

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Subsections (55) through (101) of section
8 316.003, Florida Statutes, are renumbered as subsections (56)
9 through (102), respectively, present subsection (59) is amended,
10 and a new subsection (55) is added to that section, to read:

11 316.003 Definitions.—The following words and phrases, when
12 used in this chapter, shall have the meanings respectively
13 ascribed to them in this section, except where the context
14 otherwise requires:

15 (55) PLATOON.—A group of two individual truck tractor
16 semi-trailer combinations, transporting property in quantities

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17 that do not require placards, traveling in a unified manner at
18 electronically coordinated speeds at following distances that
19 are closer than provided in s. 316.0895(2).

20 (60)(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
21 provided in paragraph (82)(b) (81)(b), any privately owned way
22 or place used for vehicular travel by the owner and those having
23 express or implied permission from the owner, but not by other
24 persons.

25 Section 2. Section 316.0896, Florida Statutes, is
26 repealed.

27 Section 3. Section 316.0897, Florida Statutes, is created
28 to read:

29 316.0897 Platoons.—

30 (1) Section 316.0895 does not apply to the operator of a
31 nonlead vehicle in a platoon, as defined in s. 316.003.

32 (2) A platoon may be operated on a roadway in this state
33 after an operator provides notification to the Department of
34 Transportation and the Department of Highway Safety and Motor
35 Vehicles.

36 Section 4. Paragraph (k) of subsection (2) of section
37 316.302, Florida Statutes, is renumbered as paragraph (a) and
38 present subsection (1) and paragraphs (a), (c), (d), (f), and
39 (j) of subsection (2) are amended to read:

40 316.302 Commercial motor vehicles; safety regulations;
41 transporters and shippers of hazardous materials; enforcement.—

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

43 (a) All owners and drivers of commercial motor vehicles
44 that are operated on the public highways of this state while
45 engaged in interstate commerce are subject to the rules and
46 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
47 390-397.

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

55 (c) The emergency exceptions provided by 49 C.F.R. s.
56 392.82 also apply to communications by utility drivers and
57 utility contractor drivers during a Level 1 activation of the
58 State Emergency Operations Center, as provided in the Florida
59 Comprehensive Emergency Management plan, or during a state of
60 emergency declared by executive order or proclamation of the
61 Governor.

62 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
63 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
64 requirements for intrastate operations, the requirements of this
65 section supersede all other safety requirements of this chapter
66 for commercial motor vehicles.

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67 (e) Except as provided in 49 C.F.R. 395.1 or as otherwise
68 provided in this section, a person who operates a commercial
69 motor vehicle solely in intrastate commerce not transporting
70 hazardous materials in amounts that require placarding pursuant
71 to 49 C.F.R. part 172 need not comply with Electronic Logging
72 Device and Hours of Service Support Documents provided in 49
73 C.F.R. until December 31, 2019.

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

79 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
80 operates a commercial motor vehicle solely in intrastate
81 commerce not transporting any hazardous material in amounts that
82 require placarding pursuant to 49 C.F.R. part 172 may not drive
83 after having been on duty more than 70 hours in any period of 7
84 consecutive days or more than 80 hours in any period of 8
85 consecutive days if the motor carrier operates every day of the
86 week. Thirty-four consecutive hours off duty shall constitute
87 the end of any such period of 7 or 8 consecutive days. This
88 weekly limit does not apply to a person who operates a
89 commercial motor vehicle solely within this state while
90 transporting, during harvest periods, any unprocessed
91 agricultural products or unprocessed food or fiber that is

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92 subject to seasonal harvesting from place of harvest to the
93 first place of processing or storage or from place of harvest
94 directly to market or while transporting livestock, livestock
95 feed, or farm supplies directly related to growing or harvesting
96 agricultural products. Upon request of the Department of Highway
97 Safety and Motor Vehicles, motor carriers shall furnish time
98 records or other written verification to that department so that
99 the Department of Highway Safety and Motor Vehicles can
100 determine compliance with this subsection. These time records
101 must be furnished to the Department of Highway Safety and Motor
102 Vehicles within 2 days after receipt of that department's
103 request. Falsification of such information is subject to a civil
104 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
105 does ~~de~~ not apply to operators of farm labor vehicles operated
106 during a state of emergency declared by the Governor or operated
107 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
108 utility service vehicles as defined in 49 C.F.R. s. 395.2.

