

MEETING OF THE GOVERNOR AND CABINET  
AS HEAD OF THE DEPARTMENT OF HIGHWAY SAFETY  
AND MOTOR VEHICLES

September 29, 2015

AGENDA

<http://www.flhsmv.gov/agenda/2015/092915Agenda.pdf>

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1. Respectfully submit the Minutes for the September 1, 2015 Cabinet Meeting.

Attachment #1.  
Recommend Approval.

2. Respectfully submit a briefing of the Department's Legislative Package for the 2016 session.

Attachment #2.  
Recommend Approval.

3. Respectfully request approval to publish a Notice of Proposed Rulemaking to Amend Rule Chapter 15A-1.016, Test/Examination failure. The Department requests approval to file for final adoption if no requests for rule hearings are received as a result of the notice.

Attachment #3  
Recommend Approval.

4. Respectfully request approval to publish a Notice of Proposed Rulemaking to Amend Rule 15C-21, Certificates of Title. The Department requests approval to file for final adoption if no requests for rule hearings are received as a result of the notice.

Attachment #4.  
Recommend Approval.

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND  
CABINET

\_\_\_\_\_ /

CABINET MEMBERS: GOVERNOR RICK SCOTT  
ATTORNEY GENERAL PAM BONDI  
CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
COMMISSIONER OF AGRICULTURE  
ADAM PUTNAM

DATE: TUESDAY, SEPTEMBER 1, 2015

LOCATION: TREASURY ON THE PLAZA  
24 CATHEDRAL PLACE, SUITE 111  
ST. AUGUSTINE, FLORIDA

REPORTED BY: MARY GRAYBOSCH, RPR, CRR  
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1 HIGHWAY SAFETY AND MOTOR VEHICLES

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3 GOVERNOR SCOTT: All right. Next I would  
4 like to recognize Terry Rhodes with the Department  
5 of Highway Safety and Motor Vehicles.

6 (Commissioner Putnam reentered the room.)

7 GOVERNOR SCOTT: Excuse me just a second,  
8 Terry.

9 Commissioner, on the -- I had to, on the --

10 ATTORNEY GENERAL BONDI: LBR.

11 GOVERNOR SCOTT: On the LBR, we -- are you  
12 going to vote for it? Need to have three votes.

13 COMMISSIONER PUTNAM: Yes, sir.

14 GOVERNOR SCOTT: All right.

15 COMMISSIONER PUTNAM: Wow, y'all are moving  
16 fast.

17 GOVERNOR SCOTT: All right, Terry.

18 EXECUTIVE DIRECTOR RHODES: I was hoping I  
19 could go faster.

20 COMMISSIONER PUTNAM: Yeah. You -- you drew  
21 the short straw there.

22 EXECUTIVE DIRECTOR RHODES: Good morning,  
23 Governor, CFO, Attorney General, and Commissioner.

24 The first item I have is respectfully request  
25 approval of the August 5, 2015, minutes.

1 CFO ATWATER: So moved.

2 GOVERNOR SCOTT: Is there a second?

3 ATTORNEY GENERAL BONDI: Second.

4 GOVERNOR SCOTT: Any comments or objections?

5 (No response.)

6 GOVERNOR SCOTT: Hearing none, the motion  
7 carries.

8 EXECUTIVE DIRECTOR RHODES: The second item,  
9 with your permission, I would like to propose the  
10 nine performance measures on behalf of the  
11 Department of Highway Safety and Motor Vehicles  
12 for your approval.

13 I'm happy to go through each of these  
14 measures at this time or answer any questions that  
15 you may have about specific measures.

16 GOVERNOR SCOTT: Why don't we just do  
17 questions? Everybody's had -- has everybody had  
18 an opportunity to review it?

19 ATTORNEY GENERAL BONDI: Uh-huh. Yes, sir.

20 GOVERNOR SCOTT: Okay. Are there any  
21 questions?

22 ATTORNEY GENERAL BONDI: No.

23 COMMISSIONER PUTNAM: I just have a question,  
24 Governor, if it's the appropriate time?

25 GOVERNOR SCOTT: Sure. Why don't you --

1 let's go ahead and do the questions now.

2 COMMISSIONER PUTNAM: The service time --  
3 time to respond to a service call for FHP, do  
4 y'all break -- do you break it out or is there a  
5 way to break it out between rural areas and urban  
6 areas?

7 In Orlando, a 30-minute response time seems  
8 high. In Glades County, it does not seem as high.

9 Now, is there -- I -- I guess my question  
10 would be is there a greater granularity to  
11 understanding what the average response time  
12 really is and what we're shooting for, not only  
13 based on geography, but the severity of the call?

