

By Senator Sebesta

16-890-04

1                                   A bill to be entitled  
2           An act relating to highway safety and motor  
3           vehicles; amending s. 316.613, F.S.;  
4           eliminating authorization for the Department of  
5           Highway Safety and Motor Vehicles to expend  
6           certain funds; creating s. 316.6131, F.S.;  
7           authorizing the department to expend certain  
8           funds; amending s. 319.29, F.S.; directing the  
9           verification of identity for certain title  
10          certificates; amending s. 320.01, F.S.;  
11          clarifying the definition of the terms  
12          "apportionable vehicle" and "commercial motor  
13          vehicle"; amending s. 320.05, F.S.; providing  
14          that certain motor vehicle and vessel  
15          information is available free of charge on the  
16          department's website; amending s. 320.06, F.S.;  
17          correcting a cross-reference; amending s.  
18          320.0607, F.S.; directing the verification of  
19          identity for certain vehicle license plates and  
20          registrations; amending s. 320.0843, F.S.;  
21          requiring that an applicant eligible for a  
22          disabled parking plate be noted on the  
23          certificate; amending s. 320.0848, F.S.;  
24          requiring the verification of identity for  
25          certain disabled parking permits; amending s.  
26          320.086, F.S.; revising provisions relating to  
27          historical license plates; amending s. 320.58,  
28          F.S.; authorizing inspectors employed by the  
29          department to enforce certain provisions  
30          relating to off-highway vehicles and vessels;  
31          amending s. 322.20, F.S.; authorizing the

1 department to charge fees for electronic access  
2 to specified information; requiring that  
3 certain driver's license information be  
4 available free of charge on the department's  
5 website; amending s. 328.11, F.S.; revising  
6 requirements relating to the issuance of a  
7 duplicate certificate of title for vessels;  
8 providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (4) of section 316.613, Florida  
13 Statutes, is amended to read:

14 316.613 Child restraint requirements.--

15 (4)(a) It is the legislative intent that all state,  
16 county, and local law enforcement agencies, and safety  
17 councils, in recognition of the problems with child death and  
18 injury from unrestrained occupancy in motor vehicles, conduct  
19 a continuing safety and public awareness campaign as to the  
20 magnitude of the problem.

21 ~~(b) The department may authorize the expenditure of~~  
22 ~~funds for the purchase of promotional items as part of the~~  
23 ~~public information and education campaigns provided for in~~  
24 ~~this subsection and ss. 316.614, 322.025, and 403.7145.~~

25 Section 2. Section 316.6131, Florida Statutes, is  
26 created to read:

27 316.6131 Educational expenditures.--The department may  
28 authorize the expenditure of funds for the purchase of  
29 educational items as part of the public information and  
30 education campaigns promoting highway safety and awareness as  
31 well as departmental community-based initiatives. Funds may be

1 expended for, but are not limited to, educational campaigns  
2 provided in chapters 316, 320, and 322 and s. 403.7145.

3 Section 3. Subsection (4) of section 319.29, Florida  
4 Statutes, is amended to read:

5 319.29 Lost or destroyed certificates.--

6 (4) The department shall implement a system to verify  
7 that the application is signed by a person authorized to  
8 receive a duplicate title certificate under this section if  
9 the address shown on the application is different from the  
10 address shown for the applicant on the records of the  
11 department. If the title is being delivered to someone other  
12 than the owner of record, the identity of the person to whom  
13 the title is delivered must be verified and the documentation  
14 of the verification must be maintained by the department.

15 Section 4. Subsections (25) and (26) of section  
16 320.01, Florida Statutes, are amended to read:

17 320.01 Definitions, general.--As used in the Florida  
18 Statutes, except as otherwise provided, the term:

19 (25) "Apportionable vehicle" means any vehicle, except  
20 recreational vehicles, vehicles displaying restricted plates,  
21 city pickup and delivery vehicles, buses used in  
22 transportation of chartered parties, and government-owned  
23 vehicles, which is used or intended for use in two or more  
24 member jurisdictions that allocate or proportionally register  
25 vehicles and which is used for the transportation of persons  
26 for hire or is designed, used, or maintained primarily for the  
27 transportation of property and:

28 (a) Is a power unit having a gross vehicle weight ~~in~~  
29 ~~excess~~ of 26,001 pounds or more;

30 (b) Is a power unit having three or more axles,  
31 regardless of weight; or

1           (c) Is used in combination, when the weight of such  
2 combination is ~~exceeds~~ 26,001 pounds or more gross vehicle  
3 weight.

4  
5 Vehicles, or combinations thereof, having a gross vehicle  
6 weight of 26,001 pounds or less and two-axle vehicles may be  
7 proportionally registered.

