

By Senator Sebesta

16-702A-03

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; repealing s.
4 317.0008(2), F.S., relating to the expedited
5 issuance of duplicate certificates of title for
6 off-highway vehicles; creating s. 317.0014,
7 F.S.; establishing procedures for the issuance
8 of off-highway vehicle titles; creating s.
9 317.0015, F.S.; providing for the applicability
10 of certain provisions of law to the titling of
11 off-highway vehicles; creating s. 317.0016,
12 F.S.; providing for the expedited issuance of
13 titles for off-highway vehicles; creating s.
14 317.0017, F.S.; prohibiting specified actions
15 relating to the issuance of titles for
16 off-highway vehicles; providing a penalty;
17 creating s. 317.0018, F.S.; prohibiting the
18 transfer of an off-highway vehicle without
19 delivery of a certificate of title; prescribing
20 other violations; providing a penalty; amending
21 s. 319.23, F.S.; providing that licensed motor
22 vehicle dealers must notify the Department of
23 Highway Safety and Motor Vehicles of motor
24 vehicles taken in trade; amending s. 320.0601,
25 F.S.; requiring leased vehicles to be
26 registered in the name of the lessee; amending
27 s. 320.131, F.S.; providing for the creation of
28 an electronic temporary license plate system;
29 amending s. 320.27, F.S.; revising provisions
30 relating to the suspension or revocation of a
31 motor vehicle dealer license; amending s.

1 322.051, F.S.; revising provisions relating to
2 the application for an identification card;
3 amending s. 322.08, F.S.; providing that a
4 United States passport is an acceptable proof
5 of identity for purposes of obtaining a
6 driver's license; providing that a
7 naturalization certificate issued by the United
8 States Department of Justice is an acceptable
9 proof of identity for such purpose; providing
10 that specified documents issued by the United
11 States Department of Justice are acceptable as
12 proof of nonimmigrant classification; amending
13 s. 322.12, F.S.; revising provisions relating
14 to the reinstatement of a driver's license
15 following certain violations; revising the
16 distribution of specified fees; amending s.
17 322.142, F.S.; providing that the requirement
18 for a fullface photograph or digital image on a
19 driver's license or identification card may not
20 be waived under ch. 761, F.S.; amending s.
21 322.17, F.S.; revising provisions relating to
22 the application for a replacement or duplicate
23 driver's license; amending s. 322.18, F.S.;
24 revising the expiration period for driver's
25 licenses issued to specified persons; amending
26 s. 322.19, F.S.; revising requirements relating
27 to name and address changes for driver's
28 licenses; amending s. 713.78, F.S.; revising
29 provisions relating to the placement of a
30 wrecker operator lien against a motor vehicle;
31 providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Subsection (2) of section 317.0008, Florida
4 Statutes, is repealed.

5 Section 2. Section 317.0014, Florida Statutes, is
6 created to read:

7 317.0014 Certificate of title; issuance in duplicate;
8 delivery; liens and encumbrances.--

9 (1) The department shall assign a number to each
10 certificate of title and shall issue each certificate of title
11 and each corrected certificate in duplicate. The database
12 record shall serve as the duplicate title certificate required
13 in this section. One printed copy may be retained on file by
14 the department.

15 (2) A duly authorized person shall sign the original
16 certificate of title and each corrected certificate and, if
17 there are no liens or encumbrances on the off-highway vehicle,
18 as shown in the records of the department or as shown in the
19 application, shall deliver the certificate to the applicant or
20 to another person as directed by the applicant or person,
21 agent, or attorney submitting the application. If there are
22 one or more liens or encumbrances on the off-highway vehicle,
23 the certificate shall be delivered by the department to the
24 first lienholder as shown by department records or to the
25 owner as indicated in the notice of lien filed by the first
26 lienholder. If the notice of lien filed by the first
27 lienholder indicates that the certificate should be delivered
28 to the first lienholder, the department shall deliver to the
29 first lienholder, along with the certificate, a form to be
30 subsequently used by the lienholder as a satisfaction. If the
31 notice of lien filed by the first lienholder directs the

1 certificate of title to be delivered to the owner, then, upon
2 delivery of the certificate of title by the department to the
3 owner, the department shall deliver to the first lienholder
4 confirmation of the receipt of the notice of lien and the date
5 the certificate of title was issued to the owner at the
6 owner's address shown on the notice of lien and a form to be
7 subsequently used by the lienholder as a satisfaction. If the
8 application for certificate shows the name of a first
9 lienholder different from the name of the first lienholder as
10 shown by the records of the department, the certificate may
11 not be issued to any person until after all parties who appear
12 to hold a lien and the applicant for the certificate have been
13 notified of the conflict in writing by the department by
14 certified mail. If the parties do not amicably resolve the
15 conflict within 10 days after the date the notice was mailed,
16 the department shall serve notice in writing by certified mail
17 on all persons appearing to hold liens on that particular
18 vehicle, including the applicant for the certificate, to show
19 cause within 15 days following the date the notice is mailed
20 as to why it should not issue and deliver the certificate to
21 the person indicated in the notice of lien filed by the
22 lienholder whose name appears in the application as the first
23 lienholder without showing any lien or liens as outstanding
24 other than those appearing in the application or those that
25 have been filed subsequent to the filing of the application
26 for the certificate. If, within the 15-day period, any person
27 other than the lienholder shown in the application or a party
28 filing a subsequent lien, in answer to the notice to show
29 cause, appears in person or by a representative, or responds
30 in writing, and files a written statement under oath that his
31 or her lien on that particular vehicle is still outstanding,

1 the department may not issue the certificate to anyone until
2 after the conflict has been settled by the lien claimants
3 involved or by a court of competent jurisdiction. If the
4 conflict is not settled amicably within 10 days after the
5 final date for filing an answer to the notice to show cause,
6 the complaining party shall have 10 days in which to obtain a
7 ruling, or a stay order, from a court of competent
8 jurisdiction. If a ruling or stay order is not issued and
9 served on the department within the 10-day period, it shall
10 issue the certificate showing no liens except those shown in
11 the application or thereafter filed to the original applicant
12 if there are no liens shown in the application and none are
13 thereafter filed, or to the person indicated in the notice of
14 lien filed by the lienholder whose name appears in the
15 application as the first lienholder if there are liens shown
16 in the application or thereafter filed. A duplicate
17 certificate or corrected certificate shall show only the lien
18 or liens as shown in the application and any subsequently
19 filed liens that may be outstanding.

