

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;  
12          reenacting s. 318.14(9), F.S., relating to  
13          citation procedures and proceedings, to  
14          incorporate the amendment to s. 322.61, F.S.,  
15          in references thereto; amending s. 318.15,  
16          F.S.; providing for disposition of fees;  
17          amending s. 319.23, F.S.; requiring a licensed  
18          motor vehicle dealer to notify the Department  
19          of Highway Safety and Motor Vehicles of a motor  
20          vehicle or mobile home taken as a trade-in;  
21          requiring the department to update its title  
22          record; amending s. 319.27, F.S.; correcting an  
23          obsolete cross-reference; amending s. 320.0601,  
24          F.S.; requiring that a transaction of a  
25          long-term leased motor vehicle be registered in  
26          the name of the lessee; amending s. 320.0605,  
27          F.S.; exempting a vehicle registered as a fleet  
28          vehicle from the requirement that the  
29          certificate of registration be carried in the  
30          vehicle at all times; amending s. 320.131,  
31          F.S.; authorizing the department to provide for

1 an electronic system for motor vehicle dealers  
2 to use in issuing temporary tags; providing a  
3 penalty; amending s. 320.18, F.S.; authorizing  
4 the department to cancel the vehicle or vessel  
5 registration, driver's license, or  
6 identification card of a person who pays  
7 certain fees or penalties with a dishonored  
8 check; amending s. 320.27, F.S.; requiring  
9 dealer principals to provide certification of  
10 completing continuing education under certain  
11 circumstances; requiring motor vehicle dealers  
12 to maintain records for a specified period;  
13 providing certain penalties; amending s.  
14 320.8249, F.S.; providing penalties for certain  
15 unlawful acts by a mobile home installer;  
16 amending s. 322.05, F.S.; removing requirements  
17 for Class D driver's license; amending s.  
18 322.051, F.S.; revising provisions relating to  
19 the application for an identification card;  
20 providing that the requirement for a fullface  
21 photograph or digital image on an  
22 identification card may not be waived under ch.  
23 761, F.S.; amending s. 322.07, F.S.; removing  
24 requirements for Class D driver's license;  
25 amending s. 322.08, F.S.; providing that a  
26 United States passport is an acceptable proof  
27 of identity for purposes of obtaining a  
28 driver's license; providing that a  
29 naturalization certificate issued by the United  
30 States Department of Justice is an acceptable  
31 proof of identity for such purpose; providing

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

1 identification card, vehicle or vessel  
2 registration, or fuel-use decal of a licensee  
3 who pays certain fees or penalties with a  
4 dishonored check; amending s. 322.251, F.S.;  
5 removing requirements for Class D driver's  
6 license; amending ss. 322.2615 and 322.2616,  
7 F.S.; requiring the Department of Highway  
8 Safety and Motor Vehicles to inform law  
9 enforcement officers of deficiencies under  
10 certain circumstances; amending s. 322.292,  
11 F.S.; requiring all DUI education courses to be  
12 conducted in a classroom with interaction among  
13 offenders and an instructor; amending s.  
14 322.30, F.S.; removing the requirements for  
15 Class D driver's license; amending s. 322.53,  
16 F.S.; removing requirements for Class D  
17 driver's license; removing a requirement that  
18 certain operators of a commercial motor vehicle  
19 obtain a specified license; amending s. 322.54,  
20 F.S.; deleting the requirement for Class D  
21 driver's license; amending s. 322.57, F.S.;  
22 providing testing requirements for school bus  
23 drivers; amending s. 322.58, F.S.; deleting  
24 requirements for Class D driver's license and  
25 changing those requirements to Class E driver's  
26 license; amending and reenacting s. 322.61,  
27 F.S.; specifying additional violations that  
28 disqualify a person from operating a commercial  
29 motor vehicle; providing penalties; removing  
30 requirements for Class D driver's license;  
31 amending s. 322.63, F.S.; clarifying provisions

1 governing alcohol and drug testing for  
2 commercial motor vehicle operators; amending s.  
3 322.64, F.S.; requiring the Department of  
4 Highway Safety and Motor Vehicles to inform law  
5 enforcement officers of deficiencies under  
6 certain circumstances; reenacting s.  
7 322.64(14), F.S., relating to citation  
8 procedures and proceedings, to incorporate the  
9 amendment to s. 322.61, F.S., in references  
10 thereto; amending s. 713.78, F.S.; revising  
11 provisions relating to the placement of a  
12 wrecker operator's lien against a motor  
13 vehicle; amending s. 832.06, F.S.; allowing  
14 worthless checks of \$150 or less to be  
15 processed differently by tax collectors;  
16 providing effective dates.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (6) of section 261.03, Florida  
21 Statutes, is amended and subsection (11) is added to that  
22 section, to read:

23 261.03 Definitions.--As used in this chapter, the  
24 term:

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

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

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

3 261.05 Duties and responsibilities of the Off-Highway  
4 Vehicle Recreation Advisory Committee.--

5 (2) The advisory committee shall study and make  
6 recommendations to the Governor and the Legislature ~~department~~  
7 regarding off-highway vehicle safety and training and  
8 education programs in the operation of such vehicles and shall  
9 provide a report to the Governor and the Legislature by  
10 January 1, 2005.

