

CHAMBER ACTION

1 The Committee on Finance & Tax recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicles, mobile homes, and
7 vessels; amending s. 261.03, F.S.; revising the definition
8 of "off-highway vehicle"; defining "two-rider ATV";
9 amending s. 261.05, F.S.; requiring the Off-Highway
10 Vehicle Recreation Advisory Committee to provide a report
11 to the Governor and the Legislature; amending s. 316.003,
12 F.S.; revising the definitions of "motorcycle" and
13 "motorized scooter"; defining "traffic signal preemption
14 system"; amending s. 316.006, F.S.; authorizing transfer
15 of traffic regulatory authority by interlocal agreement
16 from a municipality to a county; amending s. 316.0775,
17 F.S.; prohibiting unauthorized use or possession of a
18 traffic signal preemption system; providing penalties;
19 amending s. 316.122, F.S.; requiring the operator of a
20 vehicle turning left to yield to certain vehicles passing
21 on the left; providing penalties; creating s. 316.1576,
22 F.S.; providing clearance specifications for a railroad-
23 highway grade crossing; providing penalties; amending s.

24 | 316.183, F.S.; increasing the minimum speed limit on
 25 | interstate highways under certain circumstances; amending
 26 | s. 316.1932, F.S.; revising the requirements for printing
 27 | the warning of consent for certain testing for drugs or
 28 | alcohol on a driver's license; amending s. 316.194, F.S.;
 29 | authorizing traffic accident investigation officers to
 30 | remove vehicles under certain circumstances; amending s.
 31 | 316.1967, F.S.; providing that the lessee of a vehicle,
 32 | rather than the owner, is responsible for parking ticket
 33 | violations under certain circumstances; amending s.
 34 | 316.2074, F.S.; revising the definition of "all-terrain
 35 | vehicle"; amending s. 316.515, F.S.; authorizing the use
 36 | of certain agricultural tractors and agricultural
 37 | implements for the purpose of transporting certain
 38 | products; amending s. 316.613, F.S.; deleting provisions
 39 | that authorize the Department of Highway Safety and Motor
 40 | Vehicles to expend funds for certain purposes; creating s.
 41 | 316.6131, F.S.; providing for the department to authorize
 42 | the expenditure of funds for certain purposes; amending s.
 43 | 316.650, F.S.; providing exceptions to a prohibition
 44 | against using citations as evidence in a trial; amending
 45 | s. 317.0003, F.S.; revising the definition of "off-highway
 46 | vehicle"; defining "two-rider ATV"; amending s. 317.0007,
 47 | F.S.; authorizing the department to issue a validation
 48 | sticker as an additional proof of title for an off-highway
 49 | vehicle; providing for the replacement of lost or
 50 | destroyed off-highway vehicle validation stickers;
 51 | providing for disposition of fees; amending s. 317.0008,

52 F.S.; deleting a provision relating to the expedited
53 issuance of duplicate certificates of title for off-
54 highway vehicles; amending ss. 317.0001, 317.0004,
55 317.0005, 317.0006, 317.0010, 317.0012, and 317.0013,
56 F.S.; conforming cross references; creating s. 317.0014,
57 F.S.; establishing procedures for the issuance of a
58 certificate of title for an off-highway vehicle; providing
59 duties of the department; providing for a notice of lien
60 and lien satisfaction; providing for issuance of a
61 duplicate certificate; requiring return of certificate of
62 title under certain circumstances; providing penalties for
63 failure to return the certificate; providing for
64 electronic transmission of liens; creating s. 317.0015,
65 F.S.; providing for the applicability of certain
66 provisions of law to the titling of off-highway vehicles;
67 creating s. 317.0016, F.S.; providing for the expedited
68 issuance of titles for off-highway vehicles; providing for
69 a fee; providing for disposition of fees collected;
70 creating s. 317.0017, F.S.; prohibiting specified actions
71 relating to the issuance of titles for off-highway
72 vehicles; providing penalties; creating s. 317.0018, F.S.;
73 prohibiting the transfer of an off-highway vehicle without
74 delivery of a certificate of title; requiring certificate
75 of title; requiring surrender of said title under certain
76 circumstances; providing penalties for violations;
77 amending s. 318.14, F.S.; authorizing the department to
78 modify certain actions to suspend or revoke a driver's
79 license following certain notice of final disposition;

80 | reenacting s. 318.14(9), F.S., relating to citation
 81 | procedures and proceedings, to incorporate the amendment
 82 | to s. 322.61, F.S., in a reference thereto; amending s.
 83 | 318.15, F.S.; providing for disposition of fees; amending
 84 | s. 319.23, F.S.; requiring a licensed motor vehicle dealer
 85 | to notify the department of a motor vehicle or mobile home
 86 | acquired as a trade-in; requiring the department to update
 87 | its title record; amending s. 319.27, F.S.; correcting
 88 | obsolete cross references; amending s. 319.29, F.S.;
 89 | requiring the department to verify the identity of certain
 90 | persons receiving title certificates and to maintain
 91 | documentation of the verification; amending s. 320.01,
 92 | F.S.; revising the definitions of "motor vehicle,"
 93 | "apportionable vehicle," and "commercial motor vehicle";
 94 | amending s. 320.05, F.S.; removing fees for electronic
 95 | access to certain motor vehicle and vessel information;
 96 | amending s. 320.06, F.S.; correcting a cross reference;
 97 | amending s. 320.0601, F.S.; requiring that a transaction
 98 | of a long-term leased motor vehicle be registered in the
 99 | name of the lessee; amending s. 320.0605, F.S.; exempting
 100 | a vehicle registered as a fleet vehicle from the
 101 | requirement that the certificate of registration be
 102 | carried in the vehicle at all times; amending s. 320.0607,
 103 | F.S.; requiring the department to verify the identity of
 104 | certain persons receiving a replacement license plate or
 105 | duplicate registration and to maintain documentation of
 106 | the verification; amending s. 320.0843, F.S.; requiring
 107 | that the applicant eligible for a disabled parking plate

108 | be noted on the registration certificate; amending s.
 109 | 320.0848, F.S.; requiring the department to verify the
 110 | identity of certain persons receiving a replacement or
 111 | duplicate disabled parking permit and to maintain
 112 | documentation of the verification; amending s. 320.086,
 113 | F.S.; revising provisions relating to historical license
 114 | plates; amending s. 320.131, F.S.; authorizing the
 115 | department to provide for an electronic system for motor
 116 | vehicle dealers to use in issuing temporary tags;
 117 | providing penalties; amending s. 320.18, F.S.; authorizing
 118 | the department to cancel the vehicle or vessel
 119 | registration, driver's license, or identification card of
 120 | a person who pays certain fees or penalties with a
 121 | dishonored check; amending s. 320.27, F.S.; requiring
 122 | certain dealer principals to provide certification of
 123 | completing continuing education under certain
 124 | circumstances; providing education requirements; requiring
 125 | dealer schools to issue certificates of completion;
 126 | providing for required training and information seminars
 127 | to be conducted by licensed motor vehicle dealer training
 128 | schools; requiring motor vehicle dealers to maintain
 129 | records for a specified period; providing penalties for
 130 | failure to comply with specified requirements for issuing
 131 | temporary tags; amending s. 320.8249, F.S.; revising
 132 | provisions prohibiting certain acts by mobile home
 133 | installers; providing penalties; amending s. 322.01, F.S.;
 134 | excluding motorized scooters from the definitions of
 135 | "motorcycle" and "motor vehicle"; amending s. 322.05,

136 F.S.; removing requirements for a Class D driver's
 137 license; amending s. 322.051, F.S.; revising
 138 identification card application requirements; revising
 139 timeframe for expiration of such cards; providing
 140 requirements for issuance of such cards; prohibiting
 141 waiver of the requirement for a fullface photograph or
 142 digital image on such card; amending s. 322.07, F.S.;
 143 removing requirements for a Class D driver's license;
 144 amending s. 322.08, F.S.; revising driver's license
 145 application requirements; amending s. 322.12, F.S.;
 146 removing requirements for a Class D driver's license;
 147 conforming cross references; amending s. 322.121, F.S.;
 148 conforming cross references; amending s. 322.135, F.S.;
 149 revising requirements for the deposit of certain fees for
 150 a driver's license; revising requirements for the tax
 151 collector in directing a licensee for examination or
 152 reexamination; requiring county officers to pay certain
 153 funds to the State Treasury by electronic funds transfer
 154 within a specified period; amending s. 322.142, F.S.;
 155 prohibiting waiver of the requirement for a fullface
 156 photograph or digital image on a driver's license;
 157 amending s. 322.161, F.S.; removing requirements for a
 158 Class D driver's license; amending s. 322.17, F.S.,
 159 relating to duplicate and replacement certificates;
 160 conforming cross references; amending s. 322.18, F.S.;
 161 revising timeframe for expiration of certain driver's
 162 licenses; conforming cross references; amending s. 322.19,
 163 F.S., relating to change of address or name; conforming

164 cross references; amending s. 322.20, F.S.; authorizing
165 the department to charge fees for electronic access to
166 certain driver license information; requiring that certain
167 information be available free of charge on the
168 department's Internet website; amending s. 322.21, F.S.;
169 removing requirements for a Class D driver's license;
170 requiring the department to set by rule a fee for a
171 hazardous-materials endorsement; providing for deposit of
172 fee proceeds; amending s. 322.22, F.S.; authorizing the
173 department to cancel any identification card, vehicle or
174 vessel registration, or fuel-use tax decal of a licensee
175 who fails to pay certain fees or pays certain fees or
176 penalties with a dishonored check; requiring surrender of
177 such card, registration, or decal; amending s. 322.251,
178 F.S.; removing requirements for a Class D driver's
179 license; amending s. 322.292, F.S.; requiring all DUI
180 education courses to be conducted in a classroom with
181 interaction among offenders and an instructor; revising
182 requirements for initial licensure as a DUI program;
183 amending ss. 322.30 and 322.53, F.S.; removing
184 requirements for a Class D driver's license; amending s.
185 322.54, F.S.; revising driver's license classification
186 requirements; removing requirements for a Class D driver's
187 license; conforming cross references; amending s. 322.57,
188 F.S.; providing testing requirements for school bus
189 drivers; revising driver's license classification
190 requirements; amending s. 322.58, F.S.; removing
191 requirements for a Class D driver's license; changing such

192 requirements to Class E driver's license requirements;
 193 amending s. 322.61, F.S.; specifying additional violations
 194 that disqualify a person from operating a commercial motor
 195 vehicle; revising application to provide for violations
 196 while operating a noncommercial motor vehicle; providing
 197 penalties; removing requirements for a Class D driver's
 198 license; amending s. 322.63, F.S.; revising provisions for
 199 alcohol and drug testing of commercial motor vehicle
 200 operators; revising the requirements for printing the
 201 notice of consent for certain testing for drugs or alcohol
 202 on a commercial driver's license; reenacting s.
 203 322.64(14), F.S., relating to department review of
 204 disqualification from operating a commercial motor
 205 vehicle, to incorporate the amendment to s. 322.61, F.S.,
 206 in a reference thereto; amending s. 328.11, F.S.;
 207 providing for expedited service for issuance of
 208 certificates of title for vessels; providing for a fee;
 209 amending s. 713.78, F.S.; revising provisions for the
 210 imposition of a wrecker operator's lien against a motor
 211 vehicle, vessel, or mobile home; providing that such
 212 provisions do not apply to any vehicle registered in the
 213 name of a lessor; amending s. 832.06, F.S.; providing for
 214 process and refunding by a state agency of certain
 215 worthless checks received by a county tax collector;
 216 providing effective dates.

217
 218 Be It Enacted by the Legislature of the State of Florida:
 219

HB 1809

2004
CS

220 Section 1. Subsection (6) of section 261.03, Florida
221 Statutes, is amended, and subsection (11) is added to said
222 section, to read:

223 261.03 Definitions.--As used in this chapter, the term:

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

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

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

233 261.05 Duties and responsibilities of the Off-Highway
234 Vehicle Recreation Advisory Committee.--

235 (2) The advisory committee shall study and make
236 recommendations to the Governor and the Legislature ~~department~~
237 regarding off-highway vehicle safety and training and education
238 programs in the operation of such vehicles and shall provide a
239 report to the Governor, the President of the Senate, and the
240 Speaker of the House of Representatives by January 1, 2005.

241 Section 3. Subsections (22) and (82) of section 316.003,
242 Florida Statutes, are amended, and subsection (84) is added to
243 said section, to read:

244 316.003 Definitions.--The following words and phrases,
245 when used in this chapter, shall have the meanings respectively
246 ascribed to them in this section, except where the context
247 otherwise requires:

HB 1809

2004
CS

248 (22) MOTORCYCLE.--Any motor vehicle having a seat or
249 saddle for the use of the rider and designed to travel on not
250 more than three wheels in contact with the ground, but excluding
251 a tractor, a motorized scooter, or a moped.

252 (82) MOTORIZED SCOOTER.--Any two or three-wheeled device,
253 other than a motorcycle, moped, or motorized bicycle, that has
254 handlebars, is designed to be stood or sat upon by the operator,
255 is powered by an electric motor or gasoline engine, and is
256 ~~vehicle not having a seat or saddle for the use of the rider,~~
257 ~~designed to travel on not more than three wheels, and not~~
258 capable of propelling the vehicle at a speed greater than 30
259 miles per hour on level ground when in proper working condition.

260 (84) TRAFFIC SIGNAL PREEMPTION SYSTEM.--Any system or
261 device with the capability of activating a control mechanism
262 mounted on or near a traffic signal that alters a traffic
263 signal's timing cycle.

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

266 316.006 Jurisdiction.--Jurisdiction to control traffic is
267 vested as follows:

268 (2) MUNICIPALITIES.--

269 (a) Chartered municipalities shall have original
270 jurisdiction over all streets and highways located within their
271 boundaries, except state roads, and may place and maintain such
272 traffic control devices which conform to the manual and
273 specifications of the Department of Transportation upon all
274 streets and highways under their original jurisdiction as they

275 shall deem necessary to indicate and to carry out the provisions
276 of this chapter or to regulate, warn, or guide traffic.

277 (b) A municipality may exercise jurisdiction over any
278 private road or roads, or over any limited access road or roads
279 owned or controlled by a special district, located within its
280 boundaries if the municipality and party or parties owning or
281 controlling such road or roads provide, by written agreement
282 approved by the governing body of the municipality, for
283 municipal traffic control jurisdiction over the road or roads
284 encompassed by such agreement. Pursuant thereto:

285 1. Provision for reimbursement for actual costs of traffic
286 control and enforcement and for liability insurance and
287 indemnification by the party or parties, and such other terms as
288 are mutually agreeable, may be included in such an agreement.

289 2. The exercise of jurisdiction provided for herein shall
290 be in addition to jurisdictional authority presently exercised
291 by municipalities under law, and nothing in this paragraph shall
292 be construed to limit or remove any such jurisdictional
293 authority. Such jurisdiction includes regulation of access to
294 such road or roads by security devices or personnel.

295 3. Any such agreement may provide for the installation of
296 multiparty stop signs by the parties controlling the roads
297 covered by the agreement if a determination is made by such
298 parties that the signage will enhance traffic safety. Multiparty
299 stop signs must conform to the manual and specifications of the
300 Department of Transportation; however, minimum traffic volumes
301 may not be required for the installation of such signage.
302 Enforcement for the signs shall be as provided in s. 316.123.

HB 1809

2004
CS

303 (c) Notwithstanding other provisions of law to the
 304 contrary, a municipality may, by interlocal agreement with a
 305 county, agree to transfer traffic regulatory authority over
 306 areas within the municipality to the county.

307
 308 This subsection shall not limit those counties which have the
 309 charter powers to provide and regulate arterial, toll, and other
 310 roads, bridges, tunnels, and related facilities from the proper
 311 exercise of those powers by the placement and maintenance of
 312 traffic control devices which conform to the manual and
 313 specifications of the Department of Transportation on streets
 314 and highways located within municipal boundaries.

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

317 316.0775 Interference with official traffic control
 318 devices or railroad signs or signals.--

319 (1) A ~~No~~ person may not ~~shall~~, without lawful authority,
 320 attempt to or in fact alter, deface, injure, knock down, or
 321 remove any official traffic control device or any railroad sign
 322 or signal or any inscription, shield, or insignia thereon, or
 323 any other part thereof. A violation of this subsection ~~section~~
 324 is a criminal violation pursuant to s. 318.17 and shall be
 325 punishable as set forth in s. 806.13 related to criminal
 326 mischief and graffiti, beginning on or after July 1, 2000.

327 (2) A person may not, without lawful authority, possess or
 328 use any traffic signal preemption system as defined in s.
 329 316.003. A person who violates this subsection commits a moving
 330 violation, punishable as provided in chapter 318, and shall have

HB 1809

2004
CS

331 4 points assessed against his or her driver's license as set
 332 forth in s. 322.27.

333 Section 6. Section 316.122, Florida Statutes, is amended
 334 to read:

335 316.122 Vehicle turning left.--The driver of a vehicle
 336 intending to turn to the left within an intersection or into an
 337 alley, private road, or driveway shall yield the right-of-way to
 338 any vehicle approaching from the opposite direction, or any
 339 vehicle lawfully passing on the left of the turning vehicle,
 340 which is within the intersection or so close thereto as to
 341 constitute an immediate hazard. A violation of this section is a
 342 noncriminal traffic infraction, punishable as a moving violation
 343 as provided in chapter 318.

344 Section 7. Section 316.1576, Florida Statutes, is created
 345 to read:

346 316.1576 Insufficient clearance at a railroad-highway
 347 grade crossing.--

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

351 (2) A person may not drive any vehicle through a railroad-
 352 highway grade crossing that does not have sufficient
 353 undercarriage clearance to drive completely through the crossing
 354 without stopping.

355 (3) A violation of this section is a noncriminal traffic
 356 infraction, punishable as a moving violation as provided in
 357 chapter 318.

HB 1809

2004
CS

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

360 316.183 Unlawful speed.--

361 (2) On all streets or highways, the maximum speed limits
362 for all vehicles must be 30 miles per hour in business or
363 residence districts, and 55 miles per hour at any time at all
364 other locations. However, with respect to a residence district,
365 a county or municipality may set a maximum speed limit of 20 or
366 25 miles per hour on local streets and highways after an
367 investigation determines that such a limit is reasonable. It is
368 not necessary to conduct a separate investigation for each
369 residence district. The minimum speed limit on all highways that
370 comprise a part of the National System of Interstate and Defense
371 Highways and have not fewer than four lanes is 40 miles per
372 hour, except that when the posted speed limit is 70 miles per
373 hour, the minimum speed limit is 50 miles per hour.

