

By the Committee on Transportation; and Senator Sebesta

306-1916-03

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. 320.055,
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 providing that the requirement for a fullface
4 photograph or digital image on an
5 identification card may not be waived under ch.
6 761, F.S.; amending s. 322.08, F.S.; providing
7 that a United States passport is an acceptable
8 proof of identity for purposes of obtaining a
9 driver's license; providing that a
10 naturalization certificate issued by the United
11 States Department of Justice is an acceptable
12 proof of identity for such purpose; providing
13 that specified documents issued by the United
14 States Department of Justice are acceptable as
15 proof of nonimmigrant classification; amending
16 s. 322.12, F.S.; revising provisions relating
17 to the reinstatement of a driver's license
18 following certain violations; revising the
19 distribution of specified fees; amending s.
20 322.142, F.S.; providing that the requirement
21 for a fullface photograph or digital image on a
22 driver's license may not be waived under ch.
23 761, F.S.; amending s. 322.17, F.S.; revising
24 provisions relating to the application for a
25 replacement or duplicate driver's license;
26 amending s. 322.18, F.S.; revising the
27 expiration period for driver's licenses issued
28 to specified persons; amending s. 322.19, F.S.;
29 revising requirements relating to name and
30 address changes for driver's licenses; amending
31 s. 713.78, F.S.; revising provisions relating

1 to the placement of a wrecker operator lien
2 against a motor vehicle; providing an effective
3 date.
4

5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Subsection (2) of section 317.0008, Florida
8 Statutes, is repealed.

9 Section 2. Section 317.0014, Florida Statutes, is
10 created to read:

11 317.0014 Certificate of title; issuance in duplicate;
12 delivery; liens and encumbrances.--

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

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

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

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

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

30 (4) If the owner of the vehicle, as shown on the title
31 certificate, desires to place a second or subsequent lien or

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

19 (5)(a) Upon satisfaction of any first lien or
20 encumbrance recorded by the department, the owner of the
21 vehicle, as shown on the title certificate, or the person
22 satisfying the lien is entitled to demand and receive from the
23 lienholder a satisfaction of the lien. If the lienholder, upon
24 satisfaction of the lien and upon demand, fails or refuses to
25 furnish a satisfaction of the lien within 30 days after
26 demand, he or she is liable for all costs, damages, and
27 expenses, including reasonable attorney's fees, lawfully
28 incurred by the titled owner or person satisfying the lien in
29 any suit brought in this state for cancellation of the lien.
30 The lienholder receiving final payment as defined in s.
31 674.215 shall mail or otherwise deliver a lien satisfaction

1 and the certificate of title indicating the satisfaction
2 within 10 working days after receipt of final payment or
3 notify the person satisfying the lien that the title is not
4 available within 10 working days after receipt of final
5 payment. If the lienholder is unable to provide the
6 certificate of title and notifies the person of such, the
7 lienholder shall provide a lien satisfaction and is
8 responsible for the cost of a duplicate title, including
9 expedited title charges as provided in s. 317.0016. This
10 paragraph does not apply to electronic transactions under
11 subsection (8).

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

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

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

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

29 (7) Any person who fails, within 10 days after receipt
30 of a demand by the department by certified mail, to return a
31 certificate of title to the department as required by

1 subsection (4) or who, upon satisfaction of a lien, fails
2 within 10 days after receipt of such demand to forward the
3 appropriate document to the department as required by
4 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of
5 the second degree, punishable as provided in s. 775.082 or s.
6 775.073.

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

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

22 Section 3. Section 317.0015, Florida Statutes, is
23 created to read:

24 317.0015 Application of Law.--Sections 319.235,
25 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
26 off-highway vehicles that are required to be titled under this
27 chapter.

