

By Senator Sebesta

16-316D-05

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 261.03, F.S.; redefining the term "off-highway
4 vehicle" to include a two-rider ATV; adding a
5 definition; amending s. 316.003, F.S.; defining
6 the term "traffic signal preemption system";
7 amending s. 316.0775, F.S.; providing that the
8 unauthorized use of a traffic signal preemption
9 device is a moving violation; amending s.
10 316.122, F.S.; providing for the right-of-way
11 for certain passing vehicles; creating s.
12 316.1576, F.S.; providing clearance
13 specifications for a railroad-highway grade
14 crossing; providing a penalty; creating s.
15 316.1577, F.S.; providing that an employer is
16 responsible under certain circumstances for
17 violations pertaining to railroad-highway grade
18 crossings; providing a penalty; amending s.
19 316.183, F.S.; increasing the minimum speed
20 limit on interstate highways under certain
21 circumstances; amending s. 316.1932, F.S.;
22 revising the requirements for printing the
23 notice of consent for sobriety testing on a
24 driver's license; amending s. 316.1936, F.S.,
25 relating to possession of open containers of
26 alcohol; removing an exemption provided for
27 passengers of a vehicle operated by a driver
28 holding a Class D driver's license; amending s.
29 316.194, F.S.; authorizing traffic accident
30 investigation officers to remove vehicles under
31 certain circumstances; amending s. 316.1967,

1 F.S.; providing that an owner of a leased
2 vehicle is not responsible for a parking ticket
3 violation in certain circumstances; amending s.
4 316.2074, F.S.; redefining the term
5 "all-terrain vehicle" to include a two-rider
6 ATV; amending s. 316.605, F.S.; clarifying that
7 portion of a license plate which must be clear
8 and plainly visible; amending s. 316.613, F.S.;
9 eliminating authorization for the Department of
10 Highway Safety and Motor Vehicles to expend
11 certain funds for promotional purposes;
12 creating s. 316.6131, F.S.; authorizing the
13 department to expend certain funds for public
14 information and education campaigns; amending
15 s. 316.650, F.S.; providing exceptions to a
16 prohibition against using citations as evidence
17 in a trial; amending s. 317.0003, F.S.;
18 defining the term "off-highway vehicle" to
19 include a two-rider ATV; providing a
20 definition; amending ss. 317.0004, 317.0005,
21 and 317.0006, F.S.; conforming references;
22 amending s. 317.0007, F.S.; authorizing the
23 Department of Highway Safety and Motor Vehicles
24 to issue a validation sticker as an additional
25 proof of title for an off-highway vehicle;
26 providing for the replacement of lost or
27 destroyed off-highway vehicle validation
28 stickers; providing for disposition of fees;
29 repealing s. 317.0008(2), F.S., relating to the
30 expedited issuance of duplicate certificates of
31 title for off-highway vehicles; amending ss.

1 317.0010, 317.0012, and 317.0013, F.S. ;
2 conforming references; creating s. 317.0014,
3 F.S.; establishing procedures for the issuance
4 of a certificate of title for an off-highway
5 vehicle; providing duties of the Department of
6 Highway Safety and Motor Vehicles; providing
7 for a notice of lien and lien satisfaction;
8 creating s. 317.0015, F.S.; providing for the
9 applicability of certain provisions of law to
10 the titling of off-highway vehicles; creating
11 s. 317.0016, F.S.; providing for the expedited
12 issuance of titles for off-highway vehicles;
13 creating s. 317.0017, F.S.; prohibiting
14 specified actions relating to the issuance of
15 titles for off-highway vehicles; providing a
16 penalty; creating s. 317.0018, F.S. ;
17 prohibiting the transfer of an off-highway
18 vehicle without delivery of a certificate of
19 title; prescribing other violations; providing
20 a penalty; amending s. 318.14, F.S. ;
21 authorizing the department to modify certain
22 actions to suspend or revoke a driver's license
23 following notice of final disposition;
24 providing citation procedures and proceedings
25 for persons who do not hold a commercial
26 driver's license; amending s. 319.23, F.S. ;
27 requiring a licensed motor vehicle dealer to
28 notify the Department of Highway Safety and
29 Motor Vehicles of a motor vehicle or mobile
30 home taken as a trade-in; requiring the
31 department to update its title record; amending

1 s. 319.27, F.S.; correcting an obsolete
2 cross-reference; amending s. 320.06, F.S.;
3 providing for a credit or refund when a
4 registrant is required to replace a license
5 plate under certain circumstances; amending s.
6 320.0601, F.S.; requiring that a registration
7 or renewal of a long-term leased motor vehicle
8 be in the name of the lessee; amending s.
9 320.0605, F.S.; exempting a vehicle registered
10 as a fleet vehicle from the requirement that
11 the certificate of registration be carried in
12 the vehicle at all times; amending s. 320.0843,
13 F.S.; requiring that an applicant's eligibility
14 for a disabled parking plate be noted on the
15 certificate; amending s. 320.131, F.S.;
16 authorizing the department to provide for an
17 electronic system for motor vehicle dealers to
18 use in issuing temporary license plates;
19 providing a penalty; amending s. 320.18, F.S.;
20 authorizing the department to cancel the
21 vehicle or vessel registration, driver's
22 license, or identification card of a person who
23 pays certain fees or penalties with a
24 dishonored check; amending s. 320.27, F.S.;
25 requiring dealer principals to provide
26 certification of completing continuing
27 education under certain circumstances;
28 requiring motor vehicle dealers to maintain
29 records for a specified period; providing
30 certain penalties; amending s. 322.01, F.S.;
31 redefining the terms "commercial motor vehicle"

1 and "out-of-service order"; providing the
2 definition of conviction applicable to offenses
3 committed in a commercial motor vehicle;
4 amending s. 322.05, F.S.; removing requirements
5 for a Class D driver's license; amending s.
6 322.051, F.S.; revising provisions relating to
7 the application for an identification card;
8 providing that the requirement for a fullface
9 photograph or digital image on an
10 identification card may not be waived under ch.
11 761, F.S.; amending s. 322.07, F.S.; removing
12 requirements for a Class D driver's license;
13 amending s. 322.08, F.S.; providing that a
14 United States passport is an acceptable proof
15 of identity for purposes of obtaining a
16 driver's license; providing that a
17 naturalization certificate issued by the United
18 States Department of Homeland Security is an
19 acceptable proof of identity for such purpose;
20 providing that specified documents issued by
21 the United States Department of Homeland
22 Security are acceptable as proof of
23 nonimmigrant classification; amending s.
24 322.09, F.S.; requiring the signature of a
25 secondary guardian on a driver's license
26 application for a minor under certain
27 circumstances; amending s. 322.11, F.S.;
28 providing for notice to a minor before
29 canceling the minor's license due to the death
30 of the person who cosigned the initial
31 application; amending s. 322.12, F.S.; removing

1 requirements for a Class D driver's license;
2 amending s. 322.135, F.S.; requiring all tax
3 collectors serving as agents for the department
4 to provide all services available as deemed
5 appropriate by the department; revising
6 requirements for the deposit of certain fees
7 for a driver's license; revising requirements
8 for the tax collector in directing a licensee
9 for examination or reexamination; requiring
10 county officers to pay certain funds to the
11 State Treasury by electronic funds transfer
12 within a specified period; amending s. 322.142,
13 F.S.; providing that the requirement for a
14 fullface photograph or digital image on a
15 driver's license may not be waived under ch.
16 761, F.S.; amending s. 322.161, F.S.; removing
17 requirements for a Class D driver's license;
18 amending s. 322.17, F.S., relating to duplicate
19 and replacement certificates; conforming a
20 cross-reference; amending s. 322.18, F.S.;
21 revising the expiration period for driver's
22 licenses issued to specified persons;
23 conforming cross-references; amending s.
24 322.19, F.S., relating to change of address or
25 name; conforming cross-references; amending s.
26 322.21, F.S.; removing requirements for a Class
27 D driver's license; requiring the department to
28 set a fee for a hazardous-materials
29 endorsement; providing that the fee may not
30 exceed \$100; amending s. 322.212, F.S.;
31 providing an additional penalty for giving

1 false information when applying for a
2 commercial driver's license; amending s.
3 322.22, F.S.; authorizing the department to
4 cancel any identification card, vehicle or
5 vessel registration, or fuel-use decal of a
6 licensee who pays certain fees or penalties
7 with a dishonored check; amending s. 322.251,
8 F.S.; removing requirements for a Class D
9 driver's license; amending s. 322.30, F.S.;
10 removing the requirements for a Class D
11 driver's license; amending s. 322.53, F.S.;
12 removing requirements for a Class D driver's
13 license; removing a requirement that certain
14 operators of a commercial motor vehicle obtain
15 a specified license; amending s. 322.54, F.S.;
16 revising the classification requirements for
17 certain driver's licenses; deleting
18 requirements for a Class D driver's license;
19 amending s. 322.57, F.S.; providing testing
20 requirements for school bus drivers; amending
21 s. 322.58, F.S.; deleting requirements for a
22 Class D driver's license and changing those
23 requirements to a Class E driver's license;
24 amending and reenacting s. 322.61, F.S.;
25 specifying additional violations that
26 disqualify a person from operating a commercial
27 motor vehicle; providing penalties; removing
28 requirements for a Class D driver's license;
29 amending s. 322.63, F.S.; clarifying provisions
30 governing alcohol and drug testing for
31 commercial motor vehicle operators; amending s.

1 322.64, F.S., and reenacting s. 322.64(14),
2 F.S., relating to citation procedures and
3 proceedings, to incorporate the amendment to s.
4 322.61, F.S., in a reference thereto; providing
5 for a temporary permit issued following certain
6 DUI offenses to apply only to the operation of
7 noncommercial vehicles; amending s. 713.78,
8 F.S.; revising provisions relating to the
9 placement of a wrecker operator's lien against
10 a motor vehicle; amending s. 843.16, F.S.;
11 prohibiting the transportation of radio
12 equipment that receives signals on frequencies
13 used by this state's law enforcement officers
14 or fire rescue personnel; redefining the term
15 "emergency vehicle" to include any motor
16 vehicle designated as such by the fire chief of
17 a county or municipality; providing an enhanced
18 penalty; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

25 261.03 Definitions.--As used in this chapter, the
26 term:

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

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

4 Section 2. Subsection (84) is added to section
5 316.003, Florida Statutes, to read:

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

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

14 Section 3. Section 316.0775, Florida Statutes, is
15 amended to read:

16 316.0775 Interference with official traffic control
17 devices or railroad signs or signals.--

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

27 (2) A person may not, without lawful authority,
28 possess or use any traffic signal preemption device as defined
29 under s. 316.003. A person who violates this subsection
30 commits a moving violation, punishable as provided in chapter
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1 318 and shall have 4 points assessed against his or her
2 driver's license as set forth in s. 322.27.

