

By the Committee on Transportation; and Senators Sebesta and Lynn

306-2069-04

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. 261.05, F.S.; requiring
6 the advisory committee to study and provide a
7 report to the Governor and the Legislature;
8 amending s. 316.003, F.S.; defining the term
9 "traffic signal preemption system"; amending s.
10 316.0775, F.S.; providing that the unauthorized
11 use of a traffic signal preemption device is a
12 moving violation; amending s. 316.122, F.S.;
13 providing for the right-of-way for certain
14 passing vehicles; creating s. 316.1576, F.S.;
15 providing clearance specifications for a
16 railroad-highway grade crossing; amending s.
17 316.183, F.S.; increasing the minimum speed
18 limit on interstate highways; amending s.
19 316.1932, F.S.; revising the requirements for
20 printing the notice of consent for sobriety
21 testing on a driver's license; amending s.
22 316.194, F.S.; authorizing traffic accident
23 investigation officers to remove vehicles under
24 certain circumstances; amending s. 316.1967;
25 providing that an owner of a leased vehicle is
26 not responsible for a parking ticket violation
27 in certain circumstances; amending s. 316.2074,
28 F.S.; redefining the term "all-terrain vehicle"
29 to include a two-rider ATV; amending s.
30 316.650, F.S.; providing exceptions to a
31 prohibition against using citations as evidence

1 in a trial; amending s. 317.0003, F.S.;

2 defining the term "off-highway vehicle" to

3 include a two-rider ATV; providing a

4 definition; amending s. 317.0007, F.S.;

5 authorizing the Department of Highway Safety

6 and Motor Vehicles to issue a validation

7 sticker as an additional proof of title for an

8 off-highway vehicle; providing for the

9 replacement of lost or destroyed off-highway

10 vehicle validation stickers; providing for

11 disposition of fees; repealing s. 317.0008(2),

12 F.S., relating to the expedited issuance of

13 duplicate certificates of title for off-highway

14 vehicles; creating s. 317.0014, F.S.;

15 establishing procedures for the issuance of a

16 certificate of title for an off-highway

17 vehicle; providing duties of the Department of

18 Highway Safety and Motor Vehicles; providing

19 for a notice of lien and lien satisfaction;

20 creating s. 317.0015, F.S.; providing for the

21 applicability of certain provisions of law to

22 the titling of off-highway vehicles; creating

23 s. 317.0016, F.S.; providing for the expedited

24 issuance of titles for off-highway vehicles;

25 creating s. 317.0017, F.S.; prohibiting

26 specified actions relating to the issuance of

27 titles for off-highway vehicles; providing a

28 penalty; creating s. 317.0018, F.S.;

29 prohibiting the transfer of an off-highway

30 vehicle without delivery of a certificate of

31 title; prescribing other violations; providing

1 a penalty; amending s. 318.14, F.S.;

2 authorizing the department to modify certain

3 actions to suspend or revoke a driver's license

4 following notice of final disposition; amending

5 s. 318.15, F.S.; providing for disposition of

6 fees; amending s. 319.23, F.S.; requiring a

7 licensed motor vehicle dealer to notify the

8 Department of Highway Safety and Motor Vehicles

9 of a motor vehicle or mobile home taken as a

10 trade-in; requiring the department to update

11 its title record; amending s. 319.27, F.S.;

12 correcting an obsolete cross-reference;

13 amending s. 320.0601, F.S.; requiring that a

14 transaction of a long-term leased motor vehicle

15 be registered in the name of the lessee;

16 amending s. 320.0605, F.S.; exempting a vehicle

17 registered as a fleet vehicle from the

18 requirement that the certificate of

19 registration be carried in the vehicle at all

20 times; amending s. 320.131, F.S.; authorizing

21 the department to provide for an electronic

22 system for motor vehicle dealers to use in

23 issuing temporary tags; providing a penalty;

24 amending s. 320.18, F.S.; authorizing the

25 department to cancel the vehicle or vessel

26 registration, driver's license, or

27 identification card of a person who pays

28 certain fees or penalties with a dishonored

29 check; amending s. 320.27, F.S.; requiring

30 motor vehicle dealers to maintain records for a

31 specified period; providing certain penalties;

1 amending s. 320.8249, F.S.; providing penalties
2 for certain unlawful acts by a mobile home
3 installer; amending s. 322.05, F.S.; removing
4 requirements for Class D driver's license;
5 amending s. 322.051, F.S.; revising provisions
6 relating to the application for an
7 identification card; providing that the
8 requirement for a fullface photograph or
9 digital image on an identification card may not
10 be waived under ch. 761, F.S.; amending s.
11 322.07, F.S.; removing requirements for Class D
12 driver's license; amending s. 322.08, F.S.;
13 providing that a United States passport is an
14 acceptable proof of identity for purposes of
15 obtaining a driver's license; providing that a
16 naturalization certificate issued by the United
17 States Department of Justice is an acceptable
18 proof of identity for such purpose; providing
19 that specified documents issued by the United
20 States Department of Justice are acceptable as
21 proof of nonimmigrant classification; amending
22 s. 322.12, F.S.; removing requirements for
23 Class D driver's license; amending s. 322.135,
24 F.S.; revising requirements for the deposit of
25 certain fees for a driver's license; revising
26 requirements for the tax collector in directing
27 a licensee for examination or reexamination;
28 requiring county officers to pay certain funds
29 to the State Treasury by electronic funds
30 transfer within a specified period; amending s.
31 322.142, F.S.; providing that the requirement

1 for a fullface photograph or digital image on a
2 driver's license may not be waived under ch.
3 761, F.S.; amending s. 322.161, F.S.; removing
4 requirements for Class D driver's license;
5 amending s. 322.17, F.S., relating to duplicate
6 and replacement certificates; conforming a
7 cross-reference; amending s. 322.18, F.S.;
8 revising the expiration period for driver's
9 licenses issued to specified persons;
10 conforming cross-references; amending s.
11 322.19, F.S., relating to change of address or
12 name; conforming cross-references; amending s.
13 322.21, F.S.; removing requirements for Class D
14 driver's license; requiring the department to
15 set a fee for a hazardous-materials
16 endorsement; providing that the fee shall not
17 exceed \$100; amending s. 322.22, F.S.;
18 authorizing the department to cancel any
19 identification card, vehicle or vessel
20 registration, or fuel-use decal of a licensee
21 who pays certain fees or penalties with a
22 dishonored check; amending s. 322.251, F.S.;
23 removing requirements for Class D driver's
24 license; amending ss. 322.2615 and 322.2616,
25 F.S.; requiring the Department of Highway
26 Safety and Motor Vehicles to inform law
27 enforcement officers of deficiencies under
28 certain circumstances; amending s. 322.30,
29 F.S.; removing the requirements for Class D
30 driver's license; amending s. 322.53, F.S.;
31 removing requirements for Class D driver's

1 license; removing a requirement that certain
2 operators of a commercial motor vehicle obtain
3 a specified license; amending s. 322.54, F.S.;
4 deleting the requirement for Class D driver's
5 license; amending s. 322.57, F.S.; providing
6 testing requirements for school bus drivers;
7 amending s. 322.58, F.S.; deleting requirements
8 for Class D driver's license and changing those
9 requirements to Class E driver's license;
10 amending and reenacting s. 322.61, F.S.;
11 specifying additional violations that
12 disqualify a person from operating a commercial
13 motor vehicle; providing penalties; removing
14 requirements for Class D driver's license;
15 amending s. 322.63, F.S.; clarifying provisions
16 governing alcohol and drug testing for
17 commercial motor vehicle operators; amending s.
18 322.64, F.S.; requiring the Department of
19 Highway Safety and Motor Vehicles to inform law
20 enforcement officers of deficiencies under
21 certain circumstances; amending s. 713.78,
22 F.S.; revising provisions relating to the
23 placement of a wrecker operator's lien against
24 a motor vehicle; amending s. 832.06, F.S.;
25 allowing worthless checks of \$150 or less to be
26 processed differently by tax collectors;
27 providing effective dates.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (6) of section 261.03, Florida
2 Statutes, is amended and subsection (11) is added to that
3 section, to read:

4 261.03 Definitions.--As used in this chapter, the
5 term:

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

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

13 Section 2. Subsection (2) of section 261.05, Florida
14 Statutes, is amended to read:

15 261.05 Duties and responsibilities of the Off-Highway
16 Vehicle Recreation Advisory Committee.--

17 (2) The advisory committee shall study and make
18 recommendations to the Governor and the Legislature ~~department~~
19 regarding off-highway vehicle safety and training and
20 education programs in the operation of such vehicles and shall
21 provide a report to the Governor and the Legislature by
22 January 1, 2005.

