

By Senator Sebesta

16-980B-04

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 261.03, F.S.; redefining the term "off-highway
4 vehicle" to include a two-rider ATV; adding a
5 definition; amending s. 316.003, F.S.; defining
6 the term "traffic signal preemption system";
7 amending s. 316.0775, F.S.; providing that the
8 unauthorized use of a traffic signal preemption
9 device is a moving violation; amending s.
10 316.122, F.S.; providing for the right-of-way
11 for certain passing vehicles; creating s.
12 316.1576, F.S.; providing clearance
13 specifications for a railroad-highway grade
14 crossing; amending s. 316.183, F.S.; increasing
15 the minimum speed limit on interstate highways;
16 amending s. 316.1932, F.S.; revising the
17 requirements for printing the notice of consent
18 for sobriety testing on a driver's license;
19 amending s. 316.194, F.S.; authorizing traffic
20 accident investigation officers to remove
21 vehicles under certain circumstances; amending
22 s. 316.2074, F.S.; redefining the term
23 "all-terrain vehicle" to include a two-rider
24 ATV; amending s. 317.0003, F.S.; defining the
25 term "off-highway vehicle" to include a
26 two-rider ATV; providing a definition; amending
27 s. 317.0007, F.S.; authorizing the Department
28 of Highway Safety and Motor Vehicles to issue a
29 validation sticker as an additional proof of
30 title for an off-highway vehicle; providing for
31 the replacement of lost or destroyed

1 off-highway vehicle validation stickers;
2 providing for disposition of fees; repealing s.
3 317.0008(2), F.S., relating to the expedited
4 issuance of duplicate certificates of title for
5 off-highway vehicles; creating s. 317.0014,
6 F.S.; establishing procedures for the issuance
7 of a certificate of title for an off-highway
8 vehicle; providing duties of the Department of
9 Highway Safety and Motor Vehicles; providing
10 for a notice of lien and lien satisfaction;
11 creating s. 317.0015, F.S.; providing for the
12 applicability of certain provisions of law to
13 the titling of off-highway vehicles; creating
14 s. 317.0016, F.S.; providing for the expedited
15 issuance of titles for off-highway vehicles;
16 creating s. 317.0017, F.S.; prohibiting
17 specified actions relating to the issuance of
18 titles for off-highway vehicles; providing a
19 penalty; creating s. 317.0018, F.S.;
20 prohibiting the transfer of an off-highway
21 vehicle without delivery of a certificate of
22 title; prescribing other violations; providing
23 a penalty; amending s. 318.14, F.S.;
24 authorizing the department to modify certain
25 actions to suspend or revoke a driver's license
26 following notice of final disposition; amending
27 s. 318.15, F.S.; providing for disposition of
28 fees; amending s. 319.23, F.S.; requiring a
29 licensed motor vehicle dealer to notify the
30 Department of Highway Safety and Motor Vehicles
31 of a motor vehicle or mobile home taken as a

1 trade-in; requiring the department to update
2 its title record; amending s. 320.0601, F.S.;
3 requiring that a transaction of a long-term
4 leased motor vehicle be registered in the name
5 of the lessee; amending s. 320.0605, F.S.;
6 exempting a vehicle registered as a fleet
7 vehicle from the requirement that the
8 certificate of registration be carried in the
9 vehicle at all times; amending s. 320.131,
10 F.S.; authorizing the department to provide for
11 an electronic system for motor vehicle dealers
12 to use in issuing temporary tags; providing a
13 penalty; amending s. 320.18, F.S.; authorizing
14 the department to cancel the vehicle or vessel
15 registration, driver's license, or
16 identification card of a person who pays
17 certain fees or penalties with a dishonored
18 check; amending s. 320.27, F.S.; requiring
19 motor vehicle dealers to maintain records for a
20 specified period; providing certain penalties;
21 amending s. 320.8249, F.S.; providing penalties
22 for certain unlawful acts by a mobile home
23 installer; amending s. 322.051, F.S.; revising
24 provisions relating to the application for an
25 identification card; providing that the
26 requirement for a fullface photograph or
27 digital image on an identification card may not
28 be waived under ch. 761, F.S.; amending s.
29 322.08, F.S.; providing that a United States
30 passport is an acceptable proof of identity for
31 purposes of obtaining a driver's license;

1 providing that a naturalization certificate
2 issued by the United States Department of
3 Justice is an acceptable proof of identity for
4 such purpose; providing that specified
5 documents issued by the United States
6 Department of Justice are acceptable as proof
7 of nonimmigrant classification; amending s.
8 322.12, F.S.; requiring the department to
9 require proof that an interlock device has been
10 installed under certain circumstances; amending
11 s. 322.135, F.S.; revising requirements for the
12 deposit of certain fees for a driver's license;
13 revising requirements for the tax collector in
14 directing a licensee for examination or
15 reexamination; requiring county officers to pay
16 certain funds to the State Treasury by
17 electronic funds transfer within a specified
18 period; amending s. 322.142, F.S.; providing
19 that the requirement for a fullface photograph
20 or digital image on a driver's license may not
21 be waived under ch. 761, F.S.; amending s.
22 322.17, F.S., relating to duplicate and
23 replacement certificates; conforming a
24 cross-reference; amending s. 322.18, F.S.;
25 revising the expiration period for driver's
26 licenses issued to specified persons;
27 conforming cross-references; amending s.
28 322.19, F.S., relating to change of address or
29 name; conforming cross-references; amending s.
30 322.21, F.S.; requiring the department to set a
31 fee for a hazardous-materials endorsement;

1 amending s. 322.22, F.S.; authorizing the
2 department to cancel any identification card,
3 vehicle or vessel registration, or fuel-use
4 decals of a licensee who pays certain fees or
5 penalties with a dishonored check; amending s.
6 322.271, F.S.; requiring that proof be made to
7 the department that an ignition interlock
8 device has been installed; repealing s.
9 322.53(4), F.S., relating to a requirement that
10 certain operators of a commercial motor vehicle
11 obtain a specified license; amending s. 322.54,
12 F.S.; revising requirements for drivers'
13 licenses for certain commercial motor vehicles;
14 amending s. 322.57, F.S.; providing testing
15 requirements for school bus drivers; amending
16 and reenacting s. 322.61, F.S.; specifying
17 additional violations that disqualify a person
18 from operating a commercial motor vehicle;
19 providing penalties; amending s. 322.63, F.S.;
20 clarifying provisions governing alcohol and
21 drug testing for commercial motor vehicle
22 operators; amending s. 713.78, F.S.; revising
23 provisions relating to the placement of a
24 wrecker operator's lien against a motor
25 vehicle; providing effective dates.

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

28
29 Section 1. Subsection (6) of section 261.03, Florida
30 Statutes, is amended and subsection (11) is added to that
31 section, to read:

1 261.03 Definitions.--As used in this chapter, the
2 term:

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

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

10 Section 2. Subsection (84) is added to section
11 316.003, Florida Statutes, to read:

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

16 (84) TRAFFIC SIGNAL PREEMPTION SYSTEM.--Any system or
17 device with the capability of activating a control mechanism
18 mounted on or near traffic signals which alters a traffic
19 signal's timing cycle.

