

AGENDA

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

January 17, 2023

www.flhsmv.gov/pdf/cabinetreports/2023/011723.pdf

1. Respectfully submit the minutes for the September 24, 2019, Cabinet Meeting.

Attachment #1

Recommend Approval.

2. Respectfully request approval to publish a notice of proposed rule to repeal Rule 15B-13.001, Operation of Soundmaking Devices in Motor Vehicles as well as, request to publish a notice of proposed rule to create Rule 15B-13.002, Operation of Soundmaking Devices in Motor Vehicles. 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 #2

Recommend Approval.

3. Respectfully request approval to publish a notice of proposed rule for Rule Chapter 15C-22, Private Rebuilt Inspection 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 #3

Recommend Approval.

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 RON DESANTIS
10 ATTORNEY GENERAL ASHLEY MOODY
11 CHIEF FINANCIAL OFFICER JIMMY
12 PATRONIS
13 COMMISSIONER OF AGRICULTURE
14 NIKKI FRIED

15
16
17 DATE: TUESDAY, SEPTEMBER 24, 2019

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19
20 LOCATION: CABINET MEETING ROOM
21 LOWER LEVEL, THE CAPITOL
22 TALLAHASSEE, FLORIDA

23
24 REPORTED BY: NANCY S. METZKE, RPR, FPR
25 COURT REPORTER

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HIGHWAY SAFETY AND MOTOR VEHICLES

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3 GOVERNOR DESANTIS: Okay. Highway Safety
4 Motor Vehicles, Director Rhodes.

5 Good morning.

6 EXECUTIVE DIRECTOR RHODES: Good morning,
7 Governor DeSantis, General Moody, CFO Patronis,
8 Commissioner Fried. Thank you being here -- having
9 me here today.

10 My first agenda item seeks approval for the
11 Cabinet minutes.

12 GOVERNOR DESANTIS: I move to approve.

13 Is there a second?

14 ATTORNEY GENERAL MOODY: Second.

15 CFO PATRONIS: Second.

16 GOVERNOR DESANTIS: Hearing any -- no
17 objections, the motion carries.

18 Item 2.

19 EXECUTIVE DIRECTOR RHODES: The next agenda
20 item seeks approval of the Department's purchases
21 over a hundred thousand dollars not on state term
22 contract for fourth quarter '17/'18 and for
23 '18/'19.

24 GOVERNOR DESANTIS: I move to approve.

25 Is there a second?

1 ATTORNEY GENERAL MOODY: Second.

2 GOVERNOR DESANTIS: Any objections?

3 (NO RESPONSE).

4 GOVERNOR DESANTIS: Okay. Hearing none, the
5 motion carries.

6 Item 3.

7 EXECUTIVE DIRECTOR RHODES: All right. The
8 third item, request approval to publish a notice of
9 proposed rule for final adoption if there are no
10 substantive changes to the rule required for
11 15C-21.001. It's for the application for the
12 certificate of title.

13 These are just a regular form change, and this
14 will be incorporated legislative changes to allow
15 deaf -- a person who is deaf or hard of hearing to
16 request the information be noticed on their motor
17 vehicle registration form.

18 GOVERNOR DESANTIS: All right. Move to
19 approve.

20 Is there a second?

21 ATTORNEY GENERAL MOODY: Second.

22 CFO PATRONIS: Second?

23 GOVERNOR DESANTIS: Any objections?

24 (NO RESPONSE).

25 GOVERNOR DESANTIS: Hearing none, the motion

1 carries.

2 Item 4.

3 EXECUTIVE DIRECTOR RHODES: All right. The
4 Department's last agenda item seeks approval of
5 creating a new rule relating to the recent
6 implementation of House Bill 107, the wireless
7 communication while driving. It's known as the
8 "texting bill."

9 The Department requests approval to publish
10 a notice of proposed rule and file for final
11 adoption if no substantive changes to the rule are
12 required for Rule Chapter 15B-16. And this will
13 create the framework to carry out the safety
14 programs for the first-time violators who receive
15 a citation for using a hand -- a handless --
16 handheld wireless communication device in a
17 designated school crossing zone or work zone, and
18 they can elect to take a driving course to use
19 that off their record.

20 GOVERNOR DESANTIS: All right. Move to
21 approve the item.

22 Is there a second?

23 ATTORNEY GENERAL MOODY: Second.

24 GOVERNOR DESANTIS: All right. Hearing no
25 objection, the motion carries.

1 Thank you so much.

2 EXECUTIVE DIRECTOR RHODES: Thank you,
3 Governor.

4 And I appreciate every one of y'all coming out
5 and visiting with the Florida Highway Patrol out
6 there at the EOC. It meant a lot to our troopers
7 to have y'all each there visit with them, so thank
8 you very much.

9 GOVERNOR DESANTIS: We appreciate what they
10 were doing. We had to have them escort all of that
11 gasoline into south Florida when everyone was
12 running from that. It helped because they couldn't
13 get the trucks in there, so thank them for doing
14 that.

