

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, March 14, 2013**TIME:** 11:00 a.m.—1:30 p.m.**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building**MEMBERS:** Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Tampa-Hillsborough County Expressway Authority

1	Diaco, Stephen C. (Tampa)	07/01/2014	Recommend Confirm Yeas 7 Nays 0

Florida Transportation Commission

2	Ellington, Donald L. (Gainesville)	09/30/2013	Recommend Confirm Yeas 7 Nays 0
	Frazier, Susan Katherine (Tampa)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
	Kigel, Beth R. (Lake Worth)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
	Marono, Manuel L. (Sweetwater)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
	Trumbull, Jay N. (Panama City)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
	Tuck, Andy (Sebring)	09/30/2014	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION

3	SB 1632 Latvala (Identical H 1299)	Transportation; Amending provisions of ch. 479 F.S., relating to outdoor advertising signs; limiting the placement of signs in commercial or industrial zones; providing for notice to owners of intervening privately owned lands before entering upon such lands to remove an illegal sign; requiring a local government to grant a variance or waiver to a local ordinance or regulation to allow the owner of a lawfully permitted sign to increase the height of the sign if a noise-attenuation barrier is permitted by or erected by a governmental entity in a way that interferes with the visibility of the sign, etc. TR 03/14/2013 Fav/CS AP RC	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 14, 2013, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 884 Sachs (Identical H 699)	Florida Salutes Veterans License Plates; Revising provisions for distribution and use of fees collected from the sale of the Florida Salutes Veterans license plate, etc. TR 03/14/2013 Temporarily Postponed RC AP	Temporarily Postponed
5	SB 1090 Altman (Identical H 683)	Motor Vehicles; Requiring the application forms for motor vehicle registration and renewal of registration and for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to Auto Club Group Traffic Safety Foundation, Inc.; providing that such contributions are not income for specified purposes; providing for use of funds; providing that the foundation must comply with specified provisions, etc. TR 03/14/2013 Favorable RC AP	Favorable Yeas 9 Nays 0
6	SB 1752 Braynon (Identical H 1103)	Driver Licenses and Driving Privileges; Creating the "Driver's Accountability Act"; providing a criminal and civil penalty payment alternative when a court finds the violator has demonstrable financial hardship; amending provisions relating to driving while a license is suspended, revoked, canceled, or disqualified; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense, etc. TR 03/14/2013 Fav/CS JU ACJ AP	Fav/CS Yeas 9 Nays 0
7	SB 986 Soto (Identical H 235)	Requirements for Driver Licenses; Including notice of the approval of an application for Deferred Action for Childhood Arrivals status issued by the United States Citizenship and Immigration Services as valid proof of identity for purposes of applying for a driver license, etc. TR 03/14/2013 Favorable JU RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 14, 2013, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1110 Evers (Identical CS/H 489)	Railroad Police Officers; Requiring special officers employed by a railroad or other common carrier to comply with specified continuing training or education requirements; providing for reclassification of certain offenses committed against a railroad special officer; including special officers employed by a railroad or other common carrier within the definition of "law enforcement officer" and including certain railroads within the definition of "employing agency" for purposes of specified provisions relating to law enforcement officer standards, etc. TR 03/14/2013 Fav/CS CJ ACJ AP	Fav/CS Yeas 9 Nays 0
9	SB 1424 Evers (Similar H 1333)	Public Records/Personal Identifying Information/Department of Transportation; Providing that personal identifying information about individuals related to the payment of tolls, which is held by the Department of Transportation and certain other entities, is exempt from public records requirements; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings and a statement of public necessity, etc. TR 03/14/2013 Favorable GO RC	Favorable Yeas 9 Nays 0
10	SB 1054 Brandes (Compare S 1458)	Department of Highway Safety and Motor Vehicles; Providing that owners or drivers of certain commercial motor vehicles are subject to specific federal commercial driver license standards; providing that commercial motor vehicles transporting hazardous material are subject to federal regulations relating to the designation of approval and certification agencies; deleting exemptions from commercial motor vehicle rules for the transportation of liquefied petroleum gas, etc. TR 03/07/2013 Temporarily Postponed TR 03/14/2013 Temporarily Postponed CM ATD AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 14, 2013, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1458 Brandes (Compare CS/H 635, H 1291, S 1046, S 1054)	Department of Highway Safety and Motor Vehicles; Amending provisions relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; revising provisions relating to driver improvement schools; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing requirements for issuance of a restricted license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person, etc. TR 03/14/2013 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 1

Other Related Meeting Documents

840

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

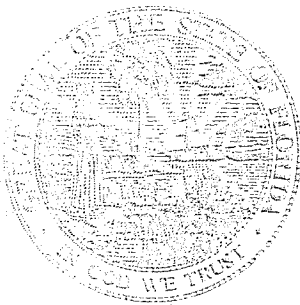
I, Ken Detzner, Secretary of State,
do hereby certify that

Stephen C. Diaco

is duly appointed a member of the

**Tampa-Hillsborough County Expressway
Authority**

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the First day of July, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Eighth day of June, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

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RICK SCOTT
GOVERNOR

2012 APR 23 PM 2:46

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 348.52(2), Florida Statutes:

Mr. Stephen C. Diaco
101 East Kennedy Boulevard
Suite 2175
Tampa, Florida 33602

as a member of the Tampa-Hillsborough County Expressway Authority, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending July 1, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Donald L. Ellington

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2013
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of July, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

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RICK SCOTT
GOVERNOR

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2012 APR 23 PM 2:43
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Donald L. Ellington
8973 Southwest 15th Avenue
Gainesville, Florida 32607

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

S. Katherine Frazier

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of September, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:43
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Ms. Susan K. Frazier
101 East Kennedy Boulevard
Suite 3700
Tampa, Florida 33602

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Beth R. Kigel

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

2012 APR 23 PM 2:47
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Ms. Beth R. Kigel
7587 Rockport Circle
Lake Worth, Florida 33467

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Manuel L. Marono

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:49
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Manuel L. Marono
10233 Southwest 7th Street
Sweetwater, Florida 33174

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Jay N. Trumbull

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:55
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Jay N. Trumbull
2708 Longleaf Road
Panama City, Florida 32405

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

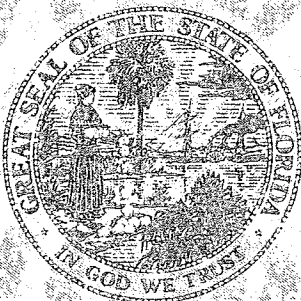
I, Ken Detzner, Secretary of State,
do hereby certify that

Andy Tuck

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Sixth day of October, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

REC'D
2012 APR 23 PM 2:55
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

The Honorable Andy Tuck
1611 Sandwedge Court
Sebring, Florida 33872

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

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 1632

INTRODUCER: Transportation Committee and Senator Latvala

SUBJECT: Transportation

DATE: March 14, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			AP	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

CS/SB 1632 revises provisions relating to the Florida Department of Transportation's (FDOT) disposal and lease of real and personal property and revises provisions contained in chapter 479, F.S., relating to outdoor advertising. Among the items, the bill primarily:

- authorizes FDOT to contract for auction services used in the conveyance of real or personal property or of leasehold interests;
- revises the terms and conditions under which FDOT may sell or lease properties acquired for transportation rights-of-way;
- authorizes FDOT, when it determines the property is not needed for a transportation facility, to dispose of property through negotiations, sealed competitive bids, auctions, or any other means FDOT deems to be in its best interest; and prohibits a sale at a price less than FDOT's current estimate of value, except under certain conditions;
- authorizes FDOT to enter into a lease through negotiations, sealed competitive bids, auctions, or any other means FDOT deems to be in its best interest; and prohibits FDOT from entering into a lease at a price less than FDOT's current estimate of value, except under certain conditions;

- requires FDOT's estimate of value to be prepared in accordance with FDOT procedures, guidelines, and rules for valuation of real property; and requires, if the value of the property exceeds \$50,000 as determined by FDOT's estimate, the sale or lease must be at a negotiated price not less than the estimate of value as determined by an independent appraisal prepared in accordance with FDOT procedures, guidelines, and rules, the cost of which must be paid by the party seeking the purchase or lease of the property;
- relocates, revises, and repeals various definitions, and revises various duties of the FDOT with respect to administration and enforcement of state and federal outdoor advertising provisions;
- provides that FDOT shall permit signs only in commercial or industrial zones, as determined by the local government, as specified; provides criteria required for local government determinations as to zoning for a parcel; and provides certain uses and activities that may not be independently recognized as commercial or industrial, the bulk of which is relocated from existing law;
- requires FDOT to notify a sign applicant in writing if FDOT disagrees with a local government determination that a proposed sign location is on a parcel that is in a commercial or industrial zone, authorizes an applicant whose application for a permit is denied to request an administrative hearing, and requires FDOT to notify the local government that the applicant has requested a hearing;
- provides that if FDOT determines that the parcel does not meet permitting conditions, the applicant shall remove the sign within 30 days after the date of the order and is responsible for all sign removal costs; and provides for a reduction in transportation funding to a local government if a local government fails to be compliant;
- revises various fees; revises provisions relating to signs visible to more than one highway; makes permanent a pilot program in specified locations under which the distance between certain permitted signs may be reduced to 1,000 feet; revises provisions relating to vegetation management and revises provisions relating to relocated or reconstruction of signs situated upon right-of-way acquired by FDOT;
- provides for additional signs that can be erected without a permit, but prohibits implementation or continuation of the authorized signs as specified; revises provisions relating to increasing the height of a sign at its permitted location if a noise-attenuation barrier is permitted or erected by any governmental entity, as specified; and expands the logo sign program to the right-of-way of the limited-access system;
- makes various grammatical changes to aid readability, provides various technical corrections, and conforms terminology to changes made in the act;
- repeals a pilot program authorized in 2012 for signs for tourist-oriented commerce signs, which is replaced by authority to erect such signs without a permit under certain conditions;
- requires FDOT to submit for legislative approval in the next regular legislative session a program that allows participation in the maintenance of highway roadside rights-of-way through monetary contributions in exchange for the placement of organic corporate emblems in view of passing motorists in recognition of services provided, if the Federal Government approves such a program;
- provides an effective date.

This bill amends the following sections of the Florida Statutes: 337.25, 479.01, 479.02, 479.03, 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106, 479.107, 479.111, 479.15, 479.1546, 479.16, 479.24, 479.25, 479.261, and 479.313.

This bill creates the following section of the Florida Statutes: 479.024.

The bill repeals section 76 of chapter 2012-174, Laws of Florida.

II. Present Situation:

Disposal and Lease of Real and Personal Property

FDOT is authorized to purchase, lease, exchange, or otherwise acquire any land, property interests, buildings or other improvements necessary for rights-of-way for existing or anticipated transportation facilities on the State Highway System, on the State Park Road System, or in an FDOT designated rail or transportation corridor. FDOT may also accept donations of land, building, or other improvements for transportation rights-of-way and may compensate an entity by providing replacement facilities when the land, building, or other improvements are needed for transportation purposes but are held by a federal, state, or local governmental entity and used for public purposes other than transportation.¹

FDOT is required to conduct a complete inventory of all real or personal property immediately upon its possession or acquisition, including an itemized listing of all appliances, fixtures, and other severable items, a statement of the location or site of each piece of realty, structure, or severable item; and the serial number assigned to each.² FDOT must evaluate the inventory of real property for that which has been owned for at least 10 years and which is not within a transportation corridor or the right-of-way of a transportation facility. If the property is not located within a transportation corridor or is not needed for a transportation facility, FDOT is authorized to dispose of the property.³ According to FDOT, 85% of its currently-owned surplus property is valued at under \$50,000.

Sale of Property

FDOT is authorized to sell any land, building, or other real or personal property it acquired if FDOT determines the property is not needed for a transportation facility.⁴ FDOT is required to first offer the property (“first right of refusal”) to the local government in whose jurisdiction the property is located, with the exception of the following parcels:

- FDOT may negotiate the sale of property, at no less than fair market value as determined by an independent appraisal, to the owner holding title to abutting property, if in FDOT’s discretion public sale would be inequitable.⁵
- FDOT may sell property acquired for use as a borrow pit, at no less than fair market value, to the owner of abutting land from which the pit was originally acquired, if the pit is no longer needed.⁶

¹ Section 337.25(1), F.S.

² Section 337.25(2), F.S.

³ Section 337.25(3), F.S.

⁴ Section 337.25(4), F.S.

⁵ Section 337.25(4)(c), F.S.

- FDOT may convey to a county without consideration any property acquired by a county or by FDOT using constitutional gas tax funds for a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system if the property is no longer used or needed by FDOT; and the county may sell the property on receipt of competitive bids.⁷
- A governmental entity may authorize re-conveyance to the original donor of property donated to the state for transportation purposes if the facility has not been constructed for at least five years, no plans have been prepared for construction of the facility, and the property is not located within a transportation corridor.⁸
- FDOT may negotiate the sale of property as replacement housing if the property was originally acquired for persons displaced by transportation projects and if the state receives no less than its investment in such properties or fair market value, whichever is lower. This benefit extends only to persons actually displaced by a project, and dispositions to any other person must be for fair market value.⁹

Once FDOT determines the property is not needed for a transportation facility and has extended and received rejection of required first rights of refusal, FDOT is also authorized to:

- negotiate the sale of property if its value is \$10,000 or less as determined by FDOT estimate;¹⁰
- sell the property to the highest bidder through “due advertisement” of receipt of sealed competitive bids or by public auction if its value exceeds \$10,000 as determined by FDOT estimate;¹¹
- determine the fair market value of property through appraisal conducted by an FDOT appraiser, if FDOT begins the process for disposing of property on its own initiative, either by authorized negotiation or by authorized receipt of sealed competitive bids or public auction;¹²
- convey the property without consideration to a governmental entity if the property is to be used for a public purpose;¹³ and
- use the projected maintenance costs of the property over the next five years to offset the market value in establishing a value for disposal of the property, even if that value is zero, if FDOT determines that the property will require significant costs to be incurred or that continued ownership of the property exposes FDOT to significant liability risks.¹⁴

Lease of Property

FDOT is further authorized to convey a leasehold interest for commercial or other purposes to any acquired land, building, or other property, real or personal, subject to the following:¹⁵

⁶ Section 337.25(4)(d), F.S.

⁷ Section 337.25(4)(f), F.S.

⁸ Section 337.25(4)(g), F.S.

⁹ Section 337.25(4)(i), F.S.

¹⁰ Section 337.25(4)(a), F.S.

¹¹ Section 337.25(4)(b), F.S.

¹² Section 337.25(4)(e), F.S.

¹³ Section 337.25(4)(h), F.S.

¹⁴ Section 337.25(4)(j), F.S.

¹⁵ Section 337.25(5), F.S.

- FDOT may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of FDOT's acquisition; or, if public bidding would be inequitable, with the owner of privately owned abutting property, after reasonable notice to all other abutting property owners.¹⁶
- All other leases must be by competitive bid.¹⁷
- Such leases are limited to five years in duration, but FDOT may renegotiate a lease for an additional five-year term without rebidding.¹⁸
- Each lease must require that any improvements made to the property during the lease term be removed at the lessee's expense.¹⁹
- If property is to be used for a public purpose, including a fair, art show, or other educational, cultural, or fundraising activity, the property may be leased without consideration to a governmental entity or school board.²⁰
- No lease may be used by the lessee to establish the four years' standing required by eminent domain law if the business had not been established for four years on the date title passed to FDOT.²¹
- FDOT may enter into a long-term lease without compensation with certain public ports for rail corridors used for the operation of a short-line railroad to the port.²²

The appraisals currently required under s. 337.25(4)(c) and (d), F.S., must be prepared in accordance with FDOT guidelines and rules by an independent appraiser certified by FDOT.²³ When "due advertisement" is required, an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held satisfies the requirement.²⁴

Control of Outdoor Advertising

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-aid Primary, Interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The primary features of the Highway Beautification Act include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting, and spacing provisions as agreed to by the state and federal governments. Billboard

¹⁶ Section 337.25(5)(a), F.S.

¹⁷ Section 337.25(5)(b), F.S.

¹⁸ Section 337.25(5)(c), F.S.

¹⁹ Section 337.25(5)(d), F.S.

²⁰ Section 337.25(5)(e), F.S.

²¹ Section 337.25(5)(g), F.S.

²² Section 337.25(5)(h), F.S.

²³ Section 337.25(7), F.S.

²⁴ Section 337.25(8), F.S.

controls apply to all Interstates, Federal-Aid Primaries, and other highways that are part of the national Highway System.

- States have the discretion to remove legal nonconforming signs²⁵ along highways. However, the payment of just compensation is required for the removal of any lawfully erected billboard along the specified roads.
- States and localities may enact stricter laws than stipulated in the HBA.

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.²⁶

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)²⁷ incorporating the HBA's required controls, FDOT requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices." Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations, and the 1972 agreement.

Commercial and Industrial Areas

Outdoor advertising signs may legally be located in commercial or industrial areas. In conformance with the 1972 agreement, s. 479.01(4), F.S., currently defines "commercial or industrial zone" as a parcel of land designated for commercial or industrial use under both the Future Land Use Map (FLUM) of the local comprehensive plan and the land development regulations adopted pursuant to ch. 163, F.S. This allows FDOT to consider both land development regulations and future land use maps in determining commercial and industrial land use areas and issuing permits for sign locations in such areas.

Unzoned Commercial and Industrial Areas

If a parcel is located in an area designated for multiple uses on the FLUM, and the land development regulations do not clearly designate the parcel for a specific use, the area will be considered an unzoned commercial or industrial area and outdoor advertising signs may be permitted there provided three or more separate commercial or industrial activities take place.²⁸ However, the following criteria must be met:

²⁵ A legal "nonconforming sign" is a sign that was legally erected according to the applicable laws and regulations of the time, but which does not meet current laws or regulations. (s. 479.01(17), F.S.)

²⁶ 23 U.S.C. § 131(b)

²⁷ Copy on file in the Senate Transportation Committee.

²⁸ Section 479.01(26), F.S.

- One of the commercial or industrial activities must be located within 800 feet of the sign and on the same side of the highway,
- The commercial or industrial activity must be within 660 feet of the right-of-way, and
- The commercial or industrial activities must be within 1,600 feet of each other.

Regardless of whether the criteria above are met, the following activities are specifically excluded from being recognized as commercial or industrial activities and therefore cannot be considered when determining whether a parcel is an unzoned commercial or industrial area:

- Signs.
- Agricultural, forestry, ranching, grazing, farming, and related activities.
- Transient or temporary activities.
- Activities not visible from the main-traveled way.
- Activities conducted more than 660 feet from the right-of-way.
- Activities conducted in a building principally used as a residence.
- Railroad tracks and minor sidings.
- Communications towers.²⁹

With the exception of communication towers, the exclusion of these activities is specifically required by the 1972 agreement between the State and the United States Department of Transportation (USDOT).

Entry Upon Privately Owned Lands

For the purposes of ch. 479, F.S., all of the state is deemed as the territory under FDOT's jurisdiction.³⁰ Employees, agents, or independent contractors working for FDOT are authorized to enter upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and to make sign inspections, surveys, and removals. After receiving consent by the landowner, operator, or person in charge, or appropriate inspection warrant issued by an appropriate judge, that the removal of an illegal outdoor advertising sign is necessary, FDOT is authorized to enter upon any intervening privately-owned lands for the purpose of removal of illegal signs, provided FDOT has determined that no other legal or economically feasible means of entry to the sign site are reasonably available. FDOT is responsible for the repair or replacement in like manner of any physical damage or destruction of the private property.

License to Engage in the Business of Outdoor Advertising

A person is prohibited from engaging in the business of outdoor advertising without first obtaining a license from FDOT. A person is not required to obtain the license to erect outdoor advertising signs or structures as an incidental part of a building construction contract.³¹

Denial or Revocation of License

FDOT may deny or revoke any license requested or granted under ch. 479, F.S., in any case in which FDOT determines that the application for the license contains knowingly false or misleading information, or that the licensee has violated any of the provisions of that chapter,

²⁹ Id.

³⁰ Section 479.03, F.S.

³¹ Section 479.04, F.S.

unless such licensee corrects such false or misleading information or complies with the provisions of that chapter within 30 days after the receipt of FDOT notice. Any person aggrieved by any FDOT action in denying or revoking a license is authorized to apply to FDOT for an administrative hearing within 30 days from the receipt of the notice.³²

Permit Application Documentation

Section 479.07(1), F.S., except as otherwise specified, provides that a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System outside an urban area, as defined in s. 334.03(31), F.S., or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from FDOT and paying the required annual fee. Subsection (2) prohibits a person from applying for a permit unless the person has first obtained the written permission of the owner or other person in lawful possession or control of the site designated as the location of the sign in the application for the permit. As a part of the application, the applicant or authorized representative must certify in a notarized signed statement that he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application.

Outdoor Advertising Annual Permit Fee/Multiple Transfer Fee/Permit Reinstatement Fee
FDOT is required to establish by rule an annual permit fee for each sign facing³³ in an amount sufficient to offset the total cost to FDOT for the program, but shall not exceed \$100.³⁴ The current fee is \$71, with some exception for small signs. FDOT advises it has no immediate plans to increase the fee but notes the data base currently used for the program was written in 1999. While the system is in need of an upgrade, the upgrade is well down the list of priorities. However, when upgraded, the annual permit fee will need to be increased to offset the total cost to FDOT for the program. No application fee to cover FDOT's administrative costs in processing applications is currently required.

The transfer of valid permits from one sign owner to another is currently authorized upon written acknowledgement from the current permittee and submittal of a transfer fee of \$5 for each permit to be transferred.³⁵ The maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction is \$100. FDOT advises the \$100 fee is insufficient to cover its administrative costs in frequent cases of bulk transfers between two outdoor advertisers in a single transaction.

Current law provides a process for sign removal if a permittee has not submitted all license and permit renewal fees by the expiration date of the license or permit.³⁶ With respect to sign permits, if at any time before removal of the sign, the permittee demonstrates that a good faith error on the part of the permittee resulted in cancellation or nonrenewal of the permit, FDOT is authorized to reinstate the permit if the permit reinstatement fee of up to \$300 based on the size

³² Section 479.05, F.S.

³³ A "sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction. A "sign face" means the part of the sign, including trim and background, which contains the message or informative contents. (s. 479.01(22) and (23), F.S.)

³⁴ Section 479.07(3)(c), F.S.

³⁵ Section 479.07(6), F.S.

³⁶ Section 479.07(8), F.S.

of the sign is paid; all other permit renewal and delinquent permit fees due as of the reinstatement date are paid; and the permittee reimburses FDOT for all actual costs resulting from the permit cancellation or nonrenewal. FDOT advises its administrative costs associated with reviewing reinstatement requests are the same regardless of the size of the sign.

Permit Tag Placement/Replacement Tags

FDOT is currently required to furnish to a permittee a serially numbered permanent metal permit tag which the permittee is required to securely attach to the sign facing or, if there is no facing, on the pole nearest the highway. Further, effective July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main traveled way. In addition, the permit becomes void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance.³⁷

That section also provides for FDOT issuance of a replacement tag in the event a permit tag is lost, stolen, or destroyed and, alternatively, authorizes a permittee to provide its own replacement tag pursuant to FDOT specifications that FDOT shall adopt by rule at the time it establishes the service fee for replacement tags.³⁸

Signs Visible From More than One Highway

If a sign is visible from the controlled area of more than one highway subject to FDOT jurisdiction, the sign must meet the permitting requirements of, and be permitted to, the highway having the more stringent permitting requirements.³⁹

Pilot Program/Reduction of Distance Between Permitted Signs

Current law establishes a pilot program in Orange, Hillsborough, and Osceola Counties, and within the boundaries of the City of Miami, under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet under the specified conditions and directs FDOT to maintain statistics tracking the use of the provisions of the pilot program based on notifications received by FDOT from local governments.⁴⁰

Sign Removal Following Permit Revocation

A sign permittee is currently required to remove a sign within 30 days after the date of revocation of the permit for the sign and, if the permittee fails to do so, FDOT is required to remove the sign without further notice and without incurring any liability.⁴¹ Further, all costs incurred by FDOT in connection with the removal of a sign located within a controlled area adjacent to the State Highway System, interstate highway system, or federal-aid primary highway system following the revocation of the sign permit shall be assessed and collected from the permittee.⁴²

³⁷ Section 479.07(5), F.S.

³⁸ Rule 14-10.004(5), F.A.C.

³⁹ Section 479.07(9)(a), F.S.

⁴⁰ Section 479.07(9)(c), F.S.

⁴¹ Section 479.10, F.S.

⁴² Section 479.313, F.S.

Notices of Violation/Signs Erected or Maintained Without Required Permit

Any sign located adjacent to the right-of-way of any highway on the State Highway System outside an incorporated area or adjacent to the right-of-way on any portion of the interstate or federal-aid primary highway system without the required FDOT permit must be removed. Prior to removal, FDOT is required to prominently post on the sign face a notice that the sign is illegal and must be removed within 30 days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address of the non-licensed sign owner, concurrently with and in addition to posting the notice, FDOT must provide a written notice to the owner stating that the sign is illegal and must be permanently removed within the 30-day period; and that the sign owner has a right to request a hearing, which request must be filed with FDOT within 30 days after the date of the written notice. If after notice the sign owner does not remove the sign, FDOT is required to do so.⁴³

Issuance of Permits for Conforming or Nonconforming Signs

If a sign owner demonstrates to FDOT that:

- a given sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of seven years or more;
- the sign would have met the criteria established in ch. 479, F.S., for issuance of a permit at any time during the period in which the sign has been erected;
- FDOT has not initiated a notice of violation or taken other action to remove the sign during the initial seven-year period; and
- FDOT determines that the sign is not located on state right-of-way and is not a safety hazard,

FDOT is authorized to consider the sign a conforming or nonconforming sign and to issue a permit for the sign upon application and payment of a penalty fee of \$300 and all pertinent fees required by ch. 479, F.S., including annual permit renewal fees payable since the date of the erection of the sign.⁴⁴

Vegetation Management and View Zones for Outdoor Advertising

Section 479.106, F.S., addresses vegetation management and establishes “view zones” for lawfully permitted outdoor advertising signs on interstates, expressways, federal-aid primary highways, and the State Highway System, excluding privately or other publicly owned property. The intent of the section is to create partnering relationships which will have the effect of improving the appearance of Florida’s highways and creating a net increase in the vegetative habitat along the roads.⁴⁵

The section requires anyone desiring to remove, cut, or trim trees or vegetation on public right-of-way to improve the visibility of a sign or future sign to obtain written permission from FDOT. To receive a permit to remove vegetation, the applicant must provide a plan for the removal and for the management of any vegetation planted as the result of a mitigation plan. Rule 14-10.057, F.A.C., requires mitigation where:

⁴³ Section 479.105(1)(a) and (b), F.S.

⁴⁴ Section 479.105(1)(e), F.S.

⁴⁵ Section 479.106(8), F.S.

- Cutting, trimming, or damaging vegetation permanently detracts from the appearance or health of trees, shrubs, or herbaceous plants, or where such activity is not done in accordance with published standard practices. This does not apply to invasive exotic and other noxious plants;
- Trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or destroyed;
- Species of trees or shrubs not likely to grow to interfere with visibility are damaged or removed;
- Trees or shrubs that are likely to interfere with visibility are trimmed improperly, permanently damaged, or removed; or
- Herbaceous plants are permanently damaged.

When the installation of a new sign requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way, FDOT may only grant a permit for the new sign when the sign owner has removed at least two non-conforming signs of comparable size and surrendered those signs' permits for cancellation. For signs originally permitted after July 1, 1996,⁴⁶ FDOT is prohibited from granting any permit where such trees or vegetation are part of a beautification project implemented before the date of the original sign permit application, as specified.

Vegetation Management Application Fee/Multiple Site Fee/Administrative Penalty

FDOT is currently authorized to establish an application fee not to exceed \$25 for each individual application to defer the costs of processing such application and a fee not to exceed \$200 to defer the costs of processing an application for multiple sites.⁴⁷ Further, any person who violates or benefits from a violation of ch. 479, F.S., is subject to an administrative penalty of up to \$1,000 and is required to mitigate for the unauthorized removal, cutting, or trimming of trees or vegetation.⁴⁸

Cost of Sign Removal/Additional Fine for Violations

Section 479.107(5), F.S., requires that the cost of removing a specified sign, whether by FDOT or an independent contractor, shall be assessed by FDOT against the owner of the sign. In addition, FDOT is directed to assess a fine of \$75 against the sign owner for any sign which violates the requirements of that section. FDOT advises assessment is infrequent and collection is rare.

Relocation or Reconstruction of a Publicly Acquired Sign

When FDOT acquires land with a lawful nonconforming sign, the sign may, at the election of its owner and FDOT and subject to FHWA approval, be relocated or reconstructed adjacent to the new right-of-way along the roadway within 100 feet of the current location, provided the nonconforming sign is not relocated on a parcel zoned residential, and provided further that such relocation is subject to applicable setback requirements.⁴⁹ The relocation is required to be adjacent to the current site, and the face of the sign may not be increased in size or height or

⁴⁶ The date of enactment of s. 479.106, F.S.

⁴⁷ Section 479.106(4), F.S.

⁴⁸ Section 479.106(7), F.S.

⁴⁹ Section 479.15(3), F.S.

structurally modified at the point of relocation in conflict with the building codes of the jurisdiction in which the sign is located.⁵⁰

Permits Not Required for Certain Signs

Section 479.16, F.S., currently identifies a number of signs for which permits are not required, including without limitation:

- On-premise signs (signs on property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 8 square feet in area;
- Signs that are not in excess of 8 square feet that are owned by and relate to the facilities or activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government;
- Signs placed on benches, transit shelters, and waste receptacles; and
- Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, in a rural area where a hardship is created because a small business is not visible from the road junction, one sign not in excess of 16 square feet, denoting only the name of, and the distance and direction to, the business. This provision does not apply to charter counties and may not be implemented if the federal government notifies FDOT that implementation will adversely affect the allocation of federal funds to FDOT.

Compensation for Removal of Signs

FDOT is currently required to pay just compensation upon its removal of a lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system.⁵¹

Noise-Attenuation Barriers Blocking View of Signs

The owner of a lawfully erected sign is authorized to increase the height above ground level of such sign at its permitted location if any governmental entity permits or erects a noise-attenuation barrier in such a way as to block visibility of the sign. If construction of a proposed noise-attenuation barrier will screen a lawfully permitted sign, FDOT is required to provide notice to the local government or jurisdiction in which the sign is located before erection of the noise attenuation barrier. If it is determined that the increase in height will violate a local ordinance or land development regulation, the local government or jurisdiction is required to notify FDOT.

When notice has been received from the local government or jurisdiction prior to erection of the noise-attenuation barrier, FDOT is required to conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed barrier. The written survey must, in addition to stating the date, time, and location of a required public hearing, specifically advise the impacted property owners that:

- Erection of the noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;

⁵⁰ Section 479.15(4), F.S.

⁵¹ Section 479.24, F.S.

- The local government or local jurisdiction may restrict or prohibit increasing the height of the existing outdoor advertising sign to make it visible over the barrier; and
- If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local government or local jurisdiction is required to:
 - allow an increase in the height of the sign in violation of a local ordinance or land development regulation;
 - allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or
 - pay the fair market value of the sign and its associated interest in the real property.

FDOT must hold the public hearing and receive input on the proposed noise-attenuation barrier and its conflict with the local ordinance or land development regulations, and suggest or consider alternatives or modification to the proposed barrier to alleviate or minimize the conflict with the local ordinance or regulation or minimize any costs associated with relocating, reconstructing, or paying for the affected sign. Notice of the hearing, in addition to general provisions, must specifically state the same items specified for inclusion in the written survey above.

FDOT is prohibited from permitting erection of the noise-attenuation barrier to the extent that the barrier screens or blocks visibility of the sign until after the public hearing and until such time as the survey has been conducted and a majority of the impacted property owners have indicated approval. When approved, FDOT must notify the local governments or local jurisdictions, and the local government or jurisdiction must, notwithstanding any conflicting ordinance or regulation:

- Issue a permit by variance or otherwise for the reconstruction of a sign;
- Allow the relocation of a sign, or construction of another sign, at an alternative location that is permissible, if the sign owner agrees to relocate the sign or construct another sign; or
- Refuse to issue the required permits for reconstruction of a sign and pay fair market value of the sign and its associated interest in the real property to the sign owner.⁵²

Logo Program

FDOT is required to establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, camping, attractions, and other services, as approved by the Federal Highway Administration, at interchanges through the use of business logos and may include additional interchanges under the program.⁵³ As indicated, the program is limited to the interstate highway system, but under the Manual on Uniform Traffic Control Devices,⁵⁴ the program may be extended to other limited-access facilities, thereby expanding opportunities for business participation in the program.

III. Effect of Proposed Changes:

Section 1: Amends s. 337.25, F.S., relating to FDOT acquisition, lease, and disposal of real and personal property, to:

⁵² Section 479.25, F.S.

⁵³ Section 479.261, F.S.

⁵⁴ Adopted by FDOT pursuant to s. 316.0745, F.S.

- authorize FDOT to contract for auction services used in the conveyance of real or personal property or leasehold interests and to authorize such contracts to allow the contractor to retain a portion of the proceeds as compensation;
- make “plain language” revisions to the provisions requiring an inventory upon FDOT possession or acquisition of real or personal property to remove the required itemized listing in the inventory and replaces it with including a statement of the location or site of each piece of realty, structure, or severable item;
- replace FDOT authority to “sell” any land, building, or other real or personal property when FDOT determines the property isn’t needed for a transportation facility with authority to “convey” the same; authorizes FDOT, when it determines the property is not needed for a transportation facility, to dispose of property through negotiations, sealed competitive bids, auctions, or any other means FDOT deems to be in its best interest; and prohibits a sale at a price less than FDOT’s current estimate of value, except as provided in revised paragraphs (4)(a)-(d).
- authorize (rather than require) FDOT to afford a right of first refusal to a political subdivision (in addition to a local government) in which the parcel is located, except in conveyances transacted under revised paragraphs (4)(a), (c), and (e);
- revise the paragraphs of current subsection (4) as follows:
 - removes FDOT authority to negotiate the sale of property valued at \$10,000 or less as determined by FDOT’s estimate and relocates from paragraph (g) to paragraph (a) the authority of a governmental entity to authorize re-conveyance to the original donor of property donated to the state for transportation purposes under the specified conditions;
 - removes FDOT authority to sell to the highest bidder through due advertisement or by public auction property valued in excess of \$10,000 as determined by FDOT’s estimate and relocates from paragraph (h) to paragraph (b) FDOT’s authority to convey property without consideration to a governmental entity if the property is to be used for a public purpose;
 - removes FDOT authority to negotiate the sale of property, at no less than fair market value, to the owner holding title to abutting property, if in FDOT’s discretion public sale would be inequitable and relocates revised authority from paragraph (c) to paragraph (e); relocates from paragraph (i) to paragraph (c) FDOT’s authority to negotiate the sale of property as replacement housing if the property was originally acquired for persons displaced by transportation projects and if the state receives no less than its investment in such properties or FDOT’s current estimate of value (rather than fair market value), whichever is lower; and also replaces fair market value dispositions to any other persons with dispositions for no less than FDOT’s current estimate of value;
 - removes FDOT authority to sell property acquired for use as a borrow pit, at no less than fair market value, to the owner of abutting land from which the pit was originally acquired, if the pit is no longer needed; and relocates from paragraph (j) to paragraph (d) FDOT’s authority to use the projected maintenance costs of the property over the next ten (rather than five) years to offset the market value in establishing a value for disposal of the property, even if that value is zero, if FDOT determines that the property will require significant costs to be incurred or

- that continued ownership of the property exposes FDOT to significant liability risks;
- relocates FDOT authority to sell property to an abutting property owner currently in paragraph (c) to paragraph (e) and revises the authority to provide that if, in FDOT's discretion, a sale to anyone other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for FDOT's current estimate of value (rather than no less than fair market value as determined by an independent appraisal); and
- deletes current paragraph (f) authorizing FDOT to convey to a county without consideration any property acquired by a county or by FDOT using constitutional gas tax funds for a right-of-way or borrow pit; and
- deletes current paragraphs (g), (h), and (i), which language is relocated as already described;
- prohibit FDOT from conveying a leasehold interest at a price less than FDOT's current estimate of value, except as provided in revised paragraphs (4)(a)-(d).
- revise the paragraphs of current subsection (5) as follows:
 - removes FDOT authority to negotiate a lease at the prevailing market value with the owner from whom the property was acquired and with the holders of leasehold estates existing at the time of FDOT's acquisition and relocates revised authority from paragraph (a) to paragraph (b);
 - removes the requirement that all other leases be by competitive bid; relocates FDOT authority to sell property to an abutting property owner currently in paragraph (a) to paragraph (b); and revises the authority to provide that if, in FDOT's discretion, a lease to a person other than an abutting property owner or tenant with a leasehold interest in the abutting property would be inequitable, FDOT may lease the property to the abutting owner or tenant for no less than FDOT's current estimate of value (rather than at the prevailing market value);
 - retains the five-year limitation on the duration of leases entered into through the general authority granted to FDOT to enter into a lease through negotiations, sealed competitive bids, auctions, or any other means FDOT deems to be in its best interest; removes that limitation from the revised FDOT authority to lease property to an abutting owner or tenant if a lease to another would be inequitable; and authorizes FDOT, in addition to its authority to renegotiate a lease, to extend a lease for an additional five years as FDOT deems appropriate (rather than without rebidding);
 - revises the requirement that each lease contain a provision requiring any improvements made to the property during the term of lease to be removed at the lessee's expense by adding, "unless otherwise directed by the lessor;"
 - deletes the identified public purposes (a fair, art show, or other educational, cultural, or fundraising activity) for which FDOT may lease property without consideration; removes a school board as an entity to which FDOT may grant such a lease; and provides that a lease for a public purpose is exempt from the five-year, renegotiation or extension limits;
- remove direction that appraisals required by current paragraphs (c) [sale of property to an abutting owner if public sale would be inequitable] and (d) [sale of borrow pit to abutting owner from which originally required] be prepared in accordance with FDOT guidelines and rules by an FDOT certified independent appraiser; remove

direction that if federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration; require FDOT's estimate of value required by revised subsections (4) [conveyance of any land, building, or other real or personal property] and (5) [lease of any land, building, or other real or personal property] be prepared in accordance with FDOT procedures, guidelines, and rules for valuation of real property; and require, if the value of the property exceeds \$50,000 as determined by FDOT estimate, the sale or lease must be at a negotiated price not less than the estimate of value as determined by an appraisal prepared in accordance with FDOT procedures, guidelines, and rules for valuation of property, the cost of which shall be paid by the party seeking the purchase or lease of the property;

- remove the definition of "due advertisement;" and
- provide that this section does not modify the eminent domain requirements of s. 73.013, F.S.

Section 2: Requires FDOT to submit for legislative approval in the next regular legislative session a program that allows participation in the maintenance of highway roadside rights-of-way through monetary contributions in exchange for the placement of organic corporate emblems in view of passing motorists in recognition of services provided, if the Federal Government approves such a program;

Section 3: Amends s. 479.01, F.S., definitions as used in ch. 479, F.S., as follows:

- revises the definition of "business of outdoor advertising," to eliminate "constructing," "erecting," or "using," outdoor advertising structures, signs, or advertisements from activities requiring a license.
- repeals the definition of "commercial or industrial zone," and relocates provisions to a new s. 479.024, F.S., under which local governments are required to determine the location of commercial or industrial zones in accordance with ch. 163, F.S.
- revises the definition of "federal-aid primary highway system," to conform to federal terminology.
- revises the definition of "remove," to mean to disassemble all sign materials above ground level and transport them from the sign site, eliminating *disposal of sign materials by sale or destruction*.
- revises the definition of "sign face," to include an automatic changeable face.
- revises the definition of "State Highway System," by referencing the existing definition in s. 334.03.
- repeals the definition of "unzoned commercial or industrial area," and relocates the criteria for determination of such an area to a new s. 479.024, F.S. The bill also relocates and revises specified activities that may not be recognized as commercial or industrial activities.

Section 4: Amends s. 479.02, F.S., duties of FDOT, as follows:

- in the duty to administer and enforce the provisions of ch. 479, the agreement between FDOT and the USDOT, Title 23 USC, and federal regulations, inserts the

- year of the agreement, 1972, and expressly incorporates provisions of the referenced chapter, agreement, law and regulations pertaining to the maintenance, continuance, and removal of nonconforming signs.
- in the duty to regulate size, height, lighting, and spacing of permitted signs, revises language to distinguish between commercial and industrial *parcels* and unzoned commercial or industrial *areas*.
- directs FDOT to determine such parcels and areas in the manner provided in the new s. 479.024, F.S.
- in the duty to adopt rules necessary or proper for administration of ch. 479, F.S., including rules that identify activities that may not be recognized as industrial or commercial activities, revises language to distinguish between commercial and industrial *parcels* and unzoned commercial or industrial *areas* and requires the rules to provide for determination of such parcels and areas in the manner provided in the new s. 479.024, F.S.
- in the duty to inventory and determine the location of all signs, makes “plain language” revisions and repeals FDOT direction to adopt rules regarding what information is to be collected and preserved in the inventory.

Section 5: Creates s. 479.024, entitled “*Commercial and industrial parcels*,” providing a framework for local government determinations as to zoning for a parcel, the bulk of which is taken from existing law. The bill:

- requires that FDOT permit signs only in commercial or industrial zones, as determined by the local government in compliance with ch. 163, F.S., unless otherwise provided in ch. 479, F.S.;
- defines “parcel” to mean the property where the sign is located or proposed to be located; and defines “utilities” to include all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, and stormwater not connected with the highway drainage, and other similar commodities;
- requires the local government determination as to zoning for a parcel to meet the following criteria:
 - the parcel is comprehensively zoned and includes commercial or industrial uses as allowable uses;
 - the parcel can reasonably accommodate a commercial or industrial use under the future land use map of the comprehensive plan and land use development regulations, as follows:
 - Sufficient utilities are available to support commercial or industrial development.
 - The size, configuration, and public access of the parcel are sufficient to accommodate a commercial or industrial use, given requirements in the comp plan and land development regulations for vehicular access, on-site circulation, building setbacks, buffering, parking, and other applicable standards, or the parcel consists of railroad tracks or minor sidings

abutting commercial or industrial property that meets the criteria of this subsection.

- the parcel is not being used exclusively for noncommercial or nonindustrial uses;
- provides, if a local government has not designated zoning through land development regulations in compliance with ch. 163 but has designated the parcel under the future land use map of the comp plan for uses that include commercial or industrial uses, the parcel shall be considered an unzoned commercial or industrial area; provides for a permit to be issued for a sign in an unzoned commercial or industrial area, there must be three or more distinct commercial or industrial activities within 1,600 feet of each other, with at least one of the commercial or industrial activities located on the same side of the highway as the sign location, and within 800 feet of the sign location; and requires multiple commercial or industrial activities enclosed in one building when all uses have only shared building entrances to be considered one use;
- modifies two of the existing uses and activities, and adds another, that may not be independently recognized as commercial or industrial, as follows:
 - Activities not visible from the main-traveled way, unless an FDOT facility is the only cause for the activity not being visible.
 - Railroad tracks and minor sidings, unless such use is immediately abutted by commercial or industrial property that meets specified criteria;
 - Governmental uses, unless those uses would be industrial in nature if privately owned and operated. Such industrial uses must be the present and actual use, not merely be among the allowed uses.
- requires FDOT to notify a sign applicant in writing if the local government has indicated that a proposed sign location is on a parcel that is in a commercial or industrial zone and FDOT finds it is not;
- authorizes an applicant whose application is denied to request an administrative hearing for a determination of whether the parcel is located in a commercial or industrial zone and requires FDOT to notify the local government that the applicant has requested a hearing, as specified;
- provides that if FDOT in a final order determines that the parcel does not meet the specified permitting conditions and a sign structure exists on the parcel the applicant shall remove the sign within 30 days after the date of the order and is responsible for all sign removal costs;
- requires that if the FHWA reduces funds that would otherwise be apportioned to FDOT due to a local government's failure to be compliant, FDOT to reduce apportioned transportation funding to the local government by an equivalent amount.

Section 6: Amends s. 479.03, F.S., to revise FDOT's authority to enter upon privately owned lands to remove a sign by striking receipt of consent, inserting a specified written notice requirement, and expanding those to whom written notice must be alternatively given to include a person in charge of an intervening privately owned land;

Section 7: Amends s. 479.04, F.S., relating to the required license to engage in the business of outdoor advertising, to provide that a person is not required to obtain a license solely to erect or construct outdoor advertising signs or structures, to conform to the revised definition of "business of outdoor advertising."

Section 8: Amends s. 479.05, F.S., to authorize suspension of any license requested or granted under ch. 479, F.S., in addition to denial or revocation, in any case when FDOT determines the application for the license contains false or misleading information of material consequence, that the licensee has failed to pay fees or costs owed to FDOT for outdoor advertising purposes, or that the licensee has violated any of the provisions of 479, unless such licensee, within 30 days after receipt of FDOT notice, corrects such false or misleading information, pays the outstanding amounts, or complies with the provisions of 479.

Section 9: Amends s. 479.07, F.S., which prohibits any sign on the State Highway System outside an urban area or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit, as follows:

- corrects a cross-reference, eliminates a cross-reference, and makes “plain language” editorial and grammatical revisions;
- streamlines processes by removing a requirement for a notarized affidavit in addition to certifying that all information contained in the application is true and correct and by removing an unnecessary certification of receipt of landowner written permission for the designated sign location;
- revises the cap on the annual permit fee FDOT may establish by rule for each sign facing to offset the total cost for the program from \$100 to \$200.
- strikes a prohibition against prorating a fee for a period less than the remainder of the permit year to accommodate short-term publicity features;
- provides for a non-refundable application fee of \$25 to accompany each permit application;
- clarifies that FDOT must act on a permit application within 30 days after receipt of the application by granting, denying, or returning the incomplete application.
- revises requirements for placement of permit tags on sign structures; removes a provision rendering a permit void unless the permit tag is properly and permanently displayed as specified, removes permittee authorization to provide its own replacement tag; and removes FDOT authority to adopt by rule specifications for the replacement tags.
- increases the maximum transfer fee for any multiple transfers between two outdoor advertisers in a single transaction from \$100 to \$1,000.
- revises the permit reinstatement fee from up to \$300 based on the size of the sign, to a static \$300.
- makes “plain language” revisions to provisions relating to permitting signs visible to more than one highway subject to FDOT jurisdiction and within the controlled area of the highways;
- makes permanent a pilot program in specified locations under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet under specified and revised conditions and removes FDOT’s duty to maintain statistics on the pilot program; and,
- deletes obsolete language.

Section 10: Amends s. 479.08, F.S., revising FDOT's authority to deny or revoke any permit when it determines that the application contains false or misleading information of material consequence, eliminating that the information is knowingly false or misleading.

Section 11: Amends s. 479.10, F.S., regarding sign removal, to require a permittee to remove a sign within 30 days after the date of cancellation (in addition to revocation) of the permit for the sign and specifies removal of the sign is at the permittee's expense if FDOT remove the sign because the permittee fails to do so;

Section 12: Amends s. 479.105, F.S., regarding signs erected or maintained without a required permit, to:

- revise provisions for placement of an FDOT notice of violation on a sign;
- require FDOT to concurrently with and in addition to posting the notice, provide a written notice to the owner of the sign, the advertiser displayed on the sign, or the owner of the property;
- removes the condition that notice be given concurrently to the owner only if the sign bears the name of the licensee or the name and address of the non-licensed sign owner;
- provides that the written notice state that a hearing may be requested as specified;
- includes the advertiser displayed on the sign or the owner of the property along with the owner in FDOT's duty to remove the sign if not removed by the sign owner; and,
- relocates and clarifies existing provisions for FDOT issuance of permits for conforming and nonconforming signs erected or maintained without the required permit.

Section 13: Amends s. 479.106, relating to vegetation management and sign visibility, to:

- remove a \$25 cap on an individual application fee and a \$200 cap on a fee to defer the costs of processing an application for multiple sites, and authorize FDOT to establish an application fee by rule to defer the costs of processing such application;
- require for signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, for the removal, cutting, or trimming of trees or vegetation must require, in addition to mitigation or contribution to a plan of mitigation, the removal of two nonconforming signs; and,
- provide that the administrative penalty for engaging in removal, cutting, or trimming in violation of this section or benefiting from such actions is up to \$1,000 per sign facing.

Section 14: Amends s. 479.107(5), F.S., to repeal a \$75 fine against a sign owner who has been assessed the costs of removing a sign.

Section 15: Amends s. 479.111(2), F.S., to insert in a reference to the agreement between the state and the USDOT the year the agreement was entered into; i.e., 1972;

Section 16: Amends s. 479.15, providing for harmony of state and local regulations, to:

- strike the definition of “federal-aid primary highway system,” also defined in s. 479.01, F.S.;
- provide, subject to FHWA approval and whenever public acquisition of land which has a lawful permitted (rather than nonconforming) sign occurs, the sign may, at the election of its owner and FDOT, be relocated or reconstructed adjacent to the new ROW and in close proximity to the current site (rather than along the roadway within 100 feet of the current location, provided the sign is not relocated in an area inconsistent with s. 479.024 (rather than on a parcel zoned residential) and provided further that such relocation shall be subject to requirements (rather than applicable setback requirements) in the 1972 agreement between the state and the USDOT;
- provide the face of a nonconforming sign may not be increased in size or height or structurally modified at the point of relocation as specified; and
- provide a neighboring sign that is already permitted and that is within the spacing requirements of 479.07(9)(a) is not caused to become nonconforming.

Section 17: Amends s. 479.156, F.S., relating to wall murals, to replace references to the “Highway Beautification Act” with references to its statutory placement in federal law, 23 U.S.C. s. 131, and to correct cross-references.

Section 18: Amends s. 479.16, F.S., relating to signs for which permits are not required, to:

- provide that specified provisions allowing certain signs without a permit may not be implemented or continued if the federal government notifies FDOT that implementation or continuation will adversely affect the allocation of federal funds to FDOT;
- increase the allowable size of certain signs from eight square feet to sixteen square feet;
- revise a list of items to conform to the title of a cross-referenced section of law;
- remove a provision rendering the small business sign authorization inapplicable to charter counties and strikes relocated language;
- authorize local tourist-oriented business signs within rural areas of critical economic concern under specified conditions;
- authorize temporary harvest season signs under specified conditions; and,
- authorize “acknowledgement signs,” intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or other entity, erected upon publicly funded school premises and relating to a specific public school club, team, or event under specified conditions.

Section 19: Amends s. 479.24, F.S., to require FDOT to pay just compensation for acquisition (rather than *removal*) of a lawful *conforming* or nonconforming sign.

Section 20: Amends s. 479.25, F.S., relating to erection of noise-attenuation barriers blocking the view of a sign, to:

- make “plain language” and conforming changes;

- require, upon a determination that an increase in height as allowed will violate a provision contained in an ordinance or land development regulation, *prior to construction*, the local government or jurisdiction shall provide a variance or waiver to allow an increase in the height of the sign; and,
- strike an FDOT requirement to conduct a written survey of all property owners impacted by noise and who may benefit from the barrier.

Section 21: Amends s. 479.261, F.S., to expand the logo sign program to the entire limited-access highway system, rather than just the interstate highway system, as is already authorized under the Manual on Uniform Traffic Control Devices, thereby increasing opportunities for business participation.

Section 22: Amends s. 479.313, F.S., relating to sign removal, to include *cancellation*, along with revocation, in the direction that all costs incurred by FDOT in connection with the removal of a sign be assessed against and collected from the permittee.

