

AGENDA

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

September 24, 2019

www.flhsmv.gov/pdf/cabinetreports/2019/09242019.pdf

1. Respectfully submit the minutes for the June 13, 2018 Cabinet Meeting.

Attachment #1

Recommend Approval.

2. Respectfully submit Department's Purchases over \$100,000 which are not made from state contract for 4th Quarter FY 17-18 and FY 18-19.

Attachment #2

Recommend Approval.

3. Respectfully request approval to publish a notice of proposed rule for Rule 15C-21.001, Application for Certificate of Title. The Department also requests approval to file for final adoption if no substantive changes to the rule are required following publication of the notice of proposed rule.

Attachment #3

Recommend Approval.

4. Respectfully request approval to publish a notice of proposed rule for Rule Chapter 15B-16, Wireless Communications Device Driving Safety Program. The Department also requests approval to file for final adoption if no substantive changes to the rule chapter are required following publication of the notice of proposed rule.

Attachment #4

Recommend Approval.

Attachment #1

1 STATE OF FLORIDA

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4 IN RE: MEETING OF THE GOVERNOR AND
5 CABINET
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9 CABINET MEMBERS: GOVERNOR RICK SCOTT
10 ATTORNEY GENERAL PAM BONDI
11 CHIEF FINANCIAL OFFICER
12 JEFF ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

13 DATE: WEDNESDAY, JUNE 13, 2018

14 LOCATION: CABINET MEETING ROOM
15 LOWER LEVEL, THE CAPITOL
16 TALLAHASSEE, FLORIDA

17 REPORTED BY: NANCY S. METZKE, RPR, FPR
18 COURT REPORTER
19
20
21

22 C & N REPORTERS
23 POST OFFICE BOX 3093
TALLAHASSEE, FLORIDA 32315-3093
24 (850) 697-8314 / FAX (850) 697-8715
25 nancy@metzke.com
candnreporters.com

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By CFO Patronis

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HIGHWAY SAFETY AND MOTOR VEHICLES

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

EXECUTIVE DIRECTOR RHODES: Good morning, Governor.

GOVERNOR SCOTT: Your team does a good job.

EXECUTIVE DIRECTOR RHODES: Thank you, sir. General, CFO --

GOVERNOR SCOTT: Yeah, your guys all across the state do a really -- you know, your men and women do a really good job.

EXECUTIVE DIRECTOR RHODES: Well, I appreciate that, and I know they're listening right now, and they'll appreciate your comments.

Today I have three agenda items for your consideration. Item Number 1 is the approval of the previous meeting minutes of our Agency.

GOVERNOR SCOTT: Is there a motion on the item?

COMMISSIONER PUTNAM: So move.

GOVERNOR SCOTT: Is there a second.

CFO PATRONIS: Second.

GOVERNOR SCOTT: Comments or objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 EXECUTIVE DIRECTOR RHODES: Item Number 2 is
5 for -- is to approve the Department's second and
6 third quarter performance report, and I'll be glad
7 to answer any questions that y'all may have about
8 that.

9 GOVERNOR SCOTT: Is there a motion to accept?

10 ATTORNEY GENERAL BONDI: So move.

11 GOVERNOR SCOTT: Is there a second?

12 CFO PATRONIS: Second.

13 GOVERNOR SCOTT: Comments or objections?

14 (NO RESPONSE) .

15 GOVERNOR SCOTT: Hearing none, the motion
16 carries.

17 EXECUTIVE DIRECTOR RHODES: Our last item is
18 to seek approval for final adoption of amendments
19 and repeal to Rule Chapter 15A-5 relating to our
20 medical board guidelines.

21 Workshops were held in January and April.
22 Stakeholders and JAPC have helped provided helpful
23 suggestions, and they've been incorporated in this
24 rule. I can answer any other questions you have.

25 GOVERNOR SCOTT: Is there a motion to item?

1 ATTORNEY GENERAL BONDI: So move.

2 GOVERNOR SCOTT: Is there a second?

3 CFO PATRONIS: Second.

4 GOVERNOR SCOTT: Comments or objections?

5 (NO RESPONSE).

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

8 Thanks, Terry.

9 EXECUTIVE DIRECTOR RHODES: Thank you.

10 ATTORNEY GENERAL BONDI: Thanks, Terry.

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Attachment #2

PURCHASES MADE IN EXCESS OF \$100,000

April 2018 through June 2019

Purchases Made In Excess Of \$100,000 - April 2018 through June 2019

APRIL - JUNE 2018 (Fourth Quarter)					
Vendor	Commodity or Service	Procurement Method	Contract Term	Fiscal Year 2018/19 Estimated Expenditures	Total Contract
Pigott Asphalt & Sitework, LLC	Road Base and Asphalt Materials	Invitation to Bid	"One year (no renewal option)"	\$0	\$1,593,166
Gloval, Inc.	Armored Car Services	Invitation to Bid	"Three years (with up to three renewal years)"	\$10,061	\$186,611
AED Brands, LLC	Automated External Defibrillators	Invitation to Bid	"Five years (with up to five renewal years)"	\$1,971,000	\$2,550,872
Dana Safety Supply	Law Enforcement Equipment Replacement (Rifles)	Invitation to Bid	"Five years (with up to five renewal years)"	\$962,636	\$1,909,301
CNC Technologies, LLC	Aircraft Video Downlink System and Services	Single Source	"Five years (no renewals)"	\$339,440	\$1,360,000
Georgia-Florida Burglar Alarm, Co., Inc.	Building Security and Access Badging System	Single Source	"One year (no renewal option)"	\$205,070	\$229,190
Crash Data Group, Inc.	Crash Data Retrieval Premium Tool Kits and Software Subscriptions	Single Source	"One year (no renewal option)"	\$111,360	\$111,360
University of South Florida	Industrial Engineering Services	Governmental Entity (Statutory Exemption)	"One year (no renewal option)"	\$149,600	\$149,600

