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1 A bill to be entitled

2 An act relating to motor vehicles; amending s. 316.605,
3 F.S.; revising requirements for placement of license
4 plates on certain vehicles; amending s. 317.0008, F.S.;
5 deleting a provision for expedited service for a duplicate
6 certificate of title to off-highway vehicles and a charge
7 therefor; creating s. 317.0014, F.S.; providing for
8 issuance by the Department of Highway Safety and Motor
9 Vehicles of certificates of title to off-highway vehicles
10 in duplicate; providing for delivery to the owner;
11 providing for delivery to a lienholder; requiring notice
12 to all parties in certain conflict; providing procedures
13 and timeframes for resolving conflict; providing for
14 retention of certificate by certain lienholder; providing
15 for subsequent encumbrance; providing for satisfaction of
16 lien; providing for issuance of duplicate certificate;
17 limiting notification responsibility of the department;
18 creating s. 317.0015, F.S.; limiting application of
19 titling requirements; creating s. 317.0016, F.S.;
20 providing for expedited service on described title
21 transactions; providing fee for such service; creating s.
22 317.0017, F.S.; prohibiting described acts involving
23 vehicle identification numbers, applications, certificates
24 of title, and papers in relation to off-highway vehicles;
25 providing penalties; creating s. 317.0018, F.S.;
26 prohibiting transfer without delivery of certificate,
27 operation or use without certificate, and failure to
28 surrender off-highway vehicle certificates under described
29 circumstances; providing penalties; amending s. 319.23,
30 F.S.; requiring certain dealers to report taking of motor



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31 vehicle or mobile home in trade; requiring the Department
32 of Highway Safety and Motor Vehicles to update certain
33 records; amending s. 320.0605, F.S.; exempting certain
34 vehicles from specified requirement to possess and exhibit
35 certificate of registration of motor vehicle; amending s.
36 320.0706, F.S.; providing for display of license plate on
37 wreckers; amending s. 320.0821, F.S.; providing for
38 issuance and display of wrecker license plates; amending
39 s. 320.27, F.S.; providing period of time motor vehicle
40 dealers are to maintain records of described transactions;
41 amending s. 322.051, F.S.; increasing the fee for
42 application, renewal, and duplication of identification
43 cards; amending s. 322.12, F.S.; providing fees for
44 certain second or subsequent examinations of specified
45 applicants; revising language relating to fees for
46 application for reinstatement of suspended or revoked
47 licenses; amending s. 322.17, F.S.; revising language
48 relating to replacement of a license due to a change of
49 address; removing the requirement that a request for such
50 replacement be in writing; removing a requirement
51 regarding placement of an address sticker; amending s.
52 322.21, F.S., relating to license fees and procedures for
53 collection and disposition of the fees; providing for
54 exceptions to those procedures; revising language relating
55 to fees for application for reinstatement of suspended or
56 revoked licenses; providing a fee for requesting certain
57 hearings; providing for deposit of moneys collected into
58 the General Revenue Fund and the Highway Safety Operating
59 Trust Fund; requiring that persons convicted of certain
60 offenses of driving under the influence maintain a



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61 noncancelable motor vehicle liability policy for a
 62 specified period following license reinstatement;
 63 requiring periodic proof of financial responsibility and
 64 renewal of vehicle registration; requiring that the
 65 Department of Highway Safety and Motor Vehicles issue a
 66 vehicle registration certificate and validation sticker
 67 displaying the date of expiration; amending s. 713.78,
 68 F.S., relating to liens for recovering, towing, or storing
 69 vehicles and vessels; providing that the registered owner
 70 of a vehicle, vessel, or mobile home may dispute a certain
 71 wrecker operator's lien when records of the department
 72 were marked sold prior to the issuance of the certificate
 73 of destruction; providing that specified procedures shall
 74 not apply to any vehicle registered in the name of a
 75 lessor; providing an effective date.

76

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

78

79 Section 1. Subsection (1) of section 316.605, Florida
 80 Statutes, is amended to read:

81 316.605 Licensing of vehicles.--

82 (1) Every vehicle, at all times while driven, stopped, or
 83 parked upon any highways, roads, or streets of this state, shall
 84 be licensed in the name of the owner thereof in accordance with
 85 the laws of this state unless such vehicle is not required by
 86 the laws of this state to be licensed in this state and shall,
 87 except as otherwise provided in s. 320.0706 for front-end
 88 registration license plates on truck tractors or wreckers,
 89 display the license plate or both of the license plates assigned
 90 to it by the state, one on the rear and, if two, the other on



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91 the front of the vehicle, each to be securely fastened to the
92 vehicle outside the main body of the vehicle in such manner as
93 to prevent the plates from swinging, with all letters, numerals,
94 printing, writing, and other identification marks upon the
95 plates clear and distinct and free from defacement, mutilation,
96 grease, and other obscuring matter, so that they will be plainly
97 visible and legible at all times 100 feet from the rear or
98 front. Further, when only one registration plate is issued for a
99 motor vehicle and this motor vehicle has a mechanical loading
100 device that may damage the plate, the plate may be attached to
101 the front of the vehicle. Nothing shall be placed upon the face
102 of a Florida plate except as permitted by law or by rule or
103 regulation of a governmental agency. No license plates other
104 than those furnished by the state shall be used. However, if the
105 vehicle is not required to be licensed in this state, the
106 license plates on such vehicle issued by another state, by a
107 territory, possession, or district of the United States, or by a
108 foreign country, substantially complying with the provisions
109 hereof, shall be considered as complying with this chapter.
110 Government license plates that are issued to any truck tractor
111 or heavy truck owned by a government entity with a GVWR of
112 26,001 or more may be placed on the front of the vehicle and
113 shall be considered as complying with this chapter. A violation
114 of this subsection is a noncriminal traffic infraction,
115 punishable as a nonmoving violation as provided in chapter 318.