23 Section 3. Subsection (84) is added to section
24 316.003, Florida Statutes, to read:

25 316.003 Definitions.--The following words and phrases,
26 when used in this chapter, shall have the meanings
27 respectively ascribed to them in this section, except where
28 the context otherwise requires:

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

3 Section 4. Section 316.0775, Florida Statutes, is
4 amended to read:

5 316.0775 Interference with official traffic control
6 devices or railroad signs or signals.--

7 (1) A ~~No~~ person may not ~~shall~~, without lawful
8 authority, attempt to or in fact alter, deface, injure, knock
9 down, or remove any official traffic control device or any
10 railroad sign or signal or any inscription, shield, or
11 insignia thereon, or any other part thereof. A violation of
12 this subsection ~~section~~ is a criminal violation pursuant to s.
13 318.17 and shall be punishable as set forth in s. 806.13
14 related to criminal mischief and graffiti, beginning on or
15 after July 1, 2000.

16 (2) A person may not, without lawful authority,
17 possess or use any traffic signal preemption device as defined
18 under s. 316.003. A person who violates this subsection
19 commits a moving violation, punishable as provided in chapter
20 318 and shall have 4 points assessed against his or her
21 driver's license as set forth in s. 322.27.

22 Section 5. Section 316.122, Florida Statutes, is
23 amended to read:

24 316.122 Vehicle turning left.--The driver of a vehicle
25 intending to turn to the left within an intersection or into
26 an alley, private road, or driveway shall yield the
27 right-of-way to any vehicle approaching from the opposite
28 direction, or vehicles lawfully passing on the left of the
29 turning vehicle, which is within the intersection or so close
30 thereto as to constitute an immediate hazard. A violation of
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1 this section is a noncriminal traffic infraction, punishable
2 as a moving violation as provided in chapter 318.

3 Section 6. Section 316.1576, Florida Statutes, is
4 created to read:

5 316.1576 Insufficient clearance at a railroad-highway
6 grade crossing.--

7 (1) A person may not drive any vehicle through a
8 railroad-highway grade crossing that does not have sufficient
9 space to drive completely through the crossing without
10 stopping.

11 (2) A person may not drive any vehicle through a
12 railroad-highway grade crossing that does not have sufficient
13 undercarriage clearance to drive completely through the
14 crossing without stopping.

15 Section 7. Subsection (2) of section 316.183, Florida
16 Statutes, is amended to read:

17 316.183 Unlawful speed.--

18 (2) On all streets or highways, the maximum speed
19 limits for all vehicles must be 30 miles per hour in business
20 or residence districts, and 55 miles per hour at any time at
21 all other locations. However, with respect to a residence
22 district, a county or municipality may set a maximum speed
23 limit of 20 or 25 miles per hour on local streets and highways
24 after an investigation determines that such a limit is
25 reasonable. It is not necessary to conduct a separate
26 investigation for each residence district. The minimum speed
27 limit on all highways that comprise a part of the National
28 System of Interstate and Defense Highways and have not fewer
29 than four lanes is 50 ~~40~~ miles per hour.

30 Section 8. Paragraph (e) of subsection (1) of section
31 316.1932, Florida Statutes, is amended to read:

1 316.1932 Tests for alcohol, chemical substances, or
2 controlled substances; implied consent; refusal.--

3 (1)

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

8 2. A nonresident or any other person driving in a
9 status exempt from the requirements of the driver's license
10 law, by his or her act of driving in such exempt status, is
11 deemed to have expressed his or her consent to the provisions
12 of this section.

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

16 Section 9. Paragraphs (a) and (b) of subsection (3) of
17 section 316.194, Florida Statutes, are amended to read:

18 316.194 Stopping, standing or parking outside of
19 municipalities.--

20 (3)(a) Whenever any police officer or traffic accident
21 investigation officer finds a vehicle standing upon a highway
22 in violation of any of the foregoing provisions of this
23 section, the officer is authorized to move the vehicle, or
24 require the driver or other persons in charge of the vehicle
25 to move the vehicle ~~same~~, to a position off the paved or
26 main-traveled part of the highway.

27 (b) Officers and traffic accident investigation
28 officers may ~~are hereby authorized to~~ provide for the removal
29 of any abandoned vehicle to the nearest garage or other place
30 of safety, cost of such removal to be a lien against motor
31 vehicle, when an ~~said~~ abandoned vehicle is found unattended

1 upon a bridge or causeway or in any tunnel, or on any public
2 highway in the following instances:

3 1. Where such vehicle constitutes an obstruction of
4 traffic;

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

9 3. Where an operative vehicle has been parked or
10 stored on the public right-of-way for a period exceeding 10
11 days, in other than designated parking areas, and is more than
12 30 feet from the pavement edge. However, the agency removing
13 such vehicle shall be required to report same to the
14 Department of Highway Safety and Motor Vehicles within 24
15 hours of such removal.

16 Section 10. Section 316.1967, Florida Statutes, is
17 amended to read:

18 316.1967 Liability for payment of parking ticket
19 violations and other parking violations.--

20 (1) The owner of a vehicle is responsible and liable
21 for payment of any parking ticket violation unless the owner
22 can furnish evidence, when required by this subsection, that
23 the vehicle was, at the time of the parking violation, in the
24 care, custody, or control of another person. In such
25 instances, the owner of the vehicle is required, within a
26 reasonable time after notification of the parking violation,
27 to furnish to the appropriate law enforcement authorities an
28 affidavit setting forth the name, address, and driver's
29 license number of the person who leased, rented, or otherwise
30 had the care, custody, or control of the vehicle. The
31 affidavit submitted under this subsection is admissible in a

1 proceeding charging a parking ticket violation and raises the
2 rebuttable presumption that the person identified in the
3 affidavit is responsible for payment of the parking ticket
4 violation. The owner of a vehicle is not responsible for a
5 parking ticket violation if the vehicle involved was, at the
6 time, stolen or in the care, custody, or control of some
7 person who did not have permission of the owner to use the
8 vehicle. The owner of a leased vehicle is not responsible for
9 a parking ticket violation and is not required to submit an
10 affidavit or the other evidence specified in this section, if
11 the vehicle is registered in the name of the person who leased
12 the vehicle.

13 (2) Any person who is issued a county or municipal
14 parking ticket by a parking enforcement specialist or officer
15 is deemed to be charged with a noncriminal violation and shall
16 comply with the directions on the ticket. If payment is not
17 received or a response to the ticket is not made within the
18 time period specified thereon, the county court or its traffic
19 violations bureau shall notify the registered owner of the
20 vehicle that was cited, or the registered lessee when the
21 cited vehicle is registered in the name of the person who
22 leased the vehicle, by mail to the address given on the motor
23 vehicle registration, of the ticket. Mailing the notice to
24 this address constitutes notification. Upon notification, the
25 registered owner or registered lessee shall comply with the
26 court's directive.

27 (3) Any person who fails to satisfy the court's
28 directive waives his or her right to pay the applicable civil
29 penalty.

30 (4) Any person who elects to appear before a
31 designated official to present evidence waives his or her

1 right to pay the civil penalty provisions of the ticket. The
2 official, after a hearing, shall make a determination as to
3 whether a parking violation has been committed and may impose
4 a civil penalty not to exceed \$100 or the fine amount
5 designated by county ordinance, plus court costs. Any person
6 who fails to pay the civil penalty within the time allowed by
7 the court is deemed to have been convicted of a parking ticket
8 violation, and the court shall take appropriate measures to
9 enforce collection of the fine.

10 (5) Any provision of subsections (2), (3), and (4) to
11 the contrary notwithstanding, chapter 318 does not apply to
12 violations of county parking ordinances and municipal parking
13 ordinances.