11 Section 3. Subsection (84) is added to section  
12 316.003, Florida Statutes, to read:

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

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

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

23 316.006 Jurisdiction.--Jurisdiction to control traffic  
24 is vested as follows:

25 (2) MUNICIPALITIES.--

26 (a) Chartered municipalities shall have original  
27 jurisdiction over all streets and highways located within  
28 their boundaries, except state roads, and may place and  
29 maintain such traffic control devices which conform to the  
30 manual and specifications of the Department of Transportation  
31 upon all streets and highways under their original



1 jurisdiction as they shall deem necessary to indicate and to  
2 carry out the provisions of this chapter or to regulate, warn,  
3 or guide traffic.

4 (b) A municipality may exercise jurisdiction over any  
5 private road or roads, or over any limited access road or  
6 roads owned or controlled by a special district, located  
7 within its boundaries if the municipality and party or parties  
8 owning or controlling such road or roads provide, by written  
9 agreement approved by the governing body of the municipality,  
10 for municipal traffic control jurisdiction over the road or  
11 roads encompassed by such agreement. Pursuant thereto:

12 1. Provision for reimbursement for actual costs of  
13 traffic control and enforcement and for liability insurance  
14 and indemnification by the party or parties, and such other  
15 terms as are mutually agreeable, may be included in such an  
16 agreement.

17 2. The exercise of jurisdiction provided for herein  
18 shall be in addition to jurisdictional authority presently  
19 exercised by municipalities under law, and nothing in this  
20 paragraph shall be construed to limit or remove any such  
21 jurisdictional authority. Such jurisdiction includes  
22 regulation of access to such road or roads by security devices  
23 or personnel.

24 3. Any such agreement may provide for the installation  
25 of multiparty stop signs by the parties controlling the roads  
26 covered by the agreement if a determination is made by such  
27 parties that the signage will enhance traffic safety.  
28 Multiparty stop signs must conform to the manual and  
29 specifications of the Department of Transportation; however,  
30 minimum traffic volumes may not be required for the  
31

1 installation of such signage. Enforcement for the signs shall  
2 be as provided in s. 316.123.

3 (c) Notwithstanding other provisions of law to the  
4 contrary, a municipality may, by interlocal agreement with a  
5 county, agree to transfer traffic regulatory authority over  
6 areas within the municipality to the county.

7  
8 This subsection shall not limit those counties which have the  
9 charter powers to provide and regulate arterial, toll, and  
10 other roads, bridges, tunnels, and related facilities from the  
11 proper exercise of those powers by the placement and  
12 maintenance of traffic control devices which conform to the  
13 manual and specifications of the Department of Transportation  
14 on streets and highways located within municipal boundaries.

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

17 316.0775 Interference with official traffic control  
18 devices or railroad signs or signals.--

19 (1) A No person may not shall, without lawful  
20 authority, attempt to or in fact alter, deface, injure, knock  
21 down, or remove any official traffic control device or any  
22 railroad sign or signal or any inscription, shield, or  
23 insignia thereon, or any other part thereof. A violation of  
24 this subsection ~~section~~ is a criminal violation pursuant to s.  
25 318.17 and shall be punishable as set forth in s. 806.13  
26 related to criminal mischief and graffiti, beginning on or  
27 after July 1, 2000.

28 (2) A person may not, without lawful authority,  
29 possess or use any traffic signal preemption device as defined  
30 under s. 316.003. A person who violates this subsection  
31 commits a moving violation, punishable as provided in chapter

1 318 and shall have 4 points assessed against his or her  
2 driver's license as set forth in s. 322.27.

3 Section 6. Section 316.122, Florida Statutes, is  
4 amended to read:

5 316.122 Vehicle turning left.--The driver of a vehicle  
6 intending to turn to the left within an intersection or into  
7 an alley, private road, or driveway shall yield the  
8 right-of-way to any vehicle approaching from the opposite  
9 direction, or vehicles lawfully passing on the left of the  
10 turning vehicle, which is within the intersection or so close  
11 thereto as to constitute an immediate hazard. A violation of  
12 this section is a noncriminal traffic infraction, punishable  
13 as a moving violation as provided in chapter 318.

14 Section 7. Section 316.1576, Florida Statutes, is  
15 created to read:

16 316.1576 Insufficient clearance at a railroad-highway  
17 grade crossing.--

18 (1) A person may not drive any vehicle through a  
19 railroad-highway grade crossing that does not have sufficient  
20 space to drive completely through the crossing without  
21 stopping.

22 (2) A person may not drive any vehicle through a  
23 railroad-highway grade crossing that does not have sufficient  
24 undercarriage clearance to drive completely through the  
25 crossing without stopping.

26 (3) A violation of this section is a noncriminal  
27 traffic infraction, punishable as a moving violation as  
28 provided in chapter 318.