116 Section 2. Section 317.0008, Florida Statutes, is amended
117 to read:

118 317.0008 Duplicate certificate of title.--

119 (1) The department may issue a duplicate certificate of
120 title upon application by the person entitled to hold such a



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121 certificate if the department is satisfied that the original
 122 certificate has been lost, destroyed, or mutilated. A fee of \$15
 123 shall be charged for issuing a duplicate certificate.

124 ~~(2) In addition to the fee imposed by subsection (1), a~~
 125 ~~fee of \$7 shall be charged for expedited service in issuing a~~
 126 ~~duplicate certificate of title. Application for such expedited~~
 127 ~~service may be made by mail or in person. The department shall~~
 128 ~~issue each certificate of title applied for under this~~
 129 ~~subsection within 5 working days after receipt of a proper~~
 130 ~~application or shall refund the additional \$7 fee upon written~~
 131 ~~request by the applicant.~~

132 (2)~~(3)~~ If, following the issuance of an original,
 133 duplicate, or corrected certificate of title by the department,
 134 the certificate is lost in transit and is not delivered to the
 135 addressee, the owner of the off-highway vehicle or the holder of
 136 a lien thereon may, within 180 days after the date of issuance
 137 of the certificate, apply to the department for reissuance of
 138 the certificate. An additional fee may not be charged for
 139 reissuance under this subsection.

140 (3)~~(4)~~ The department shall implement a system to verify
 141 that the application is signed by a person authorized to receive
 142 a duplicate certificate of title under this section if the
 143 address shown on the application is different from the address
 144 shown for the applicant on the records of the department.

145 Section 3. Section 317.0014, Florida Statutes, is created
 146 to read:

147 317.0014 Issuance in duplicate; delivery; liens and
 148 encumbrances.--

149 (1) The department shall assign a number to each
 150 certificate of title and shall issue each certificate of title



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151 and each corrected certificate in duplicate. The database record
152 shall serve as the duplicate title certificate required herein.
153 One printed copy may be retained on file by the department.

154 (2) A duly authorized person shall sign the original
155 certificate of title and each corrected certificate and, if
156 there are no liens or encumbrances on the off-highway vehicle,
157 as shown in the records of the department or as shown in the
158 application, shall deliver the certificate to the applicant or
159 to another person as directed by the applicant or person, agent,
160 or attorney submitting such application. If there are one or
161 more liens or encumbrances on the off-highway vehicle, the
162 certificate shall be delivered by the department to the first
163 lienholder as shown by department records or to the owner as
164 indicated in the notice of lien filed by the first lienholder.
165 If the notice of lien filed by the first lienholder indicates
166 that the certificate should be delivered to the first
167 lienholder, the department shall deliver to the first
168 lienholder, along with the certificate, a form to be
169 subsequently used by the lienholder as a satisfaction. If the
170 notice of lien filed by the first lienholder directs the
171 certificate of title to be delivered to the owner, then, upon
172 delivery of the certificate of title by the department to the
173 owner, the department shall deliver to the first lienholder
174 confirmation of the receipt of the notice of lien and the date
175 the certificate of title was issued to the owner at the owner's
176 address shown on the notice of lien and a form to be
177 subsequently used by the lienholder as a satisfaction. If the
178 application for certificate shows the name of a first lienholder
179 different from the name of the first lienholder as shown by the
180 records of the department, the certificate shall not be issued



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181 to any person until after all parties who appear to hold a lien
182 and the applicant for the certificate have been notified of the
183 conflict in writing by the department by certified mail. If the
184 parties do not amicably resolve the conflict within 10 days
185 after the date such notice was mailed, then the department shall
186 serve notice in writing by certified mail on all persons
187 appearing to hold liens on that particular vehicle, including
188 the applicant for the certificate, to show cause within 15 days
189 after the date the notice is mailed why it should not issue and
190 deliver the certificate to the person indicated in the notice of
191 lien filed by the lienholder whose name appears in the
192 application as the first lienholder without showing any lien or
193 liens as outstanding other than those appearing in the
194 application or those which may have been filed subsequent to the
195 filing of the application for the certificate. If, within the
196 15-day period, any person other than the lienholder shown in the
197 application or a party filing a subsequent lien, in answer to
198 such notice to show cause, appears in person or by a
199 representative, or responds in writing, and files a written
200 statement under oath that his or her lien on that particular
201 vehicle is still outstanding, the department shall not issue the
202 certificate to anyone until after such conflict has been settled
203 by the lien claimants involved or by a court of competent
204 jurisdiction. If the conflict is not settled amicably within 10
205 days after the final date for filing an answer to the notice to
206 show cause, the complaining party shall have 10 days to obtain a
207 ruling, or a stay order, from a court of competent jurisdiction.
208 If no ruling or stay order is issued and served on the
209 department within the 10-day period, the department shall issue
210 the certificate showing no liens except those shown in the



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211 application or thereafter filed to the original applicant if
212 there are no liens shown in the application and none are
213 thereafter filed, or to the person indicated in the notice of
214 lien filed by the lienholder whose name appears in the
215 application as the first lienholder if there are liens shown in
216 the application or thereafter filed. A duplicate certificate or
217 corrected certificate shall only show such lien or liens as were
218 shown in the application and subsequently filed liens that may
219 be outstanding.

