

By the Committee on Transportation and Representative
Smith

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.066,
4 F.S.; deleting a penalty for failure to provide
5 proof of insurance to a law enforcement officer
6 under certain circumstances; amending s.
7 316.2065, F.S.; providing for pedestrian
8 violations for certain bicycle riders or
9 passengers; amending s. 316.2397, F.S.;
10 authorizing petroleum tankers to display amber
11 lights; amending s. 316.614, F.S.; providing
12 that it is unlawful to operate a motor vehicle
13 in this state unless each passenger of the
14 vehicle under the age of 16 is restrained by a
15 safety belt or child restraint device; amending
16 s. 316.645, F.S.; including reference to
17 chapter 320, F.S, with respect to the arrest
18 authority of an officer at the scene of a
19 traffic accident; amending s. 318.1451, F.S.;
20 authorizing clerks of the court to establish
21 procedures for notifying the public of driving
22 improvement courses; amending s. 318.18, F.S.;
23 providing fine for pedestrian and bicycle
24 violation; revising the date by which the clerk
25 of the circuit court must transmit citation
26 information; amending s. 318.19, F.S.; revising
27 language with respect to infractions requiring
28 a mandatory hearing, to include a cross
29 reference; amending s. 319.24, F.S.; amending
30 provisions relating to lien satisfactions and
31 certificates of title; creating ss. 319.40,

1 320.95, 322.70, 327.90, and 328.30, F.S.;

2 authorizing the department to accept

3 applications by electronic or telephonic means;

4 amending s. 320.02, F.S.; providing for

5 voluntary contributions on the application for

6 motor vehicle registration with respect to

7 Prevent Blindness Florida; amending s. 320.06,

8 F.S.; amending provisions relating to

9 validation stickers on fleet license plates;

10 amending s. 320.072, F.S.; providing exemptions

11 to the additional fee imposed on certain motor

12 vehicle registration transactions; creating s.

13 320.08048, F.S.; providing for sample license

14 plates; providing a fee; amending s. 320.131,

15 F.S.; revising language with respect to

16 temporary tags; creating s. 320.535, F.S.;

17 exempting airport fuel trucks and equipment

18 from the payment of license taxes and the

19 display of license plates when transporting

20 aviation fuel within the airport facility of

21 any public-use airport; authorizing the

22 incidental operation of airport fuel trucks or

23 equipment on roads of this state; amending s.

24 321.24, F.S.; authorizing arrest powers for

25 members of an auxiliary to the Florida Highway

26 Patrol; amending s. 322.01, F.S.; redefining

27 the term "motor vehicle" to include certain

28 mopeds; amending s. 322.121, F.S.; correcting a

29 cross reference; amending s. 322.16, F.S.;

30 revising language with respect to license

31 restrictions; amending s. 322.1615, F.S.;

1 authorizing certain nighttime operation with
2 respect to certain persons who have a learner's
3 driver license; amending s. 322.293, F.S.;
4 providing for an offender security account;
5 amending s. 328.16, F.S.; providing for the
6 electronic transmission of certain lien
7 information; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (3) of section
12 316.066, Florida Statutes, 1996 Supplement, is amended to
13 read:

14 316.066 Written reports of accidents.--

15 (3)(a) Every law enforcement officer who in the
16 regular course of duty investigates a motor vehicle accident:

17 1. Which accident resulted in death or personal injury
18 shall, within 10 days after completing the investigation,
19 forward a written report of the accident to the department or
20 traffic records center.

21 2. Which accident involved a violation of ~~s.~~
22 ~~316.027(2)~~, s. 316.061(1), or s. 316.193 shall, within 10 days
23 after completing the investigation, forward a written report
24 of the accident to the department or traffic records center.

25 3. In which accident a vehicle was rendered
26 inoperative to a degree which required a wrecker to remove it
27 from traffic may, within 10 days after completing the
28 investigation, forward a written report of the accident to the
29 department or traffic records center if such action is
30 appropriate, in the officer's discretion.

