

By the Committees on Appropriations; Transportation; and
Senator Sebesta

309-2534-03

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 812.16, F.S.; including airbags and airbag
4 assemblies within the definition of the term
5 "major component part" for purposes of
6 provisions prohibiting the operation of a chop
7 shop and authorizing the seizure and forfeiture
8 of parts and vehicles; amending s. 261.03,
9 F.S.; amending the definition of off-highway
10 vehicle; adding a definition; amending s.
11 316.2074, F.S.; amending the definition of
12 all-terrain vehicle; amending s. 317.0003,
13 F.S.; amending the definition of off-highway
14 vehicle; adding a definition; repealing s.
15 317.0008(2), F.S., relating to the expedited
16 issuance of duplicate certificates of title for
17 off-highway vehicles; creating s. 317.0014,
18 F.S.; establishing procedures for the issuance
19 of off-highway vehicle titles; creating s.
20 317.0015, F.S.; providing for the applicability
21 of certain provisions of law to the titling of
22 off-highway vehicles; creating s. 317.0016,
23 F.S.; providing for the expedited issuance of
24 titles for off-highway vehicles; creating s.
25 317.0017, F.S.; prohibiting specified actions
26 relating to the issuance of titles for
27 off-highway vehicles; providing a penalty;
28 creating s. 317.0018, F.S.; prohibiting the
29 transfer of an off-highway vehicle without
30 delivery of a certificate of title; prescribing
31 other violations; providing a penalty; amending

1 s. 318.15, F.S.; providing for driver's license
2 reinstatement; providing disposition of fees;
3 amending s. 319.23, F.S.; providing that
4 licensed motor vehicle dealers must notify the
5 Department of Highway Safety and Motor Vehicles
6 of motor vehicles taken in trade; amending s.
7 320.055, F.S.; requiring leased vehicles to be
8 registered in the name of the lessee; amending
9 s. 320.07, F.S.; providing that certain service
10 members are not required to pay fines for an
11 expired mobile home registration or motor
12 vehicle registration; amending s. 320.131,
13 F.S.; providing for the creation of an
14 electronic temporary license plate system;
15 amending s. 320.27, F.S.; revising provisions
16 relating to the suspension or revocation of a
17 motor vehicle dealer license; amending s.
18 322.051, F.S.; revising provisions relating to
19 the application for an identification card;
20 revising fees; providing that the requirement
21 for a fullface photograph or digital image on
22 an identification card may not be waived under
23 ch. 761, F.S.; amending s. 322.08, F.S.;
24 providing that a United States passport is an
25 acceptable proof of identity for purposes of
26 obtaining a driver's license; providing that a
27 naturalization certificate issued by the United
28 States Department of Justice is an acceptable
29 proof of identity for such purpose; providing
30 that specified documents issued by the United
31 States Department of Justice are acceptable as

1 proof of nonimmigrant classification; amending
2 s. 322.12, F.S.; revising provisions relating
3 to the subsequent testing of driving knowledge
4 and skills; amending s. 322.142, F.S.;
5 providing that the requirement for a fullface
6 photograph or digital image on a driver's
7 license may not be waived under ch. 761, F.S.;
8 amending s. 322.17, F.S.; revising provisions
9 relating to the application for a replacement
10 or duplicate driver's license; amending s.
11 322.18, F.S.; revising the expiration period
12 for driver's licenses issued to specified
13 persons; amending s. 322.19, F.S.; revising
14 requirements relating to name and address
15 changes for driver's licenses; amending s.
16 322.21, F.S.; providing driver's license
17 reinstatement fees; providing for fee
18 distribution; amending s. 322.251, F.S.;
19 providing a conforming change; amending s.
20 322.29, F.S.; providing driver's license
21 reinstatement fees; providing for fee
22 distribution; amending s. 713.78, F.S.;
23 revising provisions relating to the placement
24 of a wrecker operator lien against a motor
25 vehicle; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (b) of subsection (1) of section
30 812.16, Florida Statutes, is amended to read:

31

1 812.16 Operating chop shops; definitions; penalties;
2 restitution; forfeiture.--

3 (1) As used in this section, the term:

4 (b) "Major component part" means one of the following
5 subassemblies of a motor vehicle, regardless of its actual
6 market value: front-end assembly, including fenders, grills,
7 hood, bumper, and related parts; any airbag and airbag
8 assemblies;frame and frame assembly; engine; transmission;
9 T-tops; rear clip assembly, including quarter panels and floor
10 panel assembly; doors; and tires, tire wheels, and continuous
11 treads and other devices.

12 Section 2. Subsection (6) of section 261.03, Florida
13 Statutes, is amended and subsection (11) is added to that
14 section, to read:

15 261.03 Definitions.--As used in this chapter, the
16 term:

17 (6) "Off-highway vehicle" means any ATV, two-rider
18 ATV,or OHM that is used off the roads or highways of this
19 state ~~for recreational purposes~~ and that is not registered and
20 licensed for highway use under chapter 320.

21 (11) "Two-rider ATV" means any ATV that is
22 specifically designed by the manufacturer for a single
23 operator and one passenger.

24 Section 3. Subsection (2) of section 316.2074, Florida
25 Statutes, is amended to read:

26 316.2074 All-terrain vehicles.--

27 (2) As used in this section, the term "all-terrain
28 vehicle" means any motorized off-highway vehicle 50 inches or
29 less in width, having a dry weight of 900 pounds or less,
30 designed to travel on three or more low-pressure tires, having
31 a seat designed to be straddled by the operator and handlebars

1 for steering control, and intended for use by a single
2 operator with no passenger. For the purposes of this section,
3 "all-terrain vehicle" also includes any "two-rider ATV" as
4 defined in s. 317.0003.

5 Section 4. Subsection (6) of section 317.0003, Florida
6 Statutes, is amended and subsection (9) is added to that
7 section, to read:

8 317.0003 Definitions.--As used in ss.
9 317.0001-317.0013, the term:

10 (6) "Off-highway vehicle" means any ATV, two-rider
11 ATV, or OHM that is used off the roads or highways of this
12 state ~~for recreational purposes~~ and that is not registered and
13 licensed for highway use pursuant to chapter 320.

14 (9) "Two-rider ATV" means any ATV that is specifically
15 designed by the manufacturer for a single operator and one
16 passenger.

17 Section 5. Subsection (2) of section 317.0008, Florida
18 Statutes, is repealed.

19 Section 6. Section 317.0014, Florida Statutes, is
20 created to read:

21 317.0014 Certificate of title; issuance in duplicate;
22 delivery; liens and encumbrances.--

23 (1) The department shall assign a number to each
24 certificate of title and shall issue each certificate of title
25 and each corrected certificate in duplicate. The database
26 record shall serve as the duplicate title certificate required
27 in this section. One printed copy may be retained on file by
28 the department.