Section 23: Repeals section 76 of chapter 2012-174, Laws of Florida, which was a pilot program for tourist-oriented commerce outdoor advertising signs in rural areas of critical economic concern, which is replaced by authority to erect such signs without a permit under certain conditions.

Section 24: Provides the bill takes effect on July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet analyzed the fiscal impact of this bill.

B. Private Sector Impact:

Section 7: The bill increases the cap on the annual permit fee for each outdoor advertising sign facing from \$100 to \$200. FDOT advises it has no immediate plans to

increase the current annual permit fee and is seeking authorization in anticipation of the need to increase the fee in the future.

The bill also provides for a nonrefundable application fee of \$25 to accompany each outdoor advertising sign permit application. FDOT advises that a significant number of applications must be returned for failure to provide complete information and that some applications are returned numerous times, even after extensive assistance from FDOT staff. The fee is intended to cover FDOT's administrative costs for reviewing applications and to encourage applicants to provide more complete information without multiple submissions.

Also increased in the bill from \$100 to \$1,000 is the maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction. FDOT notes the transfer fee of \$5 for each permit to be transferred is not changing; however, in many instances, the transfer requests are so numerous that the \$100 fee is not covering FDOT's actual costs to transfer the permits.

From the permit reinstatement fee, the bill strikes "up to" and "based on the size of the sign," leaving the fee at a static \$300. FDOT currently charges \$300 for permit reinstatement, presenting no private sector fiscal impact.

Section 10: The \$300 penalty to receive a permit as a nonconforming sign is the existing fee, relocated from existing paragraph (e) to the new paragraph (c), presenting no private sector fiscal impact.

Section 11: The bill deletes the capped \$25 application fee and the \$200 processing fee for vegetation management application and requires FDOT to establish the fee by rule. FDOT advises it has no immediate plans to increase the current fees and is seeking authorization in anticipation of the need to increase the fee in the future.

The bill also clarifies that the administrative penalty for vegetation management violations is up to \$1,000 per sign facing. FDOT advises it has always interpreted the statute in that fashion and has assessed fines accordingly and, therefore, no private sector impact is expected.

C. Government Sector Impact:

The fiscal impact of the modified terms and conditions governing FDOT's sale or lease of surplus property is indeterminate. However, according to FDOT, a net positive impact to local revenue is expected as properties are returned to the tax roll. In addition, an indeterminate savings to the state is expected as a result of reduced appraisal expenses, especially in cases when such costs approach and even exceed the price received by FDOT.

Section 7: FDOT expects no fiscal impact from the increased cap on the annual permit fee, as it has no intent to increase the current fee at this time.

FDOT expects to recoup its administrative expenses associated with processing applications for outdoor advertising sign permits as a result of the nonrefundable application fee.

FDOT expects to recoup its administrative expenses associated with processing large requests for multiple transfers at the same fee of \$5 per transfer, but with the increased cap of \$1,000 for multiple transfers.

FDOT expects no fiscal impact as a result of the changed language regarding the \$300 permit reinstatement fee.

Section 10: The \$300 penalty is existing law. FDOT expects no fiscal impact.

Section 11: FDOT expects no fiscal impact from the increased cap on the annual permit fee, as it has no intent to increase the current fee at this time. Likewise, FDOT expects no impact from the clarification that the penalty of up to \$1,000 is per sign facing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. 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 14, 2013:

The committee adopted four amendments at its meeting and incorporated them into the original bill as a committee substitute. The amendments:

- revise the terms and conditions under which FDOT may sell or lease properties acquired for right-of-way but which are no longer needed for transportation purposes;
- restore the definition of “new highway” contained in current law;
- restore to current law language rendering inapplicable to certain municipal jurisdictions provisions regarding relocation of and compensation for signs on land acquired by FDOT; and
- repeal a pilot program authorized in 2012 for tourist-oriented commerce signs in rural areas of critical economic concern, which is replaced by authority to erect such signs without a permit under certain conditions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 89 and 90
insert:

Section 1. Section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(1)(a) The department may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize



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13 transportation rights-of-way for existing, proposed, or
14 anticipated transportation facilities on the State Highway
15 System, on the State Park Road System, in a rail corridor, or in
16 a transportation corridor designated by the department. Such
17 property shall be held in the name of the state.

18 (b) The department may accept donations of any land or
19 buildings or other improvements, including personal property
20 within such buildings or on such lands with or without such
21 conditions, reservations, or reverter provisions as are
22 acceptable to the department. Such donations may be used as
23 transportation rights-of-way or to secure or utilize
24 transportation rights-of-way for existing, proposed, or
25 anticipated transportation facilities on the State Highway
26 System, on the State Park Road System, or in a transportation
27 corridor designated by the department.

28 (c) When lands, buildings, or other improvements are needed
29 for transportation purposes, but are held by a federal, state,
30 or local governmental entity and utilized for public purposes
31 other than transportation, the department may compensate the
32 entity for such properties by providing functionally equivalent
33 replacement facilities. The providing of replacement facilities
34 under this subsection may only be undertaken with the agreement
35 of the governmental entity affected.

36 (d) The department may contract pursuant to s. 287.055 for
37 auction services used in the conveyance of real or personal
38 property or the conveyance of leasehold interests under the
39 provisions of subsections (4) and (5). The contract may allow
40 for the contractor to retain a portion of the proceeds as
41 compensation for the contractor's services.



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42 (2) A complete inventory shall be made of all real or
43 personal property immediately upon possession or acquisition.
44 Such inventory shall include a statement of the location or site
45 of each piece of realty, structure, or severable item ~~an~~
46 ~~itemized listing of all appliances, fixtures, and other~~
47 ~~severable items; a statement of the location or site of each~~
48 ~~piece of realty, structure, or severable item; and the serial~~
49 ~~number assigned to each.~~ Copies of each inventory shall be filed
50 in the district office in which the property is located. Such
51 inventory shall be carried forward to show the final disposition
52 of each item of property, both real and personal.

53 (3) The inventory of real property which was acquired by
54 the state after December 31, 1988, which has been owned by the
55 state for 10 or more years, and which is not within a
56 transportation corridor or within the right-of-way of a
57 transportation facility shall be evaluated to determine the
58 necessity for retaining the property. If the property is not
59 needed for the construction, operation, and maintenance of a
60 transportation facility, or is not located within a
61 transportation corridor, the department may dispose of the
62 property pursuant to subsection (4).

63 (4) The department may convey ~~sell~~, in the name of the
64 state, any land, building, or other property, real or personal,
65 which was acquired under the provisions of subsection (1) and
66 which the department has determined is not needed for the
67 construction, operation, and maintenance of a transportation
68 facility. ~~With the exception of any parcel governed by paragraph~~
69 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
70 ~~(i), the department shall afford first right of refusal to the~~



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~~local government in the jurisdiction of which the parcel is situated.~~ When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in conveyances transacted under paragraph (a), paragraph (c), or paragraph (e) in the following manner:

(a) If the ~~value of the property has been donated to the state for transportation purposes and a facility has not been constructed for a period of at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives is~~ value of the property has been donated to the state for transportation purposes and a facility has not been constructed for a period of at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives is ~~\$10,000 or less as determined by department estimate, the department may negotiate the sale.~~

(b) If ~~the value of the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity exceeds \$10,000 as determined by department estimate, such property may be sold to the highest bidder through receipt of sealed competitive bids, after due advertisement, or by public auction held at the site of the improvement which is being sold.~~ the value of the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity exceeds \$10,000 as determined by department estimate, such property may be sold to the highest bidder through receipt of sealed competitive bids, after due advertisement, or by public auction held at the site of the improvement which is being sold.

(c) If the property was originally acquired specifically to



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provide replacement housing for persons displaced by
transportation projects, the department may negotiate for the
sale of such property as replacement housing. As compensation,
the state shall receive no less than its investment in such
property or the department's current estimate of value,
whichever is lower. It is expressly intended that this benefit
be extended only to persons actually displaced by the project.
Dispositions to any other person must be for no less than the
department's current estimate of value,~~in the discretion of the~~
~~department, public sale would be inequitable, properties may be~~
~~sold by negotiation to the owner holding title to the property~~
~~abutting the property to be sold, provided such sale is at a~~
~~negotiated price not less than fair market value as determined~~
~~by an independent appraisal, the cost of which shall be paid by~~
~~the owner of the abutting land. If negotiations do not result in~~
~~the sale of the property to the owner of the abutting land and~~
~~the property is sold to someone else, the cost of the~~
~~independent appraisal shall be borne by the purchaser; and the~~
~~owner of the abutting land shall have the cost of the appraisal~~
~~refunded to him or her. If, however, no purchase takes place,~~
~~the owner of the abutting land shall forfeit the sum paid by him~~
~~or her for the independent appraisal. If, due to action of the~~
~~department, the property is removed from eligibility for sale,~~
~~the cost of any appraisal prepared shall be refunded to the~~
~~owner of the abutting land.~~

(d) If the department determines that the property will
require significant costs to be incurred or that continued
ownership of the property exposes the department to significant
liability risks, the department may use the projected



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129 maintenance costs over the next 10 years to offset the
130 property's value in establishing a value for disposal of the
131 property, even if that value is zero ~~property acquired for use~~
132 ~~as a borrow pit is no longer needed, the department may sell~~
133 ~~such property to the owner of the parcel of abutting land from~~
134 ~~which the borrow pit was originally acquired, provided the sale~~
135 ~~is at a negotiated price not less than fair market value as~~
136 ~~determined by an independent appraisal, the cost of which shall~~
137 ~~be paid by the owner of such abutting land.~~

138 (e) If, in the discretion of the department, a sale to
139 anyone other than an abutting property owner would be
140 inequitable, the property may be sold to the abutting owner for
141 the department's current estimate of value. The department
142 begins the process for disposing of the property on its own
143 initiative, either by negotiation under the provisions of
144 paragraph (a), paragraph (c), or paragraph (d), ~~or paragraph~~
145 ~~(i),~~ or by receipt of sealed competitive bids or public auction
146 under the provisions of paragraph (b) ~~or paragraph (i),~~ a
147 department staff appraiser may determine the fair market value
148 of the property by an appraisal.

149 ~~(f) Any property which was acquired by a county or by the~~
150 ~~department using constitutional gas tax funds for the purpose of~~
151 ~~a right-of-way or borrow pit for a road on the State Highway~~
152 ~~System, State Park Road System, or county road system and which~~
153 ~~is no longer used or needed by the department may be conveyed~~
154 ~~without consideration to that county. The county may then sell~~
155 ~~such surplus property upon receipt of competitive bids in the~~
156 ~~same manner prescribed in this section.~~

157 ~~(g) If a property has been donated to the state for~~



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~~transportation purposes and the facility has not been
constructed for a period of at least 5 years and no plans have
been prepared for the construction of such facility and the
property is not located in a transportation corridor, the
governmental entity may authorize reconveyance of the donated
property for no consideration to the original donor or the
donor's heirs, successors, assigns, or representatives.~~

~~(h) If property is to be used for a public purpose, the
property may be conveyed without consideration to a governmental
entity.~~

~~(i) If property was originally acquired specifically to
provide replacement housing for persons displaced by
transportation projects, the department may negotiate for the
sale of such property as replacement housing. As compensation,
the state shall receive no less than its investment in such
properties or fair market value, whichever is lower. It is
expressly intended that this benefit be extended only to those
persons actually displaced by such project. Dispositions to any
other persons must be for fair market value.~~

~~(j) If the department determines that the property will
require significant costs to be incurred or that continued
ownership of the property exposes the department to significant
liability risks, the department may use the projected
maintenance costs over the next 5 years to offset the market
value in establishing a value for disposal of the property, even
if that value is zero.~~

(5) The department may convey a leasehold interest for
commercial or other purposes, in the name of the state, to any
land, building, or other property, real or personal, which was



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187 acquired under the provisions of subsection (1). However, a
188 lease may not be entered into at a price less than the
189 department's current estimate of value, except as provided in
190 paragraphs (4) (a) - (d).

191 (a) A lease may be through negotiations, sealed competitive
192 bids, auctions, or any other means the department deems to be in
193 its best interest ~~The department may negotiate such a lease at~~
194 ~~the prevailing market value with the owner from whom the~~
195 ~~property was acquired; with the holders of leasehold estates~~
196 ~~existing at the time of the department's acquisition; or, if~~
197 ~~public bidding would be inequitable, with the owner holding~~
198 ~~title to privately owned abutting property, if reasonable notice~~
199 ~~is provided to all other owners of abutting property.~~ The
200 department may allow an outdoor advertising sign to remain on
201 the property acquired, or be relocated on department property,
202 and such sign shall not be considered a nonconforming sign
203 pursuant to chapter 479.

204 (b) If, in the discretion of the department, a lease to a
205 person other than an abutting property owner or tenant with a
206 leasehold interest in the abutting property would be
207 inequitable, the property may be leased to the abutting owner or
208 tenant for no less than the department's current estimate of
209 value ~~All other leases shall be by competitive bid.~~

210 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~
211 ~~(b)~~ shall be for a period of more than 5 years; however, the
212 department may renegotiate or extend such a lease for an
213 additional term of 5 years as the department deems appropriate
214 ~~without rebidding.~~

215 (d) Each lease shall provide that, unless otherwise



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216 directed by the lessor, any improvements made to the property
217 during the term of the lease shall be removed at the lessee's
218 expense.

219 (e) If property is to be used for a public purpose,
220 ~~including a fair, art show, or other educational, cultural, or~~
221 ~~fundraising activity,~~ the property may be leased without
222 consideration to a governmental entity ~~or school board~~. A lease
223 for a public purpose is exempt from the term limits in paragraph
224 (c).

225 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
226 entered into pursuant to s. 260.0161(3), except as provided in
227 such a lease.

228 (g) No lease executed under this subsection may be utilized
229 by the lessee to establish the ~~4-years'~~ standing required by s.
230 73.071(3) (b) if the business had not been established for the
231 specified number of 4 years on the date title passed to the
232 department.

233 (h) The department may enter into a long-term lease without
234 compensation with a public port listed in s. 403.021(9) (b) for
235 rail corridors used for the operation of a short-line railroad
236 to the port.

237 (6) Nothing in this chapter prevents the joint use of
238 right-of-way for alternative modes of transportation; provided
239 that the joint use does not impair the integrity and safety of
240 the transportation facility.

241 (7) The department's estimate of value, required by
242 subsections (4) and (5), shall be prepared in accordance with
243 department procedures, guidelines, and rules for valuation of
244 real property. If the value of the property exceeds \$50,000, as



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determined by the department estimate, the sale or lease must be at a negotiated price not less than the estimate of value as determined by an appraisal prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the purchase or lease of the property ~~appraisal required by paragraphs (4) (c) and (d) shall be prepared in accordance with department guidelines and rules by an independent appraiser who has been certified by the department. If federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration.~~

~~(8) A "due advertisement" under this section is an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held.~~

~~(8)(9)~~ The department, with the approval of the Chief Financial Officer, is authorized to disburse state funds for real estate closings in a manner consistent with good business practices and in a manner minimizing costs and risks to the state.

~~(9)(10)~~ The department is authorized to purchase title insurance in those instances where it is determined that such insurance is necessary to protect the public's investment in property being acquired for transportation purposes. The department shall adopt procedures to be followed in making the determination to purchase title insurance for a particular parcel or group of parcels which, at a minimum, shall set forth



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criteria which the parcels must meet.

(10) This section does not modify the requirements of s.
73.013.

Section 2. If the Federal Government approves a program
that allows participation in the maintenance of highway roadside
rights-of-way through monetary contributions in exchange for
recognition of services provided in the form of organic
corporate emblems placed in view of passing motorists, the
Department of Transportation shall submit the program for
legislative approval in the next regular legislative session.

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

And the title is amended as follows:

Delete lines 2 - 6

and insert:

An act relating to transportation; amending s. 337.25,
F.S.; authorizing the Department of Transportation to
use auction services in the conveyance of certain
property or leasehold interests; revising certain
inventory requirements; revising provisions and
providing criteria for the department to dispose of
certain excess property; providing such criteria for
the disposition of donated property, property used for
a public purpose, or property acquired to provide
replacement housing for certain displaced persons;
providing value offsets for property that requires
significant maintenance costs or exposes the
department to significant liability; providing
procedures for the sale of property to abutting



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property owners; deleting provisions to conform to
changes made by the act; providing monetary
restrictions and criteria for the conveyance of
certain leasehold interests; providing exceptions to
restrictions for leases entered into for a public
purpose; providing criteria for the preparation of
estimates of value prepared by the department;
providing that the requirements of s. 73.013, F.S.,
relating to eminent domain, are not modified;
providing that certain programs approved by the
Federal Government relating to the maintenance of
highway roadside rights-of-way must be submitted to
the Legislature for approval; amending provisions of
ch. 479, F.S., relating to outdoor advertising signs;
amending s. 479.01, F.S.; revising and deleting
definitions; amending s. 479.02, F.S.; revising powers
of the department relating to



429856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 1385 and 1386
insert:

Section 21. Section 76 of chapter 2012-174, Laws of
Florida, is repealed.

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

And the title is amended as follows:

Delete lines 85 - 86

and insert:

of the permit for the sign; repealing s. 76 of ch.



429856

2012-174, L.O.F., authorizing the department to seek
Federal Highway Administration approval of a tourist-
oriented commerce sign pilot program; directing the
department to submit the approved pilot program for
legislative approval; providing an effective date.



262196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment

Delete lines 1025 - 1033
and insert:

(6) The provisions of subsections (3), (4), and (5) of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.

(7) This section does not cause a neighboring sign that is already permitted and that is within the spacing requirements



262196

13

established in s. 479.07(9)(a) to become nonconforming.



356724

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment

Delete lines 176 - 288
and insert:

(15)~~(16)~~ "New highway" means the construction of any road, paved or unpaved, where no road previously existed or the act of paving any previously unpaved road.

(16)~~(17)~~ "Nonconforming sign" means a sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of state or local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to



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13 comply with state or local law, rule, regulation, or ordinance
14 due to changed conditions.

15 (17)~~(18)~~ "Premises" means all the land areas under
16 ownership or lease arrangement to the sign owner which are
17 contiguous to the business conducted on the land except for
18 instances where such land is a narrow strip contiguous to the
19 advertised activity or is connected by such narrow strip, the
20 only viable use of such land is to erect or maintain an
21 advertising sign. When the sign owner is a municipality or
22 county, "premises" shall mean all lands owned or leased by such
23 municipality or county within its jurisdictional boundaries as
24 set forth by law.

25 (18)~~(19)~~ "Remove" means to disassemble all sign materials
26 above ground level and, transport them from the site, ~~and~~
27 ~~dispose of sign materials by sale or destruction.~~

28 (19)~~(20)~~ "Sign" means any combination of structure and
29 message in the form of an outdoor sign, display, device, figure,
30 painting, drawing, message, placard, poster, billboard,
31 advertising structure, advertisement, logo, symbol, or other
32 form, whether placed individually or on a V-type, back-to-back,
33 side-to-side, stacked, or double-faced display or automatic
34 changeable facing, designed, intended, or used to advertise or
35 inform, any part of the advertising message or informative
36 contents of which is visible from any place on the main-traveled
37 way. The term does not include an official traffic control sign,
38 official marker, or specific information panel erected, caused
39 to be erected, or approved by the department.

40 (20)~~(21)~~ "Sign direction" means that direction from which
41 the message or informative contents are most visible to oncoming



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traffic on the main-traveled way.

~~(21)(22)~~ "Sign face" means the part of the sign, including trim and background, which contains the message or informative contents, including an automatic changeable face.

~~(22)(23)~~ "Sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction.

~~(23)(24)~~ "Sign structure" means all the interrelated parts and material, such as beams, poles, and stringers, which are constructed for the purpose of supporting or displaying a message or informative contents.

~~(24)(25)~~ "State Highway System" has the same meaning as in s. 334.03 ~~means the existing, unbuilt, or unopened system of highways or portions thereof designated as the State Highway System by the department.~~

~~(26)~~ "Unzoned commercial or industrial area" means a parcel of land designated by the future land use map of the comprehensive plan for multiple uses that include commercial or industrial uses but are not specifically designated for commercial or industrial uses under the land development regulations, in which three or more separate and distinct conforming industrial or commercial activities are located.

~~(a) These activities must satisfy the following criteria:~~

~~1. At least one of the commercial or industrial activities must be located on the same side of the highway and within 800 feet of the sign location;~~

~~2. The commercial or industrial activities must be within 660 feet from the nearest edge of the right-of-way; and~~

~~3. The commercial industrial activities must be within~~



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~~1,600 feet of each other.~~

~~Distances specified in this paragraph must be measured from the nearest outer edge of the primary building or primary building complex when the individual units of the complex are connected by covered walkways.~~

~~(b) Certain activities, including, but not limited to, the following, may not be so recognized as commercial or industrial activities:~~

~~1. Signs.~~

~~2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.~~

~~3. Transient or temporary activities.~~

~~4. Activities not visible from the main-traveled way.~~

~~5. Activities conducted more than 660 feet from the nearest edge of the right-of-way.~~

~~6. Activities conducted in a building principally used as a residence.~~

~~7. Railroad tracks and minor sidings.~~

~~8. Communication towers.~~

~~(25)(27)~~ "Urban area" has the same meaning as defined in s. 334.03(31).

~~(26)(28)~~ "Visible commercial or industrial activity" means a commercial or industrial activity that is capable of being seen without visual aid by a person of normal visual acuity from the main-traveled way and that is generally recognizable as commercial or industrial.

~~(27)(29)~~ "Visible sign" means that the advertising message



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or informative contents of a sign, whether or not legible, is capable of being seen without visual aid by a person of normal visual acuity.

(28)~~(30)~~ "Wall mural" means a sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structural support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building. The term excludes a painting or work placed on a structure that is erected for the sole or primary purpose of signage.

(29)~~(31)~~ "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(b), which designation sets forth the allowable uses, restrictions, and limitations on use applicable to properties within the category.

By Senator Latvala

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1 A bill to be entitled
 2 An act relating to transportation; amending provisions
 3 of ch. 479 F.S., relating to outdoor advertising
 4 signs; amending s. 479.01, F.S.; revising and deleting
 5 definitions; amending s. 479.02, F.S.; revising powers
 6 of the Department of Transportation relating to
 7 nonconforming signs; deleting a requirement that the
 8 department adopt certain rules; creating s. 479.024,
 9 F.S.; limiting the placement of signs in commercial or
 10 industrial zones; defining the terms "parcel" and
 11 "utilities"; providing mandatory criteria for local
 12 governments to use in determining zoning for
 13 commercial or industrial parcels; providing that
 14 certain parcels are considered unzoned commercial or
 15 industrial areas; providing that specified uses may
 16 not be independently recognized as commercial or
 17 industrial areas; providing an appeal process for an
 18 applicant whose permit is denied; requiring an
 19 applicant whose application is denied to remove an
 20 existing sign pertaining to the application; requiring
 21 the department to reduce certain transportation
 22 funding in certain circumstances; amending s. 479.03,
 23 F.S.; providing for notice to owners of intervening
 24 privately owned lands before entering upon such lands
 25 to remove an illegal sign; amending s. 479.04, F.S.;
 26 providing that an outdoor advertising license is not
 27 required solely to erect outdoor signs or structures;
 28 amending s. 479.05, F.S.; authorizing the department
 29 to suspend a license for certain offenses and

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

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30 specifying activities that the licensee may engage in
 31 during the suspension; amending s. 479.07, F.S.;
 32 revising requirements for obtaining sign permits;
 33 conforming and clarifying provisions; increasing the
 34 allowable permit fee and requiring an application fee;
 35 revising sign placement requirements for signs on
 36 certain highways; deleting provisions that establish a
 37 pilot program relating to placement and removing a
 38 permit reinstatement fee; amending s. 479.08, F.S.;
 39 clarifying provisions relating to the denial or
 40 revocation of a permit because of false or misleading
 41 information in the permit application; amending s.
 42 479.10, F.S.; providing for cancellation of a permit;
 43 amending s. 479.105, F.S.; revising notice
 44 requirements to owners and advertisers relating to
 45 signs erected or maintained without a permit; revising
 46 procedures providing for the department to issue a
 47 permit as a conforming or nonconforming sign to the
 48 owner of an unpermitted sign; amending s. 479.106,
 49 F.S.; deleting limits on application fees for permits
 50 to remove vegetation on public rights-of-way;
 51 increasing an administrative penalty for illegally
 52 removing certain vegetation; amending s. 479.107,
 53 F.S.; deleting fines for certain signs on highway
 54 rights-of-way; amending s. 479.111, F.S.; clarifying
 55 provisions relating to signs allowed on certain
 56 highways; amending s. 479.15, F.S.; deleting a
 57 definition; clarifying and conforming provisions
 58 related to permitted signs on property that is the

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59 subject of public acquisition; amending s. 479.156,
 60 F.S.; clarifying provisions related to the regulation
 61 of wall murals; amending s. 479.16, F.S.; providing
 62 that certain provisions relating to the regulation of
 63 signs may not be implemented or continued if such
 64 actions will adversely affect the allocation of
 65 federal funds to the department; exempting from permit
 66 requirements certain signs placed by tourist-oriented
 67 businesses, certain farm signs during harvest season,
 68 acknowledgement signs on publicly funded school
 69 premises, certain displays on specific sports
 70 facilities, and certain signs at welcome centers;
 71 amending s. 479.24, F.S.; clarifying provisions
 72 relating to compensation paid for the department's
 73 acquisition of lawful signs; amending s. 479.25, F.S.;
 74 requiring a local government to grant a variance or
 75 waiver to a local ordinance or regulation to allow the
 76 owner of a lawfully permitted sign to increase the
 77 height of the sign if a noise-attenuation barrier is
 78 permitted by or erected by a governmental entity in a
 79 way that interferes with the visibility of the sign;
 80 deleting provisions to conform; amending s. 479.261,
 81 F.S.; conforming provisions related to a logo sign
 82 program on limited access highways; amending s.
 83 479.313, F.S.; requiring a permittee to pay the cost
 84 of removing certain signs following the cancellation
 85 of the permit for the sign; providing an effective
 86 date.
 87

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

89

90 Section 1. Section 479.01, Florida Statutes, is amended to
 91 read:

92 479.01 Definitions.—As used in this chapter, the term:

93 (1) "Allowable uses" means those uses that are authorized
 94 within a zoning category without the requirement to obtain a
 95 variance or waiver. The term includes conditional uses and those
 96 allowed by special exception, but does not include uses that are
 97 accessory, incidental to the allowable uses, or allowed only on
 98 a temporary basis.

99 (2) "Automatic changeable facing" means a facing that is
 100 capable of delivering two or more advertising messages through
 101 an automated or remotely controlled process.

102 (3) "Business of outdoor advertising" means the business of
 103 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
 104 or selling outdoor advertising structures, outdoor advertising
 105 signs, or outdoor advertisements.

106 ~~(4) "Commercial or industrial zone" means a parcel of land~~
 107 ~~designated for commercial or industrial uses under both the~~
 108 ~~future land use map of the comprehensive plan and the land use~~
 109 ~~development regulations adopted pursuant to chapter 163. If a~~
 110 ~~parcel is located in an area designated for multiple uses on the~~
 111 ~~future land use map of a comprehensive plan and the zoning~~
 112 ~~category of the land development regulations does not clearly~~
 113 ~~designate that parcel for a specific use, the area will be~~
 114 ~~considered an unzoned commercial or industrial area if it meets~~
 115 ~~the criteria of subsection (26).~~

116 (4)(5) "Commercial use" means activities associated with

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the sale, rental, or distribution of products or the performance of services. The term includes, without limitation, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; and tourist attractions.

(5) ~~(6)~~ "Controlled area" means 660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system outside an urban area.

(6) ~~(7)~~ "Department" means the Department of Transportation.

(7) ~~(8)~~ "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

(8) ~~(9)~~ "Federal-aid primary highway system" means the federal-aid primary highway system in existence on June 1, 1991, and any highway that was not a part of such system as of that date, but that is, or became after June 1, 1991, a part of the National Highway System, including portions that have been accepted as part of the National Highway System but are unbuilt or unopened existing, unbuilt, or unopened system of highways or portions thereof, which shall include the National Highway System, designated as the federal aid primary highway system by the department.

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(9) ~~(10)~~ "Highway" means any road, street, or other way open or intended to be opened to the public for travel by motor vehicles.

(10) ~~(11)~~ "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services relating thereto. The term includes, without limitation, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites.

(11) ~~(12)~~ "Interstate highway system" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the national system of interstate and defense highways by the department.

(12) ~~(13)~~ "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways which specifically include on-ramps or off-ramps to the interstate highway system, or parking areas.

(13) ~~(14)~~ "Maintain" means to allow to exist.

(14) ~~(15)~~ "Motorist services directional signs" means signs providing directional information about goods and services in the interest of the traveling public where such signs were lawfully erected and in existence on or before May 6, 1976, and continue to provide directional information to goods and

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services in a defined area.

~~(16) "New highway" means the construction of any road, paved or unpaved, where no road previously existed or the act of paving any previously unpaved road.~~

(15)~~(17)~~ "Nonconforming sign" means a sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of state or local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with state or local law, rule, regulation, or ordinance due to changed conditions.

(16)~~(18)~~ "Premises" means all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow strip, the only viable use of such land is to erect or maintain an advertising sign. When the sign owner is a municipality or county, "premises" shall mean all lands owned or leased by such municipality or county within its jurisdictional boundaries as set forth by law.

(17)~~(19)~~ "Remove" means to disassemble all sign materials above ground level and, transport them from the site, ~~and dispose of sign materials by sale or destruction.~~

(18)~~(20)~~ "Sign" means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back,

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side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the department.

(19)~~(21)~~ "Sign direction" means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.

(20)~~(22)~~ "Sign face" means the part of the sign, including trim and background, which contains the message or informative contents, including an automatic changeable face.

(21)~~(23)~~ "Sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction.

(22)~~(24)~~ "Sign structure" means all the interrelated parts and material, such as beams, poles, and stringers, which are constructed for the purpose of supporting or displaying a message or informative contents.

(23)~~(25)~~ "State Highway System" has the same meaning as in s. 334.03 ~~means the existing, unbuilt, or unopened system of highways or portions thereof designated as the State Highway System by the department.~~

~~(26) "Unzoned commercial or industrial area" means a parcel of land designated by the future land use map of the comprehensive plan for multiple uses that include commercial or industrial uses but are not specifically designated for commercial or industrial uses under the land development~~

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233 ~~regulations, in which three or more separate and distinct~~
 234 ~~conforming industrial or commercial activities are located.~~
 235 ~~(a) These activities must satisfy the following criteria:~~
 236 ~~1. At least one of the commercial or industrial activities~~
 237 ~~must be located on the same side of the highway and within 800~~
 238 ~~feet of the sign location;~~
 239 ~~2. The commercial or industrial activities must be within~~
 240 ~~660 feet from the nearest edge of the right of way; and~~
 241 ~~3. The commercial industrial activities must be within~~
 242 ~~1,600 feet of each other.~~
 243
 244 ~~Distances specified in this paragraph must be measured from the~~
 245 ~~nearest outer edge of the primary building or primary building~~
 246 ~~complex when the individual units of the complex are connected~~
 247 ~~by covered walkways.~~
 248 ~~(b) Certain activities, including, but not limited to, the~~
 249 ~~following, may not be so recognized as commercial or industrial~~
 250 ~~activities:~~
 251 ~~1. Signs.~~
 252 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
 253 ~~related activities, including, but not limited to, wayside fresh~~
 254 ~~produce stands.~~
 255 ~~3. Transient or temporary activities.~~
 256 ~~4. Activities not visible from the main traveled way.~~
 257 ~~5. Activities conducted more than 660 feet from the nearest~~
 258 ~~edge of the right of way.~~
 259 ~~6. Activities conducted in a building principally used as a~~
 260 ~~residence.~~
 261 ~~7. Railroad tracks and minor sidings.~~

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262 ~~8. Communication towers.~~
 263 (24)(27) "Urban area" has the same meaning as ~~defined~~ in s.
 264 334.03(31).
 265 (25)(28) "Visible commercial or industrial activity" means
 266 a commercial or industrial activity that is capable of being
 267 seen without visual aid by a person of normal visual acuity from
 268 the main-traveled way and that is generally recognizable as
 269 commercial or industrial.
 270 (26)(29) "Visible sign" means that the advertising message
 271 or informative contents of a sign, whether or not legible, is
 272 capable of being seen without visual aid by a person of normal
 273 visual acuity.
 274 (27)(30) "Wall mural" means a sign that is a painting or an
 275 artistic work composed of photographs or arrangements of color
 276 and that displays a commercial or noncommercial message, relies
 277 solely on the side of the building for rigid structural support,
 278 and is painted on the building or depicted on vinyl, fabric, or
 279 other similarly flexible material that is held in place flush or
 280 flat against the surface of the building. The term excludes a
 281 painting or work placed on a structure that is erected for the
 282 sole or primary purpose of signage.
 283 (28)(31) "Zoning category" means the designation under the
 284 land development regulations or other similar ordinance enacted
 285 to regulate the use of land as provided in s. 163.3202(2)(b),
 286 which designation sets forth the allowable uses, restrictions,
 287 and limitations on use applicable to properties within the
 288 category.
 289 Section 2. Section 479.02, Florida Statutes, is amended to
 290 read:

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291 479.02 Duties of the department. ~~It shall be the duty of~~
 292 The department ~~shall~~ to:
 293 (1) Administer and enforce the provisions of this chapter,
 294 ~~and the 1972 agreement between the state and the United States~~
 295 ~~Department of Transportation, relating to the size, lighting,~~
 296 ~~and spacing of signs in accordance with Title I of the Highway~~
 297 ~~Beautification Act of 1965 and Title 23, United States Code, and~~
 298 ~~federal regulations, including, but not limited to, those~~
 299 ~~pertaining to the maintenance, continuance, and removal of~~
 300 ~~nonconforming signs in effect as of the effective date of this~~
 301 ~~act.~~
 302 (2) Regulate size, height, lighting, and spacing of signs
 303 permitted on commercial and industrial parcels and in unzoned
 304 commercial or industrial areas in zoned and unzoned commercial
 305 areas and zoned and unzoned industrial areas on the interstate
 306 highway system and the federal-aid primary highway system.
 307 (3) Determine unzoned commercial and industrial parcels and
 308 unzoned commercial or areas and unzoned industrial areas in the
 309 manner provided in s. 479.024.
 310 (4) Implement a specific information panel program on the
 311 limited access interstate highway system to promote tourist-
 312 oriented businesses by providing directional information safely
 313 and aesthetically.
 314 (5) Implement a rest area information panel or devices
 315 program at rest areas along the interstate highway system and
 316 the federal-aid primary highway system to promote tourist-
 317 oriented businesses.
 318 (6) Test and, if economically feasible, implement
 319 alternative methods of providing information in the specific

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320 interest of the traveling public which allow the traveling
 321 public freedom of choice, conserve natural beauty, and present
 322 information safely and aesthetically.
 323 (7) Adopt such rules as it deems necessary or proper for
 324 the administration of this chapter, including rules that which
 325 identify activities that may not be recognized as industrial or
 326 commercial activities for purposes of determination of a an area
 327 as an unzoned commercial or industrial parcel or an unzoned
 328 commercial or industrial area in the manner provided in s.
 329 479.024.
 330 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
 331 location of all signs on the state, interstate and federal-aid
 332 primary highway systems to be used as. ~~Upon completion of the~~
 333 ~~inventory, it shall become~~ the database and permit information
 334 for all permitted signs ~~permitted at the time of completion, and~~
 335 ~~the previous records of the department shall be amended~~
 336 ~~accordingly.~~ The inventory shall be updated no less than every 2
 337 years. ~~The department shall adopt rules regarding what~~
 338 ~~information is to be collected and preserved to implement the~~
 339 ~~purposes of this chapter.~~ The department may perform the
 340 inventory using department staff, or may contract with a private
 341 firm to perform the work, whichever is more cost efficient. The
 342 department shall maintain a database of sign inventory
 343 information such as sign location, size, height, and structure
 344 type, the permitholder's name, and any other information the
 345 department finds necessary to administer the program.
 346 Section 3. Section 479.024, Florida Statutes, is created to
 347 read:
 348 479.024 Commercial and industrial parcels.-Signs shall only

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be permitted by the department in commercial or industrial zones, as determined by the local government, in compliance with chapter 163, unless otherwise provided in this chapter.

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

(a) "Parcel" means the property where the sign is located or is proposed to be located.

(b) "Utilities" includes all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, and stormwater not connected with the highway drainage, and other similar commodities.

(2) The determination as to zoning by the local government for the parcel must meet the following criteria:

(a) The parcel is comprehensively zoned and includes commercial or industrial uses as allowable uses.

(b) The parcel can reasonably accommodate a commercial or industrial use under the future land use map of the comprehensive plan and land use development regulations, as follows:

1. Sufficient utilities are available to support commercial or industrial development.

2. The size, configuration, and public access of the parcel are sufficient to accommodate a commercial or industrial use, given requirements in the comprehensive plan and land development regulations for vehicular access, on-site circulation, building setbacks, buffering, parking, and other applicable standards or the parcel consists of railroad tracks or minor sidings abutting commercial or industrial property that

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meets the criteria of this subsection.

(c) The parcel is not being used exclusively for noncommercial or nonindustrial uses.

(3) If a local government has not designated zoning through land development regulations in compliance with chapter 163, but has designated the parcel under the future land use map of the comprehensive plan for uses that include commercial or industrial uses, the parcel shall be considered an unzoned commercial or industrial area. For a permit to be issued for a sign in an unzoned commercial or industrial area, there must be three or more distinct commercial or industrial activities within 1,600 feet of each other, with at least one of the commercial or industrial activities located on the same side of the highway as the sign location, and within 800 feet of the sign location. Multiple commercial or industrial activities enclosed in one building when all uses have only shared building entrances shall be considered one use.

(4) For purposes of this section, certain uses and activities may not be independently recognized as commercial or industrial, including, but not limited to:

(a) Signs.

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

(c) Transient or temporary activities.

(d) Activities not visible from the main-traveled way, unless a department transportation facility is the only cause for the activity not being visible.

(e) Activities conducted more than 660 feet from the

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407 nearest edge of the right-of-way.

408 (f) Activities conducted in a building principally used as
 409 a residence.

410 (g) Railroad tracks and minor sidings, unless such use is
 411 immediately abutted by commercial or industrial property that
 412 meets the criteria in subsection (2).

413 (h) Communication towers.

414 (i) Governmental uses, unless those governmental uses would
 415 be industrial in nature if privately owned and operated. Such
 416 industrial uses must be the present and actual use, not merely
 417 be among the allowed uses.

418 (5) If the local government has indicated that the proposed
 419 sign location is on a parcel that is in a commercial or
 420 industrial zone, but the department finds that it is not, the
 421 department shall notify the sign applicant in writing of its
 422 determination.

423 (6) An applicant whose application for a permit is denied
 424 may, within 30 days after the receipt of the notification of
 425 intent to deny, request an administrative hearing pursuant to
 426 chapter 120 for a determination of whether the parcel is located
 427 in a commercial or industrial zone. Upon receipt of such
 428 request, the department shall notify the local government that
 429 the applicant has requested an administrative hearing pursuant
 430 to chapter 120.

431 (7) If the department in a final order determines that the
 432 parcel does not meet the permitting conditions in this section
 433 and a sign structure exists on the parcel, the applicant shall
 434 remove the sign within 30 days after the date of the order and
 435 is responsible for all sign removal costs.

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436 (8) If the Federal Highway Administration reduces funds
 437 that would otherwise be apportioned to the department due to a
 438 local government's failure to be compliant with this section,
 439 the department shall reduce apportioned transportation funding
 440 to the local government by an equivalent amount.

441 Section 4. Section 479.03, Florida Statutes, is amended to
 442 read:

443 479.03 Jurisdiction of the Department of Transportation;
 444 entry upon privately owned lands.—The territory under the
 445 jurisdiction of the department for the purpose of this chapter
 446 shall include all the state. Employees, agents, or independent
 447 contractors working for the department, in the performance of
 448 their functions and duties under the provisions of this chapter,
 449 may enter into and upon any land upon which a sign is displayed,
 450 is proposed to be erected, or is being erected and make such
 451 inspections, surveys, and removals as may be relevant. Upon
 452 written notice to ~~After receiving consent by~~ the landowner,
 453 operator, or person in charge of an intervening privately owned
 454 land that ~~or appropriate inspection warrant issued by a judge of~~
 455 ~~any county court or circuit court of this state which has~~
 456 ~~jurisdiction of the place or thing to be removed, that the~~
 457 removal of an illegal outdoor advertising sign is necessary and
 458 has been authorized by a final order or results from an
 459 uncontested notice to the sign owner, the department may ~~shall~~
 460 ~~be authorized to~~ enter upon any intervening privately owned
 461 lands for the purposes of effectuating removal of illegal signs,
 462 provided that the department shall only do so in circumstances
 463 where it has determined that no other legal or economically
 464 feasible means of entry to the sign site are reasonably

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available. Except as otherwise provided by this chapter, the department shall be responsible for the repair or replacement in a like manner for any physical damage or destruction of private property, other than the sign, incidental to the department's entry upon such intervening privately owned lands.

Section 5. Section 479.04, Florida Statutes, is amended to read:

479.04 Business of outdoor advertising; license requirement; renewal; fees.—

(1) ~~A No person may not shall~~ engage in the business of outdoor advertising in this state without first obtaining a license ~~therefor~~ from the department. Such license shall be renewed annually. The fee for such license, and for each annual renewal, is \$300. License renewal fees shall be payable as provided for in s. 479.07.

(2) ~~A No person is not shall be~~ required to obtain the license provided for in this section solely to erect or construct outdoor advertising signs or structures ~~as an incidental part of a building construction contract.~~

Section 6. Section 479.05, Florida Statutes, is amended to read:

479.05 Denial, suspension, or revocation of license.—The department ~~may have authority to~~ deny, suspend, or revoke any license requested or granted under this chapter in any case in which it determines that the application for the license contains ~~knowingly~~ false or misleading information of material consequence, that the licensee has failed to pay fees or costs owed to the department for outdoor advertising purposes, or that the licensee has violated any of the provisions of this chapter,

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unless such licensee, within 30 days after the receipt of notice by the department, corrects such false or misleading information, pays the outstanding amounts, or complies with the provisions of this chapter. Suspension of a license allows the licensee to maintain existing sign permits, but the department may not grant a transfer of an existing permit or issue an additional permit to a licensee with a suspended license. Any person aggrieved by an ~~any~~ action of the department which denies, suspends, or revokes ~~in denying or revoking~~ a license under this chapter may, within 30 days after ~~from~~ the receipt of the notice, apply to the department for an administrative hearing pursuant to chapter 120.

Section 7. Section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

(1) Except as provided in ss. 479.105(1) ~~479.105(1)(c)~~ and 479.16, a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System outside an urban area, ~~as defined in s. 334.03(31),~~ or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from the department and paying the annual fee as provided in this section. As used in this section, the term "on any portion of the State Highway System, interstate, or federal-aid primary system" means a sign located within the controlled area which is visible from any portion of the main-traveled way of such system.

(2) ~~A person may not apply for a permit unless he or she has first obtained the~~ Written permission of the owner or other

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person in lawful possession or control of the site designated as the location of the sign is required for issuance of a ~~in the application for the permit.~~

(3) (a) An application for a sign permit must be made on a form prescribed by the department, and a separate application must be submitted for each permit requested. A permit is required for each sign facing.

(b) As part of the application, the applicant or his or her authorized representative must certify ~~in a notarized signed statement~~ that all information provided in the application is true and correct ~~and that, pursuant to subsection (2), he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application.~~ Every permit application must be accompanied by the appropriate permit fee, + a signed statement by the owner or other person in lawful control of the site on which the sign is located or will be erected, authorizing the placement of the sign on that site, + and, ~~where local governmental regulation of signs exists,~~ a statement from the appropriate local governmental official indicating that the sign complies with all local government ~~governmental~~ requirements and, if a local government permit is required for a sign, that the agency or unit of local government will issue a permit to that applicant upon approval of the state permit application by the department.

(c) The annual permit fee for each sign facing shall be established by the department by rule in an amount sufficient to offset the total cost to the department for the program, but shall not exceed \$200 ~~\$100~~. The ~~A fee may not be prorated for a~~

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~~period less than the remainder of the permit year to accommodate short term publicity features; however, a~~ first-year fee may be prorated by payment of an amount equal to one-fourth of the annual fee for each remaining whole quarter or partial quarter of the permit year. Applications received after the end of the third quarter of the permit year must include fees for the last quarter of the current year and fees for the succeeding year. A nonrefundable application fee of \$25 must accompany each permit application.

(4) An application for a permit shall be acted on by granting, denying, or returning the incomplete application ~~the department~~ within 30 days after receipt of the application by the department.

(5) (a) For each permit issued, the department shall furnish to the applicant a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the upper 50 percent of the sign structure sign facing or, if there is no facing, on the pole nearest the highway, and ~~it~~ shall be attached in such a manner as to be plainly visible from the main-traveled way. ~~Effective July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main-traveled way.~~ The permit ~~becomes void unless the permit tag must be~~ is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will

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be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void.

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall adopt a rule establishing a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the department shall issue a replacement permit tag. ~~Alternatively, the permittee may provide its own replacement tag pursuant to department specifications that the department shall adopt by rule at the time it establishes the service fee for replacement tags.~~

(6) A permit is valid only for the location specified in the permit. Valid permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and submittal of a transfer fee of \$5 for each permit to be transferred. However, the maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction is \$1,000 ~~\$100~~.

(7) A permittee shall at all times maintain the permission of the owner or other person in lawful control of the sign site to have and maintain a sign at such site.

(8) (a) In order to reduce peak workloads, the department may adopt rules providing for staggered expiration dates for licenses and permits. Unless otherwise provided for by rule, all licenses and permits expire annually on January 15. All license and permit renewal fees are required to be submitted to the

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department by no later than the expiration date. At least 105 days ~~before~~ prior to the expiration date of licenses and permits, the department shall send to each permittee a notice of fees due for all licenses and permits ~~that which~~ were issued to him or her ~~before~~ prior to the date of the notice. Such notice shall list the permits and the permit fees due for each sign facing. The permittee shall, no later than 45 days ~~before~~ prior to the expiration date, advise the department of any additions, deletions, or errors contained in the notice. Permit tags which are not renewed shall be returned to the department for cancellation by the expiration date. Permits which are not renewed or are canceled shall be certified in writing at that time as canceled or not renewed by the permittee, and permit tags for such permits shall be returned to the department or shall be accounted for by the permittee in writing, which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation ~~does shall~~ not affect the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.

(b) If a permittee has not submitted his or her fee payment by the expiration date of the licenses or permits, the department shall send a notice of violation to the permittee within 45 days after the expiration date, requiring the payment of the permit fee within 30 days after the date of the notice and payment of a delinquency fee equal to 10 percent of the original amount due or, in the alternative to these payments,

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639 requiring the filing of a request for an administrative hearing
 640 to show cause why ~~the his or her~~ sign should not be subject to
 641 immediate removal due to expiration of his or her license or
 642 permit. If the permittee submits payment as required by the
 643 violation notice, ~~the his or her~~ license or permit will be
 644 automatically reinstated and such reinstatement will be
 645 retroactive to the original expiration date. If the permittee
 646 does not respond to the notice of violation within the 30-day
 647 period, the department shall, within 30 days, issue a final
 648 notice of sign removal and may, following 90 days after the date
 649 of the department's final notice of sign removal, remove the
 650 sign without incurring any liability as a result of such
 651 removal. However, if at any time before removal of the sign, the
 652 permittee demonstrates that a good faith error on the part of
 653 the permittee resulted in cancellation or nonrenewal of the
 654 permit, the department may reinstate the permit if:

655 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~
 656 ~~size of the sign~~ is paid;

657 2. All other permit renewal and delinquent permit fees due
 658 as of the reinstatement date are paid; and

659 3. The permittee reimburses the department for all actual
 660 costs resulting from the permit cancellation or nonrenewal.

661 (c) Conflicting applications filed by other persons for the
 662 same or competing sites covered by a permit subject to paragraph
 663 (b) may not be approved until after the sign subject to the
 664 expired permit has been removed.

665 (d) The cost for removing a sign, whether by the department
 666 or an independent contractor, shall be assessed by the
 667 department against the permittee.

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668 (9) (a) A permit ~~may shall~~ not be granted for any sign for
 669 which a permit had not been granted by the effective date of
 670 this act unless such sign is located at least:

671 1. One thousand five hundred feet from any other permitted
 672 sign on the same side of the highway, if on an interstate
 673 highway.

674 2. One thousand feet from any other permitted sign on the
 675 same side of the highway, if on a federal-aid primary highway.
 676

677 The minimum spacing provided in this paragraph does not preclude
 678 the permitting of V-type, back-to-back, side-to-side, stacked,
 679 or double-faced signs at the permitted sign site. If a sign is
 680 visible to more than one highway subject to the jurisdiction of
 681 the department and within the controlled area of the highways
 682 ~~from the controlled area of more than one highway subject to the~~
 683 ~~jurisdiction of the department~~, the sign must shall meet the
 684 permitting requirements of all highways, and, ~~if the sign meets~~
 685 ~~the applicable permitting requirements~~, be permitted ~~to~~ the
 686 highway having the more stringent permitting requirements.

687 (b) A permit ~~may shall~~ not be granted for a sign pursuant
 688 to this chapter to locate such sign on any portion of the
 689 interstate or federal-aid primary highway system, which sign:

690 1. Exceeds 50 feet in sign structure height above the crown
 691 of the main-traveled way to which the sign is permitted, if
 692 outside an incorporated area;

693 2. Exceeds 65 feet in sign structure height above the crown
 694 of the main-traveled way to which the sign is permitted, if
 695 inside an incorporated area; or

696 3. Exceeds 950 square feet of sign facing including all

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embellishments.

(c) Notwithstanding subparagraph (a)1., ~~there is established a pilot program in Orange, Hillsborough, and Osceola Counties, and within the boundaries of the City of Miami, under which~~ the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet if all other requirements of this chapter are met and if:

1. The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area is removed;

2. The sign owner and the local government mutually agree to the terms of the removal and replacement; and

3. The local government notifies the department of its intention to allow such removal and replacement as agreed upon pursuant to subparagraph 2.

~~4. The new or replacement sign to be erected on an interstate highway within that jurisdiction is to be located on a parcel of land specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163, and such parcel shall not be subject to an evaluation in accordance with the criteria set forth in s. 479.01(26) to determine if the parcel can be considered an unzoned commercial or industrial area.~~

~~The department shall maintain statistics tracking the use of the~~

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~~provisions of this pilot program based on the notifications received by the department from local governments under this paragraph.~~

(d) This subsection does not cause a sign that was conforming on October 1, 1984, to become nonconforming.

(10) Commercial or industrial zoning that ~~which~~ is not comprehensively enacted or that ~~which~~ is enacted primarily to permit signs may ~~shall~~ not be recognized as commercial or industrial zoning for purposes of this provision, and permits may ~~shall~~ not be issued for signs in such areas. The department shall adopt rules ~~within 180 days after this act takes effect~~ that ~~which~~ shall provide criteria to determine whether such zoning is comprehensively enacted or enacted primarily to permit signs.

Section 8. Section 479.08, Florida Statutes, is amended to read:

479.08 Denial or revocation of permit.—The department may deny or revoke any permit requested or granted under this chapter in any case in which it determines that the application for the permit contains ~~knowingly~~ false or misleading information of material consequence. The department may revoke any permit granted under this chapter in any case in which the permittee has violated any of the provisions of this chapter, unless such permittee, within 30 days after the receipt of notice by the department, complies with the provisions of this chapter. For the purpose of this section, the notice of violation issued by the department must describe in detail the alleged violation. Any person aggrieved by any action of the department in denying or revoking a permit under this chapter

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may, within 30 days after receipt of the notice, apply to the department for an administrative hearing pursuant to chapter 120. If a timely request for hearing has been filed and the department issues a final order revoking a permit, such revocation shall be effective 30 days after the date of rendition. Except for department action pursuant to s. 479.107(1), the filing of a timely and proper notice of appeal shall operate to stay the revocation until the department's action is upheld.