31

1 However, in every case in which an accident report is required
2 by this section and a written report to a law enforcement
3 officer is not prepared, the law enforcement officer shall
4 provide each party involved in the accident a short-form
5 report, prescribed by the state, to be completed by the party.
6 The short-form report must include, but is not limited to: the
7 date, time, and location of the accident; a description of the
8 vehicles involved; the names and addresses of the parties
9 involved; the names and addresses of witnesses; the name,
10 badge number, and law enforcement agency of the officer
11 investigating the accident; and the names of the insurance
12 companies for the respective parties involved in the accident.
13 Each party to the accident shall provide the law enforcement
14 officer with proof of insurance to be included in the accident
15 report. ~~If a law enforcement officer submits a report on the~~
16 ~~accident, proof of insurance must be provided to the officer~~
17 ~~by each party involved in the accident within 24 hours after~~
18 ~~the accident. Any party who fails to provide the required~~
19 ~~information within the applicable time limit prescribed by~~
20 ~~this paragraph is guilty of an infraction for a nonmoving~~
21 ~~violation, punishable as provided in chapter 318.~~

22 Section 2. Paragraph (e) of subsection (3) of section
23 316.2065, Florida Statutes, 1996 Supplement, is amended to
24 read:

25 316.2065 Bicycle regulations.--

26 (3)

27 (e) Law enforcement officers and school crossing
28 guards may issue a bicycle safety brochure and a verbal
29 warning to a bicycle rider or passenger who violates this
30 subsection. Effective January 1, 1998, a bicycle rider or
31 passenger who violates this subsection may be issued a

1 citation by a law enforcement officer and assessed a fine for
2 a pedestrian ~~nonmoving traffic~~ violation, as provided in s.
3 318.18. The court shall dismiss the charge against a bicycle
4 rider or passenger for a first violation of paragraph (d) upon
5 proof of purchase of a bicycle helmet that complies with this
6 subsection.

7 Section 3. Subsection (4) of section 316.2397, Florida
8 Statutes, 1996 Supplement, is amended to read:

9 316.2397 Certain lights prohibited; exceptions.--

10 (4) Road or street maintenance equipment, road or
11 street maintenance vehicles, road service vehicles, refuse
12 collection vehicles, petroleum tankers, and mail carrier
13 vehicles may show or display amber lights when in operation or
14 a hazard exists.

15 Section 4. Paragraph (a) of subsection (4) of section
16 316.614, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 316.614 Safety belt usage.--

19 (4) It is unlawful for any person:

20 (a) To operate a motor vehicle in this state unless
21 each ~~front seat~~ passenger of the vehicle under the age of 16
22 years is restrained by a safety belt or by a child restraint
23 device pursuant to s. 316.613, if applicable; or

24 Section 5. Section 316.645, Florida Statutes, is
25 amended to read:

26 316.645 Arrest authority of officer at scene of a
27 traffic accident.--A police officer who makes an investigation
28 at the scene of a traffic accident may arrest any driver of a
29 vehicle involved in the accident when, based upon personal
30 investigation, the officer has reasonable and probable grounds
31 to believe that the person has committed any offense under the

1 provisions of this chapter, chapter 320, or chapter 322 in
2 connection with the accident.

3 Section 6. Subsection (1) of section 318.1451, Florida
4 Statutes, is amended to read:

5 318.1451 Driver improvement schools.--

6 (1) The Department of Highway Safety and Motor
7 Vehicles shall approve the courses of all driver improvement
8 schools, as the courses relate to ss. 318.14(9), 322.0261,
9 322.095, and 322.291. The chief judge of the applicable
10 judicial circuit may establish requirements regarding the
11 location of schools within the judicial circuit and the clerk
12 of the court may establish any procedures necessary to notify
13 the public of authorized courses being offered within each
14 county. A person may engage in the business of operating a
15 driver improvement school that offers department-approved
16 courses related to ss. 318.14(9), 322.0261, 322.095, and
17 322.291.