15 EXECUTIVE DIRECTOR RHODES: Thank you.

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Notice of Development of Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NOS.:RULE TITLES:

15B-13.001 Operation of Soundmaking Devices in Motor Vehicles

15B-13.002 Operation of Soundmaking Devices in Motor Vehicles

PURPOSE AND EFFECT: Pursuant to an amendment to section 316.3045, Florida Statutes, the Department proposes to repeal Rule 15B-13.001 and create Rule 15B-13.002 to define "plainly audible" and establish standards regarding how sound should be measured by law enforcement personnel who enforce section 316.3045.

SUBJECT AREA TO BE ADDRESSED: "Plainly audible" definition and sound measurement standards

RULEMAKING AUTHORITY: 316.3045 F.S.

LAW IMPLEMENTED: 316.3045 F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 28, 2022, at 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B202, Tallahassee, Florida 32399

To attend the workshop by phone, call 1(888)585-9008 and enter conference room number 115-615-498.

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: Chief Timothy Roufa, Administration and Technology Command, Florida Highway Patrol, 2900 Apalachee Parkway, Tallahassee, FL 32399, timothyroufa@flhsmv.gov, 850-617-2387. If you are hearing 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chief Timothy Roufa, Administration and Technology Command, Florida Highway Patrol, 2900 Apalachee Parkway, Tallahassee, FL 32399, timothyroufa@flhsmv.gov, 850-617-2387.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15B-13.001 Operation of Soundmaking Devices in Motor Vehicles.

Rulemaking Authority 316.3045 FS. Law Implemented 316.3045 FS. History—New 12-25-90, Amended 11-21-06, Repealed _____.

15B-13.002 Operation of Soundmaking Devices in Motor Vehicles.

(1) The purpose of this rule is to set forth the definition of the term "plainly audible" and establish standards regarding how sound should be measured by law enforcement personnel who enforce Section 316.3045, F.S.

(2) "Plainly Audible" shall mean any sound produced by a radio, tape player, compact disc player, portable music or video player, cellular telephone, tablet computer, laptop computer, stereo, television, musical instrument, or other mechanical or electronic soundmaking device or instrument, which sound emanates from a motor vehicle, including sound produced by a portable soundmaking device, that can be heard outside the vehicle by a person using his or her normal hearing faculties.

(3) Law enforcement personnel shall measure sound according to the following standards:

(a) The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced beyond a hearing-abled person's ordinary senses by any mechanical device.

(b) The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he or she can readily identify the offending motor vehicle and the distance involved.

(c) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound.

Rulemaking Authority 316.3045 FS. Law Implemented 316.3045 FS. History- New

Proposed Changes to Rule Text

15B-13.002 ~~15B-13.001~~ Operation of Soundmaking Devices in Motor Vehicles.

(1) The purpose of this rule is to set forth the definition of the term "plainly audible" and establish standards regarding how sound should be measured by law enforcement personnel who enforce Section 316.3045, F.S.

(2) "Plainly Audible" shall mean any sound produced by a radio, tape player, compact disc player, portable music or video player, cellular telephone, tablet computer, laptop computer, stereo, television, musical instrument, or other mechanical or electronic soundmaking device, or instrument, which sound emanates from ~~within the interior or exterior of~~ a motor vehicle, including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle by a person using his or her normal hearing faculties, ~~at a distance of 25 feet or more from the motor vehicle.~~

(3) ~~Any~~ Law enforcement personnel who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

(a) The primary means of detection shall be by means of the officer's ordinary auditory senses, ~~so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.~~

(b) The officer must have a direct line of sight and hearing, to the motor vehicle producing the sound so that he or she can readily identify the offending motor vehicle and the distance involved.

(c) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. ~~The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.~~

(d) ~~The motor vehicle from which the sound is produced must be located upon (stopped, standing or moving) any street or highway as defined by Section 316.002(53), F.S. Parking lots and driveways are included when any part thereof is open to the public for purposes of vehicular traffic.~~

(4) ~~The standards set forth in subsection (3) above shall also apply to the detection of sound that is louder than necessary for the convenient hearing of persons inside the motor vehicle in areas adjoining private residences, churches, schools, or hospitals.~~

Rulemaking Authority 316.3045 FS. Law Implemented 316.3045 FS. History—New _____ ~~12-25-90, Amended 11-21-06.~~

Notice of Development of Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:RULE TITLES:

15C-22.001 Minimum Requirements for Program Participation

15C-22.002 Duties and Responsibilities

15C-22.003 Recordkeeping

15C-22.004 Rebuilt Facility Inspectors

15C-22.005 Rebuilt Facility Trainers

15C-22.006 Rebuilt Decals

15C-22.007 Monitoring and Oversight

15C-22.008 Enforcement

PURPOSE AND EFFECT: Pursuant to sections 319.141 and 319.1414, Florida Statutes, the Department proposes to adopt rules to administer the private rebuilt motor vehicle inspection program.

