

2013 Legislation Affecting Traffic & Motor Vehicle Laws

The following is a summary of legislative changes related to traffic and motor vehicle laws enacted during the 2013 Legislative Session. Before any policy or operational decisions are made, the complete version of the law should be carefully reviewed. Complete copies of the bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, independent reporting agencies or the official website of the Florida Legislature at www.leg.state.fl.us. Please feel free to contact this office at 850-617-3195, if we can provide additional assistance.

Ch. Law 2013-019 HB 15 Funerals and Burials Effective 10/01/13

871.015 Creates a first degree misdemeanor to knowingly engage in protest activities or knowingly cause protest activities to occur within 500 feet of the property line of any location where a funeral or burial is being conducted, during or within 1 hour before or 1 hour after the conducting of funeral or burial.

Ch. Law 2013-227 SB 50 Public Meetings Effective 10/01/13

286.0114 Requires the public be given a reasonable opportunity to be heard by a board or commission prior to taking official action on a proposition. Provides that a circuit court has jurisdiction over the issuance of an injunction in certain circumstances.

Ch. Law 2013-58 HB 52 Use of Wireless Communications Devices Effective 10/01/13

316.305, 322.27 Creates the “Florida Ban on Texting While Driving Law.”

Prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication.

Makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles.

Makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message. The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation that is punishable by a \$60 fine plus court costs.

In addition to the fines, a violation of the unlawful use of a cellphone which results in a crash will result in 6 points added to the offender’s

driver license record and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in an 2 points added to the offender's driver license record in addition to the points for the moving violation.

Ch. Law 2013-161 SB 62 Low-Speed Vehicles Effective 07/01/13

319.14 Establishes procedures to allow a vehicle titled or branded and registered as a low- speed vehicle (LSV) to be administratively converted to a golf cart upon verification of the conversion by the Department for a \$40 administrative fee.

Ch. Law 2013-033 SB 92 Searches and Seizures Effective 07/01/13

Creates the Freedom from Unwarranted Surveillance Act. Provides definition of a drone. Prohibits law enforcement agencies from using drones to gather evidence or other information, except in certain narrow circumstances.

In addition to the inadmissibility of evidence, allows aggrieved party to initiate civil action to prevent or remedy a violation of prohibitions.

Ch. Law 2013-074 SB 93 Homelessness Effective 07/01/13

320.02 & 322.08 Authorizes the Department to include a voluntary contribution of \$1 per applicant to aid the homeless on the motor vehicle registrations, applications for driver licenses or identification cards.

Ch. Law 2013-075 HB 113 Distribution of Materials Harmful to Minors Effective 10/01/13

847.012 Makes it a third degree felony for an adult to knowingly distribute materials harmful to minors on school property or post on school property. Provides exception for school-approved instructional materials.

Ch. Law 2013-192 HB 247 Paper Reduction Effective 10/01/13

97.052, 101.2 Provides for the use of an electronic medium to collect and disseminate information as required by law in certain settings. Requires the statewide voter registration application to elicit the voter registration applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail; and authorizes the supervisor of elections to provide electronic sample ballots to electors if certain conditions are met.

Ch. Law 2013-029 SB 294 Controlled Substances Effective 04/24/13

893.03, 893.13, 893.135 Codifies the Schedule I scheduling of the substances in the Attorney General’s emergency rule issued on December 11, 2012, which scheduled synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances. Persons who engage in certain unlawful acts involving these substances will be subject to arrest and prosecution.

Reenacts sections 893.13(1)-(6) and 921.0022(3)(b)-(e), F.S. relating to prohibited acts involving controlled substances and the offense severity ranking chart of the Criminal Punishment Code, respectively, to incorporate the amendments made to s. 893.03, F.S.

Ch. Law 2013-030 SB 338 Theft of Utility Services Effective 10/01/13

812.14 Provides that thefts of utility services are punishable as theft. A person who commits theft of utility services will not necessarily commit a first degree misdemeanor (the current degree of offenses under s. 812.14, F.S.). Under s. 812.014, F.S., the offense degree and penalties relevant to a theft depend upon the value of the property (which includes services) stolen and other factors, if relevant, such as whether the theft is a first offense (relevant to petit theft).

Increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or \$1,000, whichever is greater, to three times the amount stolen or \$3,000, whichever is greater.

Ch. Law 2013-196 HB 361 Public Meetings/Criminal Justice Commissions Effective 07/01/13

Creates a public meeting exemption and is applicable to Sarasota County and Palm Beach County Criminal Justice Commissions. Specifically, for “that portion of a meeting of a duly constituted criminal justice commission at which members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission” from public meeting requirements.

Defines a “duly constituted criminal justice commission” as an advisory commission created by municipal or county ordinance whose membership is comprised of private and public sector persons and whose purpose is to examine local criminal justice issues.

Ch. Law 2013-171 SB 454 Fl. College System Institution Police Officers Effective 07/01/13

23.1225, 316.640, & 1012.88

Aligns jurisdictional authority of Florida College System institution police officers established for State University System police. Authorizes FCS institution police officers to:

- Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency;
- Enforce traffic laws when the violations occur within 1,000 feet of any college owned or controlled property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement;
- Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on, or within 1,000 feet of, college owned or controlled property, and or facilities; and
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

Ch. Law 2013-113 SB 457 Worthless Payment Instruments Effective 07/01/13

68.065 Provides an alternative to allow recovery of bad checks without filing civil action.

Updates civil laws on bad checks by creating the definition of “payment instrument” and including in the definition a debit card order or electronic funds transfer.

Ch. Law 2013-085 HB 487 Freemasonry/Specialty License Plate Effective 10/01/13

320.08056, 320.08058 Creates Freemasonry specialty license plate, establishes the \$25 annual use fee for the plate, and provides for the distribution of the annual use fees received from the sale of the license plate to the Masonic Home Endowment Fund, Inc.

The organization must secure a minimum of 1,000 pre-sale vouchers by the conclusion of the 24-month presale period.

Ch. Law 2013-114 HB 489 Railroad Police Officers Effective 07/01/13

354.01 Requires railroad special officers to meet all of the minimum standards in s. 943.13(1)-(11), F.S.; and comply with the continuing training and education requirements in s. 943.135(1), F.S. Authorizes a railroad to temporarily employ a person as a special officer pending

that person's appointment as a special officer by the Governor, so long as such person complies with s. 943.13, F.S.

784.07 Reclassifies assault and battery offenses committed against specified officers, to include railroad special officers employed by a Class I, II, or III railroad and appointed or pending appointment by the Governor.

Ch. Law 2013-128 SB 520 Emergency Medical Services Effective 07/01/13

381.0034 Deletes requirement that EMTs, paramedics, & 911 public safety telecommunicators complete course on HIV & AIDS.

Ch. Law 2013-086 HB 571 Marshall of the Supreme Court Effective 05/30/13

25.251 Specifies that the Marshal and his or her deputies are law enforcement officers with the authority to bear arms and make arrests in accordance with the laws of the state and in connection with the performance of their official duties for the Court.

Creates the Marshal's jurisdiction to be statewide, and not limited to Court building or buildings where the Court is sitting. Requires the Marshal and deputies to comply with *all* of the requirements of s. 943.13, F.S., rather than the single requirement of successfully completing a CJSTC-approved basic training program. CJSTC will be required to certify the Marshal and his or her deputies as law enforcement officers.

Ch. Law 2013-116 HB 585 Law Enforcement Effective 07/01/13

Chapter 943 Florida Department of Law Enforcement's legislative package includes the following:

- Adds additional individuals to the list of persons that counties and cities may conduct state and national criminal history screenings on;
- Adds an additional item to the list of items that a secondary metal recycler cannot purchase;
- Revises duties relating to missing person reporting;
- Requires the Violence Crime and Drug Control Council to meet annually instead of semiannually, and specifies that additional meetings may take place when determined by FDLE and the chair;
- Requires sexual offenders to provide additional information during registration;
- Requires states agencies and governmental subdivisions, prior to making any decision to appoint or employ a person to work at specified locations, to conduct a search of that person's name or other identifying information through the Dru Sjodin National Sex Offender Public Website maintained by the United States Department of Justice;