18 Section 7. Subsection (1) and paragraph (a) of
19 subsection (8) of section 318.18, Florida Statutes, 1996
20 Supplement, are amended to read:

21 318.18 Amount of civil penalties.--The penalties
22 required for a noncriminal disposition pursuant to s. 318.14
23 are as follows:

24 (1) Fifteen dollars for all infractions of pedestrian
25 regulations ~~under s. 316.130~~, all infractions of s. 316.2065,
26 unless otherwise specified, and other violations of chapter
27 316 by persons 14 years of age or under who are operating
28 bicycles.

29 (8)(a) Any person who fails to comply with the court's
30 requirements or who fails to pay the civil penalties specified
31 in this section within the 30-day period provided for in s.

1 318.14 must pay an additional civil penalty of \$12, \$2.50 of
2 which must be deposited into the General Revenue Fund, and
3 \$9.50 of which must be deposited in the Highway Safety
4 Operating Trust Fund. There is hereby appropriated from the
5 Highway Safety Operating Trust Fund for fiscal year 1996-1997
6 the amount of \$4 million. From this appropriation the
7 department shall contract with the Florida Association of
8 Court Clerks, Inc., to design, establish, operate, upgrade,
9 and maintain an automated statewide Uniform Traffic Citation
10 Accounting System to be operated by the clerks of the court
11 which shall include, but not be limited to, the accounting for
12 traffic infractions by type, a record of the disposition of
13 the citations, and an accounting system for the fines assessed
14 and the subsequent fine amounts paid to the clerks of the
15 court. On or before December 1, 1999, ~~October 1, 1998~~, the
16 clerks of the court must provide the information required by
17 this chapter to be transmitted to the department by electronic
18 transmission pursuant to the contract.

19 Section 8. Section 318.19, Florida Statutes, is
20 amended to read:

21 318.19 Infractions requiring a mandatory hearing.--Any
22 person cited for the infractions listed in this section shall
23 not have the provisions of s. 318.14(2), and (4), and (9)
24 available to him or her but must appear before the designated
25 official at the time and location of the scheduled hearing:

26 (1) Any infraction which results in an accident that
27 causes the death of another; or

28 (2) Any infraction which results in an accident that
29 causes "serious bodily injury" of another as defined in s.
30 316.1933(1).
31

1 Section 9. Paragraph (a) of subsection (5) of section
2 319.24, Florida Statutes, 1996 Supplement, is amended to read:

3 319.24 Issuance in duplicate; delivery; liens and
4 encumbrances.--

5 (5)(a) Upon satisfaction of any first lien or
6 encumbrance recorded at the department, the owner of the motor
7 vehicle or mobile home, as shown on the title certificate, or
8 the person satisfying the lien shall be entitled to demand and
9 receive from the lienholder a satisfaction of the lien. If
10 the lienholder, upon satisfaction of the lien and upon demand,
11 fails or refuses to furnish a satisfaction thereof within 30
12 days after demand, he or she shall be held liable for all
13 costs, damages, and expenses, including reasonable attorney's
14 fees, lawfully incurred by the titled owner or person
15 satisfying the lien in any suit brought in this state for
16 cancellation of the lien. Any person acquiring ownership of a
17 motor vehicle with an outstanding purchase money lien shall
18 pay and satisfy the outstanding lien within 10 working days of
19 acquiring ownership. The lienholder receiving payment shall
20 provide a lien satisfaction and the certificate of title
21 indicating the satisfaction within 10 working days of receipt
22 of payment or notify the person satisfying the lien that the
23 title is not available within 10 working days of receipt of
24 payment. If the lienholder is unable to provide the
25 certificate of title, the lienholder shall be responsible for
26 the cost of a duplicate title, including fast title charges as
27 provided in s. 319.323. The provisions of this paragraph
28 shall not apply to electronic transactions pursuant to
29 subsection (9).