29 (2) A duly authorized person shall sign the original
30 certificate of title and each corrected certificate and, if
31 there are no liens or encumbrances on the off-highway vehicle,

1 as shown in the records of the department or as shown in the
2 application, shall deliver the certificate to the applicant or
3 to another person as directed by the applicant or person,
4 agent, or attorney submitting the application. If there are
5 one or more liens or encumbrances on the off-highway vehicle,
6 the certificate shall be delivered by the department to the
7 first lienholder as shown by department records or to the
8 owner as indicated in the notice of lien filed by the first
9 lienholder. If the notice of lien filed by the first
10 lienholder indicates that the certificate should be delivered
11 to the first lienholder, the department shall deliver to the
12 first lienholder, along with the certificate, a form to be
13 subsequently used by the lienholder as a satisfaction. If the
14 notice of lien filed by the first lienholder directs the
15 certificate of title to be delivered to the owner, then, upon
16 delivery of the certificate of title by the department to the
17 owner, the department shall deliver to the first lienholder
18 confirmation of the receipt of the notice of lien and the date
19 the certificate of title was issued to the owner at the
20 owner's address shown on the notice of lien and a form to be
21 subsequently used by the lienholder as a satisfaction. If the
22 application for certificate shows the name of a first
23 lienholder different from the name of the first lienholder as
24 shown by the records of the department, the certificate may
25 not be issued to any person until after all parties who appear
26 to hold a lien and the applicant for the certificate have been
27 notified of the conflict in writing by the department by
28 certified mail. If the parties do not amicably resolve the
29 conflict within 10 days after the date the notice was mailed,
30 the department shall serve notice in writing by certified mail
31 on all persons appearing to hold liens on that particular

1 vehicle, including the applicant for the certificate, to show
2 cause within 15 days following the date the notice is mailed
3 as to why it should not issue and deliver the certificate to
4 the person indicated in the notice of lien filed by the
5 lienholder whose name appears in the application as the first
6 lienholder without showing any lien or liens as outstanding
7 other than those appearing in the application or those that
8 have been filed subsequent to the filing of the application
9 for the certificate. If, within the 15-day period, any person
10 other than the lienholder shown in the application or a party
11 filing a subsequent lien, in answer to the notice to show
12 cause, appears in person or by a representative, or responds
13 in writing, and files a written statement under oath that his
14 or her lien on that particular vehicle is still outstanding,
15 the department may not issue the certificate to anyone until
16 after the conflict has been settled by the lien claimants
17 involved or by a court of competent jurisdiction. If the
18 conflict is not settled amicably within 10 days after the
19 final date for filing an answer to the notice to show cause,
20 the complaining party shall have 10 days in which to obtain a
21 ruling, or a stay order, from a court of competent
22 jurisdiction. If a ruling or stay order is not issued and
23 served on the department within the 10-day period, it shall
24 issue the certificate showing no liens except those shown in
25 the application or thereafter filed to the original applicant
26 if there are no liens shown in the application and none are
27 thereafter filed, or to the person indicated in the notice of
28 lien filed by the lienholder whose name appears in the
29 application as the first lienholder if there are liens shown
30 in the application or thereafter filed. A duplicate
31 certificate or corrected certificate shall show only the lien

1 or liens as shown in the application and any subsequently
2 filed liens that may be outstanding.

3 (3) Except as provided in subsection (4), the
4 certificate of title shall be retained by the first lienholder
5 or the owner as indicated in the notice of lien filed by the
6 first lienholder. If the first lienholder is in possession of
7 the certificate, the first lienholder is entitled to retain
8 the certificate until the first lien is satisfied.

9 (4) If the owner of the vehicle, as shown on the title
10 certificate, desires to place a second or subsequent lien or
11 encumbrance against the vehicle when the title certificate is
12 in the possession of the first lienholder, the owner shall
13 send a written request to the first lienholder by certified
14 mail, and the first lienholder shall forward the certificate
15 to the department for endorsement. If the title certificate is
16 in the possession of the owner, the owner shall forward the
17 certificate to the department for endorsement. The department
18 shall return the certificate to either the first lienholder or
19 to the owner, as indicated in the notice of lien filed by the
20 first lienholder, after endorsing the second or subsequent
21 lien on the certificate and on the duplicate. If the first
22 lienholder or owner fails, neglects, or refuses to forward the
23 certificate of title to the department within 10 days after
24 the date of the owner's request, the department, on the
25 written request of the subsequent lienholder or an assignee of
26 the lien, shall demand of the first lienholder the return of
27 the certificate for the notation of the second or subsequent
28 lien or encumbrance.

29 (5)(a) Upon satisfaction of any first lien or
30 encumbrance recorded by the department, the owner of the
31 vehicle, as shown on the title certificate, or the person

1 satisfying the lien is entitled to demand and receive from the
2 lienholder a satisfaction of the lien. If the lienholder, upon
3 satisfaction of the lien and upon demand, fails or refuses to
4 furnish a satisfaction of the lien within 30 days after
5 demand, he or she is liable for all costs, damages, and
6 expenses, including reasonable attorney's fees, lawfully
7 incurred by the titled owner or person satisfying the lien in
8 any suit brought in this state for cancellation of the lien.
9 The lienholder receiving final payment as defined in s.
10 674.215 shall mail or otherwise deliver a lien satisfaction
11 and the certificate of title indicating the satisfaction
12 within 10 working days after receipt of final payment or
13 notify the person satisfying the lien that the title is not
14 available within 10 working days after receipt of final
15 payment. If the lienholder is unable to provide the
16 certificate of title and notifies the person of such, the
17 lienholder shall provide a lien satisfaction and is
18 responsible for the cost of a duplicate title, including
19 expedited title charges as provided in s. 317.0016. This
20 paragraph does not apply to electronic transactions under
21 subsection (8).

22 (b) Following satisfaction of a lien, the lienholder
23 shall enter a satisfaction thereof in the space provided on
24 the face of the certificate of title. If the certificate of
25 title was retained by the owner, the owner shall, within 5
26 days after satisfaction of the lien, deliver the certificate
27 of title to the lienholder and the lienholder shall enter a
28 satisfaction thereof in the space provided on the face of the
29 certificate of title. If no subsequent liens are shown on the
30 certificate of title, the certificate shall be delivered by
31 the lienholder to the person satisfying the lien or

1 encumbrance and an executed satisfaction on a form provided by
2 the department shall be forwarded to the department by the
3 lienholder within 10 days after satisfaction of the lien.