374 Section 9. Paragraph (e) of subsection (1) of section
375 316.1932, Florida Statutes, is amended to read:

376 316.1932 Tests for alcohol, chemical substances, or
377 controlled substances; implied consent; refusal.--

378 (1)

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

383 2. A nonresident or any other person driving in a status
384 exempt from the requirements of the driver's license law, by his

HB 1809

2004
CS

385 or her act of driving in such exempt status, is deemed to have
386 expressed his or her consent to the provisions of this section.

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

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

392 316.194 Stopping, standing or parking outside of
393 municipalities.--

394 (3)(a) Whenever any police officer or traffic accident
395 investigation officer finds a vehicle standing upon a highway in
396 violation of any of the foregoing provisions of this section,
397 the officer is authorized to move the vehicle, or require the
398 driver or other persons in charge of the vehicle to move the
399 vehicle same, to a position off the paved or main-traveled part
400 of the highway.

401 (b) Officers and traffic accident investigation officers
402 may are hereby authorized to provide for the removal of any
403 abandoned vehicle to the nearest garage or other place of
404 safety, cost of such removal to be a lien against motor vehicle,
405 when an said abandoned vehicle is found unattended upon a bridge
406 or causeway or in any tunnel, or on any public highway in the
407 following instances:

408 1. Where such vehicle constitutes an obstruction of
409 traffic;

410 2. Where such vehicle has been parked or stored on the
411 public right-of-way for a period exceeding 48 hours, in other

412 than designated parking areas, and is within 30 feet of the
413 pavement edge; and

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

420 Section 11. Section 316.1967, Florida Statutes, is amended
421 to read:

422 316.1967 Liability for payment of parking ticket
423 violations and other parking violations.--

424 (1) The owner of a vehicle is responsible and liable for
425 payment of any parking ticket violation unless the owner can
426 furnish evidence, when required by this subsection, that the
427 vehicle was, at the time of the parking violation, in the care,
428 custody, or control of another person. In such instances, the
429 owner of the vehicle is required, within a reasonable time after
430 notification of the parking violation, to furnish to the
431 appropriate law enforcement authorities an affidavit setting
432 forth the name, address, and driver's license number of the
433 person who leased, rented, or otherwise had the care, custody,
434 or control of the vehicle. The affidavit submitted under this
435 subsection is admissible in a proceeding charging a parking
436 ticket violation and raises the rebuttable presumption that the
437 person identified in the affidavit is responsible for payment of
438 the parking ticket violation. The owner of a vehicle is not
439 responsible for a parking ticket violation if the vehicle

440 involved was, at the time, stolen or in the care, custody, or
 441 control of some person who did not have permission of the owner
 442 to use the vehicle. The owner of a leased vehicle is not
 443 responsible for a parking ticket violation and is not required
 444 to submit an affidavit or the other evidence specified in this
 445 section if the vehicle is registered in the name of the person
 446 who leased the vehicle.

447 (2) Any person who is issued a county or municipal parking
 448 ticket by a parking enforcement specialist or officer is deemed
 449 to be charged with a noncriminal violation and shall comply with
 450 the directions on the ticket. If payment is not received or a
 451 response to the ticket is not made within the time period
 452 specified thereon, the county court or its traffic violations
 453 bureau shall notify the registered owner of the vehicle that was
 454 cited, or the registered lessee when the cited vehicle is
 455 registered in the name of the person who leased the vehicle, by
 456 mail to the address given on the motor vehicle registration, of
 457 the ticket. Mailing the notice to this address constitutes
 458 notification. Upon notification, the registered owner or
 459 registered lessee shall comply with the court's directive.

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

462 (4) Any person who elects to appear before a designated
 463 official to present evidence waives his or her right to pay the
 464 civil penalty provisions of the ticket. The official, after a
 465 hearing, shall make a determination as to whether a parking
 466 violation has been committed and may impose a civil penalty not
 467 to exceed \$100 or the fine amount designated by county

468 ordinance, plus court costs. Any person who fails to pay the
 469 civil penalty within the time allowed by the court is deemed to
 470 have been convicted of a parking ticket violation, and the court
 471 shall take appropriate measures to enforce collection of the
 472 fine.

473 (5) Any provision of subsections (2), (3), and (4) to the
 474 contrary notwithstanding, chapter 318 does not apply to
 475 violations of county parking ordinances and municipal parking
 476 ordinances.

477 (6) Any county or municipality may provide by ordinance
 478 that the clerk of the court or the traffic violations bureau
 479 shall supply the department with a magnetically encoded computer
 480 tape reel or cartridge or send by other electronic means data
 481 which is machine readable by the installed computer system at
 482 the department, listing persons who have three or more
 483 outstanding parking violations, including violations of s.
 484 316.1955. Each county shall provide by ordinance that the clerk
 485 of the court or the traffic violations bureau shall supply the
 486 department with a magnetically encoded computer tape reel or
 487 cartridge or send by other electronic means data that is machine
 488 readable by the installed computer system at the department,
 489 listing persons who have any outstanding violations of s.
 490 316.1955 or any similar local ordinance that regulates parking
 491 in spaces designated for use by persons who have disabilities.
 492 The department shall mark the appropriate registration records
 493 of persons who are so reported. Section 320.03(8) applies to
 494 each person whose name appears on the list.

HB 1809

2004
CS

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

497 316.2074 All-terrain vehicles.--

498 (2) As used in this section, the term "all-terrain
499 vehicle" means any motorized off-highway vehicle 50 inches or
500 less in width, having a dry weight of 900 pounds or less,
501 designed to travel on three or more low-pressure tires, having a
502 seat designed to be straddled by the operator and handlebars for
503 steering control, and intended for use by a single operator with
504 no passenger. For the purposes of this section, "all-terrain
505 vehicle" also includes any two-rider ATV as defined in s.
506 317.0003.

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

509 316.515 Maximum width, height, length.--

510 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS, SAFETY
511 REQUIREMENTS.--Notwithstanding any other provisions of law,
512 straight trucks, agricultural tractors, and cotton module
513 movers, not exceeding 50 feet in length, or any combination of
514 up to and including three implements of husbandry including the
515 towing power unit, any agricultural implements attached to the
516 towing power unit, and any single agricultural trailer, with a
517 load thereon not exceeding 130 inches in width, or a self-
518 propelled agricultural implement or an agricultural tractor is
519 authorized for the purpose of transporting peanuts, grains,
520 soybeans, cotton, hay, straw, or other perishable farm products
521 from their point of production to the first point of change of
522 custody or of long-term storage, and for the purpose of

HB 1809

2004
CS

523 | returning to such point of production or for the purpose of
 524 | moving the tractors, movers, or implements from one point of
 525 | agricultural production to another, by a person engaged in the
 526 | production of any such product or custom hauler, if such vehicle
 527 | or combination of vehicles otherwise complies with this section.
 528 | Such vehicles shall be operated in accordance with all safety
 529 | requirements prescribed by law and Department of Transportation
 530 | rules. The Department of Transportation may issue overlength
 531 | permits for cotton module movers greater than 50 feet but not
 532 | more than 55 feet in overall length.

533 | Section 14. Subsection (4) of section 316.613, Florida
 534 | Statutes, is amended to read:

535 | 316.613 Child restraint requirements.--

536 | (4)(a) It is the legislative intent that all state,
 537 | county, and local law enforcement agencies, and safety councils,
 538 | in recognition of the problems with child death and injury from
 539 | unrestrained occupancy in motor vehicles, conduct a continuing
 540 | safety and public awareness campaign as to the magnitude of the
 541 | problem.

542 | ~~(b) The department may authorize the expenditure of funds~~
 543 | ~~for the purchase of promotional items as part of the public~~
 544 | ~~information and education campaigns provided for in this~~
 545 | ~~subsection and ss. 316.614, 322.025, and 403.7145.~~

546 | Section 15. Section 316.6131, Florida Statutes, is created
 547 | to read:

548 | 316.6131 Educational expenditures.--The department may
 549 | authorize the expenditure of funds for the purchase of
 550 | educational items as part of the public information and

HB 1809

2004
CS

551 education campaigns promoting highway safety and awareness as
 552 well as departmental community-based initiatives. Funds may be
 553 expended for, but are not limited to, educational campaigns
 554 provided in chapters 316, 320, and 322 and s. 403.7145.

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

557 316.650 Traffic citations.--

558 (9) Such citations shall not be admissible evidence in any
 559 trial, except when used as evidence of falsification, forgery,
 560 uttering, fraud, or perjury, or when used as physical evidence
 561 resulting from a forensic examination of the citation.

562 Section 17. Section 317.0001, Florida Statutes, is amended
 563 to read:

564 317.0001 Short title.--This chapter Sections 317.0001-
 565 317.0013 may be cited as the "Florida Off-Highway Vehicle
 566 Titling Act."

567 Section 18. Section 317.0003, Florida Statutes, is amended
 568 to read:

569 317.0003 Definitions.--As used in this chapter ss.
 570 317.0001-317.0013, the term:

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

577 (2) "Dealer" means any person authorized by the Department
 578 of Revenue to buy, sell, resell, or otherwise distribute off-

HB 1809

2004
CS

579 highway vehicles. Such person must have a valid sales tax
580 certificate of registration issued by the Department of Revenue
581 and a valid commercial or occupational license required by any
582 county, municipality, or political subdivision of the state in
583 which the person operates.

584 (3) "Department" means the Department of Highway Safety
585 and Motor Vehicles.

586 (4) "Florida resident" means a person who has had a
587 principal place of domicile in this state for a period of more
588 than 6 consecutive months, who has registered to vote in this
589 state, who has made a statement of domicile pursuant to s.
590 222.17, or who has filed for homestead tax exemption on property
591 in this state.

592 (5) "OHM" or "off-highway motorcycle" means any motor
593 vehicle used off the roads or highways of this state that has a
594 seat or saddle for the use of the rider and is designed to
595 travel with not more than two wheels in contact with the ground,
596 but excludes a tractor or a moped.

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

601 (7) "Owner" means a person, other than a lienholder,
602 having the property in or title to an off-highway vehicle,
603 including a person entitled to the use or possession of an off-
604 highway vehicle subject to an interest held by another person,
605 reserved or created by agreement and securing payment of

HB 1809

2004
CS

606 performance of an obligation, but the term excludes a lessee
607 under a lease not intended as security.

608 (8) "Public lands" means lands within the state that are
609 available for public use and that are owned, operated, or
610 managed by a federal, state, county, or municipal governmental
611 entity.

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

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

617 317.0004 Administration of off-highway vehicle titling
618 laws; records.--

619 (1) The administration of off-highway vehicle titling laws
620 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
621 Highway Safety and Motor Vehicles, which shall provide for the
622 issuing, handling, and recording of all off-highway vehicle
623 titling applications and certificates, including the receipt and
624 accounting of off-highway vehicle titling fees.

625 Section 20. Section 317.0005, Florida Statutes, is amended
626 to read:

627 317.0005 Rules, forms, and notices.--

628 (1) The department may adopt rules pursuant to ss.
629 120.536(1) and 120.54, which pertain to off-highway vehicle
630 titling, in order to implement the provisions of this chapter
631 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

HB 1809

2004
CS

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

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

637 317.0006 Certificate of title required.--

638 (1) Any off-highway vehicle that is purchased by a
639 resident of this state after the effective date of this act or
640 that is owned by a resident and is operated on the public lands
641 of this state must be titled pursuant to this chapter ~~ss.~~
642 ~~317.0001-317.0013~~.

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

645 317.0007 Application for and issuance of certificate of
646 title.--

647 (6) In addition to a certificate of title, the department
648 may issue a validation sticker to be placed on the off-highway
649 vehicle as proof of the issuance of title required pursuant to
650 s. 317.0006(1). A validation sticker that is lost or destroyed
651 may, upon application, be replaced by the department or county
652 tax collector. The department and county tax collector may
653 charge and deposit the fees established in ss. 320.03(5),
654 320.031, and 320.04 for all original and replacement decals.

655 Section 23. Section 317.0008, Florida Statutes, is amended
656 to read:

657 317.0008 Duplicate certificate of title.--

658 (1) The department may issue a duplicate certificate of
659 title upon application by the person entitled to hold such a

HB 1809

2004
CS

660 certificate if the department is satisfied that the original
661 certificate has been lost, destroyed, or mutilated. A fee of \$15
662 shall be charged for issuing a duplicate certificate.

663 ~~(2) In addition to the fee imposed by subsection (1), a~~
664 ~~fee of \$7 shall be charged for expedited service in issuing a~~
665 ~~duplicate certificate of title. Application for such expedited~~
666 ~~service may be made by mail or in person. The department shall~~
667 ~~issue each certificate of title applied for under this~~
668 ~~subsection within 5 working days after receipt of a proper~~
669 ~~application or shall refund the additional \$7 fee upon written~~
670 ~~request by the applicant.~~

671 (2)~~(3)~~ If, following the issuance of an original,
672 duplicate, or corrected certificate of title by the department,
673 the certificate is lost in transit and is not delivered to the
674 addressee, the owner of the off-highway vehicle or the holder of
675 a lien thereon may, within 180 days after the date of issuance
676 of the certificate, apply to the department for reissuance of
677 the certificate. An additional fee may not be charged for
678 reissuance under this subsection.

679 (3)~~(4)~~ The department shall implement a system to verify
680 that the application is signed by a person authorized to receive
681 a duplicate certificate of title under this section if the
682 address shown on the application is different from the address
683 shown for the applicant on the records of the department.

684 Section 24. Section 317.0010, Florida Statutes, is amended
685 to read:

686 317.0010 Disposition of fees.--Except as otherwise
687 specifically provided for in this chapter, the department shall

HB 1809

2004
CS

688 deposit all funds received under this chapter ~~ss. 317.0001-~~
 689 ~~317.0013~~, less administrative costs of \$2 per title transaction,
 690 into the Incidental Trust Fund of the Division of Forestry of
 691 the Department of Agriculture and Consumer Services.

692 Section 25. Paragraph (c) of subsection (3) of section
 693 317.0012, Florida Statutes, is amended to read:

694 317.0012 Crimes relating to certificates of title;
 695 penalties.--

696 (3) It is unlawful to:

697 (c) Use a false or fictitious name, give a false or
 698 fictitious address, or make any false statement in any
 699 application or affidavit required by this chapter ~~ss. 317.0001-~~
 700 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
 701 otherwise commit a fraud in any application.

702
 703 Any person who violates this subsection commits a felony of the
 704 third degree, punishable as provided in s. 775.082, s. 775.083,
 705 or s. 775.084. A violation of this subsection with respect to
 706 any off-highway vehicle makes such off-highway vehicle
 707 contraband which may be seized by a law enforcement agency and
 708 forfeited under ss. 932.701-932.704.

709 Section 26. Section 317.0013, Florida Statutes, is amended
 710 to read:

711 317.0013 Nonmoving traffic violations.--Any person who
 712 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
 713 ~~317.0012~~ for which a penalty is not otherwise provided commits a
 714 nonmoving traffic violation, punishable as provided in s.
 715 318.18.

HB 1809

2004
CS

716 Section 27. Section 317.0014, Florida Statutes, is created
717 to read:

718 317.0014 Certificate of title; issuance in duplicate;
719 delivery; liens and encumbrances.--

720 (1) The department shall assign a number to each
721 certificate of title and shall issue each certificate of title
722 and each corrected certificate in duplicate. The database record
723 shall serve as the duplicate title certificate required in this
724 section. One printed copy may be retained on file by the
725 department.

726 (2) A duly authorized person shall sign the original
727 certificate of title and each corrected certificate and, if
728 there are no liens or encumbrances on the off-highway vehicle as
729 shown in the records of the department or as shown in the
730 application, shall deliver the certificate to the applicant or
731 to another person as directed by the applicant or person, agent,
732 or attorney submitting the application. If there are one or more
733 liens or encumbrances on the off-highway vehicle, the
734 certificate shall be delivered by the department to the first
735 lienholder as shown by department records or to the owner as
736 indicated in the notice of lien filed by the first lienholder.
737 If the notice of lien filed by the first lienholder indicates
738 that the certificate should be delivered to the first
739 lienholder, the department shall deliver to the first
740 lienholder, along with the certificate, a form to be
741 subsequently used by the lienholder as a satisfaction. If the
742 notice of lien filed by the first lienholder directs the
743 certificate of title to be delivered to the owner, then upon

HB 1809

2004
CS

744 delivery of the certificate of title by the department to the
745 owner, the department shall deliver to the first lienholder
746 confirmation of the receipt of the notice of lien and the date
747 the certificate of title was issued to the owner at the owner's
748 address shown on the notice of lien and a form to be
749 subsequently used by the lienholder as a satisfaction. If the
750 application for certificate shows the name of a first lienholder
751 different from the name of the first lienholder as shown by the
752 records of the department, the certificate may not be issued to
753 any person until after all parties who appear to hold a lien and
754 the applicant for the certificate have been notified of the
755 conflict in writing by the department by certified mail. If the
756 parties do not amicably resolve the conflict within 10 days
757 after the date the notice was mailed, the department shall serve
758 notice in writing by certified mail on all persons appearing to
759 hold liens on that particular vehicle, including the applicant
760 for the certificate, to show cause within 15 days following the
761 date the notice is mailed as to why it should not issue and
762 deliver the certificate to the person indicated in the notice of
763 lien filed by the lienholder whose name appears in the
764 application as the first lienholder without showing any lien or
765 liens as outstanding other than those appearing in the
766 application or those that have been filed subsequent to the
767 filing of the application for the certificate. If, within the
768 15-day period, any person other than the lienholder shown in the
769 application or a party filing a subsequent lien, in answer to
770 the notice to show cause, appears in person or by a
771 representative, or responds in writing, and files a written

HB 1809

2004
CS

772 statement under oath that his or her lien on that particular
773 vehicle is still outstanding, the department may not issue the
774 certificate to anyone until after the conflict has been settled
775 by the lien claimants involved or by a court of competent
776 jurisdiction. If the conflict is not settled amicably within 10
777 days after the final date for filing an answer to the notice to
778 show cause, the complaining party shall have 10 days in which to
779 obtain a ruling or stay order from a court of competent
780 jurisdiction. If a ruling or stay order is not issued and served
781 on the department within the 10-day period, it shall issue the
782 certificate showing no liens except those shown in the
783 application or thereafter filed to the original applicant if
784 there are no liens shown in the application and none are
785 thereafter filed, or to the person indicated in the notice of
786 lien filed by the lienholder whose name appears in the
787 application as the first lienholder if there are liens shown in
788 the application or thereafter filed. A duplicate certificate or
789 corrected certificate shall show only the lien or liens as shown
790 in the application and any subsequently filed liens that may be
791 outstanding.