220 (3) Except as provided in subsection (4), the certificate
221 of title shall be retained by the first lienholder or the owner
222 as indicated in the notice of lien filed by the first
223 lienholder. If the first lienholder is in possession of the
224 certificate, the first lienholder shall be entitled to retain
225 the certificate until the first lien is satisfied.

226 (4) If the owner of the vehicle, as shown on the title
227 certificate, desires to place a second or subsequent lien or
228 encumbrance against the vehicle when the title certificate is in
229 the possession of the first lienholder, the owner shall send a
230 written request to the first lienholder by certified mail, and
231 such first lienholder shall forward the certificate to the
232 department for endorsement. If the title certificate is in the
233 possession of the owner, the owner shall forward the certificate
234 to the department for endorsement. The department shall return
235 the certificate to either the first lienholder or to the owner,
236 as indicated in the notice of lien filed by the first
237 lienholder, after endorsing the second or subsequent lien on the
238 certificate and on the duplicate. If the first lienholder or
239 owner fails, neglects, or refuses to forward the certificate of
240 title to the department within 10 days after the date of the



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241 owner's request, the department, on the written request of the
242 subsequent lienholder or an assignee thereof, shall demand of
243 the first lienholder the return of such certificate for the
244 notation of the second or subsequent lien or encumbrance.

245 (5)(a) Upon satisfaction of any first lien or encumbrance
246 recorded at the department, the owner of the vehicle, as shown
247 on the title certificate, or the person satisfying the lien
248 shall be entitled to demand and receive from the lienholder a
249 satisfaction of the lien. If the lienholder, upon satisfaction
250 of the lien and upon demand, fails or refuses to furnish a
251 satisfaction thereof within 30 days after demand, he or she
252 shall be held liable for all costs, damages, and expenses,
253 including reasonable attorney's fees, lawfully incurred by the
254 titled owner or person satisfying the lien in any suit brought
255 in this state for cancellation of the lien. The lienholder
256 receiving final payment as defined in s. 674.215 shall mail or
257 otherwise deliver a lien satisfaction and the certificate of
258 title indicating the satisfaction within 10 working days after
259 receipt of such final payment or notify the person satisfying
260 the lien that the title is not available within 10 working days
261 after receipt of such final payment. If the lienholder is unable
262 to provide the certificate of title and notifies the person of
263 such, the lienholder shall provide a lien satisfaction and shall
264 be responsible for the cost of a duplicate title, including fast
265 title charges as provided in s. 317.0016. The provisions of this
266 paragraph shall not apply to electronic transactions pursuant to
267 subsection (8).

268 (b) Following satisfaction of a lien, the lienholder shall
269 enter a satisfaction thereof in the space provided on the face
270 of the certificate of title. If the certificate of title was



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271 retained by the owner, the owner shall, within 5 days after the
272 satisfaction of a lien, deliver the certificate of title to the
273 lienholder and the lienholder shall enter a satisfaction thereof
274 in the space provided on the face of the certificate of title.
275 If there are no subsequent liens shown thereon, the certificate
276 shall be delivered by the lienholder to the person satisfying
277 the lien or encumbrance and an executed satisfaction on a form
278 provided by the department shall be forwarded to the department
279 by the lienholder within 10 days after satisfaction of the lien.

280 (c) If the certificate of title shows a subsequent lien
281 not then being discharged, an executed satisfaction of the first
282 lien shall be delivered by the lienholder to the person
283 satisfying the lien and the certificate of title showing
284 satisfaction of the first lien shall be forwarded by the
285 lienholder to the department within 10 days after satisfaction
286 of the lien.

287 (d) If, upon receipt of a title certificate showing
288 satisfaction of the first lien, the department determines from
289 its records that there are no subsequent liens or encumbrances
290 upon the vehicle, the department shall forward to the owner, as
291 shown on the face of the title, a corrected certificate showing
292 no liens or encumbrances. If there is a subsequent lien not
293 being discharged, the certificate of title shall be reissued
294 showing the second or subsequent lienholder as the first
295 lienholder and shall be delivered to either the new first
296 lienholder or to the owner as indicated in the notice of lien
297 filed by the new first lienholder. If the certificate of title
298 is to be retained by the first lienholder on the reissued
299 certificate, the first lienholder shall be entitled to retain
300 the certificate of title except as provided in subsection (4)



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301 until his or her lien is satisfied. Upon satisfaction of the
302 lien, the lienholder shall be subject to the procedures required
303 of a first lienholder by subsection (4) and this subsection.

304 (6) When the original certificate of title cannot be
305 returned to the department by the lienholder and evidence
306 satisfactory to the department is produced that all liens or
307 encumbrances have been satisfied, upon application by the owner
308 for a duplicate copy of the certificate on the form prescribed
309 by the department and accompanied by the fee prescribed in this
310 chapter, a duplicate copy of the certificate of title, without
311 statement of liens or encumbrances, shall be issued by the
312 department and delivered to the owner.

313 (7) Any person who fails, within 10 days after receipt of
314 a demand by the department by certified mail, to return a
315 certificate of title to the department as required by subsection
316 (4) or who, upon satisfaction of a lien, fails within 10 days
317 after receipt of such demand to forward the appropriate document
318 to the department as required by paragraph (5)(b) or paragraph
319 (5)(c) commits a misdemeanor of the second degree, punishable as
320 provided in s. 775.082 or s. 775.073.