4 (c) If the certificate of title shows a subsequent
5 lien not then being discharged, an executed satisfaction of
6 the first lien shall be delivered by the lienholder to the
7 person satisfying the lien and the certificate of title
8 showing satisfaction of the first lien shall be forwarded by
9 the lienholder to the department within 10 days after
10 satisfaction of the lien.

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

29 (6) When the original certificate of title cannot be
30 returned to the department by the lienholder and evidence
31 satisfactory to the department is produced that all liens or

1 encumbrances have been satisfied, upon application by the
2 owner for a duplicate copy of the certificate upon the form
3 prescribed by the department, accompanied by the fee
4 prescribed in this chapter, a duplicate copy of the
5 certificate of title, without statement of liens or
6 encumbrances, shall be issued by the department and delivered
7 to the owner.

8 (7) Any person who fails, within 10 days after receipt
9 of a demand by the department by certified mail, to return a
10 certificate of title to the department as required by
11 subsection (4) or who, upon satisfaction of a lien, fails
12 within 10 days after receipt of such demand to forward the
13 appropriate document to the department as required by
14 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of
15 the second degree, punishable as provided in s. 775.082 or s.
16 775.073.

17 (8) Notwithstanding any requirements in this section
18 or in s. 319.27 indicating that a lien on a vehicle shall be
19 noted on the face of the Florida certificate of title, if
20 there are one or more liens or encumbrances on the off-highway
21 vehicle, the department may electronically transmit the lien
22 to the first lienholder and notify the first lienholder of any
23 additional liens. Subsequent lien satisfactions may be
24 electronically transmitted to the department and must include
25 the name and address of the person or entity satisfying the
26 lien. When electronic transmission of liens and lien
27 satisfactions are used, the issuance of a certificate of title
28 may be waived until the last lien is satisfied and a clear
29 certificate of title is issued to the owner of the vehicle.

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

1 Section 7. Section 317.0015, Florida Statutes, is
2 created to read:

3 317.0015 Application of Law.--Sections 319.235,
4 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
5 off-highway vehicles that are required to be titled under this
6 chapter.

7 Section 8. Section 317.0016, Florida Statutes, is
8 created to read:

9 317.0016 Expedited service; applications; fees.--The
10 department shall provide, through its agents and for use by
11 the public, expedited service on title transfers, title
12 issuances, duplicate titles, recordation of liens, and
13 certificates of repossession. A fee of \$7 shall be charged for
14 this service, which is in addition to the fees imposed by ss.
15 317.0007 and 317.0008, and \$3.50 of this fee shall be retained
16 by the processing agency. All remaining fees shall be
17 deposited in the Incidental Trust Fund of the Division of
18 Forestry of the Department of Agriculture and Consumer
19 Services. Application for expedited service may be made by
20 mail or in person. The department shall issue each title
21 applied for pursuant to this section within 5 working days
22 after receipt of the application except for an application for
23 a duplicate title certificate covered by s. 317.0008(3), in
24 which case the title must be issued within 5 working days
25 after compliance with the department's verification
26 requirements.

27 Section 9. Section 317.0017, Florida Statutes, is
28 created to read:

29 317.0017 Offenses involving vehicle identification
30 numbers, applications, certificates, papers; penalty.--

31 (1) A person may not:

1 (a) Alter or forge any certificate of title to an
2 off-highway vehicle or any assignment thereof or any
3 cancellation of any lien on an off-highway vehicle.

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

6 (c) Procure or attempt to procure a certificate of
7 title to an off-highway vehicle, or pass or attempt to pass a
8 certificate of title or any assignment thereof to an
9 off-highway vehicle, knowing or having reason to believe that
10 the off-highway vehicle has been stolen.

11 (d) Possess, sell or offer for sale, conceal, or
12 dispose of in this state an off-highway vehicle, or major
13 component part thereof, on which any motor number or vehicle
14 identification number affixed by the manufacturer or by a
15 state agency has been destroyed, removed, covered, altered, or
16 defaced, with knowledge of such destruction, removal,
17 covering, alteration, or defacement, except as provided in s.
18 319.30(4).

19 (e) Use a false or fictitious name, give a false or
20 fictitious address, or make any false statement in any
21 application or affidavit required under this chapter or in a
22 bill of sale or sworn statement of ownership or otherwise
23 commit a fraud in any application.

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

29 (3) A person may not knowingly obtain goods, services,
30 credit, or money by means of a certificate of title to an
31

1 off-highway vehicle, which certificate is required by law to
2 be surrendered to the department.

3 (4) A person may not knowingly and with intent to
4 defraud have in his or her possession, sell, offer to sell,
5 counterfeit, or supply a blank, forged, fictitious,
6 counterfeit, stolen, or fraudulently or unlawfully obtained
7 certificate of title, bill of sale, or other indicia of
8 ownership of an off-highway vehicle or conspire to do any of
9 the foregoing.

10 (5) A person, firm, or corporation may not knowingly
11 possess, manufacture, sell or exchange, offer to sell or
12 exchange, supply in blank, or give away any counterfeit
13 manufacturer's or state-assigned identification number plates
14 or serial plates or any decal used for the purpose of
15 identifying an off-highway vehicle. An officer, agent, or
16 employee of any person, firm, or corporation, or any person
17 may not authorize, direct, aid in exchange, or give away, or
18 conspire to authorize, direct, aid in exchange, or give away,
19 such counterfeit manufacturer's or state-assigned
20 identification number plates or serial plates or any decal.
21 However, this subsection does not apply to any approved
22 replacement manufacturer's or state-assigned identification
23 number plates or serial plates or any decal issued by the
24 department or any state.

25 (6) A person who violates any provision of this
26 section commits a felony of the third degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084. Any
28 off-highway vehicle used in violation of this section
29 constitutes contraband that may be seized by a law enforcement
30 agency and that is subject to forfeiture proceedings pursuant
31 to ss. 932.701-932.704. This section is not exclusive of any

1 other penalties prescribed by any existing or future laws for
2 the larceny or unauthorized taking of off-highway vehicles,
3 but is supplementary thereto.

