

1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending
3 s. 316.003, F.S.; defining the term "platoon";
4 repealing s. 316.0896, F.S., relating to the assistive
5 truck platooning technology pilot project; creating s.
6 316.0897, F.S.; exempting the operator of a nonlead
7 vehicle in a platoon from provisions relating to
8 following too closely; authorizing a platoon to be
9 operated on a roadway in this state after an operator
10 provides notification to the Department of
11 Transportation and the Department of Highway Safety
12 and Motor Vehicles; amending s. 316.302, F.S.;
13 revising regulations to which owners and drivers of
14 commercial motor vehicles are subject; revising
15 requirements for electronic logging devices and
16 support documents for certain intrastate motor
17 carriers; deleting a limitation on a civil penalty for
18 falsification of certain time records; deleting a
19 requirement that a motor carrier maintain certain
20 documentation of driving times; providing an exemption
21 from specified provisions for a person who operates a
22 commercial motor vehicle with a certain gross vehicle
23 weight, gross vehicle weight rating, and gross
24 combined weight rating; deleting the exemption from
25 such provisions for a person transporting petroleum

26 products; amending s. 316.303, F.S.; exempting an
27 operator of a certain platoon vehicle from the
28 prohibition on the active display of television or
29 video; amending s. 320.01, F.S.; revising the
30 definition of the term "apportionable vehicle";
31 amending s. 320.06, F.S.; providing for future repeal
32 of issuance of a certain annual license plate and cab
33 card to a vehicle that has an apportioned
34 registration; revising information required to appear
35 on the cab card; providing requirements for license
36 plates, cab cards, and validation stickers for
37 vehicles registered in accordance with the
38 International Registration Plan; authorizing a damaged
39 or worn license plate to be replaced at no charge
40 under certain circumstances; amending s. 320.0607,
41 F.S.; providing an exemption from a certain fee for
42 vehicles registered under the International
43 Registration Plan; amending s. 320.131, F.S.;
44 authorizing the Department of Highway Safety and Motor
45 Vehicles to partner with a county tax collector to
46 conduct a Fleet Vehicle Temporary Tag pilot program
47 for certain purposes; providing program requirements;
48 providing for future repeal; amending s. 655.960,
49 F.S.; conforming a cross-reference; amending s.
50 812.014, F.S.; providing a criminal penalty for an

51 offender committing grand theft who uses a device to
 52 interfere with a global positioning or similar system;
 53 providing an effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsections (55) through (101) of section
 58 316.003, Florida Statutes, are renumbered as subsections (56)
 59 through (102), respectively, present subsection (59) is amended,
 60 and a new subsection (55) is added to that section, to read:

61 316.003 Definitions.—The following words and phrases, when
 62 used in this chapter, shall have the meanings respectively
 63 ascribed to them in this section, except where the context
 64 otherwise requires:

65 (55) PLATOON.—A group of two individual truck tractor
 66 semi-trailer combinations, transporting property in quantities
 67 that do not require placards, traveling in a unified manner at
 68 electronically coordinated speeds at following distances that
 69 are closer than provided in s. 316.0895(2).

70 (60)~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 71 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way
 72 or place used for vehicular travel by the owner and those having
 73 express or implied permission from the owner, but not by other
 74 persons.

75 Section 2. Section 316.0896, Florida Statutes, is

76 repealed.

77 Section 3. Section 316.0897, Florida Statutes, is created
78 to read:

79 316.0897 Platoons.—

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

82 (2) A platoon may be operated on a roadway in this state
83 after an operator provides notification to the Department of
84 Transportation and the Department of Highway Safety and Motor
85 Vehicles.

86 Section 4. Subsection (1) and paragraphs (a), (c), (d),
87 and (f) of subsection (2) of section 316.302, Florida Statutes,
88 are amended to read:

89 316.302 Commercial motor vehicles; safety regulations;
90 transporters and shippers of hazardous materials; enforcement.—

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

92 (a) All owners and drivers of commercial motor vehicles
93 that are operated on the public highways of this state while
94 engaged in interstate commerce are subject to the rules and
95 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

96 (b) Except as otherwise provided in this section, all
97 owners or drivers of commercial motor vehicles that are engaged
98 in intrastate commerce are subject to the rules and regulations
99 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
100 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~

101 ~~definition of bus,~~ as such rules and regulations existed on
102 December 31, 2018 ~~2012~~.

103 (c) The emergency exceptions provided by 49 C.F.R. s.
104 392.82 also apply to communications by utility drivers and
105 utility contractor drivers during a Level 1 activation of the
106 State Emergency Operations Center, as provided in the Florida
107 Comprehensive Emergency Management plan, or during a state of
108 emergency declared by executive order or proclamation of the
109 Governor.

110 (d) Except as provided in ~~s. 316.215(5), and except as~~
111 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
112 requirements for intrastate operations, the requirements of this
113 section supersede all other safety requirements of this chapter
114 for commercial motor vehicles.