109 (d) A person who operates a commercial motor vehicle
110 solely in intrastate commerce not transporting any hazardous
111 material in amounts that require placarding pursuant to 49
112 C.F.R. part 172 within a 150 air-mile radius of the location
113 where the vehicle is based need not comply with 49 C.F.R. s.
114 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
115 (iii)(A) and (C), 395.1(e)(1)(iii) and (v) are met. ~~If a driver~~
116 ~~is not released from duty within 12 hours after the driver~~

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117 ~~arrives for duty, the motor carrier must maintain documentation~~
118 ~~of the driver's driving times throughout the duty period.~~

119 (f) A person who operates a commercial motor vehicle
120 having a ~~declared~~ gross vehicle weight, gross vehicle weight
121 rating, and gross combined weight rating of less than 26,001
122 pounds solely in intrastate commerce and who is not transporting
123 hazardous materials in amounts that require placarding pursuant
124 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
125 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
126 However, such person must comply with 49 C.F.R. parts 382, 392,
127 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

128 ~~(j) A person who is otherwise qualified as a driver under~~
129 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
130 ~~intrastate commerce only, and who does not transport hazardous~~
131 ~~materials in amounts that require placarding pursuant to 49~~
132 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
133 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
134 ~~diabetes.~~

135 Section 5. Subsection (3) of section 316.303, Florida
136 Statutes, is amended to read:

137 316.303 Television receivers.—

138 (3) This section does not prohibit the use of an
139 electronic display used in conjunction with a vehicle navigation
140 system; an electronic display used by an operator of a vehicle
141 equipped with autonomous technology, as defined in s.

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142 316.003(3); or an electronic display used by an operator of a
143 platoon vehicle equipped and operating with driver-assistive
144 truck platooning technology, as defined in s. 316.003.

145 Section 6. Subsection (24) of section 320.01, Florida
146 Statutes, is amended to read:

147 320.01 Definitions, general.—As used in the Florida
148 Statutes, except as otherwise provided, the term:

149 (24) "Apportionable vehicle" means any vehicle, except
150 recreational vehicles, vehicles displaying restricted plates,
151 city pickup and delivery vehicles, ~~buses used in transportation~~
152 ~~of chartered parties,~~ and government-owned vehicles, which is
153 used or intended for use in two or more member jurisdictions
154 that allocate or proportionally register vehicles and which is
155 used for the transportation of persons for hire or is designed,
156 used, or maintained primarily for the transportation of property
157 and:

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

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

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

164
165 Vehicles, or combinations thereof, having a gross vehicle weight
166 of 26,000 pounds or less and two-axle vehicles may be

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167 | proportionally registered.

168 | Section 7. Paragraph (b) of subsection (1) of section
169 | 320.06, Florida Statutes, is amended to read:

170 | 320.06 Registration certificates, license plates, and
171 | validation stickers generally.—

172 | (1)

173 | (b)1. Registration license plates bearing a graphic symbol
174 | and the alphanumeric system of identification shall be issued
175 | for a 10-year period. At the end of the 10-year period, upon
176 | renewal, the plate shall be replaced. The department shall
177 | extend the scheduled license plate replacement date from a 6-
178 | year period to a 10-year period. The fee for such replacement is
179 | \$28, \$2.80 of which shall be paid each year before the plate is
180 | replaced, to be credited toward the next \$28 replacement fee.
181 | The fees shall be deposited into the Highway Safety Operating
182 | Trust Fund. A credit or refund may not be given for any prior
183 | years' payments of the prorated replacement fee if the plate is
184 | replaced or surrendered before the end of the 10-year period,
185 | except that a credit may be given if a registrant is required by
186 | the department to replace a license plate under s.

187 | 320.08056(8) (a). With each license plate, a validation sticker
188 | shall be issued showing the owner's birth month, license plate
189 | number, and the year of expiration or the appropriate renewal
190 | period if the owner is not a natural person. The validation
191 | sticker shall be placed on the upper right corner of the license

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192 plate. The license plate and validation sticker shall be issued
193 based on the applicant's appropriate renewal period. The
194 registration period is 12 months, the extended registration
195 period is 24 months, and all expirations occur based on the
196 applicant's appropriate registration period.

197 2. A vehicle that has an apportioned registration shall be
198 issued an annual license plate and a cab card denoting that
199 denote the declared gross vehicle weight for each apportioned
200 jurisdiction in which the vehicle is authorized to operate. This
201 subparagraph expires upon implementation of a new operating
202 system for apportioned vehicle registrations.