SUBJECT AREA TO BE ADDRESSED: Private rebuilt motor vehicle inspection program

RULEMAKING AUTHORITY: 319.141, 319.1414 F.S.

LAW IMPLEMENTED: 319.141, 319.1414 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Kynoch, Director, Division of Motorist Services, 2900 Apalachee Parkway, Tallahassee, FL 32399, robertkynoch@flhsmv.gov, 850-617-2600.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Notice of Meeting/Workshop Hearing

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

<u>RULE NOS.:</u>	<u>RULE TITLES:</u>
<u>15C-22.001</u>	Minimum Requirements for Program Participation
<u>15C-22.002</u>	Duties and Responsibilities
<u>15C-22.003</u>	Recordkeeping
<u>15C-22.004</u>	Rebuilt Facility Inspectors
<u>15C-22.005</u>	Rebuilt Facility Trainers
<u>15C-22.006</u>	Rebuilt Decals
<u>15C-22.007</u>	Monitoring and Oversight
<u>15C-22.008</u>	Enforcement

The Department of Highway Safety and Motor Vehicles announces a workshop to which all persons are invited.

DATE AND TIME: September 21, 2022, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B202, Tallahassee, Florida 32399

To attend the workshop by phone, call 1(888)585-9008 and enter conference room number 115-615-498.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to sections 319.141 and 319.1414, Florida Statutes, the Department proposes to adopt rules to administer the private rebuilt motor vehicle inspection program.

A copy of the agenda may be obtained by contacting: Robert Kynoch, Director, Division of Motorist Services, 2900 Apalachee Parkway, Tallahassee, FL 32399, robertkynoch@flhsmv.gov, (850)617-2600.

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: Robert Kynoch, Director, Division of Motorist Services, 2900 Apalachee Parkway, Tallahassee, FL 32399, robertkynoch@flhsmv.gov, (850)617-2600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Rule Chapter 15C-22 Proposed Rule Text

15C-22.001 Minimum Requirements for Program Participation.

(1) This rule and section 319.141, F.S., establish the minimum requirements for participation in the Private Rebuilt Motor Vehicle Inspection Program (PRVIP).

(2) Participation in PRVIP requires approval by the Florida Department of Highway Safety and Motor Vehicles (department).

(3) Each PRVIP applicant must apply to the department on HSMV #. Application for Authorization as a Private Rebuilt Motor Vehicle Inspection Facility (effective _____), incorporated herein by reference and available at: [DOS hyperlink] and [Department hyperlink].

(4) Each PRVIP participant (participant) shall have and maintain, in favor of the Department, a surety bond or irrevocable letter of credit in the amount of \$100,000 covering all of the participant's activities in Florida under PRVIP as outlined herein, issued by an entity licensed to do business in the State of Florida. The \$100,000 surety bond or irrevocable letter of credit shall allow for claims to be made for at least one year after cessation of business activities to cover any loss or damages which may arise.

(5) Each participant shall secure and maintain a facility that meets the requirements of section 319.141, F.S., at a permanent fixed structure in the state of Florida, within an authorized county, as evidenced by proof of ownership or written lease at an address recognized by the United States Postal Service, where the only services provided on such property are rebuilt inspection services. The facility must provide proof to the department that it meets all applicable zoning requirements.

(6) In addition to meeting the requirements of section 319.141, F.S., participants shall, at all times, meet the following requirements:

(a) Participant, including owners, partners, corporate officers, and the facility inspectors employed by the facility shall be digitally fingerprinted using a Florida Department of Law Enforcement provider to conduct a criminal background check which demonstrates that such persons have not been convicted of a felony, pled guilty to a felony, pled nolo contendere to a felony, or been incarcerated for a felony in the previous 10 years.

(b) Participant, including owners, partners, corporate officers, and the inspectors employed by the facility shall annually attest that they do not have a direct or indirect interest in any motor vehicle that the facility has inspected or proposes to inspect, and are not employed by or do not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, F.S., a motor vehicle dealer as defined in s. 320.27(1)(c), F.S., a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder from which they receive remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.

(7) Participant must maintain the following items at all times to continue to be authorized:

(a) Certification from the Florida Division of Corporations showing current registration of entity to conduct business in the state of Florida including any fictitious name registration, if applicable.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.

15C-22.002 Duties and Responsibilities: General Information: Procedures

(1) When a Private Rebuilt Motor Vehicle Inspection Program (PRVIP) inspection is conducted by the PRVIP participant (participant) and provided to the Florida Department of Highway Safety and Motor Vehicles (department), the participant shall assume full responsibility for the accuracy of the inspection.

(2) All costs incurred by the participant to participate in PRVIP will be the participant's sole responsibility. This includes, but is not limited to, the banking setup fees for remittance processing.

