

1                                   A bill to be entitled  
2           An act relating to motor vehicles; amending s. 261.03,  
3           F.S.; revising the definition of "off-highway vehicle";  
4           defining "two-rider ATV"; amending s. 261.05, F.S.;  
5           requiring the Off-Highway Vehicle Recreation Advisory  
6           Committee to conduct a study and report to the Governor  
7           and the Legislature; amending s. 316.006, F.S.;  
8           authorizing transfer of traffic regulatory authority from  
9           a municipality to a county; amending s. 316.122, F.S.;  
10          revising requirements for a left-turning vehicle to yield;  
11          creating s. 316.1576, F.S.; prohibiting driving a vehicle  
12          through a railroad crossing under certain circumstances;  
13          providing penalties; amending s. 316.1932, F.S.; revising  
14          requirements for the placement of consent provisions on  
15          driver's licenses; amending s. 316.194, F.S.; authorizing  
16          traffic accident investigation officers to move vehicles  
17          standing on the roadway under certain circumstances;  
18          amending s. 316.1967, F.S.; providing that a lessee to  
19          whom a motor vehicle is registered is liable for the  
20          payment of parking violations; amending s. 316.2074, F.S.;  
21          revising the definition of "all-terrain vehicle"; amending  
22          s. 316.212, F.S.; authorizing the operation of golf carts  
23          on certain roads within the State Park Road System;  
24          amending ss. 316.2125 and 316.2126, F.S.; correcting  
25          references; amending s. 316.613, F.S., and creating s.  
26          316.6131, F.S.; revising provisions for authorization to  
27          expend funds for public information and education  
28          purposes; amending s. 316.650, F.S.; providing that  
29          traffic citations may be admissible evidence at trial

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30 under limited circumstances; amending s. 317.0003, F.S.;  
31 correcting a reference; revising the definition of "off-  
32 highway vehicle"; defining "two-rider ATV"; amending s.  
33 317.0007, F.S.; authorizing issuance of a title validation  
34 sticker for off-highway vehicles; authorizing fees;  
35 amending s. 317.0008, F.S.; deleting a provision for  
36 expedited service for a duplicate certificate of title to  
37 off-highway vehicles and a charge therefor; creating s.  
38 317.0014, F.S.; providing for issuance by the Department  
39 of Highway Safety and Motor Vehicles of certificates of  
40 title to off-highway vehicles in duplicate; providing for  
41 delivery to the owner; providing for delivery to a  
42 lienholder; requiring notice to all parties in certain  
43 conflicts; providing procedures and timeframes for  
44 resolving conflicts; providing for retention of  
45 certificate by certain lienholders; providing for  
46 subsequent encumbrance; providing for satisfaction of  
47 lien; providing for issuance of duplicate certificate;  
48 providing penalties for failure to return certificate or  
49 furnish execution of satisfaction to the department;  
50 providing for electronic transmission of liens and lien  
51 satisfactions; limiting notification responsibility of the  
52 department; creating s. 317.0015, F.S.; providing for  
53 application of specified titling requirements; creating s.  
54 317.0016, F.S.; providing for expedited service on  
55 described title transactions; providing a fee for such  
56 service; providing for disposition of moneys collected;  
57 creating s. 317.0017, F.S.; prohibiting described acts  
58 involving vehicle identification numbers, applications,

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59 certificates of title, and other documents relating to  
60 off-highway vehicles; providing penalties; providing for  
61 seizure and forfeiture of vehicle used in violation;  
62 creating s. 317.0018, F.S.; prohibiting the transfer of an  
63 off-highway vehicle without delivery of a certificate of  
64 title; prescribing other violations; providing penalties;  
65 amending ss. 317.0001, 317.0004, 317.0005, 317.0006,  
66 317.0010, 317.0012, and 317.0013, F.S.; conforming  
67 references; amending s. 318.14, F.S.; revising procedures  
68 for the submission of traffic infraction dispositions to  
69 the department by local officials having jurisdiction;  
70 authorizing the department to modify certain suspension  
71 and revocation actions when disposition is not timely  
72 reported; amending s. 318.15, F.S.; revising provisions  
73 for remittance of certain driver license reinstatement  
74 fees; amending s. 319.23, F.S.; requiring certain dealers  
75 to report taking of a motor vehicle or mobile home in  
76 trade; requiring the department to update certain records;  
77 amending s. 319.29, F.S.; requiring the department to  
78 verify the identity of certain persons who receive title;  
79 requiring the department to maintain documentation;  
80 amending s. 320.05, F.S.; deleting fees for certain motor  
81 vehicle and vessel information provided via the Internet;  
82 amending s. 320.0601, F.S.; requiring registration of  
83 long-term leased vehicles to be in the name of the lessee;  
84 amending s. 320.0605, F.S.; exempting specified vehicles  
85 from the requirement that the certificate of registration  
86 be in the vehicle; amending s. 320.0607, F.S.; requiring  
87 the department to verify the identity of persons

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88 authorized to receive a replacement license plate or  
89 duplicate registration; requiring the department to  
90 maintain documentation; amending s. 320.0843, F.S.;  
91 requiring a vehicle registration reflecting more than one  
92 owner to indicate which owner is eligible for a disabled  
93 parking permit; amending s. 320.0848, F.S.; requiring the  
94 department to verify the identity of persons authorized to  
95 receive a replacement or duplicate disabled parking  
96 permit; requiring the department to maintain  
97 documentation; amending s. 320.131, F.S.; authorizing the  
98 department to administer an electronic system for licensed  
99 motor vehicle dealers to use in issuing temporary tags;  
100 providing procedures; providing penalties for failure to  
101 comply with department requirements; amending s. 320.18,  
102 F.S.; authorizing the department to cancel a motor vehicle  
103 registration, driver license, identification card, or  
104 fuel-use tax decal when certain payments have been made by  
105 a dishonored check; amending s. 320.27, F.S.; providing a  
106 period of time motor vehicle dealers are to maintain  
107 records of described transactions; providing penalties for  
108 specified violations; amending s. 320.8249, F.S.; revising  
109 provisions prohibiting certain acts by mobile home  
110 installers; providing penalties; amending s. 322.051,  
111 F.S.; revising list of documents accepted as proof of  
112 identity of applicant for identification card; revising  
113 the period of validity; requiring described content on  
114 such cards; amending s. 322.08, F.S.; revising provisions  
115 for documents required as proof of identity for issuance  
116 of a driver's license; providing additional documents that

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117 shall be acceptable proof of identity for application for  
 118 such licenses; providing for expiration of certain  
 119 licenses and permits; amending s. 322.135, F.S.; revising  
 120 procedures for distribution of funds collected by driver  
 121 license agents; revising procedure when tax collector has  
 122 reason to believe applicant is not qualified to operate  
 123 motor vehicle; requiring the collecting county officer to  
 124 make payment to the state by electronic funds transfer  
 125 within a certain timeframe; amending s. 322.142, F.S.;  
 126 prohibiting waiver of certain driver license content  
 127 requirements; amending s. 322.17, F.S.; correcting  
 128 references; amending s. 322.18, F.S.; correcting  
 129 references; revising provisions for issuance and renewal  
 130 of licenses; revising expiration timeframe for a  
 131 commercial license with a hazardous-materials endorsement;  
 132 amending s. 322.19, F.S.; correcting references; amending  
 133 s. 322.20, F.S.; providing for charges for described  
 134 access to certain license status reports; amending s.  
 135 322.21, F.S.; authorizing the department to set a fee for  
 136 a hazardous-materials endorsement; removing reference to  
 137 fees for a Class D driver's license; amending s. 322.22,  
 138 F.S.; authorizing the department to cancel an  
 139 identification card, vehicle registration, or fuel-use tax  
 140 decal when certain payments have been made by a dishonored  
 141 check; amending s. 322.292, F.S.; requiring all DUI  
 142 education courses to be conducted in a classroom with  
 143 interaction among offenders and an instructor; amending s.  
 144 322.53, F.S.; removing certain commercial driver license  
 145 exemption requirements for a Class D driver license;

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146 amending s. 322.54, F.S.; revising license requirements  
 147 for certain persons who operate commercial motor vehicles;  
 148 amending s. 322.57, F.S.; requiring school bus drivers to  
 149 complete certain testing; revising requirements for  
 150 license restrictions for certain persons who drive  
 151 commercial motor vehicles; amending s. 322.61, F.S.;  
 152 specifying additional violations that disqualify a person  
 153 from operating a commercial motor vehicle; providing  
 154 penalties; amending s. 322.63, F.S.; revising provisions  
 155 for alcohol and drug testing of commercial motor vehicle  
 156 operators; amending s. 713.78, F.S.; revising provisions  
 157 for wrecker operator liens against a motor vehicle;  
 158 revising the grounds upon which a vehicle owner may  
 159 dispute a lien; excluding lessors; reenacting ss.  
 160 318.14(9) and 322.64(14), F.S., relating to citation  
 161 procedures and proceedings, to incorporate the amendment  
 162 to s. 322.61, F.S., in references thereto; amending ss.  
 163 316.1936, 322.05, 322.07, 322.12, 322.161, 322.251,  
 164 322.30, and 322.58, F.S.; eliminating the Class D driver's  
 165 license and deleting references thereto; providing  
 166 effective dates.

167

168 Be It Enacted by the Legislature of the State of Florida:

169

170 Section 1. Subsection (6) of section 261.03, Florida  
 171 Statutes, is amended, and subsection (11) is added to said  
 172 section, to read:

173 261.03 Definitions.--As used in this chapter, the term:

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

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

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

183 261.05 Duties and responsibilities of the Off-Highway  
 184 Vehicle Recreation Advisory Committee.--

185 (2) The advisory committee shall study and make  
 186 recommendations to the Governor and the Legislature ~~department~~  
 187 regarding off-highway vehicle safety and training and education  
 188 programs in the operation of such vehicles and shall provide a  
 189 report to the Governor, the President of the Senate, and the  
 190 Speaker of the House of Representatives by January 1, 2005.

191 Section 3. Paragraph (c) is added to subsection (2) of  
 192 section 316.006, Florida Statutes, to read:

193 316.006 Jurisdiction.--Jurisdiction to control traffic is  
 194 vested as follows:

195 (2) MUNICIPALITIES.--

196 (c) Notwithstanding any other provision of law to the  
 197 contrary, a municipality may, by interlocal agreement with a  
 198 county, agree to transfer traffic regulatory authority over  
 199 areas within the municipality to the county.

200  
 201 This subsection shall not limit those counties which have the  
 202 charter powers to provide and regulate arterial, toll, and other

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203 roads, bridges, tunnels, and related facilities from the proper  
 204 exercise of those powers by the placement and maintenance of  
 205 traffic control devices which conform to the manual and  
 206 specifications of the Department of Transportation on streets  
 207 and highways located within municipal boundaries.

208 Section 4. Section 316.122, Florida Statutes, is amended  
 209 to read:

210 316.122 Vehicle turning left.--The driver of a vehicle  
 211 intending to turn to the left within an intersection or into an  
 212 alley, private road, or driveway shall yield the right-of-way to  
 213 any vehicle approaching from the opposite direction, or any  
 214 vehicle lawfully passing on the left of the turning vehicle,  
 215 which is within the intersection or so close thereto as to  
 216 constitute an immediate hazard. A violation of this section is a  
 217 noncriminal traffic infraction, punishable as a moving violation  
 218 as provided in chapter 318.

219 Section 5. Section 316.1576, Florida Statutes, is created  
 220 to read:

221 316.1576 Insufficient clearance at a railroad-highway  
 222 grade crossing.--

223 (1) No person shall drive any vehicle through a railroad-  
 224 highway grade crossing that does not have sufficient space to  
 225 drive completely through the crossing without stopping.

226 (2) No person shall drive any vehicle through a railroad-  
 227 highway grade crossing that does not have sufficient  
 228 undercarriage clearance to drive completely through the crossing  
 229 without stopping.

230 (3) A violation of this section is a noncriminal traffic  
 231 infraction, punishable as a moving violation as provided in



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232 chapter 318.

233 Section 6. Paragraph (e) of subsection (1) of section  
 234 316.1932, Florida Statutes, is amended to read:

235 316.1932 Tests for alcohol, chemical substances, or  
 236 controlled substances; implied consent; refusal.--

237 (1)

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

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

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

249 Section 7. Paragraphs (a) and (b) of subsection (5) of  
 250 section 316.1936, Florida Statutes, are amended to read:

251 316.1936 Possession of open containers of alcoholic  
 252 beverages in vehicles prohibited; penalties.--

253 (5) This section shall not apply to:

254 (a) A passenger of a vehicle in which the driver is  
 255 operating the vehicle pursuant to a contract to provide  
 256 transportation for passengers and such driver holds a valid  
 257 commercial driver's license with a passenger endorsement ~~or a~~  
 258 ~~Class D driver's license issued in accordance with the~~  
 259 ~~requirements of chapter 322;~~

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260 (b) A passenger of a bus in which the driver holds a valid  
 261 commercial driver's license with a passenger endorsement ~~or a~~  
 262 ~~Class D driver's license issued in accordance with the~~  
 263 ~~requirements of chapter 322; or~~

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

266 316.194 Stopping, standing or parking outside of  
 267 municipalities.--

268 (3)(a) Whenever any police officer or traffic accident  
 269 investigation officer finds a vehicle standing upon a highway in  
 270 violation of any of the foregoing provisions of this section,  
 271 the officer is authorized to move the vehicle, or require the  
 272 driver or other persons in charge of the vehicle to move the  
 273 same, to a position off the paved or main-traveled part of the  
 274 highway.

275 (b) Officers and traffic accident investigation officers  
 276 are hereby authorized to provide for the removal of any  
 277 abandoned vehicle to the nearest garage or other place of  
 278 safety, cost of such removal to be a lien against motor vehicle,  
 279 when said abandoned vehicle is found unattended upon a bridge or  
 280 causeway or in any tunnel, or on any public highway in the  
 281 following instances:

282 1. Where such vehicle constitutes an obstruction of  
 283 traffic;

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

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

294 Section 9. Subsections (1) and (2) of section 316.1967,  
 295 Florida Statutes, are amended to read:

296 316.1967 Liability for payment of parking ticket  
 297 violations and other parking violations.--

298 (1) The owner of a vehicle is responsible and liable for  
 299 payment of any parking ticket violation unless the owner can  
 300 furnish evidence, when required by this subsection, that the  
 301 vehicle was, at the time of the parking violation, in the care,  
 302 custody, or control of another person. In such instances, the  
 303 owner of the vehicle is required, within a reasonable time after  
 304 notification of the parking violation, to furnish to the  
 305 appropriate law enforcement authorities an affidavit setting  
 306 forth the name, address, and driver's license number of the  
 307 person who leased, rented, or otherwise had the care, custody,  
 308 or control of the vehicle. The affidavit submitted under this  
 309 subsection is admissible in a proceeding charging a parking  
 310 ticket violation and raises the rebuttable presumption that the  
 311 person identified in the affidavit is responsible for payment of  
 312 the parking ticket violation. The owner of a vehicle is not  
 313 responsible for a parking ticket violation if the vehicle  
 314 involved was, at the time, stolen or in the care, custody, or  
 315 control of some person who did not have permission of the owner  
 316 to use the vehicle. The owner of a leased vehicle is not

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317 responsible for a parking ticket violation and is not required  
 318 to submit an affidavit or any other evidence contemplated by  
 319 this section if the vehicle is registered in the name of the  
 320 person who leased the vehicle.

