

CHAMBER ACTION

1 The Committee on Appropriations 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 criminal
19 penalties; amending s. 316.085, F.S.; prohibiting driving
20 outside authorized lanes or within pavement markings or
21 traffic control devices for certain purposes except under
22 certain circumstances; prohibiting a motor vehicle from
23 entering a vehicular queue in front of the last vehicle;

24 | defining "queue"; providing penalties; amending s.
25 | 316.122, F.S.; requiring the operator of a vehicle turning
26 | left to yield to certain vehicles passing on the left;
27 | providing penalties; creating s. 316.1576, F.S.; providing
28 | clearance specifications for a railroad-highway grade
29 | crossing; providing penalties; amending s. 316.183, F.S.;
30 | increasing the minimum speed limit on interstate highways
31 | under certain circumstances; amending s. 316.1932, F.S.;
32 | revising the requirements for printing the warning of
33 | consent for certain testing for drugs or alcohol on a
34 | driver's license; amending s. 316.194, F.S.; authorizing
35 | traffic accident investigation officers to remove vehicles
36 | under certain circumstances; amending s. 316.1967, F.S.;
37 | providing that the lessee of a vehicle, rather than the
38 | owner, is responsible for parking ticket violations under
39 | certain circumstances; amending s. 316.2074, F.S.;
40 | revising the definition of "all-terrain vehicle"; amending
41 | s. 316.515, F.S.; authorizing the use of certain
42 | agricultural tractors and agricultural implements for
43 | certain purposes; amending s. 316.613, F.S.; deleting
44 | provisions that authorize the Department of Highway Safety
45 | and Motor Vehicles to expend funds for certain purposes;
46 | creating s. 316.6131, F.S.; providing for the department
47 | to authorize the expenditure of funds for certain
48 | purposes; amending s. 316.650, F.S.; providing exceptions
49 | to a prohibition against using citations as evidence in a
50 | trial; amending s. 317.0003, F.S.; revising the definition
51 | of "off-highway vehicle"; defining "two-rider ATV";

52 | amending s. 317.0007, F.S.; authorizing the department to
53 | issue a validation sticker as an additional proof of title
54 | for an off-highway vehicle; providing for the replacement
55 | of lost or destroyed off-highway vehicle validation
56 | stickers; providing for disposition of fees; amending s.
57 | 317.0008, F.S.; deleting a provision relating to the
58 | expedited issuance of duplicate certificates of title for
59 | off-highway vehicles; amending ss. 317.0001, 317.0004,
60 | 317.0005, 317.0006, 317.0010, 317.0012, and 317.0013,
61 | F.S.; conforming cross references; creating s. 317.0014,
62 | F.S.; establishing procedures for the issuance of a
63 | certificate of title for an off-highway vehicle; providing
64 | duties of the department; providing for a notice of lien
65 | and lien satisfaction; providing for issuance of a
66 | duplicate certificate; requiring return of certificate of
67 | title under certain circumstances; providing penalties for
68 | failure to return the certificate; providing for
69 | electronic transmission of liens; creating s. 317.0015,
70 | F.S.; providing for the applicability of certain
71 | provisions of law to the titling of off-highway vehicles;
72 | creating s. 317.0016, F.S.; providing for the expedited
73 | issuance of titles for off-highway vehicles; providing for
74 | a fee; providing for disposition of fees collected;
75 | creating s. 317.0017, F.S.; prohibiting specified actions
76 | relating to the issuance of titles for off-highway
77 | vehicles; providing penalties; creating s. 317.0018, F.S.;
78 | prohibiting the transfer of an off-highway vehicle without
79 | delivery of a certificate of title; requiring certificate

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

108 F.S.; requiring the department to verify the identity of
 109 certain persons receiving a replacement license plate or
 110 duplicate registration and to maintain documentation of
 111 the verification; amending s. 320.0843, F.S.; requiring
 112 that the applicant eligible for a disabled parking plate
 113 be noted on the registration certificate; amending s.
 114 320.0848, F.S.; requiring the department to verify the
 115 identity of certain persons receiving a replacement or
 116 duplicate disabled parking permit and to maintain
 117 documentation of the verification; amending s. 320.086,
 118 F.S.; revising provisions relating to historical license
 119 plates; amending s. 320.131, F.S.; authorizing the
 120 department to provide for an electronic system for motor
 121 vehicle dealers to use in issuing temporary tags;
 122 providing penalties; amending s. 320.18, F.S.; authorizing
 123 the department to cancel the vehicle or vessel
 124 registration, driver's license, or identification card of
 125 a person who pays certain fees or penalties with a
 126 dishonored check; amending s. 320.27, F.S.; requiring
 127 certain dealer principals to provide certification of
 128 completing continuing education under certain
 129 circumstances; providing education requirements; requiring
 130 dealer schools to issue certificates of completion;
 131 providing for required training and information seminars
 132 to be conducted by licensed motor vehicle dealer training
 133 schools; requiring motor vehicle dealers to maintain
 134 records for a specified period; providing penalties for
 135 failure to comply with specified requirements for issuing

HB 1809 CS

2004
CS

136 temporary tags; amending s. 320.8249, F.S.; revising
137 provisions prohibiting certain acts by mobile home
138 installers; providing penalties; amending s. 322.01, F.S.;
139 excluding motorized scooters from the definitions of
140 "motorcycle" and "motor vehicle"; amending s. 322.025,
141 F.S.; authorizing the department to offer an opportunity
142 to attend a basic driver improvement course for drivers
143 who meet certain criteria; requiring the department to
144 deduct points from the driver's record upon completion of
145 the course; limiting availability of the opportunity;
146 amending s. 322.05, F.S.; removing requirements for a
147 Class D driver's license; amending s. 322.051, F.S.;
148 revising identification card application requirements;
149 providing requirements for issuance of such cards;
150 prohibiting waiver of the requirement for a fullface
151 photograph or digital image on such card; amending s.
152 322.07, F.S.; removing requirements for a Class D driver's
153 license; amending s. 322.08, F.S.; revising driver's
154 license application requirements; amending s. 322.09,
155 F.S.; requiring the signature of a secondary guardian on a
156 driver's license application of a minor under certain
157 circumstances; amending s. 322.11, F.S.; providing for
158 notice to a minor before canceling the minor's license due
159 to the death of the person who signed the driver's license
160 application; amending s. 322.12, F.S.; removing
161 requirements for a Class D driver's license; conforming
162 cross references; amending s. 322.121, F.S.; conforming
163 cross references; amending s. 322.135, F.S.; revising

164 requirements for the deposit of certain fees for a
 165 driver's license; revising requirements for the tax
 166 collector in directing a licensee for examination or
 167 reexamination; requiring county officers to pay certain
 168 funds to the State Treasury by electronic funds transfer
 169 within a specified period; amending s. 322.142, F.S.;
 170 prohibiting waiver of the requirement for a fullface
 171 photograph or digital image on a driver's license;
 172 amending s. 322.161, F.S.; removing requirements for a
 173 Class D driver's license; amending s. 322.17, F.S.,
 174 relating to duplicate and replacement certificates;
 175 conforming cross references; amending s. 322.18, F.S.;
 176 revising timeframe for expiration of certain driver's
 177 licenses; conforming cross references; amending s. 322.19,
 178 F.S., relating to change of address or name; conforming
 179 cross references; amending s. 322.20, F.S.; authorizing
 180 the department to charge fees for electronic access to
 181 certain driver license information; requiring that certain
 182 information be available free of charge on the
 183 department's Internet website; amending s. 322.21, F.S.;
 184 removing requirements for a Class D driver's license;
 185 requiring the department to set by rule a fee for a
 186 hazardous-materials endorsement; providing for deposit of
 187 fee proceeds; amending s. 322.22, F.S.; authorizing the
 188 department to cancel any identification card, vehicle or
 189 vessel registration, or fuel-use tax decal of a licensee
 190 who fails to pay certain fees or pays certain fees or
 191 penalties with a dishonored check; requiring surrender of

192 such card, registration, or decal; amending s. 322.251,
 193 F.S.; removing requirements for a Class D driver's
 194 license; amending s. 322.292, F.S.; requiring all DUI
 195 education courses to be conducted in a classroom with
 196 interaction among offenders and an instructor; revising
 197 requirements for initial licensure as a DUI program;
 198 amending ss. 322.30 and 322.53, F.S.; removing
 199 requirements for a Class D driver's license; amending s.
 200 322.54, F.S.; revising driver's license classification
 201 requirements; removing requirements for a Class D driver's
 202 license; conforming cross references; amending s. 322.57,
 203 F.S.; providing testing requirements for school bus
 204 drivers; revising driver's license classification
 205 requirements; amending s. 322.58, F.S.; removing
 206 requirements for a Class D driver's license; changing such
 207 requirements to Class E driver's license requirements;
 208 amending s. 322.61, F.S.; specifying additional violations
 209 that disqualify a person from operating a commercial motor
 210 vehicle; revising application to provide for violations
 211 while operating a noncommercial motor vehicle; providing
 212 penalties; removing requirements for a Class D driver's
 213 license; amending s. 322.63, F.S.; revising provisions for
 214 alcohol and drug testing of commercial motor vehicle
 215 operators; revising the requirements for printing the
 216 notice of consent for certain testing for drugs or alcohol
 217 on a commercial driver's license; reenacting s.
 218 322.64(14), F.S., relating to department review of
 219 disqualification from operating a commercial motor

220 vehicle, to incorporate the amendment to s. 322.61, F.S.,
 221 in a reference thereto; creating s. 327.375, F.S.;
 222 providing regulations for commercial parasailing; defining
 223 "commercial parasailing"; providing for regulation by the
 224 Fish and Wildlife Conservation Commission; requiring
 225 licensing and liability insurance; providing for rules
 226 establishing minimum liability and maximum deductible
 227 amounts; authorizing the commission to adopt rules;
 228 providing commercial parasailing operation requirements;
 229 providing penalties; amending s. 328.11, F.S.; providing
 230 for expedited service for issuance of certificates of
 231 title for vessels; providing for a fee; amending s.
 232 713.78, F.S.; revising provisions for the imposition of a
 233 wrecker operator's lien against a motor vehicle, vessel,
 234 or mobile home; providing that such provisions do not
 235 apply to any vehicle registered in the name of a lessor;
 236 amending s. 832.06, F.S.; providing for process and
 237 refunding by a state agency of certain worthless checks
 238 received by a county tax collector; providing effective
 239 dates.

240

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

242

243 Section 1. Subsection (6) of section 261.03, Florida
 244 Statutes, is amended, and subsection (11) is added to said
 245 section, to read:

246 261.03 Definitions.--As used in this chapter, the term:

HB 1809 CS

2004
CS

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

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

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

256 261.05 Duties and responsibilities of the Off-Highway
 257 Vehicle Recreation Advisory Committee.--

258 (2) The advisory committee shall study and make
 259 recommendations to the Governor and the Legislature ~~department~~
 260 regarding off-highway vehicle safety and training and education
 261 programs in the operation of such vehicles and shall provide a
 262 report to the Governor, the President of the Senate, and the
 263 Speaker of the House of Representatives by January 1, 2005.

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

267 316.003 Definitions.--The following words and phrases,
 268 when used in this chapter, shall have the meanings respectively
 269 ascribed to them in this section, except where the context
 270 otherwise requires:

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

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

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

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

289 316.006 Jurisdiction.--Jurisdiction to control traffic is
 290 vested as follows:

291 (2) MUNICIPALITIES.--

292 (a) Chartered municipalities shall have original
 293 jurisdiction over all streets and highways located within their
 294 boundaries, except state roads, and may place and maintain such
 295 traffic control devices which conform to the manual and
 296 specifications of the Department of Transportation upon all
 297 streets and highways under their original jurisdiction as they
 298 shall deem necessary to indicate and to carry out the provisions
 299 of this chapter or to regulate, warn, or guide traffic.

300 (b) A municipality may exercise jurisdiction over any
 301 private road or roads, or over any limited access road or roads
 302 owned or controlled by a special district, located within its

303 boundaries if the municipality and party or parties owning or
 304 controlling such road or roads provide, by written agreement
 305 approved by the governing body of the municipality, for
 306 municipal traffic control jurisdiction over the road or roads
 307 encompassed by such agreement. Pursuant thereto:

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

312 2. The exercise of jurisdiction provided for herein shall
 313 be in addition to jurisdictional authority presently exercised
 314 by municipalities under law, and nothing in this paragraph shall
 315 be construed to limit or remove any such jurisdictional
 316 authority. Such jurisdiction includes regulation of access to
 317 such road or roads by security devices or personnel.

318 3. Any such agreement may provide for the installation of
 319 multiparty stop signs by the parties controlling the roads
 320 covered by the agreement if a determination is made by such
 321 parties that the signage will enhance traffic safety. Multiparty
 322 stop signs must conform to the manual and specifications of the
 323 Department of Transportation; however, minimum traffic volumes
 324 may not be required for the installation of such signage.
 325 Enforcement for the signs shall be as provided in s. 316.123.

326 (c) Notwithstanding other provisions of law to the
 327 contrary, a municipality may, by interlocal agreement with a
 328 county, agree to transfer traffic regulatory authority over
 329 areas within the municipality to the county.

330

HB 1809 CS

2004
CS

331 This subsection shall not limit those counties which have the
 332 charter powers to provide and regulate arterial, toll, and other
 333 roads, bridges, tunnels, and related facilities from the proper
 334 exercise of those powers by the placement and maintenance of
 335 traffic control devices which conform to the manual and
 336 specifications of the Department of Transportation on streets
 337 and highways located within municipal boundaries.

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

340 316.0775 Interference with official traffic control
 341 signals or devices or railroad signs or signals.--

342 (1) No person shall, without lawful authority, attempt to
 343 or in fact alter, deface, injure, knock down, or remove any
 344 official traffic control device or any railroad sign or signal
 345 or any inscription, shield, or insignia thereon, or any other
 346 part thereof. Any person who violates this subsection commits
 347 the offense of criminal mischief, ~~A violation of this section is~~
 348 ~~a criminal violation pursuant to s. 318.17 and shall be~~
 349 punishable as set forth in s. 806.13 related to criminal
 350 mischief and graffiti, beginning on or after July 1, 2000.

351 (2) No person shall use or have in his or her possession
 352 any traffic signal preemption system. This subsection shall not
 353 apply to any person operating an authorized emergency vehicle as
 354 defined in s. 322.01, road construction and maintenance
 355 personnel, employees of the Department of Transportation, or any
 356 other lawfully authorized persons when use of the system is in
 357 the performance of their normal duties. Any person who violates

HB 1809 CS

2004
CS

358 this subsection commits a felony of the third degree, punishable
 359 as provided in s. 775.082, s. 775.083, or s. 775.084.

360 (3) A violation of this section is a criminal violation
 361 pursuant to s. 318.17.

362 Section 6. Subsection (3) of section 316.085, Florida
 363 Statutes, is renumbered as subsection (5), and new subsections
 364 (3) and (4) are added to said section, to read:

365 316.085 Limitations on overtaking, passing, changing
 366 lanes, and changing course.--

367 (3) A motor vehicle may not be driven outside the
 368 authorized lane of travel or over, across, or within a pavement
 369 marking or traffic control device for the purpose of overtaking
 370 or passing another vehicle except where the pavement marking or
 371 traffic control device explicitly permits such overtaking or
 372 passing. This prohibition does not apply to maneuvers to avoid
 373 disabled vehicles or obstructions.

374 (4) A motor vehicle may not be driven from a direct course
 375 in a lane on a highway until the driver has determined that the
 376 vehicle is not entering a vehicular queue at a point ahead of
 377 the last vehicle in the queue. As used in this subsection, the
 378 term "queue" means more than one vehicle proceeding in the same
 379 direction, traveling at less than the posted speed limit, and
 380 aligned in one or more lanes for the purpose of exiting or
 381 entering a roadway, merging, or traveling through a designated
 382 construction zone.

383 (5)~~(3)~~ A violation of this section is a noncriminal
 384 traffic infraction, punishable as a moving violation as provided
 385 in chapter 318.

HB 1809 CS

2004
CS

386 Section 7. Section 316.122, Florida Statutes, is amended
387 to read:

388 316.122 Vehicle turning left.--The driver of a vehicle
389 intending to turn to the left within an intersection or into an
390 alley, private road, or driveway shall yield the right-of-way to
391 any vehicle approaching from the opposite direction, or any
392 vehicle lawfully passing on the left of the turning vehicle,
393 which is within the intersection or so close thereto as to
394 constitute an immediate hazard. A violation of this section is a
395 noncriminal traffic infraction, punishable as a moving violation
396 as provided in chapter 318.

397 Section 8. Section 316.1576, Florida Statutes, is created
398 to read:

399 316.1576 Insufficient clearance at a railroad-highway
400 grade crossing.--

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

404 (2) A person may not drive any vehicle through a railroad-
405 highway grade crossing that does not have sufficient
406 undercarriage clearance to drive completely through the crossing
407 without stopping.

408 (3) A violation of this section is a noncriminal traffic
409 infraction, punishable as a moving violation as provided in
410 chapter 318.

411 Section 9. Subsection (2) of section 316.183, Florida
412 Statutes, is amended to read:

413 316.183 Unlawful speed.--

414 (2) On all streets or highways, the maximum speed limits
 415 for all vehicles must be 30 miles per hour in business or
 416 residence districts, and 55 miles per hour at any time at all
 417 other locations. However, with respect to a residence district,
 418 a county or municipality may set a maximum speed limit of 20 or
 419 25 miles per hour on local streets and highways after an
 420 investigation determines that such a limit is reasonable. It is
 421 not necessary to conduct a separate investigation for each
 422 residence district. The minimum speed limit on all highways that
 423 comprise a part of the National System of Interstate and Defense
 424 Highways and have not fewer than four lanes is 40 miles per
 425 hour, except that when the posted speed limit is 70 miles per
 426 hour, the minimum speed limit is 50 miles per hour.

427 Section 10. Paragraph (e) of subsection (1) of section
 428 316.1932, Florida Statutes, is amended to read:

429 316.1932 Tests for alcohol, chemical substances, or
 430 controlled substances; implied consent; refusal.--

431 (1)

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

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

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

443 Section 11. Paragraphs (a) and (b) of subsection (3) of
444 section 316.194, Florida Statutes, are amended to read:

445 316.194 Stopping, standing or parking outside of
446 municipalities.--

447 (3)(a) Whenever any police officer or traffic accident
448 investigation officer finds a vehicle standing upon a highway in
449 violation of any of the foregoing provisions of this section,
450 the officer is authorized to move the vehicle, or require the
451 driver or other persons in charge of the vehicle to move the
452 vehicle same, to a position off the paved or main-traveled part
453 of the highway.