20 Section 3. Section 316.0775, Florida Statutes, is
21 amended to read:

22 316.0775 Interference with official traffic control
23 devices or railroad signs or signals.--

24 (1) A ~~No~~ person may not ~~shall~~, without lawful
25 authority, attempt to or in fact alter, deface, injure, knock
26 down, or remove any official traffic control device or any
27 railroad sign or signal or any inscription, shield, or
28 insignia thereon, or any other part thereof. A violation of
29 this subsection ~~section~~ is a criminal violation pursuant to s.
30 318.17 and shall be punishable as set forth in s. 806.13

31

1 related to criminal mischief and graffiti, beginning on or
2 after July 1, 2000.

3 (2) A person may not, without lawful authority,
4 possess or use any traffic signal preemption device as defined
5 under s. 316.003. A person who violates this subsection
6 commits a moving violation, punishable as provided in chapter
7 318 and shall have 4 points assessed against his or her
8 driver's license as set forth in s. 322.27.

9 Section 4. Section 316.122, Florida Statutes, is
10 amended to read:

11 316.122 Vehicle turning left.--The driver of a vehicle
12 intending to turn to the left within an intersection or into
13 an alley, private road, or driveway shall yield the
14 right-of-way to any vehicle approaching from the opposite
15 direction, or vehicles lawfully passing on the left of the
16 turning vehicle, which is within the intersection or so close
17 thereto as to constitute an immediate hazard. A violation of
18 this section is a noncriminal traffic infraction, punishable
19 as a moving violation as provided in chapter 318.

20 Section 5. Section 316.1576, Florida Statutes, is
21 created to read:

22 316.1576 Insufficient clearance at a railroad-highway
23 grade crossing.--

24 (1) A person may not drive any vehicle through a
25 railroad-highway grade crossing that does not have sufficient
26 space to drive completely through the crossing without
27 stopping.

28 (2) A person may not drive any vehicle through a
29 railroad-highway grade crossing that does not have sufficient
30 undercarriage clearance to drive completely through the
31 crossing without stopping.

1 Section 6. Subsection (2) of section 316.183, Florida
2 Statutes, is amended to read:

3 316.183 Unlawful speed.--

4 (2) On all streets or highways, the maximum speed
5 limits for all vehicles must be 30 miles per hour in business
6 or residence districts, and 55 miles per hour at any time at
7 all other locations. However, with respect to a residence
8 district, a county or municipality may set a maximum speed
9 limit of 20 or 25 miles per hour on local streets and highways
10 after an investigation determines that such a limit is
11 reasonable. It is not necessary to conduct a separate
12 investigation for each residence district. The minimum speed
13 limit on all highways that comprise a part of the National
14 System of Interstate and Defense Highways and have not fewer
15 than four lanes is 50 ~~40~~ miles per hour.

16 Section 7. Paragraph (e) of subsection (1) of section
17 316.1932, Florida Statutes, is amended to read:

18 316.1932 Tests for alcohol, chemical substances, or
19 controlled substances; implied consent; refusal.--

20 (1)

21 (e)1. By applying for a driver's license and by
22 accepting and using a driver's license, the person holding the
23 driver's license is deemed to have expressed his or her
24 consent to the provisions of this section.

25 2. A nonresident or any other person driving in a
26 status exempt from the requirements of the driver's license
27 law, by his or her act of driving in such exempt status, is
28 deemed to have expressed his or her consent to the provisions
29 of this section.

30
31

1 3. A warning of the consent provision of this section
2 shall be printed ~~above the signature line~~ on each new or
3 renewed driver's license.

4 Section 8. Paragraphs (a) and (b) of subsection (3) of
5 section 316.194, Florida Statutes, are amended to read:

6 316.194 Stopping, standing or parking outside of
7 municipalities.--

8 (3)(a) Whenever any police officer or traffic accident
9 investigation officer finds a vehicle standing upon a highway
10 in violation of any of the foregoing provisions of this
11 section, the officer is authorized to move the vehicle, or
12 require the driver or other persons in charge of the vehicle
13 to move the vehicle same, to a position off the paved or
14 main-traveled part of the highway.

15 (b) Officers and traffic accident investigation
16 officers may ~~are hereby authorized to~~ provide for the removal
17 of any abandoned vehicle to the nearest garage or other place
18 of safety, cost of such removal to be a lien against motor
19 vehicle, when an ~~said~~ abandoned vehicle is found unattended
20 upon a bridge or causeway or in any tunnel, or on any public
21 highway in the following instances:

22 1. Where such vehicle constitutes an obstruction of
23 traffic;

24 2. Where such vehicle has been parked or stored on the
25 public right-of-way for a period exceeding 48 hours, in other
26 than designated parking areas, and is within 30 feet of the
27 pavement edge; and

28 3. Where an operative vehicle has been parked or
29 stored on the public right-of-way for a period exceeding 10
30 days, in other than designated parking areas, and is more than
31 30 feet from the pavement edge. However, the agency removing

1 such vehicle shall be required to report same to the
2 Department of Highway Safety and Motor Vehicles within 24
3 hours of such removal.

4 Section 9. Subsection (2) of section 316.2074, Florida
5 Statutes, is amended to read:

6 316.2074 All-terrain vehicles.--

7 (2) As used in this section, the term "all-terrain
8 vehicle" means any motorized off-highway vehicle 50 inches or
9 less in width, having a dry weight of 900 pounds or less,
10 designed to travel on three or more low-pressure tires, having
11 a seat designed to be straddled by the operator and handlebars
12 for steering control, and intended for use by a single
13 operator with no passenger. For the purposes of this section,
14 "all-terrain vehicle" also includes any "two-rider ATV" as
15 defined in s. 317.0003.

16 Section 10. Subsection (6) of section 317.0003,
17 Florida Statutes, is amended and subsection (9) is added to
18 that section, to read:

19 317.0003 Definitions.--As used in ss.
20 317.0001-317.0013, the term:

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

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

28 Section 11. Subsection (6) is added to section
29 317.0007, Florida Statutes, to read:

30 317.0007 Application for and issuance of certificate
31 of title.--

1 (6) In addition to a certificate of title, the
2 department may issue a validation sticker to be placed on the
3 off-highway vehicle as proof of the issuance of title required
4 pursuant to s. 317.0006(1). A validation sticker that is lost
5 or destroyed may, upon application, be replaced by the
6 department or county tax collector. The department and county
7 tax collector may charge and deposit the fees established in
8 ss. 320.03(5), 320.031, and 320.04 for all original and
9 replacement decals.

10 Section 12. Subsection (2) of section 317.0008,
11 Florida Statutes, is repealed.

12 Section 13. Section 317.0014, Florida Statutes, is
13 created to read:

14 317.0014 Certificate of title; issuance in duplicate;
15 delivery; liens and encumbrances.--

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

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

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

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

27 (3) Except as provided in subsection (4), the
28 certificate of title shall be retained by the first lienholder
29 or the owner as indicated in the notice of lien filed by the
30 first lienholder. If the first lienholder is in possession of
31

1 the certificate, the first lienholder is entitled to retain
2 the certificate until the first lien is satisfied.

