

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Brannan offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement and correctional officers;
administration of oaths.—

(2) Law enforcement officers, correctional officers, and
 correctional probation officers, as defined in s. 943.10, and
 traffic crash ~~accident~~ investigation officers and traffic
 infraction enforcement officers, as described in s. 316.640, are
 authorized to administer oaths by reliable electronic means or
 in the physical presence of an affiant when engaged in the

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17 performance of official duties. Sections 117.01, 117.04,
18 117.045, 117.05, and 117.103 do not apply to this section. An
19 officer may not notarize his or her own signature.

20 Section 2. Subsections (16) through (73) and (74) through
21 (101) of section 316.003, Florida Statutes, are renumbered as
22 subsections (17) through (74) and (76) through (103),
23 respectively, present subsection (59) is amended, and new
24 subsections (16) and (75) are added to that section, to read:

25 316.003 Definitions.—The following words and phrases, when
26 used in this chapter, shall have the meanings respectively
27 ascribed to them in this section, except where the context
28 otherwise requires:

29 (16) CRASH.—The operation of a motor vehicle, motorized
30 scooter, or moped which results in property damage or death,
31 bodily injury, or complaint of bodily injury to any person. The
32 term "crash" includes separation of the operator or an occupant
33 from a motor vehicle, motorized scooter, or moped, or trailer
34 being drawn by a motor vehicle, while in motion, which results
35 in property damage or death, bodily injury, or complaint of
36 bodily injury to any person. The term "crash" does not include
37 such operation:

38 (a) On private property, if such operation does not result
39 in death or serious bodily injury, unless the operator is
40 suspected of violating s. 316.193;

41 (b) On a closed course used for commercial or recreational

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42 purposes, such as a commercial driving school or racetrack,
43 unless the operator is suspected of violating s. 316.193; or
44 (c) If such property damage or death, bodily injury, or
45 complaint of bodily injury to any person results from an
46 intentional act of a law enforcement officer to force a motor
47 vehicle or moped to stop or reduce speed, such as use of a
48 pursuit termination device or the precision immobilization
49 technique, except that the term "crash" includes such operation
50 that results in death, bodily injury, or complaint of bodily
51 injury to, or damage to property of, anyone other than the
52 operator or an occupant being forced to stop or reduce speed or
53 the law enforcement officer.

54
55 The term "crash" also does not include the death or suffering of
56 a medical episode by the operator or an occupant of a motor
57 vehicle or moped if operation of the motor vehicle or moped did
58 not result in such death or medical episode and does not result
59 in property damage or death, bodily injury, or complaint of
60 bodily injury to any other person.

61 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
62 provided in paragraph (83) (b) ~~(81) (b)~~, any privately owned way
63 or place used for vehicular travel by the owner and those having
64 express or implied permission from the owner, but not by other
65 persons.

66 (75) SERIOUS BODILY INJURY.—An injury to any person which

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67 consists of a physical condition that creates a substantial risk
68 of death, serious personal disfigurement, or protracted loss or
69 impairment of the function of any bodily member or organ.

70 Section 3. Subsections (1) and (4) of section 316.027,
71 Florida Statutes, are amended to read:

72 316.027 Crash involving death or personal injuries.-

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

74 ~~(a) "Serious bodily injury" means an injury to a person,~~
75 ~~including the driver, which consists of a physical condition~~
76 ~~that creates a substantial risk of death, serious personal~~
77 ~~disfigurement, or protracted loss or impairment of the function~~
78 ~~of a bodily member or organ.~~

79 ~~(b) "vulnerable road user" means:~~

80 ~~(a)1. A pedestrian, including a person actually engaged in~~
81 ~~work upon a highway, or in work upon utility facilities along a~~
82 ~~highway, or engaged in the provision of emergency services~~
83 ~~within the right-of-way;~~

84 ~~(b)2. A person operating a bicycle, motorcycle, scooter,~~
85 ~~or moped lawfully on the roadway;~~

86 ~~(c)3. A person riding an animal; or~~

87 ~~(d)4. A person lawfully operating on a public right-of-~~
88 ~~way, crosswalk, or shoulder of the roadway:~~

89 ~~1.a. A farm tractor or similar vehicle designed primarily~~
90 ~~for farm use;~~

91 ~~2.b. A skateboard, roller skates, or in-line skates;~~

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92 ~~3.e.~~ A horse-drawn carriage;

93 ~~4.d.~~ An electric personal assistive mobility device; or

94 ~~5.e.~~ A wheelchair.

95 (4) (a) In addition to any other civil, criminal, or
96 administrative penalty imposed, a person whose commission of a
97 noncriminal traffic infraction or a violation of this chapter or
98 s. 1006.66 causes or results in the death of another person may
99 be required by the court to serve 120 community service hours in
100 a trauma center or hospital that regularly receives victims of
101 vehicle crashes ~~accidents~~, under the supervision of a registered
102 nurse, an emergency room physician, or an emergency medical
103 technician pursuant to a voluntary community service program
104 operated by the trauma center or hospital.

105 (b) Notwithstanding paragraph (a), in addition to any
106 other civil, criminal, or administrative penalty imposed, a
107 person whose commission of a violation of s. 316.172(1) (a) or
108 (b) causes or results in serious bodily injury to or death of
109 another person shall be required by the court to:

110 1. Serve 120 community service hours in a trauma center or
111 hospital that regularly receives victims of vehicle crashes
112 ~~accidents~~, under the supervision of a registered nurse, an
113 emergency room physician, or an emergency medical technician
114 pursuant to a voluntary community service program operated by
115 the trauma center or hospital.

116 2. Participate in a victim's impact panel session in a

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117 judicial circuit if such a panel exists, or if such a panel does
118 not exist, attend a department-approved driver improvement
119 course relating to the rights of vulnerable road users relative
120 to vehicles on the roadway as provided in s. 322.0261(2).

121 Section 4. Subsection (1) and paragraph (a) of subsection
122 (5) of section 316.0271, Florida Statutes, are amended to read:

123 316.0271 Yellow dot critical motorist medical information
124 program; yellow dot decal, folder, and information form.-

125 (1) The governing body of a county may create a yellow dot
126 critical motorist medical information program to facilitate the
127 provision of emergency medical care to program participants by
128 emergency medical responders by making critical medical
129 information readily available to responders in the event of a
130 motor vehicle crash ~~accident~~ or a medical emergency involving a
131 participant's vehicle.

132 (5) (a) If the driver or a passenger of a motor vehicle is
133 involved in a motor vehicle crash ~~accident~~ or emergency
134 situation and a yellow dot decal is affixed to the vehicle, an
135 emergency medical responder at the scene may search the glove
136 compartment of the vehicle for the corresponding yellow dot
137 folder.

138 Section 5. Subsection (3) of section 316.061, Florida
139 Statutes, is amended to read:

140 316.061 Crashes involving damage to vehicle or property.-

141 (3) Employees or authorized agents of the Department of

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142 Transportation, law enforcement with proper jurisdiction, or an
143 expressway authority created pursuant to chapter 348, in the
144 exercise, management, control, and maintenance of its highway
145 system, may undertake the removal from the main traveled way of
146 roads on its highway system of all vehicles incapacitated as a
147 result of a motor vehicle crash and of debris caused thereby.
148 Such removal is applicable when such a motor vehicle crash
149 results only in damage to a vehicle or other property, and when
150 such removal can be accomplished safely and will result in the
151 improved safety or convenience of travel upon the road. The
152 driver or any other person who has removed a motor vehicle from
153 the main traveled way of the road as provided in this section
154 shall not be considered liable or at fault regarding the cause
155 of the crash ~~accident~~ solely by reason of moving the vehicle.

156 Section 6. Subsections (a) through (d) and (g) of section
157 (2) of 316.066, Florida Statutes, is amended to read:

158 316.066 Written reports of crashes.—

159 (2) (a) Crash reports that reveal the identity, home or
160 employment telephone number or home or employment address of, or
161 other personal information, including information outlined in
162 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
163 ss. 2721 et seq., concerning the parties involved in the crash
164 and that are held by any agency that regularly receives or
165 prepares information from or concerning the parties to motor
166 vehicle crashes are confidential and exempt from s. 119.07(1)

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167 and s. 24(a), Art. I of the State Constitution for a period of
168 60 days after the date the report is filed.

169 (b) Crash reports held by an agency under paragraph (a)
170 may be made immediately available to the parties involved in the
171 crash, their legal representatives, their licensed insurance
172 agents, their insurers or insurers to which they have applied
173 for coverage, persons under contract with such insurers to
174 provide claims or underwriting information, prosecutorial
175 authorities, law enforcement agencies, the Department of
176 Transportation, the Department of Health, county and municipal
177 traffic operations, victim services programs, radio and
178 television stations licensed by the Federal Communications
179 Commission, newspapers qualified to publish legal notices under
180 ss. 50.011 and 50.031, and, in accordance with paragraph (f),
181 free newspapers of general circulation, published once a week or
182 more often, of which at least 7,500 copies are distributed by
183 mail or by carrier as verified by a postal statement or by a
184 notarized printer's statement of press run, which are intended
185 to be generally distributed and circulated, and which contain
186 news of general interest with at least 10 pages per publication,
187 available and of interest to the public generally for the
188 dissemination of news. For the purposes of this section, the
189 following products or publications are not newspapers as
190 referred to in this section: those intended primarily for
191 members of a particular profession or occupational group; those

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192 with the primary purpose of distributing advertising; and those
193 with the primary purpose of publishing names and other personal
194 identifying information concerning parties to motor vehicle
195 crashes.

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

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

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

226 (g) This subsection does not prohibit the department from
227 providing extracts of bulk crash data, which includes requests
228 for 25 or more records, with all personal identifying
229 information removed, or from providing such extracts with
230 personal information included to any individual or entity that
231 meets the requirements of paragraph (b) for the records
232 requested.

233 Section 7. Paragraph (c) of subsection (3) of section
234 316.192, Florida Statutes, is amended to read:

235 316.192 Reckless driving.—

236 (3) Any person:

237 (c) Who, by reason of such operation, causes:

238 1. Damage to the property or person of another commits a
239 misdemeanor of the first degree, punishable as provided in s.
240 775.082 or s. 775.083.

241 2. Serious bodily injury to another commits a felony of

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242 the third degree, punishable as provided in s. 775.082, s.
243 775.083, or s. 775.084. ~~The term "serious bodily injury" means~~
244 ~~an injury to another person, which consists of a physical~~
245 ~~condition that creates a substantial risk of death, serious~~
246 ~~personal disfigurement, or protracted loss or impairment of the~~
247 ~~function of any bodily member or organ.~~

248 Section 8. Paragraph (c) of subsection (3) of section
249 316.193, Florida Statutes, is amended to read:

250 316.193 Driving under the influence; penalties.—

251 (3) Any person:

252 (c) Who, by reason of such operation, causes or
253 contributes to causing:

254 1. Damage to the property or person of another commits a
255 misdemeanor of the first degree, punishable as provided in s.
256 775.082 or s. 775.083.

257 2. Serious bodily injury, as defined in s. 316.003, to
258 himself or herself or another, ~~as defined in s. 316.1933,~~
259 commits a felony of the third degree, punishable as provided in
260 s. 775.082, s. 775.083, or s. 775.084.

261 3. The death of any human being or unborn child commits
262 DUI manslaughter, and commits:

263 a. A felony of the second degree, punishable as provided
264 in s. 775.082, s. 775.083, or s. 775.084.