321 (2) Any person who is issued a county or municipal parking  
 322 ticket by a parking enforcement specialist or officer is deemed  
 323 to be charged with a noncriminal violation and shall comply with  
 324 the directions on the ticket. If payment is not received or a  
 325 response to the ticket is not made within the time period  
 326 specified thereon, the county court or its traffic violations  
 327 bureau shall notify the registered owner of the vehicle that was  
 328 cited, or the registered lessee when the cited vehicle is  
 329 registered in the name of the person who leased the vehicle, by  
 330 mail to the address given on the motor vehicle registration, of  
 331 the ticket. Mailing the notice to this address constitutes  
 332 notification. Upon notification, the registered owner or  
 333 registered lessee shall comply with the court's directive.

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

336 316.2074 All-terrain vehicles.--

337 (2) As used in this section, the term "all-terrain  
 338 vehicle" means any motorized off-highway vehicle 50 inches or  
 339 less in width, having a dry weight of 900 pounds or less,  
 340 designed to travel on three or more low-pressure tires, having a  
 341 seat designed to be straddled by the operator and handlebars for  
 342 steering control, and intended for use by a single operator with  
 343 no passenger. For purposes of this section, "all-terrain  
 344 vehicle" also includes any two-rider ATV as defined in s.  
 345 317.0003.

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346 Section 11. Present subsection (7) of section 316.212,  
 347 Florida Statutes, is amended, subsections (4), (5), (6), and (7)  
 348 of that section are renumbered as subsections (5), (6), (7), and  
 349 (8), respectively, and a new subsection (4) is added to said  
 350 section, to read:

351 316.212 Operation of golf carts on certain roadways.--The  
 352 operation of a golf cart upon the public roads or streets of  
 353 this state is prohibited except as provided herein:

354 (4) Notwithstanding any provision of this section, a golf  
 355 cart may be operated on any road which is a part of the State  
 356 Park Road System provided the posted speed limit is not more  
 357 than 35 miles per hour and such operation is not otherwise  
 358 prohibited by the Division of Recreation and Parks of the  
 359 Department of Environmental Protection.

360 (5)~~(4)~~ A golf cart may be operated only during the hours  
 361 between sunrise and sunset, unless the responsible governmental  
 362 entity has determined that a golf cart may be operated during  
 363 the hours between sunset and sunrise and the golf cart is  
 364 equipped with headlights, brake lights, turn signals, and a  
 365 windshield.

366 (6)~~(5)~~ A golf cart must be equipped with efficient brakes,  
 367 reliable steering apparatus, safe tires, a rearview mirror, and  
 368 red reflectorized warning devices in both the front and rear.

369 (7)~~(6)~~ A golf cart may not be operated on public roads or  
 370 streets by any person under the age of 14.

371 (8)~~(7)~~ A violation of this section is a noncriminal  
 372 traffic infraction, punishable pursuant to chapter 318 as either  
 373 a moving violation for infractions of subsection (1), subsection

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374 (2), subsection (3), or subsection (5) ~~(4)~~, or as a nonmoving  
 375 violation for infractions of subsections (6) ~~(5)~~ and (7) ~~(6)~~.

376 Section 12. Subsection (1) of section 316.2125, Florida  
 377 Statutes, is amended to read:

378 316.2125 Operation of golf carts within a retirement  
 379 community.--

380 (1) Notwithstanding the provisions of s. 316.212, the  
 381 reasonable operation of a golf cart, equipped and operated as  
 382 provided in s. 316.212(5)~~(4)~~, (6) ~~(5)~~, and (7) ~~(6)~~, within any  
 383 self-contained retirement community is permitted unless  
 384 prohibited under subsection (2).

385 Section 13. Subsection (2) of section 316.2126, Florida  
 386 Statutes, is amended to read:

387 316.2126 Use of golf carts and utility vehicles by  
 388 municipalities.--In addition to the powers granted by ss.  
 389 316.212 and 316.2125, municipalities are hereby authorized to  
 390 utilize golf carts and utility vehicles, as defined in s.  
 391 320.01, upon any state, county, or municipal roads located  
 392 within the corporate limits of such municipalities, subject to  
 393 the following conditions:

394 (2) In addition to the safety equipment required in s.  
 395 316.212(6)~~(5)~~, such golf carts and utility vehicles must be  
 396 equipped with sufficient lighting and turn signal equipment.

397 Section 14. Subsection (4) of section 316.613, Florida  
 398 Statutes, is amended to read:

399 316.613 Child restraint requirements.--

400 (4)~~(a)~~ It is the legislative intent that all state,  
 401 county, and local law enforcement agencies, and safety councils,  
 402 in recognition of the problems with child death and injury from

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403 unrestrained occupancy in motor vehicles, conduct a continuing  
 404 safety and public awareness campaign as to the magnitude of the  
 405 problem.

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

410 Section 15. Section 316.6131, Florida Statutes, is created  
 411 to read:

412 316.6131 Educational expenditures.--The department may  
 413 authorize the expenditure of funds for the purchase of  
 414 educational items as part of the public information and  
 415 education campaigns promoting highway safety and awareness as  
 416 well as departmental community-based initiatives. Funds may be  
 417 expended for, but are not limited to, campaigns provided for in  
 418 chapters 316, 320, and 322, and s. 403.7145.

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

421 316.650 Traffic citations.--

422 (9) Such citations shall not be admissible evidence in any  
 423 trial, except when presented as evidence of falsification,  
 424 forgery, uttering, fraud, or perjury or when presented as  
 425 physical evidence resulting from a forensic examination of the  
 426 citation.

427 Section 17. Section 317.0001, Florida Statutes, is amended  
 428 to read:

429 317.0001 Short title.--This chapter Sections 317.0001-  
 430 317.0013 may be cited as the "Florida Off-Highway Vehicle  
 431 Titling Act."

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432 Section 18. Section 317.0003, Florida Statutes, is amended  
 433 to read:

434 317.0003 Definitions.--As used in this chapter ~~Sections~~  
 435 ~~317.0001-317.0013~~, the term:

436 (1) "ATV" means any motorized off-highway or all-terrain  
 437 vehicle 50 inches or less in width, having a dry weight of 900  
 438 pounds or less, designed to travel on three or more low-pressure  
 439 tires, having a seat designed to be straddled by the operator  
 440 and handlebars for steering control, and intended for use by a  
 441 single operator and with no passenger.

442 (2) "Dealer" means any person authorized by the Department  
 443 of Revenue to buy, sell, resell, or otherwise distribute off-  
 444 highway vehicles. Such person must have a valid sales tax  
 445 certificate of registration issued by the Department of Revenue  
 446 and a valid commercial or occupational license required by any  
 447 county, municipality, or political subdivision of the state in  
 448 which the person operates.

449 (3) "Department" means the Department of Highway Safety  
 450 and Motor Vehicles.

451 (4) "Florida resident" means a person who has had a  
 452 principal place of domicile in this state for a period of more  
 453 than 6 consecutive months, who has registered to vote in this  
 454 state, who has made a statement of domicile pursuant to s.  
 455 222.17, or who has filed for homestead tax exemption on property  
 456 in this state.

457 (5) "OHM" or "off-highway motorcycle" means any motor  
 458 vehicle used off the roads or highways of this state that has a  
 459 seat or saddle for the use of the rider and is designed to



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460 travel with not more than two wheels in contact with the ground,  
 461 but excludes a tractor or a moped.

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

466 (7) "Owner" means a person, other than a lienholder,  
 467 having the property in or title to an off-highway vehicle,  
 468 including a person entitled to the use or possession of an off-  
 469 highway vehicle subject to an interest held by another person,  
 470 reserved or created by agreement and securing payment of  
 471 performance of an obligation, but the term excludes a lessee  
 472 under a lease not intended as security.

473 (8) "Public lands" means lands within the state that are  
 474 available for public use and that are owned, operated, or  
 475 managed by a federal, state, county, or municipal governmental  
 476 entity.

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

480 Section 19. Subsection (1) of section 317.0004, Florida  
 481 Statutes, is amended to read:

482 317.0004 Administration of off-highway vehicle titling  
 483 laws; records.--

484 (1) The administration of off-highway vehicle titling laws  
 485 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of  
 486 Highway Safety and Motor Vehicles, which shall provide for the  
 487 issuing, handling, and recording of all off-highway vehicle

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488 titling applications and certificates, including the receipt and  
 489 accounting of off-highway vehicle titling fees.

490 Section 20. Section 317.0005, Florida Statutes, is amended  
 491 to read:

492 317.0005 Rules, forms, and notices.--

493 (1) The department may adopt rules pursuant to ss.  
 494 120.536(1) and 120.54, which pertain to off-highway vehicle  
 495 titling, in order to implement the provisions of this chapter  
 496 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

497 (2) The department shall prescribe and provide suitable  
 498 forms for applications and other notices and forms necessary to  
 499 administer the provisions of this chapter ~~ss. 317.0001-317.0013~~.

500 Section 21. Subsection (1) of section 317.0006, Florida  
 501 Statutes, is amended to read:

502 317.0006 Certificate of title required.--

503 (1) Any off-highway vehicle that is purchased by a  
 504 resident of this state after the effective date of this act or  
 505 that is owned by a resident and is operated on the public lands  
 506 of this state must be titled pursuant to this chapter ~~ss.~~  
 507 ~~317.0001-317.0013~~.

508 Section 22. Subsection (6) is added to section 317.0007,  
 509 Florida Statutes, to read:

510 317.0007 Application for and issuance of certificate of  
 511 title.--

512 (6) In addition to a certificate of title, the department  
 513 may issue a validation sticker to be placed on the off-highway  
 514 vehicle as proof of the issuance of title required pursuant to  
 515 s. 317.0006(1). Validation stickers lost or destroyed may, upon  
 516 application, be replaced by the department or the county tax

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517 collector. The department and county tax collector are  
 518 authorized to charge and deposit the fees as established in ss.  
 519 320.03(5) and 320.04 for all original and replacement decals.

520 Section 23. Section 317.0008, Florida Statutes, is amended  
 521 to read:

522 317.0008 Duplicate certificate of title.--

523 (1) The department may issue a duplicate certificate of  
 524 title upon application by the person entitled to hold such a  
 525 certificate if the department is satisfied that the original  
 526 certificate has been lost, destroyed, or mutilated. A fee of \$15  
 527 shall be charged for issuing a duplicate certificate.

528 ~~(2) In addition to the fee imposed by subsection (1), a~~  
 529 ~~fee of \$7 shall be charged for expedited service in issuing a~~  
 530 ~~duplicate certificate of title. Application for such expedited~~  
 531 ~~service may be made by mail or in person. The department shall~~  
 532 ~~issue each certificate of title applied for under this~~  
 533 ~~subsection within 5 working days after receipt of a proper~~  
 534 ~~application or shall refund the additional \$7 fee upon written~~  
 535 ~~request by the applicant.~~

536 (2)(3) If, following the issuance of an original,  
 537 duplicate, or corrected certificate of title by the department,  
 538 the certificate is lost in transit and is not delivered to the  
 539 addressee, the owner of the off-highway vehicle or the holder of  
 540 a lien thereon may, within 180 days after the date of issuance  
 541 of the certificate, apply to the department for reissuance of  
 542 the certificate. An additional fee may not be charged for  
 543 reissuance under this subsection.

544 (3)(4) The department shall implement a system to verify  
 545 that the application is signed by a person authorized to receive

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546 a duplicate certificate of title under this section if the  
 547 address shown on the application is different from the address  
 548 shown for the applicant on the records of the department.

549 Section 24. Section 317.0010, Florida Statutes, is amended  
 550 to read:

551 317.0010 Disposition of fees.--Except as otherwise  
 552 specifically provided for in this chapter, the department shall  
 553 deposit all funds received under this chapter ~~ss. 317.0001-~~  
 554 ~~317.0013,~~ less administrative costs of \$2 per title transaction,  
 555 into the Incidental Trust Fund of the Division of Forestry of  
 556 the Department of Agriculture and Consumer Services.

557 Section 25. Paragraph (c) of subsection (3) of section  
 558 317.0012, Florida Statutes, is amended to read:

559 317.0012 Crimes relating to certificates of title;  
 560 penalties.--

561 (3) It is unlawful to:

562 (c) Use a false or fictitious name, give a false or  
 563 fictitious address, or make any false statement in any  
 564 application or affidavit required by this chapter ~~ss. 317.0001-~~  
 565 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or  
 566 otherwise commit a fraud in any application.

567  
 568 Any person who violates this subsection commits a felony of the  
 569 third degree, punishable as provided in s. 775.082, s. 775.083,  
 570 or s. 775.084. A violation of this subsection with respect to  
 571 any off-highway vehicle makes such off-highway vehicle  
 572 contraband which may be seized by a law enforcement agency and  
 573 forfeited under ss. 932.701-932.704.

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574 Section 26. Section 317.0013, Florida Statutes, is amended  
 575 to read:

576 317.0013 Nonmoving traffic violations.--Any person who  
 577 fails to comply with any provision of this chapter ~~ss. 317.0001-~~  
 578 ~~317.0012~~ for which a penalty is not otherwise provided commits a  
 579 nonmoving traffic violation, punishable as provided in s.  
 580 318.18.

581 Section 27. Section 317.0014, Florida Statutes, is created  
 582 to read:

583 317.0014 Issuance in duplicate; delivery; liens and  
 584 encumbrances.--

585 (1) The department shall assign a number to each  
 586 certificate of title and shall issue each certificate of title  
 587 and each corrected certificate in duplicate. The database record  
 588 shall serve as the duplicate title certificate required herein.  
 589 One printed copy may be retained on file by the department.

590 (2) A duly authorized person shall sign the original  
 591 certificate of title and each corrected certificate and, if  
 592 there are no liens or encumbrances on the off-highway vehicle as  
 593 shown in the records of the department or as shown in the  
 594 application, shall deliver the certificate to the applicant or  
 595 to another person as directed by the applicant or person, agent,  
 596 or attorney submitting such application. If there are one or  
 597 more liens or encumbrances on the off-highway vehicle, the  
 598 certificate shall be delivered by the department to the first  
 599 lienholder as shown by department records or to the owner as  
 600 indicated in the notice of lien filed by the first lienholder.  
 601 If the notice of lien filed by the first lienholder indicates  
 602 that the certificate should be delivered to the first

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603 lienholder, the department shall deliver to the first  
 604 lienholder, along with the certificate, a form to be  
 605 subsequently used by the lienholder as a satisfaction. If the  
 606 notice of lien filed by the first lienholder directs the  
 607 certificate of title to be delivered to the owner, then, upon  
 608 delivery of the certificate of title by the department to the  
 609 owner, the department shall deliver to the first lienholder  
 610 confirmation of the receipt of the notice of lien and the date  
 611 the certificate of title was issued to the owner at the owner's  
 612 address shown on the notice of lien and a form to be  
 613 subsequently used by the lienholder as a satisfaction. If the  
 614 application for certificate shows the name of a first lienholder  
 615 different from the name of the first lienholder as shown by the  
 616 records of the department, the certificate shall not be issued  
 617 to any person until after all parties who appear to hold a lien  
 618 and the applicant for the certificate have been notified of the  
 619 conflict in writing by the department by certified mail. If the  
 620 parties do not amicably resolve the conflict within 10 days  
 621 after the date such notice was mailed, the department shall  
 622 serve notice in writing by certified mail on all persons  
 623 appearing to hold liens on that particular vehicle, including  
 624 the applicant for the certificate, to show cause within 15 days  
 625 after the date the notice is mailed why it should not issue and  
 626 deliver the certificate to the person indicated in the notice of  
 627 lien filed by the lienholder whose name appears in the  
 628 application as the first lienholder without showing any lien or  
 629 liens as outstanding other than those appearing in the  
 630 application or those which may have been filed subsequent to the  
 631 filing of the application for the certificate. If, within the

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632 15-day period, any person other than the lienholder shown in the  
633 application or a party filing a subsequent lien, in answer to  
634 such notice to show cause, appears in person or by a  
635 representative, or responds in writing, and files a written  
636 statement under oath that his or her lien on that particular  
637 vehicle is still outstanding, the department shall not issue the  
638 certificate to anyone until after such conflict has been settled  
639 by the lien claimants involved or by a court of competent  
640 jurisdiction. If the conflict is not settled amicably within 10  
641 days after the final date for filing an answer to the notice to  
642 show cause, the complaining party shall have 10 days to obtain a  
643 ruling or a stay order from a court of competent jurisdiction;  
644 if no ruling or stay order is issued and served on the  
645 department within the 10-day period, it shall issue the  
646 certificate showing no liens except those shown in the  
647 application or thereafter filed to the original applicant if  
648 there are no liens shown in the application and none are  
649 thereafter filed, or to the person indicated in the notice of  
650 lien filed by the lienholder whose name appears in the  
651 application as the first lienholder if there are liens shown in  
652 the application or thereafter filed. A duplicate certificate or  
653 corrected certificate shall only show such lien or liens as were  
654 shown in the application and subsequently filed liens that may  
655 be outstanding.