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

23 (5)(a) Upon satisfaction of any first lien or
24 encumbrance recorded by the department, the owner of the
25 vehicle, as shown on the title certificate, or the person
26 satisfying the lien is entitled to demand and receive from the
27 lienholder a satisfaction of the lien. If the lienholder, upon
28 satisfaction of the lien and upon demand, fails or refuses to
29 furnish a satisfaction of the lien within 30 days after
30 demand, he or she is liable for all costs, damages, and
31 expenses, including reasonable attorney's fees, lawfully

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

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

29 (c) If the certificate of title shows a subsequent
30 lien not then being discharged, an executed satisfaction of
31 the first lien shall be delivered by the lienholder to the

1 person satisfying the lien and the certificate of title
2 showing satisfaction of the first lien shall be forwarded by
3 the lienholder to the department within 10 days after
4 satisfaction of the lien.

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

23 (6) When the original certificate of title cannot be
24 returned to the department by the lienholder and evidence
25 satisfactory to the department is produced that all liens or
26 encumbrances have been satisfied, upon application by the
27 owner for a duplicate copy of the certificate upon the form
28 prescribed by the department, accompanied by the fee
29 prescribed in this chapter, a duplicate copy of the
30 certificate of title, without statement of liens or
31

1 encumbrances, shall be issued by the department and delivered
2 to the owner.

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

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

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

27 Section 14. Section 317.0015, Florida Statutes, is
28 created to read:

29 317.0015 Application of law.--Sections 319.235,
30 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all

31

1 off-highway vehicles that are required to be titled under this
2 chapter.

3 Section 15. Section 317.0016, Florida Statutes, is
4 created to read:

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

23 Section 16. Section 317.0017, Florida Statutes, is
24 created to read:

25 317.0017 Offenses involving vehicle identification
26 numbers, applications, certificates, papers; penalty.--

27 (1) A person may not:

28 (a) Alter or forge any certificate of title to an
29 off-highway vehicle or any assignment thereof or any
30 cancellation of any lien on an off-highway vehicle.

31

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

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

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

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

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

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

30 (4) A person may not knowingly and with intent to
31 defraud have in his or her possession, sell, offer to sell,

1 counterfeit, or supply a blank, forged, fictitious,
2 counterfeit, stolen, or fraudulently or unlawfully obtained
3 certificate of title, bill of sale, or other indicia of
4 ownership of an off-highway vehicle or conspire to do any of
5 the foregoing.

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

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

31

1 Section 17. Section 317.0018, Florida Statutes, is
2 created to read:

3 317.0018 Transfer without delivery of certificate;
4 operation or use without certificate; failure to surrender;
5 other violations.--Except as otherwise provided in this
6 chapter, any person who:

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

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

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

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

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

26
27 shall be fined not more than \$500 or imprisoned for not more
28 than 6 months, or both, for each offense.

29 Section 18. Subsection (7) of section 318.14, Florida
30 Statutes, is amended to read:

31

1 318.14 Noncriminal traffic infractions; exception;
2 procedures.--

3 (7)(a) The official having jurisdiction over the
4 infraction shall certify to the department within 10 days
5 after payment of the civil penalty that the defendant has
6 admitted to the infraction. If the charge results in a
7 hearing, the official having jurisdiction shall certify to the
8 department the final disposition within 10 days after ~~of~~ the
9 hearing. All dispositions returned to the county requiring a
10 correction shall be resubmitted to the department within 10
11 days after the notification of the error.

12 (b) If the official having jurisdiction over the
13 traffic infraction submits the final disposition to the
14 department more than 180 days after the final hearing or after
15 payment of the civil penalty, the department may modify any
16 resulting suspension or revocation action to begin as if the
17 citation were reported in a timely manner.

18 Section 19. Effective July 1, 2004, subsection (2) of
19 section 318.15, Florida Statutes, as amended by section 98 of
20 chapter 2003-402, Laws of Florida, is amended to read:

21 318.15 Failure to comply with civil penalty or to
22 appear; penalty.--

23 (2) After suspension of the driver's license and
24 privilege to drive of a person under subsection (1), the
25 license and privilege may not be reinstated until the person
26 complies with all obligations and penalties imposed on him or
27 her under s. 318.18 and presents to a driver license office a
28 certificate of compliance issued by the court, together with a
29 nonrefundable service fee of up to \$37.50 imposed under s.
30 322.29, or pays the aforementioned service fee of up to \$37.50
31 to the clerk of the court or tax collector clearing such

1 suspension. If the fee is collected by the clerk of the court,
2 \$10 of the fee shall be remitted to the Department of Revenue
3 for deposit into the Highway Safety Operating Trust Fund. If
4 the fee is collected by the tax collector, \$10 of the fee
5 shall be remitted to the Department of Highway Safety and
6 Motor Vehicles for deposit into the Highway Safety Operating
7 Trust Fund.Such person shall also be in compliance with
8 requirements of chapter 322 prior to reinstatement.

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

11 319.23 Application for, and issuance of, certificate
12 of title.--

13 (6) In the case of the sale of a motor vehicle or
14 mobile home by a licensed dealer to a general purchaser, the
15 certificate of title shall be obtained in the name of the
16 purchaser by the dealer upon application signed by the
17 purchaser, and in each other case such certificate shall be
18 obtained by the purchaser. In each case of transfer of a
19 motor vehicle or mobile home, the application for certificate
20 of title, or corrected certificate, or assignment or
21 reassignment, shall be filed within 30 days from the delivery
22 of such motor vehicle or mobile home to the purchaser. An
23 applicant shall be required to pay a fee of \$10, in addition
24 to all other fees and penalties required by law, for failing
25 to file such application within the specified time. When a
26 licensed dealer acquires a motor vehicle or mobile home as a
27 trade-in, the dealer must file with the department a notice of
28 sale signed by the seller. The department shall update its
29 database for that title record to indicate "sold."A licensed
30 dealer need not apply for a certificate of title for any motor
31

1 vehicle or mobile home in stock acquired for stock purposes
2 except as provided in s. 319.225.

3 Section 21. Section 320.0601, Florida Statutes, is
4 amended to read:

5 320.0601 Lease and rental car companies;
6 identification of vehicles as for-hire.--

7 (1) A rental car company may not rent in this state
8 any for-hire vehicle, other than vehicles designed to
9 transport cargo, that has affixed to its exterior any bumper
10 stickers, insignias, or advertising that identifies the
11 vehicle as a rental vehicle.

12 (2) As used in this section, the term:

13 (a) "Bumper stickers, insignias, or advertising" does
14 not include:

15 1. Any emblem of no more than two colors which is less
16 than 2 inches by 4 inches, which is placed on the rental car
17 for inventory purposes only, and which does not display the
18 name or logo of the rental car company; or

19 2. Any license required by the law of the state in
20 which the vehicle is registered.

21 (b) "Rent in this state" means to sign a rental
22 contract in this state or to deliver a car to a renter in this
23 state.