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

31 316.183 Unlawful speed.--

1           (2) On all streets or highways, the maximum speed  
2 limits for all vehicles must be 30 miles per hour in business  
3 or residence districts, and 55 miles per hour at any time at  
4 all other locations. However, with respect to a residence  
5 district, a county or municipality may set a maximum speed  
6 limit of 20 or 25 miles per hour on local streets and highways  
7 after an investigation determines that such a limit is  
8 reasonable. It is not necessary to conduct a separate  
9 investigation for each residence district. The minimum speed  
10 limit on all highways that comprise a part of the National  
11 System of Interstate and Defense Highways and have not fewer  
12 than four lanes is 40 miles per hour, except that when the  
13 posted speed limit is 70 miles per hour, the minimum speed  
14 limit is 50 miles per hour.

15           Section 9. Paragraph (e) of subsection (1) of section  
16 316.1932, Florida Statutes, is amended to read:

17           316.1932 Tests for alcohol, chemical substances, or  
18 controlled substances; implied consent; refusal.--

19           (1)

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

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

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

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

3           316.194 Stopping, standing or parking outside of  
4 municipalities.--

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

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

19           1. Where such vehicle constitutes an obstruction of  
20 traffic;

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

25           3. Where an operative vehicle has been parked or  
26 stored on the public right-of-way for a period exceeding 10  
27 days, in other than designated parking areas, and is more than  
28 30 feet from the pavement edge. However, the agency removing  
29 such vehicle shall be required to report same to the  
30 Department of Highway Safety and Motor Vehicles within 24  
31 hours of such removal.

1           Section 11. Section 316.1967, Florida Statutes, is  
2 amended to read:

3           316.1967 Liability for payment of parking ticket  
4 violations and other parking violations.--

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

29           (2) Any person who is issued a county or municipal  
30 parking ticket by a parking enforcement specialist or officer  
31 is deemed to be charged with a noncriminal violation and shall

1 comply with the directions on the ticket. If payment is not  
2 received or a response to the ticket is not made within the  
3 time period specified thereon, the county court or its traffic  
4 violations bureau shall notify the registered owner of the  
5 vehicle that was cited, or the registered lessee when the  
6 cited vehicle is registered in the name of the person who  
7 leased the vehicle, by mail to the address given on the motor  
8 vehicle registration, of the ticket. Mailing the notice to  
9 this address constitutes notification. Upon notification, the  
10 registered owner or registered lessee shall comply with the  
11 court's directive.

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

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

26 (5) Any provision of subsections (2), (3), and (4) to  
27 the contrary notwithstanding, chapter 318 does not apply to  
28 violations of county parking ordinances and municipal parking  
29 ordinances.

30 (6) Any county or municipality may provide by  
31 ordinance that the clerk of the court or the traffic

1 violations bureau shall supply the department with a  
2 magnetically encoded computer tape reel or cartridge or send  
3 by other electronic means data which is machine readable by  
4 the installed computer system at the department, listing  
5 persons who have three or more outstanding parking violations,  
6 including violations of s. 316.1955. Each county shall provide  
7 by ordinance that the clerk of the court or the traffic  
8 violations bureau shall supply the department with a  
9 magnetically encoded computer tape reel or cartridge or send  
10 by other electronic means data that is machine readable by the  
11 installed computer system at the department, listing persons  
12 who have any outstanding violations of s. 316.1955 or any  
13 similar local ordinance that regulates parking in spaces  
14 designated for use by persons who have disabilities. The  
15 department shall mark the appropriate registration records of  
16 persons who are so reported. Section 320.03(8) applies to each  
17 person whose name appears on the list.

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

20 316.2074 All-terrain vehicles.--

21 (2) As used in this section, the term "all-terrain  
22 vehicle" means any motorized off-highway vehicle 50 inches or  
23 less in width, having a dry weight of 900 pounds or less,  
24 designed to travel on three or more low-pressure tires, having  
25 a seat designed to be straddled by the operator and handlebars  
26 for steering control, and intended for use by a single  
27 operator with no passenger. For the purposes of this section,  
28 "all-terrain vehicle" also includes any "two-rider ATV" as  
29 defined in s. 317.0003.

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



1           316.515 Maximum width, height, length.--  
2           (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
3 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
4 law, straight trucks, agricultural tractors, and cotton module  
5 movers, not exceeding 50 feet in length, or any combination of  
6 up to and including three implements of husbandry including  
7 the towing power unit, and any single agricultural trailer,  
8 with a load thereon, any agricultural implements attached to  
9 the towing power unit not exceeding 130 inches in width, or a  
10 self-propelled agricultural implement or an agricultural  
11 tractor not exceeding 130 inches in width is authorized for  
12 the purpose of transporting peanuts, grains, soybeans, cotton,  
13 hay, straw, or other perishable farm products from their point  
14 of production to the first point of change of custody or of  
15 long-term storage, and for the purpose of returning to such  
16 point of production or for the purpose of moving the tractors,  
17 movers, or implements from one point of agricultural  
18 production to another, by a person engaged in the production  
19 of any such product or custom hauler, if such vehicle or  
20 combination of vehicles otherwise complies with this section.  
21 Such vehicles shall be operated in accordance with all safety  
22 requirements prescribed by law and Department of  
23 Transportation rules. The Department of Transportation may  
24 issue overlength permits for cotton module movers greater than  
25 50 feet but not more than 55 feet in overall length.