265 b. A felony of the first degree, punishable as provided in
266 s. 775.082, s. 775.083, or s. 775.084, if:

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267 (I) At the time of the crash, the person knew, or should
268 have known, that the crash occurred; and

269 (II) The person failed to give information and render aid
270 as required by s. 316.062.

271
272 For purposes of this subsection, the term "unborn child" has the
273 same meaning as provided in s. 775.021(5). A person who is
274 convicted of DUI manslaughter shall be sentenced to a mandatory
275 minimum term of imprisonment of 4 years.

276 Section 9. Subsection (1) of section 316.1933, Florida
277 Statutes, is amended to read:

278 316.1933 Blood test for impairment or intoxication in
279 cases of death or serious bodily injury; right to use reasonable
280 force.-

281 (1)~~(a)~~ If a law enforcement officer has probable cause to
282 believe that a motor vehicle driven by or in the actual physical
283 control of a person under the influence of alcoholic beverages,
284 any chemical substances, or any controlled substances has caused
285 the death or serious bodily injury of a human being, including
286 the person himself or herself, a law enforcement officer shall
287 require the person driving or in actual physical control of the
288 motor vehicle to submit to a test of the person's blood for the
289 purpose of determining the alcoholic content thereof or the
290 presence of chemical substances as set forth in s. 877.111 or
291 any substance controlled under chapter 893. The law enforcement

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292 officer may use reasonable force if necessary to require such
293 person to submit to the administration of the blood test. The
294 blood test shall be performed in a reasonable manner.
295 Notwithstanding s. 316.1932, the testing required by this
296 subsection ~~paragraph~~ need not be incidental to a lawful arrest
297 of the person.

298 ~~(b) The term "serious bodily injury" means an injury to~~
299 ~~any person, including the driver, which consists of a physical~~
300 ~~condition that creates a substantial risk of death, serious~~
301 ~~personal disfigurement, or protracted loss or impairment of the~~
302 ~~function of any bodily member or organ.~~

303 Section 10. Paragraphs (a) and (b) of subsection (3) of
304 section 316.194, Florida Statutes, are amended to read:

305 316.194 Stopping, standing or parking outside of
306 municipalities.—

307 (3) (a) When ~~Whenever any~~ police officer or traffic crash
308 ~~accident~~ investigation officer finds a vehicle standing upon a
309 highway in violation of any of the foregoing provisions of this
310 section, the officer may ~~is authorized to~~ move the vehicle, or
311 require the driver or other persons in charge of the vehicle to
312 move the vehicle, to a position off the paved or main-traveled
313 part of the highway.

314 (b) Officers and traffic crash ~~accident~~ investigation
315 officers may provide for the removal of an ~~any~~ abandoned vehicle
316 to the nearest garage or other place of safety, the cost of such

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317 removal to be a lien against motor vehicle, when an abandoned
318 vehicle is found unattended upon a bridge or causeway or in any
319 tunnel, or on any public highway in the following instances:

320 1. Where such vehicle constitutes an obstruction of
321 traffic;

322 2. Where such vehicle has been parked or stored on the
323 public right-of-way for more than ~~a period exceeding~~ 48 hours,
324 in other than designated parking areas, and is within 30 feet of
325 the pavement edge; and

326 3. Where an operative vehicle has been parked or stored on
327 the public right-of-way for more than ~~a period exceeding~~ 10
328 days, in other than designated parking areas, and is more than
329 30 feet from the pavement edge. However, the agency removing
330 such vehicle shall be required to report the removal ~~same~~ to the
331 Department of Highway Safety and Motor Vehicles within 24 hours
332 after ~~of~~ such removal.

333 Section 11. Subsection (2) of section 316.251, Florida
334 Statutes, is amended to read:

335 316.251 Maximum bumper heights.—

336 (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~
337 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,
338 "horseless carriages" as defined in s. 320.086, and "street
339 rods" as defined in s. 320.0863 shall be excluded from the
340 requirements of this section.

341 Section 12. Subsections (1) and (2) of section 316.302,

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342 Florida Statutes, are amended to read:

343 316.302 Commercial motor vehicles; safety regulations;
344 transporters and shippers of hazardous materials; enforcement.-

345 (1) Except as otherwise provided in subsection (3):

346 (a) All owners and drivers of commercial motor vehicles
347 that are operated on the public highways of this state while
348 engaged in interstate commerce are subject to the rules and
349 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
350 390-397.

351 (b) Except as otherwise provided in this section, all
352 owners or drivers of commercial motor vehicles that are engaged
353 in intrastate commerce are subject to the rules and regulations
354 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
355 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
356 ~~definition of bus,~~ as such rules and regulations existed on
357 December 31, 2018 ~~2012~~.

358 (c) The emergency exceptions provided by 49 C.F.R. s.
359 392.82 also apply to communications by utility drivers and
360 utility contractor drivers during a Level 1 activation of the
361 State Emergency Operations Center, as provided in the Florida
362 Comprehensive Emergency Management plan, or during a state of
363 emergency declared by executive order or proclamation of the
364 Governor.

365 (d) Except as provided in ~~s. 316.215(5), and except as~~
366 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging

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367 requirements for intrastate operations, the requirements of this
368 section supersede all other safety requirements of this chapter
369 for commercial motor vehicles.

370 (2) (a) A person who operates a commercial motor vehicle
371 solely in intrastate commerce not transporting any hazardous
372 material in amounts that require placarding pursuant to 49
373 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
374 and 395.3 ~~395.3(a) and (b)~~.

375 (b) Except as provided in 49 C.F.R. s. 395.1, a person who
376 operates a commercial motor vehicle solely in intrastate
377 commerce not transporting any hazardous material in amounts that
378 require placarding pursuant to 49 C.F.R. part 172 may not drive:

379 1. More than 12 hours following 10 consecutive hours off
380 duty; or

381 2. For any period after the end of the 16th hour after
382 coming on duty following 10 consecutive hours off duty.

383
384 ~~The provisions of~~ This paragraph does ~~de~~ not apply to drivers of
385 utility service vehicles as defined in 49 C.F.R. s. 395.2.

386 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
387 operates a commercial motor vehicle solely in intrastate
388 commerce not transporting any hazardous material in amounts that
389 require placarding pursuant to 49 C.F.R. part 172 may not drive
390 after having been on duty more than 70 hours in any period of 7
391 consecutive days or more than 80 hours in any period of 8

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392 consecutive days if the motor carrier operates every day of the
393 week. Thirty-four consecutive hours off duty shall constitute
394 the end of any such period of 7 or 8 consecutive days. This
395 weekly limit does not apply to a person who operates a
396 commercial motor vehicle solely within this state while
397 transporting, during harvest periods, any unprocessed
398 agricultural products or unprocessed food or fiber that is
399 subject to seasonal harvesting from place of harvest to the
400 first place of processing or storage or from place of harvest
401 directly to market or while transporting livestock, livestock
402 feed, or farm supplies directly related to growing or harvesting
403 agricultural products. Upon request of the Department of Highway
404 Safety and Motor Vehicles, motor carriers shall furnish time
405 records or other written verification to that department so that
406 the Department of Highway Safety and Motor Vehicles can
407 determine compliance with this subsection. These time records
408 must be furnished to the Department of Highway Safety and Motor
409 Vehicles within 2 days after receipt of that department's
410 request. Falsification of such information is subject to a civil
411 penalty ~~not to exceed \$100. The provisions of This paragraph~~
412 does ~~de~~ not apply to operators of farm labor vehicles operated
413 during a state of emergency declared by the Governor or operated
414 pursuant to s. 570.07(21),~~r~~ and does ~~de~~ not apply to drivers of
415 utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

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417 solely in intrastate commerce not transporting any hazardous
418 material in amounts that require placarding pursuant to 49
419 C.F.R. part 172 within a 150 air-mile radius of the location
420 where the vehicle is based need not comply with 49 C.F.R. s.
421 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
422 (iii), s. 395.1(e)(1)(iii) and (v) are met. ~~If a driver is not~~
423 ~~released from duty within 12 hours after the driver arrives for~~
424 ~~duty, the motor carrier must maintain documentation of the~~
425 ~~driver's driving times throughout the duty period.~~

426 (e) A person who operates a commercial motor vehicle
427 solely in intrastate commerce is exempt from subsection (1)
428 while transporting agricultural products, including
429 horticultural or forestry products, from farm or harvest place
430 to the first place of processing or storage, or from farm or
431 harvest place directly to market. However, such person must
432 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
433 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
434 vehicles operated pursuant to this paragraph having a gross
435 vehicle weight of 26,001 pounds or more or having three or more
436 axles on the power unit, regardless of weight, must display the
437 name of the vehicle owner or motor carrier and the municipality
438 or town where the vehicle is based on each side of the power
439 unit in letters that contrast with the background and that are
440 readable from a distance of 50 feet. A person who violates this
441 vehicle identification requirement may be assessed a penalty as

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442 provided in s. 316.3025(3)(a).

443 (f) A person who operates a commercial motor vehicle
444 having a ~~declared~~ gross vehicle weight, gross vehicle weight
445 rating, or gross combined weight rating of less than 26,001
446 pounds solely in intrastate commerce and who is not transporting
447 hazardous materials in amounts that require placarding pursuant
448 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
449 ~~as defined in s. 376.301~~, is exempt from subsection (1).
450 However, such person must comply with 49 C.F.R. parts 382, 392,
451 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

452 (g) A person whose driving record shows no convictions for
453 the preceding 3 years and who, as of October 1, 1988, is
454 employed as a driver-salesperson, as defined in 49 C.F.R. s.
455 395.2, and who operates solely in intrastate commerce, is exempt
456 from 49 C.F.R. part 391.

457 (h) A person who is an employee of an electric utility, as
458 defined in s. 361.11, or a telephone company, as defined in s.
459 364.02, and who operates a commercial motor vehicle solely in
460 intrastate commerce and within a 200 air-mile radius of the
461 location where the vehicle is based, is exempt from 49 C.F.R.
462 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

463 (i) A person whose driving record shows no traffic
464 convictions, pursuant to s. 322.61, during the 2-year period
465 immediately preceding the application for the commercial driver
466 license, who is otherwise qualified as a driver under 49 C.F.R.

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467 part 391, and who operates a commercial vehicle in intrastate
468 commerce only shall be exempt from the requirements of 49 C.F.R.
469 part 391, subpart E, s. 391.41(b)(10). However, such operators
470 are still subject to the requirements of ss. 322.12 and 322.121.
471 As proof of eligibility, such driver shall have in his or her
472 possession a physical examination form dated within the past 24
473 months.

474 ~~(j) A person who is otherwise qualified as a driver under~~
475 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
476 ~~intrastate commerce only, and who does not transport hazardous~~
477 ~~materials in amounts that require placarding pursuant to 49~~
478 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
479 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
480 ~~diabetes.~~

481 (j)~~(k)~~ A person holding a commercial driver license who is
482 a regularly employed driver of a commercial motor vehicle and is
483 subject to an alcohol and controlled substance testing program
484 related to that employment shall not be required to be part of a
485 separate testing program for operating any bus owned and
486 operated by a church when the driver does not receive any form
487 of compensation for operating the bus and when the bus is used
488 to transport people to or from church-related activities at no
489 charge. The provisions of this paragraph may not be implemented
490 if the Federal Government notifies the department that
491 implementation will adversely affect the allocation of federal

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492 funds to the state.