JULY - SEPTEMBER 2018 (First Quarter)					
Vendor	Commodity or Service	Procurement Method	Contract Term	Fiscal Year 2018/19 Estimated Expenditures	Total Contract
Capital Asphalt, Inc.	Drainage Materials	Invitation to Bid	"Ten months (no renewal option)"	\$201,736	\$201,736
Eagle Eye Intelligence, LLC	STRAX Platform Subscription and Related Services and Accessories	Single Source	"Three years (no renewal option)"	\$180,000	\$540,000
Data Works Plus, LLC	Rapid ID Software and Maintenance	Single Source	"Three years (no renewal option)"	\$215,666	\$646,998
IMG College, LLC	Public Safety Messaging	Single Source	"Ten months (no renewal option)"	\$250,000	\$250,000
LDV, Inc.	Buses for FHP Emergency Operations	"Agency ACS (Rule 60A-1.045, F.A.C.)"	"Nine months (no renewal option)"	\$358,762	\$358,762

Purchases Made In Excess Of \$100,000 - April 2018 through June 2019

OCTOBER - DECEMBER 2018 (Second Quarter)

Vendor	Commodity or Service	Procurement Method	Contract Term	Fiscal Year 2018/19 Estimated Expenditures	Total Contract
American Association of Motor Vehicle Administrators (AAMVA)	Access to AAMVA's Verification of Lawful Status (VLS) online information retrieval system	Single Source	"Three years (no renewal option)"	\$188,059	\$752,237

JANUARY - MARCH 2019 (Third Quarter)

Vendor	Commodity or Service	Procurement Method	Contract Term	Fiscal Year 2018/19 Estimated Expenditures	Total Contract
Lightning Wireless Solutions, Inc.	Push Bumpers and Accessories	Invitation to Bid	Three years (with up to three year renewal option)	\$213,784	\$562,320
Lightning Wireless Solutions, Inc.	Rechargeable LED Safety Flare Kits	Invitation to Bid	One year (with no renewal option)	\$162,435	\$389,844
RR Donnelley	Vehicle Registration Decals	Request for Proposals	Five years (with up to five year renewal option)	\$536,000	\$8,040,000
Trane U.S. Inc. and Trane U.S. Inc. Service Centers	Maintenance, Service and Repair of Trane HVAC Equipment and Software	Single Source (two single source purchases)	Two years (with no renewal option)	\$125,000	\$250,000
Axon Enterprise, Inc.	Taser Training Cartridges, Battery Packs, and Accessories	Single Source	Three years (with no renewal option)	\$300,000	\$800,000

APRIL - JUNE 2019 (Fourth Quarter)

Vendor	Commodity or Service	Procurement Method	Contract Term	Fiscal Year 2018/19 Estimated Expenditures	Total Contract
Intercomp Company	Portable low-speed certified scale system	Single Source	Three years (no renewal option)	\$100,000 (estimated on single source) \$71,786 (actual spend on this PO)	\$300,000
Dell Marketing L.P.	Florida Real Time Vehicle Information System (FRVIS) - New equipment, software maintenance, and installation services	Invitation to Negotiate	Five years (with up to five renewal years)	\$1,571,792 (multiple purchase orders)	\$31,435,840
Fairfax Imaging, Inc.	High speed scanner hardware, software, and maintenance	Single Source (two single source purchases)	Three years (no renewal option)	\$250,000 (estimated, including previous single source) \$179,623 (actual spent on this PO)	\$600,000

Rule 15-1.012, F.A.C.

Attachment #3

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: RULE TITLE:

15C-21.001 Application for Certificate of Title

PURPOSE AND EFFECT: The Department proposes to revise HSMV 82040 to comply with federal standards and § 320.02(14), F.S.

SUMMARY: The Department is amending Rule 15C-21.001 to: 1) ensure continued compliance with 33 C.F.R. § 174.16, which requires states to determine whether a vessel has a primary hull identification number in compliance with 33 C.F.R. Part 181, Subpart C, before issuing, renewing, or updating the ownership information for a certificate of number; and 2) update language in response to an amendment to § 320.02(14), F.S., which allows an individual who is deaf or hard of hearing to request that such information be noted on his or her motor vehicle registration.

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, 328.01(6), 328.03(8), 328.72(17) FS.

LAW IMPLEMENTED: 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0014, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.34, 319.40, 320.01, 320.02, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30 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: _____, 2019, _____ a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room _____, 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: Michael McGlockton, HSMV Program Manager, 2900 Apalachee Parkway, Room A334, Tallahassee, FL 32399-0500, michaelmcglockton@flhsmv.gov, (850) 617-3001. 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: Michael McGlockton, HSMV Program Manager, 2900 Apalachee Parkway, Room A334, Tallahassee, FL 32399-0500
michaelmcglockton@flhsmv.gov, (850) 617-3001.

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, mobile home, vessel or off-highway vehicle must or vessel, shall apply to the department on Form HSMV 82040, Application for Certificate of Title With/Without Registration (effective _____ Rev. 11/15), incorporated herein by reference and available on the web at: [DOS hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-06169> and <https://www.flhsmv.gov/pdf/forms/82040.pdf>.

(2) Upon receipt of a the completed HSMV Form ~~DHSMV~~ 82040, the satisfaction of all statutory requirements including those set forth in Chapters 317, 319, 320, and 328, F.S., and the payment of all appropriate title fees, the department will ~~Department shall~~ issue a certificate of title to the applicant.

