

By the Committees on Home Defense, Public Security, and Ports;
Transportation; and Senators Sebesta and Lynn

318-2177-04

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.
10 316.006, F.S.; authorizing transfer of traffic
11 regulatory authority by interlocal agreement
12 from a municipality to a county; amending s.
13 316.0775, F.S.; providing that the unauthorized
14 use of a traffic signal preemption device is a
15 moving violation; amending s. 316.122, F.S.;
16 providing for the right-of-way for certain
17 passing vehicles; creating s. 316.1576, F.S.;
18 providing clearance specifications for a
19 railroad-highway grade crossing; providing a
20 penalty; amending s. 316.183, F.S.; increasing
21 the minimum speed limit on interstate highways
22 under certain circumstances; amending s.
23 316.1932, F.S.; revising the requirements for
24 printing the notice of consent for sobriety
25 testing on a driver's license; amending s.
26 316.194, F.S.; authorizing traffic accident
27 investigation officers to remove vehicles under
28 certain circumstances; amending s. 316.1967;
29 providing that an owner of a leased vehicle is
30 not responsible for a parking ticket violation
31 in certain circumstances; amending s. 316.2074,

1 F.S.; redefining the term "all-terrain vehicle"
2 to include a two-rider ATV; amending s.
3 316.515, F.S.; authorizing the use of certain
4 agricultural tractors and agricultural
5 implements for the purpose of transporting
6 certain products; amending s. 316.650, F.S.;
7 providing exceptions to a prohibition against
8 using citations as evidence in a trial;
9 amending s. 317.0003, F.S.; defining the term
10 "off-highway vehicle" to include a two-rider
11 ATV; providing a definition; amending s.
12 317.0007, F.S.; authorizing the Department of
13 Highway Safety and Motor Vehicles to issue a
14 validation sticker as an additional proof of
15 title for an off-highway vehicle; providing for
16 the replacement of lost or destroyed
17 off-highway vehicle validation stickers;
18 providing for disposition of fees; repealing s.
19 317.0008(2), F.S., relating to the expedited
20 issuance of duplicate certificates of title for
21 off-highway vehicles; creating s. 317.0014,
22 F.S.; establishing procedures for the issuance
23 of a certificate of title for an off-highway
24 vehicle; providing duties of the Department of
25 Highway Safety and Motor Vehicles; providing
26 for a notice of lien and lien satisfaction;
27 creating s. 317.0015, F.S.; providing for the
28 applicability of certain provisions of law to
29 the titling of off-highway vehicles; creating
30 s. 317.0016, F.S.; providing for the expedited
31 issuance of titles for off-highway vehicles;

1 creating s. 317.0017, F.S.; prohibiting
2 specified actions relating to the issuance of
3 titles for off-highway vehicles; providing a
4 penalty; creating s. 317.0018, F.S.;
5 prohibiting the transfer of an off-highway
6 vehicle without delivery of a certificate of
7 title; prescribing other violations; providing
8 a penalty; amending s. 318.14, F.S.;
9 authorizing the department to modify certain
10 actions to suspend or revoke a driver's license
11 following notice of final disposition; amending
12 s. 318.15, F.S.; providing for disposition of
13 fees; amending s. 319.23, F.S.; requiring a
14 licensed motor vehicle dealer to notify the
15 Department of Highway Safety and Motor Vehicles
16 of a motor vehicle or mobile home taken as a
17 trade-in; requiring the department to update
18 its title record; amending s. 319.27, F.S.;
19 correcting an obsolete cross-reference;
20 amending s. 320.0601, F.S.; requiring that a
21 transaction of a long-term leased motor vehicle
22 be registered in the name of the lessee;
23 amending s. 320.0605, F.S.; exempting a vehicle
24 registered as a fleet vehicle from the
25 requirement that the certificate of
26 registration be carried in the vehicle at all
27 times; amending s. 320.131, F.S.; authorizing
28 the department to provide for an electronic
29 system for motor vehicle dealers to use in
30 issuing temporary tags; providing a penalty;
31 amending s. 320.18, F.S.; authorizing the

1 department to cancel the vehicle or vessel
2 registration, driver's license, or
3 identification card of a person who pays
4 certain fees or penalties with a dishonored
5 check; amending s. 320.27, F.S.; requiring
6 dealer principals to provide certification of
7 completing continuing education under certain
8 circumstances; requiring motor vehicle dealers
9 to maintain records for a specified period;
10 providing certain penalties; amending s.
11 320.8249, F.S.; providing penalties for certain
12 unlawful acts by a mobile home installer;
13 amending s. 322.05, F.S.; removing requirements
14 for Class D driver's license; amending s.
15 322.051, F.S.; revising provisions relating to
16 the application for an identification card;
17 providing that the requirement for a fullface
18 photograph or digital image on an
19 identification card may not be waived under ch.
20 761, F.S.; amending s. 322.07, F.S.; removing
21 requirements for Class D driver's license;
22 amending s. 322.08, F.S.; providing that a
23 United States passport is an acceptable proof
24 of identity for purposes of obtaining a
25 driver's license; providing that a
26 naturalization certificate issued by the United
27 States Department of Justice is an acceptable
28 proof of identity for such purpose; providing
29 that specified documents issued by the United
30 States Department of Justice are acceptable as
31 proof of nonimmigrant classification; amending

1 s. 322.12, F.S.; removing requirements for
2 Class D driver's license; amending s. 322.135,
3 F.S.; revising requirements for the deposit of
4 certain fees for a driver's license; revising
5 requirements for the tax collector in directing
6 a licensee for examination or reexamination;
7 requiring county officers to pay certain funds
8 to the State Treasury by electronic funds
9 transfer within a specified period; amending s.
10 322.142, F.S.; providing that the requirement
11 for a fullface photograph or digital image on a
12 driver's license may not be waived under ch.
13 761, F.S.; amending s. 322.161, F.S.; removing
14 requirements for Class D driver's license;
15 amending s. 322.17, F.S., relating to duplicate
16 and replacement certificates; conforming a
17 cross-reference; amending s. 322.18, F.S.;
18 revising the expiration period for driver's
19 licenses issued to specified persons;
20 conforming cross-references; amending s.
21 322.19, F.S., relating to change of address or
22 name; conforming cross-references; amending s.
23 322.21, F.S.; removing requirements for Class D
24 driver's license; requiring the department to
25 set a fee for a hazardous-materials
26 endorsement; providing that the fee shall not
27 exceed \$100; amending s. 322.22, F.S.;
28 authorizing the department to cancel any
29 identification card, vehicle or vessel
30 registration, or fuel-use decal of a licensee
31 who pays certain fees or penalties with a

1 dishonored check; amending s. 322.251, F.S.;
2 removing requirements for Class D driver's
3 license; amending ss. 322.2615 and 322.2616,
4 F.S.; requiring the Department of Highway
5 Safety and Motor Vehicles to inform law
6 enforcement officers of deficiencies under
7 certain circumstances; amending s. 322.30,
8 F.S.; removing the requirements for Class D
9 driver's license; amending s. 322.53, F.S.;
10 removing requirements for Class D driver's
11 license; removing a requirement that certain
12 operators of a commercial motor vehicle obtain
13 a specified license; amending s. 322.54, F.S.;
14 deleting the requirement for Class D driver's
15 license; amending s. 322.57, F.S.; providing
16 testing requirements for school bus drivers;
17 amending s. 322.58, F.S.; deleting requirements
18 for Class D driver's license and changing those
19 requirements to Class E driver's license;
20 amending and reenacting s. 322.61, F.S.;
21 specifying additional violations that
22 disqualify a person from operating a commercial
23 motor vehicle; providing penalties; removing
24 requirements for Class D driver's license;
25 amending s. 322.63, F.S.; clarifying provisions
26 governing alcohol and drug testing for
27 commercial motor vehicle operators; amending s.
28 322.64, F.S.; requiring the Department of
29 Highway Safety and Motor Vehicles to inform law
30 enforcement officers of deficiencies under
31 certain circumstances; amending s. 713.78,

1 F.S.; revising provisions relating to the
2 placement of a wrecker operator's lien against
3 a motor vehicle; amending s. 832.06, F.S.;
4 allowing worthless checks of \$150 or less to be
5 processed differently by tax collectors;
6 providing effective dates.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (6) of section 261.03, Florida
11 Statutes, is amended and subsection (11) is added to that
12 section, to read:

13 261.03 Definitions.--As used in this chapter, the
14 term:

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

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

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

24 261.05 Duties and responsibilities of the Off-Highway
25 Vehicle Recreation Advisory Committee.--

26 (2) The advisory committee shall study and make
27 recommendations to the Governor and the Legislature ~~department~~
28 regarding off-highway vehicle safety and training and
29 education programs in the operation of such vehicles and shall
30 provide a report to the Governor and the Legislature by
31 January 1, 2005.

1 Section 3. Subsection (84) is added to section
2 316.003, Florida Statutes, to read:

3 316.003 Definitions.--The following words and phrases,
4 when used in this chapter, shall have the meanings
5 respectively ascribed to them in this section, except where
6 the context otherwise requires:

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

11 Section 4. Subsection (2) of section 316.006, Florida
12 Statutes, is amended to read:

13 316.006 Jurisdiction.--Jurisdiction to control traffic
14 is vested as follows:

15 (2) MUNICIPALITIES.--

16 (a) Chartered municipalities shall have original
17 jurisdiction over all streets and highways located within
18 their boundaries, except state roads, and may place and
19 maintain such traffic control devices which conform to the
20 manual and specifications of the Department of Transportation
21 upon all streets and highways under their original
22 jurisdiction as they shall deem necessary to indicate and to
23 carry out the provisions of this chapter or to regulate, warn,
24 or guide traffic.