8           (26) "Commercial motor vehicle" means any vehicle that  
9 ~~which~~ is not owned or operated by a governmental entity, which  
10 uses special fuel or motor fuel on the public highways, and  
11 which has a gross vehicle weight of 26,001 pounds or more, or  
12 has three or more axles regardless of weight, or is used in  
13 combination when the weight of the ~~such~~ combination is ~~exceeds~~  
14 26,001 pounds or more gross vehicle weight.

15           Section 5. Subsection (3) of section 320.05, Florida  
16 Statutes, is amended to read:

17           320.05 Records of the department; inspection  
18 procedure; lists and searches; fees.--

19           (3)(a) The department is authorized, upon application  
20 of any person and payment of the proper fees, to prepare and  
21 furnish lists containing motor vehicle or vessel information  
22 in a ~~such~~ form as the department may authorize, to search the  
23 records of the department and make reports thereof, and to  
24 make photographic copies of the department records and  
25 attestations thereof.

26           (b) Fees ~~therefor~~ shall be charged and collected as  
27 follows:

28           1. For providing lists of motor vehicle or vessel  
29 records for the entire state, or any part or parts thereof,  
30 divided according to counties, a sum computed at a rate of not  
31 less than 1 cent nor more than 5 cents per item.

- 1           2. For providing noncertified photographic copies of  
2 motor vehicle or vessel documents, \$1 per page.
- 3           3. For providing noncertified photographic copies of  
4 micrographic records, \$1 per page.
- 5           4. For providing certified copies of motor vehicle or  
6 vessel records, \$3 per record.
- 7           5. For providing noncertified computer-generated  
8 printouts of motor vehicle or vessel records, 50 cents per  
9 record.
- 10          6. For providing certified computer-generated  
11 printouts of motor vehicle or vessel records, \$3 per record.
- 12          7. For providing electronic access to motor vehicle,  
13 vessel, and mobile home registration data requested by tag,  
14 vehicle identification number, title number, or decal number,  
15 50 cents per item, except that information provided via the  
16 department's Internet website is free of charge.
- 17          ~~8. For providing electronic access to driver's license~~  
18 ~~status report by name, sex, and date of birth or by driver~~  
19 ~~license number, 50 cents per item.~~
- 20          ~~8.9.~~ For providing lists of licensed mobile home  
21 dealers and manufacturers and recreational vehicle dealers and  
22 manufacturers, \$15 per list.
- 23          ~~9.10.~~ For providing lists of licensed motor vehicle  
24 dealers, \$25 per list.
- 25          ~~10.11.~~ For each copy of a videotape record, \$15 per  
26 tape.
- 27          ~~11.12.~~ For each copy of the Division of Motor Vehicles  
28 Procedures Manual, \$25.
- 29          (c) Fees collected under ~~pursuant to~~ paragraph (b)  
30 shall be deposited into the Highway Safety Operating Trust  
31 Fund.

1 (d) The department shall furnish the ~~such~~ information  
2 without charge to any court or governmental entity.

3 (e) When motor vehicle, vessel, or mobile home  
4 registration data is provided by electronic access through a  
5 tax collector's office, a fee for the electronic access is not  
6 required to be assessed. However, at the tax collector's  
7 discretion, a fee equal to or less than the fee charged by the  
8 department for the ~~such~~ information may be assessed by the tax  
9 collector for the electronic access. Notwithstanding paragraph  
10 (c), any funds collected by the tax collector as a result of  
11 providing ~~such~~ access shall be retained by the tax collector.

12 Section 6. Subsection (4) of section 320.06, Florida  
13 Statutes, is amended to read:

14 320.06 Registration certificates, license plates, and  
15 validation stickers generally.--

16 (4) The corporation organized under chapter 946 may  
17 manufacture license plates, validation stickers, and decals,  
18 as well as temporary tags, disabled hang tags, vessel decals,  
19 and fuel use decals, for the Department of Highway Safety and  
20 Motor Vehicles as provided in this chapter and chapter 328  
21 ~~327~~. The Department of Highway Safety and Motor Vehicles is  
22 not required to obtain competitive bids in order to contract  
23 with the corporation.

24 Section 7. Section 320.0607, Florida Statutes, is  
25 amended to read:

26 320.0607 Replacement license plates, validation decal,  
27 or mobile home sticker.--

28 (1) A ~~Any~~ law enforcement officer or department  
29 license and registration inspector may at any time inspect a  
30 license plate or validation decal for proper display and  
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1 legibility as prescribed by chapter 316. A damaged or defaced  
2 plate or decal may be required to be replaced.