14 (6) Any county or municipality may provide by
15 ordinance that the clerk of the court or the traffic
16 violations bureau shall supply the department with a
17 magnetically encoded computer tape reel or cartridge or send
18 by other electronic means data which is machine readable by
19 the installed computer system at the department, listing
20 persons who have three or more outstanding parking violations,
21 including violations of s. 316.1955. Each county shall provide
22 by ordinance that the clerk of the court or the traffic
23 violations bureau shall supply the department with a
24 magnetically encoded computer tape reel or cartridge or send
25 by other electronic means data that is machine readable by the
26 installed computer system at the department, listing persons
27 who have any outstanding violations of s. 316.1955 or any
28 similar local ordinance that regulates parking in spaces
29 designated for use by persons who have disabilities. The
30 department shall mark the appropriate registration records of
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1 persons who are so reported. Section 320.03(8) applies to each
2 person whose name appears on the list.

3 Section 11. Subsection (2) of section 316.2074,
4 Florida Statutes, is amended to read:

5 316.2074 All-terrain vehicles.--

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

15 Section 12. Subsection (9) of section 316.650, Florida
16 Statutes, is amended to read:

17 316.650 Traffic citations.--

18 (9) Such citations shall not be admissible evidence in
19 any trial, except when used as evidence of falsification,
20 forgery, uttering, fraud, or perjury, or when used as physical
21 evidence resulting from a forensic examination of the
22 citation.

23 Section 13. Subsection (6) of section 317.0003,
24 Florida Statutes, is amended and subsection (9) is added to
25 that section, to read:

26 317.0003 Definitions.--As used in ss.

27 317.0001-317.0013, the term:

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

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

4 Section 14. Subsection (6) is added to section
5 317.0007, Florida Statutes, to read:

6 317.0007 Application for and issuance of certificate
7 of title.--

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

17 Section 15. Subsection (2) of section 317.0008,
18 Florida Statutes, is repealed.

19 Section 16. Section 317.0014, Florida Statutes, is
20 created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 17. Section 317.0015, Florida Statutes, is
2 created to read:

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

7 Section 18. Section 317.0016, Florida Statutes, is
8 created to read:

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

27 Section 19. Section 317.0017, Florida Statutes, is
28 created to read:

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

31 (1) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

4 Section 20. Section 317.0018, Florida Statutes, is
5 created to read:

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

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

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

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

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

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

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

1 Section 21. Subsection (7) of section 318.14, Florida
2 Statutes, is amended to read:

3 318.14 Noncriminal traffic infractions; exception;
4 procedures.--

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

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

20 Section 22. Effective July 1, 2004, subsection (2) of
21 section 318.15, Florida Statutes, as amended by section 98 of
22 chapter 2003-402, Laws of Florida, is amended to read:

23 318.15 Failure to comply with civil penalty or to
24 appear; penalty.--

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

1 322.29, or pays the aforementioned service fee of up to \$37.50
2 to the clerk of the court or tax collector clearing such
3 suspension. If the fee is collected by the clerk of the court,
4 \$10 of the fee shall be remitted to the Department of Revenue
5 for deposit into the Highway Safety Operating Trust Fund. If
6 the fee is collected by the tax collector, \$10 of the fee
7 shall be remitted to the Department of Highway Safety and
8 Motor Vehicles for deposit into the Highway Safety Operating
9 Trust Fund.Such person shall also be in compliance with
10 requirements of chapter 322 prior to reinstatement.

11 Section 23. Subsection (6) of section 319.23, Florida
12 Statutes, is amended to read:

13 319.23 Application for, and issuance of, certificate
14 of title.--

15 (6) In the case of the sale of a motor vehicle or
16 mobile home by a licensed dealer to a general purchaser, the
17 certificate of title shall be obtained in the name of the
18 purchaser by the dealer upon application signed by the
19 purchaser, and in each other case such certificate shall be
20 obtained by the purchaser. In each case of transfer of a
21 motor vehicle or mobile home, the application for certificate
22 of title, or corrected certificate, or assignment or
23 reassignment, shall be filed within 30 days from the delivery
24 of such motor vehicle or mobile home to the purchaser. An
25 applicant shall be required to pay a fee of \$10, in addition
26 to all other fees and penalties required by law, for failing
27 to file such application within the specified time. When a
28 licensed dealer acquires a motor vehicle or mobile home as a
29 trade-in, the dealer must file with the department a notice of
30 sale signed by the seller. The department shall update its
31 database for that title record to indicate "sold."A licensed

1 dealer need not apply for a certificate of title for any motor
2 vehicle or mobile home in stock acquired for stock purposes
3 except as provided in s. 319.225.

4 Section 24. Subsections (2) and (3) of section 319.27,
5 Florida Statutes, are amended to read:

6 319.27 Notice of lien on motor vehicles or mobile
7 homes; notation on certificate; recording of lien.--

8 (2) No lien for purchase money or as security for a
9 debt in the form of a security agreement, retain title
10 contract, conditional bill of sale, chattel mortgage, or other
11 similar instrument or any other nonpossessory lien, including
12 a lien for child support, upon a motor vehicle or mobile home
13 upon which a Florida certificate of title has been issued
14 shall be enforceable in any of the courts of this state
15 against creditors or subsequent purchasers for a valuable
16 consideration and without notice, unless a sworn notice of
17 such lien has been filed in the department and such lien has
18 been noted upon the certificate of title of the motor vehicle
19 or mobile home. Such notice shall be effective as constructive
20 notice when filed. No interest of a statutory nonpossessory
21 lienor; the interest of a nonpossessory execution, attachment,
22 or equitable lienor; or the interest of a lien creditor as
23 defined in s. 679.1021(1)(zz)~~s. 679.301(3)~~, if nonpossessory,
24 shall be enforceable against creditors or subsequent
25 purchasers for a valuable consideration unless such interest
26 becomes a possessory lien or is noted upon the certificate of
27 title for the subject motor vehicle or mobile home prior to
28 the occurrence of the subsequent transaction. Provided the
29 provisions of this subsection relating to a nonpossessory
30 statutory lienor; a nonpossessory execution, attachment, or
31 equitable lienor; or the interest of a lien creditor as

1 defined in s. 679.1021(1)(zz)~~s. 679.301(3)~~ shall not apply to
2 liens validly perfected prior to October 1, 1988. The notice
3 of lien shall provide the following information:

4 (a) The date of the lien if a security agreement,
5 retain title contract, conditional bill of sale, chattel
6 mortgage, or other similar instrument was executed prior to
7 the filing of the notice of lien;

8 (b) The name and address of the registered owner;

9 (c) A description of the motor vehicle or mobile home,
10 showing the make, type, and vehicle identification number; and

11 (d) The name and address of the lienholder.

12 (3)(a) A person may file a notice of lien with regard
13 to a motor vehicle or mobile home before a security agreement,
14 retain title contract, conditional bill of sale, chattel
15 mortgage, or other similar instrument is executed granting a
16 lien, mortgage, or encumbrance on, or a security interest in,
17 such motor vehicle or mobile home.

18 (b) As applied to a determination of the respective
19 rights of a secured party under this chapter and a lien
20 creditor as defined by s. 679.1021(1)(zz)~~s. 679.301(3)~~, or a
21 nonpossessory statutory lienor, a security interest under this
22 chapter shall be perfected upon the filing of the notice of
23 lien with the department, the county tax collector, or their
24 agents. Provided, however, the date of perfection of a
25 security interest of such secured party shall be the same date
26 as the execution of the security agreement or other similar
27 instrument if the notice of lien is filed in accordance with
28 this subsection within 15 days after the debtor receives
29 possession of the motor vehicle or mobile home and executes
30 such security agreement or other similar instrument. The date
31 of filing of the notice of lien shall be the date of its

1 receipt by the department central office in Tallahassee, if
2 first filed there, or otherwise by the office of the county
3 tax collector, or their agents.

4 Section 25. Section 320.0601, Florida Statutes, is
5 amended to read:

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

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

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

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

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

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

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

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

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

31

1 Section 26. Section 320.0605, Florida Statutes, is
2 amended to read:

3 320.0605 Certificate of registration; possession
4 required; exception.--The registration certificate or an
5 official copy thereof, a true copy of a rental or lease
6 agreement issued for a motor vehicle or issued for a
7 replacement vehicle in the same registration period, a
8 temporary receipt printed upon self-initiated electronic
9 renewal of a registration via the Internet, or a cab card
10 issued for a vehicle registered under the International
11 Registration Plan shall, at all times while the vehicle is
12 being used or operated on the roads of this state, be in the
13 possession of the operator thereof or be carried in the
14 vehicle for which issued and shall be exhibited upon demand of
15 any authorized law enforcement officer or any agent of the
16 department, except for a vehicle registered under s. 320.0657.
17 The provisions of this section do not apply during the first
18 30 days after purchase of a replacement vehicle. A violation
19 of this section is a noncriminal traffic infraction,
20 punishable as a nonmoving violation as provided in chapter
21 318.