25 (b) A municipality may exercise jurisdiction over any
26 private road or roads, or over any limited access road or
27 roads owned or controlled by a special district, located
28 within its boundaries if the municipality and party or parties
29 owning or controlling such road or roads provide, by written
30 agreement approved by the governing body of the municipality,
31

1 for municipal traffic control jurisdiction over the road or
2 roads encompassed by such agreement. Pursuant thereto:

3 1. Provision for reimbursement for actual costs of
4 traffic control and enforcement and for liability insurance
5 and indemnification by the party or parties, and such other
6 terms as are mutually agreeable, may be included in such an
7 agreement.

8 2. The exercise of jurisdiction provided for herein
9 shall be in addition to jurisdictional authority presently
10 exercised by municipalities under law, and nothing in this
11 paragraph shall be construed to limit or remove any such
12 jurisdictional authority. Such jurisdiction includes
13 regulation of access to such road or roads by security devices
14 or personnel.

15 3. Any such agreement may provide for the installation
16 of multiparty stop signs by the parties controlling the roads
17 covered by the agreement if a determination is made by such
18 parties that the signage will enhance traffic safety.
19 Multiparty stop signs must conform to the manual and
20 specifications of the Department of Transportation; however,
21 minimum traffic volumes may not be required for the
22 installation of such signage. Enforcement for the signs shall
23 be as provided in s. 316.123.

24 (c) Notwithstanding other provisions of law to the
25 contrary, a municipality may, by interlocal agreement with a
26 county, agree to transfer traffic regulatory authority over
27 areas within the municipality to the county.

28
29 This subsection shall not limit those counties which have the
30 charter powers to provide and regulate arterial, toll, and
31 other roads, bridges, tunnels, and related facilities from the

1 proper exercise of those powers by the placement and
2 maintenance of traffic control devices which conform to the
3 manual and specifications of the Department of Transportation
4 on streets and highways located within municipal boundaries.

5 Section 5. Section 316.0775, Florida Statutes, is
6 amended to read:

7 316.0775 Interference with official traffic control
8 devices or railroad signs or signals.--

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

18 (2) A person may not, without lawful authority,
19 possess or use any traffic signal preemption device as defined
20 under s. 316.003. A person who violates this subsection
21 commits a moving violation, punishable as provided in chapter
22 318 and shall have 4 points assessed against his or her
23 driver's license as set forth in s. 322.27.

24 Section 6. Section 316.122, Florida Statutes, is
25 amended to read:

26 316.122 Vehicle turning left.--The driver of a vehicle
27 intending to turn to the left within an intersection or into
28 an alley, private road, or driveway shall yield the
29 right-of-way to any vehicle approaching from the opposite
30 direction, or vehicles lawfully passing on the left of the
31 turning vehicle, which is within the intersection or so close

1 thereto as to constitute an immediate hazard. A violation of
2 this section is a noncriminal traffic infraction, punishable
3 as a moving violation as provided in chapter 318.

4 Section 7. Section 316.1576, Florida Statutes, is
5 created to read:

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

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

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

16 (3) A violation of this section is a noncriminal
17 traffic infraction, punishable as a moving violation as
18 provided in chapter 318.

19 Section 8. Subsection (2) of section 316.183, Florida
20 Statutes, is amended to read:

21 316.183 Unlawful speed.--

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

1 System of Interstate and Defense Highways and have not fewer
2 than four lanes is 40 miles per hour, except that when the
3 posted speed limit is 70 miles per hour, the minimum speed
4 limit is 50 miles per hour.

5 Section 9. Paragraph (e) of subsection (1) of section
6 316.1932, Florida Statutes, is amended to read:

7 316.1932 Tests for alcohol, chemical substances, or
8 controlled substances; implied consent; refusal.--

9 (1)

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

14 2. A nonresident or any other person driving in a
15 status exempt from the requirements of the driver's license
16 law, by his or her act of driving in such exempt status, is
17 deemed to have expressed his or her consent to the provisions
18 of this section.

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

22 Section 10. Paragraphs (a) and (b) of subsection (3)
23 of section 316.194, Florida Statutes, are amended to read:

24 316.194 Stopping, standing or parking outside of
25 municipalities.--

26 (3)(a) Whenever any police officer or traffic accident
27 investigation officer finds a vehicle standing upon a highway
28 in violation of any of the foregoing provisions of this
29 section, the officer is authorized to move the vehicle, or
30 require the driver or other persons in charge of the vehicle
31

1 to move the vehicle same, to a position off the paved or
2 main-traveled part of the highway.

3 (b) Officers and traffic accident investigation
4 officers may ~~are hereby authorized to~~ provide for the removal
5 of any abandoned vehicle to the nearest garage or other place
6 of safety, cost of such removal to be a lien against motor
7 vehicle, when an said abandoned vehicle is found unattended
8 upon a bridge or causeway or in any tunnel, or on any public
9 highway in the following instances:

10 1. Where such vehicle constitutes an obstruction of
11 traffic;

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

16 3. Where an operative vehicle has been parked or
17 stored on the public right-of-way for a period exceeding 10
18 days, in other than designated parking areas, and is more than
19 30 feet from the pavement edge. However, the agency removing
20 such vehicle shall be required to report same to the
21 Department of Highway Safety and Motor Vehicles within 24
22 hours of such removal.

23 Section 11. Section 316.1967, Florida Statutes, is
24 amended to read:

25 316.1967 Liability for payment of parking ticket
26 violations and other parking violations.--

27 (1) The owner of a vehicle is responsible and liable
28 for payment of any parking ticket violation unless the owner
29 can furnish evidence, when required by this subsection, that
30 the vehicle was, at the time of the parking violation, in the
31 care, custody, or control of another person. In such

1 instances, the owner of the vehicle is required, within a
2 reasonable time after notification of the parking violation,
3 to furnish to the appropriate law enforcement authorities an
4 affidavit setting forth the name, address, and driver's
5 license number of the person who leased, rented, or otherwise
6 had the care, custody, or control of the vehicle. The
7 affidavit submitted under this subsection is admissible in a
8 proceeding charging a parking ticket violation and raises the
9 rebuttable presumption that the person identified in the
10 affidavit is responsible for payment of the parking ticket
11 violation. The owner of a vehicle is not responsible for a
12 parking ticket violation if the vehicle involved was, at the
13 time, stolen or in the care, custody, or control of some
14 person who did not have permission of the owner to use the
15 vehicle. The owner of a leased vehicle is not responsible for
16 a parking ticket violation and is not required to submit an
17 affidavit or the other evidence specified in this section, if
18 the vehicle is registered in the name of the person who leased
19 the vehicle.

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

1 registered owner or registered lessee shall comply with the
2 court's directive.

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

6 (4) Any person who elects to appear before a
7 designated official to present evidence waives his or her
8 right to pay the civil penalty provisions of the ticket. The
9 official, after a hearing, shall make a determination as to
10 whether a parking violation has been committed and may impose
11 a civil penalty not to exceed \$100 or the fine amount
12 designated by county ordinance, plus court costs. Any person
13 who fails to pay the civil penalty within the time allowed by
14 the court is deemed to have been convicted of a parking ticket
15 violation, and the court shall take appropriate measures to
16 enforce collection of the fine.

17 (5) Any provision of subsections (2), (3), and (4) to
18 the contrary notwithstanding, chapter 318 does not apply to
19 violations of county parking ordinances and municipal parking
20 ordinances.

21 (6) Any county or municipality may provide by
22 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 which is machine readable by
26 the installed computer system at the department, listing
27 persons who have three or more outstanding parking violations,
28 including violations of s. 316.1955. Each county shall provide
29 by ordinance that the clerk of the court or the traffic
30 violations bureau shall supply the department with a
31 magnetically encoded computer tape reel or cartridge or send

1 by other electronic means data that is machine readable by the
2 installed computer system at the department, listing persons
3 who have any outstanding violations of s. 316.1955 or any
4 similar local ordinance that regulates parking in spaces
5 designated for use by persons who have disabilities. The
6 department shall mark the appropriate registration records of
7 persons who are so reported. Section 320.03(8) applies to each
8 person whose name appears on the list.

9 Section 12. Subsection (2) of section 316.2074,
10 Florida Statutes, is amended to read:

11 316.2074 All-terrain vehicles.--

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

21 Section 13. Subsection (5) of section 316.515, Florida
22 Statutes, is amended to read:

23 316.515 Maximum width, height, length.--

24 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,
25 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of
26 law, straight trucks, agricultural tractors, and cotton module
27 movers, not exceeding 50 feet in length, or any combination of
28 up to and including three implements of husbandry including
29 the towing power unit, and any single agricultural trailer,
30 with a load thereon, any agricultural implements attached to
31 the towing power unit not exceeding 130 inches in width, or a

1 self-propelled agricultural implement or an agricultural
2 tractor not exceeding 130 inches in width is authorized for
3 the purpose of transporting peanuts, grains, soybeans, cotton,
4 hay, straw, or other perishable farm products from their point
5 of production to the first point of change of custody or of
6 long-term storage, and for the purpose of returning to such
7 point of production or for the purpose of moving the tractors,
8 movers, or implements from one point of agricultural
9 production to another, by a person engaged in the production
10 of any such product or custom hauler, if such vehicle or
11 combination of vehicles otherwise complies with this section.
12 Such vehicles shall be operated in accordance with all safety
13 requirements prescribed by law and Department of
14 Transportation rules. The Department of Transportation may
15 issue overlength permits for cotton module movers greater than
16 50 feet but not more than 55 feet in overall length.

17 Section 14. Subsection (9) of section 316.650, Florida
18 Statutes, is amended to read:

19 316.650 Traffic citations.--

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

25 Section 15. Subsection (6) of section 317.0003,
26 Florida Statutes, is amended and subsection (9) is added to
27 that section, to read:

28 317.0003 Definitions.--As used in ss.

29 317.0001-317.0013, the term:

30 (6) "Off-highway vehicle" means any ATV, two-rider
31 ATV, or OHM that is used off the roads or highways of this

1 ~~state for recreational purposes~~ and that is not registered and
2 licensed for highway use pursuant to chapter 320.