493 Section 13. Subsection (8) of section 316.622, Florida
494 Statutes, is amended to read:

495 316.622 Farm labor vehicles.—

496 (8) The department shall provide to the Department of
497 Business and Professional Regulation each quarter a copy of each
498 crash ~~accident~~ report involving a farm labor vehicle.

499 Section 14. Paragraph (a) of subsection (1) of section
500 316.640, Florida Statutes, is amended to read:

501 316.640 Enforcement.—The enforcement of the traffic laws
502 of this state is vested as follows:

503 (1) STATE.—

504 (a)1.a. The Division of Florida Highway Patrol of the
505 Department of Highway Safety and Motor Vehicles; the Division of
506 Law Enforcement of the Fish and Wildlife Conservation
507 Commission; and the agents, inspectors, and officers of the
508 Department of Law Enforcement each have authority to enforce all
509 of the traffic laws of this state on all the streets and
510 highways thereof and elsewhere throughout the state wherever the
511 public has a right to travel by motor vehicle.

512 b. University police officers may enforce all of the
513 traffic laws of this state when violations occur on or within
514 1,000 feet of any property or facilities that are under the
515 guidance, supervision, regulation, or control of a state
516 university, a direct-support organization of such state

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517 university, or any other organization controlled by the state
518 university or a direct-support organization of the state
519 university, or when such violations occur within a specified
520 jurisdictional area as agreed upon in a mutual aid agreement
521 entered into with a law enforcement agency pursuant to s.
522 23.1225(1). Traffic laws may also be enforced off-campus when
523 hot pursuit originates on or within 1,000 feet of any such
524 property or facilities, or as agreed upon in accordance with the
525 mutual aid agreement.

526 c. Florida College System institution police officers may
527 enforce all the traffic laws of this state only when such
528 violations occur on or within 1,000 feet of any property or
529 facilities that are under the guidance, supervision, regulation,
530 or control of the Florida College System institution, or when
531 such violations occur within a specified jurisdictional area as
532 agreed upon in a mutual aid agreement entered into with a law
533 enforcement agency pursuant to s. 23.1225. Traffic laws may also
534 be enforced off-campus when hot pursuit originates on or within
535 1,000 feet of any such property or facilities, or as agreed upon
536 in accordance with the mutual aid agreement.

537 d. Police officers employed by an airport authority may
538 enforce all of the traffic laws of this state only when such
539 violations occur on any property or facilities that are owned or
540 operated by an airport authority.

541 (I) An airport authority may employ as a parking

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542 enforcement specialist any individual who successfully completes
543 a training program established and approved by the Criminal
544 Justice Standards and Training Commission for parking
545 enforcement specialists but who does not otherwise meet the
546 uniform minimum standards established by the commission for law
547 enforcement officers or auxiliary or part-time officers under s.
548 943.12. This sub-sub-subparagraph may not be construed to permit
549 the carrying of firearms or other weapons, nor shall such
550 parking enforcement specialist have arrest authority.

551 (II) A parking enforcement specialist employed by an
552 airport authority may enforce all state, county, and municipal
553 laws and ordinances governing parking only when such violations
554 are on property or facilities owned or operated by the airport
555 authority employing the specialist, by appropriate state,
556 county, or municipal traffic citation.

557 e. The Office of Agricultural Law Enforcement of the
558 Department of Agriculture and Consumer Services may enforce
559 traffic laws of this state.

560 f. School safety officers may enforce all of the traffic
561 laws of this state when such violations occur on or about any
562 property or facilities that are under the guidance, supervision,
563 regulation, or control of the district school board.

564 2. Any disciplinary action taken or performance evaluation
565 conducted by an agency of the state as described in subparagraph
566 1. of a law enforcement officer's traffic enforcement activity

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567 must be in accordance with written work-performance standards.
568 Such standards must be approved by the agency and any collective
569 bargaining unit representing such law enforcement officer. A
570 violation of this subparagraph is not subject to the penalties
571 provided in chapter 318.

572 3. The Division of the Florida Highway Patrol may employ
573 as a traffic crash ~~accident~~ investigation officer any individual
574 who successfully completes instruction in traffic crash ~~accident~~
575 investigation and court presentation through the Selective
576 Traffic Enforcement Program as approved by the Criminal Justice
577 Standards and Training Commission and funded through the
578 National Highway Traffic Safety Administration or a similar
579 program approved by the commission, but who does not necessarily
580 meet the uniform minimum standards established by the commission
581 for law enforcement officers or auxiliary law enforcement
582 officers under chapter 943. Any such traffic crash ~~accident~~
583 investigation officer who makes an investigation at the scene of
584 a traffic crash ~~accident~~ may issue traffic citations, based upon
585 personal investigation, when he or she has reasonable and
586 probable grounds to believe that a person who was involved in
587 the crash ~~accident~~ committed an offense under this chapter,
588 chapter 319, chapter 320, or chapter 322 in connection with the
589 crash ~~accident~~. This subparagraph does not permit the officer to
590 carry firearms or other weapons, and such an officer does not
591 have authority to make arrests.

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592 Section 15. Subsection (2) of section 316.655, Florida
593 Statutes, is amended to read:

594 316.655 Penalties.—

595 (2) A driver convicted of a violation of any offense
596 prohibited by this chapter or any other law of this state
597 regulating motor vehicles, which resulted in a crash ~~an~~
598 ~~accident~~, may have his or her driving privileges revoked or
599 suspended by the court if the court finds such revocation or
600 suspension warranted by the totality of the circumstances
601 resulting in the conviction and the need to provide for the
602 maximum safety for all persons who travel on or who are
603 otherwise affected by the use of the highways of the state. In
604 determining whether suspension or revocation is appropriate, the
605 court shall consider all pertinent factors, including, but not
606 limited to, such factors as the extent and nature of the
607 driver's violation of this chapter, the number of persons killed
608 or injured as the result of the driver's violation of this
609 chapter, and the extent of any property damage resulting from
610 the driver's violation of this chapter.

611 Section 16. Section 316.70, Florida Statutes, is amended
612 to read:

613 316.70 Nonpublic sector buses; safety rules.—

614 (1) All owners and drivers ~~The Department of~~
615 ~~Transportation shall establish and revise standards to ensure~~
616 ~~the safe operation~~ of nonpublic sector buses operated on the

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617 public highways of this state are subject to the rules and
618 regulations, ~~which standards shall be those contained in 49~~
619 ~~C.F.R. parts 382, 383, 385, 386, 387, and 390-397 and which~~
620 ~~shall be directed toward~~ ensuring that:

621 (a) Nonpublic sector buses are safely maintained,
622 equipped, and operated.

623 ~~(b) Nonpublic sector buses are carrying the insurance~~
624 ~~required by law and carrying liability insurance on the checked~~
625 ~~baggage of passengers not to exceed the standard adopted by the~~
626 ~~United States Department of Transportation.~~

627 ~~(b)(e)~~ Florida license tags are purchased for nonpublic
628 sector buses pursuant to s. 320.38.

629 ~~(d) The driving records of drivers of nonpublic sector~~
630 ~~buses are checked by their employers at least once each year to~~
631 ~~ascertain whether the driver has a suspended or revoked driver~~
632 ~~license.~~

633 (2) Department of Highway Safety and Motor Vehicles
634 ~~Transportation~~ personnel may conduct compliance investigations
635 ~~reviews~~ for the purpose of determining compliance with this
636 section. A civil penalty not to exceed \$5,000 in the aggregate
637 may be assessed against a ~~any~~ person who violates ~~any provision~~
638 ~~of~~ this section or who violates a ~~any~~ rule or order of the
639 Department of Highway Safety and Motor Vehicles ~~Transportation~~.
640 A civil penalty not to exceed \$25,000 in the aggregate may be
641 assessed for violations found in a followup compliance

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642 ~~investigation review conducted within a 24-month period. A civil~~
643 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
644 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~
645 ~~violations are found after a second followup compliance review~~
646 ~~within 12 months after the first followup compliance review.~~
647 Motor carriers may be enjoined under s. 316.3026 for violations
648 identified during a compliance investigation or for found to be
649 operating without insurance coverage required by s. 627.742 or
650 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

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

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667 written notice requiring correction of the condition within 14
668 days.

669 (4)-(3) School buses subject to ~~the provisions of~~ chapter
670 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
671 section.

672 Section 17. Section 318.19, Florida Statutes, is amended
673 to read:

674 318.19 Infractions requiring a mandatory hearing.—A Any
675 person cited for an infraction ~~the infractions~~ listed in this
676 section shall not have the provisions of s. 318.14(2), (4), and
677 (9) available to him or her but must appear before the
678 designated official at the time and location of the scheduled
679 hearing:

680 (1) Any infraction which results in a crash that causes
681 the death of another;

682 (2) Any infraction which results in a crash that causes
683 "serious bodily injury, as defined in s. 316.003," of another,
684 including the person cited for the infraction as defined in s.
685 316.1933(1);

686 (3) Any infraction of s. 316.172(1)(b);

687 (4) Any infraction of s. 316.520(1) or (2); or

688 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
689 316.189 of exceeding the speed limit by 30 mph or more.

690 Section 18. Section 319.002, Florida Statutes, is created
691 to read:

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692 319.002 Rulemaking authority.—The department shall
693 administer and provide for the enforcement of this chapter. The
694 department may adopt rules to implement the provisions of this
695 chapter conferring powers or duties upon the department,
696 including, without limitation, adopting rules and forms
697 governing reports. The department shall also have the
698 nonexclusive power to define by rule any term, regardless of
699 whether used in this chapter, insofar as the definition is not
700 inconsistent with the provisions of this chapter.

701 Section 19. Subsections (3) through (8) are added to
702 section 319.25, Florida Statutes, to read:

703 319.25 Cancellation of certificates; investigations;
704 subpoenas and other process; oaths; rules.—

705 (3) The department may conduct investigations and
706 examinations of any person suspected of violating or of having
707 violated any provision of this chapter or any rule adopted or
708 order issued under this chapter.

709 (4) For purposes of any investigation or examination
710 conducted under this section, the department is granted and
711 authorized to exercise the power of subpoena and to administer
712 oaths or affirmations, examine witnesses, require affidavits,
713 take depositions, and compel the attendance of witnesses and the
714 production of books, papers, documents, records, and other
715 evidence. Such subpoenas may be served by an authorized
716 representative of the department.

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717 (5) If a person refuses to testify, produce books, papers,
718 documents, or records, or otherwise obey the subpoena or
719 subpoena duces tecum, the department may petition a court of
720 competent jurisdiction in the county in which the person's
721 residence or principal place of business is located, whereupon
722 the court shall issue an order requiring such person to obey the
723 subpoena or show cause for failing to obey the subpoena. Unless
724 the person shows sufficient cause for failing to obey the
725 subpoena, the court shall direct the person to obey the
726 subpoena. Costs incurred by the department to obtain an order
727 granting, in whole or in part, its petition shall be paid by the
728 subpoenaed person, and failure to comply with such order is
729 contempt of court.

730 (6) For the purpose of any investigation, examination, or
731 proceeding initiated by the department under this chapter, the
732 department may designate agents to serve subpoenas and other
733 process and administer oaths or affirmations.

734 (7) A witness subpoenaed under this section is entitled to
735 witness fees at the same rate established by s. 92.142 for
736 witnesses in a civil case, except that witness fees are not
737 payable for appearance at the witness's place of business during
738 regular business hours or at the witness's residence.