20 (3) Except as provided in subsection (4), the
21 certificate of title shall be retained by the first lienholder
22 or the owner as indicated in the notice of lien filed by the
23 first lienholder. If the first lienholder is in possession of
24 the certificate, the first lienholder is entitled to retain
25 the certificate until the first lien is satisfied.

26 (4) If the owner of the vehicle, as shown on the title
27 certificate, desires to place a second or subsequent lien or
28 encumbrance against the vehicle when the title certificate is
29 in the possession of the first lienholder, the owner shall
30 send a written request to the first lienholder by certified
31 mail, and the first lienholder shall forward the certificate

1 to the department for endorsement. If the title certificate is
2 in the possession of the owner, the owner shall forward the
3 certificate to the department for endorsement. The department
4 shall return the certificate to either the first lienholder or
5 to the owner, as indicated in the notice of lien filed by the
6 first lienholder, after endorsing the second or subsequent
7 lien on the certificate and on the duplicate. If the first
8 lienholder or owner fails, neglects, or refuses to forward the
9 certificate of title to the department within 10 days after
10 the date of the owner's request, the department, on the
11 written request of the subsequent lienholder or an assignee of
12 the lien, shall demand of the first lienholder the return of
13 the certificate for the notation of the second or subsequent
14 lien or encumbrance.

15 (5)(a) Upon satisfaction of any first lien or
16 encumbrance recorded by the department, the owner of the
17 vehicle, as shown on the title certificate, or the person
18 satisfying the lien is entitled to demand and receive from the
19 lienholder a satisfaction of the lien. If the lienholder, upon
20 satisfaction of the lien and upon demand, fails or refuses to
21 furnish a satisfaction of the lien within 30 days after
22 demand, he or she is liable for all costs, damages, and
23 expenses, including reasonable attorney's fees, lawfully
24 incurred by the titled owner or person satisfying the lien in
25 any suit brought in this state for cancellation of the lien.
26 The lienholder receiving final payment as defined in s.
27 674.215 shall mail or otherwise deliver a lien satisfaction
28 and the certificate of title indicating the satisfaction
29 within 10 working days after receipt of final payment or
30 notify the person satisfying the lien that the title is not
31 available within 10 working days after receipt of final

1 payment. If the lienholder is unable to provide the
2 certificate of title and notifies the person of such, the
3 lienholder shall provide a lien satisfaction and is
4 responsible for the cost of a duplicate title, including
5 expedited title charges as provided in s. 317.0016. This
6 paragraph does not apply to electronic transactions under
7 subsection (8).

8 (b) Following satisfaction of a lien, the lienholder
9 shall enter a satisfaction thereof in the space provided on
10 the face of the certificate of title. If the certificate of
11 title was retained by the owner, the owner shall, within 5
12 days after satisfaction of the lien, deliver the certificate
13 of title to the lienholder and the lienholder shall enter a
14 satisfaction thereof in the space provided on the face of the
15 certificate of title. If no subsequent liens are shown on the
16 certificate of title, the certificate shall be delivered by
17 the lienholder to the person satisfying the lien or
18 encumbrance and an executed satisfaction on a form provided by
19 the department shall be forwarded to the department by the
20 lienholder within 10 days after satisfaction of the lien.

21 (c) If the certificate of title shows a subsequent
22 lien not then being discharged, an executed satisfaction of
23 the first lien shall be delivered by the lienholder to the
24 person satisfying the lien and the certificate of title
25 showing satisfaction of the first lien shall be forwarded by
26 the lienholder to the department within 10 days after
27 satisfaction of the lien.

28 (d) If, upon receipt of a title certificate showing
29 satisfaction of the first lien, the department determines from
30 its records that there are no subsequent liens or encumbrances
31 upon the vehicle, the department shall forward to the owner,

1 as shown on the face of the title, a corrected certificate
2 showing no liens or encumbrances. If there is a subsequent
3 lien not being discharged, the certificate of title shall be
4 reissued showing the second or subsequent lienholder as the
5 first lienholder and shall be delivered to either the new
6 first lienholder or to the owner as indicated in the notice of
7 lien filed by the new first lienholder. If the certificate of
8 title is to be retained by the first lienholder on the
9 reissued certificate, the first lienholder is entitled to
10 retain the certificate of title except as provided in
11 subsection (4) until his or her lien is satisfied. Upon
12 satisfaction of the lien, the lienholder is subject to the
13 procedures required of a first lienholder by subsection (4)
14 and this subsection.

15 (6) When the original certificate of title cannot be
16 returned to the department by the lienholder and evidence
17 satisfactory to the department is produced that all liens or
18 encumbrances have been satisfied, upon application by the
19 owner for a duplicate copy of the certificate upon the form
20 prescribed by the department, accompanied by the fee
21 prescribed in this chapter, a duplicate copy of the
22 certificate of title, without statement of liens or
23 encumbrances, shall be issued by the department and delivered
24 to the owner.

25 (7) Any person who fails, within 10 days after receipt
26 of a demand by the department by certified mail, to return a
27 certificate of title to the department as required by
28 subsection (4) or who, upon satisfaction of a lien, fails
29 within 10 days after receipt of such demand to forward the
30 appropriate document to the department as required by
31 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of

1 the second degree, punishable as provided in s. 775.082 or s.
2 775.073.