454 (b) Officers and traffic accident investigation officers
455 may are hereby authorized to provide for the removal of any
456 abandoned vehicle to the nearest garage or other place of
457 safety, cost of such removal to be a lien against motor vehicle,
458 when an said abandoned vehicle is found unattended upon a bridge
459 or causeway or in any tunnel, or on any public highway in the
460 following instances:

461 1. Where such vehicle constitutes an obstruction of
462 traffic;

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

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

473 Section 12. Section 316.1967, Florida Statutes, is amended
 474 to read:

475 316.1967 Liability for payment of parking ticket
 476 violations and other parking violations.--

477 (1) The owner of a vehicle is responsible and liable for
 478 payment of any parking ticket violation unless the owner can
 479 furnish evidence, when required by this subsection, that the
 480 vehicle was, at the time of the parking violation, in the care,
 481 custody, or control of another person. In such instances, the
 482 owner of the vehicle is required, within a reasonable time after
 483 notification of the parking violation, to furnish to the
 484 appropriate law enforcement authorities an affidavit setting
 485 forth the name, address, and driver's license number of the
 486 person who leased, rented, or otherwise had the care, custody,
 487 or control of the vehicle. The affidavit submitted under this
 488 subsection is admissible in a proceeding charging a parking
 489 ticket violation and raises the rebuttable presumption that the
 490 person identified in the affidavit is responsible for payment of
 491 the parking ticket violation. The owner of a vehicle is not
 492 responsible for a parking ticket violation if the vehicle
 493 involved was, at the time, stolen or in the care, custody, or
 494 control of some person who did not have permission of the owner

495 | to use the vehicle. The owner of a leased vehicle is not
 496 | responsible for a parking ticket violation and is not required
 497 | to submit an affidavit or the other evidence specified in this
 498 | section if the vehicle is registered in the name of the person
 499 | who leased the vehicle.

500 | (2) Any person who is issued a county or municipal parking
 501 | ticket by a parking enforcement specialist or officer is deemed
 502 | to be charged with a noncriminal violation and shall comply with
 503 | the directions on the ticket. If payment is not received or a
 504 | response to the ticket is not made within the time period
 505 | specified thereon, the county court or its traffic violations
 506 | bureau shall notify the registered owner of the vehicle that was
 507 | cited, or the registered lessee when the cited vehicle is
 508 | registered in the name of the person who leased the vehicle, by
 509 | mail to the address given on the motor vehicle registration, of
 510 | the ticket. Mailing the notice to this address constitutes
 511 | notification. Upon notification, the registered owner or
 512 | registered lessee shall comply with the court's directive.

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

515 | (4) Any person who elects to appear before a designated
 516 | official to present evidence waives his or her right to pay the
 517 | civil penalty provisions of the ticket. The official, after a
 518 | hearing, shall make a determination as to whether a parking
 519 | violation has been committed and may impose a civil penalty not
 520 | to exceed \$100 or the fine amount designated by county
 521 | ordinance, plus court costs. Any person who fails to pay the
 522 | civil penalty within the time allowed by the court is deemed to

HB 1809 CS

2004
CS

523 | have been convicted of a parking ticket violation, and the court
524 | shall take appropriate measures to enforce collection of the
525 | fine.

526 | (5) Any provision of subsections (2), (3), and (4) to the
527 | contrary notwithstanding, chapter 318 does not apply to
528 | violations of county parking ordinances and municipal parking
529 | ordinances.

530 | (6) Any county or municipality may provide by ordinance
531 | that the clerk of the court or the traffic violations bureau
532 | shall supply the department with a magnetically encoded computer
533 | tape reel or cartridge or send by other electronic means data
534 | which is machine readable by the installed computer system at
535 | the department, listing persons who have three or more
536 | outstanding parking violations, including violations of s.
537 | 316.1955. Each county shall provide by ordinance that the clerk
538 | of the court or the traffic violations bureau shall supply the
539 | department with a magnetically encoded computer tape reel or
540 | cartridge or send by other electronic means data that is machine
541 | readable by the installed computer system at the department,
542 | listing persons who have any outstanding violations of s.
543 | 316.1955 or any similar local ordinance that regulates parking
544 | in spaces designated for use by persons who have disabilities.
545 | The department shall mark the appropriate registration records
546 | of persons who are so reported. Section 320.03(8) applies to
547 | each person whose name appears on the list.

548 | Section 13. Subsection (2) of section 316.2074, Florida
549 | Statutes, is amended to read:

550 | 316.2074 All-terrain vehicles.--

HB 1809 CS

2004
CS

551 (2) As used in this section, the term "all-terrain
 552 vehicle" means any motorized off-highway vehicle 50 inches or
 553 less in width, having a dry weight of 900 pounds or less,
 554 designed to travel on three or more low-pressure tires, having a
 555 seat designed to be straddled by the operator and handlebars for
 556 steering control, and intended for use by a single operator with
 557 no passenger. For the purposes of this section, "all-terrain
 558 vehicle" also includes any two-rider ATV as defined in s.
 559 317.0003.

560 Section 14. Subsection (5) of section 316.515, Florida
 561 Statutes, is amended to read:

562 316.515 Maximum width, height, length.--

563 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS, SAFETY
 564 REQUIREMENTS.--Notwithstanding any other provisions of law,
 565 straight trucks, agricultural tractors, and cotton module
 566 movers, not exceeding 50 feet in length, or any combination of
 567 up to and including three implements of husbandry including the
 568 towing power unit, and any single agricultural trailer, ~~with a~~
 569 load thereon, any agricultural implements attached to the towing
 570 power unit not exceeding 130 inches in width, or a self-
 571 propelled agricultural implement or an agricultural tractor not
 572 exceeding 130 inches in width is authorized for the purpose of
 573 transporting peanuts, grains, soybeans, cotton, hay, straw, or
 574 other perishable farm products from their point of production to
 575 the first point of change of custody or of long-term storage,
 576 and for the purpose of returning to such point of production or
 577 for the purpose of moving the tractors, movers, or implements
 578 from one point of agricultural production to another, by a

HB 1809 CS

2004
CS

579 person engaged in the production of any such product or custom
 580 hauler, if such vehicle or combination of vehicles otherwise
 581 complies with this section. Such vehicles shall be operated in
 582 accordance with all safety requirements prescribed by law and
 583 Department of Transportation rules. The Department of
 584 Transportation may issue overlength permits for cotton module
 585 movers greater than 50 feet but not more than 55 feet in overall
 586 length.

587 Section 15. Subsection (4) of section 316.613, Florida
 588 Statutes, is amended to read:

589 316.613 Child restraint requirements.--

590 (4)(a) It is the legislative intent that all state,
 591 county, and local law enforcement agencies, and safety councils,
 592 in recognition of the problems with child death and injury from
 593 unrestrained occupancy in motor vehicles, conduct a continuing
 594 safety and public awareness campaign as to the magnitude of the
 595 problem.

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

600 Section 16. Section 316.6131, Florida Statutes, is created
 601 to read:

602 316.6131 Educational expenditures.--The department may
 603 authorize the expenditure of funds for the purchase of
 604 educational items as part of the public information and
 605 education campaigns promoting highway safety and awareness as
 606 well as departmental community-based initiatives. Funds may be

HB 1809 CS

2004
CS

607 expended for, but are not limited to, educational campaigns
 608 provided in chapters 316, 320, and 322 and s. 403.7145.

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

611 316.650 Traffic citations.--

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

616 Section 18. Section 317.0001, Florida Statutes, is amended
 617 to read:

618 317.0001 Short title.--This chapter Sections 317.0001-
 619 317.0013 may be cited as the "Florida Off-Highway Vehicle
 620 Titling Act."

621 Section 19. Section 317.0003, Florida Statutes, is amended
 622 to read:

623 317.0003 Definitions.--As used in this chapter ss-
 624 317.0001-317.0013, the term:

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

631 (2) "Dealer" means any person authorized by the Department
 632 of Revenue to buy, sell, resell, or otherwise distribute off-
 633 highway vehicles. Such person must have a valid sales tax
 634 certificate of registration issued by the Department of Revenue

HB 1809 CS

2004
CS

635 and a valid commercial or occupational license required by any
636 county, municipality, or political subdivision of the state in
637 which the person operates.

638 (3) "Department" means the Department of Highway Safety
639 and Motor Vehicles.

640 (4) "Florida resident" means a person who has had a
641 principal place of domicile in this state for a period of more
642 than 6 consecutive months, who has registered to vote in this
643 state, who has made a statement of domicile pursuant to s.
644 222.17, or who has filed for homestead tax exemption on property
645 in this state.

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

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

655 (7) "Owner" means a person, other than a lienholder,
656 having the property in or title to an off-highway vehicle,
657 including a person entitled to the use or possession of an off-
658 highway vehicle subject to an interest held by another person,
659 reserved or created by agreement and securing payment of
660 performance of an obligation, but the term excludes a lessee
661 under a lease not intended as security.

662 (8) "Public lands" means lands within the state that are
 663 available for public use and that are owned, operated, or
 664 managed by a federal, state, county, or municipal governmental
 665 entity.

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

669 Section 20. Subsection (1) of section 317.0004, Florida
 670 Statutes, is amended to read:

671 317.0004 Administration of off-highway vehicle titling
 672 laws; records.--

673 (1) The administration of off-highway vehicle titling laws
 674 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
 675 Highway Safety and Motor Vehicles, which shall provide for the
 676 issuing, handling, and recording of all off-highway vehicle
 677 titling applications and certificates, including the receipt and
 678 accounting of off-highway vehicle titling fees.

679 Section 21. Section 317.0005, Florida Statutes, is amended
 680 to read:

681 317.0005 Rules, forms, and notices.--

682 (1) The department may adopt rules pursuant to ss.
 683 120.536(1) and 120.54, which pertain to off-highway vehicle
 684 titling, in order to implement the provisions of this chapter
 685 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

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

HB 1809 CS

2004
CS

689 Section 22. Subsection (1) of section 317.0006, Florida
690 Statutes, is amended to read:

691 317.0006 Certificate of title required.--

692 (1) Any off-highway vehicle that is purchased by a
693 resident of this state after the effective date of this act or
694 that is owned by a resident and is operated on the public lands
695 of this state must be titled pursuant to this chapter ~~ss.~~
696 ~~317.0001-317.0013~~.

697 Section 23. Subsection (6) is added to section 317.0007,
698 Florida Statutes, to read:

699 317.0007 Application for and issuance of certificate of
700 title.--

701 (6) In addition to a certificate of title, the department
702 may issue a validation sticker to be placed on the off-highway
703 vehicle as proof of the issuance of title required pursuant to
704 s. 317.0006(1). A validation sticker that is lost or destroyed
705 may, upon application, be replaced by the department or county
706 tax collector. The department and county tax collector may
707 charge and deposit the fees established in ss. 320.03(5),
708 320.031, and 320.04 for all original and replacement decals.

709 Section 24. Section 317.0008, Florida Statutes, is amended
710 to read:

711 317.0008 Duplicate certificate of title.--

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

717 ~~(2) In addition to the fee imposed by subsection (1), a~~
 718 ~~fee of \$7 shall be charged for expedited service in issuing a~~
 719 ~~duplicate certificate of title. Application for such expedited~~
 720 ~~service may be made by mail or in person. The department shall~~
 721 ~~issue each certificate of title applied for under this~~
 722 ~~subsection within 5 working days after receipt of a proper~~
 723 ~~application or shall refund the additional \$7 fee upon written~~
 724 ~~request by the applicant.~~

725 (2)~~(3)~~ If, following the issuance of an original,
 726 duplicate, or corrected certificate of title by the department,
 727 the certificate is lost in transit and is not delivered to the
 728 addressee, the owner of the off-highway vehicle or the holder of
 729 a lien thereon may, within 180 days after the date of issuance
 730 of the certificate, apply to the department for reissuance of
 731 the certificate. An additional fee may not be charged for
 732 reissuance under this subsection.

733 (3)~~(4)~~ The department shall implement a system to verify
 734 that the application is signed by a person authorized to receive
 735 a duplicate certificate of title under this section if the
 736 address shown on the application is different from the address
 737 shown for the applicant on the records of the department.

738 Section 25. Section 317.0010, Florida Statutes, is amended
 739 to read:

740 317.0010 Disposition of fees.--Except as otherwise
 741 specifically provided for in this chapter, the department shall
 742 deposit all funds received under this chapter ~~ss. 317.0001-~~
 743 ~~317.0013,~~ less administrative costs of \$2 per title transaction,

HB 1809 CS

2004
CS

744 into the Incidental Trust Fund of the Division of Forestry of
745 the Department of Agriculture and Consumer Services.

746 Section 26. Paragraph (c) of subsection (3) of section
747 317.0012, Florida Statutes, is amended to read:

748 317.0012 Crimes relating to certificates of title;
749 penalties.--

750 (3) It is unlawful to:

751 (c) Use a false or fictitious name, give a false or
752 fictitious address, or make any false statement in any
753 application or affidavit required by this chapter ~~ss. 317.0001-~~
754 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
755 otherwise commit a fraud in any application.

756
757 Any person who violates this subsection commits a felony of the
758 third degree, punishable as provided in s. 775.082, s. 775.083,
759 or s. 775.084. A violation of this subsection with respect to
760 any off-highway vehicle makes such off-highway vehicle
761 contraband which may be seized by a law enforcement agency and
762 forfeited under ss. 932.701-932.704.

763 Section 27. Section 317.0013, Florida Statutes, is amended
764 to read:

765 317.0013 Nonmoving traffic violations.--Any person who
766 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
767 ~~317.0012~~ for which a penalty is not otherwise provided commits a
768 nonmoving traffic violation, punishable as provided in s.
769 318.18.

770 Section 28. Section 317.0014, Florida Statutes, is created
771 to read:

772 317.0014 Certificate of title; issuance in duplicate;
 773 delivery; liens and encumbrances.--

774 (1) The department shall assign a number to each
 775 certificate of title and shall issue each certificate of title
 776 and each corrected certificate in duplicate. The database record
 777 shall serve as the duplicate title certificate required in this
 778 section. One printed copy may be retained on file by the
 779 department.

780 (2) A duly authorized person shall sign the original
 781 certificate of title and each corrected certificate and, if
 782 there are no liens or encumbrances on the off-highway vehicle as
 783 shown in the records of the department or as shown in the
 784 application, shall deliver the certificate to the applicant or
 785 to another person as directed by the applicant or person, agent,
 786 or attorney submitting the application. If there are one or more
 787 liens or encumbrances on the off-highway vehicle, the
 788 certificate shall be delivered by the department to the first
 789 lienholder as shown by department records or to the owner as
 790 indicated in the notice of lien filed by the first lienholder.
 791 If the notice of lien filed by the first lienholder indicates
 792 that the certificate should be delivered to the first
 793 lienholder, the department shall deliver to the first
 794 lienholder, along with the certificate, a form to be
 795 subsequently used by the lienholder as a satisfaction. If the
 796 notice of lien filed by the first lienholder directs the
 797 certificate of title to be delivered to the owner, then upon
 798 delivery of the certificate of title by the department to the
 799 owner, the department shall deliver to the first lienholder

800 confirmation of the receipt of the notice of lien and the date
 801 the certificate of title was issued to the owner at the owner's
 802 address shown on the notice of lien and a form to be
 803 subsequently used by the lienholder as a satisfaction. If the
 804 application for certificate shows the name of a first lienholder
 805 different from the name of the first lienholder as shown by the
 806 records of the department, the certificate may not be issued to
 807 any person until after all parties who appear to hold a lien and
 808 the applicant for the certificate have been notified of the
 809 conflict in writing by the department by certified mail. If the
 810 parties do not amicably resolve the conflict within 10 days
 811 after the date the notice was mailed, the department shall serve
 812 notice in writing by certified mail on all persons appearing to
 813 hold liens on that particular vehicle, including the applicant
 814 for the certificate, to show cause within 15 days following the
 815 date the notice is mailed as to why it should not issue and
 816 deliver the certificate to the person indicated in the notice of
 817 lien filed by the lienholder whose name appears in the
 818 application as the first lienholder without showing any lien or
 819 liens as outstanding other than those appearing in the
 820 application or those that have been filed subsequent to the
 821 filing of the application for the certificate. If, within the
 822 15-day period, any person other than the lienholder shown in the
 823 application or a party filing a subsequent lien, in answer to
 824 the notice to show cause, appears in person or by a
 825 representative, or responds in writing, and files a written
 826 statement under oath that his or her lien on that particular
 827 vehicle is still outstanding, the department may not issue the

828 certificate to anyone until after the conflict has been settled
 829 by the lien claimants involved or by a court of competent
 830 jurisdiction. If the conflict is not settled amicably within 10
 831 days after the final date for filing an answer to the notice to
 832 show cause, the complaining party shall have 10 days in which to
 833 obtain a ruling or stay order from a court of competent
 834 jurisdiction. If a ruling or stay order is not issued and served
 835 on the department within the 10-day period, it shall issue the
 836 certificate showing no liens except those shown in the
 837 application or thereafter filed to the original applicant if
 838 there are no liens shown in the application and none are
 839 thereafter filed, or to the person indicated in the notice of
 840 lien filed by the lienholder whose name appears in the
 841 application as the first lienholder if there are liens shown in
 842 the application or thereafter filed. A duplicate certificate or
 843 corrected certificate shall show only the lien or liens as shown
 844 in the application and any subsequently filed liens that may be
 845 outstanding.

846 (3) Except as provided in subsection (4), the certificate
 847 of title shall be retained by the first lienholder or the owner
 848 as indicated in the notice of lien filed by the first
 849 lienholder. If the first lienholder is in possession of the
 850 certificate, the first lienholder is entitled to retain the
 851 certificate until the first lien is satisfied.

852 (4) If the owner of the vehicle, as shown on the title
 853 certificate, desires to place a second or subsequent lien or
 854 encumbrance against the vehicle when the title certificate is in
 855 the possession of the first lienholder, the owner shall send a

856 written request to the first lienholder by certified mail, and
 857 the first lienholder shall forward the certificate to the
 858 department for endorsement. If the title certificate is in the
 859 possession of the owner, the owner shall forward the certificate
 860 to the department for endorsement. The department shall return
 861 the certificate to either the first lienholder or to the owner,
 862 as indicated in the notice of lien filed by the first
 863 lienholder, after endorsing the second or subsequent lien on the
 864 certificate and on the duplicate. If the first lienholder or
 865 owner fails, neglects, or refuses to forward the certificate of
 866 title to the department within 10 days after the date of the
 867 owner's request, the department, on the written request of the
 868 subsequent lienholder or an assignee of the lien, shall demand
 869 of the first lienholder the return of the certificate for the
 870 notation of the second or subsequent lien or encumbrance.

871 (5)(a) Upon satisfaction of any first lien or encumbrance
 872 recorded by the department, the owner of the vehicle, as shown
 873 on the title certificate, or the person satisfying the lien is
 874 entitled to demand and receive from the lienholder a
 875 satisfaction of the lien. If the lienholder, upon satisfaction
 876 of the lien and upon demand, fails or refuses to furnish a
 877 satisfaction of the lien within 30 days after demand, he or she
 878 is liable for all costs, damages, and expenses, including
 879 reasonable attorney's fees, lawfully incurred by the titled
 880 owner or person satisfying the lien in any suit brought in this
 881 state for cancellation of the lien. The lienholder receiving
 882 final payment as defined in s. 674.215 shall mail or otherwise
 883 deliver a lien satisfaction and the certificate of title

HB 1809 CS

2004
CS

884 indicating the satisfaction within 10 working days after receipt
885 of final payment or notify the person satisfying the lien that
886 the title is not available within 10 working days after receipt
887 of final payment. If the lienholder is unable to provide the
888 certificate of title and notifies the person of such, the
889 lienholder shall provide a lien satisfaction and is responsible
890 for the cost of a duplicate title, including expedited title
891 charges as provided in s. 317.0016. This paragraph does not
892 apply to electronic transactions under subsection (8).

893 (b) Following satisfaction of a lien, the lienholder shall
894 enter a satisfaction thereof in the space provided on the face
895 of the certificate of title. If the certificate of title was
896 retained by the owner, the owner shall, within 5 days after
897 satisfaction of the lien, deliver the certificate of title to
898 the lienholder and the lienholder shall enter a satisfaction
899 thereof in the space provided on the face of the certificate of
900 title. If no subsequent liens are shown on the certificate of
901 title, the certificate shall be delivered by the lienholder to
902 the person satisfying the lien or encumbrance and an executed
903 satisfaction on a form provided by the department shall be
904 forwarded to the department by the lienholder within 10 days
905 after satisfaction of the lien.