4 Section 10. Section 317.0018, Florida Statutes, is
5 created to read:

6 317.0018 Transfer without delivery of certificate;
7 operation or use without certificate; failure to surrender;
8 other violations.--Except as otherwise provided in this
9 chapter, any person who:

10 (1) Purports to sell or transfer an off-highway
11 vehicle without delivering to the purchaser or transferee of
12 the vehicle a certificate of title to the vehicle duly
13 assigned to the purchaser as provided in this chapter;

14 (2) Operates or uses in this state an off-highway
15 vehicle for which a certificate of title is required without
16 the certificate having been obtained in accordance with this
17 chapter, or upon which the certificate of title has been
18 canceled;

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

22 (4) Fails to surrender the certificate of title to the
23 department as provided in this chapter in the case of the
24 destruction, dismantling, or change of an off-highway vehicle
25 in such respect that it is not the off-highway vehicle
26 described in the certificate of title; or

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

29
30 shall be fined not more than \$500 or imprisoned for not more
31 than 6 months, or both, for each offense.

1 Section 11. Subsection (2) of section 318.15, Florida
2 Statutes, is amended to read:

3 318.15 Failure to comply with civil penalty or to
4 appear; penalty.--

5 (2) After suspension of the driver's license and
6 privilege to drive of a person under subsection (1), the
7 license and privilege may not be reinstated until the person
8 complies with all obligations and penalties imposed on him or
9 her under s. 318.18 and presents to a driver license office a
10 certificate of compliance issued by the court, together with
11 the ~~\$35~~\$25 nonrefundable service fee imposed under s. 322.29,
12 or presents the certificate of compliance and pays the
13 aforementioned ~~\$35~~\$25 service fee to the clerk of the court
14 or tax collector clearing such suspension, with \$10 of the fee
15 collected by the clerk of the court or tax collector to be
16 remitted to the Department of Revenue to be deposited into the
17 Highway Safety Operating Trust Fund. Such person shall also be
18 in compliance with requirements of chapter 322 prior to
19 reinstatement.

20 Section 12. Subsection (6) of section 319.23, Florida
21 Statutes, is amended to read:

22 319.23 Application for, and issuance of, certificate
23 of title.--

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

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

13 Section 13. Section 320.055, Florida Statutes, is
14 amended to read:

15 320.055 Registration periods; renewal periods.--The
16 following registration periods and renewal periods are
17 established:

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

30 (2) For a vehicle subject to registration under s.
31 320.08(11), the registration period begins January 1 and ends

1 December 31. For a vehicle subject to this registration
2 period, the renewal period is the 31-day period prior to
3 expiration.

4 (3) For a vehicle subject to registration under s.
5 320.08(12), the registration period runs concurrently with the
6 licensing period. For a vehicle subject to this registration
7 period, the renewal period is the first month of the licensing
8 period.

9 (4) For a vehicle subject to registration under s.
10 320.08(13), for vehicles subject to registration under s.
11 320.08(6)(a) that are short-term rental vehicles, and for any
12 vehicle for which a registration period is not otherwise
13 specified, the registration period begins June 1 and ends May
14 31. For a vehicle subject to this registration period, the
15 renewal period is the 30-day period beginning June 1.

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

30 (6) For those vehicles subject to registration under
31 s. 320.08(6)(a) which are not short-term rental vehicles, the

1 department shall develop and implement a registration renewal
2 system that, where practicable, evenly distributes the
3 registration renewal period throughout the year. For a
4 vehicle subject to this registration period, the renewal
5 period is the first month of the assigned registration period.
6 Effective January 1, 2004, all original and transfer
7 transactions of long-term leased motor vehicles must be
8 registered in the name of the lessee.

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

13 Section 14. Subsection (3) of section 320.07, Florida
14 Statutes, is amended, present subsection (5) of that section
15 is redesignated as subsection (7), and new subsections (5) and
16 (6) are added to that section, to read:

17 320.07 Expiration of registration; annual renewal
18 required; penalties.--

19 (3) The operation of any motor vehicle without having
20 attached thereto a registration license plate and validation
21 stickers, or the use of any mobile home without having
22 attached thereto a mobile home sticker, for the current
23 registration period shall subject the owner thereof, if he or
24 she is present, or, if the owner is not present, the operator
25 thereof to the following penalty provisions:

26 (a) Any person whose motor vehicle or mobile home
27 registration has been expired for a period of 6 months or less
28 commits a noncriminal traffic infraction, punishable as a
29 nonmoving violation as provided in chapter 318.

30 (b) Any person whose motor vehicle or mobile home
31 registration has been expired for more than 6 months shall

1 upon a first offense be subject to the penalty provided in s.
2 318.14.

3 (c) Any person whose motor vehicle or mobile home
4 registration has been expired for more than 6 months shall
5 upon a second or subsequent offense be guilty of a misdemeanor
6 of the second degree, punishable as provided in s. 775.082 or
7 s. 775.083.

8 (d) However, no operator shall be charged with a
9 violation of this subsection if the operator can show,
10 pursuant to a valid lease agreement, that the vehicle had been
11 leased for a period of 30 days or less at the time of the
12 offense.

13 (e) Any service member, as defined in subsection (6),
14 whose mobile home registration has expired while serving on
15 active duty shall not be charged with a violation of this
16 subsection if, at the time of the offense, the service member
17 was serving on federal or state active duty more than 35 miles
18 from the service member's home of record prior to entering
19 active duty. To have the charges waived, the service member
20 must present to the department either a copy of the official
21 military orders or a written verification signed by the
22 service member's commanding officer.

23 (5) Any service member, as defined in subsection (6),
24 whose motor vehicle or mobile home registration has expired
25 while serving on active duty shall be able to renew his or her
26 registration upon return from active duty without penalty, if
27 the service members served on federal or state active duty
28 more than 35 miles from the service member's home of record
29 prior to entering active duty. To have the delinquent fees
30 waived, the service member must provide to the department
31 either a copy of the official military orders or a written

1 verification signed by the service member's commanding
2 officer.

3 (6) As used in this section, the term "service member"
4 means any person serving as a member of the United States
5 Armed Forces on active duty or state active duty and all
6 members of the Florida National Guard and the United States
7 Reserve Forces.

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

10 320.131 Temporary tags.--

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

21 Section 16. Paragraph (b) of subsection (9) of section
22 320.27, Florida Statutes, is amended to read:

23 320.27 Motor vehicle dealers.--

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

25 (b) The department may deny, suspend, or revoke any
26 license issued hereunder or under the provisions of s. 320.77
27 or s. 320.771 upon proof that a licensee has committed, with
28 sufficient frequency so as to establish a pattern of
29 wrongdoing on the part of a licensee, violations of one or
30 more of the following activities:

31

1 1. Representation that a demonstrator is a new motor
2 vehicle, or the attempt to sell or the sale of a demonstrator
3 as a new motor vehicle without written notice to the purchaser
4 that the vehicle is a demonstrator. For the purposes of this
5 section, a "demonstrator," a "new motor vehicle," and a "used
6 motor vehicle" shall be defined as under s. 320.60.