28 Section 4. Section 317.0016, Florida Statutes, is
29 created to read:

30 317.0016 Expedited service; applications; fees.--The
31 department shall establish a separate title office that may be

1 used by private citizens to receive expedited service on title
2 transfers, title issuances, duplicate titles, recordation of
3 liens, and certificates of repossession. A fee of \$7 shall be
4 charged for this service, which is in addition to the fees
5 imposed by ss. 317.0007 and 317.0008, and \$3.50 of this fee
6 shall be retained by the processing agency. All remaining fees
7 shall be deposited in the Incidental Trust Fund of the
8 Division of Forestry of the Department of Agriculture and
9 Consumer Services. Application for expedited service may be
10 made by mail or in person. The department shall issue each
11 title applied for pursuant to this section within 5 working
12 days after receipt of the application except for an
13 application for a duplicate title certificate covered by s.
14 317.0008(3), in which case the title must be issued within 5
15 working days after compliance with the department's
16 verification requirements.

17 Section 5. Section 317.0017, Florida Statutes, is
18 created to read:

19 317.0017 Offenses involving vehicle identification
20 numbers, applications, certificates, papers; penalty.--

21 (1) A person may not:

22 (a) Alter or forge any certificate of title to an
23 off-highway vehicle or any assignment thereof or any
24 cancellation of any lien on an off-highway vehicle.

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

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

1 (d) Possess, sell or offer for sale, conceal, or
2 dispose of in this state an off-highway vehicle, or major
3 component part thereof, on which any motor number or vehicle
4 identification number affixed by the manufacturer or by a
5 state agency has been destroyed, removed, covered, altered, or
6 defaced, with knowledge of such destruction, removal,
7 covering, alteration, or defacement, except as provided in s.
8 319.30(4).

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

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

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

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

30 (5) A person, firm, or corporation may not knowingly
31 possess, manufacture, sell or exchange, offer to sell or

1 exchange, supply in blank, or give away any counterfeit
2 manufacturer's or state-assigned identification number plates
3 or serial plates or any decal used for the purpose of
4 identifying an off-highway vehicle. An officer, agent, or
5 employee of any person, firm, or corporation, or any person
6 may not authorize, direct, aid in exchange, or give away, or
7 conspire to authorize, direct, aid in exchange, or give away,
8 such counterfeit manufacturer's or state-assigned
9 identification number plates or serial plates or any decal.
10 However, this subsection does not apply to any approved
11 replacement manufacturer's or state-assigned identification
12 number plates or serial plates or any decal issued by the
13 department or any state.

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

24 Section 6. Section 317.0018, Florida Statutes, is
25 created to read:

26 317.0018 Transfer without delivery of certificate;
27 operation or use without certificate; failure to surrender;
28 other violations.--Except as otherwise provided in this
29 chapter, any person who:

30 (1) Purports to sell or transfer an off-highway
31 vehicle without delivering to the purchaser or transferee of

1 the vehicle a certificate of title to the vehicle duly
2 assigned to the purchaser as provided in this chapter;

3 (2) Operates or uses in this state an off-highway
4 vehicle for which a certificate of title is required without
5 the certificate having been obtained in accordance with this
6 chapter, or upon which the certificate of title has been
7 canceled;

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

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

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

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19 Shall be fined not more than \$500 or imprisoned for not more
20 than 6 months, or both, for each offense.

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

23 319.23 Application for, and issuance of, certificate
24 of title.--

25 (6) In the case of the sale of a motor vehicle or
26 mobile home by a licensed dealer to a general purchaser, the
27 certificate of title shall be obtained in the name of the
28 purchaser by the dealer upon application signed by the
29 purchaser, and in each other case such certificate shall be
30 obtained by the purchaser. In each case of transfer of a
31 motor vehicle or mobile home, the application for certificate

1 of title, or corrected certificate, or assignment or
2 reassignment, shall be filed within 30 days from the delivery
3 of such motor vehicle or mobile home to the purchaser. An
4 applicant shall be required to pay a fee of \$10, in addition
5 to all other fees and penalties required by law, for failing
6 to file such application within the specified time. When a
7 licensed dealer acquires a motor vehicle or mobile home as a
8 trade-in, the dealer must file with the department a notice of
9 sale signed by the seller. The department shall update its
10 database for that title record to indicate "sold". A licensed
11 dealer need not apply for a certificate of title for any motor
12 vehicle or mobile home in stock acquired for stock purposes
13 except as provided in s. 319.225.