203 3. Upon implementation of a new operating system for
204 apportioned vehicle registration, a vehicle registered in
205 accordance with the International Registration Plan shall be
206 issued a license plate for a 5-year period, an annual cab card
207 denoting the declared gross vehicle weight for each apportioned
208 jurisdiction, and an annual validation sticker showing the month
209 and year of expiration. The validation sticker shall be placed
210 in the center of the license plate. The license plate and
211 validation sticker shall be issued based on the applicant's
212 appropriate renewal period. The fee for the initial validation
213 sticker and any renewed validation sticker is \$28. This fee
214 shall be deposited into the Highway Safety Operating Trust Fund.
215 A damaged or worn license plate may be replaced at no charge by
216 applying to the department and surrendering the current license

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217 plate.

218 ~~4.2-~~ In order to retain the efficient administration of
219 the taxes and fees imposed by this chapter, the 80-cent fee
220 increase in the replacement fee imposed by chapter 2009-71, Laws
221 of Florida, is negated as provided in s. 320.0804.

222 Section 8. Subsection (5) of section 320.0607, Florida
223 Statutes, is amended to read:

224 320.0607 Replacement license plates, validation decal, or
225 mobile home sticker.-

226 (5) Upon the issuance of an original license plate, the
227 applicant shall pay a fee of \$28 to be deposited in the Highway
228 Safety Operating Trust Fund. Upon implementation of a new
229 operating system for apportioned vehicle registrations, this
230 subsection does not apply to a vehicle registered under the
231 International Registration Plan.

232 Section 9. Subsection (10) is added to section 320.131,
233 Florida Statutes, to read:

234 320.131 Temporary tags.-

235 (10) The department may partner with a county tax
236 collector to conduct a Fleet Vehicle Temporary Tag pilot program
237 to provide temporary tags to fleet companies to allow them to
238 operate fleet vehicles awaiting a permanent registration and
239 title.

240 (a) The department shall establish a memorandum of
241 understanding that allows up to three companies to participate

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242 in the pilot program and receive multiple temporary tags for
243 company fleet vehicles.

244 (b) To participate in the program, a fleet company must
245 have at least 3,500 fleet vehicles registered in this state
246 which qualify to be registered as fleet vehicles pursuant to s.
247 320.0657.

248 (c) The department may issue up to 50 temporary tags at a
249 time to an eligible fleet company if requested by such company.

250 (d) A temporary tag issued under this subsection is for
251 exclusive use on a vehicle purchased for the company's fleet and
252 may not be used on any other vehicle.

253 (e) Each temporary tag may be used on only one vehicle,
254 and each vehicle may use only one temporary tag.

255 (f) Upon issuance of the vehicle's permanent license plate
256 and registration, the temporary tag becomes invalid and must be
257 removed from the vehicle and destroyed.

258 (g) Upon a finding by the department that a temporary tag
259 has been misused by a fleet company under this program, the
260 department may terminate the memorandum of understanding with
261 the company, invalidate all temporary tags issued to the company
262 under the program, and require such company to return any unused
263 temporary tags.

264 (h) The issuance of a tag using this method must be
265 reported to the department within 2 business days, not including
266 weekends or state holidays, after the issuance of the tag. The

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267 county tax collector shall keep a record of each temporary tag
268 issued. The record must include the date of issuance, tag number
269 issued, vehicle identification number, and vehicle description.

270 (i) This subsection is repealed October 1, 2022, unless
271 saved from repeal through reenactment by the Legislature.

272 Section 10. Subsection (1) of section 655.960, Florida
273 Statutes, is amended to read:

274 655.960 Definitions; ss. 655.960-655.965.—As used in this
275 section and ss. 655.961-655.965, unless the context otherwise
276 requires:

277 (1) "Access area" means any paved walkway or sidewalk
278 which is within 50 feet of any automated teller machine. The
279 term does not include any street or highway open to the use of
280 the public, as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or
281 (b), including any adjacent sidewalk, as defined in s. 316.003.

282 Section 11. Paragraph (a) of subsection (2) of section
283 812.014, Florida Statutes, is amended to read:

284 812.014 Theft.—

285 (2)(a)1. If the property stolen is valued at \$100,000 or
286 more or is a semitrailer that was deployed by a law enforcement
287 officer; or

288 2. If the property stolen is cargo valued at \$50,000 or
289 more that has entered the stream of interstate or intrastate
290 commerce from the shipper's loading platform to the consignee's
291 receiving dock; or

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292 3. If the offender commits any grand theft and:

293 a. In the course of committing the offense the offender
294 uses a motor vehicle as an instrumentality, other than merely as
295 a getaway vehicle, to assist in committing the offense and
296 thereby damages the real property of another; ~~or~~

297 b. In the course of committing the offense the offender
298 causes damage to the real or personal property of another in
299 excess of \$1,000; or

300 c. In the course of committing the offense the offender
301 uses any type of device to defeat, block, disable, jam, or
302 interfere with a global positioning system or similar system
303 designed to identify the location of the cargo or the vehicle or
304 trailer carrying the cargo,

305
306 the offender commits grand theft in the first degree, punishable
307 as a felony of the first degree, as provided in s. 775.082, s.
308 775.083, or s. 775.084.