739 (8) The department may adopt rules to administer this
740 section.

741 Section 20. Subsection (3) of section 319.40, Florida

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742 Statutes, is amended to read:

743 319.40 Transactions by electronic or telephonic means.—

744 (3) The department may collect and use e-mail ~~electronic~~
745 ~~mail~~ addresses for purposes of this chapter, including, but not
746 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
747 United States Postal Service as a method of notification.
748 However, any notice regarding the potential forfeiture or
749 foreclosure of an interest in property must be sent via the
750 United States Postal Service.

751 Section 21. Subsection (24) of section 320.01, Florida
752 Statutes, is amended to read:

753 320.01 Definitions, general.—As used in the Florida
754 Statutes, except as otherwise provided, the term:

755 (24) "Apportionable vehicle" means any vehicle, except
756 recreational vehicles, vehicles displaying restricted plates,
757 city pickup and delivery vehicles, ~~buses used in transportation~~
758 ~~of chartered parties,~~ and government-owned vehicles, which is
759 used or intended for use in two or more member jurisdictions
760 that allocate or proportionally register vehicles and which is
761 used for the transportation of persons for hire or is designed,
762 used, or maintained primarily for the transportation of property
763 and:

764 (a) Is a power unit having a gross vehicle weight in
765 excess of 26,000 pounds;

766 (b) Is a power unit having three or more axles, regardless

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767 of weight; or

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

770

771 Vehicles, or combinations thereof, having a gross vehicle weight
772 of 26,000 pounds or less and two-axle vehicles may be
773 proportionally registered.

774 Section 22. Paragraph (b) of subsection (1) of section
775 320.06, Florida Statutes, is amended to read:

776 320.06 Registration certificates, license plates, and
777 validation stickers generally.-

778 (1)

779 (b)1. Registration license plates bearing a graphic symbol
780 and the alphanumeric system of identification shall be issued
781 for a 10-year period. At the end of the 10-year period, upon
782 renewal, the plate shall be replaced. The department shall
783 extend the scheduled license plate replacement date from a 6-
784 year period to a 10-year period. The fee for such replacement is
785 \$28, \$2.80 of which shall be paid each year before the plate is
786 replaced, to be credited toward the next \$28 replacement fee.
787 The fees shall be deposited into the Highway Safety Operating
788 Trust Fund. A credit or refund may not be given for any prior
789 years' payments of the prorated replacement fee if the plate is
790 replaced or surrendered before the end of the 10-year period,
791 except that a credit may be given if a registrant is required by

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792 the department to replace a license plate under s.
793 320.08056(8) (a). With each license plate, a validation sticker
794 shall be issued showing the owner's birth month, license plate
795 number, and the year of expiration or the appropriate renewal
796 period if the owner is not a natural person. The validation
797 sticker shall be placed on the upper right corner of the license
798 plate. The license plate and validation sticker shall be issued
799 based on the applicant's appropriate renewal period. The
800 registration period is 12 months, the extended registration
801 period is 24 months, and all expirations occur based on the
802 applicant's appropriate registration period.

803 2. A vehicle that has an apportioned registration shall be
804 issued an annual license plate and a cab card that denote the
805 declared gross vehicle weight for each apportioned jurisdiction
806 in which the vehicle is authorized to operate. This subparagraph
807 expires October 1, 2019.

808 3. Upon implementation of a new operating system for
809 apportioned vehicle registration, a vehicle registered in
810 accordance with the International Registration Plan which has an
811 apportioned registration shall be issued a license plate for a
812 5-year period, an annual cab card denoting the declared gross
813 vehicle weight, and an annual validation sticker showing the
814 month and year of expiration. The validation sticker shall be
815 placed in the center of the license plate. The license plate and
816 validation sticker shall be issued based on the applicant's

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817 appropriate renewal period. The registration period is 12
818 months. The fee for an original and a renewed cab card is \$28.
819 This fee shall be deposited into the Highway Safety Operating
820 Trust Fund. If the license plate is damaged or worn, it may be
821 replaced at no charge by applying to the department and
822 surrendering the current license plate.

823 ~~4.2.~~ In order to retain the efficient administration of
824 the taxes and fees imposed by this chapter, the 80-cent fee
825 increase in the replacement fee imposed by chapter 2009-71, Laws
826 of Florida, is negated as provided in s. 320.0804.

827 Section 23. Subsection (5) of section 320.0607, Florida
828 Statutes, is amended to read:

829 320.0607 Replacement license plates, validation decal, or
830 mobile home sticker.—

831 (5) Upon the issuance of an original license plate, the
832 applicant shall pay a fee of \$28 to be deposited in the Highway
833 Safety Operating Trust Fund. Upon implementation of a new
834 operating system for apportioned vehicle registration, this
835 subsection does not apply to a vehicle registered under the
836 International Registration Plan.

837 Section 24. Subsection (8) of section 320.0807, Florida
838 Statutes, is renumbered as subsection (6), and present
839 subsections (5), (6), and (7) of that section are amended to
840 read:

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841 320.0807 Special license plates for Governor and federal
842 and state legislators.—

843 ~~(5) Upon application by any current or former President of~~
844 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~
845 ~~the department may issue a license plate stamped "Senate~~
846 ~~President" followed by the number assigned by the department or~~
847 ~~chosen by the applicant if it is not already in use. Upon~~
848 ~~application by any current or former Speaker of the House of~~
849 ~~Representatives and payment of the fees prescribed by s.~~
850 ~~320.0805, the department may issue a license plate stamped~~
851 ~~"House Speaker" followed by the number assigned by the~~
852 ~~department or chosen by the applicant if it is not already in~~
853 ~~use.~~

854 ~~(6) (a) Upon application by any former member of Congress~~
855 ~~or former member of the state Legislature, payment of the fees~~
856 ~~prescribed by s. 320.0805, and payment of a one-time fee of~~
857 ~~\$500, the department may issue a former member of Congress,~~
858 ~~state senator, or state representative a license plate stamped~~
859 ~~"Retired Congress," "Retired Senate," or "Retired House," as~~
860 ~~appropriate, for a vehicle owned by the former member.~~

861 ~~(b) To qualify for a Retired Congress, Retired Senate, or~~
862 ~~Retired House prestige license plate, a former member must have~~
863 ~~served at least 4 years as a member of Congress, state senator,~~
864 ~~or state representative, respectively.~~

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865 ~~(c) Four hundred fifty dollars of the one-time fee~~
866 ~~collected under paragraph (a) shall be distributed to the~~
867 ~~account of the direct-support organization established pursuant~~
868 ~~to s. 272.136 and used for the benefit of the Florida Historic~~
869 ~~Capitol Museum, and the remaining \$50 shall be deposited into~~
870 ~~the Highway Safety Operating Trust Fund.~~

871 ~~(5)-(7)~~ The department may create a unique plate design for
872 plates to be used by members ~~or former members~~ of the
873 Legislature ~~or Congress~~ as provided in subsection ~~subsections~~
874 ~~(2), (5), and (6)~~.

875 Section 25. Paragraph (a) of subsection (9) and subsection
876 (11) of section 320.27, Florida Statutes, are amended, and
877 paragraph (g) is added to subsection (1) of that section, to
878 read:

879 320.27 Motor vehicle dealers.—

880 (1) DEFINITIONS.—The following words, terms, and phrases
881 when used in this section have the meanings respectively
882 ascribed to them in this subsection, except where the context
883 clearly indicates a different meaning:

884 (g) "Control person" means a person who has significant
885 power, directly or indirectly, to direct the management or
886 policies of a company, whether through ownership, by contract,
887 or otherwise. The term includes a person who is an owner,
888 director, general partner, officer, manager, or employee
889 exercising decisionmaking responsibility or exercising similar

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890 executive status or functions but does not include an employee
891 whose function is only clerical or ministerial or in sales under
892 the supervision of an owner or manager or other person
893 exercising decisionmaking responsibility.

894 (9) DENIAL, SUSPENSION, OR REVOCATION.—

895 (a) The department may deny an initial or renewal
896 application or ~~suspend~~ or revoke a ~~any~~ license issued
897 hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771
898 upon proof that an applicant or a licensee has:

899 1. Committed fraud or willful misrepresentation in
900 application for or in obtaining a license.

901 2. Been convicted of a felony and has either not completed
902 the resulting felony sentence or completed the felony sentence
903 less than 10 years from the date of licensure application.

904 3. Failed to honor a bank draft or check given to a motor
905 vehicle dealer for the purchase of a motor vehicle by another
906 motor vehicle dealer within 10 days after notification that the
907 bank draft or check has been dishonored. If the transaction is
908 disputed, the maker of the bank draft or check shall post a bond
909 in accordance with the provisions of s. 559.917, and no
910 proceeding for revocation or suspension shall be commenced until
911 the dispute is resolved.

912 4.a. Failed to provide payment within 10 business days to
913 the department for a check payable to the department that was
914 dishonored due to insufficient funds in the amount due plus any

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915 statutorily authorized fee for uttering a worthless check. The
916 department shall notify an applicant or licensee when the
917 applicant or licensee makes payment to the department by a check
918 that is subsequently dishonored by the bank due to insufficient
919 funds. The applicant or licensee shall, within 10 business days
920 after receiving the notice, provide payment to the department in
921 the form of cash in the amount due plus any statutorily
922 authorized fee. If the applicant or licensee fails to make such
923 payment within 10 business days, the department may deny,
924 suspend, or revoke the applicant's or licensee's motor vehicle
925 dealer license.

926 b. Stopped payment on a check payable to the department,
927 issued a check payable to the department from an account that
928 has been closed, or charged back a credit card transaction to
929 the department. If an applicant or licensee commits any such
930 act, the department may deny, suspend, or revoke the applicant's
931 or licensee's motor vehicle dealer license.

932 5. Previously owned a majority interest in, or acted as a
933 control person of, a motor vehicle dealer that within the past
934 10 years has been the subject of any decision, finding,
935 injunction, suspension, revocation, denial, judgment, or
936 administrative order by any court of competent jurisdiction,
937 administrative law judge, or state agency that resulted in a
938 finding of violation of any federal or state law relating to
939 unlicensed activity, or fraud in connection with the sale of a

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940 motor vehicle, or knowingly employs or contracts such a person
941 as a control person, or knowingly employs or contracts as a
942 control person a person who has been convicted of a felony and
943 has either not completed the resulting felony sentence or
944 completed the felony sentence less than 10 years from the date
945 of licensure application.

946 (11) INJUNCTION.—

947 (a) In addition to the remedies provided in this chapter
948 and notwithstanding the existence of any adequate remedy at law,
949 the department may ~~is authorized to~~ make application to any
950 circuit court of the state, and such circuit court shall have
951 jurisdiction, upon a hearing and for cause shown, to grant a
952 temporary or permanent injunction, or both, restraining any
953 person from acting as a motor vehicle dealer under the terms of
954 this section without being properly licensed hereunder, from
955 violating or continuing to violate any of the provisions of
956 chapter 319, this chapter, or ss. 559.901-559.9221, or for
957 failing or refusing to comply with the requirements of chapter
958 319, this chapter, or ss. 559.901-559.9221, or any rule or
959 regulation adopted thereunder, such injunction to be issued
960 without bond. A single act in violation of the provisions of
961 chapter 319, this chapter, or chapter 559 shall be sufficient to
962 authorize the issuance of an injunction.