14 Section 8. Section 320.055, Florida Statutes, is
15 amended to read:

16 320.055 Registration periods; renewal periods.--The
17 following registration periods and renewal periods are
18 established:

19 (1) For a motor vehicle subject to registration under
20 s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7),
21 (8), (9), or (10) and owned by a natural person, the
22 registration period begins the first day of the birth month of
23 the owner and ends the last day of the month immediately
24 preceding the owner's birth month in the succeeding year. If
25 such vehicle is registered in the name of more than one
26 person, the birth month of the person whose name first appears
27 on the registration shall be used to determine the
28 registration period. For a vehicle subject to this
29 registration period, the renewal period is the 30-day period
30 ending at midnight on the vehicle owner's date of birth.

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1 (2) For a vehicle subject to registration under s.
2 320.08(11), the registration period begins January 1 and ends
3 December 31. For a vehicle subject to this registration
4 period, the renewal period is the 31-day period prior to
5 expiration.

6 (3) For a vehicle subject to registration under s.
7 320.08(12), the registration period runs concurrently with the
8 licensing period. For a vehicle subject to this registration
9 period, the renewal period is the first month of the licensing
10 period.

11 (4) For a vehicle subject to registration under s.
12 320.08(13), for vehicles subject to registration under s.
13 320.08(6)(a) that are short-term rental vehicles, and for any
14 vehicle for which a registration period is not otherwise
15 specified, the registration period begins June 1 and ends May
16 31. For a vehicle subject to this registration period, the
17 renewal period is the 30-day period beginning June 1.

18 (5) For a vehicle subject to apportioned registration
19 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the
20 registration period shall be a period of 12 months beginning
21 in a month designated by the department and ending on the last
22 day of the 12th month. For a vehicle subject to this
23 registration period, the renewal period is the last month of
24 the registration period. The registration period may be
25 shortened or extended at the discretion of the department, on
26 receipt of the appropriate prorated fees, in order to evenly
27 distribute such registrations on a monthly basis. For a
28 vehicle subject to nonapportioned registration under s.
29 320.08(4), (5)(a)1., (6)(b), or (14), the registration period
30 begins December 1 and ends November 30. The renewal period is
31 the 31-day period beginning December 1.

1 (6) For those vehicles subject to registration under
2 s. 320.08(6)(a) which are not short-term rental vehicles, the
3 department shall develop and implement a registration renewal
4 system that, where practicable, evenly distributes the
5 registration renewal period throughout the year. For a
6 vehicle subject to this registration period, the renewal
7 period is the first month of the assigned registration period.
8 Effective January 1, 2004, all original and transfer
9 transactions of long-term leased motor vehicles must be
10 registered in the name of the lessee.

11 (7) For those vehicles subject to registration under
12 s. 320.0657, the department shall implement a system that
13 distributes the registration renewal process throughout the
14 year.

15 Section 9. Subsection (8) is added to section 320.131,
16 Florida Statutes, to read:

17 320.131 Temporary tags.--

18 (8) The department may administer an electronic system
19 for licensed motor vehicle dealers to use in issuing temporary
20 tags. Upon issuing a temporary tag, the dealer shall access
21 the electronic system and enter the appropriate vehicle and
22 owner information within the timeframe specified by department
23 rule. If a dealer fails to comply with the department's
24 requirements for issuing temporary tags using the electronic
25 system, the department may deny, suspend, or revoke a license
26 issued under s. 320.27(9)(b)16. upon proof that the licensee
27 has failed to comply with this subsection.