321 (8) Notwithstanding any requirements in this section or in
322 s. 319.27 indicating that a lien on a vehicle shall be noted on
323 the face of the Florida certificate of title, if there are one
324 or more liens or encumbrances on the off-highway vehicle, the
325 department may electronically transmit the lien to the first
326 lienholder and notify the first lienholder of any additional
327 liens. Subsequent lien satisfactions may be electronically
328 transmitted to the department and shall include the name and
329 address of the person or entity satisfying the lien. When
330 electronic transmission of liens and lien satisfactions are



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331 used, the issuance of a certificate of title may be waived until
332 the last lien is satisfied and a clear certificate of title is
333 issued to the owner of the vehicle.

334 (9) The department shall, in the sending of any notice,
335 only be required to use the last known address as shown by its
336 records.

337 Section 4. Section 317.0015, Florida Statutes, is created
338 to read:

339 317.0015 Application of law.--The provisions of ss.
340 319.235, 319.241, 319.25, 319.27, 319.28, and 319.40 shall apply
341 to all off-highway vehicles which are required to be titled by
342 the provisions of this chapter.

343 Section 5. Section 317.0016, Florida Statutes, is created
344 to read:

345 317.0016 Expedited service; applications; fees.--The
346 department shall establish a separate title office which may be
347 utilized by private citizens to receive expedited service on
348 title transfers, title issuances, duplicate titles, and
349 recording of liens and certificates of repossession. A fee of
350 \$7 shall be charged for this service, which is in addition to
351 the fees imposed by ss. 317.0007 and 317.0008, and \$3.50 of this
352 fee shall be retained by the processing agency. All remaining
353 fees shall be deposited in the Incidental Trust Fund of the
354 Division of Forestry of the Department of Agriculture and
355 Consumer Services. Application for such expedited service may be
356 made by mail or in person. The department shall issue each title
357 applied for pursuant to this section within 5 working days after
358 receipt of the application, except for an application for a
359 duplicate title certificate covered by s. 317.0008(4), in which



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360 case the title must be issued within 5 working days after
361 compliance with the department's verification requirements.

362 Section 6. Section 317.0017, Florida Statutes, is created
363 to read:

364 317.0017 Offenses involving vehicle identification
365 numbers, applications, certificates, papers; penalty.--

366 (1) It is unlawful:

367 (a) To alter or forge any certificate of title to an off-
368 highway vehicle or any assignment thereof or any cancellation of
369 any lien on an off-highway vehicle.

370 (b) To retain or use such certificate, assignment, or
371 cancellation knowing that it has been altered or forged.

372 (c) To procure or attempt to procure a certificate of
373 title to an off-highway vehicle, or pass or attempt to pass a
374 certificate of title or any assignment thereof to an off-highway
375 vehicle, knowing or having reason to believe that such off-
376 highway vehicle has been stolen.

377 (d) To possess, sell or offer for sale, conceal, or
378 dispose of in this state an off-highway vehicle, or major
379 component part thereof, on which any motor number or vehicle
380 identification number that has been affixed by the manufacturer
381 or by a state agency, has been destroyed, removed, covered,
382 altered, or defaced, with knowledge of such destruction,
383 removal, covering, alteration, or defacement, except as provided
384 in s. 319.30(4).

385 (e) To use a false or fictitious name, give a false or
386 fictitious address, or make any false statement in any
387 application or affidavit required under the provisions of this
388 chapter or in a bill of sale or sworn statement of ownership or
389 otherwise commit a fraud in any application.



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390 (2) It is unlawful for any person knowingly to obtain
391 goods, services, credit, or money by means of an invalid,
392 duplicate, fictitious, forged, counterfeit, stolen, or
393 unlawfully obtained certificate of title, registration, bill of
394 sale, or other indicia of ownership of an off-highway vehicle.

395 (3) It is unlawful for any person knowingly to obtain
396 goods, services, credit, or money by means of a certificate of
397 title to an off-highway vehicle, which certificate is required
398 by law to be surrendered to the department.

399 (4) It is unlawful for any person knowingly and with
400 intent to defraud to have in his or her possession, sell, offer
401 to sell, counterfeit, or supply a blank, forged, fictitious,
402 counterfeit, stolen, or fraudulently or unlawfully obtained
403 certificate of title, bill of sale, or other indicia of
404 ownership of an off-highway vehicle or to conspire to do any of
405 the foregoing.

406 (5) It is unlawful for any person, firm, or corporation to
407 knowingly possess, manufacture, sell or exchange, offer to sell
408 or exchange, supply in blank, or give away any counterfeit
409 manufacturer's or state-assigned identification number plates or
410 serial plates or any decal used for the purpose of
411 identification of any off-highway vehicle; or for any officer,
412 agent, or employee of any person, firm, or corporation, or any
413 person who shall authorize, direct, aid in exchange, or give
414 away such counterfeit manufacturer's or state-assigned
415 identification number plates or serial plates or any decal; or
416 conspire to do any of the foregoing. However, nothing in this
417 subsection shall be applicable to any approved replacement
418 manufacturer's or state-assigned identification number plates,
419 serial plates, or any decal issued by the department or any



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420 state.