3 (8) Notwithstanding any requirements in this section
4 or in s. 319.27 indicating that a lien on a vehicle shall be
5 noted on the face of the Florida certificate of title, if
6 there are one or more liens or encumbrances on the off-highway
7 vehicle, the department may electronically transmit the lien
8 to the first lienholder and notify the first lienholder of any
9 additional liens. Subsequent lien satisfactions may be
10 electronically transmitted to the department and must include
11 the name and address of the person or entity satisfying the
12 lien. When electronic transmission of liens and lien
13 satisfactions are used, the issuance of a certificate of title
14 may be waived until the last lien is satisfied and a clear
15 certificate of title is issued to the owner of the vehicle.

16 (9) In sending any notice, the department is required
17 to use only the last known address, as shown by its records.

18 Section 3. Section 317.0015, Florida Statutes, is
19 created to read:

20 317.0015 Application of Law.--Sections 319.235,
21 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
22 off-highway vehicles that are required to be titled under this
23 chapter.

24 Section 4. Section 317.0016, Florida Statutes, is
25 created to read:

26 317.0016 Expedited service; applications; fees.--The
27 department shall establish a separate title office that may be
28 used by private citizens to receive expedited service on title
29 transfers, title issuances, duplicate titles, recordation of
30 liens, and certificates of repossession. A fee of \$7 shall be
31 charged for this service, which is in addition to the fees

1 imposed by ss. 317.0007 and 317.0008, and \$3.50 of this fee
2 shall be retained by the processing agency. All remaining fees
3 shall be deposited in the Incidental Trust Fund of the
4 Division of Forestry of the Department of Agriculture and
5 Consumer Services. Application for expedited service may be
6 made by mail or in person. The department shall issue each
7 title applied for pursuant to this section within 5 working
8 days after receipt of the application except for an
9 application for a duplicate title certificate covered by s.
10 317.0008(3), in which case the title must be issued within 5
11 working days after compliance with the department's
12 verification requirements.

13 Section 5. Section 317.0017, Florida Statutes, is
14 created to read:

15 317.0017 Offenses involving vehicle identification
16 numbers, applications, certificates, papers; penalty.--

17 (1) A person may not:

18 (a) Alter or forge any certificate of title to an
19 off-highway vehicle or any assignment thereof or any
20 cancellation of any lien on an off-highway vehicle.

21 (b) Retain or use such certificate, assignment, or
22 cancellation knowing that it has been altered or forged.

23 (c) Procure or attempt to procure a certificate of
24 title to an off-highway vehicle, or pass or attempt to pass a
25 certificate of title or any assignment thereof to an
26 off-highway vehicle, knowing or having reason to believe that
27 the off-highway vehicle has been stolen.

28 (d) Possess, sell or offer for sale, conceal, or
29 dispose of in this state an off-highway vehicle, or major
30 component part thereof, on which any motor number or vehicle
31 identification number affixed by the manufacturer or by a

1 state agency has been destroyed, removed, covered, altered, or
2 defaced, with knowledge of such destruction, removal,
3 covering, alteration, or defacement, except as provided in s.
4 319.30(4).

5 (e) Use a false or fictitious name, give a false or
6 fictitious address, or make any false statement in any
7 application or affidavit required under this chapter or in a
8 bill of sale or sworn statement of ownership or otherwise
9 commit a fraud in any application.

10 (2) A person may not knowingly obtain goods, services,
11 credit, or money by means of an invalid, duplicate,
12 fictitious, forged, counterfeit, stolen, or unlawfully
13 obtained certificate of title, registration, bill of sale, or
14 other indicia of ownership of an off-highway vehicle.

15 (3) A person may not knowingly obtain goods, services,
16 credit, or money by means of a certificate of title to an
17 off-highway vehicle, which certificate is required by law to
18 be surrendered to the department.

19 (4) A person may not knowingly and with intent to
20 defraud have in his or her possession, sell, offer to sell,
21 counterfeit, or supply a blank, forged, fictitious,
22 counterfeit, stolen, or fraudulently or unlawfully obtained
23 certificate of title, bill of sale, or other indicia of
24 ownership of an off-highway vehicle or conspire to do any of
25 the foregoing.

26 (5) A person, firm, or corporation may not knowingly
27 possess, manufacture, sell or exchange, offer to sell or
28 exchange, supply in blank, or give away any counterfeit
29 manufacturer's or state-assigned identification number plates
30 or serial plates or any decal used for the purpose of
31 identifying an off-highway vehicle. An officer, agent, or

1 employee of any person, firm, or corporation, or any person
2 may not authorize, direct, aid in exchange, or give away, or
3 conspire to authorize, direct, aid in exchange, or give away,
4 such counterfeit manufacturer's or state-assigned
5 identification number plates or serial plates or any decal.
6 However, this subsection does not apply to any approved
7 replacement manufacturer's or state-assigned identification
8 number plates or serial plates or any decal issued by the
9 department or any state.

10 (6) A person who violates any provision of this
11 section commits a felony of the third degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084. Any
13 off-highway vehicle used in violation of this section
14 constitutes contraband that may be seized by a law enforcement
15 agency and that is subject to forfeiture proceedings pursuant
16 to ss. 932.701-932.704. This section is not exclusive of any
17 other penalties prescribed by any existing or future laws for
18 the larceny or unauthorized taking of off-highway vehicles,
19 but is supplementary thereto.

20 Section 6. Section 317.0018, Florida Statutes, is
21 created to read:

22 317.0018 Transfer without delivery of certificate;
23 operation or use without certificate; failure to surrender;
24 other violations.--Except as otherwise provided in this
25 chapter, any person who:

26 (1) Purports to sell or transfer an off-highway
27 vehicle without delivering to the purchaser or transferee of
28 the vehicle a certificate of title to the vehicle duly
29 assigned to the purchaser as provided in this chapter;

30 (2) Operates or uses in this state an off-highway
31 vehicle for which a certificate of title is required without

1 the certificate having been obtained in accordance with this
2 chapter, or upon which the certificate of title has been
3 canceled;

4 (3) Fails to surrender a certificate of title upon
5 cancellation of the certificate by the department and notice
6 thereof as prescribed in this chapter;

7 (4) Fails to surrender the certificate of title to the
8 department as provided in this chapter in the case of the
9 destruction, dismantling, or change of an off-highway vehicle
10 in such respect that it is not the off-highway vehicle
11 described in the certificate of title; or

12 (5) Violates any other provision of this chapter or a
13 lawful rule adopted pursuant to this chapter,

14
15 Shall be fined not more than \$500 or imprisoned for not more
16 than 6 months, or both, for each offense.