28 Section 10. Paragraph (b) of subsection (9) of section
29 320.27, Florida Statutes, is amended to read:

30 320.27 Motor vehicle dealers.--

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

1 (b) The department may deny, suspend, or revoke any
2 license issued hereunder or under the provisions of s. 320.77
3 or s. 320.771 upon proof that a licensee has committed, with
4 sufficient frequency so as to establish a pattern of
5 wrongdoing on the part of a licensee, violations of one or
6 more of the following activities:

7 1. Representation that a demonstrator is a new motor
8 vehicle, or the attempt to sell or the sale of a demonstrator
9 as a new motor vehicle without written notice to the purchaser
10 that the vehicle is a demonstrator. For the purposes of this
11 section, a "demonstrator," a "new motor vehicle," and a "used
12 motor vehicle" shall be defined as under s. 320.60.

13 2. Unjustifiable refusal to comply with a licensee's
14 responsibility under the terms of the new motor vehicle
15 warranty issued by its respective manufacturer, distributor,
16 or importer. However, if such refusal is at the direction of
17 the manufacturer, distributor, or importer, such refusal shall
18 not be a ground under this section.

19 3. Misrepresentation or false, deceptive, or
20 misleading statements with regard to the sale or financing of
21 motor vehicles which any motor vehicle dealer has, or causes
22 to have, advertised, printed, displayed, published,
23 distributed, broadcast, televised, or made in any manner with
24 regard to the sale or financing of motor vehicles.

25 4. Failure by any motor vehicle dealer to provide a
26 customer or purchaser with an odometer disclosure statement
27 and a copy of any bona fide written, executed sales contract
28 or agreement of purchase connected with the purchase of the
29 motor vehicle purchased by the customer or purchaser.

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1 5. Failure of any motor vehicle dealer to comply with
2 the terms of any bona fide written, executed agreement,
3 pursuant to the sale of a motor vehicle.

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

6 7. Use of the dealer license identification number by
7 any person other than the licensed dealer or his or her
8 designee.

9 8. Failure to continually meet the requirements of the
10 licensure law.

11 9. Representation to a customer or any advertisement
12 to the public representing or suggesting that a motor vehicle
13 is a new motor vehicle if such vehicle lawfully cannot be
14 titled in the name of the customer or other member of the
15 public by the seller using a manufacturer's statement of
16 origin as permitted in s. 319.23(1).

17 10. Requirement by any motor vehicle dealer that a
18 customer or purchaser accept equipment on his or her motor
19 vehicle which was not ordered by the customer or purchaser.

20 11. Requirement by any motor vehicle dealer that any
21 customer or purchaser finance a motor vehicle with a specific
22 financial institution or company.

23 12. Requirement by any motor vehicle dealer that the
24 purchaser of a motor vehicle contract with the dealer for
25 physical damage insurance.

26 13. Perpetration of a fraud upon any person as a
27 result of dealing in motor vehicles, including, without
28 limitation, the misrepresentation to any person by the
29 licensee of the licensee's relationship to any manufacturer,
30 importer, or distributor.

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1 14. Violation of any of the provisions of s. 319.35 by
2 any motor vehicle dealer.

3 15. Sale by a motor vehicle dealer of a vehicle
4 offered in trade by a customer prior to consummation of the
5 sale, exchange, or transfer of a newly acquired vehicle to the
6 customer, unless the customer provides written authorization
7 for the sale of the trade-in vehicle prior to delivery of the
8 newly acquired vehicle.

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

11 17. Violation of chapter 319, this chapter, or ss.
12 559.901-559.9221, which has to do with dealing in or repairing
13 motor vehicles or mobile homes. Additionally, in the case of
14 used motor vehicles, the willful violation of the federal law
15 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
16 to the consumer sales window form.

17 Section 11. Paragraph (a) of subsection (1) and
18 paragraphs (b) and (c) of subsection (2) of section 322.051,
19 Florida Statutes, are amended, and subsection (8) is added to
20 that section, to read:

21 322.051 Identification cards.--

22 (1) Any person who is 12 years of age or older, or any
23 person who has a disability, regardless of age, who applies
24 for a disabled parking permit under s. 320.0848, may be issued
25 an identification card by the department upon completion of an
26 application and payment of an application fee.