792 (3) Except as provided in subsection (4), the certificate
793 of title shall be retained by the first lienholder or the owner
794 as indicated in the notice of lien filed by the first
795 lienholder. If the first lienholder is in possession of the
796 certificate, the first lienholder is entitled to retain the
797 certificate until the first lien is satisfied.

798 (4) If the owner of the vehicle, as shown on the title
799 certificate, desires to place a second or subsequent lien or

HB 1809

2004
CS

800 encumbrance against the vehicle when the title certificate is in
 801 the possession of the first lienholder, the owner shall send a
 802 written request to the first lienholder by certified mail, and
 803 the first lienholder shall forward the certificate to the
 804 department for endorsement. If the title certificate is in the
 805 possession of the owner, the owner shall forward the certificate
 806 to the department for endorsement. The department shall return
 807 the certificate to either the first lienholder or to the owner,
 808 as indicated in the notice of lien filed by the first
 809 lienholder, after endorsing the second or subsequent lien on the
 810 certificate and on the duplicate. If the first lienholder or
 811 owner fails, neglects, or refuses to forward the certificate of
 812 title to the department within 10 days after the date of the
 813 owner's request, the department, on the written request of the
 814 subsequent lienholder or an assignee of the lien, shall demand
 815 of the first lienholder the return of the certificate for the
 816 notation of the second or subsequent lien or encumbrance.

817 (5)(a) Upon satisfaction of any first lien or encumbrance
 818 recorded by the department, the owner of the vehicle, as shown
 819 on the title certificate, or the person satisfying the lien is
 820 entitled to demand and receive from the lienholder a
 821 satisfaction of the lien. If the lienholder, upon satisfaction
 822 of the lien and upon demand, fails or refuses to furnish a
 823 satisfaction of the lien within 30 days after demand, he or she
 824 is liable for all costs, damages, and expenses, including
 825 reasonable attorney's fees, lawfully incurred by the titled
 826 owner or person satisfying the lien in any suit brought in this
 827 state for cancellation of the lien. The lienholder receiving

828 final payment as defined in s. 674.215 shall mail or otherwise
 829 deliver a lien satisfaction and the certificate of title
 830 indicating the satisfaction within 10 working days after receipt
 831 of final payment or notify the person satisfying the lien that
 832 the title is not available within 10 working days after receipt
 833 of final payment. If the lienholder is unable to provide the
 834 certificate of title and notifies the person of such, the
 835 lienholder shall provide a lien satisfaction and is responsible
 836 for the cost of a duplicate title, including expedited title
 837 charges as provided in s. 317.0016. This paragraph does not
 838 apply to electronic transactions under subsection (8).

839 (b) Following satisfaction of a lien, the lienholder shall
 840 enter a satisfaction thereof in the space provided on the face
 841 of the certificate of title. If the certificate of title was
 842 retained by the owner, the owner shall, within 5 days after
 843 satisfaction of the lien, deliver the certificate of title to
 844 the lienholder and the lienholder shall enter a satisfaction
 845 thereof in the space provided on the face of the certificate of
 846 title. If no subsequent liens are shown on the certificate of
 847 title, the certificate shall be delivered by the lienholder to
 848 the person satisfying the lien or encumbrance and an executed
 849 satisfaction on a form provided by the department shall be
 850 forwarded to the department by the lienholder within 10 days
 851 after satisfaction of the lien.

852 (c) If the certificate of title shows a subsequent lien
 853 not then being discharged, an executed satisfaction of the first
 854 lien shall be delivered by the lienholder to the person
 855 satisfying the lien and the certificate of title showing

HB 1809

2004
CS

856 satisfaction of the first lien shall be forwarded by the
857 lienholder to the department within 10 days after satisfaction
858 of the lien.

859 (d) If, upon receipt of a title certificate showing
860 satisfaction of the first lien, the department determines from
861 its records that there are no subsequent liens or encumbrances
862 upon the vehicle, the department shall forward to the owner, as
863 shown on the face of the title, a corrected certificate showing
864 no liens or encumbrances. If there is a subsequent lien not
865 being discharged, the certificate of title shall be reissued
866 showing the second or subsequent lienholder as the first
867 lienholder and shall be delivered to either the new first
868 lienholder or to the owner as indicated in the notice of lien
869 filed by the new first lienholder. If the certificate of title
870 is to be retained by the first lienholder on the reissued
871 certificate, the first lienholder is entitled to retain the
872 certificate of title except as provided in subsection (4) until
873 his or her lien is satisfied. Upon satisfaction of the lien, the
874 lienholder is subject to the procedures required of a first
875 lienholder by subsection (4) and this subsection.

876 (6) When the original certificate of title cannot be
877 returned to the department by the lienholder and evidence
878 satisfactory to the department is produced that all liens or
879 encumbrances have been satisfied, upon application by the owner
880 for a duplicate copy of the certificate upon the form prescribed
881 by the department, accompanied by the fee prescribed in this
882 chapter, a duplicate copy of the certificate of title, without

HB 1809

2004
CS

883 statement of liens or encumbrances, shall be issued by the
884 department and delivered to the owner.

885 (7) Any person who fails, within 10 days after receipt of
886 a demand by the department by certified mail, to return a
887 certificate of title to the department as required by subsection
888 (4) or who, upon satisfaction of a lien, fails within 10 days
889 after receipt of such demand to forward the appropriate document
890 to the department as required by paragraph (5)(b) or paragraph
891 (5)(c) commits a misdemeanor of the second degree, punishable as
892 provided in s. 775.082 or s. 775.083.

893 (8) Notwithstanding any requirements in this section or in
894 s. 319.27 indicating that a lien on a vehicle shall be noted on
895 the face of the Florida certificate of title, if there are one
896 or more liens or encumbrances on the off-highway vehicle, the
897 department may electronically transmit the lien to the first
898 lienholder and notify the first lienholder of any additional
899 liens. Subsequent lien satisfactions may be electronically
900 transmitted to the department and must include the name and
901 address of the person or entity satisfying the lien. When
902 electronic transmission of liens and lien satisfactions is used,
903 the issuance of a certificate of title may be waived until the
904 last lien is satisfied and a clear certificate of title is
905 issued to the owner of the vehicle.

906 (9) When sending any notice, the department is required to
907 use only the last known address, as shown by its records.

908 Section 28. Section 317.0015, Florida Statutes, is created
909 to read:

HB 1809

2004
CS

910 317.0015 Application of law.--Sections 319.235, 319.241,
 911 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 912 vehicles that are required to be titled under this chapter.

913 Section 29. Section 317.0016, Florida Statutes, is created
 914 to read:

915 317.0016 Expedited service; applications; fees.--The
 916 department shall provide, through its agents and for use by the
 917 public, expedited service on title transfers, title issuances,
 918 duplicate titles, recordation of liens, and certificates of
 919 repossession. A fee of \$7 shall be charged for this service,
 920 which is in addition to the fees imposed by ss. 317.0007 and
 921 317.0008, and \$3.50 of this fee shall be retained by the
 922 processing agency. All remaining fees shall be deposited in the
 923 Incidental Trust Fund of the Division of Forestry of the
 924 Department of Agriculture and Consumer Services. Application for
 925 expedited service may be made by mail or in person. The
 926 department shall issue each title applied for pursuant to this
 927 section within 5 working days after receipt of the application
 928 except for an application for a duplicate title certificate
 929 covered by s. 317.0008(3), in which case the title must be
 930 issued within 5 working days after compliance with the
 931 department's verification requirements.

932 Section 30. Section 317.0017, Florida Statutes, is created
 933 to read:

934 317.0017 Offenses involving vehicle identification
 935 numbers, applications, certificates, papers; penalty.--

936 (1) A person may not:

937 (a) Alter or forge any certificate of title to an off-
 938 highway vehicle or any assignment thereof or any cancellation of
 939 any lien on an off-highway vehicle.

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

942 (c) Procure or attempt to procure a certificate of title
 943 to an off-highway vehicle, or pass or attempt to pass a
 944 certificate of title or any assignment thereof to an off-highway
 945 vehicle, knowing or having reason to believe that the off-
 946 highway vehicle has been stolen.

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

954 (e) Use a false or fictitious name, give a false or
 955 fictitious address, or make any false statement in any
 956 application or affidavit required under this chapter or in a
 957 bill of sale or sworn statement of ownership or otherwise commit
 958 a fraud in any application.

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

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

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

974 (5) A person, firm, or corporation may not knowingly
 975 possess, manufacture, sell or exchange, offer to sell or
 976 exchange, supply in blank, or give away any counterfeit
 977 manufacturer's or state-assigned identification number plates or
 978 serial plates or any decal used for the purpose of identifying
 979 an off-highway vehicle. A person, or an officer, agent, or
 980 employee of any person, firm, or corporation, may not authorize,
 981 direct, aid in exchange, or give away, or conspire to authorize,
 982 direct, aid in exchange, or give away, such counterfeit
 983 manufacturer's or state-assigned identification number plates or
 984 serial plates or any decal. However, this subsection does not
 985 apply to any approved replacement manufacturer's or state-
 986 assigned identification number plates or serial plates or any
 987 decal issued by the department or any state.

988 (6) A person who violates any provision of this section
 989 commits a felony of the third degree, punishable as provided in
 990 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 991 used in violation of this section constitutes contraband that

HB 1809

2004
CS

992 may be seized by a law enforcement agency and that is subject to
 993 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 994 section is not exclusive of any other penalties prescribed by
 995 any existing or future laws for the larceny or unauthorized
 996 taking of off-highway vehicles but is supplementary thereto.

997 Section 31. Section 317.0018, Florida Statutes, is created
 998 to read:

999 317.0018 Transfer without delivery of certificate;
 1000 operation or use without certificate; failure to surrender;
 1001 other violations.--Except as otherwise provided in this chapter,
 1002 any person who:

1003 (1) Purports to sell or transfer an off-highway vehicle
 1004 without delivering to the purchaser or transferee of the vehicle
 1005 a certificate of title to the vehicle duly assigned to the
 1006 purchaser as provided in this chapter;

1007 (2) Operates or uses in this state an off-highway vehicle
 1008 for which a certificate of title is required without the
 1009 certificate having been obtained in accordance with this
 1010 chapter, or upon which the certificate of title has been
 1011 canceled;

1012 (3) Fails to surrender a certificate of title upon
 1013 cancellation of the certificate by the department and notice
 1014 thereof as prescribed in this chapter;

1015 (4) Fails to surrender the certificate of title to the
 1016 department as provided in this chapter in the case of the
 1017 destruction, dismantling, or change of an off-highway vehicle in
 1018 such respect that it is not the off-highway vehicle described in
 1019 the certificate of title; or

HB 1809

2004
CS

1020 (5) Violates any other provision of this chapter or a
 1021 lawful rule adopted pursuant to this chapter,
 1022
 1023 shall be fined not more than \$500 or imprisoned for not more
 1024 than 6 months, or both, for each offense, unless otherwise
 1025 specified.

1026 Section 32. Subsection (7) of section 318.14, Florida
 1027 Statutes, is amended to read:

1028 318.14 Noncriminal traffic infractions; exception;
 1029 procedures.--

1030 (7)(a) The official having jurisdiction over the
 1031 infraction shall certify to the department within 10 days after
 1032 payment of the civil penalty that the defendant has admitted to
 1033 the infraction. If the charge results in a hearing, the official
 1034 having jurisdiction shall certify to the department the final
 1035 disposition within 10 days after ~~of~~ the hearing. All
 1036 dispositions returned to the county requiring a correction shall
 1037 be resubmitted to the department within 10 days after the
 1038 notification of the error.

1039 (b) If the official having jurisdiction over the traffic
 1040 infraction submits the final disposition to the department more
 1041 than 180 days after the final hearing or after payment of the
 1042 civil penalty, the department may modify any resulting
 1043 suspension or revocation action to begin as if the citation were
 1044 reported in a timely manner.

1045 Section 33. For the purpose of incorporating the amendment
 1046 to section 322.61, Florida Statutes, in a reference thereto,

HB 1809

2004
CS

1047 subsection (9) of section 318.14, Florida Statutes, is reenacted
1048 to read:

1049 318.14 Noncriminal traffic infractions; exception;
1050 procedures.--

1051 (9) Any person who is cited for an infraction under this
1052 section other than a violation of s. 320.0605, s. 320.07(3)(a)
1053 or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may,
1054 in lieu of a court appearance, elect to attend in the location
1055 of his or her choice within this state a basic driver
1056 improvement course approved by the Department of Highway Safety
1057 and Motor Vehicles. In such a case, adjudication must be
1058 withheld; points, as provided by s. 322.27, may not be assessed;
1059 and the civil penalty that is imposed by s. 318.18(3) must be
1060 reduced by 18 percent; however, a person may not make an
1061 election under this subsection if the person has made an
1062 election under this subsection in the preceding 12 months. A
1063 person may make no more than five elections under this
1064 subsection. The requirement for community service under s.
1065 318.18(8) is not waived by a plea of nolo contendere or by the
1066 withholding of adjudication of guilt by a court.

1067 Section 34. Effective July 1, 2004, subsection (2) of
1068 section 318.15, Florida Statutes, as amended by section 98 of
1069 chapter 2003-402, Laws of Florida, is amended to read:

1070 318.15 Failure to comply with civil penalty or to appear;
1071 penalty.--

1072 (2) After suspension of the driver's license and privilege
1073 to drive of a person under subsection (1), the license and
1074 privilege may not be reinstated until the person complies with

HB 1809

2004
CS

1075 | all obligations and penalties imposed on him or her under s.
 1076 | 318.18 and presents to a driver license office a certificate of
 1077 | compliance issued by the court, together with a nonrefundable
 1078 | service fee of up to \$37.50 imposed under s. 322.29, or pays the
 1079 | aforementioned service fee of up to \$37.50 to the clerk of the
 1080 | court or tax collector clearing such suspension. If the fee is
 1081 | collected by the clerk of the court, \$10 of the fee shall be
 1082 | remitted to the Department of Revenue for deposit into the
 1083 | Highway Safety Operating Trust Fund. If the fee is collected by
 1084 | the tax collector, \$10 of the fee shall be remitted to the
 1085 | Department of Highway Safety and Motor Vehicles for deposit into
 1086 | the Highway Safety Operating Trust Fund. Such person shall also
 1087 | be in compliance with requirements of chapter 322 prior to
 1088 | reinstatement.

1089 | Section 35. Subsection (6) of section 319.23, Florida
 1090 | Statutes, is amended to read:

1091 | 319.23 Application for, and issuance of, certificate of
 1092 | title.--

1093 | (6) In the case of the sale of a motor vehicle or mobile
 1094 | home by a licensed dealer to a general purchaser, the
 1095 | certificate of title shall be obtained in the name of the
 1096 | purchaser by the dealer upon application signed by the
 1097 | purchaser, and in each other case such certificate shall be
 1098 | obtained by the purchaser. In each case of transfer of a motor
 1099 | vehicle or mobile home, the application for certificate of
 1100 | title, or corrected certificate, or assignment or reassignment,
 1101 | shall be filed within 30 days from the delivery of such motor
 1102 | vehicle or mobile home to the purchaser. An applicant shall be

HB 1809

2004
CS

1103 required to pay a fee of \$10, in addition to all other fees and
 1104 penalties required by law, for failing to file such application
 1105 within the specified time. When a licensed dealer acquires a
 1106 motor vehicle or mobile home as a trade-in, the dealer must file
 1107 with the department a notice of sale signed by the seller. The
 1108 department shall update its database for that title record to
 1109 indicate "sold." A licensed dealer need not apply for a
 1110 certificate of title for any motor vehicle or mobile home in
 1111 stock acquired for stock purposes except as provided in s.
 1112 319.225.

1113 Section 36. Subsections (2) and (3) of section 319.27,
 1114 Florida Statutes, are amended to read:

1115 319.27 Notice of lien on motor vehicles or mobile homes;
 1116 notation on certificate; recording of lien.--

1117 (2) No lien for purchase money or as security for a debt
 1118 in the form of a security agreement, retain title contract,
 1119 conditional bill of sale, chattel mortgage, or other similar
 1120 instrument or any other nonpossessory lien, including a lien for
 1121 child support, upon a motor vehicle or mobile home upon which a
 1122 Florida certificate of title has been issued shall be
 1123 enforceable in any of the courts of this state against creditors
 1124 or subsequent purchasers for a valuable consideration and
 1125 without notice, unless a sworn notice of such lien has been
 1126 filed in the department and such lien has been noted upon the
 1127 certificate of title of the motor vehicle or mobile home. Such
 1128 notice shall be effective as constructive notice when filed. No
 1129 interest of a statutory nonpossessory lienor; the interest of a
 1130 nonpossessory execution, attachment, or equitable lienor; or the

HB 1809

2004
CS

1131 interest of a lien creditor as defined in s. 679.1021(1)(zz)
 1132 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
 1133 creditors or subsequent purchasers for a valuable consideration
 1134 unless such interest becomes a possessory lien or is noted upon
 1135 the certificate of title for the subject motor vehicle or mobile
 1136 home prior to the occurrence of the subsequent transaction.
 1137 Provided the provisions of this subsection relating to a
 1138 nonpossessory statutory lienor; a nonpossessory execution,
 1139 attachment, or equitable lienor; or the interest of a lien
 1140 creditor as defined in s. 679.1021(1)(zz) ~~679.301(3)~~ shall not
 1141 apply to liens validly perfected prior to October 1, 1988. The
 1142 notice of lien shall provide the following information:
 1143 (a) The date of the lien if a security agreement, retain
 1144 title contract, conditional bill of sale, chattel mortgage, or
 1145 other similar instrument was executed prior to the filing of the
 1146 notice of lien;
 1147 (b) The name and address of the registered owner;
 1148 (c) A description of the motor vehicle or mobile home,
 1149 showing the make, type, and vehicle identification number; and
 1150 (d) The name and address of the lienholder.
 1151 (3)(a) A person may file a notice of lien with regard to a
 1152 motor vehicle or mobile home before a security agreement, retain
 1153 title contract, conditional bill of sale, chattel mortgage, or
 1154 other similar instrument is executed granting a lien, mortgage,
 1155 or encumbrance on, or a security interest in, such motor vehicle
 1156 or mobile home.
 1157 (b) As applied to a determination of the respective rights
 1158 of a secured party under this chapter and a lien creditor as

HB 1809

2004
CS

1159 defined by s. 679.1021(1)(zz) ~~679.301(3)~~, or a nonpossessory
 1160 statutory lienor, a security interest under this chapter shall
 1161 be perfected upon the filing of the notice of lien with the
 1162 department, the county tax collector, or their agents. Provided,
 1163 however, the date of perfection of a security interest of such
 1164 secured party shall be the same date as the execution of the
 1165 security agreement or other similar instrument if the notice of
 1166 lien is filed in accordance with this subsection within 15 days
 1167 after the debtor receives possession of the motor vehicle or
 1168 mobile home and executes such security agreement or other
 1169 similar instrument. The date of filing of the notice of lien
 1170 shall be the date of its receipt by the department central
 1171 office in Tallahassee, if first filed there, or otherwise by the
 1172 office of the county tax collector, or their agents.