Section 9. Section 479.10, Florida Statutes, is amended to read:

479.10 Sign removal following permit revocation or cancellation.—A sign shall be removed by the permittee within 30 days after the date of revocation or cancellation of the permit for the sign. If the permittee fails to remove the sign within the 30-day period, the department shall remove the sign at the permittee's expense with or without further notice and without incurring any liability as a result of such removal.

Section 10. Section 479.105, Florida Statutes, is amended to read:

479.105 Signs erected or maintained without required permit; removal.—

(1) Any sign which is located adjacent to the right-of-way of any highway on the State Highway System outside an incorporated area or adjacent to the right-of-way on any portion of the interstate or federal-aid primary highway system, which sign was erected, operated, or maintained without the permit required by s. 479.07(1) having been issued by the department, is declared to be a public nuisance and a private nuisance and

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shall be removed as provided in this section.

(a) Upon a determination by the department that a sign is in violation of s. 479.07(1), the department shall prominently post on the sign, or as close to the sign as possible for those locations where the sign is not easily accessible, ~~face~~ a notice stating that the sign is illegal and must be removed within 30 days after the date on which the notice was posted. ~~However, if the sign bears the name of the licensee or the name and address of the nonlicensed sign owner,~~ The department shall, concurrently with and in addition to posting the notice on the sign, provide a written notice to the owner of the sign, the advertiser displayed on the sign, or the owner of the property, stating that the sign is illegal and must be permanently removed within the 30-day period specified on the posted notice. The written notice shall further state that a hearing may be requested, ~~the sign owner has a right to request a hearing,~~ which request must be filed with the department within 30 days after receipt ~~the date~~ of the written notice. However, the filing of a request for a hearing will not stay the removal of the sign.

(b) If, pursuant to the notice provided, the sign is not removed by the ~~sign~~ owner of the sign, the advertiser displayed on the sign, or the owner of the property within the prescribed period, the department shall immediately remove the sign without further notice; and, for that purpose, the employees, agents, or independent contractors of the department may enter upon private property without incurring any liability for so entering.

(c) However, the department may issue a permit for a sign, as a conforming or nonconforming sign, if the sign owner

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demonstrates to the department one of the following:

1. If the sign meets the current requirements of this chapter for a sign permit, the sign owner may submit the required application package and receive a permit as a conforming sign, upon payment of all applicable fees.

2. If the sign does not meet the current requirements of this chapter for a sign permit, the sign owner may receive a permit as a nonconforming sign if the department determines that the sign is not located on state right-of-way and is not a safety hazard and if the sign owner pays a penalty fee of \$300 and all pertinent fees required by this chapter, including annual permit renewal fees payable since the date of the erection of the sign, and attaches to the permit application package documentation that demonstrates that:

a. The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of 7 years or more;

b. During the entire period in which the sign has been erected, a permit was required but was not obtained;

c. During the initial 7 years in which the sign has been erected, the sign would have met the criteria established in this chapter at that time for issuance of a permit; and

d. The department has not initiated a notice of violation or taken other action to remove the sign during the initial 7-year period.

(d) This subsection does not cause a neighboring sign that is permitted and that is within the spacing requirements in s. 479.07(9)(a) to become nonconforming.

(e) ~~(e)~~ For purposes of this subsection, a notice to the

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sign owner, when required, constitutes sufficient notice; and notice is not required to be provided to the lessee, advertiser, or the owner of the real property on which the sign is located.

(f) ~~(d)~~ If, after a hearing, it is determined that a sign has been wrongfully or erroneously removed pursuant to this subsection, the department, at the sign owner's discretion, shall either pay just compensation to the owner of the sign or reerect the sign in kind at the expense of the department.

~~(e) However, if the sign owner demonstrates to the department that:~~

~~1. The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of 7 years or more;~~

~~2. At any time during the period in which the sign has been erected, the sign would have met the criteria established in this chapter for issuance of a permit;~~

~~3. The department has not initiated a notice of violation or taken other action to remove the sign during the initial 7-year period described in subparagraph 1.; and~~

~~4. The department determines that the sign is not located on state right-of-way and is not a safety hazard,~~

~~the sign may be considered a conforming or nonconforming sign and may be issued a permit by the department upon application in accordance with this chapter and payment of a penalty fee of \$300 and all pertinent fees required by this chapter, including annual permit renewal fees payable since the date of the erection of the sign.~~

(2) (a) If a sign is under construction and the department

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determines that a permit has not been issued for the sign as required under the provisions of this chapter, the department is authorized to require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work shall be prominently posted on the sign structure, and no further notice is required to be given. The failure of a sign owner or her or his agents to immediately comply with the order shall subject the sign to prompt removal by the department.

(b) For the purposes of this subsection only, a sign is under construction when it is in any phase of initial construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public. A sign that is undergoing routine maintenance or change of the advertising message only is not considered to be under construction for the purposes of this subsection.

(3) The cost of removing a sign, whether by the department or an independent contractor, shall be assessed against the owner of the sign by the department.

Section 11. Subsections (4), (5), and (7) of section 479.106, Florida Statutes, are amended to read:

479.106 Vegetation management.—

(4) The department may establish an application fee by rule ~~not to exceed \$25 for each individual application~~ to defer the costs of processing such application ~~and a fee not to exceed \$200 to defer the costs of processing an application for multiple sites.~~

(5) The department may only grant a permit pursuant to s. 479.07 for a new sign which requires the removal, cutting, or

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trimming of existing trees or vegetation on public right-of-way for the sign face to be visible from the highway when the sign owner has removed at least two nonconforming signs of approximate comparable size and surrendered the permits for the nonconforming signs to the department for cancellation. For signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, no permit for the removal, cutting, or trimming of trees or vegetation shall require, in addition to mitigation or contribution to a plan of mitigation, the removal of two nonconforming signs. No permits for the removal, cutting, or trimming of trees may be granted for signs permitted after July 1, 1996 ~~be granted~~ where such trees or vegetation are part of a beautification project implemented before ~~prior to~~ the date of the original sign permit application, when the beautification project is specifically identified in the department's construction plans, permitted landscape projects, or agreements.

(7) Any person engaging in removal, cutting, or trimming of trees or vegetation in violation of this section or benefiting from such actions shall be subject to an administrative penalty of up to \$1,000 per sign facing and required to mitigate for the unauthorized removal, cutting, or trimming in such manner and in such amount as may be required under the rules of the department.

Section 12. Subsection (5) of section 479.107, Florida Statutes, is amended to read:

479.107 Signs on highway rights-of-way; removal.—

(5) The cost of removing a sign, whether by the department or an independent contractor, shall be assessed by the

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department against the owner of the sign. ~~Furthermore, the department shall assess a fine of \$75 against the sign owner for any sign which violates the requirements of this section.~~

Section 13. Section 479.111, Florida Statutes, is amended to read:

479.111 Specified signs allowed within controlled portions of the interstate and federal-aid primary highway system.—Only the following signs shall be allowed within controlled portions of the interstate highway system and the federal-aid primary highway system as set forth in s. 479.11(1) and (2):

(1) Directional or other official signs and notices which conform to 23 C.F.R. ss. 750.151-750.155.

(2) Signs in commercial-zoned and industrial-zoned areas or commercial-unzoned and industrial-unzoned areas and within 660 feet of the nearest edge of the right-of-way, subject to the requirements set forth in the 1972 agreement between the state and the United States Department of Transportation.

(3) Signs for which permits are not required under s. 479.16.

Section 14. Section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(1) No zoning board or commission or other public officer or agency shall issue a permit to erect any sign which is prohibited under the provisions of this chapter or the rules of the department, nor shall the department issue a permit for any sign which is prohibited by any other public board, officer, or agency in the lawful exercise of its powers.

(2) A municipality, county, local zoning authority, or

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other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local government entity that adopts requirements for such alteration shall pay just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. ~~As used in this subsection, the term "federal aid primary highway system" means the federal aid primary highway system in existence on June 1, 1991, and any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System.~~ This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

(3) It is the express intent of the Legislature to limit the state right-of-way acquisition costs on state and federal roads in eminent domain proceedings, the provisions of ss. 479.07 and 479.155 notwithstanding. Subject to approval by the Federal Highway Administration, whenever public acquisition of

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land upon which is situated a lawful permitted ~~nonconforming~~ sign occurs, as provided in this chapter, the sign may, at the election of its owner and the department, be relocated or reconstructed adjacent to the new right-of-way and in close proximity to the current site along the roadway within 100 feet of the current location, provided the ~~nonconforming~~ sign is not relocated in an area inconsistent with s. 479.024 ~~on a parcel zoned residential~~, and provided further that such relocation shall be subject to ~~applicable setback~~ requirements in the 1972 agreement between the state and the United States Department of Transportation. The sign owner shall pay all costs associated with relocating or reconstructing any sign under this subsection, and neither the state nor any local government shall reimburse the sign owner for such costs, unless part of such relocation costs are required by federal law. If no adjacent property is available for the relocation, the department shall be responsible for paying the owner of the sign just compensation for its removal.

(4) ~~For a nonconforming sign, such relocation shall be adjacent to the current site and the face of the sign may shall not be increased in size or height or structurally modified at the point of relocation in a manner inconsistent with the current building codes of the jurisdiction in which the sign is located.~~

(5) In the event that relocation can be accomplished but is inconsistent with the ordinances of the municipality or county within whose jurisdiction the sign is located, the ordinances of the local government shall prevail, provided that the local government shall assume the responsibility to provide the owner

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of the sign just compensation for its removal, but in no event shall compensation paid by the local government exceed the compensation required under state or federal law. Further, the provisions of this section shall not impair any agreement or future agreements between a municipality or county and the owner of a sign or signs within the jurisdiction of the municipality or county. ~~Nothing in this section shall be deemed to cause a nonconforming sign to become conforming solely as a result of the relocation allowed in this section.~~

(6) This section does not cause a neighboring sign that is already permitted and that is within the spacing requirements outlined in s. 479.07(9)(a) to become nonconforming ~~The provisions of subsections (3), (4), and (5) of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.~~

Section 15. Section 479.156, Florida Statutes, is amended to read:

479.156 Wall murals.—Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located in an area that is zoned for industrial or commercial use and the municipality or county shall establish

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and enforce regulations for such areas that, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ and with customary use.

Whenever a municipality or county exercises such control and makes a determination of customary use pursuant to 23 U.S.C. s. 131(d), such determination shall be accepted in lieu of controls in the agreement between the state and the United States Department of Transportation, and the department shall notify the Federal Highway Administration pursuant to the agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is subject to municipal or county regulation and 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ must be approved by the Department of Transportation and the Federal Highway Administration when required by federal law and federal regulation under the agreement between the state and the United States Department of Transportation and federal regulations enforced by the Department of Transportation under s. 479.02(1). The existence of a wall mural as defined in s. 479.01(27) ~~479.01(30)~~ shall not be considered in determining whether a sign as defined in s. 479.01(18) ~~479.01(20)~~, either existing or new, is in compliance with s. 479.07(9)(a).

Section 16. Section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8), and the provisions of subsections (15)-(20) may not be

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implemented or continued if the Federal Government notifies the department that implementation or continuation will adversely affect the allocation of federal funds to the department:

(1) Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions ~~under department rule adopted~~ pursuant to s. 479.11(5), or signs owned by a municipality or a county located on the premises of such municipality or such county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

(a) Messages which specifically reference any commercial enterprise.

(b) Messages which reference a commercial sponsor of any event.

(c) Personal messages.

(d) Political campaign messages.

If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt under this subsection.

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- 1103 (2) Signs erected, used, or maintained on a farm by the
 1104 owner or lessee of such farm and relating solely to farm
 1105 produce, merchandise, service, or entertainment sold, produced,
 1106 manufactured, or furnished on such farm.
- 1107 (3) Signs posted or displayed on real property by the owner
 1108 or by the authority of the owner, stating that the real property
 1109 is for sale or rent. However, if the sign contains any message
 1110 not pertaining to the sale or rental of that real property, then
 1111 it is not exempt under this section.
- 1112 (4) Official notices or advertisements posted or displayed
 1113 on private property by or under the direction of any public or
 1114 court officer in the performance of her or his official or
 1115 directed duties, or by trustees under deeds of trust or deeds of
 1116 assignment or other similar instruments.
- 1117 (5) Danger or precautionary signs relating to the premises
 1118 on which they are located; forest fire warning signs erected
 1119 under the authority of the Florida Forest Service of the
 1120 Department of Agriculture and Consumer Services; and signs,
 1121 notices, or symbols erected by the United States Government
 1122 under the direction of the United States Forestry Service.
- 1123 (6) Notices of any railroad, bridge, ferry, or other
 1124 transportation or transmission company necessary for the
 1125 direction or safety of the public.
- 1126 (7) Signs, notices, or symbols for the information of
 1127 aviators as to location, directions, and landings and conditions
 1128 affecting safety in aviation erected or authorized by the
 1129 department.
- 1130 (8) Signs or notices erected or maintained upon property
 1131 stating only the name of the owner, lessee, or occupant of the

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- 1132 premises and not exceeding 16 ~~+~~ square feet in area.
- 1133 (9) Historical markers erected by duly constituted and
 1134 authorized public authorities.
- 1135 (10) Official traffic control signs and markers erected,
 1136 caused to be erected, or approved by the department.
- 1137 (11) Signs erected upon property warning the public against
 1138 hunting and fishing or trespassing thereon.
- 1139 (12) Signs not in excess of 16 ~~+~~ square feet that are owned
 1140 by and relate to the facilities and activities of churches,
 1141 civic organizations, fraternal organizations, charitable
 1142 organizations, or units or agencies of government.
- 1143 (13) ~~Except that~~ Signs placed on benches, transit shelters,
 1144 modular news racks, street light poles, public pay telephones,
 1145 and waste receptacles, within the right-of-way, as provided for
 1146 in s. 337.408 are exempt from all provisions of this chapter.
- 1147 (14) Signs relating exclusively to political campaigns.
- 1148 (15) Signs not in excess of 16 square feet placed at a road
 1149 junction with the State Highway System denoting only the
 1150 distance or direction of a residence or farm operation, or,
 1151 outside an incorporated in a rural area where a hardship is
 1152 created because a small business is not visible from the road
 1153 junction with the State Highway System, one sign not in excess
 1154 of 16 square feet, denoting only the name of the business and
 1155 the distance and direction to the business. ~~The small business~~
 1156 ~~sign provision of this subsection does not apply to charter~~
 1157 ~~counties and may not be implemented if the Federal Government~~
 1158 ~~notifies the department that implementation will adversely~~
 1159 ~~affect the allocation of federal funds to the department.~~
- 1160 (16) Signs placed by a local tourist-oriented business

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located within a rural area of critical economic concern, as defined by s. 288.0656(2)(d) and (e), and are:

(a) Not more than 8 square feet in size or more than 4 feet in height;

(b) Located only in rural areas, along non-limited access highways;

(c) Located within 2 miles of the business location and are not less than 500 feet apart;

(d) Located only in two directions leading to the business; and

(e) Not located within the road right-of-way.

A business placing such signs must be at least 4 miles from any other business using this exemption and may not participate in any other department directional signage program.

(17) Signs not in excess of 32 square feet placed temporarily during harvest season of a farm operation for a period of no more than 4 months at a road junction with the State Highway System denoting only the distance or direction of the farm operation.

(18) Acknowledgement signs erected upon publicly funded school premises relating to a specific public school club, team, or event placed no closer than 1,000 feet from another acknowledgment sign on the same side of the roadway. All sponsor information on an acknowledgement sign may constitute no more than 100 square feet of the sign. As used in this subsection, the term "acknowledgement signs" means signs that are intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or other entity.

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(19) Displays erected upon a sports facility which display content directly related to the facility's activities and where a presence of the products or services offered on the property exists. Displays are to be mounted flush or flat to the surface of the sports facility and rely upon the building facade for structural support. For purposes of this subsection, the term "sports facility", means any athletic complex, athletic arena, or athletic stadium, including physically connected parking facilities, which is open to the public and has a permanent installed seating capacity of 15,000 or more.

(20) Signs related to Florida tourism, allowed by the department at welcome centers operated pursuant to s. 288.12265.

Section 17. Section 479.24, Florida Statutes, is amended to read:

479.24 Compensation for ~~removal of~~ signs; eminent domain; exceptions.—

(1) Just compensation shall be paid by the department upon the department's acquisition ~~removal~~ of a lawful conforming or nonconforming sign along any portion of the interstate or federal-aid primary highway system. This section does not apply to a sign which is illegal at the time of its removal. A sign will lose its nonconforming status and become illegal at such time as it fails to be permitted or maintained in accordance with all applicable laws, rules, ordinances, or regulations other than the provision which makes it nonconforming. A legal nonconforming sign under state law or rule will not lose its nonconforming status solely because it additionally becomes nonconforming under an ordinance or regulation of a local governmental entity passed at a later date. The department shall

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make every reasonable effort to negotiate the purchase of the signs to avoid litigation and congestion in the courts.

(2) The department is not required to remove any sign under this section if the federal share of the just compensation to be paid upon removal of the sign is not available to make such payment, unless an appropriation by the Legislature for such purpose is made to the department.

(3)(a) The department is authorized to use the power of eminent domain when necessary to carry out the provisions of this chapter.

(b) If eminent domain procedures are instituted, just compensation shall be made pursuant to the state's eminent domain procedures, chapters 73 and 74.

Section 18. Section 479.25, Florida Statutes, is amended to read:

479.25 Erection of noise-attenuation barrier blocking view of sign; procedures; application.—

(1) The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign at its permitted location if a noise-attenuation barrier is permitted by or erected by any governmental entity in such a way as to screen or block visibility of the sign. Any increase in height permitted under this section may only be the increase in height which is required to achieve the same degree of visibility from the right-of-way which the sign had prior to the construction of the noise-attenuation barrier, notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this

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section shall comply with the building standards and wind load requirements set forth in the Florida Building Code. If construction of a proposed noise-attenuation barrier will screen a sign lawfully permitted under this chapter, the department shall provide notice to the local government or local jurisdiction within which the sign is located prior to construction ~~erection of the noise-attenuation barrier~~. Upon a determination that an increase in the height of a sign as permitted under this section will violate a provision contained in an ordinance or land development regulation of the local government or local jurisdiction, prior to construction, the local government or local jurisdiction shall ~~so notify the department. When notice has been received from the local government or local jurisdiction prior to erection of the noise-attenuation barrier, the department shall:~~

(a) Provide a variance or waiver to the local ordinance or land development regulations to ~~Conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed noise attenuation barrier. The written survey shall inform the property owners of the location, date, and time of the public hearing described in paragraph (b) and shall specifically advise the impacted property owners that:~~

~~1. Erection of the noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;~~
~~2. The local government or local jurisdiction may restrict or prohibit increasing the height of the existing outdoor advertising sign to make it visible over the barrier; and~~
~~3. If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local~~

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~~government or local jurisdiction will be required to:~~

~~a.~~ allow an increase in the height of the sign ~~in violation of a local ordinance or land development regulation;~~

~~(b).~~ Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or

~~(c).~~ Pay the fair market value of the sign and its associated interest in the real property.

~~(2).~~ The department shall hold ~~Hold~~ a public hearing within the boundaries of the affected local governments or local jurisdictions to receive input on the proposed noise-attenuation barrier and its conflict with the local ordinance or land development regulation and to suggest or consider alternatives or modifications ~~to the proposed noise attenuation barrier~~ to alleviate or minimize the conflict with the local ordinance or land development regulation or minimize any costs that may be associated with relocating, reconstructing, or paying for the affected sign. The public hearing may be held concurrently with other public hearings scheduled for the project. The department shall provide a written notification to the local government or local jurisdiction of the date and time of the public hearing and shall provide general notice of the public hearing in accordance with the notice provisions of s. 335.02(1). The notice shall not be placed in that portion of a newspaper in which legal notices or classified advertisements appear. The notice shall specifically state that:

~~(a)1.~~ Erection of the proposed noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;

~~(b)2.~~ The local government or local jurisdiction may

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restrict or prohibit increasing the height of the existing outdoor advertising sign ~~to make it visible over the barrier;~~ and

~~(c)3.~~ Upon ~~If a majority of the impacted property owners vote for~~ construction of the noise-attenuation barrier, the local government or local jurisdiction shall ~~will be required to:~~

~~1.a.~~ Allow an increase in the height of the sign through a waiver or variance to ~~in violation of~~ a local ordinance or land development regulation;

~~2.b.~~ Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or

~~3.c.~~ Pay the fair market value of the sign and its associated interest in the real property.

~~(3)2.~~ The department may ~~shall~~ not permit erection of the noise-attenuation barrier to the extent the barrier screens or blocks visibility of the sign until after the public hearing is held ~~and until such time as the survey has been conducted and a majority of the impacted property owners have indicated approval to erect the noise attenuation barrier. When the impacted property owners approve of the noise attenuation barrier construction, the department shall notify the local governments or local jurisdictions. The local government or local jurisdiction shall, notwithstanding the provisions of a conflicting ordinance or land development regulation:~~

~~(a)~~ Issue a permit by variance or otherwise for the reconstruction of a sign under this section;

~~(b)~~ Allow the relocation of a sign, or construction of another sign, at an alternative location that is permissible

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~~under the provisions of this chapter, if the sign owner agrees to relocate the sign or construct another sign; or~~
~~(c) Refuse to issue the required permits for reconstruction of a sign under this section and pay fair market value of the sign and its associated interest in the real property to the owner of the sign.~~

~~(4)(3)~~ This section ~~does shall~~ not apply to the provisions of any existing written agreement executed before July 1, 2006, between any local government and the owner of an outdoor advertising sign.

Section 19. Subsection (1) of section 479.261, Florida Statutes, is amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the limited access ~~interstate~~ highway system to provide information to motorists about available gas, food, lodging, camping, attractions, and other services, as approved by the Federal Highway Administration, at interchanges through the use of business logos and may include additional interchanges under the program.

(a) As used in this chapter, the term "attraction" means an establishment, site, facility, or landmark that is open a minimum of 5 days a week for 52 weeks a year; that has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and that is publicly recognized as a bona fide tourist attraction.

(b) The department shall incorporate the use of RV-friendly markers on specific information logo signs for establishments

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that cater to the needs of persons driving recreational vehicles. Establishments that qualify for participation in the specific information logo program and that also qualify as "RV-friendly" may request the RV-friendly marker on their specific information logo sign. An RV-friendly marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in accordance with chapter 120 to administer this paragraph, including rules setting forth the minimum requirements that establishments must meet in order to qualify as RV-friendly. These requirements shall include large parking spaces, entrances, and exits that can easily accommodate recreational vehicles and facilities having appropriate overhead clearances, if applicable.

Section 20. Section 479.313, Florida Statutes, is amended to read:

479.313 Permit revocation and cancellation; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the State Highway System, interstate highway system, or federal-aid primary highway system following the revocation or cancellation of the permit for such sign shall be assessed against and collected from the permittee.

Section 21. This act shall take effect July 1, 2013.

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 884

INTRODUCER: Senator Sachs

SUBJECT: Florida Salutes Veterans License Plates

DATE: March 8, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Eichin	Eichin	TR	Pre-meeting
2. _____	_____	RC	_____
3. _____	_____	AP	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

SB 884 increases from ten to twenty percent, the percentage of annual use fees accruing from sales of the Florida Salutes Veterans license plate that are distributed to the Florida Veterans' Foundation, Inc., and allows for continued distribution of the use fees to the foundation by eliminating the expiration date.

This bill substantially amends the following section of the Florida Statutes: 320.08058

II. Present Situation:

The Florida Salutes Veterans specialty license plate was created by the 1989 Legislature. Persons wishing to register a vehicle with the plate must pay a \$15 annual use fee in addition to the normal fees required when registering a vehicle. Revenues from the use fee were deposited in the State Homes for Veterans Trust Fund to be used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the plate.

In 2008¹, the Legislature revised s. 320.08058(4)(b)(1), F.S., to direct 20 percent of the annual use fee to a direct-support organization² created under s. 292.055, F.S., (*i.e.*, the Florida

¹ Chapter 2008-84, Laws of Florida

² Section 292.055, F.S., authorizes the Department of Veterans' Affairs to establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission. A "Direct-support organization" means an organization that is:

1. A Florida corporation not for profit, incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

Veterans Foundation, Inc.) for a period not to exceed 24 months from the date the organization was incorporated. In 2010, the statute was again amended³ so that currently, the distribution of the annual use fee requires 10 percent of the annual use fee to be distributed to the direct-support organization for a period not to exceed 48 months after the date the direct-support organization is incorporated. All remaining fees are to be deposited in the State Homes for Veterans Trust Fund, in the State Treasury.

In fiscal year 2011/2012, there were 22,660 vehicles registered using the Florida Salutes Veterans plate, with a total net revenue of \$456,220 accruing from use of the plate.

The Florida Veterans Foundation, Inc.

The Florida Veterans Foundation, Inc. (foundation) was established as the Department of Veterans' Affairs direct support organization in 2008. The foundation exists to educate the public about the needs of veterans; and promote and aid charitable activities for the support of the livelihood and general welfare of Florida-resident veterans. The foundation is a Corporate Not-For-Profit organization under ch. 617, F.S., with one part-time employee, whose payroll and related expenses are administered by the State and reimbursed by the foundation. All other members of the organization serve on a volunteer basis. The foundation received \$35,749 in fiscal year 2011, and \$33,957 in fiscal year 2012 from the Florida Salutes Veterans specialty license plate annual use fee.⁴ In compliance with the provisions of s. 320.08058(4)(b)(1), F.S., this distribution expired June 30 2012.

III. Effect of Proposed Changes:

SB 884 revises s. 320.08058(4)(b)(1), F.S., to increase from ten to twenty percent, the percentage of annual use fees accruing from sales of the Florida Salutes Veterans license plate that are distributed to the Florida Veterans' Foundation, Inc., and to allow for continued distribution of the use fees to the foundation by eliminating the expiration date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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2. Organized and operated exclusively to obtain funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the department, the veterans of this state, and congressionally chartered veteran service organizations having subdivisions that are incorporated in this state.
 3. Determined by the department to be operating in a manner consistent with the goals of the department and in the best interest of the state.

³ Chapter 2010-168, Laws Of Florida.

⁴ "Florida Veterans Foundation, Inc. Audited Financial Statements for the Year Ended June 30, 2012."

http://www.floridaveteransfoundation.org/DOCs/FVF_Audited_Financial_Statements_for_2012.pdf (last checked 3/11/13)

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides for continued distributions of annual use fees to the Florida Veterans Foundation, Inc., beyond the currently programmed expiration. The amounts of such distributions vary based on the number of license plates sold or renewed each year. Due to the increase from ten to twenty percent, near future distributions may be assumed to be approximately double the distribution of recent years. For comparison, the foundation received \$35,749 in fiscal year 2011, and \$33,957 in fiscal year 2012 from ten percent of the annual use fee.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Sachs

34-00745-13

2013884__

A bill to be entitled

An act relating to the Florida Salutes Veterans license plate; amending s. 320.08058, F.S.; revising provisions for distribution and use of fees collected from the sale of the Florida Salutes Veterans license plate; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(b) The Florida Salutes Veterans license plate annual use fee shall be distributed as follows:

1. Twenty ~~Ten~~ percent shall be distributed to a direct-support organization created under s. 292.055 ~~for a period not to exceed 48 months after the date the direct-support organization is incorporated.~~

2. Any remaining fees must be deposited in the State Homes for Veterans Trust Fund, which is created in the State Treasury. All such moneys are to be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

Section 2. This act shall take effect July 1, 2013.

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 1090

INTRODUCER: Senator Altman

SUBJECT: Motor Vehicles

DATE: March 9, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Everette</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2. _____	_____	<u>RC</u>	_____
3. _____	_____	<u>AP</u>	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

SB 1090 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV or department) to collect a voluntary contribution of \$1 through motor vehicle registration and driver license fees; initial, renewal, or identification card fees for the Auto Club Group Traffic Safety Foundation, Inc.

This bill substantially amends ss. 320.02 and 322.081 of the Florida Statutes.

II. Present Situation:

Auto Club Group Traffic Safety Foundation, Inc.

The Tampa-based AAA Auto Club South and Dearborn, Michigan-based, The Auto Club Group have combined operations to become “The Auto Club South Traffic Safety Foundation,”¹ a 501(c)(3) non-profit organization created to produce a significant and continuous reduction in traffic crashes, injuries and deaths in the communities. For more than a century, AAA has developed and provided traffic safety programs that play an important role in communities by protecting and saving lives of drivers, passengers, bicyclists and pedestrians of all ages. AAA Auto Club Group Traffic Safety Foundation will advance these efforts by:

- Enabling additional funding from non-AAA sources;
- Increasing public awareness of the importance of travel safety;
- Developing and coordinating programs to improve driving skills;

¹ <http://autoclubsouth.aaa.com/newsandsafety/media.aspx>- related links (AAA Foundation for Traffic Safety) - last visited 3/11/2-13

- Designing and implementing safety programs and campaigns;
- Conducting and participating in exhibitions, contests, programs and safety activities with schools, police departments and other groups; and
- Serving as a resource to the media and communities for the dissemination of safety information.

Voluntary Contributions

The voluntary contributions process provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new replacement or driver license.²

Contributions are distributed to check-off organizations as requested by motor vehicle and driver license applicants.

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check off, if authorized. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 320.02(15), F.S., authorizing the department to include the Auto Club Group Traffic Safety Foundation, Inc., on the motor vehicle registration and renewal form, allowing collection of a \$1 voluntary contribution to the registration fee to be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state.

Section 2 of the bill amends s. 322.08(7), F.S., authorizing the department to collect a \$1 voluntary contribution through driver license fees; initial, renewal, or identification card fees to

² Currently, Section 320.02(8)(14) and (15), F.S.; Section 320.08047, F.S., and Section 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 24 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 17 options for voluntary contributions.

the Auto Club Group Safety Foundation, Inc, to improve traffic safety culture in communities through effective outreach, education, and activities in the state.

Under ss. 320.023 and 322.081, F.S., there is currently a moratorium on the establishment of any new voluntary contributions on motor vehicle registration application and driver license application forms until July 1, 2013.

The bill has an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

	Amount Year 1 <u>FY 2013-2014</u>	Amount Year 2 <u>FY 2014-2015</u>	Amount Year 3 <u>FY 2015-2016</u>
1. Non-Recurring or First Year Start Up Effects:			
<u>REVENUES:</u>			
Highway Safety Operating Trust Fund:			
Application Fee	<u>\$ 20,000</u>	<u>\$ 0</u>	<u>\$ 0</u>

The above amount reflects the \$20,000 application fee required to be paid by the Auto Club Group Traffic Safety Foundation, Inc, a nonprofit organization, for the motor vehicle and driver's license application.

EXPENDITURES:

Highway Safety Operating Trust Fund:

Contracted Services	<u>\$65,600</u>	<u>\$ 0</u>	<u>\$ 0</u>

Total Expenditures:	<u>\$65,600</u>	<u>\$ 0</u>	<u>\$ 0</u>

The amount above reflects the programming cost to develop the new application forms.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Altman

16-00682-13

20131090__

A bill to be entitled

An act relating to motor vehicles; amending ss. 320.02 and 322.08, F.S.; requiring the application forms for motor vehicle registration and renewal of registration and for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to Auto Club Group Traffic Safety Foundation, Inc.; providing that such contributions are not income for specified purposes; providing for use of funds; providing that the foundation must comply with specified provisions; providing an effective date.

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

Section 1. Paragraph (s) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(s) The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of \$1 or more per applicant, which contribution must be distributed to Auto Club Group Traffic Safety Foundation, Inc., a nonprofit organization. Funds received by the foundation must be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state that will save lives,

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reduce injuries, and prevent crashes. The foundation must comply with s. 320.023.

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

Section 2. Subsection (7) of section 322.08, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

(f) A voluntary contribution of \$1 per applicant, which

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shall be distributed to Family First, a nonprofit organization.

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

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

(i) A voluntary contribution of \$1 per applicant for 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 State Homes for Veterans Trust Fund, which is administered by the

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

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

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 in s. 215.20, contributions received under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a revenue nature.

Section 3. This act shall take effect July 1, 2013.

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 1752

INTRODUCER: Transportation Committee and Senator Braynon

SUBJECT: Driver Licenses and Driving Privileges

DATE: March 14, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Eichin	TR	Fav/CS
2. _____	_____	JU	_____
3. _____	_____	ACJ	_____
4. _____	_____	AP	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

CS/SB 1752 authorizes performance of community service to satisfy the criminal penalties associated with certain criminal traffic offenses; revises provisions relating to driving while the driving license is canceled, suspended, or revoked; requires that a person's failure to pay financial obligations for any specified criminal offense be willful; and requires a court to find that a person has the ability to pay the financial obligations before the person's license can be administratively suspended.

This bill amends the following sections of the Florida Statutes: 318.18, 322.34, 322.245, 921.0022, and 932.701.

II. Present Situation:

Community Service

Section 318.18, F.S., provides penalties for noncriminal traffic infraction dispositions pursuant to s. 318.14, F.S., or a criminal offense listed in s. 318.17, F.S. With respect to a person ordered to pay a civil penalty for a noncriminal traffic infraction that is unable to comply with the court's order due to demonstrable financial hardship, s. 318.18(8)(b), F.S., directs a court to allow the

person to satisfy the civil penalty by participating in community service until the civil penalty is paid.

If a court orders a person to perform community service, the person receives credit for the civil penalty at the specified hourly credit rate¹ per hour of community service performed, and each hour of community service performed reduces the civil penalty by that amount until the civil penalty has been paid in full.

With respect to criminal offenses, those listed in s. 318.17, F.S., are:

- Fleeing and attempting to elude a police officer, in violation of s. 316.1935;
- Leaving the scene of a crash, in violation of ss. 316.027 and 316.061, punishable;
- Driving, or being in actual physical control of, any motor vehicle while under the influence of alcoholic beverages, any specified chemical or controlled substance, in violation of s. 316.193, or driving with an unlawful blood-alcohol level;
- Reckless driving, in violation of s. 316.192;
- Making false crash reports, in violation of s. 316.067;
- Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3);
- Obstructing an officer, in violation of s. 316.545(1); or
- Any other offense in ch. 316, F.S., which is classified as a criminal violation.

Chapter 316, F.S., classifies interference with official traffic control devices or railroad signs or signals as a criminal violation under s. 316.0775, F.S.

The classification of these offenses ranges from a second degree misdemeanor to a first degree felony, depending on the offense and the particular circumstances. The maximum sentence that can be imposed for these offenses is generally based on the degree of the misdemeanor or felony. The maximum sentence for a second degree misdemeanor is 60 days in a county jail; for a first degree misdemeanor, one year in a county jail; for a third degree felony, 5 years state imprisonment; for a second degree felony, 15-year state imprisonment; and for a first degree felony, generally 30-years state imprisonment.² Fines may also be imposed, and these fines escalate based on the degree of the offense.³ Enhanced penalties or mandatory minimum prison terms also apply in some cases.⁴

While community service may be ordered for these offenses in certain circumstances, current law makes no provision for allowing a person to perform community service to satisfy the criminal penalties associated with the offenses listed in s. 318.17, F.S.

¹ The “specified hourly credit rate” means the wage rate that is specified in 29 U.S.C. s. 206(a)(1) under the federal Fair Labor Standards Act of 1938, that is then in effect, and that an employer subject to such provision must pay per hour to each employee subject to such provision, with exception for a person possessing a trade or profession for which there is a community service need, at the average prevailing wage rate for the trade or profession needed.

² Section 775.082, F.S.

³ Section 775.083, F.S.

⁴ Section 775.084, F.S.

Driving while License Suspended, Revoked, Canceled, or Disqualified

Under current law, any person, except a “habitual traffic offender,” whose driver’s license or driving privilege has been canceled, suspended, or revoked, and who drives a motor vehicle on the highways of this state while the license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in ch. 318, F.S.⁵

A person whose driver’s license or driving privilege has been canceled, suspended, or revoked, except a habitual traffic offender, and who drives a motor vehicle *knowing* of the cancellation, suspension, or revocation, is guilty of:

- A second degree misdemeanor upon a first conviction;
- A first degree misdemeanor upon a second conviction; and
- A third degree felony upon a third or subsequent conviction,

all punishable as provided in s. 775.082 or s. 775.083, F.S., or the provisions of s. 775.084, F.S., for the third or subsequent conviction.⁶ The element of knowledge is satisfied if the person has been previously cited for driving a motor vehicle while the license is canceled, suspended, or revoked as a moving violation; or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received the notice required in any judgment or order by a court or adjudicatory body or any uniform traffic citation that the license has been canceled, suspended, or revoked.⁷

A person whose driver’s license has been revoked as a habitual offender and who drives a motor vehicle on the highways of this state while the license is revoked is guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.⁸

Any person who operates a motor vehicle without having a driver’s license as required under s. 322.03, or while his or her driver’s license or driving privilege is canceled, suspended, or revoked pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4), and who by careless or negligent operation of the motor vehicle causes the death of or serious bodily injury to another human being is guilty of a third degree felony, punishable as provided in s. 775.082 or s. 775.083, F.S.⁹

A person whose driver’s license or driving privilege has been canceled, suspended, revoked, or disqualified and who drives a commercial motor vehicle on the highways while the license or privilege is canceled, suspended, revoked, or disqualified is guilty of:

- A first degree misdemeanor upon a first conviction, punishable as provided in s. 775.082 or s. 775.083, F.S.; and
- A third degree felony upon a second or subsequent conviction, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.¹⁰

⁵ Section 322.34(1), F.S.

⁶ Section 322.34(2), F.S.

⁷ Section 322.34(4), F.S.

⁸ Section 322.34(5), F.S.

⁹ Section 322.34(6), F.S.

¹⁰ Section 322.34(7), F.S.

However, if a person does not have a prior forcible felony conviction and the person's driver's license is canceled, suspended, or revoked for:

- Failing to pay child support as provided in s. 322.245 or s. 61.13016;
- Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);¹¹
- Failing to comply with a civil penalty required in s. 318.15;
- Failing to maintain vehicular financial responsibility as required by chapter 324;
- Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or
- Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver's license or driver privilege for any underlying violation listed above,

the person commits:

- A second degree misdemeanor upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, punishable as provided in s. 775.082 or s. 775.083; and
- A misdemeanor of the first degree upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled, punishable as provided in s. 775.082 or s. 775.083.¹²

A person who does not hold a commercial driver's license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed may, instead of paying the fine or appearing in court, enter a plea of nolo contendere and provide proof of compliance, in which case adjudication is withheld. A person may make this choice only if not previously made within the last year, and only three times in total.¹³

III. Effect of Proposed Changes:

Section 1: Provides a short title, "Driver's Accountability Act."

Section 2: Amends s. 318.18(8)(b), F.S., to authorize a court, if a person has been ordered to pay a criminal penalty, including court costs, fines, or fees associated with a criminal offense, and is unable to comply with the court's order due to demonstrable financial hardship, to allow the person to satisfy the criminal penalty by participating in community service until the penalty is paid. The bill also directs the court, in determining whether a person has the ability to pay the criminal penalty, to consider the financial resources of the person, the present and potential future financial needs and earning ability of the person and his or her dependents, and such other

¹¹ Section 322.245(1), F.S., specifies the criminal offenses listed in s. 318.17, F.S., authorizing a process for suspension of a person's driver's license, after notice, for failure to comply with all directives of a court within the time allotted.

¹² Section 322.34(10), F.S.

¹³ Section 322.34(11), F.S.

factors which the court deems appropriate. If the court finds the person has the inability to pay, the court may consider converting the outstanding penalty to community service.

Section 3: Amends s. 322.34, F.S., as follows:

- Provides in subsection (1) that any person whose driver license or driving privilege has been *canceled or suspended* who drives a vehicle on the highways of this state while the license or privilege is canceled or suspended, commits a moving violation punishable as provided in chapter 318, F.S., except as provided in subsection (2). Driving while a license or privilege is revoked is removed from this subsection.
- Provides in new subsection (2)(a) that any person whose license has been *suspended for failing to pay child support* as provided in s. 322.245 or s. 61.13016 who, knowing of such suspension, drives any motor vehicle on the highways of this state while such license or privilege is suspended is guilty of a second degree misdemeanor upon a first conviction, and is guilty of a first degree misdemeanor upon a second or subsequent conviction, both punishable as provided in s. 775.082 or s. 775.083. This language is relocated from s. 322.34(10), which is repealed by the bill.
- Provides in re-designated subsection (2)(b) that any person whose driver license or driving privilege has been *suspended under s. 322.2615, F.S.¹⁴ or revoked as provided by law*, except habitual traffic offenders, who drives any motor vehicle on the highways while such license or privilege is suspended or revoked commits the same second degree misdemeanor upon a first conviction under current law, the same first degree misdemeanor upon a second conviction, and the same third degree felony upon a third or subsequent conviction – still punishable as provided under current law.
- Provides in new subsection (3) that a person whose driver license or driving privilege has been *revoked as a habitual traffic offender* who, knowing of such revocation, drives any motor vehicle on the highways of this state while such license or privilege is revoked is guilty of:
 - a second degree misdemeanor upon a first conviction, punishable in the same fashion;
 - a first degree misdemeanor upon a second conviction, punishable in the same fashion;
 - upon a third or subsequent conviction,
 - ✓ a first degree misdemeanor, if the person's designation as a habitual traffic offender is based only on the offenses of driving while a license is suspended or canceled under s. 322.34(1); or
 - ✓ a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person's designation as a habitual traffic offender is based on any offense of driving while a license is suspended or revoked under new subsection (2).

¹⁴ Suspension by a law enforcement officer of the driving privilege of a person who is driving or in actual physical control of a motor vehicle and who has an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher, or of a person who has refused to submit to a urine test or a test of his or her breath-alcohol or blood-alcohol level.

As the same violation in all cases under current law is punishable as a third degree felony, these revisions have the effect of reducing the severity for any first or second conviction.

- Provides in new subsection (4) that any person whose driver license or driving privilege has been revoked as a habitual traffic offender for violations other than a violation of s. 322.264(1)(d) (driving a motor vehicle while his or her license is suspended or revoked), who, knowing of such revocation, drives any motor vehicle on the highways while such license or privilege is revoked commits a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- Provides in new subsection (5) that any person whose driver license or driving privilege has been revoked as a habitual traffic offender that has a prior forcible felony conviction as defined in s. 776.08 who, knowing of such revocation, drives any motor vehicle on the highways of this state while such license or privilege is revoked commits a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- Repeals current subsection (5) providing that any person whose driver's license has been revoked as a habitual offender and who drives a motor vehicle on the highways of this state while the license is revoked is guilty of a third degree felony.
- Repeals current subsection (10) providing alternative penalties for a person not having a prior forcible felony conviction.
- Removes knowledge of driving while a license is suspended, revoked, or canceled from the authorization to choose to enter of plea of nolo contendere for individuals who do not hold a commercial driver license and applies the authorization to all such offenses, not just those tied to the underlying violations listed in current subsection (10).
- Makes conforming cross-reference revisions and editorial and grammatical revisions.

Section 4: Amends s. 322.245(5), F.S., which directs the Department of Highway Safety & Motor Vehicles (DHSMV) to suspend the license of a person named in a notice received from a clerk of the court that a person licensed to operate a motor vehicle in this state has failed to pay financial obligations for any specified criminal offense, to require the person's failure to be willful and to require suspension of the person's driver license after a finding by the court that the person has the ability to pay.

Section 5. Amends s. 921.0022, the offense severity ranking chart, to correct a cross-reference.

Section 6: Amends s. 932.701, F.S., to correct a cross-reference.

Section 7: Provides the bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The Revenue Estimating Conference has not yet analyzed the fiscal impact of this bill.

B. Private Sector Impact:

A person who is a habitual offender who, knowing of such revocation, drives any motor vehicle on the highways of this state while such license or privilege is revoked is guilty of a second degree misdemeanor upon a first conviction, and a first degree misdemeanor upon a second conviction, rather than a third degree felony.

C. Government Sector Impact:

Allowing a person to perform community service to satisfy payment of the criminal penalties associated with the offenses listed in s. 318.17, F.S., will have an indeterminate negative fiscal impact. Supervision of individuals allowed to perform such community service will have an impact on court resources.

Reduction of severity in offenses generally equates to lower penalties.

A determination that a person's failure to pay financial obligations for any specified criminal offense is willful will have an impact on court resources, as will the need to have a finding by a court that a person has the ability to pay the financial obligations before a person's license can be suspended upon notice from a court clerk.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. 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 14, 2013:

The CS authorizes, rather than requires, a court to allow a person to satisfy a criminal penalty by participating in community service until the penalty is paid, if the person is unable to comply with the court's order to pay a criminal penalty; and authorizes, rather than requires, a court to consider converting the outstanding penalty to community service if the court finds that the person has the inability to pay.

- B. **Amendments:**

None.



925474

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Clemens) recommended the following:

Senate Amendment

Delete lines 59 - 67
and insert:
order due to demonstrable financial hardship, the court may
allow the person to satisfy the criminal penalty by
participating in community service until the penalty is paid. In
determining whether a person has the ability to pay the criminal
penalty, the court shall consider the financial resources of the
person, the present and potential future financial needs and
earning ability of the person and his or her dependents, and
such other factors which it deems appropriate. If the court



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finds that the person has the inability to pay, the court may

By Senator Braynon

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A bill to be entitled

An act relating to driver licenses and driving privileges; creating the "Driver's Accountability Act"; amending s. 318.18, F.S.; providing a criminal and civil penalty payment alternative when a court finds the violator has demonstrable financial hardship; amending s. 322.34, F.S., relating to driving while a license is suspended, revoked, canceled, or disqualified; revising penalty provisions; amending s. 322.245, F.S.; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense; amending ss. 921.0022 and 932.701, F.S.; conforming cross-references; providing an effective date.

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

Section 1. This act may be cited as the "Driver's Accountability Act."

Section 2. Subsection (8) of section 318.18, Florida Statutes, is amended to read:

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

(8) (a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified

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in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$16, \$6.50 of which must be remitted to the Department of Revenue for deposit in the General Revenue Fund, and \$9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. Of this additional civil penalty of \$16, \$4 is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35. The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2001, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(b)1.a. If a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and the person is unable to comply with the court's order due to demonstrable financial hardship, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.

b. If a person has been ordered to pay a criminal penalty, including court costs, fines, or fees associated with a criminal offense and the person is unable to comply with the court's

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 59 order due to demonstrable financial hardship, the court shall
 60 allow the person to satisfy the criminal penalty by
 61 participating in community service until the penalty is paid. In
 62 determining whether a person has the ability to pay the criminal
 63 penalty, the court shall consider the financial resources of the
 64 person, the present and potential future financial needs and
 65 earning ability of the person and his or her dependents, and
 66 such other factors which it deems appropriate. If the court
 67 finds that the person has the inability to pay, the court shall
 68 consider converting the outstanding penalty to community
 69 service.

70 ~~c.b.~~ If a court orders a person to perform community
 71 service, the person shall receive credit for the civil penalty
 72 at the specified hourly credit rate per hour of community
 73 service performed, and each hour of community service performed
 74 shall reduce the civil penalty by that amount.

75 2.a. As used in this paragraph, the term "specified hourly
 76 credit rate" means the wage rate that is specified in 29 U.S.C.
 77 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
 78 that is then in effect, and that an employer subject to such
 79 provision must pay per hour to each employee subject to such
 80 provision.

81 b. However, if a person ordered to perform community
 82 service has a trade or profession for which there is a community
 83 service need, the specified hourly credit rate for each hour of
 84 community service performed by that person shall be the average
 85 prevailing wage rate for the trade or profession that the
 86 community service agency needs.

87 3.a. The community service agency supervising the person

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 88 shall record the number of hours of community service completed
 89 and the date the community service hours were completed. The
 90 community service agency shall submit the data to the clerk of
 91 court on the letterhead of the community service agency, which
 92 must also bear the notarized signature of the person designated
 93 to represent the community service agency.

94 b. When the number of community service hours completed by
 95 the person equals the amount of the civil penalty, the clerk of
 96 court shall certify this fact to the court. Thereafter, the
 97 clerk of court shall record in the case file that the civil
 98 penalty has been paid in full.

99 4. As used in this paragraph, the term:

100 a. "Community service" means uncompensated labor for a
 101 community service agency.

102 b. "Community service agency" means a not-for-profit
 103 corporation, community organization, charitable organization,
 104 public officer, the state or any political subdivision of the
 105 state, or any other body the purpose of which is to improve the
 106 quality of life or social welfare of the community and which
 107 agrees to accept community service from persons unable to pay
 108 civil penalties for noncriminal traffic infractions.

109 (c) If the noncriminal infraction has caused or resulted in
 110 the death of another, the person who committed the infraction
 111 may perform 120 community service hours under s. 316.027(4), in
 112 addition to any other penalties.

113 Section 3. Section 322.34, Florida Statutes, is amended to
 114 read:

115 322.34 Driving while license suspended, revoked, canceled,
 116 or disqualified.—

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117 (1) ~~Except as provided in subsection (2),~~ Any person whose
 118 driver ~~driver's~~ license or driving privilege has been canceled
 119 ~~or, suspended, or revoked, except a "habitual traffic offender"~~
 120 ~~as defined in s. 322.264,~~ who drives a vehicle ~~on~~ upon the
 121 highways of this state while such license or privilege is
 122 canceled ~~or, suspended~~ commits, or revoked is guilty of a moving
 123 violation, ~~except as provided in subsection (2),~~ punishable as
 124 provided in chapter 318.

125 (2) (a) Any person whose license has been suspended for
 126 failing to pay child support as provided in s. 322.245 or s.
 127 61.13016 who, knowing of such suspension, drives any motor
 128 vehicle on the highways of this state while such license or
 129 privilege is suspended, upon:

130 1. A first conviction is guilty of a misdemeanor of the
 131 second degree, punishable as provided in s. 775.082 or s.
 132 775.083.

133 2. A second or subsequent conviction is guilty of a
 134 misdemeanor of the first degree, punishable as provided in s.
 135 775.082 or s. 775.083.

136 (b) Any person whose driver ~~driver's~~ license or driving
 137 privilege has been suspended under s. 322.2615 or canceled,
 138 ~~suspended, or~~ revoked as provided by law, except persons defined
 139 as habitual traffic offenders in s. 322.264, who, knowing of
 140 such ~~cancellation,~~ suspension, or revocation, drives any motor
 141 vehicle ~~on~~ upon the highways of this state while such license or
 142 privilege is ~~canceled,~~ suspended, or revoked, upon:

143 1. (a) A first conviction is guilty of a misdemeanor of the
 144 second degree, punishable as provided in s. 775.082 or s.
 145 775.083.

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146 2. (b) A second conviction is guilty of a misdemeanor of the
 147 first degree, punishable as provided in s. 775.082 or s.
 148 775.083.

149 3. (c) A third or subsequent conviction is guilty of a
 150 felony of the third degree, punishable as provided in s.
 151 775.082, s. 775.083, or s. 775.084.

152 (3) A person whose driver license or driving privilege has
 153 been revoked as a habitual traffic offender pursuant to s.
 154 322.264(1)(d) who, knowing of such revocation, drives any motor
 155 vehicle on the highways of this state while such license or
 156 privilege is revoked, upon:

157 (a) A first conviction, is guilty of a misdemeanor of the
 158 second degree, punishable as provided in s. 775.082 or s.
 159 775.083.

160 (b) A second conviction, is guilty of a misdemeanor of the
 161 first degree, punishable as provided in s. 775.082 or s.
 162 775.083.