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

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

14 Section 5. Section 316.1576, Florida Statutes, is
15 created to read:

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

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

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

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

29 Section 6. Section 316.1577, Florida Statutes, is
30 created to read:

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1 316.1577 Employer responsibility for violations
2 pertaining to railroad-highway grade crossings.--

3 (1) An employer may not knowingly allow, require,
4 permit, or authorize a driver to operate a commercial motor
5 vehicle in violation of a federal, state, or local law or rule
6 pertaining to railroad-highway grade crossings.

7 (2) A person who violates subsection (1) is subject to
8 a civil penalty of not more than \$10,000.

9 Section 7. Subsection (2) of section 316.183, Florida
10 Statutes, is amended to read:

11 316.183 Unlawful speed.--

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

26 Section 8. Paragraph (e) of subsection (1) of section
27 316.1932, Florida Statutes, is amended to read:

28 316.1932 Tests for alcohol, chemical substances, or
29 controlled substances; implied consent; refusal.--

30 (1)

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

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

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

13 Section 9. Subsection (5) of section 316.1936, Florida
14 Statutes, is amended to read:

15 316.1936 Possession of open containers of alcoholic
16 beverages in vehicles prohibited; penalties.--

17 (5) This section shall not apply to:

18 (a) A passenger of a vehicle in which the driver is
19 operating the vehicle pursuant to a contract to provide
20 transportation for passengers and such driver holds a valid
21 commercial driver's license with a passenger endorsement ~~or a~~
22 ~~Class D driver's license~~ issued in accordance with the
23 requirements of chapter 322;

24 (b) A passenger of a bus in which the driver holds a
25 valid commercial driver's license with a passenger endorsement
26 ~~or a Class D driver's license~~ issued in accordance with the
27 requirements of chapter 322; or

28 (c) A passenger of a self-contained motor home which
29 is in excess of 21 feet in length.

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

1 316.194 Stopping, standing or parking outside of
2 municipalities.--

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

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

17 1. Where such vehicle constitutes an obstruction of
18 traffic;

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

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

30 Section 11. Section 316.1967, Florida Statutes, is
31 amended to read:

1 316.1967 Liability for payment of parking ticket
2 violations and other parking violations.--

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

27 (2) Any person who is issued a county or municipal
28 parking ticket by a parking enforcement specialist or officer
29 is deemed to be charged with a noncriminal violation and shall
30 comply with the directions on the ticket. If payment is not
31 received or a response to the ticket is not made within the

1 | time period specified thereon, the county court or its traffic
2 | violations bureau shall notify the registered owner of the
3 | vehicle that was cited, or the registered lessee when the
4 | cited vehicle is registered in the name of the person who
5 | leased the vehicle, by mail to the address given on the motor
6 | vehicle registration, of the ticket. Mailing the notice to
7 | this address constitutes notification. Upon notification, the
8 | registered owner or registered lessee shall comply with the
9 | court's directive.

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

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

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

28 | (6) Any county or municipality may provide by
29 | ordinance that the clerk of the court or the traffic
30 | violations bureau shall supply the department with a
31 | magnetically encoded computer tape reel or cartridge or send

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

16 | Section 12. Subsection (2) of section 316.2074,
17 | Florida Statutes, is amended to read:

18 | 316.2074 All-terrain vehicles.--

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

28 | Section 13. Subsection (1) of section 316.605, Florida
29 | Statutes, is amended to read:

30 | 316.605 Licensing of vehicles.--

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1 (1) Every vehicle, at all times while driven, stopped,
2 or parked upon any highways, roads, or streets of this state,
3 shall be licensed in the name of the owner thereof in
4 accordance with the laws of this state unless such vehicle is
5 not required by the laws of this state to be licensed in this
6 state and shall, except as otherwise provided in s. 320.0706
7 for front-end registration license plates on truck tractors,
8 display the license plate or both of the license plates
9 assigned to it by the state, one on the rear and, if two, the
10 other on the front of the vehicle, each to be securely
11 fastened to the vehicle outside the main body of the vehicle
12 in such manner as to prevent the plates from swinging, and
13 ~~with~~ all letters, numerals, printing, writing, and other
14 identification marks upon the plates regarding the word
15 "Florida," the registration decal, and the alphanumeric
16 designation shall be clear and distinct and free from
17 defacement, mutilation, grease, and other obscuring matter, so
18 that they will be plainly visible and legible at all times 100
19 feet from the rear or front. Nothing shall be placed upon the
20 face of a Florida plate except as permitted by law or by rule
21 or regulation of a governmental agency. No license plates
22 other than those furnished by the state shall be used.
23 However, if the vehicle is not required to be licensed in this
24 state, the license plates on such vehicle issued by another
25 state, by a territory, possession, or district of the United
26 States, or by a foreign country, substantially complying with
27 the provisions hereof, shall be considered as complying with
28 this chapter. A violation of this subsection is a noncriminal
29 traffic infraction, punishable as a nonmoving violation as
30 provided in chapter 318.

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

3 316.613 Child restraint requirements.--

4 (4)~~(a)~~ It is the legislative intent that all state,
5 county, and local law enforcement agencies, and safety
6 councils, in recognition of the problems with child death and
7 injury from unrestrained occupancy in motor vehicles, conduct
8 a continuing safety and public awareness campaign as to the
9 magnitude of the problem.

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

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

16 316.6131 Educational expenditures.--The department may
17 authorize the expenditure of funds for the purchase of
18 educational items as part of the public information and
19 education campaigns promoting highway safety and awareness, as
20 well as departmental community-based initiatives. Funds may be
21 expended for, but are not limited to, educational campaigns
22 provided in this chapter, chapters 320 and 322, and s.
23 403.7145.

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

26 316.650 Traffic citations.--

27 (9) Such citations shall not be admissible evidence in
28 any trial, except when used as evidence of falsification,
29 forgery, uttering, fraud, or perjury, or when used as physical
30 evidence resulting from a forensic examination of the
31 citation.

1 Section 17. Section 317.0003, Florida Statutes, is
2 amended, to read:

3 317.0003 Definitions.--As used in this chapter ~~ss.~~
4 ~~317.0001-317.0013~~, the term:

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

12 (2) "Dealer" means any person authorized by the
13 Department of Revenue to buy, sell, resell, or otherwise
14 distribute off-highway vehicles. Such person must have a valid
15 sales tax certificate of registration issued by the Department
16 of Revenue and a valid commercial or occupational license
17 required by any county, municipality, or political subdivision
18 of the state in which the person operates.

19 (3) "Department" means the Department of Highway
20 Safety and Motor Vehicles.

21 (4) "Florida resident" means a person who has had a
22 principal place of domicile in this state for a period of more
23 than 6 consecutive months, who has registered to vote in this
24 state, who has made a statement of domicile pursuant to s.
25 222.17, or who has filed for homestead tax exemption on
26 property in this state.

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

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

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

12 (8) "Public lands" means lands within the state that
13 are available for public use and that are owned, operated, or
14 managed by a federal, state, county, or municipal governmental
15 entity.

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

19 Section 18. Subsection (1) of section 317.0004,
20 Florida Statutes, is amended to read:

21 317.0004 Administration of off-highway vehicle titling
22 laws; records.--

23 (1) The administration of off-highway vehicle titling
24 laws in this chapter ~~ss. 317.0001-317.0013~~ is under the
25 Department of Highway Safety and Motor Vehicles, which shall
26 provide for the issuing, handling, and recording of all
27 off-highway vehicle titling applications and certificates,
28 including the receipt and accounting of off-highway vehicle
29 titling fees. The provisions of chapter 319 are applicable to
30 this chapter, unless otherwise explicitly stated.
31

1 Section 19. Section 317.0005, Florida Statutes, is
2 amended to read:

3 317.0005 Rules, forms, and notices.--

4 (1) The department may adopt rules pursuant to ss.
5 120.536(1) and 120.54, which pertain to off-highway vehicle
6 titling, in order to implement the provisions of this chapter
7 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

8 (2) The department shall prescribe and provide
9 suitable forms for applications and other notices and forms
10 necessary to administer the provisions of this chapter ~~ss.~~
11 ~~317.0001-317.0013~~.

12 Section 20. Subsection (1) of section 317.0006,
13 Florida Statutes, is amended to read:

14 317.0006 Certificate of title required.--

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

20 Section 21. Subsection (6) is added to section
21 317.0007, Florida Statutes, to read:

22 317.0007 Application for and issuance of certificate
23 of title.--

24 (6) In addition to a certificate of title, the
25 department may issue a validation sticker to be placed on the
26 off-highway vehicle as proof of the issuance of title required
27 pursuant to s. 317.0006(1). A validation sticker that is lost
28 or destroyed may, upon application, be replaced by the
29 department or county tax collector. The department and county
30 tax collector may charge and deposit the fees established in
31

1 ss. 320.03(5), 320.031, and 320.04 for all original and
2 replacement decals.

3 Section 22. Subsection (2) of section 317.0008,
4 Florida Statutes, is repealed.

5 Section 23. Section 317.0010, Florida Statutes, is
6 amended to read:

7 317.0010 Disposition of fees.--The department shall
8 deposit all funds received under this chapter ~~ss.~~
9 ~~317.0001-317.0013~~, less administrative costs of \$2 per title
10 transaction, into the Incidental Trust Fund of the Division of
11 Forestry of the Department of Agriculture and Consumer
12 Services.