656 (3) Except as provided in subsection (4), the certificate  
657 of title shall be retained by the first lienholder or the owner  
658 as indicated in the notice of lien filed by the first  
659 lienholder. If the first lienholder is in possession of the

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660 certificate, the first lienholder shall be entitled to retain  
661 the certificate until the first lien is satisfied.

662 (4) If the owner of the vehicle as shown on the title  
663 certificate desires to place a second or subsequent lien or  
664 encumbrance against the vehicle when the title certificate is in  
665 the possession of the first lienholder, the owner shall send a  
666 written request to the first lienholder by certified mail and  
667 such first lienholder shall forward the certificate to the  
668 department for endorsement. If the title certificate is in the  
669 possession of the owner, the owner shall forward the certificate  
670 to the department for endorsement. The department shall return  
671 the certificate to either the first lienholder or to the owner,  
672 as indicated in the notice of lien filed by the first  
673 lienholder, after endorsing the second or subsequent lien on the  
674 certificate and on the duplicate. If the first lienholder or  
675 owner fails, neglects, or refuses to forward the certificate of  
676 title to the department within 10 days after the date of the  
677 owner's request, the department, on the written request of the  
678 subsequent lienholder or an assignee thereof, shall demand of  
679 the first lienholder the return of such certificate for the  
680 notation of the second or subsequent lien or encumbrance.

681 (5)(a) Upon satisfaction of any first lien or encumbrance  
682 recorded at the department, the owner of the vehicle as shown on  
683 the title certificate or the person satisfying the lien shall be  
684 entitled to demand and receive from the lienholder a  
685 satisfaction of the lien. If the lienholder, upon satisfaction  
686 of the lien and upon demand, fails or refuses to furnish a  
687 satisfaction thereof within 30 days after demand, he or she  
688 shall be held liable for all costs, damages, and expenses,



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689 including reasonable attorney's fees lawfully incurred by the  
 690 titled owner or person satisfying the lien in any suit brought  
 691 in this state for cancellation of the lien. The lienholder  
 692 receiving final payment as defined in s. 674.215 shall mail or  
 693 otherwise deliver a lien satisfaction and the certificate of  
 694 title indicating the satisfaction within 10 working days after  
 695 receipt of such final payment or notify the person satisfying  
 696 the lien that the title is not available within 10 working days  
 697 after receipt of such final payment. If the lienholder is unable  
 698 to provide the certificate of title and notifies the person of  
 699 such, the lienholder shall provide a lien satisfaction and shall  
 700 be responsible for the cost of a duplicate title, including fast  
 701 title charges as provided in s. 317.0016. The provisions of this  
 702 paragraph shall not apply to electronic transactions pursuant to  
 703 subsection (8).

704 (b) Following satisfaction of a lien, the lienholder shall  
 705 enter a satisfaction thereof in the space provided on the face  
 706 of the certificate of title. If the certificate of title was  
 707 retained by the owner, the owner shall, within 5 days after the  
 708 satisfaction of a lien, deliver the certificate of title to the  
 709 lienholder and the lienholder shall enter a satisfaction thereof  
 710 in the space provided on the face of the certificate of title.  
 711 If there are no subsequent liens shown thereon, the certificate  
 712 shall be delivered by the lienholder to the person satisfying  
 713 the lien or encumbrance and an executed satisfaction on a form  
 714 provided by the department shall be forwarded to the department  
 715 by the lienholder within 10 days after satisfaction of the lien.

716 (c) If the certificate of title shows a subsequent lien  
 717 not then being discharged, an executed satisfaction of the first

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718 lien shall be delivered by the lienholder to the person  
 719 satisfying the lien and the certificate of title showing  
 720 satisfaction of the first lien shall be forwarded by the  
 721 lienholder to the department within 10 days after satisfaction  
 722 of the lien.

723 (d) If, upon receipt of a title certificate showing  
 724 satisfaction of the first lien, the department determines from  
 725 its records that there are no subsequent liens or encumbrances  
 726 upon the vehicle, the department shall forward to the owner as  
 727 shown on the face of the title a corrected certificate showing  
 728 no liens or encumbrances. If there is a subsequent lien not  
 729 being discharged, the certificate of title shall be reissued  
 730 showing the second or subsequent lienholder as the first  
 731 lienholder and shall be delivered to either the new first  
 732 lienholder or to the owner as indicated in the notice of lien  
 733 filed by the new first lienholder. If the certificate of title  
 734 is to be retained by the first lienholder on the reissued  
 735 certificate, the first lienholder shall be entitled to retain  
 736 the certificate of title except as provided in subsection (4)  
 737 until his or her lien is satisfied. Upon satisfaction of the  
 738 lien, the lienholder shall be subject to the procedures required  
 739 of a first lienholder by subsection (4) and this subsection.

740 (6) When the original certificate of title cannot be  
 741 returned to the department by the lienholder and evidence  
 742 satisfactory to the department is produced that all liens or  
 743 encumbrances have been satisfied, upon application by the owner  
 744 for a duplicate copy of the certificate on a form prescribed by  
 745 the department which is accompanied by the fee prescribed in  
 746 this chapter, a duplicate copy of the certificate of title

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747 without statement of liens or encumbrances shall be issued by  
 748 the department and delivered to the owner.

749 (7) Any person who fails, within 10 days after receipt of  
 750 a demand by the department by certified mail, to return a  
 751 certificate of title to the department as required by subsection  
 752 (4) or who, upon satisfaction of a lien, fails within 10 days  
 753 after receipt of such demand to forward the appropriate document  
 754 to the department as required by paragraph (5)(b) or paragraph  
 755 (5)(c) commits a misdemeanor of the second degree, punishable as  
 756 provided in s. 775.082 or s. 775.083.

757 (8) Notwithstanding any requirements in this section or in  
 758 s. 319.27 indicating that a lien on a vehicle shall be noted on  
 759 the face of the Florida certificate of title, if there are one  
 760 or more liens or encumbrances on the off-highway vehicle, the  
 761 department may electronically transmit the lien to the first  
 762 lienholder and notify the first lienholder of any additional  
 763 liens. Subsequent lien satisfactions may be electronically  
 764 transmitted to the department and shall include the name and  
 765 address of the person or entity satisfying the lien. When  
 766 electronic transmission of liens and lien satisfactions is used,  
 767 the issuance of a certificate of title may be waived until the  
 768 last lien is satisfied and a clear certificate of title is  
 769 issued to the owner of the vehicle.

770 (9) When sending any notice, the department shall only be  
 771 required to use the last known address as shown by its records.

772 Section 28. Section 317.0015, Florida Statutes, is created  
 773 to read:

774 317.0015 Application of law.--The provisions of ss.  
 775 319.235, 319.241, 319.25, 319.27, 319.28, and 319.40 shall apply

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776 to all off-highway vehicles that are required to be titled by  
 777 the provisions of this chapter.

778 Section 29. Section 317.0016, Florida Statutes, is created  
 779 to read:

780 317.0016 Expedited service; applications; fees.--The  
 781 department shall provide through its agents and for use by the  
 782 public expedited service on title transfers, title issuances,  
 783 duplicate titles, and recordation of liens and certificates of  
 784 repossession under this chapter. Application for such expedited  
 785 service may be made by mail or in person. The department shall  
 786 issue each title applied for pursuant to this section within 5  
 787 working days after receipt of the application accompanied by the  
 788 appropriate fees, except for an application for a duplicate  
 789 title certificate covered by s. 317.0008(3), in which case the  
 790 title must be issued within 5 working days after compliance with  
 791 the department's verification requirements. A fee of \$7 shall be  
 792 charged for this service, which is in addition to the fees  
 793 imposed by ss. 317.0007 and 317.0008. A total of \$3.50 of this  
 794 fee shall be retained by the processing agency. The amounts  
 795 remaining from the fees shall be deposited into the Incidental  
 796 Trust Fund of the Division of Forestry of the Department of  
 797 Agriculture and Consumer Services.

798 Section 30. Section 317.0017, Florida Statutes, is created  
 799 to read:

800 317.0017 Offenses involving vehicle identification  
 801 numbers, applications, certificates, papers; penalty.--

802 (1) A person may not:

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803 (a) Alter or forge any certificate of title to an off-  
804 highway vehicle or any assignment thereof or any cancellation of  
805 any lien on an off-highway vehicle.

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

808 (c) Procure or attempt to procure a certificate of title  
809 to an off-highway vehicle, or pass or attempt to pass a  
810 certificate of title or any assignment thereof to an off-highway  
811 vehicle, knowing or having reason to believe that the off-  
812 highway vehicle has been stolen.

813 (d) Possess, sell or offer for sale, conceal, or dispose  
814 of in this state an off-highway vehicle, or major component part  
815 thereof, on which any motor number or vehicle identification  
816 number affixed by the manufacturer or by a state agency has been  
817 destroyed, removed, covered, altered, or defaced, with knowledge  
818 of such destruction, removal, covering, alteration, or  
819 defacement, except as provided in s. 319.30(4).

820 (e) Use a false or fictitious name, give a false or  
821 fictitious address, or make any false statement in any  
822 application or affidavit required under this chapter or in a  
823 bill of sale or sworn statement of ownership or otherwise commit  
824 a fraud in any application.

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

830 (3) A person may not knowingly obtain goods, services,  
831 credit, or money by means of a certificate of title to an off-

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832 highway vehicle, which certificate is required by law to be  
 833 surrendered to the department.

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

840 (5) A person, firm, or corporation may not knowingly  
 841 possess, manufacture, sell or exchange, offer to sell or  
 842 exchange, supply in blank, or give away any counterfeit  
 843 manufacturer's or state-assigned identification number plates or  
 844 serial plates or any decal used for the purpose of identifying  
 845 an off-highway vehicle. A person, or an officer, agent, or  
 846 employee of any person, firm, or corporation, may not authorize,  
 847 direct, aid in exchange, or give away, or conspire to authorize,  
 848 direct, aid in exchange, or give away, such counterfeit  
 849 manufacturer's or state-assigned identification number plates or  
 850 serial plates or any decal. However, this subsection does not  
 851 apply to any approved replacement manufacturer's or state-  
 852 assigned identification number plates or serial plates or any  
 853 decal issued by the department or any state.

854 (6) A person who violates any provision of this section  
 855 commits a felony of the third degree, punishable as provided in  
 856 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle  
 857 used in violation of this section constitutes contraband that  
 858 may be seized by a law enforcement agency and that is subject to  
 859 forfeiture proceedings pursuant to ss. 932.701-932.704. This  
 860 section is not exclusive of any other penalties prescribed by

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861 any existing or future laws for the larceny or unauthorized  
 862 taking of off-highway vehicles but is supplementary thereto.

863 Section 31. Section 317.0018, Florida Statutes, is created  
 864 to read:

865 317.0018 Transfer without delivery of certificate;  
 866 operation or use without certificate; failure to surrender;  
 867 other violations.--Except as otherwise provided for in this  
 868 chapter, any person who:

869 (1) Purports to sell or transfer an off-highway vehicle  
 870 without delivering to the purchaser or transferee thereof a  
 871 certificate of title thereto duly assigned to such purchaser or  
 872 transferee as provided in this chapter;

873 (2) Operates or uses in this state an off-highway vehicle  
 874 for which a certificate of title is required without such  
 875 certificate having been obtained in accordance with the  
 876 provisions of this chapter or upon which the certificate of  
 877 title has been canceled;

878 (3) Fails to surrender any certificate of title upon  
 879 cancellation of the same by the department and notice thereof as  
 880 prescribed in this chapter;

881 (4) Fails to surrender the certificate of title to the  
 882 department as provided in this chapter in case of the  
 883 destruction, dismantling, or change of an off-highway vehicle in  
 884 such respect that it is not the off-highway vehicle described in  
 885 the certificate of title; or

886 (5) Violates any of the other provisions of this chapter  
 887 or a lawful rule adopted pursuant to the provisions of this  
 888 chapter

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890 commits a criminal offense punishable by a fine of not more than  
 891 \$500 or by a term of imprisonment not exceeding 6 months, or  
 892 both, for each offense.

893 Section 32. Subsection (7) of section 318.14, Florida  
 894 Statutes, is amended to read:

895 318.14 Noncriminal traffic infractions; exception;  
 896 procedures.--

897 (7)(a) The official having jurisdiction over the  
 898 infraction shall certify to the department within 10 days after  
 899 payment of the civil penalty that the defendant has admitted to  
 900 the infraction. If the charge results in a hearing, the official  
 901 having jurisdiction shall certify to the department the final  
 902 disposition within 10 days after ~~of~~ the hearing. All  
 903 dispositions returned to the county requiring a correction shall  
 904 be resubmitted to the department within 10 days after the  
 905 notification of the error.

906 (b) If the official having jurisdiction over the  
 907 infraction submits the final disposition to the department more  
 908 than 180 days after the final hearing or after payment of the  
 909 civil penalty, the department is authorized to modify any  
 910 resulting suspension or revocation action to begin as if the  
 911 citation were reported in a timely manner.

912 Section 33. For the purpose of incorporating the amendment  
 913 to section 322.61, Florida Statutes, in a reference thereto,  
 914 subsection (9) of section 318.14, Florida Statutes, is reenacted  
 915 to read:

916 318.14 Noncriminal traffic infractions; exception;  
 917 procedures.--



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918 (9) Any person who is cited for an infraction under this  
 919 section other than a violation of s. 320.0605, s. 320.07(3)(a)  
 920 or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may,  
 921 in lieu of a court appearance, elect to attend in the location  
 922 of his or her choice within this state a basic driver  
 923 improvement course approved by the Department of Highway Safety  
 924 and Motor Vehicles. In such a case, adjudication must be  
 925 withheld; points, as provided by s. 322.27, may not be assessed;  
 926 and the civil penalty that is imposed by s. 318.18(3) must be  
 927 reduced by 18 percent; however, a person may not make an  
 928 election under this subsection if the person has made an  
 929 election under this subsection in the preceding 12 months. A  
 930 person may make no more than five elections under this  
 931 subsection. The requirement for community service under s.  
 932 318.18(8) is not waived by a plea of nolo contendere or by the  
 933 withholding of adjudication of guilt by a court.

