08053(3)(a), F.S.

¹¹ Section 320.08053(3)(b), F.S.

¹² Section 320.08056(10)(a), F.S.

¹³ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

¹⁵ Section 320.08056(11), F.S.

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.¹⁶ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁷

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁸

III. Effect of Proposed Changes:

The bill amends, s. 320.08058, F.S., to authorize the DHSMV to create a Cure Diabetes specialty license plate. The annual use fee for the plate is \$25, which will be distributed equally to the following organizations to fund research to cure Type 1 diabetes:

- The Diabetes Research Institute Foundation;
- The Northern Florida Chapter of the Juvenile Diabetes Research Foundation;
- The Southern Florida Chapter of the Juvenile Diabetes Research Foundation; or
- The University of Florida Diabetes Institute.

Each organization is authorized to use up to ten percent of proceeds from sales of the plate to market and promote the plate.

The plate must bear the colors and design approved by the department, with the word "Florida" at the top of the plate and the words "Cure Diabetes" at the bottom of the plate.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

¹⁶ Section 320.08056(8)(a), F.S.

¹⁷ Section 320.08056(8)(b), F.S.

¹⁸ Chapter 2020-181, s. 7, Laws of Fla.

The bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plate is produced, the recipient organizations will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$7,680.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁹ DHSMV, 2023 Agency Legislative Bill Analysis - SB 634 (February 9, 2023).

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS changes distribution of the specialty license fees from the plate purchaser choosing one of the four organizations to receive such fees, to funds being distributed equally among the four organizations. The CS also authorizes each organization to use up to ten percent of proceeds to market and promote the plate.

- B. **Amendments:**

None.



773730

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Yarborough) recommended the following:

Senate Amendment

Delete lines 20 - 35
and insert:

(b) The annual use fees from the sale of the plate must be distributed equally to the following organizations:

1. The Diabetes Research Institute Foundation;
2. The Northern Florida Chapter of the Juvenile Diabetes Research Foundation;
3. The Southern Florida Chapter of the Juvenile Diabetes



773730

Research Foundation; and

4. The University of Florida Diabetes Institute.

(c) Each organization may use up to 10 percent of the
proceeds received by the organization to promote and market the
plate. All remaining proceeds must be used for the purpose of
funding research to cure Type 1 diabetes.

By Senator Yarborough

4-01688-23

2023634__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Cure Diabetes license plate; providing for distribution and use of fees collected from the sale of the plate; providing an effective date.

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

Section 1. Subsection (127) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(127) CURE DIABETES LICENSE PLATES.—

(a) The department shall develop a Cure Diabetes license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Cure Diabetes" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees shall be distributed for the purpose of funding research to cure Type 1 diabetes as follows:

1. To one of the following organizations as selected by the purchaser of the plate:

a. The Diabetes Research Institute Foundation;

b. The Northern Florida Chapter of the Juvenile Diabetes Research Foundation;

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-01688-23

2023634__

c. The Southern Florida Chapter of the Juvenile Diabetes

Research Foundation; or

d. The University of Florida Diabetes Institute; or

2. If the purchaser of the plate does not select one of the organizations provided in subparagraph 1., equally among all such organizations.

Section 2. This act shall take effect October 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 996

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Driver License, Identification Card, and Motor Vehicle Registration Applications

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 996 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from DHSMV to the not-for-profit organization.

The bill will have an indeterminate impact on DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray DHSMV's costs for reviewing the application and developing the voluntary checkoff.

The bill takes effect October 1, 2023.

II. Present Situation:

Voluntary Contributions

The application form for motor vehicle registration and renewal of registration¹ and for an original, renewal, or replacement driver's license or identification card provides a voluntary

¹ As used in this document, the phrase "motor vehicle registration application" refers to the application form for motor vehicle registration and renewal of registration.

contributions section that allows applicants to make a donation by checking a box on the form.² According to the DHSMV, there are currently 27 organizations on the motor vehicle registration form and 20 organizations on the driver license application form that an applicant has the opportunity to contribute to.³

Sections 320.023 and 322.081, F.S., establish the requirements for organizations seeking to establish a voluntary contribution on such forms. Requirements include:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms;
- An application fee,⁴ not to exceed \$10,000 to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

This information must be submitted to the DHSMV at least 90 days before the next regular session of the Legislature convenes.⁵ If the voluntary contribution is not approved by the Legislature, the application fee is refunded to the requesting organization.⁶ If the voluntary contribution is approved by the Legislature, the DHSMV must include it when DHSMV reprints such forms.⁷

The DHSMV must discontinue the voluntary contribution if:

- Less than \$25,000 has been contributed by the end of the fifth year.
- Less than \$25,000 is contributed during any subsequent five-year period.⁸

The DHSMV may discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, has stopped providing services authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. Organizations must immediately notify DHSMV to stop warrants for voluntary contributions if any of these conditions exist, and must meet the applicable audit or attestation requirements for any period of operation during the fiscal year.⁹

A voluntary contribution collected and distributed, or any interest earned from those contributions, may not be used for commercial or for-profit activities or for general or administrative expenses, except as authorized by law. The law provides that:¹⁰

- All organizations receiving annual use fee proceeds from DHSMV are responsible for ensuring proceeds are used in accordance with law.

² Sections 320.02(16) and 322.08(8), F.S., provide applicants with 21 options for voluntary contributions.

³ DHSMV, *2023 Agency Legislative Bill Analysis: SB 996* (March 20, 2023).

⁴ State funds may not be used to pay the application fee. See ss. 320.023(1)(b) and 322.081(1)(b), F.S.

⁵ Sections 320.023(1) and 322.081(1), F.S.

⁶ Sections 320.023(2) and 322.081(2), F.S.

⁷ Sections 320.023(3) and 322.081(3), F.S.

⁸ Sections 320.023(4)(a) and 322.081(4)(a), F.S.

⁹ Sections 320.023(4)(b) and 322.081(4)(b), F.S.

¹⁰ Sections 320.023(5) and 322.081(5), F.S.

- Any organization not subject to audit pursuant to the Florida Single Audit Act, must annually attest, under penalties of perjury, that such proceeds were used in compliance with law.
- Any voluntary contributions authorized by law are deposited into and distributed from the Motor Vehicle License Clearing Trust Fund to the specified recipients.
- Any organization subject to audit pursuant to the Florida Single Audit Act must submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to DHSMV within nine months after the end of the organization's fiscal year.

Within 90 days after receiving an organization's audit or attestation, DHSMV must determine if recipients have not complied with the above requirements. If DHSMV determines an organization has not complied or has failed to use the revenues in accordance with law, DHSMV must discontinue the distribution of the revenues to the organization until determining the organization is in compliance. If an organization fails to comply within 12 months after the voluntary contributions are withheld, the proceeds are deposited into the Highway Safety Operating Trust Fund to offset departmental costs.¹¹

The DHSMV is authorized to examine all records pertaining to the use of funds from the voluntary contributions by the organizations.¹²

All organizations seeking to establish a voluntary contribution on a motor vehicle registration application or a driver license and identification card application that are required to operate under the Solicitation of Contributions Act,¹³ must do so before these funds may be distributed.¹⁴

Best Buddies International

Best Buddies International is a 501(c)(3) nonprofit organization "dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities."¹⁵ Best Buddies has chapters throughout Florida and estimates it has had an impact on 10,854 participants in Florida.¹⁶

Best Buddies International, Inc., is registered with the Department of State as a foreign not for profit corporation.¹⁷ The organization is also registered with the Department of Agriculture and Consumer Services as a charitable organization in order to solicit contributions in Florida.¹⁸

¹¹ Sections 320.023(6) and 322.081(6), F.S.

¹² Sections 320.023(7) and 322.081(7), F.S.

¹³ Chapter 496, F.S.

¹⁴ Sections 320.023(8) and 322.081(8), F.S.

¹⁵ Best Buddies, *What We Do: Mission*, <https://www.bestbuddies.org/what-we-do/mission-vision-goals/> (last visited March 22, 2023).

¹⁶ See Best Buddies of Florida, *Our Impact* (December 2021), <https://www.bestbuddies.org/florida/impact> (last visited March 22, 2023).

¹⁷ Florida Department of State - Division of Corporations, *Best Buddies International, Inc.*, Sunbiz.org.

¹⁸ Florida Department of Agriculture, *Check-A-Charity: Best Buddies International, Inc.* (Registration Number: CH2971), available at <https://csapp.fdacs.gov/CSPublicApp/CheckACharity/CheckACharity.aspx> (last visited March 22, 2023).

Best Buddies International's application to establish a voluntary contribution has been approved by the DHSMV.¹⁹

III. Effect of Proposed Changes:

The bill amends ss. 320.02 and 322.08, F.S., to require the DHSMV to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from DHSMV to the not-for-profit organization.

The bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on Best Buddies International, which may receive increased contributions due to the bill.

¹⁹ Email from Rachel Fleury-Charles, Legislative Liaison, DHSMV, *RE: Bill Analysis Request HB 965* (February 21, 2022).

C. **Government Sector Impact:**

The bill will have an indeterminate impact on DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray DHSMV's costs for reviewing the application and developing the voluntary checkoff, if the checkoff is approved by the Legislature.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 322.08.

IX. **Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS changes the effective date of the bill from July 1 to October 1, 2023.

- B. **Amendments:**

None.



393424

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
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	.	
	.	

The Committee on Transportation (Berman) recommended the following:

Senate Amendment

Delete line 115
and insert:
Section 3. This act shall take effect October 1, 2023.

By Senator Berman

26-00643B-23

2023996__

1 A bill to be entitled
 2 An act relating to driver license, identification
 3 card, and motor vehicle registration applications;
 4 amending ss. 320.02 and 322.08, F.S.; requiring that
 5 the motor vehicle registration form and registration
 6 renewal form and the driver license or identification
 7 card application form, respectively, include an option
 8 to make a voluntary contribution to Best Buddies
 9 International; providing an effective date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Paragraph (v) is added to subsection (16) of
 14 section 320.02, Florida Statutes, to read:
 15 320.02 Registration required; application for registration;
 16 forms.—
 17 (16)
 18 (v) The application form for motor vehicle registration and
 19 renewal of registration must include language permitting a
 20 voluntary contribution of \$1 to Best Buddies International. Such
 21 contributions shall be distributed monthly by the department to
 22 Best Buddies International, a corporation not for profit under
 23 s. 501(c)(3) of the Internal Revenue Code.
 24
 25 For the purpose of applying the service charge provided in s.
 26 215.20, contributions received under this subsection are not
 27 income of a revenue nature.
 28 Section 2. Subsection (8) of section 322.08, Florida
 29 Statutes, is amended to read:

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26-00643B-23

2023996__

30 322.08 Application for license; requirements for license
 31 and identification card forms.—
 32 (8) The application form for an original, renewal, or
 33 replacement driver license or identification card must include
 34 language permitting the following:
 35 (a) A voluntary contribution of \$1 per applicant, which
 36 contribution shall be deposited into the Health Care Trust Fund
 37 for organ and tissue donor education and for maintaining the
 38 organ and tissue donor registry.
 39 (b) A voluntary contribution of \$1 per applicant, which
 40 shall be distributed to the Florida Council of the Blind.
 41 (c) A voluntary contribution of \$2 per applicant, which
 42 shall be distributed to the Hearing Research Institute,
 43 Incorporated.
 44 (d) A voluntary contribution of \$1 per applicant, which
 45 shall be distributed to the Juvenile Diabetes Foundation
 46 International.
 47 (e) A voluntary contribution of \$1 per applicant, which
 48 shall be distributed to the Children's Hearing Help Fund.
 49 (f) A voluntary contribution of \$1 per applicant, which
 50 shall be distributed to Family First, a nonprofit organization.
 51 (g) A voluntary contribution of \$1 per applicant to Stop
 52 Heart Disease, which shall be distributed to the Florida Heart
 53 Research Institute, a nonprofit organization.
 54 (h) A voluntary contribution of \$1 per applicant to Senior
 55 Vision Services, which shall be distributed to the Florida
 56 Association of Agencies Serving the Blind, Inc., a not-for-
 57 profit organization.
 58 (i) A voluntary contribution of \$1 per applicant for

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26-00643B-23

2023996

services for persons with developmental disabilities, which shall be distributed to The Arc of Florida.

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

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

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

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

(n) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the Operations and Maintenance Trust Fund within the Department of Veterans' Affairs.

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

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

(q) A voluntary contribution of \$1 per applicant to Support

Page 3 of 4

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26-00643B-23

2023996

Our Troops, which shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

(r) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to aid the homeless. Contributions made pursuant to this paragraph shall be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness to supplement grants made under s. 420.622(4) and (5), provide information to the public about homelessness in the state, and provide literature for homeless persons seeking assistance.

(s) A voluntary contribution of \$1 or more per applicant to End Breast Cancer, which shall be distributed to the Florida Breast Cancer Foundation.

(t) Notwithstanding s. 322.081(1), a voluntary contribution of \$1 or more per applicant to Childhood Cancer Care, which shall be distributed to the Live Like Bella Childhood Cancer Foundation.

(u) A voluntary contribution of \$1 or more per applicant to Best Buddies International, which shall be distributed monthly to Best Buddies International, a corporation not for profit under s. 501(c)(3) of the Internal Revenue Code.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue nature.

Section 3. This act shall take effect July 1, 2023.

Page 4 of 4

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The Florida Senate

APPEARANCE RECORD

3.27.23

Meeting Date

996

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name RANA BROWN

Phone 850.224.3427

Address 104 W. Jefferson St.

Email RANA@RLBOOKPA.COM

Street

Tallahassee, FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

BEST BUDDIES

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: March 6, 2023

I respectfully request that **Senate Bill #996**, relating to Driver License, Identification Card, and Motor Vehicle Registration Applications, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink, appearing to read "Lori Berman", is written over a horizontal line.

Senator Lori Berman
Florida Senate, District 26

cc: Senator Tracie Davis, Vice Chair
Rob Vickers, Staff Director

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1074

INTRODUCER: Transportation Committee and Senator Thompson

SUBJECT: Divine Nine Specialty License Plate

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1074 expands eligibility for the Divine Nine specialty license plates from solely a member of the organization and motor vehicle owners, to also provide eligibility to a member's immediate relative and motor vehicle lessees. The bill defines "immediate relative" as a spouse, domestic partner, or child of a member.

The bill may have an indeterminate, but likely insignificant, negative fiscal impact on the DHSMV to implement changes made by the bill.

The bill takes effect July 1, 2023.

II. Present Situation:

In 2020, the Legislature authorized the creation of the Divine Nine specialty license plates.¹ The annual use fee for such plates is \$25. The Divine Nine specialty license plates consist of plates authorized for the nine member organizations of the National Pan-Hellenic Council²:

- Alpha Phi Alpha Fraternity;
- Alpha Kappa Alpha Sorority;

¹ Chapter 2020-181, Laws of Fla., creating s. 320.08058(101), F.S.

² The National Pan-Hellenic Council's purpose is to foster cooperative actions of its members in dealing with matters of mutual concern and to promote the well-being of its fraternities and sororities. National Pan-Hellenic Council, *About the NPHC*, <https://www.nphcq.com/about> (last visited March 23, 2023).

- Kappa Alpha Psi Fraternity;
- Omega Psi Phi Fraternity;
- Delta Sigma Theta Sorority;
- Phi Beta Sigma Fraternity;
- Zeta Phi Beta Sorority;
- Sigma Gamma Rho Sorority; and
- Iota Phi Theta Fraternity.

Each organization's plate has a unique logo, graphic, or colors, as well as distribution specific to the individual organization.³ However, plate sales are combined as one Divine Nine specialty license plate for the purpose of meeting the minimum license plate sales threshold⁴ and for determining the license plate limit^{5, 6}.

To be eligible for issuance of a Divine Nine specialty license plate, a person must be a Florida resident, the registered owner of a motor vehicle, and a member of the applicable organization. The person must present proof of membership by providing either a membership card distributed by the organization or a written letter on the organization's letterhead, signed by the organization's national president or his or her designee, which states the person was inducted into the organization.⁷ Proof of membership is only required for the initial issuance of the license plate.⁸

As of February 1, 2023, there are 3,751 active registrations for the Divine Nine specialty license plates.⁹

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to expand eligibility for issuance of the Divine Nine specialty license plates. The bill provides eligibility to an organization member's immediate relative and to motor vehicle lessees. The bill defines "immediate relative" as a spouse, domestic partner, or child of a member.

For issuance of the plate, the bill requires:

- A member of the organization who is a lessee of a motor vehicle to present, in addition to proof of membership, a lease agreement and the vehicle identification number (VIN) for the motor vehicle being leased.

³ Section 320.08058(101)(a) and (b), F.S.

⁴ Effective July 1, 2023, DHSMV must discontinue any specialty license plate if the number of valid registrations falls below 3,000 for at least 12 consecutive months. Chapter 2020-181, s. 7, Laws of Fla.

⁵ If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135. Section 320.08053(3)(b), F.S.

⁶ Section 320.08058(101), F.S.

⁷ Section 320.08058(101)(c)1., F.S.

⁸ Section 320.08058(101)(c)2., F.S.

⁹ Email from Patrice DeVore, Senior Legislative Liaison, DHSMV, RE: SB 1074 (March 22, 2023).

- An immediate relative of a member of the organization to present a marriage license, domestic partnership agreement, birth certificate, or record of adoption, and proof of the immediate relative's membership.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may result in increased registrations for Divine Nine specialty license plates, which will have a positive fiscal impact on the recipient organizations.

C. Government Sector Impact:

The bill may have an indeterminate, but likely insignificant, negative fiscal impact on the DHSMV to implement changes made by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS makes technical editing changes to the bill to provide clarity.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



737748

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/27/2023	.	
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The Committee on Transportation (Thompson) recommended the following:

Senate Amendment

Delete lines 20 - 39
and insert:
a member or an immediate relative of a member of the applicable organization. The person must ~~also~~ present the following:

a. Proof of membership in the organization, which may be established by:

(I) ~~a.~~ A card distributed by the organization indicating the person's membership in the organization; or



737748

11 (II)~~b.~~ A written letter on the organization's letterhead
12 which is signed by the organization's national president or his
13 or her designated official and which states that the person was
14 inducted into the organization.

15 b. If the person is a lessee of a motor vehicle, a lease
16 agreement and the vehicle identification number (VIN) for the
17 motor vehicle that is being leased.

18 c. If the person is an immediate relative of a member of
19 the organization, a marriage license, domestic partnership
20 agreement, birth certificate, or record of adoption, and proof
21 of membership as described in sub-subparagraph(c)1.a. of the
22 person's immediate relative.

By Senator Thompson

15-00560-23

20231074__

A bill to be entitled

An act relating to the Divine Nine specialty license plate; amending s. 320.08058, F.S.; defining the term "immediate relative"; revising eligibility requirements for a Divine Nine license plate; providing an effective date.

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

Section 1. Paragraph (c) of subsection (101) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(101) DIVINE NINE LICENSE PLATES.—

(c)1. As used in this subsection, the term "immediate relative" means a spouse, domestic partner, or child.

2. To be eligible for issuance of a Divine Nine license plate representing an organization listed in sub-subparagraphs (b)3.a.-i., a person must be a resident of this state who is the registered owner or lessee of a motor vehicle and who either is a member or whose immediate relative is a member of the applicable organization. The person must ~~also~~ present all of the following:

a. Proof of membership of the person or the person's immediate relative in the organization, which may be established by:

(I)a- A card distributed by the organization indicating the person's membership or the membership of the person's immediate relative in the organization; or

(II)b- A written letter on the organization's letterhead

Page 1 of 2

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15-00560-23

20231074__

which is signed by the organization's national president or his or her designated official and which states that the person or the person's immediate relative was inducted into the organization.

b. If the person is a lessee of a motor vehicle, a lease agreement and the vehicle identification number (VIN) for the motor vehicle that is being leased.

c. If the person is an immediate relative of the member of the organization, a marriage license, domestic partnership agreement, birth certificate, or record of adoption.

3.2. Proof of membership in an organization listed in sub-subparagraphs (b)3.a.-i. is required only for initial issuance of a Divine Nine license plate. A person need not present such proof for renewal of the license plate.

License plates created pursuant to this subsection shall have their plate sales combined for the purpose of meeting the minimum license plate sales threshold in s. 320.08056(8)(a) and for determining the license plate limit in s. 320.08053(3)(b). License plates created pursuant to this subsection must be ordered directly from the department.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



737748

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Thompson) recommended the following:

Senate Amendment

Delete lines 20 - 39

and insert:

a member or an immediate relative of a member of the applicable organization. The person must ~~also~~ present the following:

a. Proof of membership in the organization, which may be established by:

(I) ~~a.~~ A card distributed by the organization indicating the person's membership in the organization; or



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11 (II)~~b.~~ A written letter on the organization's letterhead
12 which is signed by the organization's national president or his
13 or her designated official and which states that the person was
14 inducted into the organization.

15 b. If the person is a lessee of a motor vehicle, a lease
16 agreement and the vehicle identification number (VIN) for the
17 motor vehicle that is being leased.

18 c. If the person is an immediate relative of a member of
19 the organization, a marriage license, domestic partnership
20 agreement, birth certificate, or record of adoption, and proof
21 of membership as described in sub-subparagraph(c)1.a. of the
22 person's immediate relative.



The Florida Senate

Committee Agenda Request

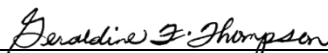
To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill #1074**, relating to Divine Nine Specialty License Plate, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.



Senator Geraldine F. "Geri" Thompson
Florida Senate, District 15

Cc: The Honorable Tracie Davis, Vice Chair
Rob Vickers, Staff Director
Marilyn Hudson, Administrative Assistant

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1252

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Motor Vehicles

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1252 makes numerous changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Allows “authorized agents” of the DHSMV to conduct International Fuel Tax Agreement transactions;
- Requires all law enforcement agencies to submit crash reports to the DHSMV solely by electronic means by July 1, 2025;
- Exempts motor vehicle dealers from air pollution control equipment certification requirements if the motor vehicle purchaser is the current lessee of the motor vehicle that is not in the possession of the dealer at the time of sale;
- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMVs) from December 31, 2020 to December 31, 2022, updates federal references, and removes an expired exemption for CMV operators;
- Expressly states that the DHSMV is charged with the administration and enforcement of specified federal laws relating to CMVs;
- Requires the DHSMV to brand certificates of title of flood vehicles with the words “Salt Water,” “Fresh Water,” or “Other or Unknown Water Type” based on the water type that flooded the vehicle;
- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;

- Defines “major component parts” of electric, hybrid, and plug-in hybrid motor vehicles for the purpose of verifying the sources of these parts during the rebuilt inspection process;
- Amends the process for an insurance company to receive a salvage certificate of title or certificate of destruction for a total loss vehicle when the company is unable to obtain a release of all liens;
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures regarding the release and application for titling by an independent entity in possession of the vessel;
- Allows rental trucks with a gross vehicle weight up to 15,000 pounds to elect to have a permanent registration period with annual payment of appropriate license taxes and fees;
- Authorizes trailers to be issued reduced dimension license plates;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate;
- Requires that the designations on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in red;
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license; and
- Makes numerous clarifying, technical, and conforming changes.

The bill also creates a new section of statute and amends various sections of law to adopt requirements related to the federal Drug and Alcohol Clearinghouse program. States must be compliant with this program by November 18, 2024, or risk losing federal grant funding.

The bill may have an indeterminate fiscal impact on state and local government and the private sector. See Section V. Fiscal Impact Statement.

Except as otherwise provided, the bill takes effect July 1, 2023.

II. Present Situation:

Due to the disparate issues in the bill, for ease of organization and readability, the Present Situation for each issue is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

International Fuel Tax Agreement (IFTA) Registration (Section 1)

Present Situation

The IFTA is a reciprocal tax collection agreement by and among the 48 contiguous states and the ten Canadian provinces bordering the United States. IFTA qualified commercial motor vehicles (CMVs) registered in Florida report and pay all motor fuel taxes to the state (its base jurisdiction), which distributes such taxes to other member jurisdictions in which the vehicle travelled and incurred motor fuel use tax liability.¹

¹ Chapter 207, F.S. and DHSMV, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited March 6, 2023).

CMVs are IFTA qualified if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds;
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.

CMVs that fall under IFTA must obtain an IFTA license and a set of two IFTA decals per qualified vehicle annually. The IFTA license and decals are valid from January 1 through December 31.² According to the DHSMV, a licensee can only obtain a new IFTA license and accompanying decals by mail from the DHSMV or in person at the Neil Kirkman Building in Tallahassee.³

Current law allows county tax collectors, as authorized agents of DHSMV, to provide motor vehicle and driver license services, including the issuance of registration certificates, license plates, and validation stickers.⁴ However, Florida law does not expressly allow “authorized agents” of the DHSMV to conduct IFTA transactions.

Effect of Proposed Changes

The bill amends s. 207.004, F.S., to specify that the DHSMV or its authorized agent shall issue licenses and fuel tax decals for CMVs requiring IFTA registration.

This change may provide CMV operators more options for conducting IFTA registration transactions and may reduce in-person traffic and wait times at the Neil Kirkman Building in Tallahassee for IFTA transactions.