163 (c) A third or subsequent conviction, is guilty of:
 164 1. A misdemeanor of the first degree, punishable as
 165 provided in s.775.082 or s.775.083, if the person's designation
 166 as a habitual traffic offender is based only on the offenses of
 167 driving while a license is suspended or canceled under s.
 168 322.34(1); or

169 2. A felony of the third degree, punishable as provided in
 170 s. 775.082, s. 775.083, or s. 775.084, if the person's
 171 designation as a habitual traffic offender is based on any
 172 offense of driving while a license is suspended or revoked under
 173 subsection (2).

174 (4) Any person whose driver license or driving privilege

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 175 has been revoked as a habitual traffic offender pursuant to s.
 176 322.264 for violations other than a violation of s.
 177 322.264(1)(d), who knowing of such revocation, drives any motor
 178 vehicle on the highways of this state while such license or
 179 privilege is revoked commits a felony of the third degree,
 180 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

181 (5) Any person whose driver license or driving privilege
 182 has been revoked as a habitual traffic offender under s. 322.264
 183 that has a prior forcible felony conviction as defined in s.
 184 776.08 who, knowing of such revocation, drives any motor vehicle
 185 on the highways of this state while such license or privilege is
 186 revoked commits a felony of the third degree, punishable as
 187 provided in s. 775.082, s. 775.083, or s. 775.084.

188 (6) The element of knowledge is satisfied if the person has
 189 been previously cited as provided in subsections (2), (3), and
 190 (4) subsection (1); or the person admits to knowledge of the
 191 cancellation, suspension, or revocation; or the person received
 192 notice as provided in subsection (8) (4). There shall be a
 193 rebuttable presumption that the knowledge requirement is
 194 satisfied if a judgment or order as provided in subsection (8)
 195 (4) appears in the department's records for any case except for
 196 one involving a suspension by the department for failure to pay
 197 a traffic fine or for a financial responsibility violation.

198 (7) (3) In any proceeding for a violation of this section, a
 199 court may consider evidence, other than that specified in
 200 subsection (2), that the person knowingly violated this section.

201 (8) (4) Any judgment or order rendered by a court or
 202 adjudicatory body or any uniform traffic citation that cancels,
 203 suspends, or revokes a person's driver driver's license must

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 204 contain a provision notifying the person that his or her driver
 205 ~~driver's~~ license has been canceled, suspended, or revoked.

206 ~~(5) Any person whose driver's license has been revoked~~
 207 ~~pursuant to s. 322.264 (habitual offender) and who drives any~~
 208 ~~motor vehicle upon the highways of this state while such license~~
 209 ~~is revoked is guilty of a felony of the third degree, punishable~~
 210 ~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

211 (9) (6) Any person who operates a motor vehicle:

212 (a) Without having a driver driver's license as required
 213 under s. 322.03; or

214 (b) While his or her driver driver's license or driving
 215 privilege is canceled, suspended, or revoked pursuant to s.
 216 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
 217 and who by careless or negligent operation of the motor vehicle
 218 causes the death of or serious bodily injury to another human
 219 being ~~commits is guilty of~~ a felony of the third degree,
 220 punishable as provided in s. 775.082 or s. 775.083.

221 (10) (7) Any person whose driver driver's license or driving
 222 privilege has been canceled, suspended, revoked, or disqualified
 223 and who drives a commercial motor vehicle on the highways of
 224 this state while such license or privilege is canceled,
 225 suspended, revoked, or disqualified, upon:

226 (a) A first conviction is guilty of a misdemeanor of the
 227 first degree, punishable as provided in s. 775.082 or s.
 228 775.083.

229 (b) A second or subsequent conviction is guilty of a felony
 230 of the third degree, punishable as provided in s. 775.082, s.
 231 775.083, or s. 775.084.

232 (11) (8) (a) Upon the arrest of a person for the offense of

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driving while the person's driver ~~driver's~~ license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver ~~driver's~~ license is suspended or revoked.

2. Whether the person's driver ~~driver's~~ license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(b) If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a), the officer shall immediately impound or immobilize the vehicle.

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, either the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(d) Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section

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has been leased or rented or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by express courier service with receipt or certified mail within 7 business days after the date of the immobilization or impoundment of the vehicle, the registered owner and all persons having a recorded lien against the vehicle that the vehicle has been impounded or immobilized. A lessor, rental car company, or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement. If the storage facility fails to provide timely notice to a lessor, rental car company, or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, rental car company, or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting agency; or

2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

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291 If proof is not presented within 35 days after the impoundment
 292 or immobilization, a lien shall be placed upon such vehicle
 293 pursuant to s. 713.78.

294 (f) The owner of a vehicle that is impounded or immobilized
 295 under this subsection may, within 10 days after the date the
 296 owner has knowledge of the location of the vehicle, file a
 297 complaint in the county in which the owner resides to determine
 298 whether the vehicle was wrongfully taken or withheld. Upon the
 299 filing of a complaint, the owner or lienholder may have the
 300 vehicle released by posting with the court a bond or other
 301 adequate security equal to the amount of the costs and fees for
 302 impoundment or immobilization, including towing or storage, to
 303 ensure the payment of such costs and fees if the owner or
 304 lienholder does not prevail. When the vehicle owner or
 305 lienholder does not prevail on a complaint that the vehicle was
 306 wrongfully taken or withheld, he or she must pay the accrued
 307 charges for the immobilization or impoundment, including any
 308 towing and storage charges assessed against the vehicle. When
 309 the bond is posted and the fee is paid as set forth in s. 28.24,
 310 the clerk of the court shall issue a certificate releasing the
 311 vehicle. At the time of release, after reasonable inspection,
 312 the owner must give a receipt to the towing or storage company
 313 indicating any loss or damage to the vehicle or to the contents
 314 of the vehicle.

315 (12) ~~(9)~~ (a) A motor vehicle that is driven by a person under
 316 the influence of alcohol or drugs in violation of s. 316.193 is
 317 subject to seizure and forfeiture under ss. 932.701-932.706 and
 318 is subject to liens for recovering, towing, or storing vehicles
 319 under s. 713.78 if, at the time of the offense, the person's

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320 driver ~~driver's~~ license is suspended, revoked, or canceled as a
 321 result of a prior conviction for driving under the influence.

322 (b) The law enforcement officer shall notify the Department
 323 of Highway Safety and Motor Vehicles of any impoundment or
 324 seizure for violation of paragraph (a) in accordance with
 325 procedures established by the department.

326 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when
 327 the seizing agency obtains a final judgment granting forfeiture
 328 of the motor vehicle under this section, 30 percent of the net
 329 proceeds from the sale of the motor vehicle shall be retained by
 330 the seizing law enforcement agency and 70 percent shall be
 331 deposited in the General Revenue Fund for use by regional
 332 workforce boards in providing transportation services for
 333 participants of the welfare transition program. In a forfeiture
 334 proceeding under this section, the court may consider the extent
 335 that the family of the owner has other public or private means
 336 of transportation.

337 ~~(10) (a) Notwithstanding any other provision of this~~
 338 ~~section, if a person does not have a prior forcible felony~~
 339 ~~conviction as defined in s. 776.08, the penalties provided in~~
 340 ~~paragraph (b) apply if a person's driver's license or driving~~
 341 ~~privilege is canceled, suspended, or revoked for:~~

342 ~~1. Failing to pay child support as provided in s. 322.245~~
 343 ~~or s. 61.13016;~~

344 ~~2. Failing to pay any other financial obligation as~~
 345 ~~provided in s. 322.245 other than those specified in s.~~
 346 ~~322.245(1);~~

347 ~~3. Failing to comply with a civil penalty required in s.~~
 348 ~~318.15;~~

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~~4. Failing to maintain vehicular financial responsibility as required by chapter 324;~~

~~5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or~~

~~6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver's license or driver privilege for any underlying violation listed in subparagraphs 1. 5.~~

~~(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1. 6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~2. Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1. 6., a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(13)(11)~~ (a) A person who does not hold a commercial driver's license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled ~~for any of the underlying violations listed in paragraph (10)(a)~~ may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld. However, no election shall be made under this subsection if such person has

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made an election under this subsection during the preceding 12 months. A person may not make more than three elections under this subsection.

(b) If adjudication is withheld under paragraph (a), such action is not a conviction.

Section 4. Subsection (5) of section 322.245, Florida Statutes, is amended to read:

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

(5)(a) When the department receives notice from a clerk of the court that a person licensed to operate a motor vehicle in this state under the provisions of this chapter has willfully failed to pay financial obligations for any criminal offense other than those specified in subsection (1), in full or in part under a payment plan pursuant to s. 28.246(4) after a finding by the court that the person has the ability to pay, the department shall suspend the license of the person named in the notice.

(b) The department must reinstate the driving privilege when the clerk of the court provides an affidavit to the department stating that:

1. The person has satisfied the financial obligation in full or made all of the payments currently due under a payment plan;

2. The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in

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a payment plan; or

3. ~~The~~ A court has entered an order granting relief to the person ordering the reinstatement of the license.

(c) The department shall not be held liable for any license suspension resulting from the discharge of its duties under this section.

Section 5. Paragraph (e) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
<u>322.34(9)</u> ~~322.34(6)~~	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367(4)	3rd	Willful molestation of a commercial

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harvester's spiny lobster trap, line, or buoy.

379.3671(2)(c)3. 3rd Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

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432 790.01(2) 3rd Carrying a concealed firearm.

433 790.162 2nd Threat to throw or discharge
destructive device.

434 790.163(1) 2nd False report of deadly explosive or
weapon of mass destruction.

435 790.221(1) 2nd Possession of short-barreled shotgun or
machine gun.

436 790.23 2nd Felons in possession of firearms,
ammunition, or electronic weapons or
devices.

437 800.04(6)(c) 3rd Lewd or lascivious conduct; offender
less than 18 years.

438 800.04(7)(b) 2nd Lewd or lascivious exhibition; offender
18 years or older.

439 806.111(1) 3rd Possess, manufacture, or dispense fire
bomb with intent to damage any
structure or property.

440 812.0145(2)(b) 2nd Theft from person 65 years of age or
older; \$10,000 or more but less than
\$50,000.

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441 812.015(8) 3rd Retail theft; property stolen is valued
at \$300 or more and one or more
specified acts.

442 812.019(1) 2nd Stolen property; dealing in or
trafficking in.

443 812.131(2)(b) 3rd Robbery by sudden snatching.

444 812.16(2) 3rd Owning, operating, or conducting a chop
shop.

445 817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to
\$50,000.

446 817.234(11)(b) 2nd Insurance fraud; property value \$20,000
or more but less than \$100,000.

447 817.2341(1), 3rd Filing false financial statements,
(2)(a) & (3)(a) making false entries of material fact
or false statements regarding property
values relating to the solvency of an
insuring entity.

448 817.568(2)(b) 2nd Fraudulent use of personal
identification information; value of
benefit, services received, payment
avoided, or amount of injury or fraud,

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449 \$5,000 or more or use of personal
identification information of 10 or
more individuals.

450 817.625(2)(b) 2nd Second or subsequent fraudulent use of
scanning device or reencoder.

451 825.1025(4) 3rd Lewd or lascivious exhibition in the
presence of an elderly person or
disabled adult.

452 827.071(4) 2nd Possess with intent to promote any
photographic material, motion picture,
etc., which includes sexual conduct by
a child.

453 827.071(5) 3rd Possess, control, or intentionally view
any photographic material, motion
picture, etc., which includes sexual
conduct by a child.

454 839.13(2)(b) 2nd Falsifying records of an individual in
the care and custody of a state agency
involving great bodily harm or death.

455 843.01 3rd Resist officer with violence to person;
resist arrest with violence.

847.0135(5)(b) 2nd Lewd or lascivious exhibition using

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456 computer; offender 18 years or older.

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

457 847.0138 3rd Transmission of material harmful to
(2) & (3) minors to a minor by electronic device
or equipment.

458 874.05(2) 2nd Encouraging or recruiting another to
join a criminal gang; second or
subsequent offense.

459 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

460 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state,
county, or municipal park or publicly
owned recreational facility or
community center.

461 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine

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(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), or (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of public
housing facility.

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) drugs).

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing of
controlled substance.

Section 6. Paragraph (a) of subsection (2) of section

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932.701, Florida Statutes, is amended to read:

932.701 Short title; definitions.—

(2) As used in the Florida Contraband Forfeiture Act:

(a) "Contraband article" means:

1. Any controlled substance as defined in chapter 893 or
any substance, device, paraphernalia, or currency or other means
of exchange that was used, was attempted to be used, or was
intended to be used in violation of any provision of chapter
893, if the totality of the facts presented by the state is
clearly sufficient to meet the state's burden of establishing
probable cause to believe that a nexus exists between the
article seized and the narcotics activity, whether or not the
use of the contraband article can be traced to a specific
narcotics transaction.

2. Any gambling paraphernalia, lottery tickets, money,
currency, or other means of exchange which was used, was
attempted, or intended to be used in violation of the gambling
laws of the state.

3. Any equipment, liquid or solid, which was being used, is
being used, was attempted to be used, or intended to be used in
violation of the beverage or tobacco laws of the state.

4. Any motor fuel upon which the motor fuel tax has not
been paid as required by law.

5. Any personal property, including, but not limited to,
any vessel, aircraft, item, object, tool, substance, device,
weapon, machine, vehicle of any kind, money, securities, books,
records, research, negotiable instruments, or currency, which
was used or was attempted to be used as an instrumentality in
the commission of, or in aiding or abetting in the commission

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 497 of, any felony, whether or not comprising an element of the
 498 felony, or which is acquired by proceeds obtained as a result of
 499 a violation of the Florida Contraband Forfeiture Act.

500 6. Any real property, including any right, title,
 501 leasehold, or other interest in the whole of any lot or tract of
 502 land, which was used, is being used, or was attempted to be used
 503 as an instrumentality in the commission of, or in aiding or
 504 abetting in the commission of, any felony, or which is acquired
 505 by proceeds obtained as a result of a violation of the Florida
 506 Contraband Forfeiture Act.

507 7. Any personal property, including, but not limited to,
 508 equipment, money, securities, books, records, research,
 509 negotiable instruments, currency, or any vessel, aircraft, item,
 510 object, tool, substance, device, weapon, machine, or vehicle of
 511 any kind in the possession of or belonging to any person who
 512 takes aquaculture products in violation of s. 812.014(2)(c).

513 8. Any motor vehicle offered for sale in violation of s.
 514 320.28.

515 9. Any motor vehicle used during the course of committing
 516 an offense in violation of s. 322.34(12)(a) ~~322.34(9)(a)~~.

517 10. Any photograph, film, or other recorded image,
 518 including an image recorded on videotape, a compact disc,
 519 digital tape, or fixed disk, that is recorded in violation of s.
 520 810.145 and is possessed for the purpose of amusement,
 521 entertainment, sexual arousal, gratification, or profit, or for
 522 the purpose of degrading or abusing another person.

523 11. Any real property, including any right, title,
 524 leasehold, or other interest in the whole of any lot or tract of
 525 land, which is acquired by proceeds obtained as a result of

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 526 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
 527 property, including, but not limited to, equipment, money,
 528 securities, books, records, research, negotiable instruments, or
 529 currency; or any vessel, aircraft, item, object, tool,
 530 substance, device, weapon, machine, or vehicle of any kind in
 531 the possession of or belonging to any person which is acquired
 532 by proceeds obtained as a result of Medicaid fraud under s.
 533 409.920 or s. 409.9201.

534 12. Any personal property, including, but not limited to,
 535 any vehicle, item, object, tool, device, weapon, machine, money,
 536 security, book, or record, that is used or attempted to be used
 537 as an instrumentality in the commission of, or in aiding and
 538 abetting in the commission of, a person's third or subsequent
 539 violation of s. 509.144, whether or not comprising an element of
 540 the offense.

541 Section 7. This act shall take effect July 1, 2013.

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 986

INTRODUCER: Senator Soto

SUBJECT: Requirements for Driver Licenses

DATE: March 11, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Eichin	Eichin	TR	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

SB 986 amends s.322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals status as one of the documents acceptable for proving one's identity when applying for a driver license.

This bill substantially amends s. 322.08 of the Florida Statutes.

The bill reenacts sections 322.17(3), 322.18(2)(d), 322.18(4)(c), and 322.09(4), Florida Statutes.

II. Present Situation:

Proof of Identity Requirements for Driver License Application

Section 322.08, F.S., provides the requirements for the issuance of a driver license. One such requirement is the proof of an applicant's identity. Paragraph (c) of subsection (2) of s. 322.08, F.S., lists the documents or credentials that are acceptable to the Department of Highway Safety and Motor Vehicles (DHSMV) for proving an individual's identity. In order to prove one's identity, an applicant must provide one of the following:

1. A driver license issued by another jurisdiction that substantially meets the requirements below;
2. A certified copy of a United States (U.S.) birth certificate;
3. A valid U.S. passport;
4. A naturalization certificate issued by the U.S. Department of Homeland Security (DHS);
5. A valid alien registration receipt card (colloquially known as a "green card");
6. A Consular Report of Birth Abroad from the U.S. Department of State;
7. An unexpired employment authorization card issued by the U.S. DHS; or

8. Proof of nonimmigrant classification provided by the U.S. DHS in the form of at least one of the following:
 - a. A notice of hearing from an immigration court scheduling a hearing on any proceeding;
 - b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
 - c. A notice issued by the U.S. Bureau of Citizenship and Immigration Status approving of an application for adjustment of status;
 - d. An official document issued by the U.S. Bureau of Citizenship and Immigration Status confirming a petition for asylum or refugee status;
 - e. A notice of action issued by the U.S. Bureau of Citizenship and Immigration Status transferring any pending matter to this state;
 - f. An order of an immigration judge or officer authorizing the person to live and work in the U.S. (*e.g.*, asylum);
 - g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the U.S., if a visa number is available having a current priority date for processing by the U.S. Bureau of Citizenship and Immigration Services; and
 - h. An unexpired foreign passport with an unexpired U.S. Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the U.S.

Deferred Action for Childhood Arrivals

Deferred Action for Childhood Arrivals (DACA) is an initiative announced on June 15, 2012 by the U.S. DHS, which offers “deferred action,” and effectively postpones deportation of persons who were brought to the U.S. as children, provided they meet other specific requirements. When an immigrant is granted “deferred action,” it means the DHS has deemed the individual a low priority for immigration enforcement and has chosen to exercise its discretion and not deport the individual. Deferred action provides temporary relief from enforcement but may be revoked at any time. Deferred action is not amnesty or immunity. It does not provide lawful immigration status or a path to a green card or citizenship. It does not extend to any family members of the person granted deferred action.

An individual may request consideration of deferred action for childhood arrivals if they:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Requests for deferred action will only be considered for immigrants who are age 15 or older, unless they are currently in removal proceedings or have a final order of removal or voluntary departure, in which case they may apply if they are under age 15.

Under the childhood arrivals initiative, deferred action will be granted for a two-year period, after which recipients may request a renewal. According to DHS, individuals will be eligible for future renewals of deferred action so long as they were under age 31 on June 15, 2012.

According to DHSMV, persons that have applied for and been approved for DACA are currently not considered eligible for a driver license based on the approved application alone. Rather, once a person is approved for deferred action, they become eligible for an employment eligibility card, and once the person receives the employment authorization card, DHSMV will issue a driver license or state identification card.

III. Effect of Proposed Changes:

The bill amends s.322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals status as one of the documents acceptable for proving one's identity when applying for a driver license. According to DHSMV, the majority of those approved for deferred action status also receive an employment authorization card from DHS, thus making them eligible to make application for a Florida driver license under s. 322.08(2)(c)7, F.S. Therefore, the impact of this bill would be negligible since this population of people has a legal path to a driver license in current law.

The bill reenacts ss. 322.17(3), 322.18(2)(d), 322.18(4)(c), and 322.09(4), F.S., for the purpose of incorporating the revision made in s. 322.08, F.S.

The bill becomes effective July 1, 2013.

Other Potential Implications:

The bill does not include identification cards as described in s. 322.051, F.S., which serve as an alternative identification credential for persons who do not desire to drive or cannot meet driver license requirements unrelated to identification issues (*e.g.*, visual impairment).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

By Senator Soto

14-01440-13

2013986

A bill to be entitled

An act relating to requirements for driver licenses; amending s. 322.08, F.S.; including notice of the approval of an application for Deferred Action for Childhood Arrivals status issued by the United States Citizenship and Immigration Services as valid proof of identity for purposes of applying for a driver license; reenacting ss. 322.17(3), 322.18(2)(d) and (4)(c), and 322.19(4), F.S., relating to conditions and limitations with respect to obtaining a duplicate or replacement instruction permit or driver license, expiration of and renewal of a driver license, and change of name or address on a driver license for licensees who establish their identity in a specified manner, to incorporate the amendments made by the act to s. 322.08, F.S., in references thereto; providing an effective date.

WHEREAS, over the past 3 years, the Obama administration has undertaken an unprecedented effort to transform the immigration enforcement system into one that focuses on public safety, border security, and the integrity of the immigration system, and

WHEREAS, as the United States Department of Homeland Security continues to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety, including individuals convicted of crimes with particular emphasis on violent criminals, felons, and repeat offenders, the United States Department of Homeland

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Security intends to exercise prosecutorial discretion as appropriate to ensure that enforcement resources are not expended on low priority cases, such as individuals who came to the United States as children and meet other key guidelines, and

WHEREAS, individuals who demonstrate that they meet specified guidelines established by the department may request consideration under the Deferred Action for Childhood Arrivals program for a period of 2 years, subject to renewal, and may be eligible for employment authorization, and

WHEREAS, an individual may request consideration under the Deferred Action for Childhood Arrivals program if he or she was under the age of 31 as of June 15, 2012; came to the United States before reaching his or her 16th birthday; has continuously resided in the United States since June 15, 2007; was physically present in the United States on June 15, 2012, and at the time of making his or her request for consideration of deferred action with the United States Citizenship and Immigration Services; entered the United States without inspection before June 15, 2012, or experienced expiration of his or her lawful immigration status as of June 15, 2012; is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety, NOW, THEREFORE,

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

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2013986

Section 1. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

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

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.;

2. A certified copy of a United States birth certificate;

3. A valid, unexpired United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

5. A valid, unexpired alien registration receipt card (green card);

6. A Consular Report of Birth Abroad provided by the United States Department of State;

7. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

8. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver license. In order to prove nonimmigrant classification,

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an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. A notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.

d. An official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States Bureau of Citizenship and Immigration Services.

f. An order of an immigration judge or immigration officer granting relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.

h. On or after January 1, 2010, an unexpired foreign

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passport with an unexpired United States Visa affixed,
accompanied by an approved I-94, documenting the most recent
admittance into the United States.

i. A notice of the approval of an application for Deferred
Action for Childhood Arrivals status issued by the United States
Citizenship and Immigration Services.

A driver license or temporary permit issued based on documents
required in subparagraph 7. or subparagraph 8. is valid for a
period not to exceed the expiration date of the document
presented or 1 year.

Section 2. For the purpose of incorporating the amendment
made by this act to section 322.08, Florida Statutes, in
references thereto, subsection (3) of section 322.17, Florida
Statutes, is reenacted to read:

322.17 Replacement licenses and permits.—

(3) Notwithstanding any other provisions of this chapter,
if a licensee establishes his or her identity for a driver's
license using an identification document authorized under s.
322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
replacement instruction permit or driver's license except in
person and upon submission of an identification document
authorized under s. 322.08(2)(c)7. or 8.

Section 3. For the purpose of incorporating the amendment
made by this act to section 322.08, Florida Statutes, in
references thereto, paragraph (d) of subsection (2) and
paragraph (c) of subsection (4) of section 322.18, Florida
Statutes, are reenacted to read:

322.18 Original applications, licenses, and renewals;

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expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a
driver's license, as provided in this section, shall be issued a
driver's license, as follows:

(d) Notwithstanding any other provision of this chapter, if
an applicant establishes his or her identity for a driver's
license using a document authorized in s. 322.08(2)(c)7. or 8.,
the driver's license shall expire 1 year after the date of
issuance or upon the expiration date cited on the United States
Department of Homeland Security documents, whichever date first
occurs.

(4)

(c) Notwithstanding any other provision of this chapter, if
a licensee establishes his or her identity for a driver's
license using an identification document authorized under s.
322.08(2)(c)7. or 8., the licensee may not renew the driver's
license except in person and upon submission of an
identification document authorized under s. 322.08(2)(c)7. or 8.
A driver's license renewed under this paragraph expires 1 year
after the date of issuance or upon the expiration date cited on
the United States Department of Homeland Security documents,
whichever date first occurs.

Section 4. For the purpose of incorporating the amendment
made by this act to section 322.08, Florida Statutes, in
references thereto, subsection (4) of section 322.19, Florida
Statutes, is reenacted to read:

322.19 Change of address or name.—

(4) Notwithstanding any other provision of this chapter, if
a licensee established his or her identity for a driver's

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175 license using an identification document authorized under s.
176 322.08(2)(c)7. or 8., the licensee may not change his or her
177 name or address except in person and upon submission of an
178 identification document authorized under s. 322.08(2)(c)7. or 8.
179 Section 5. This act shall take effect July 1, 2013.

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 1110

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Railroad Police Officers

DATE: March 14, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CJ	
3.			AP	
4.				
5.				
6.				

I. Summary:

CS/SB 1110 provides for reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against a railroad special officer and provides, for purposes of criminal justice standards and training only, the definition of “law enforcement officer” includes special officers employed by certain railroads and the definition of “employing agency” includes Class I or Class II railroads that employ special officers pursuant to s.354.01, F.S.

This bill amends the following sections of the Florida Statutes: 354.01, 784.07, and 943.10.

II. Present Situation:

Appointment of Special Officers

The Governor, upon the application of any railroad or other common carrier doing business in this state, is directed to appoint one or more persons who have met the law enforcement qualifications and training requirements of s. 943.13(1)-(10), F.S., as special officers for the protection and safety of such carriers. Each special officer is granted the power, in every county in which the common carrier does business, operates, or owns property, to make arrests for violations of law on the property of such carrier, and to make arrests, whether on or off the carrier’s property, for violations of any law on the carrier’s property, under the same conditions under which deputy sheriffs may by law make arrest. Special officers are also authorized to carry weapons.¹ Such officers are prohibited from receiving any fees or salary from the state or

¹ Section 354.01, F.S.

any county, and their compensation must be agreed upon and paid by the carrier making the application for appointment by the Governor.²

Enhanced Penalties for Assault and Battery

Section 784.07, F.S., enhances the penalties for assault or battery on the following types of employees or persons:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;
- a person licensed as a security officer and wearing a uniform that bears at least one patch or emblem visible at all times that clearly identifies the employing agency and clearly identifies the person as a licensed security officer; and
- A security officer employed by the board of trustees of a community college.

Section 784.07, F.S., applies whenever any person is charged with knowingly committing an assault or battery upon one of these persons while that person is engaged in the lawful performance of his or her duties. The reclassification of degree of the offense depends on the assault or battery offense charged:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor.
- In the case of battery, from a first degree misdemeanor to a third degree felony.
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment.
- In the case of aggravated battery, from a second degree felony to a first degree felony, and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.

Further, any person convicted of battery as a third degree felony as provided above who, during the commission of the offense, possessed:

- A firearm or destructive device, as defined, is subject to a mandatory minimum term of imprisonment of three years.

² Section 354.04, F.S.

- A semiautomatic firearm and its high-capacity detachable box magazine, as defined, or a machine gun, as defined, is subject to a mandatory minimum term of imprisonment of eight years.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony. The maximum sentence for a second degree misdemeanor is 60 days in a county jail; for a first degree misdemeanor, one year in a county jail; for a third degree felony, 5 years state imprisonment; for a second degree felony, 15-year state imprisonment; and for a first degree felony, generally 30-years state imprisonment.³ Fines may also be imposed, and these fines escalate based on the degree of the offense.⁴ The offense severity ranking level of applicable reclassified felony offenses is as follows: reclassified battery: Level 4; reclassified aggravated assault: Level 6; and reclassified aggravated battery: Level 7.⁵

Additionally, s. 784.07, F.S., provides that when a person is found guilty under the statute, adjudication of guilt or imposition of sentence cannot be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release.

Criminal Justice Standards and Training Commission

Section 943.085, F.S., expresses legislative intent to strengthen and upgrade law enforcement agencies and correctional institutions in this state and to establish a minimum foundation program for law enforcement officers, correctional officers, and correctional probation officers; and further that the Criminal Justice Standards and Training Commission (Commission) actively provide statewide leadership in establishing, implementing, and evaluating criminal justice standards and training for all law enforcement officers. To that end, the Commission is charged with the administration of ss. 943.085-943.255, F.S. and, among other duties, with:

- Certifying and revoking the certification of officers, instructors, and criminal justice training schools;
- Establishing uniform minimum employment standards for the various criminal justice disciplines; and
- Establishing uniform minimum training standards for the training of officers in the various criminal justice disciplines.⁶

Section 943.10(1), F.S., defines “law enforcement officer” as used in ss. 943.085-943.255, F.S. Special officers appointed by the Governor pursuant to s. 354.01, F.S., are not mentioned in the definition. Similarly, s. 943.10(4), F.S., defines “employing agency” as used in ss. 943.085-943.225, F.S., but that subsection does not mention Class I or Class I railroads that employ special officers pursuant to s. 354.01, F.S.

³ Section 775.082, F.S.

⁴ Section 775.083, F.S.

⁵ Section 921.0022, F.S. Sentence points accrue based upon the ranking of a non-capital felony offense with higher-level offenses accruing more sentence points than lower-ranking offenses. These points, along with points accrued for additional and prior offenses and other factors, are entered into a statutorily-derived mathematical calculation to determine the lowest possible sentence.

⁶ Section 943.12, F.S.

Special officers are therefore not currently included in the provisions for enhanced penalties and are not subject to Commission oversight or to continuing education and training requirements, and the specified railroads are not recognized as a criminal justice employing agency as outlined in ch. 943, F.S.

III. Effect of Proposed Changes:

Section 1: Amends s. 354.01, F.S., to provide that a special officer shall not be considered a “law enforcement officer” except for purposes of ss. 943.085-943.255, F.S., and that a Class I or Class II railroad shall not be considered an “employing agency” except for the same purposes. In addition, a Class I or Class II railroad that employs special officers, as a non-public employing entity, is required to incur all costs associated with certification and continuing education of the employed special officers. Thus, duly appointed special officers are required to comply with the provisions of ss. 943.085-943.255, F.S., relating to minimum qualifications; basic recruit, advanced, and career development training; examinations and certification for employment, and continuing education requirements, etc.

Section 2: Amends s. 784.07, F.S., to define “railroad special officer” to mean a person employed by a Class I or Class II railroad and appointed by the Governor pursuant to s. 354.01, F.S., and to include railroad special officers in the provisions for enhanced penalties whenever any person is charged with knowingly committing an assault or battery on a railroad special officer.

Section 3: Amends s. 943.10(1), F.S., to provide that for purposes of ss. 943.085-943.255 *only*, the definition of “law enforcement officer” includes special officers employed by a Class I or Class II railroad and appointed by the Governor pursuant to s. 354.01, F.S., and amends s. 943.10(4), F.S., to provide that for purposes of ss. 943.085-943.255 *only*, the definition of “employing agency” also includes a Class I or Class II railroad that employs special officers pursuant to s. 354.01, F.S.

The bill includes the specified railroad special officers in the provisions for enhanced penalties for specified assault and battery, subjects the officers to Commission oversight and continuing education and training requirements, and recognizes the specified railroads as employing agencies only for the purposes outlined in the specified sections of ch. 943, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. 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 14, 2013:

The CS requires a Class I or Class II railroad that employs special officers, as a non-public employing entity, to incur all costs associated with certification and continuing education of the employed special officers, thereby removing a conflict with existing law that prohibits such officers from receiving any fees from the state.

B. Amendments:

None.



545286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete line 38
and insert:
943.085-943.255. Notwithstanding s. 943.25(5), a Class I or Class II railroad that employs special officers shall as a non-public employing entity incur all costs associated with certification and continuing education of the employed special officers.

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

And the title is amended as follows:



545286

13 Delete line 11
14 and insert:

15
16 943.255, F.S.; providing responsibility of certain
17 costs; amending s. 784.07, F.S.; defining the

By Senator Evers

2-00717A-13

20131110

A bill to be entitled

An act relating to railroad police officers; amending s. 354.01, F.S.; requiring special officers employed by a railroad or other common carrier to comply with specified continuing training or education requirements; providing that a special officer is not considered a "law enforcement officer" except for purposes of ss. 943.085-943.255, F.S.; providing that a Class I or Class II railroad is not considered an "employing agency" except for purposes of ss. 943.085-943.255, F.S.; amending s. 784.07, F.S.; defining the term "railroad special officer"; providing for reclassification of certain offenses committed against a railroad special officer; amending s. 943.10, F.S.; including special officers employed by a railroad or other common carrier within the definition of "law enforcement officer" and including certain railroads within the definition of "employing agency" for purposes of specified provisions relating to law enforcement officer standards; providing an effective date.

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

Section 1. Section 354.01, Florida Statutes, is amended to read:

354.01 Appointment of special officers.—Upon the application of any railroad or other common carrier doing business in this state, the Governor shall appoint one or more

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persons who have met the law enforcement qualifications and training requirements of s. 943.13 ~~943.13(1)-(10)~~ as special officers for the protection and safety of such carriers; their passengers and employees; and the property of such carriers, passengers, and employees. A special officer shall not be considered a "law enforcement officer" except for purposes of ss. 943.085-943.255. A Class I or Class II railroad shall not be considered an "employing agency" except for purposes of ss. 943.085-943.255.

Section 2. Section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

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

(a) "Emergency medical care provider" means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401 who is engaged in the performance of his or her duties. The term "emergency medical care provider" also includes physicians, employees, agents, or volunteers of hospitals as defined in chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital's emergency department or the security thereof.

(b) "Firefighter" means any person employed by any public

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59 employer of this state whose duty it is to extinguish fires; to
 60 protect life or property; or to enforce municipal, county, and
 61 state fire prevention codes, as well as any law pertaining to
 62 the prevention and control of fires.

63 (c) "Law enforcement explorer" means any person who is a
 64 current member of a law enforcement agency's explorer program
 65 and who is performing functions other than those required to be
 66 performed by sworn law enforcement officers on behalf of a law
 67 enforcement agency while under the direct physical supervision
 68 of a sworn officer of that agency and wearing a uniform that
 69 bears at least one patch that clearly identifies the law
 70 enforcement agency that he or she represents.

71 (d) "Law enforcement officer" includes a law enforcement
 72 officer, a correctional officer, a correctional probation
 73 officer, a part-time law enforcement officer, a part-time
 74 correctional officer, an auxiliary law enforcement officer, and
 75 an auxiliary correctional officer, as those terms are
 76 respectively defined in s. 943.10, and any county probation
 77 officer; an employee or agent of the Department of Corrections
 78 who supervises or provides services to inmates; an officer of
 79 the Parole Commission; a federal law enforcement officer as
 80 defined in s. 901.1505; and law enforcement personnel of the
 81 Fish and Wildlife Conservation Commission or the Department of
 82 Law Enforcement.

83 (e) "Public transit employees or agents" means bus
 84 operators, train operators, revenue collectors, security
 85 personnel, equipment maintenance personnel, or field
 86 supervisors, who are employees or agents of a transit agency as
 87 described in s. 812.015(1) (1).

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88 (f) "Railroad special officer" means a person employed by a
 89 Class I or Class II railroad and appointed by the Governor
 90 pursuant to s. 354.01.

91 (2) Whenever any person is charged with knowingly
 92 committing an assault or battery upon a law enforcement officer,
 93 a firefighter, an emergency medical care provider, a railroad
 94 special officer, a traffic accident investigation officer as
 95 described in s. 316.640, a nonsworn law enforcement agency
 96 employee who is certified as an agency inspector, a blood
 97 alcohol analyst, or a breath test operator while such employee
 98 is in uniform and engaged in processing, testing, evaluating,
 99 analyzing, or transporting a person who is detained or under
 100 arrest for DUI, a law enforcement explorer, a traffic infraction
 101 enforcement officer as described in s. 316.640, a parking
 102 enforcement specialist as defined in s. 316.640, a person
 103 licensed as a security officer as defined in s. 493.6101 and
 104 wearing a uniform that bears at least one patch or emblem that
 105 is visible at all times that clearly identifies the employing
 106 agency and that clearly identifies the person as a licensed
 107 security officer, or a security officer employed by the board of
 108 trustees of a community college, while the officer, firefighter,
 109 emergency medical care provider, railroad special officer,
 110 traffic accident investigation officer, traffic infraction
 111 enforcement officer, inspector, analyst, operator, law
 112 enforcement explorer, parking enforcement specialist, public
 113 transit employee or agent, or security officer is engaged in the
 114 lawful performance of his or her duties, the offense for which
 115 the person is charged shall be reclassified as follows:

116 (a) In the case of assault, from a misdemeanor of the

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second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

(3) Any person who is convicted of a battery under paragraph (2)(b) and, during the commission of the offense, such person possessed:

(a) A "firearm" or "destructive device" as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 3 years.

(b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s. 775.087(3), or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release

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under s. 947.149, prior to serving the minimum sentence.

Section 3. Subsections (1) and (4) of section 943.10, Florida Statutes, are amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. For purposes of ss. 943.085-943.255 only, this definition also includes special officers employed by a Class I or Class II railroad and appointed by the Governor pursuant to s. 354.01.

(4) "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term also includes any private entity which has contracted with the state or county for the operation and maintenance of a nonjuvenile detention facility. For

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175 purposes of ss. 943.085-943.255 only, the term also includes a
176 Class I or Class II railroad that employs special officers
177 pursuant to s. 354.01.

178 Section 4. This act shall take effect July 1, 2013.

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 1424

INTRODUCER: Senator Evers

SUBJECT: Public Records/Personal Identifying Information/Payment of Tolls

DATE: March 13, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Eichin	TR	Favorable
2. _____	_____	GO	_____
3. _____	_____	RC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

SB 1424 expands an existing public records exemption for the personal identifying information of drivers who pay tolls by using a transponder and an associated prepaid account to drivers who pay tolls using electronic toll facility video invoicing.

This bill amends section 338.155 of the Florida Statutes.

II. Present Situation:

Current law provides a public records exemption for the personal identifying information of users of toll facilities who pay their tolls by using a transponder and an associated prepaid account established with the Department of Transportation (FDOT) or other expressway authorities. These accounts are generally established and kept current by periodic deposits into the account, by customer check or credit card, from which the customer's tolls are deducted as incurred. The current exemption states:

Personal identify information provided to, acquired by, or in the possession of the Department of Transportation, a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of toll facilities charges to the department, a county, or an expressway authority is exempt from s. 119.07(1) and s. 24(a), Art. I of the State constitution.¹

¹ Section 338.155(6), F.S.

FDOT is currently engaged in statewide elimination of cash toll booths and transitioning to an all-electronic toll collection system. As part of the transition and in addition to prepaid accounts, FDOT offers a video billing system, known as Toll-By-Plate, under which an image of the customer's tag is taken when passing through a toll lane, and the customer receives an invoice for tolls incurred, plus an administrative charge to cover the costs of processing and mailing the invoice. These customers similarly may pay Toll-By-Plate invoices with checks, credit cards, and debit cards, etc., but the personal identifying information of these customers is not exempted under current public records provisions.

III. Effect of Proposed Changes:

The bill expands the current exemption by removing reference to the customer's method of payment; i.e., credit card, charge card, or check, and instead provides protection of any person's personal identifying information for the purpose of paying, prepaying, or collecting tolls and associated administrative charges. Protection of personal identifying information is expanded to Toll-By-Plate customers. The privacy of toll customers is protected, regardless of the type of account established or the method of toll payment.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created public records or public meetings exemption. Because this bill creates a new public records exemption for the personal identifying information of individuals not previously exempted, it requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c), Art. I of the Florida Constitution requires a public necessity statement for a newly created public records or public meetings exemption. Because this bill creates a new public records exemption, it includes a public necessity statement.

Single Subject Requirement

Section 24(c), Art. I of the Florida Constitution requires the Legislature to create public records exemptions in legislation separate from substantive law changes. The bill complies with that requirement.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

SB 1424 will protect the personal identifying information of Toll-By-Plate customers, in addition to that of prepaying customers.

C. Government Sector Impact:

SB 1424 allows toll authorities to protect the personal identifying of Toll-By-Plate customers, in addition to that of prepaying customers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

By Senator Evers

2-01584-13

20131424

A bill to be entitled

An act relating to public records; amending s.

338.155, F.S.; clarifying provisions; providing that personal identifying information about individuals

related to the payment of tolls, which is held by the Department of Transportation and certain other

entities, is exempt from public records requirements;

providing for future legislative review and repeal of

the exemption under the Open Government Sunset Review

Act; providing legislative findings and a statement of

public necessity; providing an effective date.

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

Section 1. Subsection (6) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(6)(a) Personal identifying information of drivers who use toll facilities in this state which is held by ~~provided to, acquired by, or in the possession of~~ the Department of Transportation, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges ~~using a credit card, charge card, or check for the prepayment of electronic toll facilities charges to the department, a county, or an expressway authority~~ is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) This subsection is subject to the Open Government

2-01584-13

20131424

Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution personal identifying information about individuals which is held by the Department of Transportation, a county, or an expressway authority in connection with the payment, prepayment, or collection of tolls. The exemption puts individuals who pay with the TOLL-BY-PLATE system on equal footing with those who prepay with a check, charge card, credit card or pay cash at the toll booth. The exemption also protects the public by exempting information about an individual's use of the toll road system. The exemption promotes the use of the electronic toll collection system, which is a more efficient and effective collection system for tolls because the use of the TOLL-BY-PLATE system or prepaying with a check, charge card, or credit card saves an individual time in passing through toll facilities, compared to those who pay cash, and costs less to administer. The exemption also protects the privacy of individuals and promotes the right to be free from unreasonable government intrusion by prohibiting the public disclosure of private information about an individual's finances and location.

Section 3. This act shall take effect July 1, 2013.

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 1054

INTRODUCER: Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 4, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Everette</u>	<u>Eichin</u>	<u>TR</u>	Pre-meeting
2. _____	_____	<u>CM</u>	_____
3. _____	_____	<u>ATD</u>	_____
4. _____	_____	<u>AP</u>	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

SB 1054 revises provisions relating to commercial motor vehicles (CMV) to incorporate required federal law.

This bill substantially amends section 316.302 of the Florida Statutes.

II. Present Situation:

Texting and Hand-held Mobile Phones

Federal law recently imposed a prohibition against drivers of commercial motor vehicles engaging in texting while driving and provided that a motor carrier may not allow or require its drivers to engage in texting while driving.¹ In addition, the federal law prohibits a driver of a commercial motor vehicle from using a hand-held mobile telephone while driving and prohibits a motor carrier from allowing or requiring its drivers to use a hand-held mobile phone while driving a CMV.² These provisions are contained in 49 C.F.R. § 383, which is not currently referenced in Florida law incorporating federal provisions applicable to CMVs engaged in interstate or intrastate commerce.

¹ 49 C.F.R. § 383.80 (2011)

² 49 C.F.R. § 383.82 (2011)

Applicable Versions of Federal Law

Federal law requires each state to “review its laws and regulations to achieve compatibility with the Federal Motor Carrier Safety Regulations (FMCSA).”³ Federal guidelines require a state to:

“...adopt and enforce in a consistent manner the requirements referenced in the above guidelines in order for the FMCSA to accept the State's determination that it has compatible safety requirements affecting interstate motor carrier operations. Generally, the States would have up to 3 years from the effective date of the new Federal requirement to adopt and enforce compatible requirements.”

Section 316.302, F.S., among other items, applies specified federal regulations to all owners or drivers of CMVs engaged in intrastate commerce as such rules and regulations existed on October 1, 2011. The state will be out of compliance with federal law on October 1, 2014, unless the date is changed.

Liquefied Petroleum Gas Motor Vehicles/Cargo Tanks

Current law provides that the rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under ch. 527. The Department of Highway Safety and Motor Vehicles (DHSMV) commercial motor vehicle enforcement officers have no express authority to inspect a commercial motor vehicle transporting liquefied petroleum gas to ensure safety of the traveling public on the roadways.

III. Effect of Proposed Changes:

SB 1054 incorporates 49 C.F.R. § 383 into Florida law to incorporate provisions for violations of the texting and hand-held mobile telephone provisions of federal law, thereby avoiding a potential federal funds penalty for failure of the state to comply with federal law.

The bill deletes a reference to a date (October 1, 2011) incorporating federal rules and regulations as they existed on that date. This has the effect of incorporating *the most recent* version of such federal rules and regulations without taking further legislative action. (See note under Constitutional Issues.)

The bill also incorporates subpart F of 49 C.F.R. part 107 to authorize the DHSMV enforcement officers to conduct inspections on cargo tanks and cargo tank motor vehicles.

The bill will take effect July 1, 2013.

Other Potential Implications:

Note that the bill does not include 49 C.F.R. part 383 in s. 316.302(1)(a), F.S., applicable to CMVs engaged in interstate commerce. Federal law requires that part 383 apply to both interstate and intrastate operations. The sponsor may wish to consider an amendment inserting the reference into s. 316.302(1)(a), F.S.

³ 49 C.F.R. part 355, Appendix A, Guidelines for the Regulatory Review:
http://www.law.cornell.edu/cfr/text/49/355/appendix_A

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Incorporation of federal law into state law without stipulating which version of federal law is being incorporated is an invalid delegation of legislative authority.

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

None.

B. Private Sector Impact:

According to DHSMV, there are no direct private sector costs.

C. Government Sector Impact:

According to DHSMV, there is no impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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



229680

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Before line 16
insert:

Section 1. The intent of the Legislature is to reduce road rage and traffic congestion by reducing the incidence of crashes and drivers' interferences with the movement of traffic and by promoting the orderly, free flow of traffic on the roads and highways of the state.

Section 2. Subsection (91) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when



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used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(91) ROAD RAGE.—The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, bicyclist, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, bicyclist, or pedestrian.

Section 3. Present subsection (3) of section 316.083, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(3)(a) On a road, street, or highway having two or more lanes that allow 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.

(b) Paragraph (a) does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

1. The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower vehicle before moving to the adjacent right-hand lane;

2. Conditions preclude the driver from moving to the adjacent right-hand lane;



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42 3. The driver's movement to the adjacent right-hand lane
43 could endanger the driver or other drivers;

44 4. The driver is directed by a law enforcement officer,
45 road sign, or road crew to remain in the furthestmost left-hand
46 lane; or

47 5. The driver is preparing to make a left turn.

48 Section 4. For the purpose of incorporating the amendment
49 made by this act to section 316.083, Florida Statutes, in a
50 reference thereto, section 316.1923, Florida Statutes, is
51 reenacted to read:

52 316.1923 Aggressive careless driving.—“Aggressive careless
53 driving” means committing two or more of the following acts
54 simultaneously or in succession:

55 (1) Exceeding the posted speed as defined in s.
56 322.27(3) (d) 5.b.

57 (2) Unsafely or improperly changing lanes as defined in s.
58 316.085.

59 (3) Following another vehicle too closely as defined in s.
60 316.0895(1).

61 (4) Failing to yield the right-of-way as defined in s.
62 316.079, s. 316.0815, or s. 316.123.

63 (5) Improperly passing as defined in s. 316.083, s.
64 316.084, or s. 316.085.

65 (6) Violating traffic control and signal devices as defined
66 in ss. 316.074 and 316.075.

67 Section 5. The Department of Highway Safety and Motor
68 Vehicles shall provide information about the Florida Highway
69 Safety Act in all driver license educational materials that are
70 newly printed on or after October 1, 2013.



229680

===== 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:

 and Motor Vehicles; providing legislative intent
relating to road rage and traffic congestion; amending
s. 316.003, F.S.; defining the term "road rage";
amending s. 316.083, F.S.; requiring that an operator
of a motor vehicle yield the furthestmost left-hand
lane when being overtaken on a multilane highway;
providing exceptions; reenacting s. 316.1923, F.S.,
relating to aggressive careless driving, to
incorporate the amendments made to s. 316.083, F.S.,
in a reference thereto; requiring that the Department
of Highway Safety and Motor Vehicles provide
information about the act in driver license
educational materials that are newly published on or
after a specified date; amending s. 316.302, F.S.;



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment to Amendment (229680)

Delete lines 46 - 47
and insert:

lane;

5. The driver is preparing to make a left turn; or

6. The driver is traveling at a speed not less than 10
miles per hour under the posted speed limit.

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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory amendment)

Delete line 21

and insert:

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, 385, and 390-397.

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14 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====
15 And the directory clause is amended as follows:
16 Delete lines 16 - 17
17 and insert:
18 Section 1. Paragraphs (a) and (b) of subsection (1),
19 paragraph (a) of subsection (4), and subsection (9) of section
20 316.302,

SB 1054

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 27 - 28
and insert:
definition of bus, as such rules and regulations existed on
December 31, 2012 ~~October 1, 2011~~.

SB 1054

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2013	.	
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The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Before line 16
insert:

Section 1. Section 2 through Section 6 of this act may be cited as the "Florida Highway Safety Act."

Section 2. The intent of the Legislature is to reduce road rage and traffic congestion by reducing the incidence of crashes and driver interference with the movement of traffic and by promoting the orderly, free flow of traffic on the roads and highways of this state.

Section 3. Subsection (91) is added to section 316.003,

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Florida Statutes, to read:

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

(91) ROAD RAGE.—The intentional or unintentional act of a driver or passenger, attributable to a loss of emotional control, which injures or kills another driver, passenger, bicyclist, or pedestrian, or in which the driver or passenger attempts or threatens to injure or kill another driver, passenger, bicyclist, or pedestrian.

Section 4. Present subsection (3) of section 316.083, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(3) (a) On a road, street, or highway that has two or more lanes that allow 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.

(b) Paragraph (a) does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

1. The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower vehicle before moving to the adjacent right-

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hand lane;

2. Conditions preclude the driver from moving to the adjacent right-hand lane;

3. The driver's movement to the adjacent right-hand lane could endanger the driver or other drivers;

4. The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthestmost left-hand lane; or

5. The driver is preparing to make a left turn.

Section 5. For the purpose of incorporating the amendment made by this act to section 316.083, Florida Statutes, in a reference thereto, section 316.1923, Florida Statutes, is reenacted to read:

316.1923 Aggressive careless driving.—“Aggressive careless driving” means committing two or more of the following acts simultaneously or in succession:

(1) Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.

(2) Unsafely or improperly changing lanes as defined in s. 316.085.

(3) Following another vehicle too closely as defined in s. 316.0895(1).

(4) Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.

(5) Improperly passing as defined in s. 316.083, s. 316.084, or s. 316.085.

(6) Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.

Section 6. The Department of Highway Safety and Motor

SB 1054

Vehicles shall provide information about the Florida Highway
Safety Act in all driver license educational materials that are
newly printed on or after October 1, 2013.

===== 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 the Department of Highway Safety
and Motor Vehicles; providing a short title; providing
legislative intent relating to road rage and traffic
congestion; amending s. 316.003, F.S.; defining the
term "road rage"; amending s. 316.083, F.S.; requiring
that an operator of a motor vehicle yield the
furthestmost left-hand lane when being overtaken on a
multilane highway; providing exceptions; reenacting s.
316.1923, F.S., relating to aggressive careless
driving, to incorporate the amendments made to s.
316.083, F.S., in a reference thereto; requiring that
the Department of Highway Safety and Motor Vehicles
provide information about the act in driver license
educational materials that are newly published on or
after a specified date; amending s. 316.302, F.S.;

By Senator Brandes

22-01308B-13

20131054

A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.302, F.S.; providing that owners or drivers of certain commercial motor vehicles are subject to specific federal commercial driver license standards; providing that commercial motor vehicles transporting hazardous material are subject to federal regulations relating to the designation of approval and certification agencies; deleting exemptions from commercial motor vehicle rules for the transportation of liquefied petroleum gas; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), 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)

(b) Except as otherwise provided in this section, all owners or 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, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, ~~as such rules and regulations existed on October 1, 2011.~~

(4) (a) Except as provided in this subsection, all

Page 1 of 2

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

22-01308B-13

20131054

commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart F, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

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

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

Section 2. This act shall take effect July 1, 2013.