309
310 Section 12. Paragraphs (i) and (j) are added to subsection
311 (1) of section 322.61, Florida Statutes, to read:

312 322.61 Disqualification from operating a commercial motor
313 vehicle.—

314 (1) A person who, for offenses occurring within a 3-year
315 period, is convicted of two of the following serious traffic
316 violations or any combination thereof, arising in separate

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317 incidents committed in a commercial motor vehicle shall, in
318 addition to any other applicable penalties, be disqualified from
319 operating a commercial motor vehicle for a period of 60 days. A
320 holder of a commercial driver license or commercial learner's
321 permit who, for offenses occurring within a 3-year period, is
322 convicted of two of the following serious traffic violations, or
323 any combination thereof, arising in separate incidents committed
324 in a noncommercial motor vehicle shall, in addition to any other
325 applicable penalties, be disqualified from operating a
326 commercial motor vehicle for a period of 60 days if such
327 convictions result in the suspension, revocation, or
328 cancellation of the licenseholder's driving privilege:

329 (i) Texting while driving a commercial motor vehicle as
330 prohibited by 49 C.F.R. 392.80.

331 (j) Using a hand-held mobile telephone while driving a
332 commercial motor vehicle, as prohibited by 49 C.F.R. 390.82.

333 Section 13. This act shall take effect October 1, 2019.

334

335

336

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

337 Remove everything before the enacting clause and insert:

338 An act relating to commercial motor vehicles; amending

339 s. 316.003, F.S.; defining the term "platoon";

340 repealing s. 316.0896, F.S., relating to the assistive
341

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342 truck platooning technology pilot project; creating s.
343 316.0897, F.S.; exempting the operator of a nonlead
344 vehicle in a platoon from provisions relating to
345 following too closely; authorizing a platoon to be
346 operated on a roadway in this state after an operator
347 provides notification to the Department of
348 Transportation and the Department of Highway Safety
349 and Motor Vehicles; amending s. 316.302, F.S.;
350 revising regulations to which owners and drivers of
351 commercial motor vehicles are subject; revising
352 requirements for electronic logging devices and
353 support documents for certain intrastate motor
354 carriers; deleting a limitation on a civil penalty for
355 falsification of certain time records; deleting a
356 requirement that a motor carrier maintain certain
357 documentation of driving times; providing an exemption
358 from specified provisions for a person who operates a
359 commercial motor vehicle with a certain gross vehicle
360 weight, gross vehicle weight rating, and gross
361 combined weight rating; deleting the exemption from
362 such provisions for a person transporting petroleum
363 products; removing an exemption from certain
364 requirements; amending s. 316.303, F.S.; exempting an
365 operator of a certain platoon vehicle from the
366 prohibition on the active display of television or

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367 video; amending s. 320.01, F.S.; revising the
368 definition of the term "apportionable vehicle";
369 amending s. 320.06, F.S.; providing for future repeal
370 of issuance of a certain annual license plate and cab
371 card to a vehicle that has an apportioned
372 registration; revising information required to appear
373 on the cab card; providing requirements for license
374 plates, cab cards, and validation stickers for
375 vehicles registered in accordance with the
376 International Registration Plan; authorizing a damaged
377 or worn license plate to be replaced at no charge
378 under certain circumstances; amending s. 320.0607,
379 F.S.; providing an exemption from a certain fee for
380 vehicles registered under the International
381 Registration Plan; amending s. 320.131, F.S.;;
382 authorizing the Department of Highway Safety and Motor
383 Vehicles to partner with a county tax collector to
384 conduct a Fleet Vehicle Temporary Tag pilot program
385 for certain purposes; providing program requirements;
386 providing for future repeal; amending s. 655.960,
387 F.S.; conforming a cross-reference; amending s.
388 812.014, F.S.; providing a criminal penalty for an
389 offender committing grand theft who uses a device to
390 interfere with a global positioning or similar system;
391 amending s. 322.61, F.S.; providing that texting and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 725 (2019)

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392 | using a hand-held mobile device while driving are
393 | disqualifying offenses from operating a commercial
394 | motor vehicle under certain circumstances; providing
395 | an effective date.

396