Electronic Crash Reporting (Sections 2 and 3)

Present Situation

DHSMV is the official custodian of Florida’s crash data. DHSMV is responsible for preparing and supplying Florida’s crash report forms to law enforcement agencies in the state,⁵ and crash reports prepared by law enforcement agencies must be submitted to the DHSMV.⁶ DHSMV aggregates this data submitted by law enforcement agencies, and uses such data to develop reports and distribute data to safety stakeholders and other interested parties.⁷

Florida law does not mandate how crash report forms are to be submitted to the DHSMV. DHSMV receives approximately 750,000 crash report forms annually. Currently, less than two percent of crash reports received by the DHSMV are paper crash reports.⁸ Paper crash reports are

² *Id.*

³ DHSMV, *2023 Agency Legislative Bill Analysis - SB 1252* (March 1, 2023) at 2.

⁴ See ss. 320.02(1) and 320.03, F.S.

⁵ Section 316.068, F.S.

⁶ Section 316.066(1)(f), F.S.

⁷ Section 316.069, F.S., and DHSMV, *supra* note 3.

⁸ DHSMV, *supra* note 3.

received by the DHSMV via regular postal services and are then delivered to a third-party, PRIDE Enterprises, to be manually key punched and submitted electronically to the DHSMV database where the data is validated prior to acceptance.⁹

Effect of Proposed Changes

The bill amends s. 316.066, F.S., effective July 1, 2025, to require all Florida law enforcement agencies to submit crash reports to the DHSMV solely by electronic means instead of mailing paper crash reports.

The bill contains a legislative finding that this requirement fulfills an important state interest by expediting the availability of crash reports and crash data as well as the availability of information derived from such reports to improve highway safety.

Air Pollution Certificate Exemption for Leased Vehicles (Sections 4)

Present Situation

Section 316.2935, F.S., prohibits a person or motor vehicle dealer from offering for sale or lease, selling or leasing, or transferring title to, a motor vehicle in Florida that has had its air pollution control equipment tampered with.¹⁰ The motor vehicle seller, lessor, or transferor must certify in writing that the air pollution control equipment has not been tampered with by the certifier or with his or her permission, or by the certifier's agent, employee, or other representative.

Additionally, a licensed motor vehicle dealer also must certify that he, she, or persons under his or her supervision visually observed the air pollution control equipment of the motor vehicle and determined such equipment is in place and appears properly connected and undamaged.¹¹

The following transactions are exempt from this requirement:¹²

- Motor vehicles from the manufacturer or distributor provided to a franchise motor vehicle dealer;
- First time lease or sale of new motor vehicles subject to certification under s. 207, Clean Air Act, 42 U.S.C. s. 7541;
- Motor vehicles provided to a licensed motor vehicle dealer who elects to not receive the certification form;
- Motor vehicles transferred between licensed motor vehicle dealers;
- Lease agreements for 30 days or less; and
- Sales of motor vehicles for salvage purposes only.

⁹ DHSMV, *supra* note 3.

¹⁰ Section 316.2935(1)(a), F.S., defines "tampering" as "the dismantling, removal, or rendering ineffective of any air pollution control device or system which has been installed on a motor vehicle by the vehicle manufacturer except to replace such device or system with a device or system equivalent in design and function to the part that was originally installed on the motor vehicle."

¹¹ Rule 62-243.500, F.A.C., specifies the "air pollution equipment" to be visually observed includes the catalytic converter, fuel inlet instructor, unvented fuel cap, exhaust gas recirculation system, air pump and/or air injection system, and fuel evaporative system, if applicable based on vehicle age.

¹² Section 316.2935(1), F.S. and Rule 62-243.500(2), F.A.C.

Any person or motor vehicle dealer who knowingly and willingly violates this requirement:¹³

- For a first violation, a person is guilty of second degree misdemeanor and a motor vehicle dealer is guilty of a first degree misdemeanor.
- For a second or subsequent violation, any violator is guilty of a first degree misdemeanor, and the DHSMV may temporarily or permanently revoke or suspend the motor vehicle dealer license of the violator.

All other violators shall be charged with a noncriminal traffic infraction, punishable as a moving violation. However, the penalty may be reduced if the violation is corrected.¹⁴

Effect of Proposed Changes

The bill amends s. 316.2935, F.S., to exempt licensed motor vehicle dealers from being required to visually inspect and certify a vehicle's air pollution control equipment has not been tampered with by the dealer or his or her agents when the vehicle is being purchased by the current lessee and is not in the possession of the dealer at the time of sale.

Federal CMV Regulations (Sections 5, 14, and 15)

Present Situation

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation, is to prevent CMV-related fatalities and injuries.¹⁵

Section 316.003(14), F.S., defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,¹⁶ as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state's public highways while engaged in *interstate* commerce are subject to rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations¹⁷:

Part	Heading
382	Controlled Substances and Alcohol Use and Testing
383	Commercial Driver's License Standards; Requirements and Penalties
385	Safety Fitness Procedures
386	Rules of Practice for FMCSA Proceedings
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
392	Driving of Commercial Motor Vehicles

¹³ Section 316.2935(5), F.S.

¹⁴ Sections 316.2935(6) and 316.6105, F.S.

¹⁵ FMCSA, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited March 6, 2023).

¹⁶ 49 U.S.C. ss. 1801 et seq.

¹⁷ 49 C.F.R. ch III, subchapter B.

393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that owners or drivers of CMVs engaged in *intrastate* commerce are subject to the same federal regulations, unless otherwise provided in s. 316.302, F.S., as such regulations existed on December 31, 2020.

States generally have three years to adopt such rules to remain compatible with federal regulations. States that remain incompatible after the compliance date risk losing federal grant funding.

During the most recent Annual Program Review of the DHSMV's compliance with these regulations, the FMCSA noted that Florida law does not expressly subject DHSMV to comply with the provisions of 49 CFR part 384.¹⁸

Effect of Proposed Changes

The bill amends s. 316.302, F.S., to provide that all owners and drivers of CMVs engaged in *intrastate* commerce be subject to CMV rules and regulations, unless otherwise specified, as they existed on December 31, 2022. According to the DHSMV, FMCSA has adopted or amended six rules between December 31, 2020 and December 31, 2022 that impact the DHSMV.

This update results in the following changes:

- Removes a duplicative requirement that drivers prepare and submit a list of traffic violations annually to their employer¹⁹;
- Increases the area on the interior of a CMV windshield where vehicle safety technology devices may be mounted²⁰;
- Expands the definition of “vehicle safety technology” to include, “systems and items of equipment to promote driver, occupant, and roadway safety,” including “systems and devices that contain cameras, lidar, radar, and/or video”²¹;
- Permits individuals who do not satisfy certain vision standards to be physically qualified by an ophthalmologist or optometrist annually to operate a CMV²²;
- Requires rear impact guards be examined as part of the required CMV annual inspection and updates certification and labeling requirements for rear impact protection guards²³; and
- Requires compliance with regulations related to the Drug and Alcohol Clearinghouse (this issue is described in detail in this analysis under the “Commercial Driver Licenses and the Drug and Alcohol Clearinghouse” subheading).

¹⁸ DHSMV, *supra* note 3, at 3.

¹⁹ 87 FR 13192 (March 9, 2022).

²⁰ 49 C.F.R. s. 393.60(e)(1).

²¹ 49 C.F.R. s. 393.5.

²² 49 C.F.R. s. 391.44.

²³ 86 FR 62105 (November 9, 2021).

The bill also makes changes in the following sections related to CMVs:

- Amends s. 316.302(1)(a) and (b), F.S., to include that all owners and drivers of CMVs are subject to the rules and regulations contained in 49 C.F.R. part 384, which requires state compliance with the federal CDL program.
- Removes s. 316.302(1)(c), F.S., which is now obsolete. The paragraph allowed a delay in compliance with the requirements of electronic logging devices and hours of service supporting documents until December 31, 2019.
- Amends s. 316.302(2)(d), F.S., to update to the appropriate federal references.
- Amends s. 322.02, F.S., to provide that the DHSMV is charged with the enforcement and administration of 49 C.F.R. parts 382-386 and 390-397.
- Clarifies in s. 322.05(4), F.S., that the DHSMV is prohibited from issuing a commercial license to any person who is ineligible to operate a CMV pursuant to 49 C.F.R. part 383.

Branding of a Certificate of Title as a “Flood Vehicle” (Section 6)

Present Situation

Florida law prohibits a person knowingly offering for sale, selling, or exchanging a flood vehicle until the DHSMV has stamped in a conspicuous place on the certificate of title that the vehicle is a flood vehicle.²⁴ A “flood vehicle” is defined as a motor vehicle or mobile home declared as a total loss²⁵ resulting from damage caused by water.²⁶

Current law does not differentiate between the types of water that impacted a flood vehicle. In September 2022, Hurricane Ian made landfall in Florida and numerous electric vehicles caught fire from what is believed to be exposure to or submersion in salt water.²⁷ Lithium-ion batteries power most electric vehicles. Damage to such batteries by salt water, heat, or force can cause a chemical reaction called thermal runaway, which causes batteries to heat up uncontrollably and be prone to fires and off-gassing, which can lead to explosions.²⁸ According to the National Highway Traffic Safety Administration (NHTSA):

Lithium-ion vehicle battery fires have been observed both rapidly igniting and igniting several weeks after battery damage occurred. The timing of the fire initiation is specific to the battery design, chemistry, and damage to the battery pack. Test results specific to saltwater submersion show that salt bridges can form within the battery pack and provide a path for short circuit and self-heating. This can lead to fire ignition. As with other forms of battery degradation, the time period for this transition from self-heating to fire ignition can vary greatly.²⁹

²⁴ Section 319.14(1)(b), F.S.

²⁵ Pursuant to 319.30(3)(a), F.S., which defines “total loss” as when an insurance company pays to replace the damaged vehicle or mobile home, or when an uninsured motor vehicle or mobile home is damaged and the cost to repair or rebuild the vehicle is 80 percent or more of the replacement cost.

²⁶ Section 319.14 (1)(c)8., F.S.

²⁷ DHSMV, *supra* note 3, at 3-4.

²⁸ Verzoni, Angelo, *Experts Warn of Electric Fires After Hurricane Ian Damages Lithium-Ion Batteries*, National Fire Protection Association (October 9, 2022), <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/10/19/Experts-Warn-of-Electric-Vehicle-Fires-After-Hurricane-Ian-Damages-Lithium-Ion-Batteries> (last visited February 21, 2023).

²⁹ Letter to Florida Chief Financial Officer Jimmy Patronis from NHTSA (October 14, 2022) on p. 2.

Even for electric vehicles that did not combust in fire following submersion in salt water during Hurricane Ian, a concern may exist that the vehicles' batteries may be considered a hazardous material.

Effect of Proposed Changes

The bill amends s. 319.14, F.S., to require the DHSMV to brand the certificate of title of a flood vehicle with reference to the water type that flooded the vehicle. The certificate of title of a flood vehicle will be branded as either:

- “Flood Vehicle - Salt Water”;
- “Flood Vehicle - Fresh Water”; or
- “Flood Vehicle - Other or Unknown Water Type.”

Including this additional information may provide increased consumer protections. By knowing what type of water a flood vehicle has been exposed to, vehicle purchasers and owners may be more aware of any potential risks associated with fire and hazardous materials.

Certificate of Title Transfer of Ownership (Section 8)

Present Situation

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required certificate of title application fee, before DHSMV can issue the applicant a certificate of title.³⁰

If the previous owner died testate, the application must be accompanied by:³¹

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

Effect of Proposed Changes

The bill amends s. 319.28, F.S., to provide, if the previous owner died testate, an application for the certificate of title may be made by and accompanied with an affidavit attested by a Florida-licensed attorney in good standing with the Florida Bar who represents the previous owner's estate, that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. Such affidavit constitutes satisfactory proof of ownership and right of possession, and is not required to be accompanied by a copy of the will or other testamentary instrument.

³⁰ Section 319.28(1)(a), F.S.

³¹ Section 319.28(1)(b), F.S.

Lost Certificates of Title (Section 9)

Present Situation

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to DHSMV for a duplicate copy.³² Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,³³ DHSMV must issue a duplicate copy of the certificate of title.³⁴

If an original, duplicate, or corrected certificate of title issued by DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to DHSMV for the reissuance of the certificate of title without an additional fee.³⁵ Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.³⁶

Effect of Proposed Changes

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered. The bill requires the applicant to apply for such reissuance within 180 days *after* the date of issuance of the certificate of title.

Electric, Hybrid, and Plug-in Hybrid Vehicle Component Parts (Section 10)

Present Situation

Salvage motor vehicle dealers who purchase a major component part of a vehicle must record the date of purchase and the name, address, and personal identification card number of the seller, as well as the vehicle identification number, if available.³⁷ Before a salvage motor vehicle dealer can resell a salvage motor vehicle or its parts, the motor vehicle's title must indicate it is rebuilt, which requires a rebuilt inspection to assure the identity of the vehicle and all major component parts repaired or replaced.³⁸

The definition of “major component parts” provided in s. 319.30(1)(j), F.S., is specific to combustion engines and does not include parts of electric, hybrid, and plug-in hybrid motor vehicles that may be considered major component parts of the vehicle.

Effect of Proposed Changes

The bill amends s. 319.30(1)(j), F.S., to define “major component parts” of electric, hybrid, and plug-in hybrid vehicles as all the major component parts of a combustible engine vehicle as well

³² Section 319.29(1), F.S.

³³ The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

³⁴ Section 319.29(1), F.S.

³⁵ Section 319.29(3), F.S.

³⁶ Section 319.32(2)(b), F.S.

³⁷ Section 319.30(6)(a), F.S.

³⁸ Sections 319.141 and 319.14, F.S.

as the following parts: electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, and traction battery pack.

Salvage Certificates of Title or Certificates of Destruction (Section 10)

Present Situation

Under Florida law³⁹, the owner of a motor vehicle or mobile home that is considered salvage⁴⁰ must, within 72 hours after the motor vehicle or mobile home becomes salvage, forward its title to the DHSMV for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home must obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System,⁴¹ and, within 72 hours after receiving such certificate of title, forward the title to DHSMV for processing. The owner or insurance company may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from DHSMV.

To facilitate the issuance of salvage certificates of title and certificates of destruction when the insurer has been unable to obtain the title from the owner or lienholder to surrender to DHSMV:⁴²

- Thirty days after payment of a claim for compensation, the insurance company may receive a salvage certificate of title or certificate of destruction from DHSMV if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title *and* the insurance company:
 - Has obtained the release of all liens on the motor vehicle or mobile home;
 - Has attested on a form provided by DHSMV that payment of the total loss claim has been distributed; and
 - Has attested on a form provided by DHSMV and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.⁴³

This process does not address a situation where an insurer pays out a total loss claim for a motor vehicle or mobile home that has a lien on it that is not being released.

Effect of Proposed Changes

The bill amends s. 319.30(3), F.S., to provide a process for an insurance company to obtain a salvage certificate of title or certificate of destruction following payment of a total loss claim

³⁹ Section 319.30, F.S.

⁴⁰ Section 319.30(1)(t), F.S., defines the term “salvage” as a motor vehicle or mobile home which is a total loss as defined in s. 319.30(3)(a), F.S.

⁴¹ The National Motor Vehicle Title Information System (NMVTIS) is overseen by the United States Department of Justice and is designed to prevent the introduction of stolen motor vehicles into interstate commerce, protect states and consumers from fraud, reduce the use of stolen vehicles for illicit purposes and provide consumers protection from unsafe vehicles. NMVTIS, <https://vehiclehistory.bja.ojp.gov/> (last visited March 7, 2023).

⁴² This process provided in s. 319.30(3)(b)1., F.S., had an effective date of January 1, 2020.

⁴³ Attempts to contact the owner may be delivered in-person or by first-class mail with a certificate of mailing to the owner’s or lienholder’s last known address. Section 319.30(3)(b)1.c., F.S.

when the insurer has been unable to obtain a properly assigned title from the owner or lienholder of the motor vehicle or mobile home *and* there remains a lien on the title.

Specifically, the bill provides that 30 days after payment of a claim for compensation of a total loss motor vehicle or mobile home, the insurer may receive a salvage certificate of title or certificate of destruction from DHSMV if the insurance company is unable to receive a properly assigned title from the owner or lienholder and, if the insurance company has not obtained the release of all liens on the motor vehicle or mobile home:

- Has fully paid the amounts due to the owner and lienholder;
- Has attested on a form provided by DHSMV that amounts due to the owner and lienholder have been fully paid; and
- Has attested on a form provided by DHSMV and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.

The bill adds that DHSMV is not liable to, and may not be held liable by, an owner, a lienholder, or any other person as a result of the issuance of a salvage title or a certificate of destruction pursuant to this process.

Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels (Section 10)

Present Situation

Currently, independent entities can temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and participate in the sale or resale of such motor vehicles.⁴⁴

When an independent entity is in possession of a damaged or dismantled motor vehicle, an insurance company can notify the independent entity, with a form prescribed by DHSMV, authorizing the release of the vehicle to the owner. The form contains: the policy and claim number, the name and address of the insured, the vehicle identification number, and the signature of an authorized representative of the insurance company.⁴⁵

Upon receiving this form, the independent entity must notify the owner that the vehicle is available for pickup. The notification must be sent by certified mail or another commercially available delivery service that provides proof of delivery to the owner at the owner's address contained in the DHSMV's records. If the vehicle is not claimed within 30 days after delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction or a certificate of title.⁴⁶

⁴⁴ Section 319.30(1)(g), F.S., includes such "independent entity" does not include a wrecker operator, a towing company, or a repair facility.

⁴⁵ Section 319.30(9)(a), F.S.

⁴⁶ Section 319.30(9)(b), F.S.

If DHSMV records do not contain the motor vehicle owner's address, the independent entity must do the following:

- Send the required notification to the owner's address that is provided by the insurance company in the release statement; and⁴⁷
- Identify the latest titling jurisdiction of the vehicle through the National Motor Vehicle Title Information System (NMVTIS) or an equivalent commercially available system in an attempt to obtain the owner's address from that jurisdiction. If the jurisdiction provides an address that is different from the owner's address provided by the insurance company, the independent entity must provide the required notice to both addresses.⁴⁸

The independent entity must maintain all records related to the 30-day notice and searches in the NMVTIS for 3 years.⁴⁹ Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of the 30-day notice sent to the owner, proof of notification to the NMVTIS, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees.⁵⁰

This process does not currently include vessels. The need to include a process for returning to owners, or obtaining salvage certificates of title, for damaged or dismantled vessels in the possession of independent entities became evident following Hurricane Ian in 2022.

Effect of Proposed Changes

The bill amends s. 319.30, F.S., to expand the authority of independent entities to allow them to temporarily store damaged or dismantled vessels pursuant to an agreement with an insurance company and participate in the sale or resale of such vessels. For this purpose, vessel is defined as every description of a watercraft, barge, and airboat used or capable of being used as a means of transportation on water.⁵¹

The bill treats vessels the same as motor vehicles in possession of an independent entity with the following exceptions:

- On the form prescribed by DHSMV, the hull identification number for the vessel is reported instead of the vehicle identification number.
- If the vessel is hull-damaged, the independent entity must comply as applicable with the "Hull Damaged" title brand designation requirements outlined in s. 328.045, F.S.
- The independent entity is not required to notify the NMVTIS before releasing the vessel to the owner or before applying for a certificate of title.

⁴⁷ Section 319.30(9)(c)1., F.S.

⁴⁸ Section 319.30(9)(c)2., F.S.

⁴⁹ Section 319.30(9)(d), F.S.

⁵⁰ Section 319.30(9)(f), F.S.

⁵¹ As provided in s. 713.78(1)(b), F.S., but which excludes a seaplane or a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

Permanent Registration for Rental Trucks (Section 11)

Present Situation

Generally, registration license plates for vehicles are issued for a ten-year period. At the end of the ten-year period, upon renewal, the plate must be replaced. With each license plate, a validation sticker must be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The license plate and validation sticker are issued based on the applicant's appropriate renewal period. Registration periods are for 12 months, or 24 months for an extended registration period⁵², and expire at midnight on the last day of the registration period.⁵³

Validation stickers issued to for-hire vehicles holding less than nine passengers⁵⁴ for any company that owns 250 vehicles or more may be placed on any vehicle in its fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.⁵⁵

As of July 1, 2021, Florida law allows rental vehicles taxed as for-hire vehicles that carry under nine passengers to voluntarily elect a permanent motor vehicle registration period, provided that the appropriate license taxes and fees are paid annually. Validation stickers are voided if the appropriate license taxes and fees are not paid annually.

For rental cars issued a permanent registration, the license plate will continue to expire at the end of the 10-year period, but the validation sticker will not need to be replaced annually. License plates with a permanent registration have a validation sticker with "PM" printed on it (for "permanent") in place of the expiration date, and the paper registration displays "Permanent Decal Issued" printed on it.⁵⁶

Effect of Proposed Changes

The bill amends s. 320.06, to authorize rental trucks less than 15,000 pounds to elect a permanent registration period, provided that the appropriate license taxes and fees are paid annually.

Permanent registration may provide convenience for businesses operating rental trucks as the vehicle does not have to be physically tracked down to affix an annual decal.⁵⁷

⁵² Section 320.01(19)(b), F.S., defines the term "extended registration period" as a period of 24 months during which a motor vehicle or mobile home registration is valid.

⁵³ Section 320.06(1)(c), F.S.

⁵⁴ These vehicles are taxed pursuant to s. 320.08(6)(a), F.S.

⁵⁵ Section 320.06(1)(c), F.S.

⁵⁶ DHSMV, *Technical Advisory - 2020-2021 Legislative Release July 12, 2021* (July 7, 2021), RS/TL21-019, available at <https://www.flhsmv.gov/pdf/bulletins/2021/RSTL21-019.pdf> (last visited March 6, 2023).

⁵⁷ DHSMV, *supra* note 3, at 8-9.

License Plates with Reduced Dimensions (Section 11)

Present Situation

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.⁵⁸ All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.⁵⁹

Effect of Proposed Changes

The bill amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate necessary for a trailer.

Disabled Veteran “DV” License Plates (Section 12)

Present Situation

Section 320.084, F.S., provides that a disabled veteran is eligible for one free “DV” license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”⁶⁰ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.⁶¹ As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.⁶²

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.⁶³ The applicant does have to pay the associated service charges for each initial application or renewal of registration.⁶⁴ Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.⁶⁵

⁵⁸ Section 320.06(3)(a), F.S.

⁵⁹ *Id.*

⁶⁰ Section 320.084(3), F.S.

⁶¹ See DHSMV, *Florida Military License Plates*, HSMV 80003, available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf at 2. (last visited March 26, 2023).

⁶² *Id.* at p. 6.

⁶³ Section 320.084(4)(a), F.S.

⁶⁴ Section 320.084(4)(b), F.S.

⁶⁵ Section 320.084(4)(c), F.S.

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.⁶⁶ A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.⁶⁷ Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.⁶⁸ These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.⁶⁹

Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.⁷⁰ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁷¹ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.⁷²

Special Military License Plates

Florida also offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if applicable, before the plate can be issued.⁷³ Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded specific honors such as combat badges and medals. General revenue generated from the sale of military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans’ Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans’ Nursing Homes.⁷⁴
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.⁷⁵

⁶⁶ Sections 553.5041(1) and 316.1955(1), F.S.

⁶⁷ Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

⁶⁸ Section 316.1964(7), F.S.

⁶⁹ See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited March 27, 2023).

⁷⁰ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flhsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 27, 2023).

⁷¹ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁷² Section 320.08058, F.S.

⁷³ See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DHSMV are available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf *supra*, note 66.

⁷⁴ Section 320.089(1)(c), F.S.

⁷⁵ *Id.*

- Except for the revenue from the “Woman Veteran” license plate, which is to be used solely for creating and implementing programs to benefit women veterans.⁷⁶

Effect of Proposed Changes

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the “DV” license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free “DV” license plate. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for “DV” license plate applicants.

Additionally, the bill provides that an applicant who selects another plate in lieu of the “DV” plate will not be afforded the same protections and rights of the “DV” plate relating to disabled parking accessibility and free parking for vehicles displaying the “DV” plate.

Commercial Driver Licenses and the Drug and Alcohol Clearinghouse (Sections 13, 16, 19, and 20)

Present Situation

Owners and drivers of a CMV operating on the state’s public highways are subject to rules and regulations contained in the Federal Motor Carrier Safety Regulations, which includes specific regulations on controlled substances and alcohol use, testing, and reporting.⁷⁷

Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse is an online database that provides employers of CMV drivers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies, and State law enforcement personnel real-time information about drug and alcohol program violations of CMV operators.⁷⁸ The Clearinghouse helps to identify CMV drivers who are prohibited from operating a CMV based on federal drug and alcohol program violations, and to ensure such drivers receive required drug or alcohol evaluation and treatment following a violation.⁷⁹

Effective November 18, 2024, the FMCSA requires states use the Clearinghouse to check the status of a commercial driver license (CDL) or commercial learner permit (referred to in Florida as a commercial instructional permit, or CIP) before performing any licensing functions.⁸⁰ This federal regulation prohibits states from issuing, renewing, upgrading, or transferring a CDL or CIP if the individual is restricted from operating a CMV due to any drug and alcohol program violations.

⁷⁶ Section 320.089(1)(d), F.S.

⁷⁷ Section 316.302(1), F.S. and see 49 C.F.R. Part 382 - Controlled Substances and Alcohol Use Testing.