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 1458

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 8, 2013

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2. _____	_____	<u>ATD</u>	_____
3. _____	_____	<u>AP</u>	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	☒	Statement of Substantial Changes
B. AMENDMENTS.....	☐	Technical amendments were recommended
	☐	Amendments were recommended
	☐	Significant amendments were recommended

I. Summary:

CS/SB 1458 makes numerous changes to the way the Department of Highway Safety and Motor Vehicles (DHSMV, department) administers many of its programs and functions. The major provisions of this bill include:

- Correcting inconsistencies and references to the International Registration Plan;
- Requiring drivers to yield the left lane to overtaking vehicles;
- Lowering the blood alcohol level threshold at which an ignition interlock device (IID) will prevent a vehicle from starting from 0.05 to 0.025 for persons convicted of DUI and required to install an IID;
- Requiring that holders of commercial learners permits adhere to the same noncriminal traffic infraction provisions as commercial driver license holders;
- Allowing the DHSMV to use a new form for buyers and sellers when transferring electronic titles as it relates to motor vehicle casual sales;
- Expanding vehicle and vessel registration identification requirements;
- Allowing the DHSMV to eliminate certificates of repossession since such documents are effectively obsolete;

- Clarifying the DHSMV's rulemaking authority to administer traffic law and substance abuse education courses (TLSAE);
- Eliminating the requirements of eligibility for serving on the Medical Advisory Board;
- Allowing county tax collectors re-examination authority of vehicle operators based on mental and physical abilities;
- Authorizing the department to implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate private rebuilt motor vehicle inspection services;
- Adding definitions and requirements for secondary metal recycling and salvage of motor vehicles and mobile homes;
- Allowing driver license applicants be able to use vision exam results of out-of-state vision doctors when renewing driver license;
- Revising Commercial Driver's License and Commercial Learner's Permits to align with federal rules, and allowing penalties;
- Authorizing the DHSMV to prohibit future financial transactions when an insufficient check fee is not satisfied with the agency;
- Authorizing driver license suspension for persons under 21 years of age when found driving with blood alcohol level of .02 or higher;
- Allowing law enforcement authorities to disqualify Commercial Driver License holders found driving with unlawful blood alcohol levels and refusing to submit to breath, urine or blood test, and issue a 10-day temporary permit while determination is made;
- Allowing that persons with an IID can be granted a medical waiver for employment purposes only (EPO) license;
- Providing that same day DUI convictions be treated as separate offenses;
- Clarifying reinstatement process for habitual traffic offenders in license restoration;
- Requiring insurance companies to report new or cancelled policies within 10 days;
- Changing requirements for self-insuring motorists;
- Requiring identification requirements for vessel registration applications; and
- Allowing monies collected from vessel registration funds above administration costs to be deposited in the Marine Resources Conservation Trust Fund.

This bill substantially amends the following sections of the Florida Statutes: 207.002, 316.003, 316.083, 316.1923, 316.1937, 316.302, 316.3025, 316.545, 316.646, 317.0016, 318.14, 318.1451, 319.141, 319.225, 319.23, 319.28, 319.30, 319.323, 320.01, 320.02, 320.03, 320.05, 320.071, 320.0715, 320.18, 320.27, 320.62, 320.77, 320.771, 320.8225, 322.095, 322.125, 322.135, 322.18, 322.21, 322.212, 322.22, 322.245, 322.25, 322.2615, 322.2616, 322.64, 322.2715, 322.28, 322.331, 322.61, 324.0221, 324.031, 324.091, 324.161, 328.01, 328.48, 328.76, 713.585, and 713.78

The bill correct cross-references in the following sections of Florida Statutes: 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415

The bill also repeals section 322.331 of the Florida Statutes:

II. Present Situation:

International Registration Plan; Definitions

The International Registration Plan (IRP) is a commercial motor vehicle (CMV) registration reciprocity agreement among the United States and provinces of Canada, providing for payment of license fees or license taxes on the basis of fleet miles operated in various jurisdictions. The IRP agreement uses the term “Apportionable vehicle” to mean any vehicle, except a recreational vehicle, a vehicle displaying restricted plates, a municipal pickup and delivery vehicle, a bus used in transportation of chartered parties, and a government-owned vehicle, which is used or intended for use in two or more states of the United States or provinces of Canada that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Sections 207.002(1)(11)(12), 316.545, 320.01, 320.03, 320.071, and 320.0715, F.S., define “apportioned motor vehicle” as any motor vehicle which is required to be registered under the IRP. Throughout chapter 316, F.S., “apportionable” is referenced “apportionally” incorrectly, and since these descriptions are not interchangeable making this correction will simply clarify the inconsistency.

The DHSMV has recommended correcting the definitional inconsistency within the International Registration Plan by deleting unnecessary references and changing “apportioned” to “apportionable” as it relates to motor vehicles.

Lane Usage and Passing

Current Florida law in relation to “driving on right side of roadway” requires vehicles moving at a lesser rate of speed to drive in the right hand lane as soon as it is reasonable to proceed into that lane. Exceptions and exemptions include: when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.¹ Violations of this law are noncriminal offenses. However, enforcement of these provisions has been minimal.

Current law provides that drivers overtaking other drivers on a two-lane road must use the proper signal, and those being overtaken must yield the right of way to the overtaking vehicle. In addition, vehicles being overtaken may not increase speed until the attempted pass is complete or it is reasonably safe to do so.²

Ignition Interlock Devices (IID)

A driver is considered under the influence of alcohol when a person’s blood alcohol content (BAC) is 0.08 or more grams of alcohol per 100 milliliters of blood; or 0.08 or more grams of

¹ Section 316.081(1), (2), and (3), F.S.

² Section 316.083, F.S.

alcohol per 210 liters of breath. The department requires placement of a department-approved IID for any person convicted of committing an offense of driving under the influence as specified in s. 322.2715(3), F.S.:

- First offense – under s. 316.193, F.S.,³ and having an unlawful blood-alcohol level or breath-alcohol level as specified in s. 316.193(4),⁴ or if a person is convicted of a violation of s. 316.193, F.S., and was at the time of the offense accompanied in the vehicle by a person younger than 18, the person shall have IID installed for not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense.
- Second offense -- the IID shall be installed for a period of not less than 1 continuous year.
- Third offense – occurs within 10 years after a prior conviction for a violation of s. 316.193, F.S., IID shall be installed for a period of not less than 2 continuous years.
- Fourth or subsequent offense – IID shall be installed for a period of not less than 5 years.

Section 316.1937, F.S., provides the device be certified by the DHSMV and installed so that the vehicle will not start if the operator's alcohol level is in excess of 0.05 percent BAC (equates to 3-4 12 oz. beers an hour for an average weight male) or what is specified by the court. Consideration may be given to persons having documented medical conditions that would prohibit the IID from functioning normally. The IID shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

Enforcement of Federal Regulations

Texting and Hand-held Mobile Phones

Federal law recently imposed a prohibition against drivers of commercial motor vehicles engaging in texting while driving and provided that a motor carrier may not allow or require its drivers to engage in texting while driving.⁵ In addition, the federal law prohibits a driver of a commercial motor vehicle from using a hand-held mobile telephone while driving and prohibits a motor carrier from allowing or requiring its drivers to use a hand-held mobile phone while driving a CMV.⁶ These provisions are contained in 49 C.F.R. § 383, which is not currently referenced in Florida law incorporating federal provisions applicable to CMVs engaged in interstate or intrastate commerce.

Applicable Versions of Federal Law

Federal law requires each state to “review its laws and regulations to achieve compatibility with the Federal Motor Carrier Safety Regulations (FMCSA).”⁷ Federal guidelines require a state to:

“...adopt and enforce in a consistent manner the requirements referenced in the above guidelines in order for the FMCSA to accept the State's determination that it has compatible safety requirements affecting interstate motor carrier operations. Generally,

³ <http://www.flsenate.gov/Laws/Statutes/2012/316.193> Driving Under the Influence

⁴ Id., (See penalties)

⁵ 49 C.F.R. § 383.80 (2011)

⁶ 49 C.F.R. § 383.82 (2011)

⁷ 49 C.F.R. part 355, Appendix A, Guidelines for the Regulatory Review:
http://www.law.cornell.edu/cfr/text/49/355/appendix_A

the States would have up to 3 years from the effective date of the new Federal requirement to adopt and enforce compatible requirements.”

Section 316.302, F.S., among other items, applies specified federal regulations to all owners or drivers of CMVs engaged in intrastate commerce as such rules and regulations existed on October 1, 2011. The state will be out of compliance with federal law on October 1, 2014, unless the date is changed.

Liquefied Petroleum Gas Motor Vehicles/Cargo Tanks

Current law provides that the rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under ch. 527. DHSMV commercial motor vehicle enforcement officers have no express authority to inspect a commercial motor vehicle transporting liquefied petroleum gas to ensure safety of the traveling public on the roadways.

Expedited service; applications; fees

Section 317.0016, F.S., requires that the department provides, through its agents for use by the public, expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of \$7 is charged for the service in addition to the fees in ss. 317.0007 and 317.0008, F.S., and \$3.50 of this fee shall be retained by the processing agency. The department shall issue all titles applied for within 5 working days after receipt of application, except for a duplicate title application, per s. 317.0008(3), in which the title must be issued within 5 working days after compliance with the department’s verification requirements. A fee of \$15 is charged for the duplicate certificate.

Noncriminal traffic infractions; exception; procedures

Section 318.14, F.S., requires that any person holding a commercial driver license and cited while driving a noncommercial motor vehicle for an infraction under this section, other than a violation of s. 316.183(2), F.S., s. 316.187, or s. 316.189, F.S., when the driver exceeds the posted limit by 30 miles per hour or more and certain other sections of statute, he or she can elect to attend a basic driver improvement course. For the driver that chooses this option, adjudication must be withheld and no points will be assessed to his or her driver license.

Driver Improvement Schools

Section 318.1451, F.S., requires the department to approve all courses of all driver improvement schools related to ss. 318.14(9), 322.0261, and 322.291, F.S. The chief judge of the applicable judicial circuit may establish requirements of location within the judicial circuit. Individuals are allowed to engage in the business of operating a driver improvement school offering department approved and regulated courses using technology as the delivery method for driver improvement schools.

The department considers course content promoting safety, crash avoidance techniques, and other criteria to improve driver performance. Initial approval of courses are based on the department’s review of all course materials, course presentation to the department by the provider and the provider’s plan for effective oversight by those who deliver the course to the State of Florida. New courses are provisionally approved and limited to the Judicial Circuit originally approved for pilot testing, until fully approved by the department, and delivered

statewide. Also in approving criteria, and use technology as a teaching form, the department considers only those courses submitted by a person, business, or entity previously approved for statewide delivery. Further, the department does not accept proof of attendance of courses of persons attending those schools that do not teach approved courses. Those persons can then choose to take the course at another school.

A \$2.50 assessment fee is collected, along with the regular course fee by the school, from each person who elects to attend a course. The fee is remitted to the department and deposited in the Highway Safety Operating Trust Fund in order to receive unique course completion certificate numbers for course participation. The assessment fee is used to administer this program and fund the general operations of the department. Administrative duties are the responsibility of the providers. It is necessary for the providers to maintain all records related to the conduct of their approved courses for 5 years, and allow the department to inspect course records as necessary. Course records may be maintained in an electronic format. Pursuant to s. 119.07(1), F.S., the department makes the records available to the public upon request.

The department or court may prepare a traffic school reference guide to list the benefits of attending a driver improvement school, which would contain names of fully approved course providers along with a telephone number.

Advanced Driver Improvement

A Florida hardship license can be obtained by enrolling in an Advanced Driver Improvement (ADI) course. When a motorist driver's license has been suspended or revoked for points or because of habitual traffic offenses (12 points on driving record in the past year) or by court order, that motorist may wish to enroll in the ADI course to obtain a Florida hardship license.⁸

Basic Driver Improvement

The Basic Driver Improvement (BDI)⁹ course is for individuals wishing to retain their driver license when found at fault and:

- someone was transported to the hospital as a result of their offense;
- had two crashes in a two-year period which resulted in property damage greater than \$500; or was ticketed for:
 - passing a stopped school bus
 - highway racing;
 - reckless driving, or
 - running a red light.

Motorists may choose to attend the BDI course in lieu of driving record points.

Traffic Law and Substance Abuse Education course

Persons having never held a regular driver license in any state, country, or jurisdiction must complete a Traffic Law and Substance Abuse Education course (TLSAE)¹⁰ before applying for a temporary driving permit (restricted driver license) in the state of Florida. The driver education

⁸ <http://www.flhsmv.gov/ddl/adicphone.html>

⁹ Id.

¹⁰ Id.

courses offered by some county school boards may substitute for this requirement. Individuals under 21 years old who receive a notice of suspension for driving with a blood alcohol level of .02 to .05 must complete a TLSAE course in order to reinstate his or her driver license on a hardship basis.

In recent years, the agency has experienced repeated complaints related to driver improvement courses. These complaints prompted the Legislative Joint Administrative Procedures Committee¹¹ to express and suggest strengthening the agency's authority by clarifying the implementation of the driver improvement courses.

Transfer and reassignment forms; odometer disclosure statements

Under s. 319.225, F.S., every certificate of title must include this statement: "Federal and state law require the completion of the odometer statement. Failure to complete or providing false information may result in fines, imprisonment, or both." This statement must be on the reverse side of all certificates of title issued by the department. Also on the reserve side of the form for transfer of title by the titleholder of record, there must be an odometer disclosure statement, required by 49 C.F.R. s. 580.5. The law has not addressed electronic title transfers in casual or private sales.

The department requested a variance from The National Highway Transportation Safety Administration (NHTSA) for acquiring and maintaining odometer reading records. The NHTSA has approved the department's request to use an alternate form to record odometer readings. The certificate of title forms has been revised numerous times to accommodate space requirements, and most recently revised to eliminate a previously required duplicate copy already being entered into the Florida Real-Time Vehicle Information System (FRVIS).¹²

Application for, and issuance of, certificate of title

Under s. 319.23, F.S., a certificate of title must be made upon a form prescribed by the department and filed with the department along with the fee. However, if there has been a certificate of title previously issued for a motor vehicle or mobile home, that certificate of title must also accompany the form, duly assigned, or reassigned. Also, if either the motor vehicle or the mobile home for which the application for a certificate of title is made and is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of s. 319.21, F.S., the application for a certificate of the title must be accompanied by all such manufacturers' statements of origin.

The title certificate or application for title must contain the applicant's full name, date of birth, sex, personal or business identification, which may include, a driver's license number, Florida identification card number, or federal employer identification number, and the license plate number or, an affidavit certifying that the motor vehicle to be titled will not be operated upon the public highways of this state.

Transfer of ownership by operation of law

¹¹ JAPC conducts continuous oversight of executive branch actions implementing legislatively delegated powers, ensuring that each action has an adequate statutory basis, that all applicable procedures are followed, and that no illegal rules are imposed on the people of Florida.

¹² On-line computer system providing access to the DHSMV's motor vehicle database.

In case of repossession of a motor vehicle or mobile home, s.319.28, (2)(b), F.S., requires an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default. Such affidavit is considered satisfactory proof of ownership and right of possession. At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title must be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days from the date on which the notice was mailed, the certificate of title or the certificate of repossession is issued showing no liens. If the former owner or any subsequent lienholder files a written protest within the 15-day period, the department may not issue the certificate of title or certificate of repossession for 10 days. If no injunction has been served on the department commanding it not to deliver the certificate of title or certificate of repossession, the department delivers the certificate of title or repossession to the applicant. Any lienholder who has repossessed a vehicle in compliance with these provisions must apply to a tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title under s. 319.323, F.S. Proof of the required notice to subsequent lienholders must be submitted together with regular title fees. A lienholder to whom a certificate of repossession has been issued may assign the certificate of title to the subsequent owner. Any person found guilty of violating any requirements of this paragraph shall be guilty of a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Certificates of Repossession

Section 319.323, F.S., The department offers separate title offices used by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of \$10 is charged for the expedited service in addition to the fees imposed by s. 319.32, F.S.

When a lienholder repossesses a motor vehicle, currently he or she has the option of requesting a certificate of title or a certificate of repossession for the vehicle. Since the title must be in the lienholder's possession to resale the vehicle it is no longer necessary to require a certificate of repossession, effectively making the certificate of repossession obsolete.

Records of the Department

Under s. 320.05, F.S., the department assigns a distinctive number upon receipt of a registration for a motor vehicle, vessel, or mobile home application. Electronic registration records are open to inspection of the public during business hours. However, the information is only provided if the person requesting it furnishes positive proof of identification. DHSMV or the county tax collector that provides the records is responsible for recording the name and address of the person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle or vessel registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each inquiry must be maintained for a period of 6 months from the date the information was released to the inquirer. There is no prohibition against any financial institution, insurance company, motor vehicle dealer, licensee under ch. 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department

through any means of telecommunication pursuant to a code developed by the department providing all fees have been paid.

The department is authorized upon application and proper fee payment, to prepare and furnish lists containing motor vehicle, vessel, mobile home, driver license, or crash record information to search records of the department, and make copies of the records and attestations.

Withholding Registration

Sections 320.18, 320.27, 320.62, 320.77, 320.771, and 320.8225, F.S., allow the department to withhold the registration of any motor vehicle or mobile home when the owner has failed to register for any previous period for which it appears registration should have been made until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the owner pays for any vehicle or vessel registration, driver license, identification card or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in ch. 207, F.S., by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Florida Department of Transportation (FDOT) or the DHSMV. The FDOT and DHSMV may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in ch. 207, F.S., the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Motor Vehicle Dealers; application and fee

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 is presumed to be engaged in such business. No person may engage in business as a motor vehicle dealer in this state without first obtaining a license.¹³ With the exception of transactions with motor vehicle auctions, no person other than a licensed motor vehicle dealer may advertise for sale any motor vehicle belonging to another party unless as a direct result of a bona fide legal proceeding, court order, settlement of an estate, or by operation of law. Upon making initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees now required by law. Upon making a subsequent renewal application, the applicant shall pay to the department a fee of \$75 in addition to any other fees now required by law. Each license issued to a franchise motor vehicle dealer expires annually on December 31. Each license issued to an independent or wholesale dealer or auction expires annually on April 30. Not less than 60 days prior to the license expiration date, the department delivers to each licensee the necessary renewal forms.

Medical Advisory Board

Section 322.125, F.S., provides that the Medical Advisory Board (MAB) be composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the DHSMV in Tallahassee, who shall serve as administrative officer for the board. The executive director of the DHSMV shall recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good

¹³ <http://www.flsenate.gov/Laws/Statutes/2012/320.27>

standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a chiropractic physician licensed to practice chiropractic medicine in this state. Members must be approved by the Cabinet and serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Driver license agents

Under s. 322.135, F.S., the department authorizes tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution¹⁴ to serve as its agent for the provision of specified driver license services. A tax collector may refuse to issue or renew a driver license if he or she has reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector may direct such licensee to the department for examination or reexamination under s. 322.221, F.S.¹⁵

Driver licenses and renewals

The department may issue an original driver's license only after the applicant successfully passes the required examinations and presents the application to the department. Also, the department may waive the driver license exam requirement if the applicant is otherwise qualified and surrenders a valid license issued by another state, a province of Canada, or the U.S. Armed Forces which is of an equal or lesser classification. A licensee who is otherwise eligible for renewal and who is at least 80 years of age: must submit to a vision test administered by a physician licensed under chs. 458 and 459, an optometrist licensed under ch. 463, or a licensed physician at a federally established veterans' hospital; and send results of the test to the department on a form obtained from the department and signed by the health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by a department-approved electronic means.

Unauthorized possession of a Commercial Driver License

Section 322.212, F.S., allows that in addition to any other penalties provided in s. 322.212, F.S., any person providing false information when applying for a commercial driver license will be disqualified from operating a commercial motor vehicle for a period of 60 days.

Suspension of license upon notification of a court

Under chs. 316 and 320, the department is authorized to suspend the driver license of persons who have failed to:

- comply with directives ordered by traffic court;
- to pay child support in non-IV-D cases as provided in ch. 61; or
- to pay any financial obligation in any other criminal case.

¹⁴ <http://www.flsenate.gov/Laws/Constitution#A8> , County Officers

¹⁵ <http://www.flsenate.gov/Laws/Statutes/2012/322.221> (See reexamination law)

If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply within the period specified in that statute, the depository or the clerk of the court notifies the department of such failure within 10 days.

Currently, notification to the department is done electronically for these types of suspensions. However, not all clerks of court choose this form of contact.

Court reporting convictions; temporary reinstatement of driving privileges

Under s. 322.25(7), F.S., a driver convicted of DUI, whose license and driving privilege have been revoked, may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

According to DHSMV, no court has ordered a temporary reinstatement under these provisions since 1982.

Suspension of Driver License; right to review

Under s. 322.2615, F.S., when the department determines that a person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license. Subsection (1)(b) allows the driver to request a formal or informal review of the suspension by the department within 10 days after the date of issuance of the notice of suspension. If the person whose license was suspended requests a formal review, the department must schedule a hearing within 30 days after the request is received by the department and must notify the person of the date, time, and place of the hearing. The formal review hearing is held before a hearing officer employed by the department, and the is authorized to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas for the officers and witnesses identified in documents, regulate the course and conduct of the hearing, question witnesses, and make a ruling on the suspension. The party requesting the presence of a witness is responsible for the payment to the witness and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena.

According to DHSMV, telephonic appearance at such hearings are not addressed by statute and may become problematic in appellate litigation, increasing legal costs for the department and creating ongoing uncertainty for hearing officers and the courts. Invalidation for failure of a witness to appear is a frequently-litigated issue.

Multiple offenses with one conviction

In a prosecution for a violation of DUI, (s. 316.193, F.S., or former s. 316.1931, F.S.), the following provisions apply:

- Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:

- First conviction for a violation, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.
- Second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for a violation of the provisions of the driver's license or driving privilege shall be revoked for not less than 5 years.
- Third conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for the violation of the provisions of the driver's license or driving privilege shall be revoked for not less than 10 years.

Currently, Section 322.28(2)(a), F.S., does not address situations where a driver commits 2 DUI offenses on the same day or second and third convictions occurring outside of a 5 or 10 year period, after the date of the prior conviction. The department states that it has been made aware of situations in which a driver receives two DUI citations for separate events but is convicted of both offenses at one court proceeding. Also, reference language in that same section for first time DUI convictions is no longer applicable.

Disqualifications operating commercial motor vehicle

Under s. 322.61, F.S., a holder of a commercial driver license (CDL) who is convicted of multiple specified serious traffic violations in a CMV in separate incidents within a 3-year period, may be disqualified from operating a CMV for periods ranging from 60 days to one year depending on the number and type of violations.

Commercial *learner* permit holders have not been subject to the same penalties as commercial driver license holders even though both operate on the same roadways. The department has recommended aligning the penalties to fully conform to the required federal criteria for CMVs.

Insurers reports to DHSMV; suspension of driver license and vehicle registration;

Section 324.0221, requires each insurer that has issued a policy providing personal injury protection (PIP) coverage or property damage liability coverage shall report the renewal, cancellation, or nonrenewal to the department within 45 days after the effective date of each renewal, cancellation, or nonrenewal. Upon the issuance of a policy providing PIP coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer must report the issuance of the new policy to the department within 30 days. The department may adopt rules regarding the form and documentation required. Failure by an insurer to file proper reports with the department constitutes a violation of the Florida Insurance Code.¹⁶ These records shall be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

According to the department, it is necessary to change the timeline for customers and insurers to report proof of insurance to reduce a window of time allowing for vehicles to be on the roadways uninsured.

Proving financial responsibility

¹⁶ <http://law.onecle.com/florida/insurance/chapter624.html> (See definitions and complete statute, including US Code.)

Section 324.031, F.S., provides that an owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) or 324.151, F.S., when such policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of any other vehicle may also prove his or her financial responsibility by:

- Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8)¹⁷ and 324.151, F.S.;¹⁸
- Posting with the department a satisfactory bond of a surety company authorized to do business in this state, conditioned for payment of the amount specified in s. 324.021(7), F.S.;
- Furnishing a certificate of the department showing a deposit of cash or securities in accordance with s. 324.161, F.S.;¹⁹ or
- Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171, F.S.²⁰

Any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) or subsection (3) shall post a bond or deposit equal to the number of vehicles owned times \$30,000, to a maximum of \$120,000; in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of \$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 or \$300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1), F.S.²¹

Notice to department; notice to insurer

Section 324.091, F.S., requires each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or a surety bond within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that the policy or bond was in effect, unless the insurer or surety insurer notifies the department otherwise within 20 days after the mailing of the notice to the insurer or surety insurer. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom the mailing was made and by specifying the time, place, and manner of mailing. The department has recommended requiring verification of insurance proof electronically rather than via mail.

¹⁷ <http://flsenate.gov/Laws/Statutes/2012/324.021>

¹⁸ <http://flsenate.gov/Laws/Statutes/2012/324.151>

¹⁹ <http://flsenate.gov/Laws/Statutes/2012/324.161>

²⁰ <http://flsenate.gov/Laws/Statutes/2012/324.171>

²¹ <http://flsenate.gov/Laws/Statutes/2012/324.032>

Proof of financial responsibility; surety bond or deposit

Section 324.161, F.S., authorizes that the certificate of the department of a deposit may be obtained by depositing with it \$30,000 cash or securities such as may be legally purchased by savings banks or for trust funds, of a market value of \$30,000 and which deposit shall be held by the department to satisfy, any execution on a judgment issued against such person making the deposit, for damages because of bodily injury to or death of any person or for damages because of injury to or destruction of property resulting from the use or operation of any motor vehicle occurring after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages.

Application for certificate of title

Section 328.01, F.S., requires that the owner of a vessel which is required to be titled shall apply to the county tax collector for a certificate of title. The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number. The application shall be signed by the owner and shall be accompanied by personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number, and the prescribed fee. The department has recommended such application require the inclusion of an official identification credential.

Vessel registration, application, certificate, number, decal, duplicate certificate

Section 328.48, F.S., provides that the owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The application shall provide the owner's name and address; residency status; personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number; and a complete description of the vessel, and shall be accompanied by payment of the applicable fee required in s.328.72, F.S. Registration is not required for any vessel that is not used on the waters of this state. The department has recommended such application require the inclusion of an official identification credential.

Marine Resources Conservation Trust Fund

Section 328.76(1), F.S., directs a specified, \$1.4 million transfer of revenue received from vessel registration fees to the Highway Safety Operating Trust Fund to cover the department's administrative expenses of vessel registration. The remainder is deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery.

According to the department, due to reorganization and efficiencies, the department's administrative costs for the Vessel Registration Program have been significantly reduced in recent years. The department recommends revisions effecting a transfer equal to its administrative expenses.

Dismantling and Salvage of Vehicles or Mobile Homes

When a motor vehicle or mobile home is to be dismantled, destroyed, or altered so significantly as to no longer be the motor vehicle or mobile home described in the certificate of title, subsection (2) of s. 319.30, F.S., requires the owner(s) as listed on the title to surrender the title to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) for cancellation. Violation of the requirement constitutes a second-degree misdemeanor.²²

All vehicles being sold, transported, or delivered to a salvage motor vehicle dealer²³ must be accompanied by:

- a properly endorsed certificate of title,²⁴
- a valid salvage certificate of title issued by the DHSMV in the name of the seller or properly endorsed to the seller, or
- a valid certificate of destruction issued in the name of the seller or properly endorsed to the seller.

Certificate of Title

In Florida, most vehicles are required to be titled;²⁵ the exceptions are mopeds, motorized bicycles, and trailers weighing less than 2,000 pounds. A certificate of title is the record that is evidence of ownership of a motor vehicle issued by DHSMV.²⁶

Salvage Certificate of Title and Certificate of Destruction

When an uninsured vehicle or mobile home is wrecked or damaged and the cost to repair it is 80 percent or more of its value it is considered a total loss. When an insurance company has paid to replace a wrecked or stolen vehicle or mobile home, it is declared a total loss. Whether insured or not, a vehicle or mobile home considered a total loss is declared “salvage.” Within 72 hours, the owner or insurance company must forward the certificate of title to DHSMV for processing, applying for either a Certificate of Title or Certificate of Destruction.²⁷ The owner or insurance company may not dispose of a vehicle or mobile home declared a total loss before obtaining a salvage certificate of title or certificate of destruction.²⁸

When a towing company tows and stores a vehicle, the company may apply for a certificate of destruction under certain conditions.²⁹ Under s. 713.78(2), F.S., when a wrecker operator tows and stores a vehicle or vessel, the wrecker operator must send notice to the registered owner, the insurance company insuring the vehicle, and all lienholders, as disclosed by state agency records.³⁰ Vehicles or vessels remaining unclaimed may be sold by public auction by the wrecker

²² As punishable by s. 775.082 or s. 775.083, F.S., up to 60 days in jail and/or up to a \$500 fine.

²³ By reference, s. 319.30, F.S., defines a salvage motor vehicle dealer as “any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.”

²⁴ A certificate of title is properly endorsed when the identified owner(s), i.e., the seller, has completed the form printed on the back of the certificate containing the name and address of the purchaser, odometer information, selling price, and the date sold in the “Transfer of Title by Seller” section. The seller must also sign and hand print their name.

²⁵ Section 320.02, F.S., generally.

²⁶ Sections 319.001(1) and 319.30(1)(c), F.S.

²⁷ An insurance company must forward the certificate of title within 72 hours from the time it obtains it from the owner.

²⁸ Section 319.30(3)(b), F.S.

²⁹ Section 713.78(11), F.S.

³⁰ Section 713.78(4)(a), F.S.

operator for towing and storage charges.³¹ If the vehicle to be sold is to be dismantled, destroyed, or altered significantly, a wrecker operator must apply to the county tax collector for a certificate of destruction.³² The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of s. 713.78, F.S., and, if the vehicle or vessel is not registered in Florida, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen. The application must also be accompanied by any such documentation as may be required by DHSMV.

A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, may be reassigned no more than twice before dismantling or destruction of the vehicle shall be required. The certificate of destruction must accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. Violation of these provisions, including providing a false or fictitious name, address, or statement on an application or affidavit, is a third degree felony punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Derelict Motor Vehicle Certificates

Under s. 319.30, F.S., a derelict motor vehicle is any motor vehicle or mobile home, with or without all its parts, which is:

- valued under \$1,000;
- at least 10 years old; and
- is in such condition that its primary value is for dismantling for parts or conversion to scrap metal.

When a derelict motor vehicle is sold, transported, or delivered to a salvage motor vehicle dealer, the purchaser must record the date, and the name, address, and personal identification card number of the person selling the vehicle, accompanied by:³³

- the properly endorsed certificate of title,
- a valid salvage certificate of title issued by the DHSMV in the name of the seller or properly endorsed to the seller, or
- a valid certificate of destruction issued in the name of the seller or properly endorsed to the seller.

If none of these documents are available, a derelict motor vehicle certificate must be completed by the owner, the owner's authorized transporter, and the licensed salvage motor vehicle dealer, at the time of sale, transport, and delivery to the dealer or recycler. The dealer or recycler must notify DHSMV within 24 hours of receiving the derelict vehicle or mobile home and the derelict vehicle or mobile home must be secured for three business days (excluding weekends and holidays) prior to its destruction or dismantling. Under s. 319.30(2)(c), F.S., it is a third degree felony³⁴ for anyone to willfully and deliberately:

³¹ Section 713.78(6), F.S.

³² Section 713.78(11), F.S.

³³ Section 319.30(2)(c), F.S.

³⁴ As punishable by s. 775.082, s. 775.083, or s. 775.084, F.S., up to 5 years in prison and/or a \$5,000 fine.

- sell, transport, deliver, purchase, or receive a derelict motor vehicle without obtaining:
 - a certificate of title,
 - a salvage certificate of title,
 - a certificate of destruction, or
 - a derelict motor vehicle certificate;
- enter false or fictitious information on a derelict motor vehicle certificate;
- not complete the derelict motor vehicle certificate or not notify DHSMV; or
- destroy or dismantle a derelict motor vehicle without waiting the required three full days.

When a derelict motor vehicle is sold, transported, or delivered to a secondary metals recycler,³⁵ the purchaser must record the date, and the name, address, and personal identification card number of the person selling the vehicle, accompanied by:³⁶

- the properly endorsed certificate of title,
- a valid certificate of destruction issued in the name of the seller or properly endorsed to the seller, or
- a valid derelict motor vehicle certificate.

If none of these documents are available, a derelict motor vehicle certificate must be completed by the owner, the owner's authorized transporter, and the licensed salvage motor vehicle dealer, at the time of sale, transport, and delivery to the dealer or recycler. The dealer or recycler must notify DHSMV within 24 hours of receiving the derelict vehicle or mobile home and the derelict vehicle or mobile home must be secured for three business days (excluding weekends and holidays) prior to its destruction or dismantling. Under s. 319.30(7)(b), F.S., it is a third degree felony³⁷ for anyone willfully and deliberately:

- selling, transporting, delivering, purchasing, or receiving a derelict motor vehicle without obtaining
 - a certificate of title,
 - a salvage certificate of title,
 - a certificate of destruction, or
 - a derelict motor vehicle certificate;
- entering false or fictitious information on a derelict motor vehicle certificate;
- not completing the derelict motor vehicle certificate or not notifying DHSMV; or
- destroying a derelict motor vehicle without waiting the required three full days.

³⁵ By reference, s. 319.30, F.S., defines a secondary metals recycler as any person who:

“(a) Is engaged, from a fixed location or otherwise, in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or

(b) Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof

³⁶ Section 319.30(7)(a)4., F.S.

³⁷ Supra note 13.

Subsection (6) of s. 319.30, F.S., also requires salvage motor vehicle dealers to record the name, address, and personal identification card number of any person delivering motor vehicles, derelicts and major parts. Violation of the subsection is a first-degree misdemeanor.³⁸

Both salvage motor vehicle dealers and secondary metals recyclers are required to return all certificates of title to DHSMV each month. All certificates of destruction, affidavits, and all other required information must be retained by the dealer or recycler for 3 years.

III. Effect of Proposed Changes:

Sections 1, 10, 21, 23 25, and 26, amend ss. 207.002(1)(11)(12), 316.545, 320.01, 320.03, 320.071, and 320.0715, F.S., deleting the definitions of “apportioned motor vehicle” and “apportionable vehicle” in s. 207.002, F.S. The definitions are no longer applicable to the purpose of ch. 207, F.S., nor are they consistent with the definitions referenced in s. 320, F.S.

Section 2 and 3 provide intent and amends s. 316.003, F.S., which defines terms used in the “Florida Uniform Traffic Control Law,” by defining the term “road rage” to mean:

The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, or pedestrian.

Section 4 amends s. 316.083, F.S., provides that on roads, streets, or highways having two or more lanes that allow 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.

The bill provides that this prohibition does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

- The driver is driving the legal speed limit and is not impeding the flow of traffic in the furthestmost left-hand lane;
- The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower moving vehicle so that the driver may move to the adjacent right-hand lane;
- Conditions make the flow of traffic substantially the same in all lanes or preclude the driver from moving to the adjacent right-hand lane;
- The driver’s movement to the adjacent right-hand lane could endanger the driver or other drivers;
- The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthestmost left-hand lane;
- The driver is preparing to make a left turn; or
- The driver is traveling at a speed not less than 10 miles per hour under the posted speed limit.

³⁸ As punishable by s. 775.082 or s. 775.083, F.S., up to 1 year in jail and/or a \$1,000 fine.

A driver simultaneously violating these provisions and the provisions of s. 316.183, F.S. (relating to Unlawful Speed) shall receive a uniform noncriminal traffic citation for the unlawful speed violation.

Section 5 reincorporates s. 316.1923, F.S.

Section 6 requires the department to provide information on yielding the left lane in all of its driver license educational materials that are newly printed on or after October 1, 2013.

Section 7 amends s. 316.1937, F.S., to reduce the “fail point” of an IID, i.e., the threshold of the blood alcohol level at which the vehicle is prevented from starting. The bill lowers the BAC from 0.05 to 0.025.

Sections 8 and 9, amend ss. 316.302 and 316.025, F.S., revising provisions relating to commercial motor vehicles (CMV) to incorporate required federal law:

- The bill incorporates 49 C.F.R. § 383 into Florida law to incorporate provisions for violations of the texting and hand-held mobile telephone provisions of federal law, thereby avoiding a potential federal funds penalty for failure of the state to comply with federal law.
- The bill changes the date on which federal rules and regulations are incorporated from October 1, 2011 to December 31, 2012.
- The bill incorporates subpart F of 49 C.F.R. part 107 to authorize the DHSMV enforcement officers to conduct inspections on cargo tanks and cargo tank motor vehicles.
- The bill revises CMV regulations to conform both intra-state and inter-state related to physical qualifications for drivers.

Section 11, amends s. 316.646, F.S., to allow drivers to provide proof of required insurance by electronic means on an electronic device such as the display of a smartphone. The bill provides that the act of presenting an electronic device does not constitute consent of access to other information on the device and that the person presenting the device assumes all liability for any damage to the device. The department is granted rulemaking authority to administer the section.

Sections 12, 18, and 20, amends ss. 317.0016, 319.28 and 319.323, F.S., by removing obsolete provisions related to certificates of repossession. Because the title must be held by the lienholder when it disposes of a vehicle, there is no need for certificate of repossession.

Section 13, amends s. 318.14, F.S., to provide that the penalty for the commercial driver license holder also applies to the commercial learner’s permit holder. The department is aligning with the federal rule, 49 C.F.R. 384.226.

Section 14, amends s. 318.1451, F.S., clarifying the agency’s rulemaking authority to administer traffic law and substance abuse courses.

Section 15, creates s. 319.141, F.S., allowing the department to create a pilot rebuilt motor vehicle inspection program. By October 31, 2013 the department shall implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate alternatives for rebuilt inspection services to be offered by the private sector, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the department.

The bill requires the department to establish a memorandum of understanding that will allow private parties participating in the program to conduct rebuilt motor vehicles inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents.

The applicants shall meet basic criteria in order to be approved for the pilot program:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$50,000 executed by the applicant;
- Have and maintain garage liability and other insurance required the department;
- Have completed criminal background checks of owners, partners, and corporate officers and the inspectors employed by the facility;
- Meet any additional criteria the department determines necessary to conduct proper inspections;
- A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department;

The department shall submit a report to the President of the Senate and the Speaker of the House providing the results of the pilot program by February 1, 2015.

Section 319.141, F.S., shall stand repealed on July 1, 2015, unless reenacted by the Legislature.

Section 16, amends s. 319.225, F.S., to require that when a dealer sells a vehicle to an out of state resident or out of state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original and mail to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser.

The bill also allows for proper maintenance of electronic titles. The change will allow a new form for the buyer and seller in transferring motor vehicle electronic titles and will allow for those titles to remain electronic. If the transferee agrees to maintain the title electronically, both the transferor and the transferee must complete a secure reassignment document which discloses the odometer reading and be signed by both at the tax collector office or license plate agency.

Sections 17, 22, 53, and 54, amends ss. 319.23, 320.02, 328.01, and 324.48, F.S., to require applicants for the titling and/or registration of vehicles and vessels to provide an officially recognized form of identification including a driver license or state ID card from another state, and a valid passport. The bill provides business applicants the ability to use a local government – issued business license in lieu of a federal employer identification number.

Section 24 amends s. 320.05, F.S., removing the provision that electronic registration records shall be open to the inspection of the public during business hours. The bill clarifies the different

types of information that can be made available upon proof of identification. The bill deletes the provision allowing certain businesses and professionals obtaining information by telecommunication in certain circumstances. The bill also conforms and clarifies a list of records that may be provided by the department.

Section 19, 56, and 57, amends ss. 319.30, 713.585, 713.78, F.S., creating a pilot program in Miami-Dade and Hillsborough Counties for the inspection of rebuilt motor vehicles at privately owned locations. The bill also expands s. 319, 30, F.S., definitions regarding dismantling, destructing and identity changes of motor vehicles and mobile homes. The bill also requires motor vehicle records to be identified through a records check of the National Motor Vehicle Title Information System, and clarifies liens for recovering, towing and storing vehicles and mobile homes.

Section 19, amends s. 319.30, F.S., making a number of changes to statute addressing salvage vehicles. Significantly, all salvage motor vehicle dealers, secondary metals recyclers, auction, and independent entities dealing in junk or salvage vehicles must be registered with NMVTIS and all junk and salvage motor vehicle transactions must be reported to NMVTIS .

The threshold at which a vehicle is declared unrebuildable under current law (*i.e.*, 80 percent of the current retail price of the vehicle) is removed.

The bill adds defines a *Nonrepairable vehicle* as a vehicle that:

- Has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction; or
- Has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; and
- Has been substantially stripped as a result of theft;
- Is missing all of the bolt-on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies; or
- Is a substantially burned vehicle that:
 - Has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components; or
 - The owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally.

The bill limits the obligation a lienholder has to salvage motor vehicle dealer or to a secondary metals recycler to the purchase price of a derelict vehicle. Towing, storage, administrative, and other fees and costs may not be charged to the lienholder of the derelict vehicle.

Under current law, damaged vehicles with repair costs greater than 100% of replacement cost must have their title branded as a “Total Loss Vehicle”. The bill removes a provision requiring the owner of a “Total Loss Vehicle” to request the title of the vehicle to be so marked.

Licensed salvage motor vehicle dealers must within 72 hours of receiving the certificate of title, forward the title to the department for processing and make the required notification to the

NMVTIS. The owner, insurance company, or self-insured entity may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. The department must print a certificate of destruction when a motor vehicle or mobile home has been declared nonrepairable, and can authorize dismantling or destruction of that vehicle or mobile home.

Section 27, amends s. 320.18, F.S., expanding the department's authorization to withhold the registration of a motor vehicle or mobile home which was previously not legally registered, to also include any co-owner of the vehicle or mobile. Currently, such authorization applies only to owners.

Section 28, 29, 30, 31, and 32, amends ss. 320.27, 320.62, 320.77, 320.771, and 320.8225 F.S., allowing applicants for licenses necessary for motor vehicle dealers and manufacturers, mobile home dealers and manufacturers, and recreational vehicle dealers to choose an extension of the licensure period for an additional year, for a total of 2 years. An initial applicant pays to the department \$300 for the first year, \$75 for the second year, in addition to any other fees required by law. An applicant for renewal pays to the department \$75 for a 1-year renewal or \$150 for a 2-year renewal, in addition to any other fees required by law.

The bill amends s. 320.27(4)(a), F.S., adjusting the license issuance expiration date for franchise motor vehicle dealers from annually to expiring on December 31, of the year of its expiration unless the license is revoked or suspended prior to that date. Additionally, license issued to independent or wholesale dealer or auction will expire on April 30 of the year of its expiration unless revoked or suspended prior to that date. The department shall deliver or mail to each licensee the necessary renewal forms, at least 60 days before the license expire.

The bill also amends s. 320.27(5), F.S., allowing persons obtaining a supplemental license for permanent additional place or places of business, not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of \$50 for each such additional location. Applicants are allowed to choose to extend the licensure period for an additional year for a total of 2 years. He or she will pay to the department a fee of \$50 for the first year and \$50 for the second year for each additional location. Thereafter, the applicant shall pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for each such additional location.

The bill makes conforming changes to fee provisions to remain fee-neutral.

Section 33, amends s. 322.095, F.S., to require (1) Each driver license applicant must complete a traffic law and substance abuse education (TLSAE) course, unless he or she has been licensed in another jurisdiction or has satisfactorily completed a Department of Education driver education course offered pursuant to s. 1003.48, F.S.³⁹ The department approves traffic law and substance abuse education courses, including courses that use communications technology as delivery method. Initial approval of traffic law and substance abuse education courses shall be based on the department's review of all course materials which must be designed to promote safety, education, and driver awareness; course presentation to the department by the provider; and the

³⁹ <http://www.flsenate.gov/Laws/Statutes/2012/1003.48> (Instruction in operation of motor vehicles)

provider's plan for effective oversight. Each course provider seeking approval of a traffic law and substance abuse education course must submit; proof of ownership, copyright, or written permission from course owner to use the course in the state. Also, the curriculum must promote motorcyclist, bicyclist, and pedestrian safety and provide instruction on physiological and psychological consequences of the abuse of alcohol and other drugs; the societal and economic costs of alcohol and drug abuse; the effects of alcohol and drug abuse on the driver of a motor vehicle; the laws relating to the operation of a motor vehicle; the risk factors involved in driver attitude and irresponsible driver behaviors, such as speeding, reckless driving, and running red lights and stop signs; and results of the use of electronic devices while driving.

Prior to offering the course, the provider must obtain certification from the department. If the course is offered in a classroom setting, the course provider and any schools authorized by the provider to teach the course must offer the approved course at locations that are free from distractions and reasonably accessible to most applicants. The provider also must issue a certificate to persons successfully completing the course.

In addition to regular course costs, an assessment fee of \$3 shall be collected by the school from each person. The course provider must remit the \$3 assessment to the department for deposit into the Highway Safety Operating Trust Fund in order to receive a unique course completion certificate number for the student.

The department may maintain information and records necessary to administer its duties and responsibilities for the program. Course providers are required to maintain all records pertinent to the conduct of approved courses for 5 years and allow the department to inspect such records as necessary (can be electronic). If such information is a public record, it shall be made available to the public upon request.

The department shall design, develop, implement, and conduct effectiveness studies on each delivery method of approved courses on a recurring 3-year basis. Courses will be reviewed assessing the effectiveness in reducing DUI and moving traffic citations, and collision recidivism. If a course fails the effectiveness study, the provider shall immediately cease offering the course.

Courses must be updated at the department's request. The provider has 90 days to update course, if asked by department, failure to do so will result in suspension.

Course providers are responsible for the driver improvement schools conducting courses fully to the required time limits and content requirements—using only department approved materials. It is the responsibility of the course provider to ensure that students complete courses. If incompleteness is found due to action, error, or omission on the course provider or driver improvement school conducting the course there shall be accommodations made to permit that student's completion at no additional cost.

TLSAE courses are a minimum of 4 hours, devoted to course content minus a maximum of 30 minutes allotted for breaks.

Students are not allowed to purchase a course completion certificate. Course providers must clearly convey that only valid course completion certificates—those that are entered into the department’s Driver Improvement Certificate Issuance System. Paper certificates are not acceptable for any licensing purpose.

Course providers must clearly disclose all fees associated with course during the registration period.

Within 5 days of course completion, the course provider must submit persons having completed courses, at no cost to the student.

The department may deny, suspend, or revoke course approval upon proof that the course provider: (a) violate this section; (b) has been convicted of a crime involving any drug-related or DUI-related offense, a felony, fraud, or a crime directly related to the personal safety of a student; (c) failed to satisfy the effectiveness criteria as outlined in subsection (6); (d) obtained course approval by fraud or misrepresentation; (e) obtained or assisted a person in obtaining any driver license by fraud or misrepresentation; (f) conducted a traffic law and substance abuse education course in the state while approval of such course was under suspension or revocation; (g) failed to provide effective oversight of those who deliver the course in the state.

The department shall not accept certificates from students after a course has been suspended or revoked.

Persons convicted of drug-related or DUI-related crimes in the past 5 years; felony, fraud, or crimes directly related to personal safety of a student shall not be allowed to conduct traffic law and substance abuse education courses.

The department shall summarily suspend approval of any course without preliminary hearing for the purpose of protecting public safety and enforcing provisions of law governing traffic law and substance abuse education courses.

Before a course is denied, suspended, revoked, the course provider shall have the opportunity to request either a formal or informal administrative hearing to show cause as to why the action should not be taken.

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

Section 34, amends s. 322.125, F.S., providing that the composition of the Medical Advisory Board. The bill eliminates the requirements that a medical board member be a member of the Florida Medical Association, Florida Osteopathic Association or Florida Optometric Association.

Section 35, amends s. 322.135, F.S., allowing the county tax collectors, if he or she has reason to believe that a licensee is physically or mentally unqualified to operate a motor vehicle, may

choose not to issue or renew his or her driver license. The bill removes permissive language related to the tax collector's ability to refer such cases to DHSMV.

Section 36, amends s. 322.18, F.S., allowing a licensee who is eligible to renew his or her driver license, and must submit to a vision test, may be examined and test administered by a doctor of medicine or a doctor of osteopathy licensed to practice optometry in any state. The physician or optometrist must send results of that test to the department on a form obtained from the department and signed by such health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by the department-approved electronic means.

Section 37, amends s. 322.21, F.S. to modernize driver license language. This and subsequent sections change the word "driver's" to "driver" when referring to licenses.

Section 38, amends s. 322.212, F.S., to expand penalties for persons providing false information when applying for commercial driver license to include those persons applying for commercial learner's permit as well as those convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit, disqualifying he or she from operating a commercial motor vehicle for a period of 1 year.

Section 39, amends s. 322.22, F.S., to give the department the ability to refuse issuance of or renew a license.

Section 40 amends s. 322.245, F.S., allowing that the court shall electronically notify the department within 10 days of a person failing to comply, and having been charged, with a specified offense under chs. 316 and 320, F.S., with the court's directives ordered by traffic court or failure to pay child support.

Section 41 amends s. 322.25, F.S., repealing subsection 7 which allows for court-ordered temporary reinstatement of a DUI offender's driving privilege. The provision has not been used since 1982.

Section 42 and 43 amend, ss. 322.2615 and 322.2616, F.S., providing that the license suspension hearings may be conducted using electronic communications technology. Also, the bill clarifies that the failure of a subpoenaed witness to appear at the formal review hearing is not grounds to invalidate the suspension. However, if the witness fails to appear, a party may seek enforcement of a subpoena by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply resides or by filing a motion for enforcement in any criminal court case resulting from the driving or actual physical control of a motor vehicle that gave rise to the suspension. The bill further clarifies that a request for a formal review hearing or an informal review hearing shall not stay the suspension of the person's driver license. If the department fails to schedule the formal review hearing within 30 days after receipt of the request, the department shall invalidate the suspension. If the scheduled hearing is continued at the department's initiative or the driver enforces the subpoena as provided in s. 322.2615(3), F.S. The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or a correctional officer, including documents relating to the administration of a breath test or blood test or the refusal to take either test or the refusal to take a urine test. However, as

provided in s. 322.2615(6), F.S., the driver may subpoena the officer or any person who administered or analyzed breath or blood test. If the arresting officer or the breath technician fails to appear pursuant to a subpoena as provided in subsection 6, the department shall invalidate the suspension.

Section 44, amends s. 322.64, F.S., to bring the department into compliance with federal law, 49 CFR 383.51.⁴⁰ The bill clarifies that the statute's use of the term "disqualification" is considered a "conviction" for purposes of determining the length of a suspension period under the federal code. The bill also clarifies that, in hearings held pursuant to s. 322.64, F.S., a crash report shall be considered by the Hearing Officer, notwithstanding the exemption in s. 316.066, F.S. This mirrors an existing provision in s. 322.2615(2), F.S. Similarly, in s. 322.64(7) (a)1., F.S., relating to the scope of the hearing, the bill removes the word "arresting" from "arresting law enforcement officer." This change mirrors current provisions of ss. 322.2615(7) (a)1. and 322.2616(8) (a)1., F.S.

Section 45, amends s. 322.2715, F.S., to require that if a convicted person has been granted a medical waiver and is seeking a restricted license shall not be entitled to a restricted license until the required IID installation period under s. 322.2715(3), F.S., expires, in addition to the time requirements under s. 322.271, F.S. If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver license, the convicted person must be restricted to an employment-purposes-only (EPO) license and be supervised by a licensed DUI program until the required IID install period expires.