24 (3) A rental car company that leases a motor vehicle
25 that is found to be in violation of this section shall be
26 punished by a fine of \$500 per occurrence.

27 (4) Effective July 1, 2004, each original or transfer
28 transaction of a long-term leased motor vehicle must be
29 registered in the name of the lessee.

30 Section 22. Section 320.0605, Florida Statutes, is
31 amended to read:

1 320.0605 Certificate of registration; possession
2 required; exception.--The registration certificate or an
3 official copy thereof, a true copy of a rental or lease
4 agreement issued for a motor vehicle or issued for a
5 replacement vehicle in the same registration period, a
6 temporary receipt printed upon self-initiated electronic
7 renewal of a registration via the Internet, or a cab card
8 issued for a vehicle registered under the International
9 Registration Plan shall, at all times while the vehicle is
10 being used or operated on the roads of this state, be in the
11 possession of the operator thereof or be carried in the
12 vehicle for which issued and shall be exhibited upon demand of
13 any authorized law enforcement officer or any agent of the
14 department, except for a vehicle registered under s. 320.0657.
15 The provisions of this section do not apply during the first
16 30 days after purchase of a replacement vehicle. A violation
17 of this section is a noncriminal traffic infraction,
18 punishable as a nonmoving violation as provided in chapter
19 318.

20 Section 23. Subsection (8) is added to section
21 320.131, Florida Statutes, to read:

22 320.131 Temporary tags.--

23 (8) The department may administer an electronic system
24 for licensed motor vehicle dealers to use in issuing temporary
25 tags. Upon issuing a temporary tag, the dealer shall access
26 the electronic system and enter the appropriate vehicle and
27 owner information within the timeframe specified by department
28 rule. If a dealer fails to comply with the department's
29 requirements for issuing temporary tags using the electronic
30 system, the department may deny, suspend, or revoke a license
31

1 under s. 320.27(9)(b)16. upon proof that the licensee has
2 failed to comply with the department's requirements.

3 Section 24. Subsection (1) of section 320.18, Florida
4 Statutes, is amended to read:

5 320.18 Withholding registration.--

6 (1) The department may withhold the registration of
7 any motor vehicle or mobile home the owner of which has failed
8 to register it under the provisions of law for any previous
9 period or periods for which it appears registration should
10 have been made in this state, until the tax for such period or
11 periods is paid. The department may cancel any vehicle or
12 vessel registration, driver's license, identification card,
13 ~~license plate~~ or fuel-use tax decal if the owner pays for the
14 vehicle or vessel registration, driver's license,
15 identification card, or license plate, fuel-use tax decal;
16 pays any administrative, delinquency, or reinstatement fee;
17 or pays any tax liability, penalty, or interest specified in
18 chapter 207 by a dishonored check, or if the vehicle owner or
19 motor carrier has failed to pay a penalty for a weight or
20 safety violation issued by the Department of Transportation
21 Motor Carrier Compliance Office. The Department of
22 Transportation and the Department of Highway Safety and Motor
23 Vehicles may impound any commercial motor vehicle that has a
24 canceled license plate or fuel-use tax decal until the tax
25 liability, penalty, and interest specified in chapter 207, the
26 license tax, or the fuel-use decal fee, and applicable
27 administrative fees have been paid for by certified funds.

28 Section 25. Subsection (6) and paragraph (b) of
29 subsection (9) of section 320.27, Florida Statutes, are
30 amended to read:

31 320.27 Motor vehicle dealers.--

1 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
2 shall keep a book or record in such form as shall be
3 prescribed or approved by the department for a period of 5
4 years, in which the licensee shall keep a record of the
5 purchase, sale, or exchange, or receipt for the purpose of
6 sale, of any motor vehicle, the date upon which any temporary
7 tag was issued, the date of title transfer, and a description
8 of such motor vehicle together with the name and address of
9 the seller, the purchaser, and the alleged owner or other
10 person from whom such motor vehicle was purchased or received
11 or to whom it was sold or delivered, as the case may be. Such
12 description shall include the identification or engine number,
13 maker's number, if any, chassis number, if any, and such other
14 numbers or identification marks as may be thereon and shall
15 also include a statement that a number has been obliterated,
16 defaced, or changed, if such is the fact.

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

18 (b) The department may deny, suspend, or revoke any
19 license issued hereunder or under the provisions of s. 320.77
20 or s. 320.771 upon proof that a licensee has committed, with
21 sufficient frequency so as to establish a pattern of
22 wrongdoing on the part of a licensee, violations of one or
23 more of the following activities:

24 1. Representation that a demonstrator is a new motor
25 vehicle, or the attempt to sell or the sale of a demonstrator
26 as a new motor vehicle without written notice to the purchaser
27 that the vehicle is a demonstrator. For the purposes of this
28 section, a "demonstrator," a "new motor vehicle," and a "used
29 motor vehicle" shall be defined as under s. 320.60.

30 2. Unjustifiable refusal to comply with a licensee's
31 responsibility under the terms of the new motor vehicle

1 warranty issued by its respective manufacturer, distributor,
2 or importer. However, if such refusal is at the direction of
3 the manufacturer, distributor, or importer, such refusal shall
4 not be a ground under this section.

5 3. Misrepresentation or false, deceptive, or
6 misleading statements with regard to the sale or financing of
7 motor vehicles which any motor vehicle dealer has, or causes
8 to have, advertised, printed, displayed, published,
9 distributed, broadcast, televised, or made in any manner with
10 regard to the sale or financing of motor vehicles.

11 4. Failure by any motor vehicle dealer to provide a
12 customer or purchaser with an odometer disclosure statement
13 and a copy of any bona fide written, executed sales contract
14 or agreement of purchase connected with the purchase of the
15 motor vehicle purchased by the customer or purchaser.

16 5. Failure of any motor vehicle dealer to comply with
17 the terms of any bona fide written, executed agreement,
18 pursuant to the sale of a motor vehicle.

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

21 7. Use of the dealer license identification number by
22 any person other than the licensed dealer or his or her
23 designee.

24 8. Failure to continually meet the requirements of the
25 licensure law.

26 9. Representation to a customer or any advertisement
27 to the public representing or suggesting that a motor vehicle
28 is a new motor vehicle if such vehicle lawfully cannot be
29 titled in the name of the customer or other member of the
30 public by the seller using a manufacturer's statement of
31 origin as permitted in s. 319.23(1).

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

4 11. Requirement by any motor vehicle dealer that any
5 customer or purchaser finance a motor vehicle with a specific
6 financial institution or company.

7 12. Requirement by any motor vehicle dealer that the
8 purchaser of a motor vehicle contract with the dealer for
9 physical damage insurance.

10 13. Perpetration of a fraud upon any person as a
11 result of dealing in motor vehicles, including, without
12 limitation, the misrepresentation to any person by the
13 licensee of the licensee's relationship to any manufacturer,
14 importer, or distributor.

15 14. Violation of any of the provisions of s. 319.35 by
16 any motor vehicle dealer.