30 Section 10. Section 319.40, Florida Statutes, is
31 created to read:

1 319.40 Transactions by electronic or telephonic
2 means.--The department is authorized to accept any application
3 provided for under this chapter by electronic or telephonic
4 means.

5 Section 11. Subsection (16) is added to section
6 320.02, Florida Statutes, to read:

7 320.02 Registration required; application for
8 registration; forms.--

9 (16) The application form for motor vehicle
10 registration shall include language permitting the voluntary
11 contribution of \$1 per applicant, to be quarterly distributed
12 by the department to Prevent Blindness Florida, a
13 not-for-profit organization, to prevent blindness and preserve
14 the sight of the residents of this state. A statement
15 providing an explanation of the purpose of the funds shall be
16 included with the application form. Prior to the department
17 distributing the funds collected pursuant to this subsection,
18 Prevent Blindness Florida must submit a report to the
19 department that identifies how such funds were used during the
20 preceding year.

21 Section 12. Paragraph (c) of subsection (1) of section
22 320.06, Florida Statutes, 1996 Supplement, is amended to read:

23 320.06 Registration certificates, license plates, and
24 validation stickers generally.--

25 (1)

26 (c) Registration license plates equipped with
27 validation stickers shall be valid for not more than 12 months
28 and shall expire at midnight on the last day of the
29 registration period. For each registration period after the
30 one in which the metal registration license plate is issued,
31 and until the license plate is required to be replaced, a

1 validation sticker showing the year of expiration shall be
2 issued upon payment of the proper license tax amount and fees
3 and shall be valid for not more than 12 months. When license
4 plates equipped with validation stickers are issued in any
5 month other than the owner's birth month or the designated
6 registration period for any other motor vehicle, the effective
7 date shall reflect the birth month or month and the year of
8 renewal. However, when a license plate or validation sticker
9 is issued for a period of less than 12 months, the applicant
10 shall pay the appropriate amount of license tax and the
11 applicable fee under the provisions of s. 320.14 in addition
12 to all other fees. Validation stickers issued for vehicles
13 taxed under the provisions of s. 320.08(6)(a), for any company
14 which owns 250 ~~1,000~~ vehicles or more, or for semitrailers
15 taxed under the provisions of s. 320.08(5)(a), for any company
16 which owns 50 vehicles or more, may be placed on any vehicle
17 in the fleet so long as the vehicle receiving the validation
18 sticker has the same owner's name and address as the vehicle
19 to which the validation sticker was originally assigned.

20 Section 13. Paragraph (d) of subsection (2) of section
21 320.072, Florida Statutes, 1996 Supplement, is amended, and
22 subsection (5) is added to said section, to read:

23 320.072 Additional fee imposed on certain motor
24 vehicle registration transactions.--

25 (1) A fee of \$100 is imposed upon the initial
26 application for registration pursuant to s. 320.06 of every
27 motor vehicle classified in s. 320.08(2), (3), and (9)(c) and
28 (d).

29 (2) The fee imposed by subsection (1) shall not apply
30 to:

31

1 (d) The registration of any motor vehicle owned by and
2 operated exclusively for the personal use of:

3 1. Any member of the United States Armed Forces, or
4 his or her spouse or dependent child, who is not a resident of
5 this state and who is stationed in this state while in
6 compliance with military orders.

7 2. Any former member of the United States Armed
8 Forces, or his or her spouse or dependent child, who purchased
9 such motor vehicle while stationed outside of Florida, who has
10 separated from the Armed Forces and was not dishonorably
11 discharged or discharged for bad conduct, who was a resident
12 of this state at the time of enlistment and at the time of
13 discharge, and who applies for registration of such motor
14 vehicle within 6 months after discharge.