906 (c) If the certificate of title shows a subsequent lien
907 not then being discharged, an executed satisfaction of the first
908 lien shall be delivered by the lienholder to the person
909 satisfying the lien and the certificate of title showing
910 satisfaction of the first lien shall be forwarded by the

911 lienholder to the department within 10 days after satisfaction
 912 of the lien.

913 (d) If, upon receipt of a title certificate showing
 914 satisfaction of the first lien, the department determines from
 915 its records that there are no subsequent liens or encumbrances
 916 upon the vehicle, the department shall forward to the owner, as
 917 shown on the face of the title, a corrected certificate showing
 918 no liens or encumbrances. If there is a subsequent lien not
 919 being discharged, the certificate of title shall be reissued
 920 showing the second or subsequent lienholder as the first
 921 lienholder and shall be delivered to either the new first
 922 lienholder or to the owner as indicated in the notice of lien
 923 filed by the new first lienholder. If the certificate of title
 924 is to be retained by the first lienholder on the reissued
 925 certificate, the first lienholder is entitled to retain the
 926 certificate of title except as provided in subsection (4) until
 927 his or her lien is satisfied. Upon satisfaction of the lien, the
 928 lienholder is subject to the procedures required of a first
 929 lienholder by subsection (4) and this subsection.

930 (6) When the original certificate of title cannot be
 931 returned to the department by the lienholder and evidence
 932 satisfactory to the department is produced that all liens or
 933 encumbrances have been satisfied, upon application by the owner
 934 for a duplicate copy of the certificate upon the form prescribed
 935 by the department, accompanied by the fee prescribed in this
 936 chapter, a duplicate copy of the certificate of title, without
 937 statement of liens or encumbrances, shall be issued by the
 938 department and delivered to the owner.

939 (7) Any person who fails, within 10 days after receipt of
 940 a demand by the department by certified mail, to return a
 941 certificate of title to the department as required by subsection
 942 (4) or who, upon satisfaction of a lien, fails within 10 days
 943 after receipt of such demand to forward the appropriate document
 944 to the department as required by paragraph (5)(b) or paragraph
 945 (5)(c) commits a misdemeanor of the second degree, punishable as
 946 provided in s. 775.082 or s. 775.083.

947 (8) Notwithstanding any requirements in this section or in
 948 s. 319.27 indicating that a lien on a vehicle shall be noted on
 949 the face of the Florida certificate of title, if there are one
 950 or more liens or encumbrances on the off-highway vehicle, the
 951 department may electronically transmit the lien to the first
 952 lienholder and notify the first lienholder of any additional
 953 liens. Subsequent lien satisfactions may be electronically
 954 transmitted to the department and must include the name and
 955 address of the person or entity satisfying the lien. When
 956 electronic transmission of liens and lien satisfactions is used,
 957 the issuance of a certificate of title may be waived until the
 958 last lien is satisfied and a clear certificate of title is
 959 issued to the owner of the vehicle.

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

962 Section 29. Section 317.0015, Florida Statutes, is created
 963 to read:

964 317.0015 Application of law.--Sections 319.235, 319.241,
 965 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 966 vehicles that are required to be titled under this chapter.

HB 1809 CS

2004
CS

967 Section 30. Section 317.0016, Florida Statutes, is created
968 to read:

969 317.0016 Expedited service; applications; fees.--The
970 department shall provide, through its agents and for use by the
971 public, expedited service on title transfers, title issuances,
972 duplicate titles, recordation of liens, and certificates of
973 repossession. A fee of \$7 shall be charged for this service,
974 which is in addition to the fees imposed by ss. 317.0007 and
975 317.0008, and \$3.50 of this fee shall be retained by the
976 processing agency. All remaining fees shall be deposited in the
977 Incidental Trust Fund of the Division of Forestry of the
978 Department of Agriculture and Consumer Services. Application for
979 expedited service may be made by mail or in person. The
980 department shall issue each title applied for pursuant to this
981 section within 5 working days after receipt of the application
982 except for an application for a duplicate title certificate
983 covered by s. 317.0008(3), in which case the title must be
984 issued within 5 working days after compliance with the
985 department's verification requirements.

986 Section 31. Section 317.0017, Florida Statutes, is created
987 to read:

988 317.0017 Offenses involving vehicle identification
989 numbers, applications, certificates, papers; penalty.--
990 (1) A person may not:
991 (a) Alter or forge any certificate of title to an off-
992 highway vehicle or any assignment thereof or any cancellation of
993 any lien on an off-highway vehicle.

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

996 (c) Procure or attempt to procure a certificate of title
 997 to an off-highway vehicle, or pass or attempt to pass a
 998 certificate of title or any assignment thereof to an off-highway
 999 vehicle, knowing or having reason to believe that the off-
 1000 highway vehicle has been stolen.

1001 (d) Possess, sell or offer for sale, conceal, or dispose
 1002 of in this state an off-highway vehicle, or major component part
 1003 thereof, on which any motor number or vehicle identification
 1004 number affixed by the manufacturer or by a state agency has been
 1005 destroyed, removed, covered, altered, or defaced, with knowledge
 1006 of such destruction, removal, covering, alteration, or
 1007 defacement, except as provided in s. 319.30(4).

1008 (e) Use a false or fictitious name, give a false or
 1009 fictitious address, or make any false statement in any
 1010 application or affidavit required under this chapter or in a
 1011 bill of sale or sworn statement of ownership or otherwise commit
 1012 a fraud in any application.

1013 (2) A person may not knowingly obtain goods, services,
 1014 credit, or money by means of an invalid, duplicate, fictitious,
 1015 forged, counterfeit, stolen, or unlawfully obtained certificate
 1016 of title, registration, bill of sale, or other indicia of
 1017 ownership of an off-highway vehicle.

1018 (3) A person may not knowingly obtain goods, services,
 1019 credit, or money by means of a certificate of title to an off-
 1020 highway vehicle, which certificate is required by law to be
 1021 surrendered to the department.

1022 (4) A person may not knowingly and with intent to defraud
 1023 have in his or her possession, sell, offer to sell, counterfeit,
 1024 or supply a blank, forged, fictitious, counterfeit, stolen, or
 1025 fraudulently or unlawfully obtained certificate of title, bill
 1026 of sale, or other indicia of ownership of an off-highway vehicle
 1027 or conspire to do any of the foregoing.

1028 (5) A person, firm, or corporation may not knowingly
 1029 possess, manufacture, sell or exchange, offer to sell or
 1030 exchange, supply in blank, or give away any counterfeit
 1031 manufacturer's or state-assigned identification number plates or
 1032 serial plates or any decal used for the purpose of identifying
 1033 an off-highway vehicle. A person, or an officer, agent, or
 1034 employee of any person, firm, or corporation, may not authorize,
 1035 direct, aid in exchange, or give away, or conspire to authorize,
 1036 direct, aid in exchange, or give away, such counterfeit
 1037 manufacturer's or state-assigned identification number plates or
 1038 serial plates or any decal. However, this subsection does not
 1039 apply to any approved replacement manufacturer's or state-
 1040 assigned identification number plates or serial plates or any
 1041 decal issued by the department or any state.

1042 (6) A person who violates any provision of this section
 1043 commits a felony of the third degree, punishable as provided in
 1044 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 1045 used in violation of this section constitutes contraband that
 1046 may be seized by a law enforcement agency and that is subject to
 1047 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 1048 section is not exclusive of any other penalties prescribed by

HB 1809 CS

2004
CS

1049 any existing or future laws for the larceny or unauthorized
 1050 taking of off-highway vehicles but is supplementary thereto.

1051 Section 32. Section 317.0018, Florida Statutes, is created
 1052 to read:

1053 317.0018 Transfer without delivery of certificate;
 1054 operation or use without certificate; failure to surrender;
 1055 other violations.--Except as otherwise provided in this chapter,
 1056 any person who:

1057 (1) Purports to sell or transfer an off-highway vehicle
 1058 without delivering to the purchaser or transferee of the vehicle
 1059 a certificate of title to the vehicle duly assigned to the
 1060 purchaser as provided in this chapter;

1061 (2) Operates or uses in this state an off-highway vehicle
 1062 for which a certificate of title is required without the
 1063 certificate having been obtained in accordance with this
 1064 chapter, or upon which the certificate of title has been
 1065 canceled;

1066 (3) Fails to surrender a certificate of title upon
 1067 cancellation of the certificate by the department and notice
 1068 thereof as prescribed in this chapter;

1069 (4) Fails to surrender the certificate of title to the
 1070 department as provided in this chapter in the case of the
 1071 destruction, dismantling, or change of an off-highway vehicle in
 1072 such respect that it is not the off-highway vehicle described in
 1073 the certificate of title; or

1074 (5) Violates any other provision of this chapter or a
 1075 lawful rule adopted pursuant to this chapter,
 1076

HB 1809 CS

2004
CS

1077 shall be fined not more than \$500 or imprisoned for not more
 1078 than 6 months, or both, for each offense, unless otherwise
 1079 specified.

1080 Section 33. Subsection (7) of section 318.14, Florida
 1081 Statutes, is amended to read:

1082 318.14 Noncriminal traffic infractions; exception;
 1083 procedures.--

1084 (7)(a) The official having jurisdiction over the
 1085 infraction shall certify to the department within 10 days after
 1086 payment of the civil penalty that the defendant has admitted to
 1087 the infraction. If the charge results in a hearing, the official
 1088 having jurisdiction shall certify to the department the final
 1089 disposition within 10 days after ~~of~~ the hearing. All
 1090 dispositions returned to the county requiring a correction shall
 1091 be resubmitted to the department within 10 days after the
 1092 notification of the error.

1093 (b) If the official having jurisdiction over the traffic
 1094 infraction submits the final disposition to the department more
 1095 than 180 days after the final hearing or after payment of the
 1096 civil penalty, the department may modify any resulting
 1097 suspension or revocation action to begin as if the citation were
 1098 reported in a timely manner.

1099 Section 34. For the purpose of incorporating the amendment
 1100 to section 322.61, Florida Statutes, in a reference thereto,
 1101 subsection (9) of section 318.14, Florida Statutes, is reenacted
 1102 to read:

1103 318.14 Noncriminal traffic infractions; exception;
 1104 procedures.--

HB 1809 CS

2004
CS

1105 (9) Any person who is cited for an infraction under this
 1106 section other than a violation of s. 320.0605, s. 320.07(3)(a)
 1107 or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may,
 1108 in lieu of a court appearance, elect to attend in the location
 1109 of his or her choice within this state a basic driver
 1110 improvement course approved by the Department of Highway Safety
 1111 and Motor Vehicles. In such a case, adjudication must be
 1112 withheld; points, as provided by s. 322.27, may not be assessed;
 1113 and the civil penalty that is imposed by s. 318.18(3) must be
 1114 reduced by 18 percent; however, a person may not make an
 1115 election under this subsection if the person has made an
 1116 election under this subsection in the preceding 12 months. A
 1117 person may make no more than five elections under this
 1118 subsection. The requirement for community service under s.
 1119 318.18(8) is not waived by a plea of nolo contendere or by the
 1120 withholding of adjudication of guilt by a court.

1121 Section 35. Effective July 1, 2004, subsection (2) of
 1122 section 318.15, Florida Statutes, as amended by section 98 of
 1123 chapter 2003-402, Laws of Florida, is amended to read:

1124 318.15 Failure to comply with civil penalty or to appear;
 1125 penalty.--

1126 (2) After suspension of the driver's license and privilege
 1127 to drive of a person under subsection (1), the license and
 1128 privilege may not be reinstated until the person complies with
 1129 all obligations and penalties imposed on him or her under s.
 1130 318.18 and presents to a driver license office a certificate of
 1131 compliance issued by the court, together with a nonrefundable
 1132 service fee of up to \$37.50 imposed under s. 322.29, or pays the

HB 1809 CS

2004
CS

1133 | aforementioned service fee of up to \$37.50 to the clerk of the
 1134 | court or tax collector clearing such suspension. If the fee is
 1135 | collected by the clerk of the court, \$10 of the fee shall be
 1136 | remitted to the Department of Revenue for deposit into the
 1137 | Highway Safety Operating Trust Fund. If the fee is collected by
 1138 | the tax collector, \$10 of the fee shall be remitted to the
 1139 | Department of Highway Safety and Motor Vehicles for deposit into
 1140 | the Highway Safety Operating Trust Fund. Such person shall also
 1141 | be in compliance with requirements of chapter 322 prior to
 1142 | reinstatement.

1143 | Section 36. Subsection (6) of section 319.23, Florida
 1144 | Statutes, is amended to read:

1145 | 319.23 Application for, and issuance of, certificate of
 1146 | title.--

1147 | (6) In the case of the sale of a motor vehicle or mobile
 1148 | home by a licensed dealer to a general purchaser, the
 1149 | certificate of title shall be obtained in the name of the
 1150 | purchaser by the dealer upon application signed by the
 1151 | purchaser, and in each other case such certificate shall be
 1152 | obtained by the purchaser. In each case of transfer of a motor
 1153 | vehicle or mobile home, the application for certificate of
 1154 | title, or corrected certificate, or assignment or reassignment,
 1155 | shall be filed within 30 days from the delivery of such motor
 1156 | vehicle or mobile home to the purchaser. An applicant shall be
 1157 | required to pay a fee of \$10, in addition to all other fees and
 1158 | penalties required by law, for failing to file such application
 1159 | within the specified time. When a licensed dealer acquires a
 1160 | motor vehicle or mobile home as a trade-in, the dealer must file

HB 1809 CS

2004
CS

1161 with the department a notice of sale signed by the seller. The
 1162 department shall update its database for that title record to
 1163 indicate "sold." A licensed dealer need not apply for a
 1164 certificate of title for any motor vehicle or mobile home in
 1165 stock acquired for stock purposes except as provided in s.
 1166 319.225.

1167 Section 37. Subsections (2) and (3) of section 319.27,
 1168 Florida Statutes, are amended to read:

1169 319.27 Notice of lien on motor vehicles or mobile homes;
 1170 notation on certificate; recording of lien.--

1171 (2) No lien for purchase money or as security for a debt
 1172 in the form of a security agreement, retain title contract,
 1173 conditional bill of sale, chattel mortgage, or other similar
 1174 instrument or any other nonpossessory lien, including a lien for
 1175 child support, upon a motor vehicle or mobile home upon which a
 1176 Florida certificate of title has been issued shall be
 1177 enforceable in any of the courts of this state against creditors
 1178 or subsequent purchasers for a valuable consideration and
 1179 without notice, unless a sworn notice of such lien has been
 1180 filed in the department and such lien has been noted upon the
 1181 certificate of title of the motor vehicle or mobile home. Such
 1182 notice shall be effective as constructive notice when filed. No
 1183 interest of a statutory nonpossessory lienor; the interest of a
 1184 nonpossessory execution, attachment, or equitable lienor; or the
 1185 interest of a lien creditor as defined in s. 679.1021(1)(zz)
 1186 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
 1187 creditors or subsequent purchasers for a valuable consideration
 1188 unless such interest becomes a possessory lien or is noted upon

1189 the certificate of title for the subject motor vehicle or mobile
 1190 home prior to the occurrence of the subsequent transaction.
 1191 Provided the provisions of this subsection relating to a
 1192 nonpossessory statutory lienor; a nonpossessory execution,
 1193 attachment, or equitable lienor; or the interest of a lien
 1194 creditor as defined in s. 679.1021(1)(zz) ~~679.301(3)~~ shall not
 1195 apply to liens validly perfected prior to October 1, 1988. The
 1196 notice of lien shall provide the following information:

1197 (a) The date of the lien if a security agreement, retain
 1198 title contract, conditional bill of sale, chattel mortgage, or
 1199 other similar instrument was executed prior to the filing of the
 1200 notice of lien;

1201 (b) The name and address of the registered owner;

1202 (c) A description of the motor vehicle or mobile home,
 1203 showing the make, type, and vehicle identification number; and

1204 (d) The name and address of the lienholder.

1205 (3)(a) A person may file a notice of lien with regard to a
 1206 motor vehicle or mobile home before a security agreement, retain
 1207 title contract, conditional bill of sale, chattel mortgage, or
 1208 other similar instrument is executed granting a lien, mortgage,
 1209 or encumbrance on, or a security interest in, such motor vehicle
 1210 or mobile home.

1211 (b) As applied to a determination of the respective rights
 1212 of a secured party under this chapter and a lien creditor as
 1213 defined by s. 679.1021(1)(zz) ~~679.301(3)~~, or a nonpossessory
 1214 statutory lienor, a security interest under this chapter shall
 1215 be perfected upon the filing of the notice of lien with the
 1216 department, the county tax collector, or their agents. Provided,

HB 1809 CS

2004
CS

1217 | however, the date of perfection of a security interest of such
 1218 | secured party shall be the same date as the execution of the
 1219 | security agreement or other similar instrument if the notice of
 1220 | lien is filed in accordance with this subsection within 15 days
 1221 | after the debtor receives possession of the motor vehicle or
 1222 | mobile home and executes such security agreement or other
 1223 | similar instrument. The date of filing of the notice of lien
 1224 | shall be the date of its receipt by the department central
 1225 | office in Tallahassee, if first filed there, or otherwise by the
 1226 | office of the county tax collector, or their agents.

1227 | Section 38. Subsection (4) of section 319.29, Florida
 1228 | Statutes, is amended to read:

1229 | 319.29 Lost or destroyed certificates.--

1230 | (4) The department shall implement a system to verify that
 1231 | the application is signed by a person authorized to receive a
 1232 | duplicate title certificate under this section if the address
 1233 | shown on the application is different from the address shown for
 1234 | the applicant on the records of the department. If the title
 1235 | certificate is being delivered to someone other than the owner
 1236 | of record, the identity of the person to whom the title
 1237 | certificate is delivered must be verified and the documentation
 1238 | of the verification must be maintained by the department.

1239 | Section 39. Paragraph (a) of subsection (1) and
 1240 | subsections (25) and (26) of section 320.01, Florida Statutes,
 1241 | are amended to read:

1242 | 320.01 Definitions, general.--As used in the Florida
 1243 | Statutes, except as otherwise provided, the term:

1244 | (1) "Motor vehicle" means:

1245 (a) An automobile, motorcycle, truck, trailer,
 1246 semitrailer, truck tractor and semitrailer combination, or any
 1247 other vehicle operated on the roads of this state, used to
 1248 transport persons or property, and propelled by power other than
 1249 muscular power, but the term does not include traction engines,
 1250 road rollers, such vehicles as run only upon a track, bicycles,
 1251 motorized scooters as defined in s. 316.003, or mopeds.

1252 (25) "Apportionable vehicle" means any vehicle, except
 1253 recreational vehicles, vehicles displaying restricted plates,
 1254 city pickup and delivery vehicles, buses used in transportation
 1255 of chartered parties, and government-owned vehicles, which is
 1256 used or intended for use in two or more member jurisdictions
 1257 that allocate or proportionally register vehicles and which is
 1258 used for the transportation of persons for hire or is designed,
 1259 used, or maintained primarily for the transportation of property
 1260 and:

1261 (a) Is a power unit having a gross vehicle weight ~~in~~
 1262 ~~excess~~ of 26,001 pounds or more;

1263 (b) Is a power unit having three or more axles, regardless
 1264 of weight; or

1265 (c) Is used in combination, when the weight of such
 1266 combination is ~~exceeds~~ 26,001 pounds or more gross vehicle
 1267 weight.

