

By the Committee on Transportation and Economic Development
Appropriations; and Senators Sebesta and Lynn

606-2241-05

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. 316.302, F.S.; updating a
7 reference to the Code of Federal Regulations
8 relating to commercial motor vehicles; amending
9 s. 316.605, F.S.; clarifying that portion of a
10 license plate which must be clear and plainly
11 visible; amending s. 316.613, F.S.; eliminating
12 authorization for the Department of Highway
13 Safety and Motor Vehicles to expend certain
14 funds for promotional purposes; creating s.
15 316.6131, F.S.; authorizing the department to
16 expend certain funds for public information and
17 education campaigns; amending s. 316.650, F.S.;
18 providing exceptions to a prohibition against
19 using citations as evidence in a trial;
20 amending s. 317.0003, F.S.; defining the term
21 "off-highway vehicle" to include a two-rider
22 ATV; providing a definition; amending ss.
23 317.0004, 317.0005, and 317.0006, F.S.;
24 conforming references; amending s. 317.0007,
25 F.S.; authorizing the Department of Highway
26 Safety and Motor Vehicles to issue a validation
27 sticker as an additional proof of title for an
28 off-highway vehicle; providing for the
29 replacement of lost or destroyed off-highway
30 vehicle validation stickers; providing for
31 disposition of fees; repealing s. 317.0008(2),

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

1 vehicle or mobile home taken as a trade-in;
2 requiring the department to update its title
3 record; amending s. 319.27, F.S.; correcting an
4 obsolete cross-reference; amending s. 320.06,
5 F.S.; providing for a credit or refund when a
6 registrant is required to replace a license
7 plate under certain circumstances; amending s.
8 320.0601, F.S.; requiring that a registration
9 or renewal of a long-term leased motor vehicle
10 be in the name of the lessee; amending s.
11 320.0605, F.S.; exempting a vehicle registered
12 as a fleet vehicle from the requirement that
13 the certificate of registration be carried in
14 the vehicle at all times; amending s. 320.0843,
15 F.S.; requiring that an applicant's eligibility
16 for a disabled parking plate be noted on the
17 certificate; amending s. 320.131, F.S.;

18 authorizing the department to provide for an
19 electronic system for motor vehicle dealers to
20 use in issuing temporary license plates;
21 providing a penalty; amending s. 320.18, F.S.;

22 authorizing the department to cancel the
23 vehicle or vessel registration, driver's
24 license, or identification card of a person who
25 pays certain fees or penalties with a
26 dishonored check; amending s. 320.27, F.S.;

27 requiring dealer principals to provide
28 certification of completing continuing
29 education under certain circumstances;
30 requiring motor vehicle dealers to maintain
31 records for a specified period; providing

1 certain penalties; amending s. 322.01, F.S.;
2 redefining the terms "commercial motor vehicle"
3 and "out-of-service order"; providing the
4 definition of conviction applicable to offenses
5 committed in a commercial motor vehicle;
6 amending s. 322.05, F.S.; removing requirements
7 for a Class D driver's license; amending s.
8 322.051, F.S.; revising provisions relating to
9 the application for an identification card;
10 providing that the requirement for a fullface
11 photograph or digital image on an
12 identification card may not be waived under ch.
13 761, F.S.; amending s. 322.07, F.S.; removing
14 requirements for a Class D driver's license;
15 amending s. 322.08, F.S.; providing that a
16 United States passport is an acceptable proof
17 of identity for purposes of obtaining a
18 driver's license; providing that a
19 naturalization certificate issued by the United
20 States Department of Homeland Security is an
21 acceptable proof of identity for such purpose;
22 providing that specified documents issued by
23 the United States Department of Homeland
24 Security are acceptable as proof of
25 nonimmigrant classification; amending s.
26 322.09, F.S.; requiring the signature of a
27 secondary guardian on a driver's license
28 application for a minor under certain
29 circumstances; amending s. 322.11, F.S.;
30 providing for notice to a minor before
31 canceling the minor's license due to the death

1 of the person who cosigned the initial
2 application; amending s. 322.12, F.S.; removing
3 requirements for a Class D driver's license;
4 amending s. 322.135, F.S.; revising
5 requirements for the tax collector in directing
6 a licensee for examination or reexamination;
7 requiring county officers to pay certain funds
8 to the State Treasury by electronic funds
9 transfer within a specified period; amending s.
10 322.142, F.S.; providing that the requirement
11 for a fullface photograph or digital image on a
12 driver's license may not be waived under ch.
13 761, F.S.; amending s. 322.161, F.S.; removing
14 requirements for a Class D driver's license;
15 amending s. 322.17, F.S., relating to duplicate
16 and replacement certificates; conforming a
17 cross-reference; amending s. 322.18, F.S.;
18 revising the expiration period for driver's
19 licenses issued to specified persons;
20 conforming cross-references; amending s.
21 322.19, F.S., relating to change of address or
22 name; conforming cross-references; amending s.
23 322.21, F.S.; removing requirements for a Class
24 D driver's license; requiring the department to
25 set a fee for a hazardous-materials
26 endorsement; providing that the fee may not
27 exceed \$100; amending s. 322.212, F.S.;
28 providing an additional penalty for giving
29 false information when applying for a
30 commercial driver's license; amending s.
31 322.22, F.S.; authorizing the department to

1 cancel any identification card, vehicle or
2 vessel registration, or fuel-use decal of a
3 licensee who pays certain fees or penalties
4 with a dishonored check; amending s. 322.251,
5 F.S.; removing requirements for a Class D
6 driver's license; amending s. 322.2615, F.S.;
7 revising provisions related to administrative
8 suspension of driver's licenses; amending s.
9 322.27, F.S.; providing 4 points to be assessed
10 against a person's driver's license for a
11 violation of s. 316.0775(2), F.S.; amending s.
12 322.30, F.S.; removing the requirements for a
13 Class D driver's license; amending s. 322.53,
14 F.S.; removing requirements for a Class D
15 driver's license; removing a requirement that
16 certain operators of a commercial motor vehicle
17 obtain a specified license; amending s. 322.54,
18 F.S.; revising the classification requirements
19 for certain driver's licenses; deleting
20 requirements for a Class D driver's license;
21 amending s. 322.57, F.S.; providing testing
22 requirements for school bus drivers; amending
23 s. 322.58, F.S.; deleting requirements for a
24 Class D driver's license and changing those
25 requirements to a Class E driver's license;
26 amending and reenacting s. 322.61, F.S.;
27 specifying additional violations that
28 disqualify a person from operating a commercial
29 motor vehicle; providing penalties; removing
30 requirements for a Class D driver's license;
31 amending s. 322.63, F.S.; clarifying provisions

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

21
22 Be It Enacted by the Legislature of the State of Florida:
23

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

27 261.03 Definitions.--As used in this chapter, the
28 term:

29 (6) "Off-highway vehicle" means any ATV, two-rider
30 ATV, or OHM that is used off the roads or highways of this
31

1 | state ~~for recreational purposes~~ and that is not registered and
2 | licensed for highway use under chapter 320.