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

28           316.650 Traffic citations.--

29           (9) Such citations shall not be admissible evidence in  
30 any trial, except when used as evidence of falsification,  
31 forgery, uttering, fraud, or perjury, or when used as physical

1 evidence resulting from a forensic examination of the  
2 citation.

3 Section 15. Subsection (6) of section 317.0003,  
4 Florida Statutes, is amended and subsection (9) is added to  
5 that section, to read:

6 317.0003 Definitions.--As used in ss.  
7 317.0001-317.0013, the term:

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

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

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

17 317.0007 Application for and issuance of certificate  
18 of title.--

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

28 Section 17. Subsection (2) of section 317.0008,  
29 Florida Statutes, is repealed.

30 Section 18. Section 317.0014, Florida Statutes, is  
31 created to read:

1           317.0014 Certificate of title; issuance in duplicate;  
2 delivery; liens and encumbrances.--

3           (1) The department shall assign a number to each  
4 certificate of title and shall issue each certificate of title  
5 and each corrected certificate in duplicate. The database  
6 record shall serve as the duplicate title certificate required  
7 in this section. One printed copy may be retained on file by  
8 the department.

9           (2) A duly authorized person shall sign the original  
10 certificate of title and each corrected certificate and, if  
11 there are no liens or encumbrances on the off-highway vehicle,  
12 as shown in the records of the department or as shown in the  
13 application, shall deliver the certificate to the applicant or  
14 to another person as directed by the applicant or person,  
15 agent, or attorney submitting the application. If there are  
16 one or more liens or encumbrances on the off-highway vehicle,  
17 the certificate shall be delivered by the department to the  
18 first lienholder as shown by department records or to the  
19 owner as indicated in the notice of lien filed by the first  
20 lienholder. If the notice of lien filed by the first  
21 lienholder indicates that the certificate should be delivered  
22 to the first lienholder, the department shall deliver to the  
23 first lienholder, along with the certificate, a form to be  
24 subsequently used by the lienholder as a satisfaction. If the  
25 notice of lien filed by the first lienholder directs the  
26 certificate of title to be delivered to the owner, then, upon  
27 delivery of the certificate of title by the department to the  
28 owner, the department shall deliver to the first lienholder  
29 confirmation of the receipt of the notice of lien and the date  
30 the certificate of title was issued to the owner at the  
31 owner's address shown on the notice of lien and a form to be

1 subsequently used by the lienholder as a satisfaction. If the  
2 application for certificate shows the name of a first  
3 lienholder different from the name of the first lienholder as  
4 shown by the records of the department, the certificate may  
5 not be issued to any person until after all parties who appear  
6 to hold a lien and the applicant for the certificate have been  
7 notified of the conflict in writing by the department by  
8 certified mail. If the parties do not amicably resolve the  
9 conflict within 10 days after the date the notice was mailed,  
10 the department shall serve notice in writing by certified mail  
11 on all persons appearing to hold liens on that particular  
12 vehicle, including the applicant for the certificate, to show  
13 cause within 15 days following the date the notice is mailed  
14 as to why it should not issue and deliver the certificate to  
15 the person indicated in the notice of lien filed by the  
16 lienholder whose name appears in the application as the first  
17 lienholder without showing any lien or liens as outstanding  
18 other than those appearing in the application or those that  
19 have been filed subsequent to the filing of the application  
20 for the certificate. If, within the 15-day period, any person  
21 other than the lienholder shown in the application or a party  
22 filing a subsequent lien, in answer to the notice to show  
23 cause, appears in person or by a representative, or responds  
24 in writing, and files a written statement under oath that his  
25 or her lien on that particular vehicle is still outstanding,  
26 the department may not issue the certificate to anyone until  
27 after the conflict has been settled by the lien claimants  
28 involved or by a court of competent jurisdiction. If the  
29 conflict is not settled amicably within 10 days after the  
30 final date for filing an answer to the notice to show cause,  
31 the complaining party shall have 10 days in which to obtain a

1 ruling, or a stay order, from a court of competent  
2 jurisdiction. If a ruling or stay order is not issued and  
3 served on the department within the 10-day period, it shall  
4 issue the certificate showing no liens except those shown in  
5 the application or thereafter filed to the original applicant  
6 if there are no liens shown in the application and none are  
7 thereafter filed, or to the person indicated in the notice of  
8 lien filed by the lienholder whose name appears in the  
9 application as the first lienholder if there are liens shown  
10 in the application or thereafter filed. A duplicate  
11 certificate or corrected certificate shall show only the lien  
12 or liens as shown in the application and any subsequently  
13 filed liens that may be outstanding.