⁷⁸ FMCSA, *About the Clearinghouse - What is the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse?* <https://clearinghouse.fmcsa.dot.gov/About> (last visited March 3, 2023).

⁷⁹ *Id.*

⁸⁰ 49 C.F.R. s. 383.73.

Additionally, the FMCSA requires states to establish procedures for “downgrading” a CDL or CIP, which means removing the privilege to operate a CMV from the driver license.⁸¹ If the state receives notification⁸² that an individual is prohibited from operating a CMV due to federal alcohol or controlled substances rules, the state must downgrade the CDL or CIP and record such downgrade on the Commercial Driver’s License Information System (CDLIS) driver record.⁸³

Federal regulations also provide information on reinstatement of the CDL or CIP following completion of return-to-duty requirements, or reinstatement of the CDL or CIP and expunction of the downgrade from the CDLIS driving record for Clearinghouse error corrections.⁸⁴

States are required to adopt compatible CMV driving prohibitions to remain eligible to receive Motor Carrier Assistance Program (MCSAP) grant funds.⁸⁵ According to DHSMV, Florida’s current MCSAP federal grant share is \$19.8 million.⁸⁶

DHSMV Informal Review Request

Florida law permits an individual to request an informal review when his or her driver license is suspended in certain instances.⁸⁷ The informal review is conducted by a hearing officer designated by the DHSMV, and does not require the presence of a law enforcement officer or a witness. The review consists solely of an examination by the DHSMV of materials submitted by a law enforcement or correctional officer and the person whose license is suspended. Following the examination, a notice is sent to the individual providing the DHSMV’s decision to sustain, amend, or invalidate the license suspension.

Section 322.21(9)(a), F.S., provides that for such reviews, the applicant must pay a \$25 filing fee, which is deposited into the Highway Safety Operating Trust Fund.

Right of Review

Section 322.31, F.S., provides that DHSMV’s final orders and rulings wherein any person is denied a license, or where a license has been canceled, suspended, or revoked, shall be reviewable as provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county where the person resides.

⁸¹ *Id.* and 49 CFR s. 383.5(4).

⁸² Pursuant to 49 C.F.R. s. 382.501(a).

⁸³ CDLIS is “a nationwide computer system that enables state driver licensing agencies...to ensure that each commercial driver has only one driver license and one complete driver record.” States use this system to transmit out-of-state convictions and withdrawals, transfer CDL driver records to another state, or to respond to requests for driver status and history. See AAMVA, *Commercial Driver’s License Information System (CDLIS)*, <https://www.aamva.org/technology/systems/driver-licensing-systems/cdlis> (last visited March 3, 2023).

⁸⁴ 49 C.F.R. s. 383.73.

⁸⁵ See 86 FR 55718, *Controlled Substances and Alcohol Testing: State Driver’s Licensing Agency Non-Issuance/Downgrade of Commercial Driver’s License* (October 7, 2021), available at <https://www.federalregister.gov/documents/2021/10/07/2021-21928/controlled-substances-and-alcohol-testing-state-drivers-licensing-agency-non-issuancedowngrade-of> (last visited March 5, 2023).

⁸⁶ Email from Jennifer Langston, Chief of Staff, DHSMV, *RE: SB 1252 - Questions* (March 14, 2023) (on file with the Senate Committee on Transportation).

⁸⁷ See ss. 322.2615(4) and (5), 322.2616(5) and (6), and 322.64(4) and (5), F.S.

Reinstatement of Licenses

An applicant for reinstatement of his or her CDL following a disqualification to operate a CMV, must pay a \$75 reinstatement fee in addition to the cost of the license.⁸⁸

Effect of Proposed Changes

The bill amends several sections of law and creates s. 322.591, F.S., to adopt requirements of the Drug and Alcohol Clearinghouse program. These requirements begin November 14, 2024.

The bill creates s. 322.591, F.S., which requires the DHSMV to check the Clearinghouse to ensure a driver is not prohibited from operating a motor vehicle any time a person applies for or seeks to renew, transfer, or make any other change to a CDL or CIP. Additionally, the DHSMV may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a CDL or CIP for any person for whom DHSMV receives notification pursuant to 49 C.F.R. s. 382.501 that the person is removed from the safety-sensitive function of operating a CMV because of conduct related to federal drug and alcohol prohibitions.

If the DHSMV receives such notification that a CDL or CIP holder is prohibited from operating a CMV, the DHSMV must downgrade the CDL or CIP. Section 322.01, F.S., defines “downgrade” as defined in 49 C.F.R. s. 383.5(4), which means the state removes the CDL or CIP privilege from the driver’s license. The DHSMV must complete and record the downgrade in CDLIS within 60 days following receipt of the notification. If the downgraded driver is otherwise qualified to be issued a Class E (non-commercial) driver license, the DHSMV will issue the Class E license valid for the length of the driver’s unexpired license period at no cost.

Immediately following receipt of notification that a driver is prohibited from operating a CMV, the DHSMV must:

- Immediately notify the driver that he or she is prohibited from operating a CMV;
- Provide in the notice to the driver that he or she may request an informal hearing within 20 days following receipt of the notice of the downgrade; and
- If a timely hearing request with the required filing fee (\$25) is not received, enter a final order directing the downgrade of the CDL or CIP; or
- If a hearing is requested with the required filing fee, schedule a hearing no later than 30 days after the request is received.

The bill provides that the informal hearing is exempt from the provisions of Chapter 120, F.S., and must be conducted before a DHSMV-designated hearing officer who may conduct such hearing from any location in the state by means of communications technology.

The bill requires the federal notification indicating a driver is prohibited from operating a CMV be in the record for consideration by the hearing officer and in any proceeding pursuant to s. 322.31, F.S., relating to right of review. This notification is considered self-authenticating. The bill also provides that the basis for the federal notification received and the information in the

⁸⁸ Section 322.21(8), F.S. An original or renewal commercial driver license is \$75, except the fee is \$48 (same as a Class E driver license) for an applicant who has completed training and is applying for employment or is currently employed in a school system that requires the commercial license. Section 322.21(1)(a) and (b), F.S.

Clearinghouse that resulted in such notification is not subject to challenge in the hearing or proceeding under s. 322.31, F.S.

If, prior to the entry of the final order to downgrade the CDL or CIP, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must dismiss the action to downgrade the CDL or CIP.

If, after entry of a final order that results in the downgrade of a CDL or CIP and the recording in the driver's record that the driver is disqualified from operating a CMV, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must reinstate the driver's CDL or CIP upon reinstatement application, which requires a \$75 reinstatement fee.

The bill exempts the DHSMV from liability for a downgrade resulting from the discharge of the DHSMV's duties related to newly created s. 322.591, F.S., which is the exclusive procedure for the downgrade of a CDL or CIP following notification that a driver is prohibited from operating a CMV.

The bill clarifies that the downgrade of a driver's CDL or CIP does not preclude the suspension of the driver license or disqualification from operating a CMV for driving under the influence and drug and alcohol testing refusal offenses under Florida law.

Sexual Offender/Predator Designation (Section 17)

Present Situation

Under current law, all licenses for the operation of motor vehicles or identification cards issued or reissued by DHSMV to a sexual predator under s. 775.21, F.S., must have the marking "SEXUAL PREDATOR" on the front.⁸⁹ All licenses or identification cards issued or reissued by DHSMV to a sexual offender under ss. 943.0435 or 944.607, F.S., must have the marking "943.0435, F.S." on the front.⁹⁰ These requirements also apply to persons subject to similar registration under the laws of another jurisdiction.⁹¹

Nine states have laws requiring sexual offenders or sexual predators to have a designation indicating such on his or her license or identification card.⁹² These designations range from Delaware's requirement of a "Y" to spelling out the words "sexual predator" or "sexual offender" in a distinct color and bold format.⁹³ Courts have challenged some state laws requiring such designations. Most recently, the Supreme Court of Louisiana ruled that a Louisiana state statute requiring a convicted sexual offender to have a driver license or identification card with the words "SEXUAL OFFENDER" in a bold orange font was found to be unconstitutional as it

⁸⁹ Section 322.141(3)(a), F.S.

⁹⁰ Section 322.141(3)(b), F.S.

⁹¹ Section 322.141(3)(a) and (b), F.S.

⁹² Funke, Daniel, *Fact check: Some states require special IDs for sex offenders* (Sept. 17, 2021), USA Today, <https://www.usatoday.com/story/news/factcheck/2021/09/17/fact-check-sex-offenders-some-states-must-have-special-ids/8334296002/> (last visited March 27, 2023).

⁹³ *Id.*

violated the First Amendment of the U.S. Constitution by compelling speech.⁹⁴ According to the Court:

While the state certainly has a compelling interest in protecting the public and enabling law enforcement to identify a person as a sex offender, Louisiana has not used the least restrictive means of advancing its otherwise compelled interest, the branded identification card requirement is unconstitutional.⁹⁵

In February 2019, Alabama’s requirement that convicted sex offenders bear the inscription “Criminal Sex Offender” in bold, red letters on their driver licenses or identification cards was also found unconstitutional under the First Amendment as it “unnecessarily compels speech, and it was not the least restrictive means of advancing a compelling state interest.”⁹⁶

Effect of Proposed Changes

The bill amends s. 322.141, F.S., to require DHSMV to print the sexual offender or sexual predator designation of a driver license or identification card in a distinctive format and in the color red.

Transmission of Driver License Images (Section 18)

Present Situation

Section 322.142, F.S., authorizes DHSMV to allow specified agencies access to digital driver license images. Federal law allows states to make such information available for a government agency to carry out its functions.⁹⁷ These images can be used to verify the identity of individuals and to prevent fraud.

Criminal Justice Agencies

Section 943.045(11), F.S., defines “criminal justice agency” as:

- A court;
- Florida Department of Law Enforcement;
- Florida Department of Juvenile Justice;
- The protective investigations component of the Florida Department of Children and Families;
- The investigation component of the Department of Financial Services; and
- Any other governmental agency or subunit that performs the administration of criminal justice pursuant to law or rule of court and that allocates a substantial part of its annual budget to criminal justice.

Currently, Florida law authorizes the DHSMV to provide digital driver license images access in response to law enforcement agency requests and specified positions in the State Courts System, as well as to the Department of Financial Services and Department of Children and Families, pursuant to any interagency agreement, for specified use.⁹⁸ However, other criminal justice

⁹⁴ *State of Louisiana vs. Tazin Ardell Hill*, No. 2020-KA-0323, 341 So.3d 539, La., (October 20, 2020).

⁹⁵ *Id.* at 22.

⁹⁶ *Doe 1 v. Marshall*, 367 F.Supp.3d 1310 (M.D. Ala. Feb. 11, 2019).

⁹⁷ 18 U.S.C. s. 2721(b)(1)

⁹⁸ Section 322.142(4), F.S.

agencies may require access to such digital driver license images to more effectively carry out agency functions.

State-to-State Program

The federal REAL ID Act of 2005 provides minimum security requirements for the issuance and production of state and territory driver licenses and identification cards in order for federal agencies to accept these documents for official purposes⁹⁹, which include entering federal facilities and boarding commercial aircraft.¹⁰⁰ Additionally, the REAL ID Act mandates minimum standards states must adopt when issuing driver license and identification cards.

The federal State-to-State (S2S) Verification Service is a nationwide initiative to ensure persons are only issued one REAL ID compliant identifying credential.¹⁰¹ To fully participate, driver licensing agencies must be able to transmit driver license and identification card photographs to other state driver licensing agencies to validate identity of applicants and detect potential identify theft. Current state law does not expressly authorize DHSMV to issue such information to other state driver licensing agencies.

Effect of Proposed Changes

The bill amends s. 322.142(4), F.S., authorizing the DHSMV to issue access of digital driver license images to:

- Any criminal justice agency, as defined in s. 943.045(11), F.S., pursuant to interagency agreement for use in carrying out the agency's functions; and
- Other state driver licensing agencies for purposes of validating the identity of an applicant for a driver license or identification card.

Noncancelable Insurance (Sections 23-27)

Present Situation

DHSMV is required to suspend, after due notice and an opportunity to be heard, the registration and driver license of an owner or registrant of a motor vehicle who fails to maintain a motor vehicle insurance policy that meets the minimum coverage requirements.¹⁰² A suspended driver license or registration may be reinstated upon reobtaining the minimum required motor vehicle insurance and paying DHSMV a nonrefundable reinstatement fee of \$150 for the first reinstatement, \$250 for the second reinstatement, and \$500 for each subsequent reinstatement during the three years following the first reinstatement. A person reinstating his or her insurance must secure noncancelable coverage and present proof that the coverage is in force and maintain proof for two years.¹⁰³

⁹⁹ 49 U.S.C. 30301 note; 6 U.S.C. 111, 1112.

¹⁰⁰ The deadline to be Real ID compliant is currently May 7, 2025. See Department of Homeland Security, *REAL ID*, <https://www.dhs.gov/real-id> (last visited January 17, 2023).

¹⁰¹ American Association of Motor Vehicle Administrators (AAMVA), *S2S Frequently Asked Questions*, <https://www.aamva.org/technology/systems/driver-licensing-systems/s2s-frequently-asked-questions> (last visited February 16, 2023).

¹⁰² Section 324.0221(2), F.S.

¹⁰³ Section 324.0221(3), F.S.

A person whose driving privileges have been suspended or revoked for driving under the influence must secure noncancelable coverage to have his or her driving privileges reinstated. The noncancelable policy must be issued for at least six months and may not be canceled for any reason by the insured or insurer after the 60-day underwriting period. The premium is collected and the coverage is in effect during the 60-day underwriting period, even if the person's driver license and registration are not in effect. Once the underwriting is complete, the insurer must notify DHSMV that the policy is in full force and effect, and is noncancelable for the remainder of the policy period. Insurance coverages cannot be reduced below the required minimum limits once the noncancelable policy period becomes effective.¹⁰⁴

Noncancelable insurance policies may require the full policy to be purchased up front, which can be costly. Communication between DHSMV and insurers now happens electronically, so DHSMV will receive notification if a policy has lapsed.

Effect of Proposed Changes

The bill amends several sections of law to remove requirements that individuals obtain “noncancelable” insurance coverage. The bill removes references to “noncancelable” insurance coverage.

Technical Changes and Conforming Cross-References (Sections 7, 21, and 22)

The bill amends s. 319.23, F.S., replacing the word “county” with “country” to address a scrivener’s error.

The bill amends ss. 322.34 and 322.61, F.S., to conform cross-references.

Effective Date (Section 28)

The amendment to s. 316.066, F.S., relating to electronic crash reports, takes effect July 1, 2025.

All other sections of the bill take effect July 1, 2023.¹⁰⁵

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature...

¹⁰⁴ Section 627.7275, F.S.

¹⁰⁵ However, requirements relating to use of the Drug and Alcohol Clearinghouse will begin November 18, 2024, which is the federal compliance date.

Law enforcement agencies that are not currently submitting crash reports to the DHSMV electronically will be required to do so by July 1, 2025, which may result in local governments incurring costs associated with such requirement. The bill contains a finding that this requirement fulfills an important state interest. Additionally, mandate requirements do not apply to laws having an insignificant fiscal impact. It is unlikely the fiscal impact associated with this provision will result in a significant fiscal impact to local governments overall.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires that a new state tax or fee, as well as an increased state tax or fee, be approved by two-thirds of the membership of each house of the Legislature and be contained in a separate bill that contains no other subject.

This bill subjects specified individuals to *existing* fees for DHSMV's informal review process and reinstatement of CDL and CIP driving privileges following a required license downgrade.

E. Other Constitutional Issues:

Comparative statutes relating to the sexual offender and sexual predator designation on driver licenses and identification cards have been challenged in other states.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill requires an individual requesting an informal review of a CDL or CIP downgrade to pay the existing \$25 filing fee. Similarly, an individual requesting the reinstatement of his or her CDL or CIP following a downgrade must pay the existing \$75 fee for license reinstatement.

B. Private Sector Impact:

The bill may have an indeterminate, but likely positive, fiscal impact on the private sector. Several provisions of the bill make changes that will likely result in cost savings to the private sector by eliminating certain regulations or increasing convenience.¹⁰⁶

¹⁰⁶ See Sections of the bill relating to: IFTA Registration; Air Pollution Certificate Exemption; Lost Certificates of Title; Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels; Salvage Certificates of Title or Certificates of

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on law enforcement agencies currently submitting paper crash reports that will be required to submit crash reports to DHSMV electronically by July 1, 2025.

The bill may have an indeterminate negative fiscal impact on DHSMV and local tax collectors for necessary programming, training, or administrative updates related to provisions of the bill.

The bill may have an indeterminate, but likely insignificant, fiscal impact on the Florida Department of Law Enforcement for changes to the sexual offender and sexual predator designation on driver license and identification cards, which may require updates to registration forms, guides, changes to the public registry, law enforcement training, and notifying criminal justice partners and registrants.

Additionally, the state may lose federal MCSAP grant funding if provisions of the bill related to federal CMV requirements are not adopted. This decrease can range from just under \$1 million annually for one year of incompatibility up to \$9.9 million annually if the state remained incompatible after four years of required compliance.¹⁰⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 207.004, 316.066, 316.2935, 316.302, 319.14, 319.23, 319.28, 319.29, 319.30, 320.06, 320.084, 322.01, 322.02, 322.05, 322.07, 322.141, 322.142, 322.21, 322.34, 322.61, 324.0221, 324.131, 627.311, 627.351, and 627.7275.

This bill creates section 322.591 of the Florida Statutes.

Destruction; Permanent Registration of Rental Trucks; as well as incorporating several federal law updates for CMV operators.

¹⁰⁷ Email from DHSMV, *supra* note 91.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS adds the following issues to the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate.
- Clarifies that no additional fee can be charged by DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered.
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures regarding the release and application for titling by the independent entity in possession of the vessel.
- Authorizes trailers to be issued reduced dimension license plates.
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate.
- Requires that the designations on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in red.
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license, and removes references to “noncancelable” coverage.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
207.004, Florida Statutes, is amended to read:

207.004 Registration of motor carriers; identifying
devices; fees; renewals; temporary fuel-use permits and
driveaway permits.—

(1)(a) A ~~No~~ motor carrier may not ~~shall~~ operate or cause to



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be operated in this state any commercial motor vehicle, other than a Florida-based commercial motor vehicle that travels Florida intrastate mileage only, that uses diesel fuel or motor fuel until such carrier has registered with the department or has registered under a cooperative reciprocal agreement as described in s. 207.0281, after such time as this state enters into such agreement, and has been issued an identifying device or such carrier has been issued a permit as authorized under subsections (4) and (5) for each vehicle operated. The fee for each such identifying device issued is ~~There shall be a fee of~~ \$4 per year or any fraction thereof ~~for each such identifying device issued~~. The identifying device must ~~shall~~ be provided by the department and must be conspicuously displayed on the commercial motor vehicle as prescribed by the department while it is being operated on the public highways of this state. The transfer of an identifying device from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The department or its authorized agent shall issue licenses and fuel tax decals.

Section 2. Effective July 1, 2025, section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes; electronic submission.—

(1)(a) All traffic law enforcement agencies must provide uniform crash reports by electronic means to the department. Such crash reports must be consistent with the state traffic crash manual rules and the procedures established by the department and must be appropriately numbered and inventoried. A Florida Traffic Crash Report, Long Form must be completed and electronically submitted to the department within 10 days after



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an investigation is completed by the law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

1. Resulted in death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
2. Involved a violation of s. 316.061(1) or s. 316.193;
3. Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
4. Involved a commercial motor vehicle.

(b) The Florida Traffic Crash Report, Long Form must include:

1. The date, time, and location of the crash.
2. A description of the vehicles involved.
3. The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger.
4. The names and addresses of witnesses.
5. The name, badge number, and law enforcement agency of the officer investigating the crash.
6. The names of the insurance companies for the respective parties involved in the crash.

(c) In any crash for which a Florida Traffic Crash Report, Long Form is not required by this section and which occurs on the public roadways of this state, the law enforcement officer shall complete a short-form crash report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers



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were in. The short-form report must include:

1. The date, time, and location of the crash.
2. A description of the vehicles involved.
3. The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger.
4. The names and addresses of witnesses.
5. The name, badge number, and law enforcement agency of the officer investigating the crash.
6. The names of the insurance companies for the respective parties involved in the crash.

(d) Each party to the crash must provide the law enforcement officer with proof of insurance, which must be documented in the crash report. If a law enforcement officer submits a report on the crash, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(e) The driver of a vehicle that was in any manner involved in a crash resulting in damage to a vehicle or other property which does not require a law enforcement report shall, within 10 days after the crash, submit a written report of the crash to the department. The report must ~~shall~~ be submitted on a form



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approved by the department.

(f) Long-form and short-form crash reports prepared by law enforcement must be submitted to the department and may be maintained by the law enforcement officer's agency.

(2)(a) Crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and, in accordance with paragraph (f), free newspapers of general circulation, published once a week or more often, of which at least 7,500 copies are distributed by mail or by carrier as verified by a postal statement or by a notarized printer's statement of press run, which are intended to be generally distributed and circulated, and which contain news of general interest with at least 10



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pages per publication, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt. Such written sworn statement must be completed and sworn to by the requesting party for each individual crash report that is being requested within 60 days after the report is filed. In lieu of requiring the written sworn statement, an agency may provide crash reports



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by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential and exempt information pursuant to this section.

(3)(a) Any driver failing to file the written report required under subsection (1) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section must ~~shall~~ be without prejudice to the individual so reporting. Such report or statement may not be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and are admissible into evidence in accordance with the provisions of s. 316.1934(2).

(5) A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

Section 3. The Legislature finds that a proper and legitimate purpose is served when crash reports required under s. 316.066, Florida Statutes, are filed electronically with the Department of Highway Safety and Motor Vehicles by all entities required to submit crash reports. Electronic filing will expedite the availability of crash reports to the persons authorized to receive them, simplify the process of making crash reports available, and expedite the availability of information



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derived from crash reports to improve highway safety. The
requirement of this act that all law enforcement agencies that
prepare crash reports submit the completed crash reports
electronically to the Department of Highway Safety and Motor
Vehicles applies to all similarly situated persons, including
school district law enforcement agencies, state university law
enforcement agencies, and state law enforcement agencies.
Therefore, the Legislature determines and declares that the
amendments made by this act to s. 316.066, Florida Statutes,
fulfill an important state interest.

Section 4. Paragraph (b) of subsection (1) of section
316.2935, Florida Statutes, is amended to read:

316.2935 Air pollution control equipment; tampering
prohibited; penalty.—

(1)

(b) At the time of sale, lease, or transfer of title of a
motor vehicle, the seller, lessor, or transferor shall certify
in writing to the purchaser, lessee, or transferee that the air
pollution control equipment of the motor vehicle has not been
tampered with by the seller, lessor, or transferor or their
agents, employees, or other representatives. A licensed motor
vehicle dealer shall also visually observe those air pollution
control devices listed by department rule pursuant to subsection
(7), and certify that they are in place, and appear properly
connected and undamaged. Such certification may ~~shall~~ not be
deemed or construed as a warranty that the pollution control
devices of the subject vehicle are in functional condition, nor
does the execution or delivery of this certification create by
itself grounds for a cause of action between the parties to this



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transaction. This paragraph does not apply if the purchaser of the motor vehicle is a lessee purchasing the leased motor vehicle or if the licensed motor vehicle dealer is not in possession of the motor vehicle at the time of sale.

Section 5. Paragraphs (a), (b), and (e) of subsection (1), paragraph (d) of subsection (2), and subsection (9) of section 316.302, Florida Statutes, are amended to read:

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

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-397.

(b) Except as otherwise provided in this section, all owners and drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-397, as such rules and regulations existed on December 31, 2022 2020.

~~(c) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.~~

(2)

(d) A person who operates a commercial motor vehicle solely



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in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. ss. 395.8 and 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s. 395.1(e) (1) (iii) and (iv) ~~49 C.F.R. s. 395.1(e) (1) (ii), (iii) (A) and (C), and (v)~~ are met.

(9) For the purpose of enforcing this section, any law enforcement officer of the Department of Highway Safety and Motor Vehicles or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer or agent may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer or agent may give written notice requiring correction of the condition within 15 days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as



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provided in subsection (11), enforce the provisions of this section.

(b) Any person who fails to comply with a ~~an officer's~~ request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 6. Paragraphs (b) and (c) of subsection (1) of section 319.14, Florida Statutes, are amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles; conversion of low-speed vehicles.—

(1)

(b) A person may not knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle unless proper application for a certificate of title for a vehicle that is rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1), which have been repaired or replaced. If a vehicle is identified as a flood vehicle, the words stamped on the certificate of title must identify the type



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of water that caused damage to the vehicle as "salt water,"
"fresh water," or "other or unknown water type," as applicable.
Thereafter, the department shall affix a decal to the vehicle,
in the manner prescribed by the department, showing the vehicle
to be rebuilt.

(c) As used in this section, the term:

~~9.1.~~ "Police vehicle" means a motor vehicle owned or leased
by the state or a county or municipality and used in law
enforcement.

~~13.2.a.~~ "Short-term-lease vehicle" means a motor vehicle
leased without a driver and under a written agreement to one or
more persons from time to time for a period of less than 12
months.