934 Section 34. Subsection (2) of section 318.15, Florida  
 935 Statutes, as amended by chapter 2003-402, Laws of Florida, is  
 936 amended to read:

937 318.15 Failure to comply with civil penalty or to appear;  
 938 penalty.--

939 (2) After suspension of the driver's license and privilege  
 940 to drive of a person under subsection (1), the license and  
 941 privilege may not be reinstated until the person complies with  
 942 all obligations and penalties imposed on him or her under s.  
 943 318.18 and presents to a driver license office a certificate of  
 944 compliance issued by the court, together with a nonrefundable  
 945 service fee of up to \$37.50 imposed under s. 322.29, or pays the  
 946 aforementioned service fee of up to \$37.50 to the clerk of the

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947 court or tax collector clearing such suspension. If the fee is  
 948 collected by the clerk of the court, \$10 of the fee shall be  
 949 remitted to the Department of Revenue for deposit into the  
 950 Highway Safety Operating Trust Fund. If the fee is collected by  
 951 the tax collector, \$10 of the fee shall be remitted to the  
 952 Department of Highway Safety and Motor Vehicles for deposit into  
 953 the Highway Safety Operating Trust Fund. Such person shall also  
 954 be in compliance with requirements of chapter 322 prior to  
 955 reinstatement.

956 Section 35. Subsection (6) of section 319.23, Florida  
 957 Statutes, is amended to read:

958 319.23 Application for, and issuance of, certificate of  
 959 title.--

960 (6) In the case of the sale of a motor vehicle or mobile  
 961 home by a licensed dealer to a general purchaser, the  
 962 certificate of title shall be obtained in the name of the  
 963 purchaser by the dealer upon application signed by the  
 964 purchaser, and in each other case such certificate shall be  
 965 obtained by the purchaser. In each case of transfer of a motor  
 966 vehicle or mobile home, the application for certificate of  
 967 title, or corrected certificate, or assignment or reassignment,  
 968 shall be filed within 30 days from the delivery of such motor  
 969 vehicle or mobile home to the purchaser. An applicant shall be  
 970 required to pay a fee of \$10, in addition to all other fees and  
 971 penalties required by law, for failing to file such application  
 972 within the specified time. When a licensed dealer takes a motor  
 973 vehicle or mobile home in on trade, the dealer must file with  
 974 the department a notice of sale signed by the seller. The  
 975 department shall then update its database for that title record

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976 to reflect "sold." A licensed dealer need not apply for a  
 977 certificate of title for any motor vehicle or mobile home in  
 978 stock acquired for stock purposes except as provided in s.  
 979 319.225.

980 Section 36. Subsection (4) of section 319.29, Florida  
 981 Statutes, is amended to read:

982 319.29 Lost or destroyed certificates.--

983 (4) The department shall implement a system to verify that  
 984 the application is signed by a person authorized to receive a  
 985 duplicate title certificate under this section if the address  
 986 shown on the application is different from the address shown for  
 987 the applicant on the records of the department. If the title is  
 988 being delivered to someone other than the owner of record,  
 989 verification of identity for that individual must be verified  
 990 and physical documentation maintained.

991 Section 37. Paragraph (b) of subsection (3) of section  
 992 320.05, Florida Statutes, is amended to read:

993 320.05 Records of the department; inspection procedure;  
 994 lists and searches; fees.--

995 (3)

996 (b) Fees therefor shall be charged and collected as  
 997 follows:

998 1. For providing lists of motor vehicle or vessel records  
 999 for the entire state, or any part or parts thereof, divided  
 1000 according to counties, a sum computed at a rate of not less than  
 1001 1 cent nor more than 5 cents per item.

1002 2. For providing noncertified photographic copies of motor  
 1003 vehicle or vessel documents, \$1 per page.

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1004 3. For providing noncertified photographic copies of  
1005 micrographic records, \$1 per page.

1006 4. For providing certified copies of motor vehicle or  
1007 vessel records, \$3 per record.

1008 5. For providing noncertified computer-generated printouts  
1009 of motor vehicle or vessel records, 50 cents per record.

1010 6. For providing certified computer-generated printouts of  
1011 motor vehicle or vessel records, \$3 per record.

1012 7. For providing electronic access to motor vehicle,  
1013 vessel, and mobile home registration data requested by tag,  
1014 vehicle identification number, title number, or decal number, 50  
1015 cents per item, except that information provided via the  
1016 department's Internet website shall be free of charge.

1017 ~~8. For providing electronic access to driver's license~~  
1018 ~~status report by name, sex, and date of birth or by driver~~  
1019 ~~license number, 50 cents per item.~~

1020 ~~8.9.~~ For providing lists of licensed mobile home dealers  
1021 and manufacturers and recreational vehicle dealers and  
1022 manufacturers, \$15 per list.

1023 ~~9.10.~~ For providing lists of licensed motor vehicle  
1024 dealers, \$25 per list.

1025 ~~10.11.~~ For each copy of a videotape record, \$15 per tape.

1026 ~~11.12.~~ For each copy of the Division of Motor Vehicles  
1027 Procedures Manual, \$25.

1028 Section 38. Effective July 1, 2004, section 320.0601,  
1029 Florida Statutes, is amended to read:

1030 320.0601 Lease and rental car companies; identification of  
1031 vehicles as for-hire.--

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1032 (1) A rental car company may not rent in this state any  
 1033 for-hire vehicle, other than vehicles designed to transport  
 1034 cargo, that has affixed to its exterior any bumper stickers,  
 1035 insignias, or advertising that identifies the vehicle as a  
 1036 rental vehicle.

1037 (2) As used in this section, the term:

1038 (a) "Bumper stickers, insignias, or advertising" does not  
 1039 include:

1040 1. Any emblem of no more than two colors which is less  
 1041 than 2 inches by 4 inches, which is placed on the rental car for  
 1042 inventory purposes only, and which does not display the name or  
 1043 logo of the rental car company; or

1044 2. Any license required by the law of the state in which  
 1045 the vehicle is registered.

1046 (b) "Rent in this state" means to sign a rental contract  
 1047 in this state or to deliver a car to a renter in this state.

1048 (3) A rental car company that leases a motor vehicle that  
 1049 is found to be in violation of this section shall be punished by  
 1050 a fine of \$500 per occurrence.

1051 (4) All original and transfer transactions of long-term  
 1052 leased motor vehicles must be registered in the name of the  
 1053 lessee.

1054 Section 39. Section 320.0605, Florida Statutes, is amended  
 1055 to read:

1056 320.0605 Certificate of registration; possession required;  
 1057 exception.--The registration certificate or an official copy  
 1058 thereof, a true copy of a rental or lease agreement issued for a  
 1059 motor vehicle or issued for a replacement vehicle in the same  
 1060 registration period, a temporary receipt printed upon self-

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1061 initiated electronic renewal of a registration via the Internet,  
 1062 or a cab card issued for a vehicle registered under the  
 1063 International Registration Plan shall, at all times while the  
 1064 vehicle is being used or operated on the roads of this state, be  
 1065 in the possession of the operator thereof or be carried in the  
 1066 vehicle for which issued and shall be exhibited upon demand of  
 1067 any authorized law enforcement officer or any agent of the  
 1068 department, except for vehicles registered under s. 320.0657.

1069 The provisions of this section do not apply during the first 30  
 1070 days after purchase of a replacement vehicle. A violation of  
 1071 this section is a noncriminal traffic infraction, punishable as  
 1072 a nonmoving violation as provided in chapter 318.

1073 Section 40. Subsections (3), (4), (5), and (6) of section  
 1074 320.0607, Florida Statutes, are renumbered as subsections (4),  
 1075 (5), (6), and (7), respectively, and a new subsection (3) is  
 1076 added to said section to read:

1077 320.0607 Replacement license plates, validation decal, or  
 1078 mobile home sticker.--

1079 (3) The department shall implement a system to verify that  
 1080 the application is signed by a person authorized to receive a  
 1081 replacement license plate or duplicate registration under this  
 1082 section if the address shown on the application is different  
 1083 from the address shown for the applicant on the records of the  
 1084 department. If the replacement license plate or duplicate  
 1085 registration is being delivered to someone other than the owner  
 1086 of record, proof of identity for that individual must be  
 1087 verified and physical documentation maintained.

1088 Section 41. Subsection (1) of section 320.0843, Florida  
 1089 Statutes, is amended to read:

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1090 320.0843 License plates for persons with disabilities  
 1091 eligible for permanent disabled parking permits.--

1092 (1) Any owner or lessee of a motor vehicle who resides in  
 1093 this state and qualifies for a disabled parking permit under s.  
 1094 320.0848(2), upon application to the department and payment of  
 1095 the license tax for a motor vehicle registered under s.  
 1096 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or  
 1097 (9)(c) or (d), shall be issued a license plate as provided by s.  
 1098 320.06 which, in lieu of the serial number prescribed by s.  
 1099 320.06, shall be stamped with the international wheelchair user  
 1100 symbol after the serial number of the license plate. The license  
 1101 plate entitles the person to all privileges afforded by a  
 1102 parking permit issued under s. 320.0848. When more than one  
 1103 registrant is listed on the registration issued under this  
 1104 section, the eligible applicant shall be noted on the  
 1105 registration certificate.

1106 Section 42. Paragraph (f) of subsection (2) of section  
 1107 320.0848, Florida Statutes, is amended to read:

1108 320.0848 Persons who have disabilities; issuance of  
 1109 disabled parking permits; temporary permits; permits for certain  
 1110 providers of transportation services to persons who have  
 1111 disabilities.--

1112 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
 1113 MOBILITY PROBLEMS.--

1114 (f) To obtain a replacement for a disabled parking permit  
 1115 that has been lost or stolen, a person must submit an  
 1116 application on a form prescribed by the department and must pay  
 1117 a replacement fee in the amount of \$1.00, to be retained by the  
 1118 issuing agency. If the person submits with the application a

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1119 police report documenting that the permit was stolen, there is  
 1120 no replacement fee. The department shall implement a system to  
 1121 verify that the application is signed by a person authorized to  
 1122 receive a replacement or duplicate parking permit under this  
 1123 section if the address shown on the application is different  
 1124 from the address shown for the applicant on the records of the  
 1125 department. If the replacement or duplicate parking permit is  
 1126 being delivered to someone other than the owner of record, proof  
 1127 of identity for that individual must be verified and physical  
 1128 documentation maintained.

1129 Section 43. Subsection (8) is added to section 320.131,  
 1130 Florida Statutes, to read:

1131 320.131 Temporary tags.--

1132 (8) The department may implement an electronic temporary  
 1133 license plate system that must be used by licensed motor vehicle  
 1134 dealers. Upon issuance of a temporary license plate by a dealer,  
 1135 the dealer must access the electronic system and enter the  
 1136 appropriate vehicle and owner information within the timeframe  
 1137 specified by departmental rule. If a dealer fails to comply with  
 1138 the requirements of the electronic system, the department may  
 1139 deny, suspend, or revoke any license issued pursuant to s.  
 1140 320.27(9) upon proof that a licensee has failed to comply with  
 1141 this subsection.

1142 Section 44. Subsection (1) of section 320.18, Florida  
 1143 Statutes, is amended to read:

1144 320.18 Withholding registration.--

1145 (1) The department may withhold the registration of any  
 1146 motor vehicle or mobile home the owner of which has failed to  
 1147 register it under the provisions of law for any previous period



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1148 or periods for which it appears registration should have been  
 1149 made in this state, until the tax for such period or periods is  
 1150 paid. The department may cancel any vehicle registration, driver  
 1151 license, identification card, license plate or fuel-use tax  
 1152 decal if the owner uses a dishonored check to pay ~~pays~~ for the  
 1153 vehicle registration, driver license, identification card, or  
 1154 license plate, fuel-use tax decal; to pay an administrative,  
 1155 delinquency, or reinstatement fee; or to pay any tax liability,  
 1156 penalty, or interest specified in chapter 207 ~~by a dishonored~~  
 1157 ~~check~~, or if the vehicle owner or motor carrier has failed to  
 1158 pay a penalty for a weight or safety violation issued by the  
 1159 Department of Transportation Motor Carrier Compliance Office.  
 1160 The Department of Transportation and the Department of Highway  
 1161 Safety and Motor Vehicles may impound any commercial motor  
 1162 vehicle that has a canceled license plate or fuel-use tax decal  
 1163 until the tax liability, penalty, and interest specified in  
 1164 chapter 207, the license tax, or the fuel-use decal fee, and  
 1165 applicable administrative fees have been paid for by certified  
 1166 funds.

1167 Section 45. Subsection (6) and paragraph (b) of subsection  
 1168 (9) of section 320.27, Florida Statutes, are amended to read:

1169 320.27 Motor vehicle dealers.--

1170 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall  
 1171 keep a book or record in such form as shall be prescribed or  
 1172 approved by the department for a period of 5 years, in which the  
 1173 licensee shall keep a record of the purchase, sale, or exchange,  
 1174 or receipt for the purpose of sale, of any motor vehicle, the  
 1175 date upon which any temporary tag was issued, the date of title  
 1176 transfer, and a description of such motor vehicle together with

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1177 the name and address of the seller, the purchaser, and the  
 1178 alleged owner or other person from whom such motor vehicle was  
 1179 purchased or received or to whom it was sold or delivered, as  
 1180 the case may be. Such description shall include the  
 1181 identification or engine number, maker's number, if any, chassis  
 1182 number, if any, and such other numbers or identification marks  
 1183 as may be thereon and shall also include a statement that a  
 1184 number has been obliterated, defaced, or changed, if such is the  
 1185 fact.

1186 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1187 (b) The department may deny, suspend, or revoke any  
 1188 license issued hereunder or under the provisions of s. 320.77 or  
 1189 s. 320.771 upon proof that a licensee has committed, with  
 1190 sufficient frequency so as to establish a pattern of wrongdoing  
 1191 on the part of a licensee, violations of one or more of the  
 1192 following activities:

1193 1. Representation that a demonstrator is a new motor  
 1194 vehicle, or the attempt to sell or the sale of a demonstrator as  
 1195 a new motor vehicle without written notice to the purchaser that  
 1196 the vehicle is a demonstrator. For the purposes of this section,  
 1197 a "demonstrator," a "new motor vehicle," and a "used motor  
 1198 vehicle" shall be defined as under s. 320.60.

1199 2. Unjustifiable refusal to comply with a licensee's  
 1200 responsibility under the terms of the new motor vehicle warranty  
 1201 issued by its respective manufacturer, distributor, or importer.  
 1202 However, if such refusal is at the direction of the  
 1203 manufacturer, distributor, or importer, such refusal shall not  
 1204 be a ground under this section.

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1205           3. Misrepresentation or false, deceptive, or misleading  
 1206 statements with regard to the sale or financing of motor  
 1207 vehicles which any motor vehicle dealer has, or causes to have,  
 1208 advertised, printed, displayed, published, distributed,  
 1209 broadcast, televised, or made in any manner with regard to the  
 1210 sale or financing of motor vehicles.

1211           4. Failure by any motor vehicle dealer to provide a  
 1212 customer or purchaser with an odometer disclosure statement and  
 1213 a copy of any bona fide written, executed sales contract or  
 1214 agreement of purchase connected with the purchase of the motor  
 1215 vehicle purchased by the customer or purchaser.

1216           5. Failure of any motor vehicle dealer to comply with the  
 1217 terms of any bona fide written, executed agreement, pursuant to  
 1218 the sale of a motor vehicle.

1219           6. Failure to apply for transfer of a title as prescribed  
 1220 in s. 319.23(6).

1221           7. Use of the dealer license identification number by any  
 1222 person other than the licensed dealer or his or her designee.

1223           8. Failure to continually meet the requirements of the  
 1224 licensure law.

1225           9. Representation to a customer or any advertisement to  
 1226 the public representing or suggesting that a motor vehicle is a  
 1227 new motor vehicle if such vehicle lawfully cannot be titled in  
 1228 the name of the customer or other member of the public by the  
 1229 seller using a manufacturer's statement of origin as permitted  
 1230 in s. 319.23(1).

1231           10. Requirement by any motor vehicle dealer that a  
 1232 customer or purchaser accept equipment on his or her motor  
 1233 vehicle which was not ordered by the customer or purchaser.