- Redesignates statewide automated fingerprint identification system as the statewide automated biometric identification system;
- Increases the period in which a minor can seek expunction after completing a diversion program;
- Clarifies that a person may only seal or expunge a record if the person has never before sealed or expunged a record (except in specified instances);
- Provides for accreditation of correctional facilities, public agency offices of inspectors general, and pretrial diversion programs; and
- Amends provisions relating to state-operated crime labs to specify who can have access to such labs.

Ch. Law 2013-117

HB 611 False Reports to Law Enforcement Officers

Effective 10/01/13

837.05

Institutes a first degree misdemeanor, punishable by up to one year in county jail and a \$1,000 fine, for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

Institutes a second or subsequent violation a third degree felony if one of the following conditions is met:

- The information the person gave to the law enforcement officer was communicated orally and the officer’s account of that information is corroborated by:
 - An audio recording or audio recording in a video of that information;
 - A written or recorded statement made by the person who gave that information; or
 - Another person who was present when that person gave that information to the officer and heard that information.
- The information the person gave to the law enforcement officer was communicated in writing.

Ch. Law 2013-199

HB 623 Wine

Effective 07/01/13

564.05

Allow the sale of wine in individual, reusable containers that hold 5.16 gallons. The sale of wine at retail in a container that holds more than one gallon is not permitted, unless the individual container holds 5.16 gallons of wine. A violation is a second degree misdemeanor.

Provides all wine containers sold or offered for sale for off-premises consumption must be in unopened original container, except as provided in s. 564.09, F.S. which allows restaurant patrons to leave the establishment with a bottle of wine that has been opened, for the purposes of off-premises consumption, in certain circumstances.

Ch. Law 2013-067 SB 628 Driver Licenses Effective 07/01/13

322.142 Allows judges and certain employees of the state courts system to access copies of driver’s licenses held by the Department.

Ch. Law 2013-242 HB 691 Personal Identification Theft Effective 10/01/13

817.5685 Makes it unlawful to intentionally or knowingly possess, without authorization, the personal identification information (PII) of another person in any form, including but not limited to mail, physical documents, identification cards or information stored in the digital form. A violation is punishable as: a first degree misdemeanor if the person possesses the PII of four or fewer individuals; and a third degree felony if the person possesses the PII of five or more individuals. Certain exemptions are created.

Ch. Law 2013-243 HB 731 Spouses & Children of Law Enforcement & Agency Personnel Effective 10/01/13

119.071 Creates a public records exemption for the names of spouses and children of state attorneys and law enforcement personnel, and repeals on October 2, 2018, unless otherwise acted on by the Legislature.

Ch. Law 2013-245 HB 851 Animal Cruelty Effective 07/01/13

828.12 Designates a violation and clarifies definition of s. 828.12(1), F.S., as “animal cruelty,” and a violation of s. 828.12(2), F.S., as “aggravated animal cruelty.” A person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. Provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

828.1615 Institutes a second degree misdemeanor for a person to dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age; bring such animals into the state; or sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.

Changes definition of “racketeering activity” to include violations of s. 828.122, F.S., relating to animal fighting and baiting.

Ch. Law 2013-221 HB 875 Licensed Security Officers Effective 07/01/13

Ch. 493

Amends current law by making it a first degree misdemeanor for an unlicensed person to engage in any activity for which ch. 493, F.S., requires a license.

Institutes a third degree felony for a person who, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a person licensed under ch. 493, F.S. The penalties are increased for second or subsequent violations, or when violations occur while committing a felony.

Authorizes licensed security officers (class D license) and licensed security agency managers (class MB license) who also possess a valid class “G” license (firearm license), to temporarily detain a person, so long as the security officer or manager:

- Is on duty and in a uniform with at least one patch or emblem visible at all times clearly identifying the agency employing the security officer or security agency manager;
- Is on the premises of a critical infrastructure facility; and
- Has probable cause to believe that the person has committed or is committing a crime against the client operating the premises or the client's patron.