Rulemaking Authority 317.0005, 319.17, 320.011, 328.01(6), 328.03(8), 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, 320.02, 320.0605,~~
~~320.0609, 320.0657, 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 12-28-15 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McGlockton, 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: _____, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 22, 2018

FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
APPLICATION FOR CERTIFICATE OF TITLE WITH/WITHOUT REGISTRATION

SUBMIT THIS FORM TO YOUR LOCAL TAX COLLECTOR OFFICE

<https://www.flhsmv.gov/location/>

CHECK APPLICATION TYPE: ☐ ORIGINAL ☐ TRANSFER **VEHICLE TYPE:** ☐ MOTOR VEHICLE ☐ MOBILE HOME ☐ VESSEL **OFF-HIGHWAY VEHICLE:** ☐ ATV ☐ ROV ☐ MC

1 OWNER / APPLICANT INFORMATION											
Customer Number		Check this box if you are requesting the certificate of title to be printed. <input type="checkbox"/>		Are you a Florida resident? <input type="checkbox"/> yes <input type="checkbox"/> no		Are you an alien? <input type="checkbox"/> yes <input type="checkbox"/> no		Are you deaf or hard of hearing? (voluntary) <input type="checkbox"/> yes <input type="checkbox"/> no		Unit Number	Fleet Number
<input type="checkbox"/> OR <input type="checkbox"/> AND NOTE: When joint ownership, please indicate if "or" or "and" is to be shown on title when issued. If neither box is checked, the title will be issued with "and." If applicable: <input type="checkbox"/> Life Estate/Remainder Person <input type="checkbox"/> Tenancy By the Entirety <input type="checkbox"/> With Rights of Survivorship <input type="checkbox"/> Owner's County of Residence:											
Owner's Name As It Appears on Driver License (First, Full Middle/Maiden, & Last Name)				Owner's Email Address				Date of Birth	Sex	FL Driver License or FEID/Suffix #	
Co-Owner/Lessee's Name As It Appears on Driver License (First, Full Middle/Maiden, & Last Name)				Co-Owner's/Lessee's Email Address				Date of Birth	Sex	FL Driver License or FEID/Suffix #	
Owner's Mailing Address (Mandatory unless a member of the Military)				City				State		Zip	
Co-Owner's/Lessee's Mailing Address (Mandatory unless a member of the Military)				City				State		Zip	
Owner's/Lessee's Physical Street Address in Florida (Mandatory unless a member of the Military)				City				State		Zip	
Mobile Home Physical Address (If applicable) Check if in a mobile home rental park with 10 or more lots. <input type="checkbox"/>				City				State		Zip	
Mail To Customer Name (If different From Above Owner)				Mail To Customer's Email Address				Date of Birth	Sex	FL Driver License or FEID/Suffix #	
Mail To Customer Address (If different From Above Mailing Address)				City				State		Zip	
2 MOTOR VEHICLE, MOBILE HOME OR VESSEL DESCRIPTION											
Vehicle/Vessel Identification Number				Make/Manufacturer		Year	Body	Color	Florida Title Number		
Previous State of Issue	License Plate or Vessel Registration Number		Weight	Length FL In.	BHP/CC	GVW/LOC		VAN USE, IF APPLICABLE <input type="checkbox"/> PASSENGER <input type="checkbox"/> OTHER			
VESSEL TYPE <input type="checkbox"/> Airboat <input type="checkbox"/> Auxiliary Sailboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable Boat <input type="checkbox"/> Open Motorboat <input type="checkbox"/> Peddlecraft <input type="checkbox"/> Personal Watercraft <input type="checkbox"/> Pontoon <input type="checkbox"/> Rowboat <input type="checkbox"/> Sailboat <input type="checkbox"/> Other Specify			HULL MATERIAL <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Wood <input type="checkbox"/> Plastic <input type="checkbox"/> Rubber/Vinyl/Canvas <input type="checkbox"/> Other Specify		PROPULSION <input type="checkbox"/> Air Thrust <input type="checkbox"/> Sail <input type="checkbox"/> Manual <input type="checkbox"/> Water Jet <input type="checkbox"/> Propeller <input type="checkbox"/> Other Specify		FUEL <input type="checkbox"/> Electric <input type="checkbox"/> Diesel <input type="checkbox"/> Gas <input type="checkbox"/> Other Specify		DRAFT OF VESSEL (The depth of water a vessel draws) FT. _____ IN. _____ <small>*For all vessels 26' or more in length and all sailboats</small>		
<input type="checkbox"/> Charter Fishing <input type="checkbox"/> Commercial Blue Crab <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Commercial Live Belt <input type="checkbox"/> Commercial Mackerel <input type="checkbox"/> Commercial Oyster <input type="checkbox"/> Commercial Passenger Carrying <input type="checkbox"/> Commercial Shrimp Non-Reciprocal <input type="checkbox"/> Commercial Shrimp Reciprocal <input type="checkbox"/> Commercial Spiny Lobster			PRIMARY OPERATION <input type="checkbox"/> Commercial Sponge <input type="checkbox"/> Commercial Stone Crab <input type="checkbox"/> Dealer/Manuf. Demonstration <input type="checkbox"/> Exempt <input type="checkbox"/> Government <input type="checkbox"/> Hire (Livery) <input type="checkbox"/> Recreational (Pleasure) <input type="checkbox"/> Recreational Rent or Lease <input type="checkbox"/> Commercial Other Specify			ENGINE DRIVE TYPE <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard <input type="checkbox"/> Pod Drive <input type="checkbox"/> Stern Drive <input type="checkbox"/> Other Specify		PREVIOUS OUT-OF-STATE REGISTRATION NUMBER:			
Previously Federally Documented Vessel, Attach Copy of: <input type="checkbox"/> U.S. Coast Guard Release From Documentation Form; or <input type="checkbox"/> Copy of Canceled Documentation Papers				State of Principal Operation							
3 BRANDS, USAGE AND TYPE (Check Applicable Boxes)											
<input type="checkbox"/> SHORT TERM LEASE <input type="checkbox"/> ASSEMBLED FROM PARTS		<input type="checkbox"/> LONG TERM LEASE <input type="checkbox"/> BONDED TITLE		<input type="checkbox"/> REBUILT <input type="checkbox"/> KIT CAR		<input type="checkbox"/> POLICE VEHICLE <input type="checkbox"/> GLIDER KIT		<input type="checkbox"/> PRIVATE USE <input type="checkbox"/> MANUF. BUY BACK		<input type="checkbox"/> TAXI CAB <input type="checkbox"/> REPLICA	
<input type="checkbox"/> FLOOD <input type="checkbox"/> AUTONOMOUS		<input type="checkbox"/> ILEV <input type="checkbox"/> ELECTRIC		<input type="checkbox"/> CUSTOM <input type="checkbox"/> STREET ROD							
4 LIENHOLDER INFORMATION											
CHECK IF ELT CUSTOMER <input type="checkbox"/>		<input type="checkbox"/> FEID # <input type="checkbox"/> DL # and Sex and Date of Birth <input type="checkbox"/> DMV Account #		Date of Lien		Lienholder's Name					
Lienholder's Email Address				Lienholder's Address				City		State Zip	
<input type="checkbox"/> If Lienholder authorizes the Department to send the motor vehicle or mobile home title to the owner, check box and countersign: _____ (Does not apply to vessels). If box is not checked, title will be mailed to the first lienholder. (Signature of Lienholder's Representative)											
5 TRANSFER TYPE											
IF OWNERSHIP HAS TRANSFERRED, HOW AND WHEN WAS THE VEHICLE, MOBILE HOME, OR VESSEL ACQUIRED?											
<input type="checkbox"/> SALE		<input type="checkbox"/> GIFT		<input type="checkbox"/> REPOSSESSION		<input type="checkbox"/> COURT ORDER		<input type="checkbox"/> OTHER (SPECIFY) _____		DATE ACQUIRED ____/____/____	
6 ODOMETER DECLARATION											