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1234 11. Requirement by any motor vehicle dealer that any  
 1235 customer or purchaser finance a motor vehicle with a specific  
 1236 financial institution or company.

1237 12. Requirement by any motor vehicle dealer that the  
 1238 purchaser of a motor vehicle contract with the dealer for  
 1239 physical damage insurance.

1240 13. Perpetration of a fraud upon any person as a result of  
 1241 dealing in motor vehicles, including, without limitation, the  
 1242 misrepresentation to any person by the licensee of the  
 1243 licensee's relationship to any manufacturer, importer, or  
 1244 distributor.

1245 14. Violation of any of the provisions of s. 319.35 by any  
 1246 motor vehicle dealer.

1247 15. Sale by a motor vehicle dealer of a vehicle offered in  
 1248 trade by a customer prior to consummation of the sale, exchange,  
 1249 or transfer of a newly acquired vehicle to the customer, unless  
 1250 the customer provides written authorization for the sale of the  
 1251 trade-in vehicle prior to delivery of the newly acquired  
 1252 vehicle.

1253 16. Willful failure to comply with any administrative rule  
 1254 adopted by the department or with the provisions of s.  
 1255 320.131(8).

1256 17. Violation of chapter 319, this chapter, or ss.  
 1257 559.901-559.9221, which has to do with dealing in or repairing  
 1258 motor vehicles or mobile homes. Additionally, in the case of  
 1259 used motor vehicles, the willful violation of the federal law  
 1260 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
 1261 the consumer sales window form.

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1262 Section 46. Subsections (1) and (9) of section 320.8249,  
 1263 Florida Statutes, are amended to read:

1264 320.8249 Mobile home installers license.--

1265 (1) Any person who installs a ~~engages in~~ mobile home  
 1266 ~~installation~~ shall obtain a mobile home installers license from  
 1267 the Bureau of Mobile Home and Recreational Vehicle Construction  
 1268 of the Department of Highway Safety and Motor Vehicles pursuant  
 1269 to this section. Said license shall be renewed annually, and  
 1270 each licensee shall pay a fee of \$150.

1271 (9) No licensed person nor licensed applicant shall:

1272 (a) Obtain a mobile home installers license by fraud or  
 1273 misrepresentation.

1274 (b) Be convicted or found guilty of, or enter a plea of  
 1275 nolo contendere to, regardless of adjudication, a crime in any  
 1276 jurisdiction which directly relates to the practice of mobile  
 1277 home installation or the ability to practice.

1278 (c) Violate any lawful order of the department, or any  
 1279 other law of this state, including chapter 319 or this chapter,  
 1280 that has to do with dealing in, installing, or repairing mobile  
 1281 homes.

1282 (d) Commit fraud or deceit in the practice of contracting.

1283 (e) Commit incompetence or misconduct in the practice of  
 1284 contracting.

1285 (f) Commit gross negligence, repeated negligence, or  
 1286 negligence resulting in a significant danger to life or  
 1287 property.

1288 (g) Commit violations of the installation standards for  
 1289 mobile homes or manufactured homes contained in rules 15C-1 and  
 1290 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida Administrative Code.

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1291 (10) Any licensed person or license applicant who violates  
 1292 any provision of subsection (9) may have any of the following  
 1293 disciplinary penalties imposed by the department:

- 1294 (a) License revocation;
- 1295 (b) License suspension;
- 1296 (c) A fine not to exceed \$1,000 per violation;
- 1297 (d) A requirement to take and pass, or retake and pass,  
 1298 the department-approved examination;
- 1299 (e) Probation;
- 1300 (f) Probation subject to such restriction of practice as  
 1301 the department chooses to impose;
- 1302 (g) A notice of noncompliance; or
- 1303 (h) Refusal of licensure application.

1304 Section 47. Subsections (4) and (10) of section 322.05,  
 1305 Florida Statutes, are amended to read:

1306 322.05 Persons not to be licensed.--The department may not  
 1307 issue a license:

1308 (4) Except as provided by this subsection, to any person,  
 1309 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~  
 1310 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~  
 1311 ~~16 or 17 years who applies for a Class D driver's license is~~  
 1312 ~~subject to all the requirements and provisions of paragraphs~~  
 1313 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~  
 1314 ~~department may require of any such applicant for a Class D~~  
 1315 ~~driver's license such examination of the qualifications of the~~  
 1316 ~~applicant as the department considers proper, and the department~~  
 1317 ~~may limit the use of any license granted as it considers proper.~~

1318 (10) To any person, when the department has good cause to  
 1319 believe that the operation of a motor vehicle on the highways by

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1320 such person would be detrimental to public safety or welfare.  
 1321 Deafness alone shall not prevent the person afflicted from being  
 1322 issued a ~~Class D or~~ Class E driver's license.

1323 Section 48. Subsections (1) and (2) of section 322.051,  
 1324 Florida Statutes, are amended, and subsection (8) is added to  
 1325 said section, to read:

1326 322.051 Identification cards.--

1327 (1) Any person who is 12 years of age or older, or any  
 1328 person who has a disability, regardless of age, who applies for  
 1329 a disabled parking permit under s. 320.0848, may be issued an  
 1330 identification card by the department upon completion of an  
 1331 application and payment of an application fee.

1332 (a) Each such application shall include the following  
 1333 information regarding the applicant:

1334 1. Full name (first, middle or maiden, and last), gender,  
 1335 social security card number, county of residence and mailing  
 1336 address, country of birth, and a brief description.

1337 2. Proof of birth date satisfactory to the department.

1338 3. Proof of identity satisfactory to the department. Such  
 1339 proof must include one of the following documents issued to the  
 1340 applicant:

1341 a. A driver's license record or identification card record  
 1342 from another jurisdiction that required the applicant to submit  
 1343 a document for identification which is substantially similar to  
 1344 a document required under sub-subparagraph b., sub-subparagraph  
 1345 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-  
 1346 subparagraph f., or sub-subparagraph g.;

1347 b. A certified copy of a United States birth certificate;

1348 c. A ~~valid~~ United States passport;

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1349 d. A naturalization certificate issued by the United  
 1350 States Department of Justice;  
 1351 ~~e.d.~~ An alien registration receipt card (green card);  
 1352 ~~f.e.~~ An employment authorization card issued by the United  
 1353 States Department of Justice; or  
 1354 ~~g.f.~~ Proof of nonimmigrant classification provided by the  
 1355 United States Department of Justice, for an original  
 1356 identification card. In order to prove such nonimmigrant  
 1357 classification, applicants may produce but are not limited to  
 1358 the following documents:  
 1359 (I) A notice of hearing from an immigration court  
 1360 scheduling a hearing on any proceeding.  
 1361 (II) A notice from the Board of Immigration Appeals  
 1362 acknowledging pendency of an appeal.  
 1363 (III) Notice of the approval of an application for  
 1364 adjustment of status issued by the United States Immigration and  
 1365 Naturalization Service.  
 1366 (IV) Any official documentation confirming the filing of a  
 1367 petition for asylum status or any other relief issued by the  
 1368 United States Immigration and Naturalization Service.  
 1369 (V) Notice of action transferring any pending matter from  
 1370 another jurisdiction to Florida, issued by the United States  
 1371 Immigration and Naturalization Service.  
 1372 (VI) Order of an immigration judge or immigration officer  
 1373 granting any relief that authorizes the alien to live and work  
 1374 in the United States including, but not limited to asylum.  
 1375  
 1376 Presentation of any of the ~~foregoing~~ documents described in sub-  
 1377 subparagraph f. or sub-subparagraph g. entitles shall entitle



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1378 the applicant to an identification card ~~a driver's license or~~  
1379 ~~temporary permit~~ for a period not to exceed the expiration date  
1380 of the document presented or 2 years, whichever first occurs.

1381 (b) An application for an identification card must be  
1382 signed and verified by the applicant in a format designated by  
1383 the department before a person authorized to administer oaths.  
1384 The fee for an identification card is \$3, including payment for  
1385 the color photograph or digital image of the applicant.

1386 (c) Each such applicant may include fingerprints and any  
1387 other unique biometric means of identity.

1388 (2)(a) Every identification card shall expire, unless  
1389 canceled earlier, on the sixth ~~fourth~~ birthday of the applicant  
1390 following the date of original issue. However, if an individual  
1391 is 60 years of age or older, and has an identification card  
1392 issued under this section, the card shall not expire unless done  
1393 so by cancellation by the department or by the death of the  
1394 cardholder. Renewal of any identification card shall be made for  
1395 a term which shall expire on the sixth ~~fourth~~ birthday of the  
1396 applicant following expiration of the identification card  
1397 renewed, unless surrendered earlier. Any application for renewal  
1398 received later than 90 days after expiration of the  
1399 identification card shall be considered the same as an  
1400 application for an original identification card. The renewal fee  
1401 for an identification card shall be \$10, of which \$4 shall be  
1402 deposited into the General Revenue Fund and \$6 into the Highway  
1403 Safety Operating Trust Fund. The department shall, at the end of  
1404 6 4 years and 6 months after the issuance or renewal of an  
1405 identification card, destroy any record of the card if it has

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1406 expired and has not been renewed, unless the cardholder is 60  
1407 years of age or older.

1408 (b) Notwithstanding any other provision of this chapter,  
1409 if an applicant establishes his or her identity for an  
1410 identification card using a document authorized under sub-  
1411 subparagraph (1)(a)3.e. ~~(a)3.d.~~, the identification card shall  
1412 expire on the sixth ~~fourth~~ birthday of the applicant following  
1413 the date of original issue or upon first renewal or duplicate  
1414 issued after implementation of this section. After an initial  
1415 showing of such documentation, he or she is exempted from having  
1416 to renew or obtain a duplicate in person.

1417 (c) Notwithstanding any other provisions of this chapter,  
1418 if an applicant establishes his or her identity for an  
1419 identification card using an identification document authorized  
1420 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.  
1421 ~~sub-subparagraphs (a)3.e. f.~~, the identification card shall  
1422 expire 2 years after the date of issuance or upon the expiration  
1423 date cited on the United States Department of Justice documents,  
1424 whichever date first occurs, and may not be renewed or obtain a  
1425 duplicate except in person.

1426 (8) The department shall, on receipt of the required fee,  
1427 issue to each qualified applicant for an identification card a  
1428 color photographic or digital image identification card bearing  
1429 a full-face photograph or digital image of the identification  
1430 cardholder. Notwithstanding the provisions of chapter 761, the  
1431 requirement for a full-face photograph or digital image of the  
1432 identification cardholder shall not be waived. A space shall be  
1433 provided upon which the identification cardholder shall affix  
1434 his or her usual signature, as required in s. 322.14, in the

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1435 presence of an authorized agent of the department so as to  
 1436 ensure that such signature becomes a part of the identification  
 1437 card.

1438 Section 49. Subsections (2) and (3) of section 322.07,  
 1439 Florida Statutes, are amended to read:

1440 322.07 Instruction permits and temporary licenses.--

1441 (2) The department may, in its discretion, issue a  
 1442 temporary permit to an applicant for a ~~Class D or~~ Class E  
 1443 driver's license permitting him or her to operate a motor  
 1444 vehicle of the type for which a ~~Class D or~~ Class E driver's  
 1445 license is required while the department is completing its  
 1446 investigation and determination of all facts relative to such  
 1447 applicant's right to receive a driver's license. Such permit  
 1448 must be in his or her immediate possession while operating a  
 1449 motor vehicle, and it shall be invalid when the applicant's  
 1450 license has been issued or for good cause has been refused.

1451 (3) Any person who, except for his or her lack of  
 1452 instruction in operating a ~~Class D or~~ commercial motor vehicle,  
 1453 would otherwise be qualified to obtain a ~~Class D or~~ commercial  
 1454 driver's license under this chapter, may apply for a ~~temporary~~  
 1455 ~~Class D or~~ temporary commercial instruction permit. The  
 1456 department shall issue such a permit entitling the applicant,  
 1457 while having the permit in his or her immediate possession, to  
 1458 drive a ~~Class D or~~ commercial motor vehicle on the highways,  
 1459 provided that:

1460 (a) The applicant possesses a valid driver's license  
 1461 issued in any state; and

1462 (b) The applicant, while operating a ~~Class D or~~ commercial  
 1463 motor vehicle, is accompanied by a licensed driver who is 21

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1464 years of age or older, who is licensed to operate the class of  
 1465 vehicle being operated, and who is actually occupying the  
 1466 closest seat to the right of the driver.

1467 Section 50. Paragraph (c) of subsection (2) of section  
 1468 322.08, Florida Statutes, is amended to read:

1469 322.08 Application for license.--

1470 (2) Each such application shall include the following  
 1471 information regarding the applicant:

1472 (c) Proof of identity satisfactory to the department. Such  
 1473 proof must include one of the following documents issued to the  
 1474 applicant:

1475 1. A driver's license record or identification card record  
 1476 from another jurisdiction that required the applicant to submit  
 1477 a document for identification which is substantially similar to  
 1478 a document required under subparagraph 2., subparagraph 3.,  
 1479 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or  
 1480 subparagraph 7.;

1481 2. A certified copy of a United States birth certificate;

1482 3. A ~~valid~~ United States passport;

1483 4. A naturalization certificate issued by the United  
 1484 States Department of Justice;

1485 ~~5.4.~~ An alien registration receipt card (green card);

1486 ~~6.5.~~ An employment authorization card issued by the United  
 1487 States Department of Justice; or

1488 ~~7.6.~~ Proof of nonimmigrant classification provided by the  
 1489 United States Department of Justice for an original driver  
 1490 license. In order to prove such nonimmigrant classification, an  
 1491 applicant may produce documents including, but not limited to,  
 1492 the following:

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- 1493 a. A notice of hearing from an immigration court
- 1494 scheduling a hearing on any proceeding;
- 1495 b. A notice from the Board of Immigration Appeals
- 1496 acknowledging pendency of an appeal;
- 1497 c. Notice of the approval of an application for adjustment
- 1498 of status issued by the United States Immigration and
- 1499 Naturalization Service;
- 1500 d. Any official documentation confirming the filing of a
- 1501 petition for asylum status or any other relief issued by the
- 1502 United States Immigration and Naturalization Service;
- 1503 e. Notice of action transferring any pending matter from
- 1504 another jurisdiction to this state, issued by the United States
- 1505 Immigration and Naturalization Service; or
- 1506 f. An order of an immigration judge or immigration officer
- 1507 granting any relief that authorizes the alien to live and work
- 1508 in the United States, including, but not limited to, asylum.
- 1509
- 1510 Presentation of any of the documents in subparagraph 6. or
- 1511 subparagraph 7. entitles the applicant to a driver license or
- 1512 temporary permit for a period not to exceed the expiration date
- 1513 of the document presented or 2 years, whichever occurs first.

1514 Section 51. Subsection (3) of section 322.12, Florida  
 1515 Statutes, is amended to read:

1516 322.12 Examination of applicants.--

1517 (3) For an applicant for a ~~Class D~~ or a Class E driver's  
 1518 license, such examination shall include a test of the  
 1519 applicant's eyesight given by the driver's license examiner  
 1520 designated by the department or by a licensed ophthalmologist,  
 1521 optometrist, or physician and a test of the applicant's hearing

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1522 given by a driver's license examiner or a licensed physician.  
 1523 The examination shall also include a test of the applicant's  
 1524 ability to read and understand highway signs regulating,  
 1525 warning, and directing traffic; his or her knowledge of the  
 1526 traffic laws of this state, including laws regulating driving  
 1527 under the influence of alcohol or controlled substances, driving  
 1528 with an unlawful blood-alcohol level, and driving while  
 1529 intoxicated; and his or her knowledge of the effects of alcohol  
 1530 and controlled substances upon persons and the dangers of  
 1531 driving a motor vehicle while under the influence of alcohol or  
 1532 controlled substances and shall include an actual demonstration  
 1533 of ability to exercise ordinary and reasonable control in the  
 1534 operation of a motor vehicle.