27 (a) Each such application shall include the following
28 information regarding the applicant:

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

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

2 3. Proof of identity satisfactory to the department.

3 Such proof must include one of the following documents issued
4 to the applicant:

5 a. A driver's license record or identification card
6 record from another jurisdiction that required the applicant
7 to submit a document for identification which is substantially
8 similar to a document required under sub-subparagraph b.,
9 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
10 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

11 b. A certified copy of a United States birth
12 certificate;

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

14 d. A naturalization certificate issued by the United
15 States Department of Justice;

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

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

19 g.f. Proof of nonimmigrant classification provided by
20 the United States Department of Justice, for an original
21 identification card. In order to prove such nonimmigrant
22 classification, applicants may produce but are not limited to
23 the following documents:

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

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

28 (III) Notice of the approval of an application for
29 adjustment of status issued by the United States Immigration
30 and Naturalization Service.

31

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

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

7 (VI) Order of an immigration judge or immigration
8 officer granting any relief that authorizes the alien to live
9 and work in the United States including, but not limited to
10 asylum.

11
12 Presentation of any of the ~~foregoing~~ documents in
13 sub-subparagraph f. or sub-subparagraph g. entitles shall
14 ~~entitle~~ the applicant to an identification card ~~a driver's~~
15 ~~license or temporary permit~~ for a period not to exceed the
16 expiration date of the document presented or 2 years,
17 whichever first occurs.

18 (2)

19 (b) Notwithstanding any other provision of this
20 chapter, if an applicant establishes his or her identity for
21 an identification card using a document authorized under
22 sub-subparagraph(1)(a)3.e.~~(a)3.d.~~, the identification card
23 shall expire on the fourth birthday of the applicant following
24 the date of original issue or upon first renewal or duplicate
25 issued after implementation of this section. After an initial
26 showing of such documentation, he or she is exempted from
27 having to renew or obtain a duplicate in person.

28 (c) Notwithstanding any other provisions of this
29 chapter, if an applicant establishes his or her identity for
30 an identification card using an identification document
31 authorized under sub-subparagraph (1)(a)3.f. or

1 ~~sub-subparagraph (1)(a)3.g.sub-subparagraphs (a)3.e.-f.~~, the
2 identification card shall expire 2 ~~4~~ years after the date of
3 issuance or upon the expiration date cited on the United
4 States Department of Justice documents, whichever date first
5 occurs, and may not be renewed or obtain a duplicate except in
6 person.

7 (8) The department shall, upon receipt of the required
8 fee, issue to each qualified applicant for an identification
9 card a color photographic or digital image identification card
10 bearing a fullface photograph or digital image of the
11 identification cardholder. Notwithstanding chapter 761 or s.
12 761.05, the requirement for a fullface photograph or digital
13 image of the identification cardholder shall not be waived. A
14 space shall be provided upon which the identification
15 cardholder shall affix his or her usual signature, as required
16 in s. 322.14, in the presence of an authorized agent of the
17 department so as to ensure that such signature becomes a part
18 of the identification card.

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

21 322.08 Application for license.--

22 (2) Each such application shall include the following
23 information regarding the applicant:

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

27 (b) Proof of birth date satisfactory to the
28 department.

29 (c) Proof of identity satisfactory to the department.
30 Such proof must include one of the following documents issued
31 to the applicant:

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

7 2. A certified copy of a United States birth
8 certificate;

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

10 4. A naturalization certificate issued by the United
11 States Department of Justice;

12 ~~5.4.~~ An alien registration receipt card (green card);

13 ~~6.5.~~ An employment authorization card issued by the
14 United States Department of Justice; or

15 ~~7.6.~~ Proof of nonimmigrant classification provided by
16 the United States Department of Justice, for an original
17 driver's license. In order to prove nonimmigrant
18 classification, an applicant may produce the following
19 documents, including, but not limited to:

20 a. A notice of hearing from an immigration court
21 scheduling a hearing on any proceeding.

22 b. A notice from the Board of Immigration Appeals
23 acknowledging pendency of an appeal.