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

6 | Section 2. Subsection (84) is added to section
7 | 316.003, Florida Statutes, to read:

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

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

16 | Section 3. Section 316.0775, Florida Statutes, is
17 | amended to read:

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

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

29 | (2) A person may not, without lawful authority,
30 | possess or use any traffic signal preemption device as defined
31 | under s. 316.003. A person who violates this subsection

1 commits a moving violation, punishable as provided in chapter
2 318 and shall have 4 points assessed against his or her
3 driver's license as set forth in s. 322.27.

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

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

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

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

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

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

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

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

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)

31

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. Paragraph (b) of subsection (1) of section
29 | 316.302, Florida Statutes, is amended to read:

30 |
31 |

1 316.302 Commercial motor vehicles; safety regulations;
2 transporters and shippers of hazardous materials;
3 enforcement.--

4 (1)

5 (b) Except as otherwise provided in this section, all
6 owners or drivers of commercial motor vehicles that are
7 engaged in intrastate commerce are subject to the rules and
8 regulations contained in 49 C.F.R. parts 382, 385, and
9 390-397, with the exception of 49 C.F.R. s. 390.5 as it
10 relates to the definition of bus, as such rules and
11 regulations existed on October 1, 2004 ~~2002~~.

12 Section 14. Subsection (1) of section 316.605, Florida
13 Statutes, is amended to read:

14 316.605 Licensing of vehicles.--

15 (1) Every vehicle, at all times while driven, stopped,
16 or parked upon any highways, roads, or streets of this state,
17 shall be licensed in the name of the owner thereof in
18 accordance with the laws of this state unless such vehicle is
19 not required by the laws of this state to be licensed in this
20 state and shall, except as otherwise provided in s. 320.0706
21 for front-end registration license plates on truck tractors,
22 display the license plate or both of the license plates
23 assigned to it by the state, one on the rear and, if two, the
24 other on the front of the vehicle, each to be securely
25 fastened to the vehicle outside the main body of the vehicle
26 in such manner as to prevent the plates from swinging, and
27 ~~with~~ all letters, numerals, printing, writing, and other
28 identification marks upon the plates regarding the word
29 "Florida," the registration decal, and the alphanumeric
30 designation shall be clear and distinct and free from
31 defacement, mutilation, grease, and other obscuring matter, so

1 that they will be plainly visible and legible at all times 100
2 feet from the rear or front. Nothing shall be placed upon the
3 face of a Florida plate except as permitted by law or by rule
4 or regulation of a governmental agency. No license plates
5 other than those furnished by the state shall be used.
6 However, if the vehicle is not required to be licensed in this
7 state, the license plates on such vehicle issued by another
8 state, by a territory, possession, or district of the United
9 States, or by a foreign country, substantially complying with
10 the provisions hereof, shall be considered as complying with
11 this chapter. A violation of this subsection is a noncriminal
12 traffic infraction, punishable as a nonmoving violation as
13 provided in chapter 318.

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

16 316.613 Child restraint requirements.--

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

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

27 Section 16. Section 316.6131, Florida Statutes, is
28 created to read:

29 316.6131 Educational expenditures.--The department may
30 authorize the expenditure of funds for the purchase of
31 educational items as part of the public information and

1 education campaigns promoting highway safety and awareness, as
2 well as departmental community-based initiatives. Funds may be
3 expended for, but are not limited to, educational campaigns
4 provided in this chapter, chapters 320 and 322, and s.
5 403.7145.

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

8 316.650 Traffic citations.--

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

14 Section 18. Section 317.0003, Florida Statutes, is
15 amended, to read:

16 317.0003 Definitions.--As used in this chapter ~~ss.~~
17 ~~317.0001-317.0013~~, the term:

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

25 (2) "Dealer" means any person authorized by the
26 Department of Revenue to buy, sell, resell, or otherwise
27 distribute off-highway vehicles. Such person must have a valid
28 sales tax certificate of registration issued by the Department
29 of Revenue and a valid commercial or occupational license
30 required by any county, municipality, or political subdivision
31 of the state in which the person operates.

1 (3) "Department" means the Department of Highway
2 Safety and Motor Vehicles.

3 (4) "Florida resident" means a person who has had a
4 principal place of domicile in this state for a period of more
5 than 6 consecutive months, who has registered to vote in this
6 state, who has made a statement of domicile pursuant to s.
7 222.17, or who has filed for homestead tax exemption on
8 property in this state.

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

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

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

25 (8) "Public lands" means lands within the state that
26 are available for public use and that are owned, operated, or
27 managed by a federal, state, county, or municipal governmental
28 entity.

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

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

3 317.0004 Administration of off-highway vehicle titling
4 laws; records.--

5 (1) The administration of off-highway vehicle titling
6 laws in this chapter ~~ss. 317.0001-317.0013~~ is under the
7 Department of Highway Safety and Motor Vehicles, which shall
8 provide for the issuing, handling, and recording of all
9 off-highway vehicle titling applications and certificates,
10 including the receipt and accounting of off-highway vehicle
11 titling fees. The provisions of chapter 319 are applicable to
12 this chapter, unless otherwise explicitly stated.

13 Section 20. Section 317.0005, Florida Statutes, is
14 amended to read:

15 317.0005 Rules, forms, and notices.--

16 (1) The department may adopt rules pursuant to ss.
17 120.536(1) and 120.54, which pertain to off-highway vehicle
18 titling, in order to implement the provisions of this chapter
19 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

20 (2) The department shall prescribe and provide
21 suitable forms for applications and other notices and forms
22 necessary to administer the provisions of this chapter ~~ss.~~
23 ~~317.0001-317.0013.~~

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

26 317.0006 Certificate of title required.--

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

1 Section 22. Subsection (6) is added to section
2 317.0007, Florida Statutes, to read:

3 317.0007 Application for and issuance of certificate
4 of title.--

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

14 Section 23. Subsection (2) of section 317.0008,
15 Florida Statutes, is repealed.

16 Section 24. Section 317.0010, Florida Statutes, is
17 amended to read:

18 317.0010 Disposition of fees.--The department shall
19 deposit all funds received under this chapter ~~ss.~~
20 ~~317.0001-317.0013~~, less administrative costs of \$2 per title
21 transaction, into the Incidental Trust Fund of the Division of
22 Forestry of the Department of Agriculture and Consumer
23 Services.

24 Section 25. Subsection (3) of section 317.0012,
25 Florida Statutes, is amended to read:

26 317.0012 Crimes relating to certificates of title;
27 penalties.--

28 (3) It is unlawful to:

29 (a) Alter or forge any certificate of title to an
30 off-highway vehicle or any assignment thereof or any
31 cancellation of any lien on an off-highway vehicle.

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

3 (c) Use a false or fictitious name, give a false or
4 fictitious address, or make any false statement in any
5 application or affidavit required by this chapter ~~ss.~~
6 ~~317.0001-317.0013~~ or in a bill of sale or sworn statement of
7 ownership or otherwise commit a fraud in any application.

8 (d) Knowingly obtain goods, services, credit, or money
9 by means of an invalid, duplicate, fictitious, forged,
10 counterfeit, stolen, or unlawfully obtained certificate of
11 title, bill of sale, or other indicia of ownership of an
12 off-highway vehicle.