Section 46, amends s. 322.28, F.S., to provide that *convictions* that occur on the same date resulting from separate *offense* dates, shall be treated as separate convictions and the offense which occurred earlier will be deemed a prior conviction for the purpose of s. 322.28, F.S. The bill also removes the maximum revocation period for first DUI convictions as the courts are ordering revocation periods that exceed the maximum period. Removing this will allow the department to better enforce court orders without a conflict in statute.

This section also removes language that is no longer applicable in reference to reexaminations required upon expiration of the revocation period to obtain a new driver license and authorizing the court to issue an order of reinstatement on a form furnished by the department for reinstatement by the department pursuant to s. 322.282, F.S.

This section removes the court's ability to reinstate a license when revoked for a DUI. The redacting of this information would require all offenders to meet the departments' requirements for reinstatement of a DUI. It would close a loophole that says a person whose license has been revoked/suspended for an alcohol related offense may obtain a court order for reinstatement of their driving privilege on a temporary basis.

Section 47 repeals s. 322.331, F.S., relating to a habitual traffic offender (HTO) whose five-year revocation has expired, and has not had an HTO hearing, must request a hearing prior to driver license reinstatement. These hearings are cursory, with all such drivers granted the option to

⁴⁰ <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol5/pdf/CFR-2011-title49-vol5-sec383-51.pdf> (Subpart D – Driver Disqualifications and Penalties)

reinstate. The bill eliminates the requirement for a hearing. In no other circumstances do statutes require a hearing for reinstatement determination once a sanction has expired. This change would reduce the number of hearings held by the Bureau of Administrative Reviews by approximately 1,000 and free up resources for re-allocation.

Additionally, this section eliminates paragraph 2 of section 322.331, F.S., because it references requirements that must have occurred prior to July 1, 2011. Paragraph 2 was authorized for a one-time amnesty program. This section is no longer valid.

Section 48 amends s. 322.61, to remove the provisions of careless driving, fleeing or attempting to elude a law enforcement officer, driving CMV that are not properly insured. Also removing language concerning individuals who provide proof to the clerk of court or designated official where receiving a citation, by the date the individual must appear in court or pay any fine for violation, that he or she did hold valid commercial driver's license – therefore, was not guilty of offense.

The section also removes outdated CMV language regarding possession of controlled substances, and CMV licenseholder's whose driver license is suspended, revoked, or canceled or while a licenseholder is disqualified from driving a CMV.

The bill adds language concerning disqualification of CMV violations for commercial driver license.

The bill applies the same provisions to the commercial learner's permit as it does to the commercial driver license, and now mirrors the federal rule, 49 CFR 383.51.⁴¹

Section 49 amends s. 324.0221, F.S., providing that insurers issued policy providing personal injury protection coverage or property damage liability coverage shall report the cancellation or nonrenewal to the department within 10 days after the processing date of each renewal, cancellation or nonrenewal. Upon the issuance of a policy providing personal injury protection coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the department within 10 days. The report shall be in the form and format and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. The department may adopt rules regarding the form and documentation required. Failure by an insurer to file proper reports with the department as required by this subsection or rules adopted with respect to the requirements constitutes a violation of the Florida Insurance Code. These records shall be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

Section 50, amends s. 324.031, F.S., removing the bond of surety self-insurance option for persons self-insuring.

⁴¹ Id

Section 51, amends s. 324.091, F.S. removing the requirement that insurers and the department exchange certain coverage information via US mail, postage prepaid. The bill removes the US mail requirement, as the department and insurers move toward further electronic notification and data exchange.

Section 52, amends s. 324.161, F.S., to provide that a person can present proof of a certificate of deposit (CD) to be held by the financial institute that issued it. The CD must be in the amount of \$30,000, and a power of attorney issued and held by the department.

Section 55, amends s. 328.76, F.S., revising the requirement that the department retain a specified \$1.4 million of the Marine Resources Conservation Trust Fund to be deposited into the Highway Safety Operating Trust Fund for administrative costs, to authorize the department to only retain an amount equal to their administrative costs.

Section 56 amends s. 713.585, F.S., to require that a person claiming a lien on a vehicle for towing, storage, or other services must notify all persons claiming an interest in the vehicle as identified through a records check of the NMVTIS.

Section 57 amends s. 713.78, F.S., relating to persons who claim a wrecker operator's lien for recovery, towing, or storage of an abandoned vehicle or vessel upon instructions from property owner or law enforcement agency. The section is amended to also include a landlord or person authorized by a landlord, to cause the removal of vehicles or vessels that remain on the premises after tenancy terminated. Persons who claim a wrecker operator's lien for recovery, towing, or storage must check the records of NMVTIS to identify all interested parties when notifying the vehicle's owners.

Sections 58 through 74, either amend, revise, correct or repeal various sections of the bill to correct cross-references which will change as a result of the bill.

The bill takes effect July 1, 2013.

Other Potential Implications:

According to the DHSMV, significant programming is required to implement several provisions of the bill. Therefore, an effective date change of October 1, 2013, may be in order.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

Section 40 removing the requirement for habitual traffic offenders to attend a reinstatement hearing will result in a \$12 savings to such individuals. All other fees in the bill remain fee-neutral.

B. Private Sector Impact:

The bill makes a number of changes extending penalties to holders of commercial learner permits that are indeterminate but likely negative.

C. Government Sector Impact:**FISCAL IMPACT ON STATE FUNDS:**

	Amount Year 1 <u>FY 2013-2014</u>	Amount Year 2 <u>FY 2014-2015</u>	Amount Year 3 <u>FY 2015-2016</u>
Non-Recurring or First Year Start Up Effects:			

This bill will require programming, which the cost will be absorbed within existing resources.

Recurring or Annualized
Continuation Effects:

Section 10:**REVENUES:**

Paper Title Service Fee			
Highway Safety Operating TF	<u>(\$ 415,691)</u>	<u>(\$ 415,691)</u>	<u>(\$ 415,691)</u>
Fast Title Fees			
General Revenue Fund	<u>(\$ 93,408)</u>	<u>(\$ 93,408)</u>	<u>(\$ 93,408)</u>
Highway Safety Operating TF	<u>(306,740)</u>	<u>(\$ 306,740)</u>	<u>(\$ 306,740)</u>
Total Fast Title Impact – State Funds	<u>(\$ 400,148)</u>	<u>(\$ 400,148)</u>	<u>(\$ 400,148)</u>
Total Section 10:	<u>(\$ 815,839)</u>	<u>(\$ 815,839)</u>	<u>(\$ 815,839)</u>

The above impact assumes 5% of customers electing to maintain their title electronically.

Section 30:

EXPENDITURES:

Highway Safety Operating Trust Fund

Purchase of Driver Licenses	\$ 75,411	\$ 75,411	\$ 75,411

Reflected above is the production cost to issue a Commercial License Permit plastic card.

	Amount Year 1 <u>FY 2013-2014</u>	Amount Year 2 <u>FY 2014-2015</u>	Amount Year 3 <u>FY 2015-2016</u>

Section 48:REVENUES:

Highway Safety Operating Trust Fund

Vessel Administrative Fee	(\$ 596,272)	(\$ 596,272)	(\$ 596,272)

Florida Fish and Wildlife Commission

Marine Resources Conservation TF

Vessel Base Tax Revenues	\$ 596,272	\$ 596,272	\$ 596,272

Total Revenues	\$ 0	\$ 0	\$ 0

Above is the estimated additional transfer of vessel base tax revenues to the Florida Fish and Wildlife Commission. The Department will retain sufficient revenues to cover the administrative cost of the program.

Long-Run Effects Other
Than Normal Growth:

None

Total Recurring and
Non-Recurring Effects:

REVENUES:

General Revenue Fund	(\$ 93,408)	(\$ 93,408)	(\$ 93,408)

Florida Fish and Wildlife Commission

Marine Resources Conservation TF	\$ 596,272	\$ 596,272	\$ 596,272

Department of Highway Safety

Highway Safety Operating TF	(\$ 1,318,703)	(\$ 1,318,703)	(\$ 1,318,703)

Total Revenues:	(\$ 815,839)	(\$ 815,839)	(\$ 815,839)

EXPENDITURES:

Department of Highway Safety

Highway Safety Operating TF	\$ 75,411	\$ 75,411	\$ 75,411

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. 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 14, 2013:

The bill:

- added provisions authorizing DHSMV to implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate private services for the inspection of rebuilt vehicles.
- added provisions relating to road rage and the requirement for drivers to yield to overtaking vehicles, and limiting violations to drivers traveling no more than 10 mph under the speed limit.
- added provisions revising the notification and the value threshold used in salvage vehicle transactions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 308 and 309
insert:

Section 2. The intent of the Legislature is to reduce road rage and traffic congestion by reducing the incidence of crashes and drivers' interferences with the movement of traffic and by promoting the orderly, free flow of traffic on the roads and highways of the state.

Section 3. Subsection (91) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when



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used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(91) ROAD RAGE.—The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, bicyclist, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, bicyclist, or pedestrian.

Section 4. Present subsection (3) of section 316.083, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(3)(a) On a road, street, or highway having two or more lanes that allow 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.

(b) Paragraph (a) does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

1. The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower vehicle before moving to the adjacent right-hand lane;

2. Conditions preclude the driver from moving to the adjacent right-hand lane;



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42 3. The driver's movement to the adjacent right-hand lane
43 could endanger the driver or other drivers;

44 4. The driver is directed by a law enforcement officer,
45 road sign, or road crew to remain in the furthestmost left-hand
46 lane; or

47 5. The driver is preparing to make a left turn.

48 Section 5. For the purpose of incorporating the amendment
49 made by this act to section 316.083, Florida Statutes, in a
50 reference thereto, section 316.1923, Florida Statutes, is
51 reenacted to read:

52 316.1923 Aggressive careless driving.—“Aggressive careless
53 driving” means committing two or more of the following acts
54 simultaneously or in succession:

55 (1) Exceeding the posted speed as defined in s.
56 322.27(3) (d) 5.b.

57 (2) Unsafely or improperly changing lanes as defined in s.
58 316.085.

59 (3) Following another vehicle too closely as defined in s.
60 316.0895(1).

61 (4) Failing to yield the right-of-way as defined in s.
62 316.079, s. 316.0815, or s. 316.123.

63 (5) Improperly passing as defined in s. 316.083, s.
64 316.084, or s. 316.085.

65 (6) Violating traffic control and signal devices as defined
66 in ss. 316.074 and 316.075.

67 Section 6. The Department of Highway Safety and Motor
68 Vehicles shall provide information about the Florida Highway
69 Safety Act in all driver license educational materials that are
70 newly printed on or after October 1, 2013.



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

And the title is amended as follows:

Delete line 7

and insert:

vehicle"; providing legislative intent relating to
road rage and traffic congestion; amending s. 316.003,
F.S.; defining the term "road rage"; amending s.
316.083, F.S.; requiring that an operator of a motor
vehicle yield the furthestmost left-hand lane when
being overtaken on a multilane highway; providing
exceptions; reenacting s. 316.1923, F.S., relating to
aggressive careless driving, to incorporate the
amendments made to s. 316.083, F.S., in a reference
thereto; requiring that the Department of Highway
Safety and Motor Vehicles provide information about
the act in driver license educational materials that
are newly published on or after a specified date;
amending s. 316.1937, F.S.; revising



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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
03/18/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment to Amendment (228170)

Delete lines 46 - 47
and insert:

lane;

5. The driver is preparing to make a left turn; or

6. The driver is traveling at a speed not less than 10
miles per hour under the posted speed limit.



248292

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 670 and 671
insert:

Section 10. Section 319.141, Florida Statutes, is created
to read:

319.141 Pilot rebuilt motor vehicle inspection program.—

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

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

(b) "Rebuilt inspection" means an examination of a rebuilt
vehicle and a properly endorsed certificate of title, salvage



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certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

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

(3) The department shall establish a memorandum of understanding that allows private parties participating in the pilot program to conduct rebuilt motor vehicle inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents.

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

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

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

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



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

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

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

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

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

And the title is amended as follows:

Delete line 50

and insert:

rules; creating s. 319.141, F.S.; establishing a pilot rebuilt motor vehicle inspection program; providing definitions; requiring the department to contract with private vendors to establish and operate inspection facilities in certain counties; providing minimum requirements for applicants; requiring the department to submit a report to the Legislature; providing for future repeal; amending s. 319.225, F.S.; revising provisions



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 3794 and 3795
insert:

Section 66. Subsections (1), (2), (3), (7), (8), (9), and (11) of section 319.30, Florida Statutes, are amended, and a new subsection (11) is added to 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:

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



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

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

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

(e) "Derelict motor vehicle" means:

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

2. Any trailer as defined in s. 320.01(1), with or without all parts, major parts, or major component parts, which is valued under \$5,000, is at least 10 model years old, beginning with the model year of the vehicle as year one, and is in such condition that its highest or primary value is for sale,



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transport, or delivery to a licensed salvage motor vehicle dealer or registered secondary metals recycler for conversion to scrap metal.

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

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

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

(i) "Major component parts" means:



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71 1. For motor vehicles other than motorcycles, any fender,
72 hood, bumper, cowl assembly, rear quarter panel, trunk lid,
73 door, decklid, floor pan, engine, frame, transmission, catalytic
74 converter, or airbag.

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

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

81 4. For mobile homes, the frame.

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

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

86 (l) "Mobile home" means mobile home as defined in s.
87 320.01(2).

88 (m) "Motor vehicle" means motor vehicle as defined in s.
89 320.01(1).

90 (n) "National Motor Vehicle Title Information System" means
91 the national mandated vehicle history database required under 28
92 C.F.R. part 25 and maintained for the United States Department
93 of Justice that links the states' motor vehicle title records,
94 including the department's motor vehicle title records, and
95 requires the reporting of junk and salvage motor vehicles in
96 order to ensure that states, law enforcement agencies, and
97 consumers have access to vehicle titling, branding, and other
98 information that enables them to verify the accuracy and
99 legality of motor vehicle titles before purchase or title



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transfer of the vehicle occurs.

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

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

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

a. Has been substantially stripped as a result of theft;

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

c. Is a substantially burned vehicle that:

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

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

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

(q) ~~(o)~~ "Prepared materials" means motor vehicles, mobile homes, derelict motor vehicles, major parts, or parts that have been processed by mechanically flattening or crushing, or otherwise processed such that they are not the motor vehicle or



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mobile home described in the certificate of title, or their only value is as scrap metal.

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

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

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

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

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

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

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

(y)~~(v)~~ "Seller" means the owner of record or a person who has physical possession and responsibility for a derelict motor vehicle and attests that possession of the vehicle was obtained through lawful means along with all ownership rights. A seller does not include a towing company, repair shop, or landlord unless the towing company, repair shop, or landlord has obtained



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title, salvage title, or a certificate of destruction in the name of the towing company, repair shop, or landlord.

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

(b)1. When a motor vehicle, recreational vehicle, or mobile home is sold, transported, delivered to, or received by a salvage motor vehicle dealer, it shall be accompanied by:

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

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

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

2. Any person who knowingly violates this paragraph by selling, transporting, delivering, purchasing, or receiving a motor vehicle, recreational vehicle, or mobile home without



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obtaining a properly endorsed certificate of title, salvage certificate of title, or certificate of destruction from the owner commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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



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department. The derelict motor vehicle certificate application must be accompanied by a legible copy of the seller's or owner's valid Florida driver's license or Florida identification card, or a valid driver's license or identification card issued by another state. If the seller is not the owner of record of the vehicle being sold, the dealer shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted upon the derelict motor vehicle certificate application and that a legible copy of the seller's driver's license or identification card is affixed to the application and transmitted to the department. The licensed salvage motor vehicle dealer shall secure the derelict motor vehicle for 3 full business days, excluding weekends and holidays, if there is no active lien or a lien of 3 years or more on the department's records before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery of the original derelict motor vehicle certificate application to an agent of the department within 24 hours after receiving the derelict motor vehicle. If there is an active lien of less than 3 years on the derelict motor vehicle, the licensed salvage motor vehicle dealer shall secure the derelict motor vehicle for 10 days. The department shall notify the lienholder that a derelict motor vehicle certificate has been issued and shall notify the lienholder of its intention to remove the lien. Ten days after receipt of the motor vehicle derelict certificate application, the department may remove the lien from its records if a written statement protesting removal of the lien is not



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received by the department from the lienholder within the 10-day period. However, if the lienholder files with the department and the licensed salvage motor vehicle dealer within the 10-day period a written statement that the lien is still outstanding, the department shall not remove the lien and shall place an administrative hold on the record for 30 days to allow the lienholder to apply for title to the vehicle or a repossession certificate under s. 319.28. The licensed salvage motor vehicle dealer must secure the derelict motor vehicle until the department's administrative stop is removed, the lienholder submits a lien satisfaction, or the lienholder takes possession of the vehicle. The licensed salvage motor vehicle dealer may require the lienholder to reimburse him or her only for the dealer's purchase price of the derelict vehicle and shall not include any towing costs, storage fees, administrative fees, or other costs.

3. Any person who knowingly violates this paragraph by selling, transporting, delivering, purchasing, or receiving a derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate application; enters false or fictitious information on a derelict motor vehicle certificate application; does not complete the derelict motor vehicle certificate application as required; does not obtain a legible copy of the seller's or owner's valid driver's license or identification card when required; does not make the required notification to the department; or destroys or dismantles a derelict motor vehicle without waiting the required time as set forth in subparagraph 2. commits a felony of the third degree,



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punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

(b) The owner, including ~~persons who are~~ self-insured entities, of any motor vehicle or mobile home which 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.



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However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing and make the required notification to the National Motor Vehicle Title Information System. The owner, ~~or~~ insurance company, or self-insured entity as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner, ~~or~~ insurance company, or self-insured entity must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the motor vehicle is a nonrepairable vehicle ~~estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide~~, the department shall declare the vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the



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department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss." The certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition with all major component parts present and is readily resalable without extensive repairs ~~to or replacement of the frame or engine~~. Any person who knowingly violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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



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

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

4.a. Motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles from other than a secondary metals recycler for purposes of the processing of such motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles, the purchaser shall record the date of purchase and the name, address, and personal identification card number of the person selling such items and shall obtain the following documentation from the seller with respect to each item purchased:

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

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

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

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

b. If a valid certificate of title, salvage certificate of



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title, certificate of destruction, or derelict motor vehicle certificate is not available and the motor vehicle or mobile home is a derelict motor vehicle, a derelict motor vehicle certificate application shall be completed by the seller or owner of the motor vehicle or mobile home, the seller's or owner's authorized transporter, and the registered secondary metals recycler at the time of sale, transport, or delivery to the registered secondary metals recycler to obtain a derelict motor vehicle certificate from the department. The derelict motor vehicle certificate application must be accompanied by a legible copy of the seller's or owner's valid Florida driver's license or Florida identification card, or a valid driver's license or identification card from another state. If the seller is not the owner of record of the vehicle being sold, the recycler shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted upon the derelict motor vehicle certificate application and that the legible copy of the seller's driver's license or identification card is affixed to the application and transmitted to the department. The derelict motor vehicle certificate shall be used by the owner, the owner's authorized transporter, and the registered secondary metals recycler. The registered secondary metals recycler shall secure the derelict motor vehicle for 3 full business days, excluding weekends and holidays, if there is no active lien or a lien of 3 years or more on the department's records before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery



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of the original derelict motor vehicle certificate application to an agent of the department within 24 hours after receiving the derelict motor vehicle. If there is an active lien of less than 3 years on the derelict motor vehicle, the registered secondary metals recycler shall secure the derelict motor vehicle for 10 days. The department shall notify the lienholder of the application for a derelict motor vehicle certificate and shall notify the lienholder of its intention to remove the lien. Ten days after receipt of the motor vehicle derelict application, the department may remove the lien from its records if a written statement protesting removal of the lien is not received by the department from the lienholder within the 10-day period. However, if the lienholder files with the department and the registered secondary metals recycler within the 10-day period a written statement that the lien is still outstanding, the department shall not remove the lien and shall place an administrative hold on the record for 30 days to allow the lienholder to apply for title to the vehicle or a repossession certificate under s. 319.28. The registered secondary metals recycler must secure the derelict motor vehicle until the department's administrative stop is removed, the lienholder submits a lien satisfaction, or the lienholder takes possession of the vehicle. The registered secondary metals recycler may require the lienholder to reimburse him or her only for the recycler's purchase price of derelict vehicle and shall not include any towing cost, storage fees, administrative fees, or other costs.

c. Any person who knowingly violates this subparagraph by selling, transporting, delivering, purchasing, or receiving a



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motor vehicle, recreational motor vehicle, mobile home, or derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate; enters false or fictitious information on a derelict motor vehicle certificate application; does not complete the derelict motor vehicle certificate application as required or does not make the required notification to the department; does not obtain a legible copy of the seller's or owner's driver's license or identification card when required; or destroys or dismantles a derelict motor vehicle without waiting the required time as set forth in sub-subparagraph b. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(8)(a) Secondary metals recyclers and salvage motor vehicle dealers shall return to the department on a monthly basis all certificates of title and salvage certificates of title that are required by this section to be obtained. Secondary metals recyclers and salvage motor vehicle dealers may elect to notify the department electronically through procedures established by



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the department when they receive each motor vehicle or mobile home, salvage motor vehicle or mobile home, or derelict motor vehicle with a certificate of title or salvage certificate of title through procedures established by the department. The department may adopt rules and establish fees as it deems necessary or proper for the administration of the electronic notification service.

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

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

(d)~~(e)~~ For the purpose of enforcement of this section, the department or its agents and employees have the same right of



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inspection as law enforcement officers as provided in s.
812.055.

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

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

(g)~~(f)~~ This section does not authorize any person who is engaged in the business of recovering, towing, or storing



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vehicles pursuant to s. 713.78, and who is claiming a lien for performing labor or services on a motor vehicle or mobile home pursuant to s. 713.58, or is claiming that a motor vehicle or mobile home has remained on any premises after tenancy has terminated pursuant to s. 715.104, to use a derelict motor vehicle certificate application for the purpose of transporting, selling, disposing of, or delivering a motor vehicle to a salvage motor vehicle dealer or secondary metals recycler without obtaining the title or certificate of destruction required under s. 713.58, s. 713.78, or s. 715.104.

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

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

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

(k)~~(j)~~ The licensed salvage motor vehicle dealer or



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

(9)(a) An insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle to release the vehicle 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 to the owner. The form shall, 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.
4. The signature of an authorized representative of the insurance company.

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



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entity may apply for a certificate of destruction or a
certificate of title.

(c) 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.

(d)~~(e)~~ Upon applying for a certificate of destruction or
salvage 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, and applicable fees.

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

(11) All salvage motor vehicle dealers, secondary metals
recyclers, auctions, independent entities, or self-insured
entities that deal in salvage motor vehicles must be registered
with the National Motor Vehicle Title Information System and
shall be required to provide their registration number before
being licensed by the department or before processing any
certificate of title, salvage certificate of title, certificate
of destruction, or derelict certificate by the department.

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

Section 67. Subsections (1), (2), (3), (4), (9), and (13)



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of section 713.585, Florida Statutes, are amended to read:

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

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

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

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

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

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

(e) Notice that the lien claimed by the lienor is subject



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to enforcement pursuant to this section and that the vehicle may be sold to satisfy the lien.

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

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

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

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

(2) If attempts to locate the owner or lienholder are unsuccessful after a check of the records of the Department of Highway Safety and Motor Vehicles and any state disclosed by the check of the National Motor Vehicle Title Information System, the lienor must notify the local law enforcement agency in writing by certified mail or acknowledged hand delivery that the lienor has been unable to locate the owner or lienholder, that a physical search of the vehicle has disclosed no ownership



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information, and that a good faith effort, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System, has been made. A description of the motor vehicle which includes the year, make, and identification number must be given on the notice. This notification must take place within 15 business days, excluding Saturday and Sunday, from the beginning date of the assessment of storage charges on said motor vehicle. For purposes of this paragraph, the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and title:

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

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

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

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

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

(3) If the date of the sale was not included in the notice required in subsection (1), notice of the sale must be sent by certified mail, return receipt requested, not less than 15 days



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before the date of sale, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien on the motor vehicle, as disclosed by the records of the Department of Highway Safety and Motor Vehicles or of a corresponding agency of any other state in which the vehicle appears to have been registered after completion of a check of the National Motor Vehicle Title Information System. ~~After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements for this notice may be disregarded.~~

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

(9) A copy of the certificate of compliance and the report of sale, certified by the clerk of the court, and proof of the required check of the National Motor Vehicle Title Information System shall constitute satisfactory proof for application to



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the Department of Highway Safety and Motor Vehicles for transfer of title, together with any other proof required by any rules and regulations of the department.

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

Section 68. Section 713.78, Florida Statutes, is amended to read:

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

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

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

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

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



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

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

(a) The owner thereof;

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

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

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

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

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

(4) (a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection



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(2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or as disclosed by the records of any ~~of a~~ corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System as being titled or registered.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency



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within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

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

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



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

1. Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.

2. Check of the electronic National Motor Vehicle Title Information System to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.

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

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

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

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

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

8.6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a



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state of registration.

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

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

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

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

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

(c) Upon determining the respective rights of the parties,



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the court may award damages, attorney's fees, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of any ~~the~~ corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System as being titled. Notice shall be sent by certified mail to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days



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before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner or lienholder is absent, and the clerk shall hold such proceeds subject to the claim of the owner or lienholder legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order. The owner or lienholder may file a complaint after the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party.

(7)(a) A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels, provided that such services have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and



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reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle or vessel is removed, such removal has been done in compliance with s. 715.07. Further, a wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer.

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

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

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

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

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

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

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



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

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

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

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

(10) Persons who provide services pursuant to this section



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shall permit vehicle or vessel owners, lienholders, insurance company representatives, or their agents, which agency is evidenced by an original writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner, lienholder, or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, shall report the vehicle to the National Motor Vehicle Title Information System and apply to the Department of Highway Safety and Motor Vehicles ~~county tax collector~~ for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include proof of reporting to the National Motor Vehicle Title Information



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System and an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state or any other state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

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

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

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

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

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

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers are authorized to inspect the records of any person regularly engaged in the business of



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recovering, towing, or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck, or car carrier, to ensure compliance with the requirements of this section. Any person who fails to maintain records, or fails to produce records when required in a reasonable manner and at a reasonable time, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

3. A general description of the vehicle or vessel,



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including its color, make, model, body style, and year.

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

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

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

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

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

a. The registered owner presents a notarized bill of sale proving that the vehicle or vessel was sold in a private or



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casual sale before the vehicle or vessel was recovered, towed, or stored.

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

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

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle or vessel is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in



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nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle or vessel was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle or vessel was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate



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or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle or vessel was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

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

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle or vessel attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker



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operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

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

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

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

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

And the title is amended as follows:

Delete line 235
and insert:



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provisions to changes made by the act; amending s.
319.30, F.S.; defining the terms "National Motor
Vehicle Title Information System," "nonrepairable
vehicle," and "self-insured entity" in connection with
the dismantling, destruction, change of identity of
motor vehicles or mobile homes, and the salvage of
such vehicles; providing for the department to declare
certain vehicles as nonrepairable and print a
certificate of destruction; permitting a licensed
salvage motor vehicle dealer or a registered secondary
metals recycler to seek reimbursement for the purchase
price of a derelict vehicle from a lienholder and
prohibiting the recovery of any other costs; including
a self-insured motor vehicle or mobile home in the
existing framework for determining a total loss
vehicle; requiring a self-insured entity that is the
owner of a motor vehicle or mobile home that is
considered salvage to forward the title to the motor
vehicle or mobile home to the department for
processing within 72 hours after the motor vehicle or
mobile home becomes salvage; requiring an insurance
company that pays money as compensation for a salvaged
motor vehicle or mobile home to obtain the certificate
of title, and within 72 hours, forward the certificate
of title to the department for processing, and make
the required notification to the National Motor
Vehicle Title Information System; requiring a self-
insured entity to provide the department with an
estimate of the costs of repairing the physical and



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1289 mechanical damage suffered by the vehicle for which a
1290 salvage certificate of title or certificate of
1291 destruction is sought; requiring that a vehicle for
1292 which a certificate of destruction is sought to
1293 authorize the dismantling or destruction of the motor
1294 vehicle or mobile home by a licensed salvage motor
1295 vehicle dealer; requiring secondary metals recyclers
1296 and salvage motor vehicle dealers to keep an original,
1297 or a copy in the event the original was returned to
1298 the department, of proof of reporting to the National
1299 Motor Vehicle Title Information System; requiring
1300 secondary metals recyclers and salvage motor vehicle
1301 dealers to make certain reports on a monthly basis;
1302 requiring an independent entity to make notification
1303 to the National Motor Vehicle Title Information System
1304 before releasing any damaged or dismantled motor
1305 vehicle to the owner or before applying for a
1306 certificate of destruction or salvage certificate of
1307 title; requiring all salvage motor vehicle dealers,
1308 secondary metals recyclers, auctions, independent
1309 entities, or self-insured entities that operate in
1310 salvage motor vehicles to register with the National
1311 Motor Vehicle Title Information System; amending s.
1312 713.585, F.S.; requiring that a lienholder check the
1313 National Motor Vehicle Title Information System or the
1314 records of any corresponding agency of any other state
1315 before enforcing a lien by selling the motor vehicle;
1316 requiring the lienholder to notify the local law
1317 enforcement agency in writing by certified mail



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1318 informing the law enforcement agency that the
1319 lienholder has made a good faith effort to locate the
1320 owner or lienholder; specifying that a good faith
1321 effort includes a check of the Department of Highway
1322 Safety and Motor Vehicles database records and the
1323 National Motor Vehicle Title Information System;
1324 setting requirements for notification of the sale of
1325 the vehicle as a way to enforce a lien; requiring the
1326 lienholder to publish notice; requiring the lienholder
1327 to keep a record of proof of checking the National
1328 Motor Vehicle Title Information System; amending s.
1329 713.78, F.S.; revising provisions for enforcement of a
1330 lien for recovering, towing, or storing a vehicle or
1331 vessel; providing an



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2013	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3540 - 3633
and insert:

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

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

(4) Notwithstanding the provisions of s. 322.28(2)(d) ~~322.28(2)(e)~~, a person whose driving privilege has been permanently revoked because he or she has been convicted of DUI



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manslaughter in violation of s. 316.193 and has no prior convictions for DUI-related offenses may, upon the expiration of 5 years after the date of such revocation or the expiration of 5 years after the termination of any term of incarceration under s. 316.193 or former s. 316.1931, whichever date is later, petition the department for reinstatement of his or her driving privilege.

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

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

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

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

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

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

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

2. Such person must be supervised by a DUI program licensed by the department and report to the program for such supervision and education at least four times a year or additionally as



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required by the program for the remainder of the revocation period. Such supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

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

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

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

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

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

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



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

73 3. Has been drug-free for at least 5 years prior to the
74 hearing; and

75 4. Has completed a DUI program licensed by the department.

76 (b) At the hearing, the department shall determine the
77 petitioner's qualification, fitness, and need to drive, and may,
78 after such determination, reinstate the petitioner's driver
79 ~~driver's~~ license. The reinstatement shall be subject to the
80 following qualifications:

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

83 2. The petitioner must be supervised by a DUI program
84 licensed by the department and must report to the program for
85 supervision and education at least four times a year or more, as
86 required by the program, for the remainder of the revocation
87 period. The supervision shall include evaluation, education,
88 referral into treatment, and other activities required by the
89 department.

90 (c) The petitioner must assume the reasonable costs of
91 supervision. If the petitioner does not comply with the required
92 supervision, the program shall report the failure to the
93 department, and the department shall cancel such person's
94 driving privilege.

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

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



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(7) A person who has never had a driver license suspended under s. 322.2615, has never been disqualified under s. 322.64, has never been convicted of a violation of s. 316.193, has never applied for a business purposes only license, as defined in this section, whose driving privilege has been suspended pursuant to this section may apply for a business purposes only driver license without a hearing if the person meets the requirements of this section and s. 322.291, and is otherwise eligible for a driver license.

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

(b) The reinstatement shall be restricted to business purposes only for the duration of the suspension imposed under s. 322.2615.

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

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

And the title is amended as follows:

Delete lines 232 - 235



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and insert:

316.550, 317.0003, 320.08, 320.0847, 322.282, 324.023,
324.171, 324.191, 627.733, and 627.7415, F.S.;
correcting cross-references and conforming provisions
to changes made by the act; amending s. 322.271, F.S.;
providing procedures for certain persons who have no
previous convictions for certain alcohol-related
driving offenses to be issued a driver license for
business purposes only; providing an



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2013	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1916 - 1918
and insert:

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of issuance of the notice of suspension or may request a restricted license pursuant to s. 322.271(7), if eligible.

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



242586

13 And the title is amended as follows:
14 Delete lines 165 - 185
15 and insert:
16 construction of specified provisions; providing
17 procedures for a driver to be issued a restricted
18 license under certain circumstances; amending s.

By Senator Brandes

22-00563A-13

20131458

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 207.002, F.S.,
 4 relating to the Florida Diesel Fuel and Motor Fuel Use
 5 Tax Act of 1981; deleting definitions of the terms
 6 "apportioned motor vehicle" and "apportionable
 7 vehicle"; amending s. 316.1937, F.S.; revising
 8 operational specifications for ignition interlock
 9 devices; amending s. 316.302, F.S.; revising
 10 provisions for certain commercial motor vehicles and
 11 transporters and shippers of hazardous materials;
 12 providing for application of specified federal
 13 regulations; removing a provision for application of
 14 specified provisions and federal regulations to
 15 transporting liquefied petroleum gas; amending s.
 16 316.3025, F.S.; providing penalties for violation of
 17 specified federal regulations relating to medical and
 18 physical requirements for commercial drivers while
 19 driving a commercial motor vehicle; revising
 20 provisions for seizure of a motor vehicle for refusal
 21 to pay penalty; amending s. 316.545, F.S.; revising
 22 language relating to certain commercial motor vehicles
 23 not properly licensed and registered; amending s.
 24 316.646, F.S.; authorizing the use of an electronic
 25 device to provide proof of insurance under the
 26 section; providing that displaying such information on
 27 an electronic device does not constitute consent for a
 28 law enforcement officer to access other information
 29 stored on the device; providing that the person

Page 1 of 131

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

22-00563A-13

20131458

30 displaying the device assumes the liability for any
 31 resulting damage to the device; requiring the
 32 department to adopt rules; amending s. 317.0016, F.S.,
 33 relating to expedited services; removing a requirement
 34 that the department provide such service for certain
 35 certificates; amending s. 318.14, F.S., relating to
 36 disposition of traffic citations; providing that
 37 certain alternative procedures for certain traffic
 38 offenses are not available to a person who holds a
 39 commercial learner's permit; amending s. 318.1451,
 40 F.S.; revising provisions relating to driver
 41 improvement schools; removing a provision for a chief
 42 judge to establish requirements for the location of
 43 schools within a judicial circuit; removing a
 44 provision that authorizes a person to operate a driver
 45 improvement school; revising provisions for persons
 46 taking unapproved course; providing criteria for
 47 initial approval of courses; revising requirements for
 48 assessment fees, courses, course certificates, and
 49 course providers; directing the department to adopt
 50 rules; amending s. 319.225, F.S.; revising provisions
 51 for certificates of title, reassignment of title, and
 52 forms; revising procedures for transfer of title;
 53 amending s. 319.23, F.S.; revising requirements for
 54 content of certificates of title and applications for
 55 title; amending s. 319.28, F.S.; revising provisions
 56 for transfer of ownership by operation of law when a
 57 motor vehicle or mobile home is repossessed; removing
 58 provisions for a certificate of repossession; amending

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59 s. 319.323, F.S., relating to expedited services of
 60 the department; removing certificates of repossession;
 61 amending s. 320.01, F.S.; removing the definition of
 62 the term "apportioned motor vehicle"; revising the
 63 definition of the term "apportionable motor vehicle";
 64 amending s. 320.02, F.S.; revising requirements for
 65 application for motor vehicle registration; amending
 66 s. 320.03, F.S.; revising a provision for registration
 67 under the International Registration Plan; amending s.
 68 320.05, F.S.; revising provisions relating to record
 69 inspection procedures and fees; deleting provisions
 70 that permit certain public inspection of registration
 71 records; deleting a provision allowing certain
 72 businesses and professionals to obtain information by
 73 telecommunication in certain circumstances; conforming
 74 and clarifying a list of records that may be provided
 75 by the department; amending s. 320.071, F.S.; revising
 76 a provision for advance renewal of registration under
 77 the International Registration Plan; amending s.
 78 320.0715, F.S.; revising provisions for vehicles
 79 required to be registered under the International
 80 Registration Plan; amending s. 320.18, F.S.; providing
 81 for withholding of motor vehicle or mobile home
 82 registration when a coowner has failed to register the
 83 motor vehicle or mobile home during a previous period
 84 when such registration was required; providing for
 85 cancelling a vehicle or vessel registration, driver
 86 license, identification card, or fuel-use tax decal if
 87 the coowner pays certain fees and other liabilities

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88 with a dishonored check; amending s. 320.27, F.S.,
 89 relating to motor vehicle dealers; providing for
 90 extended periods for dealer licenses and supplemental
 91 licenses; providing fees; amending s. 320.62, F.S.,
 92 relating to manufacturers, distributors, and importers
 93 of motor vehicles; providing for extended licensure
 94 periods; providing fees; amending s. 320.77, F.S.,
 95 relating to mobile home dealers; providing for
 96 extended licensure periods; providing fees; amending
 97 s. 320.771, F.S., relating to recreational vehicle
 98 dealers; providing for extended licensure periods;
 99 providing fees; amending s. 320.8225, F.S., relating
 100 to mobile home and recreational vehicle manufacturers,
 101 distributors, and importers; providing for extended
 102 licensure periods; providing fees; amending s.
 103 322.095, F.S.; requiring an applicant for a driver
 104 license to complete a traffic law and substance abuse
 105 education course; providing exceptions; revising
 106 procedures for evaluation and approval of such
 107 courses; revising criteria for such courses and the
 108 schools conducting the courses; providing for
 109 collection and disposition of certain fees; requiring
 110 providers to maintain records; directing the
 111 department to conduct effectiveness studies; requiring
 112 a provider to cease offering a course that fails the
 113 study; requiring courses to be updated at the request
 114 of the department; providing a timeframe for course
 115 length; prohibiting a provider from charging for a
 116 completion certificate; requiring providers to

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117 disclose certain information; requiring providers to
 118 submit course completion information to the department
 119 within a certain time period; prohibiting certain
 120 acts; providing that the department shall not accept
 121 certification from certain students; prohibiting a
 122 person convicted of certain crimes from conducting
 123 courses; directing the department to suspend course
 124 approval for certain purposes; providing for the
 125 department to deny, suspend, or revoke course approval
 126 for certain acts; providing for administrative hearing
 127 before final action denying, suspending, or revoking
 128 course approval; providing penalties for violations;
 129 amending s. 322.125, F.S.; revising criteria for
 130 members of the Medical Advisory Board; amending s.
 131 322.135, F.S.; removing a provision that authorizes a
 132 tax collector to direct certain licensees to the
 133 department for examination or reexamination; amending
 134 s. 322.18, F.S.; revising provisions for a vision test
 135 required for driver license renewal for certain
 136 drivers; amending s. 322.21, F.S.; providing a fee for
 137 a commercial learner's permit; amending s. 322.212,
 138 F.S.; providing penalties for certain violations
 139 involving application and testing for a commercial
 140 driver license or a commercial learner's permit;
 141 amending s. 322.22, F.S.; authorizing the department
 142 to withhold issuance or renewal of a driver license,
 143 identification card, vehicle or vessel registration,
 144 or fuel-use decal under certain circumstances;
 145 amending s. 322.245, F.S.; requiring a depository or

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146 clerk of court to electronically notify the department
 147 of a person's failure to pay support or comply with
 148 directives of the court; amending s. 322.25, F.S.;
 149 removing a provision for a court order to reinstate a
 150 person's driving privilege on a temporary basis when
 151 the person's license and driving privilege have been
 152 revoked under certain circumstances; amending ss.
 153 322.2615 and 322.2616, F.S., relating to review of a
 154 license suspension when the driver had blood or breath
 155 alcohol at a certain level or the driver refused a
 156 test of his or her blood or breath to determine the
 157 alcohol level; revising provisions for informal and
 158 formal reviews; providing for the hearing officer to
 159 be designated by the department; authorizing the
 160 hearing officer to conduct hearings using
 161 telecommunications technology; revising procedures for
 162 enforcement of subpoenas; directing the department to
 163 issue a temporary driving permit or invalidate the
 164 suspension under certain circumstances; providing for
 165 construction of specified provisions; amending s.
 166 322.64, F.S., relating to driving with unlawful blood-
 167 alcohol level or refusal to submit to breath, urine,
 168 or blood test by a commercial driver license holder or
 169 person driving a commercial motor vehicle; providing
 170 that a disqualification from driving a commercial
 171 motor vehicle is considered a conviction for certain
 172 purposes; revising the time period a person is
 173 disqualified from driving for alcohol-related
 174 violations; revising requirements for notice of the

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175 disqualification; providing that under the review of a
 176 disqualification the hearing officer shall consider
 177 the crash report; revising provisions for informal and
 178 formal reviews; providing for the hearing officer to
 179 be designated by the department; authorizing the
 180 hearing officer to conduct hearings using
 181 telecommunications technology; revising procedures for
 182 enforcement of subpoenas; directing the department to
 183 issue a temporary driving permit or invalidate the
 184 suspension under certain circumstances; providing for
 185 construction of specified provisions; amending s.
 186 322.2715, F.S.; providing requirements for issuance of
 187 a restricted license for a person convicted of a DUI
 188 offense if a medical waiver of placement of an
 189 ignition interlock device was given to such person;
 190 amending s. 322.28, F.S., relating to revocation of
 191 driver license for convictions of DUI offenses;
 192 providing that convictions occurring on the same date
 193 for offenses occurring on separate dates are
 194 considered separate convictions; removing a provision
 195 relating to a court order for reinstatement of a
 196 revoked license; repealing s. 322.331, F.S., relating
 197 to habitual traffic offenders; amending s. 322.61,
 198 F.S.; revising provisions for disqualification from
 199 operating a commercial motor vehicle; providing for
 200 application of such provisions to persons holding a
 201 commercial learner's permit; revising the offenses for
 202 which certain disqualifications apply; amending s.
 203 324.0221, F.S.; revising the actions which must be

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204 reported to the department by an insurer that has
 205 issued a policy providing personal injury protection
 206 coverage or property damage liability coverage;
 207 revising time allowed for submitting the report;
 208 amending s. 324.031, F.S.; revising the methods a
 209 vehicle owner or operator may use to prove financial
 210 responsibility; removing a provision for posting a
 211 bond with the department; amending s. 324.091, F.S.;
 212 revising provisions requiring motor vehicle owners and
 213 operators to provide evidence to the department of
 214 liability insurance coverage under certain
 215 circumstances; revising provisions for verification by
 216 insurers of such evidence; amending s. 324.161, F.S.;
 217 providing requirements for issuance of a certificate
 218 of insurance; requiring proof of a certificate of
 219 deposit of a certain amount of money in a financial
 220 institution; providing for power of attorney to be
 221 issued to the department for execution under certain
 222 circumstances; amending s. 328.01, F.S., relating to
 223 vessel titles; revising identification requirements
 224 for applications for a certificate of title; amending
 225 s. 328.48, F.S., relating to vessel registration;
 226 revising identification requirements for applications
 227 for vessel registration; amending s. 328.76, F.S.,
 228 relating to vessel registration funds; revising
 229 provisions for funds to be deposited into the Highway
 230 Safety Operating Trust Fund; amending ss. 212.08,
 231 261.03, 316.2122, 316.2124, 316.21265, 316.3026,
 232 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282,

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233 324.023, 324.171, 324.191, 627.733, and 627.7415,
 234 F.S.; correcting cross-references and conforming
 235 provisions to changes made by the act; providing an
 236 effective date.

237
 238 Be It Enacted by the Legislature of the State of Florida:

239
 240 Section 1. Section 207.002, Florida Statutes, is reordered
 241 and amended to read:

242 207.002 Definitions.—As used in this chapter, the term:

243 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
 244 ~~which is required to be registered under the International~~
 245 ~~Registration Plan.~~

246 (1)(2) "Commercial motor vehicle" means any vehicle not
 247 owned or operated by a governmental entity which uses diesel
 248 fuel or motor fuel on the public highways; and which has a gross
 249 vehicle weight in excess of 26,000 pounds, or has three or more
 250 axles regardless of weight, or is used in combination when the
 251 weight of such combination exceeds 26,000 pounds gross vehicle
 252 weight. The term excludes any vehicle owned or operated by a
 253 community transportation coordinator as defined in s. 427.011 or
 254 by a private operator that provides public transit services
 255 under contract with such a provider.

256 (2)(3) "Department" means the Department of Highway Safety
 257 and Motor Vehicles.

258 (7)(4) "Motor carrier" means any person owning,
 259 controlling, operating, or managing any motor vehicle used to
 260 transport persons or property over any public highway.

261 (8)(5) "Motor fuel" means what is commonly known and sold

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262 as gasoline and fuels containing a mixture of gasoline and other
 263 products.

264 (9)(6) "Operate," "operated," "operation," or "operating"
 265 means and includes the utilization in any form of any commercial
 266 motor vehicle, whether loaded or empty, whether utilized for
 267 compensation or not for compensation, and whether owned by or
 268 leased to the motor carrier who uses it or causes it to be used.

269 (10)(7) "Person" means and includes natural persons,
 270 corporations, copartnerships, firms, companies, agencies, or
 271 associations, singular or plural.

272 (11)(8) "Public highway" means any public street, road, or
 273 highway in this state.

274 (3)(9) "Diesel fuel" means any liquid product or gas
 275 product or combination thereof, including, but not limited to,
 276 all forms of fuel known or sold as diesel fuel, kerosene, butane
 277 gas, or propane gas and all other forms of liquefied petroleum
 278 gases, except those defined as "motor fuel," used to propel a
 279 motor vehicle.

280 (13)(10) "Use," "uses," or "used" means the consumption of
 281 diesel fuel or motor fuel in a commercial motor vehicle for the
 282 propulsion thereof.

283 (4)(11) "International Registration Plan" means a
 284 registration reciprocity agreement among states of the United
 285 States and provinces of Canada providing for payment of license
 286 fees or license taxes on the basis of fleet miles operated in
 287 various jurisdictions.

288 ~~(12) "Apportionable vehicle" means any vehicle, except a~~
 289 ~~recreational vehicle, a vehicle displaying restricted plates, a~~
 290 ~~municipal pickup and delivery vehicle, a bus used in~~

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~~transportation of chartered parties, and a government owned vehicle, which is used or intended for use in two or more states of the United States or provinces of Canada that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:~~

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

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

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

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

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

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

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

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193 shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood

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alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for a period of at least ~~not less than~~ 6 continuous months, if the person is permitted to operate a motor vehicle, whether or not the privilege to operate a motor vehicle is restricted, as determined by the court. The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.

Section 3. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), 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)

(b) Except as otherwise provided in this section, all owners or 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, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on December 31, 2012 ~~October 1, 2011~~.

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

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carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

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

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

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

316.3025 Penalties.—

(3)

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

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

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

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

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

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

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

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

Section 5. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

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

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

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

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

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the

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idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

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

(e) Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

Section 6. Subsection (1) of section 316.646, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

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

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

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

(b)1. The act of presenting to a law enforcement officer an

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electronic device displaying proof of insurance in an electronic format does not constitute consent for the officer to access any information on the device other than the displayed proof of insurance.

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

(5) The department shall adopt rules to administer this section.

Section 7. Section 317.0016, Florida Statutes, is amended to read:

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

Section 8. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

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465 318.14 Noncriminal traffic infractions; exception;
 466 procedures.—
 467 (9) Any person who does not hold a commercial driver
 468 license or commercial learner's permit and who is cited while
 469 driving a noncommercial motor vehicle for an infraction under
 470 this section other than a violation of s. 316.183(2), s.
 471 316.187, or s. 316.189 when the driver exceeds the posted limit
 472 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
 473 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 474 lieu of a court appearance, elect to attend in the location of
 475 his or her choice within this state a basic driver improvement
 476 course approved by the Department of Highway Safety and Motor
 477 Vehicles. In such a case, adjudication must be withheld and
 478 points, as provided by s. 322.27, may not be assessed. However,
 479 a person may not make an election under this subsection if the
 480 person has made an election under this subsection in the
 481 preceding 12 months. A person may not make more than five
 482 elections within his or her lifetime under this subsection. The
 483 requirement for community service under s. 318.18(8) is not
 484 waived by a plea of nolo contendere or by the withholding of
 485 adjudication of guilt by a court. If a person makes an election
 486 to attend a basic driver improvement course under this
 487 subsection, 18 percent of the civil penalty imposed under s.
 488 318.18(3) shall be deposited in the State Courts Revenue Trust
 489 Fund; however, that portion is not revenue for purposes of s.
 490 28.36 and may not be used in establishing the budget of the
 491 clerk of the court under that section or s. 28.35.
 492 (10)(a) Any person who does not hold a commercial driver
 493 license or commercial learner's permit and who is cited while

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494 driving a noncommercial motor vehicle for an offense listed
 495 under this subsection may, in lieu of payment of fine or court
 496 appearance, elect to enter a plea of nolo contendere and provide
 497 proof of compliance to the clerk of the court, designated
 498 official, or authorized operator of a traffic violations bureau.
 499 In such case, adjudication shall be withheld; however, a person
 500 may not make an election under this subsection if the person has
 501 made an election under this subsection in the preceding 12
 502 months. A person may not make more than three elections under
 503 this subsection. This subsection applies to the following
 504 offenses:
 505 1. Operating a motor vehicle without a valid driver license
 506 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
 507 operating a motor vehicle with a license that has been suspended
 508 for failure to appear, failure to pay civil penalty, or failure
 509 to attend a driver improvement course pursuant to s. 322.291.
 510 2. Operating a motor vehicle without a valid registration
 511 in violation of s. 320.0605, s. 320.07, or s. 320.131.
 512 3. Operating a motor vehicle in violation of s. 316.646.
 513 4. Operating a motor vehicle with a license that has been
 514 suspended under s. 61.13016 or s. 322.245 for failure to pay
 515 child support or for failure to pay any other financial
 516 obligation as provided in s. 322.245; however, this subparagraph
 517 does not apply if the license has been suspended pursuant to s.
 518 322.245(1).
 519 5. Operating a motor vehicle with a license that has been
 520 suspended under s. 322.091 for failure to meet school attendance
 521 requirements.
 522 (b) Any person cited for an offense listed in this

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subsection shall present proof of compliance before the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does not authorize the operation of a vehicle without a valid driver license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 9. Section 318.1451, Florida Statutes, is amended

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to read:

318.1451 Driver improvement schools.—

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

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

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

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courses shall be provisionally approved and limited to the judicial circuit originally approved for pilot testing until the course is fully approved by the department for statewide delivery.