3 (2) When a license plate, mobile home sticker, or  
4 validation decal has been lost, stolen, or destroyed, the  
5 owner of the motor vehicle or mobile home for which the plate,  
6 sticker, or decal was issued shall make application to the  
7 department for a replacement. The application shall contain  
8 the plate, sticker, or decal number being replaced and a  
9 statement that the item was lost, stolen, or destroyed. If the  
10 application includes a copy of the police report prepared in  
11 response to a report of a stolen plate, sticker, or decal,  
12 such plate, sticker, or decal must be replaced at no charge.

13 (3) The department shall implement a system to verify  
14 that the replacement application is signed by a person  
15 authorized to receive a replacement license plate or duplicate  
16 registration if the address on the application is different  
17 from the address for the applicant on the records of the  
18 department. If the replacement license plate or registration  
19 is being delivered to someone other than the owner of record,  
20 proof of identity for that person must be verified and the  
21 physical documentation of the verification must be maintained  
22 by the department.

23 ~~(4)(3)~~ Except as provided in subsection (2), in all  
24 ~~such~~ cases, upon filing of an application accompanied by a fee  
25 of \$10 plus applicable service charges, the department shall  
26 issue a replacement plate, sticker, or decal as the case may  
27 be if it is satisfied that the information reported in the  
28 application is true. The replacement fee shall be deposited  
29 into the Highway Safety Operating Trust Fund.

30 ~~(5)(4)~~ Any license plate, sticker, or decal lost in  
31 the mail shall ~~may~~ be replaced at no charge. ~~A Neither the~~

1 service charge or ~~nor the~~ replacement fee may not ~~shall~~ be  
2 applied to the ~~this~~ replacement. However, the application for  
3 a replacement must ~~shall~~ contain a statement that the license  
4 plate, sticker, or decal was lost in the mail ~~of such fact,~~  
5 the audit number of the lost item, and the date issued.

6 (6)~~(5)~~ Upon the issuance of an original license plate,  
7 the applicant shall pay a fee of \$10 to be deposited in the  
8 Highway Safety Operating Trust Fund.

9 (7)~~(6)~~ All funds derived from the sale of temporary  
10 tags ~~under the provisions of~~ s. 320.131 shall be deposited in  
11 the Highway Safety Operating Trust Fund.

12 Section 8. Section 320.0843, Florida Statutes, is  
13 amended to read:

14 320.0843 License plates for persons with disabilities  
15 eligible for permanent disabled parking permits.--

16 (1) An ~~Any~~ owner or lessee of a motor vehicle who  
17 resides in this state and qualifies for a disabled parking  
18 permit under s. 320.0848(2), upon application to the  
19 department and payment of the license tax for a motor vehicle  
20 registered under s. 320.08(2), (3)(a), (b), (c), or (e),  
21 (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a  
22 license plate as provided by s. 320.06 which, in lieu of the  
23 serial number prescribed by s. 320.06, shall be stamped with  
24 the international wheelchair user symbol after the serial  
25 number of the license plate. The license plate entitles the  
26 person to all privileges afforded by a parking permit issued  
27 under s. 320.0848. If more than one registrant is listed on  
28 the registration issued under this section, the eligible  
29 applicant for the license plate shall be noted on the  
30 registration certificate.

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1           (2) All applications for these ~~such~~ license plates  
2 must be made to the department.

3           Section 9. Paragraph (f) of subsection (2) of section  
4 320.0848, Florida Statutes, is amended to read:

5           320.0848 Persons who have disabilities; issuance of  
6 disabled parking permits; temporary permits; permits for  
7 certain providers of transportation services to persons who  
8 have disabilities.--

9           (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
10 MOBILITY PROBLEMS.--

11           (f) To obtain a replacement for a disabled parking  
12 permit that has been lost or stolen, a person must submit an  
13 application on a form prescribed by the department and must  
14 pay a replacement fee in the amount of \$1.00, to be retained  
15 by the issuing agency. If the person submits with the  
16 application a police report documenting that the permit was  
17 stolen, there is no replacement fee. The department shall  
18 implement a system to verify that the application for a  
19 disabled parking permit is signed by a person authorized to  
20 receive a replacement or duplicate disabled parking permit if  
21 the address on the application is different from the address  
22 for the applicant on the records of the department. If the  
23 replacement or duplicate disabled parking permit is being  
24 delivered to someone other than the owner of record, proof of  
25 identity for that person must be verified and the physical  
26 documentation of the verification must be maintained by the  
27 department.

28           Section 10. Subsection (4) of section 320.086, Florida  
29 Statutes, is amended to read:

30           320.086 Ancient or antique motor vehicles; "horseless  
31 carriage," antique, or historical license plates.--

1           (4) Any person who is the registered owner of a motor  
2 vehicle as defined in this section and manufactured in the  
3 model year 1975 ~~1974~~ or earlier, may apply to the department  
4 for permission to use a historical Florida license plate that  
5 clearly represents the model year of the vehicle as a  
6 personalized prestige license plate. This plate shall be  
7 furnished by the ~~such~~ person and shall be presented to the  
8 department with a reasonable fee to be determined by the  
9 department for approval and for authentication that the  
10 historic license plate and any applicable decals were issued  
11 by this state in the same year as the model year of the car or  
12 truck. The requirements of s. 320.0805(8)(b) do not apply to  
13 historical plates authorized under this subsection.