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

6 Section 16. Subsection (6) is added to section
7 317.0007, Florida Statutes, to read:

8 317.0007 Application for and issuance of certificate
9 of title.--

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

19 Section 17. Subsection (2) of section 317.0008,
20 Florida Statutes, is repealed.

21 Section 18. Section 317.0014, Florida Statutes, is
22 created to read:

23 317.0014 Certificate of title; issuance in duplicate;
24 delivery; liens and encumbrances.--

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

31

1 (2) A duly authorized person shall sign the original
2 certificate of title and each corrected certificate and, if
3 there are no liens or encumbrances on the off-highway vehicle,
4 as shown in the records of the department or as shown in the
5 application, shall deliver the certificate to the applicant or
6 to another person as directed by the applicant or person,
7 agent, or attorney submitting the application. If there are
8 one or more liens or encumbrances on the off-highway vehicle,
9 the certificate shall be delivered by the department to the
10 first lienholder as shown by department records or to the
11 owner as indicated in the notice of lien filed by the first
12 lienholder. If the notice of lien filed by the first
13 lienholder indicates that the certificate should be delivered
14 to the first lienholder, the department shall deliver to the
15 first lienholder, along with the certificate, a form to be
16 subsequently used by the lienholder as a satisfaction. If the
17 notice of lien filed by the first lienholder directs the
18 certificate of title to be delivered to the owner, then, upon
19 delivery of the certificate of title by the department to the
20 owner, the department shall deliver to the first lienholder
21 confirmation of the receipt of the notice of lien and the date
22 the certificate of title was issued to the owner at the
23 owner's address shown on the notice of lien and a form to be
24 subsequently used by the lienholder as a satisfaction. If the
25 application for certificate shows the name of a first
26 lienholder different from the name of the first lienholder as
27 shown by the records of the department, the certificate may
28 not be issued to any person until after all parties who appear
29 to hold a lien and the applicant for the certificate have been
30 notified of the conflict in writing by the department by
31 certified mail. If the parties do not amicably resolve the

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

1 application as the first lienholder if there are liens shown
2 in the application or thereafter filed. A duplicate
3 certificate or corrected certificate shall show only the lien
4 or liens as shown in the application and any subsequently
5 filed liens that may be outstanding.

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

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

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

25 (b) Following satisfaction of a lien, the lienholder
26 shall enter a satisfaction thereof in the space provided on
27 the face of the certificate of title. If the certificate of
28 title was retained by the owner, the owner shall, within 5
29 days after satisfaction of the lien, deliver the certificate
30 of title to the lienholder and the lienholder shall enter a
31 satisfaction thereof in the space provided on the face of the

1 certificate of title. If no subsequent liens are shown on the
2 certificate of title, the certificate shall be delivered by
3 the lienholder to the person satisfying the lien or
4 encumbrance and an executed satisfaction on a form provided by
5 the department shall be forwarded to the department by the
6 lienholder within 10 days after satisfaction of the lien.

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

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

1 (6) When the original certificate of title cannot be
2 returned to the department by the lienholder and evidence
3 satisfactory to the department is produced that all liens or
4 encumbrances have been satisfied, upon application by the
5 owner for a duplicate copy of the certificate upon the form
6 prescribed by the department, accompanied by the fee
7 prescribed in this chapter, a duplicate copy of the
8 certificate of title, without statement of liens or
9 encumbrances, shall be issued by the department and delivered
10 to the owner.

11 (7) Any person who fails, within 10 days after receipt
12 of a demand by the department by certified mail, to return a
13 certificate of title to the department as required by
14 subsection (4) or who, upon satisfaction of a lien, fails
15 within 10 days after receipt of such demand to forward the
16 appropriate document to the department as required by
17 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of
18 the second degree, punishable as provided in s. 775.082 or s.
19 775.073.

20 (8) Notwithstanding any requirements in this section
21 or in s. 319.27 indicating that a lien on a vehicle shall be
22 noted on the face of the Florida certificate of title, if
23 there are one or more liens or encumbrances on the off-highway
24 vehicle, the department may electronically transmit the lien
25 to the first lienholder and notify the first lienholder of any
26 additional liens. Subsequent lien satisfactions may be
27 electronically transmitted to the department and must include
28 the name and address of the person or entity satisfying the
29 lien. When electronic transmission of liens and lien
30 satisfactions are used, the issuance of a certificate of title
31

1 may be waived until the last lien is satisfied and a clear
2 certificate of title is issued to the owner of the vehicle.

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

5 Section 19. Section 317.0015, Florida Statutes, is
6 created to read:

7 317.0015 Application of law.--Sections 319.235,
8 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
9 off-highway vehicles that are required to be titled under this
10 chapter.

11 Section 20. Section 317.0016, Florida Statutes, is
12 created to read:

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

31

1 Section 21. Section 317.0017, Florida Statutes, is
2 created to read:

3 317.0017 Offenses involving vehicle identification
4 numbers, applications, certificates, papers; penalty.--

5 (1) A person may not:

6 (a) Alter or forge any certificate of title to an
7 off-highway vehicle or any assignment thereof or any
8 cancellation of any lien on an off-highway vehicle.

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

11 (c) Procure or attempt to procure a certificate of
12 title to an off-highway vehicle, or pass or attempt to pass a
13 certificate of title or any assignment thereof to an
14 off-highway vehicle, knowing or having reason to believe that
15 the off-highway vehicle has been stolen.

16 (d) Possess, sell or offer for sale, conceal, or
17 dispose of in this state an off-highway vehicle, or major
18 component part thereof, on which any motor number or vehicle
19 identification number affixed by the manufacturer or by a
20 state agency has been destroyed, removed, covered, altered, or
21 defaced, with knowledge of such destruction, removal,
22 covering, alteration, or defacement, except as provided in s.
23 319.30(4).

24 (e) Use a false or fictitious name, give a false or
25 fictitious address, or make any false statement in any
26 application or affidavit required under this chapter or in a
27 bill of sale or sworn statement of ownership or otherwise
28 commit a fraud in any application.

29 (2) A person may not knowingly obtain goods, services,
30 credit, or money by means of an invalid, duplicate,
31 fictitious, forged, counterfeit, stolen, or unlawfully

1 obtained certificate of title, registration, bill of sale, or
2 other indicia of ownership of an off-highway vehicle.

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

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

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

29 (6) A person who violates any provision of this
30 section commits a felony of the third degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084. Any

1 off-highway vehicle used in violation of this section
2 constitutes contraband that may be seized by a law enforcement
3 agency and that is subject to forfeiture proceedings pursuant
4 to ss. 932.701-932.704. This section is not exclusive of any
5 other penalties prescribed by any existing or future laws for
6 the larceny or unauthorized taking of off-highway vehicles,
7 but is supplementary thereto.

8 Section 22. Section 317.0018, Florida Statutes, is
9 created to read:

10 317.0018 Transfer without delivery of certificate;
11 operation or use without certificate; failure to surrender;
12 other violations.--Except as otherwise provided in this
13 chapter, any person who:

14 (1) Purports to sell or transfer an off-highway
15 vehicle without delivering to the purchaser or transferee of
16 the vehicle a certificate of title to the vehicle duly
17 assigned to the purchaser as provided in this chapter;

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

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

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

31

1 (5) Violates any other provision of this chapter or a
2 lawful rule adopted pursuant to this chapter,
3
4 shall be fined not more than \$500 or imprisoned for not more
5 than 6 months, or both, for each offense.

6 Section 23. Subsection (7) of section 318.14, Florida
7 Statutes, is amended to read:

8 318.14 Noncriminal traffic infractions; exception;
9 procedures.--

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

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

25 Section 24. Effective July 1, 2004, subsection (2) of
26 section 318.15, Florida Statutes, as amended by section 98 of
27 chapter 2003-402, Laws of Florida, is amended to read:

28 318.15 Failure to comply with civil penalty or to
29 appear; penalty.--

30 (2) After suspension of the driver's license and
31 privilege to drive of a person under subsection (1), the

1 license and privilege may not be reinstated until the person
2 complies with all obligations and penalties imposed on him or
3 her under s. 318.18 and presents to a driver license office a
4 certificate of compliance issued by the court, together with a
5 nonrefundable service fee of up to \$37.50 imposed under s.
6 322.29, or pays the aforementioned service fee of up to \$37.50
7 to the clerk of the court or tax collector clearing such
8 suspension. If the fee is collected by the clerk of the court,
9 \$10 of the fee shall be remitted to the Department of Revenue
10 for deposit into the Highway Safety Operating Trust Fund. If
11 the fee is collected by the tax collector, \$10 of the fee
12 shall be remitted to the Department of Highway Safety and
13 Motor Vehicles for deposit into the Highway Safety Operating
14 Trust Fund.Such person shall also be in compliance with
15 requirements of chapter 322 prior to reinstatement.

16 Section 25. Subsection (6) of section 319.23, Florida
17 Statutes, is amended to read:

18 319.23 Application for, and issuance of, certificate
19 of title.--

20 (6) In the case of the sale of a motor vehicle or
21 mobile home by a licensed dealer to a general purchaser, the
22 certificate of title shall be obtained in the name of the
23 purchaser by the dealer upon application signed by the
24 purchaser, and in each other case such certificate shall be
25 obtained by the purchaser. In each case of transfer of a
26 motor vehicle or mobile home, the application for certificate
27 of title, or corrected certificate, or assignment or
28 reassignment, shall be filed within 30 days from the delivery
29 of such motor vehicle or mobile home to the purchaser. An
30 applicant shall be required to pay a fee of \$10, in addition
31 to all other fees and penalties required by law, for failing

1 to file such application within the specified time. When a
2 licensed dealer acquires a motor vehicle or mobile home as a
3 trade-in, the dealer must file with the department a notice of
4 sale signed by the seller. The department shall update its
5 database for that title record to indicate "sold."A licensed
6 dealer need not apply for a certificate of title for any motor
7 vehicle or mobile home in stock acquired for stock purposes
8 except as provided in s. 319.225.