13 Section 24. Subsection (3) of section 317.0012,
14 Florida Statutes, is amended to read:

15 317.0012 Crimes relating to certificates of title;
16 penalties.--

17 (3) It is unlawful to:

18 (a) Alter or forge any certificate of title to an
19 off-highway vehicle or any assignment thereof or any
20 cancellation of any lien on an off-highway vehicle.

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

23 (c) Use a false or fictitious name, give a false or
24 fictitious address, or make any false statement in any
25 application or affidavit required by this chapter ~~ss.~~
26 ~~317.0001-317.0013~~ or in a bill of sale or sworn statement of
27 ownership or otherwise commit a fraud in any application.

28 (d) Knowingly obtain goods, services, credit, or money
29 by means of an invalid, duplicate, fictitious, forged,
30 counterfeit, stolen, or unlawfully obtained certificate of
31

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

3 (e) Knowingly obtain goods, services, credit, or money
4 by means of a certificate of title to an off-highway vehicle
5 which certificate is required by law to be surrendered to the
6 department.

7
8 Any person who violates this subsection commits a felony of
9 the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084. A violation of this subsection with
11 respect to any off-highway vehicle makes such off-highway
12 vehicle contraband which may be seized by a law enforcement
13 agency and forfeited under ss. 932.701-932.704.

14 Section 25. Section 317.0013, Florida Statutes, is
15 amended to read:

16 317.0013 Nonmoving traffic violations.--Any person who
17 fails to comply with any provision of this chapter ~~ss.~~
18 ~~317.0001-317.0012~~ for which a penalty is not otherwise
19 provided commits a nonmoving traffic violation, punishable as
20 provided in s. 318.18.

21 Section 26. Section 317.0014, Florida Statutes, is
22 created to read:

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

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

31

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

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

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

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

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

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

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

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

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

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

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

11 (7) Any person who fails, within 10 days after receipt
12 of a demand by the department by certified mail, to return a
13 certificate of title to the department as required by
14 subsection (4) or who, upon satisfaction of a lien, fails
15 within 10 days after receipt of such demand to forward the
16 appropriate document to the department as required by
17 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of
18 the second degree, punishable as provided in s. 775.082 or s.
19 775.083.

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

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

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

5 Section 27. Section 317.0015, Florida Statutes, is
6 created to read:

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

11 Section 28. Section 317.0016, Florida Statutes, is
12 created to read:

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

1 Section 29. Section 317.0017, Florida Statutes, is
2 created to read:

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

5 (1) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

8 Section 30. Section 317.0018, Florida Statutes, is
9 created to read:

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

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

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

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

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

31

1 (5) Violates any other provision of this chapter or a
2 lawful rule adopted pursuant to this chapter;

3
4 shall be fined not more than \$500 or imprisoned for not more
5 than 6 months, or both, for each offense, unless otherwise
6 specified.

7 Section 31. Subsections (7), (9), and (10) of section
8 318.14, Florida Statutes, are amended to read:

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

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

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

26 (9) Any person who does not hold a commercial driver's
27 license and who is cited for an infraction under this section
28 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
29 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
30 of a court appearance, elect to attend in the location of his
31 or her choice within this state a basic driver improvement

1 course approved by the Department of Highway Safety and Motor
2 Vehicles. In such a case, adjudication must be withheld;
3 points, as provided by s. 322.27, may not be assessed; and the
4 civil penalty that is imposed by s. 318.18(3) must be reduced
5 by 18 percent; however, a person may not make an election
6 under this subsection if the person has made an election under
7 this subsection in the preceding 12 months. A person may make
8 no more than five elections under this subsection. The
9 requirement for community service under s. 318.18(8) is not
10 waived by a plea of nolo contendere or by the withholding of
11 adjudication of guilt by a court.

12 (10)(a) Any person who does not hold a commercial
13 driver's license and who is cited for an offense listed under
14 this subsection may, in lieu of payment of fine or court
15 appearance, elect to enter a plea of nolo contendere and
16 provide proof of compliance to the clerk of the court or
17 authorized operator of a traffic violations bureau. In such
18 case, adjudication shall be withheld; however, no election
19 shall be made under this subsection if such person has made an
20 election under this subsection in the 12 months preceding
21 election hereunder. No person may make more than three
22 elections under this subsection. This subsection applies to
23 the following offenses:

24 1. Operating a motor vehicle without a valid driver's
25 license in violation of the provisions of s. 322.03, s.
26 322.065, or s. 322.15(1), or operating a motor vehicle with a
27 license which has been suspended for failure to appear,
28 failure to pay civil penalty, or failure to attend a driver
29 improvement course pursuant to s. 322.291.

30
31

1 2. Operating a motor vehicle without a valid
2 registration in violation of s. 320.0605, s. 320.07, or s.
3 320.131.

4 3. Operating a motor vehicle in violation of s.
5 316.646.

6 (b) Any person cited for an offense listed in this
7 subsection shall present proof of compliance prior to the
8 scheduled court appearance date. For the purposes of this
9 subsection, proof of compliance shall consist of a valid,
10 renewed, or reinstated driver's license or registration
11 certificate and proper proof of maintenance of security as
12 required by s. 316.646. Notwithstanding waiver of fine, any
13 person establishing proof of compliance shall be assessed
14 court costs of \$22, except that a person charged with
15 violation of s. 316.646(1)-(3) may be assessed court costs of
16 \$7. One dollar of such costs shall be remitted to the
17 Department of Revenue for deposit into the Child Welfare
18 Training Trust Fund of the Department of Children and Family
19 Services. One dollar of such costs shall be distributed to the
20 Department of Juvenile Justice for deposit into the Juvenile
21 Justice Training Trust Fund. Twelve dollars of such costs
22 shall be distributed to the municipality and \$8 shall be
23 deposited by the clerk of the court into the fine and
24 forfeiture fund established pursuant to s. 142.01, if the
25 offense was committed within the municipality. If the offense
26 was committed in an unincorporated area of a county or if the
27 citation was for a violation of s. 316.646(1)-(3), the entire
28 amount shall be deposited by the clerk of the court into the
29 fine and forfeiture fund established pursuant to s. 142.01,
30 except for the moneys to be deposited into the Child Welfare
31 Training Trust Fund and the Juvenile Justice Training Trust

1 Fund. This subsection shall not be construed to authorize the
2 operation of a vehicle without a valid driver's license,
3 without a valid vehicle tag and registration, or without the
4 maintenance of required security.

5 Section 32. Subsection (6) of section 319.23, Florida
6 Statutes, is amended to read:

7 319.23 Application for, and issuance of, certificate
8 of title.--

9 (6) In the case of the sale of a motor vehicle or
10 mobile home by a licensed dealer to a general purchaser, the
11 certificate of title shall be obtained in the name of the
12 purchaser by the dealer upon application signed by the
13 purchaser, and in each other case such certificate shall be
14 obtained by the purchaser. In each case of transfer of a
15 motor vehicle or mobile home, the application for certificate
16 of title, or corrected certificate, or assignment or
17 reassignment, shall be filed within 30 days from the delivery
18 of such motor vehicle or mobile home to the purchaser. An
19 applicant shall be required to pay a fee of \$10, in addition
20 to all other fees and penalties required by law, for failing
21 to file such application within the specified time. When a
22 licensed dealer acquires a motor vehicle or mobile home as a
23 trade-in, the dealer must file with the department, within 30
24 days, a notice of sale signed by the seller. The department
25 shall update its database for that title record to indicate
26 "sold." A licensed dealer need not apply for a certificate of
27 title for any motor vehicle or mobile home in stock acquired
28 for stock purposes except as provided in s. 319.225.

29 Section 33. Subsections (2) and (3) of section 319.27,
30 Florida Statutes, are amended to read:

31

1 319.27 Notice of lien on motor vehicles or mobile
2 homes; notation on certificate; recording of lien.--

3 (2) No lien for purchase money or as security for a
4 debt in the form of a security agreement, retain title
5 contract, conditional bill of sale, chattel mortgage, or other
6 similar instrument or any other nonpossessory lien, including
7 a lien for child support, upon a motor vehicle or mobile home
8 upon which a Florida certificate of title has been issued
9 shall be enforceable in any of the courts of this state
10 against creditors or subsequent purchasers for a valuable
11 consideration and without notice, unless a sworn notice of
12 such lien has been filed in the department and such lien has
13 been noted upon the certificate of title of the motor vehicle
14 or mobile home. Such notice shall be effective as constructive
15 notice when filed. No interest of a statutory nonpossessory
16 lienor; the interest of a nonpossessory execution, attachment,
17 or equitable lienor; or the interest of a lien creditor as
18 defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~, if nonpossessory,
19 shall be enforceable against creditors or subsequent
20 purchasers for a valuable consideration unless such interest
21 becomes a possessory lien or is noted upon the certificate of
22 title for the subject motor vehicle or mobile home prior to
23 the occurrence of the subsequent transaction. Provided the
24 provisions of this subsection relating to a nonpossessory
25 statutory lienor; a nonpossessory execution, attachment, or
26 equitable lienor; or the interest of a lien creditor as
27 defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall not apply to
28 liens validly perfected prior to October 1, 1988. The notice
29 of lien shall provide the following information:

30 (a) The date of the lien if a security agreement,
31 retain title contract, conditional bill of sale, chattel

1 mortgage, or other similar instrument was executed prior to
2 the filing of the notice of lien;

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

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

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

7 (3)(a) A person may file a notice of lien with regard
8 to a motor vehicle or mobile home before a security agreement,
9 retain title contract, conditional bill of sale, chattel
10 mortgage, or other similar instrument is executed granting a
11 lien, mortgage, or encumbrance on, or a security interest in,
12 such motor vehicle or mobile home.

13 (b) As applied to a determination of the respective
14 rights of a secured party under this chapter and a lien
15 creditor as defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a
16 nonpossessory statutory lienor, a security interest under this
17 chapter shall be perfected upon the filing of the notice of
18 lien with the department, the county tax collector, or their
19 agents. Provided, however, the date of perfection of a
20 security interest of such secured party shall be the same date
21 as the execution of the security agreement or other similar
22 instrument if the notice of lien is filed in accordance with
23 this subsection within 15 days after the debtor receives
24 possession of the motor vehicle or mobile home and executes
25 such security agreement or other similar instrument. The date
26 of filing of the notice of lien shall be the date of its
27 receipt by the department central office in Tallahassee, if
28 first filed there, or otherwise by the office of the county
29 tax collector, or their agents.