22 Section 27. Subsection (8) is added to section
23 320.131, Florida Statutes, to read:

24 320.131 Temporary tags.--

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

1 system, the department may deny, suspend, or revoke a license
2 under s. 320.27(9)(b)16. upon proof that the licensee has
3 failed to comply with the department's requirements.

4 Section 28. Subsection (1) of section 320.18, Florida
5 Statutes, is amended to read:

6 320.18 Withholding registration.--

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

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

1 320.27 Motor vehicle dealers.--

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

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

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

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

31

1 2. Unjustifiable refusal to comply with a licensee's
2 responsibility under the terms of the new motor vehicle
3 warranty issued by its respective manufacturer, distributor,
4 or importer. However, if such refusal is at the direction of
5 the manufacturer, distributor, or importer, such refusal shall
6 not be a ground under this section.

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

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

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

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

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

26 8. Failure to continually meet the requirements of the
27 licensure law.

28 9. Representation to a customer or any advertisement
29 to the public representing or suggesting that a motor vehicle
30 is a new motor vehicle if such vehicle lawfully cannot be
31 titled in the name of the customer or other member of the

1 public by the seller using a manufacturer's statement of
2 origin as permitted in s. 319.23(1).

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

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

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

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

17 14. Violation of any of the provisions of s. 319.35 by
18 any motor vehicle dealer.

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

25 16. Willful failure to comply with any administrative
26 rule adopted by the department or the provisions of s.
27 320.131(8).

28 17. Violation of chapter 319, this chapter, or ss.
29 559.901-559.9221, which has to do with dealing in or repairing
30 motor vehicles or mobile homes. Additionally, in the case of
31 used motor vehicles, the willful violation of the federal law

1 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
2 to the consumer sales window form.

3 Section 30. Subsections (1) and (9) of section
4 320.8249, Florida Statutes, are amended to read:

5 320.8249 Mobile home installers license.--

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

12 (9) A ~~No~~ licensed person or ~~nor~~ licensed applicant may
13 not shall:

14 (a) Obtain a mobile home installers license by fraud
15 or misrepresentation.

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

20 (c) Violate any lawful order of the department or any
21 other law of this state, including any provision of chapter
22 319 or this chapter.

23 (d) Commit fraud or deceit in the practice of
24 contracting.

25 (e) Commit incompetence or misconduct in the practice
26 of contracting.

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

30 (g) Commit violations of the installation standards
31 for mobile homes or manufactured homes contained in rules

1 15C-1 and 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida
2 Administrative Code.

3 Section 31. Subsections (4) and (10) of section
4 322.05, Florida Statutes, are amended to read:

5 322.05 Persons not to be licensed.--The department may
6 not issue a license:

7 (4) Except as provided by this subsection, to any
8 person, as a Class A licensee, Class B licensee, or Class C
9 licensee, ~~or Class D licensee~~, who is under the age of 18
10 years. ~~A person age 16 or 17 years who applies for a Class D~~
11 ~~driver's license is subject to all the requirements and~~
12 ~~provisions of paragraphs (2)(a) and (b) and ss. 322.09 and~~
13 ~~322.16(2) and (3). The department may require of any such~~
14 ~~applicant for a Class D driver's license such examination of~~
15 ~~the qualifications of the applicant as the department~~
16 ~~considers proper, and the department may limit the use of any~~
17 ~~license granted as it considers proper.~~

18 (10) To any person, when the department has good cause
19 to believe that the operation of a motor vehicle on the
20 highways by such person would be detrimental to public safety
21 or welfare. Deafness alone shall not prevent the person
22 afflicted from being issued a ~~Class D or~~ Class E driver's
23 license.

24 Section 32. Paragraph (a) of subsection (1) and
25 paragraphs (b) and (c) of subsection (2) of section 322.051,
26 Florida Statutes, are amended, and subsection (8) is added to
27 that section, to read:

28 322.051 Identification cards.--

29 (1) Any person who is 12 years of age or older, or any
30 person who has a disability, regardless of age, who applies
31 for a disabled parking permit under s. 320.0848, may be issued

1 an identification card by the department upon completion of an
2 application and payment of an application fee.

3 (a) Each such application shall include the following
4 information regarding the applicant:

- 5 1. Full name (first, middle or maiden, and last),
6 gender, social security card number, county of residence and
7 mailing address, country of birth, and a brief description.
8 2. Proof of birth date satisfactory to the department.
9 3. Proof of identity satisfactory to the department.

10 Such proof must include one of the following documents issued
11 to the applicant:

12 a. A driver's license record or identification card
13 record from another jurisdiction that required the applicant
14 to submit a document for identification which is substantially
15 similar to a document required under sub-subparagraph b.,
16 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
17 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

18 b. A certified copy of a United States birth
19 certificate;

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

21 d. A naturalization certificate issued by the United
22 States Department of Justice;

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

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

26 g.f. Proof of nonimmigrant classification provided by
27 the United States Department of Justice, for an original
28 identification card. In order to prove such nonimmigrant
29 classification, applicants may produce but are not limited to
30 the following documents:

31

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

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

5 (III) Notice of the approval of an application for
6 adjustment of status issued by the United States Immigration
7 and Naturalization Service.

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

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

14 (VI) Order of an immigration judge or immigration
15 officer granting any relief that authorizes the alien to live
16 and work in the United States including, but not limited to
17 asylum.

18
19 Presentation of any of the ~~foregoing~~ documents described in
20 sub-subparagraph f. or sub-subparagraph g. entitles shall
21 ~~entitle~~ the applicant to an identification card ~~a driver's~~
22 ~~license or temporary permit~~ for a period not to exceed the
23 expiration date of the document presented or 2 years,
24 whichever first occurs.

25 (2)

26 (b) Notwithstanding any other provision of this
27 chapter, if an applicant establishes his or her identity for
28 an identification card using a document authorized under
29 sub-subparagraph(1)(a)3.e.~~(a)3.d.~~, the identification card
30 shall expire on the fourth birthday of the applicant following
31 the date of original issue or upon first renewal or duplicate

1 issued after implementation of this section. After an initial
2 showing of such documentation, he or she is exempted from
3 having to renew or obtain a duplicate in person.

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

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

26 Section 33. Subsections (2) and (3) of section 322.07,
27 Florida Statutes, are amended to read:

28 322.07 Instruction permits and temporary licenses.--

29 (2) The department may, in its discretion, issue a
30 temporary permit to an applicant for a ~~Class D~~ or Class E
31 driver's license permitting him or her to operate a motor

1 vehicle of the type for which a ~~Class D or~~ Class E driver's
2 license is required while the department is completing its
3 investigation and determination of all facts relative to such
4 applicant's right to receive a driver's license. Such permit
5 must be in his or her immediate possession while operating a
6 motor vehicle, and it shall be invalid when the applicant's
7 license has been issued or for good cause has been refused.

8 (3) Any person who, except for his or her lack of
9 instruction in operating a ~~Class D or~~ commercial motor
10 vehicle, would otherwise be qualified to obtain a ~~Class D or~~
11 commercial driver's license under this chapter, may apply for
12 a ~~temporary Class D or~~ temporary commercial instruction
13 permit. The department shall issue such a permit entitling the
14 applicant, while having the permit in his or her immediate
15 possession, to drive a ~~Class D or~~ commercial motor vehicle on
16 the highways, provided that:

17 (a) The applicant possesses a valid driver's license
18 issued in any state; and

19 (b) The applicant, while operating a ~~Class D or~~
20 commercial motor vehicle, is accompanied by a licensed driver
21 who is 21 years of age or older, who is licensed to operate
22 the class of vehicle being operated, and who is actually
23 occupying the closest seat to the right of the driver.

24 Section 34. Subsection (2) of section 322.08, Florida
25 Statutes, is amended to read:

26 322.08 Application for license.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 f. An order of an immigration judge or immigration
8 officer granting any relief that authorizes the alien to live
9 and work in the United States, including, but not limited to,
10 asylum.