115 (e) Except as provided in 49 C.F.R. 395.1 or as otherwise
116 provided in this section, a person who operates a commercial
117 motor vehicle solely in intrastate commerce not transporting
118 hazardous materials in amounts that require placarding pursuant
119 to 49 C.F.R. part 172 need not comply with Electronic Logging
120 Device and Hours of Service Support Documents provided in 49
121 C.F.R. until December 31, 2019. At a minimum, a person who
122 operates a commercial motor vehicle in a manner requiring
123 completion of a record of duty status on not more than 8 days
124 within any 30-day period, in a driveaway-towaway operation in
125 which the vehicle being driven is part of the shipment being

126 delivered, in a driveaway-towaway operation in which the vehicle
127 being transported is a motor home or a recreation vehicle
128 trailer, or that was manufactured before model year 2000, as
129 reflected in the vehicle identification number as shown on the
130 vehicle's registration, will be exempt from Electronic Logging
131 Device and Hours of Service Support Documents when operating
132 solely in intrastate commerce not transporting hazardous
133 materials in amounts that require placards.

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

139 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
140 operates a commercial motor vehicle solely in intrastate
141 commerce not transporting any hazardous material in amounts that
142 require placarding pursuant to 49 C.F.R. part 172 may not drive
143 after having been on duty more than 70 hours in any period of 7
144 consecutive days or more than 80 hours in any period of 8
145 consecutive days if the motor carrier operates every day of the
146 week. Thirty-four consecutive hours off duty shall constitute
147 the end of any such period of 7 or 8 consecutive days. This
148 weekly limit does not apply to a person who operates a
149 commercial motor vehicle solely within this state while
150 transporting, during harvest periods, any unprocessed

151 agricultural products or unprocessed food or fiber that is
 152 subject to seasonal harvesting from place of harvest to the
 153 first place of processing or storage or from place of harvest
 154 directly to market or while transporting livestock, livestock
 155 feed, or farm supplies directly related to growing or harvesting
 156 agricultural products. Upon request of the Department of Highway
 157 Safety and Motor Vehicles, motor carriers shall furnish time
 158 records or other written verification to that department so that
 159 the Department of Highway Safety and Motor Vehicles can
 160 determine compliance with this subsection. These time records
 161 must be furnished to the Department of Highway Safety and Motor
 162 Vehicles within 2 days after receipt of that department's
 163 request. Falsification of such information is subject to a civil
 164 penalty ~~not to exceed \$100. The provisions of This paragraph~~
 165 does ~~de~~ not apply to operators of farm labor vehicles operated
 166 during a state of emergency declared by the Governor or operated
 167 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
 168 utility service vehicles as defined in 49 C.F.R. s. 395.2.

169 (d) A person who operates a commercial motor vehicle
 170 solely in intrastate commerce not transporting any hazardous
 171 material in amounts that require placarding pursuant to 49
 172 C.F.R. part 172 within a 150 air-mile radius of the location
 173 where the vehicle is based need not comply with 49 C.F.R. s.
 174 395.8~~7~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
 175 (iii)(A) and (C), ~~395.1(e)(1)(iii)~~ and (v) are met. ~~If a driver~~

176 ~~is not released from duty within 12 hours after the driver~~
177 ~~arrives for duty, the motor carrier must maintain documentation~~
178 ~~of the driver's driving times throughout the duty period.~~

179 (f) A person who operates a commercial motor vehicle
180 having a ~~declared~~ gross vehicle weight, gross vehicle weight
181 rating, and gross combined weight rating of less than 26,001
182 pounds solely in intrastate commerce and who is not transporting
183 hazardous materials in amounts that require placarding pursuant
184 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
185 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
186 However, such person must comply with 49 C.F.R. parts 382, 392,
187 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

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

190 316.303 Television receivers.—

191 (3) This section does not prohibit the use of an
192 electronic display used in conjunction with a vehicle navigation
193 system; an electronic display used by an operator of a vehicle
194 equipped with autonomous technology, as defined in s.
195 316.003(3); or an electronic display used by an operator of a
196 platoon vehicle equipped and operating with driver-assistive
197 truck platooning technology, as defined in s. 316.003.

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

200 320.01 Definitions, general.—As used in the Florida

201 Statutes, except as otherwise provided, the term:

202 (24) "Apportionable vehicle" means any vehicle, except
 203 recreational vehicles, vehicles displaying restricted plates,
 204 city pickup and delivery vehicles, ~~buses used in transportation~~
 205 ~~of chartered parties,~~ and government-owned vehicles, which is
 206 used or intended for use in two or more member jurisdictions
 207 that allocate or proportionally register vehicles and which is
 208 used for the transportation of persons for hire or is designed,
 209 used, or maintained primarily for the transportation of property
 210 and:

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

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

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

217
 218 Vehicles, or combinations thereof, having a gross vehicle weight
 219 of 26,000 pounds or less and two-axle vehicles may be
 220 proportionally registered.