1173 Section 37. Subsection (4) of section 319.29, Florida
 1174 Statutes, is amended to read:

1175 319.29 Lost or destroyed certificates.--

1176 (4) The department shall implement a system to verify that
 1177 the application is signed by a person authorized to receive a
 1178 duplicate title certificate under this section if the address
 1179 shown on the application is different from the address shown for
 1180 the applicant on the records of the department. If the title
 1181 certificate is being delivered to someone other than the owner
 1182 of record, the identity of the person to whom the title
 1183 certificate is delivered must be verified and the documentation
 1184 of the verification must be maintained by the department.

HB 1809

2004
CS

1185 Section 38. Paragraph (a) of subsection (1) and
 1186 subsections (25) and (26) of section 320.01, Florida Statutes,
 1187 are amended to read:

1188 320.01 Definitions, general.--As used in the Florida
 1189 Statutes, except as otherwise provided, the term:

1190 (1) "Motor vehicle" means:

1191 (a) An automobile, motorcycle, truck, trailer,
 1192 semitrailer, truck tractor and semitrailer combination, or any
 1193 other vehicle operated on the roads of this state, used to
 1194 transport persons or property, and propelled by power other than
 1195 muscular power, but the term does not include traction engines,
 1196 road rollers, such vehicles as run only upon a track, bicycles,
 1197 motorized scooters as defined in s. 316.003, or mopeds.

1198 (25) "Apportionable vehicle" means any vehicle, except
 1199 recreational vehicles, vehicles displaying restricted plates,
 1200 city pickup and delivery vehicles, buses used in transportation
 1201 of chartered parties, and government-owned vehicles, which is
 1202 used or intended for use in two or more member jurisdictions
 1203 that allocate or proportionally register vehicles and which is
 1204 used for the transportation of persons for hire or is designed,
 1205 used, or maintained primarily for the transportation of property
 1206 and:

1207 (a) Is a power unit having a gross vehicle weight ~~in~~
 1208 ~~excess~~ of 26,001 pounds or more;

1209 (b) Is a power unit having three or more axles, regardless
 1210 of weight; or

HB 1809

2004
CS

1211 (c) Is used in combination, when the weight of such
1212 combination is ~~exceeds~~ 26,001 pounds or more gross vehicle
1213 weight.

1214
1215 Vehicles, or combinations thereof, having a gross vehicle weight
1216 of 26,001 pounds or less and two-axle vehicles may be
1217 proportionally registered.

1218 (26) "Commercial motor vehicle" means any vehicle that
1219 ~~which~~ is not owned or operated by a governmental entity, that
1220 ~~which~~ uses special fuel or motor fuel on the public highways,
1221 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1222 more, or has three or more axles regardless of weight, or is
1223 used in combination when the weight of the ~~such~~ combination is
1224 ~~exceeds~~ 26,001 pounds or more gross vehicle weight.

1225 Section 39. Subsection (3) of section 320.05, Florida
1226 Statutes, is amended to read:

1227 320.05 Records of the department; inspection procedure;
1228 lists and searches; fees.--

1229 (3)(a) The department is authorized, upon application of
1230 any person and payment of the proper fees, to prepare and
1231 furnish lists containing motor vehicle or vessel information in
1232 a ~~such~~ form as the department may authorize, to search the
1233 records of the department and make reports thereof, and to make
1234 photographic copies of the department records and attestations
1235 thereof.

1236 (b) Fees ~~therefor~~ shall be charged and collected as
1237 follows:

HB 1809

2004
CS

1238 1. For providing lists of motor vehicle or vessel records
1239 for the entire state, or any part or parts thereof, divided
1240 according to counties, a sum computed at a rate of not less than
1241 1 cent nor more than 5 cents per item.

1242 2. For providing noncertified photographic copies of motor
1243 vehicle or vessel documents, \$1 per page.

1244 3. For providing noncertified photographic copies of
1245 micrographic records, \$1 per page.

1246 4. For providing certified copies of motor vehicle or
1247 vessel records, \$3 per record.

1248 5. For providing noncertified computer-generated printouts
1249 of motor vehicle or vessel records, 50 cents per record.

1250 6. For providing certified computer-generated printouts of
1251 motor vehicle or vessel records, \$3 per record.

1252 7. For providing electronic access to motor vehicle,
1253 vessel, and mobile home registration data requested by tag,
1254 vehicle identification number, title number, or decal number, 50
1255 cents per item, except that information provided via the
1256 department's Internet website is free of charge.

1257 ~~8. For providing electronic access to driver's license~~
1258 ~~status report by name, sex, and date of birth or by driver~~
1259 ~~license number, 50 cents per item.~~

1260 ~~8.9.~~ For providing lists of licensed mobile home dealers
1261 and manufacturers and recreational vehicle dealers and
1262 manufacturers, \$15 per list.

1263 ~~9.10.~~ For providing lists of licensed motor vehicle
1264 dealers, \$25 per list.

1265 ~~10.11.~~ For each copy of a videotape record, \$15 per tape.

HB 1809

2004
CS

1266 ~~11.12.~~ For each copy of the Division of Motor Vehicles
1267 Procedures Manual, \$25.

1268 (c) Fees collected under ~~pursuant to~~ paragraph (b) shall
1269 be deposited into the Highway Safety Operating Trust Fund.

1270 (d) The department shall furnish the ~~such~~ information
1271 without charge to any court or governmental entity.

1272 (e) When motor vehicle, vessel, or mobile home
1273 registration data is provided by electronic access through a tax
1274 collector's office, a fee for the electronic access is not
1275 required to be assessed. However, at the tax collector's
1276 discretion, a fee equal to or less than the fee charged by the
1277 department for the ~~such~~ information may be assessed by the tax
1278 collector for the electronic access. Notwithstanding paragraph
1279 (c), any funds collected by the tax collector as a result of
1280 providing ~~such~~ access shall be retained by the tax collector.

1281 Section 40. Subsection (4) of section 320.06, Florida
1282 Statutes, is amended to read:

1283 320.06 Registration certificates, license plates, and
1284 validation stickers generally.--

1285 (4) The corporation organized under chapter 946 may
1286 manufacture license plates, validation stickers, and decals, as
1287 well as temporary tags, disabled hang tags, vessel decals, and
1288 fuel use decals, for the Department of Highway Safety and Motor
1289 Vehicles as provided in this chapter and chapter ~~328~~ 327. The
1290 Department of Highway Safety and Motor Vehicles is not required
1291 to obtain competitive bids in order to contract with the
1292 corporation.

HB 1809

2004
CS

1293 Section 41. Section 320.0601, Florida Statutes, is amended
1294 to read:

1295 320.0601 Lease and rental car companies; identification of
1296 vehicles as for-hire.--

1297 (1) A rental car company may not rent in this state any
1298 for-hire vehicle, other than vehicles designed to transport
1299 cargo, that has affixed to its exterior any bumper stickers,
1300 insignias, or advertising that identifies the vehicle as a
1301 rental vehicle.

1302 (2) As used in this section, the term:

1303 (a) "Bumper stickers, insignias, or advertising" does not
1304 include:

1305 1. Any emblem of no more than two colors which is less
1306 than 2 inches by 4 inches, which is placed on the rental car for
1307 inventory purposes only, and which does not display the name or
1308 logo of the rental car company; or

1309 2. Any license required by the law of the state in which
1310 the vehicle is registered.

1311 (b) "Rent in this state" means to sign a rental contract
1312 in this state or to deliver a car to a renter in this state.

1313 (3) A rental car company that leases a motor vehicle that
1314 is found to be in violation of this section shall be punished by
1315 a fine of \$500 per occurrence.

1316 (4) All original and transfer transactions of long-term
1317 leased motor vehicles must be registered in the name of the
1318 lessee.

1319 Section 42. Section 320.0605, Florida Statutes, is amended
1320 to read:

HB 1809

2004
CS

1321 320.0605 Certificate of registration; possession required;
 1322 exception.--The registration certificate or an official copy
 1323 thereof, a true copy of a rental or lease agreement issued for a
 1324 motor vehicle or issued for a replacement vehicle in the same
 1325 registration period, a temporary receipt printed upon self-
 1326 initiated electronic renewal of a registration via the Internet,
 1327 or a cab card issued for a vehicle registered under the
 1328 International Registration Plan shall, at all times while the
 1329 vehicle is being used or operated on the roads of this state, be
 1330 in the possession of the operator thereof or be carried in the
 1331 vehicle for which issued and shall be exhibited upon demand of
 1332 any authorized law enforcement officer or any agent of the
 1333 department, except for a vehicle registered under s. 320.0657.
 1334 The provisions of this section do not apply during the first 30
 1335 days after purchase of a replacement vehicle. A violation of
 1336 this section is a noncriminal traffic infraction, punishable as
 1337 a nonmoving violation as provided in chapter 318.

1338 Section 43. Section 320.0607, Florida Statutes, is amended
 1339 to read:

1340 320.0607 Replacement license plates, validation decal, or
 1341 mobile home sticker.--

1342 (1) A ~~Any~~ law enforcement officer or department license
 1343 and registration inspector may at any time inspect a license
 1344 plate or validation decal for proper display and legibility as
 1345 prescribed by chapter 316. A damaged or defaced plate or decal
 1346 may be required to be replaced.

1347 (2) When a license plate, mobile home sticker, or
 1348 validation decal has been lost, stolen, or destroyed, the owner

HB 1809

2004
CS

1349 of the motor vehicle or mobile home for which the plate,
 1350 sticker, or decal was issued shall make application to the
 1351 department for a replacement. The application shall contain the
 1352 plate, sticker, or decal number being replaced and a statement
 1353 that the item was lost, stolen, or destroyed. If the application
 1354 includes a copy of the police report prepared in response to a
 1355 report of a stolen plate, sticker, or decal, such plate,
 1356 sticker, or decal must be replaced at no charge.

1357 (3) The department shall implement a system to verify that
 1358 the replacement application is signed by a person authorized to
 1359 receive a replacement license plate or duplicate registration if
 1360 the address on the application is different from the address for
 1361 the applicant on the records of the department. If the
 1362 replacement license plate or duplicate registration is being
 1363 delivered to someone other than the owner of record, proof of
 1364 identity for that person must be verified and the physical
 1365 documentation of the verification must be maintained by the
 1366 department.

1367 (4)~~(3)~~ Except as provided in subsection (2), in all ~~such~~
 1368 cases, upon filing of an application accompanied by a fee of \$10
 1369 plus applicable service charges, the department shall issue a
 1370 replacement plate, sticker, or decal as the case may be if it is
 1371 satisfied that the information reported in the application is
 1372 true. The replacement fee shall be deposited into the Highway
 1373 Safety Operating Trust Fund.

1374 (5)~~(4)~~ Any license plate, sticker, or decal lost in the
 1375 mail shall ~~may~~ be replaced at no charge. A ~~Neither the~~ service
 1376 charge or ~~nor the~~ replacement fee may not ~~shall~~ be applied to

HB 1809

2004
CS

1377 | the ~~this~~ replacement. However, the application for a replacement
 1378 | must ~~shall~~ contain a statement that the license plate, sticker,
 1379 | or decal was lost in the mail ~~of such fact~~, the audit number of
 1380 | the lost item, and the date issued.

1381 | ~~(6)~~~~(5)~~ Upon the issuance of an original license plate, the
 1382 | applicant shall pay a fee of \$10 to be deposited in the Highway
 1383 | Safety Operating Trust Fund.

1384 | ~~(7)~~~~(6)~~ All funds derived from the sale of temporary tags
 1385 | under ~~the provisions of~~ s. 320.131 shall be deposited in the
 1386 | Highway Safety Operating Trust Fund.

1387 | Section 44. Section 320.0843, Florida Statutes, is amended
 1388 | to read:

1389 | 320.0843 License plates for persons with disabilities
 1390 | eligible for permanent disabled parking permits.--

1391 | (1) An ~~Any~~ owner or lessee of a motor vehicle who resides
 1392 | in this state and qualifies for a disabled parking permit under
 1393 | s. 320.0848(2), upon application to the department and payment
 1394 | of the license tax for a motor vehicle registered under s.
 1395 | 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1396 | (9)(c) or (d), shall be issued a license plate as provided by s.
 1397 | 320.06 which, in lieu of the serial number prescribed by s.
 1398 | 320.06, shall be stamped with the international wheelchair user
 1399 | symbol after the serial number of the license plate. The license
 1400 | plate entitles the person to all privileges afforded by a
 1401 | parking permit issued under s. 320.0848. If more than one
 1402 | registrant is listed on the registration issued under this
 1403 | section, the eligible applicant for the license plate shall be
 1404 | noted on the registration certificate.

HB 1809

2004
CS

1405 (2) All applications for these ~~such~~ license plates must be
1406 made to the department.

1407 Section 45. Paragraph (f) of subsection (2) of section
1408 320.0848, Florida Statutes, is amended to read:

1409 320.0848 Persons who have disabilities; issuance of
1410 disabled parking permits; temporary permits; permits for certain
1411 providers of transportation services to persons who have
1412 disabilities.--

1413 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
1414 MOBILITY PROBLEMS.--

1415 (f) To obtain a replacement for a disabled parking permit
1416 that has been lost or stolen, a person must submit an
1417 application on a form prescribed by the department and must pay
1418 a replacement fee in the amount of \$1.00, to be retained by the
1419 issuing agency. If the person submits with the application a
1420 police report documenting that the permit was stolen, there is
1421 no replacement fee. The department shall implement a system to
1422 verify that the application for a disabled parking permit is
1423 signed by a person authorized to receive a replacement or
1424 duplicate disabled parking permit if the address on the
1425 application is different from the address for the applicant on
1426 the records of the department. If the replacement or duplicate
1427 disabled parking permit is being delivered to someone other than
1428 the owner of record, proof of identity for that person must be
1429 verified and the physical documentation of the verification must
1430 be maintained by the department.

1431 Section 46. Subsection (4) of section 320.086, Florida
1432 Statutes, is amended to read:

HB 1809

2004
CS

1433 320.086 Ancient or antique motor vehicles; "horseless
1434 carriage," antique, or historical license plates.--

1435 (4) Any person who is the registered owner of a motor
1436 vehicle as defined in this section that was ~~and~~ manufactured in
1437 the model year 1975 ~~1974~~ or earlier, may apply to the department
1438 for permission to use a historical Florida license plate that
1439 clearly represents the model year of the vehicle as a
1440 personalized prestige license plate. This plate shall be
1441 furnished by the ~~such~~ person and shall be presented to the
1442 department with a reasonable fee to be determined by the
1443 department for approval and for authentication that the historic
1444 license plate and any applicable decals were issued by this
1445 state in the same year as the model year of the car or truck.
1446 The requirements of s. 320.0805(8)(b) do not apply to historical
1447 plates authorized under this subsection.

1448 Section 47. Subsection (8) is added to section 320.131,
1449 Florida Statutes, to read:

1450 320.131 Temporary tags.--

1451 (8) The department may administer an electronic system for
1452 licensed motor vehicle dealers to use in issuing temporary tags.
1453 Upon issuing a temporary tag, the dealer shall access the
1454 electronic system and enter the appropriate vehicle and owner
1455 information within the timeframe specified by department rule.
1456 If a dealer fails to comply with the department's requirements
1457 for issuing temporary tags using the electronic system, the
1458 department may deny, suspend, or revoke a license under s.
1459 320.27(9)(b)16. upon proof that the licensee has failed to
1460 comply with the department's requirements.

HB 1809

2004
CS

1461 Section 48. Subsection (1) of section 320.18, Florida
1462 Statutes, is amended to read:

1463 320.18 Withholding registration.--

1464 (1) The department may withhold the registration of any
1465 motor vehicle or mobile home the owner of which has failed to
1466 register it under the provisions of law for any previous period
1467 or periods for which it appears registration should have been
1468 made in this state, until the tax for such period or periods is
1469 paid. The department may cancel any vehicle or vessel
1470 registration, driver's license, identification card, license
1471 plate or fuel-use tax decal if the owner uses a dishonored check
1472 to pay ~~pays~~ for the vehicle or vessel registration, driver's
1473 license, identification card, or license plate, fuel-use tax
1474 decal; to pay any administrative, delinquency, or reinstatement
1475 fee; or to pay any tax liability, penalty, or interest specified
1476 in chapter 207 ~~by a dishonored check~~, or if the vehicle owner or
1477 motor carrier has failed to pay a penalty for a weight or safety
1478 violation issued by the Department of Transportation Motor
1479 Carrier Compliance Office. The Department of Transportation and
1480 the Department of Highway Safety and Motor Vehicles may impound
1481 any commercial motor vehicle that has a canceled license plate
1482 or fuel-use tax decal until the tax liability, penalty, and
1483 interest specified in chapter 207, the license tax, or the fuel-
1484 use decal fee, and applicable administrative fees have been paid
1485 for by certified funds.

