

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.
11 316.003, F.S.; providing a common wheelchair is
12 not a motor vehicle; amending s. 316.2074,
13 F.S.; amending the definition of all-terrain
14 vehicle; amending s. 317.0003, F.S.; amending
15 the definition of off-highway vehicle; adding a
16 definition; repealing s. 317.0008(2), F.S.,
17 relating to the expedited issuance of duplicate
18 certificates of title for off-highway vehicles;
19 creating s. 317.0014, F.S.; establishing
20 procedures for the issuance of off-highway
21 vehicle titles; creating s. 317.0015, F.S.;
22 providing for the applicability of certain
23 provisions of law to the titling of off-highway
24 vehicles; creating s. 317.0016, F.S.; providing
25 for the expedited issuance of titles for
26 off-highway vehicles; creating s. 317.0017,
27 F.S.; prohibiting specified actions relating to
28 the issuance of titles for off-highway
29 vehicles; providing a penalty; creating s.
30 317.0018, F.S.; prohibiting the transfer of an
31 off-highway vehicle without delivery of a

1 certificate of title; prescribing other
2 violations; providing a penalty; amending s.
3 318.15, F.S.; providing for driver's license
4 reinstatement; providing disposition of fees;
5 amending s. 319.23, F.S.; providing that
6 licensed motor vehicle dealers must notify the
7 Department of Highway Safety and Motor Vehicles
8 of motor vehicles taken in trade; amending s.
9 319.30, F.S.; revising the definition of major
10 component parts; amending s. 320.055, F.S.;
11 requiring leased vehicles to be registered in
12 the name of the lessee; amending s. 320.06,
13 F.S.; providing the department may not change
14 the design of the registration license plate
15 without legislative approval; amending s.
16 320.07, F.S.; providing that certain service
17 members are not required to pay fines for an
18 expired mobile home registration or motor
19 vehicle registration; amending s. 320.0706,
20 F.S.; providing for display of license plate on
21 wreckers; amending s. 320.08053, F.S.; revising
22 requirements for establishing a specialty
23 license plate; providing procedures and
24 timeframes; requiring submission of a sample
25 plate; requiring a financial analysis of
26 anticipated revenues and expenditures;
27 requiring submission of prepaid applications;
28 providing for content of prepaid applications;
29 providing for legislative approval; requiring
30 the Department of Highway Safety and Motor
31 Vehicles to issue plates within a specified

1 time period; authorizing the department to
2 retain prepayments to cover certain costs;
3 requiring refund of prepaid applications under
4 certain circumstances; providing for a minimum
5 number of prepaid applications; providing for
6 quarterly reports to the department; providing
7 procedures and requirements for collection of
8 payments for prepaid applications; authorizing
9 the department to audit organizations
10 collecting prepaid applications; amending s.
11 320.08056, F.S.; revising conditions and
12 procedures for discontinuance of specialty
13 license plates; deleting an exemption from the
14 provisions for discontinuance of specialty
15 license plates; amending s. 320.131, F.S.;
16 providing for the creation of an electronic
17 temporary license plate system; amending s.
18 320.27, F.S.; revising provisions relating to
19 the suspension or revocation of a motor vehicle
20 dealer license; amending s. 322.051, F.S.;
21 revising provisions relating to the application
22 for an identification card; revising fees;
23 providing that the requirement for a fullface
24 photograph or digital image on an
25 identification card may not be waived under ch.
26 761, F.S.; amending s. 322.025, F.S.;
27 authorizing the Department of Highway Safety
28 and Motor Vehicles to offer a
29 once-in-a-lifetime opportunity to attend a
30 basic driver improvement course for drivers who
31 meet certain criteria; providing that the

1 department shall deduct points from a driver's
2 record upon proof of completion of the basic
3 driver improvement course; providing that the
4 department shall annotate the driver's record
5 that the improvement course had been accepted
6 and used; amending s. 318.1451, F.S.;
7 conforming provisions to changes made by the
8 act; amending s. 322.08, F.S.; revising the
9 list of documents accepted for proof of
10 identity of applicant for a driver's license;
11 providing for a voluntary contribution to be
12 made when applying for a driver's license;
13 providing for distribution of monies collected
14 from contributions; amending s. 322.12, F.S.;
15 revising provisions relating to the subsequent
16 testing of driving knowledge and skills;
17 amending s. 322.142, F.S.; providing that the
18 requirement for a fullface photograph or
19 digital image on a driver's license may not be
20 waived under ch. 761, F.S.; amending s. 322.17,
21 F.S.; revising provisions relating to the
22 application for a replacement or duplicate
23 driver's license; amending s. 322.18, F.S.;
24 revising the expiration period for driver's
25 licenses issued to specified persons; amending
26 s. 322.19, F.S.; revising requirements relating
27 to name and address changes for driver's
28 licenses; amending s. 322.21, F.S.; providing
29 driver's license reinstatement fees; providing
30 for fee distribution; amending s. 322.212,
31 F.S.; revising provisions for enforcement of