14 (3) Except as provided in subsection (4), the  
15 certificate of title shall be retained by the first lienholder  
16 or the owner as indicated in the notice of lien filed by the  
17 first lienholder. If the first lienholder is in possession of  
18 the certificate, the first lienholder is entitled to retain  
19 the certificate until the first lien is satisfied.

20 (4) If the owner of the vehicle, as shown on the title  
21 certificate, desires to place a second or subsequent lien or  
22 encumbrance against the vehicle when the title certificate is  
23 in the possession of the first lienholder, the owner shall  
24 send a written request to the first lienholder by certified  
25 mail, and the first lienholder shall forward the certificate  
26 to the department for endorsement. If the title certificate is  
27 in the possession of the owner, the owner shall forward the  
28 certificate to the department for endorsement. The department  
29 shall return the certificate to either the first lienholder or  
30 to the owner, as indicated in the notice of lien filed by the  
31 first lienholder, after endorsing the second or subsequent

1 lien on the certificate and on the duplicate. If the first  
2 lienholder or owner fails, neglects, or refuses to forward the  
3 certificate of title to the department within 10 days after  
4 the date of the owner's request, the department, on the  
5 written request of the subsequent lienholder or an assignee of  
6 the lien, shall demand of the first lienholder the return of  
7 the certificate for the notation of the second or subsequent  
8 lien or encumbrance.

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

31

1 paragraph does not apply to electronic transactions under  
2 subsection (8).

3 (b) Following satisfaction of a lien, the lienholder  
4 shall enter a satisfaction thereof in the space provided on  
5 the face of the certificate of title. If the certificate of  
6 title was retained by the owner, the owner shall, within 5  
7 days after satisfaction of the lien, deliver the certificate  
8 of title to the lienholder and the lienholder shall enter a  
9 satisfaction thereof in the space provided on the face of the  
10 certificate of title. If no subsequent liens are shown on the  
11 certificate of title, the certificate shall be delivered by  
12 the lienholder to the person satisfying the lien or  
13 encumbrance and an executed satisfaction on a form provided by  
14 the department shall be forwarded to the department by the  
15 lienholder within 10 days after satisfaction of the lien.

16 (c) If the certificate of title shows a subsequent  
17 lien not then being discharged, an executed satisfaction of  
18 the first lien shall be delivered by the lienholder to the  
19 person satisfying the lien and the certificate of title  
20 showing satisfaction of the first lien shall be forwarded by  
21 the lienholder to the department within 10 days after  
22 satisfaction of the lien.

23 (d) If, upon receipt of a title certificate showing  
24 satisfaction of the first lien, the department determines from  
25 its records that there are no subsequent liens or encumbrances  
26 upon the vehicle, the department shall forward to the owner,  
27 as shown on the face of the title, a corrected certificate  
28 showing no liens or encumbrances. If there is a subsequent  
29 lien not being discharged, the certificate of title shall be  
30 reissued showing the second or subsequent lienholder as the  
31 first lienholder and shall be delivered to either the new

1 first lienholder or to the owner as indicated in the notice of  
2 lien filed by the new first lienholder. If the certificate of  
3 title is to be retained by the first lienholder on the  
4 reissued certificate, the first lienholder is entitled to  
5 retain the certificate of title except as provided in  
6 subsection (4) until his or her lien is satisfied. Upon  
7 satisfaction of the lien, the lienholder is subject to the  
8 procedures required of a first lienholder by subsection (4)  
9 and this subsection.

10 (6) When the original certificate of title cannot be  
11 returned to the department by the lienholder and evidence  
12 satisfactory to the department is produced that all liens or  
13 encumbrances have been satisfied, upon application by the  
14 owner for a duplicate copy of the certificate upon the form  
15 prescribed by the department, accompanied by the fee  
16 prescribed in this chapter, a duplicate copy of the  
17 certificate of title, without statement of liens or  
18 encumbrances, shall be issued by the department and delivered  
19 to the owner.

20 (7) Any person who fails, within 10 days after receipt  
21 of a demand by the department by certified mail, to return a  
22 certificate of title to the department as required by  
23 subsection (4) or who, upon satisfaction of a lien, fails  
24 within 10 days after receipt of such demand to forward the  
25 appropriate document to the department as required by  
26 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of  
27 the second degree, punishable as provided in s. 775.082 or s.  
28 775.083.

29 (8) Notwithstanding any requirements in this section  
30 or in s. 319.27 indicating that a lien on a vehicle shall be  
31 noted on the face of the Florida certificate of title, if



1 there are one or more liens or encumbrances on the off-highway  
2 vehicle, the department may electronically transmit the lien  
3 to the first lienholder and notify the first lienholder of any  
4 additional liens. Subsequent lien satisfactions may be  
5 electronically transmitted to the department and must include  
6 the name and address of the person or entity satisfying the  
7 lien. When electronic transmission of liens and lien  
8 satisfactions are used, the issuance of a certificate of title  
9 may be waived until the last lien is satisfied and a clear  
10 certificate of title is issued to the owner of the vehicle.