(3) The participant shall comply with all laws, rules, codes, ordinances, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and authority. This includes, but is not limited to, compliance with Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d and 2000e et seq.; the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; and all prohibitions against discrimination on the basis of age, race, color, sex, pregnancy, gender identity, sexual orientation, religion,

national origin, disability, veteran status, marital status, genetic information, or on any other basis protected under law.

(4) The participant shall deposit all monies owed to the department in an account with a state or federally chartered commercial bank insured by the Federal Deposit Insurance Corporation, or in account with a state or federally chartered credit union insured by the National Credit Union Administration.

(5) A participant shall provide an Application for Temporary License Plate (HSMV 83091) obtained from the department to a rebuilt motor vehicle applicant (applicant) only when an appointment is scheduled at an authorized facility for a rebuilt motor vehicle inspection, and a permanent license plate or dealer plate cannot be legally issued to the applicant.

(6) An applicant may obtain a temporary tag pursuant to section 320.131, F.S., at the Tax Collector, Tag Agency, or Regional Office to transport the vehicle to an authorized facility provided that the applicant can present proof of a valid driver's license and insurance. The applicant shall obtain an authorization notice that is stamped by the authorized facility confirming that a scheduled appointment has been made for the purpose of conducting a rebuilt inspection at that facility. The authorization notice may be faxed from the facility to any of the above authorized issuance offices.

(7) Department Procedure TL 37, Application for Certificate of Title for a Rebuilt Motor Vehicle, Mobile Home, or Motorcycle Previously Declared Salvage or Junk (effective _____), incorporated herein by reference and available at: [DOS hyperlink] and [Department hyperlink], provides specific requirements concerning the application for certificate of title for a rebuilt vehicle.

(8) The participant shall provide a receipt to the applicant itemizing any services fees as separate from the statutorily required fee.

(9) Only rebuilt facility inspectors who have been authorized by the department pursuant to Rule 15C-22.004 shall conduct a rebuilt documentation review, motor vehicle physical inspection, and rebuilt decal placement.

(10) A participant may not conduct an inspection of a motor vehicle purchased in complete rebuilt condition without prior approval by the department.

(11) Participants shall conduct rebuilt inspection services as follows:

(a) Review of documentation: Participants shall review the following documents provided by the applicant to the certified inspection facility for completeness and accuracy:

1. Proof of Florida residency: Each applicant must be a Florida resident. The rebuilt facility inspector must verify that the applicant is a Florida resident. This is generally done via an examination of the applicant's driver license or identification card and, for licensed motor vehicle dealers, through the department's website. There are, however, other legal means for providing Florida residency.

2. Proof of Ownership: Each participant shall verify proof of the applicant's ownership of the rebuilt vehicle by reviewing the following documents provided by the applicant:

a. A Salvage/Rebuildable certificate of title (in state/out of state) in the applicant's name.

b. A Power of Attorney when the titled owner is not present to submit a rebuilt application and supporting documentation.

3. Inspection Fee: Each applicant shall submit, and each participant shall collect, an initial inspection fee of \$40.00, or \$20.00 for re-inspection, and payment shall be entered into the department's database. The participant shall ensure that all sums due to the department via the Electronic Payment System (EPS) are submitted no later than 5 working days after the close of business day on which the transaction(s) occurred.

4. Status of the vehicle brand as Salvage/Rebuildable: The participant must obtain proof from the applicant that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System (NMVTIS). Printouts from the following systems constitute proof:

a. NMVTIS

b. FRVIS (Title record inquiry to verify title and vehicle status with the Department records)

c. NICB (National Insurance Crime Bureau to ensure vehicle or parts have not been reported as stolen)

5. Properly completed Statement of Builder Form (HSMV 84490), obtained from the department

a. Only rebuilt facility inspectors who have been authorized by the department pursuant to Rule 15C-22.004 shall inspect a rebuilt motor vehicle and check the appropriate box on HSMV 84490.

b. Major Components parts listed on HSMV 84490 must be consistent with repairs performed on the vehicle and the receipts submitted for the repair/replacement. Receipts or invoices for all major component parts as defined in section 319.30(1)(j), F.S., that were repaired or replaced on the vehicle must be in the name of the applicant or the repair shop that completed the repairs on the vehicle. Identification numbers for each major component part(s) used for rebuilding of the vehicle must be shown on the receipt.

c. The rebuilt facility inspector shall complete section V of HSMV 84490.

6. Properly completed HSMV 82040, Application for Certificate of Title With/Without Registration, which is incorporated by reference in Rule 15C-21.001.

7. Pictures of the vehicle that capture the damaged areas (taken prior to any repair work).

(b) Completion of documentation review: After the documentation review is completed, verified, and correct, the participant shall conduct a physical inspection.