963 (b) If the court grants the injunction, the court may bar,
964 permanently or for a specific time period, any person found to

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965 have violated any federal or state law relating to unlicensed
966 activity or fraud in connection with the sale of a motor
967 vehicle. If a person is barred, the person may not continue in
968 any capacity within the industry. The person shall have no
969 management, sales, or other role in the operation of a
970 dealership. Further, if permanently barred, the person may not
971 derive income from the dealership beyond reasonable compensation
972 for the sale of his or her ownership interest in the business.

973 Section 26. Subsection (2) of section 320.8232, Florida
974 Statutes, is amended to read:

975 (2) The provisions of the ~~repair and remodeling code~~
976 Uniform Repair and Remodeling Code for Mobile Homes shall ensure
977 safe and livable housing and shall not be more stringent than
978 those standards required to be met in the manufacture of mobile
979 homes. Such provisions shall include, ~~but not be limited to,~~
980 standards for structural adequacy, plumbing, heating, electrical
981 systems, and fire and life safety. All permitting and regulation
982 of repair and remodel of mobile homes shall be done in
983 accordance with this subsection, current department rules, or
984 subsequent rules developed in accordance with chapter 120.

985 Section 27. Section 320.861, Florida Statutes, is amended
986 to read:

987 320.861 Investigations; subpoenas and other process;
988 oaths; rules ~~Inspection of records; production of evidence;~~
989 ~~subpoena power.-~~

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990 (1) The department may conduct investigations and
991 examinations of any person suspected of violating or of having
992 violated any provision of this chapter or any rule adopted or
993 order issued under this chapter ~~inspect the pertinent books,~~
994 ~~records, letters, and contracts of any licensee, whether dealer~~
995 ~~or manufacturer, relating to any written complaint made to it~~
996 ~~against such licensee.~~

997 (2) For purposes of any investigation or examination
998 conducted under this section, the department is granted and
999 authorized to exercise the power of subpoena and to administer
1000 oaths or affirmations, examine witnesses, require affidavits,
1001 take depositions, and compel the attendance of witnesses and the
1002 production of books, papers, documents, records, and other
1003 evidence. Such subpoenas may be served by an authorized
1004 representative of the department ~~for the attendance of witnesses~~
1005 ~~and the production of any documentary evidence necessary to the~~
1006 ~~disposition by it of any written complaint against any licensee,~~
1007 ~~whether dealer or manufacturer.~~

1008 (3) If a person refuses to testify; produce books, papers,
1009 documents, or records; or otherwise obey the subpoena or
1010 subpoena duces tecum, the department may petition a court of
1011 competent jurisdiction in the county in which the person's
1012 residence or principal place of business is located, whereupon
1013 the court shall issue an order requiring such person to obey the
1014 subpoena or show cause for failing to obey the subpoena. Unless

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1015 the person shows sufficient cause for failing to obey the
1016 subpoena, the court shall direct the person to obey the
1017 subpoena. Costs incurred by the department to obtain an order
1018 granting, in whole or in part, its petition shall be paid by the
1019 subpoenaed person, and failure to comply with such order is
1020 contempt of court.

1021 (4) For the purpose of any investigation, examination, or
1022 proceeding initiated by the department under this chapter, the
1023 department may designate agents to serve subpoenas and other
1024 process and administer oaths or affirmations. The department
1025 shall exercise this power on its own initiative in accordance
1026 with ss. 320.615 and 320.71.

1027 (5) A witness subpoenaed under this section is entitled to
1028 witness fees at the same rate established by s. 92.142 for
1029 witnesses in a civil case, except that witness fees are not
1030 payable for appearance at the witness's place of business during
1031 regular business hours or at the witness's residence.

1032 (6) The department may adopt rules to administer this
1033 section.

1034 Section 28. Subsection (2) of section 320.95, Florida
1035 Statutes, is amended to read:

1036 320.95 Transactions by electronic or telephonic means.—

1037 (2) The department may collect and use e-mail electronic
1038 mail addresses for purposes of this chapter, including, but not
1039 limited to, and use of e-mail electronic mail in lieu of the

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1040 United States Postal Service for the purpose of providing
1041 renewal notices.

1042 Section 29. Subsection (1) of section 321.05, Florida
1043 Statutes, is amended to read:

1044 321.05 Duties, functions, and powers of patrol officers.-
1045 The members of the Florida Highway Patrol are hereby declared to
1046 be conservators of the peace and law enforcement officers of the
1047 state, with the common-law right to arrest a person who, in the
1048 presence of the arresting officer, commits a felony or commits
1049 an affray or breach of the peace constituting a misdemeanor,
1050 with full power to bear arms; and they shall apprehend, without
1051 warrant, any person in the unlawful commission of any of the
1052 acts over which the members of the Florida Highway Patrol are
1053 given jurisdiction as hereinafter set out and deliver him or her
1054 to the sheriff of the county that further proceedings may be had
1055 against him or her according to law. In the performance of any
1056 of the powers, duties, and functions authorized by law, members
1057 of the Florida Highway Patrol have the same protections and
1058 immunities afforded other peace officers, which shall be
1059 recognized by all courts having jurisdiction over offenses
1060 against the laws of this state, and have authority to apply for,
1061 serve, and execute search warrants, arrest warrants, capias, and
1062 other process of the court. The patrol officers under the
1063 direction and supervision of the Department of Highway Safety
1064 and Motor Vehicles shall perform and exercise throughout the

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1065 state the following duties, functions, and powers:

1066 (1) To patrol the state highways and regulate, control,
1067 and direct the movement of traffic thereon; to maintain the
1068 public peace by preventing violence on highways; to apprehend
1069 fugitives from justice; to enforce all laws regulating and
1070 governing traffic, travel, and public safety upon the public
1071 highways and providing for the protection of the public highways
1072 and public property thereon, including the security and safety
1073 of this state's transportation infrastructure; to make arrests
1074 without warrant for the violation of any state law committed in
1075 their presence in accordance with state law; providing that no
1076 search may be made unless it is incident to a lawful arrest, to
1077 regulate and direct traffic concentrations and congestions; to
1078 enforce laws governing the operation, licensing, and taxing and
1079 limiting the size, weight, width, length, and speed of vehicles
1080 and licensing and controlling the operations of drivers and
1081 operators of vehicles, including the safety, size, and weight of
1082 commercial motor vehicles; to collect all state fees and
1083 revenues levied as an incident to the use or right to use the
1084 highways for any purpose, including the taxing and registration
1085 of commercial motor vehicles; to require the drivers of vehicles
1086 to stop and exhibit their driver licenses, registration cards,
1087 or documents required by law to be carried by such vehicles; to
1088 investigate traffic crashes ~~accidents~~, secure testimony of
1089 witnesses and of persons involved, and make report thereof with

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1090 copy, if requested in writing, to any person in interest or his
1091 or her attorney; to investigate reported thefts of vehicles; and
1092 to seize contraband or stolen property on or being transported
1093 on the highways. Each patrol officer of the Florida Highway
1094 Patrol is subject to and has the same arrest and other authority
1095 provided for law enforcement officers generally in chapter 901
1096 and has statewide jurisdiction. Each officer also has arrest
1097 authority as provided for state law enforcement officers in s.
1098 901.15. This section does not conflict with, but is supplemental
1099 to, chapter 933.

1100 Section 30. Section 321.065, Florida Statutes, is amended
1101 to read:

1102 321.065 Traffic crash ~~accident~~ investigation officers;
1103 employment; standards.—The department may employ traffic crash
1104 ~~accident~~ investigation officers who must complete any applicable
1105 standards adopted by the Florida Highway Patrol, including, but
1106 not limited to: cognitive testing, drug testing, polygraph
1107 testing, psychological testing, and an extensive background
1108 check, including a credit check.

1109 Section 31. Paragraph (d) of subsection (2) of section
1110 321.23, Florida Statutes, is amended to read:

1111 321.23 Public records; fees for copies; destruction of
1112 obsolete records; photographing records; effect as evidence.—

1113 (2) Fees for copies of public records shall be charged and
1114 collected as follows:

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	Enlargement Proof	Color	Black & White
1115	(d) Photographs (<u>crashes</u> accidents , etc.):		
1116			
1117			
1118	1. 5" x 7"	\$1.00	\$0.75
1119	2. 8" x 10"	\$1.50	\$1.00
1120	3. 11" x 14"	Not Available	\$1.75
1121	4. 16" x 20"	Not Available	\$2.75
1122	5. 20" x 24"	Not Available	\$3.75

1123
1124 The department shall furnish such information without charge to
1125 any local, state, or federal law enforcement agency upon proof
1126 satisfactory to the department as to the purpose of the
1127 investigation.

1128 Section 32. Paragraph (a) of subsection (2) of section
1129 322.051, Florida Statutes, is amended to read:

1130 322.051 Identification cards.—

1131 (2) (a) Every identification card:

1132 1. Issued to a person 5 years of age to 14 years of age

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1133 shall expire, unless canceled earlier, on the fourth birthday of
1134 the applicant following the date of original issue.

1135 2. Issued to a person 15 years of age and older shall
1136 expire, unless canceled earlier, on the eighth birthday of the
1137 applicant following the date of original issue.

1138
1139 Renewal of an identification card shall be made for the
1140 applicable term enumerated in this paragraph. ~~An~~ Any application
1141 for renewal received later than 12 months ~~90 days~~ after
1142 expiration of the identification card shall be considered the
1143 same as an application for an original identification card.

1144 Section 33. Paragraphs (a) and (b) of subsection (4) of
1145 section 322.0602, Florida Statutes, are amended to read:

1146 322.0602 Youthful Drunk Driver Visitation Program.—

1147 (4) VISITATION REQUIREMENT.—

1148 (a) To the extent that personnel and facilities are made
1149 available to the court, the court may include a requirement for
1150 supervised visitation by the probationer to all, or any, of the
1151 following:

1152 1. A trauma center, as defined in s. 395.4001, or a
1153 hospital as defined in s. 395.002, which regularly receives
1154 victims of vehicle crashes ~~accidents~~, between the hours of 10
1155 p.m. and 2 a.m. on a Friday or Saturday night, in order to
1156 observe appropriate victims of vehicle crashes ~~accidents~~
1157 involving drinking drivers, under the supervision of any of the

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1158 following:

1159 a. A registered nurse trained in providing emergency
1160 trauma care or prehospital advanced life support.

1161 b. An emergency room physician.

1162 c. An emergency medical technician.

1163 2. A licensed service provider, as defined in s. 397.311,
1164 which cares for substance abuse impaired persons, to observe
1165 persons in the terminal stages of substance abuse impairment,
1166 under the supervision of appropriately licensed medical
1167 personnel. Before ~~Prior to~~ any visitation of such terminally ill
1168 or disabled persons, the persons or their legal representatives
1169 must give their express consent to participate in the visitation
1170 program.

1171 3. If approved by the county coroner, the county coroner's
1172 office or the county morgue to observe appropriate victims of
1173 vehicle crashes ~~accidents~~ involving drinking drivers, under the
1174 supervision of the coroner or a deputy coroner.

1175 (b) As used in this section, the term "appropriate
1176 victims" means victims or their legal representatives, including
1177 the next of kin, who have expressly given their consent to
1178 participate in the visitation program and victims whose
1179 condition is determined by the visitation supervisor to
1180 demonstrate the results of crashes ~~accidents~~ involving drinking
1181 drivers without being excessively gruesome or traumatic to the
1182 probationer.