1486 Section 49. Paragraph (a) of subsection (4), subsection
1487 (6), and paragraph (b) of subsection (9) of section 320.27,
1488 Florida Statutes, are amended to read:

HB 1809

2004
CS

1489 | 320.27 Motor vehicle dealers.--
 1490 | (4) LICENSE CERTIFICATE.--
 1491 | (a) A license certificate shall be issued by the
 1492 | department in accordance with such application when the
 1493 | application is regular in form and in compliance with the
 1494 | provisions of this section. The license certificate may be in
 1495 | the form of a document or a computerized card as determined by
 1496 | the department. The actual cost of each original, additional, or
 1497 | replacement computerized card shall be borne by the licensee and
 1498 | is in addition to the fee for licensure. Such license, when so
 1499 | issued, entitles the licensee to carry on and conduct the
 1500 | business of a motor vehicle dealer. Each license issued to a
 1501 | franchise motor vehicle dealer expires annually on December 31
 1502 | unless revoked or suspended prior to that date. Each license
 1503 | issued to an independent or wholesale dealer or auction expires
 1504 | annually on April 30 unless revoked or suspended prior to that
 1505 | date. Not less than 60 days prior to the license expiration
 1506 | date, the department shall deliver or mail to each licensee the
 1507 | necessary renewal forms. Each independent dealer shall certify
 1508 | that the dealer principal (owner, partner, officer of the
 1509 | corporation, or director) has completed 8 hours of continuing
 1510 | education prior to filing the renewal forms with the department.
 1511 | Such certification shall be filed once every 2 years commencing
 1512 | with the 2006 renewal period. The continuing education shall
 1513 | include at least 2 hours of training in legal or legislative
 1514 | issues, 1 hour of training in department issues, and 5 hours of
 1515 | training in relevant motor vehicle industry topics. Continuing
 1516 | education shall be provided by dealer schools licensed under

HB 1809

2004
CS

1517 paragraph (b) either in a classroom setting or by
1518 correspondence. Such schools shall provide certificates of
1519 completion to the department and the customer, which shall be
1520 filed with the license renewal form, and such schools may charge
1521 a fee for providing continuing education. Any licensee who does
1522 not file his or her application and fees and any other requisite
1523 documents, as required by law, with the department at least 30
1524 days prior to the license expiration date shall cease to engage
1525 in business as a motor vehicle dealer on the license expiration
1526 date. A renewal filed with the department within 45 days after
1527 the expiration date shall be accompanied by a delinquent fee of
1528 \$100. Thereafter, a new application is required, accompanied by
1529 the initial license fee. A license certificate duly issued by
1530 the department may be modified by endorsement to show a change
1531 in the name of the licensee, provided, as shown by affidavit of
1532 the licensee, the majority ownership interest of the licensee
1533 has not changed or the name of the person appearing as
1534 franchisee on the sales and service agreement has not changed.
1535 Modification of a license certificate to show any name change as
1536 herein provided shall not require initial licensure or
1537 reissuance of dealer tags; however, any dealer obtaining a name
1538 change shall transact all business in and be properly identified
1539 by that name. All documents relative to licensure shall reflect
1540 the new name. In the case of a franchise dealer, the name change
1541 shall be approved by the manufacturer, distributor, or importer.
1542 A licensee applying for a name change endorsement shall pay a
1543 fee of \$25 which fee shall apply to the change in the name of a
1544 main location and all additional locations licensed under the

1545 provisions of subsection (5). Each initial license application
 1546 received by the department shall be accompanied by verification
 1547 that, within the preceding 6 months, the applicant, or one or
 1548 more of his or her designated employees, has attended a training
 1549 and information seminar conducted by a licensed motor vehicle
 1550 dealer training school ~~the department~~. Such seminar shall
 1551 include, but is not limited to, statutory dealer requirements,
 1552 which requirements include required bookkeeping and
 1553 recordkeeping procedures, requirements for the collection of
 1554 sales and use taxes, and such other information that in the
 1555 opinion of the department will promote good business practices.
 1556 No seminar may exceed 8 hours in length.

1557 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
 1558 keep a book or record in such form as shall be prescribed or
 1559 approved by the department for a period of 5 years, in which the
 1560 licensee shall keep a record of the purchase, sale, or exchange,
 1561 or receipt for the purpose of sale, of any motor vehicle, the
 1562 date upon which any temporary tag was issued, the date of title
 1563 transfer, and a description of such motor vehicle together with
 1564 the name and address of the seller, the purchaser, and the
 1565 alleged owner or other person from whom such motor vehicle was
 1566 purchased or received or to whom it was sold or delivered, as
 1567 the case may be. Such description shall include the
 1568 identification or engine number, maker's number, if any, chassis
 1569 number, if any, and such other numbers or identification marks
 1570 as may be thereon and shall also include a statement that a
 1571 number has been obliterated, defaced, or changed, if such is the
 1572 fact.

1573 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1574 (b) The department may deny, suspend, or revoke any
 1575 license issued hereunder or under the provisions of s. 320.77 or
 1576 s. 320.771 upon proof that a licensee has committed, with
 1577 sufficient frequency so as to establish a pattern of wrongdoing
 1578 on the part of a licensee, violations of one or more of the
 1579 following activities:

1580 1. Representation that a demonstrator is a new motor
 1581 vehicle, or the attempt to sell or the sale of a demonstrator as
 1582 a new motor vehicle without written notice to the purchaser that
 1583 the vehicle is a demonstrator. For the purposes of this section,
 1584 a "demonstrator," a "new motor vehicle," and a "used motor
 1585 vehicle" shall be defined as under s. 320.60.

1586 2. Unjustifiable refusal to comply with a licensee's
 1587 responsibility under the terms of the new motor vehicle warranty
 1588 issued by its respective manufacturer, distributor, or importer.
 1589 However, if such refusal is at the direction of the
 1590 manufacturer, distributor, or importer, such refusal shall not
 1591 be a ground under this section.

1592 3. Misrepresentation or false, deceptive, or misleading
 1593 statements with regard to the sale or financing of motor
 1594 vehicles which any motor vehicle dealer has, or causes to have,
 1595 advertised, printed, displayed, published, distributed,
 1596 broadcast, televised, or made in any manner with regard to the
 1597 sale or financing of motor vehicles.

1598 4. Failure by any motor vehicle dealer to provide a
 1599 customer or purchaser with an odometer disclosure statement and
 1600 a copy of any bona fide written, executed sales contract or

HB 1809

2004
CS

1601 agreement of purchase connected with the purchase of the motor
1602 vehicle purchased by the customer or purchaser.

1603 5. Failure of any motor vehicle dealer to comply with the
1604 terms of any bona fide written, executed agreement, pursuant to
1605 the sale of a motor vehicle.

1606 6. Failure to apply for transfer of a title as prescribed
1607 in s. 319.23(6).

1608 7. Use of the dealer license identification number by any
1609 person other than the licensed dealer or his or her designee.

1610 8. Failure to continually meet the requirements of the
1611 licensure law.

1612 9. Representation to a customer or any advertisement to
1613 the public representing or suggesting that a motor vehicle is a
1614 new motor vehicle if such vehicle lawfully cannot be titled in
1615 the name of the customer or other member of the public by the
1616 seller using a manufacturer's statement of origin as permitted
1617 in s. 319.23(1).

1618 10. Requirement by any motor vehicle dealer that a
1619 customer or purchaser accept equipment on his or her motor
1620 vehicle which was not ordered by the customer or purchaser.

1621 11. Requirement by any motor vehicle dealer that any
1622 customer or purchaser finance a motor vehicle with a specific
1623 financial institution or company.

1624 12. Requirement by any motor vehicle dealer that the
1625 purchaser of a motor vehicle contract with the dealer for
1626 physical damage insurance.

1627 13. Perpetration of a fraud upon any person as a result of
1628 dealing in motor vehicles, including, without limitation, the

HB 1809

2004
CS

1629 misrepresentation to any person by the licensee of the
1630 licensee's relationship to any manufacturer, importer, or
1631 distributor.

1632 14. Violation of any of the provisions of s. 319.35 by any
1633 motor vehicle dealer.

1634 15. Sale by a motor vehicle dealer of a vehicle offered in
1635 trade by a customer prior to consummation of the sale, exchange,
1636 or transfer of a newly acquired vehicle to the customer, unless
1637 the customer provides written authorization for the sale of the
1638 trade-in vehicle prior to delivery of the newly acquired
1639 vehicle.

1640 16. Willful failure to comply with any administrative rule
1641 adopted by the department or the provisions of s. 320.131(8).

1642 17. Violation of chapter 319, this chapter, or ss.
1643 559.901-559.9221, which has to do with dealing in or repairing
1644 motor vehicles or mobile homes. Additionally, in the case of
1645 used motor vehicles, the willful violation of the federal law
1646 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
1647 the consumer sales window form.

1648 Section 50. Subsections (1) and (9) of section 320.8249,
1649 Florida Statutes, are amended, and subsection (10) of said
1650 section is reenacted, to read:

1651 320.8249 Mobile home installers license.--

1652 (1) Any person who installs a ~~engages in~~ mobile home
1653 ~~installation~~ shall obtain a mobile home installers license from
1654 the Bureau of Mobile Home and Recreational Vehicle Construction
1655 of the Department of Highway Safety and Motor Vehicles pursuant

HB 1809

2004
CS

1656 to this section. Said license shall be renewed annually, and
1657 each licensee shall pay a fee of \$150.

1658 (9) A ~~No~~ licensed person or ~~not~~ licensed applicant may not
1659 shall:

1660 (a) Obtain a mobile home installers license by fraud or
1661 misrepresentation.

1662 (b) Be convicted or found guilty of, or enter a plea of
1663 nolo contendere to, regardless of adjudication, a crime in any
1664 jurisdiction which directly relates to the practice of mobile
1665 home installation or the ability to practice.

1666 (c) Violate any lawful order of the department or any
1667 other law of this state, including any provision of chapter 319
1668 or this chapter.

1669 (d) Commit fraud or deceit in the practice of contracting.

1670 (e) Commit incompetence or misconduct in the practice of
1671 contracting.

1672 (f) Commit gross negligence, repeated negligence, or
1673 negligence resulting in a significant danger to life or
1674 property.

1675 (g) Commit violations of the installation standards for
1676 mobile homes or manufactured homes contained in rules 15C-1 and
1677 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida Administrative Code.

1678 (10) Any licensed person or license applicant who violates
1679 any provision of subsection (9) may have any of the following
1680 disciplinary penalties imposed by the department:

1681 (a) License revocation;

1682 (b) License suspension;

1683 (c) A fine not to exceed \$1,000 per violation;

HB 1809

2004
CS

1684 (d) A requirement to take and pass, or retake and pass,
1685 the department-approved examination;

1686 (e) Probation;

1687 (f) Probation subject to such restriction of practice as
1688 the department chooses to impose;

1689 (g) A notice of noncompliance; or

1690 (h) Refusal of licensure application.

1691 Section 51. Subsections (25) and (26) of section 322.01,
1692 Florida Statutes, are amended to read:

1693 322.01 Definitions.--As used in this chapter:

1694 (25) "Motorcycle" means a motor vehicle powered by a motor
1695 with a displacement of more than 50 cubic centimeters, having a
1696 seat or saddle for the use of the rider, and designed to travel
1697 on not more than three wheels in contact with the ground, but
1698 excluding a tractor, a ~~or~~ moped, or a motorized scooter as
1699 defined in s. 316.003.

1700 (26) "Motor vehicle" means any self-propelled vehicle,
1701 including a motor vehicle combination, not operated upon rails
1702 or guideway, excluding vehicles moved solely by human power,
1703 motorized wheelchairs, motorized scooters as defined in s.
1704 316.003, and motorized bicycles as defined in s. 316.003.

1705 Section 52. Subsections (4) and (10) of section 322.05,
1706 Florida Statutes, are amended to read:

1707 322.05 Persons not to be licensed.--The department may not
1708 issue a license:

1709 (4) Except as provided by this subsection, to any person,
1710 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
1711 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~

HB 1809

2004
CS

1712 ~~16 or 17 years who applies for a Class D driver's license is~~
 1713 ~~subject to all the requirements and provisions of paragraphs~~
 1714 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
 1715 ~~department may require of any such applicant for a Class D~~
 1716 ~~driver's license such examination of the qualifications of the~~
 1717 ~~applicant as the department considers proper, and the department~~
 1718 ~~may limit the use of any license granted as it considers proper.~~

1719 (10) To any person, when the department has good cause to
 1720 believe that the operation of a motor vehicle on the highways by
 1721 such person would be detrimental to public safety or welfare.
 1722 Deafness alone shall not prevent the person afflicted from being
 1723 issued a ~~Class D or~~ Class E driver's license.

1724 Section 53. Subsections (1) and (2) of section 322.051,
 1725 Florida Statutes, are amended, and subsection (8) is added to
 1726 said section, to read:

1727 322.051 Identification cards.--

1728 (1) Any person who is 12 years of age or older, or any
 1729 person who has a disability, regardless of age, who applies for
 1730 a disabled parking permit under s. 320.0848, may be issued an
 1731 identification card by the department upon completion of an
 1732 application and payment of an application fee.

1733 (a) Each such application shall include the following
 1734 information regarding the applicant:

1735 1. Full name (first, middle or maiden, and last), gender,
 1736 social security card number, county of residence and mailing
 1737 address, country of birth, and a brief description.

1738 2. Proof of birth date satisfactory to the department.

HB 1809

2004
CS

1739 3. Proof of identity satisfactory to the department. Such
1740 proof must include one of the following documents issued to the
1741 applicant:

1742 a. A driver's license record or identification card record
1743 from another jurisdiction that required the applicant to submit
1744 a document for identification which is substantially similar to
1745 a document required under sub-subparagraph b., sub-subparagraph
1746 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
1747 subparagraph f., or sub-subparagraph g.;

1748 b. A certified copy of a United States birth certificate;

1749 c. A ~~valid~~ United States passport;

1750 d. A naturalization certificate issued by the United
1751 States Department of Justice;

1752 ~~e.d.~~ An alien registration receipt card (green card);

1753 ~~f.e.~~ An employment authorization card issued by the United
1754 States Department of Justice; or

1755 ~~g.f.~~ Proof of nonimmigrant classification provided by the
1756 United States Department of Justice, for an original
1757 identification card. In order to prove such nonimmigrant
1758 classification, applicants may produce but are not limited to
1759 the following documents:

1760 (I) A notice of hearing from an immigration court
1761 scheduling a hearing on any proceeding.

1762 (II) A notice from the Board of Immigration Appeals
1763 acknowledging pendency of an appeal.

1764 (III) Notice of the approval of an application for
1765 adjustment of status issued by the United States Immigration and
1766 Naturalization Service.

HB 1809

2004
CS

1767 (IV) Any official documentation confirming the filing of a
 1768 petition for asylum status or any other relief issued by the
 1769 United States Immigration and Naturalization Service.

1770 (V) Notice of action transferring any pending matter from
 1771 another jurisdiction to Florida, issued by the United States
 1772 Immigration and Naturalization Service.

1773 (VI) Order of an immigration judge or immigration officer
 1774 granting any relief that authorizes the alien to live and work
 1775 in the United States including, but not limited to asylum.

1776
 1777 Presentation of any of the ~~foregoing~~ documents described in sub-
 1778 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
 1779 the applicant to an identification card ~~a driver's license or~~
 1780 ~~temporary permit~~ for a period not to exceed the expiration date
 1781 of the document presented or 2 years, whichever first occurs.

1782 (b) An application for an identification card must be
 1783 signed and verified by the applicant in a format designated by
 1784 the department before a person authorized to administer oaths.
 1785 The fee for an identification card is \$3, including payment for
 1786 the color photograph or digital image of the applicant.

1787 (c) Each such applicant may include fingerprints and any
 1788 other unique biometric means of identity.

1789 (2)(a) Every identification card shall expire, unless
 1790 canceled earlier, on the sixth ~~fourth~~ birthday of the applicant
 1791 following the date of original issue. However, if an individual
 1792 is 60 years of age or older, and has an identification card
 1793 issued under this section, the card shall not expire unless done
 1794 so by cancellation by the department or by the death of the

HB 1809

2004
CS

1795 | cardholder. Renewal of any identification card shall be made for
 1796 | a term which shall expire on the sixth ~~fourth~~ birthday of the
 1797 | applicant following expiration of the identification card
 1798 | renewed, unless surrendered earlier. Any application for renewal
 1799 | received later than 90 days after expiration of the
 1800 | identification card shall be considered the same as an
 1801 | application for an original identification card. The renewal fee
 1802 | for an identification card shall be \$10, of which \$4 shall be
 1803 | deposited into the General Revenue Fund and \$6 into the Highway
 1804 | Safety Operating Trust Fund. The department shall, at the end of
 1805 | 6 4 years and 6 months after the issuance or renewal of an
 1806 | identification card, destroy any record of the card if it has
 1807 | expired and has not been renewed, unless the cardholder is 60
 1808 | years of age or older.

1809 | (b) Notwithstanding any other provision of this chapter,
 1810 | if an applicant establishes his or her identity for an
 1811 | identification card using a document authorized under sub-
 1812 | subparagraph (1)(a)3.e. ~~(a)3.d.~~, the identification card shall
 1813 | expire on the sixth ~~fourth~~ birthday of the applicant following
 1814 | the date of original issue or upon first renewal or duplicate
 1815 | issued after implementation of this section. After an initial
 1816 | showing of such documentation, he or she is exempted from having
 1817 | to renew or obtain a duplicate in person.

1818 | (c) Notwithstanding any other provisions of this chapter,
 1819 | if an applicant establishes his or her identity for an
 1820 | identification card using an identification document authorized
 1821 | under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
 1822 | ~~sub-subparagraphs (a)3.e. f.~~, the identification card shall

HB 1809

2004
CS

1823 | expire 2 years after the date of issuance or upon the expiration
 1824 | date cited on the United States Department of Justice documents,
 1825 | whichever date first occurs, and may not be renewed or obtain a
 1826 | duplicate except in person.

1827 | (8) The department shall, on receipt of the required fee,
 1828 | issue to each qualified applicant for an identification card a
 1829 | color photographic or digital image identification card bearing
 1830 | a fullface photograph or digital image of the identification
 1831 | card holder. Notwithstanding the provisions of chapter 761, the
 1832 | requirement for a fullface photograph or digital image of the
 1833 | identification card holder shall not be waived. A space shall be
 1834 | provided upon which the identification card holder shall affix
 1835 | his or her usual signature, as required in s. 322.14, in the
 1836 | presence of an authorized agent of the department so as to
 1837 | ensure that such signature becomes a part of the identification
 1838 | card.

1839 | Section 54. Subsections (2) and (3) of section 322.07,
 1840 | Florida Statutes, are amended to read:

1841 | 322.07 Instruction permits and temporary licenses.--

1842 | (2) The department may, in its discretion, issue a
 1843 | temporary permit to an applicant for a ~~Class D or~~ Class E
 1844 | driver's license permitting him or her to operate a motor
 1845 | vehicle of the type for which a ~~Class D or~~ Class E driver's
 1846 | license is required while the department is completing its
 1847 | investigation and determination of all facts relative to such
 1848 | applicant's right to receive a driver's license. Such permit
 1849 | must be in his or her immediate possession while operating a

HB 1809

2004
CS

1850 motor vehicle, and it shall be invalid when the applicant's
1851 license has been issued or for good cause has been refused.

1852 (3) Any person who, except for his or her lack of
1853 instruction in operating a ~~Class D or~~ commercial motor vehicle,
1854 would otherwise be qualified to obtain a ~~Class D or~~ commercial
1855 driver's license under this chapter, may apply for a ~~temporary~~
1856 ~~Class D or~~ temporary commercial instruction permit. The
1857 department shall issue such a permit entitling the applicant,
1858 while having the permit in his or her immediate possession, to
1859 drive a ~~Class D or~~ commercial motor vehicle on the highways,
1860 provided that:

1861 (a) The applicant possesses a valid driver's license
1862 issued in any state; and

1863 (b) The applicant, while operating a ~~Class D or~~ commercial
1864 motor vehicle, is accompanied by a licensed driver who is 21
1865 years of age or older, who is licensed to operate the class of
1866 vehicle being operated, and who is actually occupying the
1867 closest seat to the right of the driver.