1268
 1269 Vehicles, or combinations thereof, having a gross vehicle weight
 1270 of 26,001 pounds or less and two-axle vehicles may be
 1271 proportionally registered.

HB 1809 CS

2004
CS

1272 (26) "Commercial motor vehicle" means any vehicle that
 1273 ~~which~~ is not owned or operated by a governmental entity, that
 1274 ~~which~~ uses special fuel or motor fuel on the public highways,
 1275 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
 1276 more, or has three or more axles regardless of weight, or is
 1277 used in combination when the weight of the ~~such~~ combination is
 1278 ~~exceeds~~ 26,001 pounds or more gross vehicle weight.

1279 Section 40. Subsection (3) of section 320.05, Florida
 1280 Statutes, is amended to read:

1281 320.05 Records of the department; inspection procedure;
 1282 lists and searches; fees.--

1283 (3)(a) The department is authorized, upon application of
 1284 any person and payment of the proper fees, to prepare and
 1285 furnish lists containing motor vehicle or vessel information in
 1286 a ~~such~~ form as the department may authorize, to search the
 1287 records of the department and make reports thereof, and to make
 1288 photographic copies of the department records and attestations
 1289 thereof.

1290 (b) Fees ~~therefor~~ shall be charged and collected as
 1291 follows:

1292 1. For providing lists of motor vehicle or vessel records
 1293 for the entire state, or any part or parts thereof, divided
 1294 according to counties, a sum computed at a rate of not less than
 1295 1 cent nor more than 5 cents per item.

1296 2. For providing noncertified photographic copies of motor
 1297 vehicle or vessel documents, \$1 per page.

1298 3. For providing noncertified photographic copies of
 1299 micrographic records, \$1 per page.

HB 1809 CS

2004
CS

- 1300 4. For providing certified copies of motor vehicle or
1301 vessel records, \$3 per record.
- 1302 5. For providing noncertified computer-generated printouts
1303 of motor vehicle or vessel records, 50 cents per record.
- 1304 6. For providing certified computer-generated printouts of
1305 motor vehicle or vessel records, \$3 per record.
- 1306 7. For providing electronic access to motor vehicle,
1307 vessel, and mobile home registration data requested by tag,
1308 vehicle identification number, title number, or decal number, 50
1309 cents per item, except that information provided via the
1310 department's Internet website is free of charge.
- 1311 ~~8. For providing electronic access to driver's license~~
1312 ~~status report by name, sex, and date of birth or by driver~~
1313 ~~license number, 50 cents per item.~~
- 1314 ~~8.9.~~ For providing lists of licensed mobile home dealers
1315 and manufacturers and recreational vehicle dealers and
1316 manufacturers, \$15 per list.
- 1317 ~~9.10.~~ For providing lists of licensed motor vehicle
1318 dealers, \$25 per list.
- 1319 ~~10.11.~~ For each copy of a videotape record, \$15 per tape.
- 1320 ~~11.12.~~ For each copy of the Division of Motor Vehicles
1321 Procedures Manual, \$25.
- 1322 (c) Fees collected under ~~pursuant to~~ paragraph (b) shall
1323 be deposited into the Highway Safety Operating Trust Fund.
- 1324 (d) The department shall furnish the ~~such~~ information
1325 without charge to any court or governmental entity.
- 1326 (e) When motor vehicle, vessel, or mobile home
1327 registration data is provided by electronic access through a tax

HB 1809 CS

2004
CS

1328 collector's office, a fee for the electronic access is not
 1329 required to be assessed. However, at the tax collector's
 1330 discretion, a fee equal to or less than the fee charged by the
 1331 department for the ~~such~~ information may be assessed by the tax
 1332 collector for the electronic access. Notwithstanding paragraph
 1333 (c), any funds collected by the tax collector as a result of
 1334 providing ~~such~~ access shall be retained by the tax collector.

1335 Section 41. Subsection (4) of section 320.06, Florida
 1336 Statutes, is amended to read:

1337 320.06 Registration certificates, license plates, and
 1338 validation stickers generally.--

1339 (4) The corporation organized under chapter 946 may
 1340 manufacture license plates, validation stickers, and decals, as
 1341 well as temporary tags, disabled hang tags, vessel decals, and
 1342 fuel use decals, for the Department of Highway Safety and Motor
 1343 Vehicles as provided in this chapter and chapter 328 ~~327~~. The
 1344 Department of Highway Safety and Motor Vehicles is not required
 1345 to obtain competitive bids in order to contract with the
 1346 corporation.

1347 Section 42. Section 320.0601, Florida Statutes, is amended
 1348 to read:

1349 320.0601 Lease and rental car companies; identification of
 1350 vehicles as for-hire.--

1351 (1) A rental car company may not rent in this state any
 1352 for-hire vehicle, other than vehicles designed to transport
 1353 cargo, that has affixed to its exterior any bumper stickers,
 1354 insignias, or advertising that identifies the vehicle as a
 1355 rental vehicle.

HB 1809 CS

2004
CS

1356 (2) As used in this section, the term:

1357 (a) "Bumper stickers, insignias, or advertising" does not
1358 include:

1359 1. Any emblem of no more than two colors which is less
1360 than 2 inches by 4 inches, which is placed on the rental car for
1361 inventory purposes only, and which does not display the name or
1362 logo of the rental car company; or

1363 2. Any license required by the law of the state in which
1364 the vehicle is registered.

1365 (b) "Rent in this state" means to sign a rental contract
1366 in this state or to deliver a car to a renter in this state.

1367 (3) A rental car company that leases a motor vehicle that
1368 is found to be in violation of this section shall be punished by
1369 a fine of \$500 per occurrence.

1370 (4) All original and transfer transactions of long-term
1371 leased motor vehicles must be registered in the name of the
1372 lessee.

1373 Section 43. Section 320.0605, Florida Statutes, is amended
1374 to read:

1375 320.0605 Certificate of registration; possession required;
1376 exception.--The registration certificate or an official copy
1377 thereof, a true copy of a rental or lease agreement issued for a
1378 motor vehicle or issued for a replacement vehicle in the same
1379 registration period, a temporary receipt printed upon self-
1380 initiated electronic renewal of a registration via the Internet,
1381 or a cab card issued for a vehicle registered under the
1382 International Registration Plan shall, at all times while the
1383 vehicle is being used or operated on the roads of this state, be

HB 1809 CS

2004
CS

1384 in the possession of the operator thereof or be carried in the
 1385 vehicle for which issued and shall be exhibited upon demand of
 1386 any authorized law enforcement officer or any agent of the
 1387 department, except for a vehicle registered under s. 320.0657.

1388 The provisions of this section do not apply during the first 30
 1389 days after purchase of a replacement vehicle. A violation of
 1390 this section is a noncriminal traffic infraction, punishable as
 1391 a nonmoving violation as provided in chapter 318.

1392 Section 44. Section 320.0607, Florida Statutes, is amended
 1393 to read:

1394 320.0607 Replacement license plates, validation decal, or
 1395 mobile home sticker.--

1396 (1) A ~~Any~~ law enforcement officer or department license
 1397 and registration inspector may at any time inspect a license
 1398 plate or validation decal for proper display and legibility as
 1399 prescribed by chapter 316. A damaged or defaced plate or decal
 1400 may be required to be replaced.

1401 (2) When a license plate, mobile home sticker, or
 1402 validation decal has been lost, stolen, or destroyed, the owner
 1403 of the motor vehicle or mobile home for which the plate,
 1404 sticker, or decal was issued shall make application to the
 1405 department for a replacement. The application shall contain the
 1406 plate, sticker, or decal number being replaced and a statement
 1407 that the item was lost, stolen, or destroyed. If the application
 1408 includes a copy of the police report prepared in response to a
 1409 report of a stolen plate, sticker, or decal, such plate,
 1410 sticker, or decal must be replaced at no charge.

HB 1809 CS

2004
CS

1411 (3) The department shall implement a system to verify that
 1412 the replacement application is signed by a person authorized to
 1413 receive a replacement license plate or duplicate registration if
 1414 the address on the application is different from the address for
 1415 the applicant on the records of the department. If the
 1416 replacement license plate or duplicate registration is being
 1417 delivered to someone other than the owner of record, proof of
 1418 identity for that person must be verified and the physical
 1419 documentation of the verification must be maintained by the
 1420 department.

1421 (4)~~(3)~~ Except as provided in subsection (2), in all ~~such~~
 1422 cases, upon filing ~~of~~ an application accompanied by a fee of \$10
 1423 plus applicable service charges, the department shall issue a
 1424 replacement plate, sticker, or decal as the case may be if it is
 1425 satisfied that the information reported in the application is
 1426 true. The replacement fee shall be deposited into the Highway
 1427 Safety Operating Trust Fund.

1428 (5)~~(4)~~ Any license plate, sticker, or decal lost in the
 1429 mail shall ~~may~~ be replaced at no charge. ~~A Neither the service~~
 1430 ~~charge or nor the replacement fee may not shall~~ be applied to
 1431 the this replacement. However, the application for a replacement
 1432 must shall contain a statement that the license plate, sticker,
 1433 or decal was lost in the mail of such fact, the audit number of
 1434 the lost item, and the date issued.

1435 (6)~~(5)~~ Upon the issuance of an original license plate, the
 1436 applicant shall pay a fee of \$10 to be deposited in the Highway
 1437 Safety Operating Trust Fund.

HB 1809 CS

2004
CS

1438 ~~(7)(6)~~ All funds derived from the sale of temporary tags
 1439 under ~~the provisions of~~ s. 320.131 shall be deposited in the
 1440 Highway Safety Operating Trust Fund.

1441 Section 45. Section 320.0843, Florida Statutes, is amended
 1442 to read:

1443 320.0843 License plates for persons with disabilities
 1444 eligible for permanent disabled parking permits.--

1445 (1) An ~~Any~~ owner or lessee of a motor vehicle who resides
 1446 in this state and qualifies for a disabled parking permit under
 1447 s. 320.0848(2), upon application to the department and payment
 1448 of the license tax for a motor vehicle registered under s.
 1449 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1450 (9)(c) or (d), shall be issued a license plate as provided by s.
 1451 320.06 which, in lieu of the serial number prescribed by s.
 1452 320.06, shall be stamped with the international wheelchair user
 1453 symbol after the serial number of the license plate. The license
 1454 plate entitles the person to all privileges afforded by a
 1455 parking permit issued under s. 320.0848. If more than one
 1456 registrant is listed on the registration issued under this
 1457 section, the eligible applicant for the license plate shall be
 1458 noted on the registration certificate.

1459 (2) All applications for these ~~such~~ license plates must be
 1460 made to the department.

1461 Section 46. Paragraph (f) of subsection (2) of section
 1462 320.0848, Florida Statutes, is amended to read:

1463 320.0848 Persons who have disabilities; issuance of
 1464 disabled parking permits; temporary permits; permits for certain

HB 1809 CS

2004
CS

1465 providers of transportation services to persons who have
1466 disabilities.--

1467 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
1468 MOBILITY PROBLEMS.--

1469 (f) To obtain a replacement for a disabled parking permit
1470 that has been lost or stolen, a person must submit an
1471 application on a form prescribed by the department and must pay
1472 a replacement fee in the amount of \$1.00, to be retained by the
1473 issuing agency. If the person submits with the application a
1474 police report documenting that the permit was stolen, there is
1475 no replacement fee. The department shall implement a system to
1476 verify that the application for a disabled parking permit is
1477 signed by a person authorized to receive a replacement or
1478 duplicate disabled parking permit if the address on the
1479 application is different from the address for the applicant on
1480 the records of the department. If the replacement or duplicate
1481 disabled parking permit is being delivered to someone other than
1482 the owner of record, proof of identity for that person must be
1483 verified and the physical documentation of the verification must
1484 be maintained by the department.

1485 Section 47. Subsection (4) of section 320.086, Florida
1486 Statutes, is amended to read:

1487 320.086 Ancient or antique motor vehicles; "horseless
1488 carriage," antique, or historical license plates.--

1489 (4) Any person who is the registered owner of a motor
1490 vehicle as defined in this section that was ~~and~~ manufactured in
1491 the model year 1975 ~~1974~~ or earlier, may apply to the department
1492 for permission to use a historical Florida license plate that

HB 1809 CS

2004
CS

1493 clearly represents the model year of the vehicle as a
 1494 personalized prestige license plate. This plate shall be
 1495 furnished by the ~~such~~ person and shall be presented to the
 1496 department with a reasonable fee to be determined by the
 1497 department for approval and for authentication that the historic
 1498 license plate and any applicable decals were issued by this
 1499 state in the same year as the model year of the car or truck.
 1500 The requirements of s. 320.0805(8)(b) do not apply to historical
 1501 plates authorized under this subsection.

1502 Section 48. Subsection (8) is added to section 320.131,
 1503 Florida Statutes, to read:

1504 320.131 Temporary tags.--

1505 (8) The department may administer an electronic system for
 1506 licensed motor vehicle dealers to use in issuing temporary tags.
 1507 Upon issuing a temporary tag, the dealer shall access the
 1508 electronic system and enter the appropriate vehicle and owner
 1509 information within the timeframe specified by department rule.
 1510 If a dealer fails to comply with the department's requirements
 1511 for issuing temporary tags using the electronic system, the
 1512 department may deny, suspend, or revoke a license under s.
 1513 320.27(9)(b)16. upon proof that the licensee has failed to
 1514 comply with the department's requirements.

1515 Section 49. Subsection (1) of section 320.18, Florida
 1516 Statutes, is amended to read:

1517 320.18 Withholding registration.--

1518 (1) The department may withhold the registration of any
 1519 motor vehicle or mobile home the owner of which has failed to
 1520 register it under the provisions of law for any previous period

HB 1809 CS

2004
CS

1521 or periods for which it appears registration should have been
 1522 made in this state, until the tax for such period or periods is
 1523 paid. The department may cancel any vehicle or vessel
 1524 registration, driver's license, identification card, license
 1525 plate or fuel-use tax decal if the owner uses a dishonored check
 1526 to pay ~~pays~~ for the vehicle or vessel registration, driver's
 1527 license, identification card, or license plate, fuel-use tax
 1528 decal; to pay any administrative, delinquency, or reinstatement
 1529 fee; or to pay any tax liability, penalty, or interest specified
 1530 in chapter 207 ~~by a dishonored check,~~ or if the vehicle owner or
 1531 motor carrier has failed to pay a penalty for a weight or safety
 1532 violation issued by the Department of Transportation Motor
 1533 Carrier Compliance Office. The Department of Transportation and
 1534 the Department of Highway Safety and Motor Vehicles may impound
 1535 any commercial motor vehicle that has a canceled license plate
 1536 or fuel-use tax decal until the tax liability, penalty, and
 1537 interest specified in chapter 207, the license tax, or the fuel-
 1538 use decal fee, and applicable administrative fees have been paid
 1539 for by certified funds.

1540 Section 50. Paragraph (a) of subsection (4), subsection
 1541 (6), and paragraph (b) of subsection (9) of section 320.27,
 1542 Florida Statutes, are amended to read:

1543 320.27 Motor vehicle dealers.--

1544 (4) LICENSE CERTIFICATE.--

1545 (a) A license certificate shall be issued by the
 1546 department in accordance with such application when the
 1547 application is regular in form and in compliance with the
 1548 provisions of this section. The license certificate may be in

1549 | the form of a document or a computerized card as determined by
 1550 | the department. The actual cost of each original, additional, or
 1551 | replacement computerized card shall be borne by the licensee and
 1552 | is in addition to the fee for licensure. Such license, when so
 1553 | issued, entitles the licensee to carry on and conduct the
 1554 | business of a motor vehicle dealer. Each license issued to a
 1555 | franchise motor vehicle dealer expires annually on December 31
 1556 | unless revoked or suspended prior to that date. Each license
 1557 | issued to an independent or wholesale dealer or auction expires
 1558 | annually on April 30 unless revoked or suspended prior to that
 1559 | date. Not less than 60 days prior to the license expiration
 1560 | date, the department shall deliver or mail to each licensee the
 1561 | necessary renewal forms. Each independent dealer shall certify
 1562 | that the dealer principal (owner, partner, officer of the
 1563 | corporation, or director) has completed 8 hours of continuing
 1564 | education prior to filing the renewal forms with the department.
 1565 | Such certification shall be filed once every 2 years commencing
 1566 | with the 2006 renewal period. The continuing education shall
 1567 | include at least 2 hours of training in legal or legislative
 1568 | issues, 1 hour of training in department issues, and 5 hours of
 1569 | training in relevant motor vehicle industry topics. Continuing
 1570 | education shall be provided by dealer schools licensed under
 1571 | paragraph (b) either in a classroom setting or by
 1572 | correspondence. Such schools shall provide certificates of
 1573 | completion to the department and the customer, which shall be
 1574 | filed with the license renewal form, and such schools may charge
 1575 | a fee for providing continuing education. Any licensee who does
 1576 | not file his or her application and fees and any other requisite

HB 1809 CS

2004
CS

1577 documents, as required by law, with the department at least 30
 1578 days prior to the license expiration date shall cease to engage
 1579 in business as a motor vehicle dealer on the license expiration
 1580 date. A renewal filed with the department within 45 days after
 1581 the expiration date shall be accompanied by a delinquent fee of
 1582 \$100. Thereafter, a new application is required, accompanied by
 1583 the initial license fee. A license certificate duly issued by
 1584 the department may be modified by endorsement to show a change
 1585 in the name of the licensee, provided, as shown by affidavit of
 1586 the licensee, the majority ownership interest of the licensee
 1587 has not changed or the name of the person appearing as
 1588 franchisee on the sales and service agreement has not changed.
 1589 Modification of a license certificate to show any name change as
 1590 herein provided shall not require initial licensure or
 1591 reissuance of dealer tags; however, any dealer obtaining a name
 1592 change shall transact all business in and be properly identified
 1593 by that name. All documents relative to licensure shall reflect
 1594 the new name. In the case of a franchise dealer, the name change
 1595 shall be approved by the manufacturer, distributor, or importer.
 1596 A licensee applying for a name change endorsement shall pay a
 1597 fee of \$25 which fee shall apply to the change in the name of a
 1598 main location and all additional locations licensed under the
 1599 provisions of subsection (5). Each initial license application
 1600 received by the department shall be accompanied by verification
 1601 that, within the preceding 6 months, the applicant, or one or
 1602 more of his or her designated employees, has attended a training
 1603 and information seminar conducted by a licensed motor vehicle
 1604 dealer training school ~~the department~~. Such seminar shall

HB 1809 CS

2004
CS

1605 include, but is not limited to, statutory dealer requirements,
 1606 which requirements include required bookkeeping and
 1607 recordkeeping procedures, requirements for the collection of
 1608 sales and use taxes, and such other information that in the
 1609 opinion of the department will promote good business practices.
 1610 No seminar may exceed 8 hours in length.

1611 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
 1612 keep a book or record in such form as shall be prescribed or
 1613 approved by the department for a period of 5 years, in which the
 1614 licensee shall keep a record of the purchase, sale, or exchange,
 1615 or receipt for the purpose of sale, of any motor vehicle, the
 1616 date upon which any temporary tag was issued, the date of title
 1617 transfer, and a description of such motor vehicle together with
 1618 the name and address of the seller, the purchaser, and the
 1619 alleged owner or other person from whom such motor vehicle was
 1620 purchased or received or to whom it was sold or delivered, as
 1621 the case may be. Such description shall include the
 1622 identification or engine number, maker's number, if any, chassis
 1623 number, if any, and such other numbers or identification marks
 1624 as may be thereon and shall also include a statement that a
 1625 number has been obliterated, defaced, or changed, if such is the
 1626 fact.