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

13 Section 19. Section 317.0015, Florida Statutes, is  
14 created to read:

15 317.0015 Application of law.--Sections 319.235,  
16 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all  
17 off-highway vehicles that are required to be titled under this  
18 chapter.

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

21 317.0016 Expedited service; applications; fees.--The  
22 department shall provide, through its agents and for use by  
23 the public, expedited service on title transfers, title  
24 issuances, duplicate titles, recordation of liens, and  
25 certificates of repossession. A fee of \$7 shall be charged for  
26 this service, which is in addition to the fees imposed by ss.  
27 317.0007 and 317.0008, and \$3.50 of this fee shall be retained  
28 by the processing agency. All remaining fees shall be  
29 deposited in the Incidental Trust Fund of the Division of  
30 Forestry of the Department of Agriculture and Consumer  
31 Services. Application for expedited service may be made by

1 mail or in person. The department shall issue each title  
2 applied for pursuant to this section within 5 working days  
3 after receipt of the application except for an application for  
4 a duplicate title certificate covered by s. 317.0008(3), in  
5 which case the title must be issued within 5 working days  
6 after compliance with the department's verification  
7 requirements.

8 Section 21. Section 317.0017, Florida Statutes, is  
9 created to read:

10 317.0017 Offenses involving vehicle identification  
11 numbers, applications, certificates, papers; penalty.--

12 (1) A person may not:

13 (a) Alter or forge any certificate of title to an  
14 off-highway vehicle or any assignment thereof or any  
15 cancellation of any lien on an off-highway vehicle.

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

18 (c) Procure or attempt to procure a certificate of  
19 title to an off-highway vehicle, or pass or attempt to pass a  
20 certificate of title or any assignment thereof to an  
21 off-highway vehicle, knowing or having reason to believe that  
22 the off-highway vehicle has been stolen.

23 (d) Possess, sell or offer for sale, conceal, or  
24 dispose of in this state an off-highway vehicle, or major  
25 component part thereof, on which any motor number or vehicle  
26 identification number affixed by the manufacturer or by a  
27 state agency has been destroyed, removed, covered, altered, or  
28 defaced, with knowledge of such destruction, removal,  
29 covering, alteration, or defacement, except as provided in s.  
30 319.30(4).

31

1           (e) Use a false or fictitious name, give a false or  
2 fictitious address, or make any false statement in any  
3 application or affidavit required under this chapter or in a  
4 bill of sale or sworn statement of ownership or otherwise  
5 commit a fraud in any application.

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

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

15           (4) A person may not knowingly and with intent to  
16 defraud have in his or her possession, sell, offer to sell,  
17 counterfeit, or supply a blank, forged, fictitious,  
18 counterfeit, stolen, or fraudulently or unlawfully obtained  
19 certificate of title, bill of sale, or other indicia of  
20 ownership of an off-highway vehicle or conspire to do any of  
21 the foregoing.

22           (5) A person, firm, or corporation may not knowingly  
23 possess, manufacture, sell or exchange, offer to sell or  
24 exchange, supply in blank, or give away any counterfeit  
25 manufacturer's or state-assigned identification number plates  
26 or serial plates or any decal used for the purpose of  
27 identifying an off-highway vehicle. An officer, agent, or  
28 employee of any person, firm, or corporation, or any person  
29 may not authorize, direct, aid in exchange, or give away, or  
30 conspire to authorize, direct, aid in exchange, or give away,  
31 such counterfeit manufacturer's or state-assigned

1 identification number plates or serial plates or any decal.  
2 However, this subsection does not apply to any approved  
3 replacement manufacturer's or state-assigned identification  
4 number plates or serial plates or any decal issued by the  
5 department or any state.

6 (6) A person who violates any provision of this  
7 section commits a felony of the third degree, punishable as  
8 provided in s. 775.082, s. 775.083, or s. 775.084. Any  
9 off-highway vehicle used in violation of this section  
10 constitutes contraband that may be seized by a law enforcement  
11 agency and that is subject to forfeiture proceedings pursuant  
12 to ss. 932.701-932.704. This section is not exclusive of any  
13 other penalties prescribed by any existing or future laws for  
14 the larceny or unauthorized taking of off-highway vehicles,  
15 but is supplementary thereto.

16 Section 22. Section 317.0018, Florida Statutes, is  
17 created to read:

18 317.0018 Transfer without delivery of certificate;  
19 operation or use without certificate; failure to surrender;  
20 other violations.--Except as otherwise provided in this  
21 chapter, any person who:

22 (1) Purports to sell or transfer an off-highway  
23 vehicle without delivering to the purchaser or transferee of  
24 the vehicle a certificate of title to the vehicle duly  
25 assigned to the purchaser as provided in this chapter;

26 (2) Operates or uses in this state an off-highway  
27 vehicle for which a certificate of title is required without  
28 the certificate having been obtained in accordance with this  
29 chapter, or upon which the certificate of title has been  
30 canceled;

31

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

4           (4) Fails to surrender the certificate of title to the  
5 department as provided in this chapter in the case of the  
6 destruction, dismantling, or change of an off-highway vehicle  
7 in such respect that it is not the off-highway vehicle  
8 described in the certificate of title; or

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

11  
12 shall be fined not more than \$500 or imprisoned for not more  
13 than 6 months, or both, for each offense, unless otherwise  
14 specified.