7 2. Unjustifiable refusal to comply with a licensee's
8 responsibility under the terms of the new motor vehicle
9 warranty issued by its respective manufacturer, distributor,
10 or importer. However, if such refusal is at the direction of
11 the manufacturer, distributor, or importer, such refusal shall
12 not be a ground under this section.

13 3. Misrepresentation or false, deceptive, or
14 misleading statements with regard to the sale or financing of
15 motor vehicles which any motor vehicle dealer has, or causes
16 to have, advertised, printed, displayed, published,
17 distributed, broadcast, televised, or made in any manner with
18 regard to the sale or financing of motor vehicles.

19 4. Failure by any motor vehicle dealer to provide a
20 customer or purchaser with an odometer disclosure statement
21 and a copy of any bona fide written, executed sales contract
22 or agreement of purchase connected with the purchase of the
23 motor vehicle purchased by the customer or purchaser.

24 5. Failure of any motor vehicle dealer to comply with
25 the terms of any bona fide written, executed agreement,
26 pursuant to the sale of a motor vehicle.

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

29 7. Use of the dealer license identification number by
30 any person other than the licensed dealer or his or her
31 designee.

1 8. Failure to continually meet the requirements of the
2 licensure law.

3 9. Representation to a customer or any advertisement
4 to the public representing or suggesting that a motor vehicle
5 is a new motor vehicle if such vehicle lawfully cannot be
6 titled in the name of the customer or other member of the
7 public by the seller using a manufacturer's statement of
8 origin as permitted in s. 319.23(1).

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

12 11. Requirement by any motor vehicle dealer that any
13 customer or purchaser finance a motor vehicle with a specific
14 financial institution or company.

15 12. Requirement by any motor vehicle dealer that the
16 purchaser of a motor vehicle contract with the dealer for
17 physical damage insurance.

18 13. Perpetration of a fraud upon any person as a
19 result of dealing in motor vehicles, including, without
20 limitation, the misrepresentation to any person by the
21 licensee of the licensee's relationship to any manufacturer,
22 importer, or distributor.

23 14. Violation of any of the provisions of s. 319.35 by
24 any motor vehicle dealer.

25 15. Sale by a motor vehicle dealer of a vehicle
26 offered in trade by a customer prior to consummation of the
27 sale, exchange, or transfer of a newly acquired vehicle to the
28 customer, unless the customer provides written authorization
29 for the sale of the trade-in vehicle prior to delivery of the
30 newly acquired vehicle.

31

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

3 17. Violation of chapter 319, this chapter, or ss.
4 559.901-559.9221, which has to do with dealing in or repairing
5 motor vehicles or mobile homes. Additionally, in the case of
6 used motor vehicles, the willful violation of the federal law
7 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
8 to the consumer sales window form.

9 Section 17. Subsections (1), (2), and (3) of section
10 322.051, Florida Statutes, are amended, and subsection (8) is
11 added to that section, to read:

12 322.051 Identification cards.--

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

18 (a) Each such application shall include the following
19 information regarding the applicant:

- 20 1. Full name (first, middle or maiden, and last),
21 gender, social security card number, county of residence and
22 mailing address, country of birth, and a brief description.
23 2. Proof of birth date satisfactory to the department.
24 3. Proof of identity satisfactory to the department.

25 Such proof must include one of the following documents issued
26 to the applicant:

- 27 a. A driver's license record or identification card
28 record from another jurisdiction that required the applicant
29 to submit a document for identification which is substantially
30 similar to a document required under sub-subparagraph b.,

31

1 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
2 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;
3 b. A certified copy of a United States birth
4 certificate;
5 c. A ~~valid~~ United States passport;
6 d. A naturalization certificate issued by the United
7 States Department of Justice;
8 e.d. An alien registration receipt card (green card);
9 f.e. An employment authorization card issued by the
10 United States Department of Justice; or
11 g.f. Proof of nonimmigrant classification provided by
12 the United States Department of Justice, for an original
13 identification card. In order to prove such nonimmigrant
14 classification, applicants may produce but are not limited to
15 the following documents:
16 (I) A notice of hearing from an immigration court
17 scheduling a hearing on any proceeding.
18 (II) A notice from the Board of Immigration Appeals
19 acknowledging pendency of an appeal.
20 (III) Notice of the approval of an application for
21 adjustment of status issued by the United States Immigration
22 and Naturalization Service.
23 (IV) Any official documentation confirming the filing
24 of a petition for asylum status or any other relief issued by
25 the United States Immigration and Naturalization Service.
26 (V) Notice of action transferring any pending matter
27 from another jurisdiction to Florida, issued by the United
28 States Immigration and Naturalization Service.
29 (VI) Order of an immigration judge or immigration
30 officer granting any relief that authorizes the alien to live
31

1 and work in the United States including, but not limited to
2 asylum.

3

4 Presentation of any of the ~~foregoing~~ documents described in
5 sub-subparagraph f. or sub-subparagraph g. entitles shall
6 ~~entitle~~ the applicant to an identification card ~~a driver's~~
7 ~~license or temporary permit~~ for a period not to exceed the
8 expiration date of the document presented or 2 years,
9 whichever first occurs.

10 (b) An application for an identification card must be
11 signed and verified by the applicant in a format designated by
12 the department before a person authorized to administer oaths.
13 The fee for an identification card is \$10, of which \$4 shall
14 be deposited into the General Revenue Fund and \$6 into the
15 Highway Safety Operating Trust Fund. The fee shall include \$3,
16 ~~including~~ payment for the color photograph or digital image of
17 the applicant.

18 (c) Each such applicant may include fingerprints and
19 any other unique biometric means of identity.

20 (2)(a) Every identification card shall expire, unless
21 canceled earlier, on the fourth birthday of the applicant
22 following the date of original issue. However, if an
23 individual is 60 years of age or older, and has an
24 identification card issued under this section, the card shall
25 not expire unless done so by cancellation by the department or
26 by the death of the cardholder. Renewal of any identification
27 card shall be made for a term which shall expire on the fourth
28 birthday of the applicant following expiration of the
29 identification card renewed, unless surrendered earlier. Any
30 application for renewal received later than 90 days after
31 expiration of the identification card shall be considered the

1 same as an application for an original identification card.
2 The renewal fee for an identification card shall be \$10, of
3 which \$4 shall be deposited into the General Revenue Fund and
4 \$6 into the Highway Safety Operating Trust Fund~~\$3~~. The
5 department shall, at the end of 4 years and 6 months after the
6 issuance or renewal of an identification card, destroy any
7 record of the card if it has expired and has not been renewed,
8 unless the cardholder is 60 years of age or older.