14 So if I've got a flat tire, I would have a  
15 higher tolerance for a longer wait than a serious  
16 accident on -- in Yeehaw Junction, for example.

17 So I -- I guess if you would just kind of  
18 walk me through that more so than -- than a  
19 specific question.

20 EXECUTIVE DIRECTOR RHODES: Well, part of  
21 what happened in the past standard is that we were  
22 doing an average statewide.

23 So that meant that counties that, like --  
24 unlike Troop D, which is Orlando, you know, which  
25 we were constantly responding to crashes.

1           So now we're going to be drilling down into  
2           more of the data so that we can get better crash  
3           response in the smaller counties, rural and urban,  
4           so that we can have better deployment tactics.

5           That's one thing that we're doing differently  
6           with our new CAD system we just implemented. So  
7           that will give us a better handle.

8           So we'll be able to give you by-county  
9           response time, and that will be more granular.

10           COMMISSIONER PUTNAM: Great. And I believe  
11           it's the first Cabinet meeting since you named the  
12           new director, the new colonel?

13           EXECUTIVE DIRECTOR RHODES: Yes.

14           COMMISSIONER PUTNAM: Congratulations. And  
15           he's a local guy from northeast Florida.

16           And I had an opportunity to speak to him on  
17           the phone and look forward to meeting him in  
18           person, and I think you made a good pick there.

19           EXECUTIVE DIRECTOR RHODES: Thank you.  
20           Colonel Gene Spaulding, he's a great man and he's  
21           going to be -- he's going to continue the  
22           tradition for the highway patrol and do us all a  
23           great job, so thank you.

24           I know that several of y'all have talked to  
25           him and had a chance to spend some time in the

1 offices, so thank you so much.

2 GOVERNOR SCOTT: All right. Is there a  
3 motion on the item?

4 CFO ATWATER: So move --

5 ATTORNEY GENERAL BONDI: So moved.

6 COMMISSIONER PUTNAM: Second.

7 GOVERNOR SCOTT: Any comments or objections?

8 (No response.)

9 GOVERNOR SCOTT: Hearing none, the motion  
10 carries.

11 Thanks, Terry.

12 EXECUTIVE DIRECTOR RHODES: Thank you all.

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| Issue   | Current Situation  | Proposed Change   | Justification   | Fiscal Impact | Statutory Citation |             |             |   |  |      |   |
|---|--|---|---|---------------|--------------------|-------------|-------------|---|--|------|---|
| <b>Driver License and Motor Vehicle Change of address</b> | Depending on whether an individual is changing their driver license or motor vehicle address, the deadline for doing so varies. For example: <table border="1" data-bbox="406 1501 560 1837"> <tr> <td>New Resident</td> <td>Address Change</td> </tr> <tr> <td>DL: 30 days</td> <td>DL: 10 days</td> </tr> <tr> <td>MV: 10 days</td> <td>MV: 20 Days</td> </tr> </table>  | New Resident  | Address Change  | DL: 30 days   | DL: 10 days        | MV: 10 days | MV: 20 Days | Makes the number of days required to obtain an original or change of address for driver licenses and motor vehicle registrations uniform. | Provides ease to the Public for those obtaining or updating driver licenses or motor vehicle registrations by making the number of days needed to acquire them to be within 30 days. This creates consistency for public benefit and law enforcement purposes. | None | 322.19, 322.08, 320.02, 322.01, 320.37, 320.38, 322.031 |
| New Resident  | Address Change   |   |   |               |                    |             |             |   |  |      |   |
| DL: 30 days   | DL: 10 days  |   |   |               |                    |             |             |   |  |      |   |
| MV: 10 days   | MV: 20 Days  |   |   |               |                    |             |             |   |  |      |   |
| <b>Move Over Law</b>                                      | The Move Over law protects law enforcement officers, emergency workers and tow truck drivers stopped along roadways while performing their jobs. It requires motorists to move over when a patrol car, emergency vehicle or tow truck/wrecker is stopped on the side of a road with lights flashing. If such movement cannot be safely accomplished, motorists shall slow down to a speed of 20 mph below the posted speed limit, and you must approach the emergency vehicles with caution. | Include Service Patrol Vehicles, known as Road Rangers, as a vehicle type that motorists must move over or slow down for when the service patrol vehicle is displaying amber rotating or flashing lights and is performing official duties or services on the roadside. | Violating the Move Over law puts motorists and public safety professionals at risk. The Move Over Law should include Service Patrol Vehicles such as Road Rangers and Safety Patrol vehicles. | None          | 316.003            |             |             |   |  |      |   |