WARNING: Federal and State law requires that you state the mileage in connection with an application for a Certificate of Title. Failure to complete or providing a false statement may result in fines or imprisonment.

I/WE STATE THAT THIS ☐ 5 OR ☐ 6 DIGIT ODOMETER NOW READS , .XX (NO TENTHS) MILES, DATE READ ____/____/____ AND I/WE HEREBY CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE THE ODOMETER READING:

- ☐ 1. REFLECTS ACTUAL MILEAGE. ☐ 2. IS IN EXCESS OF ITS MECHANICAL LIMITS. ☐ 3. IS NOT THE ACTUAL MILEAGE.

7 DEALER SALES TAX REPORT AND VEHICLE TRADE IN INFORMATION (IF APPLICABLE)				
FLORIDA SALES TAX REGISTRATION NUMBER	DATE OF SALE	DEALER LICENSE NUMBER	AMOUNT OF TAX	DEALER / AGENT SIGNATURE
YEAR OF TRADE IN	MAKE OF TRADE IN	TITLE NUMBER OF TRADE IN (IF KNOWN)	VEHICLE IDENTIFICATION NUMBER OF TRADE IN	

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 1985) 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: _____ NOTARY'S SIGNATURE _____
(Print, Type or Stamp)

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 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.

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 HAVE 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 HEIR'S INTEREST

The undersigned person(s) state(s) as follows: That _____ (Name of Deceased) died on _____ (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: <https://www.fhsmv.gov/locations/>

CHAPTER 15C-21
CERTIFICATES OF TITLE

15C-21.001 Application for Certificate of Title.

(1) Any person applying for a certificate of title to evidence ownership of a motor vehicle, mobile home, vessel, or off-highway vehicle must or vessel, shall apply to the department on ~~Form~~ HSMV 82040, Application for Certificate of Title With/Without Registration (effective Rev. 11/15), incorporated herein by reference and available ~~on the web at: [DOS hyperlink]~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-06169> and <https://www.flhsmv.gov/pdf/forms/82040.pdf>.

(2) Upon receipt of ~~a the~~ completed HSMV Form DHSMV 82040, the satisfaction of all statutory requirements including those set forth in Chapters 317, 319, 320, and 328, F.S., and the payment of all appropriate title fees, the department will ~~Department shall~~ issue a certificate of title to the applicant.

Rulemaking Authority 317.0005, 319.17, 320.011, 328.01(6), 328.03(8), 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, 320.02, ~~320.0605~~, ~~320.0609~~, ~~320.0657~~, ~~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 12-28-15, Amended _____.

Attachment #4

NOTICE OF PROPOSED RULE

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: RULE TITLE:

15B-16.001	Definitions
15B-16.002	Program Approval
15B-16.003	Program Completion Certificates – Wireless Communications Device Driving Safety Program
15B-16.004	Elective Student Records – Wireless Communications Device Driving Safety Program
15B-16.005	Program Completion – Wireless Communications Device Driving Safety Program
15B-16.006	Denial, Suspension or Revocation of Program Approval

PURPOSE AND EFFECT: Pursuant to an amendment to section 316.306, Florida Statutes (effective October 1, 2019), the Department proposes to create a new rule chapter to establish standards for approval and administration of Wireless Communication Device Driving Safety Programs.

SUMMARY: During the 2019 Regular Session, the Florida Legislature enacted section 316.306, Florida Statutes. Section 316.306 prohibits individuals from using wireless, handheld communication devices while operating motor vehicles in certain designated areas. Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, and shall have three points assessed against his or her driver license. However, in lieu of this penalty, a first offender under this section may elect to participate in a wireless communications device driving safety program approved by the Department. New rules are necessary to establish standards for program approval and administration. Therefore, the Department proposes to create a new rule chapter to establish standards for approval and administration of wireless communication device driving safety programs.

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: 321.05(6) FS.

LAW IMPLEMENTED: 316.306 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: _____, 2019, _____ a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room _____, 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, Bureau Chief, 2900 Apalachee Parkway, Room A201, Tallahassee, FL 32399-0500, 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, Bureau Chief, 2900 Apalachee Parkway, Room A201, Tallahassee, FL 32399-0500, raygraves@flhsmv.gov, (850) 617-2529.

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-16.001 Definitions

For the purpose of this chapter, which sets forth the standards for approval of the Wireless Communications Device Driving Safety Program by the Department of Highway Safety and Motor Vehicles, the following words and phrases shall have the meaning indicated.