17 15. Sale by a motor vehicle dealer of a vehicle
18 offered in trade by a customer prior to consummation of the
19 sale, exchange, or transfer of a newly acquired vehicle to the
20 customer, unless the customer provides written authorization
21 for the sale of the trade-in vehicle prior to delivery of the
22 newly acquired vehicle.

23 16. Willful failure to comply with any administrative
24 rule adopted by the department or the provisions of s.
25 320.131(8).

26 17. Violation of chapter 319, this chapter, or ss.
27 559.901-559.9221, which has to do with dealing in or repairing
28 motor vehicles or mobile homes. Additionally, in the case of
29 used motor vehicles, the willful violation of the federal law
30 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
31 to the consumer sales window form.

1 Section 26. Subsections (1) and (9) of section
2 320.8249, Florida Statutes, are amended to read:

3 320.8249 Mobile home installers license.--

4 (1) Any person who installs a ~~engages in~~ mobile home
5 ~~installation~~ shall obtain a mobile home installers license
6 from the Bureau of Mobile Home and Recreational Vehicle
7 Construction of the Department of Highway Safety and Motor
8 Vehicles pursuant to this section. Said license shall be
9 renewed annually, and each licensee shall pay a fee of \$150.

10 (9) A ~~No~~ licensed person or ~~nor~~ licensed applicant may
11 not shall:

12 (a) Obtain a mobile home installers license by fraud
13 or misrepresentation.

14 (b) Be convicted or found guilty of, or enter a plea
15 of nolo contendere to, regardless of adjudication, a crime in
16 any jurisdiction which directly relates to the practice of
17 mobile home installation or the ability to practice.

18 (c) Violate any lawful order of the department or any
19 other law of this state, including any provision of chapter
20 319 or this chapter.

21 (d) Commit fraud or deceit in the practice of
22 contracting.

23 (e) Commit incompetence or misconduct in the practice
24 of contracting.

25 (f) Commit gross negligence, repeated negligence, or
26 negligence resulting in a significant danger to life or
27 property.

28 (g) Commit violations of the installation standards
29 for mobile homes or manufactured homes contained in rules
30 15C-1 and 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida
31 Administrative Code.

1 Section 27. Paragraph (a) of subsection (1) and
2 paragraphs (b) and (c) of subsection (2) of section 322.051,
3 Florida Statutes, are amended, and subsection (8) is added to
4 that section, to read:

5 322.051 Identification cards.--

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

11 (a) Each such application shall include the following
12 information regarding the applicant:

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

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

17 3. Proof of identity satisfactory to the department.

18 Such proof must include one of the following documents issued
19 to the applicant:

20 a. A driver's license record or identification card
21 record from another jurisdiction that required the applicant
22 to submit a document for identification which is substantially
23 similar to a document required under sub-subparagraph b.,
24 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
25 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

26 b. A certified copy of a United States birth
27 certificate;

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

29 d. A naturalization certificate issued by the United
30 States Department of Justice;

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

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

3 g.f. Proof of nonimmigrant classification provided by
4 the United States Department of Justice, for an original
5 identification card. In order to prove such nonimmigrant
6 classification, applicants may produce but are not limited to
7 the following documents:

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

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

12 (III) Notice of the approval of an application for
13 adjustment of status issued by the United States Immigration
14 and Naturalization Service.

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

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

21 (VI) Order of an immigration judge or immigration
22 officer granting any relief that authorizes the alien to live
23 and work in the United States including, but not limited to
24 asylum.

25
26 Presentation of any of the ~~foregoing~~ documents described in
27 sub-subparagraph f. or sub-subparagraph g. entitles shall
28 entitle the applicant to an identification card ~~a driver's~~
29 ~~license or temporary permit~~ for a period not to exceed the
30 expiration date of the document presented or 2 years,
31 whichever first occurs.

1 (2)

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

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

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

31

1 department so as to ensure that such signature becomes a part
2 of the identification card.

3 Section 28. Subsection (2) of section 322.08, Florida
4 Statutes, is amended to read:

5 322.08 Application for license.--

6 (2) Each such application shall include the following
7 information regarding the applicant:

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

11 (b) Proof of birth date satisfactory to the
12 department.

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

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

22 2. A certified copy of a United States birth
23 certificate;

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

25 4. A naturalization certificate issued by the United
26 States Department of Justice;

27 ~~5.4.~~ An alien registration receipt card (green card);

28 ~~6.5.~~ An employment authorization card issued by the
29 United States Department of Justice; or

30 ~~7.6.~~ Proof of nonimmigrant classification provided by
31 the United States Department of Justice, for an original

1 driver's license. In order to prove nonimmigrant
2 classification, an applicant may produce the following
3 documents, including, but not limited to:

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

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

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

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

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

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

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

27 (d) Whether the applicant has previously been licensed
28 to drive, and, if so, when and by what state, and whether any
29 such license or driving privilege has ever been disqualified,
30 revoked, or suspended, or whether an application has ever been
31

1 refused, and, if so, the date of and reason for such
2 disqualification, suspension, revocation, or refusal.

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

5 Section 29. Subsection (6) is added to section 322.12,
6 Florida Statutes, to read:

7 322.12 Examination of applicants.--

8 (6) If the court fails to specify mandatory placement
9 or the period for the mandatory placement of an ignition
10 interlock device pursuant to s. 316.193 at the time of
11 imposing sentence, or within 30 days thereafter, the
12 department shall require proof that the interlock device has
13 been installed before the issuance of an unrestricted license
14 as applicable under s. 316.193(2).

15 Section 30. Subsections (1) and (4) of section
16 322.135, Florida Statutes, are amended, and subsection (9) is
17 added to that section, to read:

18 322.135 Driver's license agents.--

19 (1) The department may, upon application, authorize
20 any or all of the tax collectors in the several counties of
21 the state, subject to the requirements of law, in accordance
22 with rules of the department, to serve as its agent for the
23 provision of specified driver's license services.

24 (a) These services shall be limited to the issuance of
25 driver's licenses and identification cards as authorized by
26 this chapter.

27 (b) Each tax collector who is authorized by the
28 department to provide driver's license services shall bear all
29 costs associated with providing those services.

30 (c) A fee of \$5.25 is to be charged, in addition to
31 the fees set forth in this chapter, for any driver's license

1 issued or renewed by a tax collector. ~~One dollar of the \$5.25~~
2 ~~fee must be deposited into the Highway Safety Operating Trust~~
3 ~~Fund.~~

4 (4) A tax collector may not issue or renew a driver's
5 license if he or she has any reason to believe that the
6 licensee or prospective licensee is physically or mentally
7 unqualified to operate a motor vehicle. The tax collector may
8 ~~shall~~ direct any such licensee to the department for
9 examination or reexamination under s. 322.221.

10 (9) Notwithstanding chapter 116, each county officer
11 within this state who is authorized to collect funds provided
12 for in this chapter shall pay all sums officially received by
13 the officer into the State Treasury no later than 5 working
14 days after the close of the business day in which the officer
15 received the funds. Payment by county officers to the state
16 shall be made by means of electronic funds transfers.