The security officer must notify the appropriate law enforcement agency as soon as possible, and may only detain the person until a law enforcement officer (LEO) arrives and is in the presence of the detainee. A security officer or security agency manager may search a detained person and his or her belongings if the detainee admits to having a weapon or the officer or manager observes that the person is armed with a firearm, or other weapon that poses a threat. Such search may only be conducted to the extent necessary to disclose the presence of a weapon, which must be seized and transferred to the responding LEO.

Ch. Law 2013-104

HB 935 Florida False Claims Act

Effective 07/01/13

Chapter 493

Amends several provisions of the Florida False Claims Act.

Ch. Law 2013-247

HB 953 Warrants

Effective 07/01/13

933.07, 901.02

Amends the requirements for the issuance of an arrest warrant to provide that a judge must review the complaint and all proofs submitted to determine if probable cause exists for any crime committed within the judge’s jurisdiction. If probable cause is found, the judge must sign the arrest warrant with his or her name of office.

Authorizes judges to electronically sign a search or arrest warrant upon examination of an application or complaint and proof that it:

- Bears the affiant’s signature or electronic signature;

- Is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths; and
- If submitted electronically, is submitted by reliable electronic means.

Provides that the warrant is deemed issued when a judge signs or electronically signs the warrant.

**Ch. Law 2013-235 SB 954 Technological Research and Development Authority
Effective 06/28/13**

320.08058 Deletes reference to the Technological Research and Development Authority from law related to the use of funds derived from the sale of the Challenger/Columbia specialty license plates.

Ch. Law 2013-208 HB 1173 Fl. Communications Fraud Act Effective 10/01/13

775.15, 817.034 Adds a statute of limitations to the Communication Fraud Act. Provides any criminal or civil action under the CFA may commence any time within five years after the cause of action accrues. Specifies that in criminal cases, the period of limitation does not run at any time when the defendant is continuously absent from the state or is without a reasonably ascertainable place of abode or work within the state. The provision can only extend the limitation period by one year.

Reclassifies a first degree felony offense of communications fraud with a value of \$50,000 or more from Level 6 to Level 7 in the offense severity ranking chart.

Ch. Law 2013-098 HB 1325 Victims of Human Trafficking Effective 10/01/2014

943.0583 Authorizes a victim of human trafficking to petition the court for the expunction of any conviction for an offense committed while he or she was a victim of human trafficking. Defines “victim of human trafficking.”

90.803 Broadens a hearsay exception for child victims of abuse and sexual abuse, by increasing the age of a child to which the hearsay exception applies from 11 to 16.

Ch. Law 2013-099 HB 1327 Public Records Exemption Criminal History/Human Trafficking Victims

943.0583 This law is related to Ch. 2013-098 L.O.F. noted above, creates a public record exemption for a criminal history record of a victim of human trafficking that is ordered expunged. Such record retained by the FDLE is confidential and exempt from public record requirements and shall only be made available to criminal justice agencies for their respective criminal justice purposes. Exemption is repealed on

October 2, 2018, unless reviewed and saved from repeal by the Legislature.

Ch. Law 2013-249 HB 1355 Firearms by Mentally Ill Persons Effective 07/01/13

790.065 Prohibits licensed importers, manufacturers, and dealers from selling or delivering firearms to persons who have been “adjudicated mentally defective” or who have been “committed to a mental institution” by a court. Changes the definition of “committed to a mental institution” to include persons who have had an involuntary examination under the Baker Act and who have voluntarily admitted themselves for outpatient or inpatient treatment so long as certain requirements are met.

Ch. Law 2013-049 SB 1522 DHSMV Effective 07/01/13

320.0804 Conforms statutes relating to FDOT and the Department to the General Appropriations Act for the 2013-14 fiscal year, redirecting a portion of the existing fee, or surcharge, collected on an annual vehicle license registration. Redirects \$1.00 of the \$2.00 surcharge currently deposited into the State Transportation Trust Fund to the Highway Safety Operating Trust Fund. Provides a recurring revenue source to the Department to offset operational costs of the Office of Motor Carrier Compliance.