9 (b) Notwithstanding any other provision of this
10 chapter, if an applicant establishes his or her identity for
11 an identification card using a document authorized under
12 sub-subparagraph (1)(a)3.e.~~(a)3.d.~~, the identification card
13 shall expire on the fourth birthday of the applicant following
14 the date of original issue or upon first renewal or duplicate
15 issued after implementation of this section. After an initial
16 showing of such documentation, he or she is exempted from
17 having to renew or obtain a duplicate in person.

18 (c) Notwithstanding any other provisions of this
19 chapter, if an applicant establishes his or her identity for
20 an identification card using an identification document
21 authorized under sub-subparagraph (1)(a)3.f. or
22 sub-subparagraph (1)(a)3.g.~~sub-subparagraphs (a)3.e.-f.~~, the
23 identification card shall expire 2 ~~4~~ years after the date of
24 issuance or upon the expiration date cited on the United
25 States Department of Justice documents, whichever date first
26 occurs, and may not be renewed or obtain a duplicate except in
27 person.

28 (3) If ~~In the event~~ an identification card issued
29 under this section is lost, destroyed, or mutilated or a new
30 name is acquired, the person to whom it was issued may obtain
31 a duplicate upon furnishing satisfactory proof of such fact to

1 the department and upon payment of a fee of ~~\$10~~\$2.50 for such
2 duplicate, \$2.50 of which shall be deposited into the General
3 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
4 Fund. The fee ~~which~~ shall include payment for the color
5 photograph or digital image of the applicant. Any person who
6 loses an identification card and who, after obtaining a
7 duplicate, finds the original card shall immediately surrender
8 the original card to the department. The same documentary
9 evidence shall be furnished for a duplicate as for an original
10 identification card.

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

23 Section 18. Subsection (2) of section 322.08, Florida
24 Statutes, is amended to read:

25 322.08 Application for license.--

26 (2) Each such application shall include the following
27 information regarding the applicant:

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

31

1 (b) Proof of birth date satisfactory to the
2 department.

3 (c) Proof of identity satisfactory to the department.
4 Such proof must include one of the following documents issued
5 to the applicant:

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

12 2. A certified copy of a United States birth
13 certificate;

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

15 4. A naturalization certificate issued by the United
16 States Department of Justice;

17 ~~5.4.~~ An alien registration receipt card (green card);

18 ~~6.5.~~ An employment authorization card issued by the
19 United States Department of Justice; or

20 ~~7.6.~~ Proof of nonimmigrant classification provided by
21 the United States Department of Justice, for an original
22 driver's license. In order to prove nonimmigrant
23 classification, an applicant may produce the following
24 documents, including, but not limited to:

25 a. A notice of hearing from an immigration court
26 scheduling a hearing on any proceeding.

27 b. A notice from the Board of Immigration Appeals
28 acknowledging pendency of an appeal.

29 c. A notice of the approval of an application for
30 adjustment of status issued by the United States Immigration
31 and Naturalization Service.

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

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

7 f. An 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 documents in subparagraph 6. or
13 subparagraph 7. entitles the applicant to a driver's license
14 or temporary permit for a period not to exceed the expiration
15 date of the document presented or 2 years, whichever occurs
16 first.

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

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

25 Section 19. Subsections (1) and (2) and paragraph (a)
26 of subsection (5) of section 322.12, Florida Statutes, are
27 amended to read:

28 322.12 Examination of applicants.--

29 (1) It is the intent of the Legislature that every
30 applicant for an original driver's license in this state be
31 required to pass an examination pursuant to this section.

1 However, the department may waive the knowledge, endorsement,
2 and skills tests for an applicant who is otherwise qualified
3 and who surrenders a valid driver's license from another state
4 or a province of Canada, or a valid driver's license issued by
5 the United States Armed Forces, if the driver applies for a
6 Florida license of an equal or lesser classification. Any
7 applicant who fails to pass the initial knowledge test will
8 incur a \$5 fee for each subsequent test, to be deposited into
9 the Highway Safety Operating Trust Fund. Any applicant who
10 fails to pass the initial skills test will incur a \$10 fee for
11 each subsequent test, to be deposited into the Highway Safety
12 Operating Trust Fund. A person who seeks to retain a
13 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
14 must pass the hazardous-materials test, upon surrendering his
15 or her commercial driver's license, if the person has not
16 taken and passed the hazardous-materials test within 2 years
17 preceding his or her application for a commercial driver's
18 license in this state.

19 (2) The department shall examine every applicant for a
20 driver's license, including an applicant who is licensed in
21 another state or country, except as otherwise provided in this
22 chapter. A person who holds a learner's driver's license as
23 provided for in s. 322.1615 is not required to pay a fee for
24 successfully completing the examination showing his or her
25 ability to operate a motor vehicle as provided for herein and
26 need not pay the fee for a replacement license as provided in
27 s. 322.17(2). ~~Any person who applies for reinstatement~~
28 ~~following the suspension or revocation of his or her driver's~~
29 ~~license shall pay a service fee of \$25 following a suspension,~~
30 ~~and \$50 following a revocation, which is in addition to the~~
31 ~~fee for a license. Any person who applies for reinstatement of~~

1 ~~a commercial driver's license following the disqualification~~
2 ~~of his or her privilege to operate a commercial motor vehicle~~
3 ~~shall pay a service fee of \$50, which is in addition to the~~
4 ~~fee for a license. The department shall collect all of these~~
5 ~~fees at the time of reinstatement. The department shall issue~~
6 ~~proper receipts for such fees and shall promptly transmit all~~
7 ~~funds received by it as follows:~~

8 ~~(a) Of the \$25 fee received from a licensee for~~
9 ~~reinstatement following a suspension, the department shall~~
10 ~~deposit \$15 in the General Revenue Fund and the remaining \$10~~
11 ~~in the Highway Safety Operating Trust Fund.~~

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

16
17 ~~If the revocation or suspension of the driver's license was~~
18 ~~for a violation of s. 316.193, or for refusal to submit to a~~
19 ~~lawful breath, blood, or urine test, an additional fee of \$105~~
20 ~~must be charged. However, only one such \$105 fee is to be~~
21 ~~collected from one person convicted of such violations arising~~
22 ~~out of the same incident. The department shall collect the~~
23 ~~\$105 fee and deposit it into the Highway Safety Operating~~
24 ~~Trust Fund at the time of reinstatement of the person's~~
25 ~~driver's license, but the fee must not be collected if the~~
26 ~~suspension or revocation was overturned.~~