421 (6) Any person who violates any provision of this section
422 commits a felony of the third degree, punishable as provided in
423 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
424 used in violation of this section shall constitute contraband
425 which may be seized by a law enforcement agency and shall be
426 subject to forfeiture proceedings pursuant to ss. 932.701-
427 932.704. This section is not exclusive of any other penalties
428 prescribed by any existing or future laws for the larceny or
429 unauthorized taking of off-highway vehicles, but is
430 supplementary thereto.

431 Section 7. Section 317.0018, Florida Statutes, is created
432 to read:

433 317.0018 Transfer without delivery of certificate;
434 operation or use without certificate; failure to surrender;
435 other violations.--Whoever, except as otherwise provided for in
436 this chapter, purports to sell or transfer an off-highway
437 vehicle without delivering to the purchaser or transferee
438 thereof a certificate of title thereto duly assigned to such
439 purchaser as provided in this chapter or operates or uses in
440 this state an off-highway vehicle for which a certificate of
441 title is required without such certificate having been obtained
442 in accordance with the provisions of this chapter, or upon which
443 the certificate of title has been canceled; whoever fails to
444 surrender any certificate of title upon cancellation of the same
445 by the department and notice thereof as prescribed in this
446 chapter; whoever fails to surrender the certificate of title to
447 the department as provided in this chapter in case of the
448 destruction or dismantling or change of an off-highway vehicle
449 in such respect that it is not the off-highway vehicle described



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450 in the certificate of title; or whoever violates any of the
451 other provisions of this chapter, or any lawful rule adopted
452 pursuant to the provisions of this chapter, shall be fined not
453 more than \$500 or imprisoned for not more than 6 months, or
454 both, for each offense.

455 Section 8. Subsection (6) of section 319.23, Florida
456 Statutes, is amended to read:

457 319.23 Application for, and issuance of, certificate of
458 title.--

459 (6) In the case of the sale of a motor vehicle or mobile
460 home by a licensed dealer to a general purchaser, the
461 certificate of title shall be obtained in the name of the
462 purchaser by the dealer upon application signed by the
463 purchaser, and in each other case such certificate shall be
464 obtained by the purchaser. In each case of transfer of a motor
465 vehicle or mobile home, the application for certificate of
466 title, or corrected certificate, or assignment or reassignment,
467 shall be filed within 30 days from the delivery of such motor
468 vehicle or mobile home to the purchaser. An applicant shall be
469 required to pay a fee of \$10, in addition to all other fees and
470 penalties required by law, for failing to file such application
471 within the specified time. When a licensed dealer takes a motor
472 vehicle or mobile home in trade, the dealer must file with the
473 department a notice of sale signed by the seller. The department
474 shall then update its database for that title record to reflect
475 "sold". A licensed dealer need not apply for a certificate of
476 title for any motor vehicle or mobile home in stock acquired for
477 stock purposes except as provided in s. 319.225.

478 Section 9. Section 320.0605, Florida Statutes, is amended
479 to read:



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480 320.0605 Certificate of registration; possession required;
481 exception.--The registration certificate or an official copy
482 thereof, a true copy of a rental or lease agreement issued for a
483 motor vehicle or issued for a replacement vehicle in the same
484 registration period, a temporary receipt printed upon self-
485 initiated electronic renewal of a registration via the Internet,
486 or a cab card issued for a vehicle registered under the
487 International Registration Plan shall, at all times while the
488 vehicle is being used or operated on the roads of this state, be
489 in the possession of the operator thereof or be carried in the
490 vehicle for which issued and shall be exhibited upon demand of
491 any authorized law enforcement officer or any agent of the
492 department, except for vehicles registered under s. 320.0657.

493 The provisions of this section do not apply during the first 30
494 days after purchase of a replacement vehicle. A violation of
495 this section is a noncriminal traffic infraction, punishable as
496 a nonmoving violation as provided in chapter 318.

497 Section 10. Section 320.0706, Florida Statutes, is amended
498 to read:

499 320.0706 Display of license plates on trucks.--The owner
500 of any commercial truck of gross vehicle weight of 26,001 pounds
501 or more shall display the registration license plate on both the
502 front and rear of the truck in conformance with all the
503 requirements of s. 316.605 that do not conflict with this
504 section. However, the owner of a truck tractor shall be required
505 to display the registration license plate only on the front of
506 such vehicle. Wreckers shall be required to display the
507 registration license plate only on the rear of such vehicle.



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508 Section 11. Subsection (1) of section 320.0821, Florida
509 Statutes, is amended, and subsection (5) is added to said
510 section, to read:

511 320.0821 Wrecker license plates.--

512 (1) The department shall issue one a wrecker license
513 plate, regardless of gross vehicle weight, to the owner of any
514 motor vehicle that is used to tow, carry, or otherwise transport
515 motor vehicles and that is equipped for that purpose with a
516 boom, winch, carrier, or other similar equipment, except a motor
517 vehicle registered under the International Registration Plan,
518 upon application and payment of the appropriate license tax and
519 fees in accordance with s. 320.08(5)(d) or (e).

520 (5) A wrecker license plate shall be displayed on the rear
521 of such vehicle.