- (1) Class – One or more sessions of an approved Wireless Communications Device Driving Safety Program.
- (2) Program Provider – The owner of the copyright or proprietary interests in a Wireless Communications

Device Driving Safety Program. Only one program provider shall be designated for each Wireless Communications Device Driving Safety Program in the State of Florida.

(3) Department – The Florida Department of Highway Safety and Motor Vehicles.

(4) Elective Student – A person who attends a Wireless Communications Device Driving Safety Program pursuant to Section 316.306(4)(a), F.S.

(5) Entity – A firm, partnership, association, corporation, public school system, public community college, or public university.

(6) Revocation – The permanent withdrawal of Department approval of a Wireless Communications Device Driving Safety Program for use in the State of Florida.

(7) Suspension – The temporary or conditional withdrawal of Department approval of a Wireless Communications Device Driving Safety Program for use in the State of Florida until program provider remedies all issues relating to suspension.

(8) Wireless Communications Device – This term has the same meaning as provided in sections 316.305(3)(a) and 316.306(1), F.S.

(9) Wireless Communications Device Driving Safety Program or program – A program approved by the Department, designed for drivers who elect to attend pursuant to section 316.306(4)(a), F.S. A program designated to educate drivers on the dangers of operating a motor vehicle while using wireless communication devices in a handheld manner in a designated school crossing, school zone, or work zone.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History--New

15B-16.002 Program Approval

(1) All Wireless Communications Device Driving Safety Programs conducted in the State of Florida must be approved by the Department.

(a) Each program provider seeking approval of a Wireless Communications Device Driving Safety Program must produce proof of ownership or copyright to use the program in the State of Florida.

(b) In order to obtain and retain approval by the Department, each program provider shall ensure that all persons or entities conducting the program fully and promptly comply with the applicable laws of the State of Florida. If the program provider is the person or entity conducting the program, then the program provider must fully and promptly comply with the applicable laws of the State of Florida.

(c) In order to obtain and retain Department approval, each program provider shall fully comply with Chapter 15B-16, F.A.C.

(2) Approval of a Wireless Communications Device Driving Safety Program shall be based on Department review of the program materials and effective oversight of the program by the program provider. The program review will be based on the following:

(a) The program provides effective instruction in the following eight topics:

1. Definition of distracted driving, including the types of distractions and how they affect one's ability to drive safely.

2. Impact of distracted driving in the United States and Florida.

3. Strategies to reduce or avoid distracted driving.

4. Driver responsibility concepts.

5. Defensive driving concepts.

6. Rules of the road that relate to safe and distraction-free driving.

7. Impact of physics and natural laws on driving, including perception and reaction times.

8. Psychological factors that affect one's ability to drive safely.

(b) The length of program instruction shall be ninety minutes. An additional ten minutes may be allotted for a break.

(3) A program provider seeking approval of a Wireless Communications Device Driving Safety Program shall submit to the Department HSMV #. Application for Wireless Communications Device Driving Safety Program, [effective date], incorporated herein by reference and available at: [DOS hyperlink] or [Department hyperlink or

address].

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History-New

15B-16.003 Program Completion Certificates – Wireless Communications Device Driving Safety Program

(1) Each program provider must provide each entity conducting its program a certificate of authority to conduct its program in the State. Such certificate must contain the name of the program provider, the name of the entity and the name of the Wireless Communications Device Driving Safety Program. Each program provider shall submit to the Department a copy of all such certificates within five days of issuance. A certificate is not required if the program provider is the person or entity conducting its program.

(2) The program provider shall ensure that only Department-approved instructional materials are used in the presentation of the program.

(3) The program provider shall ensure that each person who successfully completes a Wireless Communications Device Driving Safety Program is issued at the time of completion a fully executed certificate of program completion. The certificate must include:

(a) The name of the Elective Student as listed on the Elective Student's driver license.

(b) The driver license number of the Elective Student.

(c) The date of birth of the Elective Student.

(d) The program completion certificate number assigned by the Department.

(e) The name of the Wireless Communications Device Driving Safety Program.

(f) The name of the entity conducting the program.

(g) The date that the Elective Student completed the program.

(h) Whether the program completion was ordered by a court. In such case, the certificate must include the court's circuit and county.

(4) The program provider shall ensure that any Elective Student who is unable to attend or complete a program due to an action, error or omission by the program provider or entity conducting its program shall be permitted to complete the program at no additional cost.

(5) The program provider shall submit to the Department written notice of any authorization for an entity to conduct its Wireless Communications Device Driving Safety Program in the State. The program provider shall also submit written notice to the Department within ten days of authorizing a new entity or terminating any existing authorization.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History-New

15B-16.004 Elective Student Records – Wireless Communications Device Driving Safety Program

(1) Each program provider shall have available for inspection and photocopying by the Department all Elective Student records for each program.

(2) Each program provider shall have available for inspection and photocopying by the Department a list of Elective Students who complete each class conducted and information necessary to issue duplicate certificates to such Elective Students as detailed in Rule 15B-16.003(3), F.A.C.

(3) The program provider shall maintain the above records for a minimum of three years from the date of program completion. Records may be maintained in physical or electronic format.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History-New

15B-16.005 Program Completion – Wireless Communications Device Driving Safety Program

(1) The program provider shall electronically submit notice of Elective Student completion to the Department within 24 hours of an Elective Student's completion of the program.

(2) The program provider shall also submit notice of Elective Student completion together with the citation number through the Florida Courts E-Filing Portal governed by the Florida Courts E-Filing Authority to the clerk of the circuit court of the county where the citation is issued within 24 hours of an Elective Student's completion of the

program.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 F.S. History New

15B-16.006 Denial, Suspension or Revocation of Program Approval

(1) The Department shall deny approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

- (a) Fails to satisfy any program approval requirement in Chapter 15B-16, F.A.C.
- (b) Violates any applicable state or federal law.
- (c) Conducts a Wireless Communications Device Driving Safety Program in the State of Florida prior to receiving Department approval.
- (d) Has experienced a prior revocation of approval of the program by the Department.