1 specified violations by the Division of
2 Alcoholic Beverages and Tobacco; amending s.
3 322.251, F.S.; providing a conforming change;
4 amending s. 322.29, F.S.; providing driver's
5 license reinstatement fees; providing for fee
6 distribution; reenacting s. 318.121, F.S.,
7 relating to preemption of additional fees,
8 fines, surcharges, and costs to incorporated
9 amendment to s. 318.18(11), F.S., in reference
10 thereto; providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (b) of subsection (1) of section
15 812.16, Florida Statutes, is amended to read:

16 812.16 Operating chop shops; definitions; penalties;
17 restitution; forfeiture.--

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

19 (b) "Major component part" means one of the following
20 subassemblies of a motor vehicle, regardless of its actual
21 market value: front-end assembly, including fenders, grills,
22 hood, bumper, and related parts; any airbag and airbag
23 assemblies; frame and frame assembly; engine; transmission;
24 T-tops; rear clip assembly, including quarter panels and floor
25 panel assembly; doors; and tires, tire wheels, and continuous
26 treads and other devices.

27 Section 2. Subsection (6) of section 261.03, Florida
28 Statutes, is amended and subsection (11) is added to that
29 section, to read:

30 261.03 Definitions.--As used in this chapter, the
31 term:

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

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

8 Section 3. Subsection (21) of section 316.003, Florida
9 Statutes, is amended to read:

10 316.003 Definitions.--The following words and phrases,
11 when used in this chapter, shall have the meanings
12 respectively ascribed to them in this section, except where
13 the context otherwise requires:

14 (21) MOTOR VEHICLE.--Any self-propelled vehicle not
15 operated upon rails or guideway, but not including any
16 bicycle, motorized scooter, electric personal assistive
17 mobility device, ~~or~~ moped, or common wheelchair as defined in
18 49 C.F.R. Part 37.3.

19 Section 4. Subsection (2) of section 316.2074, Florida
20 Statutes, is amended to read:

21 316.2074 All-terrain vehicles.--

22 (2) As used in this section, the term "all-terrain
23 vehicle" means any motorized off-highway vehicle 50 inches or
24 less in width, having a dry weight of 900 pounds or less,
25 designed to travel on three or more low-pressure tires, having
26 a seat designed to be straddled by the operator and handlebars
27 for steering control, and intended for use by a single
28 operator with no passenger. For the purposes of this section,
29 "all-terrain vehicle" also includes any "two-rider ATV" as
30 defined in s. 317.0003.

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

4 317.0003 Definitions.--As used in ss.
5 317.0001-317.0013, the term:

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

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

13 Section 6. Subsection (2) of section 317.0008, Florida
14 Statutes, is repealed.

15 Section 7. Section 317.0014, Florida Statutes, is
16 created to read:

17 317.0014 Certificate of title; issuance in duplicate;
18 delivery; liens and encumbrances.--

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

25 (2) A duly authorized person shall sign the original
26 certificate of title and each corrected certificate and, if
27 there are no liens or encumbrances on the off-highway vehicle,
28 as shown in the records of the department or as shown in the
29 application, shall deliver the certificate to the applicant or
30 to another person as directed by the applicant or person,
31 agent, or attorney submitting the application. If there are

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

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

30 (3) Except as provided in subsection (4), the
31 certificate of title shall be retained by the first lienholder

1 or the owner as indicated in the notice of lien filed by the
2 first lienholder. If the first lienholder is in possession of
3 the certificate, the first lienholder is entitled to retain
4 the certificate until the first lien is satisfied.

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

25 (5)(a) Upon satisfaction of any first lien or
26 encumbrance recorded by the department, the owner of the
27 vehicle, as shown on the title certificate, or the person
28 satisfying the lien is entitled to demand and receive from the
29 lienholder a satisfaction of the lien. If the lienholder, upon
30 satisfaction of the lien and upon demand, fails or refuses to
31 furnish a satisfaction of the lien within 30 days after

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

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

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

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

26 (6) When the original certificate of title cannot be
27 returned to the department by the lienholder and evidence
28 satisfactory to the department is produced that all liens or
29 encumbrances have been satisfied, upon application by the
30 owner for a duplicate copy of the certificate upon the form
31 prescribed by the department, accompanied by the fee

1 prescribed in this chapter, a duplicate copy of the
2 certificate of title, without statement of liens or
3 encumbrances, shall be issued by the department and delivered
4 to the owner.

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

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

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

29 Section 8. Section 317.0015, Florida Statutes, is
30 created to read:

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1 317.0015 Application of Law.--Sections 319.235,
2 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
3 off-highway vehicles that are required to be titled under this
4 chapter.

5 Section 9. Section 317.0016, Florida Statutes, is
6 created to read:

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

25 Section 10. Section 317.0017, Florida Statutes, is
26 created to read:

27 317.0017 Offenses involving vehicle identification
28 numbers, applications, certificates, papers; penalty.--

29 (1) A person may not:
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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
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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 11. 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 12. 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 13. 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 14. Paragraph (e) of subsection (1) of section
14 319.30, Florida Statutes, is amended to read:

15 319.30 Definitions; dismantling, destruction, change
16 of identity of motor vehicle or mobile home; salvage.--

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

18 (e) "Major component parts" means:

19 1. For motor vehicles other than motorcycles, the
20 front-end assembly (fenders, hood, grill, and bumper), cowl
21 assembly, rear body section (both quarter panels, trunk lid,
22 door, decklid, and bumper), floor pan, door assemblies,
23 engine, frame, transmission, chassis connected to a frame, and
24 airbag.