522 Section 12. Subsection (6) of section 320.27, Florida
523 Statutes, is amended to read:

524 320.27 Motor vehicle dealers.--

525 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
526 keep a book or record in such form as shall be prescribed or
527 approved by the department, for a period of 5 years, in which
528 the licensee shall keep a record of the purchase, sale, or
529 exchange, or receipt for the purpose of sale, of any motor
530 vehicle, the date upon which any temporary tag was issued, the
531 date of title transfer, and a description of such motor vehicle
532 together with the name and address of the seller, the purchaser,
533 and the alleged owner or other person from whom such motor
534 vehicle was purchased or received or to whom it was sold or
535 delivered, as the case may be. Such description shall include
536 the identification or engine number, maker's number, if any,
537 chassis number, if any, and such other numbers or identification



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538 marks as may be thereon and shall also include a statement that
539 a number has been obliterated, defaced, or changed, if such is
540 the fact.

541 Section 13. Paragraph (b) of subsection (1), paragraph (a)
542 of subsection (2), and subsection (3) of section 322.051,
543 Florida Statutes, are amended to read:

544 322.051 Identification cards.--

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

550 (b) An application for an identification card must be
551 signed and verified by the applicant in a format designated by
552 the department before a person authorized to administer oaths.
553 The fee for an identification card is \$7, of which \$3 shall be
554 deposited into the General Revenue Fund and \$4 shall be
555 deposited into the Highway Safety Operating Trust Fund. The fee
556 shall include,~~including~~ payment for the color photograph or
557 digital image of the applicant.

558 (2)(a) Every identification card shall expire, unless
559 canceled earlier, on the fourth birthday of the applicant
560 following the date of original issue. However, if an individual
561 is 60 years of age or older, and has an identification card
562 issued under this section, the card shall not expire unless done
563 so by cancellation by the department or by the death of the
564 cardholder. Renewal of any identification card shall be made for
565 a term which shall expire on the fourth birthday of the
566 applicant following expiration of the identification card
567 renewed, unless surrendered earlier. Any application for renewal



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568 received later than 90 days after expiration of the
569 identification card shall be considered the same as an
570 application for an original identification card. The renewal fee
571 for an identification card shall be \$7, of which \$3 shall be
572 deposited into the General Revenue Fund and \$4 shall be
573 deposited into the Highway Safety Operating Trust Fund. The
574 department shall, at the end of 4 years and 6 months after the
575 issuance or renewal of an identification card, destroy any
576 record of the card if it has expired and has not been renewed,
577 unless the cardholder is 60 years of age or older.

578 (3) In the event an identification card issued under this
579 section is lost, destroyed, or mutilated or a new name is
580 acquired, the person to whom it was issued may obtain a
581 duplicate upon furnishing satisfactory proof of such fact to the
582 department and upon payment of \$7 ~~a fee of \$2.50~~ for such
583 duplicate, of which \$2.50 shall be deposited into the General
584 Revenue Fund and \$4.50 shall be deposited into the Highway
585 Safety Operating Trust Fund. The fee ~~which~~ shall include payment
586 for the color photograph or digital image of the applicant. Any
587 person who loses an identification card and who, after obtaining
588 a duplicate, finds the original card shall immediately surrender
589 the original card to the department. The same documentary
590 evidence shall be furnished for a duplicate as for an original
591 identification card.

592 Section 14. Subsections (1) and (2) and paragraph (a) of
593 subsection (5) of section 322.12, Florida Statutes, are amended
594 to read:

595 322.12 Examination of applicants.--

596 (1) It is the intent of the Legislature that every
597 applicant for an original driver's license in this state be



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598 required to pass an examination pursuant to this section.
599 However, the department may waive the knowledge, endorsement,
600 and skills tests for an applicant who is otherwise qualified and
601 who surrenders a valid driver's license from another state or a
602 province of Canada, or a valid driver's license issued by the
603 United States Armed Forces, if the driver applies for a Florida
604 license of an equal or lesser classification. Any applicant who
605 fails to pass the initial knowledge examination shall incur a \$5
606 fee for each subsequent examination, to be deposited into the
607 Highway Safety Operating Trust Fund. Any applicant who fails to
608 pass the initial skills examination shall incur a \$10 fee for
609 each subsequent examination, to be deposited into the Highway
610 Safety Operating Trust Fund. A person who seeks to retain a
611 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
612 must pass the hazardous-materials test, upon surrendering his or
613 her commercial driver's license, if the person has not taken and
614 passed the hazardous-materials test within 2 years preceding his
615 or her application for a commercial driver's license in this
616 state.

617 (2) The department shall examine every applicant for a
618 driver's license, including an applicant who is licensed in
619 another state or country, except as otherwise provided in this
620 chapter. A person who holds a learner's driver's license as
621 provided for in s. 322.1615 is not required to pay a fee for
622 successfully completing the examination showing his or her
623 ability to operate a motor vehicle as provided for herein and
624 need not pay the fee for a replacement license as provided in s.
625 322.17(2). ~~Any person who applies for reinstatement following~~
626 ~~the suspension or revocation of his or her driver's license~~
627 ~~shall pay a service fee of \$25 following a suspension, and \$50~~



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628 ~~following a revocation, which is in addition to the fee for a~~
629 ~~license. Any person who applies for reinstatement of a~~
630 ~~commercial driver's license following the disqualification of~~
631 ~~his or her privilege to operate a commercial motor vehicle shall~~
632 ~~pay a service fee of \$50, which is in addition to the fee for a~~
633 ~~license. The department shall collect all of these fees at the~~
634 ~~time of reinstatement. The department shall issue proper~~
635 ~~receipts for such fees and shall promptly transmit all funds~~
636 ~~received by it as follows:~~