(2) The Department shall suspend approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

- (a) Violates any applicable state or federal law.
- (b) Violates any provision of Chapter 15B-16, F.A.C.

(3) The Department shall revoke approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

- (a) Violates any applicable state or federal law.
- (b) Violates any provision of Chapter 15B-16, F.A.C.
- (c) Receives a second or subsequent suspension of program approval.
- (d) Obtains program approval by fraud or misrepresentation.
- (e) Obtains or assists a person in obtaining any driver license by fraud or misrepresentation.
- (f) Conducts a Wireless Communications Device Driving Safety Program in the State of Florida while approval of such program is under suspension.

(4) The Department shall suspend approval of any Wireless Communications Device Driving Safety Program without preliminary hearing for the purpose of protecting the public safety and enforcing any provision of the Florida Statutes governing Wireless Communications Device Driving Safety Programs, or any provision of Chapter 15B-16, F.A.C.

(5) Except as otherwise provided in this rule, prior to final Department action denying, suspending or revoking approval of a Wireless Communications Device Driving Safety Program, the program provider shall have the opportunity to request either a formal or informal administrative hearing to show cause why the action should not be taken pursuant to sections 120.569 and 120.57, F.S.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 F.S. History New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Graves, 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: _____, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 2, 2019



STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF MOTORIST SERVICES
BUREAU OF MOTORIST COMPLIANCE
APPLICATION FOR WIRELESS COMMUNICATIONS DEVICE DRIVING
SAFETY PROGRAM

SECTION I: APPLICANT INFORMATION

Name of Course: _____
Course Length: _____
Name of Program Provider: _____
Address of Program Provider: _____
Telephone Number of Program Provider: () _____
Program Contact Person: _____
Address of Program Contact Person: _____
Telephone Number of Program Contact Person: () _____

SECTION II: REQUIRED MATERIALS

1. A copy of all the instructional materials, including visual aids and videotapes used in the course. Instructional material shall meet the requirements established in Chapter 15B-16, Florida Administrative Code.
2. A copy of all manuals and materials used in program development.
3. A written description of the methods and instruments to be used for monitoring and evaluating program effectiveness.
4. A copy of the authorization that will be used by the course provider for any contracted entities using the approved curriculum.
5. A copy of the proposed completion certificate to be provided by the approved program provider upon successful completion of the program.
6. A detailed outline that provides confirmation of all required content listed within the Program Criteria Document.

SECTION III: INSTRUCTIONS

Please submit your complete application to the address below. A complete application is comprised of the information required by Sections I and II of this form. The Department will not review incomplete applications.

Department of Highway Safety and Motor Vehicles
Division of Motorist Services
Neil Kirkman Building
2900 Apalachee Parkway MS 39
Tallahassee, Florida 32399-0570
Driver-Education@flhsmv.gov

Program Criteria Document
Wireless Communications Device Driving Safety Program

Part One: The Course Process.

- a. Course materials can be submitted via hard copy or electronically by Microsoft Word 2017 or later.
- b. Provide a thorough description of the technology to be used to present the course.
- c. Provide a description of how the course provider will validate the student registering for the course. Include on the registration form, at minimum, initial blocks in which the student signs off on the following information:
 1. That the student who registers for the course is the one who takes the course.
 2. That the student must take a test of at least 20 questions on course content and answer at least 80% of the questions correctly to receive a course completion certificate. Failure to correctly answer 80% of the test questions will result in failure of the course, and the student's course fee will not be refunded.
 3. That the student will be asked time-limited validation questions during the course. The validation questions will ask students questions about themselves (based on information provided by students at the beginning of the course) and about previously reviewed course content. Failure to answer a time-limited validation question correctly will result in failure of the course and the course fee will not be refunded.
 4. The number of times a student can attempt to answer end of course questions correctly (as determined by the program provider).
 5. The conditions resulting in course failure (as determined by the program provider and provided to the Department).
- d. Provide a description of how the course provider will validate each student's participation during the course presentation.
- e. Provide a word-for-word script of the course material to be presented. The course must be Florida specific and meet all the criteria listed in part two below. The course script must be approved by the Department prior to the development of the technology presentation. If you are presenting a video only course, provide the following information:
 1. All aspects of the course, not just the spoken or written words.
 2. Graphics, where the graphics will appear and their content (for example, an instructor writing on a dry erase board is not enough).
 3. A validation process.
 4. Enough detail to account for limited student interaction.
 5. At least two methods of presentation (for example, instructor, graphics, supplemental video clips, interactive quizzes or activities etc.).
 6. Must include a variety of camera angles if a live person is giving the video presentation.
 7. The location and content of any other video presentations that are part of the course (for instance, you will show the video "Seat Belts are for Dummies" at this location for this duration and the content is as follows).

- f. The script must be proofread for typographical errors, grammar and clarity, and all materials must be of professional quality.
- g. Based on the approved script, provide a question bank of at least 180 multiple choice questions. The questions must be true/false and multiple choice. Each multiple-choice question must have, at a minimum, three answer choices. With each question, provide the answer to the question and where in the curriculum by page the answer is located. These questions will be used as the base from which to generate random tests that the course graduates must complete prior to receiving a course completion certificate. The test must consist of at least 20 randomly chosen questions from the question bank. Provide a description of how the tests will be randomly generated, how the test will be scored, and how the feedback will be given to the student.
- h. Provide a description of how student questions about the course material will be addressed. What are the qualifications of the Florida-specific instructors who will answer these questions? What type of pre-service training will they attend? What type of in-service training will they attend?
- i. Provide a description of the safeguards to be employed to prevent students from “cheating” during the course.
- j. Once the course script is approved, provide a demonstration of the developed technology presentation with the approved script and test questions. The curriculum review committee will complete the course process as a student would. A committee member at random will purposefully fail the test to see that the listed safeguards are in place and work.
- k. Include a plan for effective oversight of the course by those who deliver the course in the state in accordance with s. 318.1451 (2)(a), F.S.
- l. Ensure the course reading level is the 6th grade reading level. The course must be 90 minutes in length with a maximum of one 10-minute break at the mid-point of the class. The final exam is allotted a minimum of 5 minutes at the end of the course. If the course is 90 minutes with no breaks, then there is 85 minutes of content and a minimum of 5 minutes for the final exam.
- m. Include a table of contents that lists all sections of the course, the content to be covered and the timings for each section and the location of the mid-course break.