~~7.b.~~ "Long-term-lease vehicle" means a motor vehicle leased
without a driver and under a written agreement to one person for
a period of 12 months or longer.

~~6.c.~~ "Lease vehicle" includes both short-term-lease
vehicles and long-term-lease vehicles.

~~10.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile
home built from salvage or junk, as defined in s. 319.30(1).

~~1.4.~~ "Assembled from parts" means a motor vehicle or mobile
home assembled from parts or combined from parts of motor
vehicles or mobile homes, new or used. The term "assembled from
parts" does not include ~~mean a motor vehicle defined as a
"rebuilt vehicle" as defined in subparagraph 10. in subparagraph
3.7~~ which has been declared a total loss pursuant to s. 319.30.

5. "Kit car" means a motor vehicle assembled with a kit
supplied by a manufacturer to rebuild a wrecked or outdated
motor vehicle with a new body kit.



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~~4.6.~~ "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

~~11.7.~~ "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

~~3.8.~~ "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by salt water, fresh water, or other or unknown type of water.

~~8.9.~~ "Nonconforming vehicle" means a motor vehicle that ~~which~~ has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

~~12.10.~~ "Settlement" means an agreement entered into between a manufacturer and a consumer which ~~that~~ occurs after a dispute is submitted to a program, or to an informal dispute settlement procedure established by a manufacturer, or is approved for arbitration before the Florida New Motor Vehicle Arbitration Board as defined in s. 681.102.

~~2.11.~~ "Custom vehicle" means a motor vehicle that:

a. Is 25 years of age or older and of a model year after 1948 or was manufactured to resemble a vehicle that is 25 years of age or older and of a model year after 1948; and

b. Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

The model year and year of manufacture that the body of a custom vehicle resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.



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~~14.12.~~ "Street rod" means a motor vehicle that:

a. Is of a model year of 1948 or older or was manufactured after 1948 to resemble a vehicle of a model year of 1948 or older; and

b. Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

The model year and year of manufacture that the body of a street rod resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

Section 7. Subsection (3) of section 319.23, Florida Statutes, is amended to read:

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

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application must, unless otherwise provided for in this chapter, ~~shall~~ be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or country ~~county~~ from which the motor vehicle or mobile home was brought into this state. The application must ~~shall~~ also be accompanied by:

(a)1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a



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physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by this state and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in this state for the first time.

(c) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application must ~~shall~~ be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.



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Section 8. Present paragraphs (c) and (d) of subsection (1) of section 319.28, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added to that subsection, to read:

319.28 Transfer of ownership by operation of law.—

(1)

(c) If the previous owner died testate and the application for a certificate of title is made by, and accompanied by an affidavit attested by, a Florida-licensed attorney in good standing with The Florida Bar who represents the previous owner's estate, such affidavit, for purposes of paragraph (a), constitutes satisfactory proof of ownership and right of possession to the motor vehicle or mobile home, so long as the affidavit sets forth the rightful heir or heirs and the attorney attests in the affidavit that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. The application for certificate of title filed under this paragraph is not required to be accompanied by a copy of the will or other testamentary instrument.

Section 9. Subsection (3) of section 319.29, Florida Statutes, is amended to read:

319.29 Lost or destroyed certificates.—

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the motor vehicle or mobile home, or the holder of a lien thereon, may, within 180 days after ~~of~~ the date of issuance of the title, apply to the department for reissuance of the certificate of title. An ~~No~~ additional fee may not ~~shall~~



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be charged by the department or a tax collector, as agent for the department, for reissuance under this subsection.

Section 10. Paragraphs (g) and (j) of subsection (1), paragraph (b) of subsection (3), and subsection (9) of section 319.30, Florida Statutes, are amended, and paragraph (y) is added to subsection (1) of that section, to read:

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

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

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

(j) "Major component parts" means:

1. For motor vehicles other than motorcycles and electric, hybrid, or plug-in hybrid motor vehicles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.

2. For trucks, other than electric, hybrid, or plug-in hybrid motor vehicles, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

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

4. For mobile homes, the frame.



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5. For electric, hybrid, or plug-in hybrid motor vehicles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, electric traction motor, frame, transmission or electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, traction battery pack, catalytic converter, or airbag.

(y) "Vessel" has the same meaning as provided in s. 713.78(1)(b).

(3)

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title by the United States Postal Service, by another commercial delivery service, or by electronic means, when such means are made available by the department, to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. ~~Effective January 1, 2020:~~

1. Thirty days after payment of a claim for compensation



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pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned paper or electronic certificate of title from the owner or lienholder of the motor vehicle or mobile home, ~~if the motor vehicle or mobile home does not carry an electronic lien on the title~~ and the insurance company:

a. Has obtained the release of all liens on the motor vehicle or mobile home or has fully paid the amounts due to the owner and the lienholder;

b. Has attested on a form provided by the department that payment of the total loss claim has been distributed or, if a release of all liens has not been obtained, that amounts due to the owner and the lienholder have been paid in full; and

c. Has attested on a form provided by the department and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or the lienholder and further stating that all attempts are to no avail. The form must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner or the lienholder may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

2. If the owner or the lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.



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3. The request to the owner or the lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

The department is not liable to, and may not be held liable by, an owner, a lienholder, or any other person as a result of the issuance of a salvage certificate of title or a certificate of destruction pursuant to this paragraph.

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

1. The policy and claim number.

2. The name and address of the insured.

3. The vehicle identification number or vessel hull identification number.

4. The signature of an authorized representative of the insurance company.

(b) The independent entity in possession of a motor vehicle or vessel must send a notice to the owner that the vehicle or vessel is available for pickup when it receives a release statement from the insurance company. The notice must ~~shall~~ be sent by certified mail or by another commercially available delivery service that provides proof of delivery to the owner at



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the owner's address contained in the department's records. The notice must state that the owner has 30 days after delivery of the notice to the owner at the owner's address to pick up the vehicle or vessel from the independent entity. If the motor vehicle or vessel is not claimed within 30 days after the delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction, a salvage certificate of title, or a certificate of title. For a hull-damaged vessel, the independent entity shall comply with s. 328.045, as applicable.

(c) If the department's records do not contain the owner's address, the independent entity must do all of the following:

1. Send a notice that meets the requirements of paragraph (b) to the owner's address that is provided by the insurance company in the release statement.

2. For a vehicle, identify the latest titling jurisdiction of the vehicle through use of the National Motor Vehicle Title Information System or an equivalent commercially available system and attempt to obtain the owner's address from that jurisdiction. If the jurisdiction returns an address that is different from the owner's address provided by the insurance company, the independent entity must send a notice that meets the requirements of paragraph (b) to both addresses.

(d) The independent entity shall maintain for at least a ~~minimum of~~ 3 years the records related to the 30-day notice sent to the owner. For vehicles, the independent entity shall also maintain for at least 3 years the results of searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and the notification to the



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National Motor Vehicle Title Information System made pursuant to paragraph (e).

(e) The independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title. The independent entity is not required to notify the National Motor Vehicle Title Information System before releasing any damaged or dismantled vessel to the owner or before applying for a certificate of title.

(f) Upon applying for a certificate of destruction, ~~or~~ salvage certificate of title, or certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System if required, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle or vessel, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle or vessel, the independent entity must provide an affidavit stating that notice was sent to all lienholders that the motor vehicle or vessel is available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery



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service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title and to the address designated with the Department of State pursuant to s. 655.0201(2) if such address is different.

(g) The independent entity may not charge an owner of the vehicle or vessel storage fees or apply for a title under s. 713.585 or s. 713.78.

Section 11. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate must ~~shall~~ be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which must ~~shall~~ be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees must ~~shall~~ be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8) (a). With each license plate, a validation sticker must ~~shall~~ be issued showing the owner's



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birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker must ~~shall~~ be placed on the upper right corner of the license plate. The license plate and validation sticker must ~~shall~~ be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. Rental vehicles taxed pursuant to s. 320.08(6)(a) and rental trucks taxed pursuant to s.

320.08(3)(a), (b), and (c) and (4)(a)-(d) may elect a permanent registration period, provided payment of the appropriate license taxes and fees occurs annually.

2. A vehicle that has an apportioned registration must ~~shall~~ be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires June 30, 2024.

3. Beginning July 1, 2024, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 3-year period. At the end of the 3-year period, upon renewal, the license plate must be replaced. Each license plate must include a validation sticker showing the month of expiration. A cab card denoting the declared gross vehicle weight for each apportioned jurisdiction must be issued annually. The fee for an original or a renewal cab card is \$28, which must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and



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surrendering the current license plate.

4. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

(3)(a) Registration license plates must be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, ~~or~~ similar smaller vehicles, or trailers. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom, and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom unless the license plate is a specialty license plate as authorized in s. 320.08056.



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Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" must ~~shall~~ be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 12. Subsection (1) of section 320.084, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free "DV" motor vehicle license number plate must ~~shall~~ be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an



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automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(6) (a) A disabled veteran who qualifies for issuance of a "DV" license under subsection (1) may be issued, in lieu of the "DV" license plate, a military license plate for which he or she is eligible or a specialty license plate. A disabled veteran electing a military license plate or specialty license plate under this paragraph must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

1. Does not provide the protections or rights afforded by s. 316.1955, s. 316.1964, s. 320.0848, s. 526.141, or s. 553.5041.

2. Is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 13. Present subsections (16) through (48) of section 322.01, Florida Statutes, are redesignated as subsections (17) through (49), respectively, a new subsection (16) is added to that section, and subsection (5) and present subsections (37) and (41) of that section are amended, to read:



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322.01 Definitions.—As used in this chapter:

(5) "Cancellation" means the act of declaring a driver license void and terminated, but does not include a downgrade.

(16) "Downgrade" has the same meaning as the definition of the term "CDL downgrade" in 49 C.F.R. s. 383.5(4).

~~(38)~~ ~~(37)~~ "Revocation" means the termination of a licensee's privilege to drive, but does not include a downgrade.

~~(42)~~ ~~(41)~~ "Suspension" means the temporary withdrawal of a licensee's privilege to drive a motor vehicle, but does not include a downgrade.

Section 14. Subsection (2) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(2) The Department of Highway Safety and Motor Vehicles is charged with the administration and function of enforcement of the provisions of this chapter and the enforcement and administration of 49 C.F.R. parts 382-386 and 390-397.

Section 15. Present subsections (4) through (12) of section 322.05, Florida Statutes, are redesignated as subsections (5) through (13), respectively, and a new subsection (4) is added to that section, to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) To any person, as a commercial motor vehicle operator, who is ineligible to operate a commercial motor vehicle pursuant to 49 C.F.R. part 383.

Section 16. Subsection (3) of section 322.07, Florida Statutes, is amended to read:

322.07 Instruction permits and temporary licenses.—



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(3) Any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, if:

(a) The applicant possesses a valid Florida driver license; ~~and~~

(b) The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is occupying the closest seat to the right of the driver; and

(c) The department has not been notified that, under 49 C.F.R. s. 382.501(a), the applicant is prohibited from operating a commercial motor vehicle.

Section 17. Effective January 1, 2024, subsection (3) of section 322.141, Florida Statutes, is amended to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, must ~~shall~~ have on the front of



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the license or identification card, in a distinctive format and printed in the color red, all of the following information:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking "SEXUAL PREDATOR."

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking "943.0435, F.S."

Section 18. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and may be made and issued only in any of the following manners:

(a) For departmental administrative purposes.+

(b) For the issuance of duplicate licenses.+

(c) In response to law enforcement agency requests.+

(d) To the Department of Business and Professional Regulation and the Department of Health pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or the Department of Health.+

(e) To the Department of State pursuant to an interagency



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agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075.+

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases.+

(g) To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415.+

(h) To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations.+

(i) To the Agency for Health Care Administration pursuant to an interagency agreement for the purpose of authorized agencies verifying photographs in the Care Provider Background Screening Clearinghouse authorized under s. 435.12.+

(j) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, the identification of fraudulent or false claims, and the investigation of allegations of violations of the insurance code by licensees and unlicensed persons.+

(k) To the Department of Economic Opportunity pursuant to an interagency agreement to facilitate the validation of reemployment assistance claims and the identification of



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fraudulent or false reemployment assistance claims.~~†~~

(l) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11.~~†~~

(m) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee.~~†~~~~or~~

(n) To the Agency for Health Care Administration pursuant to an interagency agreement to prevent health care fraud. If the Agency for Health Care Administration enters into an agreement with a private entity to carry out duties relating to health care fraud prevention, such contracts must ~~shall~~ include, but need not be limited to:

1. Provisions requiring internal controls and audit processes to identify access, use, and unauthorized access of information.

2. A requirement to report unauthorized access or use to the Agency for Health Care Administration within 1 business day after the discovery of the unauthorized access or use.



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3. Provisions for liquidated damages for unauthorized access or use of no less than \$5,000 per occurrence.

(o) To any criminal justice agency, as defined in s. 943.045, pursuant to an interagency agreement for use in carrying out the criminal justice agency's functions.

(p) To the driver licensing agency of any other state for purposes of validating the identity of an applicant for a driver license or identification card.

Section 19. Subsection (8) and paragraph (a) of subsection (9) of section 322.21, Florida Statutes, are amended to read:

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

(8) A person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. A person who applies for reinstatement of a commercial driver license following the disqualification or downgrade of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the department must ~~shall~~ deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.



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2. If the reinstatement is processed by the tax collector, \$15, less the general revenue service charge set forth in s. 215.20(1), must ~~shall~~ be retained by the tax collector, \$15 must ~~shall~~ be deposited into the Highway Safety Operating Trust Fund, and \$15 must ~~shall~~ be deposited into the General Revenue Fund.

(b) Of the \$75 fee received from a licensee for reinstatement following a revocation, ~~or~~ disqualification, or downgrade:

1. If the reinstatement is processed by the department, the department must ~~shall~~ deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20, less the general revenue service charge set forth in s. 215.20(1), must ~~shall~~ be retained by the tax collector, \$20 must ~~shall~~ be deposited into the Highway Safety Operating Trust Fund, and \$35 must ~~shall~~ be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense.



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The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

(9) An applicant:

(a) Requesting a review authorized in s. 322.222, s. 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must pay a filing fee of \$25 to be deposited into the Highway Safety Operating Trust Fund.

Section 20. Section 322.591, Florida Statutes, is created to read:

322.591 Commercial driver license and commercial instruction permit; Commercial Driver's License Drug and Alcohol Clearinghouse; prohibition on issuance of commercial driver licenses; downgrades.-

(1) Beginning November 18, 2024, when a person applies for or seeks to renew, transfer, or make any other change to a commercial driver license or commercial instruction permit, the department must obtain the driver's record from the Commercial Driver's License Drug and Alcohol Clearinghouse established pursuant to 49 C.F.R. part 382. The department may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a commercial driver license or commercial instruction permit for any person for whom the department receives notification pursuant to 49 C.F.R. s. 382.501(a) that the person is prohibited from operating a commercial vehicle.

(2) Beginning November 18, 2024, the department shall downgrade the commercial driver license or commercial instruction permit of any driver if the department receives



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notification that, pursuant to 49 C.F.R. s. 382.501(a), the driver is prohibited from operating a commercial motor vehicle. Any such downgrade must be completed and recorded by the department in the Commercial Driver's License Information System within 60 days after the department's receipt of such notification.

(3) (a) Beginning November 18, 2024, upon receipt of notification pursuant to 49 C.F.R. s. 382.501(a) that a driver is prohibited from operating a commercial motor vehicle, the department shall immediately notify the driver who is the subject of such notification that he or she is prohibited from operating a commercial motor vehicle and, upon his or her request, must afford him or her an opportunity for an informal hearing pursuant to this section. The department's notice must be provided to the driver in the same manner as, and providing such notice has the same effect as, notices provided pursuant to s. 322.251(1) and (2).

(b) Such informal hearing must be requested not later than 20 days after the driver receives the notice of the downgrade. If a request for a hearing, together with the filing fee required pursuant to s. 322.21, is not received within 20 days after receipt of such notice, the department must enter a final order directing the downgrade of the driver's commercial driver license or commercial instruction permit, unless the department receives notification pursuant to 49 C.F.R. s. 382.503(a) that the driver is no longer prohibited from operating a commercial motor vehicle.

(c) A hearing requested pursuant to paragraph (b) must be scheduled and held not later than 30 days after receipt by the



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department of a request for the hearing, together with the
filing fee required pursuant to s. 322.21. The submission of a
request for hearing pursuant to this subsection tolls the
deadline to file a petition for writ of certiorari pursuant to
s. 322.31 until after the department enters a final order after
a hearing pursuant to this subsection.

(d) The informal hearing authorized pursuant to this
subsection is exempt from chapter 120. Such hearing must be
conducted before a hearing officer designated by the department.
The hearing officer may conduct such hearing from any location
in this state by means of communications technology.

(e) The notification received by the department pursuant to
49 C.F.R. s. 382.501(a) must be in the record for consideration
by the hearing officer and in any proceeding pursuant to s.
322.31 and is considered self-authenticating. The basis for the
notification received by the department pursuant to 49 C.F.R. s.
382.501(a) and the information in the Commercial Driver's
License Drug and Alcohol Clearinghouse which resulted in such
notification are not subject to challenge in the hearing or in
any proceeding brought under s. 322.31.

(f) If, before the entry of a final order arising from a
notification received by the department pursuant to 49 C.F.R. s.
382.501(a), the department receives notification pursuant to 49
C.F.R. s. 382.503(a) that the driver is no longer prohibited
from operating a commercial motor vehicle, the department must
dismiss the action to downgrade the driver's commercial driver
license or commercial instruction permit.

(g) Upon the entry of a final order that results in the
downgrade of a driver's commercial driver license or commercial



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instruction permit, the department shall record immediately in the driver's record that the driver is disqualified from operating or driving a commercial motor vehicle. The downgrade of a commercial driver license or commercial instruction permit pursuant to a final order entered pursuant to this section, and, upon the entry of a final order, the recording in the driver's record that the driver subject to such a final order is disqualified from operating or driving a commercial motor vehicle, are not stayed during the pendency of any proceeding pursuant to s. 322.31.

(h) If, after the entry of a final order that results in the downgrade of a driver's commercial driver license or commercial instruction permit and the department recording in the driver's record that the driver is disqualified from operating or driving a commercial motor vehicle, the department receives notification pursuant to 49 C.F.R. s. 382.503(a) that the driver is no longer prohibited from operating a commercial motor vehicle, the department must reinstate the driver's commercial driver license or commercial instruction permit upon application by such driver.

(i) The department is not liable for any commercial driver license or commercial instruction permit downgrade resulting from the discharge of its duties.

(j) This section is the exclusive procedure for the downgrade of a commercial driver license or commercial instruction permit following notification received by the department that, pursuant to 49 C.F.R. s. 382.501(a), a driver is prohibited from operating a commercial motor vehicle.

(k) The downgrade of a commercial driver license or



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commercial instruction permit of a person pursuant to this
section does not preclude the suspension of the driving
privilege for that person pursuant to s. 322.2615 or the
disqualification of that person from operating a commercial
motor vehicle pursuant to s. 322.64. The driving privilege of a
person whose commercial driver license or commercial instruction
permit has been downgraded pursuant to this section also may be
suspended for a violation of s. 316.193.

(4) Beginning November 18, 2024, a driver for whom the
department receives notification that, pursuant to 49 C.F.R. s.
382.501(a), such person is prohibited from operating a
commercial motor vehicle may, if otherwise qualified, be issued
a Class E driver license pursuant to s. 322.251(4), valid for
the length of his or her unexpired license period, at no cost.

Section 21. Subsection (2) of section 322.34, Florida
Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled,
or disqualified.—

(2) Any person whose driver license or driving privilege
has been canceled, suspended, or revoked as provided by law, or
who does not have a driver license or driving privilege but is
under suspension or revocation equivalent status as defined in
s. 322.01 ~~s. 322.01(42)~~, except persons defined in s. 322.264,
who, knowing of such cancellation, suspension, revocation, or
suspension or revocation equivalent status, drives any motor
vehicle upon the highways of this state while such license or
privilege is canceled, suspended, or revoked, or while under
suspension or revocation equivalent status, commits:

(a) A misdemeanor of the second degree, punishable as



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provided in s. 775.082 or s. 775.083.

(b)1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, upon a second or subsequent conviction, except as provided in paragraph (c).

2. A person convicted of a third or subsequent conviction, except as provided in paragraph (c), must serve a minimum of 10 days in jail.

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

1. Driving under the influence;

2. Refusal to submit to a urine, breath-alcohol, or blood alcohol test;

3. A traffic offense causing death or serious bodily injury; or

4. Fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in subsection (4). There ~~is shall be~~ a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (4) appears in the department's records for any case



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except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

Section 22. Subsection (4) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

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

Section 23. Subsection (3) of section 324.0221, Florida Statutes, is amended to read:

324.0221 Reports by insurers to the department; suspension of driver license and vehicle registrations; reinstatement.—

(3) An operator or owner whose driver license or registration has been suspended under this section or s. 316.646 may effect its reinstatement upon compliance with the requirements of this section and upon payment to the department of a nonrefundable reinstatement fee of \$150 for the first reinstatement. The reinstatement fee is \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. A person reinstating her or his insurance under this subsection must also secure ~~noncancelable~~ coverage as described in ss. 324.021(8), 324.023, and 627.7275(2) and present to the appropriate person proof that the coverage is in force on a form adopted by the



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department, and such proof must ~~shall~~ be maintained for 2 years. If the person does not have a second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee is \$150 for the first reinstatement after that 3-year period. If a person's license and registration are suspended under this section or s. 316.646, only one reinstatement fee must be paid to reinstate the license and the registration. All fees must ~~shall~~ be collected by the department at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway Safety Operating Trust Fund. One-third of the fees collected under this subsection must ~~shall~~ be distributed from the Highway Safety Operating Trust Fund to the local governmental entity or state agency that employed the law enforcement officer seizing the license plate pursuant to s. 324.201. The funds may be used by the local governmental entity or state agency for any authorized purpose.

Section 24. Section 324.131, Florida Statutes, is amended to read:

324.131 Period of suspension.—Such license, registration and nonresident's operating privilege must ~~shall~~ remain ~~so~~ suspended and may ~~shall~~ not be renewed, nor may ~~shall~~ any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent of the limits stated in s. 324.021(7) and until the said person gives proof of financial responsibility as provided in s. 324.031, such proof to be maintained for 3 years. In addition, if the person's license or registration has been



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suspended or revoked due to a violation of s. 316.193 or pursuant to s. 322.26(2), that person must ~~shall~~ maintain ~~noncancelable~~ liability coverage for each motor vehicle registered in his or her name, as described in s. 627.7275(2), and must present proof that coverage is in force on a form adopted by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 3 years.

Section 25. Paragraph (g) of subsection (3) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(3) The office may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan is ~~shall be~~ subject to continuous review by the office which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the office is ~~shall be~~ subject to ~~the provisions of~~ chapter 120. The Florida Automobile Joint Underwriting Association is created under the plan. The plan and the association:

(g) Must make available ~~noncancelable~~ coverage as provided in s. 627.7275(2).

Section 26. Subsection (1) of section 627.351, Florida



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Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(1) MOTOR VEHICLE INSURANCE RISK APPORTIONMENT.—Agreements may be made among casualty and surety insurers with respect to the equitable apportionment among them of insurance ~~that which~~ may be afforded applicants who are in good faith entitled to, but are unable to, procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications are ~~shall be~~ subject to the approval of the office. The office shall, after consultation with the insurers licensed to write automobile liability insurance in this state, adopt a reasonable plan or plans for the equitable apportionment among such insurers of applicants for such insurance who are in good faith entitled to, but are unable to, procure such insurance through ordinary methods, and, when such plan has been adopted, all such insurers shall subscribe to and participate in the plan ~~thereto and shall participate therein~~. Such plan or plans shall include rules for classification of risks and rates therefor. The plan or plans shall make available ~~noncancelable~~ coverage as provided in s. 627.7275(2). Any insured placed with the plan must ~~shall~~ be notified of the fact that insurance coverage is being afforded through the plan and not through the private market, and such notification must ~~shall~~ be given in writing within 10 days of such placement. To assure that plan rates are made adequate to pay claims and expenses, insurers shall develop a means of obtaining loss and expense experience at least annually, and the plan shall file such experience, when available, with the office



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in sufficient detail to make a determination of rate adequacy. Prior to the filing of such experience with the office, the plan shall poll each member insurer as to the need for an actuary who is a member of the Casualty Actuarial Society and who is not affiliated with the plan's statistical agent to certify the plan's rate adequacy. If a majority of those insurers responding indicate a need for such certification, the plan must ~~shall~~ include the certification as part of its experience filing. Such experience shall be filed with the office not more than 9 months following the end of the annual statistical period under review, together with a rate filing based on such ~~said~~ experience. The office shall initiate proceedings to disapprove the rate and so notify the plan or shall finalize its review within 60 days after ~~of~~ receipt of the filing. Notification to the plan by the office of its preliminary findings, which include a point of entry to the plan pursuant to chapter 120, tolls ~~shall toll~~ the 60-day period during any such proceedings and subsequent judicial review. The rate is ~~shall be~~ deemed approved if the office does not issue notice to the plan of its preliminary findings within 60 days after ~~of~~ the filing. In addition to provisions for claims and expenses, the ratemaking formula must ~~shall~~ include a factor for projected claims trending and 5 percent for contingencies. The formula may not ~~In no instance shall the formula~~ include a renewal discount for plan insureds. However, the plan shall reunderwrite each insured on an annual basis, based upon all applicable rating factors approved by the office. Trend factors may ~~shall~~ not be found to be inappropriate if they are not in excess of trend factors normally used in the development of residual market rates by the appropriate licensed



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rating organization. Each application for coverage in the plan ~~must shall~~ include, in boldfaced 12-point type immediately preceding the applicant's signature, the following statement:

“THIS INSURANCE IS BEING AFFORDED THROUGH THE FLORIDA JOINT UNDERWRITING ASSOCIATION AND NOT THROUGH THE PRIVATE MARKET. PLEASE BE ADVISED THAT COVERAGE WITH A PRIVATE INSURER MAY BE AVAILABLE FROM ANOTHER AGENT AT A LOWER COST. AGENT AND COMPANY LISTINGS ARE AVAILABLE IN THE LOCAL YELLOW PAGES.”