17 Section 31. Subsection (1) of section 322.142, Florida
18 Statutes, is amended to read:

19 322.142 Color photographic or digital imaged
20 licenses.--

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

1 Section 32. Subsection (3) of section 322.17, Florida
2 Statutes, is amended to read:

3 322.17 Duplicate and replacement certificates.--

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

12 Section 33. Subsections (2) and (4) of section 322.18,
13 Florida Statutes, are amended to read:

14 322.18 Original applications, licenses, and renewals;
15 expiration of licenses; delinquent licenses.--

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

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

23 (b) An applicant applying for a renewal issuance or
24 renewal extension shall be issued a driver's license or
25 renewal extension sticker which expires at midnight on the
26 licensee's birthday which next occurs 4 years after the month
27 of expiration of the license being renewed, except that a
28 driver whose driving record reflects no convictions for the
29 preceding 3 years shall be issued a driver's license or
30 renewal extension sticker which expires at midnight on the
31

1 licensee's birthday which next occurs 6 years after the month
2 of expiration of the license being renewed.

3 (c) Notwithstanding any other provision of this
4 chapter, if an applicant establishes his or her identity for a
5 driver's license using a document authorized under s.
6 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the driver's license shall
7 expire in accordance with paragraph (b). After an initial
8 showing of such documentation, he or she is exempted from
9 having to renew or obtain a duplicate in person.

10 (d) Notwithstanding any other provision of this
11 chapter, if applicant establishes his or her identity for a
12 driver's license using a document authorized in s.
13 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the driver's
14 license shall expire 2 ~~4~~ years after the date of issuance or
15 upon the expiration date cited on the United States Department
16 of Justice documents, whichever date first occurs.

17 (e) Notwithstanding any other provision of this
18 chapter, an applicant applying for an original or renewal
19 issuance of a commercial driver's license as defined in s.
20 322.01(7), with a hazardous-materials endorsement, pursuant to
21 s. 322.57(1)(d), shall be issued a driver's license that
22 expires at midnight on the licensee's birthday that next
23 occurs 4 years after the month of expiration of the license
24 being issued or renewed.

25 (4)(a) Except as otherwise provided in this chapter,
26 all licenses shall be renewable every 4 years or 6 years,
27 depending upon the terms of issuance and shall be issued or
28 extended upon application, payment of the fees required by s.
29 322.21, and successful passage of any required examination,
30 unless the department has reason to believe that the licensee
31 is no longer qualified to receive a license.

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

9 (c) Notwithstanding any other provision 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. or 6.~~, the
13 licensee may not renew the driver's license except in person
14 and upon submission of an identification document authorized
15 under s. 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4.-6.~~ A driver's
16 license renewed under this paragraph expires 4 years after the
17 date of issuance or upon the expiration date cited on the
18 United States Department of Justice documents, whichever date
19 first occurs.

20 Section 34. Subsection (4) of section 322.19, Florida
21 Statutes, is amended to read:

22 322.19 Change of address or name.--

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

30 Section 35. Paragraph (f) is added to subsection (1)
31 of section 322.21, Florida Statutes, to read:

1 322.21 License fees; procedure for handling and
2 collecting fees.--

3 (1) Except as otherwise provided herein, the fee for:

4 (f) A hazardous-materials endorsement, as required by
5 s. 322.57(1)(d), shall be set by the department by rule and
6 shall reflect the cost of the required criminal history check,
7 including the cost of the state and federal fingerprint check,
8 and the cost to the department of providing and issuing the
9 license.

10 Section 36. Subsection (1) of section 322.22, Florida
11 Statutes, is amended to read:

12 322.22 Authority of department to cancel license.--

13 (1) The department is authorized to cancel any
14 driver's license, upon determining that the licensee was not
15 entitled to the issuance thereof, or that the licensee failed
16 to give the required or correct information in his or her
17 application or committed any fraud in making such application,
18 or that the licensee has two or more licenses on file with the
19 department, each in a different name but bearing the
20 photograph of the licensee, unless the licensee has complied
21 with the requirements of this chapter in obtaining the
22 licenses. The department may cancel any driver's license,
23 identification card, vehicle or vessel registration, or
24 fuel-use decal if the licensee fails to pay the correct fee or
25 pays for the driver's license, identification card, vehicle
26 or vessel registration, or fuel-use decal; pays any tax
27 liability, penalty, or interest specified in chapter 207; or
28 pays any administrative, delinquency, or reinstatement fee by
29 a dishonored check.

30 Section 37. Paragraph (e) is added to subsection (2)
31 of section 322.271, Florida Statutes, to read:

1 322.271 Authority to modify revocation, cancellation,
2 or suspension order.--

3 (2)

4 (e) If the court fails to specify mandatory placement
5 or the period for the mandatory placement of an ignition
6 interlock device under s. 316.193, at the time of imposing
7 sentence, or within 30 days thereafter, the department shall
8 require proof that the interlock device has been installed
9 before issuing a restricted license under s. 316.193(2).

10 Section 38. Subsection (4) of section 322.53, Florida
11 Statutes, is repealed.

12 Section 39. Subsection (2) of section 322.54, Florida
13 Statutes, is amended to read:

14 322.54 Classification.--

15 (2) The department shall issue, pursuant to the
16 requirements of this chapter, drivers' licenses in accordance
17 with the following classifications:

18 (a) Any person who drives a motor vehicle combination
19 having a gross vehicle weight rating, a declared weight, or an
20 actual weight, whichever is greatest, of 26,001 pounds or more
21 must possess a valid Class A driver's license, provided the
22 gross vehicle weight rating, declared weight, or actual
23 weight, whichever is greatest, of the vehicle being towed is
24 more than 10,000 pounds. Any person who possesses a valid
25 Class A driver's license may, subject to the appropriate
26 restrictions and endorsements, drive any class of motor
27 vehicle within this state.

28 (b) Any person, except a person who possesses a valid
29 Class A driver's license, who drives a motor vehicle having a
30 gross vehicle weight rating, a declared weight, or an actual
31 weight, whichever is greatest, of 26,001 pounds or more must

1 possess a valid Class B driver's license. Any person, except
2 a person who possesses a valid Class A driver's license, who
3 drives such vehicle towing a vehicle having a gross vehicle
4 weight rating, a declared weight, or an actual weight,
5 whichever is greatest, of 10,000 pounds or less must possess a
6 valid Class B driver's license. Any person who possesses a
7 valid Class B driver's license may, subject to the appropriate
8 restrictions and endorsements, drive any class of motor
9 vehicle, other than the type of motor vehicle for which a
10 Class A driver's license is required, within this state.