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

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

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

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

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

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

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

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

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

(c) Course conduct.—The department shall require that the

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639 approved course providers ensure their driver improvement
 640 schools are conducting the approved course fully and to the
 641 required time limit and content requirements.
 642 (d) Course content.—The department shall set and modify
 643 course content requirements to keep current with laws and safety
 644 information. Course content includes all items used in the
 645 conduct of the course.
 646 (e) Course duration.—The department shall set the duration
 647 of all course types.
 648 (f) Submission of records.—The department shall require
 649 that all course providers submit course completion information
 650 to the department through the department's Driver Improvement
 651 Certificate Issuance System within 5 days.
 652 (g) Sanctions.—The department shall develop the criteria to
 653 sanction the course approval of a course provider for any
 654 violation of this section or any other law that pertains to the
 655 approval and use of driver improvement courses.
 656 (h) Miscellaneous requirements.—The department shall
 657 require that all course providers:
 658 1. Disclose all fees associated with courses offered by the
 659 provider and associated driver improvement schools and not
 660 charge any fees that are not disclosed during registration.
 661 2. Provide proof of ownership, copyright, or written
 662 permission from the course owner to use the course in this
 663 state.
 664 3. Ensure that any course that is offered in a classroom
 665 setting, by the provider or a school authorized by the provider
 666 to teach the course, is offered the course at locations that are
 667 free from distractions and reasonably accessible to most

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668 applicants.
 669 4. Issue a certificate to persons who successfully complete
 670 the course.
 671 Section 10. Section 319.225, Florida Statutes, is amended
 672 to read:
 673 319.225 Transfer and reassignment forms; odometer
 674 disclosure statements.—
 675 (1) Every certificate of title issued by the department
 676 must contain the following statement on its reverse side:
 677 "Federal and state law require the completion of the odometer
 678 statement set out below. Failure to complete or providing false
 679 information may result in fines, imprisonment, or both."
 680 (2) Each certificate of title issued by the department must
 681 contain on its front ~~reverse~~ side a form for transfer of title
 682 by the titleholder of record, which form must contain an
 683 odometer disclosure statement in the form required by 49 C.F.R.
 684 s. 580.5.
 685 (3) Each certificate of title issued by the department must
 686 contain on its reverse side as many forms as space allows for
 687 reassignment of title by a licensed dealer as permitted by s.
 688 319.21(3), which form or forms shall contain an odometer
 689 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 690 When all dealer reassignment forms provided on the back of the
 691 title certificate have been filled in, a dealer may reassign the
 692 title certificate by using a separate dealer reassignment form
 693 issued by the department in compliance with 49 C.F.R. ss. 580.4
 694 and 580.5, which form shall contain an original that ~~two carbon~~
 695 ~~copies one of which~~ shall be submitted ~~directly~~ to the
 696 department by the dealer ~~within 5 business days after the~~

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

702 (4) Upon transfer or reassignment of a certificate of title
 703 to a used motor vehicle, the transferor shall complete the
 704 odometer disclosure statement provided for by this section and
 705 the transferee shall acknowledge the disclosure by signing and
 706 printing his or her name in the spaces provided. This subsection
 707 does not apply to a vehicle that has a gross vehicle rating of
 708 more than 16,000 pounds, a vehicle that is not self-propelled,
 709 or a vehicle that is 10 years old or older. A lessor who
 710 transfers title to his or her vehicle without obtaining
 711 possession of the vehicle shall make odometer disclosure as
 712 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
 713 or acknowledge a disclosure statement as required by this
 714 subsection is guilty of a misdemeanor of the second degree,
 715 punishable as provided in s. 775.082 or s. 775.083. The
 716 department may not issue a certificate of title unless this
 717 subsection has been complied with.

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

721 (6) (a) If the certificate of title is physically held by a
 722 lienholder, the transferor may give a power of attorney to his
 723 or her transferee for the purpose of odometer disclosure. The
 724 power of attorney must be on a form issued or authorized by the
 725 department, which form must be in compliance with 49 C.F.R. ss.

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726 580.4 and 580.13. The department shall not require the signature
 727 of the transferor to be notarized on the form; however, in lieu
 728 of notarization, the form shall include an affidavit with the
 729 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 730 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 731 ARE TRUE. The transferee shall sign the power of attorney form,
 732 print his or her name, and return a copy of the power of
 733 attorney form to the transferor. Upon receipt of a title
 734 certificate, the transferee shall complete the space for mileage
 735 disclosure on the title certificate exactly as the mileage was
 736 disclosed by the transferor on the power of attorney form. If
 737 the transferee is a licensed motor vehicle dealer who is
 738 transferring the vehicle to a retail purchaser, the dealer shall
 739 make application on behalf of the retail purchaser as provided
 740 in s. 319.23(6) and shall submit the original power of attorney
 741 form to the department with the application for title and the
 742 transferor's title certificate; otherwise, a dealer may reassign
 743 the title certificate by using the dealer reassignment form in
 744 the manner prescribed in subsection (3), and, at the time of
 745 physical transfer of the vehicle, the original power of attorney
 746 shall be delivered to the person designated as the transferee of
 747 the dealer on the dealer reassignment form. ~~A copy of the~~
 748 ~~executed power of attorney shall be submitted to the department~~
 749 ~~with a copy of the executed dealer reassignment form within 5~~
 750 ~~business days after the certificate of title and dealer~~
 751 ~~reassignment form are delivered by the dealer to its transferee.~~

752 (b) If the certificate of title is lost or otherwise
 753 unavailable, the transferor may give a power of attorney to his
 754 or her transferee for the purpose of odometer disclosure. The

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power of attorney must be on a form issued or authorized by the department, which form must be in compliance with 49 C.F.R. ss. 580.4 and 580.13. The department shall not require the signature of the transferor to be notarized on the form; however, in lieu of notarization, the form shall include an affidavit with the following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. The transferee shall sign the power of attorney form, print his or her name, and return a copy of the power of attorney form to the transferor. Upon receipt of the title certificate or a duplicate title certificate, the transferee shall complete the space for mileage disclosure on the title certificate exactly as the mileage was disclosed by the transferor on the power of attorney form. If the transferee is a licensed motor vehicle dealer who is transferring the vehicle to a retail purchaser, the dealer shall make application on behalf of the retail purchaser as provided in s. 319.23(6) and shall submit the original power of attorney form to the department with the application for title and the transferor's title certificate or duplicate title certificate; otherwise, a dealer may reassign the title certificate by using the dealer reassignment form in the manner prescribed in subsection (3), and, at the time of physical transfer of the vehicle, the original power of attorney shall be delivered to the person designated as the transferee of the dealer on the dealer reassignment form. If the dealer sells the vehicle to an out-of-state resident or an out-of-state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original of the form and mail it

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directly to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser. A copy of the executed power of attorney shall be submitted to the department with a copy of the executed dealer reassignment form within 5 business days after the duplicate certificate of title and dealer reassignment form are delivered by the dealer to its transferee.

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

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

(7) If a title is held electronically and the transferee agrees to maintain the title electronically, the transferor and

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transferee shall complete a secure reassignment document that discloses the odometer reading and is signed by both the transferor and transferee at the tax collector office or license plate agency. Each certificate of title issued by the department must contain on its reverse side a minimum of three ~~four~~ spaces for notation of the name and license number of any auction through which the vehicle is sold and the date the vehicle was auctioned. Each separate dealer reassignment form issued by the department must also have the space referred to in this section. When a transfer of title is made at a motor vehicle auction, the reassignment must note the name and address of the auction, but the auction shall not thereby be deemed to be the owner, seller, transferor, or assignor of title. A motor vehicle auction is required to execute a dealer reassignment only when it is the owner of a vehicle being sold.

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

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

Section 11. Subsection (9) of section 319.23, Florida Statutes, is amended to read:

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

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

Section 12. Paragraph (b) of subsection (2) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(2)

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

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871 department. If such notice is given and no written protest to
 872 the department is presented by a subsequent lienholder within 15
 873 days ~~after from~~ the date on which the notice was mailed, the
 874 certificate of title ~~or the certificate of repossession~~ shall be
 875 issued showing no liens. If the former owner or any subsequent
 876 lienholder files a written protest under oath within such 15-day
 877 period, the department shall not issue the certificate of title
 878 ~~or certificate of repossession~~ for 10 days thereafter. If within
 879 the 10-day period no injunction or other order of a court of
 880 competent jurisdiction has been served on the department
 881 commanding it not to deliver the certificate of title ~~or~~
 882 ~~certificate of repossession~~, the department shall deliver the
 883 certificate of title ~~or repossession~~ to the applicant or as may
 884 otherwise be directed in the application showing no other liens
 885 than those shown in the application. Any lienholder who has
 886 repossessed a vehicle in this state in compliance with the
 887 provisions of this section must apply to a tax collector's
 888 office in this state or to the department for a ~~certificate of~~
 889 ~~repossession or to the department for a~~ certificate of title
 890 pursuant to s. 319.323. Proof of the required notice to
 891 subsequent lienholders shall be submitted together with regular
 892 title fees. ~~A lienholder to whom a certificate of repossession~~
 893 ~~has been issued may assign the certificate of title to the~~
 894 ~~subsequent owner.~~ Any person found guilty of violating any
 895 requirements of this paragraph shall be guilty of a felony of
 896 the third degree, punishable as provided in s. 775.082, s.
 897 775.083, or s. 775.084.

898 Section 13. Section 319.323, Florida Statutes, is amended
 899 to read:

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900 319.323 Expedited service; applications; fees.—The
 901 department shall establish a separate title office which may be
 902 used by private citizens and licensed motor vehicle dealers to
 903 receive expedited service on title transfers, title issuances,
 904 duplicate titles, and recordation of liens, ~~and certificates of~~
 905 ~~repossession~~. A fee of \$10 shall be charged for this service,
 906 which fee is in addition to the fees imposed by s. 319.32. The
 907 fee, after deducting the amount referenced by s. 319.324 and
 908 \$3.50 to be retained by the processing agency, shall be
 909 deposited into the General Revenue Fund. Application for
 910 expedited service may be made by mail or in person. The
 911 department shall issue each title applied for under this section
 912 within 5 working days after receipt of the application except
 913 for an application for a duplicate title certificate covered by
 914 s. 319.23(4), in which case the title must be issued within 5
 915 working days after compliance with the department's verification
 916 requirements.

917 Section 14. Subsections (24) through (46) of section
 918 320.01, Florida Statutes, are renumbered as subsections (23)
 919 through (45), respectively, and present subsections (23) and
 920 (25) of that section are amended to read:

921 320.01 Definitions, general.—As used in the Florida
 922 Statutes, except as otherwise provided, the term:

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

927 (24)(25) "Apportionable vehicle" means any vehicle, except
 928 recreational vehicles, vehicles displaying restricted plates,

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city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

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

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

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

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

Section 15. Paragraph (a) of subsection (2) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

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

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federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.

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

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

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

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

Section 16. Subsection (7) of section 320.03, Florida Statutes, is amended to read:

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

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

Section 17. Section 320.05, Florida Statutes, is amended to

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987 read:

988 320.05 Records of the department; inspection procedure;
989 lists and searches; fees.-

990 (1) Except as provided in chapter 119 and s. 320.025(3),
991 the department may release records as provided in this section.

992 (2) Upon receipt of an application for the registration of
993 a motor vehicle, vessel, or mobile home, as herein provided for,
994 the department shall register the motor vehicle, vessel, or
995 mobile home under the distinctive number assigned to such motor
996 vehicle, vessel, or mobile home by the department. ~~Electronic~~
997 ~~registration records shall be open to the inspection of the~~
998 ~~public during business hours.~~

999 (3) Information on a motor vehicle, ~~or~~ vessel, mobile home,
1000 driver license, or crash record ~~registration~~ may not be made
1001 available to a person unless the person requesting the
1002 information furnishes ~~positive proof of~~ identification. The
1003 agency ~~that furnishes a motor vehicle or vessel registration~~
1004 ~~record~~ shall record the name and address of any person other
1005 than a representative of a law enforcement agency who requests
1006 and receives information from a motor vehicle ~~or~~ vessel, mobile
1007 home, driver license, or crash ~~registration~~ record and shall
1008 also record the name and address of the person who is the
1009 subject of the inquiry or other information identifying the
1010 entity about which information is requested. A record of each
1011 ~~such~~ inquiry must be maintained for a period of 6 months from
1012 the date upon which the information was released to the
1013 inquirer. ~~Nothing in this section shall prohibit any financial~~
1014 ~~institution, insurance company, motor vehicle dealer, licensee~~
1015 ~~under chapter 493, attorney, or other agency which the~~

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1016 ~~department determines has the right to know from obtaining, for~~
1017 ~~professional or business use only, information in such records~~
1018 ~~from the department through any means of telecommunication~~
1019 ~~pursuant to a code developed by the department providing all~~
1020 ~~fees specified in subsection (3) have been paid.~~ The department
1021 shall disclose records or information to the child support
1022 enforcement agency to assist in the location of individuals who
1023 owe or potentially owe support, as defined in s. 409.2554, or to
1024 whom such an obligation is owed pursuant to Title IV-D of the
1025 Social Security Act.

1026 (4)(3)(a) The department is authorized, upon application of
1027 any person and payment of the proper fees, to prepare and
1028 furnish lists containing motor vehicle, ~~or~~ vessel, mobile home,
1029 driver license, or crash record information in such form as the
1030 department may authorize, to search the records of the
1031 department and make reports thereof, and to make photographic
1032 copies of the department records and attestations thereof.

1033 (b) The department shall charge fees for services and
1034 documents therefor shall be charged and collected as follows:

1035 1. For providing lists of motor vehicle, ~~or~~ vessel, mobile
1036 home, driver license, or crash records for the entire state, or
1037 any part ~~or parts~~ thereof, ~~divided according to counties~~, a sum
1038 computed at a rate of not less than 1 cent nor more than 5 cents
1039 per item.

1040 2. For providing ~~noncertified photographic copies of~~ motor
1041 vehicle, ~~or~~ vessel, mobile home, or driver license supporting
1042 documents or verification letters, \$1 per page.

1043 3. ~~For providing noncertified photographic copies of~~
1044 ~~micrographic records, \$1 per page.~~

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1045 ~~3.4.~~ For certifying records purchased under subparagraph 2.
 1046 ~~providing certified copies of motor vehicle or vessel records,~~
 1047 \$3 per record.

1048 ~~5. For providing noncertified computer-generated printouts~~
 1049 ~~of motor vehicle or vessel records, 50 cents per record.~~

1050 ~~6. For providing certified computer-generated printouts of~~
 1051 ~~motor vehicle or vessel records, \$3 per record.~~

1052 ~~4.7.~~ For providing electronic access to motor vehicle,
 1053 vessel, and mobile home registration data requested by tag,
 1054 vehicle identification number, title number, or decal number, 50
 1055 cents per item.

1056 ~~5.8.~~ For providing electronic access to driver ~~driver's~~
 1057 license status report by name, sex, and date of birth or by
 1058 driver license number, 50 cents per item.

1059 ~~6.9.~~ For providing lists of licensed mobile home dealers
 1060 and manufacturers and recreational vehicle dealers and
 1061 manufacturers, \$15 per list.

1062 ~~7.10.~~ For providing lists of licensed motor vehicle
 1063 dealers, \$25 per list.

1064 ~~11. For each copy of a videotape record, \$15 per tape.~~

1065 ~~12. For each copy of the Division of Motorist Services~~
 1066 ~~Procedures Manual, \$25.~~

1067 (c) Fees collected pursuant to paragraph (b) shall be
 1068 deposited into the Highway Safety Operating Trust Fund.

1069 (d) The department shall furnish such information without
 1070 charge to any court or governmental entity.

1071 (e) When motor vehicle, vessel, or mobile home registration
 1072 data is provided by electronic access through a tax collector's
 1073 office, the applicable fee as provided in paragraph (b) must be

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1074 collected and deposited pursuant to paragraph (c). However, when
 1075 such registration data is obtained through an electronic system
 1076 described in s. 320.03(10), s. 320.0609, or s. 320.131 and
 1077 results in the issuance of a title certificate or the
 1078 registration credential, such fee shall not apply.

1079 ~~(5).~~ (4) The department is authorized to reproduce such
 1080 documents, records, and reports as required to meet the
 1081 requirements of the law and the needs of the public, either by
 1082 photographing, microphotographing, or reproducing on film the
 1083 document, record, or report, or by using an electronic
 1084 digitizing process capable of reproducing a true and correct
 1085 image of the original source document. The photographs,
 1086 microphotographs, or electronic digitized copy of any records
 1087 made in compliance with the provisions of this section shall
 1088 have the same force and effect as the originals thereof and
 1089 shall be treated as originals for the purpose of their
 1090 admissibility into evidence. Duly certified or authenticated
 1091 reproductions of such photographs, microphotographs, or
 1092 electronically digitized records shall be admitted into evidence
 1093 equally with the original photographs, microphotographs, or
 1094 electronically digitized records.

1095 ~~(6).~~ (5) The creation and maintenance of records by the
 1096 Division of Motorist Services pursuant to this chapter shall not
 1097 be regarded as law enforcement functions of agency
 1098 recordkeeping.

1099 Section 18. Paragraph (b) of subsection (1) of section
 1100 320.071, Florida Statutes, is amended to read:

1101 320.071 Advance registration renewal; procedures.—

1102 (1)

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

Section 19. Subsections (1) and (3) of section 320.0715, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

Section 20. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

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

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

Section 21. Subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

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

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copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which shall be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. The application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. The application shall contain other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise

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1219 dealers must submit a garage liability insurance policy, and all
 1220 other dealers must submit a garage liability insurance policy or
 1221 a general liability insurance policy coupled with a business
 1222 automobile policy. Such policy shall be for the license period,
 1223 and evidence of a new or continued policy shall be delivered to
 1224 the department at the beginning of each license period. Upon
 1225 making initial application, the applicant shall pay to the
 1226 department a fee of \$300 in addition to any other fees ~~now~~
 1227 required by law. Applicants may choose to extend the licensure
 1228 period for 1 additional year for a total of 2 years. An initial
 1229 applicant shall pay to the department a fee of \$300 for the
 1230 first year and \$75 for the second year, in addition to any other
 1231 fees required by law. An applicant for renewal shall pay to the
 1232 department \$75 for a 1-year renewal or \$150 for a 2-year
 1233 renewal, in addition to any other fees required by law ~~Upon~~
 1234 ~~making a subsequent renewal application, the applicant shall pay~~
 1235 ~~to the department a fee of \$75 in addition to any other fees now~~
 1236 ~~required by law.~~ Upon making an application for a change of
 1237 location, the person shall pay a fee of \$50 in addition to any
 1238 other fees now required by law. The department shall, in the
 1239 case of every application for initial licensure, verify whether
 1240 certain facts set forth in the application are true. Each
 1241 applicant, general partner in the case of a partnership, or
 1242 corporate officer and director in the case of a corporate
 1243 applicant, must file a set of fingerprints with the department
 1244 for the purpose of determining any prior criminal record or any
 1245 outstanding warrants. The department shall submit the
 1246 fingerprints to the Department of Law Enforcement for state
 1247 processing and forwarding to the Federal Bureau of Investigation

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1248 for federal processing. The actual cost of state and federal
 1249 processing shall be borne by the applicant and is in addition to
 1250 the fee for licensure. The department may issue a license to an
 1251 applicant pending the results of the fingerprint investigation,
 1252 which license is fully revocable if the department subsequently
 1253 determines that any facts set forth in the application are not
 1254 true or correctly represented.

(4) LICENSE CERTIFICATE.—

1256 (a) A license certificate shall be issued by the department
 1257 in accordance with such application when the application is
 1258 regular in form and in compliance with the provisions of this
 1259 section. The license certificate may be in the form of a
 1260 document or a computerized card as determined by the department.
 1261 The actual cost of each original, additional, or replacement
 1262 computerized card shall be borne by the licensee and is in
 1263 addition to the fee for licensure. Such license, when so issued,
 1264 entitles the licensee to carry on and conduct the business of a
 1265 motor vehicle dealer. Each license issued to a franchise motor
 1266 vehicle dealer expires ~~annually~~ on December 31 of the year of
 1267 its expiration unless revoked or suspended prior to that date.
 1268 Each license issued to an independent or wholesale dealer or
 1269 auction expires ~~annually~~ on April 30 of the year of its
 1270 expiration unless revoked or suspended prior to that date. At
 1271 least ~~Not less than~~ 60 days ~~before~~ ~~prior to~~ the license
 1272 expiration date, the department shall deliver or mail to each
 1273 licensee the necessary renewal forms. Each independent dealer
 1274 shall certify that the dealer (owner, partner, officer, or
 1275 director of the licensee, or a full-time employee of the
 1276 licensee that holds a responsible management-level position) has

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1277 completed 8 hours of continuing education prior to filing the
 1278 renewal forms with the department. Such certification shall be
 1279 filed once every 2 years. The continuing education shall include
 1280 at least 2 hours of legal or legislative issues, 1 hour of
 1281 department issues, and 5 hours of relevant motor vehicle
 1282 industry topics. Continuing education shall be provided by
 1283 dealer schools licensed under paragraph (b) either in a
 1284 classroom setting or by correspondence. Such schools shall
 1285 provide certificates of completion to the department and the
 1286 customer which shall be filed with the license renewal form, and
 1287 such schools may charge a fee for providing continuing
 1288 education. Any licensee who does not file his or her application
 1289 and fees and any other requisite documents, as required by law,
 1290 with the department at least 30 days prior to the license
 1291 expiration date shall cease to engage in business as a motor
 1292 vehicle dealer on the license expiration date. A renewal filed
 1293 with the department within 45 days after the expiration date
 1294 shall be accompanied by a delinquent fee of \$100. Thereafter, a
 1295 new application is required, accompanied by the initial license
 1296 fee. A license certificate duly issued by the department may be
 1297 modified by endorsement to show a change in the name of the
 1298 licensee, provided, as shown by affidavit of the licensee, the
 1299 majority ownership interest of the licensee has not changed or
 1300 the name of the person appearing as franchisee on the sales and
 1301 service agreement has not changed. Modification of a license
 1302 certificate to show any name change as herein provided shall not
 1303 require initial licensure or reissuance of dealer tags; however,
 1304 any dealer obtaining a name change shall transact all business
 1305 in and be properly identified by that name. All documents

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1306 relative to licensure shall reflect the new name. In the case of
 1307 a franchise dealer, the name change shall be approved by the
 1308 manufacturer, distributor, or importer. A licensee applying for
 1309 a name change endorsement shall pay a fee of \$25 which fee shall
 1310 apply to the change in the name of a main location and all
 1311 additional locations licensed under the provisions of subsection
 1312 (5). Each initial license application received by the department
 1313 shall be accompanied by verification that, within the preceding
 1314 6 months, the applicant, or one or more of his or her designated
 1315 employees, has attended a training and information seminar
 1316 conducted by a licensed motor vehicle dealer training school.
 1317 Any applicant for a new franchised motor vehicle dealer license
 1318 who has held a valid franchised motor vehicle dealer license
 1319 continuously for the past 2 years and who remains in good
 1320 standing with the department is exempt from the prelicensing
 1321 training requirement. Such seminar shall include, but is not
 1322 limited to, statutory dealer requirements, which requirements
 1323 include required bookkeeping and recordkeeping procedures,
 1324 requirements for the collection of sales and use taxes, and such
 1325 other information that in the opinion of the department will
 1326 promote good business practices. No seminar may exceed 8 hours
 1327 in length.

1328 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
 1329 section hereunder shall obtain a supplemental license for each
 1330 permanent additional place or places of business not contiguous
 1331 to the premises for which the original license is issued, on a
 1332 form to be furnished by the department, and upon payment of a
 1333 fee of \$50 for each such additional location. Applicants may
 1334 choose to extend the licensure period for 1 additional year for

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a total of 2 years. The applicant shall pay to the department a fee of \$50 for the first year and \$50 for the second year for each such additional location. Thereafter, the applicant shall pay \$50 for a 1-year renewal or \$100 for a 2-year renewal for each such additional location. ~~Upon making renewal applications for such supplemental licenses, such applicant shall pay \$50 for each additional location.~~ A supplemental license authorizing off-premises sales shall be issued, at no charge to the dealer, for a period not to exceed 10 consecutive calendar days. To obtain such a temporary supplemental license for off-premises sales, the applicant must be a licensed dealer; must notify the applicable local department office of the specific dates and location for which such license is requested, display a sign at the licensed location clearly identifying the dealer, and provide staff to work at the temporary location for the duration of the off-premises sale; must meet any local government permitting requirements; and must have permission of the property owner to sell at that location. In the case of an off-premises sale by a motor vehicle dealer licensed under subparagraph (1)(c)1. for the sale of new motor vehicles, the applicant must also include documentation notifying the applicable licensee licensed under s. 320.61 of the intent to engage in an off-premises sale 5 working days prior to the date of the off-premises sale. The licensee shall either approve or disapprove of the off-premises sale within 2 working days after receiving notice; otherwise, it will be deemed approved. This section does not apply to a nonselling motor vehicle show or public display of new motor vehicles.

Section 22. Section 320.62, Florida Statutes, is amended to

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read:

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

Section 23. Subsections (4) and (6) of section 320.77, Florida Statutes, are amended to read:

320.77 License required of mobile home dealers.—

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

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1393 ~~be \$100.~~ The fee for application for change of location shall be
 1394 \$25. Any applicant for renewal who has failed to submit his or
 1395 her renewal application by October 1 of the year of its current
 1396 license expiration shall pay a renewal application fee equal to
 1397 the original application fee. No fee is refundable. All fees
 1398 shall be deposited into the General Revenue Fund.

1399 (6) LICENSE CERTIFICATE.—A license certificate shall be
 1400 issued by the department in accordance with the application when
 1401 the same is regular in form and in compliance with the
 1402 provisions of this section. The license certificate may be in
 1403 the form of a document or a computerized card as determined by
 1404 the department. The cost of each original, additional, or
 1405 replacement computerized card shall be borne by the licensee and
 1406 is in addition to the fee for licensure. The fees charged
 1407 applicants for both the required background investigation and
 1408 the computerized card as provided in this section shall be
 1409 deposited into the Highway Safety Operating Trust Fund. The
 1410 license, when so issued, shall entitle the licensee to carry on
 1411 and conduct the business of a mobile home dealer at the location
 1412 set forth in the license for a period of 1 or 2 years beginning
 1413 ~~year from~~ October 1 preceding the date of issuance. Each initial
 1414 application received by the department shall be accompanied by
 1415 verification that, within the preceding 6 months, the applicant
 1416 or one or more of his or her designated employees has attended a
 1417 training and information seminar conducted by the department or
 1418 by a public or private provider approved by the department. Such
 1419 seminar shall include, but not be limited to, statutory dealer
 1420 requirements, which requirements include required bookkeeping
 1421 and recording procedures, requirements for the collection of

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1422 sales and use taxes, and such other information that in the
 1423 opinion of the department will promote good business practices.

1424 Section 24. Subsections (4) and (6) of section 320.771,
 1425 Florida Statutes, are amended to read:

1426 320.771 License required of recreational vehicle dealers.—

1427 (4) FEES.—Upon making initial application, the applicant
 1428 shall pay to the department a fee of \$300 in addition to any
 1429 other fees ~~now~~ required by law. Applicants may choose to extend
 1430 the licensure period for 1 additional year for a total of 2
 1431 years. An initial applicant shall pay to the department a fee of
 1432 \$300 for the first year and \$100 for the second year in addition
 1433 to any other fees required by law. An applicant for a renewal
 1434 license shall pay to the department \$100 for a 1-year renewal or
 1435 \$200 for a 2-year renewal ~~The fee for renewal application shall~~
 1436 ~~be \$100.~~ The fee for application for change of location shall be
 1437 \$25. Any applicant for renewal who has failed to submit his or
 1438 her renewal application by October 1 of the year of its current
 1439 license expiration shall pay a renewal application fee equal to
 1440 the original application fee. No fee is refundable. All fees
 1441 shall be deposited into the General Revenue Fund.

1442 (6) LICENSE CERTIFICATE.—A license certificate shall be
 1443 issued by the department in accordance with the application when
 1444 the same is regular in form and in compliance with the
 1445 provisions of this section. The license certificate may be in
 1446 the form of a document or a computerized card as determined by
 1447 the department. The cost of each original, additional, or
 1448 replacement computerized card shall be borne by the licensee and
 1449 is in addition to the fee for licensure. The fees charged
 1450 applicants for both the required background investigation and

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

Section 25. Subsections (3) and (6) of section 320.8225, Florida Statutes, are amended to read:

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

(3) FEES.—Upon submitting an initial application, the applicant shall pay to the department a fee of \$300. Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of \$300 for the first year and \$100 for the second year. An applicant for a renewal license shall pay to the department \$100 for a 1-year renewal or \$200 for a 2-year renewal. ~~Upon submitting a renewal application, the applicant shall pay to the department a fee of \$100.~~ Any applicant for

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renewal who fails to submit his or her renewal application by October 1 of the year of its current license expiration shall pay a renewal application fee equal to the original application fee. No fee is refundable. All fees must be deposited into the General Revenue Fund.

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

Section 26. Section 322.095, Florida Statutes, is amended to read:

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

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

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

(a) In addition to the course approval criteria provided in this section, initial approval of traffic law and substance abuse education courses shall be based on the department's review of all course materials which must be designed to promote safety, education, and driver awareness; course presentation to the department by the provider; and the provider's plan for

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effective oversight of the course by those who deliver the course in the state.

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

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

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

(3)(2) The department shall contract for an independent evaluation of the courses. Local DUI programs authorized under s. 316.193(5) and certified by the department or a driver improvement school may offer a traffic law and substance abuse education course. However, Prior to offering the course, the course provider must obtain certification from the department that the course complies with the requirements of this section. If the course is offered in a classroom setting, the course provider and any schools authorized by the provider to teach the course must offer the approved course at locations that are free

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from distractions and reasonably accessible to most applicants and must issue a certificate to those persons successfully completing the course.

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

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

~~(5) The provisions of this section do not apply to any person who has been licensed in any other jurisdiction or who has satisfactorily completed a Department of Education driver's education course offered pursuant to s. 1003.40.~~

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

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

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

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

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

(8) Each course provider shall ensure that its driver improvement schools are conducting the approved courses fully, to the required time limits, and with the content requirements specified by the department. The course provider shall ensure

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that only department-approved instructional materials are used in the presentation of the course, and that all driver improvement schools conducting the course do so in a manner that maximizes its impact and effectiveness. The course provider shall ensure that any student who is unable to attend or complete a course due to action, error, or omission on the part of the course provider or driver improvement school conducting the course shall be accommodated to permit completion of the course at no additional cost.

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

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

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

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

(13) The department may deny, suspend, or revoke course

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approval upon proof that the course provider:

(a) Violated this section.

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

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

(d) Obtained course approval by fraud or misrepresentation.

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

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

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

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

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

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

(17) Except as otherwise provided in this section, before final department action denying, suspending, or revoking

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approval of a course, the course provider shall have the opportunity to request either a formal or informal administrative hearing to show cause why the action should not be taken.

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

Section 27. Subsection (1) of section 322.125, Florida Statutes, is amended to read:

322.125 Medical Advisory Board.—

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

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

Section 28. Subsection (4) of section 322.135, Florida Statutes, is amended to read:

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

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

Section 29. Paragraph (a) of subsection (5) of section 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(5) All renewal driver ~~driver's~~ licenses may be issued after the applicant licensee has been determined to be eligible by the department.

(a) A licensee who is otherwise eligible for renewal and who is at least 80 years of age:

1. Must submit to and pass a vision test administered at any driver ~~driver's~~ license office; or

2. If the licensee applies for a renewal using a convenience service as provided in subsection (8), he or she

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must submit to a vision test administered by a doctor of medicine or a doctor of osteopathy licensed to practice medicine in any state or an optometrist licensed to practice optometry in any state; physician licensed under chapter 458 or chapter 459, an optometrist licensed under chapter 463, or a licensed physician at a federally established veterans' hospital, must send the results of that test to the department on a form obtained from the department and signed by such health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by a department-approved electronic means.

Section 30. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

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

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

(a) An original or renewal commercial driver ~~driver's~~ license is \$75, which shall include the fee for driver education provided by s. 1003.48. However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee is the same as for a Class E driver ~~driver's~~ license. A delinquent fee of \$15 shall be added for a renewal within 12 months after the license expiration date.

(b) An original Class E driver ~~driver's~~ license is \$48, which includes the fee for driver ~~driver's~~ education provided by s. 1003.48. However, if an applicant has completed training and is applying for employment or is currently employed in a public

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or nonpublic school system that requires a commercial driver license, the fee is the same as for a Class E license.

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

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

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

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

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

2. For a renewal identification card issued pursuant to s. 322.051 the fee is \$25. Of this amount, \$6 shall be deposited

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into the Highway Safety Operating Trust Fund and \$19 shall be deposited into the General Revenue Fund.

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

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

(h) A hazardous-materials endorsement, as required by s. 322.57(1)(d), shall be set by the department by rule and must reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed \$100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

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

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

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1799 2. Fifty percent shall be distributed to the department for
1800 costs directly related to the specialty driver license and
1801 identification card program and to defray the costs associated
1802 with production enhancements and distribution.

1803 Section 31. Subsection (7) of section 322.212, Florida
1804 Statutes, is amended to read:

1805 322.212 Unauthorized possession of, and other unlawful acts
1806 in relation to, driver ~~driver's~~ license or identification card.—

1807 (7) In addition to any other penalties provided by this
1808 section, any person who provides false information when applying
1809 for a commercial driver ~~driver's~~ license or commercial learner's
1810 permit or is convicted of fraud in connection with testing for a
1811 commercial driver license or commercial learner's permit shall
1812 be disqualified from operating a commercial motor vehicle for a
1813 period of 1 year ~~60 days~~.

1814 Section 32. Subsection (1) of section 322.22, Florida
1815 Statutes, is amended to read:

1816 322.22 Authority of department to cancel or refuse to issue
1817 or renew license.—

1818 (1) The department may ~~is authorized to~~ cancel or withhold
1819 issuance or renewal of any driver ~~driver's~~ license, upon
1820 determining that the licensee was not entitled to the issuance
1821 thereof, or that the licensee failed to give the required or
1822 correct information in his or her application or committed any
1823 fraud in making such application, or that the licensee has two
1824 or more licenses on file with the department, each in a
1825 different name but bearing the photograph of the licensee,
1826 unless the licensee has complied with the requirements of this
1827 chapter in obtaining the licenses. The department may cancel or

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1828 withhold issuance or renewal of any driver ~~driver's~~ license,
1829 identification card, vehicle or vessel registration, or fuel-use
1830 decal if the licensee fails to pay the correct fee or pays for
1831 any driver ~~the driver's~~ license, identification card, vehicle or
1832 vessel registration, or fuel-use decal; pays any tax liability,
1833 penalty, or interest specified in chapter 207; or pays any
1834 administrative, delinquency, or reinstatement fee by a
1835 dishonored check.

1836 Section 33. Subsection (3) of section 322.245, Florida
1837 Statutes, is amended to read:

1838 322.245 Suspension of license upon failure of person
1839 charged with specified offense under chapter 316, chapter 320,
1840 or this chapter to comply with directives ordered by traffic
1841 court or upon failure to pay child support in non-IV-D cases as
1842 provided in chapter 61 or failure to pay any financial
1843 obligation in any other criminal case.—

1844 (3) If the person fails to comply with the directives of
1845 the court within the 30-day period, or, in non-IV-D cases, fails
1846 to comply with the requirements of s. 61.13016 within the period
1847 specified in that statute, the depository or the clerk of the
1848 court shall electronically notify the department of such failure
1849 within 10 days. Upon electronic receipt of the notice, the
1850 department shall immediately issue an order suspending the
1851 person's driver ~~driver's~~ license and privilege to drive
1852 effective 20 days after the date the order of suspension is
1853 mailed in accordance with s. 322.251(1), (2), and (6).

1854 Section 34. Subsection (7) of section 322.25, Florida
1855 Statutes, is amended to read:

1856 322.25 When court to forward license to department and

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1857 report convictions; temporary reinstatement of driving
1858 privileges.-

1859 ~~(7) Any licensed driver convicted of driving, or being in~~
1860 ~~the actual physical control of, a vehicle within this state~~
1861 ~~while under the influence of alcoholic beverages, any chemical~~
1862 ~~substance set forth in s. 877.111, or any substance controlled~~
1863 ~~under chapter 893, when affected to the extent that his or her~~
1864 ~~normal faculties are impaired, and whose license and driving~~
1865 ~~privilege have been revoked as provided in subsection (1) may be~~
1866 ~~issued a court order for reinstatement of a driving privilege on~~
1867 ~~a temporary basis; provided that, as a part of the penalty, upon~~
1868 ~~conviction, the defendant is required to enroll in and complete~~
1869 ~~a driver improvement course for the rehabilitation of drinking~~
1870 ~~drivers and the driver is otherwise eligible for reinstatement~~
1871 ~~of the driving privilege as provided by s. 322.282. The court~~
1872 ~~order for reinstatement shall be on a form provided by the~~
1873 ~~department and must be taken by the person convicted to a~~
1874 ~~Florida driver's license examining office, where a temporary~~
1875 ~~driving permit may be issued. The period of time for which a~~
1876 ~~temporary permit issued in accordance with this subsection is~~
1877 ~~valid shall be deemed to be part of the period of revocation~~
1878 ~~imposed by the court.~~

1879 Section 35. Section 322.2615, Florida Statutes, is amended
1880 to read:

1881 322.2615 Suspension of license; right to review.-

1882 (1) (a) A law enforcement officer or correctional officer
1883 shall, on behalf of the department, suspend the driving
1884 privilege of a person who is driving or in actual physical
1885 control of a motor vehicle and who has an unlawful blood-alcohol

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1886 level or breath-alcohol level of 0.08 or higher, or of a person
1887 who has refused to submit to a urine test or a test of his or
1888 her breath-alcohol or blood-alcohol level. The officer shall
1889 take the person's driver ~~driver's~~ license and issue the person a
1890 10-day temporary permit if the person is otherwise eligible for
1891 the driving privilege and shall issue the person a notice of
1892 suspension. If a blood test has been administered, the officer
1893 or the agency employing the officer shall transmit such results
1894 to the department within 5 days after receipt of the results. If
1895 the department then determines that the person had a blood-
1896 alcohol level or breath-alcohol level of 0.08 or higher, the
1897 department shall suspend the person's driver ~~driver's~~ license
1898 pursuant to subsection (3).

1899 (b) The suspension under paragraph (a) shall be pursuant
1900 to, and the notice of suspension shall inform the driver of, the
1901 following:

1902 1.a. The driver refused to submit to a lawful breath,
1903 blood, or urine test and his or her driving privilege is
1904 suspended for a period of 1 year for a first refusal or for a
1905 period of 18 months if his or her driving privilege has been
1906 previously suspended as a result of a refusal to submit to such
1907 a test; or

1908 b. The driver was driving or in actual physical control of
1909 a motor vehicle and had an unlawful blood-alcohol level or
1910 breath-alcohol level of 0.08 or higher and his or her driving
1911 privilege is suspended for a period of 6 months for a first
1912 offense or for a period of 1 year if his or her driving
1913 privilege has been previously suspended under this section.

1914 2. The suspension period shall commence on the date of

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issuance of the notice of suspension.

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

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

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

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

(b) The officer may also submit a copy of the crash report and a copy of a video recording ~~videotape~~ of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or correctional

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agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(5), the crash report shall be considered by the hearing officer.

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

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

(5) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the suspension of the driver ~~driver's~~ license of the person whose license was suspended must be provided to such person. Such notice must be mailed to the person at the last known address shown on the department's records, or to the address provided in the law enforcement officer's report if such address differs from the address of record, within 21 days after the expiration

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1973 of the temporary permit issued pursuant to subsection (1) or
1974 subsection (3).

1975 (6) (a) If the person whose license was suspended requests a
1976 formal review, the department must schedule a hearing ~~to be held~~
1977 within 30 days after such request is received by the department
1978 and must notify the person of the date, time, and place of the
1979 hearing.

1980 (b) Such formal review hearing shall be held before a
1981 hearing officer designated ~~employed~~ by the department, and the
1982 hearing officer shall be authorized to administer oaths, examine
1983 witnesses and take testimony, receive relevant evidence, issue
1984 subpoenas for the officers and witnesses identified in documents
1985 provided under paragraph (2) (a) ~~in subsection (2)~~, regulate the
1986 course and conduct of the hearing, question witnesses, and make
1987 a ruling on the suspension. The hearing officer may conduct
1988 hearings using communications technology. The party requesting
1989 the presence of a witness shall be responsible for the payment
1990 of any witness fees and for notifying in writing the state
1991 attorney's office in the appropriate circuit of the issuance of
1992 the subpoena. If the person who requests a formal review hearing
1993 fails to appear and the hearing officer finds such failure to be
1994 without just cause, the right to a formal hearing is waived and
1995 the suspension shall be sustained.

1996 (c) The failure of a subpoenaed witness to appear at the
1997 formal review hearing is not grounds to invalidate the
1998 suspension. If a witness fails to appear, a party may seek
1999 enforcement of a subpoena under paragraph (b) by filing a
2000 petition for enforcement in the circuit court of the judicial
2001 circuit in which the person failing to comply with the subpoena

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2002 resides or by filing a motion for enforcement in any criminal
2003 court case resulting from the driving or actual physical control
2004 of a motor vehicle that gave rise to the suspension under this
2005 section. A failure to comply with an order of the court shall
2006 result in a finding of contempt of court. However, a person is
2007 not in contempt while a subpoena is being challenged.

2008 (d) The department must, within 7 working days after a
2009 formal review hearing, send notice to the person of the hearing
2010 officer's decision as to whether sufficient cause exists to
2011 sustain, amend, or invalidate the suspension.

2012 (7) In a formal review hearing under subsection (6) or an
2013 informal review hearing under subsection (4), the hearing
2014 officer shall determine by a preponderance of the evidence
2015 whether sufficient cause exists to sustain, amend, or invalidate
2016 the suspension. The scope of the review shall be limited to the
2017 following issues:

2018 (a) If the license was suspended for driving with an
2019 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2020 higher:

2021 1. Whether the law enforcement officer had probable cause
2022 to believe that the person whose license was suspended was
2023 driving or in actual physical control of a motor vehicle in this
2024 state while under the influence of alcoholic beverages or
2025 chemical or controlled substances.

2026 2. Whether the person whose license was suspended had an
2027 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2028 higher as provided in s. 316.193.

2029 (b) If the license was suspended for refusal to submit to a
2030 breath, blood, or urine test:

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

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

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

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

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

(b) Sustain the suspension of the person's driving privilege for a period of 6 months for a blood-alcohol level or breath-alcohol level of 0.08 or higher, or for a period of 1 year if the driving privilege of such person has been previously suspended under this section as a result of driving with an

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unlawful alcohol level. The suspension period commences on the date of issuance of the notice of suspension.

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

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

(a) If the suspension of the ~~driver~~ driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure

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to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

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

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

(12) The formal review hearing and the informal review hearing are exempt from the provisions of chapter 120. The

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department may adopt rules for the conduct of reviews under this section.

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

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

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

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

(16) The department shall invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level imposed under this section if the suspended person is

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2147 found not guilty at trial of an underlying violation of s.
2148 316.193.

2149 Section 36. Section 322.2616, Florida Statutes, is amended
2150 to read:

2151 322.2616 Suspension of license; persons under 21 years of
2152 age; right to review.—

2153 (1) (a) Notwithstanding s. 316.193, it is unlawful for a
2154 person under the age of 21 who has a blood-alcohol or breath-
2155 alcohol level of 0.02 or higher to drive or be in actual
2156 physical control of a motor vehicle.

2157 (b) A law enforcement officer who has probable cause to
2158 believe that a motor vehicle is being driven by or is in the
2159 actual physical control of a person who is under the age of 21
2160 while under the influence of alcoholic beverages or who has any
2161 blood-alcohol or breath-alcohol level may lawfully detain such a
2162 person and may request that person to submit to a test to
2163 determine his or her blood-alcohol or breath-alcohol level.

2164 (2) (a) A law enforcement officer or correctional officer
2165 shall, on behalf of the department, suspend the driving
2166 privilege of such person if the person has a blood-alcohol or
2167 breath-alcohol level of 0.02 or higher. The officer shall also
2168 suspend, on behalf of the department, the driving privilege of a
2169 person who has refused to submit to a test as provided by
2170 paragraph (b). The officer shall take the person's driver
2171 ~~driver's~~ license and issue the person a 10-day temporary driving
2172 permit if the person is otherwise eligible for the driving
2173 privilege and shall issue the person a notice of suspension.

2174 (b) The suspension under paragraph (a) must be pursuant to,
2175 and the notice of suspension must inform the driver of, the

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2176 following:

2177 1.a. The driver refused to submit to a lawful breath test
2178 and his or her driving privilege is suspended for a period of 1
2179 year for a first refusal or for a period of 18 months if his or
2180 her driving privilege has been previously suspended as provided
2181 in this section as a result of a refusal to submit to a test; or

2182 b. The driver was under the age of 21 and was driving or in
2183 actual physical control of a motor vehicle while having a blood-
2184 alcohol or breath-alcohol level of 0.02 or higher; and the
2185 person's driving privilege is suspended for a period of 6 months
2186 for a first violation, or for a period of 1 year if his or her
2187 driving privilege has been previously suspended as provided in
2188 this section for driving or being in actual physical control of
2189 a motor vehicle with a blood-alcohol or breath-alcohol level of
2190 0.02 or higher.

2191 2. The suspension period commences on the date of issuance
2192 of the notice of suspension.

2193 3. The driver may request a formal or informal review of
2194 the suspension by the department within 10 days after the
2195 issuance of the notice of suspension.

2196 4. A temporary permit issued at the time of the issuance of
2197 the notice of suspension shall not become effective until after
2198 12 hours have elapsed and will expire at midnight of the 10th
2199 day following the date of issuance.

2200 5. The driver may submit to the department any materials
2201 relevant to the suspension of his or her license.

2202 (c) When a driver subject to this section has a blood-
2203 alcohol or breath-alcohol level of 0.05 or higher, the
2204 suspension shall remain in effect until such time as the driver

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2205 has completed a substance abuse course offered by a DUI program
 2206 licensed by the department. The driver shall assume the
 2207 reasonable costs for the substance abuse course. As part of the
 2208 substance abuse course, the program shall conduct a substance
 2209 abuse evaluation of the driver, and notify the parents or legal
 2210 guardians of drivers under the age of 19 years of the results of
 2211 the evaluation. The term "substance abuse" means the abuse of
 2212 alcohol or any substance named or described in Schedules I
 2213 through V of s. 893.03. If a driver fails to complete the
 2214 substance abuse education course and evaluation, the driver
 2215 ~~driver's~~ license shall not be reinstated by the department.

2216 (d) A minor under the age of 18 years proven to be driving
 2217 with a blood-alcohol or breath-alcohol level of 0.02 or higher
 2218 may be taken by a law enforcement officer to the addictions
 2219 receiving facility in the county in which the minor is found to
 2220 be so driving, if the county makes the addictions receiving
 2221 facility available for such purpose.

2222 (3) The law enforcement officer shall forward to the
 2223 department, within 5 days after the date of the issuance of the
 2224 notice of suspension, a copy of the notice of suspension, the
 2225 driver ~~driver's~~ license of the person receiving the notice of
 2226 suspension, and an affidavit stating the officer's grounds for
 2227 belief that the person was under the age of 21 and was driving
 2228 or in actual physical control of a motor vehicle with any blood-
 2229 alcohol or breath-alcohol level, and the results of any blood or
 2230 breath test or an affidavit stating that a breath test was
 2231 requested by a law enforcement officer or correctional officer
 2232 and that the person refused to submit to such test. The failure
 2233 of the officer to submit materials within the 5-day period

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2234 specified in this subsection does not bar the department from
 2235 considering any materials submitted at or before the hearing.

2236 (4) If the department finds that the license of the person
 2237 should be suspended under this section and if the notice of
 2238 suspension has not already been served upon the person by a law
 2239 enforcement officer or correctional officer as provided in
 2240 subsection (2), the department shall issue a notice of
 2241 suspension and, unless the notice is mailed under s. 322.251, a
 2242 temporary driving permit that expires 10 days after the date of
 2243 issuance if the driver is otherwise eligible.

2244 (5) If the person whose license is suspended requests an
 2245 informal review under subparagraph (2)(b)3., the department
 2246 shall conduct the informal review by a hearing officer
 2247 designated ~~employed~~ by the department within 30 days after the
 2248 request is received by the department and shall issue such
 2249 person a temporary driving permit for business purposes only to
 2250 expire on the date that such review is scheduled to be conducted
 2251 if the person is otherwise eligible. The informal review hearing
 2252 must consist solely of an examination by the department of the
 2253 materials submitted by a law enforcement officer or correctional
 2254 officer and by the person whose license is suspended, and the
 2255 presence of an officer or witness is not required.

2256 (6) After completion of the informal review, notice of the
 2257 department's decision sustaining, amending, or invalidating the
 2258 suspension of the driver ~~driver's~~ license must be provided to
 2259 the person. The notice must be mailed to the person at the last
 2260 known address shown on the department's records, or to the
 2261 address provided in the law enforcement officer's report if such
 2262 address differs from the address of record, within 7 days after

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2263 completing the review.

2264 (7) (a) If the person whose license is suspended requests a
 2265 formal review, the department must schedule a hearing to be held
 2266 within 30 days after the request is received by the department
 2267 and must notify the person of the date, time, and place of the
 2268 hearing and shall issue such person a temporary driving permit
 2269 for business purposes only to expire on the date that such
 2270 review is scheduled to be conducted if the person is otherwise
 2271 eligible.

2272 (b) The formal review hearing must be held before a hearing
 2273 officer designated ~~employed~~ by the department, and the hearing
 2274 officer may administer oaths, examine witnesses and take
 2275 testimony, receive relevant evidence, issue subpoenas, regulate
 2276 the course and conduct of the hearing, and make a ruling on the
 2277 suspension. The hearing officer may conduct hearings using
 2278 communications technology. The department and the person whose
 2279 license was suspended may subpoena witnesses, and the party
 2280 requesting the presence of a witness is responsible for paying
 2281 any witness fees and for notifying in writing the state
 2282 attorney's office in the appropriate circuit of the issuance of
 2283 the subpoena. If the person who requests a formal review hearing
 2284 fails to appear and the hearing officer finds the failure to be
 2285 without just cause, the right to a formal hearing is waived and
 2286 the suspension is sustained.

2287 (c) The failure of a subpoenaed witness to appear at the
 2288 formal review hearing shall not be grounds to invalidate the
 2289 suspension. If a witness fails to appear, a party may seek
 2290 enforcement of a subpoena under paragraph (b) by filing a
 2291 petition for enforcement in the circuit court of the judicial

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2292 circuit in which the person failing to comply with the subpoena
 2293 resides. A failure to comply with an order of the court
 2294 constitutes contempt of court. However, a person may not be held
 2295 in contempt while a subpoena is being challenged.

2296 (d) The department must, within 7 working days after a
 2297 formal review hearing, send notice to the person of the hearing
 2298 officer's decision as to whether sufficient cause exists to
 2299 sustain, amend, or invalidate the suspension.

2300 (8) In a formal review hearing under subsection (7) or an
 2301 informal review hearing under subsection (5), the hearing
 2302 officer shall determine by a preponderance of the evidence
 2303 whether sufficient cause exists to sustain, amend, or invalidate
 2304 the suspension. The scope of the review is limited to the
 2305 following issues:

2306 (a) If the license was suspended because the individual,
 2307 then under the age of 21, drove with a blood-alcohol or breath-
 2308 alcohol level of 0.02 or higher:

2309 1. Whether the law enforcement officer had probable cause
 2310 to believe that the person was under the age of 21 and was
 2311 driving or in actual physical control of a motor vehicle in this
 2312 state with any blood-alcohol or breath-alcohol level or while
 2313 under the influence of alcoholic beverages.

2314 2. Whether the person was under the age of 21.

2315 3. Whether the person had a blood-alcohol or breath-alcohol
 2316 level of 0.02 or higher.

2317 (b) If the license was suspended because of the
 2318 individual's refusal to submit to a breath test:

2319 1. Whether the law enforcement officer had probable cause
 2320 to believe that the person was under the age of 21 and was

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

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driving or in actual physical control of a motor vehicle in this state with any blood-alcohol or breath-alcohol level or while under the influence of alcoholic beverages.