24 c. A notice of the approval of an application for
25 adjustment of status issued by the United States Immigration
26 and Naturalization Service.

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

30
31

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

4 f. An order of an immigration judge or immigration
5 officer granting any relief that authorizes the alien to live
6 and work in the United States, including, but not limited to,
7 asylum.

8
9 Presentation of any of the documents in subparagraph 6. or
10 subparagraph 7. entitles the applicant to a driver's license
11 or temporary permit for a period not to exceed the expiration
12 date of the document presented or 2 years, whichever occurs
13 first.

14 (d) Whether the applicant has previously been licensed
15 to drive, and, if so, when and by what state, and whether any
16 such license or driving privilege has ever been disqualified,
17 revoked, or suspended, or whether an application has ever been
18 refused, and, if so, the date of and reason for such
19 disqualification, suspension, revocation, or refusal.

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

22 Section 13. Paragraph (b) of subsection (2) of section
23 322.12, Florida Statutes, is amended to read:

24 322.12 Examination of applicants.--

25 (2) The department shall examine every applicant for a
26 driver's license, including an applicant who is licensed in
27 another state or country, except as otherwise provided in this
28 chapter. A person who holds a learner's driver's license as
29 provided for in s. 322.1615 is not required to pay a fee for
30 successfully completing the examination showing his or her
31 ability to operate a motor vehicle as provided for herein and

1 need not pay the fee for a replacement license as provided in
2 s. 322.17(2). Any person who applies for reinstatement
3 following the suspension or revocation of his or her driver's
4 license shall pay a service fee of \$25 following a suspension,
5 and \$50 following a revocation, which is in addition to the
6 fee for a license. Any person who applies for reinstatement of
7 a commercial driver's license following the disqualification
8 of his or her privilege to operate a commercial motor vehicle
9 shall pay a service fee of \$50, which is in addition to the
10 fee for a license. The department shall collect all of these
11 fees at the time of reinstatement. The department shall issue
12 proper receipts for such fees and shall promptly transmit all
13 funds received by it as follows:

14 (b) Of the \$50 fee received from a licensee for
15 reinstatement following a revocation or disqualification, the
16 department shall deposit \$35 in the General Revenue Fund and
17 the remaining \$15 in the Highway Safety Operating Trust Fund.
18

19 If the revocation or suspension of the driver's license was
20 for a violation of s. 316.193, or for refusal to submit to a
21 lawful breath, blood, or urine test, an additional fee of \$115
22 ~~\$105~~ must be charged. However, only one such ~~\$115~~~~\$105~~ fee is
23 to be collected from one person convicted of such violations
24 arising out of the same incident. The department shall collect
25 the ~~\$115~~~~\$105~~ fee and deposit \$105 ~~it~~ into the Highway Safety
26 Operating Trust Fund and \$10 into the Department of Highway
27 Safety and Motor Vehicles Law Enforcement Trust Fund. The
28 department shall collect the fee at the time of reinstatement
29 of the person's driver's license, but the fee must not be
30 collected if the suspension or revocation was overturned.
31

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

3 322.142 Color photographic or digital imaged
4 licenses.--

5 (1) The department shall, upon receipt of the required
6 fee, issue to each qualified applicant for a a ~~an original~~
7 driver's license a color photographic or digital imaged
8 driver's license bearing a fullface photograph or digital
9 image of the licensee. Notwithstanding chapter 761 or s.
10 761.05, the requirement for a fullface photograph or digital
11 image of the licensee shall not be waived. A space shall be
12 provided upon which the licensee shall affix his or her usual
13 signature, as required in s. 322.14, in the presence of an
14 authorized agent of the department so as to ensure that such
15 signature becomes a part of the license.