1868 Section 55. Subsection (2) of section 322.08, Florida
1869 Statutes, is amended to read:

1870 322.08 Application for license.--

1871 (2) Each such application shall include the following
1872 information regarding the applicant:

1873 (a) Full name (first, middle or maiden, and last), gender,
1874 social security card number, county of residence and mailing
1875 address, country of birth, and a brief description.

1876 (b) Proof of birth date satisfactory to the department.

HB 1809

2004
CS

1877 (c) Proof of identity satisfactory to the department. Such
1878 proof must include one of the following documents issued to the
1879 applicant:

1880 1. A driver's license record or identification card record
1881 from another jurisdiction that required the applicant to submit
1882 a document for identification which is substantially similar to
1883 a document required under subparagraph 2., subparagraph 3.,
1884 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
1885 subparagraph 7.;

1886 2. A certified copy of a United States birth certificate;

1887 3. A ~~valid~~ United States passport;

1888 4. A naturalization certificate issued by the United
1889 States Department of Justice;

1890 ~~5.4.~~ An alien registration receipt card (green card);

1891 ~~6.5.~~ An employment authorization card issued by the United
1892 States Department of Justice; or

1893 ~~7.6.~~ Proof of nonimmigrant classification provided by the
1894 United States Department of Justice for an original driver's
1895 license. In order to prove nonimmigrant classification, an
1896 applicant may produce documents including, but not limited to,
1897 the following:

1898 a. A notice of hearing from an immigration court
1899 scheduling a hearing on any proceeding.

1900 b. A notice from the Board of Immigration Appeals
1901 acknowledging pendency of an appeal.

1902 c. A notice of the approval of an application for
1903 adjustment of status issued by the United States Immigration and
1904 Naturalization Service.

1905 d. Any official documentation confirming the filing of a
 1906 petition for asylum status or any other relief issued by the
 1907 United States Immigration and Naturalization Service.

1908 e. A notice of action transferring any pending matter from
 1909 another jurisdiction to this state issued by the United States
 1910 Immigration and Naturalization Service.

1911 f. An order of an immigration judge or immigration officer
 1912 granting any relief that authorizes the alien to live and work
 1913 in the United States, including, but not limited to, asylum.

1914
 1915 Presentation of any of the documents in subparagraph 6. or
 1916 subparagraph 7. entitles the applicant to a driver's license or
 1917 temporary permit for a period not to exceed the expiration date
 1918 of the document presented or 2 years, whichever occurs first.

1919 (d) Whether the applicant has previously been licensed to
 1920 drive, and, if so, when and by what state, and whether any such
 1921 license or driving privilege has ever been disqualified,
 1922 revoked, or suspended, or whether an application has ever been
 1923 refused, and, if so, the date of and reason for such
 1924 disqualification, suspension, revocation, or refusal.

1925 (e) Each such application may include fingerprints and
 1926 other unique biometric means of identity.

1927 Section 56. Subsections (1) and (3) and paragraph (b) of
 1928 subsection (4) of section 322.12, Florida Statutes, are amended
 1929 to read:

1930 322.12 Examination of applicants.--

1931 (1) It is the intent of the Legislature that every
 1932 applicant for an original driver's license in this state be

HB 1809

2004
CS

1933 required to pass an examination pursuant to this section.
 1934 However, the department may waive the knowledge, endorsement,
 1935 and skills tests for an applicant who is otherwise qualified and
 1936 who surrenders a valid driver's license from another state or a
 1937 province of Canada, or a valid driver's license issued by the
 1938 United States Armed Forces, if the driver applies for a Florida
 1939 license of an equal or lesser classification. Any applicant who
 1940 fails to pass the initial knowledge test will incur a \$5 fee for
 1941 each subsequent test, to be deposited into the Highway Safety
 1942 Operating Trust Fund. Any applicant who fails to pass the
 1943 initial skills test will incur a \$10 fee for each subsequent
 1944 test, to be deposited into the Highway Safety Operating Trust
 1945 Fund. A person who seeks to retain a hazardous-materials
 1946 endorsement, pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass
 1947 the hazardous-materials test, upon surrendering his or her
 1948 commercial driver's license, if the person has not taken and
 1949 passed the hazardous-materials test within 2 years preceding his
 1950 or her application for a commercial driver's license in this
 1951 state.

1952 (3) For an applicant for a ~~Class D~~ or a Class E driver's
 1953 license, such examination shall include a test of the
 1954 applicant's eyesight given by the driver's license examiner
 1955 designated by the department or by a licensed ophthalmologist,
 1956 optometrist, or physician and a test of the applicant's hearing
 1957 given by a driver's license examiner or a licensed physician.
 1958 The examination shall also include a test of the applicant's
 1959 ability to read and understand highway signs regulating,
 1960 warning, and directing traffic; his or her knowledge of the

HB 1809

2004
CS

1961 traffic laws of this state, including laws regulating driving
 1962 under the influence of alcohol or controlled substances, driving
 1963 with an unlawful blood-alcohol level, and driving while
 1964 intoxicated; and his or her knowledge of the effects of alcohol
 1965 and controlled substances upon persons and the dangers of
 1966 driving a motor vehicle while under the influence of alcohol or
 1967 controlled substances and shall include an actual demonstration
 1968 of ability to exercise ordinary and reasonable control in the
 1969 operation of a motor vehicle.

1970 (4) The examination for an applicant for a commercial
 1971 driver's license shall include a test of the applicant's
 1972 eyesight given by a driver's license examiner designated by the
 1973 department or by a licensed ophthalmologist, optometrist, or
 1974 physician and a test of the applicant's hearing given by a
 1975 driver's license examiner or a licensed physician. The
 1976 examination shall also include a test of the applicant's ability
 1977 to read and understand highway signs regulating, warning, and
 1978 directing traffic; his or her knowledge of the traffic laws of
 1979 this state pertaining to the class of motor vehicle which he or
 1980 she is applying to be licensed to operate, including laws
 1981 regulating driving under the influence of alcohol or controlled
 1982 substances, driving with an unlawful blood-alcohol level, and
 1983 driving while intoxicated; his or her knowledge of the effects
 1984 of alcohol and controlled substances and the dangers of driving
 1985 a motor vehicle after having consumed alcohol or controlled
 1986 substances; and his or her knowledge of any special skills,
 1987 requirements, or precautions necessary for the safe operation of
 1988 the class of vehicle which he or she is applying to be licensed

HB 1809

2004
CS

1989 | to operate. In addition, the examination shall include an actual
 1990 | demonstration of the applicant's ability to exercise ordinary
 1991 | and reasonable control in the safe operation of a motor vehicle
 1992 | or combination of vehicles of the type covered by the license
 1993 | classification which the applicant is seeking, including an
 1994 | examination of the applicant's ability to perform an inspection
 1995 | of his or her vehicle.

1996 | (b) A person who seeks to retain a hazardous-materials
 1997 | endorsement must, upon renewal, pass the test for such
 1998 | endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the
 1999 | person has not taken and passed the hazardous-materials test
 2000 | within 2 years preceding his or her application for a commercial
 2001 | driver's license in this state.

2002 | Section 57. Subsection (8) of section 322.121, Florida
 2003 | Statutes, is amended to read:

2004 | 322.121 Periodic reexamination of all drivers.--

2005 | (8) In addition to any other examination authorized by
 2006 | this section, an applicant for a renewal of an endorsement
 2007 | issued under s. 322.57(1)(a), (b), (c), (d), ~~or (e)~~, or (f) may
 2008 | be required to complete successfully an examination of his or
 2009 | her knowledge regarding state and federal rules, regulations,
 2010 | and laws, governing the type of vehicle which he or she is
 2011 | seeking an endorsement to operate.

2012 | Section 58. Subsections (1) and (4) of section 322.135,
 2013 | Florida Statutes, are amended, and subsection (9) is added to
 2014 | said section, to read:

2015 | 322.135 Driver's license agents.--

HB 1809

2004
CS

2016 (1) The department may, upon application, authorize any or
 2017 all of the tax collectors in the several counties of the state,
 2018 subject to the requirements of law, in accordance with rules of
 2019 the department, to serve as its agent for the provision of
 2020 specified driver's license services.

2021 (a) These services shall be limited to the issuance of
 2022 driver's licenses and identification cards as authorized by this
 2023 chapter.

2024 (b) Each tax collector who is authorized by the department
 2025 to provide driver's license services shall bear all costs
 2026 associated with providing those services.

2027 (c) A fee of \$5.25 is to be charged, in addition to the
 2028 fees set forth in this chapter, for any driver's license issued
 2029 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~
 2030 ~~be deposited into the Highway Safety Operating Trust Fund.~~

2031 (4) A tax collector may not issue or renew a driver's
 2032 license if he or she has any reason to believe that the licensee
 2033 or prospective licensee is physically or mentally unqualified to
 2034 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 2035 such licensee to the department for examination or reexamination
 2036 under s. 322.221.

2037 (9) Notwithstanding chapter 116, each county officer
 2038 within this state who is authorized to collect funds provided
 2039 for in this chapter shall pay all sums officially received by
 2040 the officer into the State Treasury no later than 5 working days
 2041 after the close of the business day on which the officer
 2042 received the funds. Payment by county officers to the state
 2043 shall be made by means of electronic funds transfer.

HB 1809

2004
CS

2044 Section 59. Subsection (1) of section 322.142, Florida
2045 Statutes, is amended to read:

2046 322.142 Color photographic or digital imaged licenses.--

2047 (1) The department shall, upon receipt of the required
2048 fee, issue to each qualified applicant for a ~~an original~~
2049 driver's license a color photographic or digital imaged driver's
2050 license bearing a fullface photograph or digital image of the
2051 licensee. Notwithstanding chapter 761, the requirement for a
2052 fullface photograph or digital image of the licensee may not be
2053 waived. A space shall be provided upon which the licensee shall
2054 affix his or her usual signature, as required in s. 322.14, in
2055 the presence of an authorized agent of the department so as to
2056 ensure that such signature becomes a part of the license.

2057 Section 60. Subsections (3) and (4) of section 322.161,
2058 Florida Statutes, are renumbered as subsections (2) and (3),
2059 respectively, and paragraph (a) of subsection (1) and present
2060 subsection (2) of said section are amended to read:

2061 322.161 High-risk drivers; restricted licenses.--

2062 (1)(a) Notwithstanding any provision of law to the
2063 contrary, the department shall restrict the driving privilege of
2064 any ~~Class D or~~ Class E licensee who is age 15 through 17 and who
2065 has accumulated six or more points pursuant to s. 318.14,
2066 excluding parking violations, within a 12-month period.

2067 ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~
2068 ~~who has accumulated six or more points pursuant to s. 318.14,~~
2069 ~~excluding parking violations, within a 12-month period shall not~~
2070 ~~be eligible to obtain a Class D license for a period of no less~~
2071 ~~than 1 year. The period of ineligibility shall begin on the date~~

HB 1809

2004
CS

2072 ~~of conviction for the violation that results in the licensee's~~
 2073 ~~accumulation of six or more points.~~

2074 ~~(b) The period of ineligibility shall automatically expire~~
 2075 ~~after 1 year if the licensee does not accumulate any additional~~
 2076 ~~points. If the licensee accumulates any additional points, then~~
 2077 ~~the period of ineligibility shall be extended 90 days for each~~
 2078 ~~point. The period of ineligibility shall also automatically~~
 2079 ~~expire upon the licensee's 18th birthday if no other grounds for~~
 2080 ~~ineligibility exist.~~

2081 Section 61. Subsection (3) of section 322.17, Florida
 2082 Statutes, is amended to read:

2083 322.17 Duplicate and replacement certificates.--

2084 (3) Notwithstanding any other provisions of this chapter,
 2085 if a licensee establishes his or her identity for a driver's
 2086 license using an identification document authorized under s.
 2087 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the licensee may not
 2088 obtain a duplicate or replacement instruction permit or driver's
 2089 license except in person and upon submission of an
 2090 identification document authorized under s. 322.08(2)(c)6. or 7
 2091 ~~s. 322.08(2)(c)5.-6.~~

2092 Section 62. Subsections (2) and (4) of section 322.18,
 2093 Florida Statutes, are amended to read:

2094 322.18 Original applications, licenses, and renewals;
 2095 expiration of licenses; delinquent licenses.--

2096 (2) Each applicant who is entitled to the issuance of a
 2097 driver's license, as provided in this section, shall be issued a
 2098 driver's license, as follows:

HB 1809

2004
CS

2099 (a) An applicant applying for an original issuance shall
 2100 be issued a driver's license which expires at midnight on the
 2101 licensee's birthday which next occurs on or after the sixth
 2102 anniversary of the date of issue.

2103 (b) An applicant applying for a renewal issuance or
 2104 renewal extension shall be issued a driver's license or renewal
 2105 extension sticker which expires at midnight on the licensee's
 2106 birthday which next occurs 4 years after the month of expiration
 2107 of the license being renewed, except that a driver whose driving
 2108 record reflects no convictions for the preceding 3 years shall
 2109 be issued a driver's license or renewal extension sticker which
 2110 expires at midnight on the licensee's birthday which next occurs
 2111 6 years after the month of expiration of the license being
 2112 renewed.

2113 (c) Notwithstanding any other provision of this chapter,
 2114 if an applicant establishes his or her identity for a driver's
 2115 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 2116 ~~322.08(2)(c)4.~~, the driver's license shall expire in accordance
 2117 with paragraph (b). After an initial showing of such
 2118 documentation, he or she is exempted from having to renew or
 2119 obtain a duplicate in person.

2120 (d) Notwithstanding any other provision of this chapter,
 2121 if applicant establishes his or her identity for a driver's
 2122 license using a document authorized in s. 322.08(2)(c)6. or 7.
 2123 ~~s. 322.08(2)(c)5. or 6.~~, the driver's license shall expire 2 4
 2124 years after the date of issuance or upon the expiration date
 2125 cited on the United States Department of Justice documents,
 2126 whichever date first occurs.

HB 1809

2004
CS

2127 (e) Notwithstanding any other provision of this chapter,
 2128 an applicant applying for an original or renewal issuance of a
 2129 commercial driver's license as defined in s. 322.01(7), with a
 2130 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 2131 shall be issued a driver's license that expires at midnight on
 2132 the licensee's birthday that next occurs 4 years after the month
 2133 of expiration of the license being issued or renewed.

2134 (4)(a) Except as otherwise provided in this chapter, all
 2135 licenses shall be renewable every 4 years or 6 years, depending
 2136 upon the terms of issuance and shall be issued or extended upon
 2137 application, payment of the fees required by s. 322.21, and
 2138 successful passage of any required examination, unless the
 2139 department has reason to believe that the licensee is no longer
 2140 qualified to receive a license.

2141 (b) Notwithstanding any other provision of this chapter,
 2142 if an applicant establishes his or her identity for a driver's
 2143 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 2144 ~~322.08(2)(c)4.~~, the license, upon an initial showing of such
 2145 documentation, is exempted from having to renew or obtain a
 2146 duplicate in person, unless the renewal or duplication coincides
 2147 with the periodic reexamination of a driver as required pursuant
 2148 to s. 322.121.

2149 (c) Notwithstanding any other provision of this chapter,
 2150 if a licensee establishes his or her identity for a driver's
 2151 license using an identification document authorized under s.
 2152 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the licensee may
 2153 not renew the driver's license except in person and upon
 2154 submission of an identification document authorized under s.

HB 1809

2004
CS

2155 | 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4.-6.~~ A driver's license
 2156 | renewed under this paragraph expires 4 years after the date of
 2157 | issuance or upon the expiration date cited on the United States
 2158 | Department of Justice documents, whichever date first occurs.

2159 | Section 63. Subsection (4) of section 322.19, Florida
 2160 | Statutes, is amended to read:

2161 | 322.19 Change of address or name.--

2162 | (4) Notwithstanding any other provision of this chapter,
 2163 | if a licensee established his or her identity for a driver's
 2164 | license using an identification document authorized under s.
 2165 | 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the licensee may not
 2166 | change his or her name or address except in person and upon
 2167 | submission of an identification document authorized under s.
 2168 | 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4.-6.~~

2169 | Section 64. Subsection (11) of section 322.20, Florida
 2170 | Statutes, is amended to read:

2171 | 322.20 Records of the department; fees; destruction of
 2172 | records.--

2173 | (11)(a) The department is authorized to charge the
 2174 | following fees for the following services and documents:

2175 | 1. For providing a transcript of any one individual's
 2176 | driver history record or any portion thereof for the past 3
 2177 | years or for searching for the ~~such~~ record when no record is
 2178 | found to be on file....\$2.10

2179 | 2. For providing a transcript of any one individual's
 2180 | driver history record or any portion thereof for the past 7
 2181 | years or for searching for the ~~such~~ record when no record is
 2182 | found to be on file....\$3.10

HB 1809

2004
CS

2183 3. For providing a certified copy of a transcript of the
2184 driver history record or any portion thereof for any one
2185 individual....\$3.10

2186 4. For providing a certified photographic copy of a
2187 document, per page....\$1.00

2188 5. For providing an exemplified record....\$15.00

2189 6. For providing photocopies of documents, papers,
2190 letters, clearances, or license or insurance status reports, per
2191 page....\$0.50

2192 7. For assisting persons in searching any one individual's
2193 driver record at a terminal located at the department's general
2194 headquarters in Tallahassee....\$2.00

2195 8. For providing electronic access to driver's license
2196 status by name, gender, and date of birth, or by driver license
2197 number, per item, except that information provided via the
2198 department's Internet website shall be free of charge....\$0.50

2199 (b) The department shall furnish the ~~such~~ information
2200 without charge to any local, state, or federal law enforcement
2201 agency or court upon proof satisfactory to the department as to
2202 the purpose of the investigation.

2203 Section 65. Subsection (1) of section 322.21, Florida
2204 Statutes, is amended to read:

2205 322.21 License fees; procedure for handling and collecting
2206 fees.--

2207 (1) Except as otherwise provided herein, the fee for:

2208 (a) An original or renewal commercial driver's license is
2209 \$50, which shall include the fee for driver education provided
2210 by s. 1003.48; however, if an applicant has completed training

HB 1809

2004
CS

2211 and is applying for employment or is currently employed in a
 2212 public or nonpublic school system that requires the commercial
 2213 license, the fee shall be the same as for a Class E driver's
 2214 license. A delinquent fee of \$1 shall be added for a renewal
 2215 made not more than 12 months after the license expiration date.