1535 Section 52. Subsections (1) and (4) of section 322.135,  
 1536 Florida Statutes, are amended, and subsection (9) is added to  
 1537 said section, to read:

1538 322.135 Driver's license agents.--

1539 (1) The department may, upon application, authorize any or  
 1540 all of the tax collectors in the several counties of the state,  
 1541 subject to the requirements of law, in accordance with rules of  
 1542 the department, to serve as its agent for the provision of  
 1543 specified driver's license services.

1544 (a) These services shall be limited to the issuance of  
 1545 driver's licenses and identification cards as authorized by this  
 1546 chapter.

1547 (b) Each tax collector who is authorized by the department  
 1548 to provide driver's license services shall bear all costs  
 1549 associated with providing those services.

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1550 (c) A fee of \$5.25 is to be charged, in addition to the  
 1551 fees set forth in this chapter, for any driver's license issued  
 1552 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~  
 1553 ~~be deposited into the Highway Safety Operating Trust Fund.~~

1554 (4) A tax collector may not issue or renew a driver's  
 1555 license if he or she has any reason to believe that the licensee  
 1556 or prospective licensee is physically or mentally unqualified to  
 1557 operate a motor vehicle. The tax collector may ~~shall~~ direct any  
 1558 such licensee to the department for examination or reexamination  
 1559 under s. 322.221.

1560 (9) Notwithstanding chapter 116, every county officer  
 1561 within this state authorized to collect funds provided for in  
 1562 this chapter shall pay all sums officially received by the  
 1563 officer into the State Treasury no later than 5 working days  
 1564 after the close of the business day on which the officer  
 1565 received the funds. Payment by county officers to the state  
 1566 shall be made by means of electronic funds transfer.

1567 Section 53. Subsection (1) of section 322.142, Florida  
 1568 Statutes, is amended to read:

1569 322.142 Color photographic or digital imaged licenses.--

1570 (1) The department shall, upon receipt of the required  
 1571 fee, issue to each qualified applicant for a ~~an original~~  
 1572 driver's license a color photographic or digital imaged driver's  
 1573 license bearing a fullface photograph or digital image of the  
 1574 licensee. Notwithstanding the provisions of chapter 761, the  
 1575 requirement for a fullface photograph or digital image of the  
 1576 licensee shall not be waived. A space shall be provided upon  
 1577 which the licensee shall affix his or her usual signature, as  
 1578 required in s. 322.14, in the presence of an authorized agent of

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1579 the department so as to ensure that such signature becomes a  
 1580 part of the license.

1581 Section 54. Subsections (3) and (4) of section 322.161,  
 1582 Florida Statutes, are renumbered as subsections (2) and (3),  
 1583 respectively, and present subsections (1) and (2) of said  
 1584 section are amended to read:

1585 322.161 High-risk drivers; restricted licenses.--

1586 (1)(a) Notwithstanding any provision of law to the  
 1587 contrary, the department shall restrict the driving privilege of  
 1588 any ~~Class D or~~ Class E licensee who is age 15 through 17 and who  
 1589 has accumulated six or more points pursuant to s. 318.14,  
 1590 excluding parking violations, within a 12-month period.

1591 (b) Upon determination that any person has accumulated six  
 1592 or more points, the department shall notify the licensee and  
 1593 issue the licensee a restricted license for business purposes  
 1594 only. The licensee must appear before the department within 10  
 1595 days after notification to have this restriction applied. The  
 1596 period of restriction shall be for a period of no less than 1  
 1597 year beginning on the date it is applied by the department.

1598 (c) The restriction shall be automatically withdrawn by  
 1599 the department after 1 year if the licensee does not accumulate  
 1600 any additional points. If the licensee accumulates any  
 1601 additional points, then the period of restriction shall be  
 1602 extended 90 days for each point. The restriction shall also be  
 1603 automatically withdrawn upon the licensee's 18th birthday if no  
 1604 other grounds for restriction exist. The licensee must appear  
 1605 before the department to have the restriction removed and a  
 1606 duplicate license issued.



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1607       ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~  
 1608 ~~who has accumulated six or more points pursuant to s. 318.14,~~  
 1609 ~~excluding parking violations, within a 12-month period shall not~~  
 1610 ~~be eligible to obtain a Class D license for a period of no less~~  
 1611 ~~than 1 year. The period of ineligibility shall begin on the date~~  
 1612 ~~of conviction for the violation that results in the licensee's~~  
 1613 ~~accumulation of six or more points.~~

1614       ~~(b) The period of ineligibility shall automatically expire~~  
 1615 ~~after 1 year if the licensee does not accumulate any additional~~  
 1616 ~~points. If the licensee accumulates any additional points, then~~  
 1617 ~~the period of ineligibility shall be extended 90 days for each~~  
 1618 ~~point. The period of ineligibility shall also automatically~~  
 1619 ~~expire upon the licensee's 18th birthday if no other grounds for~~  
 1620 ~~ineligibility exist.~~

1621       Section 55. Subsection (3) of section 322.17, Florida  
 1622 Statutes, is amended to read:

1623       322.17 Duplicate and replacement certificates.--

1624       (3) Notwithstanding any other provisions of this chapter,  
 1625 if a licensee establishes his or her identity for a driver's  
 1626 license using an identification document authorized under s.  
 1627 322.08(2)(c)6. or 7. ~~5.-6.~~, the licensee may not obtain a  
 1628 duplicate or replacement instruction permit or driver's license  
 1629 except in person and upon submission of an identification  
 1630 document authorized under s. 322.08(2)(c)6. or 7. ~~5.-6.~~

1631       Section 56. Subsections (2) and (4) of section 322.18,  
 1632 Florida Statutes, are amended to read:

1633       322.18 Original applications, licenses, and renewals;  
 1634 expiration of licenses; delinquent licenses.--

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1635 (2) Each applicant who is entitled to the issuance of a  
 1636 driver's license, as provided in this section, shall be issued a  
 1637 driver's license, as follows:

1638 (a) An applicant applying for an original issuance shall  
 1639 be issued a driver's license which expires at midnight on the  
 1640 licensee's birthday which next occurs on or after the sixth  
 1641 anniversary of the date of issue.

1642 (b) An applicant applying for a renewal issuance or  
 1643 renewal extension shall be issued a driver's license or renewal  
 1644 extension sticker which expires at midnight on the licensee's  
 1645 birthday which next occurs 4 years after the month of expiration  
 1646 of the license being renewed, except that a driver whose driving  
 1647 record reflects no convictions for the preceding 3 years shall  
 1648 be issued a driver's license or renewal extension sticker which  
 1649 expires at midnight on the licensee's birthday which next occurs  
 1650 6 years after the month of expiration of the license being  
 1651 renewed.

1652 (c) Notwithstanding any other provision of this chapter,  
 1653 if an applicant establishes his or her identity for a driver's  
 1654 license using a document authorized under s. 322.08(2)(c)5.4.,  
 1655 the driver's license shall expire in accordance with paragraph  
 1656 (b). After an initial showing of such documentation, he or she  
 1657 is exempted from having to renew or obtain a duplicate in  
 1658 person.

1659 (d) Notwithstanding any other provision of this chapter,  
 1660 if applicant establishes his or her identity for a driver's  
 1661 license using a document authorized in s. 322.08(2)(c)6. or 7.  
 1662 ~~5. or 6.~~, the driver's license shall expire 2 4 years after the  
 1663 date of issuance or upon the expiration date cited on the United

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1664 States Department of Justice documents, whichever date first  
 1665 occurs.

1666 (e) Notwithstanding any other provision of this chapter,  
 1667 an applicant applying for an original or renewal issuance of a  
 1668 commercial driver license as defined in s. 322.01(7), with a  
 1669 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),  
 1670 shall be issued a driver license which expires at midnight on  
 1671 the licensee's birthday which next occurs 4 years after the  
 1672 month of expiration of the license being issued or renewed.

1673 (4)(a) Except as otherwise provided in this chapter, all  
 1674 licenses shall be renewable every 4 years or 6 years, depending  
 1675 upon the terms of issuance and shall be issued or extended upon  
 1676 application, payment of the fees required by s. 322.21, and  
 1677 successful passage of any required examination, unless the  
 1678 department has reason to believe that the licensee is no longer  
 1679 qualified to receive a license.

1680 (b) Notwithstanding any other provision of this chapter,  
 1681 if an applicant establishes his or her identity for a driver's  
 1682 license using a document authorized under s. 322.08(2)(c)~~5.4~~,  
 1683 the license, upon an initial showing of such documentation, is  
 1684 exempted from having to renew or obtain a duplicate in person,  
 1685 unless the renewal or duplication coincides with the periodic  
 1686 reexamination of a driver as required pursuant to s. 322.121.

1687 (c) Notwithstanding any other provision of this chapter,  
 1688 if a licensee establishes his or her identity for a driver's  
 1689 license using an identification document authorized under s.  
 1690 322.08(2)(c)6. or 7. ~~5. or 6.~~, the licensee may not renew the  
 1691 driver's license except in person and upon submission of an  
 1692 identification document authorized under s. 322.08(2)(c)6. or 7.

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1693 ~~4.-6.-~~ A driver's license renewed under this paragraph expires 4  
1694 years after the date of issuance or upon the expiration date  
1695 cited on the United States Department of Justice documents,  
1696 whichever date first occurs.

1697 Section 57. Subsection (4) of section 322.19, Florida  
1698 Statutes, is amended to read:

1699 322.19 Change of address or name.--

1700 (4) Notwithstanding any other provision of this chapter,  
1701 if a licensee established his or her identity for a driver's  
1702 license using an identification document authorized under s.  
1703 322.08(2)(c)6. or 7. ~~5.-6.-~~, the licensee may not change his or  
1704 her name or address except in person and upon submission of an  
1705 identification document authorized under s. 322.08(2)(c)6. or 7.  
1706 ~~4.-6.-~~.

1707 Section 58. Paragraph (a) of subsection (11) of section  
1708 322.20, Florida Statutes, is amended to read:

1709 322.20 Records of the department; fees; destruction of  
1710 records.--

1711 (11)(a) The department is authorized to charge the  
1712 following fees for the following services and documents:

1713 1. For providing a transcript of any one individual's  
1714 driver history record or any portion thereof for the past 3  
1715 years or for searching for such record when no record is found  
1716 to be on file ..... \$2.10

1717 2. For providing a transcript of any one individual's  
1718 driver history record or any portion thereof for the past 7  
1719 years or for searching for such record when no record is found  
1720 to be on file ..... \$3.10

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1721 3. For providing a certified copy of a transcript of the  
1722 driver history record or any portion thereof for any one  
1723 individual..... \$3.10

1724 4. For providing a certified photographic copy of a  
1725 document, per page ..... \$1.00

1726 5. For providing an exemplified record ..... \$15.00

1727 6. For providing photocopies of documents, papers,  
1728 letters, clearances, or license or insurance status reports, per  
1729 page .....  
1730 \$0.50

1731 7. For assisting persons in searching any one individual's  
1732 driver record at a terminal located at the department's general  
1733 headquarters in Tallahassee ..... \$2.00

1734 8. For providing electronic access to driver's license  
1735 status report by name, sex, and date of birth or by driver  
1736 license number, 50 cents per item, except that information  
1737 provided via the department's Internet website shall be free of  
1738 charge.

1739 Section 59. Subsection (1) of section 322.21, Florida  
1740 Statutes, is amended to read:

1741 322.21 License fees; procedure for handling and collecting  
1742 fees.--

1743 (1) Except as otherwise provided herein, the fee for:

1744 (a) An original or renewal commercial driver's license is  
1745 \$50, which shall include the fee for driver education provided  
1746 by s. 1003.48; however, if an applicant has completed training  
1747 and is applying for employment or is currently employed in a  
1748 public or nonpublic school system that requires the commercial  
1749 license, the fee shall be the same as for a Class E driver's

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1750 license. A delinquent fee of \$1 shall be added for a renewal  
 1751 made not more than 12 months after the license expiration date.

1752 (b) An original ~~Class D or~~ Class E driver's license is  
 1753 \$20, which shall include the fee for driver's education provided  
 1754 by s. 1003.48; however, if an applicant has completed training  
 1755 and is applying for employment or is currently employed in a  
 1756 public or nonpublic school system that requires a commercial  
 1757 driver license, the fee shall be the same as for a Class E  
 1758 license.

1759 (c) The renewal or extension of a ~~Class D or~~ Class E  
 1760 driver's license or of a license restricted to motorcycle use  
 1761 only is \$15, except that a delinquent fee of \$1 shall be added  
 1762 for a renewal or extension made not more than 12 months after  
 1763 the license expiration date. The fee provided in this paragraph  
 1764 shall include the fee for driver's education provided by s.  
 1765 1003.48.

1766 (d) An original driver's license restricted to motorcycle  
 1767 use only is \$20, which shall include the fee for driver's  
 1768 education provided by s. 1003.48.

1769 (e) Each endorsement required by s. 322.57 is \$5.

1770 (f) A hazardous-materials endorsement as required by s.  
 1771 322.57(1)(d) shall be set by the department and shall reflect  
 1772 the cost of the required criminal history checks, including the  
 1773 costs of the state and federal fingerprint check, and the cost  
 1774 of production and issuance of the license by the department.

1775 Section 60. Section 322.22, Florida Statutes, is amended  
 1776 to read:

1777 322.22 Authority of department to cancel license,  
 1778 identification card, vehicle registration, fuel-use tax decal.--

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1779 (1) The department is authorized to cancel any driver's  
 1780 license, upon determining that the licensee was not entitled to  
 1781 the issuance thereof, or that the licensee failed to give the  
 1782 required or correct information in his or her application or  
 1783 committed any fraud in making such application, or that the  
 1784 licensee has two or more licenses on file with the department,  
 1785 each in a different name but bearing the photograph of the  
 1786 licensee, unless the licensee has complied with the requirements  
 1787 of this chapter in obtaining the licenses. The department may  
 1788 cancel any driver's license, identification card, vehicle  
 1789 registration, or fuel-use tax decal if the licensee fails to pay  
 1790 the correct fee or uses a dishonored check to pay ~~pays~~ for the  
 1791 driver license, identification card, vehicle registration, or  
 1792 fuel-use tax decal; to pay any tax liability, penalty, or  
 1793 interest specified in chapter 207; or to pay ~~pays~~ any  
 1794 administrative, delinquency, or reinstatement fee ~~by a~~  
 1795 ~~dishonored check.~~

1796 (2) Upon such cancellation, the licensee must surrender to  
 1797 the department the license, identification card, vehicle  
 1798 registration, or fuel-use tax decal so canceled.

1799 Section 61. Subsections (4) and (5) of section 322.251,  
 1800 Florida Statutes, are amended to read:

1801 322.251 Notice of cancellation, suspension, revocation, or  
 1802 disqualification of license.--

1803 (4) A person whose privilege to operate a commercial motor  
 1804 vehicle is temporarily disqualified may, upon surrendering his  
 1805 or her commercial driver's license, be issued a ~~Class D or~~ Class  
 1806 E driver's license, valid for the length of his or her unexpired  
 1807 commercial driver's license, at no cost. Such person may, upon

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1808 the completion of his or her disqualification, be issued a  
 1809 commercial driver's license, of the type disqualified, for the  
 1810 remainder of his or her unexpired license period. Any such  
 1811 person shall pay the reinstatement fee provided in s. 322.21  
 1812 before being issued a commercial driver's license.