1. Documentation review fails: If the documentation review fails upon the initial visit, the applicant shall be provided with an opportunity to correct the error(s) and return to continue with the rebuilt inspection process.

a. The participant must provide the applicant with a notice for a failed application explaining the corrections needed. The participant shall maintain a copy for record keeping purposes along with other supporting documentation. Original documentation shall be retained at the participant's facility until the applicant returns unless an original document requires a signature or other original information. If the original documentation is returned to the applicant, then the facility shall make a copy for their records.

b. A fee of \$20.00 shall be collected by the participant for each subsequent visit for documentation review until it passes. Up to 60 days should be allowed to correct a failed inspection.

c. An applicant's failed documentation shall be placed in a pending file for 60 days. If after 60 days the applicant does not return or if the correction is still pending, the applicant must submit a new application, supporting documentation, and \$40.00 fee to the participant.

2. Documentation review pass: If the documentation review passes, then the participant shall conduct a physical inspection of the vehicle.

(c) Physical inspection of the rebuilt vehicle: The participant shall conduct a physical inspection to determine if the motor vehicle has been repaired as described on the documentation provided by the applicant and that the vehicle does not appear to have any visible or suspicious alterations. This inspection shall include:

1. Verify the public vehicle identification number (VIN) and other identification numbers, including the federal safety labels. It is unlawful to drive a vehicle with a missing, altered, or removed VIN plate. If the vehicle is missing the public VIN, the rebuilt inspection shall end, and the participant shall refer the applicant to the Division of Motorist Services (DMS) Regional Office for additional inspection requirements.

2. Verify that all major component parts were repaired or replaced according to HSMV 84490 and the receipts provided.

3. The participant shall contact law enforcement to report any vehicle that is found to have suspicious discrepancies or abnormalities on the same day that such discrepancies or abnormalities are discovered. The participant shall also notify the DMS Regional Office on the same day that such discrepancies or abnormalities are discovered (or the next business day if such discrepancies or abnormalities are discovered on a weekend or holiday) to request that an administrative stop be placed on the title record. If a motor vehicle under these or any other circumstances is referred to the DMS Regional Office, the participant shall deliver all original documentation and an explanation to the DMS Regional Office.

4. If the vehicle fails the physical inspection, the participant shall provide the applicant with a Notice to Rebuilders form for a failed inspection explaining the correction(s) needed. For subsequent visits, a fee of \$20.00 shall be collected by the participant. The participant shall place the applicant's documents in a pending file for 60 days. If the applicant does not return after 60 days, or if the correction is still pending, the applicant must submit a new application, supporting documentation, and \$40.00 fee to the participant.

5. If the vehicle passes the physical inspection, the participant shall enter the results through a Department-approved portal the same day the inspection is completed. The participant shall stamp and place all documents related to the rebuilt inspection in a sealed envelope except HSMV 82040, Application for Certificate of Title With/Without Registration, incorporated by reference in Rule 15C-21.001, which shall be provided to the applicant. The applicant shall present this receipt upon application for a rebuilt title as evidence that a rebuilt inspection was conducted at an authorized facility.

6. The applicant shall take the sealed envelope to the Tax Collector/Tag Agent to apply for a rebuilt certificate of title.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.

15C-22.003 Recordkeeping

(1) The Private Rebuilt Motor Vehicle Inspection Program (PRVIP) participant (participant) shall utilize an electronic filing system, provided by the department, to enter “real-time” rebuilt inspection transactions. This system will be connected with a department database and the National Motor Vehicle Title Information System. The department will approve the connectivity and the system utilized. The electronic filing system and database are subject to change at the discretion of the department.

(2) The participant shall access, use, and maintain the confidentiality of all information received in accordance with Chapter 119, F.S., and the Driver Protection Privacy Act (DPPA), 18 United States Code Sections 2721-2725. Information obtained under this program shall only be disclosed to persons to whom disclosure is authorized under Florida law and federal law.

(a) To ensure compliance with DPPA:

1. Information exchanged must not be used for any purposes not specifically authorized by the memorandum of understanding (MOU) required by section 319.141(3), F.S., or by state or federal law, as applicable. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, and the dissemination, sharing, copying, or passing of this information to unauthorized persons.

2. Information exchanged by electronic means must be stored in a place physically secure from access by unauthorized persons.

3. Access to the information exchanged must be protected in such a way that unauthorized persons cannot review or retrieve the information.

(3) Public Records Requirements:

(a) Documents produced as a result of participation in this program are subject to the provisions of Chapter 119, F.S., and other applicable provisions of law. The participant, when acting on behalf of the department in the provision of services, shall comply with the requirements of section 119.0701(2), F.S.

(4) The remaining rebuilt inspection documents, including the pictures, for each inspection shall be retained at the authorized facility for a period of five years, unless the facility is able to confirm, through an inquiry of the department’s database, that the rebuilt title was issued, and documentation was imaged in the department’s database.

(5) All participant personnel with access to protected information shall be instructed of, and acknowledge their understanding in writing of, the criminal sanctions specified in state law for unauthorized use of the data. These acknowledgements must be updated at least annually by the participant.