14           Section 11. Section 320.58, Florida Statutes, is  
15 amended to read:

16           320.58 License inspectors; powers, appointment.--

17           (1)(a) The department shall appoint as many license  
18 inspectors and supervisors as it deems necessary to enforce  
19 the provisions of this chapter and chapters 317,319, 322, and  
20 324, and 328. In order to enforce the provisions of these  
21 laws, the inspectors are empowered to enter on both publicly  
22 owned and privately owned property and to issue uniform  
23 traffic citations to persons found in violation thereof. The  
24 department is further empowered to delegate the power to issue  
25 uniform traffic citations to persons acting as its agents for  
26 the purpose of enforcing the registration provisions of this  
27 chapter, which may include, but are ~~be~~ limited to,  
28 personnel employed by district school boards as agreed to by  
29 the school board and the county tax collector.

30           (b) License inspectors appointed under ~~pursuant to~~  
31 this section and agents delegated by the department are not to

1 be considered for membership in the state high-risk retirement  
2 program.

3 (2) Any person who fails or refuses to surrender his  
4 or her driver's license, registration certificate, and license  
5 plate upon lawful demand of an inspector, supervisor, or  
6 authorized agent of the department commits ~~is guilty of~~ a  
7 misdemeanor of the second degree, punishable as provided in s.  
8 775.082 or s. 775.083.

9 Section 12. Subsection (11) of section 322.20, Florida  
10 Statutes, is amended to read:

11 322.20 Records of the department; fees; destruction of  
12 records.--

13 (11)(a) The department is authorized to charge the  
14 following fees for the following services and documents:

15 1. For providing a transcript of any one individual's  
16 driver history record or any portion thereof for the past 3  
17 years or for searching for the ~~such~~ record when no record is  
18 found to be on file.....\$2.10

19 2. For providing a transcript of any one individual's  
20 driver history record or any portion thereof for the past 7  
21 years or for searching for the ~~such~~ record when no record is  
22 found to be on file.....\$3.10

23 3. For providing a certified copy of a transcript of  
24 the driver history record or any portion thereof for any one  
25 individual.....\$3.10

26 4. For providing a certified photographic copy of a  
27 document, per page.....\$1.00

28 5. For providing an exemplified record.....\$15.00

29 6. For providing photocopies of documents, papers,  
30 letters, clearances, or license or insurance status reports,  
31 per page.....\$0.50

1           7. For assisting persons in searching any one  
2 individual's driver record at a terminal located at the  
3 department's general headquarters in Tallahassee.....\$2.00

4           8. For providing electronic access to driver's license  
5 status by name, gender, and date of birth, or by driver  
6 license number, per item.....\$0.50,  
7 except that information provided via the department's Internet  
8 shall be free of charge.

9           (b) The department shall furnish the ~~such~~ information  
10 without charge to any local, state, or federal law enforcement  
11 agency or court upon proof satisfactory to the department as  
12 to the purpose of the investigation.

13           Section 13. Subsection (2) of section 328.11, Florida  
14 Statutes, is amended to read:

15           328.11 Duplicate certificate of title.--

16           (2) In addition to the fee imposed by subsection (1),  
17 the Department of Highway Safety and Motor Vehicles shall  
18 charge a fee of \$5 for expedited service in issuing a  
19 ~~duplicate~~ certificate of title. Application for such expedited  
20 service may be made by mail or in person. The department  
21 shall issue each certificate of title applied for under this  
22 subsection within 5 working days after receipt of a proper  
23 application or shall refund the additional \$5 fee upon written  
24 request by the applicant.

25           Section 14. This act shall take effect upon becoming a  
26 law.

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SENATE SUMMARY

Eliminates the authority of the Department of Highway Safety and Motor Vehicles to expend certain funds. Authorizes the department to expend certain funds. Requires identity verification for certain title certificates. Directs that certain motor vehicle and vessel information be available free of charge on the department's website. Requires identity verification for certain vehicle license plates and registrations. Directs that all eligible registrants for a disabled parking plate be noted on the certificate. Requires identity verification for certain disabled parking permits. Provides provisions relating to historical license plates. Authorizes inspectors employed by the department to enforce certain provisions relating to off-highway vehicles and vessels. Provides that certain driver's license information is available free of charge on the department's website. Revises requirements relating to the issuance of a duplicate certificate of title for vessels.