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

17           318.14 Noncriminal traffic infractions; exception;  
18 procedures.--

19           (7)(a) The official having jurisdiction over the  
20 infraction shall certify to the department within 10 days  
21 after payment of the civil penalty that the defendant has  
22 admitted to the infraction. If the charge results in a  
23 hearing, the official having jurisdiction shall certify to the  
24 department the final disposition within 10 days after ~~of~~ the  
25 hearing. All dispositions returned to the county requiring a  
26 correction shall be resubmitted to the department within 10  
27 days after the notification of the error.

28           (b) If the official having jurisdiction over the  
29 traffic infraction submits the final disposition to the  
30 department more than 180 days after the final hearing or after  
31 payment of the civil penalty, the department may modify any

1 resulting suspension or revocation action to begin as if the  
2 citation were reported in a timely manner.

3           Section 24. For the purpose of incorporating the  
4 amendment to section 322.61, Florida Statutes, in a reference  
5 thereto, subsection (9) of section 318.14, Florida Statutes,  
6 is reenacted to read:

7           318.14 Noncriminal traffic infractions; exception;  
8 procedures.--

9           (9) Any person who is cited for an infraction under  
10 this section other than a violation of s. 320.0605, s.  
11 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
12 s. 322.62 may, in lieu of a court appearance, elect to attend  
13 in the location of his or her choice within this state a basic  
14 driver improvement course approved by the Department of  
15 Highway Safety and Motor Vehicles. In such a case,  
16 adjudication must be withheld; points, as provided by s.  
17 322.27, may not be assessed; and the civil penalty that is  
18 imposed by s. 318.18(3) must be reduced by 18 percent;  
19 however, a person may not make an election under this  
20 subsection if the person has made an election under this  
21 subsection in the preceding 12 months. A person may make no  
22 more than five elections under this subsection. The  
23 requirement for community service under s. 318.18(8) is not  
24 waived by a plea of nolo contendere or by the withholding of  
25 adjudication of guilt by a court.

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

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

31

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

18           Section 26. Subsection (6) of section 319.23, Florida  
19 Statutes, is amended to read:

20           319.23 Application for, and issuance of, certificate  
21 of title.--

22           (6) In the case of the sale of a motor vehicle or  
23 mobile home by a licensed dealer to a general purchaser, the  
24 certificate of title shall be obtained in the name of the  
25 purchaser by the dealer upon application signed by the  
26 purchaser, and in each other case such certificate shall be  
27 obtained by the purchaser. In each case of transfer of a  
28 motor vehicle or mobile home, the application for certificate  
29 of title, or corrected certificate, or assignment or  
30 reassignment, shall be filed within 30 days from the delivery  
31 of such motor vehicle or mobile home to the purchaser. An

1 applicant shall be required to pay a fee of \$10, in addition  
2 to all other fees and penalties required by law, for failing  
3 to file such application within the specified time. When a  
4 licensed dealer acquires a motor vehicle or mobile home as a  
5 trade-in, the dealer must file with the department a notice of  
6 sale signed by the seller. The department shall update its  
7 database for that title record to indicate "sold."A licensed  
8 dealer need not apply for a certificate of title for any motor  
9 vehicle or mobile home in stock acquired for stock purposes  
10 except as provided in s. 319.225.

11 Section 27. Subsections (2) and (3) of section 319.27,  
12 Florida Statutes, are amended to read:

13 319.27 Notice of lien on motor vehicles or mobile  
14 homes; notation on certificate; recording of lien.--

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



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

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

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

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

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

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

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

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

11 Section 28. Section 320.0601, Florida Statutes, is  
12 amended to read:

13 320.0601 Lease and rental car companies;  
14 identification of vehicles as for-hire.--

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

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

21 (a) "Bumper stickers, insignias, or advertising" does  
22 not include:

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

27 2. Any license required by the law of the state in  
28 which the vehicle is registered.

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

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) All original and transfer transactions of  
5 long-term leased motor vehicles must be registered in the name  
6 of the lessee.

7           Section 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. 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 36. 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 37. 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 38. 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 39. 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 40. 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 41. 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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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 48. 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 49. 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 50. Paragraph (c) of subsection (2) of section  
20 322.292, Florida Statutes, is amended to read:

21 322.292 DUI programs supervision; powers and duties of  
22 the department.--

23 (2) The department shall adopt rules to implement its  
24 supervisory authority over DUI programs in accordance with the  
25 procedures of chapter 120, including the establishment of  
26 uniform standards of operation for DUI programs and the method  
27 for setting and approving fees, as follows:

28 (c) Implement procedures for the granting and revoking  
29 of licenses for DUI programs, including:

30 1. A uniform application fee not to exceed \$1,000 but  
31 in an amount sufficient to cover the department's

1 administrative costs in processing and evaluating DUI program  
2 license applications. The application fee shall not apply to  
3 programs that apply for licensure to serve a county that does  
4 not have a currently licensed DUI program or where the  
5 currently licensed program has relinquished its license.