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

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

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

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

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

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

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the notice of suspension.

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

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

(12) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or correctional officer, including documents relating to the administration of a breath test or the refusal to take a test. However, as provided in subsection (7), the driver may subpoena the officer or any person who administered a breath or blood test. If the officer who suspended the driving privilege fails

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2379 to appear pursuant to a subpoena as provided in subsection (7),
 2380 the department shall invalidate the suspension.

2381 (13) The formal review hearing and the informal review
 2382 hearing are exempt from chapter 120. The department may adopt
 2383 rules for conducting reviews under this section.

2384 (14) A person may appeal any decision of the department
 2385 sustaining a suspension of his or her driver ~~driver's~~ license by
 2386 a petition for writ of certiorari to the circuit court in the
 2387 county wherein such person resides or wherein a formal or
 2388 informal review was conducted under s. 322.31. However, an
 2389 appeal does not stay the suspension. This subsection does not
 2390 provide for a de novo review ~~appeal~~.

2391 (15) The decision of the department under this section
 2392 shall not be considered in any trial for a violation of s.
 2393 316.193, nor shall any written statement submitted by a person
 2394 in his or her request for departmental review under this section
 2395 be admissible into evidence against him or her in any such
 2396 trial. The disposition of any related criminal proceedings shall
 2397 not affect a suspension imposed under this section.

2398 (16) By applying for and accepting and using a driver
 2399 ~~driver's~~ license, a person under the age of 21 years who holds
 2400 the driver ~~driver's~~ license is deemed to have expressed his or
 2401 her consent to the provisions of this section.

2402 (17) A breath test to determine breath-alcohol level
 2403 pursuant to this section may be conducted as authorized by s.
 2404 316.1932 or by a breath-alcohol test device listed in the United
 2405 States Department of Transportation's conforming-product list of
 2406 evidential breath-measurement devices. The reading from such a
 2407 device is presumed accurate and is admissible in evidence in any

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2408 administrative hearing conducted under this section.

2409 (18) The result of a blood test obtained during an
 2410 investigation conducted under s. 316.1932 or s. 316.1933 may be
 2411 used to suspend the driving privilege of a person under this
 2412 section.

2413 (19) A violation of this section is neither a traffic
 2414 infraction nor a criminal offense, nor does being detained
 2415 pursuant to this section constitute an arrest. A violation of
 2416 this section is subject to the administrative action provisions
 2417 of this section, which are administered by the department
 2418 through its administrative processes. Administrative actions
 2419 taken pursuant to this section shall be recorded in the motor
 2420 vehicle records maintained by the department. This section does
 2421 not bar prosecution under s. 316.193. However, if the department
 2422 suspends a person's license under s. 322.2615 for a violation of
 2423 s. 316.193, it may not also suspend the person's license under
 2424 this section for the same episode that was the basis for the
 2425 suspension under s. 322.2615.

2426 Section 37. Section 322.64, Florida Statutes, is amended to
 2427 read:

2428 322.64 Holder of commercial driver ~~driver's~~ license;
 2429 persons operating a commercial motor vehicle; driving with
 2430 unlawful blood-alcohol level; refusal to submit to breath,
 2431 urine, or blood test.—

2432 (1)(a) A law enforcement officer or correctional officer
 2433 shall, on behalf of the department, disqualify from operating
 2434 any commercial motor vehicle a person who while operating or in
 2435 actual physical control of a commercial motor vehicle is
 2436 arrested for a violation of s. 316.193, relating to unlawful

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

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

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

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

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

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

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

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

5. The driver may submit to the department any materials

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relevant to the disqualification.

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

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

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement

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officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 days after the date of issuance if the driver is otherwise eligible.

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

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

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

(b) Such formal review hearing shall be held before a hearing officer designated ~~employed~~ by the department, and the hearing officer shall be authorized to administer oaths, examine

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

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

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

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

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

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

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

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

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

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

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2611 3. Whether the person was told that if he or she refused to
 2612 submit to such test he or she would be disqualified from
 2613 operating a commercial motor vehicle for a period of 1 year or,
 2614 if previously disqualified under this section, permanently.

2615 (8) Based on the determination of the hearing officer
 2616 pursuant to subsection (7) for both informal hearings under
 2617 subsection (4) and formal hearings under subsection (6), the
 2618 department shall:

2619 ~~(a) sustain the disqualification for the time period~~
 2620 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
 2621 ~~refusal, or permanently if such person has been previously~~
 2622 ~~disqualified from operating a commercial motor vehicle under~~
 2623 ~~this section.~~ The disqualification period commences on the date
 2624 of the issuance of the notice of disqualification.

2625 ~~(b) Sustain the disqualification:~~

2626 ~~1. For a period of 1 year if the person was driving or in~~
 2627 ~~actual physical control of a commercial motor vehicle, or any~~
 2628 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2629 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2630 ~~of 0.08 or higher; or~~

2631 ~~2. Permanently if the person has been previously~~
 2632 ~~disqualified from operating a commercial motor vehicle under~~
 2633 ~~this section or his or her driving privilege has been previously~~
 2634 ~~suspended for driving or being in actual physical control of a~~
 2635 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2636 ~~holds a commercial driver's license, and had an unlawful blood~~
 2637 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2638 ~~The disqualification period commences on the date of the~~
 2639

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2640 ~~issuance of the notice of disqualification.~~

2641 (9) A request for a formal review hearing or an informal
 2642 review hearing shall not stay the disqualification. If the
 2643 department fails to schedule the formal review hearing ~~to be~~
 2644 ~~held~~ within 30 days after receipt of the request therefor, the
 2645 department shall invalidate the disqualification. If the
 2646 scheduled hearing is continued at the department's initiative or
 2647 the driver enforces the subpoena as provided in subsection (6),
 2648 the department shall issue a temporary driving permit limited to
 2649 noncommercial vehicles which is valid until the hearing is
 2650 conducted if the person is otherwise eligible for the driving
 2651 privilege. Such permit shall not be issued to a person who
 2652 sought and obtained a continuance of the hearing. The permit
 2653 issued under this subsection shall authorize driving for
 2654 business purposes only.

2655 (10) A person who is disqualified from operating a
 2656 commercial motor vehicle under subsection (1) or subsection (3)
 2657 is eligible for issuance of a license for business or employment
 2658 purposes only under s. 322.271 if the person is otherwise
 2659 eligible for the driving privilege. However, such business or
 2660 employment purposes license shall not authorize the driver to
 2661 operate a commercial motor vehicle.

2662 (11) The formal review hearing may be conducted upon a
 2663 review of the reports of a law enforcement officer or a
 2664 correctional officer, including documents relating to the
 2665 administration of a breath test or blood test or the refusal to
 2666 take either test. However, as provided in subsection (6), the
 2667 driver may subpoena the officer or any person who administered
 2668 or analyzed a breath or blood test. If the arresting officer or

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2669 the breath technician fails to appear pursuant to a subpoena as
 2670 provided in subsection (6), the department shall invalidate the
 2671 disqualification.

2672 (12) The formal review hearing and the informal review
 2673 hearing are exempt from the provisions of chapter 120. The
 2674 department ~~may be authorized to~~ adopt rules for the conduct of
 2675 reviews under this section.

2676 (13) A person may appeal any decision of the department
 2677 sustaining the disqualification from operating a commercial
 2678 motor vehicle by a petition for writ of certiorari to the
 2679 circuit court in the county wherein such person resides or
 2680 wherein a formal or informal review was conducted pursuant to s.
 2681 322.31. However, an appeal shall not stay the disqualification.
 2682 This subsection shall not be construed to provide for a de novo
 2683 review ~~appeal~~.

2684 (14) The decision of the department under this section
 2685 shall not be considered in any trial for a violation of s.
 2686 316.193, s. 322.61, or s. 322.62, nor shall any written
 2687 statement submitted by a person in his or her request for
 2688 departmental review under this section be admissible into
 2689 evidence against him or her in any such trial. The disposition
 2690 of any related criminal proceedings shall not affect a
 2691 disqualification imposed pursuant to this section.

2692 (15) This section does not preclude the suspension of the
 2693 driving privilege pursuant to s. 322.2615. The driving privilege
 2694 of a person who has been disqualified from operating a
 2695 commercial motor vehicle also may be suspended for a violation
 2696 of s. 316.193.

2697 Section 38. Section 322.2715, Florida Statutes, is amended

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2698 to read:

2699 322.2715 Ignition interlock device.—

2700 (1) Before issuing a permanent or restricted driver
 2701 ~~driver's~~ license under this chapter, the department shall
 2702 require the placement of a department-approved ignition
 2703 interlock device for any person convicted of committing an
 2704 offense of driving under the influence as specified in
 2705 subsection (3), except that consideration may be given to those
 2706 individuals having a documented medical condition that would
 2707 prohibit the device from functioning normally. If a medical
 2708 waiver has been granted for a convicted person seeking a
 2709 restricted license, the convicted person shall not be entitled
 2710 to a restricted license until the required ignition interlock
 2711 device installation period under subsection (3) expires, in
 2712 addition to the time requirements under s. 322.271. If a medical
 2713 waiver has been approved for a convicted person seeking
 2714 permanent reinstatement of the driver license, the convicted
 2715 person must be restricted to an employment-purposes-only license
 2716 and be supervised by a licensed DUI program until the required
 2717 ignition interlock device installation period under subsection
 2718 (3) expires. An interlock device shall be placed on all vehicles
 2719 that are individually or jointly leased or owned and routinely
 2720 operated by the convicted person.

2721 (2) For purposes of this section, any conviction for a
 2722 violation of s. 316.193, a previous conviction for a violation
 2723 of former s. 316.1931, or a conviction outside this state for
 2724 driving under the influence, driving while intoxicated, driving
 2725 with an unlawful blood-alcohol level, or any other similar
 2726 alcohol-related or drug-related traffic offense is a conviction

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of driving under the influence.

(3) If the person is convicted of:

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

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

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

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

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

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of

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imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. This subsection applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

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

Section 39. Section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

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

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

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

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

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

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

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous

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conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

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

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his or her normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver ~~driver's~~ license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the difference between the applicable maximum for a first conviction or minimum

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for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

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

~~(d) (e)~~ The court shall permanently revoke the driver ~~driver's~~ license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver ~~driver's~~ license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such driver ~~driver's~~ license or driving privilege within 30 days after imposing sentence, the department shall permanently revoke the driver ~~driver's~~ license or driving privilege pursuant to this paragraph. No driver ~~driver's~~ license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931

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was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

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

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

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

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

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

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

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

Section 40. Section 322.331, Florida Statutes, is repealed.

Section 41. Section 322.61, Florida Statutes, is amended to

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read:

322.61 Disqualification from operating a commercial motor vehicle.—

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

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

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

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

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

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

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2959 ~~(f) Driving a commercial motor vehicle, owned by such~~
 2960 ~~person, which is not properly insured;~~
 2961 (d) (g) Improper lane change, as defined in s. 316.085;
 2962 (e) (h) Following too closely, as defined in s. 316.0895;
 2963 (f) (i) Driving a commercial vehicle without obtaining a
 2964 commercial driver ~~driver's~~ license;
 2965 (g) (j) Driving a commercial vehicle without the proper
 2966 class of commercial driver ~~driver's~~ license or commercial
 2967 learner's permit or without the proper endorsement; or
 2968 (h) (k) Driving a commercial vehicle without a commercial
 2969 driver ~~driver's~~ license or commercial learner's permit in
 2970 possession, as required by s. 322.03. ~~Any individual who~~
 2971 ~~provides proof to the clerk of the court or designated official~~
 2972 ~~in the jurisdiction where the citation was issued, by the date~~
 2973 ~~the individual must appear in court or pay any fine for such a~~
 2974 ~~violation, that the individual held a valid commercial driver's~~
 2975 ~~license on the date the citation was issued is not guilty of~~
 2976 ~~this offense.~~
 2977 (2) (a) Any person who, for offenses occurring within a 3-
 2978 year period, is convicted of three serious traffic violations
 2979 specified in subsection (1) or any combination thereof, arising
 2980 in separate incidents committed in a commercial motor vehicle
 2981 shall, in addition to any other applicable penalties, including
 2982 but not limited to the penalty provided in subsection (1), be
 2983 disqualified from operating a commercial motor vehicle for a
 2984 period of 120 days.
 2985 (b) A holder of a commercial driver ~~driver's~~ license or
 2986 commercial learner's permit who, for offenses occurring within a
 2987 3-year period, is convicted of three serious traffic violations

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2988 specified in subsection (1) or any combination thereof arising
 2989 in separate incidents committed in a noncommercial motor vehicle
 2990 shall, in addition to any other applicable penalties, including,
 2991 but not limited to, the penalty provided in subsection (1), be
 2992 disqualified from operating a commercial motor vehicle for a
 2993 period of 120 days if such convictions result in the suspension,
 2994 revocation, or cancellation of the licenseholder's driving
 2995 privilege.
 2996 (3) (a) Except as provided in subsection (4), any person who
 2997 is convicted of one of the offenses listed in paragraph (b)
 2998 while operating a commercial motor vehicle shall, in addition to
 2999 any other applicable penalties, be disqualified from operating a
 3000 commercial motor vehicle for a period of 1 year.
 3001 (b) Except as provided in subsection (4), any holder of a
 3002 commercial driver license or commercial learner's permit who is
 3003 convicted of one of the offenses listed in this paragraph while
 3004 operating a noncommercial motor vehicle shall, in addition to
 3005 any other applicable penalties, be disqualified from operating a
 3006 commercial motor vehicle for a period of 1 year:
 3007 1. Driving a motor vehicle while he or she is under the
 3008 influence of alcohol or a controlled substance;
 3009 2. Driving a commercial motor vehicle while the alcohol
 3010 concentration of his or her blood, breath, or urine is .04
 3011 percent or higher;
 3012 3. Leaving the scene of a crash involving a motor vehicle
 3013 driven by such person;
 3014 4. Using a motor vehicle in the commission of a felony;
 3015 ~~5. Driving a commercial motor vehicle while in possession~~
 3016 ~~of a controlled substance;~~

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3017 ~~5.6-~~ Refusing to submit to a test to determine his or her
 3018 alcohol concentration while driving a motor vehicle;
 3019 6. Driving a commercial motor vehicle when, as a result of
 3020 prior violations committed operating a commercial motor vehicle,
 3021 his or her commercial driver license or commercial learner's
 3022 permit is revoked, suspended, or canceled, or he or she is
 3023 disqualified from operating a commercial motor vehicle; or
 3024 ~~7. Driving a commercial vehicle while the licenseholder's~~
 3025 ~~commercial driver license is suspended, revoked, or canceled or~~
 3026 ~~while the licenseholder is disqualified from driving a~~
 3027 ~~commercial vehicle; or~~
 3028 ~~7.8-~~ Causing a fatality through the negligent operation of
 3029 a commercial motor vehicle.
 3030 (4) Any person who is transporting hazardous materials as
 3031 defined in s. 322.01(24) shall, upon conviction of an offense
 3032 specified in subsection (3), be disqualified from operating a
 3033 commercial motor vehicle for a period of 3 years. The penalty
 3034 provided in this subsection shall be in addition to any other
 3035 applicable penalty.
 3036 (5) A person who is convicted of two violations specified
 3037 in subsection (3) which were committed while operating a
 3038 commercial motor vehicle, or any combination thereof, arising in
 3039 separate incidents shall be permanently disqualified from
 3040 operating a commercial motor vehicle. A holder of a commercial
 3041 driver license or commercial learner's permit who is convicted
 3042 of two violations specified in subsection (3) which were
 3043 committed while operating any motor vehicle arising in separate
 3044 incidents shall be permanently disqualified from operating a
 3045 commercial motor vehicle. The penalty provided in this

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3046 subsection is in addition to any other applicable penalty.
 3047 (6) Notwithstanding subsections (3), (4), and (5), any
 3048 person who uses a commercial motor vehicle in the commission of
 3049 any felony involving the manufacture, distribution, or
 3050 dispensing of a controlled substance, including possession with
 3051 intent to manufacture, distribute, or dispense a controlled
 3052 substance, shall, upon conviction of such felony, be permanently
 3053 disqualified from operating a commercial motor vehicle.
 3054 Notwithstanding subsections (3), (4), and (5), any holder of a
 3055 commercial driver ~~driver's~~ license or commercial learner's
 3056 permit who uses a noncommercial motor vehicle in the commission
 3057 of any felony involving the manufacture, distribution, or
 3058 dispensing of a controlled substance, including possession with
 3059 intent to manufacture, distribute, or dispense a controlled
 3060 substance, shall, upon conviction of such felony, be permanently
 3061 disqualified from operating a commercial motor vehicle. The
 3062 penalty provided in this subsection is in addition to any other
 3063 applicable penalty.
 3064 (7) A person whose privilege to operate a commercial motor
 3065 vehicle is disqualified under this section may, if otherwise
 3066 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
 3067 to s. 322.251.
 3068 (8) A driver who is convicted of or otherwise found to have
 3069 committed a violation of an out-of-service order while driving a
 3070 commercial motor vehicle is disqualified as follows:
 3071 (a) At least ~~Not less than~~ 180 days but not ~~nor~~ more than 1
 3072 year if the driver is convicted of or otherwise found to have
 3073 committed a first violation of an out-of-service order.
 3074 (b) At least ~~Not less than~~ 2 years but not ~~nor~~ more than 5

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years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) At least ~~Not less than~~ 3 years but not ~~not~~ more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) At least ~~Not less than~~ 180 days but not ~~not~~ more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of at least ~~not less than~~ 3 years but not ~~not~~ more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

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

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time specified in subsection (10):

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

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

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

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

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

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

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

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

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

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in separate incidents.

Section 42. Paragraph (a) of subsection (1) of section 324.0221, Florida Statutes, is amended to read:

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

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

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Section 43. Section 324.031, Florida Statutes, is amended to read:

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

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

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

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

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

Any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) ~~or subsection (3)~~ shall furnish a certificate of ~~post a bond or~~ deposit equal to the number of vehicles owned times \$30,000, to

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a maximum of \$120,000; in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of \$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 or \$300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).

Section 44. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance or, motor vehicle liability insurance, ~~or a surety bond~~ within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy or, motor vehicle liability policy, ~~or surety bond~~ was in effect at the time of the crash or conviction case, the department shall forward ~~by United States mail, postage prepaid,~~ to the insurer or surety insurer ~~a copy of such information for verification in a method as determined by the department. and shall assume that the policy or bond was in effect, unless~~ The insurer shall respond to ~~or surety insurer notifies~~ the department ~~otherwise~~ within 20 days after ~~the mailing of the notice whether or not such information is valid to the insurer or surety insurer. However,~~ If the department ~~later~~ determines that an automobile liability policy or, motor vehicle liability policy, ~~or surety bond~~ was not in effect and did not provide coverage for both the owner and the operator, it

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shall take action as it is ~~otherwise~~ authorized to do under this chapter. ~~Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom the mailing was made and by specifying the time, place, and manner of mailing.~~

Section 45. Section 324.161, Florida Statutes, is amended to read:

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

Section 46. Paragraph (a) of subsection (1) of section

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328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(1) (a) The owner of a vessel which is required to be titled shall apply to the county tax collector for a certificate of title. The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number. The application shall be signed by the owner and shall be accompanied by personal or business identification and the prescribed fee. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport.

A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number, and the prescribed fee.

Section 47. Paragraph (a) of subsection (1) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(1) (a) The owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The application shall provide the owner's name and address;

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residency status; personal or business identification, ~~which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number;~~ and a complete description of the vessel, and shall be accompanied by payment of the applicable fee required in s. 328.72. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number. Registration is not required for any vessel that is not used on the waters of this state.

Section 48. Subsection (1) of section 328.76, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 49. Paragraph (aa) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the

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rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

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

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

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;
2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

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3365 3. Florida sales tax was paid on the acquisition of such
3366 vehicle by the seller, lessor, or renter.

3367 Section 50. Subsection (8) of section 261.03, Florida
3368 Statutes, is amended to read:

3369 261.03 Definitions.—As used in this chapter, the term:

3370 (8) "ROV" means any motorized recreational off-highway
3371 vehicle 64 inches or less in width, having a dry weight of 2,000
3372 pounds or less, designed to travel on four or more nonhighway
3373 tires, having nonstraddle seating and a steering wheel, and
3374 manufactured for recreational use by one or more persons. The
3375 term "ROV" does not include a golf cart as defined in ss. 320.01
3376 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
3377 s. 320.01 ~~320.01(42)~~.

3378 Section 51. Section 316.2122, Florida Statutes, is amended
3379 to read:

3380 316.2122 Operation of a low-speed vehicle or mini truck on
3381 certain roadways.—The operation of a low-speed vehicle as
3382 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
3383 320.01 ~~320.01(45)~~ on any road is authorized with the following
3384 restrictions:

3385 (1) A low-speed vehicle or mini truck may be operated only
3386 on streets where the posted speed limit is 35 miles per hour or
3387 less. This does not prohibit a low-speed vehicle or mini truck
3388 from crossing a road or street at an intersection where the road
3389 or street has a posted speed limit of more than 35 miles per
3390 hour.

3391 (2) A low-speed vehicle must be equipped with headlamps,
3392 stop lamps, turn signal lamps, taillamps, reflex reflectors,
3393 parking brakes, rearview mirrors, windshields, seat belts, and

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3394 vehicle identification numbers.

3395 (3) A low-speed vehicle or mini truck must be registered
3396 and insured in accordance with s. 320.02 and titled pursuant to
3397 chapter 319.

3398 (4) Any person operating a low-speed vehicle or mini truck
3399 must have in his or her possession a valid driver ~~driver's~~
3400 license.

3401 (5) A county or municipality may prohibit the operation of
3402 low-speed vehicles or mini trucks on any road under its
3403 jurisdiction if the governing body of the county or municipality
3404 determines that such prohibition is necessary in the interest of
3405 safety.

3406 (6) The Department of Transportation may prohibit the
3407 operation of low-speed vehicles or mini trucks on any road under
3408 its jurisdiction if it determines that such prohibition is
3409 necessary in the interest of safety.

3410 Section 52. Section 316.2124, Florida Statutes, is amended
3411 to read:

3412 316.2124 Motorized disability access vehicles.—The
3413 Department of Highway Safety and Motor Vehicles is directed to
3414 provide, by rule, for the regulation of motorized disability
3415 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
3416 department shall provide that motorized disability access
3417 vehicles shall be registered in the same manner as motorcycles
3418 and shall pay the same registration fee as for a motorcycle.
3419 There shall also be assessed, in addition to the registration
3420 fee, a \$2.50 surcharge for motorized disability access vehicles.
3421 This surcharge shall be paid into the Highway Safety Operating
3422 Trust Fund. Motorized disability access vehicles shall not be

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

Section 53. Subsection (1) of section 316.21265, Florida Statutes, is amended to read:

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

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

Section 54. Subsection (1) of section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers.—

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

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or otherwise operated by the motor carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

Section 55. Paragraph (a) of subsection (5) and subsection (10) of section 316.550, Florida Statutes, are amended to read:

316.550 Operations not in conformity with law; special permits.—

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

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

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

(b) For each violation of dimensional criteria in a special permit, the penalty shall be as provided in s. 316.516 and penalties for multiple violations of dimensional criteria shall

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3481 be cumulative except that the total penalty for the vehicle
3482 shall not exceed \$1,000.

3483 (c) For each violation of an operational or safety
3484 stipulation in a special permit, the penalty shall be an amount
3485 not to exceed \$1,000 per violation and penalties for multiple
3486 violations of operational or safety stipulations shall be
3487 cumulative except that the total penalty for the vehicle shall
3488 not exceed \$1,000.

3489 (d) For violation of any special condition that has been
3490 prescribed in the rules of the Department of Transportation and
3491 declared on the permit, the vehicle shall be determined to be
3492 out of conformance with the permit and the permit shall be
3493 declared null and void for the vehicle, and weight and
3494 dimensional limits for the vehicle shall be as established in s.
3495 316.515 or s. 316.535, whichever is applicable, and:

3496 1. For weight violations, a penalty as provided in s.
3497 316.545 shall be assessed for those weights which exceed the
3498 limits thus established for the vehicle; and

3499 2. For dimensional, operational, or safety violations, a
3500 penalty as established in paragraph (c) or s. 316.516, whichever
3501 is applicable, shall be assessed for each nonconforming
3502 dimensional, operational, or safety violation and the penalties
3503 for multiple violations shall be cumulative for the vehicle.

3504 Section 56. Subsection (9) of section 317.0003, Florida
3505 Statutes, is amended to read:

3506 317.0003 Definitions.—As used in this chapter, the term:

3507 (9) "ROV" means any motorized recreational off-highway
3508 vehicle 64 inches or less in width, having a dry weight of 2,000
3509 pounds or less, designed to travel on four or more nonhighway

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3510 tires, having nonstraddle seating and a steering wheel, and
3511 manufactured for recreational use by one or more persons. The
3512 term "ROV" does not include a golf cart as defined in ss. 320.01
3513 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
3514 s. 320.01 ~~320.01(42)~~.

3515 Section 57. Paragraph (d) of subsection (5) of section
3516 320.08, Florida Statutes, is amended to read:

3517 320.08 License taxes.—Except as otherwise provided herein,
3518 there are hereby levied and imposed annual license taxes for the
3519 operation of motor vehicles, mopeds, motorized bicycles as
3520 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
3521 and mobile homes, as defined in s. 320.01, which shall be paid
3522 to and collected by the department or its agent upon the
3523 registration or renewal of registration of the following:

3524 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
3525 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3526 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which is
3527 used to tow a vessel as defined in s. 327.02(39), a disabled,
3528 abandoned, stolen-recovered, or impounded motor vehicle as
3529 defined in s. 320.01 ~~320.01(38)~~, or a replacement motor vehicle
3530 as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which \$11 shall
3531 be deposited into the General Revenue Fund.

3532 Section 58. Subsection (1) of section 320.0847, Florida
3533 Statutes, is amended to read:

3534 320.0847 Mini truck and low-speed vehicle license plates.—

3535 (1) The department shall issue a license plate to the owner
3536 or lessee of any vehicle registered as a low-speed vehicle as
3537 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
3538 320.01 ~~320.01(45)~~ upon payment of the appropriate license taxes

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and fees prescribed in s. 320.08.

Section 59. Subsections (4) and (5) of section 322.271, Florida Statutes, are amended to read:

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

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

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

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

(b) At such hearing, the department shall determine the petitioner's qualification, fitness, and need to drive. Upon such determination, the department may, in its discretion,

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reinstate the driver ~~driver's~~ license of the petitioner. Such reinstatement must be made subject to the following qualifications:

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

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

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

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

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

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

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3597 any incarceration under s. 316.193 or former s. 316.1931,
 3598 whichever is later, petition the department for reinstatement of
 3599 his or her driving privilege.

3600 (a) Within 30 days after receipt of a petition, the
 3601 department shall provide for a hearing, at which the petitioner
 3602 must demonstrate that he or she:

3603 1. Has not been arrested for a drug-related offense for at
 3604 least 5 years prior to filing the petition;

3605 2. Has not driven a motor vehicle without a license for at
 3606 least 5 years prior to the hearing;

3607 3. Has been drug-free for at least 5 years prior to the
 3608 hearing; and

3609 4. Has completed a DUI program licensed by the department.

3610 (b) At the hearing, the department shall determine the
 3611 petitioner's qualification, fitness, and need to drive, and may,
 3612 after such determination, reinstate the petitioner's driver
 3613 ~~driver's~~ license. The reinstatement shall be subject to the
 3614 following qualifications:

3615 1. The petitioner's license must be restricted for
 3616 employment purposes for at least ~~not less than~~ 1 year; and

3617 2. The petitioner must be supervised by a DUI program
 3618 licensed by the department and must report to the program for
 3619 supervision and education at least four times a year or more, as
 3620 required by the program, for the remainder of the revocation
 3621 period. The supervision shall include evaluation, education,
 3622 referral into treatment, and other activities required by the
 3623 department.

3624 (c) The petitioner must assume the reasonable costs of
 3625 supervision. If the petitioner does not comply with the required

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3626 supervision, the program shall report the failure to the
 3627 department, and the department shall cancel such person's
 3628 driving privilege.

3629 (d) If, after reinstatement, the petitioner is convicted of
 3630 an offense for which mandatory license revocation is required,
 3631 the department shall revoke his or her driving privilege.

3632 (e) The department shall adopt rules regulating the
 3633 services provided by DUI programs pursuant to this section.

3634 Section 60. Section 322.282, Florida Statutes, is amended
 3635 to read:

3636 322.282 Procedure when court revokes or suspends license or
 3637 driving privilege and orders reinstatement.—When a court
 3638 suspends or revokes a person's license or driving privilege and,
 3639 in its discretion, orders reinstatement ~~as provided by s.~~
 3640 ~~322.28(2)(d) or former s. 322.261(5):~~

3641 (1) The court shall pick up all revoked or suspended driver
 3642 ~~driver's~~ licenses from the person and immediately forward them
 3643 to the department, together with a record of such conviction.
 3644 The clerk of such court shall also maintain a list of all
 3645 revocations or suspensions by the court.

3646 (2) (a) The court shall issue an order of reinstatement, on
 3647 a form to be furnished by the department, which the person may
 3648 take to any driver ~~driver's~~ license examining office. The
 3649 department shall issue a temporary driver ~~driver's~~ permit to a
 3650 licensee who presents the court's order of reinstatement, proof
 3651 of completion of a department-approved driver training or
 3652 substance abuse education course, and a written request for a
 3653 hearing under s. 322.271. The permit shall not be issued if a
 3654 record check by the department shows that the person has

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

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

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

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

Section 61. Section 324.023, Florida Statutes, is amended to read:

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

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privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 62. Paragraph (c) of subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

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

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

Section 63. Section 324.191, Florida Statutes, is amended to read:

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

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

(2) In the event of the death of the person on whose behalf the proof was filed, or the permanent incapacity of such person to operate a motor vehicle, or

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

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

Section 64. Subsection (3) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.—

(3) Such security shall be provided:

(a) By an insurance policy delivered or issued for delivery in this state by an authorized or eligible motor vehicle liability insurer which provides the benefits and exemptions contained in ss. 627.730-627.7405. Any policy of insurance represented or sold as providing the security required hereunder shall be deemed to provide insurance for the payment of the required benefits; or

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

Section 65. Section 627.7415, Florida Statutes, is amended to read:

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3771 627.7415 Commercial motor vehicles; additional liability
3772 insurance coverage.—Commercial motor vehicles, as defined in s.
3773 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
3774 highways of this state shall be insured with the following
3775 minimum levels of combined bodily liability insurance and
3776 property damage liability insurance in addition to any other
3777 insurance requirements:

3778 (1) Fifty thousand dollars per occurrence for a commercial
3779 motor vehicle with a gross vehicle weight of 26,000 pounds or
3780 more, but less than 35,000 pounds.

3781 (2) One hundred thousand dollars per occurrence for a
3782 commercial motor vehicle with a gross vehicle weight of 35,000
3783 pounds or more, but less than 44,000 pounds.

3784 (3) Three hundred thousand dollars per occurrence for a
3785 commercial motor vehicle with a gross vehicle weight of 44,000
3786 pounds or more.

3787 (4) All commercial motor vehicles subject to regulations of
3788 the United States Department of Transportation, Title 49 C.F.R.
3789 part 387, subpart A, and as may be hereinafter amended, shall be
3790 insured in an amount equivalent to the minimum levels of
3791 financial responsibility as set forth in such regulations.

3792

3793 A violation of this section is a noncriminal traffic infraction,
3794 punishable as a nonmoving violation as provided in chapter 318.

3795 Section 66. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/13

Meeting Date

Waived

Topic Transportation

Bill Number 1632
(if applicable)

Name Ryan Padgett

Amendment Barcode 262196
(if applicable)

Job Title Asst. General Counsel

Address P.O. Box 1757

Phone 222-9684

Street

Tallahassee

FL

32302

City

State

Zip

E-mail rpadgett@flcities.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Fla. League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2013

Meeting Date

Topic _____

Bill Number 1632
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Mar 14 2013
Meeting Date

Topic Billboards/Zoning Required

Bill Number SB 1632
(if applicable)

Name Rip Calleen

Amendment Barcode _____
(if applicable)

Job Title Boardmember

Address 3048 Godfrey Pl.
Street

Phone 850-508-9335

Tallahassee FLA 32309
City State Zip

E-mail ripcaleen@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

Representing Citizens for Scenic Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2013
Meeting Date

Topic SB 1632

Bill Number 1632
(if applicable)

Name Rob Jesse

Amendment Barcode _____
(if applicable)

Job Title Department of Transportation-Outdoor Advertising Manager

Address _____
Street

Phone _____

City State Zip

E-mail _____

Speaking: ☐ For ☐ Against ☐ Information

Representing FDOT

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

TP'd

3-14-2013
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic VETERANS LICENSE TAG- FEES Bill Number SB 884
Name FRANK MIRABELLA Amendment Barcode _____
Job Title LEGISLATIVE OFFICER (if applicable)
Address 521 N. ADAMS. ST. Phone 850-510-3377
City TALLAHASSEE State FL. Zip 32301 E-mail Frank.Mirabella@fla.gov
Speaking: ☐ For ☒ Against ☐ Information
Representing DISABLED AMERICAN VETERANS
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

Waives

3-14-13
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic AAA Voluntary Check-Off Bill Number 1090
Name Kevin Bakewell Amendment Barcode _____
Job Title Sr. Vice President (if applicable)
Address 1515 N. Westshore Phone 813-289-5057
City Tampa, State FL Zip 33607 E-mail _____
Speaking: ☒ For ☐ Against ☐ Information
Representing AAA-The Auto Club Group
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Wainb

3/14/2013

Meeting Date

Topic _____ Bill Number 1752
(if applicable)
Name BRIAN PITTS Amendment Barcode _____
(if applicable)
Job Title TRUSTEE
Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip
Speaking: ☒ For ☐ Against ☒ Information
Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Absent

3/14/13

Meeting Date

Topic Driver Licenses Bill Number SB 986
(if applicable)
Name Ron Bilbao Amendment Barcode _____
(if applicable)
Job Title SR. Legislative Assoc.
Address 4500 Biscayne Blvd, 340 Phone 919-923-7288
Street
Miami FL 33137
City State Zip
Speaking: ☒ For ☐ Against ☐ Information
Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/14/2013

Meeting Date

waives

Topic _____

Bill Number 1110
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/13

Meeting Date

waives

Topic RR Police

Bill Number 1110
(if applicable)

Name Jacqueline Litzinger

Amendment Barcode _____
(if applicable)

Job Title Chief of Police

Address 500 Water St.

Phone 904-237-3833

Street

Jacksonville FL 32202
City State Zip

E-mail jackie.litzinger
@CSX.com

Speaking: ☒ For ☐ Against ☐ Information

Representing CSX RR Police Dept.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

waives

03 14-2013
Meeting Date

Topic RAIDERS POLICE Bill Number 1110
(if applicable)

Name ERIK ENGIN Amendment Barcode _____
(if applicable)

Job Title LIEUTENANT

Address 123 W. INDIAN AVENUE Phone _____
Street

DeLton FL 32720 E-mail _____
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing Volusia And Duval County Sheriff's

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

waives

3 14/2013
Meeting Date

Topic _____ Bill Number 1424
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291
Street

SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM
City State Zip

Speaking: ☒ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

Tp'd

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/2013

Meeting Date

Topic _____ Bill Number 1984
(if applicable)
Name BRIAN PITTS Amendment Barcode _____
(if applicable)
Job Title TRUSTEE
Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip
Speaking: ☒ For ☐ Against ☒ Information
Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14

Meeting Date

Topic Motor Vehicles Bill Number 5B1458
(if applicable)
Name Corey Peterson Amendment Barcode 248292
(if applicable)
Job Title Government and Industry Affairs Manager
Address 3664 Biltmore Ave Phone (850) 524-2452
Street
Tallahassee FL 32311
City State Zip
Speaking: ☒ For ☐ Against ☐ Information
Representing Farmers Insurance

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Highway Safety Bill Number 1458
Name TREVOR MASK Amendment Barcode 88800
Job Title Attorney (if applicable)
Address 215 S. Monroe St. Phone _____
Street Tallahassee, FL 32311 E-mail _____
City State Zip
Speaking: ☐ For ☒ Against ☐ Information
Representing FADRA, LKQ
Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14/13
Meeting Date

Topic Non-repairable Vehicles Bill Number 1458
Name Towson Fraser Amendment Barcode 888000
Job Title Partner (if applicable)
Address 123 S Adams St Phone 671-4401
Street Tall. FL 32301 E-mail Fraser@sohdegg.com
City State Zip
Speaking: ☒ For ☐ Against ☐ Information
Representing Copart
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/14

Meeting Date

Topic Salvage Cars Amendment

Bill Number 1458
(if applicable)

Name Cory Peterson

Amendment Barcode ~
(if applicable)

Job Title Government and Industry Affairs Manager

Address 3664 Billmore Ave
Street

Phone (850) 524-2452

Tallahassee FL 32311
City State Zip

E-mail cory.peterson@farmersinsurance.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Farmers Insurance

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

840

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

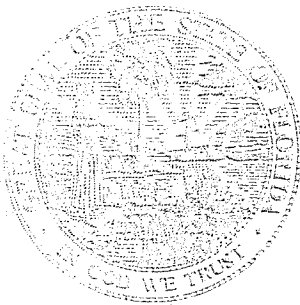
I, Ken Detzner, Secretary of State,
do hereby certify that

Stephen C. Diaco

is duly appointed a member of the

**Tampa-Hillsborough County Expressway
Authority**

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the First day of July, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Eighth day of June, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RICK SCOTT
GOVERNOR

2012 APR 23 PM 2:46

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 348.52(2), Florida Statutes:

Mr. Stephen C. Diaco
101 East Kennedy Boulevard
Suite 2175
Tampa, Florida 33602

as a member of the Tampa-Hillsborough County Expressway Authority, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending July 1, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Donald L. Ellington

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2013
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of July, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:43
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Donald L. Ellington
8973 Southwest 15th Avenue
Gainesville, Florida 32607

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

S. Katherine Frazier

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of September, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:43
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Ms. Susan K. Frazier
101 East Kennedy Boulevard
Suite 3700
Tampa, Florida 33602

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Beth R. Kigel

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

2012 APR 23 PM 2:47
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Ms. Beth R. Kigel
7587 Rockport Circle
Lake Worth, Florida 33467

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

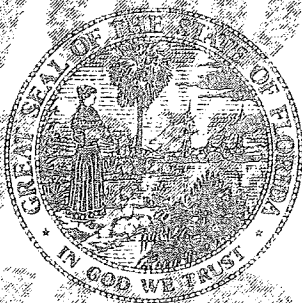
I, Ken Detzner, Secretary of State,
do hereby certify that

Manuel L. Marono

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:49
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Manuel L. Marono
10233 Southwest 7th Street
Sweetwater, Florida 33174

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Jay N. Trumbull

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of December, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
2012 APR 23 PM 2:55
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Jay N. Trumbull
2708 Longleaf Road
Panama City, Florida 32405

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

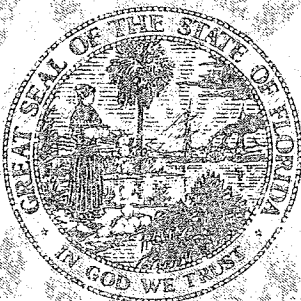
I, Ken Detzner, Secretary of State,
do hereby certify that

Andy Tuck

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
until the Thirtieth day of September, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Sixth day of October, A.D., 2012.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

REC'D
2012 APR 23 PM 2:55
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

The Honorable Andy Tuck
1611 Sandwedge Court
Sebring, Florida 33872

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending September 30, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Finance and Tax
Banking and Insurance
Children, Families, and Elder Affairs
Ethics and Elections
Rules
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

March 12, 2013

The Honorable Jeff Brandes
Chairman
Senate Transportation Committee

Via email

Dear Chairman Brandes:

Due to a personal business matter in my district, I need to return to Miami Wednesday evening. I respectfully request that I be excused from the meeting of the Transportation Committee on Thursday, March 14.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
State Senator, District 40

Cc: Mr. Kurt Eichin, Staff Director
Ms. Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- ☐ 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore





THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military Affairs, Space, and Domestic Security,
Chair
Budget - Subcommittee on Finance and Tax,
Vice Chair
Budget
Budget - Subcommittee on Higher Education
Appropriations
Communications, Energy, and Public Utilities
Education Pre-K - 12
Higher Education
Reapportionment
Regulated Industries

SENATOR THAD ALTMAN

16th District

March 13, 2013

The Honorable Jeff Brandes, Chair
Senate Committee on Transportation
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Brandes:

Senate Bill 1090, related to *Motor Vehicles*, is included on the Transportation Committee agenda for March 14, 2013.

Because of a conflict with the Committee on Military and Veterans Affairs, Space, and Domestic Security, I will be unable to attend. Please recognize my Legislative Aide, Selene Bruns, to present SB 1090, on my behalf.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Thad Altman".

Thad Altman/svb

REPLY TO:

- ☐ 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- ☐ 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5053

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Transportatiion

Case:
Judge:

Type:

Started: 3/14/2013 11:07:46 AM
Ends: 3/14/2013 12:52:27 PM **Length:** 01:44:42

11:07:48 AM Meeting called to order by Chairman Brandes
11:07:59 AM Roll call - Quorum is present - SB 884 and SB 1054 - Temporarily Postponed
11:08:12 AM Recommendations for Tampa Hillsborough County Expressway and Florida Transportation Commission
11:09:13 AM Motion to recommend confirmations - Roll Call on Confirmations - recommendations reported favorably
11:10:08 AM SB 1632 by Senator Latvala - Rewrite Outdoor Advertising Chapter
11:10:52 AM Chairman Brandes
11:11:45 AM Barcode 549928 Senator Evers - Senator Latvala to present
11:12:40 AM Senator Joyner question of Sen. Latvala
11:13:04 AM Senator Latvala in respond
11:13:53 AM Senator Joyner to follow up
11:14:01 AM DOT Secretary Ananth Prasad, to Senator Joyner's question
11:14:50 AM Amendment Barcode 549928 adopted
11:14:58 AM Barcode 429856 by Sen. Evers, Sen. Latvala to present
11:15:50 AM Sec. Prasad to explain amendment
11:16:45 AM Sen. Joyner question to Secy.
11:16:57 AM Secy to respond
11:17:18 AM Sen Joyner question of Secy.
11:17:27 AM Secy to respond
11:18:30 AM Amendment Barcode 429856 adopted
11:19:00 AM Barcode 262196 by Sen. Evers, late filed technical amendment, Sen. Latvala to present.
11:19:00 AM Chair - Barcode 262196 by Sen. Evers - late filed amendment - no objection to take up amenment
11:19:34 AM Ryan Padgett, Fla. League of Cities, waives in support of Amendment
11:19:44 AM Amendment Barcode 262196 adopted
11:19:52 AM Barcode 356724 - by Sen. Evers adopted - Sen. Latvala to present
11:20:41 AM Amendment Barcode 356724 - by Sen. Evers adopted -
11:20:45 AM Chair - Back on S 1632 as amended
11:20:58 AM Rip Caleen, Citizens for Scenic Florida to speak on the bill
11:24:56 AM Sen. Joyner question of Rip Caleen
11:25:13 AM Mr. Caleen responds to questions
11:25:38 AM Sen. Latvala
11:25:49 AM Rob Jesse, DOT, Outdoor Advertising Manager
11:27:25 AM Sen. Lee question of Rob Jesse
11:29:04 AM Rob Jesse in response
11:29:57 AM Sen Lee for follow up
11:30:44 AM Sen. Joyner question to Rob Jesse
11:31:09 AM Rob Jesse in response
11:31:27 AM Sen. Joyner with question
11:32:11 AM Sec. Prasad in response to Sen. Joyner

11:33:38 AM Brian Pitts, Justice-2-Jesus on the bill
11:38:48 AM Sen. Evers with question
11:39:12 AM Rob Jesse to respond
11:39:32 AM Sen. Evers with question
11:39:35 AM Rob Jesse in response
11:40:33 AM Sen. Evers with question
11:40:55 AM Sen. Lee with question
11:42:37 AM Sec. Prasad in response
11:43:26 AM Sen. Margolis with question
11:44:31 AM Sec. Prasad in response
11:44:59 AM Sen. Margolis with comments
11:45:38 AM Sen. Latvala to close on S1632
11:46:05 AM Sen. Garcia moves to make S 1632 a CS
11:46:17 AM Sen. Lee moves to allow staff to make technical changes to bill
11:46:29 AM Roll call for S 1632 - favorable as CS
11:46:58 AM S 1090 by Sen. Altman - AAA/Auto Club South Traffic Safety Foundation DL Checkoff, presented by Selene Bruns, Leg. Asst.
11:47:51 AM Kevin Bakewell, Sr. Vice President, AAA-The Auto Club Group, in support of bill
11:48:20 AM Roll Call on S 1090 - passes
11:48:27 AM S 1752- Sen. Braynon, Drivers Accountability Act, presented by Rep. Stafford
11:49:17 AM Barcode 925474, Sen. Clemens - late filed amendment adopted
11:49:37 AM Rep. Stafford, to explain amendment
11:49:44 AM Chair on the amendment Barcode 925474 - Adopted
11:49:53 AM Chair - Back on the Bill as amended
11:50:00 AM Brian Pitts, waive in support
11:50:08 AM Sen. Joyner comment on the bill
11:50:32 AM Sen. Evers moves for CS on S 1752, without objection, adopted
11:50:45 AM Roll Call -CS/S1752 - passes
11:51:25 AM S 0986 by Sen. Soto - Deferred Action for Childhood Arrivals
11:52:02 AM Roll Call on S 0986 - passes
11:52:28 AM Ron Bilbao, Sr. Legislative Association, ACLU of Florida, in support of bill
11:52:41 AM Sen. Soto to close on S 0986
11:52:46 AM Roll Call on S 0986 - passes
11:53:11 AM S 1110 by Sen. Evers - Railroad Police Officers
11:54:29 AM Barcode 545286 by Sen. Evers
11:54:47 AM Amendment Barcode 545286 adopted
11:55:08 AM S 1110 as amended
11:55:18 AM Erik Eagan, Lt. Volusia & Duval County Sherriff's, in support of bill
11:55:27 AM Jacqueline Litzinger, Chief of Police, CSX RR Police Dept., in favor of bill
11:55:38 AM Brian Pitts in support of bill
11:55:48 AM Sen. Garcia moves for CS on S 1110 - favorable
11:55:58 AM Roll call on CS/S1110 - passes
11:56:14 AM S 1424 by Sen. Evers - Public Records - Toll by Plate Info
11:56:45 AM Brian Pitts, Justice-2-Jesus, in support of bill
11:56:53 AM Sen. Evers to close on the bill
11:57:01 AM Roll Call for S 1424 - passes
11:57:27 AM TP SB 1054
11:57:33 AM Sen. Margolis is in the Chair
11:57:52 AM S 1458 by Sen. Brandes - DHSMV Agency Bill
12:00:28 PM Chair Margolis
12:00:34 PM Sen. Joyner question on bill
12:00:59 PM Matt Montgomery, DHSMV, in response to Sen. Joyner

12:02:28 PM Sen. Joyner in response
12:03:18 PM Matt Montgomery in response to Sen. Joyner
12:04:07 PM Sen. Joyner to follow up
12:05:02 PM Sen. Garcia question of Matt Montgomery
12:05:15 PM Matt Montgomery in response
12:05:45 PM Chair Margolis
12:05:53 PM Barcode 228170 by Sen. Clemens
12:06:00 PM Sen. Clemens on the amendment Barcode 228170
12:07:20 PM Barcode 961448 by Sen. Brandes- amendment to amendment 228170
12:08:40 PM Sen. Clemens on amendment to amendment
12:09:30 PM Chair, questions on Amendment to amendment 961448
12:09:44 PM Sen. Lee on amendments
12:10:20 PM Sen. Clemens in response to Sen. Lee
12:11:08 PM Sen Lee in response
12:11:57 PM Sen. Clemens
12:13:17 PM Sen. Lee as a follow up to Sen. Clemens
12:14:03 PM Sen. Clemens
12:14:30 PM Sen. Lee
12:15:18 PM Sen. Clemens in response
12:16:03 PM Sen. Thompson on amendment to amendment
12:16:33 PM Sen. Clemens in response
12:16:59 PM Chair
12:17:12 PM Amendment to Amendment Barcode 961448 is adopted
12:17:34 PM Sen. Lee question on amendment as amended
12:17:44 PM Amendment as amended
12:17:52 PM Discussion
12:18:18 PM Sen. Joyner question of amendment as amended and effect on the bill
12:18:56 PM Chair- Objections to amendment as amended
12:19:14 PM Sen. Evers comments
12:19:26 PM Sen. Clemens on amendment
12:19:53 PM Chair
12:20:11 PM Sen. Evers comments
12:20:25 PM Kurt Eichin, Staff Director, Transportation in response
12:20:38 PM Chair on amended amendment - passes
12:20:53 PM Barcode 248292 by Sen. Garcia
12:21:34 PM Sen. Lee question on amendment
12:21:51 PM Sen. Joyner on amendment
12:22:09 PM Sen. Garcia
12:22:20 PM Chair Margolis - amendment passes
12:22:35 PM Cory Peterson, Gov and Indus. Affairs Manager, Farmer's Insurance, in support of amendment 248292
12:22:44 PM Barcode 888000 by Sen. Brandes
12:23:48 PM Sen. Joyner on amendment
12:24:23 PM Sen. Brandes in response
12:25:04 PM Chair
12:25:25 PM Towson Fraser, Copart
12:26:49 PM Sen. Joyner to Towson Fraser
12:26:59 PM Towson Fraser in response to Sen. Joyner
12:28:47 PM Trevor Mask, Attorney, LKQ Corp. and FADRA, supports amendment 888000
12:30:33 PM Sen. Lee procedural question for amendment
12:31:44 PM Chair, motion to take up late filed amendment Barcode 888800 - no objection
12:32:18 PM Chair -

12:32:46 PM Barcode 253100 by Sen. Evers, late filed amendment - no objection
12:33:01 PM Sen. Garcia - Wishes to be shown as Nay on Amendment 888000
12:33:16 PM Back on Barcode 253100
12:33:32 PM Senator Joyner wishes to shown as Nay on Barcode 888000
12:34:19 PM Chair
12:35:15 PM Chair
12:35:16 PM Sen. Joyner objection
12:35:39 PM Back on Barcode 253100 by Sen. Evers
12:36:42 PM Sen. Lee question of Sen. Evers
12:37:11 PM Sen. Evers in response
12:40:52 PM Senator Lee with question/comment
12:41:13 PM Matt Montgomery in response
12:41:27 PM Sen. Lee in response
12:43:03 PM Chair
12:43:06 PM Sen. Evers to Sen. Lee
12:43:20 PM Sen. Lee in response
12:43:27 PM Sen. Evers
12:43:57 PM Sen. Lee
12:44:12 PM Barcodes - late filed by Evers are withdrawn
12:44:17 PM Sen. Evers to withdraw late filed amendments Barcode 242586 and 253100
12:44:30 PM Chair, to Withdraw Barcode 253100 and 242586
12:44:56 PM Brian Pitts on the bill
12:48:59 PM Chair - on bill as amended
12:49:11 PM S 1458 as a CS by Sen. Brandes
12:49:36 PM Chair - move to allow staff to make technical changes to CS/S 1458
12:49:45 PM Sen. Joyner - on the bill and late filed amendment to amendment
12:51:23 PM Chair
12:51:28 PM Roll Call on CS/ S 1458 - passes
12:51:58 PM Sen. Brandes in the Chair
12:52:12 PM Sen. Richter moves to rise - Meeting adjourned