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

17
18 Any person who violates this subsection commits a felony of
19 the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084. A violation of this subsection with
21 respect to any off-highway vehicle makes such off-highway
22 vehicle contraband which may be seized by a law enforcement
23 agency and forfeited under ss. 932.701-932.704.

24 Section 26. Section 317.0013, Florida Statutes, is
25 amended to read:

26 317.0013 Nonmoving traffic violations.--Any person who
27 fails to comply with any provision of this chapter ~~ss.~~
28 ~~317.0001-317.0012~~ for which a penalty is not otherwise
29 provided commits a nonmoving traffic violation, punishable as
30 provided in s. 318.18.

31

1 Section 27. Section 317.0014, Florida Statutes, is
2 created to read:

3 317.0014 Certificate of title; issuance in duplicate;
4 delivery; liens and encumbrances.--

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

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

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

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

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

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

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

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

1 expedited title charges as provided in s. 317.0016. This
2 paragraph does not apply to electronic transactions under
3 subsection (8).

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

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

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

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

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

21 (7) Any person who fails, within 10 days after receipt
22 of a demand by the department by certified mail, to return a
23 certificate of title to the department as required by
24 subsection (4) or who, upon satisfaction of a lien, fails
25 within 10 days after receipt of such demand to forward the
26 appropriate document to the department as required by
27 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of
28 the second degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 (8) Notwithstanding any requirements in this section
31 or in s. 319.27 indicating that a lien on a vehicle shall be

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

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

14 Section 28. Section 317.0015, Florida Statutes, is
15 created to read:

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

20 Section 29. Section 317.0016, Florida Statutes, is
21 created to read:

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

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

9 Section 30. Section 317.0017, Florida Statutes, is
10 created to read:

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

13 (1) A person may not:

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

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

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

24 (d) Possess, sell or offer for sale, conceal, or
25 dispose of in this state an off-highway vehicle, or major
26 component part thereof, on which any motor number or vehicle
27 identification number affixed by the manufacturer or by a
28 state agency has been destroyed, removed, covered, altered, or
29 defaced, with knowledge of such destruction, removal,
30 covering, alteration, or defacement, except as provided in s.
31 319.30(4).

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

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

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

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

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

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

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

16 Section 31. Section 317.0018, Florida Statutes, is
17 created to read:

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

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

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

31

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

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

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

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

15 Section 32. Subsections (7), (9), and (10) of section
16 318.14, Florida Statutes, are amended to read:

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

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

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

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

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

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

1 1. Operating a motor vehicle without a valid driver's
2 license in violation of the provisions of s. 322.03, s.
3 322.065, or s. 322.15(1), or operating a motor vehicle with a
4 license which has been suspended for failure to appear,
5 failure to pay civil penalty, or failure to attend a driver
6 improvement course pursuant to s. 322.291.

7 2. Operating a motor vehicle without a valid
8 registration in violation of s. 320.0605, s. 320.07, or s.
9 320.131.

10 3. Operating a motor vehicle in violation of s.
11 316.646.

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

1 | was committed in an unincorporated area of a county or if the
2 | citation was for a violation of s. 316.646(1)-(3), the entire
3 | amount shall be deposited by the clerk of the court into the
4 | fine and forfeiture fund established pursuant to s. 142.01,
5 | except for the moneys to be deposited into the Child Welfare
6 | Training Trust Fund and the Juvenile Justice Training Trust
7 | Fund. This subsection shall not be construed to authorize the
8 | operation of a vehicle without a valid driver's license,
9 | without a valid vehicle tag and registration, or without the
10 | maintenance of required security.

11 | Section 33. Subsection (6) of section 319.23, Florida
12 | Statutes, is amended to read:

13 | 319.23 Application for, and issuance of, certificate
14 | of title.--

15 | (6) In the case of the sale of a motor vehicle or
16 | mobile home by a licensed dealer to a general purchaser, the
17 | certificate of title shall be obtained in the name of the
18 | purchaser by the dealer upon application signed by the
19 | purchaser, and in each other case such certificate shall be
20 | obtained by the purchaser. In each case of transfer of a
21 | motor vehicle or mobile home, the application for certificate
22 | of title, or corrected certificate, or assignment or
23 | reassignment, shall be filed within 30 days from the delivery
24 | of such motor vehicle or mobile home to the purchaser. An
25 | applicant shall be required to pay a fee of \$10, in addition
26 | to all other fees and penalties required by law, for failing
27 | to file such application within the specified time. When a
28 | licensed dealer acquires a motor vehicle or mobile home as a
29 | trade-in, the dealer must file with the department, within 30
30 | days, a notice of sale signed by the seller. The department
31 | shall update its database for that title record to indicate

1 "sold." A licensed dealer need not apply for a certificate of
2 title for any motor vehicle or mobile home in stock acquired
3 for stock purposes except as provided in s. 319.225.

4 Section 34. Subsections (2) and (3) of section 319.27,
5 Florida Statutes, are amended to read:

6 319.27 Notice of lien on motor vehicles or mobile
7 homes; notation on certificate; recording of lien.--

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

1 defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall not apply to
2 liens validly perfected prior to October 1, 1988. The notice
3 of lien shall provide the following information:

4 (a) The date of the lien if a security agreement,
5 retain title contract, conditional bill of sale, chattel
6 mortgage, or other similar instrument was executed prior to
7 the filing of the notice of lien;

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

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

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

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

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

1 receipt by the department central office in Tallahassee, if
2 first filed there, or otherwise by the office of the county
3 tax collector, or their agents.

4 Section 35. Paragraph (b) of subsection (1) of section
5 320.06, Florida Statutes, is amended to read:

6 320.06 Registration certificates, license plates, and
7 validation stickers generally.--

8 (1)

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

1 issued an annual license plate and a cab card that denote the
2 declared gross vehicle weight for each apportioned
3 jurisdiction in which the vehicle is authorized to operate.

4 Section 36. Section 320.0601, Florida Statutes, is
5 amended to read:

6 320.0601 Lease and rental car companies;
7 identification of vehicles as for-hire.--

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

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

14 (a) "Bumper stickers, insignias, or advertising" does
15 not include:

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

20 2. Any license required by the law of the state in
21 which the vehicle is registered.

22 (b) "Rent in this state" means to sign a rental
23 contract in this state or to deliver a car to a renter in this
24 state.

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

28 (4) Any registration or renewal as required under s.
29 320.02 for an original or transfer of a long-term leased motor
30 vehicle must be in the name and address of the lessee.

31

1 Section 37. Section 320.0605, Florida Statutes, is
2 amended to read:

3 320.0605 Certificate of registration; possession
4 required; exception.--The registration certificate or an
5 official copy thereof, a true copy of a rental or lease
6 agreement issued for a motor vehicle or issued for a
7 replacement vehicle in the same registration period, a
8 temporary receipt printed upon self-initiated electronic
9 renewal of a registration via the Internet, or a cab card
10 issued for a vehicle registered under the International
11 Registration Plan shall, at all times while the vehicle is
12 being used or operated on the roads of this state, be in the
13 possession of the operator thereof or be carried in the
14 vehicle for which issued and shall be exhibited upon demand of
15 any authorized law enforcement officer or any agent of the
16 department, except for a vehicle registered under s. 320.0657.
17 The provisions of this section do not apply during the first
18 30 days after purchase of a replacement vehicle. A violation
19 of this section is a noncriminal traffic infraction,
20 punishable as a nonmoving violation as provided in chapter
21 318.