(6) Each participant shall attest that they have procedures in place that will ensure the confidentiality of the information exchanged as part of the Private Rebuilt Motor Vehicle Inspection Program will be maintained throughout the term of their participation.

(7) The participant shall immediately notify the department and the affected individual(s) following the determination that the personal information of a rebuilt applicant has been compromised by any unauthorized access, distribution, use, modification, or disclosure. The statement to the department must provide the date and the number of records affected by any unauthorized access, distribution, use, modification, or disclosure of personal information.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.

15C-22.004 Rebuilt Facility Inspectors

(1) To become authorized to conduct rebuilt vehicle inspections at Private Rebuilt Motor Vehicle Inspection Program (PRVIP) facilities authorized by the Florida Department of Highway Safety and Motor Vehicles (department), the rebuilt facility inspector applicant (applicant) must attend an initial 24-hour rebuilt vehicle inspection training course provided by the department at a Division of Motorist Services' Regional office.

(2) Upon successful completion of the training course, the PRVIP facility shall submit the following to the department on behalf of the applicant:

(a) Inspector Page (page 3) of HSMV #, Application for Authorization as a Private Rebuilt Motor Vehicle Inspection Facility, incorporated by reference in Rule 15C-22.001.

(b) Documentation demonstrating the successful completion of the initial 24-hour training course.

(c) Proof of a level one background check completed by the Florida Department of Law Enforcement (FDLE). Any applicant who has been convicted of a felony, pled nolo contendere to a felony, pled guilty to a felony, or been incarcerated for a felony in the previous 10 years shall be disqualified.

(3) Annually, authorized rebuilt facility inspectors shall complete a 4-hour continuing education course and submit proof of a current level one background check completed by FDLE. Proof of the background check and proof of completion of the continuing education course must be submitted to the department by September 1 each year.

(4) Any authorized rebuilt facility inspector who does not continually meet the background or continuing education requirements will be immediately terminated from the PRVIP program.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.

15C-22.006 Rebuilt Inspection Decals Requirements and Procedures

(1) The Florida Department of Highway Safety and Motor Vehicles (department) shall provide rebuilt decals to each department-authorized Private Rebuilt Motor Vehicle Inspection Program (PRVIP) participant (participant). The participant shall appoint an individual authorized to request and receive rebuilt decals from the department.

(2) If a rebuilt decal is damaged or defaced, the authorized facility inspector shall replace the decal with an undamaged decal and record both decal numbers in the appropriate log required to be maintained by the authorized facility.

(3) The participant shall appoint an authorized individual to maintain accountability of all rebuilt decals provided by the department.

(4) The rebuilt decals, the approved facility stamp, and other documents must be safe and securely stored at all times.

(5) The participant shall use rebuilt decals in sequential order.

(6) The participant shall return voided decals to the department with a completed voided decal form.

(7) The department shall periodically conduct a records inspection at each facility that includes a review of the accountability of rebuilt decals.

(8) The participant shall maintain a log that tracks the issuance and voiding of rebuilt decals. The log must include the facility name, inspector name, date decal issued, decal audit number, year, make, model, and complete VIN of the vehicle, title number, owner/dealer name and address, and name and address of courier, if applicable. The facility shall log decals in sequential order.

(9) If a vehicle passes the physical inspection:

(a) A rebuilt decal shall be properly affixed to the vehicle by the participant in accordance with Procedure TL-37, incorporated by reference in Rule 15C-22.002, as follows:

1. Motor vehicles: The decal shall be affixed to the left front pillar, or as near as possible to this location. The decal should not be placed on a removable part, such as a door.

2. Motorcycles: The decal shall be affixed to the "down tube" below the deck, generally aligned with the middle of the gas tank.

3. Other vehicles: The decal shall be affixed to a permanent area of the vehicle. The decal must not be affixed to any removable part, such as a door.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.

15C-22.007: Monitoring and Oversight

(1) The Florida Department of Highway Safety and Motor Vehicles (department) shall conduct an onsite facility inspection at least once per quarter and shall terminate any Private Rebuilt Motor Vehicle Inspection Program (PRVIP) participant (participant) who fails to meet the minimum requirements of this chapter and the memorandum of understanding (MOU) required by section 319.141, F.S.

(2) The department may examine all records pertaining to any inspection or related service performed under PRVIP, including:

(a) Financial records, papers, and documents of the participant that are directly related to the performance of the MOU or the expenditure of state funds; and

(b) Programmatic records, papers, and documents of the participant that the department determines are necessary to monitor the performance of the MOU or to ensure that the terms of the MOU are being met. The participant shall provide such records, papers, and documents requested by the department within 10 business days after such request is made.

(3) The department shall have the discretion to discontinue a motor vehicle rebuilt inspection at the facility. If the department determines there is any discrepancy which would cause the vehicle not to pass a rebuilt vehicle inspection, the transaction shall be discontinued until further research is conducted by the department.