25 2. For trucks, in addition to those parts listed in
26 subparagraph 1., any truck bed, including dump, wrecker,
27 crane, mixer, cargo box, or any bed which mounts to a truck
28 frame.

29 3. For motorcycles, the body assembly, frame, fenders,
30 gas tanks, engine, cylinder block, heads, engine case, crank
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1 case, transmission, drive train, front fork assembly, and
2 wheels.

3 4. For mobile homes, the frame.

4 Section 15. Section 320.055, Florida Statutes, is
5 amended to read:

6 320.055 Registration periods; renewal periods.--The
7 following registration periods and renewal periods are
8 established:

9 (1) For a motor vehicle subject to registration under
10 s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7),
11 (8), (9), or (10) and owned by a natural person, the
12 registration period begins the first day of the birth month of
13 the owner and ends the last day of the month immediately
14 preceding the owner's birth month in the succeeding year. If
15 such vehicle is registered in the name of more than one
16 person, the birth month of the person whose name first appears
17 on the registration shall be used to determine the
18 registration period. For a vehicle subject to this
19 registration period, the renewal period is the 30-day period
20 ending at midnight on the vehicle owner's date of birth.

21 (2) For a vehicle subject to registration under s.
22 320.08(11), the registration period begins January 1 and ends
23 December 31. For a vehicle subject to this registration
24 period, the renewal period is the 31-day period prior to
25 expiration.

26 (3) For a vehicle subject to registration under s.
27 320.08(12), the registration period runs concurrently with the
28 licensing period. For a vehicle subject to this registration
29 period, the renewal period is the first month of the licensing
30 period.

31

1 (4) For a vehicle subject to registration under s.
2 320.08(13), for vehicles subject to registration under s.
3 320.08(6)(a) that are short-term rental vehicles, and for any
4 vehicle for which a registration period is not otherwise
5 specified, the registration period begins June 1 and ends May
6 31. For a vehicle subject to this registration period, the
7 renewal period is the 30-day period beginning June 1.

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

22 (6) For those vehicles subject to registration under
23 s. 320.08(6)(a) which are not short-term rental vehicles, the
24 department shall develop and implement a registration renewal
25 system that, where practicable, evenly distributes the
26 registration renewal period throughout the year. For a
27 vehicle subject to this registration period, the renewal
28 period is the first month of the assigned registration period.
29 Effective January 1, 2004, all original and transfer
30 transactions of long-term leased motor vehicles under chapter
31 320 must be registered in the name of the lessee.

1 (7) For those vehicles subject to registration under
2 s. 320.0657, the department shall implement a system that
3 distributes the registration renewal process throughout the
4 year.

5 Section 16. Paragraph (a) of subsection (3) of section
6 320.06, Florida Statutes, is amended to read:

7 320.06 Registration certificates, license plates, and
8 validation stickers generally.--

9 (3)(a) Registration license plates shall be of metal
10 specially treated with a retroreflective material, as
11 specified by the department. The registration license plate is
12 designed to increase nighttime visibility and legibility and
13 shall be at least 6 inches wide and not less than 12 inches in
14 length, unless a plate with reduced dimensions is deemed
15 necessary by the department to accommodate motorcycles,
16 mopeds, or similar smaller vehicles. Validation stickers shall
17 be treated with a retroreflective material, shall be of such
18 size as specified by the department, and shall adhere to the
19 license plate. The registration license plate shall be
20 imprinted with a combination of bold letters and numerals or
21 numerals, not to exceed seven digits, to identify the
22 registration license plate number. The license plate shall
23 also be imprinted with the word "Florida" at the top and the
24 name of the county in which it is sold at the bottom, except
25 that apportioned license plates shall have the word
26 "Apportioned" at the bottom and license plates issued for
27 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
28 (c), or (14) shall have the word "Restricted" at the bottom.
29 License plates issued for vehicles taxed under s. 320.08(12)
30 must be imprinted with the word "Florida" at the top and the
31 word "Dealer" at the bottom. Manufacturer license plates

1 issued for vehicles taxed under s. 320.08(12) must be
2 imprinted with the word "Florida" at the top and the word
3 "Manufacturer" at the bottom. License plates issued for
4 vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted
5 with the word "Wrecker" at the bottom. Any county may, upon
6 majority vote of the county commission, elect to have the
7 county name removed from the license plates sold in that
8 county. The words "Sunshine State" shall be printed in lieu
9 thereof. In those counties where the county commission has
10 not removed the county name from the license plate, the tax
11 collector may, in addition to issuing license plates with the
12 county name printed on the license plate, also issue license
13 plates with the words "Sunshine State" printed on the license
14 plate subject to the approval of the department and a
15 legislative appropriation for the additional license plates.
16 A license plate issued for a vehicle taxed under s. 320.08(6)
17 may not be assigned a registration license number, or be
18 issued with any other distinctive character or designation,
19 that distinguishes the motor vehicle as a for-hire motor
20 vehicle. The department may not change the design of the
21 registration license plate without prior legislative approval.