Part Two: Rating Process.

- a. The Driver Education Process Improvement and Accountability (DEPIA) Unit of the Florida Department of Highway Safety and Motor Vehicles shall rate course material for overall quality and for specific coverage of the topics listed in this document. The topics listed are the minimum course requirements. Material included in the course that is not listed in the minimum requirements will not count towards minimum course timeframe requirements.
- b. For each listed criterion, a grade of “Unacceptable,” “Acceptable with Change,” or “Acceptable” will be given.
- c. All course materials must achieve an “Acceptable” rating for each criterion for overall quality and on the content of the specific topic.

- d. Raters will consider coverage of a specific topic "Acceptable with Change" if the topic needs to be expanded on or if only partial information is covered in the material submitted.
- e. Raters will consider coverage of a specific topic "Unacceptable" if the topic is not covered in the material submitted, there is any factual error contrary to safety, or the coverage is so deficient that students could not be expected to learn that topic.
- f. The statistics used in the presentation must be the latest available.

1. QUALITY OF COURSE MATERIALS.

The Department shall rate the quality of course materials based on:

- a. Technical quality, including legibility, freedom from excessive typographical or grammatical errors and clear wording.
- b. Organization into appropriate instructional units, including a table of contents with subject timings.
- c. Clarity of presentation, including an outline of the presentation of the course topics and the subjects within the topics. The outline must integrate all course material, including videotapes, visual aids, and if appropriate, student workbook into the flow of the course. The outline must define the specific information students will receive and how it will be conveyed.
- d. Production quality (i.e., graphics, methods of presentation, varying camera angles, overall professionalism).

2. Course Content Requirements

- a. **Definition of distracted driving, including the types of distractions and how they take away from concentrating on the driving task.**

Definition: Distracted driving is any non-driving activity that draws your attention away from the driving task.

- Talking or texting on a wireless device
- Eating or drinking
- Talking or interacting with passengers
- Looking at roadside advertisements
- Adjusting in-vehicle devices (air conditioning, heating, stereo, navigation system, entertainment systems)
- Dealing with strong emotions
- Smoking or vaping
- Retrieving objects from floor or seat
- Looking at a map, directions or other reading material
- Applying makeup and similar tasks

- b. **Impact of distracted driving in the United States and Florida**

Statistics for United States and Florida on distracted driving and how they relate to the overall crash problem in the United States and in Florida. Why is that important?

- c. **Countermeasures to reduce or avoid distracted driving**

For each of the distractions listed above, what countermeasures can drivers use to reduce or avoid having their attention drawn away from the driving task by that distraction?

d. Driver responsibility concepts

For each of the distractions listed above, what driver responsibility concepts can drivers use to reduce or avoid having their attention drawn away from the driving task by that distraction?

e. Rules of the road that relate to driving correctly and distraction-free driving

For each of the distractions listed above, what rules of the road can drivers use to reduce or avoid having their attention drawn away from the driving task by that distraction?

f. Impact of physics and natural laws on driving, including perception and reaction times

- Kinetic Energy
- Laws of Motion
- Perception Times
- Reaction Times
- How are these processes related to and impacted by distracted driving?

g. Psychological Factors: (these factors are discussed from the point of view on how these factors can lead to a crash and how effectively dealing with these issues can prevent a crash)

- Fatigue
- Stress
- Emotions
- The appropriate attitude to adopt when driving

CHAPTER 15B-16
WIRELESS COMMUNICATIONS DEVICE DRIVING SAFETY PROGRAM

15B-16.001	Definitions
15B-16.002	Program Approval
15B-16.003	Program Completion Certificates – Wireless Communications Device Driving Safety Program
15B-16.004	Elective Student Records – Wireless Communications Device Driving Safety Program
15B-16.005	Program Completion – Wireless Communications Device Driving Safety Program
15B-16.006	Denial, Suspension or Revocation of Program Approval

15B-16.001 Definitions

For the purpose of this chapter, which sets forth the standards for approval of the Wireless Communications Device Driving Safety Program by the Department of Highway Safety and Motor Vehicles, the following words and phrases shall have the meaning indicated.

- (1) Class – One or more sessions of an approved Wireless Communications Device Driving Safety Program.
- (2) Program Provider – The owner of the copyright or proprietary interests in a Wireless Communications Device Driving Safety Program. Only one program provider shall be designated for each Wireless Communications Device Driving Safety Program in the State of Florida.
- (3) Department – The Florida Department of Highway Safety and Motor Vehicles.
- (4) Elective Student – A person who attends a Wireless Communications Device Driving Safety Program pursuant to Section 316.306(4)(a), F.S.
- (5) Entity – A firm, partnership, association, corporation, public school system, public community college, or public university.
- (6) Revocation – The permanent withdrawal of Department approval of a Wireless Communications Device Driving Safety Program for use in the State of Florida.
- (7) Suspension – The temporary or conditional withdrawal of Department approval of a Wireless Communications Device Driving Safety Program for use in the State of Florida until program provider remedies all issues relating to suspension.
- (8) Wireless Communications Device – This term has the same meaning as provided in sections 316.305(3)(a) and 316.306(1), F.S.
- (9) Wireless Communications Device Driving Safety Program or program – A program approved by the Department, designed for drivers who elect to attend pursuant to section 316.306(4)(a), F.S. A program designated to educate drivers on the dangers of operating a motor vehicle while using wireless communication devices in a handheld manner in a designated school crossing, school zone, or work zone.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History—New_____.