| Issue   | Current Situation  | Proposed Change  | Justification  | Fiscal Impact                          | Statutory Sites |
|---|--|--|--|--|-----------------|
| <p><b>0 Cost Identification Cards for Youth Transitioning from Department of Juvenile Justice</b></p> | <p>The law currently provides for a fee waiver for a replacement driver license or state issued identification card to Florida-born inmates being released from prison. The law does not provide for a free identification card to youth exiting the DJJ system today.</p> | <p>Implements a no cost identification card to youth transitioning out of the DJJ system into adulthood. Obtaining this credential may assist them with securing employment, prepare for college, financial assistance and provide for greater independence.</p> | <p>This change will help make for a seamless transition for youth offenders transferring out of the DJJ system into adulthood. An identification card is an important document needed for youth to prepare for college, employment, financial assistance or independence, and most other things that come with being an adult.</p> | <p>Indeterminate<br/>Insignificant</p> | <p>322.051</p>  |

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motorist Services

RULE NO.: RULE TITLE:

15A-1.016 Test/Examination Failure; Disqualification: Procedure

**PURPOSE AND EFFECT:** The purpose of this amendment is to clarify the number of driving tests to be taken by an applicant on any one day.

**SUMMARY:** The rule is amended to allow Driver License and Tax Collector offices that administer driving tests to determine if the offices schedule can accommodate retesting applicants who fail the exam (on the same day). Most offices are operating under an appointment system and in most cases can accommodate additional testing during operating hours.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

**RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: The nature of the rule, input from the affected industry, and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 322.02, FS.

**LAW IMPLEMENTED:** 322.12, FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 23, 2015, 9:00 a.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Graves, Program Manager, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, [raygraves@flhsmv.gov](mailto:raygraves@flhsmv.gov), (850) 617-2529.

If you are hearing impaired or speech impaired, please contact the agency using the Florida Relay Service, 1 (800) 955-8771 (TDD) or 1 (800) 955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ray Graves, Program Manager, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, [raygraves@flhsmv.gov](mailto:raygraves@flhsmv.gov), (850) 617-2529.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

#### **15A-1.016 Test/Examination Failure; Disqualification: Procedure.**

(1) Applicants are required to successfully complete the written test and vision test before being permitted to demonstrate driving ability.

(2) Once the written and vision tests have been successfully passed, such tests need not be retaken upon failure of the driving test unless the test results are no longer a matter of record.

(3) Upon failing a vision or written examination, another test/examination may be taken on the day of failure, examining time permitting.

~~(4) An applicant shall not be permitted to take more than one driving test on any one day unless specifically authorized by an office supervisor or higher authority.~~

*Rulemaking Authority 322.02 FS. Law Implemented 322.12 FS. History--New 11-20-75, Formerly 15A-1.16, Amended 12-22-92, 6-3-14, \_\_\_\_\_.*

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Julie Gentry, Bureau Chief, Department of Highway Safety and Motor Vehicles

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Governor and Cabinet

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 29, 2015

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** May 16, 2014

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**CHAPTER 15A-1**

**DRIVER LICENSES**

**RULE NUMBERS:**

**RULE TITLE:**

15A-1.016:

Test/Examination Failure; Disqualification: Procedure

Summary of Rule

The rule is amended to allow Driver License and Tax Collector offices that administer driving tests to determine if the offices schedule can accommodate retesting applicants who fail the exam (on the same day). Most offices are operating under an appointment system and in most cases can accommodate additional testing during operating hours.

Statement of Facts and Circumstances Justifying the Rule

The Department proposes amending ch. 15A-1.016, F.A.C., to clarify the number of driving tests to be taken by an applicant on any one day.

Federal Standards Statement

There are no federal standards related to the number of driving tests on any one day.

Summary of Hearing

The Notice of Proposed Rule Development was noticed in the May 16, 2014, Florida Administrative Register, Volume 40, Number 96, setting out a public workshop for July 15, 2014. There were no attendees to the workshop.

The Notice of Proposed Rule will be published in the October 1, 2015, Florida Administrative Register, Volume 41, Number 191, setting out a Public Hearing for October 23, 2015. If a timely request for a hearing is received by the agency, a hearing will be held.