17 Section 7. Subsection (6) of section 319.23, Florida
18 Statutes, is amended to read:

19 319.23 Application for, and issuance of, certificate
20 of title.--

21 (6) In the case of the sale of a motor vehicle or
22 mobile home by a licensed dealer to a general purchaser, the
23 certificate of title shall be obtained in the name of the
24 purchaser by the dealer upon application signed by the
25 purchaser, and in each other case such certificate shall be
26 obtained by the purchaser. In each case of transfer of a
27 motor vehicle or mobile home, the application for certificate
28 of title, or corrected certificate, or assignment or
29 reassignment, shall be filed within 30 days from the delivery
30 of such motor vehicle or mobile home to the purchaser. An
31 applicant shall be required to pay a fee of \$10, in addition

1 to all other fees and penalties required by law, for failing
2 to file such application within the specified time. When a
3 licensed dealer acquires a motor vehicle or mobile home as a
4 trade-in, the dealer must file with the department a notice of
5 sale signed by the seller. The department shall update its
6 database for that title record to indicate "sold". A licensed
7 dealer need not apply for a certificate of title for any motor
8 vehicle or mobile home in stock acquired for stock purposes
9 except as provided in s. 319.225.

10 Section 8. Section 320.0601, Florida Statutes, is
11 amended to read:

12 320.0601 Lease or rental car companies; identification
13 of vehicles as for-hire.--

14 (1) Effective July 1, 2003, all original and transfer
15 transactions of long-term leased motor vehicles must be
16 registered in the name of the lessee.

17 (2)~~(1)~~ A rental car company may not rent in this state
18 any for-hire vehicle, other than vehicles designed to
19 transport cargo, that has affixed to its exterior any bumper
20 stickers, insignias, or advertising that identifies the
21 vehicle as a rental vehicle.

22 (3)~~(2)~~ As used in this section, the term:

23 (a) "Bumper stickers, insignias, or advertising" does
24 not include:

25 1. Any emblem of no more than two colors which is less
26 than 2 inches by 4 inches, which is placed on the rental car
27 for inventory purposes only, and which does not display the
28 name or logo of the rental car company; or

29 2. Any license required by the law of the state in
30 which the vehicle is registered.

31

1 (b) "Rent in this state" means to sign a rental
2 contract in this state or to deliver a car to a renter in this
3 state.

4 ~~(4)(3)~~ A rental car company that leases a motor
5 vehicle that is found to be in violation of this section shall
6 be punished by a fine of \$500 per occurrence.

7 Section 9. Section 320.131, Florida Statutes, is
8 amended to read:

9 320.131 Temporary tags and plates.--

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

13 (a) Where a dealer license plate may not be lawfully
14 used.

15 (b) For a casual or private sale, including the sale
16 of a marine boat trailer by a marine boat trailer dealer. A
17 "casual or private sale" means any sale other than that by a
18 licensed dealer.

19 (c) For certified common carriers or driveaway
20 companies who transport motor vehicles, mobile homes, or
21 recreational vehicles from one place to another for persons
22 other than themselves.

23 (d) For banks, credit unions, and other financial
24 institutions which are not required to be licensed under the
25 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
26 temporary tags for the purpose of demonstrating repossessions
27 for sale.

28 (e) Where a motor vehicle is sold in this state to a
29 resident of another state for registration therein and the
30 motor vehicle is not required to be registered under the
31 provisions of s. 320.38.

1 (f) Where a motor vehicle is required to be weighed or
2 emission tested prior to registration or have a vehicle
3 identification number verified. A temporary tag issued for any
4 of these purposes shall be valid for 10 days.

5 (g) Where an out-of-state resident, subject to
6 registration in this state, must secure ownership
7 documentation from the home state.

8 (h) For a rental car company which possesses a motor
9 vehicle dealer license and which may use temporary tags on
10 vehicles offered for lease by such company in accordance with
11 the provisions of rules established by the department.
12 However, the original issuance date of a temporary tag shall
13 be the date which determines the applicable license plate fee.

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

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

21 (k) In any case where a permanent license plate cannot
22 legally be issued to an applicant and a temporary license
23 plate is not specifically authorized under the provisions of
24 this section, the department shall have the discretion to
25 issue or authorize agents or Florida licensed dealers to issue
26 temporary license plates to applicants demonstrating a need
27 for such temporary use.

28 (l) For use by licensed dealers to transport motor
29 vehicles and recreational vehicles from the dealer's licensed
30 location to an off-premise sales location and return.

31

1 Temporary tags used for such purposes shall be issued to the
2 licensed dealer who owns the vehicles.

3

4 Further, the department is authorized to disallow the purchase
5 of temporary tags by licensed dealers, common carriers, or
6 financial institutions in those cases where abuse has
7 occurred.

8 (2) The department is authorized to sell temporary
9 tags, in addition to those listed above, to their agents and
10 where need is demonstrated by a consumer complainant. The fee
11 shall be \$2 each. One dollar from each tag sold shall be
12 deposited into the Brain and Spinal Cord Injury Rehabilitation
13 Trust Fund, with the remaining proceeds being deposited into
14 the Highway Safety Operating Trust Fund. Agents of the
15 department shall sell temporary tags for \$2 each and shall
16 charge the service charge authorized by s. 320.04 per
17 transaction, regardless of the quantity sold. Requests for
18 purchase of temporary tags to the department or its agents
19 shall be made, where applicable, on letterhead stationery and
20 notarized. Except as specifically provided otherwise, a
21 temporary tag shall be valid for 30 days, and no more than two
22 shall be issued to the same person for the same vehicle.