15 3. Any member of the United States Armed Forces, or
16 his or her spouse or dependent child, who was a resident of
17 this state at the time of enlistment, who purchased such motor
18 vehicle while stationed outside of Florida, and who is now
19 reassigned by military order to this state.

20 4. Any spouse or dependent child of a member of the
21 United States Armed Forces who loses his or her life while on
22 active duty or who is listed by the Armed Forces as
23 "missing-in-action." Such spouse or child must be a resident
24 of this state and the service member must have been a resident
25 of this state at the time of enlistment. Registration of such
26 motor vehicle must occur within 1 year of the notification of
27 the service member's death or of his or her status as
28 "missing-in-action."

29 5. Any member of the United States Armed Forces, or
30 his or her spouse or dependent child, who was a resident of
31 this state at the time of enlistment, who purchased a motor

1 vehicle while stationed outside of Florida, and who continues
2 to be stationed outside of Florida.

3 (5) The fee imposed in subsection (1) shall not apply
4 if it is determined, pursuant to an affidavit submitted by the
5 owner on a form approved by the department, that the
6 registration being transferred is from a vehicle that is not
7 operational, is in storage, or will not be operated on the
8 streets and highways of this state.

9 Section 14. Section 320.08048, Florida Statutes, is
10 created to read:

11 320.08048 Sample license plates.--

12 (1) The department is authorized, upon application and
13 payment of a \$10 fee per plate, to provide one or more sample
14 regular issuance license plates or specialty license plates
15 based upon availability.

16 (2) The sample license plates described in subsection
17 (1) shall have the word "SAMPLE" or an abbreviated variation
18 thereof, as determined by the department, based on the
19 specific design of such plate.

20 (3) Fees collected pursuant to this section shall be
21 deposited into the Highway Safety Operating Trust Fund.

22 (4) Tax collectors are not required to pay fees for
23 sample license plates obtained for display purposes at main or
24 branch offices.

25 Section 15. Section 320.131, Florida Statutes, 1996
26 Supplement, is amended to read:

27 320.131 Temporary tags.--

28 (1) The department is authorized and empowered to
29 design, issue, and regulate the use of temporary tags to be
30 designated "temporary tags" for use in the following cases:

31

- 1 (a) Where a dealer license plate may not be lawfully
2 used.
- 3 (b) For a casual or private sale, including the sale
4 of a marine boat trailer by a marine boat trailer dealer. A
5 "casual or private sale" means any sale other than that by a
6 licensed dealer.
- 7 (c) For certified common carriers or driveaway
8 companies who transport motor vehicles, mobile homes, or
9 recreational vehicles from one place to another for persons
10 other than themselves.
- 11 (d) For banks, credit unions, and other financial
12 institutions which are not required to be licensed under the
13 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
14 temporary tags for the purpose of demonstrating repossessions
15 for sale.
- 16 (e) Where a motor vehicle is sold in this state to a
17 resident of another state for registration therein and the
18 motor vehicle is not required to be registered under the
19 provisions of s. 320.38.
- 20 (f) Where a motor vehicle is required to be weighed or
21 emission tested prior to registration or have a vehicle
22 identification number verified. A temporary tag issued for any
23 of these purposes shall be valid for 5 days.
- 24 (g) Where an out-of-state resident, subject to
25 registration in this state, must secure ownership
26 documentation from the home state.
- 27 (h) For a rental car company which possesses a motor
28 vehicle dealer license and which may use temporary tags on
29 vehicles offered for lease by such company in accordance with
30 the provisions of rules established by the department.
31

1 However, the original issuance date of a temporary tag shall
2 be the date which determines the applicable license plate fee.

3 (i) In the resolution of a consumer complaint where
4 there is a need to issue more than two temporary tags, the
5 department may do so.

6 (j) While a personalized prestige or specialty license
7 plate is being manufactured for use upon the motor vehicle. A
8 temporary tag issued for this purpose shall be valid for 90
9 days.