22 Section 17. Subsection (3) of section 320.07, Florida
23 Statutes, is amended, present subsection (5) of that section
24 is redesignated as subsection (7), and new subsections (5) and
25 (6) are added to that section, to read:

26 320.07 Expiration of registration; annual renewal
27 required; penalties.--

28 (3) The operation of any motor vehicle without having
29 attached thereto a registration license plate and validation
30 stickers, or the use of any mobile home without having
31 attached thereto a mobile home sticker, for the current

1 registration period shall subject the owner thereof, if he or
2 she is present, or, if the owner is not present, the operator
3 thereof to the following penalty provisions:

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

8 (b) Any person whose motor vehicle or mobile home
9 registration has been expired for more than 6 months shall
10 upon a first offense be subject to the penalty provided in s.
11 318.14.

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

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

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

1 (5) Any service member, as defined in subsection (6),
2 whose motor vehicle or mobile home registration has expired
3 while serving on active duty shall be able to renew his or her
4 registration upon return from active duty without penalty, if
5 the service members served on federal or state active duty
6 more than 35 miles from the service member's home of record
7 prior to entering active duty. To have the delinquent fees
8 waived, the service member must provide to the department
9 either a copy of the official military orders or a written
10 verification signed by the service member's commanding
11 officer.

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

17 Section 18. Section 320.0706, Florida Statutes, is
18 amended to read:

19 320.0706 Display of license plates on trucks.--The
20 owner of any commercial truck of gross vehicle weight of
21 26,001 pounds or more shall display the registration license
22 plate on both the front and rear of the truck in conformance
23 with all the requirements of s. 316.605 that do not conflict
24 with this section. However, the owner of a truck tractor shall
25 be required to display the registration license plate only on
26 the front of such vehicle. Wreckers shall be required to
27 display the registration license plate only on the front of
28 such vehicle.

29 Section 19. Section 320.08053, Florida Statutes, is
30 amended to read:

31

1 320.08053 Requirements for requests to establish
2 specialty license plates.--

3 (1) An organization that seeks authorization to
4 establish a new specialty license plate for which an annual
5 use fee is to be charged must submit to the department:

6 (a) A request for the particular specialty license
7 plate being sought, describing the proposed specialty license
8 plate in ~~specific~~ ~~general~~ terms, including a sample plate as
9 it will appear in final form and conforming to the
10 specifications set by the department and this chapter.

11 (b) A financial analysis outlining the anticipated
12 revenues and the planned expenditures of the revenues to be
13 derived from the sale of the requested specialty license plate
14 ~~The results of a scientific sample survey of Florida motor~~
15 ~~vehicle owners that indicates at least 15,000 motor vehicle~~
16 ~~owners intend to purchase the proposed specialty license plate~~
17 ~~at the increased cost. The sample survey of registered motor~~
18 ~~vehicle owners must be performed independently of the~~
19 ~~requesting organization by an organization that conducts~~
20 ~~similar sample surveys as a normal course of business. Prior~~
21 ~~to conducting a sample survey for the purposes of this~~
22 ~~section, a requesting organization must obtain a determination~~
23 ~~from the department that the organization selected to conduct~~
24 ~~the survey performs similar surveys as a normal course of~~
25 ~~business and is independent of the requesting organization.~~

26 (c) ~~An application fee, not to exceed \$60,000, to~~
27 ~~defray the department's cost for reviewing the application and~~
28 ~~developing the specialty license plate, if authorized. State~~
29 ~~funds may not be used to pay the application fee, except for~~
30 ~~collegiate specialty license plates authorized in s.~~
31 ~~320.08058(3) and (13). The specialty license plate application~~

1 ~~provisions of this act shall not apply to any organization~~
2 ~~which has requested and received the required forms for~~
3 ~~obtaining a specialty license plate authorization from the~~
4 ~~Department of Highway Safety and Motor Vehicles, has opened a~~
5 ~~bank account for the funds collected for the specialty license~~
6 ~~tag and has made deposits to such an account, and has obtained~~
7 ~~signatures toward completing the requirements for the~~
8 ~~specialty license tag. All applications requested on or after~~
9 ~~the effective date of this act must meet the requirements of~~
10 ~~this act.~~

11 ~~(d) A marketing strategy outlining short-term and~~
12 ~~long-term marketing plans for the requested specialty license~~
13 ~~plate and a financial analysis outlining the anticipated~~
14 ~~revenues and the planned expenditures of the revenues to be~~
15 ~~derived from the sale of the requested specialty license~~
16 ~~plates.~~

17
18 ~~The information required under this subsection must be~~
19 ~~submitted to the department at least 90 days before the~~
20 ~~convening of the next regular session of the Legislature.~~

21 (2) From the date the request for the specialty
22 license plate is acknowledged in writing by the department,
23 the organization seeking to establish the new plate shall have
24 24 months to submit to the department no less than 8,000
25 prepaid applications for the particular plate being proposed
26 along with any necessary fees. Applications submitted to the
27 department must:

28 (a) Include the applicant's name, address, and the
29 current Florida license plate number that is to be replaced by
30 the proposed specialty license plate.

31

1 (b) Be forwarded to the department, collectively, in
2 electronic format as determined by the department.