23 (3) Any person or corporation who unlawfully issues or
24 uses a temporary tag or violates this section or any rule
25 adopted by the department to implement this section is guilty
26 of a misdemeanor of the second degree punishable as provided
27 in s. 775.082 or s. 775.083 in addition to other
28 administrative action by the department, except that using a
29 temporary tag that has been expired for a period of 7 days or
30 less is a noncriminal infraction, and is a nonmoving violation
31 punishable as provided for in chapter 318.

1 (4) Temporary tags shall be conspicuously displayed in
2 the rear license plate bracket or attached to the inside of
3 the rear window in an upright position so as to be clearly
4 visible from the rear of the vehicle. On vehicles requiring
5 front display of license plates, temporary tags shall be
6 displayed on the front of the vehicle in the location where
7 the metal license plate would normally be displayed.

8 (5) Any person who knowingly and willfully abuses or
9 misuses temporary tag issuance to avoid registering a vehicle
10 requiring registration pursuant to this chapter or chapter 319
11 commits a misdemeanor of the first degree, punishable as
12 provided in s. 775.082 or s. 775.083.

13 (6) Any person who knowingly and willfully issues a
14 temporary tag or causes another to issue a temporary tag to a
15 fictitious person or entity to avoid disclosure of the true
16 owner of a vehicle commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 (7) Any person authorized by this section to purchase
20 and issue a temporary tag shall maintain records as required
21 by this chapter or departmental rules, and such records shall
22 be open to inspection by the department or its agents during
23 reasonable business hours. Any person who knowingly and
24 willfully fails to comply with this subsection commits a
25 misdemeanor of the second degree, punishable as provided in s.
26 775.082 or s. 775.083.

27 (8) The department may administer an electronic system
28 for licensed motor vehicle dealers to use in issuing temporary
29 tags. Upon issuing a temporary license plate, the dealer shall
30 access the electronic system and enter the appropriate vehicle
31 and owner information within the timeframe specified by

1 department rule. If a dealer fails to comply with the
2 department's requirements for issuing temporary tags using the
3 electronic system, the department may deny, suspend, or revoke
4 a license issued under s. 320.27(9)(b)16. upon proof that the
5 licensee has failed to comply with this subsection.

6 Section 10. Paragraph (b) of subsection (9) of section
7 320.27, Florida Statutes, is amended to read:

8 320.27 Motor vehicle dealers.--

9 (9) DENIAL, SUSPENSION, OR REVOCATION.--

10 (b) The department may deny, suspend, or revoke any
11 license issued hereunder or under the provisions of s. 320.77
12 or s. 320.771 upon proof that a licensee has committed, with
13 sufficient frequency so as to establish a pattern of
14 wrongdoing on the part of a licensee, violations of one or
15 more of the following activities:

16 1. Representation that a demonstrator is a new motor
17 vehicle, or the attempt to sell or the sale of a demonstrator
18 as a new motor vehicle without written notice to the purchaser
19 that the vehicle is a demonstrator. For the purposes of this
20 section, a "demonstrator," a "new motor vehicle," and a "used
21 motor vehicle" shall be defined as under s. 320.60.

22 2. Unjustifiable refusal to comply with a licensee's
23 responsibility under the terms of the new motor vehicle
24 warranty issued by its respective manufacturer, distributor,
25 or importer. However, if such refusal is at the direction of
26 the manufacturer, distributor, or importer, such refusal shall
27 not be a ground under this section.

28 3. Misrepresentation or false, deceptive, or
29 misleading statements with regard to the sale or financing of
30 motor vehicles which any motor vehicle dealer has, or causes
31 to have, advertised, printed, displayed, published,

1 distributed, broadcast, televised, or made in any manner with
2 regard to the sale or financing of motor vehicles.

3 4. Failure by any motor vehicle dealer to provide a
4 customer or purchaser with an odometer disclosure statement
5 and a copy of any bona fide written, executed sales contract
6 or agreement of purchase connected with the purchase of the
7 motor vehicle purchased by the customer or purchaser.

8 5. Failure of any motor vehicle dealer to comply with
9 the terms of any bona fide written, executed agreement,
10 pursuant to the sale of a motor vehicle.

11 6. Failure to apply for transfer of a title as
12 prescribed in s. 319.23(6).

13 7. Use of the dealer license identification number by
14 any person other than the licensed dealer or his or her
15 designee.

16 8. Failure to continually meet the requirements of the
17 licensure law.

18 9. Representation to a customer or any advertisement
19 to the public representing or suggesting that a motor vehicle
20 is a new motor vehicle if such vehicle lawfully cannot be
21 titled in the name of the customer or other member of the
22 public by the seller using a manufacturer's statement of
23 origin as permitted in s. 319.23(1).

24 10. Requirement by any motor vehicle dealer that a
25 customer or purchaser accept equipment on his or her motor
26 vehicle which was not ordered by the customer or purchaser.

27 11. Requirement by any motor vehicle dealer that any
28 customer or purchaser finance a motor vehicle with a specific
29 financial institution or company.

30
31

1 12. Requirement by any motor vehicle dealer that the
2 purchaser of a motor vehicle contract with the dealer for
3 physical damage insurance.

4 13. Perpetration of a fraud upon any person as a
5 result of dealing in motor vehicles, including, without
6 limitation, the misrepresentation to any person by the
7 licensee of the licensee's relationship to any manufacturer,
8 importer, or distributor.

9 14. Violation of any of the provisions of s. 319.35 by
10 any motor vehicle dealer.

11 15. Sale by a motor vehicle dealer of a vehicle
12 offered in trade by a customer prior to consummation of the
13 sale, exchange, or transfer of a newly acquired vehicle to the
14 customer, unless the customer provides written authorization
15 for the sale of the trade-in vehicle prior to delivery of the
16 newly acquired vehicle.

17 16. Willful failure to comply with any administrative
18 rule adopted by the department or s. 320.131(8).

19 17. Violation of chapter 319, this chapter, or ss.
20 559.901-559.9221, which has to do with dealing in or repairing
21 motor vehicles or mobile homes. Additionally, in the case of
22 used motor vehicles, the willful violation of the federal law
23 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
24 to the consumer sales window form.