11 ~~(c) Any person, except a person who possesses a valid~~
12 ~~Class A or a valid Class B driver's license, who drives a~~
13 ~~motor vehicle combination having a gross vehicle weight~~
14 ~~rating, a declared weight, or an actual weight, whichever is~~
15 ~~greatest, of 26,001 pounds or more must possess a valid Class~~
16 ~~C driver's license.~~ Any person, except a person who possesses
17 a valid Class A or a valid Class B driver's license,who
18 drives a motor vehicle ~~combination~~ having a gross vehicle
19 weight rating, a declared weight, or an actual weight,
20 whichever is greatest, of less than 26,001 pounds and who is
21 required to obtain an endorsement pursuant to paragraph
22 (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d),
23 or paragraph (1)(e) of s. 322.57, must possess a valid Class C
24 driver's license ~~that is clearly restricted to the operation~~
25 ~~of a motor vehicle or motor vehicle combination of less than~~
26 ~~26,001 pounds.~~ Any person who possesses a valid Class C
27 driver's license may, subject to the appropriate restrictions
28 and endorsements, drive any class of motor vehicle, other than
29 the type of motor vehicle for which a Class A or a Class B
30 driver's license is required, within this state.

31

1 (d) Any person, except a person who possesses a valid
2 Class A, valid Class B, or valid Class C driver's license, who
3 drives a truck or a truck tractor having a gross vehicle
4 weight rating, a declared weight, or an actual weight,
5 whichever is greatest, of 8,000 pounds or more but less than
6 26,001 pounds, or which has a width of more than 80 inches
7 must possess a valid Class D driver's license. Any person who
8 possesses a valid Class D driver's license may, subject to the
9 appropriate restrictions and endorsements, drive any type of
10 motor vehicle, other than the type of motor vehicle for which
11 a Class A, Class B, or Class C driver's license is required,
12 within this state.

13 (e) Any person, except a person who possesses a valid
14 Class A, valid Class B, valid Class C, or valid Class D
15 driver's license, who drives a motor vehicle must possess a
16 valid Class E driver's license. Any person who possesses a
17 valid Class E driver's license may, subject to the appropriate
18 restrictions and endorsements, drive any type of motor
19 vehicle, other than the type of motor vehicle for which a
20 Class A, Class B, Class C, or Class D driver's license is
21 required, within this state.

22 Section 40. Subsections (1) and (2) of section 322.57,
23 Florida Statutes, are amended to read:

24 322.57 Tests of knowledge concerning specified
25 vehicles; endorsement; nonresidents; violations.--

26 (1) In addition to fulfilling any other driver's
27 licensing requirements of this chapter, a person who:

28 (a) Drives a double or triple trailer must
29 successfully complete a test of his or her knowledge
30 concerning the safe operation of such vehicles.

31

1 (b) Drives a passenger vehicle must successfully
2 complete a test of his or her knowledge concerning the safe
3 operation of such vehicles and a test of his or her driving
4 skill in such a vehicle.

5 (c) Drives a school bus must successfully complete a
6 test of his or her knowledge concerning the safe operation of
7 such vehicles and a test of his or her driving skill in such a
8 vehicle.

9 (d)~~(c)~~ Drives a tank vehicle must successfully
10 complete a test of his or her knowledge concerning the safe
11 operation of such vehicles.

12 (e)~~(d)~~ Drives a vehicle that transports hazardous
13 materials and that is required to be placarded in accordance
14 with Title 49 C.F.R. part 172, subpart F, must successfully
15 complete a test of his or her knowledge concerning the safe
16 operation of such vehicles. Knowledge tests for
17 hazardous-materials endorsements may not be administered
18 orally for individuals applying for an initial
19 hazardous-materials endorsement after June 30, 1994.

20 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
21 materials must successfully complete the tests required in
22 paragraphs (d)~~(c)~~ and (e)~~(d)~~ so that the department may
23 issue a single endorsement permitting him or her to operate
24 such tank vehicle.

25 (g)~~(f)~~ Drives a motorcycle must successfully complete
26 a test of his or her knowledge concerning the safe operation
27 of such vehicles and a test of his or her driving skills on
28 such vehicle. A person who successfully completes such tests
29 shall be issued an endorsement if he or she is licensed to
30 drive another type of motor vehicle. A person who
31 successfully completes such tests and who is not licensed to

1 drive another type of motor vehicle shall be issued a Class E
2 driver's license that is clearly restricted to motorcycle use
3 only.

4 (2) Before driving or operating any vehicle listed in
5 subsection (1), a person must obtain an endorsement on his or
6 her driver's license. An endorsement under paragraph (a),
7 paragraph (b), paragraph (c), paragraph (d), ~~or paragraph (e),~~
8 or paragraph (f) of subsection (1) shall be issued only to
9 persons who possess a valid Class A, valid Class B, or valid
10 Class C driver's license. ~~A person who drives a motor vehicle~~
11 ~~or motor vehicle combination that requires an endorsement~~
12 ~~under this subsection and who drives a motor vehicle or motor~~
13 ~~vehicle combination having a gross vehicle weight rating, a~~
14 ~~declared weight, or an actual weight, whichever is greatest,~~
15 ~~of less than 26,000 pounds shall be issued a Class C driver's~~
16 ~~license that is clearly restricted to the operation of a motor~~
17 ~~vehicle or motor vehicle combination of less than 26,000~~
18 ~~pounds.~~

19 Section 41. Subsections (1), (2), and (3) of section
20 322.61, Florida Statutes, are amended, and subsections (4) and
21 (5) of that section are reenacted, to read:

22 322.61 Disqualification from operating a commercial
23 motor vehicle.--

24 (1) A person who, within a 3-year period, is convicted
25 of two of the following serious traffic violations or any
26 combination thereof, arising in separate incidents committed
27 in a commercial motor vehicle shall, in addition to any other
28 applicable penalties, be disqualified from operating a
29 commercial motor vehicle for a period of 60 days. A person
30 who, within a 3-year period, is convicted of two of the
31 following serious traffic violations or any combination

1 thereof, arising in separate incidents committed in a
2 noncommercial motor vehicle shall, in addition to any other
3 applicable penalties, be disqualified from operating a
4 commercial motor vehicle for a period of 60 days if such
5 convictions result in the suspension, revocation, or
6 cancellation of the licenseholder's driving privilege:

7 (a) A violation of any state or local law relating to
8 motor vehicle traffic control, other than a parking violation,
9 a weight violation, or a vehicle equipment violation, arising
10 in connection with a crash resulting in death or personal
11 injury to any person;

12 (b) Reckless driving, as defined in s. 316.192;

13 (c) Careless driving, as defined in s. 316.1925;

14 (d) Fleeing or attempting to elude a law enforcement
15 officer, as defined in s. 316.1935;

16 (e) Unlawful speed of 15 miles per hour or more above
17 the posted speed limit;

18 (f) Driving a commercial motor vehicle, owned by such
19 person, which is not properly insured;

20 (g) Improper lane change, as defined in s. 316.085; ~~or~~

21 (h) Following too closely, as defined in s. 316.0895; ~~or~~

22 (i) Driving a commercial vehicle without obtaining a
23 commercial driver's license;

24 (j) Driving a commercial vehicle without a commercial
25 driver's license in possession; or

26 (k) Driving a commercial vehicle without the proper
27 class of commercial driver's license or without the proper
28 endorsement.