The plan shall annually report to the office the number and percentage of plan insureds who are not surcharged due to their driving record.

Section 27. Paragraph (b) of subsection (2) of section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle liability.—

(2)

(b) The policies described in paragraph (a) ~~must shall~~ be issued for at least 6 months ~~and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy.~~ After the insurer has issued ~~completed underwriting~~ the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect ~~and is not cancelable for the remainder of the policy period. A premium shall be collected and the coverage is in effect for the 60-day period during which the insurer is completing the~~



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~~underwriting of the policy whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy becomes~~ ~~become~~ effective, the coverages for bodily injury, property damage, and personal injury protection may not be reduced during the policy period below the minimum limits required under s. 324.021 or s. 324.023 ~~during the policy period.~~

Section 28. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2023.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.004, F.S.; requiring the department or its authorized agent to issue certain licenses and fuel tax decals; amending s. 316.066, F.S.; requiring traffic law enforcement agencies to provide uniform crash reports to the department by electronic means; requiring that such crash reports be consistent with certain rules and procedures and to be numbered and inventoried; providing a declaration of important state interest; amending s. 316.2935, F.S.; providing an exception to requirements for certification of air pollution control equipment by a motor vehicle seller, lessor,



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or transferor; amending s. 316.302, F.S.; revising the list of federal rules and regulations to which owners and drivers of certain commercial motor vehicles are subject; amending s. 319.14, F.S.; requiring that a certificate of title for a flood vehicle specify the type of water that caused damage to the vehicle, as applicable; revising the definition of the term "flood vehicle"; making technical changes; amending s. 319.23, F.S.; making technical changes; amending s. 319.28, F.S.; providing that a certain affidavit constitutes proof of ownership and right of possession to a motor vehicle or mobile home the previous owner of which died testate; amending s. 319.29, F.S.; prohibiting the department or a tax collector from charging a fee for reissuance of certain certificates of title; amending s. 319.30, F.S.; revising the definition of the terms "independent entity" and "major component parts"; defining the term "vessel"; revising provisions relating to obtaining a salvage certificate of title or certificate of destruction; exempting the department from liability to certain persons as a result of the issuance of such certificate; extending current requirements for an independent entity's release of a damaged or dismantled vehicle to vessels; authorizing the independent entity to apply for certain certificates for an unclaimed vessel; providing requirements for such application; specifying provisions to which the independent entity is subject; prohibiting the



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1403 independent entity from charging vessel storage fees;
1404 amending s. 320.06, F.S.; authorizing permanent
1405 registration of certain rental trucks; authorizing the
1406 department to deem a license plate with reduced
1407 dimensions to be necessary to accommodate trailers;
1408 making technical changes; amending s. 320.084, F.S.;
1409 providing that certain disabled veterans may, upon
1410 request, be issued a military license plate or
1411 specialty license plate in lieu of a "DV" license
1412 plate; specifying applicable fees; specifying
1413 nonapplicability of certain provisions; amending s.
1414 322.01, F.S.; revising definitions; defining the term
1415 "downgrade"; amending s. 322.02, F.S.; charging the
1416 department with enforcement and administration of
1417 certain federal provisions; amending s. 322.05, F.S.;
1418 prohibiting the department from issuing a commercial
1419 motor vehicle operator license to certain persons;
1420 amending s. 322.07, F.S.; revising requirements for
1421 issuance of a temporary commercial instruction permit;
1422 amending s. 322.141, F.S.; requiring that certain
1423 information on the driver license or identification
1424 card of a sexual offender or sexual predator be
1425 printed in red; amending s. 322.142, F.S.; authorizing
1426 the department to issue reproductions of certain files
1427 and records to certain criminal justice or driver
1428 licensing agencies for certain purposes; amending s.
1429 322.21, F.S.; authorizing reinstatement of a
1430 commercial driver license after a downgrade of the
1431 person's privilege to operate a commercial motor



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1432 vehicle under certain circumstances; making technical
1433 changes; creating s. 322.591, F.S.; requiring the
1434 department to obtain a driver's record from the
1435 Commercial Driver's License Drug and Alcohol
1436 Clearinghouse under certain circumstances; prohibiting
1437 the department from issuing, renewing, transferring,
1438 or revising the types of authorized vehicles or the
1439 endorsements of certain commercial driver licenses or
1440 commercial instruction permits if the department
1441 receives a certain notification; requiring the
1442 department to downgrade a commercial driver license or
1443 commercial instruction permit within a specified
1444 timeframe if the department receives a certain
1445 notification; requiring the department to notify
1446 certain drivers of their prohibition from operating a
1447 commercial motor vehicle and, upon request, afford
1448 them an opportunity for an informal hearing; providing
1449 requirements for such notice and hearing; requiring
1450 the department to enter a final order to downgrade a
1451 commercial driver license or commercial instruction
1452 permit under certain circumstances; specifying that a
1453 request for a hearing tolls certain deadlines;
1454 specifying that certain notifications received by the
1455 department must be in the record for consideration and
1456 are self-authenticating; specifying that the basis for
1457 the notification and the information in the Commercial
1458 Driver's License Drug and Alcohol Clearinghouse are
1459 not subject to challenge; requiring the department to
1460 dismiss the downgrade of a commercial driver license



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1461 or instruction permit under certain circumstances;
1462 requiring the department to record in the driver's
1463 record that he or she is disqualified from operating a
1464 commercial motor vehicle under certain circumstances;
1465 specifying that certain actions are not stayed during
1466 the pendency of certain proceedings; requiring the
1467 department to reinstate a commercial driver license or
1468 commercial instruction permit under certain
1469 circumstances; exempting the department from liability
1470 for certain commercial driver license or commercial
1471 instruction permit downgrades; designating the
1472 exclusive procedure for the downgrade of certain
1473 commercial driver licenses or commercial instruction
1474 permits; providing construction and applicability;
1475 authorizing the department to issue at no cost a
1476 specified driver license to certain persons prohibited
1477 from operating a commercial motor vehicle; amending
1478 ss. 322.34 and 322.61, F.S.; conforming cross-
1479 references; making technical changes; amending ss.
1480 324.0221, 324.131, 627.311, and 627.351, F.S.;
1481 conforming provisions to changes made by the act;
1482 making technical changes; amending s. 627.7275, F.S.;
1483 deleting provisions relating to noncancelable motor
1484 vehicle insurance; making technical changes; providing
1485 effective dates.

By Senator DiCeglie

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1 A bill to be entitled
 2 An act relating to motor vehicles; amending s.
 3 207.004, F.S.; requiring that certain licenses and
 4 fuel tax decals be issued by the Department of Highway
 5 Safety and Motor Vehicles or its authorized agent;
 6 making technical changes; providing legislative
 7 findings and intent; amending s. 316.066, F.S.;
 8 requiring all traffic law enforcement agencies to
 9 provide uniform crash reports by electronic means to
 10 the department; requiring that crash reports be
 11 consistent with certain rules and procedures and be
 12 appropriately numbered and inventoried; amending s.
 13 316.2935, F.S.; providing an exception regarding
 14 certifications of the air pollution control devices on
 15 motor vehicles; amending s. 316.302, F.S.; revising
 16 the list of applicable federal rules and regulations
 17 governing owners and drivers of commercial motor
 18 vehicles; conforming cross-references; making
 19 technical changes; amending s. 319.14, F.S.; requiring
 20 that flood vehicles have the water type specified on
 21 the certificate of title under certain conditions;
 22 revising the definition of the term "flood vehicle";
 23 reordering definitions; amending s. 319.23, F.S.;
 24 making a technical change; amending s. 319.30, F.S.;
 25 revising the definition of the term "major component
 26 parts"; clarifying and revising provisions relating to
 27 obtaining a salvage certificate or certificate of
 28 destruction; declaring that the department is not
 29 liable to certain persons as a result of an issuance

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 of a salvage title or certificate of destruction;
 31 amending s. 320.06, F.S.; authorizing certain rental
 32 trucks to elect a permanent registration period;
 33 amending s. 322.01, F.S.; revising definitions;
 34 defining the term "downgrade"; amending s. 322.02,
 35 F.S.; revising legislative intent regarding the
 36 department's charge; amending s. 322.05, F.S.;
 37 prohibiting the department from issuing a commercial
 38 vehicle operator license to certain persons; amending
 39 s. 322.07, F.S.; revising requirements for issuance of
 40 temporary commercial instruction permits; amending s.
 41 322.142, F.S.; authorizing the department to issue its
 42 record of digital images and signatures to certain
 43 criminal justice agencies and driver licensing
 44 agencies of any other state under certain
 45 circumstances; amending s. 322.21, F.S.; authorizing
 46 reinstatement of a commercial driver license after a
 47 downgrade of the person's privilege to operate a
 48 commercial motor vehicle, under certain circumstances;
 49 conforming provisions to changes made by the act;
 50 creating s. 322.591, F.S.; requiring the department to
 51 obtain a driver's record from the Commercial Driver's
 52 License Drug and Alcohol Clearinghouse under certain
 53 circumstances; prohibiting the department from
 54 issuing, renewing, transferring, or revising the type
 55 of authorized vehicles or the endorsements of certain
 56 commercial driver licenses or commercial instruction
 57 permits if the department receives a certain
 58 notification; requiring the department to downgrade a

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59 commercial driver license or commercial instruction
 60 permit if the department receives a certain
 61 notification; providing a timeframe for such downgrade
 62 to be completed and recorded; requiring the department
 63 to notify certain drivers of their prohibition from
 64 operating a commercial motor vehicle and, upon
 65 request, afford them an opportunity for an informal
 66 hearing; specifying requirements for the notice and
 67 the hearing; specifying that a request for a hearing
 68 tolls certain deadlines; specifying that certain
 69 notifications received by the department are in the
 70 record and self-authenticating; specifying that the
 71 basis for the notification and the information in the
 72 Commercial Driver's License Drug and Alcohol
 73 Clearinghouse is not subject to challenge in certain
 74 hearings or proceedings; requiring the department to
 75 dismiss the downgrade of a commercial driver license
 76 or instruction permit under certain circumstances;
 77 requiring the department to record in the driver's
 78 record that he or she is disqualified from operating a
 79 commercial motor vehicle under certain circumstances;
 80 specifying certain actions that are not stayed during
 81 the pendency of certain proceedings; requiring the
 82 department to reinstate a commercial driver license or
 83 commercial instruction permit under certain
 84 circumstances; providing that the department is not
 85 liable for certain commercial driver license or
 86 commercial instruction permit downgrades; designating
 87 the exclusive procedures for downgrade of commercial

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88 driver licenses or commercial instruction permits;
 89 providing construction and applicability; authorizing
 90 the department to issue at no cost a specified driver
 91 license to certain persons prohibited from operating a
 92 commercial motor vehicle; amending ss. 322.34 and
 93 322.61, F.S.; conforming cross-references; providing
 94 effective dates.
 95

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

97
 98 Section 1. Paragraph (a) of subsection (1) of section
 99 207.004, Florida Statutes, is amended to read:

100 207.004 Registration of motor carriers; identifying
 101 devices; fees; renewals; temporary fuel-use permits and
 102 driveaway permits.—

103 (1) (a) A ~~No~~ motor carrier may not shall operate or cause to
 104 be operated in this state any commercial motor vehicle, other
 105 than a Florida-based commercial motor vehicle that travels
 106 Florida intrastate mileage only, that uses diesel fuel or motor
 107 fuel until such carrier has registered with the department or
 108 has registered under a cooperative reciprocal agreement as
 109 described in s. 207.0281, after such time as this state enters
 110 into such agreement, and has been issued an identifying device
 111 or such carrier has been issued a permit as authorized under
 112 subsections (4) and (5) for each vehicle operated. The fee for
 113 each such identifying device issued is ~~There shall be a fee of~~
 114 \$4 per year or any fraction thereof ~~for each such identifying~~
 115 ~~device issued~~. The identifying device must ~~shall~~ be provided by
 116 the department and must be conspicuously displayed on the

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commercial motor vehicle as prescribed by the department while it is being operated on the public highways of this state. The transfer of an identifying device from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The department or its authorized agent shall issue licenses and fuel tax decals.

Section 2. The Legislature finds that a proper and legitimate purpose is served when crash reports required under s. 316.066, Florida Statutes, are filed electronically with the Department of Highway Safety and Motor Vehicles by all entities required to submit crash reports. Electronic filing will expedite the availability of crash reports to the persons authorized to receive them, simplify the process of making crash reports available, and expedite the availability of information derived from crash reports to improve highway safety. The requirement of this act that all law enforcement agencies that prepare crash reports submit the completed crash reports electronically to the Department of Highway Safety and Motor Vehicles applies to all similarly situated persons, including school district law enforcement agencies, state university law enforcement agencies, and state law enforcement agencies. Therefore, the Legislature determines and declares that the amendments made by this act to s. 316.066, Florida Statutes, fulfill an important state interest.

Section 3. Effective July 1, 2025, paragraph (a) of subsection (1) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(1) (a) All traffic law enforcement agencies must provide

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uniform crash reports by electronic means to the department. Such crash reports must be consistent with the state traffic crash manual rules and the procedures established by the department and must be appropriately numbered and inventoried. A Florida Traffic Crash Report, Long Form must be completed and electronically submitted to the department within 10 days after an investigation is completed by the law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

1. Resulted in death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
2. Involved a violation of s. 316.061(1) or s. 316.193;
3. Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
4. Involved a commercial motor vehicle.

Section 4. Paragraph (b) of subsection (1) of section 316.2935, Florida Statutes, is amended to read:

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(1)

(b) At the time of sale, lease, or transfer of title of a motor vehicle, the seller, lessor, or transferor shall certify in writing to the purchaser, lessee, or transferee that the air pollution control equipment of the motor vehicle has not been tampered with by the seller, lessor, or transferor or their agents, employees, or other representatives. A licensed motor vehicle dealer shall also visually observe those air pollution control devices listed by department rule pursuant to subsection

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(7), and certify that they are in place, and appear properly connected and undamaged. Such certification shall not be deemed or construed as a warranty that the pollution control devices of the subject vehicle are in functional condition, nor does the execution or delivery of this certification create by itself grounds for a cause of action between the parties to this transaction. This paragraph does not apply when the purchaser of the motor vehicle is a lessee purchasing the leased motor vehicle and the licensed motor vehicle dealer is not in possession of the motor vehicle at the time of sale.

Section 5. Paragraphs (a), (b), and (e) of subsection (1), paragraph (d) of subsection (2), and subsection (9) of section 316.302, Florida Statutes, are amended to read:

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

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-397.

(b) Except as otherwise provided in this section, all owners and drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-397, as such rules and regulations existed on December 31, 2022 2020.

~~(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49~~

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~~C.F.R. part 172 need not comply with the requirements of electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.~~

(2)

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. ss. 395.8 and 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(iii) and (iv) ~~49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C), and (v)~~ are met.

(9) For the purpose of enforcing this section, any law enforcement officer of the Department of Highway Safety and Motor Vehicles or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer or agent may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer or agent may give written notice

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requiring correction of the condition within 15 days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (11), enforce the provisions of this section.

(b) Any person who fails to comply with ~~a an officer's~~ request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 6. Paragraphs (b) and (c) of subsection (1) of section 319.14, Florida Statutes, are amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles; conversion of low-speed vehicles.—

(1)

(b) A person may not knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle unless proper application for a certificate of title for a vehicle that is rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle has been

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made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1), which have been repaired or replaced. If a vehicle is identified as a flood vehicle, the words stamped on the certificate of title must identify the water type as "salt water," "fresh water," or "other or unknown water type," as applicable. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.

(c) As used in this section, the term:

~~9.1-~~ "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

~~13.2-a-~~ "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

~~7.b-~~ "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

~~6.e-~~ "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles.

~~10.3-~~ "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

~~1.4-~~ "Assembled from parts" means a motor vehicle or mobile home assembled from parts or combined from parts of motor vehicles or mobile homes, new or used. The term "assembled from parts" does not include ~~mean a motor vehicle defined as a~~

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291 "rebuilt vehicle" ~~as defined in subparagraph 10. in subparagraph~~
 292 ~~3.7,~~ which has been declared a total loss pursuant to s. 319.30.
 293 5. "Kit car" means a motor vehicle assembled with a kit
 294 supplied by a manufacturer to rebuild a wrecked or outdated
 295 motor vehicle with a new body kit.
 296 ~~4.6-~~ "Glider kit" means a vehicle assembled with a kit
 297 supplied by a manufacturer to rebuild a wrecked or outdated
 298 truck or truck tractor.
 299 ~~11.7-~~ "Replica" means a complete new motor vehicle
 300 manufactured to look like an old vehicle.
 301 ~~3.8-~~ "Flood vehicle" means a motor vehicle or mobile home
 302 that has been declared to be a total loss pursuant to s.
 303 319.30(3)(a) resulting from damage caused by salt water, fresh
 304 water, or other or unknown type of water.
 305 ~~8.9-~~ "Nonconforming vehicle" means a motor vehicle that
 306 ~~which~~ has been purchased by a manufacturer pursuant to a
 307 settlement, determination, or decision under chapter 681.
 308 ~~12.10-~~ "Settlement" means an agreement entered into between
 309 a manufacturer and a consumer that occurs after a dispute is
 310 submitted to a program, or to an informal dispute settlement
 311 procedure established by a manufacturer, or is approved for
 312 arbitration before the Florida New Motor Vehicle Arbitration
 313 Board as defined in s. 681.102.
 314 ~~2.11-~~ "Custom vehicle" means a motor vehicle that:
 315 a. Is 25 years of age or older and of a model year after
 316 1948 or was manufactured to resemble a vehicle that is 25 years
 317 of age or older and of a model year after 1948; and
 318 b. Has been altered from the manufacturer's original design
 319 or has a body constructed from nonoriginal materials.

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320
 321 The model year and year of manufacture that the body of a custom
 322 vehicle resembles is the model year and year of manufacture
 323 listed on the certificate of title, regardless of when the
 324 vehicle was actually manufactured.
 325 ~~14.12-~~ "Street rod" means a motor vehicle that:
 326 a. Is of a model year of 1948 or older or was manufactured
 327 after 1948 to resemble a vehicle of a model year of 1948 or
 328 older; and
 329 b. Has been altered from the manufacturer's original design
 330 or has a body constructed from nonoriginal materials.
 331
 332 The model year and year of manufacture that the body of a street
 333 rod resembles is the model year and year of manufacture listed
 334 on the certificate of title, regardless of when the vehicle was
 335 actually manufactured.
 336 Section 7. Subsection (3) of section 319.23, Florida
 337 Statutes, is amended to read:
 338 319.23 Application for, and issuance of, certificate of
 339 title.—
 340 (3) If a certificate of title has not previously been
 341 issued for a motor vehicle or mobile home in this state, the
 342 application, unless otherwise provided for in this chapter,
 343 shall be accompanied by a proper bill of sale or sworn statement
 344 of ownership, or a duly certified copy thereof, or by a
 345 certificate of title, bill of sale, or other evidence of
 346 ownership required by the law of the state or country ~~county~~
 347 from which the motor vehicle or mobile home was brought into
 348 this state. The application shall also be accompanied by:

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(a)1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by this state and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in this state for the first time.

(c) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application shall be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

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Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

Section 8. Paragraph (j) of subsection (1) and paragraph (b) of subsection (3) of section 319.30, Florida Statutes, are amended to read:

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

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

(j) "Major component parts" means:

1. For motor vehicles other than electric or plug-in hybrid motor vehicles and motorcycles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.

2. For trucks, other than electric or plug-in hybrid motor vehicles, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

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

4. For mobile homes, the frame.

5. For electric or plug-in hybrid motor vehicles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, electric traction motor, frame, transmission or electronic transmission, charge port, DC

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407 power converter, onboard charger, power electronics controller,
 408 thermal system, traction battery pack, catalytic converter, or
 409 airbag.

410 (3)

411 (b) The owner, including persons who are self-insured, of a
 412 motor vehicle or mobile home that is considered to be salvage
 413 shall, within 72 hours after the motor vehicle or mobile home
 414 becomes salvage, forward the title to the motor vehicle or
 415 mobile home to the department for processing. However, an
 416 insurance company that pays money as compensation for the total
 417 loss of a motor vehicle or mobile home shall obtain the
 418 certificate of title for the motor vehicle or mobile home, make
 419 the required notification to the National Motor Vehicle Title
 420 Information System, and, within 72 hours after receiving such
 421 certificate of title, forward such title by the United States
 422 Postal Service, by another commercial delivery service, or by
 423 electronic means, when such means are made available by the
 424 department, to the department for processing. The owner or
 425 insurance company, as applicable, may not dispose of a vehicle
 426 or mobile home that is a total loss before it obtains a salvage
 427 certificate of title or certificate of destruction from the
 428 department. ~~Effective January 1, 2020:~~

429 1. Thirty days after payment of a claim for compensation
 430 pursuant to this paragraph, the insurance company may receive a
 431 salvage certificate of title or certificate of destruction from
 432 the department if the insurance company is unable to obtain a
 433 properly assigned paper or electronic certificate of title from
 434 the owner or lienholder of the motor vehicle or mobile home, ~~if~~
 435 ~~the motor vehicle or mobile home does not carry an electronic~~

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436 ~~lien on the title~~ and the insurance company:

437 a. Has obtained the release of all liens on the motor
 438 vehicle or mobile home or has fully paid the amounts due to the
 439 owner and the lienholder;

440 b. Has attested on a form provided by the department that
 441 payment of the total loss claim has been distributed or, if a
 442 release of all liens has not been obtained, that amounts due to
 443 the owner and the lienholder have been paid in full; and

444 c. Has attested on a form provided by the department and
 445 signed by the insurance company or its authorized agent stating
 446 the attempts that have been made to obtain the title from the
 447 owner or the lienholder and further stating that all attempts
 448 are to no avail. The form must include a request that the
 449 salvage certificate of title or certificate of destruction be
 450 issued in the insurance company's name due to payment of a total
 451 loss claim to the owner or lienholder. The attempts to contact
 452 the owner or the lienholder may be by written request delivered
 453 in person or by first-class mail with a certificate of mailing
 454 to the owner's or lienholder's last known address.

455 2. If the owner or the lienholder is notified of the
 456 request for title in person, the insurance company must provide
 457 an affidavit attesting to the in-person request for a
 458 certificate of title.

459 3. The request to the owner or the lienholder for the
 460 certificate of title must include a complete description of the
 461 motor vehicle or mobile home and the statement that a total loss
 462 claim has been paid on the motor vehicle or mobile home.

463
 464 The department is not liable to, and may not be held liable by,

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465 an owner, a lienholder, or any other person as a result of the
 466 issuance of a salvage title or a certificate of destruction
 467 pursuant to this paragraph.

468 Section 9. Paragraph (b) of subsection (1) of section
 469 320.06, Florida Statutes, is amended to read:

470 320.06 Registration certificates, license plates, and
 471 validation stickers generally.—

472 (1)

473 (b)1. Registration license plates bearing a graphic symbol
 474 and the alphanumeric system of identification shall be issued
 475 for a 10-year period. At the end of the 10-year period, upon
 476 renewal, the plate shall be replaced. The department shall
 477 extend the scheduled license plate replacement date from a 6-
 478 year period to a 10-year period. The fee for such replacement is
 479 \$28, \$2.80 of which shall be paid each year before the plate is
 480 replaced, to be credited toward the next \$28 replacement fee.
 481 The fees shall be deposited into the Highway Safety Operating
 482 Trust Fund. A credit or refund may not be given for any prior
 483 years' payments of the prorated replacement fee if the plate is
 484 replaced or surrendered before the end of the 10-year period,
 485 except that a credit may be given if a registrant is required by
 486 the department to replace a license plate under s.
 487 320.08056(8)(a). With each license plate, a validation sticker
 488 shall be issued showing the owner's birth month, license plate
 489 number, and the year of expiration or the appropriate renewal
 490 period if the owner is not a natural person. The validation
 491 sticker shall be placed on the upper right corner of the license
 492 plate. The license plate and validation sticker shall be issued
 493 based on the applicant's appropriate renewal period. The

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494 registration period is 12 months, the extended registration
 495 period is 24 months, and all expirations occur based on the
 496 applicant's appropriate registration period. Rental vehicles
 497 taxed pursuant to s. 320.08(6)(a) and rental trucks taxed
 498 pursuant to ss. 320.08(3)(a), (b), and (c) and (4)(a)-(d) may
 499 elect a permanent registration period, provided payment of the
 500 appropriate license taxes and fees occurs annually.