1627 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1628 (b) The department may deny, suspend, or revoke any
 1629 license issued hereunder or under the provisions of s. 320.77 or
 1630 s. 320.771 upon proof that a licensee has committed, with
 1631 sufficient frequency so as to establish a pattern of wrongdoing

1632 on the part of a licensee, violations of one or more of the
1633 following activities:

1634 1. Representation that a demonstrator is a new motor
1635 vehicle, or the attempt to sell or the sale of a demonstrator as
1636 a new motor vehicle without written notice to the purchaser that
1637 the vehicle is a demonstrator. For the purposes of this section,
1638 a "demonstrator," a "new motor vehicle," and a "used motor
1639 vehicle" shall be defined as under s. 320.60.

1640 2. Unjustifiable refusal to comply with a licensee's
1641 responsibility under the terms of the new motor vehicle warranty
1642 issued by its respective manufacturer, distributor, or importer.
1643 However, if such refusal is at the direction of the
1644 manufacturer, distributor, or importer, such refusal shall not
1645 be a ground under this section.

1646 3. Misrepresentation or false, deceptive, or misleading
1647 statements with regard to the sale or financing of motor
1648 vehicles which any motor vehicle dealer has, or causes to have,
1649 advertised, printed, displayed, published, distributed,
1650 broadcast, televised, or made in any manner with regard to the
1651 sale or financing of motor vehicles.

1652 4. Failure by any motor vehicle dealer to provide a
1653 customer or purchaser with an odometer disclosure statement and
1654 a copy of any bona fide written, executed sales contract or
1655 agreement of purchase connected with the purchase of the motor
1656 vehicle purchased by the customer or purchaser.

1657 5. Failure of any motor vehicle dealer to comply with the
1658 terms of any bona fide written, executed agreement, pursuant to
1659 the sale of a motor vehicle.

HB 1809 CS

2004
CS

1660 6. Failure to apply for transfer of a title as prescribed
1661 in s. 319.23(6).

1662 7. Use of the dealer license identification number by any
1663 person other than the licensed dealer or his or her designee.

1664 8. Failure to continually meet the requirements of the
1665 licensure law.

1666 9. Representation to a customer or any advertisement to
1667 the public representing or suggesting that a motor vehicle is a
1668 new motor vehicle if such vehicle lawfully cannot be titled in
1669 the name of the customer or other member of the public by the
1670 seller using a manufacturer's statement of origin as permitted
1671 in s. 319.23(1).

1672 10. Requirement by any motor vehicle dealer that a
1673 customer or purchaser accept equipment on his or her motor
1674 vehicle which was not ordered by the customer or purchaser.

1675 11. Requirement by any motor vehicle dealer that any
1676 customer or purchaser finance a motor vehicle with a specific
1677 financial institution or company.

1678 12. Requirement by any motor vehicle dealer that the
1679 purchaser of a motor vehicle contract with the dealer for
1680 physical damage insurance.

1681 13. Perpetration of a fraud upon any person as a result of
1682 dealing in motor vehicles, including, without limitation, the
1683 misrepresentation to any person by the licensee of the
1684 licensee's relationship to any manufacturer, importer, or
1685 distributor.

1686 14. Violation of any of the provisions of s. 319.35 by any
1687 motor vehicle dealer.

HB 1809 CS

2004
CS

1688 15. Sale by a motor vehicle dealer of a vehicle offered in
1689 trade by a customer prior to consummation of the sale, exchange,
1690 or transfer of a newly acquired vehicle to the customer, unless
1691 the customer provides written authorization for the sale of the
1692 trade-in vehicle prior to delivery of the newly acquired
1693 vehicle.

1694 16. Willful failure to comply with any administrative rule
1695 adopted by the department or the provisions of s. 320.131(8).

1696 17. Violation of chapter 319, this chapter, or ss.
1697 559.901-559.9221, which has to do with dealing in or repairing
1698 motor vehicles or mobile homes. Additionally, in the case of
1699 used motor vehicles, the willful violation of the federal law
1700 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
1701 the consumer sales window form.

1702 Section 51. Subsections (1) and (9) of section 320.8249,
1703 Florida Statutes, are amended, and subsection (10) of said
1704 section is reenacted, to read:

1705 320.8249 Mobile home installers license.--

1706 (1) Any person who installs a ~~engages in~~ mobile home
1707 ~~installation~~ shall obtain a mobile home installers license from
1708 the Bureau of Mobile Home and Recreational Vehicle Construction
1709 of the Department of Highway Safety and Motor Vehicles pursuant
1710 to this section. Said license shall be renewed annually, and
1711 each licensee shall pay a fee of \$150.

1712 (9) A ~~No~~ licensed person or ~~not~~ licensed applicant may not
1713 ~~shall~~:

1714 (a) Obtain a mobile home installers license by fraud or
1715 misrepresentation.

HB 1809 CS

2004
CS

1716 (b) Be convicted or found guilty of, or enter a plea of
1717 nolo contendere to, regardless of adjudication, a crime in any
1718 jurisdiction which directly relates to the practice of mobile
1719 home installation or the ability to practice.

1720 (c) Violate any lawful order of the department or any
1721 other law of this state, including any provision of chapter 319
1722 or this chapter.

1723 (d) Commit fraud or deceit in the practice of contracting.

1724 (e) Commit incompetence or misconduct in the practice of
1725 contracting.

1726 (f) Commit gross negligence, repeated negligence, or
1727 negligence resulting in a significant danger to life or
1728 property.

1729 (g) Commit violations of the installation standards for
1730 mobile homes or manufactured homes contained in rules 15C-1 and
1731 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida Administrative Code.

1732 (10) Any licensed person or license applicant who violates
1733 any provision of subsection (9) may have any of the following
1734 disciplinary penalties imposed by the department:

1735 (a) License revocation;

1736 (b) License suspension;

1737 (c) A fine not to exceed \$1,000 per violation;

1738 (d) A requirement to take and pass, or retake and pass,
1739 the department-approved examination;

1740 (e) Probation;

1741 (f) Probation subject to such restriction of practice as
1742 the department chooses to impose;

1743 (g) A notice of noncompliance; or

HB 1809 CS

2004
CS

1744 (h) Refusal of licensure application.
 1745 Section 52. Subsections (25) and (26) of section 322.01,
 1746 Florida Statutes, are amended to read:
 1747 322.01 Definitions.--As used in this chapter:
 1748 (25) "Motorcycle" means a motor vehicle powered by a motor
 1749 with a displacement of more than 50 cubic centimeters, having a
 1750 seat or saddle for the use of the rider, and designed to travel
 1751 on not more than three wheels in contact with the ground, but
 1752 excluding a tractor, a ~~or~~ moped, or a motorized scooter as
 1753 defined in s. 316.003.
 1754 (26) "Motor vehicle" means any self-propelled vehicle,
 1755 including a motor vehicle combination, not operated upon rails
 1756 or guideway, excluding vehicles moved solely by human power,
 1757 motorized wheelchairs, motorized scooters as defined in s.
 1758 316.003, and motorized bicycles as defined in s. 316.003.
 1759 Section 53. Section 322.025, Florida Statutes, is amended
 1760 to read:
 1761 322.025 Driver improvement.--
 1762 (1) The department may implement programs to improve the
 1763 driving ability of the drivers of this state. Such programs may
 1764 include, but are ~~shall~~ not be limited to, safety awareness
 1765 campaigns, driver training, and licensing improvement.
 1766 Motorcycle driver improvement programs implemented under
 1767 ~~pursuant to~~ this section or s. 322.0255 shall be funded by the
 1768 motorcycle safety education fee collected under ~~pursuant to~~ to
 1769 s. 320.08(1)(c), which shall be deposited in the Highway Safety
 1770 Operating Trust Fund of the department and appropriated for that
 1771 purpose.

HB 1809 CS

2004
CS

1772 (2) The department may offer once during a driver's
 1773 lifetime to each driver who receives a points-warning letter
 1774 under s. 322.27(3)(f) or a restriction letter under s. 322.161
 1775 the opportunity to attend, within 60 days after the date of such
 1776 letter, a basic driver improvement course approved by the
 1777 department. If the driver completes an approved course and
 1778 presents proof of completion to the department, the department
 1779 shall deduct 3 points from the citation that caused the action
 1780 from the driver's record and permanently record on the driver's
 1781 record that the one-time offer has been accepted and used. This
 1782 election is not available to any driver who has attended a basic
 1783 driver improvement course within the previous 12 months.

1784 Section 54. Subsections (4) and (10) of section 322.05,
 1785 Florida Statutes, are amended to read:

1786 322.05 Persons not to be licensed.--The department may not
 1787 issue a license:

1788 (4) Except as provided by this subsection, to any person,
 1789 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
 1790 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~
 1791 ~~16 or 17 years who applies for a Class D driver's license is~~
 1792 ~~subject to all the requirements and provisions of paragraphs~~
 1793 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
 1794 ~~department may require of any such applicant for a Class D~~
 1795 ~~driver's license such examination of the qualifications of the~~
 1796 ~~applicant as the department considers proper, and the department~~
 1797 ~~may limit the use of any license granted as it considers proper.~~

1798 (10) To any person, when the department has good cause to
 1799 believe that the operation of a motor vehicle on the highways by

HB 1809 CS

2004
CS

1800 such person would be detrimental to public safety or welfare.
1801 Deafness alone shall not prevent the person afflicted from being
1802 issued a ~~Class D or~~ Class E driver's license.

1803 Section 55. Subsections (1) and (2) of section 322.051,
1804 Florida Statutes, are amended, and subsection (8) is added to
1805 said section, to read:

1806 322.051 Identification cards.--

1807 (1) Any person who is 12 years of age or older, or any
1808 person who has a disability, regardless of age, who applies for
1809 a disabled parking permit under s. 320.0848, may be issued an
1810 identification card by the department upon completion of an
1811 application and payment of an application fee.

1812 (a) Each such application shall include the following
1813 information regarding the applicant:

1814 1. Full name (first, middle or maiden, and last), gender,
1815 social security card number, county of residence and mailing
1816 address, country of birth, and a brief description.

1817 2. Proof of birth date satisfactory to the department.

1818 3. Proof of identity satisfactory to the department. Such
1819 proof must include one of the following documents issued to the
1820 applicant:

1821 a. A driver's license record or identification card record
1822 from another jurisdiction that required the applicant to submit
1823 a document for identification which is substantially similar to
1824 a document required under sub-subparagraph b., sub-subparagraph
1825 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
1826 subparagraph f., or subparagraph g.;

1827 b. A certified copy of a United States birth certificate;

1828 | c. A ~~valid~~ United States passport;

1829 | d. A naturalization certificate issued by the United

1830 | States Department of Justice;

1831 | ~~e.d.~~ An alien registration receipt card (green card);

1832 | ~~f.e.~~ An employment authorization card issued by the United

1833 | States Department of Justice; or

1834 | ~~g.f.~~ Proof of nonimmigrant classification provided by the

1835 | United States Department of Justice, for an original

1836 | identification card. In order to prove such nonimmigrant

1837 | classification, applicants may produce but are not limited to

1838 | the following documents:

1839 | (I) A notice of hearing from an immigration court

1840 | scheduling a hearing on any proceeding.

1841 | (II) A notice from the Board of Immigration Appeals

1842 | acknowledging pendency of an appeal.

1843 | (III) Notice of the approval of an application for

1844 | adjustment of status issued by the United States Immigration and

1845 | Naturalization Service.

1846 | (IV) Any official documentation confirming the filing of a

1847 | petition for asylum status or any other relief issued by the

1848 | United States Immigration and Naturalization Service.

1849 | (V) Notice of action transferring any pending matter from

1850 | another jurisdiction to Florida, issued by the United States

1851 | Immigration and Naturalization Service.

1852 | (VI) Order of an immigration judge or immigration officer

1853 | granting any relief that authorizes the alien to live and work

1854 | in the United States including, but not limited to asylum.

1855 |

1856 Presentation of any of the ~~foregoing~~ documents described in sub-
 1857 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
 1858 the applicant to an identification card ~~a driver's license or~~
 1859 ~~temporary permit~~ for a period not to exceed the expiration date
 1860 of the document presented or 2 years, whichever first occurs.

1861 (b) An application for an identification card must be
 1862 signed and verified by the applicant in a format designated by
 1863 the department before a person authorized to administer oaths.
 1864 The fee for an identification card is \$3, including payment for
 1865 the color photograph or digital image of the applicant.

1866 (c) Each such applicant may include fingerprints and any
 1867 other unique biometric means of identity.

1868 (2)(a) Every identification card shall expire, unless
 1869 canceled earlier, on the fourth birthday of the applicant
 1870 following the date of original issue. However, if an individual
 1871 is 60 years of age or older, and has an identification card
 1872 issued under this section, the card shall not expire unless done
 1873 so by cancellation by the department or by the death of the
 1874 cardholder. Renewal of any identification card shall be made for
 1875 a term which shall expire on the fourth birthday of the
 1876 applicant following expiration of the identification card
 1877 renewed, unless surrendered earlier. Any application for renewal
 1878 received later than 90 days after expiration of the
 1879 identification card shall be considered the same as an
 1880 application for an original identification card. The renewal fee
 1881 for an identification card shall be \$10, of which \$4 shall be
 1882 deposited into the General Revenue Fund and \$6 into the Highway
 1883 Safety Operating Trust Fund. The department shall, at the end of

HB 1809 CS

2004
CS

1884 4 years and 6 months after the issuance or renewal of an
 1885 identification card, destroy any record of the card if it has
 1886 expired and has not been renewed, unless the cardholder is 60
 1887 years of age or older.

1888 (b) Notwithstanding any other provision of this chapter,
 1889 if an applicant establishes his or her identity for an
 1890 identification card using a document authorized under sub-
 1891 subparagraph (1)(a)3.e. ~~(a)3.d.~~, the identification card shall
 1892 expire on the fourth birthday of the applicant following the
 1893 date of original issue or upon first renewal or duplicate issued
 1894 after implementation of this section. After an initial showing
 1895 of such documentation, he or she is exempted from having to
 1896 renew or obtain a duplicate in person.

1897 (c) Notwithstanding any other provisions of this chapter,
 1898 if an applicant establishes his or her identity for an
 1899 identification card using an identification document authorized
 1900 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
 1901 ~~sub-subparagraphs (a)3.e. f.~~, the identification card shall
 1902 expire 2 years after the date of issuance or upon the expiration
 1903 date cited on the United States Department of Justice documents,
 1904 whichever date first occurs, and may not be renewed or obtain a
 1905 duplicate except in person.

1906 (8) The department shall, on receipt of the required fee,
 1907 issue to each qualified applicant for an identification card a
 1908 color photographic or digital image identification card bearing
 1909 a fullface photograph or digital image of the identification
 1910 card holder. Notwithstanding the provisions of chapter 761, the
 1911 requirement for a fullface photograph or digital image of the

HB 1809 CS

2004
CS

1912 identification card holder shall not be waived. A space shall be
 1913 provided upon which the identification card holder shall affix
 1914 his or her usual signature, as required in s. 322.14, in the
 1915 presence of an authorized agent of the department so as to
 1916 ensure that such signature becomes a part of the identification
 1917 card.

1918 Section 56. Subsections (2) and (3) of section 322.07,
 1919 Florida Statutes, are amended to read:

1920 322.07 Instruction permits and temporary licenses.--

1921 (2) The department may, in its discretion, issue a
 1922 temporary permit to an applicant for a ~~Class D or~~ Class E
 1923 driver's license permitting him or her to operate a motor
 1924 vehicle of the type for which a ~~Class D or~~ Class E driver's
 1925 license is required while the department is completing its
 1926 investigation and determination of all facts relative to such
 1927 applicant's right to receive a driver's license. Such permit
 1928 must be in his or her immediate possession while operating a
 1929 motor vehicle, and it shall be invalid when the applicant's
 1930 license has been issued or for good cause has been refused.

1931 (3) Any person who, except for his or her lack of
 1932 instruction in operating a ~~Class D or~~ commercial motor vehicle,
 1933 would otherwise be qualified to obtain a ~~Class D or~~ commercial
 1934 driver's license under this chapter, may apply for a ~~temporary~~
 1935 ~~Class D or~~ temporary commercial instruction permit. The
 1936 department shall issue such a permit entitling the applicant,
 1937 while having the permit in his or her immediate possession, to
 1938 drive a ~~Class D or~~ commercial motor vehicle on the highways,
 1939 provided that:

HB 1809 CS

2004
CS

1940 (a) The applicant possesses a valid driver's license
1941 issued in any state; and

1942 (b) The applicant, while operating a ~~Class D or~~ commercial
1943 motor vehicle, is accompanied by a licensed driver who is 21
1944 years of age or older, who is licensed to operate the class of
1945 vehicle being operated, and who is actually occupying the
1946 closest seat to the right of the driver.

1947 Section 57. Subsection (2) of section 322.08, Florida
1948 Statutes, is amended to read:

1949 322.08 Application for license.--

1950 (2) Each such application shall include the following
1951 information regarding the applicant:

1952 (a) Full name (first, middle or maiden, and last), gender,
1953 social security card number, county of residence and mailing
1954 address, country of birth, and a brief description.

1955 (b) Proof of birth date satisfactory to the department.

1956 (c) Proof of identity satisfactory to the department. Such
1957 proof must include one of the following documents issued to the
1958 applicant:

1959 1. A driver's license record or identification card record
1960 from another jurisdiction that required the applicant to submit
1961 a document for identification which is substantially similar to
1962 a document required under subparagraph 2., subparagraph 3.,
1963 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
1964 subparagraph 7.;

1965 2. A certified copy of a United States birth certificate;

1966 3. A ~~valid~~ United States passport;

1967 4. A naturalization certificate issued by the United
 1968 States Department of Justice;
 1969 ~~5.4.~~ An alien registration receipt card (green card);
 1970 ~~6.5.~~ An employment authorization card issued by the United
 1971 States Department of Justice; or
 1972 ~~7.6.~~ Proof of nonimmigrant classification provided by the
 1973 United States Department of Justice for an original driver's
 1974 license. In order to prove nonimmigrant classification, an
 1975 applicant may produce documents including, but not limited to,
 1976 the following:
 1977 a. A notice of hearing from an immigration court
 1978 scheduling a hearing on any proceeding.
 1979 b. A notice from the Board of Immigration Appeals
 1980 acknowledging pendency of an appeal.
 1981 c. A notice of the approval of an application for
 1982 adjustment of status issued by the United States Immigration and
 1983 Naturalization Service.
 1984 d. Any official documentation confirming the filing of a
 1985 petition for asylum status or any other relief issued by the
 1986 United States Immigration and Naturalization Service.
 1987 e. A notice of action transferring any pending matter from
 1988 another jurisdiction to this state issued by the United States
 1989 Immigration and Naturalization Service.
 1990 f. An order of an immigration judge or immigration officer
 1991 granting any relief that authorizes the alien to live and work
 1992 in the United States, including, but not limited to, asylum.
 1993

HB 1809 CS

2004
CS

1994 Presentation of any of the documents in subparagraph 6. or
 1995 subparagraph 7. entitles the applicant to a driver's license or
 1996 temporary permit for a period not to exceed the expiration date
 1997 of the document presented or 2 years, whichever occurs first.

1998 (d) Whether the applicant has previously been licensed to
 1999 drive, and, if so, when and by what state, and whether any such
 2000 license or driving privilege has ever been disqualified,
 2001 revoked, or suspended, or whether an application has ever been
 2002 refused, and, if so, the date of and reason for such
 2003 disqualification, suspension, revocation, or refusal.