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1183 Section 34. Subsection (10) of section 322.08, Florida
1184 Statutes, is amended to read:

1185 322.08 Application for license; requirements for license
1186 and identification card forms.—

1187 (10) The department may collect and use e-mail ~~electronic~~
1188 ~~mail~~ addresses for purposes of this chapter, including, but not
1189 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1190 United States Postal Service for the purpose of providing
1191 renewal notices.

1192 Section 35. Subsection (5) of section 322.091, Florida
1193 Statutes, is amended to read:

1194 322.091 Attendance requirements.—

1195 (5) REPORTING AND ACCOUNTABILITY.—The department shall
1196 make available, upon request, a report ~~quarterly~~ to each school
1197 district of the legal name, sex, date of birth, and social
1198 security number of each student whose driving privileges have
1199 been suspended under this section.

1200 Section 36. Paragraph (b) of subsection (1) of section
1201 322.17, Florida Statutes, is amended to read:

1202 322.17 Replacement licenses, identification cards, and
1203 permits.—

1204 (1)

1205 (b) In the event that an instruction permit, ~~or~~ driver
1206 license, or identification card issued under ~~the provisions of~~
1207 this chapter is stolen, the person to whom the same was issued

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1208 may, at no charge, obtain a replacement upon furnishing proof
1209 satisfactory to the department that such permit, ~~or~~ license, or
1210 identification card was stolen and further furnishing the
1211 person's full name, date of birth, sex, residence and mailing
1212 address, proof of birth satisfactory to the department, and
1213 proof of identity satisfactory to the department.

1214 Section 37. Subsection (8) of section 322.212, Florida
1215 Statutes, is renumbered as subsection (9), paragraph (a) of
1216 subsection (5) and subsection (6) are amended, and a new
1217 subsection (8) is added to that section, to read:

1218 322.212 Unauthorized possession of, and other unlawful
1219 acts in relation to, driver license or identification card.—

1220 (5) (a) A ~~It is unlawful for any person~~ may not ~~to~~ use a
1221 false or fictitious name in any application for a driver license
1222 or identification card or knowingly ~~to~~ make a false statement,
1223 knowingly conceal a material fact, provide an altered or
1224 counterfeit document, participate in a dishonest or deceptive
1225 action, or otherwise commit a fraud in any such application.

1226 (6) Except as otherwise provided in this subsection, a ~~any~~
1227 person who violates ~~any of the provisions of~~ this section
1228 commits is guilty of a felony of the third degree, punishable as
1229 provided in s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person
1230 who violates paragraph (5) (a) by giving a false age in an ~~any~~
1231 application for a driver license or identification card or who
1232 violates paragraph (5) (b) by possessing a driver license,

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1233 identification card, or similar any instrument in the similitude
1234 ~~thereof~~, on which the date of birth has been altered commits is
1235 ~~guilty of~~ a misdemeanor of the second degree, punishable as
1236 provided in s. 775.082 or s. 775.083. A Any person who violates
1237 paragraph (1)(d) commits a felony of the third degree,
1238 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1239 (8) In addition to any other penalties provided by this
1240 section, if a person provides false information when applying
1241 for a driver license, identification card, commercial driver
1242 license, or commercial learner's permit or is convicted of fraud
1243 in connection with testing for a driver license, commercial
1244 driver license, or commercial learner's permit, such person's
1245 driving privilege shall be suspended for 1 year.

1246 Section 38. Section 322.36, Florida Statutes, is amended
1247 to read:

1248 322.36 Permitting unauthorized operator to drive.—A person
1249 may not authorize or knowingly permit a motor vehicle owned by
1250 him or her or under his or her dominion or control to be
1251 operated upon any highway or public street except by a person
1252 who is duly authorized to operate a motor vehicle under this
1253 chapter. A Any person who violates this section commits a
1254 misdemeanor of the second degree, punishable as provided in s.
1255 775.082 or s. 775.083. If a person violates this section by
1256 knowingly loaning a vehicle to a person whose driver license is
1257 suspended and if that vehicle is involved in a crash ~~an accident~~

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1258 resulting in bodily injury or death, the driver license of the
1259 person violating this section shall be suspended for 1 year.

1260 Section 39. Paragraphs (g) and (h) of subsection (1) of
1261 section 322.61, Florida Statutes, are amended, and paragraphs
1262 (i) and (j) are added to that subsection, to read:

1263 322.61 Disqualification from operating a commercial motor
1264 vehicle.—

1265 (1) A person who, for offenses occurring within a 3-year
1266 period, is convicted of two of the following serious traffic
1267 violations or any combination thereof, arising in separate
1268 incidents committed in a commercial motor vehicle shall, in
1269 addition to any other applicable penalties, be disqualified from
1270 operating a commercial motor vehicle for a period of 60 days. A
1271 holder of a commercial driver license or commercial learner's
1272 permit who, for offenses occurring within a 3-year period, is
1273 convicted of two of the following serious traffic violations, or
1274 any combination thereof, arising in separate incidents committed
1275 in a noncommercial motor vehicle shall, in addition to any other
1276 applicable penalties, be disqualified from operating a
1277 commercial motor vehicle for a period of 60 days if such
1278 convictions result in the suspension, revocation, or
1279 cancellation of the licenseholder's driving privilege:

1280 (g) Driving a commercial vehicle without the proper class
1281 of commercial driver license or commercial learner's permit or
1282 without the proper endorsement; ~~or~~

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1283 (h) Driving a commercial vehicle without a commercial
1284 driver license or commercial learner's permit in possession, as
1285 required by s. 322.03;

1286 (i) Texting while driving a commercial motor vehicle as
1287 prohibited by 49 C.F.R. s. 392.80; or

1288 (j) Using a hand-held mobile telephone while driving a
1289 commercial motor vehicle, as prohibited by 49 C.F.R. s. 392.82.

1290 Section 40. Section 322.71, Florida Statutes, is created
1291 to read:

1292 322.71 Investigations; subpoenas and other process; oaths;
1293 rules.-

1294 (1) The department may conduct investigations and
1295 examinations of any person suspected of violating or of having
1296 violated any provision of this chapter or any rule adopted or
1297 order issued under this chapter.

1298 (2) For purposes of any investigation or examination
1299 conducted under this section, the department is granted and
1300 authorized to exercise the power of subpoena and to administer
1301 oaths or affirmations, examine witnesses, require affidavits,
1302 take depositions, and compel the attendance of witnesses and the
1303 production of books, papers, documents, records, and other
1304 evidence. Such subpoenas may be served by an authorized
1305 representative of the department.

1306 (3) If a person refuses to testify; produce books, papers,
1307 documents, or records; or otherwise obey the subpoena or

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1308 subpoena duces tecum, the department may petition a court of
1309 competent jurisdiction in the county in which the person's
1310 residence or principal place of business is located, whereupon
1311 the court shall issue an order requiring such person to obey the
1312 subpoena or show cause for failing to obey the subpoena. Unless
1313 the person shows sufficient cause for failing to obey the
1314 subpoena, the court shall direct the person to obey the
1315 subpoena. Costs incurred by the department to obtain an order
1316 granting, in whole or in part, its petition shall be paid by the
1317 subpoenaed person, and failure to comply with such order is
1318 contempt of court.

1319 (4) For the purpose of any investigation, examination, or
1320 proceeding initiated by the department under this chapter, the
1321 department may designate agents to serve subpoenas and other
1322 process and administer oaths or affirmations.

1323 (5) A witness subpoenaed under this section is entitled to
1324 witness fees at the same rate established by s. 92.142 for
1325 witnesses in a civil case, except that witness fees are not
1326 payable for appearance at the witness's place of business during
1327 regular business hours or at the witness's residence.

1328 (6) The department may adopt rules to administer this
1329 section.

1330 Section 41. Paragraph (e) of subsection (4) of section
1331 323.001, Florida Statutes, is amended to read:

1332 323.001 Wrecker operator storage facilities; vehicle

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1333 holds.-

1334 (4) The requirements for a written hold apply when the
1335 following conditions are present:

1336 (e) The officer has probable cause to believe the vehicle
1337 was involved in a traffic crash ~~accident~~ resulting in death or
1338 personal injury and should be sealed for investigation and
1339 collection of evidence by a vehicular homicide investigator;

1340 Section 42. Paragraph (c) of subsection (1), paragraph (c)
1341 of subsection (2), and subsection (4) of section 323.002,
1342 Florida Statutes, are amended to read:

1343 323.002 County and municipal wrecker operator systems;
1344 penalties for operation outside of system.-

1345 (1) As used in this section, the term:

1346 (c) "Wrecker operator system" means a system for the
1347 towing or removal of wrecked, disabled, or abandoned vehicles,
1348 similar to the Florida Highway Patrol wrecker operator system
1349 described in s. 321.051(2), under which a county or municipality
1350 contracts with one or more wrecker operators for the towing or
1351 removal of wrecked, disabled, or abandoned vehicles from crash
1352 ~~accident~~ scenes, streets, or highways. A wrecker operator system
1353 shall include using a method for apportioning the towing
1354 assignments among the eligible wrecker operators through the
1355 creation of geographic zones, a rotation schedule, or a
1356 combination of these methods.

1357 (2) In any county or municipality that operates a wrecker

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1358 operator system:

1359 (c) When an unauthorized wrecker operator drives by the
1360 scene of a wrecked or disabled vehicle and the owner or operator
1361 initiates contact by signaling the wrecker operator to stop and
1362 provide towing services, the unauthorized wrecker operator must
1363 disclose in writing to the owner or operator of the vehicle his
1364 or her full name and driver license number, that he or she is
1365 not the authorized wrecker operator who has been designated as
1366 part of the wrecker operator system, that the motor vehicle is
1367 not being towed for the owner's or operator's insurance company
1368 or lienholder, whether he or she has in effect an insurance
1369 policy providing at least \$300,000 of liability insurance and at
1370 least \$50,000 of on-hook cargo insurance, and the maximum
1371 charges for towing and storage which will apply before the
1372 vehicle is connected to the towing apparatus. The unauthorized
1373 wrecker operator must also provide a copy of the disclosure to
1374 the owner or operator in the presence of a law enforcement
1375 officer if such officer is at the scene of a motor vehicle crash
1376 ~~accident~~. A ~~Any~~ person who violates this paragraph commits a
1377 misdemeanor of the second degree, punishable as provided in s.
1378 775.082 or s. 775.083, and the person's wrecker, tow truck, or
1379 other motor vehicle that was used during the offense may be
1380 immediately removed and impounded pursuant to subsection (3).

1381 (4) This section does not prohibit, or in any way prevent,
1382 the owner or operator of a vehicle involved in a crash ~~an~~

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1383 ~~accident~~ or otherwise disabled from contacting any wrecker
1384 operator for the provision of towing services, regardless of
1385 whether the wrecker operator is an authorized wrecker operator
1386 ~~or not~~.

1387 Section 43. Section 324.011, Florida Statutes, is amended
1388 to read:

1389 324.011 Purpose of chapter.—It is the intent of this
1390 chapter to recognize the existing privilege to own or operate a
1391 motor vehicle on the public streets and highways of this state
1392 when such vehicles are used with due consideration for others
1393 and their property, and to promote safety and provide financial
1394 security requirements for such owners or operators whose
1395 responsibility it is to recompense others for injury to person
1396 or property caused by the operation of a motor vehicle.
1397 Therefore, it is required herein that the operator of a motor
1398 vehicle involved in a crash or convicted of certain traffic
1399 offenses meeting the operative provisions of s. 324.051(2) shall
1400 respond for such damages and show proof of financial ability to
1401 respond for damages in future crashes ~~accidents~~ as a requisite
1402 to his or her future exercise of such privileges.