501 2. A vehicle that has an apportioned registration shall be
 502 issued an annual license plate and a cab card that denote the
 503 declared gross vehicle weight for each apportioned jurisdiction
 504 in which the vehicle is authorized to operate. This subparagraph
 505 expires June 30, 2024.

506 3. Beginning July 1, 2024, a vehicle registered in
 507 accordance with the International Registration Plan must be
 508 issued a license plate for a 3-year period. At the end of the 3-
 509 year period, upon renewal, the license plate must be replaced.
 510 Each license plate must include a validation sticker showing the
 511 month of expiration. A cab card denoting the declared gross
 512 vehicle weight for each apportioned jurisdiction must be issued
 513 annually. The fee for an original or a renewal cab card is \$28,
 514 which must be deposited into the Highway Safety Operating Trust
 515 Fund. If the license plate is damaged or worn, it may be
 516 replaced at no charge by applying to the department and
 517 surrendering the current license plate.

518 4. In order to retain the efficient administration of the
 519 taxes and fees imposed by this chapter, the 80-cent fee increase
 520 in the replacement fee imposed by chapter 2009-71, Laws of
 521 Florida, is negated as provided in s. 320.0804.

522 Section 10. Present subsections (16) through (48) of

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523 section 322.01, Florida Statutes, are redesignated as
 524 subsections (17) through (49), respectively, a new subsection
 525 (16) is added to that section, and subsection (5) and present
 526 subsections (37) and (41) of that section are amended, to read:

527 322.01 Definitions.—As used in this chapter:

528 (5) "Cancellation" means the act of declaring a driver
 529 license void and terminated, but does not include a downgrade.

530 (16) "Downgrade" has the same meaning as the term "CDL
 531 downgrade," as defined in 49 C.F.R. s. 383.5(4).

532 (38)(37) "Revocation" means the termination of a licensee's
 533 privilege to drive, but does not include a downgrade.

534 (42)(41) "Suspension" means the temporary withdrawal of a
 535 licensee's privilege to drive a motor vehicle, but does not
 536 include a downgrade.

537 Section 11. Subsection (2) of section 322.02, Florida
 538 Statutes, is amended to read:

539 322.02 Legislative intent; administration.—

540 (2) The Department of Highway Safety and Motor Vehicles is
 541 charged with the administration and function of enforcement of
 542 the provisions of this chapter and the enforcement and
 543 administration of 49 C.F.R. parts 382-386 and 390-397.

544 Section 12. Present subsections (4) through (12) of section
 545 322.05, Florida Statutes, are redesignated as subsections (5)
 546 through (13), respectively, and a new subsection (4) is added to
 547 that section, to read:

548 322.05 Persons not to be licensed.—The department may not
 549 issue a license:

550 (4) To any person, as a commercial vehicle operator, who is
 551 ineligible to operate a commercial vehicle pursuant to 49 C.F.R.

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552 part 383.

553 Section 13. Subsection (3) of section 322.07, Florida
 554 Statutes, is amended to read:

555 322.07 Instruction permits and temporary licenses.—

556 (3) Any person who, except for his or her lack of
 557 instruction in operating a commercial motor vehicle, would
 558 otherwise be qualified to obtain a commercial driver license
 559 under this chapter, may apply for a temporary commercial
 560 instruction permit. The department shall issue such a permit
 561 entitling the applicant, while having the permit in his or her
 562 immediate possession, to drive a commercial motor vehicle on the
 563 highways, if:

564 (a) The applicant possesses a valid Florida driver license;
 565 ~~and~~

566 (b) The applicant, while operating a commercial motor
 567 vehicle, is accompanied by a licensed driver who is 21 years of
 568 age or older, who is licensed to operate the class of vehicle
 569 being operated, and who is occupying the closest seat to the
 570 right of the driver; ~~and~~—

571 (c) The department has not been notified pursuant to 49
 572 C.F.R. s. 382.501(a) that the applicant is prohibited from
 573 operating a commercial motor vehicle.

574 Section 14. Subsection (4) of section 322.142, Florida
 575 Statutes, is amended to read:

576 322.142 Color photographic or digital imaged licenses.—

577 (4) The department may maintain a film negative or print
 578 file. The department shall maintain a record of the digital
 579 image and signature of the licensees, together with other data
 580 required by the department for identification and retrieval.

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581 Reproductions from the file or digital record are exempt from
 582 the provisions of s. 119.07(1) and may be made and issued only
 583 in any of the following manners:
 584 (a) For departmental administrative purposes.~~+~~
 585 (b) For the issuance of duplicate licenses.~~+~~
 586 (c) In response to law enforcement agency requests.~~+~~
 587 (d) To the Department of Business and Professional
 588 Regulation and the Department of Health pursuant to an
 589 interagency agreement for the purpose of accessing digital
 590 images for reproduction of licenses issued by the Department of
 591 Business and Professional Regulation or the Department of
 592 Health.~~+~~
 593 (e) To the Department of State pursuant to an interagency
 594 agreement to facilitate determinations of eligibility of voter
 595 registration applicants and registered voters in accordance with
 596 ss. 98.045 and 98.075.~~+~~
 597 (f) To the Department of Revenue pursuant to an interagency
 598 agreement for use in establishing paternity and establishing,
 599 modifying, or enforcing support obligations in Title IV-D
 600 cases.~~+~~
 601 (g) To the Department of Children and Families pursuant to
 602 an interagency agreement to conduct protective investigations
 603 under part III of chapter 39 and chapter 415.~~+~~
 604 (h) To the Department of Children and Families pursuant to
 605 an interagency agreement specifying the number of employees in
 606 each of that department's regions to be granted access to the
 607 records for use as verification of identity to expedite the
 608 determination of eligibility for public assistance and for use
 609 in public assistance fraud investigations.~~+~~

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610 (i) To the Agency for Health Care Administration pursuant
 611 to an interagency agreement for the purpose of authorized
 612 agencies verifying photographs in the Care Provider Background
 613 Screening Clearinghouse authorized under s. 435.12.~~+~~
 614 (j) To the Department of Financial Services pursuant to an
 615 interagency agreement to facilitate the location of owners of
 616 unclaimed property, the validation of unclaimed property claims,
 617 the identification of fraudulent or false claims, and the
 618 investigation of allegations of violations of the insurance code
 619 by licensees and unlicensed persons.~~+~~
 620 (k) To the Department of Economic Opportunity pursuant to
 621 an interagency agreement to facilitate the validation of
 622 reemployment assistance claims and the identification of
 623 fraudulent or false reemployment assistance claims.~~+~~
 624 (l) To district medical examiners pursuant to an
 625 interagency agreement for the purpose of identifying a deceased
 626 individual, determining cause of death, and notifying next of
 627 kin of any investigations, including autopsies and other
 628 laboratory examinations, authorized in s. 406.11.~~+~~
 629 (m) To the following persons for the purpose of identifying
 630 a person as part of the official work of a court:
 631 1. A justice or judge of this state;
 632 2. An employee of the state courts system who works in a
 633 position that is designated in writing for access by the Chief
 634 Justice of the Supreme Court or a chief judge of a district or
 635 circuit court, or by his or her designee; or
 636 3. A government employee who performs functions on behalf
 637 of the state courts system in a position that is designated in
 638 writing for access by the Chief Justice or a chief judge, or by

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his or her designee. ~~7-02~~

(n) To the Agency for Health Care Administration pursuant to an interagency agreement to prevent health care fraud. If the Agency for Health Care Administration enters into an agreement with a private entity to carry out duties relating to health care fraud prevention, such contracts shall include, but need not be limited to:

1. Provisions requiring internal controls and audit processes to identify access, use, and unauthorized access of information.

2. A requirement to report unauthorized access or use to the Agency for Health Care Administration within 1 business day after the discovery of the unauthorized access or use.

3. Provisions for liquidated damages for unauthorized access or use of no less than \$5,000 per occurrence.

(o) To any criminal justice agency, as defined in s. 943.045(11), pursuant to an interagency agreement for use in carrying out the criminal justice agency's functions.

(p) To the driver licensing agency of any other state for purposes of validating the identity of an applicant for a driver license or identification card.

Section 15. Subsection (8) and paragraph (a) of subsection (9) of section 322.21, Florida Statutes, are amended to read:

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

(8) A person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. A

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person who applies for reinstatement of a commercial driver license following the disqualification or downgrade of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$15, less the general revenue service charge set forth in s. 215.20(1), shall be retained by the tax collector, \$15 shall be deposited into the Highway Safety Operating Trust Fund, and \$15 shall be deposited into the General Revenue Fund.

(b) Of the \$75 fee received from a licensee for reinstatement following a revocation, ~~or~~ disqualification, or downgrade:

1. If the reinstatement is processed by the department, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20, less the general revenue service charge set forth in s. 215.20(1), shall be retained by the tax collector, \$20 shall be deposited into the Highway Safety Operating Trust Fund, and \$35 shall be deposited into the General Revenue Fund.

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If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

(9) An applicant:

(a) Requesting a review authorized in s. 322.222, s. 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must pay a filing fee of \$25 to be deposited into the Highway Safety Operating Trust Fund.

Section 16. Section 322.591, Florida Statutes, is created to read:

322.591 Commercial driver license and commercial instruction permit; Commercial Driver's License Drug and Alcohol Clearinghouse; prohibition on issuance of commercial driver licenses; downgrades.-

(1) Beginning November 18, 2024, when a person applies for or seeks to renew, transfer, or make any other change to a

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commercial driver license or commercial instruction permit, the department must obtain the driver's record from the Commercial Driver's License Drug and Alcohol Clearinghouse established pursuant to 49 C.F.R. part 382. The department may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a commercial driver license or commercial instruction permit for any person for whom the department receives notification pursuant to 49 C.F.R. s. 382.501(a) that the person is prohibited from operating a commercial vehicle.

(2) Beginning November 18, 2024, the department shall downgrade the commercial driver license or commercial instruction permit of any driver if the department receives notification that, pursuant to 49 C.F.R. s. 382.501(a), the driver is prohibited from operating a commercial motor vehicle. Any such downgrade must be completed and recorded by the department in the Commercial Driver's License Information System within 60 days after the department's receipt of such notification.

(3) (a) Beginning November 18, 2024, upon receipt of notification pursuant to 49 C.F.R. s. 382.501(a) that a driver is prohibited from operating a motor vehicle, the department shall immediately notify the driver who is the subject of such notification that he or she is prohibited from operating a commercial motor vehicle and, upon his or her request, must afford him or her an opportunity for an informal hearing pursuant to this section. The department's notice must be provided to the driver in the same manner as, and providing such notice has the same effect as, notices provided pursuant to s.

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322.251(1) and (2).

(b) Such informal hearing must be requested not later than 20 days after the driver receives the notice of the downgrade. If a request for a hearing, together with the filing fee required pursuant to s. 322.21, is not received within 20 days after receipt of such notice, the department must enter a final order directing the downgrade of the driver's commercial driver license or commercial instruction permit, unless the department receives notification pursuant to 49 C.F.R. s. 382.503(a) that the driver is no longer prohibited from operating a commercial vehicle.

(c) A hearing requested pursuant to paragraph (b) must be scheduled and held not later than 30 days after receipt by the department of a request for the hearing, together with the filing fee required pursuant to s. 322.21. The submission of a request for hearing pursuant to this subsection tolls the deadline to file a petition for writ of certiorari pursuant to s. 322.31 until after the department enters a final order after a hearing pursuant to this subsection.

(d) The informal hearing authorized pursuant to this subsection is exempt from the provisions of chapter 120. Such hearing must be conducted before a hearing officer designated by the department. The hearing officer may conduct such hearing from any location in this state by means of communications technology.

(e) The notification received by the department pursuant to 49 C.F.R. s. 382.501(a) must be in the record for consideration by the hearing officer and in any proceeding pursuant to s. 322.31 and is considered self-authenticating. The basis for the

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notification received by the department pursuant to 49 C.F.R. s. 382.501(a) and the information in the Commercial Driver's License Drug and Alcohol Clearinghouse which resulted in such notification is not subject to challenge in the hearing or in any proceeding brought under s. 322.31.

(f) If, before the entry of a final order arising from a notification received by the department pursuant to 49 C.F.R. s. 382.501(a), the department receives notification pursuant to 49 C.F.R. s. 382.503(a) that the driver is no longer prohibited from operating a commercial vehicle, the department must dismiss the action to downgrade the driver's commercial driver license or commercial instruction permit.

(g) Upon the entry of a final order that results in the downgrade of a driver's commercial driver license or commercial instruction permit, the department shall record immediately in the driver's record that the driver is disqualified from operating or driving a commercial motor vehicle. The downgrade of a commercial driver license or commercial instruction permit pursuant to a final order entered pursuant to this section, and, upon the entry of a final order, the recording in the driver's record that the driver subject to such a final order is disqualified from operating or driving a commercial motor vehicle, are not stayed during the pendency of any proceeding pursuant to s. 322.31.

(h) If, after the entry of a final order that results in the downgrade of a driver's commercial driver license or commercial instruction permit and the department recording in the driver's record that the driver is disqualified from operating or driving a commercial motor vehicle, the department

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receives notification pursuant to 49 C.F.R. s. 382.503(a) that the driver is no longer prohibited from operating a commercial vehicle, the department must reinstate the driver's commercial driver license or commercial instruction permit upon application by such driver.

(i) The department is not liable for any commercial driver license or commercial instruction permit downgrade resulting from the discharge of its duties.

(j) This section is the exclusive procedure for the downgrade of a commercial driver license or commercial instruction permit following notification the department receives pursuant to 49 C.F.R. s. 382.501(a) that a driver is prohibited from operating a commercial motor vehicle.

(k) The downgrade of a commercial driver license or commercial instruction permit of a person pursuant to this section does not preclude the suspension of the driving privilege for that person pursuant to s. 322.2615 or the disqualification of that person from operating a commercial vehicle pursuant to s. 322.64. The driving privilege of a person whose commercial driver license or commercial instruction permit has been downgraded pursuant to this section also may be suspended for a violation of s. 316.193.

(4) Beginning November 18, 2024, a driver for whom the department receives notification that, pursuant to 49 C.F.R. s. 382.501(a), such person is prohibited from operating a commercial motor vehicle may, if otherwise qualified, be issued a Class E driver license pursuant to s. 322.251(4), valid for the length of his or her unexpired license period, at no cost.

Section 17. Subsection (2) of section 322.34, Florida

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01 ~~s. 322.01(42)~~, except persons defined in s. 322.264, who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status, commits:

(a) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, upon a second or subsequent conviction, except as provided in paragraph (c).

2. A person convicted of a third or subsequent conviction, except as provided in paragraph (c), must serve a minimum of 10 days in jail.

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

1. Driving under the influence;

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871 2. Refusal to submit to a urine, breath-alcohol, or blood
872 alcohol test;

873 3. A traffic offense causing death or serious bodily
874 injury; or

875 4. Fleeing or eluding.

876

877 The element of knowledge is satisfied if the person has been
878 previously cited as provided in subsection (1); or the person
879 admits to knowledge of the cancellation, suspension, or
880 revocation, or suspension or revocation equivalent status; or
881 the person received notice as provided in subsection (4). There
882 shall be a rebuttable presumption that the knowledge requirement
883 is satisfied if a judgment or order as provided in subsection
884 (4) appears in the department's records for any case except for
885 one involving a suspension by the department for failure to pay
886 a traffic fine or for a financial responsibility violation.

887 Section 18. Subsection (4) of section 322.61, Florida
888 Statutes, is amended to read:

889 322.61 Disqualification from operating a commercial motor
890 vehicle.—

891 (4) Any person who is transporting hazardous materials as
892 defined in s. 322.01 ~~s. 322.01(24)~~ shall, upon conviction of an
893 offense specified in subsection (3), be disqualified from
894 operating a commercial motor vehicle for a period of 3 years.
895 The penalty provided in this subsection shall be in addition to
896 any other applicable penalty.

897 Section 19. Except as otherwise expressly provided in this
898 act, this act shall take effect July 1, 2023.

The Florida Senate
APPEARANCE RECORD

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1252

Bill Number or Topic

DE 586110

Amendment Barcode (if applicable)

3/27/23

Meeting Date

Transportation

Committee

Name

Tim Qualls

Phone

~~850-222-7206~~

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State

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Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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S-001 (08/10/2021)

The Florida Senate

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3/27/2023

Meeting Date

Transportation

Committee

1252

Bill Number or Topic

Amendment Barcode (if applicable)

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Tally

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

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I am a registered lobbyist,
representing:

FLHSMV



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1254

INTRODUCER: Transportation Committee and Senator Trumbull

SUBJECT: Specialty License Plates/Recycle Florida/Florida Association of Realtors

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1254 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create two new specialty license plates for Recycle Florida and Florida Association of Realtors. The annual use fee for both plates is \$25.

Proceeds from the sale of the Recycle Florida specialty license plate will be distributed to Recycle Florida Today Foundation, Inc., to be used to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in fields including, but not limited to, recycling, conservation, and sustainability.

Proceeds from the sale of the Florida Association of Realtors specialty license plate will be distributed to Homeownership For All, Inc. The organization may use up to ten percent of proceeds to promote and market the plate. The remainder of the fees must be used by the organization to fund programs that provide, promote, or otherwise support affordable housing in this state.

The bill also changes the name of the “Give Kids the World” specialty license plate to the “Universal Orlando Resort” specialty license plate.

The DHSMV estimates programming and implementation of the plates will cost \$10,515.

The bill takes effect October 1, 2023.

II. Present Situation:

Recycle Florida Today Foundation

Recycle Florida Today Foundation is a Florida not-for-profit corporation registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services.¹ The organization's statement of purpose is "to serve and support the professional development and related educational objectives of source reduction and waste prevention, reuse, recycling, composting and sustainability professionals through education, grants, research, and certifications."²

The organization was founded in 1990, and consists of a network of approximately 200 members from governments, businesses, institutions and organizations focused on sustainable source and waste prevention, (reduction, reuse, recycling, composting) and legislative advocacy for those engaged in the business of recycling.³

Homeownership for All, Inc.

Homeownership for All, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services.⁴ The organization has been raising funds since 2006, to help fund affordable housing programs across Florida. The organization's goal is to provide housing assistance to teachers, nurses, and others unable to afford a home.⁵

Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.⁶ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service

¹ Florida Department of State: Division of Corporations, *Recycle Florida Today Foundation, Inc.*, Sunbiz.org, Document number N22000012565 (November 4, 2022); and Florida Department of Agriculture and Consumer Services, *Recycle Florida Today Foundation, Inc.*, Check-A-Charity, Registration number CH70742.

² *Id.*

³ Recycle Florida Today, *Our History*, <https://recyclefloridatoday.org/our-history/> (last visited March 23, 2023).

⁴ Florida Department of State: Division of Corporations, *Homeownership for All, Inc.*, Sunbiz.org, Document number N06000002753 (March 13, 2006); and Florida Department of Agriculture and Consumer Services, *Homeownership For All, Inc.*, Check-A-Charity, Registration number CH64167.

⁵ Florida Realtors, *Homeownership License Plate* (November 18, 2022), <https://www.floridarealtors.org/about/homeownership-for-all-license-plate> (last visited March 23, 2023).

⁶ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 10, 2023).

fees.⁷ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁸

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁹

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.¹⁰

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹¹

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹²

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹³ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁴

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless

⁷ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁸ Section 320.08058, F.S.

⁹ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

¹⁰ Section 320.08053(2)(b), F.S.

¹¹ Section 320.08053(3)(a), F.S.

¹² Section 320.08053(3)(b), F.S.

¹³ Section 320.08056(10)(a), F.S.

¹⁴ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

authorized by s. 320.08058, F.S.¹⁵ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁶

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.¹⁷ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁸

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁹

Give Kids the World Specialty License Plate

In 2020, the DHSMV was authorized to create a "Give Kids the World" specialty license plate.²⁰ The annual use fees from the sale of the plate is distributed to Give Kids the World, Inc., which may use up to ten percent of proceeds to promote and market the plate. The remainder of the proceeds must be used to support the organization's mission of providing week-long, cost-free vacations to children with critical illnesses and their families.

The "Give Kids the World" specialty license plate is now in the presale process. According to the DHSMV, the plate has until October 15, 2024, to meet the presale requirement of 3,000 presales.²¹ As of March 13, 2023, the plate had 107 presales.²²

¹⁵ Section 320.08056(10)(a), F.S.

¹⁶ Section 320.08056(11), F.S.

¹⁷ Section 320.08056(8)(a), F.S.

¹⁸ Section 320.08056(8)(b), F.S.

¹⁹ Chapter 2020-181, s. 7, Laws of Fla.

²⁰ *Id.* and s. 320.08058(107), F.S.

²¹ Email from Kevin Jacobs, Legislative Affairs Director, DHSMV, *SLP Pre-Sales* (August 30, 2022).

²² DHSMV, *Pre-Sale Data*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/pre-sale-data/> (last visited March 27, 2023).

III. Effect of Proposed Changes:

The bill amends, s. 320.08058, F.S., to authorize DHSMV to create two new specialty license plates for Recycle Florida and Florida Association of Realtors. The annual use fee for both plates is \$25. The bill requires both plates bear the colors and design approved by DHSMV.

The bill also changes the name of the “Give Kids the World” specialty license plate to the “Universal Orlando Resort” specialty license plate. The bill does not modify the recipient or use of proceeds from the specialty license plate.

Recycle Florida

The bill requires the Recycle Florida specialty license plate to have the word “Florida” at the top of the plate and the words “Recycle Florida” at the bottom of the plate. Proceeds from the sale of the plate will be distributed to Recycle Florida Today Foundation, Inc. The organization may use up to ten percent of proceeds to promote and market the plate. The remainder of the fees must be used to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in fields including, but not limited to, recycling, conservation, and sustainability.

Florida Association of Realtors

The bill requires the Florida Association of Realtors specialty license plate to have the word “Florida” at the top of the plate and the words “Support Homeownership” at the bottom of the plate. Proceeds from the sale of the plate will be distributed to Homeownership For All, Inc. The organization may use up to ten percent of proceeds to promote and market the plate. The remainder of the fees must be used by the organization to fund programs that provide, promote, or otherwise support affordable housing in this state.

The bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plates are produced, the bill will have a positive fiscal impact on the recipient organizations of the annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plates will cost \$10,515.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Homeownership for All, Inc., currently has a specialty license plate authorized in s. 320.08058(56), F.S. Proceeds from both the proposed Florida Association of Realtors specialty license plate and the current Homeownership for All specialty license plate²⁴ will go to the same organization for the same purposes.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

²³ DHSMV, *2023 Agency Legislative Bill Analysis: SB 1254* (March 13, 2023).

²⁴ As of March 2023, the Homeownership For All specialty license plate has 6,071 active registrations. DHSMV, *Specialty License Plates: Special Interest Plate: Support Homeownership For All*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/> (last visited March 23, 2023).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The CS makes the following changes:

- Changes the name of the “Give Kids the World” specialty license plate to the “Universal Orlando Resort” specialty license plate;
- Removes obsolete language relating to DHSMV retaining startup costs; and
- Allows the Recycle Florida Today Foundation to use up to ten percent of proceeds from sale of the Recycle Florida specialty plate to market and promote the plate.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.



156962

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete lines 12 - 25
and insert:

Section 1. Subsection (107) of section 320.08058, Florida Statutes, is amended, and subsections (127) and (128) are added to that section, to read:

320.08058 Specialty license plates.—

(107) UNIVERSAL ORLANDO RESORT ~~GIVE KIDS THE WORLD LICENSE~~
PLATES.—



156962

(a) The department shall develop a Universal Orlando Resort
~~Give Kids The World~~ license plate as provided in this section
and s. 320.08053. The plate must bear the colors and design
approved by the department. The word "Florida" must appear at
the top of the plate, and the words "Universal Orlando Resort"
~~"Give Kids The World"~~ must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must
~~shall~~ be distributed to Give Kids The World, Inc., a nonprofit
organization under s. 501(c)(3) of the Internal Revenue Code. Up
to 10 percent of the proceeds may be used for the promotion and
marketing of the plate. The remainder of the proceeds must ~~shall~~
be used by Give Kids The World, Inc., to support their mission
of providing week-long, cost-free vacations to children with
critical illnesses and their families.

(127) RECYCLE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Recycle Florida license
plate as provided in this section and s. 320.08053. The plate
must bear the colors and design approved by the department. The
word "Florida" must appear at the top of the plate, and the
words "Recycle Florida" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be
distributed to Recycle Florida Today Foundation, Inc., which may
use up to 10 percent of the proceeds to promote and market the
plate. The remainder of the proceeds must be used to increase

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 3
and insert:



156962

40 s. 320.08058, F.S.; renaming the "Give the Kids the
41 World" specialty license plate as the "Universal
42 Orlando Resort" specialty license plate; directing the
43 Department of

By Senator Trumbull

2-01324C-23

20231254__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Recycle Florida license plate and a Florida Association of Realtors license plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Subsections (127) and (128) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(127) RECYCLE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Recycle Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Recycle Florida" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed to Recycle Florida Today Foundation, Inc., to be used to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in

2-01324C-23

20231254__

fields including, but not limited to, recycling, conservation, and sustainability.