2004 (e) Each such application may include fingerprints and
 2005 other unique biometric means of identity.

2006 Section 58. Paragraph (a) of subsection (1) of section
 2007 322.09, Florida Statutes, is amended to read:

2008 322.09 Application of minors; responsibility for
 2009 negligence or misconduct of minor.--

2010 (1)(a) The application of any person under the age of 18
 2011 years for a driver's license must be signed and verified before
 2012 a person authorized to administer oaths by the father, mother,
 2013 or guardian, by a secondary guardian if the primary guardian
 2014 dies before the minor reaches 18 years of age, or, if there is
 2015 no parent or guardian, by another responsible adult who is
 2016 willing to assume the obligation imposed under this chapter upon
 2017 a person signing the application of a minor. This section does
 2018 not apply to a person under the age of 18 years who is
 2019 emancipated by marriage.

2020 Section 59. Section 322.11, Florida Statutes, is amended
 2021 to read:

HB 1809 CS

2004
CS

2022 322.11 Revocation of license upon death of person signing
 2023 minor's application.--The department, upon receipt of
 2024 satisfactory evidence of the death of the person who signed the
 2025 application of a minor for a license, shall, 90 days after
 2026 giving written notice to the minor, cancel such license and
 2027 shall not issue a new license until ~~such time as~~ the new
 2028 application, ~~duly~~ signed and verified, is made as required by
 2029 this chapter. This provision shall not apply if ~~in the event~~ the
 2030 minor has attained the age of 18 years.

2031 Section 60. Subsections (1) and (3) and paragraph (b) of
 2032 subsection (4) of section 322.12, Florida Statutes, are amended
 2033 to read:

2034 322.12 Examination of applicants.--

2035 (1) It is the intent of the Legislature that every
 2036 applicant for an original driver's license in this state be
 2037 required to pass an examination pursuant to this section.
 2038 However, the department may waive the knowledge, endorsement,
 2039 and skills tests for an applicant who is otherwise qualified and
 2040 who surrenders a valid driver's license from another state or a
 2041 province of Canada, or a valid driver's license issued by the
 2042 United States Armed Forces, if the driver applies for a Florida
 2043 license of an equal or lesser classification. Any applicant who
 2044 fails to pass the initial knowledge test will incur a \$5 fee for
 2045 each subsequent test, to be deposited into the Highway Safety
 2046 Operating Trust Fund. Any applicant who fails to pass the
 2047 initial skills test will incur a \$10 fee for each subsequent
 2048 test, to be deposited into the Highway Safety Operating Trust
 2049 Fund. A person who seeks to retain a hazardous-materials

HB 1809 CS

2004
CS

2050 endorsement, pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass
 2051 the hazardous-materials test, upon surrendering his or her
 2052 commercial driver's license, if the person has not taken and
 2053 passed the hazardous-materials test within 2 years preceding his
 2054 or her application for a commercial driver's license in this
 2055 state.

2056 (3) For an applicant for a ~~Class D~~ or a Class E driver's
 2057 license, such examination shall include a test of the
 2058 applicant's eyesight given by the driver's license examiner
 2059 designated by the department or by a licensed ophthalmologist,
 2060 optometrist, or physician and a test of the applicant's hearing
 2061 given by a driver's license examiner or a licensed physician.
 2062 The examination shall also include a test of the applicant's
 2063 ability to read and understand highway signs regulating,
 2064 warning, and directing traffic; his or her knowledge of the
 2065 traffic laws of this state, including laws regulating driving
 2066 under the influence of alcohol or controlled substances, driving
 2067 with an unlawful blood-alcohol level, and driving while
 2068 intoxicated; and his or her knowledge of the effects of alcohol
 2069 and controlled substances upon persons and the dangers of
 2070 driving a motor vehicle while under the influence of alcohol or
 2071 controlled substances and shall include an actual demonstration
 2072 of ability to exercise ordinary and reasonable control in the
 2073 operation of a motor vehicle.

2074 (4) The examination for an applicant for a commercial
 2075 driver's license shall include a test of the applicant's
 2076 eyesight given by a driver's license examiner designated by the
 2077 department or by a licensed ophthalmologist, optometrist, or

HB 1809 CS

2004
CS

2078 | physician and a test of the applicant's hearing given by a
 2079 | driver's license examiner or a licensed physician. The
 2080 | examination shall also include a test of the applicant's ability
 2081 | to read and understand highway signs regulating, warning, and
 2082 | directing traffic; his or her knowledge of the traffic laws of
 2083 | this state pertaining to the class of motor vehicle which he or
 2084 | she is applying to be licensed to operate, including laws
 2085 | regulating driving under the influence of alcohol or controlled
 2086 | substances, driving with an unlawful blood-alcohol level, and
 2087 | driving while intoxicated; his or her knowledge of the effects
 2088 | of alcohol and controlled substances and the dangers of driving
 2089 | a motor vehicle after having consumed alcohol or controlled
 2090 | substances; and his or her knowledge of any special skills,
 2091 | requirements, or precautions necessary for the safe operation of
 2092 | the class of vehicle which he or she is applying to be licensed
 2093 | to operate. In addition, the examination shall include an actual
 2094 | demonstration of the applicant's ability to exercise ordinary
 2095 | and reasonable control in the safe operation of a motor vehicle
 2096 | or combination of vehicles of the type covered by the license
 2097 | classification which the applicant is seeking, including an
 2098 | examination of the applicant's ability to perform an inspection
 2099 | of his or her vehicle.

2100 | (b) A person who seeks to retain a hazardous-materials
 2101 | endorsement must, upon renewal, pass the test for such
 2102 | endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the
 2103 | person has not taken and passed the hazardous-materials test
 2104 | within 2 years preceding his or her application for a commercial
 2105 | driver's license in this state.

HB 1809 CS

2004
CS

2106 Section 61. Subsection (8) of section 322.121, Florida
2107 Statutes, is amended to read:

2108 322.121 Periodic reexamination of all drivers.--

2109 (8) In addition to any other examination authorized by
2110 this section, an applicant for a renewal of an endorsement
2111 issued under s. 322.57(1)(a), (b), (c), (d), ~~or (e)~~, or (f) may
2112 be required to complete successfully an examination of his or
2113 her knowledge regarding state and federal rules, regulations,
2114 and laws, governing the type of vehicle which he or she is
2115 seeking an endorsement to operate.

2116 Section 62. Subsections (1) and (4) of section 322.135,
2117 Florida Statutes, are amended, and subsection (9) is added to
2118 said section, to read:

2119 322.135 Driver's license agents.--

2120 (1) The department may, upon application, authorize any or
2121 all of the tax collectors in the several counties of the state,
2122 subject to the requirements of law, in accordance with rules of
2123 the department, to serve as its agent for the provision of
2124 specified driver's license services.

2125 (a) These services shall be limited to the issuance of
2126 driver's licenses and identification cards as authorized by this
2127 chapter.

2128 (b) Each tax collector who is authorized by the department
2129 to provide driver's license services shall bear all costs
2130 associated with providing those services.

2131 (c) A fee of \$5.25 is to be charged, in addition to the
2132 fees set forth in this chapter, for any driver's license issued

HB 1809 CS

2004
CS

2133 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~
 2134 ~~be deposited into the Highway Safety Operating Trust Fund.~~

2135 (4) A tax collector may not issue or renew a driver's
 2136 license if he or she has any reason to believe that the licensee
 2137 or prospective licensee is physically or mentally unqualified to
 2138 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 2139 such licensee to the department for examination or reexamination
 2140 under s. 322.221.

2141 (9) Notwithstanding chapter 116, each county officer
 2142 within this state who is authorized to collect funds provided
 2143 for in this chapter shall pay all sums officially received by
 2144 the officer into the State Treasury no later than 5 working days
 2145 after the close of the business day on which the officer
 2146 received the funds. Payment by county officers to the state
 2147 shall be made by means of electronic funds transfer.

2148 Section 63. Subsection (1) of section 322.142, Florida
 2149 Statutes, is amended to read:

2150 322.142 Color photographic or digital imaged licenses.--

2151 (1) The department shall, upon receipt of the required
 2152 fee, issue to each qualified applicant for a ~~an original~~
 2153 driver's license a color photographic or digital imaged driver's
 2154 license bearing a fullface photograph or digital image of the
 2155 licensee. Notwithstanding chapter 761, the requirement for a
 2156 fullface photograph or digital image of the licensee may not be
 2157 waived. A space shall be provided upon which the licensee shall
 2158 affix his or her usual signature, as required in s. 322.14, in
 2159 the presence of an authorized agent of the department so as to
 2160 ensure that such signature becomes a part of the license.

HB 1809 CS

2004
CS

2161 Section 64. Subsections (3) and (4) of section 322.161,
2162 Florida Statutes, are renumbered as subsections (2) and (3),
2163 respectively, and paragraph (a) of subsection (1) and present
2164 subsection (2) of said section are amended to read:

2165 322.161 High-risk drivers; restricted licenses.--

2166 (1)(a) Notwithstanding any provision of law to the
2167 contrary, the department shall restrict the driving privilege of
2168 any ~~Class D or~~ Class E licensee who is age 15 through 17 and who
2169 has accumulated six or more points pursuant to s. 318.14,
2170 excluding parking violations, within a 12-month period.

2171 ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~
2172 ~~who has accumulated six or more points pursuant to s. 318.14,~~
2173 ~~excluding parking violations, within a 12-month period shall not~~
2174 ~~be eligible to obtain a Class D license for a period of no less~~
2175 ~~than 1 year. The period of ineligibility shall begin on the date~~
2176 ~~of conviction for the violation that results in the licensee's~~
2177 ~~accumulation of six or more points.~~

2178 ~~(b) The period of ineligibility shall automatically expire~~
2179 ~~after 1 year if the licensee does not accumulate any additional~~
2180 ~~points. If the licensee accumulates any additional points, then~~
2181 ~~the period of ineligibility shall be extended 90 days for each~~
2182 ~~point. The period of ineligibility shall also automatically~~
2183 ~~expire upon the licensee's 18th birthday if no other grounds for~~
2184 ~~ineligibility exist.~~

2185 Section 65. Subsection (3) of section 322.17, Florida
2186 Statutes, is amended to read:

2187 322.17 Duplicate and replacement certificates.--

HB 1809 CS

2004
CS

2188 (3) Notwithstanding any other provisions of this chapter,
 2189 if a licensee establishes his or her identity for a driver's
 2190 license using an identification document authorized under s.
 2191 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the licensee may not
 2192 obtain a duplicate or replacement instruction permit or driver's
 2193 license except in person and upon submission of an
 2194 identification document authorized under s. 322.08(2)(c)6. or 7
 2195 ~~s. 322.08(2)(c)5.-6.~~

2196 Section 66. Subsections (2) and (4) of section 322.18,
 2197 Florida Statutes, are amended to read:

2198 322.18 Original applications, licenses, and renewals;
 2199 expiration of licenses; delinquent licenses.--

2200 (2) Each applicant who is entitled to the issuance of a
 2201 driver's license, as provided in this section, shall be issued a
 2202 driver's license, as follows:

2203 (a) An applicant applying for an original issuance shall
 2204 be issued a driver's license which expires at midnight on the
 2205 licensee's birthday which next occurs on or after the sixth
 2206 anniversary of the date of issue.

2207 (b) An applicant applying for a renewal issuance or
 2208 renewal extension shall be issued a driver's license or renewal
 2209 extension sticker which expires at midnight on the licensee's
 2210 birthday which next occurs 4 years after the month of expiration
 2211 of the license being renewed, except that a driver whose driving
 2212 record reflects no convictions for the preceding 3 years shall
 2213 be issued a driver's license or renewal extension sticker which
 2214 expires at midnight on the licensee's birthday which next occurs

HB 1809 CS

2004
CS

2215 6 years after the month of expiration of the license being
2216 renewed.

2217 (c) Notwithstanding any other provision of this chapter,
2218 if an applicant establishes his or her identity for a driver's
2219 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
2220 ~~322.08(2)(c)4.~~, the driver's license shall expire in accordance
2221 with paragraph (b). After an initial showing of such
2222 documentation, he or she is exempted from having to renew or
2223 obtain a duplicate in person.

2224 (d) Notwithstanding any other provision of this chapter,
2225 if applicant establishes his or her identity for a driver's
2226 license using a document authorized in s. 322.08(2)(c)6. or 7.
2227 ~~s. 322.08(2)(c)5. or 6.~~, the driver's license shall expire 2 4
2228 years after the date of issuance or upon the expiration date
2229 cited on the United States Department of Justice documents,
2230 whichever date first occurs.

2231 (e) Notwithstanding any other provision of this chapter,
2232 an applicant applying for an original or renewal issuance of a
2233 commercial driver's license as defined in s. 322.01(7), with a
2234 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
2235 shall be issued a driver's license that expires at midnight on
2236 the licensee's birthday that next occurs 4 years after the month
2237 of expiration of the license being issued or renewed.

2238 (4)(a) Except as otherwise provided in this chapter, all
2239 licenses shall be renewable every 4 years or 6 years, depending
2240 upon the terms of issuance and shall be issued or extended upon
2241 application, payment of the fees required by s. 322.21, and
2242 successful passage of any required examination, unless the

2243 department has reason to believe that the licensee is no longer
2244 qualified to receive a license.

2245 (b) Notwithstanding any other provision of this chapter,
2246 if an applicant establishes his or her identity for a driver's
2247 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
2248 ~~322.08(2)(c)4.~~, the license, upon an initial showing of such
2249 documentation, is exempted from having to renew or obtain a
2250 duplicate in person, unless the renewal or duplication coincides
2251 with the periodic reexamination of a driver as required pursuant
2252 to s. 322.121.

2253 (c) Notwithstanding any other provision of this chapter,
2254 if a licensee establishes his or her identity for a driver's
2255 license using an identification document authorized under s.
2256 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the licensee may
2257 not renew the driver's license except in person and upon
2258 submission of an identification document authorized under s.
2259 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~ A driver's license
2260 renewed under this paragraph expires 4 years after the date of
2261 issuance or upon the expiration date cited on the United States
2262 Department of Justice documents, whichever date first occurs.

2263 Section 67. Subsection (4) of section 322.19, Florida
2264 Statutes, is amended to read:

2265 322.19 Change of address or name.--

2266 (4) Notwithstanding any other provision of this chapter,
2267 if a licensee established his or her identity for a driver's
2268 license using an identification document authorized under s.
2269 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the licensee may not
2270 change his or her name or address except in person and upon

HB 1809 CS

2004
CS

2271 submission of an identification document authorized under s.
2272 322.08(2)(c)6. or 7 ~~s. 322.08(2)(e)4.-6.~~

2273 Section 68. Subsection (11) of section 322.20, Florida
2274 Statutes, is amended to read:

2275 322.20 Records of the department; fees; destruction of
2276 records.--

2277 (11)(a) The department is authorized to charge the
2278 following fees for the following services and documents:

2279 1. For providing a transcript of any one individual's
2280 driver history record or any portion thereof for the past 3
2281 years or for searching for the ~~such~~ record when no record is
2282 found to be on file....\$2.10

2283 2. For providing a transcript of any one individual's
2284 driver history record or any portion thereof for the past 7
2285 years or for searching for the ~~such~~ record when no record is
2286 found to be on file....\$3.10

2287 3. For providing a certified copy of a transcript of the
2288 driver history record or any portion thereof for any one
2289 individual....\$3.10

2290 4. For providing a certified photographic copy of a
2291 document, per page....\$1.00

2292 5. For providing an exemplified record....\$15.00

2293 6. For providing photocopies of documents, papers,
2294 letters, clearances, or license or insurance status reports, per
2295 page....\$0.50

2296 7. For assisting persons in searching any one individual's
2297 driver record at a terminal located at the department's general
2298 headquarters in Tallahassee....\$2.00

2299 8. For providing electronic access to driver's license
 2300 status by name, gender, and date of birth, or by driver license
 2301 number, per item, except that information provided via the
 2302 department's Internet website shall be free of charge....\$0.50

2303 (b) The department shall furnish the ~~such~~ information
 2304 without charge to any local, state, or federal law enforcement
 2305 agency or court upon proof satisfactory to the department as to
 2306 the purpose of the investigation.

2307 Section 69. Subsection (1) of section 322.21, Florida
 2308 Statutes, is amended to read:

2309 322.21 License fees; procedure for handling and collecting
 2310 fees.--

2311 (1) Except as otherwise provided herein, the fee for:

2312 (a) An original or renewal commercial driver's license is
 2313 \$50, which shall include the fee for driver education provided
 2314 by s. 1003.48; however, if an applicant has completed training
 2315 and is applying for employment or is currently employed in a
 2316 public or nonpublic school system that requires the commercial
 2317 license, the fee shall be the same as for a Class E driver's
 2318 license. A delinquent fee of \$1 shall be added for a renewal
 2319 made not more than 12 months after the license expiration date.

2320 (b) An original ~~Class D or~~ Class E driver's license is
 2321 \$20, which shall include the fee for driver's education provided
 2322 by s. 1003.48; however, if an applicant has completed training
 2323 and is applying for employment or is currently employed in a
 2324 public or nonpublic school system that requires a commercial
 2325 driver license, the fee shall be the same as for a Class E
 2326 license.

HB 1809 CS

2004
CS

2327 (c) The renewal or extension of a ~~Class D or~~ Class E
 2328 driver's license or of a license restricted to motorcycle use
 2329 only is \$15, except that a delinquent fee of \$1 shall be added
 2330 for a renewal or extension made not more than 12 months after
 2331 the license expiration date. The fee provided in this paragraph
 2332 shall include the fee for driver's education provided by s.
 2333 1003.48.

2334 (d) An original driver's license restricted to motorcycle
 2335 use only is \$20, which shall include the fee for driver's
 2336 education provided by s. 1003.48.

2337 (e) Each endorsement required by s. 322.57 is \$5.

2338 (f) A hazardous-materials endorsement, as required by s.
 2339 322.57(1)(e), shall be set by the department by rule and shall
 2340 reflect the cost of the required criminal history check,
 2341 including the cost of the state and federal fingerprint check,
 2342 and the cost to the department of providing and issuing the
 2343 license. The fee shall not exceed \$100. This fee shall be
 2344 deposited in the Highway Safety Operating Trust Fund.

2345 Section 70. Section 322.22, Florida Statutes, is amended
 2346 to read:

2347 322.22 Authority of department to cancel license,
 2348 identification card, vehicle or vessel registration, fuel-use
 2349 tax decal.--

2350 (1) The department is authorized to cancel any driver's
 2351 license, upon determining that the licensee was not entitled to
 2352 the issuance thereof, or that the licensee failed to give the
 2353 required or correct information in his or her application or
 2354 committed any fraud in making such application, or that the

2355 | licensee has two or more licenses on file with the department,
 2356 | each in a different name but bearing the photograph of the
 2357 | licensee, unless the licensee has complied with the requirements
 2358 | of this chapter in obtaining the licenses. The department may
 2359 | cancel any driver's license, identification card, vehicle or
 2360 | vessel registration, or fuel-use tax decal if the licensee fails
 2361 | to pay the correct fee or uses a dishonored check to pay ~~pays~~
 2362 | for the driver's license, identification card, vehicle or vessel
 2363 | registration, or fuel-use tax decal; to pay any tax liability,
 2364 | penalty, or interest specified in chapter 207; or to pay ~~pays~~
 2365 | any administrative, delinquency, or reinstatement fee ~~by a~~
 2366 | ~~dishonored check.~~

2367 | (2) Upon such cancellation, the licensee must surrender to
 2368 | the department the license, identification card, vehicle or
 2369 | vessel registration, or fuel-use tax decal so canceled.