Rulemaking Authority 319.141, 319.1414, 319.17 FS. Law Implemented 319.141, 319.1414 FS. History—New _____.



STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF MOTORIST SERVICES

APPLICATION FOR AUTHORIZATION AS A PRIVATE
REBUILT MOTOR VEHICLE INSPECTION FACILITY

Pursuant to Section 319.141, Florida Statutes, I hereby make application and submit the required documentation to operate a Private Rebuilt Motor Vehicle Inspection Facility. This application for Authorization as a Private Rebuilt Motor Vehicle Inspection Facility is the initial step in the Authorization process. Applicants must also have each site approved by a representative of the Department of Highway Safety and Motor Vehicles ("Department"), Division of Motorist Services. Each owner, partner, corporate officer, and inspector employed by the facility must provide a background check that demonstrates that they have not been convicted of a felony, pled guilty to a felony, pled nolo contendere to a felony, or been incarcerated for a felony in the previous 10 years.

Date of Application: _____

Business Name: _____

Fictitious Name (d/b/a): _____

FEID #: _____ Sales Tax #: _____

Physical Address: _____

Street Address

City State Zip Code

Mailing Address: _____

Street Address or P.O. Box

City State Zip Code

Business email address: _____

Telephone Numbers: Business: _____ Home: _____

Cell: _____ Fax: _____

Documents required with the application:

- Proof of identification (FL driver license or government issued ID card) from each owner, partner, corporate officer and inspector employed by the facility.
A copy of property lease or proof of ownership.
Proof of electronic fingerprint from an FDLE authorized service provider from each owner, partner, corporate officer and inspector employed by the facility.
Copy of certification from the Division of Corporations showing current registration of business in the State of Florida and copy of the fictitious name registration with the State of Florida (if applicable).
Copy of Garage Liability Insurance Certificate signed by the garage liability insurance agent. The garage liability insurance certificate shall include, at a minimum, \$100,000 single-limit liability coverage including bodily injury and property damage protection. Name of the certificate holder which should read: Department of Highway Safety & Motor Vehicles, 2900 Apalachee Parkway, Room A312, MS# 65 Neil Kirkman Building, Tallahassee, Florida 32399
Original Surety Bond or Irrevocable Letter of Credit in the amount of \$100,000 executed in favor of the Department:
o Shall include the exact name and fictitious name used by the business and registered with the State.
o Shall have the surety bond company name and seal, stamp or an electronic seal.
o A Power of Attorney for the Attorney-in-Fact must accompany the bond.
o Shall be issued by entities licensed to do business in this State.
PRVIP Training Certificate

HSMV # [Effective Date]

Rule 15C-22.001

**APPLICATION FOR AUTHORIZATION AS A PRIVATE
REBUILT MOTOR VEHICLE INSPECTION FACILITY**

Business Information:

- Sole Proprietor Partnership Corporation
 Limited Liability Company/Partnership (LLC/LLP) Limited Liability/Limited Partnership (LLLP)

Owners/Partners/Corporate Officers:

1.	_____	_____	_____	_____
	Last Name	First Name	Middle Initial	Title
	_____	_____	_____	
	Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
	_____	_____	_____	_____
	Residence Address	City	State	Zip Code
2.	_____	_____	_____	_____
	Last Name	First Name	Middle Initial	Title
	_____	_____	_____	
	Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
	_____	_____	_____	_____
	Residence Address	City	State	Zip Code
3.	_____	_____	_____	_____
	Last Name	First Name	Middle Initial	Title
	_____	_____	_____	
	Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
	_____	_____	_____	_____
	Residence Address	City	State	Zip Code
4.	_____	_____	_____	_____
	Last Name	First Name	Middle Initial	Title
	_____	_____	_____	
	Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
	_____	_____	_____	_____
	Residence Address	City	State	Zip Code
5.	_____	_____	_____	_____
	Last Name	First Name	Middle Initial	Title
	_____	_____	_____	
	Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
	_____	_____	_____	_____
	Residence Address	City	State	Zip Code

IMPORTANT: Please list all partners or corporate officers as they appear on the registration with the Division of Corporations. If necessary, please make copies of this page and attach it to this application.

**APPLICATION FOR AUTHORIZATION AS A PRIVATE
REBUILT MOTOR VEHICLE INSPECTION FACILITY**

**INSPECTOR PAGE
Complete (1) for each Inspector**

Each PRVIP Facility must have an authorized and approved Inspector in order to become certified to conduct business. An owner may be listed as an Inspector or any other person employed and trained to conduct rebuilt inspections who have been fingerprinted and proof provided with application. Additionally, each Inspector must complete and submit a FRVIS Access Authorization Request form.

Last Name	First Name	Middle Initial	Title
Date of Birth	FL DL/ID Number	Telephone Number w/ Area Code	
Residence Address	City	State	Zip Code
Date Rebuilt Process Training Completed		Training Provider	

Under penalty of perjury, I do swear and affirm that the information contained in this section is true and correct and that Inspector, if approved, will abide by all laws of Florida, including Chapters 319 and 320, Florida Statutes, and all applicable rules, policies, and procedures of the Department of Highway Safety and Motor Vehicles and in compliance with FLHSMV Memorandum of Understanding.