(128) FLORIDA ASSOCIATION OF REALTORS LICENSE PLATES.—

(a) The department shall develop a Florida Association of Realtors license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Homeownership" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Homeownership For All, Inc., which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Homeownership For All, Inc., to fund programs that provide, promote, or otherwise support affordable housing in this state.

Section 2. This act shall take effect October 1, 2023.

3/27/2023

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1254

Bill Number or Topic

156962

Amendment Barcode (if applicable)

Name

Will McKinley

Phone

(850) 681-1980

Address

106 E. College Ave., #1100

Email

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Universal Orlando

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3-27-23

Meeting Date

SB 1254

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Ethan Perry

Phone 850-224-1400

Address 200 S Monroe St.
Street

Email ethanp@floridarealtors.org

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Realtors Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1388

INTRODUCER: Senator Wright

SUBJECT: Immunity of Motor Vehicle Dealer Leasing and Rental Affiliates

DATE: March 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1388 clarifies current law by defining the terms “control” and “motor vehicle dealer’s leasing or rental affiliate” for purposes of provisions relating to immunity from vicarious liability of a motor vehicle dealer, or of a motor vehicle dealer’s leasing or rental affiliate, who provides a temporary replacement vehicle to a service customer.

The fiscal impact is indeterminate. However, definitional specificity may serve to curtail litigation.

The bill takes effect July 1, 2023.

II. Present Situation:

The Dangerous Instrumentality Doctrine

The court-created dangerous instrumentality doctrine holds an owner strictly liable for injuries caused by another person's negligent use of the owner's property. Specifically, when the owner entrusts a dangerous instrumentality to another person, the owner is responsible for damages caused by the other person. Whether the owner was negligent or at fault is irrelevant. The rationale for holding an innocent person responsible for such damages is that the owner of an instrumentality capable of causing death or destruction should be liable for damages caused by anyone operating it with the owner's consent.¹

The dangerous instrumentality doctrine originated in English common law and was adopted by the Florida Supreme Court in 1920 in *Southern Cotton Oil Company v. Anderson*, 86 So. 629

¹ *Roman v. Bogle*, 113 So. 3d 1011, 1016 (Fla. 5th DCA 2013).

(1920).² The Court acknowledged the doctrine was originally limited to fire, water, and poisons, but had expanded over time:

It is true that, in the early development of this very salutary doctrine, the dangerous agencies consisted largely of fire, flood, water, and poisons. In *Dixon v. Bell* . . . Lord Ellenborough extended the doctrine to include loaded firearms. With the discovery of high explosives, they were put in the same class. As conditions changed it was extended to include other objects that common knowledge and common experience proved to be as potent sources of danger as those embraced in the earlier classifications. The underlying principle was not changed, but other agencies were included in the classification. Among them are locomotives, push cars, street cars, etc., and it is now well settled that these come within the class of dangerous agencies, and the liability of the master is determined by the rule applicable to them. The reasons for putting these agencies in the class of dangerous instrumentalities apply with equal, if not greater, force to automobiles.³

In a 1990 Florida Supreme Court case, a man leased a car from a lessor and then loaned the leased car to a friend. The friend caused a motor vehicle crash in the leased car, killing another person. The victim's estate sued the lessor of the car directly. The Court held that the lessor was liable for the death of the victim under the dangerous instrumentality doctrine, even though the lessor did not cause the accident. The Court acknowledged that the dangerous instrumentality doctrine was "unique to Florida" but justified the doctrine as necessary "to provide greater financial responsibility to pay for the carnage on our roads."⁴

Once a court decides that an item is a dangerous instrumentality, an owner of such instrumentality is liable for damages the instrumentality causes, even if the owner was not in control of the instrumentality at the time. Whether an item is a dangerous instrumentality is a question of law depending on several factors, none of which alone is dispositive, including:

- Whether the instrumentality is a motor vehicle.⁵
- Whether the instrumentality is frequently operated near the public, regardless of whether the incident at issue occurred on public property.
- The instrumentality's peculiar dangers relative to other objects that courts have found to be dangerous instrumentalities.

² *Id.* at 1014.

³ *S. Cotton Oil Company v. Anderson*, 86 So. 629, 631 (Fla. 1920).

⁴ *Kraemer v. General Motors Acceptance Corp.*, 572 So. 2d 1363, 1365 (Fla. 1990). The Second District Court of Appeal has acknowledged that the dangerous instrumentality doctrine creates "real and perceived inequities" and "has drawn its fair share of criticism." *Fischer v. Alessandrini*, 907 So. 2d 569, 570 (Fla. 2d DCA 2005).

⁵ A motor vehicle is a "wheeled conveyance that does not run on rails and is self-propelled, especially one powered by an internal combustion engine, a battery or fuel-cell, or a combination of these." *Newton v. Caterpillar Financial Servs. Corp.*, 253 So. 3d 1054, 1056 (Fla. 2018) (quoting Black's Law Dictionary (10th ed. 2014)). For purposes of Chapter 324, F.S., Florida's financial responsibility law, "motor vehicle" means every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any person delivery device, mobile carrier, bicycle, electric bicycle, or moped. Section 324.021(1), F.S.

- The extent to which the Legislature has regulated the instrumentality.⁶

If the court decides an item is a dangerous instrumentality, the owner is liable regardless of the facts of the particular case. Over time, Florida courts have expanded the applicability of the doctrine to include automobiles,⁷ trucks, buses,⁸ tow-motors,⁹ golf carts, and other motorized vehicles.¹⁰

The dangerous instrumentality doctrine has been limited in Florida law with respect to a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate that provides a temporary replacement vehicle to a motor vehicle dealer's service customer.¹¹

Legislation enacted in 2020¹² provides that a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that provides a temporary replacement vehicle at no charge or at a reasonable daily charge to a service customer whose vehicle is being held for repair, service, or adjustment by the motor vehicle dealer is immune from any cause of action and is not liable, vicariously or directly, under general law solely by reason of being the owner of the temporary replacement vehicle for harm to persons or property that arises out of the use or operation of the temporary replacement vehicle by any person during the period the temporary replacement vehicle has been entrusted to the motor vehicle dealer's service customer if there is no negligence or criminal wrongdoing on the part of the motor vehicle owner, or its leasing or rental affiliate.¹³

The enacted legislation also provides that a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that gives possession, control, or use of a temporary replacement vehicle to a motor vehicle dealer's service customer may not be adjudged liable in a civil proceeding absent negligence or criminal wrongdoing on the part of the motor vehicle dealer, if the motor vehicle dealer or the motor vehicle dealer's leasing or rental affiliate executes a written rental or use agreement and obtains from the person receiving the temporary replacement vehicle a copy of the person's driver license and insurance information reflecting at least the minimum motor vehicle insurance coverage required in this state.¹⁴

The 2020 legislation did not, however, define the term "motor vehicle dealer's leasing or rental affiliate."

⁶ *Newton*, 253 So. 3d at 1056.

⁷ *S. Cotton Oil*, 86 So. at 629, *supra* at FN 3.

⁸ *Meister v. Fisher*, 462 So. 2d 1071, 1072 (Fla. 1984).

⁹ *Eagle Stevedores, Inc. v. Thomas*, 145 So. 2d 551 (Fla. 3d DCA 1962) (where plaintiff was struck in a dock area by a "tow-motor," a small motor-operated vehicle, dangerous instrumentality doctrine applied).

¹⁰ *Meister*, 462 So. 2d at 1072.

¹¹ The term "service customer" does not include an agent or a principal of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate, and does not include an employee of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate unless the employee was provided a temporary replacement vehicle: While the employee's personal vehicle was being held for repair, service, or adjustment by the motor vehicle dealer; in the same manner as other customers who are provided a temporary replacement vehicle while the customer's vehicle is being held for repair, service, or adjustment; and the employee was not acting within the course and scope of his or her employment. Section 324.021(9)(c)3.a., F.S.

¹² Chapter 2020-108, L.O.F.

¹³ Section 324.021(9)(c)3.a., F.S.

¹⁴ Section 324.021(9)(c)3.b., F.S.

The Graves Amendment

In 2005, Congress passed 49 U.S.C. § 30106, commonly known as the Graves Amendment, to prohibit states from imposing vicarious liability on car rental companies.¹⁵ Vicarious liability is “liability that a supervisory party (such as an employer) bears for the actionable conduct of a subordinate (such as an employee) based on the relationship between the two parties.”¹⁶ To benefit from the Graves Amendment, the “owner” must be “engaged in the business of renting or leasing motor vehicles.” A vehicle “owner” may be the titleholder, lessee, or bailee¹⁷ of the vehicle.¹⁸

The Graves Amendment, however, does not protect a rental company from its own negligence or criminal wrongdoing. If an injury is caused by a rental company’s negligent or criminal act, the rental company could still be directly liable for its actions or inactions, even if an accident occurs while a renter is driving the vehicle.¹⁹ Federal law supersedes Florida’s dangerous instrumentality doctrine when a rental car company rents a car to a driver who negligently injures another person.²⁰

In 2011, the Florida Supreme Court held that as it relates to rental car companies the Graves Amendment specifically preempts Florida law²¹ and relieves rental car companies, while engaged in the trade or business of renting or leasing motor vehicles, from vicarious liability for harm caused by the driver.²²

In 2019, the Fourth District Court of Appeal, relying on the Supreme Court’s analysis in *Vargas*, held that the Graves Amendment applies to a motor vehicle dealer that provides a customer with a temporary replacement vehicle.²³

III. Effect of Proposed Changes:

The bill amends s. 324.021(9)(c), F.S., to clarify the legislation enacted in 2020 by defining the terms “motor vehicle dealer’s leasing or rental affiliate” and “control.”

¹⁵ Auto Rental News, The Graves Amendment: Challenges, Interpretations, Answers, <https://www.autorentalnews.com/156611/the-graves-amendment-challenges-interpretations-and-answers> (last visited February 7, 2020).

¹⁶ Black’s Law Dictionary 427 (3rd pocket ed. 2006).

¹⁷ According to legaldictionary.net, the elements of a bailment include delivery, acceptance, and consideration. The property must be delivered by the bailor to the actual care and/or control of the bailee. The bailee must knowingly accept possession and/or control of the property (because a bailment is a type of contract, knowledge and acceptance of the bailment terms are essential). However, unlike a typical contract in which both parties receive something of value, only one party need receive something of value in a bailment. So, *e.g.*, when one party loans the use of his car to another, a bailment is created, even though the bailor receives nothing of value. See legaldictionary.net, [Bailment - Definition, Examples, Cases, Processes](http://legaldictionary.net/Bailment-Definition,Examples,Cases,Processes) (legaldictionary.net) (last visited March 21, 2023).

¹⁸ Auto Rental News, *supra* at FN 15.

¹⁹ *Id.*

²⁰ 49 U.S.C. § 30106.

²¹ Section 324.021(9)(b)2., F.S.

²² *Vargas v. Enterprise Leasing Co.*, 60 So.3d 1037 (Fla. 2011).

²³ *Collins v. Auto Partners V, LLC*, 276 So.3d 817 (Fla. 4th DCA 2019).

The bill defines “motor vehicle dealer’s leasing or rental affiliate” to mean a “person”²⁴ that directly or indirectly controls, is controlled by, or is under common control with the motor vehicle dealer.

“Control” is defined as the power to direct the management and policies of a person whether through ownership of voting securities²⁵ or otherwise.

If a person does not directly or indirectly control the motor vehicle dealer (by virtue of the person having the power to direct the management and policies of the dealer), is not controlled by the motor vehicle dealer (by virtue of the dealer having the power to direct the management and policies of the person), or is not under common control with the motor vehicle dealer (by virtue of another entity having the power to direct the management and policies of the person *and* the motor vehicle dealer), that person is not the motor vehicle dealer’s leasing or rental affiliate.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁴ The word “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations. Section 1.01(3), F.S.

²⁵ An owner of stock in a company owns either voting securities or non-voting securities. Most “common” stock ownership gives the owner one vote for each share of stock owned. Companies can also divide common stock into different classes; *e.g.*, one class might confer more than one vote per share or no voting rights at all. “Preferred” stock provides the owner with ownership in the company, and a fixed dividend, but usually no voting rights. If a company does pay dividends (which it doesn’t have to pay if it lacks the ability to do so), owners of preferred stock are paid before owners of common stock. See [finance.zacks.com, What Is an Owner of Voting Securities? \(zacks.com\)](https://finance.zacks.com/What-Is-an-Owner-of-Voting-Securities/zacks.com) (last visited March 21, 2023).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Indeterminate. However, definitional specificity may serve to reduce litigation relating to the meaning of the term “motor vehicle dealer’s leasing or rental affiliate.”

C. Government Sector Impact:

Indeterminate. However, definitional specificity may serve to reduce litigation relating to the meaning of the term “motor vehicle dealer’s leasing or rental affiliate.”

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 324.021.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Wright

8-01003A-23

20231388__

A bill to be entitled

An act relating to immunity of motor vehicle dealer leasing and rental affiliates; amending s. 324.021, F.S.; defining the term "control"; defining the term "motor vehicle dealer's leasing or rental affiliate" to specify the entities that are immune from causes of action and that are not liable for harm to persons and property under certain circumstances; providing an effective date.

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

Section 1. Paragraph (c) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(c) *Application*.—

1. The limits on liability in subparagraphs (b)2. and 3. do not apply to an owner of motor vehicles that are used for commercial activity in the owner's ordinary course of business, other than a rental company that rents or leases motor vehicles. For purposes of this paragraph, the term "rental company" includes only an entity that is engaged in the business of renting or leasing motor vehicles to the general public and that rents or leases a majority of its motor vehicles to persons with

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no direct or indirect affiliation with the rental company. The term "rental company" also includes:

a. A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.

b. The holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held pursuant to or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company, as described in this subparagraph, in the operation of such rental company's business.

2. Furthermore, with respect to commercial motor vehicles as defined in s. 627.732, the limits on liability in subparagraphs (b)2. and 3. do not apply if, at the time of the incident, the commercial motor vehicle is being used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:

a. The lessee indicates in writing that the vehicle will not be used to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

b. The lessee or other operator of the commercial motor vehicle has in effect insurance with limits of at least

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\$5,000,000 combined property damage and bodily injury liability.

3.a. A motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that provides a temporary replacement vehicle at no charge or at a reasonable daily charge to a service customer whose vehicle is being held for repair, service, or adjustment by the motor vehicle dealer is immune from any cause of action and is not liable, vicariously or directly, under general law solely by reason of being the owner of the temporary replacement vehicle for harm to persons or property that arises out of the use, or operation, of the temporary replacement vehicle by any person during the period the temporary replacement vehicle has been entrusted to the motor vehicle dealer's service customer if there is no negligence or criminal wrongdoing on the part of the motor vehicle owner, or its leasing or rental affiliate.

b. For purposes of this section, and notwithstanding any other provision of general law, a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that gives possession, control, or use of a temporary replacement vehicle to a motor vehicle dealer's service customer may not be adjudged liable in a civil proceeding absent negligence or criminal wrongdoing on the part of the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, if the motor vehicle dealer or the motor vehicle dealer's leasing or rental affiliate executes a written rental or use agreement and obtains from the person receiving the temporary replacement vehicle a copy of the person's driver license and insurance information reflecting at least the minimum motor vehicle insurance coverage required in the state. Any subsequent determination that the

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driver license or insurance information provided to the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, was in any way false, fraudulent, misleading, nonexistent, canceled, not in effect, or invalid does not alter or diminish the protections provided by this section, unless the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, had actual knowledge thereof at the time possession of the temporary replacement vehicle was provided.

c. For purposes of this subparagraph, the term:

(I) "Control" means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(II) "Motor vehicle dealer's leasing or rental affiliate" means a person that directly or indirectly controls, is controlled by, or is under common control with the motor vehicle dealer.

d. For purposes of this subparagraph, the term "service customer" does not include an agent or a principal of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate, and does not include an employee of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate unless the employee was provided a temporary replacement vehicle:

(I) While the employee's personal vehicle was being held for repair, service, or adjustment by the motor vehicle dealer;

(II) In the same manner as other customers who are provided a temporary replacement vehicle while the customer's vehicle is being held for repair, service, or adjustment; and

(III) The employee was not acting within the course and

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117 scope of his or her employment.

118 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/27/23

Meeting Date

Transportation

Committee

SB 1388

Bill Number or Topic

Amendment Barcode (if applicable)

Name Leslie Dughi

Phone 850-519-3903

Address _____
Street

Email Leslie.Dughi@mhdfirm.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: March 13, 2023

I respectfully request that **Senate Bill 1388**, relating to Immunity of Motor Vehicle Dealer Leasing and Rental Affiliates, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1636

INTRODUCER: Transportation Committee and Senator Wright

SUBJECT: Sale of Motor Vehicles

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.			CM	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1636 establishes a process, within specified timeframes and using certain documentation, which authorizes a motor vehicle dealer, a motor vehicle purchaser, and any lienholder to agree to rescind or cancel the sale of a vehicle, if all fees, taxes, and other moneys associated with the rescinded or canceled sale, less specified titling fees, are returned to the relevant parties. In such event, the bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to rescind, cancel, or revoke an application for a certificate of title or a title that has already been issued.

An agreement among the parties subject to the rescinded or canceled sale invalidates any subsequent requirements imposed on the dealer to submit an application for a certificate of title or to remit any fees or taxes if all fees, taxes, and other moneys associated with the rescinded or canceled sale are returned. A dealer is authorized to obtain a duplicate certificate of origin or a duplicate certificate of title or obtain a new certificate of title, documents that would be required for a re-sale. A dealer is prohibited from offering a vehicle subject to the authorized rescission or cancellation until the dealer has received a certificate of title from the DHSMV. A rescission, cancellation, or revocation does not negate the fact that the vehicle has been the subject of a previous retail sale.

The fiscal impact is indeterminate. See the “Fiscal Impact Statement” heading below.

The bill takes effect July 1, 2023.

II. Present Situation:

Rescission or cancellation of a motor vehicle sale currently occurs when the contract for sale authorizes such or when the motor vehicle dealer otherwise agrees to cancel the contract and accept return of the vehicle. Current law makes no provision for refund of titling and registration fees in the event of a rescission or cancellation agreement voluntarily entered into by the dealer, the purchaser, and any lienholders.

Motor Vehicle Dealers and Motor Vehicle Sales and Use Taxes

Currently, a motor vehicle dealer¹ may sell motor vehicles² in this state if the dealer first registers with the Florida Department of Revenue (FDOR) to collect and report specified taxes and obtains a dealer's license from the DHSMV.³ Florida sales and use tax,⁴ plus any applicable discretionary sales surtax,⁵ is due on all new or used motor vehicles sold, leased, delivered into, imported into, or used in Florida, unless a specific exemption applies.⁶

The sales and use tax is due on the sale price of the motor vehicle,⁷ including any separately itemized charge or fee for items such as any accessory sold with the vehicle; preparation,

¹ Defined in s. 320.27(1)(c), F.S., to mean any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. According to the FDOR, a motor vehicle dealer is any dealer registered with the FDOT to sell motor vehicles. See *floridarevenue.com, Sales and Use Tax on Motor Vehicles*, available at [gt800030.pdf \(floridarevenue.com\)](https://www.floridarevenue.com/gt800030.pdf) (last visited March 22, 2023).

² Defined in s. 320.27(1)(b), F.S., to mean any motor vehicle of the type and kind required to be registered and titled under chapter 319 and this chapter, except a recreational vehicle, moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or mobile home. According to the FDOR, a motor vehicle is an automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of Florida used to transport persons or property, and propelled by power other than muscle power. This includes recreational vehicles, such as a travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, park trailer, and fifth-wheel trailer; and any other vehicle that is of a class or type that is required to be titled, licensed, or registered in Florida.

³ See generally s. 320.27, F.S., and *floridarevenue.com, Sales and Use Tax on Motor Vehicles*, available at [gt800030.pdf \(floridarevenue.com\)](https://www.floridarevenue.com/gt800030.pdf) (last visited March 22, 2023).

⁴ The Florida Revenue Act of 1949, codified in Chapter 212, F.S., establishes and regulates taxes on sales, use, and other transactions in Florida, including motor vehicle sales. The general state sales tax under the Act is currently set at 6 percent of the sales price. Section 212.05(1)(a)1.a., F.S.

⁵ According to the FDOR, most counties impose a local option discretionary sales surtax, which is due when the purchaser's residing address on the registration or title to the motor vehicle is a location within a county imposing a surtax, applicable to the first \$5,000 of the purchase price. *Id.*, *floridarevenue.com*.

⁶ *Id.* The FDOR document provides examples of motor vehicle sales that are exempt, or partially exempt, from the sales and use tax. Section 212.08, F.S., sets out various exemptions for general groceries; medical products and supplies or medicine; certain farm equipment; items bearing other excise taxes; items exempt on account of use; sales made to the United States government, a state, or any county, municipality, or political subdivision of a state; and other miscellaneous exemptions. That section also sets out a number of partial exemptions from the sales and use tax.

⁷ No title certificate may be issued on any motor vehicle, or, if no title is required by law, no license or registration may be issued for any vehicle, unless there is filed with such application for title certificate or license or registration certificate a receipt, issued by an authorized dealer or a designated agent of the FDOR, evidencing the payment of the tax imposed by Chapter 212, F.S., where the same is payable. A presumption of sales and use tax applicability is created if the motor vehicle is registered in this state. For the purpose of enforcing this provision, all county tax collectors and all persons or firms authorized to sell or issue boat, mobile home, and motor vehicle licenses are hereby designated agents of the department and

settlement, or closing fees, and any other expense or cost of the dealer that the dealer required the purchaser to pay.⁸ The taxes are generally due, along with a tax return,⁹ on the first day of the month following each reporting period (whether monthly, quarterly, twice a year, or yearly), and are late after the 20th day of the month following each reporting period.¹⁰ Any separately itemized fee or charge required by a state law for titling, licensing, or registering the motor vehicle, or for recording a lien on the motor vehicle, is not subject to the sales and use tax.¹¹

Currently, under Chapter 212, F.S., if a motor vehicle purchase is returned to a dealer by the purchaser after the sales tax has been collected from or charged to the account of the purchaser, the dealer is entitled to reimbursement of the amount of tax collected or charged by the dealer, in the manner prescribed by the FDOR.¹²

If the dealer has not remitted the sales tax to the FDOR, the dealer may deduct the same in submitting his or her return upon receipt of a signed statement by the dealer as to the gross amount of such refunds during the period covered by the signed statement, which may not exceed 90 days.¹³ The FDOR must then issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected or paid. If a dealer has retired from business and filed a final return, a refund of the tax may be made if it can be established to the FDOR's satisfaction that the tax was not due.¹⁴

Statements of Origin and Certificates of Title

A manufacturer's statement of origin (MSO), also referred to as a manufacturer's certificate of origin (MCO), is the original ownership document for a vehicle. The document, provided by the new vehicle dealer, provides specific vehicle information, such as the year, make, and vehicle identification number. When the vehicle is sold at retail, the document is surrendered to the appropriate jurisdiction, and a title is issued.¹⁵

Florida law currently prohibits a manufacturer, distributor, licensed dealer, or other person from selling or otherwise disposing of a new motor vehicle to a distributor, licensed dealer, or other person without delivering to such distributor, licensed dealer, or other person an MSO duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof, on forms approved by the DHSMV. An MSO must also contain a certification of the identification and description of the motor vehicle delivered and the name and address of the

are required to perform such duty in the same manner and under the same conditions prescribed for their other duties by the constitution or any statute of this state. Section 212.06(10), F.S.

⁸ *Id.*

⁹ See s. 212.11, F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 212.17(1)(a), F.S. The suggestion is made, however, that a refund of the sales tax paid by the dealer on the sale of a motor vehicle cannot occur after a dealer *re-purchases* a vehicle from a customer who wishes to return that vehicle, as opposed to a rescission or cancellation of the sale.

¹³ Section 212.17(1)(b), F.S.

¹⁴ Section 212.17(1)(c), F.S.

¹⁵ See aamva.org, [Manufacturer's Certification of Origin - American Association of Motor Vehicle Administrators - AAMVA](http://aamva.org/Manufacturer's%20Certification%20of%20Origin%20-%20American%20Association%20of%20Motor%20Vehicle%20Administrators%20-%20AAMVA) (last visited March 23, 2023).

distributor, licensed dealer, or other person to whom the motor vehicle was originally sold, over the signature of an authorized official of the manufacturer who made the original delivery.¹⁶

A certificate of title (COT) is the record that is evidence of ownership of a vehicle, whether in paper or electronic form.¹⁷ Generally, application for a COT must be made upon a form prescribed by the DHSMV, must be filed with that agency, and be accompanied by the statutorily prescribed fee. If a COT has previously been issued for a motor vehicle in this state, the application must be accompanied by the COT duly assigned. If the motor vehicle for which COT application is made is a new vehicle for which an MSO is required, the application must be accompanied by such MSO.¹⁸

In the case of the sale of a motor vehicle by a licensed dealer to a general purchaser, the COT must be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If such sale is to a general purchaser who resides in another state or country, the dealer is not required to apply for a certificate of title for the motor vehicle; however, the dealer must transfer ownership and reassign the COT or MSO to the purchaser, and the purchaser must sign an affidavit, as approved by the DHSMV, that the purchaser will title and register the motor vehicle in another state or country.¹⁹

Certificate of Title Fees and Service Charges

Section 319.32, F.S., requires the DHSMV to charge specified fees and service charges relating to issuing, duplicating, or otherwise processing COTs, including, but not limited to:

- For each original COT, \$70;²⁰
- For each duplicate copy of a COT, \$70;²¹
- For each assignment by a lienholder, \$3;
- For noting a lien on a COT, \$2.
- For issuance of an original or duplicate COT to cover the cost of materials used for security purposes;
- For shipping and handling for each paper title mailed by the DHSMV, a service fee of \$2.50; and
- For each application handled in connection with the issuance, duplication, or transfer of any COT, a service charge of \$4.25.²²

¹⁶ Section 319.21(1), F.S.