2370 | Section 71. Subsections (4) and (5) of section 322.251,
 2371 | Florida Statutes, are amended to read:

2372 | 322.251 Notice of cancellation, suspension, revocation, or
 2373 | disqualification of license.--

2374 | (4) A person whose privilege to operate a commercial motor
 2375 | vehicle is temporarily disqualified may, upon surrendering his
 2376 | or her commercial driver's license, be issued a ~~Class D or~~ Class
 2377 | E driver's license, valid for the length of his or her unexpired
 2378 | commercial driver's license, at no cost. Such person may, upon
 2379 | the completion of his or her disqualification, be issued a
 2380 | commercial driver's license, of the type disqualified, for the
 2381 | remainder of his or her unexpired license period. Any such

HB 1809 CS

2004
CS

2382 person shall pay the reinstatement fee provided in s. 322.21
2383 before being issued a commercial driver's license.

2384 (5) A person whose privilege to operate a commercial motor
2385 vehicle is permanently disqualified may, upon surrendering his
2386 or her commercial driver's license, be issued a ~~Class D~~ or Class
2387 E driver's license, if he or she is otherwise qualified to
2388 receive such license. Any such person shall be issued a ~~Class D~~
2389 ~~or~~ Class E license, valid for the remainder of his or her
2390 unexpired license period, at no cost.

2391 Section 72. Paragraph (c) of subsection (2) of section
2392 322.292, Florida Statutes, is amended to read:

2393 322.292 DUI programs supervision; powers and duties of the
2394 department.--

2395 (2) The department shall adopt rules to implement its
2396 supervisory authority over DUI programs in accordance with the
2397 procedures of chapter 120, including the establishment of
2398 uniform standards of operation for DUI programs and the method
2399 for setting and approving fees, as follows:

2400 (c) Implement procedures for the granting and revoking of
2401 licenses for DUI programs, including:

2402 1. A uniform application fee not to exceed \$1,000 but in
2403 an amount sufficient to cover the department's administrative
2404 costs in processing and evaluating DUI program license
2405 applications. The application fee shall not apply to programs
2406 that apply for licensure to serve a county that does not have a
2407 currently licensed DUI program or where the currently licensed
2408 program has relinquished its license.

HB 1809 CS

2004
CS

2409 2. In considering an application for approval of a DUI
2410 program, the department shall determine whether improvements in
2411 service may be derived from the operation of the DUI program and
2412 the number of clients currently served in the circuit. The
2413 department shall apply the following criteria:

2414 a. The increased frequency of classes and availability of
2415 locations of services offered by the applicant DUI program.

2416 b. Services and fees offered by the applicant DUI program
2417 and any existing DUI program.

2418 c. The number of DUI clients currently served and
2419 historical trends in the number of clients served in the
2420 circuit.

2421 d. The availability, accessibility, and service history of
2422 any existing DUI program services.

2423 e. The applicant DUI program's service history.

2424 f. The availability of resources, including personnel,
2425 demonstrated management capability, and capital and operating
2426 expenditures of the applicant DUI program.

2427 g. Improved services to minority and special needs
2428 clients.

2429 3. Authority for competing applicants and currently
2430 licensed DUI programs serving the same geographic area to
2431 request an administrative hearing under chapter 120 to contest
2432 the department's determination of need for an additional
2433 licensed DUI program in that area.

2434 4. A requirement that the department revoke the license of
2435 any DUI program that does not provide the services specified in

2436 | its application within 45 days after licensure and notify the
2437 | chief judge of that circuit of such revocation.

2438 | 5. A requirement that all applicants for initial licensure
2439 | as a DUI program in a particular circuit on and after the
2440 | effective date of this act must, at a minimum, satisfy each of
2441 | the following criteria:

2442 | a. Maintain a primary business office in the circuit which
2443 | is located in a permanent structure that is readily accessible
2444 | by public transportation, if public transportation is available.
2445 | The primary business office must be adequately staffed and
2446 | equipped to provide all DUI program support services, including
2447 | registration and a file for each person who registers for the
2448 | program.

2449 | b. Have a satellite office for registration of DUI
2450 | offenders in each county in the circuit which is located in a
2451 | permanent structure that is readily accessible by public
2452 | transportation, if public transportation is available. A
2453 | satellite office is not required in any county where the total
2454 | number of DUI convictions in the most recent calendar year is
2455 | less than 200. In a county where the total number of DUI
2456 | convictions in the most recent calendar year is less than 200
2457 | and no satellite office is located in a permanent structure in
2458 | that county, another program provider otherwise meeting the
2459 | eligibility requirements of this section, upon recommendation of
2460 | the chief judge of the judicial circuit of that county, shall be
2461 | approved by the department to serve the county, and such
2462 | provider shall not be required to have a satellite office in
2463 | each county in the circuit.

HB 1809 CS

2004
CS

2464 c. Have a classroom in each county in the circuit which is
 2465 located in a permanent structure that is readily accessible by
 2466 public transportation, if public transportation is available. A
 2467 classroom is not required in any county where the total number
 2468 of DUI convictions in the most recent calendar year is less than
 2469 100. A classroom may not be located within 250 feet of any
 2470 business that sells alcoholic beverages. However, a classroom
 2471 shall not be required to be relocated when a business selling
 2472 alcoholic beverages locates to within 250 feet of the classroom.

2473 d. Have a plan for conducting all DUI education courses,
 2474 evaluation services, and other services required by the
 2475 department. The level I DUI education course must be taught in
 2476 four segments, with no more than 6 hours of classroom
 2477 instruction provided to any offender each day. All DUI education
 2478 courses must be in a classroom with face-to-face instruction and
 2479 interaction among offenders and an instructor.

2480 e. Employ at least 1 full-time certified addiction
 2481 professional for the program at all times.

2482 f. Document support from community agencies involved in
 2483 DUI education and substance abuse treatment in the circuit.

2484 g. Have a volunteer board of directors and advisory
 2485 committee made up of citizens who reside in the circuit in which
 2486 licensure is sought.

2487 h. Submit documentation of compliance with all applicable
 2488 federal, state, and local laws, including, but not limited to,
 2489 the Americans with Disabilities Act.

2490 Section 73. Section 322.30, Florida Statutes, is amended
 2491 to read:

2492 322.30 No operation under foreign license during
2493 suspension, revocation, or disqualification in this state.--

2494 (1) Any resident or nonresident whose driver's license or
2495 right or privilege to operate a motor vehicle in this state has
2496 been suspended, revoked, or disqualified as provided in this
2497 chapter, shall not operate a motor vehicle in this state under a
2498 license, permit, or registration certificate issued by any other
2499 jurisdiction or otherwise during such suspension, revocation, or
2500 disqualification until a new license is obtained.

2501 (2) Notwithstanding subsection (1), any commercial motor
2502 vehicle operator whose privilege to operate such vehicle is
2503 disqualified may operate a motor vehicle in this state as a
2504 ~~Class D or~~ Class E licensee, if authorized by this chapter.

2505 Section 74. Subsections (4), (5), and (6) of section
2506 322.53, Florida Statutes, are amended to read:

2507 322.53 License required; exemptions.--

2508 ~~(4) A resident who is exempt from obtaining a commercial
2509 driver's license pursuant to paragraph (2)(a) or paragraph
2510 (2)(c) and who drives a commercial motor vehicle must obtain a
2511 Class D driver's license endorsed to authorize the operation of
2512 the particular type of vehicle for which his or her exemption is
2513 granted.~~

2514 (4)(5) A resident who is exempt from obtaining a
2515 commercial driver's license pursuant to paragraph (2)(b),
2516 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
2517 drive a commercial motor vehicle pursuant to the exemption
2518 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),

HB 1809 CS

2004
CS

2519 or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~
2520 Class E driver's license or a military license.

2521 (5)~~(6)~~ The department shall adopt rules and enter into
2522 necessary agreements with other jurisdictions to provide for the
2523 operation of commercial vehicles by nonresidents pursuant to the
2524 exemption granted in subsection (2).

2525 Section 75. Subsection (2) of section 322.54, Florida
2526 Statutes, is amended to read:

2527 322.54 Classification.--

2528 (2) The department shall issue, pursuant to the
2529 requirements of this chapter, drivers' licenses in accordance
2530 with the following classifications:

2531 (a) Any person who drives a motor vehicle combination
2532 having a gross vehicle weight rating, a declared weight, or an
2533 actual weight, whichever is greatest, of 26,001 pounds or more
2534 must possess a valid Class A driver's license, provided the
2535 gross vehicle weight rating, declared weight, or actual weight,
2536 whichever is greatest, of the vehicle being towed is more than
2537 10,000 pounds. Any person who possesses a valid Class A driver's
2538 license may, subject to the appropriate restrictions and
2539 endorsements, drive any class of motor vehicle within this
2540 state.

2541 (b) Any person, except a person who possesses a valid
2542 Class A driver's license, who drives a motor vehicle having a
2543 gross vehicle weight rating, a declared weight, or an actual
2544 weight, whichever is greatest, of 26,001 pounds or more must
2545 possess a valid Class B driver's license. Any person, except a
2546 person who possesses a valid Class A driver's license, who

HB 1809 CS

2004
CS

2547 | drives such vehicle towing a vehicle having a gross vehicle
 2548 | weight rating, a declared weight, or an actual weight, whichever
 2549 | is greatest, of 10,000 pounds or less must possess a valid Class
 2550 | B driver's license. Any person who possesses a valid Class B
 2551 | driver's license may, subject to the appropriate restrictions
 2552 | and endorsements, drive any class of motor vehicle, other than
 2553 | the type of motor vehicle for which a Class A driver's license
 2554 | is required, within this state.

2555 | (c) Any person, except a person who possesses a valid
 2556 | Class A or a valid Class B driver's license, who drives a motor
 2557 | vehicle ~~combination having a gross vehicle weight rating, a~~
 2558 | ~~declared weight, or an actual weight, whichever is greatest, of~~
 2559 | ~~26,001 pounds or more must possess a valid Class C driver's~~
 2560 | ~~license. Any person who drives a motor vehicle combination~~
 2561 | having a gross vehicle weight rating, a declared weight, or an
 2562 | actual weight, whichever is greatest, of less than 26,001 pounds
 2563 | and who is required to obtain an endorsement pursuant to
 2564 | paragraph (1)(a), paragraph (1)(b), ~~paragraph (1)(c)~~, paragraph
 2565 | (1)(d), ~~or paragraph (1)(e)~~, or paragraph (1)(f) of s. 322.57,
 2566 | must possess a valid Class C driver's license ~~that is clearly~~
 2567 | ~~restricted to the operation of a motor vehicle or motor vehicle~~
 2568 | ~~combination of less than 26,001 pounds. Any person who possesses~~
 2569 | a valid Class C driver's license may, subject to the appropriate
 2570 | restrictions and endorsements, drive any class of motor vehicle,
 2571 | other than the type of motor vehicle for which a Class A or a
 2572 | Class B driver's license is required, within this state.

2573 | ~~(d) Any person, except a person who possesses a valid~~
 2574 | ~~Class A, valid Class B, or valid Class C driver's license, who~~

HB 1809 CS

2004
CS

2575 ~~drives a truck or a truck tractor having a gross vehicle weight~~
 2576 ~~rating, a declared weight, or an actual weight, whichever is~~
 2577 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
 2578 ~~or which has a width of more than 80 inches must possess a valid~~
 2579 ~~Class D driver's license. Any person who possesses a valid Class~~
 2580 ~~D driver's license may, subject to the appropriate restrictions~~
 2581 ~~and endorsements, drive any type of motor vehicle, other than~~
 2582 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 2583 ~~C driver's license is required, within this state.~~

2584 (d)~~(e)~~ Any person, except a person who possesses a valid
 2585 Class A, valid Class B, or valid Class C, ~~or valid Class D~~
 2586 driver's license, who drives a motor vehicle must possess a
 2587 valid Class E driver's license. Any person who possesses a valid
 2588 Class E driver's license may, subject to the appropriate
 2589 restrictions and endorsements, drive any type of motor vehicle,
 2590 other than the type of motor vehicle for which a Class A, Class
 2591 B, or Class C, ~~or Class D~~ driver's license is required, within
 2592 this state.

2593 Section 76. Subsections (1) and (2) of section 322.57,
 2594 Florida Statutes, are amended to read:

2595 322.57 Tests of knowledge concerning specified vehicles;
 2596 endorsement; nonresidents; violations.--

2597 (1) In addition to fulfilling any other driver's licensing
 2598 requirements of this chapter, a person who:

2599 (a) Drives a double or triple trailer must successfully
 2600 complete a test of his or her knowledge concerning the safe
 2601 operation of such vehicles.

HB 1809 CS

2004
CS

2602 (b) Drives a passenger vehicle must successfully complete
 2603 a test of his or her knowledge concerning the safe operation of
 2604 such vehicles and a test of his or her driving skill in such a
 2605 vehicle.

2606 (c) Drives a school bus must successfully complete a test
 2607 of his or her knowledge concerning the safe operation of such
 2608 vehicles and a test of his or her driving skill in such a
 2609 vehicle.

2610 (d)~~(e)~~ Drives a tank vehicle must successfully complete a
 2611 test of his or her knowledge concerning the safe operation of
 2612 such vehicles.

2613 (e)~~(d)~~ Drives a vehicle that transports hazardous
 2614 materials and that is required to be placarded in accordance
 2615 with Title 49 C.F.R. part 172, subpart F, must successfully
 2616 complete a test of his or her knowledge concerning the safe
 2617 operation of such vehicles. Knowledge tests for hazardous-
 2618 materials endorsements may not be administered orally for
 2619 individuals applying for an initial hazardous-materials
 2620 endorsement after June 30, 1994.

2621 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
 2622 materials must successfully complete the tests required in
 2623 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
 2624 a single endorsement permitting him or her to operate such tank
 2625 vehicle.

2626 (g)~~(f)~~ Drives a motorcycle must successfully complete a
 2627 test of his or her knowledge concerning the safe operation of
 2628 such vehicles and a test of his or her driving skills on such
 2629 vehicle. A person who successfully completes such tests shall be

HB 1809 CS

2004
CS

2630 issued an endorsement if he or she is licensed to drive another
 2631 type of motor vehicle. A person who successfully completes such
 2632 tests and who is not licensed to drive another type of motor
 2633 vehicle shall be issued a Class E driver's license that is
 2634 clearly restricted to motorcycle use only.

2635 (2) Before driving or operating any vehicle listed in
 2636 subsection (1), a person must obtain an endorsement on his or
 2637 her driver's license. An endorsement under paragraph (a),
 2638 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
 2639 or paragraph (f) of subsection (1) shall be issued only to
 2640 persons who possess a valid Class A, valid Class B, or valid
 2641 Class C driver's license. ~~A person who drives a motor vehicle or~~
 2642 ~~motor vehicle combination that requires an endorsement under~~
 2643 ~~this subsection and who drives a motor vehicle or motor vehicle~~
 2644 ~~combination having a gross vehicle weight rating, a declared~~
 2645 ~~weight, or an actual weight, whichever is greatest, of less than~~
 2646 ~~26,000 pounds shall be issued a Class C driver's license that is~~
 2647 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2648 ~~vehicle combination of less than 26,000 pounds.~~

2649 Section 77. Paragraph (a) of subsection (1) of section
 2650 322.58, Florida Statutes, is amended to read:

2651 322.58 Holders of chauffeur's licenses; effect of
 2652 classified licensure.--

2653 (1) In order to provide for the classified licensure of
 2654 commercial motor vehicle drivers, the department shall require
 2655 persons who have valid chauffeur's licenses to report on or
 2656 after April 1, 1991, to the department for classified licensure,
 2657 according to a schedule developed by the department.

HB 1809 CS

2004
CS

2658 (a) Any person who holds a valid chauffeur's license may
 2659 continue to operate vehicles for which a Class E D driver's
 2660 license is required until his or her chauffeur's license
 2661 expires.

2662 Section 78. Subsections (1), (2), (3), and (7) of section
 2663 322.61, Florida Statutes, are amended, and subsections (4) and
 2664 (5) of said section are reenacted, to read:

2665 322.61 Disqualification from operating a commercial motor
 2666 vehicle.--

2667 (1) A person who, within a 3-year period, is convicted of
 2668 two of the following serious traffic violations or any
 2669 combination thereof, arising in separate incidents committed in
 2670 a commercial motor vehicle shall, in addition to any other
 2671 applicable penalties, be disqualified from operating a
 2672 commercial motor vehicle for a period of 60 days. A person who,
 2673 within a 3-year period, is convicted of two of the following
 2674 serious traffic violations or any combination thereof arising in
 2675 separate incidents committed in a noncommercial motor vehicle
 2676 shall, in addition to any other applicable penalties, be
 2677 disqualified from operating a commercial motor vehicle for a
 2678 period of 60 days if such convictions result in the suspension,
 2679 revocation, or cancellation of the licenseholder's driving
 2680 privilege:

2681 (a) A violation of any state or local law relating to
 2682 motor vehicle traffic control, other than a parking violation, a
 2683 weight violation, or a vehicle equipment violation, arising in
 2684 connection with a crash resulting in death or personal injury to
 2685 any person;

HB 1809 CS

2004
CS

- 2686 (b) Reckless driving, as defined in s. 316.192;
- 2687 (c) Careless driving, as defined in s. 316.1925;
- 2688 (d) Fleeing or attempting to elude a law enforcement
- 2689 officer, as defined in s. 316.1935;
- 2690 (e) Unlawful speed of 15 miles per hour or more above the
- 2691 posted speed limit;
- 2692 (f) Driving a commercial motor vehicle, owned by such
- 2693 person, which is not properly insured;
- 2694 (g) Improper lane change, as defined in s. 316.085; ~~or~~
- 2695 (h) Following too closely, as defined in s. 316.0895;
- 2696 (i) Driving a commercial motor vehicle without obtaining a
- 2697 commercial driver's license;
- 2698 (j) Driving a commercial motor vehicle without a
- 2699 commercial driver's license in possession; or
- 2700 (k) Driving a commercial motor vehicle without the proper
- 2701 class of commercial driver's license or without the proper
- 2702 endorsement.
- 2703 (2) Any person who, within a 3-year period, is convicted
- 2704 of three serious traffic violations specified in subsection (1)
- 2705 or any combination thereof, arising in separate incidents
- 2706 committed in a commercial motor vehicle shall, in addition to
- 2707 any other applicable penalties, including, but not limited to,
- 2708 the penalty provided in subsection (1), be disqualified from
- 2709 operating a commercial motor vehicle for a period of 120 days. A
- 2710 person who, within a 3-year period, is convicted of three
- 2711 serious traffic violations specified in subsection (1) or any
- 2712 combination thereof arising in separate incidents committed in a
- 2713 noncommercial motor vehicle shall, in addition to any other

HB 1809 CS

2004
CS

2714 applicable penalties, including, but not limited to, the penalty
 2715 provided in subsection (1), be disqualified from operating a
 2716 commercial motor vehicle for a period of 120 days if such
 2717 convictions result in the suspension, revocation, or
 2718 cancellation of the licenseholder's driving privilege.