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

18 322.17 Duplicate and replacement certificates.--

19 (3) Notwithstanding any other provisions of this
20 chapter, if a licensee establishes his or her identity for a
21 driver's license using an identification document authorized
22 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the
23 licensee may not obtain a duplicate or replacement instruction
24 permit or driver's license except in person and upon
25 submission of an identification document authorized under s.
26 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5.-6.~~

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

29 322.18 Original applications, licenses, and renewals;
30 expiration of licenses; delinquent licenses.--

31

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

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

8 (b) An applicant applying for a renewal issuance or
9 renewal extension shall be issued a driver's license or
10 renewal extension sticker which expires at midnight on the
11 licensee's birthday which next occurs 4 years after the month
12 of expiration of the license being renewed, except that a
13 driver whose driving record reflects no convictions for the
14 preceding 3 years shall be issued a driver's license or
15 renewal extension sticker which expires at midnight on the
16 licensee's birthday which next occurs 6 years after the month
17 of expiration of the license being renewed.

18 (c) Notwithstanding any other provision of this
19 chapter, if an applicant establishes his or her identity for a
20 driver's license using a document authorized under s.
21 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the driver's license shall
22 expire in accordance with paragraph (b). After an initial
23 showing of such documentation, he or she is exempted from
24 having to renew or obtain a duplicate in person.

25 (d) Notwithstanding any other provision of this
26 chapter, if applicant establishes his or her identity for a
27 driver's license using a document authorized in s.
28 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the driver's
29 license shall expire 2 ~~4~~ years after the date of issuance or
30 upon the expiration date cited on the United States Department
31 of Justice documents, whichever date first occurs.

1 (4)(a) Except as otherwise provided in this chapter,
2 all licenses shall be renewable every 4 years or 6 years,
3 depending upon the terms of issuance and shall be issued or
4 extended upon application, payment of the fees required by s.
5 322.21, and successful passage of any required examination,
6 unless the department has reason to believe that the licensee
7 is no longer qualified to receive a license.

8 (b) Notwithstanding any other provision of this
9 chapter, if an applicant establishes his or her identity for a
10 driver's license using a document authorized under s.
11 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the license, upon an initial
12 showing of such documentation, is exempted from having to
13 renew or obtain a duplicate in person, unless the renewal or
14 duplication coincides with the periodic reexamination of a
15 driver as required pursuant to s. 322.121.

16 (c) Notwithstanding any other provision of this
17 chapter, if a licensee establishes his or her identity for a
18 driver's license using an identification document authorized
19 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the
20 licensee may not renew the driver's license except in person
21 and upon submission of an identification document authorized
22 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)4. 6.~~ A driver's
23 license renewed under this paragraph expires 4 years after the
24 date of issuance or upon the expiration date cited on the
25 United States Department of Justice documents, whichever date
26 first occurs.

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

29 322.19 Change of address or name.--

30 (4) Notwithstanding any other provision of this
31 chapter, if a licensee established his or her identity for a

1 driver's license using an identification document authorized
2 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5.-6.~~, the
3 licensee may not change his or her name or address except in
4 person and upon submission of an identification document
5 authorized under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4.-6.~~

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

8 713.78 Liens for recovering, towing, or storing
9 vehicles and vessels.--

10 (13)

11 (c)1. The registered owner of a vehicle, vessel, or
12 mobile home may dispute a wrecker operator's lien, by
13 notifying the department of the dispute in writing on forms
14 provided by the department, if at least one of the following
15 applies:

16 a. The registered owner presents a notarized bill of
17 sale proving that the vehicle, vessel, or mobile home was sold
18 in a private or casual sale before the vehicle, vessel, or
19 mobile home was recovered, towed, or stored.

20 b. The registered owner presents proof that the
21 Florida certificate of title of the vehicle, vessel, or mobile
22 home was sold to a licensed dealer as defined in s. 319.001
23 before the vehicle, vessel, or mobile home was recovered,
24 towed, or stored.