Ch. Law 2013-107 HB 7015 Expert Testimony Effective 07/01/13

90.702 Abolishes the *Frye* standard and adopts the *Daubert* standard relating to expert witness testimony.

Ch. Law 2013-001 HB 7059 Driver Licensing Effective 04/02/13

322.04 Removes the requirement that a nonresident out-of-country visitor carry a valid International Driving Permit (IDP) in order to drive lawfully in Florida. The law brings s. 322.04, F.S., back to its pre-2012 regular legislative session form. As such, an out-of-country visitor who is at least 16 years old will be able to drive legally as long as he or she has a valid driver license from his or her home state or country in his or her possession while driving.

Ch. Law 2013-160 HB 7125 DHSMV Effective 07/01/13

110.205 Reclassifies DHSMV positions serving as Captains in the Florida Highway Patrol to Selected Exempt Service.

207.002, 316.545 Deletes the unnecessary definition of “Apportioned Motor Vehicle” from Chapter F.S. and strikes the term “apportionable”.

320.01 Defines the terms “apportioned motor vehicle,” “apportionable vehicle,” and “commercial motor vehicle.” Deletes the definition of “apportioned motor vehicle” and makes conforming changes in order to conform to current definitions in the International Registration Plan.

Revises gross vehicle weight from 26,001 pounds to 26,000 pounds for purposes of defining the term “apportionable vehicle.”

316.066 Allows the FDOT to obtain crash information prior to the 60 day limit.

316.0083, 316003,
318.121, 318.15,
318.18

Expands the Mark Wandall Traffic Safety Program in the following ways:

- Defines local hearing officer
- Provides a notice of violation and a traffic citation may not be issued if driver came to a complete stop after crossing the stop line and before turning right if permissible at a red light
- Increases the number of days to request a hearing to 60-days.
- Provides the mailing of a notice of violation constitutes notification.
- Provides a payment or fee may not be required before the requested hearing.
- Provides the notice of violation must direct the person to a website to provide information on the person’s right to request a hearing.
- Provides the person challenging the violation waives any challenge or dispute as to the delivery of the notice of violation.
- Defines procedures for a hearing.
- Requires that the traffic enforcement officer provide a replica of the traffic notice of violation data to the clerk for the hearing within 14-days.
- Requires the Department, after being notified by the Clerk of a person who failed to comply with the local hearing terms/requirements, to withhold registration and issuance of a license plate and decal.
- Provides for notice of violation hearings, a fee up to \$250 in addition to the original penalty may be imposed to recover court or municipal costs.
- Requires Department to create model hearing request “form” for local governments to use and impose a registration stop if the person fails to comply.

316.081 Provides that on a road, street, or highway having two or more lanes that allow movement in the same direction, a driver may not continue to operate a motor vehicle at less than 10 miles per hour below the posted speed limit in the furthestmost left hand lane if the driver knows or reasonably should know

that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection.

- 316.1937 Lowers the “fail point” of the IID from 0.05 to 0.025 percent, consistent with the NHTSA national standard.
- 322.2715(1) Prohibits the Department from issuing a restricted license to an individual who is granted a medical waiver for IID until the IID installation period has expired. If a medical waiver has been issued to an individual seeking permanent reinstatement of his or her license, the convicted person must be restricted to an Employment Purposes Only (EPO) license until the required IID period has expired. The fee for the restricted license or the Employment Purposes Only license are both \$48.
- 316.302, 316.3025 Incorporates federal commercial motor vehicle (CMV) regulations into State law (CVE Troopers). Includes the prohibition of handheld communication device usage in the operation of CMV and prescribes specific fines for such violations, 1st offense \$500 for driver, \$2750 for company. An emergency exemption is provided from the prohibition for handheld communications device usage in the event of a declared emergency or a Level 1 activation of the State Emergency Operations Center.
- Removes exemption from federal regulations for transporters of liquefied petroleum gas.
- 316.515 Provides that a straight truck may attach a forklift to the rear of the cargo bed, provided the overall length of the vehicle and the forklift do not exceed 50 feet. Amends the farming and agricultural equipment exemption provision to include the terms “managed” and “harvested.”
- 316.646 Allows proof of insurance to be submitted in an electronic format in addition to paper as provided by the Department. Provides that the act of presenting an electronic device displaying proof of auto- insurance to law enforcement does not constitute consent for the officer to access information on the device other than the proof of insurance. The person presenting the device accepts full liability for any damage to the device.
- 319.28 Provides that a lienholder in the process of repossessing a motor vehicle may request from the Department a certificate of title or a certificate of repossession for the vehicle. Removes references to certificates of repossession in each of the three sections described above.
- 318.14 Includes Commercial Learner’s Permit holders in the prohibition as required by federal rule 49 CFR 384.226. Prohibits Commercial Driver License holders who receive traffic citations from electing to have adjudication withheld by the Clerk of the Court, formally known as the “Clerk’s Option.”