3 (c) Be accompanied by all prepayments for the proposed
4 specialty license plate collected by the organization.

5 (3) Upon compliance with subsection (2), the
6 organization requesting the specialty license plate may seek
7 legislative approval of the plate. From the date of enactment
8 of the specialty license plate by the Legislature, the
9 department shall begin issuing the approved plates within 1
10 year to all prepaid applicants and provide additional plates
11 for purchase. Upon enactment of the specialty license plate,
12 the department is authorized to retain prepayment amounts
13 sufficient to cover the costs incurred developing the plate;
14 however, the department may not retain an amount greater than
15 \$60,000. If the proposed specialty license plate is not
16 enacted by the Legislature, the department shall return to the
17 organization all applications and prepayments submitted by the
18 organization, and the organization shall immediately refund to
19 all applicants any payments that have been collected.

20 (4) If, after 24 months, the organization seeking to
21 establish the new specialty license plate has not obtained at
22 least 8,000 prepaid applications, the organization shall
23 immediately refund to all applicants any fees or deposits that
24 have been collected.

25 (5) After the department has acknowledged in writing
26 the organization's request to establish a new specialty
27 license plate, the organization requesting the plate shall
28 file quarterly financial reports to the department detailing
29 all collections made in conjunction with the proposed plate.
30 The department shall determine the form and content of the
31 reports. All payments collected must be deposited in a

1 separate account maintained by the organization solely for
2 receipt of prepaid application fees and shall not be
3 commingled with other funds of the organization. The
4 department is authorized to conduct any audits necessary to
5 verify the accuracy of the quarterly reports ~~If the specialty~~
6 ~~license plate requested by the organization is approved by~~
7 ~~law, the organization must submit the proposed art design for~~
8 ~~the specialty license plate to the department as soon as~~
9 ~~practicable, but no later than 60 days after the act approving~~
10 ~~the specialty license plate becomes a law. If the specialty~~
11 ~~license plate requested by the organization is not approved by~~
12 ~~the Legislature, the application fee shall be refunded to the~~
13 ~~requesting organization.~~

14 Section 20. Subsection (8) of section 320.08056,
15 Florida Statutes, is amended to read:

16 320.08056 Specialty license plates.--

17 (8)(a) The department must discontinue the issuance of
18 an approved specialty license plate if, after the second year
19 of sales, the number of currently outstanding and valid
20 specialty license plates for any particular organization
21 provided for in this chapter is less than 8,000. The
22 department shall notify the organization that if the number is
23 less than 8,000 one year after the date of the notification,
24 the department will no longer issue or replace those specialty
25 license plates.⁺

26 1. ~~Less than 8,000 plates, including annual renewals,~~
27 ~~are issued for that specialty license plate by the end of the~~
28 ~~5th year of sales.~~

29 2. ~~Less than 8,000 plates, including annual renewals,~~
30 ~~are issued for that specialty license plate during any~~
31 ~~subsequent 5-year period.~~

1 (b) The department is authorized to discontinue the
2 issuance of a specialty license plate and distribution of
3 associated annual use fee proceeds if the organization no
4 longer exists, if the organization has stopped providing
5 services that are authorized to be funded from the annual use
6 fee proceeds, or pursuant to an organizational recipient's
7 request. Organizations are required to notify the department
8 immediately to stop all warrants for plate sales if any of the
9 conditions in this section exist, and must meet the
10 requirements of s. 320.08062 for any period of operation
11 during a fiscal year.

12 (c) The requirements of paragraph (a) shall not apply
13 to collegiate specialty license plates authorized in s.
14 320.08058(3), (13), (21), and (26).

15 Section 21. Subsection (8) is added to section
16 320.131, 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 22. 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.

30
31

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.

31

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 23. Subsections (1), (2), and (3) of section
18 322.051, Florida Statutes, are amended, and subsection (8) is
19 added to that section, to read:

20 322.051 Identification cards.--

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

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

28 1. 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 2. Proof of birth date satisfactory to the department.

1 3. Proof of identity satisfactory to the department.
2 Such proof must include one of the following documents issued
3 to the applicant:

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

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

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

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

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

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

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

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

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

27 (III) Notice of the approval of an application for
28 adjustment of status issued by the United States Immigration
29 and Naturalization Service.
30
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 described 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 (b) An application for an identification card must be
19 signed and verified by the applicant in a format designated by
20 the department before a person authorized to administer oaths.
21 The fee for an identification card is \$10, of which \$4 shall
22 be deposited into the General Revenue Fund and \$6 into the
23 Highway Safety Operating Trust Fund. The fee shall include \$3,
24 ~~including~~ payment for the color photograph or digital image of
25 the applicant.

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

28 (2)(a) Every identification card shall expire, unless
29 canceled earlier, on the fourth birthday of the applicant
30 following the date of original issue. However, if an
31 individual is 60 years of age or older, and has an

1 identification card issued under this section, the card shall
2 not expire unless done so by cancellation by the department or
3 by the death of the cardholder. Renewal of any identification
4 card shall be made for a term which shall expire on the fourth
5 birthday of the applicant following expiration of the
6 identification card renewed, unless surrendered earlier. Any
7 application for renewal received later than 90 days after
8 expiration of the identification card shall be considered the
9 same as an application for an original identification card.
10 The renewal fee for an identification card shall be \$10, of
11 which \$4 shall be deposited into the General Revenue Fund and
12 \$6 into the Highway Safety Operating Trust Fund~~\$3~~. The
13 department shall, at the end of 4 years and 6 months after the
14 issuance or renewal of an identification card, destroy any
15 record of the card if it has expired and has not been renewed,
16 unless the cardholder is 60 years of age or older.