1813 (5) A person whose privilege to operate a commercial motor  
 1814 vehicle is permanently disqualified may, upon surrendering his  
 1815 or her commercial driver's license, be issued a ~~Class D~~ or Class  
 1816 E driver's license, if he or she is otherwise qualified to  
 1817 receive such license. Any such person shall be issued a ~~Class D~~  
 1818 ~~or~~ Class E license, valid for the remainder of his or her  
 1819 unexpired license period, at no cost.

1820 Section 62. Paragraph (c) of subsection (2) of section  
 1821 322.292, Florida Statutes, is amended to read:

1822 322.292 DUI programs supervision; powers and duties of the  
 1823 department.--

1824 (2) The department shall adopt rules to implement its  
 1825 supervisory authority over DUI programs in accordance with the  
 1826 procedures of chapter 120, including the establishment of  
 1827 uniform standards of operation for DUI programs and the method  
 1828 for setting and approving fees, as follows:

1829 (c) Implement procedures for the granting and revoking of  
 1830 licenses for DUI programs, including:

1831 1. A uniform application fee not to exceed \$1,000 but in  
 1832 an amount sufficient to cover the department's administrative  
 1833 costs in processing and evaluating DUI program license  
 1834 applications. The application fee shall not apply to programs  
 1835 that apply for licensure to serve a county that does not have a  
 1836 currently licensed DUI program or where the currently licensed



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1837 program has relinquished its license.

1838         2. In considering an application for approval of a DUI  
 1839 program, the department shall determine whether improvements in  
 1840 service may be derived from the operation of the DUI program and  
 1841 the number of clients currently served in the circuit. The  
 1842 department shall apply the following criteria:

1843             a. The increased frequency of classes and availability of  
 1844 locations of services offered by the applicant DUI program.

1845             b. Services and fees offered by the applicant DUI program  
 1846 and any existing DUI program.

1847             c. The number of DUI clients currently served and  
 1848 historical trends in the number of clients served in the  
 1849 circuit.

1850             d. The availability, accessibility, and service history of  
 1851 any existing DUI program services.

1852             e. The applicant DUI program's service history.

1853             f. The availability of resources, including personnel,  
 1854 demonstrated management capability, and capital and operating  
 1855 expenditures of the applicant DUI program.

1856             g. Improved services to minority and special needs  
 1857 clients.

1858         3. Authority for competing applicants and currently  
 1859 licensed DUI programs serving the same geographic area to  
 1860 request an administrative hearing under chapter 120 to contest  
 1861 the department's determination of need for an additional  
 1862 licensed DUI program in that area.

1863         4. A requirement that the department revoke the license of  
 1864 any DUI program that does not provide the services specified in  
 1865 its application within 45 days after licensure and notify the

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1866 chief judge of that circuit of such revocation.

1867           5. A requirement that all applicants for initial licensure  
 1868 as a DUI program in a particular circuit on and after the  
 1869 effective date of this act must, at a minimum, satisfy each of  
 1870 the following criteria:

1871           a. Maintain a primary business office in the circuit which  
 1872 is located in a permanent structure that is readily accessible  
 1873 by public transportation, if public transportation is available.  
 1874 The primary business office must be adequately staffed and  
 1875 equipped to provide all DUI program support services, including  
 1876 registration and a file for each person who registers for the  
 1877 program.

1878           b. Have a satellite office for registration of DUI  
 1879 offenders in each county in the circuit which is located in a  
 1880 permanent structure that is readily accessible by public  
 1881 transportation, if public transportation is available. A  
 1882 satellite office is not required in any county where the total  
 1883 number of DUI convictions in the most recent calendar year is  
 1884 less than 200.

1885           c. Have a classroom in each county in the circuit which is  
 1886 located in a permanent structure that is readily accessible by  
 1887 public transportation, if public transportation is available. A  
 1888 classroom is not required in any county where the total number  
 1889 of DUI convictions in the most recent calendar year is less than  
 1890 100. A classroom may not be located within 250 feet of any  
 1891 business that sells alcoholic beverages. However, a classroom  
 1892 shall not be required to be relocated when a business selling  
 1893 alcoholic beverages locates to within 250 feet of the classroom.

1894           d. Have a plan for conducting all DUI education courses,

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1895 evaluation services, and other services required by the  
 1896 department. The level I DUI education course must be taught in  
 1897 four segments, with no more than 6 hours of classroom  
 1898 instruction provided to any offender each day. All DUI education  
 1899 courses must be in a classroom with face-to-face instruction and  
 1900 interaction among offenders and an instructor.

1901 e. Employ at least 1 full-time certified addiction  
 1902 professional for the program at all times.

1903 f. Document support from community agencies involved in  
 1904 DUI education and substance abuse treatment in the circuit.

1905 g. Have a volunteer board of directors and advisory  
 1906 committee made up of citizens who reside in the circuit in which  
 1907 licensure is sought.

1908 h. Submit documentation of compliance with all applicable  
 1909 federal, state, and local laws, including, but not limited to,  
 1910 the Americans with Disabilities Act.

1911 Section 63. Subsection (2) of section 322.30, Florida  
 1912 Statutes, is amended to read:

1913 322.30 No operation under foreign license during  
 1914 suspension, revocation, or disqualification in this state.--

1915 (2) Notwithstanding subsection (1), any commercial motor  
 1916 vehicle operator whose privilege to operate such vehicle is  
 1917 disqualified may operate a motor vehicle in this state as a  
 1918 ~~Class D or~~ Class E licensee, if authorized by this chapter.

1919 Section 64. Section 322.53, Florida Statutes, is amended  
 1920 to read:

1921 322.53 License required; exemptions.--

1922 (1) Except as provided in subsection (2), every person who  
 1923 drives a commercial motor vehicle in this state is required to

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1924 possess a valid commercial driver's license issued in accordance  
 1925 with the requirements of this chapter.

1926 (2) The following persons are exempt from the requirement  
 1927 to obtain a commercial driver's license:

1928 (a) Drivers of authorized emergency vehicles.

1929 (b) Military personnel driving military vehicles.

1930 (c) Farmers transporting farm supplies or farm machinery  
 1931 within 150 miles of their farm, or transporting agricultural  
 1932 products to or from the first place of storage or processing or  
 1933 directly to or from market, within 150 miles of their farm.

1934 (d) Drivers of recreational vehicles, as defined in s.  
 1935 320.01.

1936 (e) Drivers who operate straight trucks, as defined in s.  
 1937 316.003, that are exclusively transporting their own tangible  
 1938 personal property which is not for sale.

1939 (f) An employee of a publicly owned transit system who is  
 1940 limited to moving vehicles for maintenance or parking purposes  
 1941 exclusively within the restricted-access confines of a transit  
 1942 system's property.

1943 (3) Notwithstanding subsection (2), all drivers of for-  
 1944 hire commercial motor vehicles are required to possess a valid  
 1945 commercial driver's license issued in accordance with the  
 1946 requirements of this chapter.

1947 ~~(4) A resident who is exempt from obtaining a commercial~~  
 1948 ~~driver's license pursuant to paragraph (2)(a) or paragraph~~  
 1949 ~~(2)(c) and who drives a commercial motor vehicle must obtain a~~  
 1950 ~~Class D driver's license endorsed to authorize the operation of~~  
 1951 ~~the particular type of vehicle for which his or her exemption is~~  
 1952 ~~granted.~~

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1953        (4)~~(5)~~ A resident who is exempt from obtaining a  
 1954 commercial driver's license pursuant to paragraph (2)(b),  
 1955 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may  
 1956 drive a commercial motor vehicle pursuant to the exemption  
 1957 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),  
 1958 or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~  
 1959 Class E driver's license or a military license.

1960        (5)~~(6)~~ The department shall adopt rules and enter into  
 1961 necessary agreements with other jurisdictions to provide for the  
 1962 operation of commercial vehicles by nonresidents pursuant to the  
 1963 exemption granted in subsection (2).

1964           Section 65. Subsection (2) of section 322.54, Florida  
 1965 Statutes, is amended to read:

1966           322.54 Classification.--

1967           (2) The department shall issue, pursuant to the  
 1968 requirements of this chapter, drivers' licenses in accordance  
 1969 with the following classifications:

1970           (a) Any person who drives a motor vehicle combination  
 1971 having a gross vehicle weight rating, a declared weight, or an  
 1972 actual weight, whichever is greatest, of 26,001 pounds or more  
 1973 must possess a valid Class A driver's license, provided the  
 1974 gross vehicle weight rating, declared weight, or actual weight,  
 1975 whichever is greatest, of the vehicle being towed is more than  
 1976 10,000 pounds. Any person who possesses a valid Class A driver's  
 1977 license may, subject to the appropriate restrictions and  
 1978 endorsements, drive any class of motor vehicle within this  
 1979 state.

1980           (b) Any person, except a person who possesses a valid  
 1981 Class A driver's license, who drives a motor vehicle having a

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1982 gross vehicle weight rating, a declared weight, or an actual  
 1983 weight, whichever is greatest, of 26,001 pounds or more must  
 1984 possess a valid Class B driver's license. Any person, except a  
 1985 person who possesses a valid Class A driver's license, who  
 1986 drives such vehicle towing a vehicle having a gross vehicle  
 1987 weight rating, a declared weight, or an actual weight, whichever  
 1988 is greatest, of 10,000 pounds or less must possess a valid Class  
 1989 B driver's license. Any person who possesses a valid Class B  
 1990 driver's license may, subject to the appropriate restrictions  
 1991 and endorsements, drive any class of motor vehicle, other than  
 1992 the type of motor vehicle for which a Class A driver's license  
 1993 is required, within this state.

1994 (c) ~~Any person, except a person who possesses a valid~~  
 1995 ~~Class A or a valid Class B driver's license, who drives a motor~~  
 1996 ~~vehicle combination having a gross vehicle weight rating, a~~  
 1997 ~~declared weight, or an actual weight, whichever is greatest, of~~  
 1998 ~~26,001 pounds or more must possess a valid Class C driver's~~  
 1999 ~~license. Any person, except a person who possesses a valid Class~~  
 2000 A or valid Class B driver's license, who drives a motor vehicle  
 2001 ~~combination~~ having a gross vehicle weight rating, a declared  
 2002 weight, or an actual weight, whichever is greatest, of less than  
 2003 26,001 pounds and who is required to obtain an endorsement  
 2004 pursuant to paragraph (1)(a), paragraph (1)(b), paragraph  
 2005 (1)(c), paragraph (1)(d), or paragraph (1)(e) of s. 322.57, must  
 2006 possess a valid Class C driver's license ~~that is clearly~~  
 2007 ~~restricted to the operation of a motor vehicle or motor vehicle~~  
 2008 ~~combination of less than 26,001 pounds.~~ Any person who possesses  
 2009 a valid Class C driver's license may, subject to the appropriate  
 2010 restrictions and endorsements, drive any class of motor vehicle,

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2011 other than the type of motor vehicle for which a Class A or a  
 2012 Class B driver's license is required, within this state.

2013 ~~(d) Any person, except a person who possesses a valid~~  
 2014 ~~Class A, valid Class B, or valid Class C driver's license, who~~  
 2015 ~~drives a truck or a truck tractor having a gross vehicle weight~~  
 2016 ~~rating, a declared weight, or an actual weight, whichever is~~  
 2017 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~  
 2018 ~~or which has a width of more than 80 inches must possess a valid~~  
 2019 ~~Class D driver's license. Any person who possesses a valid Class~~  
 2020 ~~D driver's license may, subject to the appropriate restrictions~~  
 2021 ~~and endorsements, drive any type of motor vehicle, other than~~  
 2022 ~~the type of motor vehicle for which a Class A, Class B, or Class~~  
 2023 ~~C driver's license is required, within this state.~~

2024 (d)(e) Any person, except a person who possesses a valid  
 2025 Class A, valid Class B, or valid Class C, ~~or valid Class D~~  
 2026 driver's license, who drives a motor vehicle must possess a  
 2027 valid Class E driver's license. Any person who possesses a valid  
 2028 Class E driver's license may, subject to the appropriate  
 2029 restrictions and endorsements, drive any type of motor vehicle,  
 2030 other than the type of motor vehicle for which a Class A, Class  
 2031 B, or Class C, ~~or Class D~~ driver's license is required, within  
 2032 this state.

2033 Section 66. Paragraph (g) is added to subsection (1) of  
 2034 section 322.57, Florida Statutes, and subsection (2) of said  
 2035 section is amended, to read:

2036 322.57 Tests of knowledge concerning specified vehicles;  
 2037 endorsement; nonresidents; violations.--

2038 (1) In addition to fulfilling any other driver's licensing  
 2039 requirements of this chapter, a person who:

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2040       (g) Drives a school bus must successfully complete a test  
 2041 of his or her knowledge concerning the safe operation of such  
 2042 vehicles and a test of his or her driving skill in such a  
 2043 vehicle.

2044       (2) Before driving or operating any vehicle listed in  
 2045 subsection (1), a person must obtain an endorsement on his or  
 2046 her driver's license. An endorsement under paragraph (a),  
 2047 paragraph (b), paragraph (c), paragraph (d), or paragraph (e) of  
 2048 subsection (1) shall be issued only to persons who possess a  
 2049 valid Class A, valid Class B, or valid Class C driver's license.  
 2050 ~~A person who drives a motor vehicle or motor vehicle combination~~  
 2051 ~~that requires an endorsement under this subsection and who~~  
 2052 ~~drives a motor vehicle or motor vehicle combination having a~~  
 2053 ~~gross vehicle weight rating, a declared weight, or an actual~~  
 2054 ~~weight, whichever is greatest, of less than 26,000 pounds shall~~  
 2055 ~~be issued a Class C driver's license that is clearly restricted~~  
 2056 ~~to the operation of a motor vehicle or motor vehicle combination~~  
 2057 ~~of less than 26,000 pounds.~~

2058       Section 67. Paragraph (a) of subsection (1) of section  
 2059 322.58, Florida Statutes, is amended to read:

2060       322.58 Holders of chauffeur's licenses; effect of  
 2061 classified licensure.--

2062       (1) In order to provide for the classified licensure of  
 2063 commercial motor vehicle drivers, the department shall require  
 2064 persons who have valid chauffeur's licenses to report on or  
 2065 after April 1, 1991, to the department for classified licensure,  
 2066 according to a schedule developed by the department.

2067       (a) Any person who holds a valid chauffeur's license may  
 2068 continue to operate vehicles for which a Class E ~~D~~ driver's



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2069 license is required until his or her chauffeur's license  
 2070 expires.