9 Section 26. Subsections (2) and (3) of section 319.27,
10 Florida Statutes, are amended to read:

11 319.27 Notice of lien on motor vehicles or mobile
12 homes; notation on certificate; recording of lien.--

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

1 title for the subject motor vehicle or mobile home prior to
2 the occurrence of the subsequent transaction. Provided the
3 provisions of this subsection relating to a nonpossessory
4 statutory lienor; a nonpossessory execution, attachment, or
5 equitable lienor; or the interest of a lien creditor as
6 defined in s. 679.1021(1)(zz)~~s. 679.301(3)~~ shall not apply to
7 liens validly perfected prior to October 1, 1988. The notice
8 of lien shall provide the following information:

9 (a) The date of the lien if a security agreement,
10 retain title contract, conditional bill of sale, chattel
11 mortgage, or other similar instrument was executed prior to
12 the filing of the notice of lien;

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

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

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

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

23 (b) As applied to a determination of the respective
24 rights of a secured party under this chapter and a lien
25 creditor as defined by s. 679.1021(1)(zz)~~s. 679.301(3)~~, or a
26 nonpossessory statutory lienor, a security interest under this
27 chapter shall be perfected upon the filing of the notice of
28 lien with the department, the county tax collector, or their
29 agents. Provided, however, the date of perfection of a
30 security interest of such secured party shall be the same date
31 as the execution of the security agreement or other similar

1 instrument if the notice of lien is filed in accordance with
2 this subsection within 15 days after the debtor receives
3 possession of the motor vehicle or mobile home and executes
4 such security agreement or other similar instrument. The date
5 of filing of the notice of lien shall be the date of its
6 receipt by the department central office in Tallahassee, if
7 first filed there, or otherwise by the office of the county
8 tax collector, or their agents.

9 Section 27. Section 320.0601, Florida Statutes, is
10 amended to read:

11 320.0601 Lease and rental car companies;
12 identification of vehicles as for-hire.--

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

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

19 (a) "Bumper stickers, insignias, or advertising" does
20 not include:

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

25 2. Any license required by the law of the state in
26 which the vehicle is registered.

27 (b) "Rent in this state" means to sign a rental
28 contract in this state or to deliver a car to a renter in this
29 state.

30
31

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

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

7 Section 28. Section 320.0605, Florida Statutes, is
8 amended to read:

9 320.0605 Certificate of registration; possession
10 required; exception.--The registration certificate or an
11 official copy thereof, a true copy of a rental or lease
12 agreement issued for a motor vehicle or issued for a
13 replacement vehicle in the same registration period, a
14 temporary receipt printed upon self-initiated electronic
15 renewal of a registration via the Internet, or a cab card
16 issued for a vehicle registered under the International
17 Registration Plan shall, at all times while the vehicle is
18 being used or operated on the roads of this state, be in the
19 possession of the operator thereof or be carried in the
20 vehicle for which issued and shall be exhibited upon demand of
21 any authorized law enforcement officer or any agent of the
22 department, except for a vehicle registered under s. 320.0657.

23 The provisions of this section do not apply during the first
24 30 days after purchase of a replacement vehicle. A violation
25 of this section is a noncriminal traffic infraction,
26 punishable as a nonmoving violation as provided in chapter
27 318.

28 Section 29. Subsection (8) is added to section
29 320.131, Florida Statutes, to read:

30 320.131 Temporary tags.--

31

1 (8) The department may administer an electronic system
2 for licensed motor vehicle dealers to use in issuing temporary
3 tags. Upon issuing a temporary tag, the dealer shall access
4 the electronic system and enter the appropriate vehicle and
5 owner information within the timeframe specified by department
6 rule. If a dealer fails to comply with the department's
7 requirements for issuing temporary tags using the electronic
8 system, the department may deny, suspend, or revoke a license
9 under s. 320.27(9)(b)16. upon proof that the licensee has
10 failed to comply with the department's requirements.

11 Section 30. Subsection (1) of section 320.18, Florida
12 Statutes, is amended to read:

13 320.18 Withholding registration.--

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

1 canceled license plate or fuel-use tax decal until the tax
2 liability, penalty, and interest specified in chapter 207, the
3 license tax, or the fuel-use decal fee, and applicable
4 administrative fees have been paid for by certified funds.

5 Section 31. Paragraph (a) of subsection (4),
6 subsection (6), and paragraph (b) of subsection (9) of section
7 320.27, Florida Statutes, are amended to read:

8 320.27 Motor vehicle dealers.--

9 (4) LICENSE CERTIFICATE.--

10 (a) A license certificate shall be issued by the
11 department in accordance with such application when the
12 application is regular in form and in compliance with the
13 provisions of this section. The license certificate may be in
14 the form of a document or a computerized card as determined by
15 the department. The actual cost of each original, additional,
16 or replacement computerized card shall be borne by the
17 licensee and is in addition to the fee for licensure. Such
18 license, when so issued, entitles the licensee to carry on and
19 conduct the business of a motor vehicle dealer. Each license
20 issued to a franchise motor vehicle dealer expires annually on
21 December 31 unless revoked or suspended prior to that date.
22 Each license issued to an independent or wholesale dealer or
23 auction expires annually on April 30 unless revoked or
24 suspended prior to that date. Not less than 60 days prior to
25 the license expiration date, the department shall deliver or
26 mail to each licensee the necessary renewal forms. Each
27 independent dealer shall certify that the dealer principal
28 (owner, partner, officer of the corporation, or director) has
29 completed 8 hours of continuing education prior to filing the
30 renewal forms with the department. Such certification shall be
31 filed once every 2 years commencing with the 2006 renewal

1 period. The continuing education shall include at least 2
2 hours of legal or legislative issues, 1 hour of department
3 issues, and 5 hours of relevant motor vehicle industry topics.
4 Continuing education shall be provided by dealer schools
5 licensed under paragraph (b) either in a classroom setting or
6 by correspondence. Such schools shall provide certificates of
7 completion to the department and the customer which shall be
8 filed with the license renewal form, and such schools may
9 charge a fee for providing continuing education.Any licensee
10 who does not file his or her application and fees and any
11 other requisite documents, as required by law, with the
12 department at least 30 days prior to the license expiration
13 date shall cease to engage in business as a motor vehicle
14 dealer on the license expiration date. A renewal filed with
15 the department within 45 days after the expiration date shall
16 be accompanied by a delinquent fee of \$100. Thereafter, a new
17 application is required, accompanied by the initial license
18 fee. A license certificate duly issued by the department may
19 be modified by endorsement to show a change in the name of the
20 licensee, provided, as shown by affidavit of the licensee, the
21 majority ownership interest of the licensee has not changed or
22 the name of the person appearing as franchisee on the sales
23 and service agreement has not changed. Modification of a
24 license certificate to show any name change as herein provided
25 shall not require initial licensure or reissuance of dealer
26 tags; however, any dealer obtaining a name change shall
27 transact all business in and be properly identified by that
28 name. All documents relative to licensure shall reflect the
29 new name. In the case of a franchise dealer, the name change
30 shall be approved by the manufacturer, distributor, or
31 importer. A licensee applying for a name change endorsement

1 shall pay a fee of \$25 which fee shall apply to the change in
2 the name of a main location and all additional locations
3 licensed under the provisions of subsection (5). Each initial
4 license application received by the department shall be
5 accompanied by verification that, within the preceding 6
6 months, the applicant, or one or more of his or her designated
7 employees, has attended a training and information seminar
8 conducted by a licensed motor vehicle dealer training school
9 ~~the department~~. Such seminar shall include, but is not limited
10 to, statutory dealer requirements, which requirements include
11 required bookkeeping and recordkeeping procedures,
12 requirements for the collection of sales and use taxes, and
13 such other information that in the opinion of the department
14 will promote good business practices. No seminar may exceed 8
15 hours in length.

16 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
17 shall keep a book or record in such form as shall be
18 prescribed or approved by the department for a period of 5
19 years, in which the licensee shall keep a record of the
20 purchase, sale, or exchange, or receipt for the purpose of
21 sale, of any motor vehicle, the date upon which any temporary
22 tag was issued, the date of title transfer, and a description
23 of such motor vehicle together with the name and address of
24 the seller, the purchaser, and the alleged owner or other
25 person from whom such motor vehicle was purchased or received
26 or to whom it was sold or delivered, as the case may be. Such
27 description shall include the identification or engine number,
28 maker's number, if any, chassis number, if any, and such other
29 numbers or identification marks as may be thereon and shall
30 also include a statement that a number has been obliterated,
31 defaced, or changed, if such is the fact.

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

2 (b) The department may deny, suspend, or revoke any
3 license issued hereunder or under the provisions of s. 320.77
4 or s. 320.771 upon proof that a licensee has committed, with
5 sufficient frequency so as to establish a pattern of
6 wrongdoing on the part of a licensee, violations of one or
7 more of the following activities:

8 1. Representation that a demonstrator is a new motor
9 vehicle, or the attempt to sell or the sale of a demonstrator
10 as a new motor vehicle without written notice to the purchaser
11 that the vehicle is a demonstrator. For the purposes of this
12 section, a "demonstrator," a "new motor vehicle," and a "used
13 motor vehicle" shall be defined as under s. 320.60.

14 2. Unjustifiable refusal to comply with a licensee's
15 responsibility under the terms of the new motor vehicle
16 warranty issued by its respective manufacturer, distributor,
17 or importer. However, if such refusal is at the direction of
18 the manufacturer, distributor, or importer, such refusal shall
19 not be a ground under this section.

20 3. Misrepresentation or false, deceptive, or
21 misleading statements with regard to the sale or financing of
22 motor vehicles which any motor vehicle dealer has, or causes
23 to have, advertised, printed, displayed, published,
24 distributed, broadcast, televised, or made in any manner with
25 regard to the sale or financing of motor vehicles.

26 4. Failure by any motor vehicle dealer to provide a
27 customer or purchaser with an odometer disclosure statement
28 and a copy of any bona fide written, executed sales contract
29 or agreement of purchase connected with the purchase of the
30 motor vehicle purchased by the customer or purchaser.