25 Section 11. Paragraph (a) of subsection (1) and
26 paragraph (c) of subsection (2) of section 322.051, Florida
27 Statutes, are amended to read:

28 322.051 Identification cards.--

29 (1) Any person who is 12 years of age or older, or any
30 person who has a disability, regardless of age, who applies
31 for a disabled parking permit under s. 320.0848, may be issued

1 an identification card by the department upon completion of an
2 application and payment of an application fee.

3 (a) Each such application shall include the following
4 information regarding the applicant:

5 1. Full name (first, middle or maiden, and last),
6 gender, social security card number, county of residence and
7 mailing address, country of birth, and a brief description.

8 2. Proof of birth date satisfactory to the department.

9 3. Proof of identity satisfactory to the department.

10 Such proof must include one of the following documents issued
11 to the applicant:

12 a. A driver's license record or identification card
13 record from another jurisdiction that required the applicant
14 to submit a document for identification which is substantially
15 similar to a document required under sub-subparagraph b.,
16 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
17 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

18 b. A certified copy of a United States birth
19 certificate;

20 c. A ~~valid~~ United States passport;

21 d. A naturalization certificate issued by the United
22 States Department of Justice;

23 ~~e.d.~~ An alien registration receipt card (green card);

24 ~~f.e.~~ An employment authorization card issued by the
25 United States Department of Justice; or

26 g.f. Proof of nonimmigrant classification provided by
27 the United States Department of Justice, for an original
28 identification card. In order to prove such nonimmigrant
29 classification, applicants may produce but are not limited to
30 the following documents:

31

1 (I) A notice of hearing from an immigration court
2 scheduling a hearing on any proceeding.

3 (II) A notice from the Board of Immigration Appeals
4 acknowledging pendency of an appeal.

5 (III) Notice of the approval of an application for
6 adjustment of status issued by the United States Immigration
7 and Naturalization Service.

8 (IV) Any official documentation confirming the filing
9 of a petition for asylum status or any other relief issued by
10 the United States Immigration and Naturalization Service.

11 (V) Notice of action transferring any pending matter
12 from another jurisdiction to Florida, issued by the United
13 States Immigration and Naturalization Service.

14 (VI) Order of an immigration judge or immigration
15 officer granting any relief that authorizes the alien to live
16 and work in the United States including, but not limited to
17 asylum.

18
19 Presentation of any of the foregoing documents entitles ~~shall~~
20 ~~entitle~~ the applicant to an identification card ~~a driver's~~
21 ~~license or temporary permit~~ for a period not to exceed the
22 expiration date of the document presented or 2 years,
23 whichever first occurs.

24 (2)

25 (c) Notwithstanding any other provisions of this
26 chapter, if an applicant establishes his or her identity for
27 an identification card using an identification document
28 authorized under sub-subparagraphs (a)3.f.-g. ~~(a)3.e.-f.~~, the
29 identification card shall expire 4 years after the date of
30 issuance or upon the expiration date cited on the United
31 States Department of Justice documents, whichever date first

1 occurs, and may not be renewed or obtain a duplicate except in
2 person.

3 Section 12. Subsection (2) of section 322.08, Florida
4 Statutes, is amended to read:

5 322.08 Application for license.--

6 (2) Each such application shall include the following
7 information regarding the applicant:

8 (a) Full name (first, middle or maiden, and last),
9 gender, social security card number, county of residence and
10 mailing address, country of birth, and a brief description.

11 (b) Proof of birth date satisfactory to the
12 department.

13 (c) Proof of identity satisfactory to the department.
14 Such proof must include one of the following documents issued
15 to the applicant:

16 1. A driver's license record or identification card
17 record from another jurisdiction that required the applicant
18 to submit a document for identification which is substantially
19 similar to a document required under subparagraph 2.,
20 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
21 subparagraph 6., or subparagraph 7.;

22 2. A certified copy of a United States birth
23 certificate;

24 3. A ~~valid~~ United States passport;

25 4. A naturalization certificate issued by the United
26 States Department of Justice;

27 ~~5.4.~~ An alien registration receipt card (green card);

28 ~~6.5.~~ An employment authorization card issued by the
29 United States Department of Justice; or

30 ~~7.6.~~ Proof of nonimmigrant classification provided by
31 the United States Department of Justice, for an original

1 driver's license. In order to prove nonimmigrant
2 classification, an applicant may produce the following
3 documents, including, but not limited to:

4 a. A notice of hearing from an immigration court
5 scheduling a hearing on any proceeding.

6 b. A notice from the Board of Immigration Appeals
7 acknowledging pendency of an appeal.

8 c. A notice of the approval of an application for
9 adjustment of status issued by the United States Immigration
10 and Naturalization Service.

11 d. Any official documentation confirming the filing of
12 a petition for asylum status or any other relief issued by the
13 United States Immigration and Naturalization Service.

14 e. A notice of action transferring any pending matter
15 from another jurisdiction to this state issued by the United
16 States Immigration and Naturalization Service.

17 f. An order of an immigration judge or immigration
18 officer granting any relief that authorizes the alien to live
19 and work in the United States, including, but not limited to,
20 asylum.

21
22 Presentation of any of the foregoing documents entitles the
23 applicant to a driver's license or temporary permit for a
24 period not to exceed the expiration date of the document
25 presented or 2 years, whichever occurs first.

26 (d) Whether the applicant has previously been licensed
27 to drive, and, if so, when and by what state, and whether any
28 such license or driving privilege has ever been disqualified,
29 revoked, or suspended, or whether an application has ever been
30 refused, and, if so, the date of and reason for such
31 disqualification, suspension, revocation, or refusal.

1 (e) Each such application may include fingerprints and
2 other unique biometric means of identity.