27 (5)(a) The department shall formulate a separate
28 examination for applicants for licenses to operate
29 motorcycles. Any applicant for a driver's license who wishes
30 to operate a motorcycle, and who is otherwise qualified, must
31 successfully complete such an examination, which is in

1 addition to the examination administered under subsection (3).
2 The examination must test the applicant's knowledge of the
3 operation of a motorcycle and of any traffic laws specifically
4 relating thereto and must include an actual demonstration of
5 his or her ability to exercise ordinary and reasonable control
6 in the operation of a motorcycle. Any applicant who fails to
7 pass the initial knowledge examination will incur a \$5 fee for
8 each subsequent examination, to be deposited into the Highway
9 Safety Operating Trust Fund. Any applicant who fails to pass
10 the initial skills examination will incur a \$10 fee for each
11 subsequent examination, to be deposited into the Highway
12 Safety Operating Trust Fund. In the formulation of the
13 examination, the department shall consider the use of the
14 Motorcycle Operator Skills Test and the Motorcycle in Traffic
15 Test offered by the Motorcycle Safety Foundation. The
16 department shall indicate on the license of any person who
17 successfully completes the examination that the licensee is
18 authorized to operate a motorcycle. If the applicant wishes
19 to be licensed to operate a motorcycle only, he or she need
20 not take the skill or road test required under subsection (3)
21 for the operation of a motor vehicle, and the department shall
22 indicate such a limitation on his or her license as a
23 restriction. Every first-time applicant for licensure to
24 operate a motorcycle who is under 21 years of age must provide
25 proof of completion of a motorcycle safety course, as provided
26 for in s. 322.0255, before the applicant may be licensed to
27 operate a motorcycle.

28 Section 20. Subsection (1) of section 322.142, Florida
29 Statutes, is amended to read:

30 322.142 Color photographic or digital imaged
31 licenses.--

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

12 Section 21. Subsections (2) and (3) of section 322.17,
13 Florida Statutes, are amended to read:

14 322.17 Duplicate and replacement certificates.--

15 (2) Upon the surrender of the original license and the
16 payment of a \$10 replacement fee, the department shall issue a
17 replacement license to make a change in name, ~~address,~~ or
18 restrictions. Upon request by the licensee and notification of
19 a change in address, the department shall issue a replacement
20 license or address sticker. ~~Upon written request by the~~
21 ~~licensee and notification of a change in address, and the~~
22 ~~payment of a \$10 fee, the department shall issue an address~~
23 ~~sticker which shall be affixed to the back of the license by~~
24 ~~the licensee.~~ Nine dollars of the fee levied in this
25 subsection shall go to the Highway Safety Operating Trust Fund
26 of the department.

27 (3) Notwithstanding any other provisions of this
28 chapter, if a licensee establishes his or her identity for a
29 driver's license using an identification document authorized
30 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the
31 licensee may not obtain a duplicate or replacement instruction

1 permit or driver's license except in person and upon
2 submission of an identification document authorized under s.
3 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5.-6.~~

4 Section 22. Subsections (2) and (4) of section 322.18,
5 Florida Statutes, are amended to read:

6 322.18 Original applications, licenses, and renewals;
7 expiration of licenses; delinquent licenses.--

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

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

15 (b) An applicant applying for a renewal issuance or
16 renewal extension shall be issued a driver's license or
17 renewal extension sticker which expires at midnight on the
18 licensee's birthday which next occurs 4 years after the month
19 of expiration of the license being renewed, except that a
20 driver whose driving record reflects no convictions for the
21 preceding 3 years shall be issued a driver's license or
22 renewal extension sticker which expires at midnight on the
23 licensee's birthday which next occurs 6 years after the month
24 of expiration of the license being renewed.

25 (c) Notwithstanding any other provision of this
26 chapter, if an applicant establishes his or her identity for a
27 driver's license using a document authorized under s.
28 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the driver's license shall
29 expire in accordance with paragraph (b). After an initial
30 showing of such documentation, he or she is exempted from
31 having to renew or obtain a duplicate in person.

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

8 (4)(a) Except as otherwise provided in this chapter,
9 all licenses shall be renewable every 4 years or 6 years,
10 depending upon the terms of issuance and shall be issued or
11 extended upon application, payment of the fees required by s.
12 322.21, and successful passage of any required examination,
13 unless the department has reason to believe that the licensee
14 is no longer qualified to receive a license.

15 (b) Notwithstanding any other provision of this
16 chapter, if an applicant establishes his or her identity for a
17 driver's license using a document authorized under s.
18 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the license, upon an initial
19 showing of such documentation, is exempted from having to
20 renew or obtain a duplicate in person, unless the renewal or
21 duplication coincides with the periodic reexamination of a
22 driver as required pursuant to s. 322.121.

23 (c) Notwithstanding any other provision of this
24 chapter, if a licensee establishes his or her identity for a
25 driver's license using an identification document authorized
26 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the
27 licensee may not renew the driver's license except in person
28 and upon submission of an identification document authorized
29 under s. 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4.-6.~~ A driver's
30 license renewed under this paragraph expires 4 years after the
31 date of issuance or upon the expiration date cited on the

1 United States Department of Justice documents, whichever date
2 first occurs.

3 Section 23. Subsection (4) of section 322.19, Florida
4 Statutes, is amended to read:

5 322.19 Change of address or name.--

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

13 Section 24. Subsection (8) is added to section 322.21,
14 Florida Statutes, to read:

15 322.21 License fees; procedure for handling and
16 collecting fees.--

17 (8) Any person who applies for reinstatement following
18 the suspension or revocation of the person's driver's license
19 shall pay a service fee of \$35 following a suspension, and \$60
20 following a revocation, which is in addition to the fee for a
21 license. Any person who applies for reinstatement of a
22 commercial driver's license following the disqualification of
23 the person's privilege to operate a commercial motor vehicle
24 shall pay a service fee of \$60, which is in addition to the
25 fee for a license. The department shall collect all of these
26 fees at the time of reinstatement. The department shall issue
27 proper receipts for such fees and shall promptly transmit all
28 funds received by it as follows:

29 (a) Of the \$35 fee received from a licensee for
30 reinstatement following a suspension, the department shall
31

1 deposit \$15 in the General Revenue Fund and the remaining \$20
2 in the Highway Safety Operating Trust Fund.

3 (b) Of the \$60 fee received from a licensee for
4 reinstatement following a revocation or disqualification, the
5 department shall deposit \$35 in the General Revenue Fund and
6 the remaining \$25 in the Highway Safety Operating Trust Fund.