6 2. In considering an application for approval of a DUI  
7 program, the department shall determine whether improvements  
8 in service may be derived from the operation of the DUI  
9 program and the number of clients currently served in the  
10 circuit. The department shall apply the following criteria:

11 a. The increased frequency of classes and availability  
12 of locations of services offered by the applicant DUI program.

13 b. Services and fees offered by the applicant DUI  
14 program and any existing DUI program.

15 c. The number of DUI clients currently served and  
16 historical trends in the number of clients served in the  
17 circuit.

18 d. The availability, accessibility, and service  
19 history of any existing DUI program services.

20 e. The applicant DUI program's service history.

21 f. The availability of resources, including personnel,  
22 demonstrated management capability, and capital and operating  
23 expenditures of the applicant DUI program.

24 g. Improved services to minority and special needs  
25 clients.

26 3. Authority for competing applicants and currently  
27 licensed DUI programs serving the same geographic area to  
28 request an administrative hearing under chapter 120 to contest  
29 the department's determination of need for an additional  
30 licensed DUI program in that area.

31

1           4. A requirement that the department revoke the  
2 license of any DUI program that does not provide the services  
3 specified in its application within 45 days after licensure  
4 and notify the chief judge of that circuit of such revocation.

5           5. A requirement that all applicants for initial  
6 licensure as a DUI program in a particular circuit on and  
7 after the effective date of this act must, at a minimum,  
8 satisfy each of the following criteria:

9           a. Maintain a primary business office in the circuit  
10 which is located in a permanent structure that is readily  
11 accessible by public transportation, if public transportation  
12 is available. The primary business office must be adequately  
13 staffed and equipped to provide all DUI program support  
14 services, including registration and a file for each person  
15 who registers for the program.

16           b. Have a satellite office for registration of DUI  
17 offenders in each county in the circuit which is located in a  
18 permanent structure that is readily accessible by public  
19 transportation, if public transportation is available. A  
20 satellite office is not required in any county where the total  
21 number of DUI convictions in the most recent calendar year is  
22 less than 200.

23           c. Have a classroom in each county in the circuit  
24 which is located in a permanent structure that is readily  
25 accessible by public transportation, if public transportation  
26 is available. A classroom is not required in any county where  
27 the total number of DUI convictions in the most recent  
28 calendar year is less than 100. A classroom may not be located  
29 within 250 feet of any business that sells alcoholic  
30 beverages. However, a classroom shall not be required to be  
31

1 relocated when a business selling alcoholic beverages locates  
2 to within 250 feet of the classroom.

3 d. Have a plan for conducting all DUI education  
4 courses, evaluation services, and other services required by  
5 the department. The level I DUI education course must be  
6 taught in four segments, with no more than 6 hours of  
7 classroom instruction provided to any offender each day. All  
8 DUI education courses must be in a classroom with face-to-face  
9 instruction and interaction among offenders and an instructor.

10 e. Employ at least 1 full-time certified addiction  
11 professional for the program at all times.

12 f. Document support from community agencies involved  
13 in DUI education and substance abuse treatment in the circuit.

14 g. Have a volunteer board of directors and advisory  
15 committee made up of citizens who reside in the circuit in  
16 which licensure is sought.

17 h. Submit documentation of compliance with all  
18 applicable federal, state, and local laws, including, but not  
19 limited to, the Americans with Disabilities Act.

20 Section 51. Section 322.30, Florida Statutes, is  
21 amended to read:

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

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

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 52. 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 53. 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 54. 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 55. 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 56. 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; ~~or~~

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 57. 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 58. 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 59. For the purpose of incorporating the  
24 amendment to section 322.61, Florida Statutes, in a reference  
25 thereto, subsection (14) of section 322.64, Florida Statutes,  
26 is reenacted to read:

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

30 (14) The decision of the department under this section  
31 shall not be considered in any trial for a violation of s.

1 316.193, s. 322.61, or s. 322.62, nor shall any written  
2 statement submitted by a person in his or her request for  
3 departmental review under this section be admissible into  
4 evidence against him or her in any such trial. The disposition  
5 of any related criminal proceedings shall not affect a  
6 disqualification imposed pursuant to this section.

7 Section 60. Paragraphs (c) and (f) of subsection (13)  
8 of section 713.78, Florida Statutes, are amended to read:

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

11 (13)

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

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

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

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

28  
29 If the registered owner's dispute of a wrecker operator's lien  
30 complies with one of these criteria, the department shall  
31 immediately remove the registered owner's name from the list

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

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

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

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

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

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

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

15 Section 61. Subsection (1) of section 832.06, Florida  
16 Statutes, is amended to read:

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

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

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

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



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

14           Section 62. Except as otherwise expressly provided in  
15 this act, this act shall take effect October 1, 2004.

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