30 Section 34. Paragraph (b) of subsection (1) of section
31 320.06, Florida Statutes, is amended to read:

1 320.06 Registration certificates, license plates, and
2 validation stickers generally.--

3 (1)

4 (b) Registration license plates bearing a graphic
5 symbol and the alphanumeric system of identification shall be
6 issued for a 5-year period. At the end of said 5-year period,
7 upon renewal, the plate shall be replaced. The fee for such
8 replacement shall be \$10, \$2 of which shall be paid each year
9 before the plate is replaced, to be credited towards the next
10 \$10 replacement fee. The fees shall be deposited into the
11 Highway Safety Operating Trust Fund. A credit or refund shall
12 not be given for any prior years' payments of such prorated
13 replacement fee when the plate is replaced or surrendered
14 before the end of the 5-year period, except that a credit may
15 be given when a registrant is required by the department to
16 replace a license plate under s. 320.08056(8)(a). With each
17 license plate, there shall be issued a validation sticker
18 showing the owner's birth month, license plate number, and the
19 year of expiration or the appropriate renewal period if the
20 owner is not a natural person. The validation sticker is to be
21 placed on the upper right corner of the license plate. Such
22 license plate and validation sticker shall be issued based on
23 the applicant's appropriate renewal period. The registration
24 period shall be a period of 12 months, and all expirations
25 shall occur based on the applicant's appropriate registration
26 period. A vehicle with an apportioned registration shall be
27 issued an annual license plate and a cab card that denote the
28 declared gross vehicle weight for each apportioned
29 jurisdiction in which the vehicle is authorized to operate.

30 Section 35. Section 320.0601, Florida Statutes, is
31 amended to read:

1 320.0601 Lease and rental car companies;
2 identification of vehicles as for-hire.--

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

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

9 (a) "Bumper stickers, insignias, or advertising" does
10 not include:

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

15 2. Any license required by the law of the state in
16 which the vehicle is registered.

17 (b) "Rent in this state" means to sign a rental
18 contract in this state or to deliver a car to a renter in this
19 state.

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

23 (4) Any registration or renewal as required under s.
24 320.02 for an original or transfer of a long-term leased motor
25 vehicle must be in the name and address of the lessee.

26 Section 36. Section 320.0605, Florida Statutes, is
27 amended to read:

28 320.0605 Certificate of registration; possession
29 required; exception.--The registration certificate or an
30 official copy thereof, a true copy of a rental or lease
31 agreement issued for a motor vehicle or issued for a

1 replacement vehicle in the same registration period, a
2 temporary receipt printed upon self-initiated electronic
3 renewal of a registration via the Internet, or a cab card
4 issued for a vehicle registered under the International
5 Registration Plan shall, at all times while the vehicle is
6 being used or operated on the roads of this state, be in the
7 possession of the operator thereof or be carried in the
8 vehicle for which issued and shall be exhibited upon demand of
9 any authorized law enforcement officer or any agent of the
10 department, except for a vehicle registered under s. 320.0657.

11 The provisions of this section do not apply during the first
12 30 days after purchase of a replacement vehicle. A violation
13 of this section is a noncriminal traffic infraction,
14 punishable as a nonmoving violation as provided in chapter
15 318.

16 Section 37. Section 320.0843, Florida Statutes, is
17 amended to read:

18 320.0843 License plates for persons with disabilities
19 eligible for permanent disabled parking permits.--

20 (1) Any owner or lessee of a motor vehicle who resides
21 in this state and qualifies for a disabled parking permit
22 under s. 320.0848(2), upon application to the department and
23 payment of the license tax for a motor vehicle registered
24 under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b),
25 (6)(a), or (9)(c) or (d), shall be issued a license plate as
26 provided by s. 320.06 which, in lieu of the serial number
27 prescribed by s. 320.06, shall be stamped with the
28 international wheelchair user symbol after the serial number
29 of the license plate. The license plate entitles the person
30 to all privileges afforded by a parking permit issued under s.
31 320.0848. When more than one registrant is listed on the

1 registration issued under this section, the eligible applicant
2 shall be noted on the registration certificate.

3 (2) All applications for such license plates must be
4 made to the department.

5 Section 38. Subsection (8) is added to section
6 320.131, Florida Statutes, to read:

7 320.131 Temporary tags.--

8 (8) The department may administer an electronic system
9 for licensed motor vehicle dealers to use in issuing temporary
10 license plates. Upon issuing a temporary license plate, the
11 dealer shall access the electronic system and enter the
12 appropriate vehicle and owner information within the timeframe
13 specified by department rule. If a dealer fails to comply with
14 the department's requirements for issuing temporary license
15 plates using the electronic system, the department may deny,
16 suspend, or revoke a license under s. 320.27(9)(b)16. upon
17 proof that the licensee has failed to comply with the
18 department's requirements.

19 Section 39. Subsection (1) of section 320.18, Florida
20 Statutes, is amended to read:

21 320.18 Withholding registration.--

22 (1) The department may withhold the registration of
23 any motor vehicle or mobile home the owner of which has failed
24 to register it under the provisions of law for any previous
25 period or periods for which it appears registration should
26 have been made in this state, until the tax for such period or
27 periods is paid. The department may cancel any vehicle or
28 vessel registration, driver's license, identification card,
29 ~~license plate~~ or fuel-use tax decal if the owner pays for the
30 vehicle or vessel registration, driver's license,
31 identification card, or license plate, fuel-use tax decal;

1 pays any administrative, delinquency, or reinstatement fee;
2 or pays any tax liability, penalty, or interest specified in
3 chapter 207 by a dishonored check, or if the vehicle owner or
4 motor carrier has failed to pay a penalty for a weight or
5 safety violation issued by the Department of Transportation
6 Motor Carrier Compliance Office. The Department of
7 Transportation and the Department of Highway Safety and Motor
8 Vehicles may impound any commercial motor vehicle that has a
9 canceled license plate or fuel-use tax decal until the tax
10 liability, penalty, and interest specified in chapter 207, the
11 license tax, or the fuel-use decal fee, and applicable
12 administrative fees have been paid for by certified funds.

13 Section 40. Paragraph (a) of subsection (4),
14 subsection (6), and paragraph (b) of subsection (9) of section
15 320.27, Florida Statutes, are amended to read:

16 320.27 Motor vehicle dealers.--

17 (4) LICENSE CERTIFICATE.--

18 (a) A license certificate shall be issued by the
19 department in accordance with such application when the
20 application is regular in form and in compliance with the
21 provisions of this section. The license certificate may be in
22 the form of a document or a computerized card as determined by
23 the department. The actual cost of each original, additional,
24 or replacement computerized card shall be borne by the
25 licensee and is in addition to the fee for licensure. Such
26 license, when so issued, entitles the licensee to carry on and
27 conduct the business of a motor vehicle dealer. Each license
28 issued to a franchise motor vehicle dealer expires annually on
29 December 31 unless revoked or suspended prior to that date.
30 Each license issued to an independent or wholesale dealer or
31 auction expires annually on April 30 unless revoked or

1 | suspended prior to that date. Not less than 60 days prior to
2 | the license expiration date, the department shall deliver or
3 | mail to each licensee the necessary renewal forms. Each
4 | independent dealer shall certify that the dealer principal
5 | (owner, partner, officer of the corporation, or director) has
6 | completed 8 hours of continuing education prior to filing the
7 | renewal forms with the department. Such certification shall be
8 | filed once every 2 years commencing with the 2006 renewal
9 | period. The continuing education shall include at least 2
10 | hours of legal or legislative issues, 1 hour of department
11 | issues, and 5 hours of relevant motor vehicle industry topics.
12 | Continuing education shall be provided by dealer schools
13 | licensed under paragraph (b) either in a classroom setting or
14 | by correspondence. Such schools shall provide certificates of
15 | completion to the department and the customer which shall be
16 | filed with the license renewal form, and such schools may
17 | charge a fee for providing continuing education. Any licensee
18 | who does not file his or her application and fees and any
19 | other requisite documents, as required by law, with the
20 | department at least 30 days prior to the license expiration
21 | date shall cease to engage in business as a motor vehicle
22 | dealer on the license expiration date. A renewal filed with
23 | the department within 45 days after the expiration date shall
24 | be accompanied by a delinquent fee of \$100. Thereafter, a new
25 | application is required, accompanied by the initial license
26 | fee. A license certificate duly issued by the department may
27 | be modified by endorsement to show a change in the name of the
28 | licensee, provided, as shown by affidavit of the licensee, the
29 | majority ownership interest of the licensee has not changed or
30 | the name of the person appearing as franchisee on the sales
31 | and service agreement has not changed. Modification of a

1 license certificate to show any name change as herein provided
2 shall not require initial licensure or reissuance of dealer
3 tags; however, any dealer obtaining a name change shall
4 transact all business in and be properly identified by that
5 name. All documents relative to licensure shall reflect the
6 new name. In the case of a franchise dealer, the name change
7 shall be approved by the manufacturer, distributor, or
8 importer. A licensee applying for a name change endorsement
9 shall pay a fee of \$25 which fee shall apply to the change in
10 the name of a main location and all additional locations
11 licensed under the provisions of subsection (5). Each initial
12 license application received by the department shall be
13 accompanied by verification that, within the preceding 6
14 months, the applicant, or one or more of his or her designated
15 employees, has attended a training and information seminar
16 conducted by a licensed motor vehicle dealer training school
17 ~~the department~~. Such seminar shall include, but is not limited
18 to, statutory dealer requirements, which requirements include
19 required bookkeeping and recordkeeping procedures,
20 requirements for the collection of sales and use taxes, and
21 such other information that in the opinion of the department
22 will promote good business practices. No seminar may exceed 8
23 hours in length.