11
12 Presentation of any of the documents in subparagraph 6. or
13 subparagraph 7. entitles the applicant to a driver's license
14 or temporary permit for a period not to exceed the expiration
15 date of the document presented or 2 years, whichever occurs
16 first.

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

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

25 Section 35. Subsection (3) of section 322.12, Florida
26 Statutes, is amended to read:

27 322.12 Examination of applicants.--

28 (3) For an applicant for a ~~Class D or a~~ Class E
29 driver's license, such examination shall include a test of the
30 applicant's eyesight given by the driver's license examiner
31 designated by the department or by a licensed ophthalmologist,

1 optometrist, or physician and a test of the applicant's
2 hearing given by a driver's license examiner or a licensed
3 physician. The examination shall also include a test of the
4 applicant's ability to read and understand highway signs
5 regulating, warning, and directing traffic; his or her
6 knowledge of the traffic laws of this state, including laws
7 regulating driving under the influence of alcohol or
8 controlled substances, driving with an unlawful blood-alcohol
9 level, and driving while intoxicated; and his or her knowledge
10 of the effects of alcohol and controlled substances upon
11 persons and the dangers of driving a motor vehicle while under
12 the influence of alcohol or controlled substances and shall
13 include an actual demonstration of ability to exercise
14 ordinary and reasonable control in the operation of a motor
15 vehicle.

16 Section 36. Subsections (1) and (4) of section
17 322.135, Florida Statutes, are amended, and subsection (9) is
18 added to that section, to read:

19 322.135 Driver's license agents.--

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

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

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

31

1 (c) A fee of \$5.25 is to be charged, in addition to
2 the fees set forth in this chapter, for any driver's license
3 issued or renewed by a tax collector. ~~One dollar of the \$5.25~~
4 ~~fee must be deposited into the Highway Safety Operating Trust~~
5 ~~Fund.~~

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

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

19 Section 37. Subsection (1) of section 322.142, Florida
20 Statutes, is amended to read:

21 322.142 Color photographic or digital imaged
22 licenses.--

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

1 authorized agent of the department so as to ensure that such
2 signature becomes a part of the license.

3 Section 38. Paragraph (a) of subsection (1) and
4 subsection (2) of section 322.161, Florida Statutes, are
5 amended to read:

6 322.161 High-risk drivers; restricted licenses.--

7 (1)(a) Notwithstanding any provision of law to the
8 contrary, the department shall restrict the driving privilege
9 of any ~~Class D~~ or Class E licensee who is age 15 through 17
10 and who has accumulated six or more points pursuant to s.
11 318.14, excluding parking violations, within a 12-month
12 period.

13 ~~(2)(a) Any Class E licensee who is age 15 through 17
14 and who has accumulated six or more points pursuant to s.
15 318.14, excluding parking violations, within a 12-month period
16 shall not be eligible to obtain a Class D license for a period
17 of no less than 1 year. The period of ineligibility shall
18 begin on the date of conviction for the violation that results
19 in the licensee's accumulation of six or more points.~~

20 ~~(b) The period of ineligibility shall automatically
21 expire after 1 year if the licensee does not accumulate any
22 additional points. If the licensee accumulates any additional
23 points, then the period of ineligibility shall be extended 90
24 days for each point. The period of ineligibility shall also
25 automatically expire upon the licensee's 18th birthday if no
26 other grounds for ineligibility exist.~~

27 Section 39. Subsection (3) of section 322.17, Florida
28 Statutes, is amended to read:

29 322.17 Duplicate and replacement certificates.--

30 (3) Notwithstanding any other provisions of this
31 chapter, if a licensee establishes his or her identity for a

1 driver's license using an identification document authorized
2 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5.-6.~~, the
3 licensee may not obtain a duplicate or replacement instruction
4 permit or driver's license except in person and upon
5 submission of an identification document authorized under s.
6 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5.-6.~~

7 Section 40. Subsections (2) and (4) of section 322.18,
8 Florida Statutes, are amended to read:

9 322.18 Original applications, licenses, and renewals;
10 expiration of licenses; delinquent licenses.--

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

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

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

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

1 expire in accordance with paragraph (b). After an initial
2 showing of such documentation, he or she is exempted from
3 having to renew or obtain a duplicate in person.

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

11 (e) Notwithstanding any other provision of this
12 chapter, an applicant applying for an original or renewal
13 issuance of a commercial driver's license as defined in s.
14 322.01(7), with a hazardous-materials endorsement, pursuant to
15 s. 322.57(1)(d), shall be issued a driver's license that
16 expires at midnight on the licensee's birthday that next
17 occurs 4 years after the month of expiration of the license
18 being issued or renewed.

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

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

1 duplication coincides with the periodic reexamination of a
2 driver as required pursuant to s. 322.121.

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

14 Section 41. Subsection (4) of section 322.19, Florida
15 Statutes, is amended to read:

16 322.19 Change of address or name.--

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

24 Section 42. Subsection (1) of section 322.21, Florida
25 Statutes, is amended to read:

26 322.21 License fees; procedure for handling and
27 collecting fees.--

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

29 (a) An original or renewal commercial driver's license
30 is \$50, which shall include the fee for driver education
31 provided by s. 1003.48; however, if an applicant has completed

1 training and is applying for employment or is currently
2 employed in a public or nonpublic school system that requires
3 the commercial license, the fee shall be the same as for a
4 Class E driver's license. A delinquent fee of \$1 shall be
5 added for a renewal made not more than 12 months after the
6 license expiration date.

7 (b) An original ~~Class D or~~ Class E driver's license is
8 \$20, which shall include the fee for driver's education
9 provided by s. 1003.48; however, if an applicant has completed
10 training and is applying for employment or is currently
11 employed in a public or nonpublic school system that requires
12 a commercial driver license, the fee shall be the same as for
13 a Class E license.

14 (c) The renewal or extension of a ~~Class D or~~ Class E
15 driver's license or of a license restricted to motorcycle use
16 only is \$15, except that a delinquent fee of \$1 shall be added
17 for a renewal or extension made not more than 12 months after
18 the license expiration date. The fee provided in this
19 paragraph shall include the fee for driver's education
20 provided by s. 1003.48.

21 (d) An original driver's license restricted to
22 motorcycle use only is \$20, which shall include the fee for
23 driver's education provided by s. 1003.48.

24 (e) Each endorsement required by s. 322.57 is \$5.

25 (f) A hazardous-materials endorsement, as required by
26 s. 322.57(1)(d), shall be set by the department by rule and
27 shall reflect the cost of the required criminal history check,
28 including the cost of the state and federal fingerprint check,
29 and the cost to the department of providing and issuing the
30 license. The fee shall not exceed \$100. This fee shall be
31 deposited in the Highway Safety Operating Trust Fund.

1 Section 43. Subsection (1) of section 322.22, Florida
2 Statutes, is amended to read:

3 322.22 Authority of department to cancel license.--

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

21 Section 44. Subsections (4) and (5) of section
22 322.251, Florida Statutes, are amended to read:

23 322.251 Notice of cancellation, suspension,
24 revocation, or disqualification of license.--

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

1 the type disqualified, for the remainder of his or her
2 unexpired license period. Any such person shall pay the
3 reinstatement fee provided in s. 322.21 before being issued a
4 commercial driver's license.

5 (5) A person whose privilege to operate a commercial
6 motor vehicle is permanently disqualified may, upon
7 surrendering his or her commercial driver's license, be issued
8 a ~~Class D~~ or Class E driver's license, if he or she is
9 otherwise qualified to receive such license. Any such person
10 shall be issued a ~~Class D~~ or Class E license, valid for the
11 remainder of his or her unexpired license period, at no cost.