1403 Section 44. Subsection (1) of section 324.022, Florida
1404 Statutes, is amended to read:

1405 324.022 Financial responsibility for property damage.—

1406 (1) Every owner or operator of a motor vehicle required to
1407 be registered in this state shall establish and maintain the

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1408 ability to respond in damages for liability on account of
1409 crashes ~~accidents~~ arising out of the use of the motor vehicle in
1410 the amount of \$10,000 because of damage to, or destruction of,
1411 property of others in any one crash. The requirements of this
1412 section may be met by one of the methods established in s.
1413 324.031; by self-insuring as authorized by s. 768.28(16); or by
1414 maintaining an insurance policy providing coverage for property
1415 damage liability in the amount of at least \$10,000 because of
1416 damage to, or destruction of, property of others in any one
1417 crash ~~accident~~ arising out of the use of the motor vehicle. The
1418 requirements of this section may also be met by having a policy
1419 which provides coverage in the amount of at least \$30,000 for
1420 combined property damage liability and bodily injury liability
1421 for any one crash arising out of the use of the motor vehicle.
1422 The policy, with respect to coverage for property damage
1423 liability, must meet the applicable requirements of s. 324.151,
1424 subject to the usual policy exclusions that have been approved
1425 in policy forms by the Office of Insurance Regulation. An ~~No~~
1426 insurer does not ~~shall~~ have a ~~any~~ duty to defend uncovered
1427 claims irrespective of their joinder with covered claims.

1428 Section 45. Section 324.023, Florida Statutes, is amended
1429 to read:

1430 324.023 Financial responsibility for bodily injury or
1431 death.—In addition to any other financial responsibility
1432 required by law, every owner or operator of a motor vehicle that

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1433 is required to be registered in this state, or that is located
1434 within this state, and who, regardless of adjudication of guilt,
1435 has been found guilty of or entered a plea of guilty or nolo
1436 contendere to a charge of driving under the influence under s.
1437 316.193 after October 1, 2007, shall, by one of the methods
1438 established in s. 324.031(1) or (2), establish and maintain the
1439 ability to respond in damages for liability on account of
1440 crashes ~~accidents~~ arising out of the use of a motor vehicle in
1441 the amount of \$100,000 because of bodily injury to, or death of,
1442 one person in any one crash and, subject to such limits for one
1443 person, in the amount of \$300,000 because of bodily injury to,
1444 or death of, two or more persons in any one crash and in the
1445 amount of \$50,000 because of property damage in any one crash.
1446 If the owner or operator chooses to establish and maintain such
1447 ability by furnishing a certificate of deposit pursuant to s.
1448 324.031(2), such certificate of deposit must be at least
1449 \$350,000. Such higher limits must be carried for a minimum
1450 period of 3 years. If the owner or operator has not been
1451 convicted of driving under the influence or a felony traffic
1452 offense for a period of 3 years from the date of reinstatement
1453 of driving privileges for a violation of s. 316.193, the owner
1454 or operator shall be exempt from this section.

1455 Section 46. Paragraph (b) of subsection (1) and subsection
1456 (2) of section 324.051, Florida Statutes, are amended to read:
1457 324.051 Reports of crashes; suspensions of licenses and

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1458 | registrations.-

1459 | (1)

1460 | (b) The department is ~~hereby~~ further authorized to require
1461 | reports of crashes from individual owners or operators whenever
1462 | it deems it necessary for the proper administration of this
1463 | chapter, and these reports shall be made without prejudice
1464 | except as specified in this subsection. ~~No~~ Such a report may not
1465 | ~~shall~~ be used as evidence in any trial arising out of a crash.
1466 | However, subject to the applicable rules of evidence, a law
1467 | enforcement officer at a criminal trial may testify as to any
1468 | statement made to the officer by the person involved in the
1469 | crash ~~accident~~ if that person's privilege against self-
1470 | incrimination is not violated.

1471 | (2) (a) Thirty days after receipt of notice of a crash ~~any~~
1472 | ~~accident~~ described in paragraph (1) (a) involving a motor vehicle
1473 | within this state, the department shall suspend, after due
1474 | notice and opportunity to be heard, the license of each operator
1475 | and all registrations of the owner of the vehicles operated by
1476 | such operator whether or not involved in such crash and, in the
1477 | case of a nonresident owner or operator, shall suspend such
1478 | nonresident's operating privilege in this state, unless such
1479 | operator or owner ~~shall, before~~ before ~~prior to~~ the expiration of such
1480 | 30 days, is ~~be~~ found by the department to be exempt from the
1481 | operation of this chapter, based upon evidence satisfactory to
1482 | the department that:

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1483 1. The motor vehicle was legally parked at the time of
1484 such crash.

1485 2. The motor vehicle was owned by the United States
1486 Government, this state, or any political subdivision of this
1487 state or any municipality therein.

1488 3. Such operator or owner has secured a duly acknowledged
1489 written agreement providing for release from liability by all
1490 parties injured as the result of such ~~said~~ crash and has
1491 complied with one of the provisions of s. 324.031.

1492 4. Such operator or owner has deposited with the
1493 department security to conform with s. 324.061 when applicable
1494 and has complied with one of the provisions of s. 324.031.

1495 5. One year has elapsed since such owner or operator was
1496 suspended pursuant to subsection (3), the owner or operator has
1497 complied with one of the provisions of s. 324.031, and no bill
1498 of complaint of which the department has notice has been filed
1499 in a court of competent jurisdiction.

1500 (b) This subsection does ~~shall~~ not apply:

1501 1. To such operator or owner if such operator or owner had
1502 in effect at the time of such crash or traffic conviction an
1503 automobile liability policy with respect to all of the
1504 registered motor vehicles owned by such operator or owner.

1505 2. To such operator, if not the owner of such motor
1506 vehicle, if there was in effect at the time of such crash or
1507 traffic conviction an automobile liability policy or bond with

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1508 respect to his or her operation of motor vehicles not owned by
1509 him or her.

1510 3. To such operator or owner if the liability of such
1511 operator or owner for damages resulting from such crash is, in
1512 the judgment of the department, covered by any other form of
1513 liability insurance or bond.

1514 4. To a ~~any~~ person who has obtained from the department a
1515 certificate of self-insurance, in accordance with s. 324.171, or
1516 to a ~~any~~ person operating a motor vehicle for such self-insurer.

1517
1518 No such policy or bond shall be effective under this paragraph
1519 ~~subsection~~ unless it contains limits of not less than those
1520 specified in s. 324.021(7).

1521 Section 47. Subsections (2), (3), and (4) of section
1522 324.242, Florida Statutes, are amended to read:

1523 324.242 Personal injury protection and property damage
1524 liability insurance policies; public records exemption.—

1525 (2) Upon receipt of a request and proof of a crash report
1526 as required under s. 316.065, s. 316.066, or s. 316.068, or a
1527 crash report created pursuant to the laws of another state, the
1528 department shall release the policy number for a policy covering
1529 a vehicle involved in a motor vehicle crash ~~accident~~ to:

1530 (a) Any person involved in such crash ~~accident~~;

1531 (b) The attorney of any person involved in such crash
1532 ~~accident~~; or

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1533 (c) A representative of the insurer of any person involved
1534 in such crash accident.

1535 (3) The department shall provide personal injury
1536 protection and property damage liability insurance policy
1537 numbers to department-approved third parties that provide data
1538 collection services to an insurer of any person involved in such
1539 crash accident.

1540 (4) Before the department's release of a policy number in
1541 accordance with subsection (2) or subsection (3), an insurer's
1542 representative, a contracted third party, or an attorney for a
1543 person involved in a crash ~~an accident~~ must provide the
1544 department with documentation confirming proof of
1545 representation.

1546 Section 48. Section 328.30, Florida Statutes, is amended
1547 to read:

1548 328.30 Transactions by electronic or telephonic means.—

1549 (1) The Department of Highway Safety and Motor Vehicles
1550 may accept any application provided for under this part ~~chapter~~
1551 by electronic or telephonic means.

1552 (2) The department may issue an electronic certificate of
1553 title in lieu of printing a paper title.

1554 (3) The department may collect and use e-mail ~~electronic~~
1555 ~~mail~~ addresses for purposes of this part, including, but not
1556 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
1557 United States Postal Service for the purpose of providing

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1558 renewal notices.

1559 Section 49. Subsection (3) of section 328.40, Florida
1560 Statutes, is amended to read:

1561 328.40 Administration of vessel registration and titling
1562 laws; records.—

1563 (3) All records made or kept by the Department of Highway
1564 Safety and Motor Vehicles under this part are subject to
1565 inspection and copying as provided in chapter 119 ~~law are public~~
1566 ~~records except for confidential reports.~~

1567 Section 50. Section 328.80, Florida Statutes, is amended
1568 to read:

1569 328.80 Transactions by electronic or telephonic means.—

1570 (1) The Department of Highway Safety and Motor Vehicles
1571 may ~~commission is authorized to~~ accept any application provided
1572 for under this part ~~chapter~~ by electronic or telephonic means.

1573 (2) The department may collect and use e-mail addresses
1574 for purposes of this part, including, but not limited to, use of
1575 e-mail in lieu of the United States Postal Service for the
1576 purpose of providing renewal notices.

1577 Section 51. Subsection (19) of section 501.976, Florida
1578 Statutes, is amended to read:

1579 501.976 Actionable, unfair, or deceptive acts or
1580 practices.—It is an unfair or deceptive act or practice,
1581 actionable under the Florida Deceptive and Unfair Trade
1582 Practices Act, for a dealer to:

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1583 (19) Fail to disclose damage to a new motor vehicle, as
1584 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had
1585 actual knowledge, if the dealer's actual cost of repairs exceeds
1586 the threshold amount, excluding replacement items.

1587
1588 In any civil litigation resulting from a violation of this
1589 section, when evaluating the reasonableness of an award of
1590 attorney's fees to a private person, the trial court shall
1591 consider the amount of actual damages in relation to the time
1592 spent.

1593 Section 52. Subsection (4) of section 627.7415, Florida
1594 Statutes, is amended to read:

1595 627.7415 Commercial motor vehicles; additional liability
1596 insurance coverage.—Commercial motor vehicles, as defined in s.
1597 207.002 or s. 320.01, operated upon the roads and highways of
1598 this state shall be insured with the following minimum levels of
1599 combined bodily liability insurance and property damage
1600 liability insurance in addition to any other insurance
1601 requirements:

1602 (4) All commercial motor vehicles subject to regulations
1603 of the United States Department of Transportation, 49 C.F.R.
1604 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
1605 amended, shall be insured in an amount equivalent to the minimum
1606 levels of financial responsibility as set forth in such
1607 regulations.

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1608
1609 A violation of this section is a noncriminal traffic infraction,
1610 punishable as a nonmoving violation as provided in chapter 318.

1611 Section 53. Subsection (1) of section 655.960, Florida
1612 Statutes, is amended to read:

1613 655.960 Definitions; ss. 655.960-655.965.—As used in this
1614 section and ss. 655.961-655.965, unless the context otherwise
1615 requires:

1616 (1) "Access area" means any paved walkway or sidewalk
1617 which is within 50 feet of any automated teller machine. The
1618 term does not include any street or highway open to the use of
1619 the public, as defined in s. 316.003(83)(a) ~~s. 316.003(81)(a)~~ or
1620 (b), including any adjacent sidewalk, as defined in s. 316.003.