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

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

645
646 ~~If the revocation or suspension of the driver's license was for~~
647 ~~a violation of s. 316.193, or for refusal to submit to a lawful~~
648 ~~breath, blood, or urine test, an additional fee of \$105 must be~~
649 ~~charged. However, only one such \$105 fee is to be collected from~~
650 ~~one person convicted of such violations arising out of the same~~
651 ~~incident. The department shall collect the \$105 fee and deposit~~
652 ~~it into the Highway Safety Operating Trust Fund at the time of~~
653 ~~reinstatement of the person's driver's license, but the fee must~~
654 ~~not be collected if the suspension or revocation was overturned.~~

655 (5)(a) The department shall formulate a separate
656 examination for applicants for licenses to operate motorcycles.
657 Any applicant for a driver's license who wishes to operate a



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658 motorcycle, and who is otherwise qualified, must successfully
659 complete such an examination, which is in addition to the
660 examination administered under subsection (3). The examination
661 must test the applicant's knowledge of the operation of a
662 motorcycle and of any traffic laws specifically relating thereto
663 and must include an actual demonstration of his or her ability
664 to exercise ordinary and reasonable control in the operation of
665 a motorcycle. Any applicant who fails to pass the initial
666 knowledge examination shall incur a \$5 fee for each subsequent
667 examination, to be deposited into the Highway Safety Operating
668 Trust Fund. Any applicant who fails to pass the initial skills
669 examination shall incur a \$10 fee for each subsequent
670 examination, to be deposited into the Highway Safety Operating
671 Trust Fund. In the formulation of the examination, the
672 department shall consider the use of the Motorcycle Operator
673 Skills Test and the Motorcycle in Traffic Test offered by the
674 Motorcycle Safety Foundation. The department shall indicate on
675 the license of any person who successfully completes the
676 examination that the licensee is authorized to operate a
677 motorcycle. If the applicant wishes to be licensed to operate a
678 motorcycle only, he or she need not take the skill or road test
679 required under subsection (3) for the operation of a motor
680 vehicle, and the department shall indicate such a limitation on
681 his or her license as a restriction. Every first-time applicant
682 for licensure to operate a motorcycle who is under 21 years of
683 age must provide proof of completion of a motorcycle safety
684 course, as provided for in s. 322.0255, before the applicant may
685 be licensed to operate a motorcycle.

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



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688 322.17 Duplicate and replacement certificates.--

689 (2) Upon the surrender of the original license and the
690 payment of a \$10 replacement fee, the department shall issue a
691 replacement license to make a change in name, ~~address,~~ or
692 restrictions. Upon ~~written~~ request by the licensee and
693 notification of a change in address, ~~and the payment of a \$10~~
694 ~~fee,~~ the department shall issue a replacement license or an
695 address sticker ~~which shall be affixed to the back of the~~
696 ~~license by the licensee.~~ Nine dollars of the fee levied in this
697 subsection shall go to the Highway Safety Operating Trust Fund
698 of the department.

699 Section 16. Subsection (5) of section 322.21, Florida
700 Statutes, is amended, and subsections (8) and (9) are added to
701 said section, to read:

702 322.21 License fees; procedure for handling and collecting
703 fees.--

704 (5) The department shall collect and, unless otherwise
705 specified, transmit all fees received by it under this section
706 to the Treasurer to be placed in the General Revenue Fund of the
707 state, and sufficient funds for the necessary expenses of the
708 department shall be included in the appropriations act. The fees
709 shall be used for the maintenance and operation of the
710 department.

711 (8) Any person who applies for reinstatement following the
712 suspension or revocation of his or her driver's license shall
713 pay a service fee of \$25 following a suspension, and \$50
714 following a revocation, which shall be in addition to the fee
715 for a license. Any person who applies for reinstatement of a
716 commercial driver's license following the disqualification of
717 his or her privilege to operate a commercial motor vehicle shall



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718 pay a service fee of \$50, which shall be in addition to the fee
719 for a license. The department shall collect all of these fees at
720 the time of reinstatement. The department shall issue proper
721 receipts for such fees and shall promptly transmit all funds
722 received by it as follows:

723 (a) Of the \$25 fee received from a licensee for
724 reinstatement following a suspension, the department shall
725 deposit \$15 into the General Revenue Fund and the remaining \$10
726 into the Highway Safety Operating Trust Fund.

727 (b) Of the \$50 fee received from a licensee for
728 reinstatement following a revocation or disqualification, the
729 department shall deposit \$35 into the General Revenue Fund and
730 the remaining \$15 into the Highway Safety Operating Trust Fund.

731
732 If the revocation or suspension of the driver's license was for
733 a violation of s. 316.193 or for refusal to submit to a lawful
734 breath, blood, or urine test, an additional fee of \$105 must be
735 charged. However, only one such \$105 fee is to be collected from
736 one person convicted of such violations arising out of the same
737 incident. The department shall collect the \$105 fee and deposit
738 it into the Highway Safety Operating Trust Fund at the time of
739 reinstatement of the person's driver's license, but the fee must
740 not be collected if the suspension or revocation was overturned.

741 (9) Any citizen requesting a hearing as provided in s.
742 322.2615 or s. 322.2616 shall pay a filing fee of \$50 to be
743 deposited into the Highway Safety Operating Trust Fund.