22 Section 38. Section 320.0843, Florida Statutes, is
23 amended to read:

24 320.0843 License plates for persons with disabilities
25 eligible for permanent disabled parking permits.--

26 (1) Any owner or lessee of a motor vehicle who resides
27 in this state and qualifies for a disabled parking permit
28 under s. 320.0848(2), upon application to the department and
29 payment of the license tax for a motor vehicle registered
30 under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b),
31 (6)(a), or (9)(c) or (d), shall be issued a license plate as

1 provided by s. 320.06 which, in lieu of the serial number
2 prescribed by s. 320.06, shall be stamped with the
3 international wheelchair user symbol after the serial number
4 of the license plate. The license plate entitles the person
5 to all privileges afforded by a parking permit issued under s.
6 320.0848. When more than one registrant is listed on the
7 registration issued under this section, the eligible applicant
8 shall be noted on the registration certificate.

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

11 Section 39. Subsection (8) is added to section
12 320.131, Florida Statutes, to read:

13 320.131 Temporary tags.--

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

26 Section 40. Subsection (1) of section 320.18, Florida
27 Statutes, is amended to read:

28 320.18 Withholding registration.--

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

1 | period or periods for which it appears registration should
2 | have been made in this state, until the tax for such period or
3 | periods is paid. The department may cancel any vehicle or
4 | vessel registration, driver's license, identification card,
5 | ~~license plate~~ or fuel-use tax decal if the owner pays for the
6 | vehicle or vessel registration, driver's license,
7 | identification card, or license plate, fuel-use tax decal;
8 | pays any administrative, delinquency, or reinstatement fee;
9 | or pays any tax liability, penalty, or interest specified in
10 | chapter 207 by a dishonored check, or if the vehicle owner or
11 | motor carrier has failed to pay a penalty for a weight or
12 | safety violation issued by the Department of Transportation
13 | Motor Carrier Compliance Office. The Department of
14 | Transportation and the Department of Highway Safety and Motor
15 | Vehicles may impound any commercial motor vehicle that has a
16 | canceled license plate or fuel-use tax decal until the tax
17 | liability, penalty, and interest specified in chapter 207, the
18 | license tax, or the fuel-use decal fee, and applicable
19 | administrative fees have been paid for by certified funds.

20 | Section 41. Paragraph (a) of subsection (4),
21 | subsection (6), and paragraph (b) of subsection (9) of section
22 | 320.27, Florida Statutes, are amended to read:

23 | 320.27 Motor vehicle dealers.--

24 | (4) LICENSE CERTIFICATE.--

25 | (a) A license certificate shall be issued by the
26 | department in accordance with such application when the
27 | application is regular in form and in compliance with the
28 | provisions of this section. The license certificate may be in
29 | the form of a document or a computerized card as determined by
30 | the department. The actual cost of each original, additional,
31 | or replacement computerized card shall be borne by the

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

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

31

1 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
2 shall keep a book or record in such form as shall be
3 prescribed or approved by the department for a period of 5
4 years, in which the licensee shall keep a record of the
5 purchase, sale, or exchange, or receipt for the purpose of
6 sale, of any motor vehicle, the date upon which any temporary
7 tag was issued, the date of title transfer, and a description
8 of such motor vehicle together with the name and address of
9 the seller, the purchaser, and the alleged owner or other
10 person from whom such motor vehicle was purchased or received
11 or to whom it was sold or delivered, as the case may be. Such
12 description shall include the identification or engine number,
13 maker's number, if any, chassis number, if any, and such other
14 numbers or identification marks as may be thereon and shall
15 also include a statement that a number has been obliterated,
16 defaced, or changed, if such is the fact.

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

18 (b) The department may deny, suspend, or revoke any
19 license issued hereunder or under the provisions of s. 320.77
20 or s. 320.771 upon proof that a licensee has committed, with
21 sufficient frequency so as to establish a pattern of
22 wrongdoing on the part of a licensee, violations of one or
23 more of the following activities:

24 1. Representation that a demonstrator is a new motor
25 vehicle, or the attempt to sell or the sale of a demonstrator
26 as a new motor vehicle without written notice to the purchaser
27 that the vehicle is a demonstrator. For the purposes of this
28 section, a "demonstrator," a "new motor vehicle," and a "used
29 motor vehicle" shall be defined as under s. 320.60.

30 2. Unjustifiable refusal to comply with a licensee's
31 responsibility under the terms of the new motor vehicle

1 warranty issued by its respective manufacturer, distributor,
2 or importer. However, if such refusal is at the direction of
3 the manufacturer, distributor, or importer, such refusal shall
4 not be a ground under this section.

5 3. Misrepresentation or false, deceptive, or
6 misleading statements with regard to the sale or financing of
7 motor vehicles which any motor vehicle dealer has, or causes
8 to have, advertised, printed, displayed, published,
9 distributed, broadcast, televised, or made in any manner with
10 regard to the sale or financing of motor vehicles.

11 4. Failure by any motor vehicle dealer to provide a
12 customer or purchaser with an odometer disclosure statement
13 and a copy of any bona fide written, executed sales contract
14 or agreement of purchase connected with the purchase of the
15 motor vehicle purchased by the customer or purchaser.

16 5. Failure of any motor vehicle dealer to comply with
17 the terms of any bona fide written, executed agreement,
18 pursuant to the sale of a motor vehicle.

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

21 7. Use of the dealer license identification number by
22 any person other than the licensed dealer or his or her
23 designee.

24 8. Failure to continually meet the requirements of the
25 licensure law.

26 9. Representation to a customer or any advertisement
27 to the public representing or suggesting that a motor vehicle
28 is a new motor vehicle if such vehicle lawfully cannot be
29 titled in the name of the customer or other member of the
30 public by the seller using a manufacturer's statement of
31 origin as permitted in s. 319.23(1).

1 10. Requirement by any motor vehicle dealer that a
2 customer or purchaser accept equipment on his or her motor
3 vehicle which was not ordered by the customer or purchaser.

4 11. Requirement by any motor vehicle dealer that any
5 customer or purchaser finance a motor vehicle with a specific
6 financial institution or company.

7 12. Requirement by any motor vehicle dealer that the
8 purchaser of a motor vehicle contract with the dealer for
9 physical damage insurance.

10 13. Perpetration of a fraud upon any person as a
11 result of dealing in motor vehicles, including, without
12 limitation, the misrepresentation to any person by the
13 licensee of the licensee's relationship to any manufacturer,
14 importer, or distributor.

15 14. Violation of any of the provisions of s. 319.35 by
16 any motor vehicle dealer.