31

1 5. Failure of any motor vehicle dealer to comply with
2 the terms of any bona fide written, executed agreement,
3 pursuant to the sale of a motor vehicle.

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

6 7. Use of the dealer license identification number by
7 any person other than the licensed dealer or his or her
8 designee.

9 8. Failure to continually meet the requirements of the
10 licensure law.

11 9. Representation to a customer or any advertisement
12 to the public representing or suggesting that a motor vehicle
13 is a new motor vehicle if such vehicle lawfully cannot be
14 titled in the name of the customer or other member of the
15 public by the seller using a manufacturer's statement of
16 origin as permitted in s. 319.23(1).

17 10. Requirement by any motor vehicle dealer that a
18 customer or purchaser accept equipment on his or her motor
19 vehicle which was not ordered by the customer or purchaser.

20 11. Requirement by any motor vehicle dealer that any
21 customer or purchaser finance a motor vehicle with a specific
22 financial institution or company.

23 12. Requirement by any motor vehicle dealer that the
24 purchaser of a motor vehicle contract with the dealer for
25 physical damage insurance.

26 13. Perpetration of a fraud upon any person as a
27 result of dealing in motor vehicles, including, without
28 limitation, the misrepresentation to any person by the
29 licensee of the licensee's relationship to any manufacturer,
30 importer, or distributor.

31

1 14. Violation of any of the provisions of s. 319.35 by
2 any motor vehicle dealer.

3 15. Sale by a motor vehicle dealer of a vehicle
4 offered in trade by a customer prior to consummation of the
5 sale, exchange, or transfer of a newly acquired vehicle to the
6 customer, unless the customer provides written authorization
7 for the sale of the trade-in vehicle prior to delivery of the
8 newly acquired vehicle.

9 16. Willful failure to comply with any administrative
10 rule adopted by the department or the provisions of s.
11 320.131(8).

12 17. Violation of chapter 319, this chapter, or ss.
13 559.901-559.9221, which has to do with dealing in or repairing
14 motor vehicles or mobile homes. Additionally, in the case of
15 used motor vehicles, the willful violation of the federal law
16 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
17 to the consumer sales window form.

18 Section 32. Subsections (1) and (9) of section
19 320.8249, Florida Statutes, are amended to read:

20 320.8249 Mobile home installers license.--

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

27 (9) A ~~No~~ licensed person or ~~nor~~ licensed applicant may
28 not shall:

29 (a) Obtain a mobile home installers license by fraud
30 or misrepresentation.

31

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

5 (c) Violate any lawful order of the department or any
6 other law of this state, including any provision of chapter
7 319 or this chapter.

8 (d) Commit fraud or deceit in the practice of
9 contracting.

10 (e) Commit incompetence or misconduct in the practice
11 of contracting.

12 (f) Commit gross negligence, repeated negligence, or
13 negligence resulting in a significant danger to life or
14 property.

15 (g) Commit violations of the installation standards
16 for mobile homes or manufactured homes contained in rules
17 15C-1 and 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida
18 Administrative Code.

19 Section 33. Subsections (4) and (10) of section
20 322.05, Florida Statutes, are amended to read:

21 322.05 Persons not to be licensed.--The department may
22 not issue a license:

23 (4) Except as provided by this subsection, to any
24 person, as a Class A licensee, Class B licensee, or Class C
25 licensee, ~~or Class D licensee~~, who is under the age of 18
26 years. ~~A person age 16 or 17 years who applies for a Class D~~
27 ~~driver's license is subject to all the requirements and~~
28 ~~provisions of paragraphs (2)(a) and (b) and ss. 322.09 and~~
29 ~~322.16(2) and (3). The department may require of any such~~
30 ~~applicant for a Class D driver's license such examination of~~
31 ~~the qualifications of the applicant as the department~~

1 ~~considers proper, and the department may limit the use of any~~
2 ~~license granted as it considers proper.~~

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

9 Section 34. Paragraph (a) of subsection (1) and
10 paragraphs (b) and (c) of subsection (2) of section 322.051,
11 Florida Statutes, are amended, and subsection (8) is added to
12 that section, to read:

13 322.051 Identification cards.--

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

19 (a) Each such application shall include the following
20 information regarding the applicant:

- 21 1. Full name (first, middle or maiden, and last),
22 gender, social security card number, county of residence and
23 mailing address, country of birth, and a brief description.
- 24 2. Proof of birth date satisfactory to the department.
- 25 3. Proof of identity satisfactory to the department.

26 Such proof must include one of the following documents issued
27 to the applicant:

- 28 a. A driver's license record or identification card
29 record from another jurisdiction that required the applicant
30 to submit a document for identification which is substantially
31 similar to a document required under sub-subparagraph b.,

1 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
2 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;
3 b. A certified copy of a United States birth
4 certificate;
5 c. A ~~valid~~ United States passport;
6 d. A naturalization certificate issued by the United
7 States Department of Justice;
8 e.d. An alien registration receipt card (green card);
9 f.e. An employment authorization card issued by the
10 United States Department of Justice; or
11 g.f. Proof of nonimmigrant classification provided by
12 the United States Department of Justice, for an original
13 identification card. In order to prove such nonimmigrant
14 classification, applicants may produce but are not limited to
15 the following documents:
16 (I) A notice of hearing from an immigration court
17 scheduling a hearing on any proceeding.
18 (II) A notice from the Board of Immigration Appeals
19 acknowledging pendency of an appeal.
20 (III) Notice of the approval of an application for
21 adjustment of status issued by the United States Immigration
22 and Naturalization Service.
23 (IV) Any official documentation confirming the filing
24 of a petition for asylum status or any other relief issued by
25 the United States Immigration and Naturalization Service.
26 (V) Notice of action transferring any pending matter
27 from another jurisdiction to Florida, issued by the United
28 States Immigration and Naturalization Service.
29 (VI) Order of an immigration judge or immigration
30 officer granting any relief that authorizes the alien to live
31

1 and work in the United States including, but not limited to
2 asylum.

3

4 Presentation of any of the ~~foregoing~~ documents described in
5 sub-subparagraph f. or sub-subparagraph g. entitles shall
6 ~~entitle~~ the applicant to an identification card ~~a driver's~~
7 ~~license or temporary permit~~ for a period not to exceed the
8 expiration date of the document presented or 2 years,
9 whichever first occurs.

10 (2)

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

20 (c) Notwithstanding any other provisions of this
21 chapter, if an applicant establishes his or her identity for
22 an identification card using an identification document
23 authorized under sub-subparagraph (1)(a)3.f. or
24 sub-subparagraph (1)(a)3.g. ~~sub-subparagraphs (a)3.e.-f.~~, the
25 identification card shall expire 2 years after the date of
26 issuance or upon the expiration date cited on the United
27 States Department of Justice documents, whichever date first
28 occurs, and may not be renewed or obtain a duplicate except in
29 person.

30 (8) The department shall, upon receipt of the required
31 fee, issue to each qualified applicant for an identification

1 card a color photographic or digital image identification card
2 bearing a fullface photograph or digital image of the
3 identification cardholder. Notwithstanding chapter 761 or s.
4 761.05, the requirement for a fullface photograph or digital
5 image of the identification cardholder may not be waived. A
6 space shall be provided upon which the identification
7 cardholder shall affix his or her usual signature, as required
8 in s. 322.14, in the presence of an authorized agent of the
9 department so as to ensure that such signature becomes a part
10 of the identification card.

11 Section 35. Subsections (2) and (3) of section 322.07,
12 Florida Statutes, are amended to read:

13 322.07 Instruction permits and temporary licenses.--

14 (2) The department may, in its discretion, issue a
15 temporary permit to an applicant for a ~~Class D or~~ Class E
16 driver's license permitting him or her to operate a motor
17 vehicle of the type for which a ~~Class D or~~ Class E driver's
18 license is required while the department is completing its
19 investigation and determination of all facts relative to such
20 applicant's right to receive a driver's license. Such permit
21 must be in his or her immediate possession while operating a
22 motor vehicle, and it shall be invalid when the applicant's
23 license has been issued or for good cause has been refused.

24 (3) Any person who, except for his or her lack of
25 instruction in operating a ~~Class D or~~ commercial motor
26 vehicle, would otherwise be qualified to obtain a ~~Class D or~~
27 commercial driver's license under this chapter, may apply for
28 a ~~temporary Class D or~~ temporary commercial instruction
29 permit. The department shall issue such a permit entitling the
30 applicant, while having the permit in his or her immediate
31

1 possession, to drive a ~~Class D or~~ commercial motor vehicle on
2 the highways, provided that:

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

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

10 Section 36. Subsection (2) of section 322.08, Florida
11 Statutes, is amended to read:

12 322.08 Application for license.--

13 (2) Each such application shall include the following
14 information regarding the applicant:

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

18 (b) Proof of birth date satisfactory to the
19 department.

20 (c) Proof of identity satisfactory to the department.
21 Such proof must include one of the following documents issued
22 to the applicant:

23 1. A driver's license record or identification card
24 record from another jurisdiction that required the applicant
25 to submit a document for identification which is substantially
26 similar to a document required under subparagraph 2.,
27 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
28 subparagraph 6., or subparagraph 7.;

29 2. A certified copy of a United States birth
30 certificate;

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

1 4. A naturalization certificate issued by the United
2 States Department of Justice;
3 ~~5.4.~~ An alien registration receipt card (green card);
4 ~~6.5.~~ An employment authorization card issued by the
5 United States Department of Justice; or
6 ~~7.6.~~ Proof of nonimmigrant classification provided by
7 the United States Department of Justice, for an original
8 driver's license. In order to prove nonimmigrant
9 classification, an applicant may produce the following
10 documents, including, but not limited to:
11 a. A notice of hearing from an immigration court
12 scheduling a hearing on any proceeding.
13 b. A notice from the Board of Immigration Appeals
14 acknowledging pendency of an appeal.
15 c. A notice of the approval of an application for
16 adjustment of status issued by the United States Immigration
17 and Naturalization Service.
18 d. Any official documentation confirming the filing of
19 a petition for asylum status or any other relief issued by the
20 United States Immigration and Naturalization Service.
21 e. A notice of action transferring any pending matter
22 from another jurisdiction to this state issued by the United
23 States Immigration and Naturalization Service.
24 f. An order of an immigration judge or immigration
25 officer granting any relief that authorizes the alien to live
26 and work in the United States, including, but not limited to,
27 asylum.
28
29 Presentation of any of the documents in subparagraph 6. or
30 subparagraph 7. entitles the applicant to a driver's license
31 or temporary permit for a period not to exceed the expiration

1 date of the document presented or 2 years, whichever occurs
2 first.