744 Section 17. Noncancelable motor vehicle liability policy
745 required following certain DUI offenses.--

746 (1) If a person's motor vehicle license is suspended or
747 revoked due to any violation of section 316.193, Florida



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748 Statutes, that person must maintain proof of financial
749 responsibility as provided in this section for each motor
750 vehicle registered in his or her name for 3 years following
751 license reinstatement. During the 3-year period, the person may
752 not register a motor vehicle unless he or she maintains a
753 noncancelable motor vehicle liability policy of at least 3
754 months' duration which insures the operator against loss from
755 liability for bodily injury, death, and property damage arising
756 out of the ownership, maintenance, or use of the motor vehicle
757 in an amount not less than the limits described in section
758 324.021(7), Florida Statutes, and which conforms to the
759 requirements of section 324.151, Florida Statutes. The vehicle
760 registration is subject to renewal every 3 months.

761 (2) Notwithstanding section 320.055, Florida Statutes,
762 upon reinstatement of the person's license and proof of
763 financial responsibility as provided in subsection (1), the
764 Department of Highway Safety and Motor Vehicles shall issue a
765 vehicle registration certificate that is valid for 3 months and
766 shall issue a validation sticker that displays an expiration
767 date of 3 months after the date of issuance.

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

770 713.78 Liens for recovering, towing, or storing vehicles
771 and vessels.--

772 (13)

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



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777 a. The registered owner presents a notarized bill of sale
778 proving that the vehicle, vessel, or mobile home was sold in a
779 private or casual sale before the vehicle, vessel, or mobile
780 home was recovered, towed, or stored.

781 b. The registered owner presents proof that the Florida
782 certificate of title of the vehicle, vessel, or mobile home was
783 sold to a licensed dealer as defined in s. 319.001 before the
784 vehicle, vessel, or mobile home was recovered, towed, or stored.

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

788
789 If the registered owner's dispute of a wrecker operator's lien
790 complies with one of these criteria, the department shall
791 immediately remove the registered owner's name from the list of
792 those persons who may not be issued a license plate or
793 revalidation sticker for any motor vehicle under s. 320.03(8),
794 thereby allowing issuance of a license plate or revalidation
795 sticker. If the vehicle, vessel, or mobile home is owned jointly
796 by more than one person, each registered owner must dispute the
797 wrecker operator's lien in order to be removed from the list.
798 However, the department shall deny any dispute and maintain the
799 registered owner's name on the list of those persons who may not
800 be issued a license plate or revalidation sticker for any motor
801 vehicle under s. 320.03(8) if the wrecker operator has provided
802 the department with a certified copy of the judgment of a court
803 which orders the registered owner to pay the wrecker operator's
804 lien claimed under this section. In such a case, the amount of
805 the wrecker operator's lien allowed by paragraph (b) may be
806 increased to include no more than \$500 of the reasonable costs



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807 and attorney's fees incurred in obtaining the judgment. The
808 department's action under this subparagraph is ministerial in
809 nature, shall not be considered final agency action, and is
810 appealable only to the county court for the county in which the
811 vehicle, vessel, or mobile home was ordered removed.

812 2. A person against whom a wrecker operator's lien has
813 been imposed may alternatively obtain a discharge of the lien by
814 filing a complaint, challenging the validity of the lien or the
815 amount thereof, in the county court of the county in which the
816 vehicle, vessel, or mobile home was ordered removed. Upon filing
817 of the complaint, the person may have her or his name removed
818 from the list of those persons who may not be issued a license
819 plate or revalidation sticker for any motor vehicle under s.
820 320.03(8), thereby allowing issuance of a license plate or
821 revalidation sticker, upon posting with the court a cash or
822 surety bond or other adequate security equal to the amount of
823 the wrecker operator's lien to ensure the payment of such lien
824 in the event she or he does not prevail. Upon the posting of the
825 bond and the payment of the applicable fee set forth in s.
826 28.24, the clerk of the court shall issue a certificate
827 notifying the department of the posting of the bond and
828 directing the department to release the wrecker operator's lien.
829 Upon determining the respective rights of the parties, the court
830 may award damages and costs in favor of the prevailing party.

831 3. If a person against whom a wrecker operator's lien has
832 been imposed does not object to the lien, but cannot discharge
833 the lien by payment because the wrecker operator has moved or
834 gone out of business, the person may have her or his name
835 removed from the list of those persons who may not be issued a
836 license plate or revalidation sticker for any motor vehicle



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837 under s. 320.03(8), thereby allowing issuance of a license plate
838 or revalidation sticker, upon posting with the clerk of court in
839 the county in which the vehicle, vessel, or mobile home was
840 ordered removed, a cash or surety bond or other adequate
841 security equal to the amount of the wrecker operator's lien.
842 Upon the posting of the bond and the payment of the application
843 fee set forth in s. 28.24, the clerk of the court shall issue a
844 certificate notifying the department of the posting of the bond
845 and directing the department to release the wrecker operator's
846 lien. The department shall mail to the wrecker operator, at the
847 address upon the lien form, notice that the wrecker operator
848 must claim the security within 60 days, or the security will be
849 released back to the person who posted it. At the conclusion of
850 the 60 days, the department shall direct the clerk as to which
851 party is entitled to payment of the security, less applicable
852 clerk's fees.

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

854 (f) This subsection applies only to the annual renewal in
855 the registered owner's birth month of a motor vehicle
856 registration and does not apply to the transfer of a
857 registration of a motor vehicle sold by a motor vehicle dealer
858 licensed under chapter 320, except for the transfer of
859 registrations which is inclusive of the annual renewals. This
860 subsection shall not apply to any vehicle registered in the name
861 of a lessor. This subsection does not affect the issuance of the
862 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

863 Section 19. This act shall take effect upon becoming a
864 law.