3 Section 13. Paragraph (b) of subsection (2) of section
4 322.12, Florida Statutes, is amended to read:

5 322.12 Examination of applicants.--

6 (2) The department shall examine every applicant for a
7 driver's license, including an applicant who is licensed in
8 another state or country, except as otherwise provided in this
9 chapter. A person who holds a learner's driver's license as
10 provided for in s. 322.1615 is not required to pay a fee for
11 successfully completing the examination showing his or her
12 ability to operate a motor vehicle as provided for herein and
13 need not pay the fee for a replacement license as provided in
14 s. 322.17(2). Any person who applies for reinstatement
15 following the suspension or revocation of his or her driver's
16 license shall pay a service fee of \$25 following a suspension,
17 and \$50 following a revocation, which is in addition to the
18 fee for a license. Any person who applies for reinstatement of
19 a commercial driver's license following the disqualification
20 of his or her privilege to operate a commercial motor vehicle
21 shall pay a service fee of \$50, which is in addition to the
22 fee for a license. The department shall collect all of these
23 fees at the time of reinstatement. The department shall issue
24 proper receipts for such fees and shall promptly transmit all
25 funds received by it as follows:

26 (b) Of the \$50 fee received from a licensee for
27 reinstatement following a revocation or disqualification, the
28 department shall deposit \$35 in the General Revenue Fund and
29 the remaining \$15 in the Highway Safety Operating Trust Fund.
30
31

1 If the revocation or suspension of the driver's license was
2 for a violation of s. 316.193, or for refusal to submit to a
3 lawful breath, blood, or urine test, an additional fee of \$115
4 ~~\$105~~ must be charged. However, only one such \$115~~\$105~~ fee is
5 to be collected from one person convicted of such violations
6 arising out of the same incident. The department shall collect
7 the \$115~~\$105~~ fee and deposit \$105 ~~it~~ into the Highway Safety
8 Operating Trust Fund and \$10 into the Department of Highway
9 Safety and Motor Vehicles Law Enforcement Trust Fund. The
10 department shall collect the fee at the time of reinstatement
11 of the person's driver's license, but the fee must not be
12 collected if the suspension or revocation was overturned.

13 Section 14. Subsection (1) of section 322.142, Florida
14 Statutes, is amended to read:

15 322.142 Color photographic or digital imaged
16 licenses.--

17 (1) The department shall, upon receipt of the required
18 fee, issue to each qualified applicant for an original
19 driver's license, or identification card issued pursuant to s.
20 322.051, a color photographic or digital imaged driver's
21 license or identification card bearing a fullface photograph
22 or digital image of the licensee or identification cardholder.
23 Notwithstanding chapter 761 or s. 761.05, the requirement for
24 a fullface photograph or digital image of the licensee or
25 identification cardholder may not be waived. A space shall be
26 provided upon which the licensee or identification cardholder
27 shall affix his or her usual signature, as required in s.
28 322.14, in the presence of an authorized agent of the
29 department so as to ensure that such signature becomes a part
30 of the license or identification card.

31

1 Section 15. Subsection (3) of section 322.17, Florida
2 Statutes, is amended to read:

3 322.17 Duplicate and replacement certificates.--

4 (3) Notwithstanding any other provisions of this
5 chapter, if a licensee establishes his or her identity for a
6 driver's license using an identification document authorized
7 under s. 322.08(2)(c)6.-7.~~s. 322.08(2)(c)5.-6.~~, the licensee
8 may not obtain a duplicate or replacement instruction permit
9 or driver's license except in person and upon submission of an
10 identification document authorized under s. 322.08(2)(c)6.-7
11 ~~s. 322.08(2)(c)5.-6.~~

12 Section 16. Subsections (2) and (4) of section 322.18,
13 Florida Statutes, are amended to read:

14 322.18 Original applications, licenses, and renewals;
15 expiration of licenses; delinquent licenses.--

16 (2) Each applicant who is entitled to the issuance of
17 a driver's license, as provided in this section, shall be
18 issued a driver's license, as follows:

19 (a) An applicant applying for an original issuance
20 shall be issued a driver's license which expires at midnight
21 on the licensee's birthday which next occurs on or after the
22 sixth anniversary of the date of issue.

23 (b) An applicant applying for a renewal issuance or
24 renewal extension shall be issued a driver's license or
25 renewal extension sticker which expires at midnight on the
26 licensee's birthday which next occurs 4 years after the month
27 of expiration of the license being renewed, except that a
28 driver whose driving record reflects no convictions for the
29 preceding 3 years shall be issued a driver's license or
30 renewal extension sticker which expires at midnight on the
31

1 licensee's birthday which next occurs 6 years after the month
2 of expiration of the license being renewed.

3 (c) Notwithstanding any other provision of this
4 chapter, if an applicant establishes his or her identity for a
5 driver's license using a document authorized under s.
6 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the driver's license shall
7 expire in accordance with paragraph (b). After an initial
8 showing of such documentation, he or she is exempted from
9 having to renew or obtain a duplicate in person.

10 (d) Notwithstanding any other provision of this
11 chapter, if applicant establishes his or her identity for a
12 driver's license using a document authorized in s.
13 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the driver's
14 license shall expire 4 years after the date of issuance or
15 upon the expiration date cited on the United States Department
16 of Justice documents, whichever date first occurs.

17 (4)(a) Except as otherwise provided in this chapter,
18 all licenses shall be renewable every 4 years or 6 years,
19 depending upon the terms of issuance and shall be issued or
20 extended upon application, payment of the fees required by s.
21 322.21, and successful passage of any required examination,
22 unless the department has reason to believe that the licensee
23 is no longer qualified to receive a license.

24 (b) Notwithstanding any other provision of this
25 chapter, if an applicant establishes his or her identity for a
26 driver's license using a document authorized under s.
27 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the license, upon an initial
28 showing of such documentation, is exempted from having to
29 renew or obtain a duplicate in person, unless the renewal or
30 duplication coincides with the periodic reexamination of a
31 driver as required pursuant to s. 322.121.