17 15. Sale by a motor vehicle dealer of a vehicle
18 offered in trade by a customer prior to consummation of the
19 sale, exchange, or transfer of a newly acquired vehicle to the
20 customer, unless the customer provides written authorization
21 for the sale of the trade-in vehicle prior to delivery of the
22 newly acquired vehicle.

23 16. Willful failure to comply with any administrative
24 rule adopted by the department or the provisions of s.
25 320.131(8).

26 17. Violation of chapter 319, this chapter, or ss.
27 559.901-559.9221, which has to do with dealing in or repairing
28 motor vehicles or mobile homes. Additionally, in the case of
29 used motor vehicles, the willful violation of the federal law
30 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
31 to the consumer sales window form.

1 Section 42. Subsections (8), (10), and (29) of section
2 322.01, Florida Statutes, are amended to read:

3 322.01 Definitions.--As used in this chapter:

4 (8) "Commercial motor vehicle" means any motor vehicle
5 or motor vehicle combination used on the streets or highways,
6 which:

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

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

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

11 **(b)(d)** Is designed to transport more than 15 persons,
12 including the driver; or

13 **(c)(e)** Is transporting hazardous materials and is
14 required to be placarded in accordance with Title 49 C.F.R.
15 part 172, subpart F.

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

24 **(b) Notwithstanding any other provisions of this**
25 **chapter, the definition of "conviction" provided in 49 C.F.R.**
26 **part 383.5 applies to offenses committed in a commercial motor**
27 **vehicle.**

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

1 Section 43. Subsections (4) and (10) of section
2 322.05, Florida Statutes, are amended to read:

3 322.05 Persons not to be licensed.--The department may
4 not issue a license:

5 (4) Except as provided by this subsection, to any
6 person, as a Class A licensee, Class B licensee, or Class C
7 licensee, ~~or Class D licensee,~~ who is under the age of 18
8 years. ~~A person age 16 or 17 years who applies for a Class D~~
9 ~~driver's license is subject to all the requirements and~~
10 ~~provisions of paragraphs (2)(a) and (b) and ss. 322.09 and~~
11 ~~322.16(2) and (3). The department may require of any such~~
12 ~~applicant for a Class D driver's license such examination of~~
13 ~~the qualifications of the applicant as the department~~
14 ~~considers proper, and the department may limit the use of any~~
15 ~~license granted as it considers proper.~~

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

22 Section 44. Paragraph (a) of subsection (1) and
23 paragraphs (b) and (c) of subsection (2) of section 322.051,
24 Florida Statutes, are amended, and subsection (8) is added to
25 that section, to read:

26 322.051 Identification cards.--

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

1 (a) Each such application shall include the following
2 information regarding the applicant:

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

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

7 3. Proof of identity satisfactory to the department.

8 Such proof must include one of the following documents issued
9 to the applicant:

10 a. A driver's license record or identification card
11 record from another jurisdiction that required the applicant
12 to submit a document for identification which is substantially
13 similar to a document required under sub-subparagraph b.,
14 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
15 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

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

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

19 d. A naturalization certificate issued by the United
20 States Department of Homeland Security;

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

22 ~~f.e.~~ An employment authorization card issued by the
23 United States Department of Homeland Security; or

24 ~~g.f.~~ Proof of nonimmigrant classification provided by
25 the United States Department of Homeland Security, for an
26 original identification card. In order to prove such
27 nonimmigrant classification, applicants may produce but are
28 not limited to the following documents:

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

31

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

3 (III) Notice of the approval of an application for
4 adjustment of status issued by the United States Bureau of
5 Citizenship and Immigration Services.

6 (IV) Any official documentation confirming the filing
7 of a petition for asylum status or any other relief issued by
8 the United States Bureau of Citizenship and Immigration
9 Services.

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

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

17
18 Presentation of any of the ~~foregoing~~ documents described in
19 sub-subparagraph f. or sub-subparagraph g. entitles shall
20 entitle the applicant to an identification card ~~a driver's~~
21 ~~license or temporary permit~~ for a period not to exceed the
22 expiration date of the document presented or 2 years,
23 whichever first occurs.

24 (2)

25 (b) Notwithstanding any other provision of this
26 chapter, if an applicant establishes his or her identity for
27 an identification card using a document authorized under
28 sub-subparagraph ~~(1)(a)3.e.(1)(a)3.d.~~, the identification
29 card shall expire on the fourth birthday of the applicant
30 following the date of original issue or upon first renewal or
31 duplicate issued after implementation of this section. After

1 an initial showing of such documentation, he or she is
2 exempted from having to renew or obtain a duplicate in person.

3 (c) Notwithstanding any other provisions of this
4 chapter, if an applicant establishes his or her identity for
5 an identification card using an identification document
6 authorized under sub-subparagraph (1)(a)3.f. or
7 sub-subparagraph (1)(a)3.g. ~~sub-subparagraphs (1)(a)3.e. f.,~~
8 the identification card shall expire 2 years after the date of
9 issuance or upon the expiration date cited on the United
10 States Department of Homeland Security documents, whichever
11 date first occurs, and may not be renewed or obtain a
12 duplicate except in person.

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

25 Section 45. Subsections (2) and (3) of section 322.07,
26 Florida Statutes, are amended to read:

27 322.07 Instruction permits and temporary licenses.--

28 (2) The department may, in its discretion, issue a
29 temporary permit to an applicant for a ~~Class D or~~ Class E
30 driver's license permitting him or her to operate a motor
31 vehicle of the type for which a ~~Class D or~~ Class E driver's

1 license is required while the department is completing its
2 investigation and determination of all facts relative to such
3 applicant's right to receive a driver's license. Such permit
4 must be in his or her immediate possession while operating a
5 motor vehicle, and it shall be invalid when the applicant's
6 license has been issued or for good cause has been refused.

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

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

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

23 Section 46. Subsection (2) of section 322.08, Florida
24 Statutes, is amended to read:

25 322.08 Application for license.--

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

28 (a) 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

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

3 (c) Proof of identity satisfactory to the department.
4 Such proof must include one of the following documents issued
5 to the applicant:

6 1. A driver's license record or identification card
7 record from another jurisdiction that required the applicant
8 to submit a document for identification which is substantially
9 similar to a document required under subparagraph 2.,
10 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
11 subparagraph 6., or subparagraph 7.;

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

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

15 4. A naturalization certificate issued by the United
16 States Department of Homeland Security;

17 5.4. An alien registration receipt card (green card);

18 6.5. An employment authorization card issued by the
19 United States Department of Homeland Security; or

20 7.6. Proof of nonimmigrant classification provided by
21 the United States Department of Homeland Security, for an
22 original driver's license. In order to prove nonimmigrant
23 classification, an applicant may produce the following
24 documents, including, but not limited to:

25 a. A notice of hearing from an immigration court
26 scheduling a hearing on any proceeding.

27 b. A notice from the Board of Immigration Appeals
28 acknowledging pendency of an appeal.

29 c. A notice of the approval of an application for
30 adjustment of status issued by the United States Immigration
31 and Naturalization Service.