CERTIFICATION OF THE  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
ADMINISTRATIVE RULES FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and
- (2) That there is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
  - (a) Are filed not more than 90 days after the notice; or
  - (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
  - (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
  - (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
  - (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
  - (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
  - (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[ ] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[ ] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15A-1.016

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_.

\_\_\_\_\_  
Terry Rhodes

Executive Director  
Title

Department of Highway Safety and Motor Vehicles  
Agency

1  
Number of Pages Certified

**15A-1.016 Test/Examination Failure; Disqualification: Procedure.**

(1) Applicants are required to successfully complete the written test and vision test before being permitted to demonstrate driving ability.

(2) Once the written and vision tests have been successfully passed, such tests need not be retaken upon failure of the driving test unless the test results are no longer a matter of record.

(3) Upon failing a vision or written examination, another test/examination may be taken on the day of failure, examining time permitting.

~~(4) An applicant shall not be permitted to take more than one driving test on any one day unless specifically authorized by an office supervisor or higher authority.~~

*Rulemaking Authority 322.02 FS. Law Implemented 322.12 FS. History—New 11-20-75, Formerly 15A-1.16, Amended 12-22-92, 6-3-14, \_\_\_\_\_.*

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motorist Services

RULE NO.: RULE TITLE:

15C-21 Certificates of Title

PURPOSE AND EFFECT: The purpose is to amend the form cited in this rule.

SUMMARY: The rule is being amended to update the form cited in the rule to reflect proper terminology in addressing same-sex marriages, changing the term "husband and wife" to "a married couple". Changes to the rulemaking authority for this rule are also necessary due to legislative changes in statute, and will reflect the deletion of 328.44, F.S. and the addition of 328.01(6), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: The nature of the rule, input from the affected industry, and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 317.0005, 319.17, 320.011, 328.03(8), 328.44, 328.72(17) FS.

LAW IMPLEMENTED: 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.001, 320.02, 320.0605, 320.0609, 320.0657, 327.50, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 23, 2015, 3:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Selma Sauls, 2900 Apalachee Parkway, Tallahassee, FL. 32399, Room A332B, [selmasauls@flhsmv.gov](mailto:selmasauls@flhsmv.gov), (850) 617-2992.

If you are hearing impaired or speech impaired, please contact the agency using the Florida Relay Service, 1 (800) 955-8771 (TDD) or 1 (800) 955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Selma Sauls, 2900 Apalachee Parkway, Tallahassee, FL. 32399, Room A332B, [selmasauls@flhsmv.gov](mailto:selmasauls@flhsmv.gov), (850) 617-2992.

THE FULL TEXT OF THE PROPOSED RULE IS:

**15C-21.001 Application for Certificate of Title.**

(1) Any person applying for a certificate of title to evidence ownership of a motor vehicle or vessel, shall apply to the department on Form HSMV 82040, Application for Certificate of Title With/Without Registration (Rev. ~~09/15~~ ~~12/12~~), incorporated herein by reference and available on the web at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02263>.

(2) No changes.

*Rulemaking Authority 317.0005, 319.17, 320.011, ~~328.01(6)~~, 328.03(8), ~~328.44~~, 328.72(17) FS. Law Implemented 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.01 ~~320.001~~, 320.02, 320.0605, 320.0609, 320.0657, ~~327.50~~, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS. History—New 2-7-13. Amended.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Baker, Bureau Chief, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 14, 2015

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**CHAPTER 15C-21**

**CERTIFICATES OF TITLE**

**RULE NUMBERS:**

**RULE TITLE:**

15C-21.001:

Application for Certificate of Title

Summary of Rule

The rule is being amended to update the form cited in the rule to reflect proper terminology in addressing same-sex marriages, changing the term “husband and wife” to “a married couple”. Changes to the rulemaking authority for this rule are also necessary due to legislative changes in statute, and will reflect the deletion of 328.44, F.S. and the addition of 328.01(6), F.S.

Statement of Facts and Circumstances Justifying the Rule

The Department proposes amending ch. 15C-21.001, F.A.C., because the form cited in this rule refers to transfers between Husband and Wife. Due to recent legislative changes, same-sex marriages are recognized and the reference to Husband and Wife needs to be changed to a Married Couple.

Federal Standards Statement

There are no federal standards related to the form cited in this rule.

Summary of Hearing

The Notice of Proposed Rule Development was noticed in the July 14, 2015, Florida Administrative Register, Volume 41, Number 135, setting out a public workshop for July 29, 2015. The workshop was held as noticed.