- 318.1451 Modifies certain standards and includes additional standards relating to the Department's oversight of driver improvement schools. The changes include:
- Allows schools to use technology as a delivery method,
 - Removes authority of the chief judge of the applicable judicial circuit to establish "location requirements" for schools,
 - Clarifies initial approval process to include a review of course materials, provisional approval of new courses, and a "pilot testing" plan,
 - Clarifies the Department's authority to reject proof-of-attendance from non-approved providers/courses,
 - Clarifying the Department's use of the existing \$2.50 assessment fee,
 - Requiring providers to maintain course records for 5 years, and to allow the Department to inspect such records as necessary, and
 - Providing rulemaking authority to the Department relating to effectiveness studies; required updates; course conduct, content, and delivery; record submission; sanctions for violations and miscellaneous requirements.
- 319.141 Authorizes the Department to conduct a pilot program for private sector rebuilt motor vehicle inspections in Miami-Dade and Hillsborough counties. Defines "facilities" and "rebuilt inspection" and requires participants in the program to access vehicle and title information and enter inspection results in an electronic filing system.
- Requires the Department submit a report to the Speaker of the House and the President of the Senate with the results of the pilot program by July 1, 2015.
- 319.225 Requires when a dealer sells a vehicle to an out of state resident or out of state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original and mail it to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser.
- Allows for proper maintenance of electronic titles. If the transferee agrees to maintain the title electronically, both the transferor and the transferee must complete a secure reassignment document which discloses the odometer reading and is signed by both at the issuing office.
- 319.23, 320.02,
328.01, 328.48 Includes a valid driver license or an identification card from another state, as well as a valid passport, to serve as an acceptable means of identification. Provides business applicants may use additional means of identification in lieu of a federal employer identification number. These include "verification that the business is authorized to conduct business in the state," or a Florida city or county business license or number.

Defines National Motor Vehicle Title Information System (NMVTIS) to mean the national mandated vehicle history database maintained by the United States Department of Justice to link the states' motor vehicle title records, including the Department's title records, and ensure that states, law enforcement agencies, and consumers have access to vehicle titling, branding, and other information that enables them to verify the accuracy and legality of a motor vehicle title before purchase or title transfer of the vehicle occurs.

320.08058

Creates two new military license plates for "Operation Desert Storm" and "Operation Desert Shield" veterans. Outlines eligibility requirements.

Amends the annual use fee distribution of the Hispanic Achievers plate to allow 10% of the fee to be used for administrative costs and up to 20% for marketing.

Establishes American Legion specialty license plate. Subject to a pre-sale requirement of at least 1,000 plate registrations over a 24 month period prior to the plate being manufactured or distributed.

Creates a Lauren's Kids specialty license plate. Subject to a pre-sale requirement of at least 1,000 plate registrations over a 24 month period prior to being manufactured or distributed.

Creates a Big Brothers Big Sisters specialty license plate. Subject to a pre-sale requirement of at least 1,000 plate registrations over a 24 month period prior to being manufactured or distributed.