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

26 (c) Notwithstanding any other provisions of this
27 chapter, if an applicant establishes his or her identity for
28 an identification card using an identification document
29 authorized under sub-subparagraph (1)(a)3.f. or
30 sub-subparagraph (1)(a)3.g.~~sub-subparagraphs (a)3.e.-f.~~, the
31 identification card shall expire 2 4 years after the date of

1 issuance or upon the expiration date cited on the United
2 States Department of Justice documents, whichever date first
3 occurs, and may not be renewed or obtain a duplicate except in
4 person.

5 (3) ~~If in the event~~ an identification card issued
6 under this section is lost, destroyed, or mutilated or a new
7 name is acquired, the person to whom it was issued may obtain
8 a duplicate upon furnishing satisfactory proof of such fact to
9 the department and upon payment of a fee of ~~\$10\$2.50~~ for such
10 duplicate, \$2.50 of which shall be deposited into the General
11 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
12 Fund. The fee which shall include payment for the color
13 photograph or digital image of the applicant. Any person who
14 loses an identification card and who, after obtaining a
15 duplicate, finds the original card shall immediately surrender
16 the original card to the department. The same documentary
17 evidence shall be furnished for a duplicate as for an original
18 identification card.

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

31

1 Section 24. Section 322.025, Florida Statutes, is
2 amended to read:

3 322.025 Driver improvement.--

4 (1) The department may implement programs to improve
5 the driving ability of the drivers of this state. Such
6 programs may include, but shall not be limited to, safety
7 awareness campaigns, driver training, and licensing
8 improvement. Motorcycle driver improvement programs
9 implemented pursuant to this section or s. 322.0255 shall be
10 funded by the motorcycle safety education fee collected
11 pursuant to s. 320.08(1)(c), which shall be deposited in the
12 Highway Safety Operating Trust Fund of the department and
13 appropriated for that purpose.

14 (2) The department may offer once during a driver's
15 lifetime to each driver who receives a points warning letter
16 pursuant to s. 322.27(3)(f) or a restriction letter pursuant
17 to s. 322.161, the opportunity to attend a basic driver
18 improvement course approved by the Department of Highway
19 Safety and Motor Vehicles. If the driver completes an
20 approved course and presents proof of completion to the
21 department, the department shall deduct three points from the
22 citation that causes the action from the driver's record and
23 permanently annotate the driver's record that the one-time
24 offer had been accepted and used.

25 Section 25. Subsection (4) of section 318.1451,
26 Florida Statutes, is amended to read:

27 318.1451 Driver improvement schools.--

28 (4) In addition to a regular course fee, an assessment
29 fee in the amount of \$2.50 shall be collected by the school
30 from each person who elects to attend a course, as it relates
31 to ss. 318.14(9), 322.025(2), 322.0261, 322.291, and

1 627.06501, which shall be remitted to the Department of
2 Highway Safety and Motor Vehicles and deposited in the Highway
3 Safety Operating Trust Fund to administer this program and to
4 fund the general operations of the department.

5 Section 26. Paragraph (c) of subsection (2) of section
6 322.08, Florida Statutes, is amended, and paragraph (f) is
7 added to subsection (6) of said section, to read:

8 322.08 Application for license.--

9 (2) Each such application shall include the following
10 information regarding the applicant:

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

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

20 2. A certified copy of a United States birth
21 certificate;

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

23 4. A naturalization certificate issued by the United
24 States Department of Justice;

25 ~~5.4.~~ An alien registration receipt card (green card);

26 ~~6.5.~~ An employment authorization card issued by the
27 United States Department of Justice; or

28 ~~7.6.~~ Proof of nonimmigrant classification provided by
29 the United States Department of Justice, for an original
30 driver's license. In order to prove nonimmigrant
31

1 classification, an applicant may produce, but is not limited
2 to, the following documents:

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

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

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

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

13 e. Notice of action transferring any pending matter
14 from another jurisdiction to Florida, issued by the United
15 States Immigration and Naturalization Service.

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

20
21 Presentation of any documents in subparagraph 6. or
22 subparagraph 7. entitles the applicant to a driver' s license
23 or temporary permit for a period not to exceed the expiration
24 date of the document presented or 2 years, whichever occurs
25 first.

26 (6) The application form for a driver's license or
27 duplicate thereof shall include language permitting the
28 following:

29 (f) A voluntary contribution of \$1 per applicant,
30 which shall be distributed to the Children's Hearing Help Fund
31

1 for the purpose of providing assistance to children who have
2 been identified as having hearing loss.

3
4 A statement providing an explanation of the purpose of the
5 trust funds shall also be included.