Signature – (original signature required)	Typed Name/Title	Date
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NOTARIAL CERTIFICATE

STATE OF _____
COUNTY OF _____

The attached instrument was acknowledged before me on this date, ___/___/___ by Mr./Mrs./Ms. _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

Signature of Notary	Name of Notary (typed, printed or stamped)
---------------------	--

(Seal)

Title and Commission Serial Number

**APPLICATION FOR AUTHORIZATION AS A PRIVATE
REBUILT MOTOR VEHICLE INSPECTION FACILITY**

LOCATION CHECKLIST

All questions must be answered in the affirmative in order to schedule a site inspection to complete the application process.

- Yes No Is the facility at a permanent fixed structure at an address recognized by the United States Postal Service?
- Yes No Are rebuilt inspection services the only service provided at this location?
- Yes No Does the facility have permanent signage advertising that only private rebuilt inspection services are provided at that location?
- Yes No Are normal business hours posted? Normal business hours are between 8:00 AM to 5:00 PM.
- Yes No Does the facility have a designated secured office equipped to conduct business in "good faith?" Required office equipment includes but is not limited to a telephone system, scanner, and internet connectivity for the purpose of accessing various required programs, such as the National Motor Vehicle Title Information System (NMVTIS), Web based Florida Real Time Vehicle Information System (web-based FRVIS), National Insurance Crime Bureau (NICB). The facility shall also provide a static IP address for secure access to the Electronic Payment System.
- Yes No Does the facility have a designated office area and customer waiting area?
- Yes No Does the facility have a rebuilt inspection area separate and visually obstructed from any area accessible to the customer?
- Yes No Does the facility have a 24/7 monitoring alarm system and surveillance cameras with 90 days recording capabilities for rebuilt inspection areas?
- Yes No Is the location large enough to accommodate all the vehicles being inspected with a covered area to accommodate at least two vehicles during inclement weather?
- Yes No Does the facility have a permanently installed safe or a secure method to store inspection rebuilt decals and other related documents including facility stamp?
- Yes No Does the facility have adequate space and security for vehicles while staging, holding, and customer parking to avoid traffic backup when loading, unloading, inspecting and parking vehicles?

Under penalty of perjury, I do swear and affirm that the information contained in this application is true and correct and that applicant, if certified, will abide by all laws of Florida, including Chapters 319 and 320, Florida Statutes, and all applicable rules, policies, and procedures of the Department of Highway Safety and Motor Vehicles.

I understand that I must meet all zoning requirements and occupational license requirements that may be mandated by local or county ordinances specifically approved to conduct rebuilt motor vehicle inspections.

I further certify that I am authorized to bind the application with my signature.

Signature – (original signature required)

Typed Name/Title

Date

**APPLICATION FOR AUTHORIZATION AS A PRIVATE
REBUILT MOTOR VEHICLE INSPECTION FACILITY**

CERTIFICATION

IMPORTANT: This certification is required for each owner, partner, corporate officer, and inspector. If necessary, please make copies of this page and attach each completed and notarized certification to this application.

Within the last 10 years have you:

- Yes No Been convicted of a felony?
- Yes No Pled guilty to a felony?
- Yes No Pled nolo contendere to a felony?
- Yes No Been incarcerated for a felony?

If the answer to any of the above questions is "YES", the applicant is required to supply appropriate documentation. In the case of a felony conviction, charging documents and disposition documents from the court must accompany this application.

Do you have an ownership interest or other financial arrangement with the owner, operator, manager or employee of any of the following, from which you receive remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services?

- Yes No A motor vehicle repair shop as defined in s. 559.903?
- Yes No A motor vehicle dealer as defined in s. 320.27(1)(c)?
- Yes No A towing company?
- Yes No A vehicle storage company?
- Yes No Vehicle auction
- Yes No An insurance company?
- Yes No A salvage yard?
- Yes No A metal retailer?
- Yes No A metal rebuilder?

Under penalty of perjury, I do swear and affirm that the information contained in this section is true and correct and that, if approved, I will abide by all laws of Florida, including Chapters 319 and 320, Florida Statutes, and all applicable rules, policies, and procedures of the Department of Highway Safety and Motor Vehicles and in compliance with FLHSMV Memorandum of Understanding.

Signature – (original signature required) Typed Name/Title Date

NOTARIAL CERTIFICATE

STATE OF _____
COUNTY OF _____

The attached instrument was acknowledged before me on this date, ____/____/____ by Mr./Mrs./Ms. _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

Signature of Notary

Name of Notary (typed, printed or stamped)

(Seal)

Title and Commission Serial Number

HSMV # [Effective Date]

Rule 15C-22.001