10 (k)~~(j)~~ In any case where a permanent license plate can
11 not legally be issued to an applicant and a temporary license
12 plate is not specifically authorized under the provisions of
13 this section, the department shall have the discretion to
14 issue temporary license plates to applicants demonstrating a
15 need for such temporary use.

16 (l)~~(k)~~ For use by licensed dealers to transport motor
17 vehicles and recreational vehicles from the dealer's licensed
18 location to an off-premise sales location and return.
19 Temporary tags used for such purposes shall be issued to the
20 licensed dealer who owns the vehicles.

21
22 Further, the department is authorized to disallow the purchase
23 of temporary tags by licensed dealers, common carriers, or
24 financial institutions in those cases where abuse has
25 occurred.

26 (2) The department is authorized to sell temporary
27 tags, in addition to those listed above, to their agents and
28 where need is demonstrated by a consumer complainant. The fee
29 shall be \$2 each. One dollar from each tag sold shall be
30 deposited into the Brain and Spinal Cord Injury Rehabilitation
31 Trust Fund ~~Impaired Drivers and Speeders Trust Fund~~, with the

1 remaining proceeds being deposited into the Highway Safety
2 Operating Trust Fund. Agents of the department shall sell
3 temporary tags for \$2 each and shall charge the service charge
4 authorized by s. 320.04 per transaction, regardless of the
5 quantity sold. Requests for purchase of temporary tags to the
6 department or its agents shall be made, where applicable, on
7 letterhead stationery and notarized. Except as specifically
8 provided otherwise, a temporary tag shall be valid for 30
9 days, and no more than two shall be issued to the same person
10 for the same vehicle.

11 ~~(3) For the purpose of requiring proof of personal~~
12 ~~injury protection or liability insurance, the issuance of a~~
13 ~~temporary tag by a licensed motor vehicle dealer does not~~
14 ~~constitute registration of the vehicle. However, prior to the~~
15 ~~expiration of the first temporary tag issued to any person by~~
16 ~~a motor vehicle dealer, proof of personal injury protection or~~
17 ~~liability insurance shall be accomplished.~~

18 (3)~~(4)~~ Any person or corporation who unlawfully issues
19 or uses a temporary tag or violates this section or any rule
20 adopted by the department to implement this section is guilty
21 of a misdemeanor of the second degree punishable as provided
22 in s. 775.082 or s. 775.083 in addition to other
23 administrative action by the department.

24 (4) Temporary tags shall be conspicuously displayed in
25 the rear license plate bracket or attached to the inside of
26 the rear window in an upright position so as to be clearly
27 visible from the rear of the vehicle. On vehicles requiring
28 front display of license plates, temporary tags shall be
29 displayed on the front of the vehicle in the location where
30 the metal license plate would normally be displayed.

31

1 Section 16. Section 320.535, Florida Statutes, is
2 created to read:

3 320.535 Airport vehicles and equipment; definition;
4 exemption.--

5 (1) As used in this section, the term "airport fuel
6 trucks and equipment" means trucks, trailers, containers, and
7 other vehicles or equipment used for transporting aviation
8 fuel.

9 (2) Airport fuel trucks and equipment shall be exempt
10 from the provisions of this chapter which require the
11 registration of motor vehicles, the payment of license taxes,
12 and the display of license plates when operated or used for
13 the purpose of transporting aviation fuel within the airport
14 facility of any public-use airport of this state.

15 (3) The incidental operation of airport fuel trucks
16 or equipment on the roads of this state within the airport
17 facility while being operated for the purposes described in
18 subsection (2) shall not deprive such vehicle of the exemption
19 otherwise provided for in this section.

20 Section 17. Section 320.95, Florida Statutes, is
21 created to read:

22 320.95 Transactions by electronic or telephonic
23 means.--The department is authorized to accept any application
24 provided for under this chapter by electronic or telephonic
25 means.