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

9 322.12 Examination of applicants.--

10 (1) It is the intent of the Legislature that every
11 applicant for an original driver's license in this state be
12 required to pass an examination pursuant to this section.
13 However, the department may waive the knowledge, endorsement,
14 and skills tests for an applicant who is otherwise qualified
15 and who surrenders a valid driver's license from another state
16 or a province of Canada, or a valid driver's license issued by
17 the United States Armed Forces, if the driver applies for a
18 Florida license of an equal or lesser classification. Any
19 applicant who fails to pass the initial knowledge test will
20 incur a \$5 fee for each subsequent test, to be deposited into
21 the Highway Safety Operating Trust Fund. Any applicant who
22 fails to pass the initial skills test will incur a \$10 fee for
23 each subsequent test, to be deposited into the Highway Safety
24 Operating Trust Fund.A person who seeks to retain a
25 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
26 must pass the hazardous-materials test, upon surrendering his
27 or her commercial driver's license, if the person has not
28 taken and passed the hazardous-materials test within 2 years
29 preceding his or her application for a commercial driver's
30 license in this state.

31

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

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

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

29
30 ~~If the revocation or suspension of the driver's license was~~
31 ~~for a violation of s. 316.193, or for refusal to submit to a~~

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

9 (5)(a) The department shall formulate a separate
10 examination for applicants for licenses to operate
11 motorcycles. Any applicant for a driver's license who wishes
12 to operate a motorcycle, and who is otherwise qualified, must
13 successfully complete such an examination, which is in
14 addition to the examination administered under subsection (3).
15 The examination must test the applicant's knowledge of the
16 operation of a motorcycle and of any traffic laws specifically
17 relating thereto and must include an actual demonstration of
18 his or her ability to exercise ordinary and reasonable control
19 in the operation of a motorcycle. Any applicant who fails to
20 pass the initial knowledge examination will incur a \$5 fee for
21 each subsequent examination, to be deposited into the Highway
22 Safety Operating Trust Fund. Any applicant who fails to pass
23 the initial skills examination will incur a \$10 fee for each
24 subsequent examination, to be deposited into the Highway
25 Safety Operating Trust Fund. In the formulation of the
26 examination, the department shall consider the use of the
27 Motorcycle Operator Skills Test and the Motorcycle in Traffic
28 Test offered by the Motorcycle Safety Foundation. The
29 department shall indicate on the license of any person who
30 successfully completes the examination that the licensee is
31 authorized to operate a motorcycle. If the applicant wishes

1 to be licensed to operate a motorcycle only, he or she need
2 not take the skill or road test required under subsection (3)
3 for the operation of a motor vehicle, and the department shall
4 indicate such a limitation on his or her license as a
5 restriction. Every first-time applicant for licensure to
6 operate a motorcycle who is under 21 years of age must provide
7 proof of completion of a motorcycle safety course, as provided
8 for in s. 322.0255, before the applicant may be licensed to
9 operate a motorcycle.

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

12 322.142 Color photographic or digital imaged
13 licenses.--

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

25 Section 29. Subsections (2) and (3) of section 322.17,
26 Florida Statutes, are amended to read:

27 322.17 Duplicate and replacement certificates.--

28 (2) Upon the surrender of the original license and the
29 payment of a \$10 replacement fee, the department shall issue a
30 replacement license to make a change in name, ~~address,~~ or
31 restrictions. Upon request by the licensee and notification of

1 a change in address, the department shall issue a replacement
2 license or address sticker.~~Upon written request by the~~
3 ~~licensee and notification of a change in address, and the~~
4 ~~payment of a \$10 fee, the department shall issue an address~~
5 ~~sticker which shall be affixed to the back of the license by~~
6 ~~the licensee.~~Nine dollars of the fee levied in this
7 subsection shall go to the Highway Safety Operating Trust Fund
8 of the department.

9 (3) Notwithstanding any other provisions of this
10 chapter, if a licensee establishes his or her identity for a
11 driver's license using an identification document authorized
12 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5.-6.~~, the
13 licensee may not obtain a duplicate or replacement instruction
14 permit or driver's license except in person and upon
15 submission of an identification document authorized under s.
16 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5.-6.~~

17 Section 30. Subsections (2) and (4) of section 322.18,
18 Florida Statutes, are amended to read:

19 322.18 Original applications, licenses, and renewals;
20 expiration of licenses; delinquent licenses.--

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

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

28 (b) An applicant applying for a renewal issuance or
29 renewal extension shall be issued a driver's license or
30 renewal extension sticker which expires at midnight on the
31 licensee's birthday which next occurs 4 years after the month

1 of expiration of the license being renewed, except that a
2 driver whose driving record reflects no convictions for the
3 preceding 3 years shall be issued a driver's license or
4 renewal extension sticker which expires at midnight on the
5 licensee's birthday which next occurs 6 years after the month
6 of expiration of the license being renewed.

7 (c) Notwithstanding any other provision of this
8 chapter, if an applicant establishes his or her identity for a
9 driver's license using a document authorized under s.
10 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the driver's license shall
11 expire in accordance with paragraph (b). After an initial
12 showing of such documentation, he or she is exempted from
13 having to renew or obtain a duplicate in person.