2071 Section 68. Section 322.61, Florida Statutes, is amended  
 2072 to read:

2073 322.61 Disqualification from operating a commercial motor  
 2074 vehicle.--

2075 (1) A person who, within a 3-year period, is convicted of  
 2076 two of the following serious traffic violations or any  
 2077 combination thereof, arising in separate incidents committed in  
 2078 a commercial motor vehicle shall, in addition to any other  
 2079 applicable penalties, be disqualified from operating a  
 2080 commercial motor vehicle for a period of 60 days. A person who,  
 2081 within a 3-year period, is convicted of two of the following  
 2082 serious traffic violations or any combination thereof arising in  
 2083 separate incidents committed in a noncommercial motor vehicle  
 2084 shall, in addition to any other applicable penalties, be  
 2085 disqualified from operating a commercial motor vehicle for a  
 2086 period of 60 days if such convictions result in the suspension,  
 2087 revocation, or cancellation of the licenseholder's driving  
 2088 privilege:

2089 (a) A violation of any state or local law relating to  
 2090 motor vehicle traffic control, other than a parking violation, a  
 2091 weight violation, or a vehicle equipment violation, arising in  
 2092 connection with a crash resulting in death or personal injury to  
 2093 any person;

2094 (b) Reckless driving, as defined in s. 316.192;

2095 (c) Careless driving, as defined in s. 316.1925;

2096 (d) Fleeing or attempting to elude a law enforcement  
 2097 officer, as defined in s. 316.1935;

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- 2098 (e) Unlawful speed of 15 miles per hour or more above the  
 2099 posted speed limit;
- 2100 (f) Driving a commercial motor vehicle, owned by such  
 2101 person, which is not properly insured;
- 2102 (g) Improper lane change, as defined in s. 316.085; ~~or~~
- 2103 (h) Following too closely, as defined in s. 316.0895;
- 2104 (i) Driving a commercial vehicle without obtaining a  
 2105 commercial driver license;
- 2106 (j) Driving a commercial vehicle without a commercial  
 2107 driver license in possession; or
- 2108 (k) Driving a commercial vehicle without the proper class  
 2109 of commercial driver license or without the proper endorsements.
- 2110 (2) Any person who, within a 3-year period, is convicted  
 2111 of three serious traffic violations specified in subsection (1)  
 2112 or any combination thereof, arising in separate incidents  
 2113 committed in a commercial motor vehicle shall, in addition to  
 2114 any other applicable penalties, including, but not limited to,  
 2115 the penalty provided in subsection (1), be disqualified from  
 2116 operating a commercial motor vehicle for a period of 120 days. A  
 2117 person who, within a 3-year period, is convicted of three  
 2118 serious traffic violations specified in subsection (1) or any  
 2119 combination thereof arising in separate incidents committed in a  
 2120 noncommercial motor vehicle shall, in addition to any other  
 2121 applicable penalties, including, but not limited to, the penalty  
 2122 provided in subsection (1), be disqualified from operating a  
 2123 commercial motor vehicle for a period of 120 days if such  
 2124 convictions result in the suspension, revocation, or  
 2125 cancellation of the licenseholder's driving privilege.

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2126 (3) Except as provided in subsection (4), any person who  
 2127 is convicted of one of the following offenses shall, in addition  
 2128 to any other applicable penalties, be disqualified from  
 2129 operating a commercial motor vehicle for a period of 1 year:

2130 (a) Driving a commercial motor vehicle while he or she is  
 2131 under the influence of alcohol or a controlled substance;

2132 (b) Driving a commercial motor vehicle while the alcohol  
 2133 concentration of his or her blood, breath, or urine is .04  
 2134 percent or higher;

2135 (c) Leaving the scene of a crash involving a commercial  
 2136 motor vehicle driven by such person;

2137 (d) Using a commercial motor vehicle in the commission of  
 2138 a felony;

2139 (e) Driving a commercial motor vehicle while in possession  
 2140 of a controlled substance; ~~or~~

2141 (f) Refusing to submit to a test to determine his or her  
 2142 alcohol concentration while driving a commercial motor vehicle;

2143 (g) Driving a commercial vehicle while the licenseholder's  
 2144 commercial driver license is suspended, revoked, or canceled or  
 2145 while the licenseholder is disqualified from driving a  
 2146 commercial vehicle; or

2147 (h) Causing a fatality through the negligent operation of  
 2148 a commercial motor vehicle.

2149 (4) Any person who is transporting hazardous materials in  
 2150 a vehicle that is required to be placarded in accordance with  
 2151 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an  
 2152 offense specified in subsection (3), be disqualified from  
 2153 operating a commercial motor vehicle for a period of 3 years.

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2154 The penalty provided in this subsection shall be in addition to  
 2155 any other applicable penalty.

2156 (5) Any person who is convicted of two violations  
 2157 specified in subsection (3), or any combination thereof, arising  
 2158 in separate incidents shall be permanently disqualified from  
 2159 operating a commercial motor vehicle. The penalty provided in  
 2160 this subsection shall be in addition to any other applicable  
 2161 penalty.

2162 (6) Notwithstanding subsections (3), (4), and (5), any  
 2163 person who uses a commercial motor vehicle in the commission of  
 2164 any felony involving the manufacture, distribution, or  
 2165 dispensing of a controlled substance, including possession with  
 2166 intent to manufacture, distribute, or dispense a controlled  
 2167 substance, shall, upon conviction of such felony, be permanently  
 2168 disqualified from operating a commercial motor vehicle. The  
 2169 penalty provided in this subsection shall be in addition to any  
 2170 other applicable penalty.

2171 (7) A person whose privilege to operate a commercial motor  
 2172 vehicle is disqualified under this section may, if otherwise  
 2173 qualified, be issued a ~~Class D~~ or Class E driver's license,  
 2174 pursuant to s. 322.251.

2175 (8) A driver who is convicted of or otherwise found to  
 2176 have committed a violation of an out-of-service order while  
 2177 driving a commercial motor vehicle is disqualified as follows:

2178 (a) Not less than 90 days nor more than 1 year if the  
 2179 driver is convicted of or otherwise found to have committed a  
 2180 first violation of an out-of-service order.

2181 (b) Not less than 1 year nor more than 5 years if, during  
 2182 any 10-year period, the driver is convicted of or otherwise

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2183 found to have committed two violations of out-of-service orders  
 2184 in separate incidents.

2185 (c) Not less than 3 years nor more than 5 years if, during  
 2186 any 10-year period, the driver is convicted of or otherwise  
 2187 found to have committed three or more violations of out-of-  
 2188 service orders in separate incidents.

2189 (d) Not less than 180 days nor more than 2 years if the  
 2190 driver is convicted of or otherwise found to have committed a  
 2191 first violation of an out-of-service order while transporting  
 2192 hazardous materials required to be placarded under the Hazardous  
 2193 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
 2194 while operating motor vehicles designed to transport more than  
 2195 15 passengers, including the driver. A driver is disqualified  
 2196 for a period of not less than 3 years nor more than 5 years if,  
 2197 during any 10-year period, the driver is convicted of or  
 2198 otherwise found to have committed any subsequent violations of  
 2199 out-of-service orders, in separate incidents, while transporting  
 2200 hazardous materials required to be placarded under the Hazardous  
 2201 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or  
 2202 while operating motor vehicles designed to transport more than  
 2203 15 passengers, including the driver.

2204 (9) A driver who is convicted of or otherwise found to  
 2205 have committed an offense of operating a commercial motor  
 2206 vehicle in violation of federal, state, or local law or  
 2207 regulation pertaining to one of the following six offenses at a  
 2208 railroad-highway grade crossing must be disqualified for the  
 2209 period of time specified in subsection (10):

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2210 (a) For drivers who are not always required to stop,  
 2211 failing to slow down and check that the tracks are clear of  
 2212 approaching trains.

2213 (b) For drivers who are not always required to stop,  
 2214 failing to stop before reaching the crossing if the tracks are  
 2215 not clear.

2216 (c) For drivers who are always required to stop, failing  
 2217 to stop before driving onto the crossing.

2218 (d) For all drivers, failing to have sufficient space to  
 2219 drive completely through the crossing without stopping.

2220 (e) For all drivers, failing to obey a traffic control  
 2221 device or all directions of an enforcement official at the  
 2222 crossing.

2223 (f) For all drivers, failing to negotiate a crossing  
 2224 because of insufficient undercarriage clearance.

2225 (10)(a) A driver must be disqualified for not less than 60  
 2226 days if the driver is convicted of or otherwise found to have  
 2227 committed a first violation of a railroad-highway grade crossing  
 2228 violation.

2229 (b) A driver must be disqualified for not less than 120  
 2230 days if, during any 3-year period, the driver is convicted of or  
 2231 otherwise found to have committed a second railroad-highway  
 2232 grade crossing violation in separate incidents.

2233 (c) A driver must be disqualified for not less than 1 year  
 2234 if, during any 3-year period, the driver is convicted of or  
 2235 otherwise found to have committed a third or subsequent  
 2236 railroad-highway grade crossing violation in separate incidents.

2237 Section 69. Subsection (1) and paragraph (a) of subsection  
 2238 (3) of section 322.63, Florida Statutes, are amended to read:

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2239 322.63 Alcohol or drug testing; commercial motor vehicle  
 2240 operators.--

2241 (1) A person who accepts the privilege extended by the  
 2242 laws of this state of operating a commercial motor vehicle  
 2243 within this state shall, by so operating such commercial motor  
 2244 vehicle, be deemed to have given his or her consent to submit to  
 2245 an approved chemical or physical test of his or her blood or  
 2246 ~~breath, or urine~~ for the purpose of determining his or her  
 2247 alcohol concentration or for the purpose of detecting the  
 2248 presence of chemical substances as set forth in s. 877.111 or of  
 2249 controlled substances.

2250 (a) By applying for a commercial driver's license and by  
 2251 accepting and using a commercial driver's license, the person  
 2252 holding the commercial driver's license is deemed to have  
 2253 expressed his or her consent to the provisions of this section.

2254 (b) Any person who drives a commercial motor vehicle  
 2255 within this state and who is not required to obtain a commercial  
 2256 driver's license in this state is, by his or her act of driving  
 2257 a commercial motor vehicle within this state, deemed to have  
 2258 expressed his or her consent to the provisions of this section.

2259 (c) A notification of the consent provision of this  
 2260 section shall be printed above the signature line on each new or  
 2261 renewed driver's license issued after March 31, 1991.

2262 (3)(a) The breath and blood ~~physical and chemical~~ tests  
 2263 authorized in this section shall be administered substantially  
 2264 in accordance with rules adopted by the Department of Law  
 2265 Enforcement.

2266 Section 70. For the purpose of incorporating the amendment  
 2267 to section 322.61, Florida Statutes, in a reference thereto,

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2268 subsection (14) of section 322.64, Florida Statutes, is  
 2269 reenacted to read:

2270 322.64 Holder of commercial driver's license; driving with  
 2271 unlawful blood-alcohol level; refusal to submit to breath,  
 2272 urine, or blood test.--

2273 (14) The decision of the department under this section  
 2274 shall not be considered in any trial for a violation of s.  
 2275 316.193, s. 322.61, or s. 322.62, nor shall any written  
 2276 statement submitted by a person in his or her request for  
 2277 departmental review under this section be admissible into  
 2278 evidence against him or her in any such trial. The disposition  
 2279 of any related criminal proceedings shall not affect a  
 2280 disqualification imposed pursuant to this section.

2281 Section 71. Paragraphs (c) and (f) of subsection (13) of  
 2282 section 713.78, Florida Statutes, are amended to read:

2283 713.78 Liens for recovering, towing, or storing vehicles  
 2284 and vessels.--

2285 (13)

2286 (c)1. The registered owner of a vehicle, vessel, or mobile  
 2287 home may dispute a wrecker operator's lien, by notifying the  
 2288 department of the dispute in writing on forms provided by the  
 2289 department, if at least one of the following applies:

2290 a. The registered owner presents a notarized bill of sale  
 2291 proving that the vehicle, vessel, or mobile home was sold in a  
 2292 private or casual sale before the vehicle, vessel, or mobile  
 2293 home was recovered, towed, or stored.

2294 b. The registered owner presents proof that the Florida  
 2295 certificate of title of the vehicle, vessel, or mobile home was



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2296 sold to a licensed dealer as defined in s. 319.001 before the  
 2297 vehicle, vessel, or mobile home was recovered, towed, or stored.

2298 c. The records of the department were marked sold prior to  
 2299 the date of the tow.

2300  
 2301 If the registered owner's dispute of a wrecker operator's lien  
 2302 complies with one of these criteria, the department shall  
 2303 immediately remove the registered owner's name from the list of  
 2304 those persons who may not be issued a license plate or  
 2305 revalidation sticker for any motor vehicle under s. 320.03(8),  
 2306 thereby allowing issuance of a license plate or revalidation  
 2307 sticker. If the vehicle, vessel, or mobile home is owned jointly  
 2308 by more than one person, each registered owner must dispute the  
 2309 wrecker operator's lien in order to be removed from the list.  
 2310 However, the department shall deny any dispute and maintain the  
 2311 registered owner's name on the list of those persons who may not  
 2312 be issued a license plate or revalidation sticker for any motor  
 2313 vehicle under s. 320.03(8) if the wrecker operator has provided  
 2314 the department with a certified copy of the judgment of a court  
 2315 which orders the registered owner to pay the wrecker operator's  
 2316 lien claimed under this section. In such a case, the amount of  
 2317 the wrecker operator's lien allowed by paragraph (b) may be  
 2318 increased to include no more than \$500 of the reasonable costs  
 2319 and attorney's fees incurred in obtaining the judgment. The  
 2320 department's action under this subparagraph is ministerial in  
 2321 nature, shall not be considered final agency action, and is  
 2322 appealable only to the county court for the county in which the  
 2323 vehicle, vessel, or mobile home was ordered removed.

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2324           2. A person against whom a wrecker operator's lien has  
 2325 been imposed may alternatively obtain a discharge of the lien by  
 2326 filing a complaint, challenging the validity of the lien or the  
 2327 amount thereof, in the county court of the county in which the  
 2328 vehicle, vessel, or mobile home was ordered removed. Upon filing  
 2329 of the complaint, the person may have her or his name removed  
 2330 from the list of those persons who may not be issued a license  
 2331 plate or revalidation sticker for any motor vehicle under s.  
 2332 320.03(8), thereby allowing issuance of a license plate or  
 2333 revalidation sticker, upon posting with the court a cash or  
 2334 surety bond or other adequate security equal to the amount of  
 2335 the wrecker operator's lien to ensure the payment of such lien  
 2336 in the event she or he does not prevail. Upon the posting of the  
 2337 bond and the payment of the applicable fee set forth in s.  
 2338 28.24, the clerk of the court shall issue a certificate  
 2339 notifying the department of the posting of the bond and  
 2340 directing the department to release the wrecker operator's lien.  
 2341 Upon determining the respective rights of the parties, the court  
 2342 may award damages and costs in favor of the prevailing party.

2343           3. If a person against whom a wrecker operator's lien has  
 2344 been imposed does not object to the lien, but cannot discharge  
 2345 the lien by payment because the wrecker operator has moved or  
 2346 gone out of business, the person may have her or his name  
 2347 removed from the list of those persons who may not be issued a  
 2348 license plate or revalidation sticker for any motor vehicle  
 2349 under s. 320.03(8), thereby allowing issuance of a license plate  
 2350 or revalidation sticker, upon posting with the clerk of court in  
 2351 the county in which the vehicle, vessel, or mobile home was  
 2352 ordered removed, a cash or surety bond or other adequate

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2353 security equal to the amount of the wrecker operator's lien.  
 2354 Upon the posting of the bond and the payment of the application  
 2355 fee set forth in s. 28.24, the clerk of the court shall issue a  
 2356 certificate notifying the department of the posting of the bond  
 2357 and directing the department to release the wrecker operator's  
 2358 lien. The department shall mail to the wrecker operator, at the  
 2359 address upon the lien form, notice that the wrecker operator  
 2360 must claim the security within 60 days, or the security will be  
 2361 released back to the person who posted it. At the conclusion of  
 2362 the 60 days, the department shall direct the clerk as to which  
 2363 party is entitled to payment of the security, less applicable  
 2364 clerk's fees.

2365 4. A wrecker operator's lien expires 5 years after filing.

2366 (f) This subsection applies only to the annual renewal in  
 2367 the registered owner's birth month of a motor vehicle  
 2368 registration and does not apply to the transfer of a  
 2369 registration of a motor vehicle sold by a motor vehicle dealer  
 2370 licensed under chapter 320, except for the transfer of  
 2371 registrations which is inclusive of the annual renewals. This  
 2372 subsection does not apply to any vehicle registered in the name  
 2373 of a lessor. This subsection does not affect the issuance of the  
 2374 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

2375 Section 72. Except as otherwise provided herein, this act  
 2376 shall take effect October 1, 2004.