24 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
25 shall keep a book or record in such form as shall be
26 prescribed or approved by the department for a period of 5
27 years, in which the licensee shall keep a record of the
28 purchase, sale, or exchange, or receipt for the purpose of
29 sale, of any motor vehicle, the date upon which any temporary
30 tag was issued, the date of title transfer, and a description
31 of such motor vehicle together with the name and address of

1 | the seller, the purchaser, and the alleged owner or other
2 | person from whom such motor vehicle was purchased or received
3 | or to whom it was sold or delivered, as the case may be. Such
4 | description shall include the identification or engine number,
5 | maker's number, if any, chassis number, if any, and such other
6 | numbers or identification marks as may be thereon and shall
7 | also include a statement that a number has been obliterated,
8 | defaced, or changed, if such is the fact.

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

10 | (b) The department may deny, suspend, or revoke any
11 | license issued hereunder or under the provisions of s. 320.77
12 | or s. 320.771 upon proof that a licensee has committed, with
13 | sufficient frequency so as to establish a pattern of
14 | wrongdoing on the part of a licensee, violations of one or
15 | more of the following activities:

16 | 1. Representation that a demonstrator is a new motor
17 | vehicle, or the attempt to sell or the sale of a demonstrator
18 | as a new motor vehicle without written notice to the purchaser
19 | that the vehicle is a demonstrator. For the purposes of this
20 | section, a "demonstrator," a "new motor vehicle," and a "used
21 | motor vehicle" shall be defined as under s. 320.60.

22 | 2. Unjustifiable refusal to comply with a licensee's
23 | responsibility under the terms of the new motor vehicle
24 | warranty issued by its respective manufacturer, distributor,
25 | or importer. However, if such refusal is at the direction of
26 | the manufacturer, distributor, or importer, such refusal shall
27 | not be a ground under this section.

28 | 3. Misrepresentation or false, deceptive, or
29 | misleading statements with regard to the sale or financing of
30 | motor vehicles which any motor vehicle dealer has, or causes
31 | to have, advertised, printed, displayed, published,

1 distributed, broadcast, televised, or made in any manner with
2 regard to the sale or financing of motor vehicles.

3 4. Failure by any motor vehicle dealer to provide a
4 customer or purchaser with an odometer disclosure statement
5 and a copy of any bona fide written, executed sales contract
6 or agreement of purchase connected with the purchase of the
7 motor vehicle purchased by the customer or purchaser.

8 5. Failure of any motor vehicle dealer to comply with
9 the terms of any bona fide written, executed agreement,
10 pursuant to the sale of a motor vehicle.

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

13 7. Use of the dealer license identification number by
14 any person other than the licensed dealer or his or her
15 designee.

16 8. Failure to continually meet the requirements of the
17 licensure law.

18 9. Representation to a customer or any advertisement
19 to the public representing or suggesting that a motor vehicle
20 is a new motor vehicle if such vehicle lawfully cannot be
21 titled in the name of the customer or other member of the
22 public by the seller using a manufacturer's statement of
23 origin as permitted in s. 319.23(1).

24 10. Requirement by any motor vehicle dealer that a
25 customer or purchaser accept equipment on his or her motor
26 vehicle which was not ordered by the customer or purchaser.

27 11. Requirement by any motor vehicle dealer that any
28 customer or purchaser finance a motor vehicle with a specific
29 financial institution or company.

30
31

1 12. Requirement by any motor vehicle dealer that the
2 purchaser of a motor vehicle contract with the dealer for
3 physical damage insurance.

4 13. Perpetration of a fraud upon any person as a
5 result of dealing in motor vehicles, including, without
6 limitation, the misrepresentation to any person by the
7 licensee of the licensee's relationship to any manufacturer,
8 importer, or distributor.

9 14. Violation of any of the provisions of s. 319.35 by
10 any motor vehicle dealer.

11 15. Sale by a motor vehicle dealer of a vehicle
12 offered in trade by a customer prior to consummation of the
13 sale, exchange, or transfer of a newly acquired vehicle to the
14 customer, unless the customer provides written authorization
15 for the sale of the trade-in vehicle prior to delivery of the
16 newly acquired vehicle.

17 16. Willful failure to comply with any administrative
18 rule adopted by the department or the provisions of s.
19 320.131(8).

20 17. Violation of chapter 319, this chapter, or ss.
21 559.901-559.9221, which has to do with dealing in or repairing
22 motor vehicles or mobile homes. Additionally, in the case of
23 used motor vehicles, the willful violation of the federal law
24 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
25 to the consumer sales window form.

26 Section 41. Subsections (8), (10), and (29) of section
27 322.01, Florida Statutes, are amended to read:

28 322.01 Definitions.--As used in this chapter:

29 (8) "Commercial motor vehicle" means any motor vehicle
30 or motor vehicle combination used on the streets or highways,
31 which:

1 (a) Has a gross vehicle weight rating of 26,001 pounds
2 or more;

3 ~~(b) Has a declared weight of 26,001 pounds or more;~~

4 ~~(c) Has an actual weight of 26,001 pounds or more;~~

5 ~~(b)(d)~~ Is designed to transport more than 15 persons,
6 including the driver; or

7 ~~(c)(e)~~ Is transporting hazardous materials and is
8 required to be placarded in accordance with Title 49 C.F.R.
9 part 172, subpart F.

10 (10)~~(a)~~ "Conviction" means a conviction of an offense
11 relating to the operation of motor vehicles on highways which
12 is a violation of this chapter or any other such law of this
13 state or any other state, including an admission or
14 determination of a noncriminal traffic infraction pursuant to
15 s. 318.14, or a judicial disposition of an offense committed
16 under any federal law substantially conforming to the
17 aforesaid state statutory provisions.

18 (b) Notwithstanding any other provisions of this
19 chapter, the definition of "conviction" provided in 49 C.F.R.
20 part 383.5 applies to offenses committed in a commercial motor
21 vehicle.

22 (29) "Out-of-service order" means a prohibition issued
23 by an authorized local, state, or Federal Government official
24 which ~~that~~ precludes a person from driving a commercial motor
25 vehicle for a period of 72 hours or less.

26 Section 42. Subsections (4) and (10) of section
27 322.05, Florida Statutes, are amended to read:

28 322.05 Persons not to be licensed.--The department may
29 not issue a license:

30 (4) Except as provided by this subsection, to any
31 person, as a Class A licensee, Class B licensee, or Class C

1 | licensee, ~~or Class D licensee,~~ who is under the age of 18
2 | years. ~~A person age 16 or 17 years who applies for a Class D~~
3 | ~~driver's license is subject to all the requirements and~~
4 | ~~provisions of paragraphs (2)(a) and (b) and ss. 322.09 and~~
5 | ~~322.16(2) and (3). The department may require of any such~~
6 | ~~applicant for a Class D driver's license such examination of~~
7 | ~~the qualifications of the applicant as the department~~
8 | ~~considers proper, and the department may limit the use of any~~
9 | ~~license granted as it considers proper.~~

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

16 | Section 43. Paragraph (a) of subsection (1) and
17 | paragraphs (b) and (c) of subsection (2) of section 322.051,
18 | Florida Statutes, are amended, and subsection (8) is added to
19 | that section, to read:

20 | 322.051 Identification cards.--

21 | (1) Any person who is 12 years of age or older, or any
22 | person who has a disability, regardless of age, who applies
23 | for a disabled parking permit under s. 320.0848, may be issued
24 | an identification card by the department upon completion of an
25 | application and payment of an application fee.

26 | (a) Each such application shall include the following
27 | information regarding the applicant:

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

31 | 2. Proof of birth date satisfactory to the department.

1 3. Proof of identity satisfactory to the department.
2 Such proof must include one of the following documents issued
3 to the applicant:
4 a. A driver's license record or identification card
5 record from another jurisdiction that required the applicant
6 to submit a document for identification which is substantially
7 similar to a document required under sub-subparagraph b.,
8 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
9 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;
10 b. A certified copy of a United States birth
11 certificate;
12 c. A ~~valid~~ United States passport;
13 d. A naturalization certificate issued by the United
14 States Department of Homeland Security;
15 ~~e.d.~~ An alien registration receipt card (green card);
16 ~~f.e.~~ An employment authorization card issued by the
17 United States Department of Homeland Security; or
18 ~~g.f.~~ Proof of nonimmigrant classification provided by
19 the United States Department of Homeland Security, for an
20 original identification card. In order to prove such
21 nonimmigrant classification, applicants may produce but are
22 not limited to the following documents:
23 (I) A notice of hearing from an immigration court
24 scheduling a hearing on any proceeding.
25 (II) A notice from the Board of Immigration Appeals
26 acknowledging pendency of an appeal.
27 (III) Notice of the approval of an application for
28 adjustment of status issued by the United States Bureau of
29 Citizenship and Immigration Services.
30 (IV) Any official documentation confirming the filing
31 of a petition for asylum status or any other relief issued by

1 the United States Bureau of Citizenship and Immigration
2 Services.

3 (V) Notice of action transferring any pending matter
4 from another jurisdiction to Florida, issued by the United
5 States Bureau of Citizenship and Immigration Services.

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

10
11 Presentation of any of the ~~foregoing~~ documents described in
12 sub-subparagraph f. or sub-subparagraph g. entitles shall
13 entitle the applicant to an identification card a driver's
14 license or temporary permit for a period not to exceed the
15 expiration date of the document presented or 2 years,
16 whichever first occurs.

17 (2)

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

27 (c) Notwithstanding any other provisions of this
28 chapter, if an applicant establishes his or her identity for
29 an identification card using an identification document
30 authorized under sub-subparagraph (1)(a)3.f. or
31 sub-subparagraph (1)(a)3.g. sub-subparagraphs (1)(a)3.e. f.,

1 the identification card shall expire 2 years after the date of
2 issuance or upon the expiration date cited on the United
3 States Department of Homeland Security documents, whichever
4 date first occurs, and may not be renewed or obtain a
5 duplicate except in person.