2719 (3) Except as provided in subsection (4), any person who
 2720 is convicted of one of the following offenses shall, in addition
 2721 to any other applicable penalties, be disqualified from
 2722 operating a commercial motor vehicle for a period of 1 year:

2723 (a) Driving a commercial motor vehicle while he or she is
 2724 under the influence of alcohol or a controlled substance;

2725 (b) Driving a commercial motor vehicle while the alcohol
 2726 concentration of his or her blood, breath, or urine is .04
 2727 percent or higher;

2728 (c) Leaving the scene of a crash involving a commercial
 2729 motor vehicle driven by such person;

2730 (d) Using a commercial motor vehicle in the commission of
 2731 a felony;

2732 (e) Driving a commercial motor vehicle while in possession
 2733 of a controlled substance; ~~or~~

2734 (f) Refusing to submit to a test to determine his or her
 2735 alcohol concentration while driving a commercial motor vehicle;

2736 (g) Driving a commercial motor vehicle while the
 2737 licenseholder's commercial driver's license is suspended,
 2738 revoked, or canceled or while the licenseholder is disqualified
 2739 from driving a commercial motor vehicle; or

2740 (h) Causing a fatality through the negligent operation of
 2741 a commercial motor vehicle.

HB 1809 CS

2004
CS

2742 (4) Any person who is transporting hazardous materials in
 2743 a vehicle that is required to be placarded in accordance with
 2744 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an
 2745 offense specified in subsection (3), be disqualified from
 2746 operating a commercial motor vehicle for a period of 3 years.
 2747 The penalty provided in this subsection shall be in addition to
 2748 any other applicable penalty.

2749 (5) Any person who is convicted of two violations
 2750 specified in subsection(3), or any combination thereof, arising
 2751 in separate incidents shall be permanently disqualified from
 2752 operating a commercial motor vehicle. The penalty provided in
 2753 this subsection shall be in addition to any other applicable
 2754 penalty.

2755 (7) A person whose privilege to operate a commercial motor
 2756 vehicle is disqualified under this section may, if otherwise
 2757 qualified, be issued a ~~Class D or~~ Class E driver's license,
 2758 pursuant to s. 322.251.

2759 Section 79. Subsection (1) and paragraph (a) of subsection
 2760 (3) of section 322.63, Florida Statutes, are amended to read:

2761 322.63 Alcohol or drug testing; commercial motor vehicle
 2762 operators.--

2763 (1) A person who accepts the privilege extended by the
 2764 laws of this state of operating a commercial motor vehicle
 2765 within this state shall, by so operating such commercial motor
 2766 vehicle, be deemed to have given his or her consent to submit to
 2767 an approved chemical or physical test of his or her blood or
 2768 ~~breath, or urine~~ for the purpose of determining his or her
 2769 alcohol concentration and to a urine test ~~or~~ for the purpose of

HB 1809 CS

2004
CS

2770 detecting the presence of chemical substances as set forth in s.
2771 877.111 or of controlled substances.

2772 (a) By applying for a commercial driver's license and by
2773 accepting and using a commercial driver's license, the person
2774 holding the commercial driver's license is deemed to have
2775 expressed his or her consent to the provisions of this section.

2776 (b) Any person who drives a commercial motor vehicle
2777 within this state and who is not required to obtain a commercial
2778 driver's license in this state is, by his or her act of driving
2779 a commercial motor vehicle within this state, deemed to have
2780 expressed his or her consent to the provisions of this section.

2781 (c) A notification of the consent provision of this
2782 section shall be printed ~~above the signature line~~ on each new or
2783 renewed commercial driver's license issued ~~after March 31, 1991~~.

2784 (3)(a) The breath and blood ~~physical and chemical~~ tests
2785 authorized in this section shall be administered substantially
2786 in accordance with rules adopted by the Department of Law
2787 Enforcement.

2788 Section 80. For the purpose of incorporating the amendment
2789 to section 322.61, Florida Statutes, in a reference thereto,
2790 subsection (14) of section 322.64, Florida Statutes, is
2791 reenacted to read:

2792 322.64 Holder of commercial driver's license; driving with
2793 unlawful blood-alcohol level; refusal to submit to breath,
2794 urine, or blood test.--

2795 (14) The decision of the department under this section
2796 shall not be considered in any trial for a violation of s.
2797 316.193, s. 322.61, or s. 322.62, nor shall any written

HB 1809 CS

2004
CS

2798 | statement submitted by a person in his or her request for
 2799 | departmental review under this section be admissible into
 2800 | evidence against him or her in any such trial. The disposition
 2801 | of any related criminal proceedings shall not affect a
 2802 | disqualification imposed pursuant to this section.

2803 | Section 81. Section 327.375, Florida Statutes, is created
 2804 | to read:

2805 | 327.375 Commercial parasailing.--

2806 | (1) "Commercial parasailing" means any activity involving
 2807 | the towing of a person by a motorboat for consideration when:

2808 | (a) One or more persons are tethered to the towing vessel.

2809 | (b) The person or persons ascend above the water.

2810 | (c) The person or persons remain suspended above the water
 2811 | while the vessel is underway.

2812 | (2) The commission shall regulate the use of commercial
 2813 | parasailing by requiring, at a minimum, the licensing of persons
 2814 | engaged in commercial parasailing and by requiring minimum
 2815 | liability insurance necessary for commercial parasailing. In
 2816 | order to recover the associated costs of regulating commercial
 2817 | parasailing, the commission may impose an annual licensing fee
 2818 | to be established by rule not to exceed \$100 and a \$10
 2819 | registration fee for each county in which the commercial
 2820 | parasailing enterprise intends to provide service. The
 2821 | commission may establish the requirements for minimum liability
 2822 | insurance and maximum deductible amounts for that insurance by
 2823 | rule. The commission has authority to adopt rules pursuant to
 2824 | ss. 120.536(1) and 120.54 to implement the provisions of this
 2825 | section.

2826 (3) Any person engaged in commercial parasailing
 2827 operations shall meet the following operation requirements:
 2828 (a) Vessels engaged in commercial parasailing operations
 2829 must be designed and equipped for towing a person while
 2830 parasailing and must be equipped with a rear launch platform and
 2831 powered winch used to release and retrieve the tow line.
 2832 (b) All commercial parasail operators are required to have
 2833 a license for carrying passengers for hire issued by the United
 2834 States Coast Guard.
 2835 (c) All commercial parasailing operations shall include an
 2836 observer 18 years of age or older who is present in the vessel
 2837 at all times to monitor the progress of any airborne parasail
 2838 rider and parachute.
 2839 (d) All commercial parasail riders shall wear a United
 2840 States Coast Guard approved type I, type II, or type III
 2841 personal flotation device of the proper size and must be
 2842 connected to the towline and secured in a seat harness attached
 2843 to an ascending type of parachute.
 2844 (e) Commercial parasailing conducted in the Atlantic Ocean
 2845 and the Gulf of Mexico shall be restricted to not less than
 2846 three-eighths nautical mile from the shore. This restriction
 2847 applies to the entire commercial parasailing apparatus,
 2848 including the vessel, towline, and rider.
 2849 (f) Commercial parasailing operations shall not be
 2850 conducted within 600 feet of any:
 2851 1. Anchored vessel;
 2852 2. Person in the water;
 2853 3. Shore or seawall; or

HB 1809 CS

2004
CS

2854 | 4. Structure, bridge, powerline, wharf, pier, dock, buoy,
 2855 | platform, piling, channel marker, or other similar object.

2856 | (g) Commercial parasailing shall not be permitted on
 2857 | bodies of water less than 1,200 feet in width from shore to
 2858 | shore.

2859 | (h) All commercial parasailing towing vessels shall be
 2860 | equipped with a functional VHF marine transceiver.

2861 | (i) Commercial parasailing shall be conducted only from
 2862 | one-half hour after sunrise to one-half hour before sunset and
 2863 | at no time during restricted visibility.

2864 | (j) Commercial parasailing is prohibited when there are
 2865 | sustained winds of 20 knots or seas 5 feet or higher in the area
 2866 | of operation.

2867 | (k) Towlines shall not exceed 800 feet in length.

2868 | (l) Commercial parasail operators shall only launch riders
 2869 | from the flight deck of the vessels.

2870 | (m) No more than two persons shall be tethered to the
 2871 | towing vessel and ascend above the water at any time.

2872 | (4) A person who violates this section commits a
 2873 | misdemeanor of the second degree, punishable as provided in s.
 2874 | 775.082 or s. 775.083.

2875 | Section 82. Subsection (2) of section 328.11, Florida
 2876 | Statutes, is amended to read:

2877 | 328.11 Certificates ~~Duplicate certificate~~ of title;
 2878 | expedited service; duplicate certificates.--

2879 | (2) In addition to the fee imposed by subsection (1), the
 2880 | Department of Highway Safety and Motor Vehicles shall charge a
 2881 | fee of \$5 for expedited service in issuing a ~~duplicate~~

HB 1809 CS

2004
CS

2882 certificate of title. Application for such expedited service may
 2883 be made by mail or in person. The department shall issue each
 2884 certificate of title applied for under this subsection within 5
 2885 working days after receipt of a proper application or shall
 2886 refund the additional \$5 fee upon written request by the
 2887 applicant.

2888 Section 83. Paragraphs (c) and (f) of subsection (13) of
 2889 section 713.78, Florida Statutes, are amended to read:

2890 713.78 Liens for recovering, towing, or storing vehicles
 2891 and vessels.--

2892 (13)

2893 (c)1. The registered owner of a vehicle, vessel, or mobile
 2894 home may dispute a wrecker operator's lien, by notifying the
 2895 department of the dispute in writing on forms provided by the
 2896 department, if at least one of the following applies:

2897 a. The registered owner presents a notarized bill of sale
 2898 proving that the vehicle, vessel, or mobile home was sold in a
 2899 private or casual sale before the vehicle, vessel, or mobile
 2900 home was recovered, towed, or stored.

2901 b. The registered owner presents proof that the Florida
 2902 certificate of title of the vehicle, vessel, or mobile home was
 2903 sold to a licensed dealer as defined in s. 319.001 before the
 2904 vehicle, vessel, or mobile home was recovered, towed, or stored.

2905 c. The records of the department were marked "sold" prior
 2906 to the date of the tow.

2907
 2908 If the registered owner's dispute of a wrecker operator's lien
 2909 complies with one of these criteria, the department shall

HB 1809 CS

2004
CS

2910 immediately remove the registered owner's name from the list of
2911 those persons who may not be issued a license plate or
2912 revalidation sticker for any motor vehicle under s. 320.03(8),
2913 thereby allowing issuance of a license plate or revalidation
2914 sticker. If the vehicle, vessel, or mobile home is owned jointly
2915 by more than one person, each registered owner must dispute the
2916 wrecker operator's lien in order to be removed from the list.
2917 However, the department shall deny any dispute and maintain the
2918 registered owner's name on the list of those persons who may not
2919 be issued a license plate or revalidation sticker for any motor
2920 vehicle under s. 320.03(8) if the wrecker operator has provided
2921 the department with a certified copy of the judgment of a court
2922 which orders the registered owner to pay the wrecker operator's
2923 lien claimed under this section. In such a case, the amount of
2924 the wrecker operator's lien allowed by paragraph (b) may be
2925 increased to include no more than \$500 of the reasonable costs
2926 and attorney's fees incurred in obtaining the judgment. The
2927 department's action under this subparagraph is ministerial in
2928 nature, shall not be considered final agency action, and is
2929 appealable only to the county court for the county in which the
2930 vehicle, vessel, or mobile home was ordered removed.

2931 2. A person against whom a wrecker operator's lien has
2932 been imposed may alternatively obtain a discharge of the lien by
2933 filing a complaint, challenging the validity of the lien or the
2934 amount thereof, in the county court of the county in which the
2935 vehicle, vessel, or mobile home was ordered removed. Upon filing
2936 of the complaint, the person may have her or his name removed
2937 from the list of those persons who may not be issued a license

HB 1809 CS

2004
CS

2938 | plate or revalidation sticker for any motor vehicle under s.
 2939 | 320.03(8), thereby allowing issuance of a license plate or
 2940 | revalidation sticker, upon posting with the court a cash or
 2941 | surety bond or other adequate security equal to the amount of
 2942 | the wrecker operator's lien to ensure the payment of such lien
 2943 | in the event she or he does not prevail. Upon the posting of the
 2944 | bond and the payment of the applicable fee set forth in s.
 2945 | 28.24, the clerk of the court shall issue a certificate
 2946 | notifying the department of the posting of the bond and
 2947 | directing the department to release the wrecker operator's lien.
 2948 | Upon determining the respective rights of the parties, the court
 2949 | may award damages and costs in favor of the prevailing party.

2950 | 3. If a person against whom a wrecker operator's lien has
 2951 | been imposed does not object to the lien, but cannot discharge
 2952 | the lien by payment because the wrecker operator has moved or
 2953 | gone out of business, the person may have her or his name
 2954 | removed from the list of those persons who may not be issued a
 2955 | license plate or revalidation sticker for any motor vehicle
 2956 | under s. 320.03(8), thereby allowing issuance of a license plate
 2957 | or revalidation sticker, upon posting with the clerk of court in
 2958 | the county in which the vehicle, vessel, or mobile home was
 2959 | ordered removed, a cash or surety bond or other adequate
 2960 | security equal to the amount of the wrecker operator's lien.
 2961 | Upon the posting of the bond and the payment of the application
 2962 | fee set forth in s. 28.24, the clerk of the court shall issue a
 2963 | certificate notifying the department of the posting of the bond
 2964 | and directing the department to release the wrecker operator's
 2965 | lien. The department shall mail to the wrecker operator, at the

HB 1809 CS

2004
CS

2966 | address upon the lien form, notice that the wrecker operator
 2967 | must claim the security within 60 days, or the security will be
 2968 | released back to the person who posted it. At the conclusion of
 2969 | the 60 days, the department shall direct the clerk as to which
 2970 | party is entitled to payment of the security, less applicable
 2971 | clerk's fees.

2972 | 4. A wrecker operator's lien expires 5 years after filing.

2973 | (f) This subsection applies only to the annual renewal in
 2974 | the registered owner's birth month of a motor vehicle
 2975 | registration and does not apply to the transfer of a
 2976 | registration of a motor vehicle sold by a motor vehicle dealer
 2977 | licensed under chapter 320, except for the transfer of
 2978 | registrations which is inclusive of the annual renewals. This
 2979 | subsection does not apply to any vehicle registered in the name
 2980 | of the lessor. This subsection does not affect the issuance of
 2981 | the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

2982 | Section 84. Subsection (1) of section 832.06, Florida
 2983 | Statutes, is amended to read:

2984 | 832.06 Prosecution for worthless checks given tax
 2985 | collector for licenses or taxes; refunds.--

2986 | (1) Whenever any person, firm, or corporation violates the
 2987 | provisions of s. 832.05 by drawing, making, uttering, issuing,
 2988 | or delivering to any county tax collector any check, draft, or
 2989 | other written order on any bank or depository for the payment of
 2990 | money or its equivalent for any tag, title, lien, tax (except ad
 2991 | valorem taxes), penalty, or fee relative to a boat, airplane,
 2992 | motor vehicle, driver license, or identification card; any
 2993 | occupational license, beverage license, or sales or use tax; or

HB 1809 CS

2004
CS

2994 any hunting or fishing license, the county tax collector, after
 2995 the exercise of due diligence to locate the person, firm, or
 2996 corporation which drew, made, uttered, issued, or delivered the
 2997 check, draft, or other written order for the payment of money,
 2998 or to collect the same by the exercise of due diligence and
 2999 prudence, shall swear out a complaint in the proper court
 3000 against the person, firm, or corporation for the issuance of the
 3001 worthless check or draft. If the state attorney cannot sign the
 3002 information due to lack of proof, as determined by the state
 3003 attorney in good faith, ~~for a prima facie case in court, or, if~~
 3004 the amount of the worthless check or draft is \$150 or less, he
 3005 or she shall issue a certificate so stating to the tax
 3006 collector. If payment of the dishonored check, draft, or other
 3007 written order, together with ~~court~~ costs expended, is not
 3008 received in full by the county tax collector within 30 days
 3009 after service of the warrant, 30 days after conviction, or 60
 3010 days after the collector swears out the complaint or receives
 3011 the certificate of the state attorney, whichever is first, the
 3012 county tax collector shall make a written report to this effect
 3013 to the Department of Highway Safety and Motor Vehicles relative
 3014 to motor vehicles and vessels, to the Department of Revenue
 3015 relative to occupational licenses and the sales and use tax, to
 3016 the Division of Alcoholic Beverages and Tobacco of the
 3017 Department of Business and Professional Regulation relative to
 3018 beverage licenses, or to the Fish and Wildlife Conservation
 3019 Commission relative to hunting and fishing licenses, containing
 3020 a statement of the amount remaining unpaid on the worthless
 3021 check or draft. If the information is not signed, the

HB 1809 CS

2004
CS

3022 certificate of the state attorney is issued, and the written
 3023 report of the amount remaining unpaid is made, the county tax
 3024 collector may request the sum be forthwith refunded by the
 3025 appropriate governmental entity, agency, or department. If a
 3026 warrant has been issued and served, he or she shall certify to
 3027 that effect, together with the court costs and amount remaining
 3028 unpaid on the check. The county tax collector may request that
 3029 the sum of money certified by him or her be forthwith refunded
 3030 by the Department of Highway Safety and Motor Vehicles, the
 3031 Department of Revenue, the Division of Alcoholic Beverages and
 3032 Tobacco of the Department of Business and Professional
 3033 Regulation, or the Fish and Wildlife Conservation Commission to
 3034 the county tax collector. Within 30 days after receipt of the
 3035 request, the Department of Highway Safety and Motor Vehicles,
 3036 the Department of Revenue, the Division of Alcoholic Beverages
 3037 and Tobacco of the Department of Business and Professional
 3038 Regulation, or the Fish and Wildlife Conservation Commission,
 3039 upon being satisfied as to the correctness of the certificate of
 3040 the tax collector, or the report, shall refund to the county tax
 3041 collector the sums of money so certified or reported. If any
 3042 officer of any court issuing the warrant is unable to serve it
 3043 within 60 days after the issuance and delivery of it to the
 3044 officer for service, the officer shall make a written return to
 3045 the county tax collector to this effect. Thereafter, the county
 3046 tax collector may certify that the warrant has been issued and
 3047 that service has not been had upon the defendant and further
 3048 certify the amount of the worthless check or draft and the
 3049 amount of court costs expended by the county tax collector, and

HB 1809 CS

2004
CS

3050 | the county tax collector may file the certificate with the
3051 | Department of Highway Safety and Motor Vehicles relative to
3052 | motor vehicles and vessels, with the Department of Revenue
3053 | relative to occupational licenses and the sales and use tax,
3054 | with the Division of Alcoholic Beverages and Tobacco of the
3055 | Department of Business and Professional Regulation relative to
3056 | beverage licenses, or with the Fish and Wildlife Conservation
3057 | Commission relative to hunting and fishing licenses, together
3058 | with a request that the sums of money so certified be forthwith
3059 | refunded by the Department of Highway Safety and Motor Vehicles,
3060 | the Department of Revenue, the Division of Alcoholic Beverages
3061 | and Tobacco of the Department of Business and Professional
3062 | Regulation, or the Fish and Wildlife Conservation Commission to
3063 | the county tax collector, and within 30 days after receipt of
3064 | the request, the Department of Highway Safety and Motor
3065 | Vehicles, the Department of Revenue, the Division of Alcoholic
3066 | Beverages and Tobacco of the Department of Business and
3067 | Professional Regulation, or the Fish and Wildlife Conservation
3068 | Commission, upon being satisfied as to the correctness of the
3069 | certificate, shall refund the sums of money so certified to the
3070 | county tax collector.

3071 | Section 85. Except as otherwise expressly provided in this
3072 | act, this act shall take effect October 1, 2004.