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

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

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

11
12 Presentation of any of the documents in subparagraph 6. or
13 subparagraph 7. entitles the applicant to a driver's license
14 or temporary permit for a period not to exceed the expiration
15 date of the document presented or 2 years, whichever occurs
16 first.

17 (d) Whether the applicant has previously been licensed
18 to drive, and, if so, when and by what state, and whether any
19 such license or driving privilege has ever been disqualified,
20 revoked, or suspended, or whether an application has ever been
21 refused, and, if so, the date of and reason for such
22 disqualification, suspension, revocation, or refusal.

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

25 Section 47. Paragraph (a) of subsection (1) of section
26 322.09, Florida Statutes, is amended to read:

27 322.09 Application of minors; responsibility for
28 negligence or misconduct of minor.--

29 (1)(a) The application of any person under the age of
30 18 years for a driver's license must be signed and verified
31 before a person authorized to administer oaths by the father,

1 | mother, or guardian; by a secondary guardian if the primary
2 | guardian dies before the minor reaches 18 years of age; or,
3 | if there is no parent or guardian, by another responsible
4 | adult who is willing to assume the obligation imposed under
5 | this chapter upon a person signing the application of a minor.
6 | This section does not apply to a person under the age of 18
7 | years who is emancipated by marriage.

8 | Section 48. Section 322.11, Florida Statutes, is
9 | amended to read:

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

19 | Section 49. Subsection (3) of section 322.12, Florida
20 | Statutes, is amended to read:

21 | 322.12 Examination of applicants.--

22 | (3) For an applicant for a ~~Class D or a Class E~~
23 | driver's license, such examination shall include a test of the
24 | applicant's eyesight given by the driver's license examiner
25 | designated by the department or by a licensed ophthalmologist,
26 | optometrist, or physician and a test of the applicant's
27 | hearing given by a driver's license examiner or a licensed
28 | physician. The examination shall also include a test of the
29 | applicant's ability to read and understand highway signs
30 | regulating, warning, and directing traffic; his or her
31 | knowledge of the traffic laws of this state, including laws

1 | regulating driving under the influence of alcohol or
2 | controlled substances, driving with an unlawful blood-alcohol
3 | level, and driving while intoxicated; and his or her knowledge
4 | of the effects of alcohol and controlled substances upon
5 | persons and the dangers of driving a motor vehicle while under
6 | the influence of alcohol or controlled substances and shall
7 | include an actual demonstration of ability to exercise
8 | ordinary and reasonable control in the operation of a motor
9 | vehicle.

10 | Section 50. Subsection (4) of section 322.135, Florida
11 | Statutes, is amended, and subsection (9) is added to that
12 | section, to read:

13 | 322.135 Driver's license agents.--

14 | (4) A tax collector may not issue or renew a driver's
15 | license if he or she has any reason to believe that the
16 | licensee or prospective licensee is physically or mentally
17 | unqualified to operate a motor vehicle. The tax collector may
18 | ~~shall~~ direct any such licensee to the department for
19 | examination or reexamination under s. 322.221.

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

27 | Section 51. Subsection (1) of section 322.142, Florida
28 | Statutes, is amended to read:

29 | 322.142 Color photographic or digital imaged
30 | licenses.--
31 |

1 (1) The department shall, upon receipt of the required
2 fee, issue to each qualified applicant for ~~a an original~~
3 driver's license a color photographic or digital imaged
4 driver's license bearing a fullface photograph or digital
5 image of the licensee. Notwithstanding chapter 761 or s.
6 761.05, the requirement for a fullface photograph or digital
7 image of the licensee may not be waived. A space shall be
8 provided upon which the licensee shall affix his or her usual
9 signature, as required in s. 322.14, in the presence of an
10 authorized agent of the department so as to ensure that such
11 signature becomes a part of the license.

12 Section 52. Paragraph (a) of subsection (1) and
13 subsection (2) of section 322.161, Florida Statutes, are
14 amended to read:

15 322.161 High-risk drivers; restricted licenses.--

16 (1)(a) Notwithstanding any provision of law to the
17 contrary, the department shall restrict the driving privilege
18 of any ~~Class D or~~ Class E licensee who is age 15 through 17
19 and who has accumulated six or more points pursuant to s.
20 318.14, excluding parking violations, within a 12-month
21 period.

22 ~~(2)(a) Any Class E licensee who is age 15 through 17~~
23 ~~and who has accumulated six or more points pursuant to s.~~
24 ~~318.14, excluding parking violations, within a 12 month period~~
25 ~~shall not be eligible to obtain a Class D license for a period~~
26 ~~of no less than 1 year. The period of ineligibility shall~~
27 ~~begin on the date of conviction for the violation that results~~
28 ~~in the licensee's accumulation of six or more points.~~

29 ~~(b) The period of ineligibility shall automatically~~
30 ~~expire after 1 year if the licensee does not accumulate any~~
31 ~~additional points. If the licensee accumulates any additional~~

1 ~~points, then the period of ineligibility shall be extended 90~~
2 ~~days for each point. The period of ineligibility shall also~~
3 ~~automatically expire upon the licensee's 18th birthday if no~~
4 ~~other grounds for ineligibility exist.~~

5 Section 53. Subsection (3) of section 322.17, Florida
6 Statutes, is amended to read:

7 322.17 Duplicate and replacement certificates.--

8 (3) Notwithstanding any other provisions of this
9 chapter, if a licensee establishes his or her identity for a
10 driver's license using an identification document authorized
11 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the
12 licensee may not obtain a duplicate or replacement instruction
13 permit or driver's license except in person and upon
14 submission of an identification document authorized under s.
15 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~

16 Section 54. Subsections (2) and (4) of section 322.18,
17 Florida Statutes, are amended to read:

18 322.18 Original applications, licenses, and renewals;
19 expiration of licenses; delinquent licenses.--

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

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

27 (b) An applicant applying for a renewal issuance or
28 renewal extension shall be issued a driver's license or
29 renewal extension sticker which expires at midnight on the
30 licensee's birthday which next occurs 4 years after the month
31 of expiration of the license being renewed, except that a

1 driver whose driving record reflects no convictions for the
2 preceding 3 years shall be issued a driver's license or
3 renewal extension sticker which expires at midnight on the
4 licensee's birthday which next occurs 6 years after the month
5 of expiration of the license being renewed.

6 (c) Notwithstanding any other provision of this
7 chapter, if an applicant establishes his or her identity for a
8 driver's license using a document authorized under s.
9 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the driver's license shall
10 expire in accordance with paragraph (b). After an initial
11 showing of such documentation, he or she is exempted from
12 having to renew or obtain a duplicate in person.

13 (d) Notwithstanding any other provision of this
14 chapter, if applicant establishes his or her identity for a
15 driver's license using a document authorized in s.
16 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the driver's
17 license shall expire 2 4 years after the date of issuance or
18 upon the expiration date cited on the United States Department
19 of Homeland Security documents, whichever date first occurs.

20 (e) Notwithstanding any other provision of this
21 chapter, an applicant applying for an original or renewal
22 issuance of a commercial driver's license as defined in s.
23 322.01(7), with a hazardous-materials endorsement, pursuant to
24 s. 322.57(1)(e), shall be issued a driver's license that
25 expires at midnight on the licensee's birthday that next
26 occurs 4 years after the month of expiration of the license
27 being issued or renewed.