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

18 Section 44. Subsections (2) and (3) of section 322.07,
19 Florida Statutes, are amended to read:

20 322.07 Instruction permits and temporary licenses.--

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

31

1 (3) Any person who, except for his or her lack of
2 instruction in operating a ~~Class D or~~ commercial motor
3 vehicle, would otherwise be qualified to obtain a ~~Class D or~~
4 commercial driver's license under this chapter, may apply for
5 a ~~temporary Class D or~~ temporary commercial instruction
6 permit. The department shall issue such a permit entitling the
7 applicant, while having the permit in his or her immediate
8 possession, to drive a ~~Class D or~~ commercial motor vehicle on
9 the highways, provided that:

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

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

17 Section 45. Subsection (2) of section 322.08, Florida
18 Statutes, is amended to read:

19 322.08 Application for license.--

20 (2) Each such application shall include the following
21 information regarding the applicant:

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

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

27 (c) Proof of identity satisfactory to the department.
28 Such proof must include one of the following documents issued
29 to the applicant:

30 1. A driver's license record or identification card
31 record from another jurisdiction that required the applicant

1 to submit a document for identification which is substantially
2 similar to a document required under subparagraph 2.,
3 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
4 subparagraph 6., or subparagraph 7.;

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

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

8 4. A naturalization certificate issued by the United
9 States Department of Homeland Security;

10 5.4. An alien registration receipt card (green card);

11 6.5. An employment authorization card issued by the
12 United States Department of Homeland Security; or

13 7.6. Proof of nonimmigrant classification provided by
14 the United States Department of Homeland Security, for an
15 original driver's license. In order to prove nonimmigrant
16 classification, an applicant may produce the following
17 documents, including, but not limited to:

18 a. A notice of hearing from an immigration court
19 scheduling a hearing on any proceeding.

20 b. A notice from the Board of Immigration Appeals
21 acknowledging pendency of an appeal.

22 c. A notice of the approval of an application for
23 adjustment of status issued by the United States Immigration
24 and Naturalization Service.

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

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

31

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

5
6 Presentation of any of the documents in subparagraph 6. or
7 subparagraph 7. entitles the applicant to a driver's license
8 or temporary permit for a period not to exceed the expiration
9 date of the document presented or 2 years, whichever occurs
10 first.

11 (d) Whether the applicant has previously been licensed
12 to drive, and, if so, when and by what state, and whether any
13 such license or driving privilege has ever been disqualified,
14 revoked, or suspended, or whether an application has ever been
15 refused, and, if so, the date of and reason for such
16 disqualification, suspension, revocation, or refusal.

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

19 Section 46. Paragraph (a) of subsection (1) of section
20 322.09, Florida Statutes, is amended to read:

21 322.09 Application of minors; responsibility for
22 negligence or misconduct of minor.--

23 (1)(a) The application of any person under the age of
24 18 years for a driver's license must be signed and verified
25 before a person authorized to administer oaths by the father,
26 mother, or guardian; by a secondary guardian if the primary
27 guardian dies before the minor reaches 18 years of age; or,
28 if there is no parent or guardian, by another responsible
29 adult who is willing to assume the obligation imposed under
30 this chapter upon a person signing the application of a minor.
31

1 This section does not apply to a person under the age of 18
2 years who is emancipated by marriage.

3 Section 47. Section 322.11, Florida Statutes, is
4 amended to read:

5 322.11 Revocation of license upon death of person
6 signing minor's application.--The department, upon receipt of
7 satisfactory evidence of the death of the person who signed
8 the application of a minor for a license, shall, 90 days after
9 giving written notice to the minor, cancel such license and
10 ~~may shall~~ not issue a new license until ~~such time as~~ the new
11 application, ~~duly~~ signed and verified, is made as required by
12 this chapter. This provision does shall not apply if in the
13 ~~event~~ the minor has attained the age of 18 years.

14 Section 48. Subsection (3) of section 322.12, Florida
15 Statutes, is amended to read:

16 322.12 Examination of applicants.--

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

1 | the influence of alcohol or controlled substances and shall
2 | include an actual demonstration of ability to exercise
3 | ordinary and reasonable control in the operation of a motor
4 | vehicle.

5 | Section 49. Subsections (1) and (4) of section
6 | 322.135, Florida Statutes, are amended, and subsection (9) is
7 | added to that section, to read:

8 | 322.135 Driver's license agents.--

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

14 | (a) Any authorized agent shall provide all services
15 | available from a state facility as deemed appropriate by the
16 | department. These services shall be limited to the issuance of
17 | driver's licenses and identification cards as authorized by
18 | this chapter.

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

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

27 | (4) A tax collector may not issue or renew a driver's
28 | license if he or she has any reason to believe that the
29 | licensee or prospective licensee is physically or mentally
30 | unqualified to operate a motor vehicle. The tax collector may
31 |

1 ~~shall~~ direct any such licensee to the department for
2 examination or reexamination under s. 322.221.

3 (9) Notwithstanding chapter 116, each county officer
4 within this state who is authorized to collect funds provided
5 for in this chapter shall pay all sums officially received by
6 the officer into the State Treasury no later than 5 working
7 days after the close of the business day in which the officer
8 received the funds. Payment by county officers to the state
9 shall be made by means of electronic funds transfers.

10 Section 50. Subsection (1) of section 322.142, Florida
11 Statutes, is amended to read:

12 322.142 Color photographic or digital imaged
13 licenses.--

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

25 Section 51. Paragraph (a) of subsection (1) and
26 subsection (2) of section 322.161, Florida Statutes, are
27 amended to read:

28 322.161 High-risk drivers; restricted licenses.--

29 (1)(a) Notwithstanding any provision of law to the
30 contrary, the department shall restrict the driving privilege
31 of any ~~Class D or~~ Class E licensee who is age 15 through 17

1 and who has accumulated six or more points pursuant to s.
2 318.14, excluding parking violations, within a 12-month
3 period.

4 ~~(2)(a) Any Class E licensee who is age 15 through 17~~
5 ~~and who has accumulated six or more points pursuant to s.~~
6 ~~318.14, excluding parking violations, within a 12 month period~~
7 ~~shall not be eligible to obtain a Class D license for a period~~
8 ~~of no less than 1 year. The period of ineligibility shall~~
9 ~~begin on the date of conviction for the violation that results~~
10 ~~in the licensee's accumulation of six or more points.~~

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

18 Section 52. Subsection (3) of section 322.17, Florida
19 Statutes, is amended to read:

20 322.17 Duplicate and replacement certificates.--

21 (3) Notwithstanding any other provisions of this
22 chapter, if a licensee establishes his or her identity for a
23 driver's license using an identification document authorized
24 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the
25 licensee may not obtain a duplicate or replacement instruction
26 permit or driver's license except in person and upon
27 submission of an identification document authorized under s.
28 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~

29 Section 53. Subsections (2) and (4) of section 322.18,
30 Florida Statutes, are amended to read:

31

1 322.18 Original applications, licenses, and renewals;
2 expiration of licenses; delinquent licenses.--

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

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

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

20 (c) Notwithstanding any other provision of this
21 chapter, if an applicant establishes his or her identity for a
22 driver's license using a document authorized under s.
23 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the driver's license shall
24 expire in accordance with paragraph (b). After an initial
25 showing of such documentation, he or she is exempted from
26 having to renew or obtain a duplicate in person.

27 (d) Notwithstanding any other provision of this
28 chapter, if applicant establishes his or her identity for a
29 driver's license using a document authorized in s.
30 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the driver's
31 license shall expire 2 4 years after the date of issuance or

1 upon the expiration date cited on the United States Department
2 of Homeland Security documents, whichever date first occurs.

3 (e) Notwithstanding any other provision of this
4 chapter, an applicant applying for an original or renewal
5 issuance of a commercial driver's license as defined in s.
6 322.01(7), with a hazardous-materials endorsement, pursuant to
7 s. 322.57(1)(e), shall be issued a driver's license that
8 expires at midnight on the licensee's birthday that next
9 occurs 4 years after the month of expiration of the license
10 being issued or renewed.

11 (4)(a) Except as otherwise provided in this chapter,
12 all licenses shall be renewable every 4 years or 6 years,
13 depending upon the terms of issuance and shall be issued or
14 extended upon application, payment of the fees required by s.
15 322.21, and successful passage of any required examination,
16 unless the department has reason to believe that the licensee
17 is no longer qualified to receive a license.

18 (b) Notwithstanding any other provision of this
19 chapter, if an applicant establishes his or her identity for a
20 driver's license using a document authorized under s.
21 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the license, upon an initial
22 showing of such documentation, is exempted from having to
23 renew or obtain a duplicate in person, unless the renewal or
24 duplication coincides with the periodic reexamination of a
25 driver as required pursuant to s. 322.121.

26 (c) Notwithstanding any other provision of this
27 chapter, if a licensee establishes his or her identity for a
28 driver's license using an identification document authorized
29 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the
30 licensee may not renew the driver's license except in person
31 and upon submission of an identification document authorized

1 | under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~ A driver's
2 | license renewed under this paragraph expires 4 years after the
3 | date of issuance or upon the expiration date cited on the
4 | United States Department of Homeland Security documents,
5 | whichever date first occurs.

6 | Section 54. Subsection (4) of section 322.19, Florida
7 | Statutes, is amended to read:

8 | 322.19 Change of address or name.--

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

16 | Section 55. Subsection (1) of section 322.21, Florida
17 | Statutes, is amended to read:

18 | 322.21 License fees; procedure for handling and
19 | collecting fees.--

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

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

30 | (b) An original ~~Class D or~~ Class E driver's license is
31 | \$20, which shall include the fee for driver's education

1 provided by s. 1003.48; however, if an applicant has completed
2 training and is applying for employment or is currently
3 employed in a public or nonpublic school system that requires
4 a commercial driver license, the fee shall be the same as for
5 a Class E license.

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

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

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

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

24 Section 56. Present subsection (7) of section 322.212,
25 Florida Statutes, is redesignated as subsection (8), and a new
26 subsection (7) is added to that section, to read:

27 322.212 Unauthorized possession of, and other unlawful
28 acts in relation to, driver's license or identification
29 card.--

30 (7) In addition to any other penalties provided by
31 this section, any person who provides false information when

1 applying for a commercial driver's license shall be
2 disqualified from operating a commercial motor vehicle for a
3 period of 60 days.