26 Section 18. Subsections (2) and (4) of section 321.24,
27 Florida Statutes, are amended to read:

28 321.24 Members of an auxiliary to Florida Highway
29 Patrol.--

30 (2) Members of an auxiliary serving with the Florida
31 Highway Patrol shall at all times serve under the direction

1 and supervision of the director and members of the Florida
2 Highway Patrol. After approval by the director on an
3 individual basis and after completion of a firearms course
4 approved by the director, members of an auxiliary, while
5 serving under the supervision and direction of the director,
6 or a member of the Florida Highway Patrol, shall have the
7 power to bear arms and make arrests. Members of an auxiliary
8 shall have the same protection and immunities afforded
9 regularly employed highway patrol officers, which shall be
10 recognized by all courts having jurisdiction over offenses
11 against the laws of this state.

12 (4) No member of the auxiliary shall be required to
13 serve on any duty of and for said auxiliary without his or her
14 consent thereto. The duties of the auxiliary shall be limited
15 to assisting the Florida Highway Patrol in the performance of
16 its regularly constituted duties. ~~Nothing herein shall be~~
17 ~~construed to authorize any member of the auxiliary to make~~
18 ~~arrests.~~

19 Section 19. Subsection (26) of section 322.01, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 322.01 Definitions.--As used in this chapter:

22 (26) "Motor vehicle" means any self-propelled vehicle,
23 including a motor vehicle combination, not operated upon rails
24 or guideway, excluding vehicles moved solely by human power,
25 motorized wheelchairs, and motorized bicycles as defined in s.
26 316.003. For the purposes of this chapter, the term "motor
27 vehicle" includes a moped as defined in s. 316.003(77).

28 Section 20. Paragraph (c) of subsection (3) of section
29 322.121, Florida Statutes, is amended to read:

30 322.121 Periodic reexamination of all drivers.--

31

1 (3) For each licensee whose driving record does not
2 show any revocations, disqualifications, or suspensions for
3 the preceding 7 years or any convictions for the preceding 3
4 years except for convictions of the following nonmoving
5 violations:

6 (c) Operating a motor vehicle with an expired license
7 that has been expired for 4 months or less pursuant to s.
8 322.065 ~~322.03(5)~~;

9
10 the department shall cause such licensee's license to be
11 prominently marked with the notation "Safe Driver."

12 Section 21. Subsections (2) and (3) of section 322.16,
13 Florida Statutes, 1996 Supplement, are amended to read:

14 322.16 License restrictions.--

15 (2) A person who holds a driver's license and who is
16 under 17 years of age, when operating a motor vehicle after 11
17 p.m. and before 6 a.m., must be accompanied by a driver who
18 holds a valid license to operate the type of vehicle being
19 operated and is at least 21 years of age unless that person is
20 driving directly to or from work or a school-sponsored
21 activity.

22 (3) A person who holds a driver's license who is 17
23 years of age, when operating a motor vehicle after 1 a.m. and
24 before 5 a.m., must be accompanied by a driver who holds a
25 valid license to operate the type of vehicle being operated,
26 and is at least 21 years of age unless that person is driving
27 directly to or from work or a school-sponsored activity.

28 Section 22. Subsection (3) of section 322.1615,
29 Florida Statutes, 1996 Supplement, is amended to read:

30 322.1615 Learner's driver's license.--

31

1 (3) A person who holds a learner's driver's license
2 may operate a vehicle only between the hours of 6 a.m. and 7
3 p.m., except that the holder of a learner's driver license may
4 operate a vehicle between the hours of 7 p.m. and 10 p.m.
5 three months after the issuance of the learner's driver
6 license.