28 (4)(a) Except as otherwise provided in this chapter,
29 all licenses shall be renewable every 4 years or 6 years,
30 depending upon the terms of issuance and shall be issued or
31 extended upon application, payment of the fees required by s.

1 322.21, and successful passage of any required examination,
2 unless the department has reason to believe that the licensee
3 is no longer qualified to receive a license.

4 (b) Notwithstanding any other provision of this
5 chapter, if an applicant establishes his or her identity for a
6 driver's license using a document authorized under s.
7 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the license, upon an initial
8 showing of such documentation, is exempted from having to
9 renew or obtain a duplicate in person, unless the renewal or
10 duplication coincides with the periodic reexamination of a
11 driver as required pursuant to s. 322.121.

12 (c) Notwithstanding any other provision of this
13 chapter, if a licensee establishes his or her identity for a
14 driver's license using an identification document authorized
15 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the
16 licensee may not renew the driver's license except in person
17 and upon submission of an identification document authorized
18 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~ A driver's
19 license renewed under this paragraph expires 4 years after the
20 date of issuance or upon the expiration date cited on the
21 United States Department of Homeland Security documents,
22 whichever date first occurs.

23 Section 55. Subsection (4) of section 322.19, Florida
24 Statutes, is amended to read:

25 322.19 Change of address or name.--

26 (4) Notwithstanding any other provision of this
27 chapter, if a licensee established 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. 6.~~, the
30 licensee may not change his or her name or address except in
31

1 person and upon submission of an identification document
2 authorized under s. 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4. 6.~~

3 Section 56. Subsection (1) of section 322.21, Florida
4 Statutes, is amended to read:

5 322.21 License fees; procedure for handling and
6 collecting fees.--

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

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

17 (b) An original ~~Class D or~~ Class E driver's license is
18 \$20, which shall include the fee for driver's education
19 provided by s. 1003.48; however, if an applicant has completed
20 training and is applying for employment or is currently
21 employed in a public or nonpublic school system that requires
22 a commercial driver license, the fee shall be the same as for
23 a Class E license.

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

31

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

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

5 (f) A hazardous-materials endorsement, as required by
6 s. 322.57(1)(d), shall be set by the department by rule and
7 shall reflect the cost of the required criminal history check,
8 including the cost of the state and federal fingerprint check,
9 and the cost to the department of providing and issuing the
10 license. The fee shall not exceed \$100. This fee shall be
11 deposited in the Highway Safety Operating Trust Fund. The
12 department may adopt rules to administer this section.

13 Section 57. Present subsection (7) of section 322.212,
14 Florida Statutes, is redesignated as subsection (8), and a new
15 subsection (7) is added to that section, to read:

16 322.212 Unauthorized possession of, and other unlawful
17 acts in relation to, driver's license or identification
18 card.--

19 (7) In addition to any other penalties provided by
20 this section, any person who provides false information when
21 applying for a commercial driver's license shall be
22 disqualified from operating a commercial motor vehicle for a
23 period of 60 days.

24 Section 58. Subsection (1) of section 322.22, Florida
25 Statutes, is amended to read:

26 322.22 Authority of department to cancel license.--

27 (1) The department is authorized to cancel any
28 driver's license, upon determining that the licensee was not
29 entitled to the issuance thereof, or that the licensee failed
30 to give the required or correct information in his or her
31 application or committed any fraud in making such application,

1 or that the licensee has two or more licenses on file with the
2 department, each in a different name but bearing the
3 photograph of the licensee, unless the licensee has complied
4 with the requirements of this chapter in obtaining the
5 licenses. The department may cancel any driver's license,
6 identification card, vehicle or vessel registration, or
7 fuel-use decal if the licensee fails to pay the correct fee or
8 pays for the driver's license, identification card, vehicle
9 or vessel registration, or fuel-use decal; pays any tax
10 liability, penalty, or interest specified in chapter 207; or
11 pays any administrative, delinquency, or reinstatement fee by
12 a dishonored check.

13 Section 59. Subsections (4) and (5) of section
14 322.251, Florida Statutes, are amended to read:

15 322.251 Notice of cancellation, suspension,
16 revocation, or disqualification of license.--

17 (4) A person whose privilege to operate a commercial
18 motor vehicle is temporarily disqualified may, upon
19 surrendering his or her commercial driver's license, be issued
20 a ~~Class D or~~ Class E driver's license, valid for the length of
21 his or her unexpired commercial driver's license, at no cost.
22 Such person may, upon the completion of his or her
23 disqualification, be issued a commercial driver's license, of
24 the type disqualified, for the remainder of his or her
25 unexpired license period. Any such person shall pay the
26 reinstatement fee provided in s. 322.21 before being issued a
27 commercial driver's license.

28 (5) A person whose privilege to operate a commercial
29 motor vehicle is permanently disqualified may, upon
30 surrendering his or her commercial driver's license, be issued
31 a ~~Class D or~~ Class E driver's license, if he or she is

1 otherwise qualified to receive such license. Any such person
2 shall be issued a ~~Class D or~~ Class E license, valid for the
3 remainder of his or her unexpired license period, at no cost.

4 Section 60. Subsections (1), (7), (10), and (11) of
5 section 322.2615, Florida Statutes, are amended to read:

6 322.2615 Suspension of license; right to review.--

7 (1)(a) A law enforcement officer or correctional
8 officer shall, on behalf of the department, suspend the
9 driving privilege of a person who has been arrested by a law
10 enforcement officer for a violation of s. 316.193, relating to
11 unlawful blood-alcohol level or breath-alcohol level, or of a
12 person who has refused to submit to a breath, urine, or blood
13 test authorized by s. 316.1932. The officer shall take the
14 person's driver's license and issue the person a 10-day
15 temporary permit if the person is otherwise eligible for the
16 driving privilege and shall issue the person a notice of
17 suspension. If a blood test has been administered, the results
18 of which are not available to the officer at the time of the
19 arrest, the agency employing the officer shall transmit such
20 results to the department within 5 days after receipt of the
21 results. If the department then determines that the person
22 was arrested for a violation of s. 316.193 and that the person
23 had a blood-alcohol level or breath-alcohol level of 0.08 or
24 higher, the department shall suspend the person's driver's
25 license pursuant to subsection (3).

26 (b) The suspension under paragraph (a) shall be
27 pursuant to, and the notice of suspension shall inform the
28 driver of, the following:

29 1.a. The driver refused to submit to a lawful breath,
30 blood, or urine test and his or her driving privilege is
31 suspended for a period of 1 year for a first refusal or for a

1 | period of 18 months if his or her driving privilege has been
2 | previously suspended as a result of a refusal to submit to
3 | such a test; or

4 | b. The driver violated s. 316.193 by driving with an
5 | unlawful blood-alcohol level or breath-alcohol level as
6 | provided in that section and his or her driving privilege is
7 | suspended for a period of 6 months for a first offense or for
8 | a period of 1 year if his or her driving privilege has been
9 | previously suspended for a violation of s. 316.193.