4 Section 57. Subsection (1) of section 322.22, Florida
5 Statutes, is amended to read:

6 322.22 Authority of department to cancel license.--

7 (1) The department is authorized to cancel any
8 driver's license, upon determining that the licensee was not
9 entitled to the issuance thereof, or that the licensee failed
10 to give the required or correct information in his or her
11 application or committed any fraud in making such application,
12 or that the licensee has two or more licenses on file with the
13 department, each in a different name but bearing the
14 photograph of the licensee, unless the licensee has complied
15 with the requirements of this chapter in obtaining the
16 licenses. The department may cancel any driver's license,
17 identification card, vehicle or vessel registration, or
18 fuel-use decal if the licensee fails to pay the correct fee or
19 pays for the driver's license, identification card, vehicle
20 or vessel registration, or fuel-use decal; pays any tax
21 liability, penalty, or interest specified in chapter 207; or
22 pays any administrative, delinquency, or reinstatement fee by
23 a dishonored check.

24 Section 58. Subsections (4) and (5) of section
25 322.251, Florida Statutes, are amended to read:

26 322.251 Notice of cancellation, suspension,
27 revocation, or disqualification of license.--

28 (4) A person whose privilege to operate a commercial
29 motor vehicle is temporarily disqualified may, upon
30 surrendering his or her commercial driver's license, be issued
31 a ~~Class D~~ or Class E driver's license, valid for the length of

1 his or her unexpired commercial driver's license, at no cost.
2 Such person may, upon the completion of his or her
3 disqualification, be issued a commercial driver's license, of
4 the type disqualified, for the remainder of his or her
5 unexpired license period. Any such person shall pay the
6 reinstatement fee provided in s. 322.21 before being issued a
7 commercial driver's license.

8 (5) A person whose privilege to operate a commercial
9 motor vehicle is permanently disqualified may, upon
10 surrendering his or her commercial driver's license, be issued
11 a ~~Class D~~ or Class E driver's license, if he or she is
12 otherwise qualified to receive such license. Any such person
13 shall be issued a ~~Class D~~ or Class E license, valid for the
14 remainder of his or her unexpired license period, at no cost.

15 Section 59. Section 322.30, Florida Statutes, is
16 amended to read:

17 322.30 No operation under foreign license during
18 suspension, revocation, or disqualification in this state.--

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

27 (2) Notwithstanding subsection (1), any commercial
28 motor vehicle operator whose privilege to operate such vehicle
29 is disqualified may operate a motor vehicle in this state as a
30 ~~Class D~~ or Class E licensee, if authorized by this chapter.
31

1 Section 60. Paragraph (b) of subsection (2) and
2 subsections (4), (5), and (6) of section 322.53, Florida
3 Statutes, are amended to read:

4 322.53 License required; exemptions.--

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

7 (b) Military personnel driving ~~military~~ vehicles
8 operated for military purposes.

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

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

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

26 Section 61. Subsection (2) of section 322.54, Florida
27 Statutes, is amended to read:

28 322.54 Classification.--

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

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

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

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

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

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

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

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

4 | Section 62. Subsections (1) and (2) of section 322.57,
5 | Florida Statutes, are amended to read:

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

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

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

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

17 | (c) Drives a school bus must successfully complete a
18 | test of his or her knowledge concerning the safe operation of
19 | such vehicles and a test of his or her driving skill in such a
20 | vehicle. This subsection shall be implemented in accordance
21 | with 49 C.F.R. part 383.123.

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

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

1 orally for individuals applying for an initial
2 hazardous-materials endorsement after June 30, 1994.

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

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

18 (2) Before driving or operating any vehicle listed in
19 subsection (1), a person must obtain an endorsement on his or
20 her driver's license. An endorsement under paragraph (a),
21 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
22 or paragraph (f) of subsection (1) shall be issued only to
23 persons who possess a valid Class A, valid Class B, or valid
24 Class C driver's license. ~~A person who drives a motor vehicle~~
25 ~~or motor vehicle combination that requires an endorsement~~
26 ~~under this subsection and who drives a motor vehicle or motor~~
27 ~~vehicle combination having a gross vehicle weight rating, a~~
28 ~~declared weight, or an actual weight, whichever is greatest,~~
29 ~~of less than 26,000 pounds shall be issued a Class C driver's~~
30 ~~license that is clearly restricted to the operation of a motor~~
31

1 ~~vehicle or motor vehicle combination of less than 26,000~~
2 ~~pounds.~~

3 Section 63. Paragraph (a) of subsection (1) of section
4 322.58, Florida Statutes, is amended to read:

5 322.58 Holders of chauffeur's licenses; effect of
6 classified licensure.--

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

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

17 Section 64. Subsections (1), (2), (3), (7), (8), and
18 (10) of section 322.61, Florida Statutes, are amended, and
19 subsections (4) and (5) of that section are reenacted, to
20 read:

21 322.61 Disqualification from operating a commercial
22 motor vehicle.--

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

1 separate incidents committed in a noncommercial motor vehicle
2 shall, in addition to any other applicable penalties, be
3 disqualified from operating a commercial motor vehicle for a
4 period of 60 days if such convictions result in the
5 suspension, revocation, or cancellation of the licenseholder's
6 driving privilege:

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

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

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

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

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

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

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

21 (h) Following too closely, as defined in s. 316.0895; ~~or~~

22 (i) Driving a commercial vehicle without obtaining a
23 commercial driver's license;

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

26 (k) Driving a commercial vehicle without the proper
27 class of commercial driver's license or without the proper
28 endorsement.

29 (2) Any person who, for offenses occurring within a
30 3-year period, is convicted of three serious traffic
31 violations specified in subsection (1) or any combination

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

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

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

23 | (b) Driving a commercial motor vehicle while the
24 | alcohol concentration of his or her blood, breath, or urine is
25 | .04 percent or higher;

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

28 | (d) Using a commercial motor vehicle in the commission
29 | of a felony;

30 | (e) Driving a commercial motor vehicle while in
31 | possession of a controlled substance; ~~or~~

1 (f) Refusing to submit to a test to determine his or
2 her alcohol concentration while driving a commercial motor
3 vehicle;-

4 (g) Driving a commercial vehicle while the
5 licenseholder's commercial driver's license is suspended,
6 revoked, or canceled or while the licenseholder is
7 disqualified from driving a commercial vehicle; or

8 (h) Causing a fatality through the negligent operation
9 of a commercial motor vehicle.

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

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

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

27 (8) A driver who is convicted of or otherwise found to
28 have committed a violation of an out-of-service order while
29 driving a commercial motor vehicle is disqualified as follows:
30
31

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

4 (b) Not less than 1 year nor more than 5 years if, for
5 offenses occurring during any 10-year period, the driver is
6 convicted of or otherwise found to have committed two
7 violations of out-of-service orders in separate incidents.

8 (c) Not less than 3 years nor more than 5 years if,
9 for offenses occurring during any 10-year period, the driver
10 is convicted of or otherwise found to have committed three or
11 more violations of out-of-service orders in separate
12 incidents.

13 (d) Not less than 180 days nor more than 2 years if
14 the driver is convicted of or otherwise found to have
15 committed a first violation of an out-of-service order while
16 transporting hazardous materials required to be placarded
17 under the Hazardous Materials Transportation Act, 49 U.S.C.
18 ss. 5101 et seq., or while operating motor vehicles designed
19 to transport more than 15 passengers, including the driver. A
20 driver is disqualified for a period of not less than 3 years
21 nor more than 5 years if, for offenses occurring during any
22 10-year period, the driver is convicted of or otherwise found
23 to have committed any subsequent violations of out-of-service
24 orders, in separate incidents, while transporting hazardous
25 materials required to be placarded under the Hazardous
26 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
27 while operating motor vehicles designed to transport more than
28 15 passengers, including the driver.

29 (10)(a) A driver must be disqualified for not less
30 than 60 days if the driver is convicted of or otherwise found
31

1 to have committed a first violation of a railroad-highway
2 grade crossing violation.

3 (b) A driver must be disqualified for not less than
4 120 days if, for offenses occurring during any 3-year period,
5 the driver is convicted of or otherwise found to have
6 committed a second railroad-highway grade crossing violation
7 in separate incidents.

8 (c) A driver must be disqualified for not less than 1
9 year if, for offenses occurring during any 3-year period, the
10 driver is convicted of or otherwise found to have committed a
11 third or subsequent railroad-highway grade crossing violation
12 in separate incidents.

13 Section 65. Subsection (1) and paragraph (a) of
14 subsection (3) of section 322.63, Florida Statutes, are
15 amended to read:

16 322.63 Alcohol or drug testing; commercial motor
17 vehicle operators.--

18 (1) A person who accepts the privilege extended by the
19 laws of this state of operating a commercial motor vehicle
20 within this state shall, by so operating such commercial motor
21 vehicle, be deemed to have given his or her consent to submit
22 to an approved chemical or physical test of his or her blood
23 or, ~~breath, or urine~~ for the purpose of determining his or her
24 alcohol concentration, and to a urine test ~~or~~ for the purpose
25 of detecting the presence of chemical substances as set forth
26 in s. 877.111 or of controlled substances.

27 (a) By applying for a commercial driver's license and
28 by accepting and using a commercial driver's license, the
29 person holding the commercial driver's license is deemed to
30 have expressed his or her consent to the provisions of this
31 section.

1 (b) Any person who drives a commercial motor vehicle
2 within this state and who is not required to obtain a
3 commercial driver's license in this state is, by his or her
4 act of driving a commercial motor vehicle within this state,
5 deemed to have expressed his or her consent to the provisions
6 of this section.

7 (c) A notification of the consent provision of this
8 section shall be printed ~~above the signature line~~ on each new
9 or renewed commercial driver's license issued ~~after March 31,~~
10 ~~1991~~.

11 (3)(a) The breath and blood ~~physical and chemical~~
12 tests authorized in this section shall be administered
13 substantially in accordance with rules adopted by the
14 Department of Law Enforcement.