29 (2) Any person who, within a 3-year period, is
30 convicted of three serious traffic violations specified in
31 subsection (1) or any combination thereof, arising in separate

1 incidents committed in a commercial motor vehicle shall, in
2 addition to any other applicable penalties, including, but not
3 limited to, the penalty provided in subsection (1), be
4 disqualified from operating a commercial motor vehicle for a
5 period of 120 days. A person who, within a 3-year period, is
6 convicted of three serious traffic violations specified in
7 subsection (1) or any combination thereof, arising in separate
8 incidents committed in a noncommercial motor vehicle shall, in
9 addition to any other applicable penalties, including, but not
10 limited to, the penalty provided in subsection (1), be
11 disqualified from operating a commercial motor vehicle for a
12 period of 120 days if such convictions result in the
13 suspension, revocation, or cancellation of the licenseholder's
14 driving privilege.

15 (3) Except as provided in subsection (4), any person
16 who is convicted of one of the following offenses shall, in
17 addition to any other applicable penalties, be disqualified
18 from operating a commercial motor vehicle for a period of 1
19 year:

20 (a) Driving a commercial motor vehicle while he or she
21 is under the influence of alcohol or a controlled substance;

22 (b) Driving a commercial motor vehicle while the
23 alcohol concentration of his or her blood, breath, or urine is
24 .04 percent or higher;

25 (c) Leaving the scene of a crash involving a
26 commercial motor vehicle driven by such person;

27 (d) Using a commercial motor vehicle in the commission
28 of a felony;

29 (e) Driving a commercial motor vehicle while in
30 possession of a controlled substance; ~~or~~

31

1 (f) Refusing to submit to a test to determine his or
2 her alcohol concentration while driving a commercial motor
3 vehicle; ~~;~~

4 (g) Driving a commercial vehicle while the
5 licenseholder's commercial driver's license is suspended,
6 revoked, or canceled or while the licenseholder is
7 disqualified from driving a commercial vehicle; or

8 (h) Causing a fatality through the negligent operation
9 of a commercial motor vehicle.

10 (4) Any person who is transporting hazardous materials
11 in a vehicle that is required to be placarded in accordance
12 with Title 49 C.F.R. part 172, subpart F shall, upon
13 conviction of an offense specified in subsection (3), be
14 disqualified from operating a commercial motor vehicle for a
15 period of 3 years. The penalty provided in this subsection
16 shall be in addition to any other applicable penalty.

17 (5) Any person who is convicted of two violations
18 specified in subsection (3), or any combination thereof,
19 arising in separate incidents shall be permanently
20 disqualified from operating a commercial motor vehicle. The
21 penalty provided in this subsection shall be in addition to
22 any other applicable penalty.

23 Section 42. Subsection (1) and paragraph (a) of
24 subsection (3) of section 322.63, Florida Statutes, are
25 amended to read:

26 322.63 Alcohol or drug testing; commercial motor
27 vehicle operators.--

28 (1) A person who accepts the privilege extended by the
29 laws of this state of operating a commercial motor vehicle
30 within this state shall, by so operating such commercial motor
31 vehicle, be deemed to have given his or her consent to submit

1 to an approved chemical or physical test of his or her blood
2 ~~or breath, or urine~~ for the purpose of determining his or her
3 alcohol concentration, and to a urine test ~~or~~ for the purpose
4 of detecting the presence of chemical substances as set forth
5 in s. 877.111 or of controlled substances.

6 (a) By applying for a commercial driver's license and
7 by accepting and using a commercial driver's license, the
8 person holding the commercial driver's license is deemed to
9 have expressed his or her consent to the provisions of this
10 section.

11 (b) Any person who drives a commercial motor vehicle
12 within this state and who is not required to obtain a
13 commercial driver's license in this state is, by his or her
14 act of driving a commercial motor vehicle within this state,
15 deemed to have expressed his or her consent to the provisions
16 of this section.

17 (c) A notification of the consent provision of this
18 section shall be printed above the signature line on each new
19 or renewed driver's license issued after March 31, 1991.

20 (3)(a) The breath and blood ~~physical and chemical~~
21 tests authorized in this section shall be administered
22 substantially in accordance with rules adopted by the
23 Department of Law Enforcement.

24 Section 43. Paragraphs (c) and (f) of subsection (13)
25 of section 713.78, Florida Statutes, are amended to read:

26 713.78 Liens for recovering, towing, or storing
27 vehicles and vessels.--

28 (13)

29 (c)1. The registered owner of a vehicle, vessel, or
30 mobile home may dispute a wrecker operator's lien, by
31 notifying the department of the dispute in writing on forms

1 provided by the department, if at least one of the following
2 applies:

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

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

12 c. The records of the department were marked "sold"
13 prior to the date of the tow.

14

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

1 | lien allowed by paragraph (b) may be increased to include no
2 | more than \$500 of the reasonable costs and attorney's fees
3 | incurred in obtaining the judgment. The department's action
4 | under this subparagraph is ministerial in nature, shall not be
5 | considered final agency action, and is appealable only to the
6 | county court for the county in which the vehicle, vessel, or
7 | mobile home was ordered removed.

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

28 | 3. If a person against whom a wrecker operator's lien
29 | has been imposed does not object to the lien, but cannot
30 | discharge the lien by payment because the wrecker operator has
31 | moved or gone out of business, the person may have her or his

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

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

22 (f) This subsection applies only to the annual renewal
23 in the registered owner's birth month of a motor vehicle
24 registration and does not apply to the transfer of a
25 registration of a motor vehicle sold by a motor vehicle dealer
26 licensed under chapter 320, except for the transfer of
27 registrations which is inclusive of the annual renewals. This
28 subsection does not apply to any vehicle registered in the
29 name of the lessor. This subsection does not affect the
30 issuance of the title to a motor vehicle, notwithstanding s.
31 319.23(7)(b).

1 Section 44. Except as otherwise expressly provided in
2 this act, this act shall take effect upon becoming a law.

3
4 *****

5 SENATE SUMMARY

6 Revises various provisions of law governing the operation
7 of motor vehicles. Includes two-rider ATVs in the
8 definition of the terms "off-highway vehicle" and
9 "all-terrain vehicle." Provides that the unauthorized use
10 of a traffic signal preemption device is a third-degree
11 felony. Provides clearance specifications for
12 railroad-highway grade crossings. Increases the minimum
13 speed limit on interstate highways from 40 to 50 miles
14 per hour. Authorizes traffic accident investigation
15 officers to remove abandoned vehicles. Establishes
16 procedures for issuing certificates of title for
17 off-highway vehicles. Requires motor vehicle dealers to
18 notify the Department of Highway Safety and Motor
19 Vehicles of a motor vehicle or mobile home taken as a
20 trade-in. Requires the department to update its title
21 record. Authorizes the department to provide for an
22 electronic system for motor vehicle dealers to use in
23 issuing temporary tags. Prohibits waiver of the
24 requirement for a fullface photograph or digital image on
25 an identification card or driver's license. Requires the
26 department to obtain proof that an interlock device has
27 been installed. Authorizes the department to cancel an
28 identification card, vehicle or vessel registration, or
29 fuel-use decal for certain offenses. Provides testing
30 requirements for school bus drivers. Specifies additional
31 violations that disqualify a person from operating a
commercial motor vehicle. (See bill for details.)