10 | 2. The suspension period shall commence on the date of
11 | arrest or issuance of the notice of suspension, whichever is
12 | later.

13 | 3. The driver may request a formal or informal review
14 | of the suspension by the department within 10 days after the
15 | date of arrest or issuance of the notice of suspension,
16 | whichever is later.

17 | 4. The temporary permit issued at the time of arrest
18 | will expire at midnight of the 10th day following the date of
19 | arrest or issuance of the notice of suspension, whichever is
20 | later.

21 | 5. The driver may submit to the department any
22 | materials relevant to the arrest.

23 | (7) In a formal review hearing under subsection (6) or
24 | an informal review hearing under subsection (4), the hearing
25 | officer shall determine by a preponderance of the evidence
26 | whether sufficient cause exists to sustain, amend, or
27 | invalidate the suspension. The scope of the review shall be
28 | limited to the following issues:

29 | (a) If the license was suspended for driving with an
30 | unlawful blood-alcohol level or breath-alcohol level in
31 | violation of s. 316.193:

1 1. Whether the arresting law enforcement officer had
2 probable cause to believe that the person was driving or in
3 actual physical control of a motor vehicle in this state while
4 under the influence of alcoholic beverages or controlled
5 substances.

6 2. Whether the person was placed under lawful arrest
7 for a violation of s. 316.193.

8 3. Whether the person had an unlawful blood-alcohol
9 level or breath-alcohol level as provided in s. 316.193.

10 (b) If the license was suspended for refusal to submit
11 to a breath, blood, or urine test:

12 1. Whether the arresting law enforcement officer had
13 probable cause to believe that the person was driving or in
14 actual physical control of a motor vehicle in this state while
15 under the influence of alcoholic beverages or controlled
16 substances.

17 2. Whether the person was placed under lawful arrest
18 for a violation of s. 316.193.

19 3. Whether the person refused to submit to any such
20 test after being requested to do so by a law enforcement
21 officer or correctional officer.

22 4. Whether the person was told that if he or she
23 refused to submit to such test his or her privilege to operate
24 a motor vehicle would be suspended for a period of 1 year or,
25 in the case of a second or subsequent refusal, for a period of
26 18 months.

27 (10) A person whose driver's license is suspended
28 under subsection (1) or subsection (3) may apply for issuance
29 of a license for business or employment purposes only if the
30 person is otherwise eligible for the driving privilege
31 pursuant to s. 322.271.

1 (a) If the suspension of the driver's license of the
2 person for failure to submit to a breath, urine, or blood test
3 is sustained, the person is not eligible to receive a license
4 for business or employment purposes only, pursuant to s.
5 322.271, until 90 days have elapsed after the expiration of
6 the last temporary permit issued. If the driver is not issued
7 a 10-day permit pursuant to this section or s. 322.64 because
8 he or she is ineligible for the permit and the suspension for
9 failure to submit to a breath, urine, or blood test is not
10 invalidated by the department, the driver is not eligible to
11 receive a business or employment license pursuant to s.
12 322.271 until 90 days have elapsed from the date of the
13 suspension.

14 (b) If the suspension of the driver's license of the
15 person arrested for a violation of s. 316.193, relating to
16 unlawful blood-alcohol level, or breath-alcohol level is
17 sustained, the person is not eligible to receive a license for
18 business or employment purposes only pursuant to s. 322.271
19 until 30 days have elapsed after the expiration of the last
20 temporary permit issued. If the driver is not issued a 10-day
21 permit pursuant to this section or s. 322.64 because he or she
22 is ineligible for the permit and the suspension for a
23 violation of s. 316.193, relating to unlawful blood-alcohol
24 level, is not invalidated by the department, the driver is not
25 eligible to receive a business or employment license pursuant
26 to s. 322.271 until 30 days have elapsed from the date of the
27 arrest.

28 (11) The formal review hearing may be conducted upon a
29 review of the reports of a law enforcement officer or a
30 correctional officer, including documents relating to the
31 administration of a breath test or blood test or the refusal

1 | to take either test or the refusal to take a urine test.

2 | However, as provided in subsection (6), the driver may
3 | subpoena the officer or any person who administered or
4 | analyzed a breath or blood test.

5 | Section 61. Paragraph (d) of subsection (3) of section
6 | 322.27, Florida Statutes, is amended to read:

7 | 322.27 Authority of department to suspend or revoke
8 | license.--

9 | (3) There is established a point system for evaluation
10 | of convictions of violations of motor vehicle laws or
11 | ordinances, and violations of applicable provisions of s.
12 | 403.413(6)(b) when such violations involve the use of motor
13 | vehicles, for the determination of the continuing
14 | qualification of any person to operate a motor vehicle. The
15 | department is authorized to suspend the license of any person
16 | upon showing of its records or other good and sufficient
17 | evidence that the licensee has been convicted of violation of
18 | motor vehicle laws or ordinances, or applicable provisions of
19 | s. 403.413(6)(b), amounting to 12 or more points as determined
20 | by the point system. The suspension shall be for a period of
21 | not more than 1 year.

22 | (d) The point system shall have as its basic element a
23 | graduated scale of points assigning relative values to
24 | convictions of the following violations:

- 25 | 1. Reckless driving, willful and wanton--4 points.
26 | 2. Leaving the scene of a crash resulting in property
27 | damage of more than \$50--6 points.
28 | 3. Unlawful speed resulting in a crash--6 points.
29 | 4. Passing a stopped school bus--4 points.
30 | 5. Unlawful speed:
31 |

1 a. Not in excess of 15 miles per hour of lawful or
2 posted speed--3 points.

3 b. In excess of 15 miles per hour of lawful or posted
4 speed--4 points.

5 6. All other moving violations (including parking on a
6 highway outside the limits of a municipality)--3 points.
7 However, no points shall be imposed for a violation of s.
8 316.0741 or s. 316.2065(12).

9 7. Any moving violation covered above, excluding
10 unlawful speed, resulting in a crash--4 points.

11 8. Any conviction under s. 403.413(6)(b) ~~s.~~
12 ~~403.413(5)(b)~~--3 points.

13 9. Any conviction under s. 316.0775(2)--4 points.

14 Section 62. Section 322.30, Florida Statutes, is
15 amended to read:

16 322.30 No operation under foreign license during
17 suspension, revocation, or disqualification in this state.--

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

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

30
31

1 Section 63. 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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. This act shall take effect July 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1344

- The committee substitute provides reference to the most recent version of the Code of Federal Regulations relating to commercial vehicles, which was updated in 2004:
- Allows the department to adopt the necessary rules to administer the provisions of specified sections of the bill;
 - Includes an unlawful breath-alcohol level in the provisions relating to the administrative suspension of driver's licenses in all sections referencing an unlawful blood-alcohol level;
 - Creates a new point value for a violation of the unauthorized use of a traffic signal preemption device. It clarifies a reference to the new point value. In addition, the CS corrects an erroneous reference relating to points assigned for littering violations;
 - Removes the provision that diverts the \$1 drivers' license fee from the Highway Safety Operating Trust Fund.