12 Section 45. Subsection (2) of section 322.2615,
13 Florida Statutes, is amended to read:

14 322.2615 Suspension of license; right to review.--

15 (2) Except as provided in paragraph (1)(a), the law
16 enforcement officer shall forward to the department, within 5
17 days after the date of the arrest, a copy of the notice of
18 suspension, the driver's license of the person arrested, and a
19 report of the arrest, including an affidavit stating the
20 officer's grounds for belief that the person arrested was in
21 violation of s. 316.193; the results of any breath or blood
22 test or an affidavit stating that a breath, blood, or urine
23 test was requested by a law enforcement officer or
24 correctional officer and that the person arrested refused to
25 submit; a copy of the citation issued to the person arrested;
26 and the officer's description of the person's field sobriety
27 test, if any. The failure of the officer to submit materials
28 within the 5-day period specified in this subsection and in
29 subsection (1) shall not affect the department's ability to
30 consider any evidence submitted at or prior to the hearing.
31 The department shall review the materials submitted by the law

1 enforcement officer to determine whether the materials comply
2 with applicable statutes, rules, and policies, and the
3 department shall inform the law enforcement officer when a
4 deficiency exists so that the deficiency may be corrected
5 prior to the hearing.The officer may also submit a copy of a
6 videotape of the field sobriety test or the attempt to
7 administer such test.

8 Section 46. Subsection (3) of section 322.2616,
9 Florida Statutes, is amended to read:

10 322.2616 Suspension of license; persons under 21 years
11 of age; right to review.--

12 (3) The law enforcement officer shall forward to the
13 department, within 5 days after the date of the issuance of
14 the notice of suspension, a copy of the notice of suspension,
15 the driver's license of the person receiving the notice of
16 suspension, and an affidavit stating the officer's grounds for
17 belief that the person was under the age of 21 and was driving
18 or in actual physical control of a motor vehicle with any
19 blood-alcohol or breath-alcohol level, and the results of any
20 blood or breath test or an affidavit stating that a breath
21 test was requested by a law enforcement officer or
22 correctional officer and that the person refused to submit to
23 such test. The failure of the officer to submit materials
24 within the 5-day period specified in this subsection does not
25 bar the department from considering any materials submitted at
26 or before the hearing. The department shall review the
27 materials submitted by the law enforcement officer to
28 determine whether the materials comply with applicable
29 statutes, rules, and policies, and the department shall inform
30 the law enforcement officer when a deficiency exists so that
31 the deficiency may be corrected prior to the hearing.

1 Section 47. Section 322.30, Florida Statutes, is
2 amended to read:

3 322.30 No operation under foreign license during
4 suspension, revocation, or disqualification in this state.--

5 (1) Any resident or nonresident whose driver's license
6 or right or privilege to operate a motor vehicle in this state
7 has been suspended, revoked, or disqualified as provided in
8 this chapter, shall not operate a motor vehicle in this state
9 under a license, permit, or registration certificate issued by
10 any other jurisdiction or otherwise during such suspension,
11 revocation, or disqualification until a new license is
12 obtained.

13 (2) Notwithstanding subsection (1), any commercial
14 motor vehicle operator whose privilege to operate such vehicle
15 is disqualified may operate a motor vehicle in this state as a
16 ~~Class D~~ or Class E licensee, if authorized by this chapter.

17 Section 48. Subsections (4), (5), and (6) of section
18 322.53, Florida Statutes, are amended to read:

19 322.53 License required; exemptions.--

20 ~~(4) A resident who is exempt from obtaining a
21 commercial driver's license pursuant to paragraph (2)(a) or
22 paragraph (2)(c) and who drives a commercial motor vehicle
23 must obtain a Class D driver's license endorsed to authorize
24 the operation of the particular type of vehicle for which his
25 or her exemption is granted.~~

26 (4)(5) A resident who is exempt from obtaining a
27 commercial driver's license pursuant to paragraph (2)(b),
28 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
29 drive a commercial motor vehicle pursuant to the exemption
30 granted in paragraph (2)(b), paragraph (2)(d), paragraph
31

1 (2)(e), or paragraph (2)(f) if he or she possesses a valid
2 ~~Class D~~ or Class E driver's license or a military license.

3 (5)~~(6)~~ The department shall adopt rules and enter into
4 necessary agreements with other jurisdictions to provide for
5 the operation of commercial vehicles by nonresidents pursuant
6 to the exemption granted in subsection (2).

7 Section 49. Subsection (2) of section 322.54, Florida
8 Statutes, is amended to read:

9 322.54 Classification.--

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

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

23 (b) Any person, except a person who possesses a valid
24 Class A driver's license, who drives a motor vehicle having a
25 gross vehicle weight rating, a declared weight, or an actual
26 weight, whichever is greatest, of 26,001 pounds or more must
27 possess a valid Class B driver's license. Any person, except
28 a person who possesses a valid Class A driver's license, who
29 drives such vehicle towing a vehicle having a gross vehicle
30 weight rating, a declared weight, or an actual weight,
31 whichever is greatest, of 10,000 pounds or less must possess a

1 valid Class B driver's license. Any person who possesses a
2 valid Class B driver's license may, subject to the appropriate
3 restrictions and endorsements, drive any class of motor
4 vehicle, other than the type of motor vehicle for which a
5 Class A driver's license is required, within this state.

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

26 ~~(d) Any person, except a person who possesses a valid~~
27 ~~Class A, valid Class B, or valid Class C driver's license, who~~
28 ~~drives a truck or a truck tractor having a gross vehicle~~
29 ~~weight rating, a declared weight, or an actual weight,~~
30 ~~whichever is greatest, of 8,000 pounds or more but less than~~
31 ~~26,001 pounds, or which has a width of more than 80 inches~~

1 ~~must possess a valid Class D driver's license. Any person who~~
2 ~~possesses a valid Class D driver's license may, subject to the~~
3 ~~appropriate restrictions and endorsements, drive any type of~~
4 ~~motor vehicle, other than the type of motor vehicle for which~~
5 ~~a Class A, Class B, or Class C driver's license is required,~~
6 ~~within this state.~~

7 (d)~~(e)~~ Any person, except a person who possesses a
8 valid Class A, valid Class B, or valid Class C, ~~or valid Class~~
9 ~~D~~ driver's license, who drives a motor vehicle must possess a
10 valid Class E driver's license. Any person who possesses a
11 valid Class E driver's license may, subject to the appropriate
12 restrictions and endorsements, drive any type of motor
13 vehicle, other than the type of motor vehicle for which a
14 Class A, Class B, or Class C, ~~or Class D~~ driver's license is
15 required, within this state.

16 Section 50. Subsections (1) and (2) of section 322.57,
17 Florida Statutes, are amended to read:

18 322.57 Tests of knowledge concerning specified
19 vehicles; endorsement; nonresidents; violations.--

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

22 (a) Drives a double or triple trailer must
23 successfully complete a test of his or her knowledge
24 concerning the safe operation of such vehicles.

25 (b) Drives a passenger vehicle must successfully
26 complete a test of his or her knowledge concerning the safe
27 operation of such vehicles and a test of his or her driving
28 skill in such a vehicle.

29 (c) Drives a school bus must successfully complete a
30 test of his or her knowledge concerning the safe operation of

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1 such vehicles and a test of his or her driving skill in such a
2 vehicle.

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

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

14 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
15 materials must successfully complete the tests required in
16 paragraphs (d)~~(c)~~ and (e)~~(d)~~ so that the department may
17 issue a single endorsement permitting him or her to operate
18 such tank vehicle.

19 (g)~~(f)~~ Drives a motorcycle must successfully complete
20 a test of his or her knowledge concerning the safe operation
21 of such vehicles and a test of his or her driving skills on
22 such vehicle. A person who successfully completes such tests
23 shall be issued an endorsement if he or she is licensed to
24 drive another type of motor vehicle. A person who
25 successfully completes such tests and who is not licensed to
26 drive another type of motor vehicle shall be issued a Class E
27 driver's license that is clearly restricted to motorcycle use
28 only.

29 (2) Before driving or operating any vehicle listed in
30 subsection (1), a person must obtain an endorsement on his or
31 her driver's license. An endorsement under paragraph (a),

1 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
2 or paragraph (f) of subsection (1) shall be issued only to
3 persons who possess a valid Class A, valid Class B, or valid
4 Class C driver's license. ~~A person who drives a motor vehicle~~
5 ~~or motor vehicle combination that requires an endorsement~~
6 ~~under this subsection and who drives a motor vehicle or motor~~
7 ~~vehicle combination having a gross vehicle weight rating, a~~
8 ~~declared weight, or an actual weight, whichever is greatest,~~
9 ~~of less than 26,000 pounds shall be issued a Class C driver's~~
10 ~~license that is clearly restricted to the operation of a motor~~
11 ~~vehicle or motor vehicle combination of less than 26,000~~
12 ~~pounds.~~

13 Section 51. Paragraph (a) of subsection (1) of section
14 322.58, Florida Statutes, is amended to read:

15 322.58 Holders of chauffeur's licenses; effect of
16 classified licensure.--

17 (1) In order to provide for the classified licensure
18 of commercial motor vehicle drivers, the department shall
19 require persons who have valid chauffeur's licenses to report
20 on or after April 1, 1991, to the department for classified
21 licensure, according to a schedule developed by the
22 department.