2216 (b) An original ~~Class D or~~ Class E driver's license is
 2217 \$20, which shall include the fee for driver's education provided
 2218 by s. 1003.48; however, if an applicant has completed training
 2219 and is applying for employment or is currently employed in a
 2220 public or nonpublic school system that requires a commercial
 2221 driver license, the fee shall be the same as for a Class E
 2222 license.

2223 (c) The renewal or extension of a ~~Class D or~~ Class E
 2224 driver's license or of a license restricted to motorcycle use
 2225 only is \$15, except that a delinquent fee of \$1 shall be added
 2226 for a renewal or extension made not more than 12 months after
 2227 the license expiration date. The fee provided in this paragraph
 2228 shall include the fee for driver's education provided by s.
 2229 1003.48.

2230 (d) An original driver's license restricted to motorcycle
 2231 use only is \$20, which shall include the fee for driver's
 2232 education provided by s. 1003.48.

2233 (e) Each endorsement required by s. 322.57 is \$5.

2234 (f) A hazardous-materials endorsement, as required by s.
 2235 322.57(1)(e), shall be set by the department by rule and shall
 2236 reflect the cost of the required criminal history check,
 2237 including the cost of the state and federal fingerprint check,
 2238 and the cost to the department of providing and issuing the

HB 1809

2004
CS

2239 license. The fee shall not exceed \$100. This fee shall be
 2240 deposited in the Highway Safety Operating Trust Fund.

2241 Section 66. Section 322.22, Florida Statutes, is amended
 2242 to read:

2243 322.22 Authority of department to cancel license,
 2244 identification card, vehicle or vessel registration, fuel-use
 2245 tax decal.--

2246 (1) The department is authorized to cancel any driver's
 2247 license, upon determining that the licensee was not entitled to
 2248 the issuance thereof, or that the licensee failed to give the
 2249 required or correct information in his or her application or
 2250 committed any fraud in making such application, or that the
 2251 licensee has two or more licenses on file with the department,
 2252 each in a different name but bearing the photograph of the
 2253 licensee, unless the licensee has complied with the requirements
 2254 of this chapter in obtaining the licenses. The department may
 2255 cancel any driver's license, identification card, vehicle or
 2256 vessel registration, or fuel-use tax decal if the licensee fails
 2257 to pay the correct fee or uses a dishonored check to pay ~~pays~~
 2258 for the driver's license, identification card, vehicle or vessel
 2259 registration, or fuel-use tax decal; to pay any tax liability,
 2260 penalty, or interest specified in chapter 207; or to pay ~~pays~~
 2261 any administrative, delinquency, or reinstatement fee ~~by a~~
 2262 ~~dishonored check.~~

2263 (2) Upon such cancellation, the licensee must surrender to
 2264 the department the license, identification card, vehicle or
 2265 vessel registration, or fuel-use tax decal so canceled.

HB 1809

2004
CS

2266 Section 67. Subsections (4) and (5) of section 322.251,
2267 Florida Statutes, are amended to read:

2268 322.251 Notice of cancellation, suspension, revocation, or
2269 disqualification of license.--

2270 (4) A person whose privilege to operate a commercial motor
2271 vehicle is temporarily disqualified may, upon surrendering his
2272 or her commercial driver's license, be issued a ~~Class D~~ or Class
2273 E driver's license, valid for the length of his or her unexpired
2274 commercial driver's license, at no cost. Such person may, upon
2275 the completion of his or her disqualification, be issued a
2276 commercial driver's license, of the type disqualified, for the
2277 remainder of his or her unexpired license period. Any such
2278 person shall pay the reinstatement fee provided in s. 322.21
2279 before being issued a commercial driver's license.

2280 (5) A person whose privilege to operate a commercial motor
2281 vehicle is permanently disqualified may, upon surrendering his
2282 or her commercial driver's license, be issued a ~~Class D~~ or Class
2283 E driver's license, if he or she is otherwise qualified to
2284 receive such license. Any such person shall be issued a ~~Class D~~
2285 ~~or~~ Class E license, valid for the remainder of his or her
2286 unexpired license period, at no cost.

2287 Section 68. Paragraph (c) of subsection (2) of section
2288 322.292, Florida Statutes, is amended to read:

2289 322.292 DUI programs supervision; powers and duties of the
2290 department.--

2291 (2) The department shall adopt rules to implement its
2292 supervisory authority over DUI programs in accordance with the
2293 procedures of chapter 120, including the establishment of

HB 1809

2004
CS

2294 uniform standards of operation for DUI programs and the method
2295 for setting and approving fees, as follows:

2296 (c) Implement procedures for the granting and revoking of
2297 licenses for DUI programs, including:

2298 1. A uniform application fee not to exceed \$1,000 but in
2299 an amount sufficient to cover the department's administrative
2300 costs in processing and evaluating DUI program license
2301 applications. The application fee shall not apply to programs
2302 that apply for licensure to serve a county that does not have a
2303 currently licensed DUI program or where the currently licensed
2304 program has relinquished its license.

2305 2. In considering an application for approval of a DUI
2306 program, the department shall determine whether improvements in
2307 service may be derived from the operation of the DUI program and
2308 the number of clients currently served in the circuit. The
2309 department shall apply the following criteria:

2310 a. The increased frequency of classes and availability of
2311 locations of services offered by the applicant DUI program.

2312 b. Services and fees offered by the applicant DUI program
2313 and any existing DUI program.

2314 c. The number of DUI clients currently served and
2315 historical trends in the number of clients served in the
2316 circuit.

2317 d. The availability, accessibility, and service history of
2318 any existing DUI program services.

2319 e. The applicant DUI program's service history.

HB 1809

2004
CS

2320 f. The availability of resources, including personnel,
2321 demonstrated management capability, and capital and operating
2322 expenditures of the applicant DUI program.

2323 g. Improved services to minority and special needs
2324 clients.

2325 3. Authority for competing applicants and currently
2326 licensed DUI programs serving the same geographic area to
2327 request an administrative hearing under chapter 120 to contest
2328 the department's determination of need for an additional
2329 licensed DUI program in that area.

2330 4. A requirement that the department revoke the license of
2331 any DUI program that does not provide the services specified in
2332 its application within 45 days after licensure and notify the
2333 chief judge of that circuit of such revocation.

2334 5. A requirement that all applicants for initial licensure
2335 as a DUI program in a particular circuit on and after the
2336 effective date of this act must, at a minimum, satisfy each of
2337 the following criteria:

2338 a. Maintain a primary business office in the circuit which
2339 is located in a permanent structure that is readily accessible
2340 by public transportation, if public transportation is available.
2341 The primary business office must be adequately staffed and
2342 equipped to provide all DUI program support services, including
2343 registration and a file for each person who registers for the
2344 program.

2345 b. Have a satellite office for registration of DUI
2346 offenders in each county in the circuit which is located in a
2347 permanent structure that is readily accessible by public

HB 1809

2004
CS

2348 transportation, if public transportation is available. A
 2349 satellite office is not required in any county where the total
 2350 number of DUI convictions in the most recent calendar year is
 2351 less than 200. In a county where the total number of DUI
 2352 convictions in the most recent calendar year is less than 200
 2353 and no satellite office serves that county, another program
 2354 provider, upon recommendation of the chief judge of the judicial
 2355 circuit of that county, shall be approved by the department to
 2356 serve the county, and such provider shall not be required to
 2357 have a satellite office in each county in the circuit.

2358 c. Have a classroom in each county in the circuit which is
 2359 located in a permanent structure that is readily accessible by
 2360 public transportation, if public transportation is available. A
 2361 classroom is not required in any county where the total number
 2362 of DUI convictions in the most recent calendar year is less than
 2363 100. A classroom may not be located within 250 feet of any
 2364 business that sells alcoholic beverages. However, a classroom
 2365 shall not be required to be relocated when a business selling
 2366 alcoholic beverages locates to within 250 feet of the classroom.

2367 d. Have a plan for conducting all DUI education courses,
 2368 evaluation services, and other services required by the
 2369 department. The level I DUI education course must be taught in
 2370 four segments, with no more than 6 hours of classroom
 2371 instruction provided to any offender each day. All DUI education
 2372 courses must be in a classroom with face-to-face instruction and
 2373 interaction among offenders and an instructor.

2374 e. Employ at least 1 full-time certified addiction
 2375 professional for the program at all times.

HB 1809

2004
CS

2376 f. Document support from community agencies involved in
2377 DUI education and substance abuse treatment in the circuit.

2378 g. Have a volunteer board of directors and advisory
2379 committee made up of citizens who reside in the circuit in which
2380 licensure is sought.

2381 h. Submit documentation of compliance with all applicable
2382 federal, state, and local laws, including, but not limited to,
2383 the Americans with Disabilities Act.

2384 Section 69. Section 322.30, Florida Statutes, is amended
2385 to read:

2386 322.30 No operation under foreign license during
2387 suspension, revocation, or disqualification in this state.--

2388 (1) Any resident or nonresident whose driver's license or
2389 right or privilege to operate a motor vehicle in this state has
2390 been suspended, revoked, or disqualified as provided in this
2391 chapter, shall not operate a motor vehicle in this state under a
2392 license, permit, or registration certificate issued by any other
2393 jurisdiction or otherwise during such suspension, revocation, or
2394 disqualification until a new license is obtained.

2395 (2) Notwithstanding subsection (1), any commercial motor
2396 vehicle operator whose privilege to operate such vehicle is
2397 disqualified may operate a motor vehicle in this state as a
2398 ~~Class D or~~ Class E licensee, if authorized by this chapter.

2399 Section 70. Subsections (4), (5), and (6) of section
2400 322.53, Florida Statutes, are amended to read:

2401 322.53 License required; exemptions.--

2402 ~~(4) A resident who is exempt from obtaining a commercial~~
2403 ~~driver's license pursuant to paragraph (2)(a) or paragraph~~

HB 1809

2004
CS

2404 ~~(2)(c) and who drives a commercial motor vehicle must obtain a~~
 2405 ~~Class D driver's license endorsed to authorize the operation of~~
 2406 ~~the particular type of vehicle for which his or her exemption is~~
 2407 ~~granted.~~

2408 (4)(5) A resident who is exempt from obtaining a
 2409 commercial driver's license pursuant to paragraph (2)(b),
 2410 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
 2411 drive a commercial motor vehicle pursuant to the exemption
 2412 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),
 2413 or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~
 2414 Class E driver's license or a military license.

2415 (5)(6) The department shall adopt rules and enter into
 2416 necessary agreements with other jurisdictions to provide for the
 2417 operation of commercial vehicles by nonresidents pursuant to the
 2418 exemption granted in subsection (2).

2419 Section 71. Subsection (2) of section 322.54, Florida
 2420 Statutes, is amended to read:

2421 322.54 Classification.--

2422 (2) The department shall issue, pursuant to the
 2423 requirements of this chapter, drivers' licenses in accordance
 2424 with the following classifications:

2425 (a) Any person who drives a motor vehicle combination
 2426 having a gross vehicle weight rating, a declared weight, or an
 2427 actual weight, whichever is greatest, of 26,001 pounds or more
 2428 must possess a valid Class A driver's license, provided the
 2429 gross vehicle weight rating, declared weight, or actual weight,
 2430 whichever is greatest, of the vehicle being towed is more than
 2431 10,000 pounds. Any person who possesses a valid Class A driver's

HB 1809

2004
CS

2432 license may, subject to the appropriate restrictions and
2433 endorsements, drive any class of motor vehicle within this
2434 state.

2435 (b) Any person, except a person who possesses a valid
2436 Class A driver's license, who drives a motor vehicle having a
2437 gross vehicle weight rating, a declared weight, or an actual
2438 weight, whichever is greatest, of 26,001 pounds or more must
2439 possess a valid Class B driver's license. Any person, except a
2440 person who possesses a valid Class A driver's license, who
2441 drives such vehicle towing a vehicle having a gross vehicle
2442 weight rating, a declared weight, or an actual weight, whichever
2443 is greatest, of 10,000 pounds or less must possess a valid Class
2444 B driver's license. Any person who possesses a valid Class B
2445 driver's license may, subject to the appropriate restrictions
2446 and endorsements, drive any class of motor vehicle, other than
2447 the type of motor vehicle for which a Class A driver's license
2448 is required, within this state.

2449 (c) Any person, except a person who possesses a valid
2450 Class A or a valid Class B driver's license, who drives a motor
2451 vehicle ~~combination having a gross vehicle weight rating, a~~
2452 ~~declared weight, or an actual weight, whichever is greatest, of~~
2453 ~~26,001 pounds or more must possess a valid Class C driver's~~
2454 ~~license. Any person who drives a motor vehicle combination~~
2455 having a gross vehicle weight rating, a declared weight, or an
2456 actual weight, whichever is greatest, of less than 26,001 pounds
2457 and who is required to obtain an endorsement pursuant to
2458 paragraph (1)(a), paragraph (1)(b), ~~paragraph (1)(c)~~, paragraph
2459 (1)(d), ~~or~~ paragraph (1)(e), or paragraph (1)(f) of s. 322.57,

HB 1809

2004
CS

2460 must possess a valid Class C driver's license ~~that is clearly~~
 2461 ~~restricted to the operation of a motor vehicle or motor vehicle~~
 2462 ~~combination of less than 26,001 pounds~~. Any person who possesses
 2463 a valid Class C driver's license may, subject to the appropriate
 2464 restrictions and endorsements, drive any class of motor vehicle,
 2465 other than the type of motor vehicle for which a Class A or a
 2466 Class B driver's license is required, within this state.

2467 ~~(d) Any person, except a person who possesses a valid~~
 2468 ~~Class A, valid Class B, or valid Class C driver's license, who~~
 2469 ~~drives a truck or a truck tractor having a gross vehicle weight~~
 2470 ~~rating, a declared weight, or an actual weight, whichever is~~
 2471 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
 2472 ~~or which has a width of more than 80 inches must possess a valid~~
 2473 ~~Class D driver's license. Any person who possesses a valid Class~~
 2474 ~~D driver's license may, subject to the appropriate restrictions~~
 2475 ~~and endorsements, drive any type of motor vehicle, other than~~
 2476 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 2477 ~~C driver's license is required, within this state.~~

2478 (d)(e) Any person, except a person who possesses a valid
 2479 Class A, valid Class B, or valid Class C, ~~or valid Class D~~
 2480 driver's license, who drives a motor vehicle must possess a
 2481 valid Class E driver's license. Any person who possesses a valid
 2482 Class E driver's license may, subject to the appropriate
 2483 restrictions and endorsements, drive any type of motor vehicle,
 2484 other than the type of motor vehicle for which a Class A, Class
 2485 B, or Class C, ~~or Class D~~ driver's license is required, within
 2486 this state.

HB 1809

2004
CS

2487 Section 72. Subsections (1) and (2) of section 322.57,
2488 Florida Statutes, are amended to read:

2489 322.57 Tests of knowledge concerning specified vehicles;
2490 endorsement; nonresidents; violations.--

2491 (1) In addition to fulfilling any other driver's licensing
2492 requirements of this chapter, a person who:

2493 (a) Drives a double or triple trailer must successfully
2494 complete a test of his or her knowledge concerning the safe
2495 operation of such vehicles.

2496 (b) Drives a passenger vehicle must successfully complete
2497 a test of his or her knowledge concerning the safe operation of
2498 such vehicles and a test of his or her driving skill in such a
2499 vehicle.

2500 (c) Drives a school bus must successfully complete a test
2501 of his or her knowledge concerning the safe operation of such
2502 vehicles and a test of his or her driving skill in such a
2503 vehicle.

2504 (d)(e) Drives a tank vehicle must successfully complete a
2505 test of his or her knowledge concerning the safe operation of
2506 such vehicles.

2507 (e)(d) Drives a vehicle that transports hazardous
2508 materials and that is required to be placarded in accordance
2509 with Title 49 C.F.R. part 172, subpart F, must successfully
2510 complete a test of his or her knowledge concerning the safe
2511 operation of such vehicles. Knowledge tests for hazardous-
2512 materials endorsements may not be administered orally for
2513 individuals applying for an initial hazardous-materials
2514 endorsement after June 30, 1994.

HB 1809

2004
CS

2515 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
 2516 materials must successfully complete the tests required in
 2517 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
 2518 a single endorsement permitting him or her to operate such tank
 2519 vehicle.

2520 (g)~~(f)~~ Drives a motorcycle must successfully complete a
 2521 test of his or her knowledge concerning the safe operation of
 2522 such vehicles and a test of his or her driving skills on such
 2523 vehicle. A person who successfully completes such tests shall be
 2524 issued an endorsement if he or she is licensed to drive another
 2525 type of motor vehicle. A person who successfully completes such
 2526 tests and who is not licensed to drive another type of motor
 2527 vehicle shall be issued a Class E driver's license that is
 2528 clearly restricted to motorcycle use only.

2529 (2) Before driving or operating any vehicle listed in
 2530 subsection (1), a person must obtain an endorsement on his or
 2531 her driver's license. An endorsement under paragraph (a),
 2532 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
 2533 or paragraph (f) of subsection (1) shall be issued only to
 2534 persons who possess a valid Class A, valid Class B, or valid
 2535 Class C driver's license. ~~A person who drives a motor vehicle or~~
 2536 ~~motor vehicle combination that requires an endorsement under~~
 2537 ~~this subsection and who drives a motor vehicle or motor vehicle~~
 2538 ~~combination having a gross vehicle weight rating, a declared~~
 2539 ~~weight, or an actual weight, whichever is greatest, of less than~~
 2540 ~~26,000 pounds shall be issued a Class C driver's license that is~~
 2541 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2542 ~~vehicle combination of less than 26,000 pounds.~~

HB 1809

2004
CS

2543 Section 73. Paragraph (a) of subsection (1) of section
2544 322.58, Florida Statutes, is amended to read:

2545 322.58 Holders of chauffeur's licenses; effect of
2546 classified licensure.--

2547 (1) In order to provide for the classified licensure of
2548 commercial motor vehicle drivers, the department shall require
2549 persons who have valid chauffeur's licenses to report on or
2550 after April 1, 1991, to the department for classified licensure,
2551 according to a schedule developed by the department.

2552 (a) Any person who holds a valid chauffeur's license may
2553 continue to operate vehicles for which a Class E D driver's
2554 license is required until his or her chauffeur's license
2555 expires.