7
8 If the revocation or suspension of the driver's license was
9 for a violation of s. 316.193, or for refusal to submit to a
10 lawful breath, blood, or urine test, an additional fee of \$115
11 must be charged. However, only one \$115 fee may be collected
12 from one person convicted of violations arising out of the
13 same incident. The department shall collect the \$115 fee and
14 deposit the fee into the Highway Safety Operating Trust Fund
15 at the time of reinstatement of the person's driver's license,
16 but the fee must not be collected if the suspension or
17 revocation is overturned.

18 Section 25. Subsection (4) of section 322.251, Florida
19 Statutes, is amended to read:

20 322.251 Notice of cancellation, suspension,
21 revocation, or disqualification of license.--

22 (4) A person whose privilege to operate a commercial
23 motor vehicle is temporarily disqualified may, upon
24 surrendering his or her commercial driver's license, be issued
25 a Class D or Class E driver's license, valid for the length of
26 his or her unexpired commercial driver's license, at no cost.
27 Such person may, upon the completion of his or her
28 disqualification, be issued a commercial driver's license, of
29 the type disqualified, for the remainder of his or her
30 unexpired license period. Any such person shall pay the

31

1 reinstatement fee provided in s. 322.21 ~~s. 322.12~~ before being
2 issued a commercial driver's license.

3 Section 26. Subsection (2) of section 322.29, Florida
4 Statutes, is amended to read:

5 322.29 Surrender and return of license.--

6 (2) The provisions of subsection (1) to the contrary
7 notwithstanding, no examination is required for the return of
8 a license suspended under s. 318.15 or s. 322.245 unless an
9 examination is otherwise required by this chapter. Every
10 person applying for the return of a license suspended under s.
11 318.15 or s. 322.245 shall present to the department
12 certification from the court that he or she has complied with
13 all obligations and penalties imposed on him or her pursuant
14 to s. 318.15 or, in the case of a suspension pursuant to s.
15 322.245, that he or she has complied with all directives of
16 the court and the requirements of s. 322.245 and shall pay to
17 the department a nonrefundable service fee of \$35, of which
18 \$15 shall be deposited into the General Revenue Fund and \$20
19 shall be deposited into the Highway Safety Operating Trust
20 Fund. \$25 If reinstated by the clerk of the court or tax
21 collector, \$25 shall be retained and \$10 shall be remitted to
22 the Department of Revenue for deposit into the Highway Safety
23 Operating Trust Fund. However, the service fee is not required
24 if the person is required to pay a \$35 ~~\$25~~ fee or \$60 ~~\$50~~ fee
25 under the provisions of s. 322.21 ~~s. 322.12(2)~~.

26 Section 27. Paragraphs (c) and (f) of subsection (13)
27 of section 713.78, Florida Statutes, are amended to read:

28 713.78 Liens for recovering, towing, or storing
29 vehicles and vessels.--

30 (13)
31

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

6 a. The registered owner presents a notarized bill of
7 sale proving that the vehicle, vessel, or mobile home was sold
8 in a private or casual sale before the vehicle, vessel, or
9 mobile home was recovered, towed, or stored.

10 b. The registered owner presents proof that the
11 Florida certificate of title of the vehicle, vessel, or mobile
12 home was sold to a licensed dealer as defined in s. 319.001
13 before the vehicle, vessel, or mobile home was recovered,
14 towed, or stored.

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

18
19 If the registered owner's dispute of a wrecker operator's lien
20 complies with one of these criteria, the department shall
21 immediately remove the registered owner's name from the list
22 of those persons who may not be issued a license plate or
23 revalidation sticker for any motor vehicle under s. 320.03(8),
24 thereby allowing issuance of a license plate or revalidation
25 sticker. If the vehicle, vessel, or mobile home is owned
26 jointly by more than one person, each registered owner must
27 dispute the wrecker operator's lien in order to be removed
28 from the list. However, the department shall deny any dispute
29 and maintain the registered owner's name on the list of those
30 persons who may not be issued a license plate or revalidation
31 sticker for any motor vehicle under s. 320.03(8) if the

1 wrecker operator has provided the department with a certified
2 copy of the judgment of a court which orders the registered
3 owner to pay the wrecker operator's lien claimed under this
4 section. In such a case, the amount of the wrecker operator's
5 lien allowed by paragraph (b) may be increased to include no
6 more than \$500 of the reasonable costs and attorney's fees
7 incurred in obtaining the judgment. The department's action
8 under this subparagraph is ministerial in nature, shall not be
9 considered final agency action, and is appealable only to the
10 county court for the county in which the vehicle, vessel, or
11 mobile home was ordered removed.

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

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

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

26 (f) This subsection applies only to the annual renewal
27 in the registered owner's birth month of a motor vehicle
28 registration and does not apply to the transfer of a
29 registration of a motor vehicle sold by a motor vehicle dealer
30 licensed under chapter 320, except for the transfer of
31 registrations which is inclusive of the annual renewals. This

1 subsection does not apply to any vehicle registered in the
2 name of the lessor.This subsection does not affect the
3 issuance of the title to a motor vehicle, notwithstanding s.
4 319.23(7)(b).

5 Section 28. This act shall take effect October 1,
6 2003.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill CS/SB 1168

- 11 1. Amends definitions of "off-highway" and "all-terrain"
12 vehicles by deleting requirement that vehicles be used
13 "for recreational purposes," and by including "two-rider"
14 vehicles in the definition.
- 15 2. Clarifies that HSMV will provide expedited title
16 services, not create a new office of expedited title
17 services.
- 18 3. Increases the fees for identification cards from \$3 to
19 \$10 for new or renewal cards and from \$2.50 to \$10 for
20 replacement cards and specifies that \$1.00 of the
21 increase for new & renewal cards will go to General
22 Revenue with the remainder going to the Highway Safety
23 Operating Trust Fund.
- 24 4. Creates new fees of \$5 for each retake of the knowledge
25 portion of the drivers' exam and \$10 for each retake of
26 the skills portion of the drivers' exam after failure of
27 the initial exam and specifies that funds will be
28 deposited in the Highway Safety Operating Trust Fund.
- 29 5. Eliminates the \$10 fee for address changes for driver
30 licenses.
- 31 6. Increases the fee for the reinstatement of suspended
licenses from \$25 to \$35 and the fee for the
reinstatement of revoked licenses from \$50 to \$60 and
specifies that the increased fee shall be deposited into
the Highway Safety Operating Trust Fund.
7. Specifies that a service member on active duty more than
35 miles away from home shall not be charged with a
violation if his or her mobile home registration has
expired and that he or she shall be allowed to renew same
without penalty.
8. Includes airbags & airbag assemblies in the definition of
"major component part" for the purpose of prohibiting the
operation of chop shops.