320.08062

Provides that in lieu of discontinuing revenue disbursement pursuant to this subsection, upon determining that a recipient has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, F.S., and with the approval of the Legislative Budget Commission, the department is authorized to redirect previously-collected and future revenues to an organization that is able to perform the same or similar purpose(s) as the original recipient.

320.18

Provides that the Department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register the vehicle or mobile home. Amends law to include co-owners. As a result, the Department would be authorized to withhold a registration if any co-owner has failed to register the vehicle or mobile home.

320.27 320.62,
320.77, 320.771
320.8225

Provides for an optional two-year licensing period for motor vehicle dealers, motor vehicle manufacturers, distributors, importers, mobile home dealers, recreational vehicle dealers; mobile home and recreational vehicle manufacturers, distributors, and importers.

- 322.08 Provides for a \$1 voluntary contribution at the time of an original, renewal or replacement driver license transaction for the Auto Club Group Traffic Safety Foundation, Inc.
- 322.095 Modifies certain standards and include additional standards relating to the Department’s oversight of Traffic Law & Substance Abuse Education programs such as:
- Allowing courses to use “communications technology,”
 - Providing that course approval criteria shall include a review of the provider’s materials, presentation, and plan for effective oversight,
 - Clarifying that curriculum requirements must include motorcycle, bicycle, and pedestrian safety elements, as well as risk factors regarding speeding, reckless driving, red light violations, and the use of electronic devices while driving,
 - Clarifying that classroom-based instruction must involve locations “free from distraction,”
 - Modifications to the fee requirements and a clarification that the \$3 assessment fee must be deposited with the Department in order for the student to receive a unique course completion certificate number, and
 - Requiring providers to maintain course records for 5 years, and to allow the Department to inspect such records as necessary.
- Requires the Department develop and implement effectiveness studies on each delivery method of all approved courses.
- Provides several additional course requirements regarding course length, content, student accommodation, break times, and fee disclosures. Authorization for the Department to deny, suspend, or revoke courses for specified reasons, provides that persons with drug or DUI-related convictions may not conduct TLSAE courses until 5 years have elapsed from the time of conviction. Clarifies that a course provider may challenge agency actions by requesting a formal or informal administrative hearing, and that the Department may levy civil fines from \$1,000 to \$5,000 for each violation of s. 322.095, F.S.
- 322.125 Requires members of the Department’s Medical Advisory Board be members of the Florida Medical Association, Florida Osteopathic Association, or Florida Optometric Association.
- 322.135 Removes permissive language related to referring these cases to the Department.
- 322.143 Defines “personal information”, “private entity” and “swipes”. Specifies that a private entity may not swipe an individual’s driver license or I.D. card, except for specific defined purposes and may not store, sell or share this information. This information may only be stored for the purpose of

preventing fraud or criminal activity. Individuals may consent to sell this information but must be made aware of what information is collected and how this information will be stored and used. The private entity may not withhold the sale of goods or services as a result of the individual requesting the collection of the data from the individual through manual means. A private entity that violates this section may be subject to a civil penalty of \$5,000 per occurrence.

322.212 Requires a 1-year Commercial Motor Vehicle disqualification for providing false information or for test fraud in connection with either a Commercial Driver License or Commercial Learner Permit application. This 1-year disqualification period is required by federal rule 49 CFR 383.73(k) (1).

322.61 Subjects CLP holders to the same traffic violation criteria that now disqualify full CDL holders from operating CMVs, as required by federal rule 49 CFR 383.51.

322.22 Clarifies the Department may cancel or withhold issuance or renewal of any driver license related to insufficient funds/checks.

322.245 Clarifies Clerks of Court must notify the Department electronically.

322.25 Repeals obsolete provision related to court-ordered temporary reinstatement of a DUI offender's driving privilege.

322.2615,
322.2616
322.2715
322.64

Replaces the term "video recording" instead of "videotape," to accommodate modern practices. Provides officers are "designated" by the Department rather than "employed" by the Department. Corrects a phrase relating to appellate proceedings. Provides a hearing officer may conduct hearings using telecommunications technology.