2556 Section 74. Subsections (1), (2), (3), and (7) of section
2557 322.61, Florida Statutes, are amended, and subsections (4) and
2558 (5) of said section are reenacted, to read:

2559 322.61 Disqualification from operating a commercial motor
2560 vehicle.--

2561 (1) A person who, within a 3-year period, is convicted of
2562 two of the following serious traffic violations or any
2563 combination thereof, arising in separate incidents committed in
2564 a commercial motor vehicle shall, in addition to any other
2565 applicable penalties, be disqualified from operating a
2566 commercial motor vehicle for a period of 60 days. A person who,
2567 within a 3-year period, is convicted of two of the following
2568 serious traffic violations or any combination thereof arising in
2569 separate incidents committed in a noncommercial motor vehicle
2570 shall, in addition to any other applicable penalties, be

HB 1809

2004
CS

2571 disqualified from operating a commercial motor vehicle for a
 2572 period of 60 days if such convictions result in the suspension,
 2573 revocation, or cancellation of the licenseholder's driving
 2574 privilege:

2575 (a) A violation of any state or local law relating to
 2576 motor vehicle traffic control, other than a parking violation, a
 2577 weight violation, or a vehicle equipment violation, arising in
 2578 connection with a crash resulting in death or personal injury to
 2579 any person;

2580 (b) Reckless driving, as defined in s. 316.192;

2581 (c) Careless driving, as defined in s. 316.1925;

2582 (d) Fleeing or attempting to elude a law enforcement
 2583 officer, as defined in s. 316.1935;

2584 (e) Unlawful speed of 15 miles per hour or more above the
 2585 posted speed limit;

2586 (f) Driving a commercial motor vehicle, owned by such
 2587 person, which is not properly insured;

2588 (g) Improper lane change, as defined in s. 316.085; ~~or~~

2589 (h) Following too closely, as defined in s. 316.0895;

2590 (i) Driving a commercial motor vehicle without obtaining a
 2591 commercial driver's license;

2592 (j) Driving a commercial motor vehicle without a
 2593 commercial driver's license in possession; or

2594 (k) Driving a commercial motor vehicle without the proper
 2595 class of commercial driver's license or without the proper
 2596 endorsement.

2597 (2) Any person who, within a 3-year period, is convicted
 2598 of three serious traffic violations specified in subsection (1)

HB 1809

2004
CS

2599 | or any combination thereof, arising in separate incidents
 2600 | committed in a commercial motor vehicle shall, in addition to
 2601 | any other applicable penalties, including, but not limited to,
 2602 | the penalty provided in subsection (1), be disqualified from
 2603 | operating a commercial motor vehicle for a period of 120 days. A
 2604 | person who, within a 3-year period, is convicted of three
 2605 | serious traffic violations specified in subsection (1) or any
 2606 | combination thereof arising in separate incidents committed in a
 2607 | noncommercial motor vehicle shall, in addition to any other
 2608 | applicable penalties, including, but not limited to, the penalty
 2609 | provided in subsection (1), be disqualified from operating a
 2610 | commercial motor vehicle for a period of 120 days if such
 2611 | convictions result in the suspension, revocation, or
 2612 | cancellation of the licenseholder's driving privilege.

2613 | (3) Except as provided in subsection (4), any person who
 2614 | is convicted of one of the following offenses shall, in addition
 2615 | to any other applicable penalties, be disqualified from
 2616 | operating a commercial motor vehicle for a period of 1 year:

2617 | (a) Driving a commercial motor vehicle while he or she is
 2618 | under the influence of alcohol or a controlled substance;

2619 | (b) Driving a commercial motor vehicle while the alcohol
 2620 | concentration of his or her blood, breath, or urine is .04
 2621 | percent or higher;

2622 | (c) Leaving the scene of a crash involving a commercial
 2623 | motor vehicle driven by such person;

2624 | (d) Using a commercial motor vehicle in the commission of
 2625 | a felony;

HB 1809

2004
CS

2626 (e) Driving a commercial motor vehicle while in possession
2627 of a controlled substance; ~~or~~

2628 (f) Refusing to submit to a test to determine his or her
2629 alcohol concentration while driving a commercial motor vehicle;

2630 (g) Driving a commercial motor vehicle while the
2631 licenseholder's commercial driver's license is suspended,
2632 revoked, or canceled or while the licenseholder is disqualified
2633 from driving a commercial motor vehicle; or

2634 (h) Causing a fatality through the negligent operation of
2635 a commercial motor vehicle.

2636 (4) Any person who is transporting hazardous materials in
2637 a vehicle that is required to be placarded in accordance with
2638 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an
2639 offense specified in subsection (3), be disqualified from
2640 operating a commercial motor vehicle for a period of 3 years.
2641 The penalty provided in this subsection shall be in addition to
2642 any other applicable penalty.

2643 (5) Any person who is convicted of two violations
2644 specified in subsection(3), or any combination thereof, arising
2645 in separate incidents shall be permanently disqualified from
2646 operating a commercial motor vehicle. The penalty provided in
2647 this subsection shall be in addition to any other applicable
2648 penalty.

2649 (7) A person whose privilege to operate a commercial motor
2650 vehicle is disqualified under this section may, if otherwise
2651 qualified, be issued a ~~Class D or~~ Class E driver's license,
2652 pursuant to s. 322.251.

HB 1809

2004
CS

2653 Section 75. Subsection (1) and paragraph (a) of subsection
2654 (3) of section 322.63, Florida Statutes, are amended to read:

2655 322.63 Alcohol or drug testing; commercial motor vehicle
2656 operators.--

2657 (1) A person who accepts the privilege extended by the
2658 laws of this state of operating a commercial motor vehicle
2659 within this state shall, by so operating such commercial motor
2660 vehicle, be deemed to have given his or her consent to submit to
2661 an approved chemical or physical test of his or her blood or
2662 ~~breath, or urine~~ for the purpose of determining his or her
2663 alcohol concentration and to a urine test ~~or~~ for the purpose of
2664 detecting the presence of chemical substances as set forth in s.
2665 877.111 or of controlled substances.

2666 (a) By applying for a commercial driver's license and by
2667 accepting and using a commercial driver's license, the person
2668 holding the commercial driver's license is deemed to have
2669 expressed his or her consent to the provisions of this section.

2670 (b) Any person who drives a commercial motor vehicle
2671 within this state and who is not required to obtain a commercial
2672 driver's license in this state is, by his or her act of driving
2673 a commercial motor vehicle within this state, deemed to have
2674 expressed his or her consent to the provisions of this section.

2675 (c) A notification of the consent provision of this
2676 section shall be printed ~~above the signature line~~ on each new or
2677 renewed commercial driver's license issued ~~after March 31, 1991~~.

2678 (3)(a) The breath and blood ~~physical and chemical~~ tests
2679 authorized in this section shall be administered substantially

HB 1809

2004
CS

2680 | in accordance with rules adopted by the Department of Law
2681 | Enforcement.

2682 | Section 76. For the purpose of incorporating the amendment
2683 | to section 322.61, Florida Statutes, in a reference thereto,
2684 | subsection (14) of section 322.64, Florida Statutes, is
2685 | reenacted to read:

2686 | 322.64 Holder of commercial driver's license; driving with
2687 | unlawful blood-alcohol level; refusal to submit to breath,
2688 | urine, or blood test.--

2689 | (14) The decision of the department under this section
2690 | shall not be considered in any trial for a violation of s.
2691 | 316.193, s. 322.61, or s. 322.62, nor shall any written
2692 | statement submitted by a person in his or her request for
2693 | departmental review under this section be admissible into
2694 | evidence against him or her in any such trial. The disposition
2695 | of any related criminal proceedings shall not affect a
2696 | disqualification imposed pursuant to this section.

2697 | Section 77. Subsection (2) of section 328.11, Florida
2698 | Statutes, is amended to read:

2699 | 328.11 Certificates ~~Duplicate certificate~~ of title;
2700 | expedited service; duplicate certificates.--

2701 | (2) In addition to the fee imposed by subsection (1), the
2702 | Department of Highway Safety and Motor Vehicles shall charge a
2703 | fee of \$5 for expedited service in issuing a ~~duplicate~~
2704 | certificate of title. Application for such expedited service may
2705 | be made by mail or in person. The department shall issue each
2706 | certificate of title applied for under this subsection within 5
2707 | working days after receipt of a proper application or shall

HB 1809

2004
CS

2708 refund the additional \$5 fee upon written request by the
2709 applicant.

2710 Section 78. Paragraphs (c) and (f) of subsection (13) of
2711 section 713.78, Florida Statutes, are amended to read:

2712 713.78 Liens for recovering, towing, or storing vehicles
2713 and vessels.--

2714 (13)

2715 (c)1. The registered owner of a vehicle, vessel, or mobile
2716 home may dispute a wrecker operator's lien, by notifying the
2717 department of the dispute in writing on forms provided by the
2718 department, if at least one of the following applies:

2719 a. The registered owner presents a notarized bill of sale
2720 proving that the vehicle, vessel, or mobile home was sold in a
2721 private or casual sale before the vehicle, vessel, or mobile
2722 home was recovered, towed, or stored.

2723 b. The registered owner presents proof that the Florida
2724 certificate of title of the vehicle, vessel, or mobile home was
2725 sold to a licensed dealer as defined in s. 319.001 before the
2726 vehicle, vessel, or mobile home was recovered, towed, or stored.

2727 c. The records of the department were marked "sold" prior
2728 to the date of the tow.

2729
2730 If the registered owner's dispute of a wrecker operator's lien
2731 complies with one of these criteria, the department shall
2732 immediately remove the registered owner's name from the list of
2733 those persons who may not be issued a license plate or
2734 revalidation sticker for any motor vehicle under s. 320.03(8),
2735 thereby allowing issuance of a license plate or revalidation

HB 1809

2004
CS

2736 sticker. If the vehicle, vessel, or mobile home is owned jointly
 2737 by more than one person, each registered owner must dispute the
 2738 wrecker operator's lien in order to be removed from the list.
 2739 However, the department shall deny any dispute and maintain the
 2740 registered owner's name on the list of those persons who may not
 2741 be issued a license plate or revalidation sticker for any motor
 2742 vehicle under s. 320.03(8) if the wrecker operator has provided
 2743 the department with a certified copy of the judgment of a court
 2744 which orders the registered owner to pay the wrecker operator's
 2745 lien claimed under this section. In such a case, the amount of
 2746 the wrecker operator's lien allowed by paragraph (b) may be
 2747 increased to include no more than \$500 of the reasonable costs
 2748 and attorney's fees incurred in obtaining the judgment. The
 2749 department's action under this subparagraph is ministerial in
 2750 nature, shall not be considered final agency action, and is
 2751 appealable only to the county court for the county in which the
 2752 vehicle, vessel, or mobile home was ordered removed.

2753 2. A person against whom a wrecker operator's lien has
 2754 been imposed may alternatively obtain a discharge of the lien by
 2755 filing a complaint, challenging the validity of the lien or the
 2756 amount thereof, in the county court of the county in which the
 2757 vehicle, vessel, or mobile home was ordered removed. Upon filing
 2758 of the complaint, the person may have her or his name removed
 2759 from the list of those persons who may not be issued a license
 2760 plate or revalidation sticker for any motor vehicle under s.
 2761 320.03(8), thereby allowing issuance of a license plate or
 2762 revalidation sticker, upon posting with the court a cash or
 2763 surety bond or other adequate security equal to the amount of

HB 1809

2004
CS

2764 the wrecker operator's lien to ensure the payment of such lien
 2765 in the event she or he does not prevail. Upon the posting of the
 2766 bond and the payment of the applicable fee set forth in s.
 2767 28.24, the clerk of the court shall issue a certificate
 2768 notifying the department of the posting of the bond and
 2769 directing the department to release the wrecker operator's lien.
 2770 Upon determining the respective rights of the parties, the court
 2771 may award damages and costs in favor of the prevailing party.

2772 3. If a person against whom a wrecker operator's lien has
 2773 been imposed does not object to the lien, but cannot discharge
 2774 the lien by payment because the wrecker operator has moved or
 2775 gone out of business, the person may have her or his name
 2776 removed from the list of those persons who may not be issued a
 2777 license plate or revalidation sticker for any motor vehicle
 2778 under s. 320.03(8), thereby allowing issuance of a license plate
 2779 or revalidation sticker, upon posting with the clerk of court in
 2780 the county in which the vehicle, vessel, or mobile home was
 2781 ordered removed, a cash or surety bond or other adequate
 2782 security equal to the amount of the wrecker operator's lien.
 2783 Upon the posting of the bond and the payment of the application
 2784 fee set forth in s. 28.24, the clerk of the court shall issue a
 2785 certificate notifying the department of the posting of the bond
 2786 and directing the department to release the wrecker operator's
 2787 lien. The department shall mail to the wrecker operator, at the
 2788 address upon the lien form, notice that the wrecker operator
 2789 must claim the security within 60 days, or the security will be
 2790 released back to the person who posted it. At the conclusion of
 2791 the 60 days, the department shall direct the clerk as to which

HB 1809

2004
CS

2792 party is entitled to payment of the security, less applicable
2793 clerk's fees.

2794 4. A wrecker operator's lien expires 5 years after filing.

2795 (f) This subsection applies only to the annual renewal in
2796 the registered owner's birth month of a motor vehicle
2797 registration and does not apply to the transfer of a
2798 registration of a motor vehicle sold by a motor vehicle dealer
2799 licensed under chapter 320, except for the transfer of
2800 registrations which is inclusive of the annual renewals. This
2801 subsection does not apply to any vehicle registered in the name
2802 of the lessor. This subsection does not affect the issuance of
2803 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

2804 Section 79. Subsection (1) of section 832.06, Florida
2805 Statutes, is amended to read:

2806 832.06 Prosecution for worthless checks given tax
2807 collector for licenses or taxes; refunds.--

2808 (1) Whenever any person, firm, or corporation violates the
2809 provisions of s. 832.05 by drawing, making, uttering, issuing,
2810 or delivering to any county tax collector any check, draft, or
2811 other written order on any bank or depository for the payment of
2812 money or its equivalent for any tag, title, lien, tax (except ad
2813 valorem taxes), penalty, or fee relative to a boat, airplane,
2814 motor vehicle, driver license, or identification card; any
2815 occupational license, beverage license, or sales or use tax; or
2816 any hunting or fishing license, the county tax collector, after
2817 the exercise of due diligence to locate the person, firm, or
2818 corporation which drew, made, uttered, issued, or delivered the
2819 check, draft, or other written order for the payment of money,

HB 1809

2004
CS

2820 or to collect the same by the exercise of due diligence and
 2821 prudence, shall swear out a complaint in the proper court
 2822 against the person, firm, or corporation for the issuance of the
 2823 worthless check or draft. If the state attorney cannot sign the
 2824 information due to lack of proof, as determined by the state
 2825 attorney in good faith, ~~for a prima facie case in court, or, if~~
 2826 the amount of the worthless check or draft is \$150 or less, he
 2827 or she shall issue a certificate so stating to the tax
 2828 collector. If payment of the dishonored check, draft, or other
 2829 written order, together with ~~court~~ costs expended, is not
 2830 received in full by the county tax collector within 30 days
 2831 after service of the warrant, 30 days after conviction, or 60
 2832 days after the collector swears out the complaint or receives
 2833 the certificate of the state attorney, whichever is first, the
 2834 county tax collector shall make a written report to this effect
 2835 to the Department of Highway Safety and Motor Vehicles relative
 2836 to motor vehicles and vessels, to the Department of Revenue
 2837 relative to occupational licenses and the sales and use tax, to
 2838 the Division of Alcoholic Beverages and Tobacco of the
 2839 Department of Business and Professional Regulation relative to
 2840 beverage licenses, or to the Fish and Wildlife Conservation
 2841 Commission relative to hunting and fishing licenses, containing
 2842 a statement of the amount remaining unpaid on the worthless
 2843 check or draft. If the information is not signed, the
 2844 certificate of the state attorney is issued, and the written
 2845 report of the amount remaining unpaid is made, the county tax
 2846 collector may request the sum be forthwith refunded by the
 2847 appropriate governmental entity, agency, or department. If a

HB 1809

2004
CS

2848 | warrant has been issued and served, he or she shall certify to
 2849 | that effect, together with the court costs and amount remaining
 2850 | unpaid on the check. The county tax collector may request that
 2851 | the sum of money certified by him or her be forthwith refunded
 2852 | by the Department of Highway Safety and Motor Vehicles, the
 2853 | Department of Revenue, the Division of Alcoholic Beverages and
 2854 | Tobacco of the Department of Business and Professional
 2855 | Regulation, or the Fish and Wildlife Conservation Commission to
 2856 | the county tax collector. Within 30 days after receipt of the
 2857 | request, the Department of Highway Safety and Motor Vehicles,
 2858 | the Department of Revenue, the Division of Alcoholic Beverages
 2859 | and Tobacco of the Department of Business and Professional
 2860 | Regulation, or the Fish and Wildlife Conservation Commission,
 2861 | upon being satisfied as to the correctness of the certificate of
 2862 | the tax collector, or the report, shall refund to the county tax
 2863 | collector the sums of money so certified or reported. If any
 2864 | officer of any court issuing the warrant is unable to serve it
 2865 | within 60 days after the issuance and delivery of it to the
 2866 | officer for service, the officer shall make a written return to
 2867 | the county tax collector to this effect. Thereafter, the county
 2868 | tax collector may certify that the warrant has been issued and
 2869 | that service has not been had upon the defendant and further
 2870 | certify the amount of the worthless check or draft and the
 2871 | amount of court costs expended by the county tax collector, and
 2872 | the county tax collector may file the certificate with the
 2873 | Department of Highway Safety and Motor Vehicles relative to
 2874 | motor vehicles and vessels, with the Department of Revenue
 2875 | relative to occupational licenses and the sales and use tax,

HB 1809

2004
CS

2876 | with the Division of Alcoholic Beverages and Tobacco of the
2877 | Department of Business and Professional Regulation relative to
2878 | beverage licenses, or with the Fish and Wildlife Conservation
2879 | Commission relative to hunting and fishing licenses, together
2880 | with a request that the sums of money so certified be forthwith
2881 | refunded by the Department of Highway Safety and Motor Vehicles,
2882 | the Department of Revenue, the Division of Alcoholic Beverages
2883 | and Tobacco of the Department of Business and Professional
2884 | Regulation, or the Fish and Wildlife Conservation Commission to
2885 | the county tax collector, and within 30 days after receipt of
2886 | the request, the Department of Highway Safety and Motor
2887 | Vehicles, the Department of Revenue, the Division of Alcoholic
2888 | Beverages and Tobacco of the Department of Business and
2889 | Professional Regulation, or the Fish and Wildlife Conservation
2890 | Commission, upon being satisfied as to the correctness of the
2891 | certificate, shall refund the sums of money so certified to the
2892 | county tax collector.

2893 | Section 80. Except as otherwise expressly provided in this
2894 | act, this act shall take effect October 1, 2004.