3 (d) Whether the applicant has previously been licensed
4 to drive, and, if so, when and by what state, and whether any
5 such license or driving privilege has ever been disqualified,
6 revoked, or suspended, or whether an application has ever been
7 refused, and, if so, the date of and reason for such
8 disqualification, suspension, revocation, or refusal.

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

11 Section 37. Subsection (3) of section 322.12, Florida
12 Statutes, is amended to read:

13 322.12 Examination of applicants.--

14 (3) For an applicant for a ~~Class D or a~~ Class E
15 driver's license, such examination shall include a test of the
16 applicant's eyesight given by the driver's license examiner
17 designated by the department or by a licensed ophthalmologist,
18 optometrist, or physician and a test of the applicant's
19 hearing given by a driver's license examiner or a licensed
20 physician. The examination shall also include a test of the
21 applicant's ability to read and understand highway signs
22 regulating, warning, and directing traffic; his or her
23 knowledge of the traffic laws of this state, including laws
24 regulating driving under the influence of alcohol or
25 controlled substances, driving with an unlawful blood-alcohol
26 level, and driving while intoxicated; and his or her knowledge
27 of the effects of alcohol and controlled substances upon
28 persons and the dangers of driving a motor vehicle while under
29 the influence of alcohol or controlled substances and shall
30 include an actual demonstration of ability to exercise
31

1 ordinary and reasonable control in the operation of a motor
2 vehicle.

3 Section 38. Subsections (1) and (4) of section
4 322.135, Florida Statutes, are amended, and subsection (9) is
5 added to that section, to read:

6 322.135 Driver's license agents.--

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

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

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

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

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

29 (9) Notwithstanding chapter 116, each county officer
30 within this state who is authorized to collect funds provided
31 for in this chapter shall pay all sums officially received by

1 the officer into the State Treasury no later than 5 working
2 days after the close of the business day in which the officer
3 received the funds. Payment by county officers to the state
4 shall be made by means of electronic funds transfers.

5 Section 39. Subsection (1) of section 322.142, Florida
6 Statutes, is amended to read:

7 322.142 Color photographic or digital imaged
8 licenses.--

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

20 Section 40. Paragraph (a) of subsection (1) and
21 subsection (2) of section 322.161, Florida Statutes, are
22 amended to read:

23 322.161 High-risk drivers; restricted licenses.--

24 (1)(a) Notwithstanding any provision of law to the
25 contrary, the department shall restrict the driving privilege
26 of any ~~Class D or~~ Class E licensee who is age 15 through 17
27 and who has accumulated six or more points pursuant to s.
28 318.14, excluding parking violations, within a 12-month
29 period.

30 ~~(2)(a) Any Class E licensee who is age 15 through 17~~
31 ~~and who has accumulated six or more points pursuant to s.~~

1 ~~318.14, excluding parking violations, within a 12-month period~~
2 ~~shall not be eligible to obtain a Class D license for a period~~
3 ~~of no less than 1 year. The period of ineligibility shall~~
4 ~~begin on the date of conviction for the violation that results~~
5 ~~in the licensee's accumulation of six or more points.~~

6 ~~(b) The period of ineligibility shall automatically~~
7 ~~expire after 1 year if the licensee does not accumulate any~~
8 ~~additional points. If the licensee accumulates any additional~~
9 ~~points, then the period of ineligibility shall be extended 90~~
10 ~~days for each point. The period of ineligibility shall also~~
11 ~~automatically expire upon the licensee's 18th birthday if no~~
12 ~~other grounds for ineligibility exist.~~

13 Section 41. Subsection (3) of section 322.17, Florida
14 Statutes, is amended to read:

15 322.17 Duplicate and replacement certificates.--

16 (3) Notwithstanding any other provisions of this
17 chapter, if a licensee establishes his or her identity for a
18 driver's license using an identification document authorized
19 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5.-6.~~, the
20 licensee may not obtain a duplicate or replacement instruction
21 permit or driver's license except in person and upon
22 submission of an identification document authorized under s.
23 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5.-6.~~

24 Section 42. Subsections (2) and (4) of section 322.18,
25 Florida Statutes, are amended to read:

26 322.18 Original applications, licenses, and renewals;
27 expiration of licenses; delinquent licenses.--

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

31

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

5 (b) An applicant applying for a renewal issuance or
6 renewal extension shall be issued a driver's license or
7 renewal extension sticker which expires at midnight on the
8 licensee's birthday which next occurs 4 years after the month
9 of expiration of the license being renewed, except that a
10 driver whose driving record reflects no convictions for the
11 preceding 3 years shall be issued a driver's license or
12 renewal extension sticker which expires at midnight on the
13 licensee's birthday which next occurs 6 years after the month
14 of expiration of the license being renewed.

15 (c) Notwithstanding any other provision of this
16 chapter, if an applicant establishes his or her identity for a
17 driver's license using a document authorized under s.
18 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the driver's license shall
19 expire in accordance with paragraph (b). After an initial
20 showing of such documentation, he or she is exempted from
21 having to renew or obtain a duplicate in person.

22 (d) Notwithstanding any other provision of this
23 chapter, if applicant establishes his or her identity for a
24 driver's license using a document authorized in s.
25 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the driver's
26 license shall expire 2 ~~4~~ years after the date of issuance or
27 upon the expiration date cited on the United States Department
28 of Justice documents, whichever date first occurs.

29 (e) Notwithstanding any other provision of this
30 chapter, an applicant applying for an original or renewal
31 issuance of a commercial driver's license as defined in s.

1 322.01(7), with a hazardous-materials endorsement, pursuant to
2 s. 322.57(1)(d), shall be issued a driver's license that
3 expires at midnight on the licensee's birthday that next
4 occurs 4 years after the month of expiration of the license
5 being issued or renewed.

6 (4)(a) Except as otherwise provided in this chapter,
7 all licenses shall be renewable every 4 years or 6 years,
8 depending upon the terms of issuance and shall be issued or
9 extended upon application, payment of the fees required by s.
10 322.21, and successful passage of any required examination,
11 unless the department has reason to believe that the licensee
12 is no longer qualified to receive a license.

13 (b) Notwithstanding any other provision of this
14 chapter, if an applicant establishes his or her identity for a
15 driver's license using a document authorized under s.
16 322.08(2)(c)5.~~s. 322.08(2)(c)4.~~, the license, upon an initial
17 showing of such documentation, is exempted from having to
18 renew or obtain a duplicate in person, unless the renewal or
19 duplication coincides with the periodic reexamination of a
20 driver as required pursuant to s. 322.121.

21 (c) Notwithstanding any other provision of this
22 chapter, if a licensee establishes his or her identity for a
23 driver's license using an identification document authorized
24 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)5. or 6.~~, the
25 licensee may not renew the driver's license except in person
26 and upon submission of an identification document authorized
27 under s. 322.08(2)(c)6. or 7.~~s. 322.08(2)(c)4.-6.~~ A driver's
28 license renewed under this paragraph expires 4 years after the
29 date of issuance or upon the expiration date cited on the
30 United States Department of Justice documents, whichever date
31 first occurs.

1 Section 43. Subsection (4) of section 322.19, Florida
2 Statutes, is amended to read:

3 322.19 Change of address or name.--

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

11 Section 44. Subsection (1) of section 322.21, Florida
12 Statutes, is amended to read:

13 322.21 License fees; procedure for handling and
14 collecting fees.--

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

16 (a) An original or renewal commercial driver's license
17 is \$50, which shall include the fee for driver education
18 provided by s. 1003.48; however, if an applicant has completed
19 training and is applying for employment or is currently
20 employed in a public or nonpublic school system that requires
21 the commercial license, the fee shall be the same as for a
22 Class E driver's license. A delinquent fee of \$1 shall be
23 added for a renewal made not more than 12 months after the
24 license expiration date.

25 (b) An original ~~Class D or~~ Class E driver's license is
26 \$20, which shall include the fee for driver's education
27 provided by s. 1003.48; however, if an applicant has completed
28 training and is applying for employment or is currently
29 employed in a public or nonpublic school system that requires
30 a commercial driver license, the fee shall be the same as for
31 a Class E license.

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

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

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

12 (f) A hazardous-materials endorsement, as required by
13 s. 322.57(1)(d), shall be set by the department by rule and
14 shall reflect the cost of the required criminal history check,
15 including the cost of the state and federal fingerprint check,
16 and the cost to the department of providing and issuing the
17 license. The fee shall not exceed \$100. This fee shall be
18 deposited in the Highway Safety Operating Trust Fund.

19 Section 45. Subsection (1) of section 322.22, Florida
20 Statutes, is amended to read:

21 322.22 Authority of department to cancel license.--

22 (1) The department is authorized to cancel any
23 driver's license, upon determining that the licensee was not
24 entitled to the issuance thereof, or that the licensee failed
25 to give the required or correct information in his or her
26 application or committed any fraud in making such application,
27 or that the licensee has two or more licenses on file with the
28 department, each in a different name but bearing the
29 photograph of the licensee, unless the licensee has complied
30 with the requirements of this chapter in obtaining the
31 licenses. The department may cancel any driver's license,

1 identification card, vehicle or vessel registration, or
2 fuel-use decal if the licensee fails to pay the correct fee or
3 pays for the driver's license, identification card, vehicle
4 or vessel registration, or fuel-use decal; pays any tax
5 liability, penalty, or interest specified in chapter 207;or
6 pays any administrative, delinquency, or reinstatement fee by
7 a dishonored check.