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

28
29 If the registered owner's dispute of a wrecker operator's lien
30 complies with one of these criteria, the department shall
31 immediately remove the registered owner's name from the list

1 of those persons who may not be issued a license plate or
2 revalidation sticker for any motor vehicle under s. 320.03(8),
3 thereby allowing issuance of a license plate or revalidation
4 sticker. If the vehicle, vessel, or mobile home is owned
5 jointly by more than one person, each registered owner must
6 dispute the wrecker operator's lien in order to be removed
7 from the list. However, the department shall deny any dispute
8 and maintain the registered owner's name on the list of those
9 persons who may not be issued a license plate or revalidation
10 sticker for any motor vehicle under s. 320.03(8) if the
11 wrecker operator has provided the department with a certified
12 copy of the judgment of a court which orders the registered
13 owner to pay the wrecker operator's lien claimed under this
14 section. In such a case, the amount of the wrecker operator's
15 lien allowed by paragraph (b) may be increased to include no
16 more than \$500 of the reasonable costs and attorney's fees
17 incurred in obtaining the judgment. The department's action
18 under this subparagraph is ministerial in nature, shall not be
19 considered final agency action, and is appealable only to the
20 county court for the county in which the vehicle, vessel, or
21 mobile home was ordered removed.

22 2. A person against whom a wrecker operator's lien has
23 been imposed may alternatively obtain a discharge of the lien
24 by filing a complaint, challenging the validity of the lien or
25 the amount thereof, in the county court of the county in which
26 the vehicle, vessel, or mobile home was ordered removed. Upon
27 filing of the complaint, the person may have her or his name
28 removed from the list of those persons who may not be issued a
29 license plate or revalidation sticker for any motor vehicle
30 under s. 320.03(8), thereby allowing issuance of a license
31 plate or revalidation sticker, upon posting with the court a

1 cash or surety bond or other adequate security equal to the
2 amount of the wrecker operator's lien to ensure the payment of
3 such lien in the event she or he does not prevail. Upon the
4 posting of the bond and the payment of the applicable fee set
5 forth in s. 28.24, the clerk of the court shall issue a
6 certificate notifying the department of the posting of the
7 bond and directing the department to release the wrecker
8 operator's lien. Upon determining the respective rights of the
9 parties, the court may award damages and costs in favor of the
10 prevailing party.

11 3. If a person against whom a wrecker operator's lien
12 has been imposed does not object to the lien, but cannot
13 discharge the lien by payment because the wrecker operator has
14 moved or gone out of business, the person may have her or his
15 name removed from the list of those persons who may not be
16 issued a license plate or revalidation sticker for any motor
17 vehicle under s. 320.03(8), thereby allowing issuance of a
18 license plate or revalidation sticker, upon posting with the
19 clerk of court in the county in which the vehicle, vessel, or
20 mobile home was ordered removed, a cash or surety bond or
21 other adequate security equal to the amount of the wrecker
22 operator's lien. Upon the posting of the bond and the payment
23 of the application fee set forth in s. 28.24, the clerk of the
24 court shall issue a certificate notifying the department of
25 the posting of the bond and directing the department to
26 release the wrecker operator's lien. The department shall mail
27 to the wrecker operator, at the address upon the lien form,
28 notice that the wrecker operator must claim the security
29 within 60 days, or the security will be released back to the
30 person who posted it. At the conclusion of the 60 days, the
31 department shall direct the clerk as to which party is

1 entitled to payment of the security, less applicable clerk's
2 fees.

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

5 (f) This subsection applies only to the annual renewal
6 in the registered owner's birth month of a motor vehicle
7 registration and does not apply to the transfer of a
8 registration of a motor vehicle sold by a motor vehicle dealer
9 licensed under chapter 320, except for the transfer of
10 registrations which is inclusive of the annual renewals. This
11 subsection does not apply to any vehicle registered in the
12 name of the lessor.This subsection does not affect the
13 issuance of the title to a motor vehicle, notwithstanding s.
14 319.23(7)(b).

15 Section 19. This act shall take effect upon becoming a
16 law.

17
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 1168

21 The CS amends s. 320.055, F.S., providing registration for
22 long-term lease vehicles must be in the name of the lessee.
23 The CS further clarifies under what circumstances a person is
24 issued a 2-year driver's license.
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