1621 Section 54. Subsection (2) of section 784.07, Florida
1622 Statutes, is amended to read:

1623 784.07 Assault or battery of law enforcement officers,
1624 firefighters, emergency medical care providers, public transit
1625 employees or agents, or other specified officers;
1626 reclassification of offenses; minimum sentences.—

1627 (2) When a ~~Whenever any~~ person is charged with knowingly
1628 committing an assault or battery upon a law enforcement officer,
1629 a firefighter, an emergency medical care provider, a railroad
1630 special officer, a traffic crash ~~accident~~ investigation officer
1631 as described in s. 316.640, a nonsworn law enforcement agency
1632 employee who is certified as an agency inspector, a blood

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1633 alcohol analyst, or a breath test operator while such employee
1634 is in uniform and engaged in processing, testing, evaluating,
1635 analyzing, or transporting a person who is detained or under
1636 arrest for DUI, a law enforcement explorer, a traffic infraction
1637 enforcement officer as described in s. 316.640, a parking
1638 enforcement specialist as defined in s. 316.640, a person
1639 licensed as a security officer as defined in s. 493.6101 and
1640 wearing a uniform that bears at least one patch or emblem that
1641 is visible at all times that clearly identifies the employing
1642 agency and that clearly identifies the person as a licensed
1643 security officer, or a security officer employed by the board of
1644 trustees of a community college, while the officer, firefighter,
1645 emergency medical care provider, railroad special officer,
1646 traffic crash ~~accident~~ investigation officer, traffic infraction
1647 enforcement officer, inspector, analyst, operator, law
1648 enforcement explorer, parking enforcement specialist, public
1649 transit employee or agent, or security officer is engaged in the
1650 lawful performance of his or her duties, the offense for which
1651 the person is charged shall be reclassified as follows:

1652 (a) In the case of assault, from a misdemeanor of the
1653 second degree to a misdemeanor of the first degree.

1654 (b) In the case of battery, from a misdemeanor of the
1655 first degree to a felony of the third degree.

1656 (c) In the case of aggravated assault, from a felony of
1657 the third degree to a felony of the second degree.

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1658 Notwithstanding any other provision of law, a ~~any~~ person
1659 convicted of aggravated assault upon a law enforcement officer
1660 shall be sentenced to a minimum term of imprisonment of 3 years.

1661 (d) In the case of aggravated battery, from a felony of
1662 the second degree to a felony of the first degree.

1663 Notwithstanding any other provision of law, a ~~any~~ person
1664 convicted of aggravated battery of a law enforcement officer
1665 shall be sentenced to a minimum term of imprisonment of 5 years.

1666 Section 55. Subsection (5) of section 856.015, Florida
1667 Statutes, is amended to read:

1668 856.015 Open house parties.—

1669 (5) If a violation of subsection (2) causes or contributes
1670 to causing serious bodily injury, as defined in s. 316.003 ~~s.~~
1671 ~~316.1933~~, or death to the minor, or if the minor causes or
1672 contributes to causing serious bodily injury or death to another
1673 as a result of the minor's consumption of alcohol or drugs at
1674 the open house party, the violation is a misdemeanor of the
1675 first degree, punishable as provided in s. 775.082 or s.
1676 775.083.

1677 Section 56. This act shall take effect July 1, 2019.

1678

1679

1680 **T I T L E A M E N D M E N T**

1681 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2019)

Amendment No.

1682 An act relating to the Department of Highway Safety and Motor
1683 Vehicles; amending s. 117.10, F.S.; conforming provisions to
1684 changes made by the act; amending s. 316.003, F.S.; defining the
1685 terms "crash" and "serious bodily injury"; amending ss. 316.027,
1686 316.0271, and 316.061, F.S.; conforming provisions to changes
1687 made by the act; amending s. 316.066, F.S.; specifying
1688 additional private information included in an existing public
1689 records exemption; authorizing crash reports to be made
1690 immediately available to the Department of Health and municipal
1691 traffic operations; revising requirements for accessing such
1692 reports and for providing such reports to third-party vendors;
1693 amending s. 316.192, F.S.; conforming provisions to changes made
1694 by the act; amending s. 316.193, F.S.; including causing serious
1695 bodily injury to oneself in penalty provisions for driving under
1696 the influence; amending s. 316.1933, F.S.; authorizing a law
1697 enforcement officer to require the person driving or in actual
1698 physical control of a motor vehicle to submit to a blood test
1699 when such person has incurred a serious bodily injury;
1700 conforming provisions to changes made by the act; amending s.
1701 316.194, F.S.; conforming provisions to changes made by the act;
1702 amending s. 316.251, F.S.; conforming a cross-reference;
1703 amending s. 316.302, F.S.; revising regulations to which owners
1704 and drivers of commercial motor vehicles are subject; removing
1705 the cap on a civil penalty for falsification of time records;
1706 deleting a requirement for documentation of a driver's driving

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2019)

Amendment No.

1707 times; exempting commercial motor vehicles with certain weight
1708 ratings from certain regulations; removing such exemption for a
1709 person transporting petroleum products; removing an exemption
1710 from certain regulations relating to diabetes; amending ss.
1711 316.622, 316.640, and 316.655, F.S.; conforming provisions to
1712 changes made by the act; amending s. 316.70, F.S.; providing
1713 that all owners and drivers of nonpublic sector buses are
1714 subject to certain federal regulations; authorizing the
1715 Department of Highway Safety and Motor Vehicles, rather than the
1716 Department of Transportation, to conduct compliance
1717 investigations; providing a civil penalty for violating a rule
1718 or order of the Department of Highway Safety and Motor Vehicles;
1719 removing provisions relating to subsequent compliance reviews;
1720 authorizing motor carriers to be enjoined pursuant to certain
1721 provisions for violations identified during a compliance
1722 investigation; authorizing certain officers or agents to stop
1723 and inspect commercial motor vehicles or drivers' records;
1724 authorizing an officer or agent to require removal of the motor
1725 vehicle or driver from service under certain circumstances;
1726 amending s. 318.19, F.S.; requiring appearance at a mandatory
1727 hearing by a person who is cited for a certain infraction and
1728 incurs a serious bodily injury as a result of such infraction;
1729 creating s. 319.002, F.S.; providing rulemaking authority;
1730 amending s. 319.25, F.S.; authorizing the department to conduct
1731 investigations and examinations relating to certain violations;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2019)

Amendment No.

1732 granting the department subpoena and other powers for purposes
1733 of such investigations or examinations; providing for petition
1734 of a court order to obey a subpoena if a person fails to do so;
1735 providing exceptions; providing for the payment of costs to
1736 obtain such order; authorizing the department to designate
1737 agents to carry out subpoena and other powers; providing for
1738 witness fees under certain circumstances; authorizing the
1739 department to adopt rules; amending s. 319.40, F.S.; revising
1740 purposes for which the department may collect and use e-mail
1741 addresses; amending s. 320.01, F.S.; revising the definition of
1742 the term "apportionable vehicle"; amending s. 320.06, F.S.;
1743 revising requirements for issuance of license plates, cab cards,
1744 and validation stickers for apportionable vehicles registered in
1745 accordance with the International Registration Plan upon
1746 implementation of a new registration operating system;
1747 specifying the registration period; providing for replacement of
1748 damaged or worn license plates free of charge; amending s.
1749 320.0607, F.S.; revising fee requirements upon implementation of
1750 a new registration operating system; amending s. 320.0807, F.S.;
1751 repealing provisions relating to special license plates for
1752 certain federal and state legislators; amending s. 320.27, F.S.;
1753 defining the term "control person"; revising requirements for
1754 denial, suspension, or revocation of a motor vehicle dealer
1755 license or license application; authorizing a court, under
1756 certain circumstances, to bar a person who has violated certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2019)

Amendment No.

1757 laws from acting as a motor vehicle dealer; amending s.
1758 320.8232, F.S.; clarifying uniform standards for repair and
1759 remodeling code for mobile homes; amending s. 320.861, F.S.;
1760 authorizing the department to conduct investigations and
1761 examinations relating to certain violations; granting the
1762 department subpoena and other powers for purposes of such
1763 investigations or examinations; providing for petition of a
1764 court order to obey a subpoena if a person fails to do so;
1765 providing exceptions; providing for the payment of costs to
1766 obtain such order; authorizing the department to designate
1767 agents to carry out subpoena and other powers; providing for
1768 witness fees under certain circumstances; authorizing the
1769 department to adopt rules; amending s. 320.95, F.S.; revising
1770 purposes for which the department may collect and use e-mail
1771 addresses; amending ss. 321.05, 321.065, and 321.23, F.S.;
1772 conforming provisions to changes made by the act; amending s.
1773 322.051, F.S.; revising the time period after which an
1774 application for a renewed identification card is considered an
1775 application for an original identification card; amending s.
1776 322.0602, F.S.; conforming provisions to changes made by the
1777 act; amending s. 322.08, F.S.; revising purposes for which the
1778 department may collect and use e-mail addresses; amending s.
1779 322.091, F.S.; requiring the department to report certain
1780 information regarding suspension of driver licenses to a school
1781 district upon request; amending s. 322.17, F.S.; providing for

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Bill No. HB 1053 (2019)

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1782 replacement of a stolen identification card under certain
1783 circumstances; amending s. 322.212, F.S.; prohibiting the
1784 provision of an altered or counterfeit document or participation
1785 in a dishonest or deceptive action in making application for a
1786 driver license or identification card; providing penalties;
1787 providing for suspension of driving privilege under certain
1788 circumstances; amending s. 322.36, F.S.; conforming provisions
1789 to changes made by the act; amending s. 322.61, F.S.; providing
1790 additional violations for which a person shall be disqualified
1791 from operating a commercial motor vehicle; creating s. 322.71,
1792 F.S.; authorizing the department to conduct investigations and
1793 examinations relating to certain violations; granting the
1794 department subpoena and other powers for purposes of such
1795 investigations or examinations; providing for petition of a
1796 court order to obey a subpoena if a person fails to do so;
1797 providing exceptions; providing for the payment of costs to
1798 obtain such order; authorizing the department to designate
1799 agents to carry out subpoena and other powers; providing for
1800 witness fees under certain circumstances; authorizing the
1801 department to adopt rules; amending ss. 323.001, 323.002,
1802 324.011, 324.022, 324.023, 324.051, and 324.242, F.S.;
1803 conforming provisions to changes made by the act; amending s.
1804 328.30, F.S.; revising provisions under which the department may
1805 accept applications by electronic or telephonic means; revising
1806 purposes for which the department may collect and use e-mail

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2019)

Amendment No.

1807 addresses; amending s. 328.40, F.S.; providing that certain
1808 department records are subject to inspection and copying;
1809 amending s. 328.80, F.S.; revising provisions under which the
1810 department may accept applications by electronic or telephonic
1811 means; authorizing the department to collect and use e-mail
1812 addresses for certain purposes; amending s. 501.976, F.S.;
1813 conforming a cross-reference; amending s. 627.7415, F.S.;
1814 revising federal insurance regulations to which commercial motor
1815 vehicles are subject; amending ss. 655.960 and 856.015, F.S.;
1816 conforming cross-references; amending s. 784.07, F.S.;
1817 conforming provisions to changes made by the act; providing an
1818 effective date.

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