23 (a) Any person who holds a valid chauffeur's license
24 may continue to operate vehicles for which a Class E ~~D~~
25 driver's license is required until his or her chauffeur's
26 license expires.

27 Section 52. Subsections (1), (2), (3), and (7) of
28 section 322.61, Florida Statutes, are amended, and subsections
29 (4) and (5) of that section are reenacted, to read:

30 322.61 Disqualification from operating a commercial
31 motor vehicle.--

1 (1) A person who, within a 3-year period, is convicted
2 of two of the following serious traffic violations or any
3 combination thereof, arising in separate incidents committed
4 in a commercial motor vehicle shall, in addition to any other
5 applicable penalties, be disqualified from operating a
6 commercial motor vehicle for a period of 60 days. A person
7 who, within a 3-year period, is convicted of two of the
8 following serious traffic violations or any combination
9 thereof, arising in separate incidents committed in a
10 noncommercial motor vehicle shall, in addition to any other
11 applicable penalties, be disqualified from operating a
12 commercial motor vehicle for a period of 60 days if such
13 convictions result in the suspension, revocation, or
14 cancellation of the licenseholder's driving privilege:

15 (a) A violation of any state or local law relating to
16 motor vehicle traffic control, other than a parking violation,
17 a weight violation, or a vehicle equipment violation, arising
18 in connection with a crash resulting in death or personal
19 injury to any person;

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

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

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

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

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

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

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

30 (i) Driving a commercial vehicle without obtaining a
31 commercial driver's license;

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

3 (k) Driving a commercial vehicle without the proper
4 class of commercial driver's license or without the proper
5 endorsement.

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

23 (3) Except as provided in subsection (4), any person
24 who is convicted of one of the following offenses shall, in
25 addition to any other applicable penalties, be disqualified
26 from operating a commercial motor vehicle for a period of 1
27 year:

28 (a) Driving a commercial motor vehicle while he or she
29 is under the influence of alcohol or a controlled substance;
30

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1 (b) Driving a commercial motor vehicle while the
2 alcohol concentration of his or her blood, breath, or urine is
3 .04 percent or higher;

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

6 (d) Using a commercial motor vehicle in the commission
7 of a felony;

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

10 (f) Refusing to submit to a test to determine his or
11 her alcohol concentration while driving a commercial motor
12 vehicle; ~~-~~

13 (g) Driving a commercial vehicle while the
14 licenseholder's commercial driver's license is suspended,
15 revoked, or canceled or while the licenseholder is
16 disqualified from driving a commercial vehicle; or

17 (h) Causing a fatality through the negligent operation
18 of a commercial motor vehicle.

19 (4) Any person who is transporting hazardous materials
20 in a vehicle that is required to be placarded in accordance
21 with Title 49 C.F.R. part 172, subpart F shall, upon
22 conviction of an offense specified in subsection (3), be
23 disqualified from operating a commercial motor vehicle for a
24 period of 3 years. The penalty provided in this subsection
25 shall be in addition to any other applicable penalty.

26 (5) Any person who is convicted of two violations
27 specified in subsection (3), or any combination thereof,
28 arising in separate incidents shall be permanently
29 disqualified from operating a commercial motor vehicle. The
30 penalty provided in this subsection shall be in addition to
31 any other applicable penalty.

1 (7) A person whose privilege to operate a commercial
2 motor vehicle is disqualified under this section may, if
3 otherwise qualified, be issued a ~~Class D or~~ Class E driver's
4 license, pursuant to s. 322.251.

5 Section 53. Subsection (1) and paragraph (a) of
6 subsection (3) of section 322.63, Florida Statutes, are
7 amended to read:

8 322.63 Alcohol or drug testing; commercial motor
9 vehicle operators.--

10 (1) A person who accepts the privilege extended by the
11 laws of this state of operating a commercial motor vehicle
12 within this state shall, by so operating such commercial motor
13 vehicle, be deemed to have given his or her consent to submit
14 to an approved chemical or physical test of his or her blood
15 or breath, or urine for the purpose of determining his or her
16 alcohol concentration, and to a urine test ~~or~~ for the purpose
17 of detecting the presence of chemical substances as set forth
18 in s. 877.111 or of controlled substances.

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

24 (b) Any person who drives a commercial motor vehicle
25 within this state and who is not required to obtain a
26 commercial driver's license in this state is, by his or her
27 act of driving a commercial motor vehicle within this state,
28 deemed to have expressed his or her consent to the provisions
29 of this section.

30 (c) A notification of the consent provision of this
31 section shall be printed ~~above the signature line~~ on each new

1 or renewed commercial driver's license issued ~~after March 31,~~
2 ~~1991~~.

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

7 Section 54. Subsection (2) of section 322.64, Florida
8 Statutes, is amended to read:

9 322.64 Holder of commercial driver's license; driving
10 with unlawful blood-alcohol level; refusal to submit to
11 breath, urine, or blood test.--

12 (2) Except as provided in paragraph (1)(a), the law
13 enforcement officer shall forward to the department, within 5
14 days after the date of the arrest or the issuance of the
15 notice of disqualification, whichever is later, a copy of the
16 notice of disqualification, the driver's license of the person
17 arrested, and a report of the arrest, including, if
18 applicable, an affidavit stating the officer's grounds for
19 belief that the person arrested was in violation of s.
20 316.193; the results of any breath or blood test or an
21 affidavit stating that a breath, blood, or urine test was
22 requested by a law enforcement officer or correctional officer
23 and that the person arrested refused to submit; a copy of the
24 citation issued to the person arrested; and the officer's
25 description of the person's field sobriety test, if any. The
26 failure of the officer to submit materials within the 5-day
27 period specified in this subsection or subsection (1) shall
28 not affect the department's ability to consider any evidence
29 submitted at or prior to the hearing. The department shall
30 review the materials submitted by the law enforcement officer
31 to determine whether the materials comply with applicable

1 statutes, rules, and policies, and the department shall inform
2 the law enforcement officer when a deficiency exists so that
3 the deficiency may be corrected prior to the hearing.The
4 officer may also submit a copy of a videotape of the field
5 sobriety test or the attempt to administer such test.

6 Section 55. Paragraphs (c) and (f) of subsection (13)
7 of section 713.78, Florida Statutes, are amended to read:

8 713.78 Liens for recovering, towing, or storing
9 vehicles and vessels.--

10 (13)

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

16 a. The registered owner presents a notarized bill of
17 sale proving that the vehicle, vessel, or mobile home was sold
18 in a private or casual sale before the vehicle, vessel, or
19 mobile home was recovered, towed, or stored.

20 b. The registered owner presents proof that the
21 Florida certificate of title of the vehicle, vessel, or mobile
22 home was sold to a licensed dealer as defined in s. 319.001
23 before the vehicle, vessel, or mobile home was recovered,
24 towed, or stored.

25 c. The records of the department were marked "sold"
26 prior to the date of the tow.

27
28 If the registered owner's dispute of a wrecker operator's lien
29 complies with one of these criteria, the department shall
30 immediately remove the registered owner's name from the list
31 of those persons who may not be issued a license plate or

1 revalidation sticker for any motor vehicle under s. 320.03(8),
2 thereby allowing issuance of a license plate or revalidation
3 sticker. If the vehicle, vessel, or mobile home is owned
4 jointly by more than one person, each registered owner must
5 dispute the wrecker operator's lien in order to be removed
6 from the list. However, the department shall deny any dispute
7 and maintain the registered owner's name on the list of those
8 persons who may not be issued a license plate or revalidation
9 sticker for any motor vehicle under s. 320.03(8) if the
10 wrecker operator has provided the department with a certified
11 copy of the judgment of a court which orders the registered
12 owner to pay the wrecker operator's lien claimed under this
13 section. In such a case, the amount of the wrecker operator's
14 lien allowed by paragraph (b) may be increased to include no
15 more than \$500 of the reasonable costs and attorney's fees
16 incurred in obtaining the judgment. The department's action
17 under this subparagraph is ministerial in nature, shall not be
18 considered final agency action, and is appealable only to the
19 county court for the county in which the vehicle, vessel, or
20 mobile home was ordered removed.