14 (d) Notwithstanding any other provision of this
15 chapter, if applicant establishes his or her identity for a
16 driver's license using a document authorized in s.
17 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the driver's
18 license shall expire 2 ~~4~~ years after the date of issuance or
19 upon the expiration date cited on the United States Department
20 of Justice documents, whichever date first occurs.

21 (4)(a) Except as otherwise provided in this chapter,
22 all licenses shall be renewable every 4 years or 6 years,
23 depending upon the terms of issuance and shall be issued or
24 extended upon application, payment of the fees required by s.
25 322.21, and successful passage of any required examination,
26 unless the department has reason to believe that the licensee
27 is no longer qualified to receive a license.

28 (b) Notwithstanding any other provision of this
29 chapter, if an applicant establishes his or her identity for a
30 driver's license using a document authorized under s.
31 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the license, upon an initial

1 showing of such documentation, is exempted from having to
2 renew or obtain a duplicate in person, unless the renewal or
3 duplication coincides with the periodic reexamination of a
4 driver as required pursuant to s. 322.121.

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

16 Section 31. Subsection (4) of section 322.19, Florida
17 Statutes, is amended to read:

18 322.19 Change of address or name.--

19 (4) Notwithstanding any other provision of this
20 chapter, if a licensee established 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 change his or her name or address except in
24 person and upon submission of an identification document
25 authorized under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)4.-6.~~

26 Section 32. Subsection (8) is added to section 322.21,
27 Florida Statutes, to read:

28 322.21 License fees; procedure for handling and
29 collecting fees.--

30 (8) Any person who applies for reinstatement following
31 the suspension or revocation of the person's driver's license

1 shall pay a service fee of \$35 following a suspension, and \$60
2 following a revocation, which is in addition to the fee for a
3 license. Any person who applies for reinstatement of a
4 commercial driver's license following the disqualification of
5 the person's privilege to operate a commercial motor vehicle
6 shall pay a service fee of \$60, which is in addition to the
7 fee for a license. The department shall collect all of these
8 fees at the time of reinstatement. The department shall issue
9 proper receipts for such fees and shall promptly transmit all
10 funds received by it as follows:

11 (a) Of the \$35 fee received from a licensee for
12 reinstatement following a suspension, the department shall
13 deposit \$15 in the General Revenue Fund and the remaining \$20
14 in the Highway Safety Operating Trust Fund.

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

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

30 Section 33. Paragraph (d) of subsection (1) of section
31 322.212, Florida Statutes, is amended to read:

1 322.212 Unauthorized possession of, and other unlawful
2 acts in relation to, driver's license or identification
3 card.--

4 (1) It is unlawful for any person to:

5 (d) Knowingly sell, manufacture, or deliver, or
6 knowingly offer to sell, manufacture, or deliver, a blank,
7 forged, stolen, fictitious, counterfeit, or unlawfully issued
8 driver's license or identification card, or an instrument in
9 the similitude of a driver's license or identification card,
10 unless that person is authorized to do so by the department. A
11 violation of this section ~~paragraph~~ may be investigated by any
12 law enforcement agency, including the Division of Alcoholic
13 Beverages and Tobacco.

14
15 The term "driver's license" includes a driver's license issued
16 by the department or its agents or a driver's license issued
17 by any state or jurisdiction that issues licenses recognized
18 in this state for the operation of a motor vehicle. The term
19 "identification card" includes any identification card issued
20 by the department or its agents or any identification card
21 issued by any state or jurisdiction that issues identification
22 cards recognized in this state for the purpose of indicating a
23 person's true name and age. This subsection does not prohibit
24 a person from possessing or displaying another person's
25 driver's license or identification card for a lawful purpose.

26 Section 34. Subsection (4) of section 322.251, Florida
27 Statutes, is amended to read:

28 322.251 Notice of cancellation, suspension,
29 revocation, or disqualification of license.--

30 (4) A person whose privilege to operate a commercial
31 motor vehicle is temporarily disqualified may, upon

1 surrendering his or her commercial driver's license, be issued
2 a Class D or Class E driver's license, valid for the length of
3 his or her unexpired commercial driver's license, at no cost.
4 Such person may, upon the completion of his or her
5 disqualification, be issued a commercial driver's license, of
6 the type disqualified, for the remainder of his or her
7 unexpired license period. Any such person shall pay the
8 reinstatement fee provided in s. 322.21 ~~s. 322.12~~ before being
9 issued a commercial driver's license.

10 Section 35. Subsection (2) of section 322.29, Florida
11 Statutes, is amended to read:

12 322.29 Surrender and return of license.--

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

31

1 if the person is required to pay a ~~\$35~~\$25 fee or ~~\$60~~\$50 fee
2 under the provisions of s. 322.21 ~~s. 322.12(2)~~.

3 Section 36. For the purpose of incorporating the
4 amendments to Florida Statutes, in references thereto, section
5 318.121, Florida Statutes, is reenacted to read:

6 318.121 Preemption of additional fees, fines,
7 surcharges, and costs.--Notwithstanding any general or special
8 law, or municipal or county ordinance, additional fees, fines,
9 surcharges, or costs other than the court costs assessed under
10 s. 318.18(11) may not be added to the civil traffic penalties
11 assessed in this chapter.

12 Section 37. Except as otherwise provided herein, this
13 act shall take effect October 1, 2003.

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