15 Section 66. Subsection (1) of section 322.64, Florida
16 Statutes, is amended, and, for the purpose of incorporating
17 the amendment to section 322.61, Florida Statutes, in a
18 reference thereto, subsection (14) of that section is
19 reenacted, to read:

20 322.64 Holder of commercial driver's license; driving
21 with unlawful blood-alcohol level; refusal to submit to
22 breath, urine, or blood test.--

23 (1)(a) A law enforcement officer or correctional
24 officer shall, on behalf of the department, disqualify from
25 operating any commercial motor vehicle a person who while
26 operating or in actual physical control of a commercial motor
27 vehicle is arrested for a violation of s. 316.193, relating to
28 unlawful blood-alcohol level or breath-alcohol level, or a
29 person who has refused to submit to a breath, urine, or blood
30 test authorized by s. 322.63 arising out of the operation or
31 actual physical control of a commercial motor vehicle. Upon

1 | disqualification of the person, the officer shall take the
2 | person's driver's license and issue the person a 10-day
3 | temporary permit for the operation of noncommercial vehicles
4 | only if the person is otherwise eligible for the driving
5 | privilege and shall issue the person a notice of
6 | disqualification. If the person has been given a blood,
7 | breath, or urine test, the results of which are not available
8 | to the officer at the time of the arrest, the agency employing
9 | the officer shall transmit such results to the department
10 | within 5 days after receipt of the results. If the department
11 | then determines that the person was arrested for a violation
12 | of s. 316.193 and that the person had a blood-alcohol level or
13 | breath-alcohol level of 0.08 or higher, the department shall
14 | disqualify the person from operating a commercial motor
15 | vehicle pursuant to subsection (3).

16 | (b) The disqualification under paragraph (a) shall be
17 | pursuant to, and the notice of disqualification shall inform
18 | the driver of, the following:

19 | 1.a. The driver refused to submit to a lawful breath,
20 | blood, or urine test and he or she is disqualified from
21 | operating a commercial motor vehicle for a period of 1 year,
22 | for a first refusal, or permanently, if he or she has
23 | previously been disqualified as a result of a refusal to
24 | submit to such a test; or

25 | b. The driver violated s. 316.193 by driving with an
26 | unlawful blood-alcohol level and he or she is disqualified
27 | from operating a commercial motor vehicle for a period of 6
28 | months for a first offense or for a period of 1 year if he or
29 | she has previously been disqualified, or his or her driving
30 | privilege has been previously suspended, for a violation of s.
31 | 316.193.

1 2. The disqualification period for operating
2 commercial vehicles shall commence on the date of arrest or
3 issuance of notice of disqualification, whichever is later.

4 3. The driver may request a formal or informal review
5 of the disqualification by the department within 10 days after
6 the date of arrest or issuance of notice of disqualification,
7 whichever is later.

8 4. The temporary permit issued at the time of arrest
9 or disqualification will expire at midnight of the 10th day
10 following the date of disqualification.

11 5. The driver may submit to the department any
12 materials relevant to the arrest.

13 (14) The decision of the department under this section
14 shall not be considered in any trial for a violation of s.
15 316.193, s. 322.61, or s. 322.62, nor shall any written
16 statement submitted by a person in his or her request for
17 departmental review under this section be admissible into
18 evidence against him or her in any such trial. The disposition
19 of any related criminal proceedings shall not affect a
20 disqualification imposed pursuant to this section.

21 Section 67. Paragraphs (c) and (f) of subsection (13)
22 of section 713.78, Florida Statutes, are amended to read:

23 713.78 Liens for recovering, towing, or storing
24 vehicles and vessels.--

25 (13)

26 (c)1. The registered owner of a vehicle, vessel, or
27 mobile home may dispute a wrecker operator's lien, by
28 notifying the department of the dispute in writing on forms
29 provided by the department, if at least one of the following
30 applies:
31

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

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

10 c. The records of the department were marked "sold"
11 prior to the date of the tow.

12
13 If the registered owner's dispute of a wrecker operator's lien
14 complies with one of these criteria, the department shall
15 immediately remove the registered owner's name from the list
16 of those persons who may not be issued a license plate or
17 revalidation sticker for any motor vehicle under s. 320.03(8),
18 thereby allowing issuance of a license plate or revalidation
19 sticker. If the vehicle, vessel, or mobile home is owned
20 jointly by more than one person, each registered owner must
21 dispute the wrecker operator's lien in order to be removed
22 from the list. However, the department shall deny any dispute
23 and maintain the registered owner's name on the list of those
24 persons who may not be issued a license plate or revalidation
25 sticker for any motor vehicle under s. 320.03(8) if the
26 wrecker operator has provided the department with a certified
27 copy of the judgment of a court which orders the registered
28 owner to pay the wrecker operator's lien claimed under this
29 section. In such a case, the amount of the wrecker operator's
30 lien allowed by paragraph (b) may be increased to include no
31 more than \$500 of the reasonable costs and attorney's fees

1 incurred in obtaining the judgment. The department's action
2 under this subparagraph is ministerial in nature, shall not be
3 considered final agency action, and is appealable only to the
4 county court for the county in which the vehicle, vessel, or
5 mobile home was ordered removed.

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

26 3. If a person against whom a wrecker operator's lien
27 has been imposed does not object to the lien, but cannot
28 discharge the lien by payment because the wrecker operator has
29 moved or gone out of business, the person may have her or his
30 name removed from the list of those persons who may not be
31 issued a license plate or revalidation sticker for any motor

1 | vehicle under s. 320.03(8), thereby allowing issuance of a
2 | license plate or revalidation sticker, upon posting with the
3 | clerk of court in the county in which the vehicle, vessel, or
4 | mobile home was ordered removed, a cash or surety bond or
5 | other adequate security equal to the amount of the wrecker
6 | operator's lien. Upon the posting of the bond and the payment
7 | of the application fee set forth in s. 28.24, the clerk of the
8 | court shall issue a certificate notifying the department of
9 | the posting of the bond and directing the department to
10 | release the wrecker operator's lien. The department shall mail
11 | to the wrecker operator, at the address upon the lien form,
12 | notice that the wrecker operator must claim the security
13 | within 60 days, or the security will be released back to the
14 | person who posted it. At the conclusion of the 60 days, the
15 | department shall direct the clerk as to which party is
16 | entitled to payment of the security, less applicable clerk's
17 | fees.

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

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

30 | Section 68. Section 843.16, Florida Statutes, is
31 | amended to read:

1 843.16 Unlawful to install or transport radio
2 equipment using assigned frequency of state or law enforcement
3 officers; definitions; exceptions; penalties.--

4 (1) ~~A No~~ person, firm, or corporation may not shall
5 install or transport in any motor vehicle or business
6 establishment, except an emergency vehicle or crime watch
7 vehicle as herein defined or a place established by municipal,
8 county, state, or federal authority for governmental purposes,
9 any frequency modulation radio receiving equipment so adjusted
10 or tuned as to receive messages or signals on frequencies
11 assigned by the Federal Communications Commission to police or
12 law enforcement officers or fire rescue personnel of any city
13 or county of the state or to the state or any of its agencies.
14 Provided, nothing herein shall be construed to affect any
15 radio station licensed by the Federal Communications System or
16 to affect any recognized newspaper or news publication engaged
17 in covering the news on a full-time basis or any alarm system
18 contractor certified pursuant to part II of chapter 489,
19 operating a central monitoring system.

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

21 (a) "Emergency vehicle" shall specifically mean:

- 22 1. Any motor vehicle used by any law enforcement
23 officer or employee of any city, any county, the state, the
24 Federal Bureau of Investigation, or the Armed Forces of the
25 United States while on official business;
- 26 2. Any fire department vehicle of any city or county
27 of the state or any state fire department vehicle;
- 28 3. Any motor vehicle designated as an emergency
29 vehicle by the Department of Highway Safety and Motor Vehicles
30 when said vehicle is to be assigned the use of frequencies
31 assigned to the state;

1 4. Any motor vehicle designated as an emergency
2 vehicle by the sheriff or fire chief of any county in the
3 state when said vehicle is to be assigned the use of
4 frequencies assigned to the said county;

5 5. Any motor vehicle designated as an emergency
6 vehicle by the chief of police or fire chief of any city in
7 the state when said vehicle is to be assigned the use of
8 frequencies assigned to the said city.

9 (b) "Crime watch vehicle" means any motor vehicle used
10 by any person participating in a citizen crime watch or
11 neighborhood watch program when such program and use are
12 approved in writing by the appropriate sheriff or chief of
13 police where the vehicle will be used and the vehicle is
14 assigned the use of frequencies assigned to the county or
15 city. Such approval shall be renewed annually.

16 (3) This section shall not apply to any holder of a
17 valid amateur radio operator or station license issued by the
18 Federal Communications Commission or to any recognized
19 newspaper or news publication engaged in covering the news on
20 a full-time basis or any alarm system contractor certified
21 pursuant to part II of chapter 489, operating a central
22 monitoring system.

23 (4) Any person, firm, or corporation violating any of
24 the provisions of this section commits ~~shall be deemed guilty~~
25 ~~of~~ a misdemeanor of the first ~~second~~ degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 Section 69. This act shall take effect July 1, 2005.
28
29
30
31

SENATE SUMMARY

1
2
3 Revises various provisions of law governing the operation
4 of motor vehicles. Includes two-rider ATVs in the
5 definition of the terms "off-highway vehicle" and
6 "all-terrain vehicle." Provides that the unauthorized use
7 of a traffic signal preemption device is a moving
8 violation. Provides clearance specifications for
9 railroad-highway grade crossings. Increases the minimum
10 speed limit on certain Interstate highways from 40 to 50
11 miles per hour. Authorizes traffic accident investigation
12 officers to remove abandoned vehicles. Establishes
13 procedures for issuing certificates of title for
14 off-highway vehicles. Requires motor vehicle dealers to
15 notify the Department of Highway Safety and Motor
16 Vehicles within 30 days after a motor vehicle or mobile
17 home is taken as a trade-in. Requires the department to
18 update its title record. Authorizes the department to
19 provide for an electronic system for motor vehicle
20 dealers to use in issuing temporary tags. Authorizes use
21 of a naturalization certificate to obtain an
22 identification card. Prohibits waiver of the requirement
23 for a fullface photograph or digital image on an
24 identification card or driver's license. Specifies
25 additional documents that may be used to obtain a
26 driver's license or temporary permit. Revises
27 requirements for certain commercial driver's licenses.
28 Specifies additional violations that disqualify a person
29 from operating a commercial motor vehicle. (See bill for
30 details.)
31