221 Section 7. Paragraph (b) of subsection (1) of section
 222 320.06, Florida Statutes, is amended to read:

223 320.06 Registration certificates, license plates, and
 224 validation stickers generally.—

225 (1)

226 (b)1. Registration license plates bearing a graphic symbol
227 and the alphanumeric system of identification shall be issued
228 for a 10-year period. At the end of the 10-year period, upon
229 renewal, the plate shall be replaced. The department shall
230 extend the scheduled license plate replacement date from a 6-
231 year period to a 10-year period. The fee for such replacement is
232 \$28, \$2.80 of which shall be paid each year before the plate is
233 replaced, to be credited toward the next \$28 replacement fee.
234 The fees shall be deposited into the Highway Safety Operating
235 Trust Fund. A credit or refund may not be given for any prior
236 years' payments of the prorated replacement fee if the plate is
237 replaced or surrendered before the end of the 10-year period,
238 except that a credit may be given if a registrant is required by
239 the department to replace a license plate under s.

240 320.08056(8)(a). With each license plate, a validation sticker
241 shall be issued showing the owner's birth month, license plate
242 number, and the year of expiration or the appropriate renewal
243 period if the owner is not a natural person. The validation
244 sticker shall be placed on the upper right corner of the license
245 plate. The license plate and validation sticker shall be issued
246 based on the applicant's appropriate renewal period. The
247 registration period is 12 months, the extended registration
248 period is 24 months, and all expirations occur based on the
249 applicant's appropriate registration period.

250 2. Before October 1, 2020, a vehicle that has an

251 apportioned registration shall be issued an annual license plate
252 and a cab card denoting ~~that denote~~ the declared gross vehicle
253 weight ~~for each apportioned jurisdiction in which the vehicle is~~
254 ~~authorized to operate.~~

255 3. Beginning October 1, 2020, a vehicle registered in
256 accordance with the International Registration Plan shall be
257 issued a license plate for a 5-year period, an annual cab card
258 denoting the declared gross vehicle weight, and an annual
259 validation sticker showing the month and year of expiration. The
260 validation sticker shall be placed in the center of the license
261 plate. The license plate and validation sticker shall be issued
262 based on the applicant's appropriate renewal period. The fee for
263 the initial validation sticker and any renewed validation
264 sticker is \$28. This fee shall be deposited into the Highway
265 Safety Operating Trust Fund. A damaged or worn license plate may
266 be replaced at no charge by applying to the department and
267 surrendering the current license plate.

268 ~~4.2.~~ In order to retain the efficient administration of
269 the taxes and fees imposed by this chapter, the 80-cent fee
270 increase in the replacement fee imposed by chapter 2009-71, Laws
271 of Florida, is negated as provided in s. 320.0804.

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

274 320.0607 Replacement license plates, validation decal, or
275 mobile home sticker.—

276 (5) Upon the issuance of an original license plate, the
277 applicant shall pay a fee of \$28 to be deposited in the Highway
278 Safety Operating Trust Fund. Beginning October 1, 2020, this
279 subsection does not apply to a vehicle registered under the
280 International Registration Plan.

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

283 320.131 Temporary tags.—

284 (10) The department may partner with a county tax
285 collector to conduct a Fleet Vehicle Temporary Tag pilot program
286 to provide temporary tags to fleet companies to allow them to
287 operate fleet vehicles awaiting a permanent registration and
288 title.

289 (a) The department shall establish a memorandum of
290 understanding that allows up to three companies to participate
291 in the pilot program and receive multiple temporary tags for
292 company fleet vehicles.

293 (b) To participate in the program, a fleet company must
294 have at least 3,500 fleet vehicles registered in this state
295 which qualify to be registered as fleet vehicles pursuant to s.
296 320.0657.

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

299 (d) A temporary tag issued under this subsection is for
300 exclusive use on a vehicle purchased for the company's fleet and

301 may not be used on any other vehicle.

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

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

307 (g) Upon a finding by the department that a temporary tag
308 has been misused by a fleet company under this program, the
309 department may terminate the memorandum of understanding with
310 the company, invalidate all temporary tags issued to the company
311 under the program, and require such company to return any unused
312 temporary tags.

313 (h) The issuance of a tag using this method must be
314 reported to the department within 2 business days, not including
315 weekends or state holidays, after the issuance of the tag. The
316 county tax collector shall keep a record of each temporary tag
317 issued. The record must include the date of issuance, tag number
318 issued, vehicle identification number, and vehicle description.

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

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

323 655.960 Definitions; ss. 655.960-655.965.—As used in this
324 section and ss. 655.961-655.965, unless the context otherwise
325 requires:

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

331 Section 11. Paragraph (a) of subsection (2) of section
332 812.014, Florida Statutes, is amended to read:

333 812.014 Theft.—

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

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

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

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

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

349 c. In the course of committing the offense the offender
350 uses any type of device to defeat, block, disable, jam, or

HB 725

2019

351 interfere with a global positioning system or similar system
352 designed to identify the location of the cargo or the vehicle or
353 trailer carrying the cargo,

354

355 the offender commits grand theft in the first degree, punishable
356 as a felony of the first degree, as provided in s. 775.082, s.
357 775.083, or s. 775.084.

358 Section 12. This act shall take effect October 1, 2019.