8 Section 46. Subsections (4) and (5) of section
9 322.251, Florida Statutes, are amended to read:

10 322.251 Notice of cancellation, suspension,
11 revocation, or disqualification of license.--

12 (4) A person whose privilege to operate a commercial
13 motor vehicle is temporarily disqualified may, upon
14 surrendering his or her commercial driver's license, be issued
15 a ~~Class D~~ or Class E driver's license, valid for the length of
16 his or her unexpired commercial driver's license, at no cost.
17 Such person may, upon the completion of his or her
18 disqualification, be issued a commercial driver's license, of
19 the type disqualified, for the remainder of his or her
20 unexpired license period. Any such person shall pay the
21 reinstatement fee provided in s. 322.21 before being issued a
22 commercial driver's license.

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

30 Section 47. Subsection (2) of section 322.2615,
31 Florida Statutes, is amended to read:

1 322.2615 Suspension of license; right to review.--
2 (2) Except as provided in paragraph (1)(a), the law
3 enforcement officer shall forward to the department, within 5
4 days after the date of the arrest, a copy of the notice of
5 suspension, the driver's license of the person arrested, and a
6 report of the arrest, including an affidavit stating the
7 officer's grounds for belief that the person arrested was in
8 violation of s. 316.193; the results of any breath or blood
9 test or an affidavit stating that a breath, blood, or urine
10 test was requested by a law enforcement officer or
11 correctional officer and that the person arrested refused to
12 submit; a copy of the citation issued to the person arrested;
13 and the officer's description of the person's field sobriety
14 test, if any. The failure of the officer to submit materials
15 within the 5-day period specified in this subsection and in
16 subsection (1) shall not affect the department's ability to
17 consider any evidence submitted at or prior to the hearing.
18 The department shall review the materials submitted by the law
19 enforcement officer to determine whether the materials comply
20 with applicable statutes, rules, and policies, and the
21 department shall inform the law enforcement officer when a
22 deficiency exists so that the deficiency may be corrected
23 prior to the hearing.The officer may also submit a copy of a
24 videotape of the field sobriety test or the attempt to
25 administer such test.

26 Section 48. Subsection (3) of section 322.2616,
27 Florida Statutes, is amended to read:

28 322.2616 Suspension of license; persons under 21 years
29 of age; right to review.--

30 (3) The law enforcement officer shall forward to the
31 department, within 5 days after the date of the issuance of

1 the notice of suspension, a copy of the notice of suspension,
2 the driver's license of the person receiving the notice of
3 suspension, and an affidavit stating the officer's grounds for
4 belief that the person was under the age of 21 and was driving
5 or in actual physical control of a motor vehicle with any
6 blood-alcohol or breath-alcohol level, and the results of any
7 blood or breath test or an affidavit stating that a breath
8 test was requested by a law enforcement officer or
9 correctional officer and that the person refused to submit to
10 such test. The failure of the officer to submit materials
11 within the 5-day period specified in this subsection does not
12 bar the department from considering any materials submitted at
13 or before the hearing. The department shall review the
14 materials submitted by the law enforcement officer to
15 determine whether the materials comply with applicable
16 statutes, rules, and policies, and the department shall inform
17 the law enforcement officer when a deficiency exists so that
18 the deficiency may be corrected prior to the hearing.

19 Section 49. Section 322.30, Florida Statutes, is
20 amended to read:

21 322.30 No operation under foreign license during
22 suspension, revocation, or disqualification in this state.--

23 (1) Any resident or nonresident whose driver's license
24 or right or privilege to operate a motor vehicle in this state
25 has been suspended, revoked, or disqualified as provided in
26 this chapter, shall not operate a motor vehicle in this state
27 under a license, permit, or registration certificate issued by
28 any other jurisdiction or otherwise during such suspension,
29 revocation, or disqualification until a new license is
30 obtained.

31

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

5 Section 50. Subsections (4), (5), and (6) of section
6 322.53, Florida Statutes, are amended to read:

7 322.53 License required; exemptions.--

8 ~~(4) A resident who is exempt from obtaining a
9 commercial driver's license pursuant to paragraph (2)(a) or
10 paragraph (2)(c) and who drives a commercial motor vehicle
11 must obtain a Class D driver's license endorsed to authorize
12 the operation of the particular type of vehicle for which his
13 or her exemption is granted.~~

14 (4)(5) A resident who is exempt from obtaining a
15 commercial driver's license pursuant to paragraph (2)(b),
16 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
17 drive a commercial motor vehicle pursuant to the exemption
18 granted in paragraph (2)(b), paragraph (2)(d), paragraph
19 (2)(e), or paragraph (2)(f) if he or she possesses a valid
20 ~~Class D or~~ Class E driver's license or a military license.

21 (5)(6) The department shall adopt rules and enter into
22 necessary agreements with other jurisdictions to provide for
23 the operation of commercial vehicles by nonresidents pursuant
24 to the exemption granted in subsection (2).

25 Section 51. Subsection (2) of section 322.54, Florida
26 Statutes, is amended to read:

27 322.54 Classification.--

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

31

1 (a) Any person who drives a motor vehicle combination
2 having a gross vehicle weight rating, a declared weight, or an
3 actual weight, whichever is greatest, of 26,001 pounds or more
4 must possess a valid Class A driver's license, provided the
5 gross vehicle weight rating, declared weight, or actual
6 weight, whichever is greatest, of the vehicle being towed is
7 more than 10,000 pounds. Any person who possesses a valid
8 Class A driver's license may, subject to the appropriate
9 restrictions and endorsements, drive any class of motor
10 vehicle within this state.

11 (b) Any person, except a person who possesses a valid
12 Class A driver's license, who drives a motor vehicle having a
13 gross vehicle weight rating, a declared weight, or an actual
14 weight, whichever is greatest, of 26,001 pounds or more must
15 possess a valid Class B driver's license. Any person, except
16 a person who possesses a valid Class A driver's license, who
17 drives such vehicle towing a vehicle having a gross vehicle
18 weight rating, a declared weight, or an actual weight,
19 whichever is greatest, of 10,000 pounds or less must possess a
20 valid Class B driver's license. Any person who possesses a
21 valid Class B driver's license may, subject to the appropriate
22 restrictions and endorsements, drive any class of motor
23 vehicle, other than the type of motor vehicle for which a
24 Class A driver's license is required, within this state.

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

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

14 ~~(d) Any person, except a person who possesses a valid~~
15 ~~Class A, valid Class B, or valid Class C driver's license, who~~
16 ~~drives a truck or a truck tractor having a gross vehicle~~
17 ~~weight rating, a declared weight, or an actual weight,~~
18 ~~whichever is greatest, of 8,000 pounds or more but less than~~
19 ~~26,001 pounds, or which has a width of more than 80 inches~~
20 ~~must possess a valid Class D driver's license. Any person who~~
21 ~~possesses a valid Class D driver's license may, subject to the~~
22 ~~appropriate restrictions and endorsements, drive any type of~~
23 ~~motor vehicle, other than the type of motor vehicle for which~~
24 ~~a Class A, Class B, or Class C driver's license is required,~~
25 ~~within this state.~~

26 (d)(e) Any person, except a person who possesses a
27 valid Class A, valid Class B, or valid Class C, ~~or valid Class~~
28 ~~D~~ driver's license, who drives a motor vehicle must possess a
29 valid Class E driver's license. Any person who possesses a
30 valid Class E driver's license may, subject to the appropriate
31 restrictions and endorsements, drive any type of motor

1 vehicle, other than the type of motor vehicle for which a
2 Class A, Class B, or Class C, ~~or Class D~~ driver's license is
3 required, within this state.

4 Section 52. Subsections (1) and (2) of section 322.57,
5 Florida Statutes, are amended to read:

6 322.57 Tests of knowledge concerning specified
7 vehicles; endorsement; nonresidents; violations.--

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

10 (a) Drives a double or triple trailer must
11 successfully complete a test of his or her knowledge
12 concerning the safe operation of such vehicles.

13 (b) Drives a passenger vehicle must successfully
14 complete a test of his or her knowledge concerning the safe
15 operation of such vehicles and a test of his or her driving
16 skill in such a vehicle.

17 (c) Drives a school bus must successfully complete a
18 test of his or her knowledge concerning the safe operation of
19 such vehicles and a test of his or her driving skill in such a
20 vehicle.

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

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

1 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
2 materials must successfully complete the tests required in
3 paragraphs(d)~~(c)~~and(e)~~(d)~~so that the department may
4 issue a single endorsement permitting him or her to operate
5 such tank vehicle.

6 (g)~~(f)~~ Drives a motorcycle must successfully complete
7 a test of his or her knowledge concerning the safe operation
8 of such vehicles and a test of his or her driving skills on
9 such vehicle. A person who successfully completes such tests
10 shall be issued an endorsement if he or she is licensed to
11 drive another type of motor vehicle. A person who
12 successfully completes such tests and who is not licensed to
13 drive another type of motor vehicle shall be issued a Class E
14 driver's license that is clearly restricted to motorcycle use
15 only.

16 (2) Before driving or operating any vehicle listed in
17 subsection (1), a person must obtain an endorsement on his or
18 her driver's license. An endorsement under paragraph (a),
19 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
20 or paragraph (f)of subsection (1) shall be issued only to
21 persons who possess a valid Class A, valid Class B, or valid
22 Class C driver's license. ~~A person who drives a motor vehicle~~
23 ~~or motor vehicle combination that requires an endorsement~~
24 ~~under this subsection and who drives a motor vehicle or motor~~
25 ~~vehicle combination having a gross vehicle weight rating, a~~
26 ~~declared weight, or an actual weight, whichever is greatest,~~
27 ~~of less than 26,000 pounds shall be issued a Class C driver's~~
28 ~~license that is clearly restricted to the operation of a motor~~
29 ~~vehicle or motor vehicle combination of less than 26,000~~
30 ~~pounds.~~

31

1 Section 53. Paragraph (a) of subsection (1) of section
2 322.58, Florida Statutes, is amended to read:

3 322.58 Holders of chauffeur's licenses; effect of
4 classified licensure.--

5 (1) In order to provide for the classified licensure
6 of commercial motor vehicle drivers, the department shall
7 require persons who have valid chauffeur's licenses to report
8 on or after April 1, 1991, to the department for classified
9 licensure, according to a schedule developed by the
10 department.