Provides that the failure of a subpoenaed witness to appear at a formal review hearing is not grounds to invalidate the driver license suspension.

Adds an alternative method for enforcing the subpoena; it provides that the driver can enforce a subpoena by filing a motion for enforcement in any criminal court case resulting from the driving or actual physical control of a motor vehicle that gave rise to the suspension.

Provides if arresting officer or the breath technician fails to appear at a hearing pursuant to a subpoena, the department shall invalidate the driver license suspension.

Clarifications to certain timeframes are made. For example, a certain 7 day period is 7 "business" days to be consistent with related statutes.

- 322.64 Clarifies term “disqualification” is considered a “conviction” for purposes of determining the length of a suspension period under the federal code. In addition to clarifying that in hearings held pursuant to s. 322.64, F.S., a crash report shall be considered by the Hearing Officer, notwithstanding the exemption in s. 316.066, F.S. to coincide with s. 322.2615(2), F.S. Removes the word “arresting” from “arresting law enforcement officer” to coincide with related statutes.
- 322.2615, 322.271 Provides drivers arrested for DUI with the option of requesting a review of eligibility for an immediate hardship hearing. Only drivers never previously arrested for or convicted of a DUI offense are eligible for such a hearing. Drivers who are eligible may be granted a hardship hearing for a restricted driving privilege in which a hardship must be established. In establishing a hardship and accepting a restricted driving privilege under this section, drivers waive their right to a formal review of the license suspension for the same offense.
- 322.28 Provides various timeframes for the suspension or revocation of a DUI offender’s driver license. A first conviction results in a suspension period of between 180 days and a year, a second offense within 5 years of a prior offense results in a suspension of not less than 5 years, and a third conviction with 10 years of a prior offense results in a suspension of 10 years.
- Provides that *convictions* that occur on the same date resulting from separate *offense* dates, shall be treated as separate convictions and the offense which occurred earlier will be deemed a prior conviction for the purpose of s. 322.28, F.S.
- Removes the maximum revocation period for first DUI convictions as the courts are ordering revocation periods that exceed the maximum period.
- Removes language no longer applicable in reference to reexaminations required upon expiration of the revocation period to obtain a new driver license and authorizing the court to issue an order of reinstatement on a form furnished by the Department for reinstatement by the department pursuant to s. 322.282, F.S.
- Removes court’s ability to reinstate a license when revoked for a DUI.
- 322.331 Repeals statute eliminating the requirement for hearing. In no other circumstances does the Department require a hearing for reinstatement determination once a sanction has expired.
- 323.002 Provides an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded.
- Requires unauthorized wrecker operators to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the

disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present.

Authorizes state and local government law enforcement officers to remove and impound any wrecker, tow truck, or other motor vehicle used in violation of specified provisions.

Authorizes the authority that caused the removal and impoundment to assess a cost recovery fine, as well as provides procedures and requirements for release of the vehicle.

- 324.0221 Reduces insurer's reporting timeframe to 10 days from the effective or processing date.
- 324.091 Removes the requirement that the Department send insurance verification notices via U.S. Mail and requires insurance companies to respond within 20 days.
- 328.76 Replaces the specified amount of \$1.4 million with "the amount equal to" any administrative costs. Provides that after deducting administrative costs and specified distributions, up to \$400,000 is to be transferred to the General Inspection Trust Fund to fund certain activities related to oyster reefs and beds and up to \$300,000 be distributed to the Fish and Wildlife Conservation Commission for boating safety education. This section will expire July 1, 2017.
- 713.585, 713.78 Requires that a lienholder check the NMVTIS or the records of any corresponding agency of any other state before enforcing a lien by selling the motor vehicle. Requires the lienholder to notify the local law enforcement agency in writing by certified mail informing the law enforcement agency that the lienholder has made a good faith effort to locate the owner or lienholder. Specifies that a good faith effort includes a check of the DHSMV database records and the NMVTIS. Sets requirements for notification of the sale of the vehicle as a way to enforce a lien and requires the lienholder to publish notice and requires the lienholder to keep a record of proof of checking the NMVTIS.