21 2. A person against whom a wrecker operator's lien has
22 been imposed may alternatively obtain a discharge of the lien
23 by filing a complaint, challenging the validity of the lien or
24 the amount thereof, in the county court of the county in which
25 the vehicle, vessel, or mobile home was ordered removed. Upon
26 filing of the complaint, the person may have her or his name
27 removed from the list of those persons who may not be issued a
28 license plate or revalidation sticker for any motor vehicle
29 under s. 320.03(8), thereby allowing issuance of a license
30 plate or revalidation sticker, upon posting with the court a
31 cash or surety bond or other adequate security equal to the

1 amount of the wrecker operator's lien to ensure the payment of
2 such lien in the event she or he does not prevail. Upon the
3 posting of the bond and the payment of the applicable fee set
4 forth in s. 28.24, the clerk of the court shall issue a
5 certificate notifying the department of the posting of the
6 bond and directing the department to release the wrecker
7 operator's lien. Upon determining the respective rights of the
8 parties, the court may award damages and costs in favor of the
9 prevailing party.

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

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1 entitled to payment of the security, less applicable clerk's
2 fees.

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

5 (f) This subsection applies only to the annual renewal
6 in the registered owner's birth month of a motor vehicle
7 registration and does not apply to the transfer of a
8 registration of a motor vehicle sold by a motor vehicle dealer
9 licensed under chapter 320, except for the transfer of
10 registrations which is inclusive of the annual renewals. This
11 subsection does not apply to any vehicle registered in the
12 name of the lessor.This subsection does not affect the
13 issuance of the title to a motor vehicle, notwithstanding s.
14 319.23(7)(b).

15 Section 56. Subsection (1) of section 832.06, Florida
16 Statutes, is amended to read:

17 832.06 Prosecution for worthless checks given tax
18 collector for licenses or taxes; refunds.--

19 (1) Whenever any person, firm, or corporation violates
20 the provisions of s. 832.05 by drawing, making, uttering,
21 issuing, or delivering to any county tax collector any check,
22 draft, or other written order on any bank or depository for
23 the payment of money or its equivalent for any tag, title,
24 lien, tax (except ad valorem taxes), penalty, or fee relative
25 to a boat, airplane, motor vehicle, driver license, or
26 identification card; any occupational license, beverage
27 license, or sales or use tax; or any hunting or fishing
28 license, the county tax collector, after the exercise of due
29 diligence to locate the person, firm, or corporation which
30 drew, made, uttered, issued, or delivered the check, draft, or
31 other written order for the payment of money, or to collect

1 the same by the exercise of due diligence and prudence, shall
2 swear out a complaint in the proper court against the person,
3 firm, or corporation for the issuance of the worthless check
4 or draft. If the state attorney cannot sign the information
5 due to lack of proof, as determined by the state attorney in
6 good faith, ~~for a prima facie case in court, or, if the amount~~
7 of the worthless check is \$150 or less, he or she shall issue
8 a certificate so stating to the tax collector. If payment of
9 the dishonored check, draft, or other written order, together
10 with ~~court~~ costs expended, is not received in full by the
11 county tax collector within 30 days after service of the
12 warrant, 30 days after conviction, or 60 days after the
13 collector swears out the complaint or receives the certificate
14 of the state attorney, whichever is first, the county tax
15 collector shall make a written report to this effect to the
16 Department of Highway Safety and Motor Vehicles relative to
17 motor vehicles and vessels, to the Department of Revenue
18 relative to occupational licenses and the sales and use tax,
19 to the Division of Alcoholic Beverages and Tobacco of the
20 Department of Business and Professional Regulation relative to
21 beverage licenses, or to the Fish and Wildlife Conservation
22 Commission relative to hunting and fishing licenses,
23 containing a statement of the amount remaining unpaid on the
24 worthless check or draft. If the information is not signed,
25 the certificate of the state attorney is issued, and the
26 written report of the amount remaining unpaid is made, the
27 county tax collector may request the sum be forthwith refunded
28 by the appropriate governmental entity, agency, or department.
29 If a warrant has been issued and served, he or she shall
30 certify to that effect, together with the court costs and
31 amount remaining unpaid on the check. The county tax collector

1 may request that the sum of money certified by him or her be
2 forthwith refunded by the Department of Highway Safety and
3 Motor Vehicles, the Department of Revenue, the Division of
4 Alcoholic Beverages and Tobacco of the Department of Business
5 and Professional Regulation, or the Fish and Wildlife
6 Conservation Commission to the county tax collector. Within 30
7 days after receipt of the request, the Department of Highway
8 Safety and Motor Vehicles, the Department of Revenue, the
9 Division of Alcoholic Beverages and Tobacco of the Department
10 of Business and Professional Regulation, or the Fish and
11 Wildlife Conservation Commission, upon being satisfied as to
12 the correctness of the certificate of the tax collector, or
13 the report, shall refund to the county tax collector the sums
14 of money so certified or reported. If any officer of any court
15 issuing the warrant is unable to serve it within 60 days after
16 the issuance and delivery of it to the officer for service,
17 the officer shall make a written return to the county tax
18 collector to this effect. Thereafter, the county tax collector
19 may certify that the warrant has been issued and that service
20 has not been had upon the defendant and further certify the
21 amount of the worthless check or draft and the amount of court
22 costs expended by the county tax collector, and the county tax
23 collector may file the certificate with the Department of
24 Highway Safety and Motor Vehicles relative to motor vehicles
25 and vessels, with the Department of Revenue relative to
26 occupational licenses and the sales and use tax, with the
27 Division of Alcoholic Beverages and Tobacco of the Department
28 of Business and Professional Regulation relative to beverage
29 licenses, or with the Fish and Wildlife Conservation
30 Commission relative to hunting and fishing licenses, together
31 with a request that the sums of money so certified be

1 forthwith refunded by the Department of Highway Safety and
2 Motor Vehicles, the Department of Revenue, the Division of
3 Alcoholic Beverages and Tobacco of the Department of Business
4 and Professional Regulation, or the Fish and Wildlife
5 Conservation Commission to the county tax collector, and
6 within 30 days after receipt of the request, the Department of
7 Highway Safety and Motor Vehicles, the Department of Revenue,
8 the Division of Alcoholic Beverages and Tobacco of the
9 Department of Business and Professional Regulation, or the
10 Fish and Wildlife Conservation Commission, upon being
11 satisfied as to the correctness of the certificate, shall
12 refund the sums of money so certified to the county tax
13 collector.

14 Section 57. Except as otherwise expressly provided in
15 this act, this act shall take effect October 1, 2004.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1526

4 The CS:

- 5 1. Requires the Off-Highway Vehicle Recreation Advisory
6 Committee to study and provide a report to the Governor and
7 the Legislature by January 1, 2005.
- 8 2. Provides owners of leased vehicles are exempt from parking
9 tickets on those leased vehicles if the vehicle is registered
10 in the name of the person who leased the vehicle.
- 11 3. Provides an exception to the existing law by allowing
12 uniform traffic citations to be admissible evidence of
13 falsification, forgery, uttering, fraud or perjury or when
14 used as physical evidence resulting from a forensic
15 examination of the citation.
- 16 4. Corrects an obsolete cross-reference.
- 17 5. Eliminates the Class D driver's license and deletes
18 references thereto. Also, changes the chauffeur's Class D
19 driver's license to a Class E driver's license.
- 20 6. Requires the Department of Highway Safety and Motor
21 Vehicles to set a fee not to exceed \$100 for a
22 hazardous-materials endorsement and specifies the fee must be
23 deposited into the Highway Safety Operating Trust Fund.
- 24 7. Requires the Department of Highway Safety and Motor
25 Vehicles, in a driving under the influence arrest, to review
26 the information submitted by a law enforcement officer and to
27 notify the officer of any deficiencies prior to the hearing.
- 28 8. Allows tax collectors to process worthless checks of \$150
29 or less differently
- 30 9. Changes the effective date to October 1, 2004.
- 31