1 (c) Notwithstanding any other provision of this
2 chapter, if a licensee establishes his or her identity for a
3 driver's license using an identification document authorized
4 under s. 322.08(2)(c)5.-7.~~s. 322.08(2)(c)5. or 6.~~, the
5 licensee may not renew the driver's license except in person
6 and upon submission of an identification document authorized
7 under s. 322.08(2)(c)5.-7 ~~s. 322.08(2)(c)4.-6~~. A driver's
8 license renewed under this paragraph expires 4 years after the
9 date of issuance or upon the expiration date cited on the
10 United States Department of Justice documents, whichever date
11 first occurs.

12 Section 17. Subsection (4) of section 322.19, Florida
13 Statutes, is amended to read:

14 322.19 Change of address or name.--

15 (4) Notwithstanding any other provision of this
16 chapter, if a licensee established his or her identity for a
17 driver's license using an identification document authorized
18 under s. 322.08(2)(c)6.-7.~~s. 322.08(2)(c)5.-6.~~, the licensee
19 may not change his or her name or address except in person and
20 upon submission of an identification document authorized under
21 s. 322.08(2)(c)5.-7 ~~s. 322.08(2)(c)4.-6~~.

22 Section 18. Paragraphs (c) and (f) of subsection (13)
23 of section 713.78, Florida Statutes, are amended to read:

24 713.78 Liens for recovering, towing, or storing
25 vehicles and vessels.--

26 (13)

27 (c)1. The registered owner of a vehicle, vessel, or
28 mobile home may dispute a wrecker operator's lien, by
29 notifying the department of the dispute in writing on forms
30 provided by the department, if at least one of the following
31 applies:

1 a. The registered owner presents a notarized bill of
2 sale proving that the vehicle, vessel, or mobile home was sold
3 in a private or casual sale before the vehicle, vessel, or
4 mobile home was recovered, towed, or stored.

5 b. The registered owner presents proof that the
6 Florida certificate of title of the vehicle, vessel, or mobile
7 home was sold to a licensed dealer as defined in s. 319.001
8 before the vehicle, vessel, or mobile home was recovered,
9 towed, or stored.

10 c. The records of the department were marked sold
11 prior to the issuance of the certificate of destruction
12 authorized under subsection (11).

13
14 If the registered owner's dispute of a wrecker operator's lien
15 complies with one of these criteria, the department shall
16 immediately remove the registered owner's name from the list
17 of those persons who may not be issued a license plate or
18 revalidation sticker for any motor vehicle under s. 320.03(8),
19 thereby allowing issuance of a license plate or revalidation
20 sticker. If the vehicle, vessel, or mobile home is owned
21 jointly by more than one person, each registered owner must
22 dispute the wrecker operator's lien in order to be removed
23 from the list. However, the department shall deny any dispute
24 and maintain the registered owner's name on the list of those
25 persons who may not be issued a license plate or revalidation
26 sticker for any motor vehicle under s. 320.03(8) if the
27 wrecker operator has provided the department with a certified
28 copy of the judgment of a court which orders the registered
29 owner to pay the wrecker operator's lien claimed under this
30 section. In such a case, the amount of the wrecker operator's
31 lien allowed by paragraph (b) may be increased to include no

1 more than \$500 of the reasonable costs and attorney's fees
2 incurred in obtaining the judgment. The department's action
3 under this subparagraph is ministerial in nature, shall not be
4 considered final agency action, and is appealable only to the
5 county court for the county in which the vehicle, vessel, or
6 mobile home was ordered removed.

7 2. A person against whom a wrecker operator's lien has
8 been imposed may alternatively obtain a discharge of the lien
9 by filing a complaint, challenging the validity of the lien or
10 the amount thereof, in the county court of the county in which
11 the vehicle, vessel, or mobile home was ordered removed. Upon
12 filing of the complaint, the person may have her or his name
13 removed from the list of those persons who may not be issued a
14 license plate or revalidation sticker for any motor vehicle
15 under s. 320.03(8), thereby allowing issuance of a license
16 plate or revalidation sticker, upon posting with the court a
17 cash or surety bond or other adequate security equal to the
18 amount of the wrecker operator's lien to ensure the payment of
19 such lien in the event she or he does not prevail. Upon the
20 posting of the bond and the payment of the applicable fee set
21 forth in s. 28.24, the clerk of the court shall issue a
22 certificate notifying the department of the posting of the
23 bond and directing the department to release the wrecker
24 operator's lien. Upon determining the respective rights of the
25 parties, the court may award damages and costs in favor of the
26 prevailing party.

27 3. If a person against whom a wrecker operator's lien
28 has been imposed does not object to the lien, but cannot
29 discharge the lien by payment because the wrecker operator has
30 moved or gone out of business, the person may have her or his
31 name removed from the list of those persons who may not be

1 issued a license plate or revalidation sticker for any motor
2 vehicle under s. 320.03(8), thereby allowing issuance of a
3 license plate or revalidation sticker, upon posting with the
4 clerk of court in the county in which the vehicle, vessel, or
5 mobile home was ordered removed, a cash or surety bond or
6 other adequate security equal to the amount of the wrecker
7 operator's lien. Upon the posting of the bond and the payment
8 of the application fee set forth in s. 28.24, the clerk of the
9 court shall issue a certificate notifying the department of
10 the posting of the bond and directing the department to
11 release the wrecker operator's lien. The department shall mail
12 to the wrecker operator, at the address upon the lien form,
13 notice that the wrecker operator must claim the security
14 within 60 days, or the security will be released back to the
15 person who posted it. At the conclusion of the 60 days, the
16 department shall direct the clerk as to which party is
17 entitled to payment of the security, less applicable clerk's
18 fees.

19 4. A wrecker operator's lien expires 5 years after
20 filing.

21 (f) This subsection applies only to the annual renewal
22 in the registered owner's birth month of a motor vehicle
23 registration and does not apply to the transfer of a
24 registration of a motor vehicle sold by a motor vehicle dealer
25 licensed under chapter 320, except for the transfer of
26 registrations which is inclusive of the annual renewals. This
27 subsection does not apply to any vehicle registered in the
28 name of the lessor.This subsection does not affect the
29 issuance of the title to a motor vehicle, notwithstanding s.
30 319.23(7)(b).

31