7 Section 23. Subsection (4) of section 322.293, Florida
8 Statutes, 1996 Supplement, is renumbered as subsection (5) and
9 a new subsection (4) is added to said section to read:

10 322.293 DUI Programs Coordination Trust Fund;
11 assessment; disposition.--

12 (4) The department is authorized to collect the amount
13 of 25 cents from each licensed DUI program for each person
14 enrolling in that DUI program who pays an assessment fee
15 pursuant to subsection (3), in order to establish and
16 administer an offender security account which shall be part of
17 the DUI Programs Coordination Trust Fund. Moneys collected
18 pursuant to this section and any interest accrued thereon
19 shall only be used for the provision of alternative DUI
20 program services in the event that any DUI program fails to
21 provide DUI program services to its enrolled offenders. The
22 department shall determine payment for alternative services
23 from a licensed DUI program under this subsection based, at a
24 minimum, on the following criteria: offender preference;
25 availability of services of the alternative provider;
26 proximity of alternative provider; and DUI program fee. No DUI
27 program shall be required to provide alternative services
28 under this subsection unless such DUI program consents to
29 provide such services. Each DUI program shall remit the amount
30 provided for under this section in addition to the amounts
31 provided under subsection (3). The alternative DUI program

1 service provider shall not be refunded the state assessment
2 fee and may not charge the affected enrolled offenders an
3 additional state assessment fee under this provision. This
4 section shall not result in any additional assessment or
5 increased fees charged by a DUI program. The charge of 25 cent
6 per offender in this subsection shall be assessed by the
7 department until the offender security account initially
8 attains a balance of \$100,000; however, all DUI programs
9 approved by the department must pay the charge of 25 cents per
10 offender for at least 3 years. Any DUI program that has paid
11 the charge for at least 3 years or more shall not be required
12 to pay additional amounts unless the balance of the fund falls
13 below \$100,000 as a result of payment pursuant to this
14 subsection. At any time that the balance falls below \$100,000
15 all DUI programs must pay the charge per offender until the
16 balance of \$100,000 is again maintained regardless of the
17 number of years the DUI program has already paid to the
18 offender security fund. The department shall not be liable to
19 any individual or DUI program for payment under this
20 subsection in excess of the amount of funds in the offender
21 security account. All moneys assessed under this subsection
22 shall be forwarded to the DUI Programs Coordination Trust Fund
23 in accordance with subsection (5).

24 Section 24. Section 322.70, Florida Statutes, is
25 created to read:

26 322.70 Transactions by electronic or telephonic
27 means.--The department is authorized to accept any application
28 provided for under this chapter by electronic or telephonic
29 means.

30 Section 25. Section 327.90, Florida Statutes, is
31 created to read:

1 327.90 Transactions by electronic or telephonic
2 means.--The department is authorized to accept any application
3 provided for under this chapter by electronic or telephonic
4 means.

5 Section 26. Subsection (4) is added to section 328.16,
6 Florida Statutes, 1996 Supplement, to read:

7 328.16 Issuance in duplicate; delivery; liens and
8 encumbrances.--

9 (4) Notwithstanding any requirements in this section
10 or in s. 328.15 indicating that a lien on a vessel shall be
11 noted on the face of the Florida certificate of title, if
12 there are one or more liens or encumbrances on a vessel, the
13 department may electronically transmit the lien to the first
14 lienholder and notify the first lienholder of any additional
15 liens. Subsequent lien satisfactions may be electronically
16 transmitted to the department and shall include the name and
17 address of the person or entity satisfying the lien. When
18 electronic transmission of liens and lien satisfactions are
19 used, the issuance of a certificate of title may be waived
20 until the last lien is satisfied and a clear certificate of
21 title is issued to the owner of the vessel.

22 Section 27. Section 328.30, Florida Statutes, is
23 created to read:

24 328.30 Transactions by electronic or telephonic
25 means.--The department is authorized to accept any application
26 provided for under this chapter by electronic or telephonic
27 means.

28 Section 28. This act shall take effect October 1,
29 1997.

30
31