¹⁷ Section 319.001(1), F.S.

¹⁸ Section 319.23(1), F.S.

¹⁹ Section 319.23(6)(a), F.S. A licensed dealer is required to apply for a registration and title within 30 days of delivery of the vehicle. See flhsmv.gov, [Buying from a Licensed Dealer - Florida Department of Highway Safety and Motor Vehicles \(flhsmv.gov\)](http://flhsmv.gov/Buying-from-a-Licensed-Dealer-Florida-Department-of-Highway-Safety-and-Motor-Vehicles) for additional tax, tag, and title information (last visited March 23, 2023).

²⁰ Except for a COT for a motor vehicle for hire for which the title fee is \$49.

²¹ *Id.*

²² This service charge must be collected by the DHSMV on any application handled directly from its office. Otherwise, these service charges must be collected and retained by the tax collector who handles the application. Section 319.32(b), F.S. If the tax collector contracts with a license plate agent, the tax collector is authorized to determine additional service charges to be collected by the privately owned license plate agents approved by the tax collector. Section 319.32(c), F.S. The DHSMV must also charge an additional fee of \$10 for each original COT issued for a vehicle previously registered outside this state. Section 319.32(3), F.S.

Motor Vehicle Registration and Related Fees

Florida's definition of the term "motor vehicle" for registration purposes is quite broad,²³ and all vehicles meeting the definition, with some exceptions, are required to be registered in this state.²⁴ Current law imposes an initial registration fee (a license tax) of \$225 on automobiles and tri-vehicles for private use, certain trucks, and motor homes and truck campers.²⁵ Thereafter, registration is generally based on the class and weight of the vehicle.²⁶

Additional fees and service charges also apply.²⁷ For example:

- License plates are issued for a ten-year period and must be replaced upon registration renewal. The license plate fee is \$28, which is paid at the rate of \$2.80 per each year before the plate is replaced and credited toward the next \$28 replacement fee.²⁸
- A service charge of \$2.50 is imposed on each application handled in connection with original issuance, duplicate issuance, or transfer of a license plate, or with transfer or issuance of a registration certificate.²⁹

Current DHSMV Refund Practices

The DHSMV advises:

If a dealer is requesting that a Florida Certificate of Title be cancelled for a new vehicle/vessel because the customer (that the motor vehicle/vessel was titled to) did not take delivery or possession of the motor vehicle/vessel, the dealer and the customer must fill out and submit a "Dealer Non-Delivery" affidavit to cancel the title. After canceling the title for a new car, the dealer must contact the manufacturer and request a duplicate MCO to re-title the vehicle. The dealer must also contact the owner/lienholder to whom the incorrect MCO was assigned to request the title be submitted to them. However, if the title is electronic, the dealership should advise the lienholder to systematically satisfy its lien.

Currently, if the customer wants to cancel the sale or return a new vehicle/vessel for any reason other than non-delivery, the return is handled as a civil matter and the fees paid to the dealer are not refunded, including title and registration fees. The only exception is the initial registration fee for the license plate.³⁰

²³ Section 320.01(1), F.S.

²⁴ Section 320.02, F.S.

²⁵ Section 320.072, F.S.

²⁶ Section 320.08, F.S.

²⁷ See the DHSMV document provided to committee staff March 22, 2023, for a list of fees and service charges imposed on all license plates, including additional fees imposed for specialty or personalized plates (on file in the Senate Transportation Committee).

²⁸ Section 320.06(1)(b)1., F.S.

²⁹ Section 320.04(1)(a), F.S.

³⁰ See the DHSMV's 2023 Draft Agency Legislative Bill Analysis, SB 1636, received March 22, 2023 (on file in the Senate Transportation Committee).

III. Effect of Proposed Changes:

The bill creates s. 319.255, F.S., authorizing a motor vehicle dealer, purchaser, and any lienholders to rescind or cancel the sale before an application for a COT is submitted. An agreement among the parties subject to the rescinded or canceled sale invalidates any subsequent requirements imposed upon the dealer to submit an application or remit any fees or taxes if all fees, taxes, and other moneys associated with the rescinded or canceled sale are returned to the rightful parties.

The DHSMV must rescind, cancel, or revoke an application for a COT or a title that has already been issued if, within 60 days after the sale of a motor vehicle, a notarized affidavit signed by the dealer, the purchaser, and any lienholder is executed on a form prescribed by the DHSMV, stating that the dealer, purchase, and any lienholder have rescinded or canceled the sale and that all moneys associated with the transfer of the vehicle have been or will be returned to the relevant parties. In such a case:

- Fees paid to the DHSMV, less the above-described titling fees paid in accordance with s. 319.32, F.S., must be returned to the dealer.
- If no such fees have been paid to the DHSMV, the dealer must pay the titling fees.
- Sales taxes refunded or credited to the dealer must be refunded or credited to the dealer in the manner prescribed by the FDOR.

If a COT has been issued, the dealer must obtain and surrender the COT to the DHSMV or certify that the COT has been lost or destroyed or will be obtained and destroyed upon receipt. A dealer may not offer a vehicle subject to the bill's provisions for retail sale until the dealer has received the title from the DHSMV.

Within seven days after the receipt of the form, the bill requires the DHSMV to process the affidavit and issue a COT to the dealer reflecting the dealer's name and the odometer reading reflected on the most recent assignment before the rescinded, canceled, or revoked sale.

The affidavit stating that the sale has been rescinded or canceled must be filed no later than 30 days after the date of the affidavit's execution by the dealer, the purchaser, and any lienholder, whichever date is the latest. Any rescission, cancellation, or revocation under the new section of law does not negate the fact that the vehicle has been the subject of a previous retail sale.

The bill also amends s. 212.17, F.S., relating to tax credits or refunds. The bill requires that a motor vehicle dealer who rescinds, cancels, or revokes a sale or an application for a COT pursuant to the provisions in new s. 319.255, F.S., discussed below, be reimbursed, in the manner prescribed by the FDOR, for the amount of tax collected or charged by the dealer for such sale or application. This provision appears to be consistent with current provisions for dealer reimbursement of sales taxes, as described above.

Refund of the sales tax on any agreed-upon rescinded or cancelled motor vehicle sale as provided in the bill will continue to occur as described above. The DHSMV would be required to refund the initial registration fee (a license tax) of \$225 under s. 320.072, F.S.; the "base" registration fees generally dependent on the class and weight of the vehicle under s. 320.08, F.S.;

and any of the applicable miscellaneous fees and service charges discussed above.³¹ The DHSMV would not be required to refund any fees paid in accordance with s. 319.32, F.S., relating to application for and issuance of a COT.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Motor vehicle purchasers who rescind or cancel a sale with the concurrence of all specified parties will be reimbursed for taxes, registration fees, and other ancillary fees and service charges relating to vehicles the purchasers do not wish to own, less the applicable fees or service charges described above in s. 319.32, F.S., relating to titling.

C. Government Sector Impact:

The DHSMV advises that registration fees and taxes that are not currently refunded will be returned to the dealers after remittance and distribution. Such refunds would not include the applicable fees or service charges in s. 319.32, F.S. However, because the class and weight of a vehicle subject to the specified rescission or cancellation agreement

³¹ *Supra* note 27. See also the DHSMV's Draft 2023 Legislative Bill Analysis, SB 1636, dated and received March 23, 2023 (on file in the Senate Transportation Committee).

is unknown, and because the exact amount applicable for registration fees and service charges is unknown, and further because the number of specified rescission or cancellation agreements that will occur is unknown, the fiscal impact to state revenues is indeterminate.

The DHSMV also advises that the bill will require approximately 81 hours of programming in support of its technology systems (the Florida Real-Time Vehicle Information System, Electronic Filing System, estimated to cost \$2,835 in full-time-equivalent and contracted resources.³²

VI. Technical Deficiencies:

None.

VII. Related Issues:

As noted by the DHSMV:³³ “A service charge of \$2.50 [is imposed] on each registration pursuant s. 320.04, F.S., which is retained by the tax collector or the private license plate agent that performs the transaction. The tax collector may also impose an additional service fee of \$0.50 if the transaction occurs in a branch office. In addition, pursuant to s. 320.04(3), F.S., the tax collector may authorize a private license plate agent to charge additional services fees per their authority to contract.”³⁴ The bill does not expressly authorize a dealer to request a refund of any fees and taxes retained by a county tax collector.

The DHSMV also recommends the following revisions:

- Revise the effective date of the bill from July 1, 2023, to April 1, 2024, to allow the DHSMV sufficient time to implement necessary programming and operational changes.
- Allow additional time to process refund requests and issue titles in the dealer’s name by providing the DHSMV 15 days, instead of 7, to rescind, cancel, or revoke any application for a COT or an already-issued title.
- Revise line 74 of the bill to acknowledge certain fees that are currently nonrefundable by inserting after the reference to s. 319.32:

and nonrefundable fees paid in accordance with ss. 320.08 and 320.03, must be returned to the motor vehicle

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 212.17.

This bill creates the following section of the Florida Statutes: 319.255.

³² *Infra* note 36.

³³ And *supra* note 22.

³⁴ See the DHSMV’s Draft 2023 Legislative Bill Analysis, SB 1636, dated and received March 23, 2023 (on file in the Senate Transportation Committee).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 27, 2023:

The committee substitute removes some ambiguity relating to the fees and taxes to be refunded and conforms to the House companion.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) is added to subsection (1) of
section 212.17, Florida Statutes, to read:

212.17 Tax credits or refunds.—

(1)

(d) A motor vehicle dealer who rescinds, cancels, or
revokes a sale or an application for a certificate of title



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pursuant to s. 319.255 shall be reimbursed, in the manner prescribed by the department, for the amount of tax collected or charged by the motor vehicle dealer for such sale or application.

Section 2. Section 319.255, Florida Statutes, is created to read:

319.255 Rescission or cancellation of motor vehicle sale.-

(1) A motor vehicle dealer, a motor vehicle purchaser, and any person claiming a lien on a motor vehicle may rescind or cancel a motor vehicle sale before an application for a certificate of title is submitted. An agreement among the parties subject to the rescinded or canceled sale invalidates any subsequent requirements imposed upon the motor vehicle dealer to submit an application or remit any fees or taxes if all fees, taxes, and other moneys associated with the rescinded or canceled sale are returned to the rightful parties. The parties are not required to report the rescinded or canceled sale to the department. A motor vehicle dealer may obtain a duplicate certificate of origin or a duplicate certificate of title or obtain a new certificate of title in accordance with subsection (2).

(2) The department must rescind, cancel, or revoke an application for a certificate of title or a title that has been issued if, within 60 days after the sale of a motor vehicle, a notarized affidavit signed by the motor vehicle dealer, the motor vehicle purchaser, and any person claiming a lien on the motor vehicle is executed on a form prescribed by the department stating that the motor vehicle dealer, the motor vehicle purchaser, and any person claiming a lien on the motor vehicle



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40 have rescinded or canceled the sale of the motor vehicle and
41 that all moneys associated with the transfer of the motor
42 vehicle have been or will be returned to the relevant parties.

43 (a) Fees paid to the department, less fees paid in
44 accordance with s. 319.32, must be returned to the motor vehicle
45 dealer. If no fees have been paid to the department, the motor
46 vehicle dealer must pay the fee required by s. 319.32.

47 (b) Sales taxes refunded or credited to the motor vehicle
48 purchaser must be refunded or credited to the motor vehicle
49 dealer in the manner prescribed by the Department of Revenue.

50 (c) If a certificate of title has been issued, the motor
51 vehicle dealer must obtain and surrender the certificate of
52 title to the department or certify that the certificate of title
53 has been lost or destroyed or will be obtained and destroyed
54 upon receipt.

55 (d) The affidavit stating that the motor vehicle sale has
56 been rescinded or canceled must be filed no later than 30 days
57 after the date of the affidavit's execution by the motor vehicle
58 dealer, the motor vehicle purchaser, and any person claiming a
59 lien on the motor vehicle, whichever date is latest.

60 (e) The department shall process the affidavit within 7
61 days after receipt and issue a certificate of title to the motor
62 vehicle dealer reflecting the name of the motor vehicle dealer
63 and the odometer reading reflected on the most recent assignment
64 before the rescinded, canceled, or revoked sale.

65 (f) A motor vehicle dealer may not offer a motor vehicle
66 subject to this subsection for retail sale until the motor
67 vehicle dealer has received a certificate of title from the
68 department.



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(3) A rescission, cancellation, or revocation of sale under this section does not negate the fact that the motor vehicle has been the subject of a previous retail sale.

Section 3. This act shall take effect July 1, 2023.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to rescission or cancellation of a
motor vehicle sale; amending s. 212.17, F.S.;
requiring a motor vehicle dealer who rescinds,
cancels, or revokes a sale or an application for a
certificate of title to be reimbursed by the
Department of Revenue for the amount of tax collected
or charged for such sale or application; creating s.
319.255, F.S.; authorizing a motor vehicle dealer, a
motor vehicle purchaser, and any person claiming a
lien on a motor vehicle to rescind or cancel a motor
vehicle sale before an application for a certificate
of title is submitted; providing for invalidation of
certain subsequent requirements imposed on a motor
vehicle dealer under certain circumstances;
authorizing the motor vehicle dealer to obtain a
duplicate certificate of origin, duplicate certificate
of title, or new certificate of title; requiring the
Department of Highway Safety and Motor Vehicles to
rescind, cancel, or revoke an application for a



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certificate of title or an issued certificate of title
after execution of a certain affidavit; providing
requirements for the return or payment of certain fees
and sales taxes; providing for the surrender or
destruction of a certificate of title; providing
requirements for filing and processing the affidavit;
prohibiting a motor vehicle dealer from offering for
retail sale a motor vehicle the sale of which has been
rescinded or canceled until receipt of a certificate
of title from the department; providing construction;
providing an effective date.

By Senator Wright

8-00885A-23

20231636__

A bill to be entitled

An act relating to the sale of motor vehicles; creating s. 319.255, F.S.; authorizing certain parties to rescind or cancel the sale of a motor vehicle under certain circumstances; requiring the motor vehicle dealer to certify upon a form the rescinded or canceled sale and that certain moneys were returned under certain circumstances; specifying requirements for the form; specifying the duties of the Department of Highway Safety and Motor Vehicles upon receiving such forms; prohibiting the motor vehicle dealer from selling a vehicle until such form is received; authorizing a motor vehicle dealer to request a certain refund of fees and taxes; providing construction; providing an effective date.

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

Section 1. Section 319.255, Florida Statutes, is created to read:

319.255 Dealer sale rescission.—

(1) A motor vehicle dealer, purchaser, and any lienholders, by concurrence of all parties, may rescind or cancel the sale of a motor vehicle not later than the 30th day following the date of sale. A rescinded or canceled sale requires return by the motor vehicle dealer to the rightful parties of all fees, taxes, and other moneys provided to the motor vehicle dealer as part of the sale. The concurrence of all parties to cancel or rescind the sale must be acknowledged in a return agreement, which must

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00885A-23

20231636__

be retained by the dealer with the vehicle sales records, and invalidates any subsequent requirements imposed upon the motor vehicle dealer to submit an application or remit any fees or taxes if the application, fees, and taxes have not been remitted.

(2) If an application has been submitted or tax or fees remitted or the motor vehicle dealer requires a certificate of title for resale purposes, the rescinded or canceled sale and the return to the rightful parties of all fees, taxes, and other moneys must be certified by the motor vehicle dealer upon a form prescribed by the department. The form must be completed and submitted to the department within 15 days after the date the parties agree to cancel the sale and must have attached to it a copy of the dealer's return agreement. If a certificate of title has been issued, the certificate of title must be attached or a certification made on the form that the certificate of title has been lost or destroyed.

(3) Within 7 days after receipt of the form, the department shall rescind, cancel, or revoke any application for title or issued title; refund to the motor vehicle dealer any fees and taxes paid or remitted to the department, less fees paid in accordance with s. 319.32; return a department-acknowledged and dated copy of the form; and issue a certificate of title to the dealer reflecting the name of the motor vehicle dealer and the odometer reading as recorded at the time of sale that was rescinded or canceled. A motor vehicle dealer may not offer for retail sale a vehicle that is the subject of an application submitted or tax or fees remitted pursuant to subsection (2) until the dealer has received the title from the department.

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 (4) Within 30 days after the date on the department-
60 acknowledged copy of the form, a motor vehicle dealer may
61 request, by submitting a copy of the department-acknowledged
62 form to the county tax collector, a refund of fees and taxes
63 retained by the county tax collector, less fees paid in
64 accordance with s. 319.32.

65 (5) Any rescission, cancellation, or revocation under this
66 section does not negate that the vehicle has been the subject of
67 a previous retail sale.

68 Section 2. This act shall take effect July 1, 2023.

3/27/2023

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1636

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Angela Bonds**

Phone _____

Address **106 E. College Ave. Suite 1200**

Email **abonds@deanmead.com**

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Carvana

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/27/23

Meeting Date

1636

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Chris Moya

Phone

850 910 9999

Address

106 E College Ave Suite 1200

Email

cmoya@deanmead.com

Street

Tall

City

FL

State

32303

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Carvana



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: March 13, 2023

I respectfully request that **Senate Bill 1636**, relating to Sale of Motor Vehicles, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 3/27/2023 11:30:58 AM

Ends: 3/27/2023 12:11:04 PM

Length: 00:40:07

11:31:00 AM Meeting called to order
11:31:07 AM Roll Call
11:31:23 AM Pledge of Allegiance
11:31:47 AM Chair DiCeglie opening remarks
11:32:05 AM Tab 1 SB 464 by Sen Perry - Driving in the Furthestmost Left-hand Lane of a Roadway
11:32:16 AM Sen. Perry explains the bill
11:32:42 AM Take up late filed amendment- w/o objection
11:32:46 AM Sen. Perry explains the amendment
11:33:00 AM Questions
11:33:05 AM Appearances
11:33:08 AM Debate
11:33:10 AM Sen. Perry waives close on the amendment
11:33:19 AM Amendment adopted
11:33:23 AM Questions
11:33:26 AM Sen. Torres
11:33:32 AM Sen. Perry
11:33:54 AM Sen. Torres
11:33:56 AM Sen. Perry
11:34:05 AM Sen. Boyd
11:34:32 AM Sen. Perry
11:35:03 AM Sen. Boyd
11:35:11 AM Vice Chair Davis
11:35:35 AM Sen. Perry
11:37:23 AM Appearances
11:37:31 AM David Mulicka, Hodge Construction
11:38:35 AM Debate
11:38:39 AM Sen. Torres
11:40:15 AM Sen. Broxson
11:40:49 AM Sen. Pizzo
11:40:53 AM Vice Chair Davis
11:41:10 AM Appearance - Stephen Slade, FL PBA, waives
11:41:21 AM Sen. Perry Closes
11:42:24 AM Roll Call
11:42:45 AM CS/SB 464 is reported
11:42:50 AM Tab 4 SB 1074 by Sen. Thompson - Divine Nine Specialty License Plate
11:43:03 AM Sen. Thompson explains the bill
11:44:19 AM Questions
11:44:30 AM Take up Am BC 737748
11:44:39 AM Sen. Thompson explains the amendment
11:45:03 AM Questions
11:45:13 AM Debate
11:45:15 AM Sen. Thompson waives close
11:45:20 AM Amendment adopted
11:45:26 AM Back on the bill as amended
11:45:26 AM Questions
11:45:34 AM Debate
11:45:40 AM Vice Chair Davis
11:46:01 AM Chair DiCeglie
11:46:17 AM Sen. Thompson closes
11:46:54 AM Roll Call
11:47:13 AM CS/SB 1074 is reported
11:47:24 AM Tab 3 SB 996 by Sen. Berman - Driver License, Identification Card, and Motor Vehicle Registration

11:47:37 AM Sen. Berman explains the bill
11:48:31 AM Questions
11:48:38 AM Take up Am BC 393424
11:48:48 AM Sen. Berman explains the amendment
11:49:00 AM Questions
11:49:04 AM Debate
11:49:15 AM Sen. Berman waives close
11:49:17 AM Amendment adopted
11:49:23 AM Back on bill as amended
11:49:31 AM Appearance
11:49:36 AM Rana Brown, Best Buddies waives
11:49:42 AM Debate
11:49:45 AM Sen. Berman waives close
11:49:48 AM Roll call
11:50:05 AM CS/SB 996 is reported
11:50:41 AM Chair DiCeglie passes gavel to Vice Chair Davis
11:50:50 AM Vice Chair Davis takes up Tab 5
11:50:59 AM Tab 5 SB 1252 by Sen. DiCeglie - Motor Vehicles
11:51:02 AM Sen. DiCeglie explains the bill
11:52:19 AM Questions
11:52:26 AM Take up Am BC 586110
11:52:32 AM Sen. DiCeglie explains the amendment
11:53:45 AM Questions
11:53:50 AM Appearances
11:53:56 AM Tim Qualls, Florida Tax Collectors Association waives
11:54:03 AM Debate
11:54:08 AM Sen. DiCeglie waives close
11:54:20 AM Amendment adopted
11:54:23 AM Back on the bill as amended
11:54:27 AM Questions
11:54:29 AM Sen. Pizzo
11:54:54 AM Sen. DiCeglie
11:55:10 AM Appearances
11:55:16 AM Jennifer Langston, FLHSMV waives
11:55:20 AM Sen. DiCeglie waives close
11:55:28 AM Roll Call
11:55:50 AM CS/SB 1252 is reported
11:56:13 AM Tab 7 SB 1388 by Sen. Wright - Immunity of Motor Vehicle Dealer Leasing and Rental Affiliates
11:56:31 AM Sen. Wright explains the bill
11:57:49 AM Questions
11:57:51 AM Appearances
11:57:57 AM Leslie Dughi, Enterprise, National, Alamo waives
11:58:01 AM Debate
11:58:05 AM Sen. Wright waives close
11:58:14 AM Roll Call
11:58:28 AM CS/SB 1388 is reported
11:58:32 AM Tab 8 SB 1636 by Sen. Wright - Sale of Motor Vehicles
11:58:43 AM Sen. Wright explains the bill
11:58:50 AM Take up Am BC 682418
11:58:57 AM Sen. Wright explains the amendment
11:59:04 AM Questions
11:59:07 AM Debate
11:59:17 AM Sen. Wright waives close
11:59:20 AM Amendment adopted
11:59:25 AM Back on bill as amended
11:59:30 AM Questions
11:59:32 AM Appearances
11:59:37 AM Chris Moya, Carvana waives
11:59:43 AM Angela Bonds, Carvana waives
11:59:48 AM Debate
11:59:55 AM Sen. Wright waives close
12:00:02 PM Roll call

12:00:17 PM CS/SB 1636 is reported
12:00:32 PM Tab 2 by Sen. Yarborough Specialty License Plates/Cure
12:00:40 PM Sen. Yarborough explains the bill
12:01:19 PM Take up Am BC 773730
12:01:30 PM Sen. Yarborough explains amendment
12:01:45 PM Questions
12:01:50 PM Debate
12:01:53 PM Sen. Yarborough waives close
12:01:59 PM Amendment adopted
12:02:01 PM Back on bill as amended
12:02:04 PM Questions
12:02:10 PM Debate
12:02:18 PM Chair DiCeglie comments in debate
12:02:36 PM Roll call
12:02:45 PM Sen. Yarborough waives close
12:03:03 PM CS/SB 634 is reported
12:03:17 PM Chair DiCeglie announces a recess
12:03:24 PM Recording Paused
12:06:55 PM Recording Resumed
12:06:58 PM Called to order
12:07:02 PM Tab 6 SB 1254 by Sen. Trumbull - Specialty License Plates/Recycle Florida/Florida
12:07:14 PM Sen. Trumbull explains the bill
12:08:20 PM Take up Am BC 156962
12:08:25 PM Sen. Trumbull explains the amendment
12:08:44 PM Questions
12:08:45 PM Appearances
12:08:51 PM Will McKinley, Universal Orlando waives
12:08:57 PM Debate
12:09:06 PM Sen. Trumbull waives close
12:09:08 PM Amendment adopted
12:09:11 PM Back on the bill as amended
12:09:16 PM Questions
12:09:18 PM Appearances
12:09:22 PM Ethan Perry, Florida Realtors Association waives
12:09:26 PM Debate
12:09:36 PM Sen. Trumbull waives close
12:09:38 PM Roll Call
12:10:01 PM CS/SB 1254 is reported
12:10:07 PM Vote after motion
12:10:32 PM Sen. Pizzo comments
12:10:35 PM Chair DiCeglie closing comments
12:10:48 PM Sen. Broxson moves to adjourn - meeting adjourned