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

15 Section 54. Subsections (1), (2), (3), and (7) of
16 section 322.61, Florida Statutes, are amended, and subsections
17 (4) and (5) of that section are reenacted, to read:

18 322.61 Disqualification from operating a commercial
19 motor vehicle.--

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

1 convictions result in the suspension, revocation, or
2 cancellation of the licenseholder's driving privilege:

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

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

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

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

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

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

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

17 (h) Following too closely, as defined in s. 316.0895; ~~-~~

18 (i) Driving a commercial vehicle without obtaining a
19 commercial driver's license;

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

22 (k) Driving a commercial vehicle without the proper
23 class of commercial driver's license or without the proper
24 endorsement.

25 (2) Any person who, within a 3-year period, is
26 convicted of three serious traffic violations specified in
27 subsection (1) or any combination thereof, arising in separate
28 incidents committed in a commercial motor vehicle shall, in
29 addition to any other applicable penalties, including, but not
30 limited to, the penalty provided in subsection (1), be
31 disqualified from operating a commercial motor vehicle for a

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

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

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

18 (b) Driving a commercial motor vehicle while the
19 alcohol concentration of his or her blood, breath, or urine is
20 .04 percent or higher;

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

23 (d) Using a commercial motor vehicle in the commission
24 of a felony;

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

27 (f) Refusing to submit to a test to determine his or
28 her alcohol concentration while driving a commercial motor
29 vehicle; ~~-~~

30 (g) Driving a commercial vehicle while the
31 licenseholder's commercial driver's license is suspended,

1 revoked, or canceled or while the licenseholder is
2 disqualified from driving a commercial vehicle; or

3 (h) Causing a fatality through the negligent operation
4 of a commercial motor vehicle.

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

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

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

22 Section 55. Subsection (1) and paragraph (a) of
23 subsection (3) of section 322.63, Florida Statutes, are
24 amended to read:

25 322.63 Alcohol or drug testing; commercial motor
26 vehicle operators.--

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

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

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

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

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

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

24 Section 56. Subsection (2) of section 322.64, Florida
25 Statutes, is amended to read:

26 322.64 Holder of commercial driver's license; driving
27 with unlawful blood-alcohol level; refusal to submit to
28 breath, urine, or blood test.--

29 (2) Except as provided in paragraph (1)(a), the law
30 enforcement officer shall forward to the department, within 5
31 days after the date of the arrest or the issuance of the

1 notice of disqualification, whichever is later, a copy of the
2 notice of disqualification, the driver's license of the person
3 arrested, and a report of the arrest, including, if
4 applicable, an affidavit stating the officer's grounds for
5 belief that the person arrested was in violation of s.
6 316.193; the results of any breath or blood test or an
7 affidavit stating that a breath, blood, or urine test was
8 requested by a law enforcement officer or correctional officer
9 and that the person arrested refused to submit; a copy of the
10 citation issued to the person arrested; and the officer's
11 description of the person's field sobriety test, if any. The
12 failure of the officer to submit materials within the 5-day
13 period specified in this subsection or subsection (1) shall
14 not affect the department's ability to consider any evidence
15 submitted at or prior to the hearing. The department shall
16 review the materials submitted by the law enforcement officer
17 to determine whether the materials comply with applicable
18 statutes, rules, and policies, and the department shall inform
19 the law enforcement officer when a deficiency exists so that
20 the deficiency may be corrected prior to the hearing.The
21 officer may also submit a copy of a videotape of the field
22 sobriety test or the attempt to administer such test.

23 Section 57. Paragraphs (c) and (f) of subsection (13)
24 of section 713.78, Florida Statutes, are amended to read:

25 713.78 Liens for recovering, towing, or storing
26 vehicles and vessels.--

27 (13)

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

31

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

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

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

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

14
15 If the registered owner's dispute of a wrecker operator's lien
16 complies with one of these criteria, the department shall
17 immediately remove the registered owner's name from the list
18 of those persons who may not be issued a license plate or
19 revalidation sticker for any motor vehicle under s. 320.03(8),
20 thereby allowing issuance of a license plate or revalidation
21 sticker. If the vehicle, vessel, or mobile home is owned
22 jointly by more than one person, each registered owner must
23 dispute the wrecker operator's lien in order to be removed
24 from the list. However, the department shall deny any dispute
25 and maintain the registered owner's name on the list of those
26 persons who may not be issued a license plate or revalidation
27 sticker for any motor vehicle under s. 320.03(8) if the
28 wrecker operator has provided the department with a certified
29 copy of the judgment of a court which orders the registered
30 owner to pay the wrecker operator's lien claimed under this
31 section. In such a case, the amount of the wrecker operator's

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

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

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

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

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

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

1 Section 58. Subsection (1) of section 832.06, Florida
2 Statutes, is amended to read:

3 832.06 Prosecution for worthless checks given tax
4 collector for licenses or taxes; refunds.--

5 (1) Whenever any person, firm, or corporation violates
6 the provisions of s. 832.05 by drawing, making, uttering,
7 issuing, or delivering to any county tax collector any check,
8 draft, or other written order on any bank or depository for
9 the payment of money or its equivalent for any tag, title,
10 lien, tax (except ad valorem taxes), penalty, or fee relative
11 to a boat, airplane, motor vehicle, driver license, or
12 identification card; any occupational license, beverage
13 license, or sales or use tax; or any hunting or fishing
14 license, the county tax collector, after the exercise of due
15 diligence to locate the person, firm, or corporation which
16 drew, made, uttered, issued, or delivered the check, draft, or
17 other written order for the payment of money, or to collect
18 the same by the exercise of due diligence and prudence, shall
19 swear out a complaint in the proper court against the person,
20 firm, or corporation for the issuance of the worthless check
21 or draft. If the state attorney cannot sign the information
22 due to lack of proof, as determined by the state attorney in
23 good faith, ~~for a prima facie case in court, or, if the amount~~
24 of the worthless check is \$150 or less, he or she shall issue
25 a certificate so stating to the tax collector. If payment of
26 the dishonored check, draft, or other written order, together
27 with ~~court~~ costs expended, is not received in full by the
28 county tax collector within 30 days after service of the
29 warrant, 30 days after conviction, or 60 days after the
30 collector swears out the complaint or receives the certificate
31 of the state attorney, whichever is first, the county tax

1 collector shall make a written report to this effect to the
2 Department of Highway Safety and Motor Vehicles relative to
3 motor vehicles and vessels, to the Department of Revenue
4 relative to occupational licenses and the sales and use tax,
5 to the Division of Alcoholic Beverages and Tobacco of the
6 Department of Business and Professional Regulation relative to
7 beverage licenses, or to the Fish and Wildlife Conservation
8 Commission relative to hunting and fishing licenses,
9 containing a statement of the amount remaining unpaid on the
10 worthless check or draft. If the information is not signed,
11 the certificate of the state attorney is issued, and the
12 written report of the amount remaining unpaid is made, the
13 county tax collector may request the sum be forthwith refunded
14 by the appropriate governmental entity, agency, or department.
15 If a warrant has been issued and served, he or she shall
16 certify to that effect, together with the court costs and
17 amount remaining unpaid on the check. The county tax collector
18 may request that the sum of money certified by him or her be
19 forthwith refunded by the Department of Highway Safety and
20 Motor Vehicles, the Department of Revenue, the Division of
21 Alcoholic Beverages and Tobacco of the Department of Business
22 and Professional Regulation, or the Fish and Wildlife
23 Conservation Commission to the county tax collector. Within 30
24 days after receipt of the request, the Department of Highway
25 Safety and Motor Vehicles, the Department of Revenue, the
26 Division of Alcoholic Beverages and Tobacco of the Department
27 of Business and Professional Regulation, or the Fish and
28 Wildlife Conservation Commission, upon being satisfied as to
29 the correctness of the certificate of the tax collector, or
30 the report, shall refund to the county tax collector the sums
31 of money so certified or reported. If any officer of any court

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

1 Section 59. Except as otherwise expressly provided in
2 this act, this act shall take effect October 1, 2004.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS for SB 1526

7 The CS:

- 8 1. Provides a penalty for a person who drives a vehicle
9 through a railroad-highway grade crossing that does not
10 have sufficient space or sufficient undercarriage
11 clearance to drive completely through the crossing
without stopping. A violation of this provision is a
noncriminal traffic infraction, punishable as a moving
violation as provided in Chapter 318.
- 12 2. Raises the minimum speed limit on an interstate highway
13 from 40 miles per hour to 50 miles per hour when the
posted speed limit is 70 miles per hour.
- 14 3. Authorizes the use of agricultural tractors, agricultural
15 implements attached to a towing power unit not exceeding
16 130 inches in width, or a self propelled agricultural
implement or agricultural tractor not exceeding 130
17 inches in width for the purpose of transporting farm
products.
- 18 4. Requires motor vehicle dealer principals to provide
19 certification of completing 8 hours of continuing
20 education prior to filing license renewal forms with the
Department of Highway Safety and Motor Vehicles (HSMV);
21 such certification must be filed once every 2 years
beginning in 2006. The continuing education must include
22 2 hours of legal or legislative issues, 1 hour of
department issues and 5 hours of relevant motor vehicle
23 industry topics. The continuing education must be
provided by a dealer school licensed under section
24 320.74(4)(b) either in a classroom or by
correspondence. Dealer schools must provide completion
25 certificates to both HSMV and the customer and the
schools are authorized to charge a fee for providing
continuing education.
- 26 5. Authorizes a municipality to enter into an interlocal
27 agreement with a county to transfer traffic regulatory
28 authority over areas within a municipality to a county.
29
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31