15B-16.002 Program Approval

- (1) All Wireless Communications Device Driving Safety Programs conducted in the State of Florida must be approved by the Department.
 - (a) Each program provider seeking approval of a Wireless Communications Device Driving Safety Program must produce proof of ownership or copyright to use the program in the State of Florida.
 - (b) In order to obtain and retain approval by the Department, each program provider shall ensure that all persons or entities conducting the program fully and promptly comply with the applicable laws of the State of Florida. If the program provider is the person or entity conducting the program, then the program provider must fully and promptly comply with the applicable laws of the State of Florida.
 - (c) In order to obtain and retain Department approval, each program provider shall fully comply with Chapter 15B-16, F.A.C.
- (2) Approval of a Wireless Communications Device Driving Safety Program shall be based on Department review of the program materials and effective oversight of the program by the program provider. The program review will be based on the following:
 - (a) The program provides effective instruction in the following eight topics:
 - 1. Definition of distracted driving, including the types of distractions and how they affect one's ability to drive safely.

2. Impact of distracted driving in the United States and Florida.
3. Strategies to reduce or avoid distracted driving.
4. Driver responsibility concepts.
5. Defensive driving concepts.
6. Rules of the road that relate to safe and distraction-free driving.
7. Impact of physics and natural laws on driving, including perception and reaction times.
8. Psychological factors that affect one's ability to drive safely.

(b) The length of program instruction shall be ninety minutes. An additional ten minutes may be allotted for a break.

(3) A program provider seeking approval of a Wireless Communications Device Driving Safety Program shall submit to the Department HSMV #, Application for Wireless Communications Device Driving Safety Program, [effective date], incorporated herein by reference and available at: [DOS hyperlink] or [Department hyperlink or address].

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History—New_____.

15B-16.003 Program Completion Certificates – Wireless Communications Device Driving Safety Program

(1) Each program provider must provide each entity conducting its program a certificate of authority to conduct its program in the State. Such certificate must contain the name of the program provider, the name of the entity and the name of the Wireless Communications Device Driving Safety Program. Each program provider shall submit to the Department a copy of all such certificates within five days of issuance. A certificate is not required if the program provider is the person or entity conducting its program.

(2) The program provider shall ensure that only Department-approved instructional materials are used in the presentation of the program.

(3) The program provider shall ensure that each person who successfully completes a Wireless Communications Device Driving Safety Program is issued at the time of completion a fully executed certificate of program completion. The certificate must include:

(a) The name of the Elective Student as listed on the Elective Student's driver license.

(b) The driver license number of the Elective Student.

(c) The date of birth of the Elective Student.

(d) The program completion certificate number assigned by the Department.

(e) The name of the Wireless Communications Device Driving Safety Program.

(f) The name of the entity conducting the program.

(g) The date that the Elective Student completed the program.

(h) Whether the program completion was ordered by a court. In such case, the certificate must include the court's circuit and county.

(4) The program provider shall ensure that any Elective Student who is unable to attend or complete a program due to an action, error or omission by the program provider or entity conducting its program shall be permitted to complete the program at no additional cost.

(5) The program provider shall submit to the Department written notice of any authorization for an entity to conduct its Wireless Communications Device Driving Safety Program in the State. The program provider shall also submit written notice to the Department within ten days of authorizing a new entity or terminating any existing authorization.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History—New_____.

15B-16.004 Elective Student Records – Wireless Communications Device Driving Safety Program

(1) Each program provider shall have available for inspection and photocopying by the Department all Elective Student records for each program.

(2) Each program provider shall have available for inspection and photocopying by the Department a list of Elective Students who complete each class conducted and information necessary to issue duplicate certificates to such Elective Students as detailed in Rule 15B-16.003(3), F.A.C.

(3) The program provider shall maintain the above records for a minimum of three years from the date of program completion. Records may be maintained in physical or electronic format.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 FS. History—New_____.

15B-16.005 Program Completion – Wireless Communications Device Driving Safety Program

(1) The program provider shall electronically submit notice of Elective Student completion to the Department within 24 hours of an Elective Student's completion of the program.

(2) The program provider shall also submit notice of Elective Student completion together with the citation number through the Florida Courts E-Filing Portal governed by the Florida Courts E-Filing Authority to the clerk of the circuit court of the county where the citation is issued within 24 hours of an Elective Student's completion of the program.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 F.S. History–New_____.

15B-16.006 Denial, Suspension or Revocation of Program Approval

(1) The Department shall deny approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

(a) Fails to satisfy any program approval requirement in Chapter 15B-16, F.A.C.

(b) Violates any applicable state or federal law.

(c) Conducts a Wireless Communications Device Driving Safety Program in the State of Florida prior to receiving Department approval.

(d) Has experienced a prior revocation of approval of the program by the Department.

(2) The Department shall suspend approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

(a) Violates any applicable state or federal law.

(b) Violates any provision of Chapter 15B-16, F.A.C.

(3) The Department shall revoke approval of a program provider's Wireless Communications Device Driving Safety Program if the program provider:

(a) Violates any applicable state or federal law.

(b) Violates any provision of Chapter 15B-16, F.A.C.

(c) Receives a second or subsequent suspension of program approval.

(d) Obtains program approval by fraud or misrepresentation.

(e) Obtains or assists a person in obtaining any driver license by fraud or misrepresentation.

(f) Conducts a Wireless Communications Device Driving Safety Program in the State of Florida while approval of such program is under suspension.

(4) The Department shall suspend approval of any Wireless Communications Device Driving Safety Program without preliminary hearing for the purpose of protecting the public safety and enforcing any provision of the Florida Statutes governing Wireless Communications Device Driving Safety Programs, or any provision of Chapter 15B-16, F.A.C.

(5) Except as otherwise provided in this rule, prior to final Department action denying, suspending or revoking approval of a Wireless Communications Device Driving Safety Program, the program provider shall have the opportunity to request either a formal or informal administrative hearing to show cause why the action should not be taken pursuant to sections 120.569 and 120.57, F.S.

Rulemaking Authority 321.05(6) F.S. Law Implemented 316.306 F.S. History–New_____.