The Notice of Proposed Rule will be published in the October 1, 2015, Florida Administrative Register, Volume 41, Number 191, setting out a Public Hearing for October 23, 2015. If a timely request for a hearing is received by the agency, a hearing will be held.

CERTIFICATION OF THE  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
ADMINISTRATIVE RULES FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[ ] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[ ] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15C-21.001

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_.

\_\_\_\_\_  
Terry Rhodes

Executive Director  
Title

Department of Highway Safety and Motor Vehicles  
Agency

1  
Number of Pages Certified

**15C-21.001 Application for Certificate of Title.**

(1) Any person applying for a certificate of title to evidence ownership of a motor vehicle or vessel, shall apply to the department on Form HSMV 82040, Application for Certificate of Title With/Without Registration (Rev. 09/15 12/12), incorporated herein by reference and available on the web at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02263>.

(2) No changes.

*Rulemaking Authority 317.0005, 319.17, 320.011, 328.01(6), 328.03(8), ~~328.44~~, 328.72(17) FS. Law Implemented 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.01 ~~320.004~~, 320.02, 320.0605, 320.0609, 320.0657, ~~327.50~~, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS. History—  
New 2-7-13. Amended \_\_\_\_\_.*

CERTIFICATION OF MATERIALS INCORPORATED BY REFERENCE  
IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1B-30.005, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 15C-21.001 have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by contacting: Selma Sauls, 2900 Apalachee Parkway, Tallahassee, FL. 32399, Room A332B, [selmasauls@flhsmv.gov](mailto:selmasauls@flhsmv.gov), (850) 617-2992.

List form number(s) and form title(s), or title of document(s) below:

HSMV Form 82040 – Application for Certificate of Title with/without Registration

Under the provisions of Section 120.54(3)(e)6., F.S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

\_\_\_\_\_  
Signature, Person Authorized to Certify Rules

Terry Rhodes  
Executive Director  
Title



**8 MOTOR VEHICLE IDENTIFICATION NUMBER VERIFICATION**

THIS SECTION REQUIRES A PHYSICAL INSPECTION AND A VERIFICATION OF THE VEHICLE IDENTIFICATION NUMBER (VIN) (OR THE MOTOR NUMBER FOR MOTOR VEHICLES MANUFACTURED PRIOR TO 1955) OF THE MOTOR VEHICLE DESCRIBED ON THIS FORM BY A LICENSED DEALER, FLORIDA NOTARY PUBLIC, POLICE OFFICER, OR FLORIDA DIVISION OF MOTOR VEHICLES EMPLOYEE OR TAX COLLECTOR EMPLOYEE. IF THE VIN IS VERIFIED BY AN OUT OF STATE MOTOR VEHICLE DEALER, THE VERIFICATION MUST BE SUBMITTED ON THEIR LETTERHEAD STATIONERY. COMPLETE THIS SECTION ON ALL USED MOTOR VEHICLES, INCLUDING TRAILERS, (WITH ABBREVIATION OF "TL" WITH A WEIGHT OF 2,000 POUNDS OR MORE) NOT CURRENTLY TITLED IN FLORIDA.

I, the undersigned, certify that I have physically inspected the above described vehicle and find the vehicle identification number to be: \_\_\_\_\_ (Vehicle Identification Number)

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

Law Enforcement Officer or Florida Dealer/Agency Name \_\_\_\_\_ Badge # or Florida Dealer # \_\_\_\_\_ Notary Stamp or Seal \_\_\_\_\_

FL DMV/Tax Collector Employee \_\_\_\_\_ Florida Compliance Examiner/Inspector Badge or ID Number \_\_\_\_\_

COMMISSIONED NAME OF FLORIDA NOTARY: \_\_\_\_\_ (Print, Type or Stamp) NOTARY'S SIGNATURE \_\_\_\_\_

**9 SALES TAX EXEMPTION CERTIFICATION**

THE PURCHASE OF A RECREATIONAL VEHICLE TO BE OFFERED FOR RENT AS LIVING ACCOMMODATIONS DOES NOT QUALIFY FOR EXEMPTION. I CERTIFY THE RECREATIONAL VEHICLE, MOBILE HOME OR VESSEL DESCRIBED HAS BEEN PURCHASED AND IS EXEMPT FROM THE SALES TAX IMPOSED BY CHAPTER 212, FLORIDA STATUTES, BY:

PURCHASER (STATE AGENCIES, COUNTIES, ETC.) HOLDS VALID EXEMPTION CERTIFICATE \_\_\_\_\_ CONSUMER'S CERTIFICATE OF EXEMPTION NUMBER \_\_\_\_\_  
 MOTOR VEHICLE  MOBILE HOME  VESSEL WILL BE USED EXCLUSIVELY FOR RENTAL \_\_\_\_\_ SALES TAX REGISTRATION NUMBER \_\_\_\_\_

I hereby certify that ownership of the motor vehicle, mobile home or vessel described on this application, is not subject to Florida Sales and Use Tax for the following reason:  INHERITANCE  GIFT

DIVORCE DECREE  TRANSFER BETWEEN HUSBAND AND WIFE A MARRIED COUPLE  EVEN TRADE OR TRADE DOWN (State the facts of the even trade or trade down and the transferor information, including the transferor's name and address, below under "Other: Explain.")

OTHER: (EXPLAIN) \_\_\_\_\_

**10 REPOSSESSION DECLARATION**

IF CHECKED, THE FOLLOWING CERTIFICATIONS ARE MADE BY THE APPLICANT:

- I CERTIFY THAT THIS MOTOR VEHICLE, MOBILE HOME OR VESSEL WAS REPOSSESSED UPON DEFAULT IN THE TERMS OF THE LIEN INSTRUMENT AND IS NOW IN MY POSSESSION.
- (VESSEL) A PHOTOCOPY OF THE LIEN INSTRUMENT FOR THE VESSEL IS REQUIRED AND ATTACHED.
- I AM REQUESTING THAT AN ORIGINAL CERTIFICATE OF REPOSSESSION BE ISSUED FOR THE MOTOR VEHICLE OR MOBILE HOME IN LIEU OF A TITLE (REPOSSESSION).
- I AM REQUESTING THAT A DUPLICATE CERTIFICATE OF REPOSSESSION BE ISSUED FOR THE MOTOR VEHICLE OR MOBILE HOME, AS THE ORIGINAL HAS BEEN LOST OR DESTROYED.

**11 NON-USE AND OTHER CERTIFICATIONS**

IF CHECKED, THE FOLLOWING CERTIFICATIONS ARE MADE BY THE APPLICANT:

- I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED.
- THE VEHICLE IDENTIFIED WILL NOT BE OPERATED ON THE STREETS AND HIGHWAYS OF THIS STATE UNTIL PROPERLY REGISTERED.
- THE VESSEL IDENTIFIED WILL NOT BE OPERATED ON THE WATERS OF THIS STATE UNTIL PROPERLY REGISTERED.
- OTHER: (EXPLAIN) \_\_\_\_\_

**12 APPLICATION ATTESTMENT AND SIGNATURES**

I/WE PHYSICALLY INSPECTED THE ODOMETER/VIN AND FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS. (More than one form HSMV 82040 may be used for additional signatures.) UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

SIGNATURE OF APPLICANT (OWNER) \_\_\_\_\_ Date \_\_\_\_\_ SIGNATURE OF APPLICANT (CO-OWNER) \_\_\_\_\_ Date \_\_\_\_\_

**13 RELEASE OF SPOUSE OR HEIRS INTEREST**

The undersigned person(s) state(s) as follows: That \_\_\_\_\_ died on \_\_\_\_\_ (Name of Deceased) (Date)

- testate (with a will)  intestate (without a will) and left the surviving heir(s) named below.
- When applicable, the heir(s) (named below) certifies that the certificate of title is lost or destroyed.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. (More than one form HSMV 82040 may be used for additional signatures.)

Print or Type Name of Spouse, Co-owner or Heir(s) \_\_\_\_\_ Signature of Spouse, Co-Owner or Heir(s) \_\_\_\_\_

That at the time of death the decedent was owner of the motor vehicle, mobile home or vessel described in section 2 of this form. The person(s) signing above hereby releases all of his/her/their right, title, interest and claim as heir(s) at law, legatee(s), devisee(s), or otherwise to the aforesaid motor vehicle, mobile home or vessel to:

Name of Applicant(s) (Print or Type) \_\_\_\_\_

RESIDENTS OF FLORIDA AND ALL VESSEL OWNERS, RESIDING IN FLORIDA OR OUT OF STATE, SHOULD SUBMIT THIS FORM AND ALL REQUIRED DOCUMENTATION TO A LOCAL FLORIDA TAX COLLECTOR'S OFFICE OR THE FLORIDA TAX COLLECTOR'S OFFICE LOCATED IN THE APPLICANT'S COUNTY OF RESIDENCE FOR PROCESSING.

Check your local phone book government pages or visit the following website for current mailing addresses: <http://www.flhsmv.gov/offices/>